

Introduction

There is a long tradition of philosophical scepticism regarding the very notion of democracy — in fact until comparatively recently it was quite difficult to find a philosopher who had anything to say in favour of it. This comes as a surprise to most modern readers, as the myth of democracy is now so all-pervading (Graham, 2002).

The philosophical case against the democratic state is almost as old as democracy itself and originated in its birth-place, Athens. In the *Republic* and the *Gorgias*, Plato asked some searching questions about democracy which have still to be properly answered. Plato's objections to democracy are two-fold, as exemplified by the exchange between his mouth-piece, Socrates, and Gorgias, one of the leading rhetoricians of the age. Gorgias boasts that, armed with eloquence alone, he was able to persuade a patient to take treatment, even though the entreaties of his doctor had fallen on deaf ears. Socrates, taking this as a metaphor for Athenian democracy, replies that a system of government that a) is not based on knowledge and competence and b) puts power in the hands of rhetoricians like Gorgias is a corrupt and decadent system. Merely possessing the rhetorical skills to sway the multitude is no substitute for government based on knowledge and political wisdom. 'Just as it would be madness to settle on medical treatment for the body of a person by taking an opinion poll of the neighbours, so it is irrational to prescribe for the body politic by polling the opinions of the people at large.' (*ibid.*, p. 23).

This view on the problem of democracy has been upheld by the majority of philosophers since the time of Plato. Aristotle maintained that democracy was a corruption of *politeia* (constitutional government), a hybrid system characterized by the separation between the legislature and the executive. Although, in his eyes, aristocracy was the best regime, he thought that most communities were not, in practice, suitable for the optimum, hence his preference for the hybrid (in its uncorrupted form).

Modern criticisms of democracy have focused more on the liberty of the individual, a topic of little interest to the Greeks (see p. 81, below). Immanuel Kant (1724-1804) claimed that 'Democracy, in the truest sense of the word, is necessarily a despotism' (Kant, 1991, p.101) 'because it establishes an executive power through which all the citizens may make decisions about (and indeed against) the single individual without his consent.' This fear of the tyranny of the majority became the main thrust of liberal objections to democracy from Burke through to Mill, ending up with Lord Hailsham's observation (Hogg, 1978), that the British constitution was an 'elective dictatorship'.¹

In his brilliant (and almost entirely overlooked) book, *The Case Against the Democratic State*, the moral and political philosopher Gordon Graham builds upon the arguments of Plato and Kant to demolish the 'myth' of the democratic state. According to Graham democracy merely serves to provide a patina of legitimacy to mask the extraordinary growth in the power of the modern state. But democracy is just a mechanism to select leaders – from the point of view of the individual voter there is little to prefer it over the tossing of a coin (Graham, 2002, p. 58). So much for the slogan 'power to the people.'

The book starts with a consideration of Hobbes's case for the state. Graham is not persuaded by Hobbes's pessimistic view of human nature, observing that if the only thing that deters

[1] More accurately, this was less of a philosophical point than an observation on the unlimited nature of the British state by a Conservative Lord Chancellor. Jack Straw in turn labeled our constitution an 'executive democracy' to suit the tastes of a more euphemistic age.

people from indulging in a life of criminality is the fear of punishment then they have nothing to worry about, as the chance of detection is small. On the contrary, he remarks that 'the reason that I do not go in for murder and mayhem is that I have no inclination to do so' (*ibid.*, p.11). But, unlike the American anarchist thinkers discussed on pp. 88–95, below, he does think there is an argument in favour of the state – defined as the monopolist of legitimate coercion (Weber, 1948, p. 78). For in cases where there is a trade-off between individual advantage and the general good, individuals are more likely to sacrifice their own advantage if they know that the state will coerce all other individuals to act in the same way. However this limited benefit needs to be set against the cases in which the state is the *cause* of criminality – the examples he draws on are 'prohibition' in America and the 'war on drugs' (Graham's book was published before the declaration of the 'war on terror').

The other factor in the cost-benefit analysis is the long and bloody history of murder and mayhem committed in the name of the state.

So Graham's anarchism is of the limited variety and the thrust of his argument is not against the state *per se* (although he would like to see its power and extent drastically curtailed) but against its legitimizing myth – democracy.

The myth of 'people power' in democratic elections is forensically explored by Graham. The power of the individual elector to change the outcome of elections is minimal. This is because in modern democracies the extension of the suffrage cannot in the end empower people because once the political 'cake' has grown past a critical size each voter's slice becomes so small as to be causally irrelevant.² He contrasts the diminishing returns of political power with public goods such as road lighting. Public goods by definition confer benefits on any number of people, while in this respect political power is limited. However, the democratic myth hides this fact so that democracy is not believed to suffer from diminishing returns.

[2] For Harrington's take on the political 'cake' see p. 167, below.

When people see through the myth, and discover voting is causally irrelevant, apathy results.

It is impossible in a short summary to do justice to the arguments involved — you will need to read it for yourself — but the practical proposals made in this essay are my response to Graham's case against the democratic state.

For the weakest part of his book is its concluding chapter, 'Alternatives to Democracy'. This is something of a misnomer, because there are no practical alternatives on offer, merely an exercise in hermeneutics. Even though it can be proved — conclusively to my mind — that participation in the democratic process has no *causal* value,³ it is still a useful *moral* exercise. The republican moral virtues need to be nourished and participation in the democratic charade is one way of demonstrating our sense of civic commitment.⁴

As Gordon Graham is a professor of moral philosophy, no doubt this is a suitable conclusion to his book, but those of us of a more practical disposition might think that the time has come to replace the charade with something that is a little more effective. The current essay is my own effort in that direction. However, moving away slightly from Graham's theme, it is not democracy *per se* that is challenged by this essay, but rather the imbalance of our contemporary political arrangements that places a monopoly of power in the hands of the leaders of political parties. Along with Dicey, this essay proposes that we should fight fire with fire by introducing a *revitalized* form of democracy to overcome the abuses introduced by party-political factionalism.

[3] Judging by the steady decline in electoral participation, folk wisdom was aware of this ahead of the philosophical community.

[4] Here he is building on a philosophical tradition that includes theorists such as J.S. Mill, A.V. Dicey, J.A. Hobson and (ultimately) J.-J. Rousseau (Qvortrup, 1999).

The Iron Law of Oligarchy

The reason for alarm is not that the English executive is too strong, for weak government generally means bad administration, but that our English executive is, as a general rule, becoming more and more the representative of a party rather than the guide of a country.

Albert Venn Dicey

Democracy may have received a mauling at the hands of philosophers, but it hasn't fared much better in the writings of political sociologists. According to the so-called 'elite theorists' (Gaetano Mosca, Vilfredo Pareto and Robert Michels), democracy will always degenerate into oligarchy. This is true both of states and the internal organization of political parties (Michels left the German Social Democratic Party as a result of the corruption of its democratic ethos). This is partly on account of the psychological needs of the masses for leadership (see pp. 183–7, below) — Shaw famously defined democracy as a 'collection of idolaters'. 'In states under democratic rule it is a general belief that oratorical power is the only thing that renders a man competent for the direction of public affairs' (Michels, 1968, p. 98).

But the principal reason for the oligarchical tendency of the political party is that it has the same functional requirements as any other social organization. Oligarchy develops out of a desire to be effective. For good reasons (the division of labour) the members look for leaders and organizers, these people specialize at various tasks, and their specialized knowledge and skill makes them indispensable. The 'rank and file' leave it to the officials: they do not attend meetings — in fact supporters often do not bother to join the organization, being confident that it is in good hands. Members and supporters develop attitudes of gratitude and loyalty to the leaders, especially those who have suffered for the cause. Among the leaders megalomania develops, and this reinforces their power. Once the organization becomes large enough to have income and accumulated funds, it appoints full-time officials and establishes newspapers, training schools and so on. This means that the party leaders have patronage — power to appoint people

to paid jobs. The appointees are their heirs apparent. And they are a conservative element: they are not in favour of anything that might lead to a clash with public opinion or with powerful interests, because this might lead to the destruction of the party's power to pay their salaries.⁵ The possibility of a career within the party attracts the interest of a less idealistic kind of person. And so on.

Michels argued that if a party like the German SDP, which was steeped in a democratic ethos, could turn into an oligarchy, then this was a general *structural* principle, which he called the 'iron law of oligarchy'. His disillusion with democratic party politics led him to embrace fascism, in 1928 accepting a chair of politics from Mussolini's government. Although this essay shares his concerns over the oligarchical tendency of political parties, I would like to think that the solution proposed is somewhat more liberal than that of Michels.

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It might well be asked what right I have to produce this book. After all we already have our Constitution Units and Democratic Audits, our Butlers and Bogdanors, so why do we need a provincial scribbler like myself to opine on such matters?

Like Ferdinand Mount's *The British Constitution Now* (1992) this book is a heady *compote* of history, political science, philosophy and polemic (plus a pinch or two of Trinitarian theology for seasoning). Obviously no single author can be an expert in all these fields — one of the best recent multi-disciplinary works, *The British Constitution in the Twentieth Century* (Bogdanor, 2003), required nineteen authors and 800 pages. But sometimes it helps if one is not too bogged down in the details. J.S. Mill wrote a comprehensive analysis of the British constitution (Mill, 1991) without a single mention of the Cabinet, even though it had already become the most important body in the 'efficient' government. Dicey claimed that the

[5] Although the SDP was a prominent member of the Socialist International, its leadership had no hesitation in emphatically declaring the party's solidarity with the Kaiser at the outbreak of World War I.

absolute nature of parliamentary sovereignty has its origins in the ‘undisputed supremacy throughout the whole country of the central government . . . at all times since the Norman Conquest’ (Dicey, 1885, pp. 183–4). Clearly Dicey was unaware that the right of feudal kings prevailed in a decidedly patchy manner. And Bagehot and Low were equally myopic as to the constitutional function of the judiciary (they didn’t even bother to mention it).

The lack of a chapter on the fourth estate – the quintessence of modern political power⁶ – from Bogdanor’s magisterial collection is not unlike these earlier omissions. This is especially the case in the light of Anthony Seldon’s argument (Seldon, 2003), that the prime function of the Cabinet under Thatcher and Blair was presentation and media management.⁷ Excessive disciplinary specialization often leads to the inability to see the wood for the trees. On top of this many of the specialist think tanks writing on constitutional reform are so keen to influence public policy decisions that they tend to gloss over historical, theoretical and philosophical issues.

So there is still a role for the non-specialist *dilettante*. After all, the tentacles of government have now extended themselves into all aspects of our lives, so the rules whereby our government functions are no longer just of concern to constitutional lawyers and academic specialists.

Perhaps Burke might have been alarmed at the subtitle of my book, but there is nothing proposed herein that is alien to our ancient tradition of public affairs – the book certainly owes more to Aristotle than Paine. If anything is a modern and alien invention, it is the political party – the bastard grandson of one of the darkest and most bloody periods of British his-

[6] Remember it was the *Sun* ‘wot dunnit’.

[7] No doubt jurists will claim that the media plays no formal role in our constitution, but then neither does the Cabinet or the Trades Union Congress. If Sir Ivor Jennings were to prepare a new edition of his *Law and the Constitution*, I’m sure the media, just like the TUC, would be revealed as one of the most significant sources of effective ‘clout’ in our ‘efficient’ constitution. See Chapter 6, below.

tory.⁸ The proposals contained in this book presage reformation rather than revolution. Luther, after all, saw his role as no more than the removal of modern corruptions from a body that he revered.

Things have come to such a pretty pass since 1774, when Burke wrote his *Speech to the Electors of Bristol* that it's hard to imagine how independence of means and (consequently) minds might be re-introduced in such a way as to re-establish his ideal of parliamentary representation (see pp. 74–5, below). There comes a time when those of a conservative disposition, like myself, have to awake from their dogmatic slumbers and realize that the ratchet has turned so far that there is precious little of value left to conserve. Radical thought is called for, even though, like Burke, one shudders at the Jacobin overtones.

If there is merit to be found in the arguments presented in this book then it is down to others with more experience of the mechanics of government to flesh out the details. My aim is simply to dust down my bugle and sound the *reville*.⁹ Thirty years ago Nevil Johnson lamented the 'retreat from constitutional thinking'; now is the time to mount the cavalry charge.

As befits a *Societas* polemic, the scholarly apparatus in this book has been kept as unobtrusive as possible. The introductory overview (Chapter 1) is provided for the benefit of politicians, journalists and all others possessed of a limited attention span (although I would recommend it as the starting point for all). This means a small amount of duplication in the following chapters — if this proves a mild irritant to the more committed reader I can only apologize.

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- [8] Or, to put the case more mildly, the British party system is 'the result neither of the wishes of the British people nor the foresight of British statesmen. Like Tristram Shandy it was begotten in a fit of absence of mind' (Gilmour, 1971, p. 33). It was not until the Political Parties, Elections and Referendums Act 2000 that political parties were finally recognized in law as part of the constitution (Bogdanor, 2003, p. 691).
- [9] Notwithstanding Vernon Bogdanor's assertion (2003, p. 720) that 'there are signs that Britain is coming to develop, once again, a constitutional sense', one of his reviewers retorted that 'we are only just rubbing the sleep out of our eyes' (Mount, 2004, p. 4).

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Readers familiar with the literature will note that my interpretation of Hobbes is distinctly Oakeshottian. Michael Oakeshott has been criticized for bending Hobbes to fit into his own interpretation of modernity and *Societas* authors are not discouraged from continuing within this tradition of polemical writing by concerns over scholarly nuances.

[10] This essay has its remote origins in a short magazine article published in *Right Now!* (Sutherland, 2001), a magazine that was anathematized by a modernizing Conservative Party for the crime of living up to its name.

[11] Although Nevil Johnson agrees with much of my diagnosis of the difficulties and shortcomings of contemporary British government, he does not share my view of what remedies might be possible. See his new book: *The Reshaping of the British Constitution: Essays in Political Interpretation* (Johnson, 2004).