After the Scottish No: The Crisis of Liberal Democracy and the Case for "Mixed Government"

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Introduction: Dilemmas of Democracy

The referendum on Scotland's independence has highlighted a number of tensions and contradictions that characterize contemporary Western liberal democracy. On the one hand, the two-year campaign re-energized politics and re-engaged the citizenry after decades of popular alienation and anger. A public debate unfolded that revealed not only a surprisingly knowledgeable electorate and an unprecedented mobilization, including a younger cohort, as 16- to 18-year-olds were for the first time given the right to vote. It was also conducted in a civil and generally good-natured manner. Most importantly of all was perhaps the engagement with many of the real issues that face Scotland—cultural identity and political representation, the relationship between ordinary people and the governing elites, as well as the impact of globalization and the purpose of politics. Dubbed a "festival of democracy," the referendum has confirmed the deep-seated distrust of politicians but also the desire for genuine alternatives to the established order and demands by an empowered electorate for substance rather than sound-bites.

On the other hand, the official referendum campaign quickly became a contest between the populism of the Scottish National Party that advocated independence and the technocracy of the "Better Together" team that defended Scotland's membership in the British Union. While the former portrayed an independent Scotland as a progressive "heaven on earth," the latter issued a series of warnings and thinly veiled threats—no common currency, no automatic membership in the European Union,

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and no shared defense umbrella. Especially in the last few months before the vote on September 18, there was growing evidence of intimation by the Yes camp that sought to portray the No side as unpatriotic. When the opinion polls, which played a decisive role in the closing stages, showed a narrow lead for the Yes, the Westminster establishment in London woke up to the imminent threat of the UK's break-up. Amid panic and the belated recognition that a relentlessly negative campaign had spectacularly backfired, the three unionist parties (the Conservatives, Labour, and the Liberal-Democrats) made a solemn vow to devolve extensive powers to the Scottish Parliament akin to Irish home rule—a last-minute promise that has led to a series of constitutional conundra to which I shall return below.

For now, it is worth noting that the actual vote itself was decisive: the No to independence won by a ten-point margin (55.3 percent to 44.7 percent), while 28 out of 32 local government areas opted for Scotland to remain part of the UK, which corresponds to over 2 million people as against 1.6 million. The turnout was 84.7 percent—higher than in any other ballot since the 1951 general election, and there were nearly half a million first-time voters. For a long time, the polls had shown a 70–30 split, so the Yes campaign exceeded expectations. But ultimately a silent majority in favor of the Union made its voice heard.

After a bruising referendum campaign that has left Scotland and the rest of the Union deeply divided, the UK now faces constitutional chaos—as the pledge to devolve more powers to the Scottish Parliament has intensified long-standing resentment about the under-representation of England within the UK. The Conservative Party of Prime Minister David Cameron has promised "English votes for English laws," while the opposition Labour Party under its leader Ed Miliband is calling for a constitutional convention to draw up a new settlement. This issue about the distribution of powers will dominate British politics in the run-up to the May 2015 general election and well beyond. In fact, it provides the backdrop to the ongoing debates about the UK's EU membership and Britain's relationship with the Commonwealth and indeed the rest of the world, not least the "special relationship" with the United States.

Critics of the British constitution claim that only a fully-fledged federal system with a strict separation of powers would be able to resolve these issues, but such a formal federalism does not sit easily with Britain's traditions of "mixed government" and the informal, organic ties between

the four nations of England, Scotland, Wales, and Northern Ireland. Nor has formal federalism linked to a written constitution prevented the concentration of wealth and power at the central level in federal systems such as that of the United States.[1] Crucially, liberal appeals to abstract principles such as "equality" or "fairness" fail because they ignore the traditions, institutions, and relationships that can give substantive meaning to formal rules and procedures.

For Britain, this means that democracy can perhaps best be revived in line with the traditions and institutions of "mixed government," i.e., the interplay of the "one," the "few," and the "many"—or, in short, the monarchy, the aristocracy, and the people. The "monarchic one" and the "aristocratic few" includes much more than a seemingly arbitrary, disproportionate role for those who benefit from hereditary privilege. Even today, monarchy and aristocracy encompass a vast array of corporate bodies under royal and lordly aegis—whose constitutional autonomy, relatively non-partisan continuity, and openness to more informal modes of participation balances and qualifies the formally sovereign power of the executive and the populace. This, coupled with intermediary institutions and the Church, has generated a polity of free association that contrasts radically with the oscillation between the controlling center and the controlled individuals so beloved of unadulterated liberalism.

Connected with the renewal of mixed government is the need to devolve powers to localities and regions across England and the rest of the UK. Since late-modern liberal representative democracy seems increasingly incapable of taking decisions in the long-term national interest of Britain (or indeed other countries), it falls to other institutions to take the lead—including the monarchy, the House of Lords, and the Church of England, along with other faith communities and civic movements such as CitizensUK.

Liberal Democracy's Slide into Oligarchy and Demagoguery[2]

If there is one thing that the two sides in the Scottish referendum campaign agreed on, it is that the current state of Britain's democracy is parlous.

1. See Adrian Pabst, "Constitutionnalisme et «gouvernement mixte»: le christianisme face aux dérives de la démocratie libérale," in Philippe Poirier, ed., *Démocratie, Liberté et Religion* (Paris: Ed. Parole et Silence, 2014), pp. 75–96.

2. For a number of arguments in this and the following section I am indebted to conversations with John Milbank and the book on *The Politics of Virtue: Post-liberalism and the Human Future*, which we are currently co-writing.

Virtually all the key institutions of public life in Britain have been hit by scandals that highlight structural incompetence, moral corruption, and outright criminality—above all the expenses scandal involving many Members of Parliament in 2009 and the collusion of press and police as part of the phone-hacking scandal involving the media mogul Rupert Murdoch. To these one can add the sidelining of Parliament, the judiciary, and the civil service by an increasingly arrogant executive, as well as the dysfunctional regulation of financial services that have engaged in a whole host of criminal activities—from reckless lending via mis-selling financial products, charging usurious interest on credit cards, and rigging inter-bank lending rates and foreign exchange transactions, to laundering the money of terrorists and the global mafia.

More fundamentally, the rise of professional politicians has coincided with the de-professionalization of politics in the sense of the loss of vocation and ethos.[3] Amid falling voter turnout and a collapse in party membership compared with the post-1945 era, power has reverted from the wider population to small groups. The decline of Parliament, which is at the heart of British democracy, has contributed to the crisis of other public institutions through a lack of scrutiny and accountability of government, the regulators, and other public or large-scale private organizations. All this has fueled popular anger and alienation from the ruling elites of the London establishment.

There are at least two fundamental reasons for this sorry state of affairs. One is that nineteenth- and twentieth-century institutions are inadequate to deal with twenty-first-century politics and business—whether political parties, or parliamentary selection, or the current set-up of many regulators and state agencies. All suffer from an old-style, top-down, command-and-control approach that not only undermines effective accountability but also adds bureaucratic and managerial layers that render these bodies ever-more inefficient, opaque, and vulnerable to corrupt practices. If anything, the expansive introduction of new technologies exacerbates the entire tendency to algorithmic self-regulation and simultaneous openness to both surveillance and remote manipulation.[4] This is especially true for

3. Peter Oborne, *The Triumph of the Political Class*, rev. ed. (London: Pocket Books, 2008).

4. Evgeny Morozov, *The Net Delusion: The Dark Side of Internet Freedom* (London: Penguin, 2011); Evgeny Morozov, *To Save Everything, Click Here: Technology, Solutionism and the Urge to Fix Problems that Don't Exist* (London: Penguin, 2014); Jamie Bartlett, *The Dark Net: Inside the Digital Underworld* (London: William Heinemann, 2014).

a liberal, utilitarian politics that subordinates human needs to the demands of capitalism and technological progress—maximizing the freedom of consumer choice instead of pursuing mutual flourishing.

The other reason is connected to the structure of institutions. It concerns the centralization of power in the hands of small, self-serving elites that run state organizations with impunity and remain largely exempt from public scrutiny. Whether in the case of the MPs' expenses scandal, or repeated financial scandals, or phone hacking, the debate in Parliament and in the press quickly focused on personal greed rather than systemic dysfunction. A few heads rolled, but most of the senior figures got away with it and the system remains largely intact. In fact, the prevailing mindset of far too many people in positions of power is that the normal rules do not apply to them and that their pursuit of narrow self-interest is the best way of promoting the common good. This illusion is akin to the liberal-economic myth of trickle-down wealth—a rising tide that was assumed to lift all boats but in reality only lifts a few yachts.

Moreover, the public profession of liberal values such as "transparency" and "good governance" has created a procedural façade that masks a sinister collusion among numerous politicians, bankers, regulators, business tycoons, journalists, and policemen. We are witnessing the triumph in cynical combination of what Christopher Lasch and Paul Piccone aptly termed "old elites" and "new classes."[5] Today Britain and other Western liberal democracies are in the hands of old business empires and political dynasties as well as new global conglomerates and a managerial-bureaucratic class linked to an international financial plutocracy.[6]

In Britain the centralization of power and concentration of wealth over the past forty years has been rightly described in terms of a new political class and a new oligarchy that together govern in increasingly authoritarian, illiberal, and anti-democratic ways.[7] At the root of this is the elite's contempt for the people and the refusal to give the public any

5. See Christopher Lasch, *The Revolt of the Elites and the Betrayal of Democracy* (New York: W. W. Norton & Co., 1995); Paul Piccone, *Confronting the Crisis*. *The Writings of Paul Piccone* (New York: Telos Publishing Press, 2008).

6. David J. Rothkopf, *Superclass*: *The Global Power Elite and the World They Are Making* (London: Little, Brown & Company, 2008); Chrystia Freeland, *Plutocrats: The Rise of the New Global Super-Rich and the Fall of Everyone Else* (London: Penguin, 2013).

7. Oborne, *The Triumph of the Political Class*; Ferdinand Mount, *The New Few; Or a Very British Oligarchy* (London: Simon & Schuster, 2012).

real influence over decision- and policy-making while at the same time trying to manipulate them into endorsing the status quo. In consequence a small oligarchic class based in London is not only unable to understand the concerns of people in Scotland, Wales, and the North and West of England, but even those of the London-bordering county of Essex, whose people are turning to vote for the UK Independence Party in droves.[8]

There and elsewhere, most people are becoming alienated from the mindset of the three main parties with frightening speed. In the face of this situation we are starting to see that the "politics of virtue" and shared ethical purpose is no mere luxury. For given this void, people are turning to various ersatz visions that articulate at once their material and their spiritual discontent. Typically these debased visions pivot upon blaming an unlikely "other" for modern discontents—whether this be the EU, or England, or immigrants, or globalization. Any account of the deeper crisis of democratic representation has to start from this recognition of a grave sociopolitical crisis in Britain and other liberal democracies.

Thus the widespread claim that corruption is limited to a "few rotten apples" and that incompetence is confined to a small number of inept people ignores the wider system in which institutions and individuals operate. As Antony Barnett has argued, whoever is in power in Britain rules the country "through a mixture of top down controls and populist manipulation serviced by a narrow and venal political elite. While if the electorate feels there is no realistic offer of a choice to open up the system, continuing negative feedback of massive abstention will confirm popular revulsion, yet make the problem worse."[9] Here Peter Oborne is right to go further, saying that Britain is facing a structural crisis of its political system that, in the absence of real reform, could potentially lead to the return to the extra-parliamentary violence of the eighteenth century and the rise to power of a hard, populist right—of which UKIP (and to a lesser extent the populism of the SNP) is but a pale precursor. Beyond individual scandals, he writes, "clearly it is the more general failure—which includes of course the purchase of British politics by large corporations, the anti-democratic control of foreign policy by the United States, the emergence

8. See Robert Ford and Matthew J. Goodwin, *Revolt on the Right: Explaining Support for the Radical Right in Britain* (London: Routledge, 2014).

9. Antony Barnett, "From Anger into Change," *openDemocracy*, July 9, 2009, available online at https://www.opendemocracy.net/blog/ourkingdom-theme/anthony-barnett/2009/07/09/from-anger-into-change.

of sophisticated techniques of mass manipulation drawn from the advertising profession—which is the more significant."[10]

So for any government to pretend that it is either powerless to decide, or that it cannot decide otherwise, is always in reality to decide in a disguised way by manipulating opinion. In addition this occurs by following either the most debased mass opinion or else the course of action that it can most easily get away with. And where a government has no sense that it has a duty to decide for justice and the long-term national and global good that is in excess of democratic norms, then its horizon for decision will be almost entirely self-serving. Such a government will be committed only to increasing its own power and influence in such a way that this is seen to be compatible with remaining in office, retaining the good will of its temporarily most powerful allies, and enjoying a minimum of popular consent. Today party-political and corporate-capitalist concerns have largely displaced that long-term linking by a political class of its own interests with that of the nation and indeed the world as a whole.

It is above all this necessary pandering to a populism, which it has itself both provoked and promoted, that tends to ensure that a government theoretically guided by the lodestar of pure democracy will override the interests of minorities and the protection of individual freedom of conscience. For it is rather *mixed* government that retains a sense of its extra-democratic duty to take just decisions that will try to balance the desires of majorities with the legitimate interests of individuals and groups. For kindred reasons, an overweening executive claiming to act in the name of a national majority will tend to suspend or compromise formal constitutional arrangements (which have their important place). This has been threatened by certain party-political responses to the Scottish referendum both before and after the vote, and by the bullying or harassing of opponents, as occurred with the less reputable aspects of Scotland's first minister Alex Salmond's campaign for Scottish independence.

In short, the undoubted revival of popular participation in politics that was so evident in the run-up to the Scottish referendum is in large part a reaction against liberal democracy's slide into oligarchy and demagoguery. One could arguably call this moment the definitive end of "the end of history"—the finally exhibited demise of the sham conflict between left

10. Peter Oborne, "The Political System Is Broken, Make Parliament the Focus," *openDemocracy*, July 13, 2009, available online at https://www.opendemocracy.net/blog/ourkingdom-theme/peter-oborne/2009/07/13/the-political-system-is-broken-make-parliament-the-focus.

and right, or of democracy and liberalism through the growing fusion of economic and political forces into one single populist plutocracy. Today the increasing amoralism of the administrative "new class" of *arrivistes* has corrupted even what remained of the sense of social obligation among older elites, with the result that a new sense of alienation and disenfranchisement begins from "the squeezed middle" downward.[11]

To some degree this phenomenon is occurring everywhere, and as a result we are seeing "popular" uprisings against corrupt power that lie outside the inherited channels of modern political activity: the now largely defunct Arab revolts may be but the most extreme manifestation of this new populism, which has also been instanced in Spain and Greece and now significantly in Israel, as well as by the "Tea Party" faction in the United States—not to mention UKIP and the Scots Nationalists within the UK. In a sense what is being rejected is the increased *criminalization* of political and economic power, which both lies behind and is reinforced by their newly reinforced collaboration.[12]

Thus for all these reasons modern liberal democracy destroys the inherited forms of mixed government in favor of a new oligarchy that not only produces a market anarchy policed by coercive state powers but also a new demagoguery and a new kind of "democratic despotism"—a spectacle of general mass opinion that reinforces the middle-ground mush of managerialism. The latter marks the closing-down of argument and the ironing-out of plurality in the name of liberal individual freedom and collective security.

In this manner, liberal democracy has produced a flattened-out nonpolitics whose total ideological vacuity is filled by a new metropolitan moralism—a disdain for aristocratic honor, middle-class discipline, and working-class courage. In short, a contempt for virtue. Once again there is a curious convergence of left and right under the hegemony of liberalism. Both the left and the right are suspicious of the prevailing ethos of both the popular "moral economy" and the old establishment, and both seek to replace old working-class and old-aristocratic ethos with the new metropolitan moralism whose major watchword is "diversity." A pious siding with the underpaid and underprivileged by the left, or with "hard-working

11. On the erosion of the American middle class by the tech "Oligarchy" based in Silicon Valley and the "Clerisy," which encompasses the U.S. academic, media, and policy elites, see Joel Kotkin, *The New Class Conflict* (New York: Telos Publishing Press, 2014).

12. Thereby fulfilling St. Augustine's view that states without justice are no more than enlarged bands of brigands.

families" by the right, can barely detract from the truth that metropolitan elites have done nothing for the well-being of families (other their own and each others') while colluding with posh criminals. As for the neoliberal mantra of supporting all those who are "doing the right thing," that is not so much a principle as an alibi for the absence of one.

Amid the current crisis, the ruling elites are now more racked by doubt and uncertainty than at any point since the darkest days of the Cold War. But far from inducing a rethink, it has only produced more self-pitying and more small-mindedness. It is therefore no surprise that Britain has been captured by an anti-Westminster mood that is hemorrhaging support away from the established parties in favor of UKIP and the SNP. Yet more representative democracy will only perpetuate the hegemony of liberal despotism at the center and the resurgence of populist nationalism on the extreme left and right.

Renewing Britain's Traditions of Mixed Government

After a bruising referendum campaign that has left Scotland and the rest of the Union divided, the UK now faces constitutional chaos amid demands for greater devolved powers to Scotland and a new settlement for England, which must all be met in a matter of months. After decades of permanent constitutional revolution (especially under Tony Blair) and growing popular alienation, the current constitutional arrangements are unsustainable and have left Britain's unwritten norms and political habits in a ruinous state. In his seminal book on the British constitution, Anthony King puts this well:

> The old constitution possessed a certain monumental grandeur, a certain cruciform, cathedral-like simplicity. Its architecture and ground plan could easily be grasped, at least in their essentials. But that old building now looks as though it has been bombed from above and undermined from below. Parts of the roof have fallen in, at least one of the transepts has collapsed, and workmen have erected an untidy assortment of workshops and sheds inside the few walls still standing. Britain today has neither a brand new church, a postwar Coventry cathedral, nor a skilful restoration of an old church, like the Frauenkirche, Dresden, but something that looks a little bit like a bombed-out ruin left over from a major war.[13]

13. Anthony King, *The British Constitution* (Oxford: Oxford UP, 2007), p. 351.

The triumph of liberalism over the past century has coincided with the rise of forces that destroy Britain's traditions of constitutionalism and mixed government. In fact, the last hundred years have seen an ever-greater tendency toward a unitary state, notably in the wake of the two world wars, which differs markedly from the imperial polity that was always more diffuse and multi-layered. Already in the early nineteenth century central power expanded, ironically as a result of introducing a free market in money, labor, and land.[14] London also gradually increased its powers of taxation in order to finance war. Before 1914, the weight of the state in the national economy was about 10 percent of total output, whereas by 1918 this had risen to nearly 40 percent, and since then it has rarely dropped below this level. After World War II, Britain's fiscal state and warfare state were further enlarged by the welfare state. Crucially, both nationalization after 1945 and privatization after 1979 have reinforced the authority of the central state by creating an ever-greater bureaucracy and bypassing local government, whose powers have been severely curtailed.

This development, combined with de-industrialization and financialization, produced an over-centralized, unitary state with power and wealth heavily concentrated in London and the South East. Meanwhile localities across the UK and the English regions remain powerless and at the mercy of the Treasury's central diktat. All this has significantly contributed to the decade-long disillusionment with elected politicians in Westminster. The mainstream parties have attracted public anger and resentment about creeping centralization and the overbearing control of London over against regions and localities. Not so paradoxically, devolution to Scotland, Wales, and Northern Ireland has concentrated power in the hands of new, populist elites in the capital cities of Edinburgh, Cardiff, and Belfast at expense of regional and local levels. To reiterate: liberal democracy is guilty of fostering populism in reaction because it combines the unaccountable power of the executive with a bloated bureaucracy dominated by technocrats. It is equally guilty of inciting an often crude romantic rebellion against its intolerable predilection for soulless prose and algorithmic formulation.

The patchwork of partial decentralization since Scottish and Welsh devolution under Blair's New Labour government in 1998 cannot hide the

14. Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time* (Boston: Beacon Press, 2001 [orig. pub. 1944]); see also Martin Daunton, *State and Market in Victorian Britain: War, Welfare and Capitalism* (Woodbridge: Boydell and Brewer, 2008).

fact that Westminster and Whitehall hold supreme sway over local leaders who lack the necessary powers to transform their towns and conurbations. As Scotland prepares to get greater devolved powers following the victory of the No to independence, Britain's other nations will still be largely ruled from London. To revive democracy, what is needed is to carry through the logic of devolution in line with the principle of subsidiarity, which means locating powers at the level that is most appropriate for the dignity and flourishing of the person. This tends to be lower ties such as regional or local government, neighborhood councils, and the parish level, but it can of course require action at higher levels. That, in turn, demands a new, overarching federal settlement across the British Isles—including the possibility of much closer political ties with the Irish Republic as part of the peace process in Northern Ireland and as a follow-up to Queen Elizabeth's very successful state visit to Ireland in 2011. Such a settlement cannot be a top-down, "one-size-fits-all" construct by the Westminster elites, nor conformable to a liberal formalist "fairness" that just does not fit the complex facts. Instead, it has to reflect the country's plurality—in particular the different contexts, needs, and interests in each locality, region, and nation.

Above all, a federal Britain needs to develop in line with the traditions of constitutionalism and mixed government. A mixed constitution outflanks in advance the tendency of liberal democracies to oscillate between popular sovereignty, on the one hand, and the power of the executive allied to the oligarchic interests of a few, on the other hand. Contrary to a strict separation of powers (as in the United States or to a degree in France) that leads either to institutional paralysis or to the domination of one branch of government (usually the executive), Britain's mixed government has traditionally avoided this by giving proper constitutional recognition to the myriad of corporate bodies and intermediary institutions that stand between the individual and the central state (or increasingly the global market).

Still today, despite much erosion of the UK's unique tradition of tolerance, freedom under the law and public cooperation offer resources potentially to create a polity that pluralizes politics and extends the public realm beyond the modern duality of the state *versus* private association—a civic covenant that might encompass the peoples and nations of these isles and of Britain's global commonwealth, in a double refusal of both autonomous nationalism and suppression of regional identities and self-organization.

Faced with the prospect of further devolved powers to Scotland following the referendum, the future of the Union is now at stake—particularly after David Cameron's promise to have "English votes for English laws." The idea is only to allow MPs with constituencies in England to vote on English matters because they cannot vote on matters that have been devolved to the Scottish, Welsh, and Northern Irish assemblies—a problem known as "the West Lothian question." Since the overwhelming bulk of business coming in front of the House of Commons concerns both England and the rest of the UK, Cameron's proposal is either a gimmick to head off an electoral challenge from UKIP, which illustrates once again the dangers of an overweening executive that destroys the constitutional fabric for party-political purposes.

Or else implementing "English votes for English laws" would tear the Union asunder by creating two classes of MPs and potentially a bifurcated government: if non-English MPs are barred from certain votes, then any party that relies on them for an overall parliamentary majority would be able to legislate on UK-wide matters but could be defeated on English-only issues. In turn, that would effectively rule out non-English MPs from serving as Prime Minister or Chancellor of the Exchequer. Over time, such an arrangement would turn Britain into a confederacy and quite possibly unleash centrifugal forces that will end up balkanizing the country, creating resentment and reopening the question of Scottish independence. In consequence, this confirms the Conservative Party's betrayal of unionism and retreat to a narrow nationalist stance in a desperate attempt to rival UKIP's rabid nationalism. Once again, the mechanical procedures of liberal democracy subordinate national public interests to party-political calculations that provoke populist responses.

A separation of powers as part of a formal federalism with a written constitution is an equal threat to the organic ties that underpin Britain's mixed government. Neither an English parliament (in addition to the British Parliament) nor a U.S.-style senate (instead of the House of Lords) would address the legitimate concerns about representing England's interests or balance the interests of the three other constituent nations. Rather, the interests of England and the rest of the UK are best served by a radical devolution of powers to its towns, cities, and regions where individuals, communities, and associations can exercise more power over their own lives. This should not be mechanically equivalent to the perhaps themselves differing degrees and modes of devolution offered to the

three Celtic nations. However, so long as it is substantial, as it should be, then surely the teeth of the West Lothian cartoon dragon will have been effectively drawn? The Westminster Parliament will then be actually, in a certain mode (though by no means strictly speaking), a *federal* British Parliament.

That it would *also* remain the English parliament is desirable for a number of reasons. It retains organic continuity, and a brand new English parliament (in, say, Manchester) would be artificial. Moreover, the huge numerical asymmetry of England requires that England remains a decisive factor in federal union, as it represents over 85 percent of the UK's total population and economy. Nor is turning the House of Lords into a federal chamber (such as a US-style senate) a good idea. Again it would be artificial, arbitrary, and bear no relation to Britain's traditions of mixed government. Even more important is the need to balance constituency-cum-individual with vocational-cum-wider-regional representation in the case of a federated Britain, since these additional identities and interests are crucial in sustaining UK-wide solidarity.

Hence it agreeably turns out that the most radical solution to current constitutional conundra—namely, drastic devolution within England, to match that to the Celtic countries—is also the most readily achievable and the most in continuity with recent existing measures, even if it also seeks to reverse the destruction of local government ever since Mrs. Thatcher. Devolution within England should itself be appropriately variegated—sometimes to city-regions like Greater Manchester, Birmingham, Liverpool, Nottingham, or Newcastle (besides London that has already a directly elected mayor and assembly), and sometimes to pure provinces along the lines of the existing regional distinctions. These are largely reflective of the ancient Anglo-Saxon and British kingdoms of Northumbria, Rheged, Mercia, Wessex (plus Cornwall), East Anglia (plus Essex), and Sussex together with Kent. The identity of these kingdoms still echoes in those of the North, the Midlands, the West Country, East Anglia, and the South East. Therefore these contemporary regions are not simply artificial creations. The trick is to politicize existing cultural attachments, and this could readily arise if regional assemblies became speedily associated with local pride, increased economic development, and popular involvement in shaping regional character.

To agree to a new federal settlement along these lines, Britain needs something like a constitutional convention under royal and lordly aegis

with the involvement of citizens, businesses, unions, voluntary organizations, faith communities, and local government—using the civic mobilization of CitizensUK as an example.[15] This would be a moment when people from different institutions, regions, vocations, and interests would come together to debate the distribution of power across the UK, including questions about how to bring about devolution to city-regions, regions, and local councils, or how to hold public institutions to account. Rather than decide the outcome of such deliberations, people in leadership positions should steer the discussions and help to draw up proposals that would go forward to Parliament. A citizens-led process can mitigate the sectional interests of politicians and the formalism of lawyers.

The overarching task of such a convention would be to propose a new constitutional settlement that restates the purpose and functioning of the British polity. Instead of a formal codification or even a written constitution that would be drafted by the convention and then voted on in a plebiscite, an alternative in line with Britain's traditions of mixed government would focus on parliamentary sovereignty precisely because it fuses popular with monarchic and aristocratic sovereignty. Therefore Parliament should have a free vote on all the proposals drawn up at the convention. As with the "in perpetuity" guarantee to the devolved assemblies as part of the legislation on devolution in 1998, Britain's mixed constitution eschews liberal formality (which is also subject to suspension in case of emergency) in favor of the informality and pragmatic non-revisability of such agreements.

For reasons that go beyond the scope of the present essay, a new constitutional settlement for the Union that aims to enhance popular participation in the shared polity will paradoxically require a stronger involvement of both the monarchy and the aristocracy—neither of which can simply be reduced to hereditary privilege and unaccountable power. However questionable the past role in Britain of kings and lords may have been (and today it unquestionably needs reforming, revising, and extending), their share in government has helped keep elected politicians in check—whether the Crown-in-Parliament or indeed House of Lords opposition to draconian legislation proposed by the government and voted by the House of Commons. Thus the mode of mixed constitution can crucially help to defend a democratic pursuit of the common good against

15. See, for example, Austen Ivereigh, *Faithful Citizens: A Practical Guide to Catholic Social Teaching and Community Organising* (London: Darton, Longman & Todd, 2010).

an unrepresentative and high-handed executive, a growing moneyed oligarchy, an overweening judiciary, and the suppression of more informal manifestations of citizens' interests.

Union, Commonwealth, and the Future of Europe

Had the Scots voted for independence, it would have been hard to overstate the implications for Scotland and the rest of Britain. The former would have faced protracted economic uncertainty, doubts over EU membership, and a shortage of national defense capabilities. For Britain, the loss of Scotland would have been devastating both symbolically and in real terms—the end of a 300-year-long union during which time Britain became the globe's largest empire of all times. After years of sacrificing its armed forces on the altar of austerity, the rest of the UK would have lost access to the strategically significant naval bases at Faslane and Coulport in the Firth of Clyde on the Scottish west coast on which Britain's nuclear deterrent currently depends. Leaving aside the exposure to financial meltdown in Scotland, London's role in Europe would have been much diminished. Without Scotland's positive influence, the UK's exit from the EU and its retreat to "splendid isolation" looms large, while the rest of Europe already sees Britain as a declining force on account of its ambivalent stance. Britain now faces the prospect—despite its being far from inevitable—of becoming a glorified Singapore: a city-state with some rural hinterland in a world of old and new imperial powers. So Scotland's independence might well have spelled the end of the UK as a multinational association that shares risks, rewards, and resources based on fusing contribution with solidarity.

The potential consequences for Europe are similarly hard to overstate. Scotland's independence could have triggered a wave of secessionism in Europe—from Catalonia and the Basque Country in Spain, via Wallonia and Flanders in Belgium, to the Balkans and beyond. This, coupled with the current wave of populism and nationalism, might have led to the unraveling of the European integration process, starting with the much-maligned eurozone. Moreover, without a more sustained and positive involvement on the part of Britain, the EU will continue to lack a clear geopolitical vision. Alongside Russia, Britain is the only power in the wider Europe with a truly global outlook, and as long as both remain on the margins of the EU Europe's role in the world will be increasingly marginal compared with that of the United States and China. Right now

Britain and the EU increasingly look like an annex to the United States, which oscillates between isolationism and interventionism. Meanwhile Russia is fast becoming a vassal state that supplies cheap resources to China. After more than five hundred years at the center of international affairs, the whole of Europe seems bereft of ideas and incapable of acting as a force for good.

Globally, especially in relation to Britain's commonwealth partners, an isolated English nation-state would be a wholly artificial reality, denying the reality of its own Celtic fringes (Cornwall, Cumbria, the Welsh Marches, and the Scottish Borders), just as an independent Scottish nation would tend to deny its heavy Anglo-Saxon, Norse, Brithonic, and religiously Catholic components. The implications for the Commonwealth and other immigrants to the British Isles would also be negative: in fact the British, "imperial" identity is for them the most civic and non-racial one.

With Scotland remaining in the Union, Britain has a unique and perhaps final chance of crafting a more imaginative foreign policy and playing a transformative part in international affairs, especially across the wider Europe. The historical and cultural connections that the combined European and Commonwealth linkages offer are perhaps Britain's single greatest asset. Like the Union at home, the EU and the Commonwealth are potentially (and to some considerable extent already in reality) genuine alternatives to (federal or unitary) superstates, on the one hand, and globalized free-trade zones, on the other hand. They are more like multinational associations of peoples who are bound together by social and cultural ties and who share risks, rewards, and resources—as I have already indicated and argued in greater detail elsewhere.[16]

To invoke Britain's combined European and Commonwealth connections together with its Anglo-Saxon bonds is reminiscent of Oliver Frank's Reith Lectures in the early 1950s on Britain as the center of "the three interlocking circles" of the United States, Europe, and the Commonwealth—a vision that was never embraced by any postwar government. Instead, different administrations focused on the wider Anglo-sphere and the "special relationship" with the United States, or else they turned almost exclusively to the European continent. Either way, both the Conservatives and Labour neglected the Commonwealth, which the monarchy

16. See Adrian Pabst, "Commonwealth and Covenant: The West in a Neo-Medieval Era of International Affairs," *Telos* 168 (Fall 2014): 107–31.

helped keep together.[17] Crucially, successive parties in power abandoned independent strategic thinking, particularly in relation to India, which was first allied with the Soviet Union and since then has forged a close partnership with the United States largely because Britain and Europe have failed to offer any alternative.[18] Perhaps most of all, postwar Britain has focused far too much on state and market power and therefore acknowledges far too little the social and cultural links and ties—both old and new—with the rest of world, especially the great booming cities, regions, and nations of the Commonwealth network.[19]

It follows from this that in the international arena also, the social really *is* primary—the flow of cultures, religions, customs, fashions, and influences across borders is what most of all binds the globe together. A successful future international politics needs to go with this flow and the UK is, by inheritance and inclination, in a good position to seize the initiative in this respect and to join up in a new way the countries of the EU with their former colonial possessions. It is crucial here that—especially since 9/11—London is now unrivalled as the pivotal global city and that the main metropolises are increasingly dominating both politics and business.[20]

Indeed the current crisis of the eurozone, with its potential threat to the very existence of the EU, despite Britain's past irresponsibility with respect to the that organization, potentially gives the UK the chance to take the lead in crafting a "European Commonwealth." Such a commonwealth would be a loose federal association defined by a shared religious and intellectual legacy, besides a shared ethical, social, and political culture—rather than being a superstate, on the one hand, or a mere neoliberal free-trading zone, on the other.[21] Taking this lead has become urgent in the

17. Philip Murphy, *Monarchy and the End of Empire: The House of Windsor, the British Government, and the Postwar Commonwealth* (Oxford: Oxford UP, 2013).

18. Ian Hall, *Dilemmas of Decline: British Intellectuals and World Politics, 1945–1975* (Berkeley: Univ. of California Press, 2012).

19. David Howell, *Old Links and New Ties: Power and Persuasion in an Age of Networks* (London: I. B. Tauris, 2013).

20. As Benjamin Barber suggests, "The nation-state is failing us on the global scale. It is utterly unsuited to interdependence. The city, always the human habitat of first resort, has in today's globalizing world once again become democracy's best hope." See Benjamin R. Barber, *If Mayors Ruled the World*: *Dysfunctional Nations, Rising Cities* (New Haven, CT: Yale UP, 2013), p. 3.

21. See Adrian Pabst, "Commonwealth or Market-State? Europe's Christian Heritage and the Future of the European Polity," in Jonathan Chaplin and Gary Wilton, eds., *God*

face of France's growing crisis and Germany's current desire to impose "Asiatic" disciplines of an undemocratic capitalism upon the southern European countries, while progressively weakening its own internal social market. As an alternative to this process Britain needs to encourage France to adopt once again a more global outlook and Germany to export its own in many ways exemplary economic model (though it needs radicalization and a removal from an all too statist mode of corporatism) in adaptively different ways to other European countries. This might involve some blending with the rather *more* mutualist structures of welfare provision in the Latin polities. Any such moves would require a greater internal balancing, whereby Germany learned to consume more and other European countries to produce and export more.[22]

But this renewed world-mission will only be possible if the UK recovers its nerve at home and re-comprehends and re-envisions its own European and British political and economic legacy in terms of the primacy of the social. The latter, like the notion of economic growth and political representation, was greatly augmented by the Christian irruption that placed "free association" for purposes of social harmony and reconciliation beyond the reach of legal coercion and enforcement, while also engendering the Church as the first trans-political international society. It is for this reason far from being accidental that churches and other religious bodies are today at the forefront—both at home and abroad—of renewing civil society, often in tandem with constitutional monarchies. In its secular mode by contrast, civil society has scarcely proved capable of resisting the materialist depredations of an uprooted economy and politics that we owe largely to liberal imperialism since the late nineteenth century, including Wilsonian democratic idealism that has informed recent liberal "humanitarian interventions" and neo-con crusades.

Once again Britain's legacy of mixed government is the key to unlock the potential for a more creative vision of the country's role in Europe and the world. In the current situation of a globalized economic empire under the hegemony of the United States, it is important to realize that the UK

and the EU: Retrieving the Christian Inspirations of the European Project (London: Routledge, forthcoming in 2015), ch. 6.

22. See Adrian Pabst, "Constitutional Political Economy: Pathways for the Eurozone beyond Ordo-liberalism and Neo-Functionalism," in Ivano Cardinale, D'Maris Coffman, and Roberto Scazzieri, eds., *The Political Economy of the Eurozone* (Cambridge: Cambridge UP, forthcoming in 2015), ch. 7.

is actually not a nation-state, nor even a modern state at all. In fact, the term belongs to the formalism of early modern Continental jurisprudence, founded on the triply formalist basis (recognizing only subjective rights and increasingly a merely positivist basis for law) of "politics, police and *politesse*"—as Carl Schmitt was right to argue.[23]

Rather, Britain is an island empire defined not by geographical bounds but by a claimed service of the common good and personal rule (through constitutional monarchy and Church establishment), which is a positive resource. Indeed, globalization has effectively destroyed the autonomy of the "Continental" state, alongside the apparent "anarchy" of the international realm lying between such states, which rendered warfare in theory but a formalist game between rivals, immune to ethical norms. This was the era whose passing Schmitt wrongly and in a non-Catholic fashion lamented.[24] By contrast, the inherited internationalization of Britain's civic empire as "commonwealth" can permit us to entertain the future project of infusing global structures with more constitutionalism and respect for civil society through an exercise of cultural influence and, where necessary, juridical linkages or guarantees and, as a final recourse, military intervention. A Scotland that has chosen to remain part of the Union makes a more internationally engaged Britain a possibility once more.

Concluding Reflections

The Scottish referendum has done more to re-energize British politics than any other issue over the past few decades, but there are dangers that greater popular participation will be short-lived and give way to the liberal oscillation between technocracy and populism. If Britain and indeed other countries want to renew democratic rule, they need to acknowledge that both liberalism and purely representative democracy have deficits and tend to slide into both oligarchy and demagoguery.

Democracy, which is "the rule of the many," can only function without manipulation of opinion if it is balanced by an "aristocratic" element of the pursuit of truth and virtue for their own sake on the part of some people whose role is legitimate even if they remain only "the few," although they should ideally be themselves as far as possible "the many." Democracy

23. Carl Schmitt, *Hamlet or Hecuba: The Intrusion of Time into the Play,* trans. David Pan and Jennifer Rust (New York: Telos Press Publishing, 2009), pp. 63–65.

24. See Carl Schmitt, *The* Nomos *of the Earth in the International Law of* Jus Publicum Europaeum (New York: Telos Press Publishing, 2003).

equally requires the "monarchic" sense of an architectonic imposition of intrinsic justice by a transcendent "one," however constituted, that is unmoved by either the prejudices of "the few" or those of "the many."

Instead of a strict separation of powers and formalism so beloved of liberals, Britain would do best to revise, renew, and extend its own best traditions of constitutionalism and mixed government. External subsidiarity, like internal, implies a sharing of power in contrast either to its complete fragmentation or monopolization at the center. This implies that the UK should regard its geopolitical position as an asset rather than a dilemma, allowing it to mediate between the Anglo-Saxon domain, the Commonwealth, and the EU, and to help build multinational associations that pool sovereignty. While liberal democracy leads to a growing concentration of power and wealth, such an alternative can direct state and market power to the common good and mutual flourishing.