

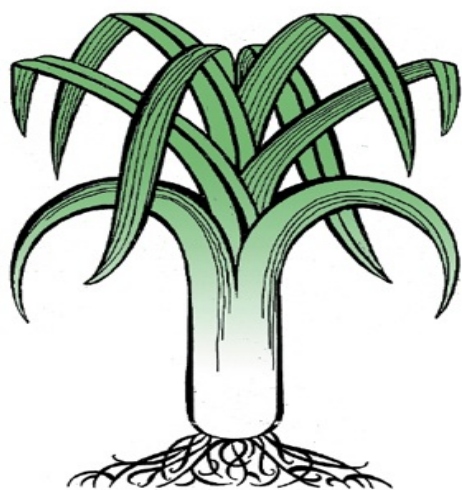


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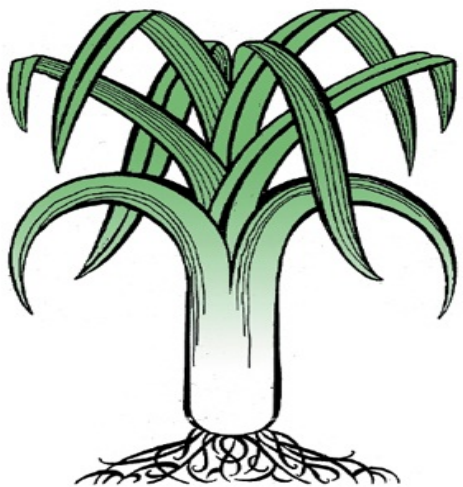


SHOULD

RULE
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SELVES



ALASDAIR
GRAY



AND

ADAM
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The Constitution after Scott
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Our Republican Constitution

HOW WE SHOULD RULE OURSELVES

ALASDAIR GRAY
AND
ADAM TOMKINS



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Also by Alasdair Gray

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Preface

The authors of this pamphlet first met on Calton Hill, Edinburgh, on 9 October 2004 when attending a demonstration called by the Scottish Socialist Party. We were there to boycott and protest at the official opening by Queen Elizabeth of a new Scottish parliament building. The royal ceremony, we felt, was deliberately designed to remind the Scots and their elected representatives in parliament that even after devolution Scotland continues to be ultimately governed through distant offices of the British Crown. But if we take a wider view most of England, Wales and Northern Ireland are ultimately governed through distant offices of the British Crown.

Our prime minister and his cabinet, the civil service, police, secret services, armed forces and courts of law – that is, all principal branches of the British state – owe their allegiance to, and derive their powers from, the British Crown. It is why some politicians think folk admitted to British citizenship will be more likely to obey British laws if they swear allegiance to the Crown; though native Britons needn't.

Most people living on these islands believe that the Crown and its powers are effectively controlled by elected parliaments and that as a result Britain may be called a democracy. This pamphlet aims to undo these illusions. We believe the best kind of government is open, genuine parliamentary democracy. Here we set out the principles upon which our political beliefs are founded, say something of the history of these islands to explain how we arrived at our present state, and set out an agenda for republican constitutional reform.

This publication is one of many recent political tracts aimed at British voters, among them Harris's *So Now Who Do We Vote For?* and Candappa's *The Curious Incident of the WMD in Iraq*. With this year's General Election in mind, the authors had neither time nor space to speak of the European Federation or global corporations. We believe that a world of equally independent republics, none with larger populations than England or California may be the only possible corrective to a world ruined by huge profit-making companies. That may become the argument of a longer book for which this is a rough sketch.

A personal note about the authors: both are men of the left but neither belongs to, nor endorses, any political party. *How We Should Rule Ourselves* is not an argument for socialism: it argues for a republic. It argues for political freedom, democracy and responsible government. A number of our arguments develop ideas first presented in Adam Tomkins' book, *Our Republican Constitution* (Harvard, 2005). Both authors thank Rodge Glass for his help with this pamphlet.

A Republican Vision

We want all people to rule themselves through democratic institutions, and explain in the following pages why these should also be republican. The voters within the United Kingdom may eventually decide whether their nations stay combined under one federal parliament, as in the USA and Germany, or elect independent parliaments that collaborate without a single governing body, as happens in the Nordic Union composed of Denmark, Norway, Sweden, Finland and Iceland.

Republicanism has a long, illustrious history. It can be traced back to Ancient Greece and the ideas of Aristotle. Greek practices were revised for Rome by a quartet of great authors – Cicero, Livy, Tacitus and Sallust – who remain leading authorities in republican thinking. Their ideas were taken into the modern age by Machiavelli, whose *Discourses on Livy* exerted enormous influence in the revolutionary climate of seventeenth-century England. An explosion of republican writing happened between the early 1640s and late 1680s, when civil war in England, Scotland and Ireland involved radical democrats, Cromwell's New Model Army and the Levellers. This was the time of James Harrington, John Milton, Algernon Sidney and John Locke. The writings and deeds of these extraordinary men (not all of whom were republicans) hugely influenced the founders of the American republic. Madison and Jefferson brilliantly combined the thinking of Harrington and Sidney with the work of Montesquieu to justify the first and greatest republican revolution, in 1776. It tore most of North America away from the British Crown and made the United States an independent nation.

Four great principles have emerged from this rich heritage. They are the principles on which our argument for British republics rest. They are:

1. Popular Sovereignty instead of Monarchy
2. Political Freedom – the right not to be dominated
3. Social Equality – freedom of choice
4. Governments Accountable to the Public

Let us say something more about these before we proceed.

Popular Sovereignty instead of Monarchy

Power has to come from somewhere. For monarchists it comes from the top – from a king or queen. In an absolute monarchy like Tsarist Russia it stays there. In what is known as a limited or constitutional monarchy it is allowed to filter down, first through courtiers, then through ministers. This is what happened in Britain. Power started with the Crown and over the centuries it has trickled down, first through an aristocratic House of Lords, later joined by a mercantile House of Commons, and now through the leaders of our mass political parties.

For republicans, by contrast, power comes from the bottom. It comes from the people who, as citizens, delegate it upwards to the institutions of government. The US Constitution rests on this basis. Its first words are 'We the people'. Under their constitution, the American people delegate power to

the states, which in turn delegate power to the federal government of the United States. Such delegated power is limited. Government may do *only* those things which the people have expressly permitted to do. This is, at least, the theory on which the US was based – whether that theory is realized today’s America is a different issue. In the republican ideal, the people are sovereign and the government is limited. This is the opposite of what happens in a monarchy.

We believe that sovereignty belongs to the citizens of a nation. There should be no political or legal authority superior to the people. Government is for the benefit of the people, not the other way around. We the people lend power to a government in order to help ourselves – power is not the government to keep.

Political Freedom – the right not to be dominated

To possess political liberty is to be free from domination; to be free from being ruled by those who have more power to do as they wish by restraining others. The restraints of a fair and open legal system do not deprive us of freedom but bestow it. It does so by preventing us ‘being subject to the potential capricious will ... of another’. The worst kind of unfreedom, of course, is slavery, where people are the legal property of those who capture or buy or inherit them. Owners of slaves could use them as they wished, and all who helped them escape were guilty of theft. Some writers used to say that slaves with good masters had as much freedom as they needed. But for republicans, the dominion of even the kindest and most benevolent man is bad if he can interfere with his underlings without asking leave without scrutiny, without risk of penalties.

A modern example of dominion is Queen Elizabeth II. British law gives her the right to appoint whomever she wishes as prime minister. She may legally dismiss the government at any time for any reason or for none. She can refuse assent to any bill passed by the Houses of Parliament. She may do these things without asking leave, without scrutiny, without risk of penalty. For over two centuries unwritten customs have restrained British monarchs from using these powers except in extraordinary circumstances, while other unwritten customs result in royal powers being transferred and used by prime ministers, sometimes also without public scrutiny or risk of penalty. We will describe in later chapters how this state came about and how it is being abused to increase the dominion of the Crown over government.

Social Equality – freedom of choice

Poverty is one of the forms of insecurity most likely to render a person liable to domination. In today’s world, freedom is as seriously challenged by the increasing differences between the richest and poorest people employed by private companies as it is by states and governments. Our world is scarred by staggering differences in material conditions, which, as the French political philosopher Jean-Fabien Spitz has put it, ‘cannot be proven to function for mutual advantages, so that liberty’s main enemy is not only the state but also the extraordinary concentrations of private wealth and power which constrain those who are not members of the wealthy inner circle’. Republicans since at least the time of Harrington have been concerned with the threat to freedom that is posed by such material inequality. Harrington and his seventeenth-century ally Henry Neville devoted great attention to the problem that, as they saw it, ‘prosperity and peace could only be achieved when the political system had been adjusted to the distribution of wealth’. Inequality undermines our freedom in two ways: it subjects the poor to the dominion of the wealthy, and those in a state of abject dependence cannot take part in political life in the public-spirited way that a healthy republic requires. A slave’s interest

that of his master, not that of promoting the public good. Someone with limited employment opportunities, working overtime at a very low wage, under a contract that lets the boss re-employ him at the end of each month, is hardly likely to complain about abuses he sees in his workplace or bring them to public attention.

Governments Accountable to the Public

Republicans who agree that freedom is non-domination must suggest constitutional changes to existing political constitutions and institutions that would help to secure it. In a large modern state such as Britain, or its parliamentary sub-divisions of England, or Scotland, or Wales, where should we start? Our answer is *with our parliaments*. In 1295, the first common people's parliament was called in England by a king so that he could tax them. Later monarchs used the Commons to quell an unruly Lords, then Lords and Commons combined to chase out one king and replace him with another more amenable. We now need a parliament through which it is possible for ordinary people to *contest* the doings of government. As the philosopher Philip Pettit has urged, we need 'a democracy based not on the alleged consent of the people, but on the *contestability* by the people of everything that government does'. In other words, we want parliaments representing the general public that let the Crown's offices and dominant political parties get away with as little as possible. The first step is to make these offices subordinate to the people by taking off their Crown.

Conclusion

Popular sovereignty, political freedom (as we have defined it), social equality and government fully accountable to the governed are opposed nowadays by monarchy, political domination and government secrecy. We believe that the only way in which the four principles outlined here may be realized in Britain is by abolishing the Crown and instituting republican governments.

Early Democracies and Republics

Whenever many folk have thought democracy a good thing there have been great writers (Plato in Ancient Greece; Hobbes, Burke, Macaulay in England) who argued it was impractical or dangerous or impossible. But parliamentary democracy is the oldest system of government in the world. Despite the Garden of Eden story men and women have never lived in isolated families: throughout the habitable world they have survived in co-operating clusters. On the North Atlantic island of St Kilda twenty or thirty families lived for more than ten centuries in a self-supporting commonwealth, mainly by hunting seabirds and gathering their eggs from ledges on steep cliffs. This dangerous work could only be done in teams. Weekdays began with all the adult men meeting in the narrow main street to decide what should be done and who should do it. This primitive parliament (which can be seen in old photographs) lasted until the community, disease-ridden and demoralized through nineteenth-century contact with visiting tourists, dwindled almost to extinction and was evacuated in 1930. Most primitive democracies have now been destroyed by invasion and warfare.

Civilization – a word meaning *city-fication* – did not destroy primitive parliaments everywhere. In rural districts till recent centuries men still met under a tree in their village to arrange local business through discussion. Swiss rural communities, being protected by ranges of gigantic mountains, repelled invaders more easily than most others, so their present democracy evolved from their ancient one with comparatively few disruptions. Elsewhere greed and warfare ensured that struggle for democratic civilizations is the world's most continuing tragedy.

Plato believed the first cities were made when bands of horsemen invaded a land of farmers, enslaved them and built fortified places from which to keep plundering them. Undoubtedly this sometimes happened. William, boss of Normandy, treated England like that. Rome is said to have been founded by an outcast orphan leading a gang of brigands, who acquired women by abducting them from neighbours. But no big town can be supported by simple plundering. It needs a market where produce is collected and distributed – where tradesmen make tools and utensils country folk can't make at home – where a form of policing protects goods from thieves and gangsters. It also needs an agreed system of exchange, by barter, coins or paper money. These many things cannot be achieved or managed by one person, so every town has a council or small parliament, elected by all the citizens, or appointed by a few, or chosen by a local boss. There was always danger of the chief local law enforcer making himself boss. Most very big towns eventually became capitals of kingdoms but some cities ruled themselves as republics. The earliest to leave detailed records of itself is Athens.

Athenians claimed that theirs was the only Greek state without a ruling class forced on it by foreign invaders. Their first king (they said) had persuaded adjacent tribes to abandon their villages, build a city and live together according to laws they agreed upon while he confined his activities to defending them. From early times the Athenian town council seems to have been all the adult male members meeting on a hillside whose curvature let everyone see everyone else. When the state was rich enough to build a theatre they met in that. From the leading citizens (usually the richest citizens) the council elected a committee (which we would now call the cabinet) to help the king. By the seventh century

nce this committee had dispensed with kings and ruled the state itself. But social change is unending. Growing populations, new sources of wealth, new classes of people ensure that few political constitutions stay unchanged for long. The city became divided into as many political parties as its geographical districts. Tradesmen and small farmers who lived on the higher ground wanted absolute democracy where all could vote equally. On the plain were big landed estates owned by rich lords who wanted a plutocracy ruled by themselves. Along the shore lived fishermen and merchants who wanted a mixed form of government between the first two and stopped either of them getting the upper hand. The city was on the verge of revolution because many common people owed more to the rich than they could repay and could only pay their debts by selling their children into slavery or being enslaved themselves – there was no law to prevent this. When such things had happened in other Greek states a general uprising would give a popular leader dictatorial powers to make things easier for the rebels, which made such tyrants kings in all but name. The Athenian parliament chose Solon: a rich man they all trusted because, though rich, he believed in equal social security for every citizen. He annoyed his followers by refusing the job of tyrant and gave them something better – a new political constitution.

While he was working on it a foreign visitor laughed at him for thinking men's greed and injustice could be restrained by written laws. He said they were like spider webs holding in the weak and poor who got entangled, but torn to pieces by the rich and powerful. Solon answered that men agree when neither side gains by breaking the agreement, and he was making laws for the Athenians that would be to everyone's advantage to keep. His laws were not feeble. They neither pandered to the rich nor satisfied the greed of the majority. He changed no law or custom that seemed to be working well and kept as many as he could since complete reorganisation would cause breakdown of law and order. He first repealed bad old laws that punished by death nearly every crime from murder and theft to being unemployed. He ruled that nobody could be enslaved for debt and relieved the poor by reducing the interest on loans. He fixed the value of the currency at a lower level, so those with heavy mortgages could pay them off. He left all the offices of state as he found them, in the hands of the rich, but gave the masses a share in their own government by ensuring that no war could be fought or new law passed unless fully discussed in parliament and approved by the majority. He ruled that all disputes be settled through trial by a jury containing, like parliament, all adult male citizens, while every citizen had the right to legally prosecute anyone – even one of the state's chief officers. Solon said the best cities were those where most people who had not been wronged were as eager to punish wrongdoers as the victim.

The Athenian parliament contained no women or slaves, none of the many foreigners who came to the city because life there was safer than in their homelands, and no citizens who stayed away because they wanted no say in their government. These last were called *idiots*, meaning people without ideas. But this state was so cohesive that when the rest of Greece succumbed to a vast Persian invasion, the Athenians abandoned their city to the invaders, took to their ships and fought back from an offshore island. This tough example led other Greek states to join them in repelling the Persian forces. We will not describe how Athens then enlarged itself into an empire which fell faster than most. But in later years most European thinkers, even royalist ones, regarded this small democratic republic as the source of their own drama, art, architecture, mathematics, science and philosophy. Many who wanted a better future believed it could only be made under constitutions like the Athenian one.

There were other republics. Ancient Rome was ruled by a senate of landlords called the Equestrians because they could fight on horseback. As in Athens the richest provoked revolts through the high interest they charged on loans to the Proletarians, especially in time of famine. This was inconvenient when Equestrians needed Prole soldiers to help them conquer neighbouring towns, so Proles were

mobilized by being permitted to elect two town councillors of their own class, and a senior Equestrian magistrate: in British terms, the Roman senate was a House of Lords with a bit of Commons added. This republic ended after its armies had conquered every land around the Mediterranean and successful generals started fighting each other. The eventual winner became the first Roman emperor who, with army backing, did not need the senate. Later, when invading barbarians cut the Roman Empire into a jigsaw puzzle of new nations, almost all became kingdoms.

Kings were originally warlords – generals ruling defeated people through assemblies of their chief officers. The primitive parliaments of Germany elected a king only when going to war, but warfare became so perpetual in most of Europe that rule by kings and their military followers lasted until the French Revolution (1789–92). The few city-states that survived were plutocratic republics like Venice whose merchant bankers were the only parliament, and oligarchies like Florence, ruled by bankers with a parliament of trade union leaders. Elsewhere monarchy was so taken for granted that its obvious injustices were thought inescapable.

The Making of Britain

By 1100 German, Scandinavian and French invaders had split what the Romans had called Britain into England, Wales, Scotland and Ireland. Then, as now, England had a bigger population than the other three combined. It also had what was then a modern political constitution: a wholly military one. William the Conqueror, a ruthlessly practical Norman warlord, had made himself king in 1066 and sub-let England's counties to his senior officers, who ruled them as they pleased after promising always to obey him, and that their descendants would always obey *his* descendants. All England was now, by law, Crown property. In Scotland a parliament of local nobles, clergy and town representatives helped monarchs whose only land was private estates, so they were called kings and queens of *Scots*. In south Britain they were called kings and queens of *England* ruling, through a parliament of their biggest military managers called the House of Lords, Saxon natives whose language they despised.

A military government can only exist by continual warfare. The descendants of William and his lords first conquered Wales, ruling it through native princes, so that the Welsh (unlike the English) were allowed to keep their original language. With Welsh help they went on to invade Ireland and some stayed to rule it on England's behalf. They had their own parliament, but their descendants kept becoming Irish, so England's kings felt compelled to reconquer the place for centuries to come. They also battled to take Palestine from the Saracens, and fought a Hundred Years' War to keep hold of France. They kept failing to conquer Scotland. Few of William's descendants were as efficient as he and they frequently fought each other for the Crown, so in four centuries, all but three heirs to the throne died in battle or were murdered. But English towns, trades and universities at first flourished without Crown help, and the lords were not always mere parasites. In 1215 they made an unpopular king (King John) sign a charter of laws stating among other things that the Crown would arrest nobody without charging them with a crime – thus making monarchs *accountable* to the lords in parliament. Later kings often broke that law and the lords kept making them restore it. *Magna Carta* this charter was called, and its key provisions are still in force today.

Edward I (1272–1307) was almost as efficient as William. His constant invasions of France and Scotland needed steadier supplies of money than he could raise from his House of Lords so at Westminster he established a House of Commons. This represented all England's inferior local governments – whose members were chosen by the richest merchants and tradesmen in county towns and by small landowners descended from William the Conqueror's *junior* officers. He also gave Westminster a legal and civil service to make it easier to tax them. As the population and prosperity of England increased this second House, or chamber, found it could bargain with weak kings by threatening to withhold taxation. A time came when laws made by the king had to be confirmed by both Lords and Commons. The Habeas Corpus Act, requiring that everyone arrested be charged with a crime so they could defend themselves in a trial which must soon follow, had easily been broken by noblemen within their own jurisdictions. The Commons made that act the cornerstone of criminal justice throughout England with trial by jury.

When Henry Tudor came to the throne in 1485 the House of Lords had been greatly weakened by the Wars of the Roses, all England's rulers had lost their great French properties, most English people were sick of warfare and so was their new king. He liked money more than anything else and chiefly raised it through fines instead of taxation. His laws allowed him to fine lords for having too many followers and to fine merchants and town councils for being unusually rich. This did nothing for his parliaments but strengthened the judicial and fiscal Crown offices. He died leaving a huge fortune to his son Henry VIII, at first a sane and handsome man who left the chores of ruling to a deputy Cardinal Wolsey. Henry hoped that, through Wolsey's diplomacy and with papal help, he would become Holy Roman Emperor of Europe. He also wanted to divorce his wife, the Spanish king's daughter. When Wolsey failed Henry got rid of him, took charge of English politics and emerged as a cruel megalomaniac who so frightened the two Houses of Parliament that, without opposition, they passed any law he wanted. (For instance, they decreed that anyone found guilty of treason to the Crown – meaning anyone Henry thought guilty – would be boiled alive. After his death both Houses quickly repealed that law.)

He squandered his father's wealth on elaborate new palaces, on suits of jewelled clothes and on expensive, futile wars in France and Scotland. He then got rich again by cutting off the Church in England from Rome, taking the Pope's place as its head, disbanding monasteries and selling the lands and buildings to whoever paid well for them. Though some monasteries contained clergy as corrupt and greedy as kings and courtiers, they had still provided poorer people's only healthcare and education. So Henry's privatization enriched himself and his parliaments at the expense of the nation's labourers. It also made some commoners so rich that they were promoted to empty seats in the House of Lords, thus creating a nobility who respected trade as much as fighting. The European discovery of the Americas in 1492 had hugely expanded trade. That England's constitution was now as mercantile as it was military helps to explain why she began acquiring an overseas empire while those of Portugal and Spain declined.

Queen Elizabeth I's courtiers captained their own ships, chose their own crews, and founded settlements in America from which Sir Walter Raleigh brought tobacco and the first potatoes grown in Europe. Sir John Hawkins started what became the world's biggest slave trading company, buying native Africans from greedy chiefs who had conquered them, then selling them in South America where indigenous people enslaved by Spanish colonists died out so fast that they needed continuous replacement. While trading with these colonists English captains enthusiastically captured Spanish ships taking slave-extracted silver home to Europe. Elizabeth apologized to the Spanish king for the piracy, but had shares in it so welcomed the merchant adventurers when they docked in the Thames to the wild cheering of patriotic mobs.

The Union of the Crowns

When Elizabeth died without heir in 1603 Raleigh suggested England become a republic on Venetian lines, with nobility and merchants ruling like directors of a joint stock company. But the Crown was so embedded in England's legal and social system that Lords and Commons invited the king of poor little barbarous Scotland to take the job. James VI of Scotland and I of England was delighted. The Scots in general were fond of their Stuart kings but had never treated them with much reverence or obedience. When Henry II had murmured 'Who will rid me of this troublesome priest?' some of his knights rode out and slew the Archbishop of Canterbury. When James had outlawed a troublesome earl (which meant he would reward anyone who killed the man) the earl burst into the king's bedroom

Holyrood Palace waving a sword and shouting something like, 'Jamie! Ye cannae do this to me! won't stand for it!' Jamie, who dreaded sharp weapons, blubbered, pulled the sheets over his head and promised not to do it again. He also hated the Scots Calvinist Kirk whose ministers thought that, being God's servants, they were superior to earthly kings. One told him to his face that he was 'God's silt vassal'. When Jamie got to London he summoned the minister there and jailed him, saying that now with his pen, he ruled Scots whom his ancestors could not rule with their swords. Like future Scottish MPs in the London parliament he was safer as well as richer in Westminster, where the Archbishop of Canterbury was his underling. He regarded monarchy as Richard Nixon regarded the US president when he said, 'If the President does it, it's legal.' But Jamie was cautious. Though England's parliament never gave him all the power he wanted, he always gave in before quarrels with it reached a breaking point.

He carried out a piece of legislation only possible for a Scots king who also ruled England. Ireland was again rejecting English rule. The imposition of Norman, Plantagenet and Elizabethan overlords had failed to pacify the Irish, who remained as Irish as ever and were still Catholic! If Catholic Europe ever attacked England, an Irish army would almost certainly cross the narrow strait dividing Ulster from the British mainland. A large invasion of Protestant manual workers might succeed where English overlords had failed. Few such workers in England wanted to leave home but Scotland's poverty was continually driving out its surplus population. The French had a proverb: 'Rats, mice and Scots get in everywhere.' So the British Crown confiscated two-thirds of Northern Ireland, the natives were ordered to leave or remain in the condition of servants and their land was given to Protestant settlers, the mass of these being Scots Calvinists. In 1874 the English historian John Richard Green wrote:

In its material results, the plantation of Ulster was undoubtedly a brilliant success ... the foundations of the economic prosperity which has raised Ulster high above the rest of Ireland were undoubtedly laid in the confiscation of 1610 ... The evicted natives withdrew sullenly to the lands which had been left them by the spoiler; but all faith in English justice had been torn from the minds of the Irishry, and the seed had been sown of that fatal harvest of distrust and disaffection which was to be reaped through tyranny and massacre in the age to come ...

Green cannot have known it would last into the twenty-first century.

Charles I was less cautious than Jamie, his dad. Britain had become an international power. Charles wanted a standing army to assert that power. Previous royal armies had simply been the king's guard and armed servants of the lords, and were disbanded when wars ended. The Commons did not want a standing army because:

1. It would be expensive and they disliked heavy taxes.
2. Britain was adequately protected by a few royal flagships and a private enterprise merchant navy whose seamen fought with cannons and cutlasses.
3. Charles would almost certainly use a standing army in the same way as his brother-in-law, the king of France, who abolished parliamentary restraint upon the Crown.

Charles therefore did without parliament for eleven years by not calling it – British parliaments only assemble when the monarch calls. He raised money (though not enough to pay many soldiers) by selling monopolies and by taxing people directly through Crown offices. He might still have kept his head had he not tried to force the English State Church on Calvinist Scotland by sending in an army. The Scots smashed it. Charles had to call up a House of Commons to help him pay for a better army. The Commons did so on conditions that Charles kept evading which led to warfare throughout Britain.

Ireland included. The biggest armies were English: one fighting for the king, the other fighting for parliament. Parliament won. In 1649 it beheaded Charles, disbanded the House of Lords and made Britain a commonwealth ruled solely by the Commons.

Eleven years passed before monarchy returned, but rule by the Commons lasted only four. The biggest party wanted to impose Calvinism all over Britain but was outnumbered by those representing other Protestant sects. Their bickerings stopped them making important decisions. Cromwell, general of the most successful army Britain has known, was made dictator – then called Lord Protector – and ruled all of England, Wales, Ireland and Scotland through his chief officers, without making the titled lords as William the Conqueror had done. So he now wielded the absolute power Charles I was beheaded for trying to wield, but wielded it against the will of the parliament that had chosen him.

Eventually most Britons outside his army came to hate and fear Oliver Cromwell, though few could resist that army. He commanded it so well that in Europe even Catholic kings sought alliances with him. No wonder what remained of the Commons offered him the Crown. He reluctantly refused because the army contained ardent republicans who believed in social equality under God, and some regiments wanted the great English properties broken up so that all who wished might have a farm to cultivate and to feed themselves. Cromwell, himself a landowner, rejected that yet he depended too much on lovers of social equality to start a new monarchy. After his death in 1658 his son Richard (nicknamed Tumbledown Dick) had no will for the job. General Monck, the army's chief remaining major commander, knew that if *he* declared himself Lord Protector most of Britain would gang up against him. He conferred with the remaining Lords and Commons, then invited back the son of the last British king. Charles II was enthroned in 1660 among widespread rejoicing, and the terrible efficient army was disbanded. So England and Wales were once again ruled by three Westminster governing bodies: a House of Lords containing great landowners; a House of Commons representing small squires and town councils; and a Crown that needed both and which both needed.

By the late seventeenth century the Crown was head of:

1. The Treasury, in charge of the mint, from which pensions and bribes were paid and which obtained revenue from customs, excise, post offices and other sources.
2. The Navy and Army, whose upper ranks were from the richest classes because they bought the commissions: this made them less efficient than Cromwell's armed forces, but ensured obedience to king and parliament.
3. The Secret Fund: used to pay government spies. At first noble lords working for the Treasury paid them; prime ministers later opened a Bank of England account.
4. Public Broadcasting, then done by announcements from Church of England pulpits.
5. Law Courts with laws which could be changed only by King, Lords and Commons agreeing.

This political constitution remains largely in force in Britain to this day.

Scotland was in the queer position of having its own parliament and legal system but a king in London, who overruled the Scots parliament and laws through a few corrupt lords who taxed inferior as they liked and fined, jailed, or executed rivals. Ireland had a parliament representing only the Protestant minority of lords and recent settlers.

The restored Stuart king was good for his House of Lords but nobody much else. Charles II was a lazy atheist with a big sexual appetite who left governing to his ministers because it was dangerous for an English king to meddle with politics. The army and navy became so inefficient that England's maritime trade competitors, the Dutch, sailed into the Thames and burned ships and royal dockyards.

Cromwell's officers, being unrelated to powerful Scottish families and clan chiefs, had ruled Scotland with exceptional fairness: the royal sycophants who now ruled Scotland again tried forcing the Church of England on their countrymen. Charles II sent his brother James north to help them, though James was a Roman Catholic. Staunch Presbyterians left their kirks, prayed in the open air, and were spied out, shot or hanged by government troops. These were poor, brave, victimized folk, but where the numbers gave them a brief advantage they too treated enemies with intolerant cruelty.

Charles died. His brother James became king of Britain (1685–1701) and tried to make Catholicism legal by proclaiming toleration of every religion. Only the Catholic minority was pleased. Episcopalians and Presbyterians united to expel James and make his daughter Mary II and her husband, William of Orange, a Dutch Calvinist, the chief executive of Britain and her religion's defender. This made the Church of England supreme south of the Tweed, and a Calvinist Scots Kirk supreme north of it. This resulted in tolerance of most Christians excepting Catholics, who were not allowed to vote or own horses.

A new kind of prosperity allowed the dreamlike unanimity through which lords and clergy, squires and merchants acquired King William. Queen Elizabeth I's richest subjects had jewels, pearls and gold sewn to their clothing because, in a land with no police force, portable wealth was safer on their bodies than in houses and they carried swords to defend it. A century later England had dependable banks, so rich men no longer wore much jewellery or needed to carry swords. In 1694 a Scottish businessman called William Paterson persuaded Crown, Lords and Commons to finance war with France by creating their own bank, the Bank of England. This has financed British wars ever since. Great English fortunes were no longer at risk from a monarch or faction who might seize them, and England avoided civil war. But foreign war could increase them, so England has had no civil war since. The richest landlords and merchants gave their money market the utmost power by putting hereditary millionaires of Dutch or German origin at the head of Church and State. So King William and after him Queen Anne, and after her King George, signed English acts of parliament which strengthened English trade, English transatlantic colonies, English factories in India.

Scotland was excluded from trade with English colonies; nor could she trade freely with Europe because until 1678 England was usually at war with Holland or France. But the financier William Paterson was Scottish. On a globe of the world he proved that, without English help, a Scots colony on Panama (where later a canal was built) could take over all trade between the Atlantic and Pacific. Most of the Scots Lords and Commons were so excited by this scheme that they invested heavily in it. Enthusiastic immigrants volunteered to go; ships for them were built on Clydeside. They went, and found Panama was uninhabited because the dank air was full of malarial infection. Adjacent Spanish colonies attacked them. They asked King William in London for help. He said he could not give it without disturbing the peace of Christendom. They beat off the Spaniards once, begged help from nearby English colonies, who refused it, and had to surrender. Paterson was one of the few surviving settlers who got home, leaving behind about two thousand dead and having lost a quarter of Scotland's capital. But he had done his best, so the Scots blamed the English.

The Union of Parliaments

Then Scottish pride took a further knock. Queen Anne died and the English parliament, without consulting the Edinburgh parliament, invited her distant cousin George, the prince of tiny Hanover in Germany, to be king of all Britain, thus treating Scotland like a conquered province. The Scots refused to recognize this new king and almost became an independent nation again. Alas, only their ma-

religion had democratic elements. In 1707 the Scots parliament sent commissioners south to negotiate a treaty with England. William Paterson was a party to the negotiations.

The commissioners returned to Edinburgh with the following treaty: if the Scots parliament accepted George Hanover as King of Scots and abolished itself, England would:

1. Let 45 Scots MPs join 513 English and Welsh MPs in the Commons, and 16 Scots lords join 19 lords in Westminster.
2. Give the Scots parliament an immediate cash payment of £398,085 and 10 shillings – the exact sum lost by Scottish investors in the Panama adventure.
3. Maintain the Scots mint, the Scots kirk, and Scots legal system. (The Scots MPs thought the Crown would maintain these separate from Westminster.)

In case this offer was rejected the English parliament passed an Aliens Act which would ruin Scottish industry and agriculture by blockading all her trade with England, Ireland, America, Africa and India. Nor would she be able to trade with Europe, as England was fighting a victorious war against France, the richest nation there, without overstraining her credit. If the Scots insisted on independence, England, after defeating France, could easily invade and rule them through an army, as Cromwell had done.

Financially the offer was not generous, as England's treasury would quickly recover its gigantic bribe by taxing Scotland. The treaty would turn that land from a nation into a province with only two more Commons MPs than Cornwall. The Scots clergy denounced it; Scots towns petitioned against it. In Glasgow, Dumfries and Edinburgh crowds rioted against it. During the long debate on it an English spy said the Scots people were fifty-to-one against. Opposition in the Edinburgh parliament was led by the Duke of Hamilton, who was heavily in debt. Shortly before acceptance was put to the vote he had secret conferences with the chief nobleman supporting the treaty, and did not turn up for the election because (he said) he was suffering from toothache. By a two-to-one majority the Scots parliament voted to accept the treaty. The same English spy (Daniel Defoe) then wrote to England's prime minister that:

The Great men are posting to London for places and honours, every man full of his own merit, and afraid of everyone near him. I never saw so much trick, sham, pride, jealousy and cutting of friend's throats as there now is among the Scots noblemen.

Too terrified by a raging mob outside to abolish itself verbally, the Edinburgh parliament merely *adjourned* itself, and was reconvened in 1799 as a body almost totally under Westminster control.

As soon as the Scots representatives joined the Westminster parliament in 1707 it abolished the Scots mint and started breaking other terms of the contract. In England it let local landlords appoint parish clergy: in Scotland landlords started doing the same, to the horror of all local kirk elders. The protests were ignored. The territory of Highland clans had belonged to everyone living on them, who were nearly all relations of their chief. Westminster decreed that the chief now owned the land his clan lived on, so he could evict his poor relations, with the help of British troops when that became profitable. Scots lawyers and MPs complained of these and other violations of a contract freely negotiated between two national parliaments. John Prebble, in his history *The Lion in the North*, gives some of the answers they received:

Whatever are or may be the rules of Scotland, now she is subject to the sovereignty of England, she must be governed by English laws.

Have we not bought the Scots, and the right to tax them?

We have caught Scotland, and will keep her fast.

But this broken treaty is still the birth certificate of the United Kingdom and Great Britain. On official documents Scotland was now called North Britain, and both North and South got a colourful flag with a bold red English St George's Cross imposed on a thin white Scottish cross of St Andrew – the Union Jack.

Revolution and Reaction

The eighteenth-century parliament was at first dominated by the Whig and Tory parties. Whig MPs mainly represented townsmen and bankers enriched by trade – what Swift called the Financial Interest: they wanted the wars fought with France for mercantile empire in Europe, India, Africa and the Caribbean. Tory MPs represented gentry whose main wealth was in farming, got little by the wars and voted for peace to reduce taxes; but the House of Lords was dominated by great Whig landowners also enriched by trade and banking, so mercantile war was prolonged. A small third party was added to parliament by George III. His grandpa and dad had let parliamentary chiefs govern for them but George III *wanted* to govern, so used Crown prerogatives to create a king's party in the Lords and Commons. The Scots MPs and Lords joined it because, having now no power to rule their own nation, they gladly took bribes to make things awkward for anything like democracy in England.

When British armies had driven the French from most of North America, the Westminster government decided to save on the expense by taxing British colonies there. Property owners in America were horrified because they had no representation in Westminster. The thirteen colonies had each a little parliament, elected by property owners, with a governor from Westminster to represent the Crown. If they got rid of the Crown they could govern themselves, so they did. Four years before the soon-to-become United States of America won its war for independence, delegates from each colony signed a declaration beginning with these words:

We hold these truths to be self-evident, that all men are created equal and endowed by their creator inalienable rights; that among these are life, liberty and the pursuit of happiness. That to secure these rights governments are instituted among men deriving their just power from the consent of the governed, that whenever any form of government is destructive of these ends, it is the right of the people to alter or abolish it.

In an earlier draft, the word 'happiness' replaced 'property', because the richest Americans owned slaves who *were* property so could not pursue it. Many who signed this contract assumed 'merit' excluded slaves and redskins, who were not real men so could never be equal. Others who signed disagreed but saw the declaration as a true statement of a democratic goal to be worked for. The new constitution introduced a written constitution giving the vote to even small property owners, and ruling that religion should have no part in choosing state officials, and that equality should be maintained by having no hereditary titles, e.g. Knight, Count, Lord. The USA was then a rural republic without big cities, large factories and great fortunes. Senators in some states thought equality and democracy would suffer if the constitution did not limit the amount of money a man could accumulate and pass on to his son. The US Congress ruled out that impractical idea.

The Americans had revolted because they had been taxed without parliamentary representation, but many British cities were also not represented in parliament because they had not existed when Edward I first summoned a parliament, while landlords of places where towns and a major city had vanished could put into parliament any MP they chose. Merchants who became rich by trading in Africa

slaves, Caribbean sugar, American tobacco and Indian fabrics bought seats in parliament by bribing town councils. This notorious corruption ('as notorious as the sun at noonday', said members of the king's party defending it), was attacked by both Whigs and Tories when their party was out of office and staunchly maintained when they got back in. And now an event in Paris made both British parties unite to make *Old Corruption* (as the system was affectionately nicknamed), stronger than ever.

Though still the richest, biggest and most fertile part of western Europe, France was ruled without parliaments by kings and aristocrats who never paid taxes, and now the nation was bankrupt. It had lost so much money by sending troops and ships to help the democratic Yankee revolt that it could no longer now pay its armed forces, who now also threatened to revolt. To raise money Louis XVI (like Charles I of England) summoned a parliament in 1788: the first in 175 years. Its middle-class deputies insisted that the chief lords and clergy sit and vote in the same chamber as themselves – that France should have a written constitution like that of the US – that aristocrats should be taxed like other citizens and King Louis be re-titled the *People's Hereditary Representative*. This Assembly's slogan 'Liberty, Equality, Fraternité' (Liberty, Equality, Brotherhood) was taken by common French peasants and citizens to mean they too would have a say in how they were ruled. Whereupon many aristocrats emigrated to Austria and Prussia, from where they invaded their homeland with the royal armies of these nations, intending to restore the old regime. The French Assembly raised a citizen's army that first halted the invasion, then drove it back. The People's Hereditary Representative and his wife Marie Antoinette, ran off to join the invaders, were arrested before reaching them, tried for treason and found guilty and beheaded.

Even at this stage of the French Revolution (as it was almost immediately called) many British commoners approved of it, especially those without votes. Edmund Burke, a British Tory, wrote a pamphlet denouncing it. He said the old French regime, though vicious in many ways, was ruled by so many beautiful, polite people that their vices were forgivable. He pointed out that the ruling French parliamentary party, through fear of invasion, was now protecting itself by cutting off more and more of its enemies' heads. He attributed this to the French using a completely new political constitution they had written out for themselves – unlike the British constitution which, since the bloodless 'glorious' revolution a century before, was mainly a matter of gentlemanly deals in a parliament elected by the few. In 2000 Roger Scruton called Burke's pamphlet 'the first major statement of modern Conservatism'.

Burke was answered by Tom Paine's *Rights of Man*, which is the first major statement of modern Socialist democracy. He addressed this book to the 95 per cent of Britons denied the vote by the poverty, birthplace or religion. He said the British constitution had not grown naturally, but through many acts of violence, usurpation and injustice legalized by a titled, powerful minority. He said Burke offered them 'perpetual serfdom under the authority of the dead over the living', since Burke was defending the inherited right of this minority to control parliament, enrich themselves, and fight wars for profit. This parliament would never allow reform by people outside it, so people should elect their own representatives to a National Convention that would adopt a written constitution like the USA and France, a constitution declaring:

1. All men are born to free and equal rights, so the only titles should be those of publicly-appointed officials.
2. All political parties must aim to preserve everyone's right to safety, property and liberty, and their right to resist any who endanger these.
3. No single person or group has the right to rule a nation when not entitled by a parliament.

representing all the people.

4. ~~Members of this parliament should be paid a living wage so that they do not need to take bribes.~~

In a chapter called 'Ways and Means' he showed how taxes spent on the monarchy, the army and grants to the rich could fund schools, healthcare and old age pensions for all.

As a young politician out of office William Pitt, now Britain's prime minister (1783–1801), had urged those who wanted parliamentary reform to associate in pressure groups. Many did, but the groups contained more working-class people than Pitt wanted, especially in Scotland where many labourers were more literate. These Friends of the People (as many groups called themselves) were enthusiasts for Paine's pamphlet. Pitt read it in advance and, in order to suppress it, offered the author 1000 guineas for the copyright. Paine refused; beat government censorship by having a cheap edition printed and distributed before it was officially banned; and avoided arrest for 'sedition' by escaping to France, where he was made a member of the National Assembly. Sedition was a crime recently invented by the British parliament because hitherto the government could try its critics only on charge of treason. Under English law, those found guilty of treason were tortured to death in a protracted four-century-old ceremony which English juries detested. The penalty for sedition was transportation to Australia, which Britain used as a penal colony – which was as if the US government after landing the first men on the moon, had used it as a jail for suspected terrorists. Paine's book was banned as seditious, now allowed the arrest and trial of any who sold or lent a copy. In England many juries found such people not guilty. Scotland's corrupt judges made sure everyone accused was transported.

The Modern Era

While the French seized estates from their Crown and divided them up for sale to the lower classes Britain's government did the opposite. In 1790 Britain still had many 'commons': land that was not private property where anyone could keep a pig or goat and catch a rabbit or fish. As a matter of law the Crown still owned all England by right of conquest. While it could no longer seize private property, it started to sell the commons to landlords who fenced them to contain private flocks and crops. Country folk hated these enclosures. Without a nearby common they had to live by labouring for tight-fisted land-owning farmers.

To pay for the war with France Pitt's government raised cash from the poor through taxes on candles, soap, leather, tobacco, windows, while it proposed the first income tax to be paid by the British rich. Income tax was accepted by landlords as they could get their money back by privatizing the commons. Thousands of TRESPASSERS WILL BE PROSECUTED signs went up. Villagers and travellers were prosecuted for poaching on land where, weeks earlier, they had grazed their beasts. Historians call this transformation the Agricultural Revolution. Close behind came the Industrial Revolution. Factory owners complained that they could not supply all the uniforms and weapons the War Office had ordered. The government told them to equip their factories with newly invented machines powered by water or steam. These could be worked by women and children who could be paid much less than men. And if the children were obtained from orphanages and lodged in the factories they could be paid with only scraps and rags.

Pitt prime ministered what was becoming the world's foremost industrial nation, with a spreading railway network, and ships importing material from every continent and exporting machines and goods. Yet the manufacturers, though often rich enough to have friends in parliament, could not vote

Nor could workmen, self-employed weavers, tradesmen or Catholics. Reform was demanded. In 1832 the Commons passed a bill to take seats from places with no voters and give them to towns and cities. The House of Lords rejected the bill. The king dithered. Public protest meetings erupted. Riots rioted. A fashionable London tailor with radical ideas distributed a poster headed GO FOR GOLD advising reformers with money in the Bank of England to withdraw. Many did. This so frightened Britain's money market that the king and the House of Lords were forced to make the bill law. Further electoral reform was to follow in 1867 and again after the First World War.

In the early 1900s, local governments began to introduce what some called gas and water socialism and others municipalization. Backed by acts of parliament they bought out the private companies selling water, gas, etc, and turned their cities into small republics that made, owned and managed their own water supplies, sewage systems, road works, street lighting, transport, police, schools and public hospitals. In Glasgow the ruling Liberal party even debated building municipal housing, at which point ratepayers voted against it, as it would have deprived them of rents. It was not until the first Labour government of 1924 that public housing was legislated for.

The Labour party was created by an alliance between trade unions, a Liberal Scottish nationalist and the Fabian Society, the last being a group of Marxist civil servants, town councillors and George Bernard Shaw. Fabians believed that, without violence or party dictatorship, a social revolution could be gradually made by wise legislation. The Fabians wrote the Labour party constitution, clause IV which said an eventual aim of the Labour party was to have workers owning the mines and factories that employed them. (The clause was dropped when Labour became New Labour in the 1990s.) The turbulent years from 1900 to 1940 were filled by desperate trade unions calling strikes to stop wages being reduced and by employers fighting back with lockouts and worse. Industrial production fell. Trade was halted. Unemployment spread. Private banks collapsed. One result of this was the victory of the Nazi party in Germany, which indirectly restored full industrial production to Germany, Britain and France. Their governments put public money into the arms manufacture and widespread preparations for World War II, declared in 1939.

Under Churchill, British government *nationalized*. It took control of every part of the national economy – factories, mines, agriculture and land. Trade unionists were invited into the cabinet, adequate wages fixed for all employees, company profits frozen, prices fixed for the duration of the war. Food and fuel were rationed. Doctors became the only civilians allowed petrol for their cars, yet so well was the nation governed that the generation who grew up during the war were stronger and healthier than any since public health records started three generations earlier. Thus was Tom Paine and the Fabians' vision of a welfare state managed under multi-party parliaments realized in 1945 when the British electorate returned a Labour government that promised to maintain this welfare state

And maintain it post-war governments did, for a while. But since the 1970s the major project of the British government – whether Tory or Labour – has been to grind down the welfare state, to sideline the trade unions and to maximize the profits of the few. Under Margaret Thatcher the state's assets in telecoms, gas, electricity and water were sold off. John Major sold our railways. And under Tony Blair all remain in private hands. The welfare state has been shrunk. The civil service has been reduced by more than a third since the early 1980s. Public service has been replaced with private financial initiatives; public welfare with the mantra of value-for-money. On New Labour's watch, England has developed a two-tier health service and tuition fees for universities. Only in devolved Scotland and Wales have brakes been applied to the privatization juggernaut.

Yet there is nothing inevitable about the victory of private capital. As our history shows, Britain once had common ownership of land, as it had a fine welfare state and multi-party, open government

Nothing is forever in politics. Government is shaped – and can be re-shaped – by its people. If we want to recover the commons, rediscover the welfare state or restore open government, *we can*. In the next chapters we explain how.

Government and Accountability

Good political constitutions confer power and accountability: they give governments the power to act while making their actions and intentions public knowledge. From our point of view, a good political constitution is one that lets government get away with less. The powerful are less likely to go wrong if their actions and deeds are fully scrutinized and if they openly account for them.

There are several British agencies for making those in power accountable: auditors check public expenditure and ombudsmen hear complaints of maladministration; public inquiries such as those of Hutton and Butler examine scandals like the Iraq war; and there is legal accountability through the law courts and political accountability through parliaments. The British constitution is unusual because it gives precedence to parliamentary accountability. This is true both for Westminster and for the subordinate parliaments of Scotland, Wales and Northern Ireland. This arrangement is based on a simple, unwritten and we think beautiful rule three centuries old. It is that *the government of the day may remain in office for only as long as it continues to enjoy majority support in the House of Commons. The moment such support is withdrawn the government must resign.* This rule secures for Britain its only element of democracy between general elections. In times of crisis it enables our MP as a Harvard law professor once put it, ‘to throw the scoundrels out’.

The weekly half-hour that Tony Blair must endure at the despatch box in the Commons is a reminder of this core constitutional rule. He may *seem* the most powerful man in the country, but the power is not his: it has been lent to him by those who trust him. Voters can take it from him in general elections but these normally occur only once every four or five years, so to stay in office the prime minister must keep explaining himself to our representatives in parliament. So must all other government ministers. This is true for the British government in Westminster as it is also for the Scottish, Welsh and Northern Irish governments.

Prime ministers and their cabinets usually lead a political party with a useful majority in the Commons, so the last government changed by a vote of no confidence was in 1979, when Labour prime minister James Callaghan was forced to resign. Eleven years later Margaret Thatcher reluctantly resigned when her cabinet colleagues explained that most Conservative MPs no longer trusted her. Such rare events are high political drama, but whenever parliament sits all ministers of state – from the prime minister down – need a majority of MPs to vote for their measures, preferably after close questioning and debate. Without such majority support no government can act.

This does not mean that government ministers can never act without prior questioning and debate. In 1914 the Liberal government declared war first and allowed parliament to debate the matter second. War was declared because some years previously the British government had signed a secret treaty with France, promising to fight Germany if France was attacked. A number of Liberals and Tories in the Commons knew about the treaty, but no one else did. Most people in Britain were wildly enthusiastic for war with Germany, then our greatest trade rival. Popular newspapers had been predicting it with glee for some time, so when word was announced a happy mob converged on Buckingham Palace and cheered until the king appeared on his balcony. The only one in the Commons

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