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Fully symmetric federalism – a bold idea, but one that's not demanded

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Bruce Ackerman's lecture is a clarion call for fundamental constitutional reform accompanied by a shift towards a more deliberative and consensual model of politics in which the citizenry is actively engaged. Britain, Ackerman argues, has 'muddled its way into a curious arrangement' of 'spatially and 'qualitatively' asymmetric devolution, which has dis-united the Kingdom, disempowered a significant proportion of the populace, and disregarded the risks of what he describes as 'mono-cultural rivalry'. This pessimism is warranted, as there is an accumulation of evidence that underlines the pervasiveness of this democratic malaise. As the Hansard Society's 2018 *Audit of Political Engagement* shows, only 29% are satisfied with the way that Britain is governed, only 22% feel that that the system is good at representing the views of most Britons, and only 16% feel that they have influence over national-level decision-making.[1] Such bleak findings are reiterated in a recently-published YouGov/BBC survey of over 20,000 adults, where a mere 13% agree that Westminster politicians reflect local concerns, and just 12% feel able to influence the decisions of central government that affect where they live.[2] Moreover, both surveys draw attention to significant socio-demographic cleavages, with dissatisfaction being most pronounced amongst younger voters, social classes C2DE and people identifying as BME. However, whilst it is hard to disagree with Ackerman's stark diagnosis, his prescription is more contentious, and in this response I want to explore the feasibility of full federalism as an effective remedy.

Ackerman's vision of 'fully symmetric' federalism, designed by a Constitutional Convention and discussed on a designated Deliberation Day is bold and exciting. However, whilst Ackerman's vision is intentionally light on detail, his insistence that 'I don't want such problems of implementation to deflect us from the main point' significantly downplays a series of fundamental obstacles. Chief amongst these is what Ackerman somewhat euphemistically describes as the 'tricky business' of regional boundaries. A fully symmetric federation would require regions of a similar scale to Scotland and Wales, creating a meso-level tier of governance situated between the county and the nation. In some respects, the twelve 'devolution deals' that have been agreed with the Government since 2014 are intended to provide this, bringing together ostensibly functionally and economically connected local authorities, with democratically-elected 'metro mayors'

providing accountability and strategic leadership. However, the challenges that have beset several of the devolution deals demonstrate the geographical and political complexities of demarcating regional borders. Attempts to devolve powers to North East, for example, have long been beset by a lack of consensus of the appropriate geography and a lack of integrated regional economy; and whilst a North of Tyne devolution deal was recently agreed between Newcastle, North Tyneside and Northumberland, the absence of the four authorities south of the Tyne has been seen to split the functional geography of the city in two, further entrenching pre-existing inequities.[3] In a similar vein, the Sheffield City Region devolution deal has been on the brink of collapse several times due to intra-regional rivalries and a lack of respect for local geography. Moreover, despite mayoral elections to the Sheffield City Region being held in May 2018, the immediate future of the deal is far from assured as three of its four constituent members have signalled their support for its replacement within two years with a 'One Yorkshire' devolution deal. Indeed, of the twenty local authorities across Yorkshire, only Sheffield remains opposed.

The creation of regions will inevitably create insiders and outsiders, winners and losers, and therefore such politicking is unsurprising. Take Sheffield. As part of the Sheffield City Region, it is a natural leader, outperforming its partners in terms of size, population and economy. However, as part of a One Yorkshire deal, Sheffield likely become subordinate to centrally-located Leeds, whose local economy is worth £22.0bn (£28,079 gross value added per head) compared to Sheffield's £11.4bn (£19,870 gross value added per head).[4] However, it should not be assumed that this resistance to regional governance is confined to the political classes, which leads to a second problem with Ackerman's proposal: the lack of popular demand.

Ackerman's vision of a fully federal United Kingdom assumes the existence of distinct regional interests and, by extension, distinct regional identities. He argues, for example, that the 'dominant interests and cultures prevailing in metropolitan London are radically different, say, from those prevailing in the North West of England'. But are they? In recent years, the existence of 'Englishness' as a distinct political identity has been subject to in-depth analysis, with attention being given to the political and cultural determinants of Englishness.[5] However, although a significant minority of the population prioritise their English identity, survey data has consistently demonstrated that the most widely-held identity in England has been 'equally English and British'.[6] Moreover, limited attention has been given to the existence of *sub-national* identities within England. One notable example is the aforementioned YouGov/BBC survey, which found that 52% of respondents strongly identify as being from 'a region or part of England'; with regional identification being strongest in the northern regions of the North East (74%), Yorkshire and the Humber (66%) and the North West (64%) and weakest in the southern regions of London (41%), East of England (43%) and the South East (45%).

At first glance, the case for the existence of distinct regions organised around a shared sense of culture and heritage appears compelling. However, with concepts such as 'region' and 'area' being presented in the abstract, we know little about the *scale* of these imagined local communities. Is a respondent in Sheffield expressing their affinity with their home city, the wider county of South Yorkshire, or with the romantic notion of God's own country? We also know little of their *scope*. Is a respondent in Newcastle imagining a community that includes historic rival Sunderland, or are their sights set resolutely north of the Tyne? Indeed, with regards to the latter, the YouGov/BBC survey suggests that intra-regional rivalry is most keenly felt in areas where respondents report a strong sense of regional identity, with the focus of rivalry being a different town or city within their region. Yet for federalism to succeed, it is vital that regional borders are not only coherent in terms of administration and service delivery, but that they are also cohesive in terms of local history, local geography, and the local imagination.[7] This is a significant challenge, and one that cannot side-stepped or written off as a 'matter of implementation', as the democratic legitimacy of the project hinges on the integrity of its regions. Indeed, previous attempts to manufacture territorial boundaries have illustrated the limits of 'imposing' a region upon an unreceptive populace, such as the decisive rejection (78%) of a North East Regional Assembly in 2004.

More broadly, there is limited appetite for an additional layer regional governance. Again, it is important to distinguish between levels of support in the abstract and in practice. When asked by YouGov/BBC pollsters, a majority of adults in England claim to support the introduction of an English parliament, or a form of regional governance such as regional authority.[8] However, when forced to by British Social Attitudes pollsters choose between regional assemblies, an English parliament or the status quo a majority of adults in England have consistently favoured 'England being governed as it is now, with laws made by the UK parliament'.[9] And, of course, it is not just the pollsters that have sought to gauge support for new forms of sub-national governance. Since 2001, there have been 53 referendums on the issue of the introduction of directly-elected mayors for existing local authorities. Of these, only 16 endorsed the establishment of a new mayoralty, and with turnout averaging just 30%, support has been both limited and muted. Similarly, in the seven areas where 'metro mayor' elections have been held, turnout has again been low, ranging from 21% in Tees Valley to 33% in Cambridge & Peterborough.[10] Indeed, in the Sheffield City Region, voters were asked to go to the polls in May 2018 before a deal was even agreed; and with no clear sense of what powers or budget a mayor would hold, it was unsurprising that turnout was as low as 20% in some parts of the region.

As with the imposition of regional borders, the imposition of governing institutions is problematic in terms of public engagement and democratic legitimacy, and the Government's top-down

'functional regionalism'[11] is replete with contradictions, which further underlines the weak democratic foundations of the current approach. Firstly, despite many of the constituent parts of the newly established combined authorities having explicitly rejected the mayoral model in previous referendums, the model is effectively the only game in town. Secondly, whilst the Government insists that regional deals will be 'bottom-up', 'bespoke' and 'place-led', there is no obligation on local authorities to seek the views of local residents and the research reveals that public consultation has been 'limited to an undesirable extent'.[12] Thirdly, whereas devolution to Scotland and Wales has been predicated upon democratic consent, the Government has not asked the electorate whether it supports the introduction of combined authorities headed by directly-elected 'metro mayors'. This approach is in stark contrast with Ackerman's proposals, which 'takes the issue away from parliament' by 'electing a special Constitutional Convention to present a proposal for approval by the British people at a special referendum', with 'special steps [being] taken to assure an informed decision'. However, whilst this is normatively appealing and would address the concerns detailed above, there remains a third and final challenge to achieving Ackerman's vision: the persistently low levels of political literacy amongst significant proportions of the population.

The complaint that the electorate is disengaged and apathetic is well-known, but it is not entirely accurate. Whilst the number of people claiming to be 'interested in politics' and 'knowledgeable about politics' has risen steadily to 57% and 52% respectively, there exists significant socio-demographic differences, with levels of interest and knowledge concentrated amongst older, middle-class and white voters. Moreover, only 34% of people 'feel that getting involved is effective', a view that is largely constant across age, social class and ethnicity.[13] Such data suggests that the electorate is disempowered rather than apathetic, and whilst Ackerman's plan would offer the opportunity for citizen engagement, it risks replicating existing patterns of uneven participation, as those with less knowledge or interest simply opt out. Ackerman's proposals for randomly selected neighbourhood discussion groups and larger plenary assemblies are intended to pre-empt these concerns. Indeed, when a similar experiment was carried out on the issue of English regional decentralisation, participants were able to offer critical observations on the appropriateness of the Government's devo deals, whilst putting forward a series of alternative suggestions.[14] Nonetheless, despite a rigorous sampling strategy intended to ensure a representative membership, participants in these Citizens' Assemblies remained disproportionately older, predominantly white and with a stronger pre-existing interest in politics. A question mark therefore hangs over the extent to which such deliberative exercises can engage with the most hard-to-reach, and ensure that their voices are heard.

So, what is to be done about the democratic malaise that Ackerman rightly identified? As the introduction makes clear, the British political system simply isn't working for a large majority of

the population. However, rather than bolting another layer of governance onto a flawed substructure, I contend that we should instead focus on its repair. There are two elements to this. Firstly, the case for electoral reform – for proportional representation specifically – appears increasingly unarguable. If most Britons feel that their views are not represented, that parties are failing to perform their basic democratic functions and that Westminster politicians are out-of-touch with local concerns, then a form of PR offers an effective solution. Indeed, since the AV-plus referendum of 2011 support for electoral reform has resurged, and at 45% is at its highest level ever.[15] By providing the conditions for a wider range of parties and a closer connection between votes cast and seats won, electoral reform should also increase levels of choice, interest and engagement. Secondly, the existing system of local government should be reimagined. For too long, local councils have been treated as the delivery arm of central government, with their capacity for autonomy and innovation further eviscerated by the swingeing cuts that have been endured for nearly a decade. It is time for the centre to truly let go, and to entrust local councils to determine local priorities and local governance arrangements. At the same time, local councils must learn to 'listen more', as only 23% of people in England feel able to influence the decisions of local government that affect the place they live.[16] When councils fail to listen to their residents, distrust and antipathy abound, as the ongoing Sheffield tree-felling saga has clearly shown.[17] These two proposals may be more modest than the bold vision outlined in Ackerman's lecture, but if implemented they would provide solid foundations for the development of a more deliberative and consensual way of doing politics that UK so sorely lacks.

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[1] Hansard Society, *Audit of Political Engagement 15*, London, Hansard Society, 2018.
[2] YouGov/BBC, English Adults Fieldwork, 9-26 March 2018.
[3] Swinney, P., 'North of Tyne devolution – a victory for pragmatism over perfection', Centre for Cities, http://www.centreforcities.org/blog/north-tyne-devolution-victory-pragmatism-perfection/, last accessed 10 June 2018.
[4] ONS, 'Regional gross value added (balanced) by local authority in the UK', 2017, https://www.ons.gov.uk/economy/grossvalueaddedgva/datasets/regionalgrossvalueaddedbalancedbylocalauthorityintheuk, last accessed 10 June 2018.
[5] See, for example, Kenny, M., *The Politics of English Nationhood*, Oxford, OUP, 2014.
[6] For a useful summary, see British Academy, *English Identity and the Governance of England*, London, British Academy, 2017.
[7] These tensions and trade-offs are examined in relation to five key areas in British Academy, *Governing England: Devolution and Mayors in England*, London, British Academy, 2017.
[8] A majority excluding the 'don't knows'.
[9] 'Equally English and British' has been the most popular response since the question was first posed in 1999. See National Centre for Social Research, *British Social Attitudes Survey 33*, http://bsa.natcen.ac.uk/latest-report/british-social-attitudes-33/politics.aspx, last accessed 10 June 2018.
[10] British Academy, *Governing England: Devolution and Mayors in England*, London, British Academy, 2017, p. 5.
[11] Keating, M. *The New Regionalism in Western Europe. Territorial Restructuring and Political Change*, Aldershot, Edward Elgar, 1998.

[12] Prosser, B., Renwick, A., Giovannini, A., Sandford, M., Flinders, M., Jennings, W., Smith, G., Spada, P., Stoker, G. and Ghose, K., 'Citizen participation and changing governance: cases of devolution in England', *Policy & Politics*, pp. 251-269.
[13] Hansard Society, *Audit of Political Engagement 15*, London, Hansard Society, 2018.
[14] Flinders, M., Ghosem K., Jennings, W., Prosser, B., Renwick, A., Smith, G. and Spada, P., *Democracy Matters – Lessons from the 2015 Citizens' Assemblies on English Devolution*, London, UCL.
[15]National Centre for Social Research, *British Social Attitudes Survey 33*,http://bsa.natcen.ac.uk/latest-report/british-social-attitudes-33/politics.aspx, last accessed 10 June 2018.
[16] YouGov/BBC, English Adults Fieldwork, 9-26 March 2018.
[17] See, for example, Pidd, H., 'Sheffield council leader backs case against tree protesters, court told', *The Guardian*, 5 June 2018, https://www.theguardian.com/uk-news/2018/jun/05/sheffield-council-leader-backs-case-against-tree-protesters-court-told, last accessed 10 June 2018.