

**Our Birthright, of Ancient Freedoms hard won over Centuries of battle, is sold out to the Quango Mess of Potage.**

**The Consent of the Governed - a Conservative View**

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Historically speaking, few societies have sought their legitimacy in the consent of the governed. Ancient Greece may have invented the concept of democracy, and Roman Emperors may have ruled in the name of 'Senatus Populusque Romanus', but in both those societies the 'people' were not the broad mass of the population, but free men only. In Christendom, the legitimacy of government was sought in divine authority, in government by an anointed monarch. In a relatively short time (just over a couple of hundred years), however, it seems that all sides of political debate have conceded the notion that government should be representative of the people. The left-liberal establishment is now attempting to move towards a supposedly 'post-democratic' form of governance, where the legitimacy of the state is underpinned by the concepts of multi-culturalism and human rights, which form an ideology that has to be enforced by unelected commissions and bureaucracies.

The aim of post-democracy is not that we should get rid of parliament and accept rule by appointed commissions. Left-liberals pay lip-service to the consent of the governed, but aim to use new post-democratic institutions to create a new cultural consensus the better to manipulate the democratic process. Similarly, on the right, supporters of aristocratic government *tout court* are nowadays few and far between, even though consent of the governed is by no means an essential feature of Tory ideology. We support 'leadership' when we feel our principles to be out of line with the wishes of the population, but permit ourselves to rediscover the principle of the consent of the governed when things are not going our way.

**The changing cultural settlement**

Conservatives have traditionally been conscious of the challenge to their principles that the idea of the consent of the governed threw up. This is because Enlightenment thinkers saw the question of the consent of the governed in terms of resolving *the* potential conflict between the individual and society. According to Rousseau 'Man is born free but everywhere he is in chains.' However, to a conservative, man is not born free. We are all born, not as members of the universal human race, but as members of particular societies living in particular periods. From our earliest years, society shapes who we are, makes us become who and what we become. Man *is* everywhere born in chains, but the chains are chains of culture and civilisation, without which society would be unimaginable except as a war of all against all. Therefore, the Enlightenment tenet that society has to justify its strictures to each and every individual - this is the basic idea behind the Rousseauian 'social contract' - in order to be legitimate, forms no part of conservative thought. Far from believing that man is perfectible, conservatives have traditionally understood the possibility of conflict between the individual and society in terms of preventing a slide back into barbarism. The norms of society passed down by countless generations are there for a reason, culture and civilisation are *meant* to exert a restraining influence on the individual.

A withdrawal of consent for the social system by the lower orders needs to be averted, and in certain circumstances a democratic mechanism might be required to accomplish this, but what really counts is not the arithmetical consent of the governed as such, but the reaching of a cultural settlement to underpin the polity, whether democratic or otherwise. The cultural settlement underlying a *stable* society might never have received the arithmetical support of the majority of the population, never having been voted upon and being merely accepted by the governed as 'the way things are'. By contrast, democratic assent, through elections or referendums, to social changes proposed by the left-liberal elite carries no guarantee that the changes will not jeopardise social stability, as unforeseen consequences of radical change work themselves through. This is why as conservatives, we are interested, not in democracy as such, or in a society based on the consent of the majority, but in a coherent cultural framework that provides a stable society. Once a cultural settlement is reached and accepted, uncivilised behaviour is checked by social restraints, government follows an understood pattern, and subjects can be accorded their traditional rights.

There is an overlap between the concepts of the consent of the governed and a cultural settlement, as a cultural settlement needs to be accepted by the governed. Furthermore, as we have been raised in a particular society and a particular historical period, the policies and principles that we give our consent to through the democratic process are coloured by our cultural assumptions, and our right to representation in Parliament in itself forms part of the cultural settlement in this Kingdom. But the two concepts, one left-wing, the other right-wing, are logically distinct, and increasingly so in the current period of rapid social and cultural change, where formal democracy is maintained, thus enabling the elite to claim the consent of the governed. However, the cultural goalposts are continually shifted in waves of social engineering designed to produce a multi-cultural society. It is awkward for us to argue against changes that -apparently - have the (passive) support of the electorate, but the real question for

us is the weakening cultural settlement, the attenuation of the traditional rights of the subjects of the British Crown that ought to be protected if we are to continue to be a nation-state.

### **This Country is no Longer Ours**

The problem with our membership of the European Union, mass immigration and the piecemeal abolition of the common law is not that democratic consent as such has never been given to these developments, but that they represent a sudden removal of the rights that we had under the cultural settlement that was in place as late as the 1960s. If these changes remain then this country is no longer ours.

The new British elite that finally took power in 1997 - but which had exercised increasing influence on government policy since the 1950s - behaves as if it has reached a *new* cultural settlement, one where unelected bodies enforce their views on racial, national, cultural and other issues, and is pressing on with its agenda although the new settlement has not been accepted by large sections of the population. As democracy gives way to 'post-democracy', the democratic form (robbed of any real content) is retained merely in order to endow the new order with some very thin veneer of rhetorical support. But the real justification of the rule of quangos, international commissions and judges exceeding their remit is provided in terms of a proposed cultural settlement based on human rights and multi-culturalism. The new elite believes itself to be morally superior and thus views the good society as one where the parameters of social debate are controlled within boundaries acceptable to it, allowing it to remain in power democratically. However, its claim to rule is essentially moral; it does not depend on popular support for justification.

All elites make moral claims to back up their right to rule, although the cultural settlement under which an elite operates under can only be said to exist once the elite's values, and thus its right to rule, have been accepted by the wider population. The previous British elite (1688-1997, with the 1950s-1990s marking a transition to the new elite with its new set of supporting values) justified its rule in terms of the Protestant religion and the nation-state, not in terms of popular support as such, despite the gradual adoption of more democratic forms of governance. Just as blasphemy, treason and sedition represented a challenge to the governing structures of the past, today 'racism', xenophobia and offensive language are a clear challenge to the new elite's legitimacy, and therefore need to be repressed. Andrew Marr, the thinking man's left-liberal, has penned a fascinating article on this subject, arguing that state repression has the potential to crush certain opinions and create a new society:

*The final answer, frankly, is the vigorous use of state power to coerce and repress. It may be my Presbyterian background, but I firmly believe that repression can be a great, civilising instrument for good. Stamp hard on certain "natural" beliefs for long enough and you can almost kill them off. The police are first in line to be burdened further, but a new Race Relations Act will impose the will of the state on millions of other lives too. ('Poor? Stupid? Racist?') Then don't listen to a pampered white liberal like me',*  
*The Observer, February 28th, 1999).*

Although Tories may be outraged by such open advocacy of political repression - the frankness with which Marr states his case allows us to wrap our objections up in the language of the consent of the governed - objectively speaking it is equivalent to the repression of treason and blasphemy under the previous elite. The question is not can political repression be justified? Rather it is, can multi-culturalism form a cultural settlement that can become accepted by the broad mass of the population? If political repression works this time, and society comes round to accept the views of the left-liberal elite, a dwindling band of Tories could become like the recusants and Jacobites who clung on to an earlier conception of social legitimacy in the 17th and 18th centuries, as the Hanoverian settlement became accepted

### **Losing our inherited rights**

Multi-culturalism is not a true cultural settlement, as it aims to destroy the pre-existing culture without installing a common culture in its place. With a population that sullenly accepts the supposedly anti-racist principles of our new betters, the new elite can reign supreme, an elite divorced for the first time from any cultural ties or obligations to the people over whom it rules. But why should we come to see things the left-liberal way? What is in it for us? To create the new dispensation, the left-liberal elite has to be able to convince ordinary people, not only that it has an ideological stance that is genuinely moral, but that the rights and lifestyle of the people are in some sense bound up with the elite's continuing to rule, just as the 17th century Protestant settlement was connected with the maintenance of a free society. Many English people have been persuaded, to at least a superficial extent, by one of the key tenets of multi-culturalism - anti-racism - which holds that it is 'wrong' to discriminate against people on the grounds of their colour, even though a nation-state is logically founded on a distinction between people who are and people who are not members of the nation. But the other key tenet of multi-culturalism - the value of diversity - seems to contradict the anti-racism concept, and provokes more resistance.

We dimly recognise that we stand to lose rights that we thought were guaranteed to us, as we realise that all cultures are worth promoting, save our own; that all ethnic groups are entitled to celebrate their cultural and racial

origins, except us; and that our rights to freedom of speech, expression and association are subject to the more important universal 'rights' now being assiduously promoted.

It is seldom suggested that our rights under previous constitutional 'settlements' - Magna Carta, the Petition of Right, the Bill of Rights, the Act of Settlement, the Acts of Union, etc - should all be summarily repealed; left-liberals probably see 'human rights' as the culmination of a process of extension of rights to the population that they suppose began with Magna Carta.

The slow-motion revolution is being accomplished by means of court judgments that are hard to reconcile with previous understandings of the law and by decisions being taken at the pan-European level. *Habeas corpus*, the right to a jury trial, the right to cross-examine witnesses, the right to freedom of speech and freedom of association, the right to defend one's property and the right to bear arms - all these rights have been limited by Parliament, the courts or the European Union in recent years.

Under the old cultural settlement these rights were the Englishman's birthright; no legitimate government or courts could rob us of them. Some of us even took the Coronation Oath literally and believed that the Queen had sworn to uphold the rights of every single one of her subjects.

Instead of the traditional rights of the Englishman, we are being offered universal 'human rights', which amount to much less than the liberties to which we have been accustomed. 'Human rights', are often rights gained by the authorities to regulate private behaviour, a state of affairs that overturns the traditional idea of a 'right' as something that is held against the state, limiting bureaucratic interference in the lives of the population.

This gathering of rights into the hands of the state bureaucracy has been contrived by the immigration of millions of people from the Caribbean, Africa and Asia. Multi-racialism as such is an irrelevance to the new elite, but it is the battering ram whereby a society of free individuals, each endowed with inherited rights including the freedom of speech, the freedom of expression, the freedom of association and the right to bear arms, can be destroyed.

Of course, there are individual blacks and Asians who believe in the political ideals represented by England, but the arrival of immigrants has destroyed the basis of the pre-existing cultural settlement that once undergirded the English nation. One could argue that the presence of large numbers of non-white people has necessitated the transition to a new 'social contract' - a shift in the basis of the state's legitimacy away from the concept of a nation-state - for it to gain legitimacy in the eyes of newcomers, and so avoid the creation of a large minority that does not accept the cultural settlement on which government in our islands is based.

To smooth the way to this new form of society, the state has then assumed the right to monitor relations between the races, if you please, and intervene where appropriate. This is in fact the most positive gloss that can be put on the multi-cultural project. However, interestingly, the task of accommodating others, while failing to 'include' newcomers effectively, has alienated large numbers of our own people. If adjustments needed to be made in order to include the ethnic minorities, why are no adjustments needed in order to re-include nationalist whites on the housing estates who object to the multicultural project itself? The answer lies in the project of post-democracy. Anti-racism, multi-culturalism and human rights have been introduced, not to favour ethnic-minority residents but to bolster the moral pretensions of the new elite, handily shifting power out of democratic forums into the hands of a non-elected elite.

The fragmented multi-cultures that we are now building are non-inclusive, centrifugal social formations that lack legitimacy, with little connection between the ruling elite and the broad mass of the people. But as more is held by international bodies and the various commissions, it is harder to challenge the rule of the illegitimate left-liberal elite. But why should the new elite seek to destroy our freedoms? It is important not to ascribe the loss of our liberties to a scarcely credible left-liberal 'conspiracy'. The new 'values' represented by the new elite involve a move towards post-democracy. For the Anglican nation-state had positive values that could be inculcated in all, through Sunday school, support for families, and a Reithian BBC. The prohibition of treason and blasphemy tended to glue society together by emphasising our common national-cultural origins. The gradual loss of belief in Christianity, sexual morality and national particularisms has, by contrast, led logically to a situation where an elite that gains strength from its feelings of moral superiority because of its stance on racism and diversity fears the supposedly atavistic attachments of the lower orders, who threaten to destroy the smooth progress to a new order. The propagation of such ideas as multi-culturalism, the celebration of diversity and opposition to organised religion is incapable of producing a free, yet united population, because the new values rob society of any *real* sense of community and fail to provide the next generation with a moral compass. By atomising the population, the realm can be cohered only by an elite of interfering moralisers. The logic of the new values is suspicion of other people, and the gradual loss of personal autonomy to the state bureaucracy.

### **Bureaucratic rule over atomised individuals**

The supposed liberal outlook of our governing classes is unrecognisable from the standpoint of the intellectual debates that surrounded the Enlightenment. Universal human rights proclaimed during the French Revolution have turned out to be the mechanism whereby we are subjected to a new form of tyranny. Today our lives are

intimately connected with the state to an extent unthinkable in ages past. The government spends around 40 percent of our gross domestic product; one-quarter of the workforce is directly employed by the government and 7-8 million people, excluding pensioners, live on handouts. Employers, local councils, and quangos all attempt to have their say on how we live our lives, what we think and say, and what we do in our free time. Some unfortunate people face even grosser interventions in their daily lives that directly raise the question of the legitimacy of the politically correct state. Numerous examples could be given, but a good example is the unfortunate man, divorced or separated from his wife, who has to pay for the maintenance of his child, but was recently told by the High Court in a fatuous 'judgment' handed down by a female judge that he could never see his child again, because access to the child 'distressed' the mother. To such people, the state is a tyranny, a powerful group of misguided interventionists that gets its way because of its monopoly on power; these judgments are a violation of the old cultural settlement, although fully in accordance with the multi-cultural settlement that seeks to replace it.

To say that the new dispensation is a tyranny is not to pretend that we are controlled by a left-wing military dictatorship, or that the torture and mass imprisonment of political dissenters takes place in England today. The new elite found the older morality of nation and family discredited and has come to believe passionately in its new *ersatz* morality characterised by anti-racism, feminism and environmentalism. But however passionately they make themselves believe in their mission statements and equal opportunities policies, there is a large ingredient of hypocrisy in any off-the-shelf, made-to-measure moral system. The new morality is a comfort blanket clutched by an elite that is casting round for a means of justifying itself to itself. The government may not be torturing its opponents, but if we allow the new elite untrammelled rights of intervention in our personal lives, then we will no longer be free. Will conservatives be able to challenge the increasing bureaucratisation of our lives, which proceeds in the name of a new morality? The post-democratic dispensation has been largely put in place, and key facets of it such as the demographic reconfiguration of our country are irreversible. But a much more acute problem is the failure of conservatives themselves - particularly the Conservative Party - to develop clear cultural goals that could lead a path out of the post-democratic nightmare.

That we no longer conceive of society in terms of nation and families, but in terms of individuals subject to the might of the state, is clear from Conservative policies on crime which emphasise punishment. Few Tories would oppose the implementation of proper punishments for criminals - but the party has no policies to address the breakdown in the fabric of society itself, which is the real source of crime. What about the church? What about divorce, abortion, illegitimacy and homosexuality? What about the corrosive role of the education system and the broadcast media? The Conservative Party either has no policies in these areas, or has policies that actively encourage social disintegration. The key problem in Conservative ideology is the assumption that a 'free' society can be based on individuals, rather than on families within the overarching structure of the nation-state. Atomised individuals can be free to make their consumer-level decisions, but need to be 'regulated' by a state bureaucracy. A society with a strong identity, a common culture and an agreed moral framework produces individuals integrated into the social fabric whose individual choices are less likely to be of the anti-social variety. Democracy itself is meaningless in the absence of a cultural settlement, as there is no reason why opposition parties should accept the verdict of the majority in the absence of a shared identity. As atomised individuals can point to no shared values, perpetual conflict - especially cultural conflict - becomes etched into the bones of society. The democratic form itself becomes devoid of substance and power drifts away into the hands of the quangocracy. Attempts by some Conservatives to counterpose libertarian ideas to the bureaucratic tyranny under which we live do not represent a way forward. We cannot pin our hopes on a sort of warmed-up liberalism that promises free markets as well as sexual licence and educational 'opportunity for all'. A genuinely free society, one that needs no closed-circuit television cameras and anti-harassment codes, can develop only in the context of moral restraints and the love of one's country and nation. Only when these cultural foundations have been sunk, can 'democracy' and the 'consent of the governed' come to mean anything at all.

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