William Tyler | Constitutional Democracy How Can it Flourish

- Morning, William.

- Hi. Good evening from England.

- Good evening. Exactly. Good morning here. So welcome back.

- Thank you.

- So let me just say hello to all our participants as well and I just want to say over to you and thank you for joining us again.

- Thank you.

- Thank you.

- And from me also to everyone that's tuned in this evening, you are more than welcome and I hope you are all keeping as safe as you can be wherever you are. So let me begin then. The date is 1626. The place is England, to be precise, it's the county town of Essex, Chelmsford, some 40 miles north of London. The event, well, it's the appointment of a lecturer to the parish Church of St. Mary. We would use the word preacher. He's a brilliant Cambridge intellectual and so good a speaker that it said that even the men drinking in the pubs on a Sunday would leave it in order to hear him preach. He's 40 years old and his name is the Reverend Thomas Hooker. He's a puritan with strong ideas about individualism both in religion and in politics.

And as such, he came to the attention of the ecclesiastical authorities here in England, and life got too hot for him in Chelmsford. He retired to a nearby village, a little village called Little Baddow, and he established a school but he still wasn't safe from harassment and the church authorities followed him there and for his own peace of mind and maybe even his own life, he fled to Rotterdam, and from Rotterdam, where many Puritans from England had gone. He took ship with the Massachusetts Bay Company for Boston. In Boston he fell out again with the religious authorities, in this case over which men should have the vote. In Boston, they restricted it to those who passed a religious test set by the church. Now he rejected it along with a hundred others and he simply left Boston and he went and founded a community at Hartford in what is going to be Connecticut.

And that is an important moment in British or English and American history. For in 1639, Thomas Hooker was instrumental in writing the Fundamental Orders of Connecticut, which in fact was the first written modern constitution the world had ever seen. Today Hooker's remembered in his home county of Essex with a blue plaque outside St. Mary's Church, which is now a cathedral and in the house, which he established his school in the village of Little Baddow. You can go and see both those, tread in his footsteps. In Hartford, Connecticut, they

celebrate him in quite an over the top way. Every October when the citizens of the town dress in outrageous costumes to celebrate Hooker Day, with a great grand parade, and I love this, you can buy a t-shirt on which is emblazoned the message. Hartford was founded by a Hooker, I don't think that the rather upright and probably uptight Reverend Thomas Hooker would quite approve, but it doesn't matter. He established, largely responsible on his own for establishing the Fundamental Laws of Connecticut. And I tell this story for two reasons.

One, it is the beginning of modern democracy in both America and England, and indeed the world. Secondly, it demonstrates beyond question and beyond doubt that both the democracies of Britain and of America spring from the same root. And the root is English Puritanism of the late 16th and early 17th century, which placed heavy emphasis in religious terms on an individual making their peace with God and in political terms, standing up to the raw authority in England of the King Charles I. The Fundamental Laws of Connecticut were also to play a major role in the drafting of the American Constitution itself. The American Constitution being one of the greatest constitutional documents ever written in English. Back in England, we also set our feet firmly on the path towards democracy. In 1688 when we got rid of James II and authoritarianism and invited over William of Orange.

We never had a written constitution. Some would say perversely we didn't. And indeed today there are many in Britain who argue that we should have a written constitution because the British Constitution today is a set of codified laws, of legal cases and of established convention. But it doesn't matter that Britain has an unwritten constitution and America has a written one, because in effect they are the same. And our democracies have sprung from exactly the same route, Hooker was English when he wrote the Fundamental Laws of Connecticut. And so indeed were those who drafted the American Constitution. Was Britain to adopt a written constitution, pray God, it will look nothing like the French one, but it will look like the American, because the fundamental basis of our democracy is different. The fundamental basis of our democracy is the individual and his relationship and her relationship to the state, whereas much of European democracy is top down, think of France.

And so our whole attitude towards constitutional questions differs in the Anglo-American world, including members of course of the British Commonwealth. It's one of the reasons that Britain always found it difficult within the European Union, simply because we approach questions differently. Our approach to democracy in Britain, America and the British Commonwealth has served us well. In America for two and a half centuries, in Britain for three and a half centuries. However, the question today across all of the Anglo-American world is how do we defend this democracy? How do we refresh this democracy in the face of a rising tide of popular right politics across the continent of Europe, in the United States and beyond? How can our democracies respond to that? Now you gathered that I used the phrase popular right. I didn't use the term alternative right, or neo-fascist right, or proto-fascist right, or any other term. Why?

Because the phrase popular right is more all embracing and tells us who live in democracies that fascism doesn't arrive overnight. It's a gradual process more often than not and we need to

be fully aware of the steps that may be being taken that to destroy democracy and move towards authoritarianism. At the moment, the threat from the right. But of course authoritarianism can be a threat from the left as well. If we think of the alternative or if we think of the popular right, rather than the alternative right. We can see at one end of the continuum are the present Conservative government in Britain, which has been described by a former chairman of the Conservative Party, governor of Hong Kong and Chancellor of the University of Oxford, Lord Patton, as English nationalist rather than Conservative.

And that's a never awkward word, nationalist. We all wish to be patriotic, but nationalist carries a lot of baggage with it. In fact, in Britain we are very well aware of these constitutional words that carry baggage. During the Brexit debate, the word sovereignty has been thrown around. As a lawyer, I've been appalled by the misuse of the term. It's being used as a sort of slogan if you like, a t-shirt slogan, regain our sovereignty. But you ask people who wanted to regain their sovereignty, what they mean and they're not quite sure. In fact they resort to perhaps the less acceptable side of the word nationalism. If we think of this continuum of the popular right, some in the state see Trump and his supporters as the other extreme of the popular right.

Now that is clearly absolutely correct in terms of those who surged into the Capitol building last week with their use of Nazi messaging. We all saw the t-shirts with words like Camp Auschwitz on them. But it's simply not true to cast all Republican politicians in the same light, or the millions of Americans that voted for Trump in the same light. We must be careful to identify clearly where the threat is and not lump others into it. It's easy for political opponents in Britain to castigate Johnson's government, or political opposition in Trump in America to go into full panic mode. In the States, I've read reports in the British press and seen them on television that's come from the States. There've been articles written and speeches given, talking about the beginning of a second civil war. In Britain, police chiefs have warned of civil unrest in the wake of the double tsunami of COVID and Brexit.

But such comments really are not particularly helpful. Of course I could be completely wrong and either in Britain or America, both those doomsday scenarios may come to pass, but I don't honestly think so. I don't think so. And why don't I think so? Well, I'm back to old Hooker again. In both countries we have a democratic infrastructure which will hold firm, more than that, individuals carry that Hooker DNA, that Puritan DNA, that emphasis upon the individual. I think that is our greatest defence, and I do not believe we will go that way. That is not to say that we couldn't, but that I don't think we will. And anyhow, Trump is not on the extreme end of that continuum. Look at Poland and Hungary, both members of what is meant to be a democratic European Union, and there the governments have clearly dismantled democratic infrastructures, and have moved decisively to a far right position.

It's why many in Britain felt uncomfortable in the European Union, when a so-called Democratic union could incorporate those rejecting the rule of law in Poland's and Hungary's case, the very essence of Anglo-American democracy, rejecting the rule of law and being allowed to stay within the institution of the European Union. So we should be careful, but if we think a little wider, we

can become quite paranoid. When we look at Germany and we see there that the AFD party, which is decidedly neo-fascist, is the second largest party in the Bundestag. Wow. Who would've thought in 1945 that in 2021 a far right party, nationalist in the worst sense of the term, could be the major opposition party in Berlin. If that doesn't frighten you, I don't think anything ever would. You begin to see why those in Britain who voted out of the EU also had clear, clear evidence of why we felt uncomfortable. Now I should be clear, I voted remain. I'm a committed European, but I understand why people would want to vote out. It's a question of whether you vote out and keep yourself in that sense untainted or whether you stay in and try and change things from the inside. And that's the argument.

We mustn't forget that in democratic terms across the Western world, it is Britain and America that had the oldest democratic institutions, 1776, 1688 or if you wish 1787 with the adoption of the American Constitution in 1688. Doesn't matter which dates you take, they predate the French Revolution. They predate democracy across all major Western countries. But we can go better than that. We can go back further. As a lawyer, I would argue for 1215 and Magna Carta, when our two countries stood side by side in the Second World War, the leaders were both committed to the whole idea of Magna Carta. Churchill said, "Here is a law which is above, above the king, and which even he must not break." This reaffirmation of a supreme law and the expression of a general charter is the great work of Magna Carta and this alone justifies the respect in which we have held it. And FDR said, the following, "The Democratic aspiration is no mere recent phase in human history. It is human history.

It permeated the ancient life of early peoples. It blazed anew in the Middle Ages. It was written in Magna Carta." Magna Carta remains central to Anglo-American concepts of democracy, we're back to an individual, individuals judged by their peers. It's that which is the bedrock which with God's good grace will keep us away from the horror of authoritarianism of the right or of the left. Now I've set out my stall, and some of you will want to disagree with bits of it I'm sure, I'm not sure that many would want to disagree with all of it. So having set out my stall, let's look at liberal democracy itself. To believe that democracy enjoyed in countries like Britain and the United States is to borrow the American Japanese historian, Francis Fukuyama's famous phrase, "The end of history."

It isn't, the democracies we achieved in 1688 and 1776 are not the end of the story. Democracy may not have to be rewritten in every generation, but it has to be retaught in every generation and it has to be refreshed what every century put in a figure you like into it. What I'm trying to say is democracy doesn't remain the same. How could it as society changes? And of course we know today that one of the big changes is the internet, which can be used for good, like all systems of communication, for good or ill. We need to defend in democracy against the evils that the internet can swarm and we need to emphasise and utilise the good that's achievable democratically through the internet. Not easy questions.

Without looking, I don't have time tonight. And identifying the lacuna in the democracies as they function in Britain and America today, we all know, and if you are listening from a commonwealth

country or any democratic country, we know there are things in our democracies which need to be addressed. We need to address the issue in Britain and America, for example of law enforcement. That seems an important question. We need to address maybe lots of other issues as well. Maybe in America the nature of impeachment and in Britain the nature of referenda. We need to refresh our democracy. You see, democracy has always had its critics. Right back in the days of ancient Greece, when Athens first created a democratic state, PS, no votes for women, PS, no votes for slaves.

But even then there were critics of democracy as a system of government. If we could guarantee that however a leader was elected that we selected the very best leader that we possibly could and gave them total power, the philosopher king argument, we would be fine. But you don't find philosopher kings, and you certainly don't find generation after generation of philosopher kings. And even if we did, we wouldn't find that acceptable in a modern world from the 18th century onwards. It was Churchill who said, "No one pretends that democracy is perfect or all wise, indeed has this been said that democracy is the worst form of government except all those other forms that have been tried from time to time." And that's largely true, I think. So what are the criticisms?

Because if we're going to defend our democracy in the world that we live in in the 21st century, if we're going to defend it in the States to prevent in 2024, not Trump, but someone more effective as a politician than Trump could ever be from attaining the presidency. And if in Britain we are to ensure that if Johnson goes he isn't replaced by someone, which shall I just simply say more Trumpian, we need to know what the criticisms are in order to be able to deal with them. There are four main criticisms of democracy as a constitutional way of going about things. First of all, democracy leads to political instability and that's absolutely true when you look at Europe, look at Weimar Germany, look at pre-war France, look at post-war Italy, and in the case of Weimar Germany and pre-war France, you don't need me to tell you that it ended with fascism.

Now with the exception, and a big exception it is, I know, of the American Civil War in the 1860s, with that exception, both America and Britain have been stable democracies. You can argue in America's case that even during the war, both the federal government in Washington and to that extent, the Confederate government in Richmond were both stable and both democracies in the sense that we understood democracy then with no votes for women, which of course there wasn't in Britain either, and no votes for black people in America. We know that, and we acknowledge that, but we have nevertheless remained stable. Even in the 1860s. Democracy was reasserted, if you like, after the defeat of the Confederacy. No one challenged democracy. Whatever its failings were then. And whatever the failings were in Britain in the 19th century, our democracies have stood firm. Why?

As compared to Europe, I think there's a very good reason why, and I think it's because both countries had established a political system in which it was two-party government, Democrat and Republican, Conservative and Labour in Britain, and before that Conservative and Liberal, and a two-party system where there is general agreement in which direction the country is

going, but perhaps different views on the road to take to reach a destination, both in Britain and America, the politics have remained largely central. And indeed, when one party has taken power, it's moved to the centrist position, and we have not had extremes of government. And it would appear that America will rebalance itself in a few days time under Biden.

And what remains to be seen is whether the Republican opposition, democratic Republican opposition, small D of course, can reassert itself as a potential alternative government. The second criticism of democracy is it's short-termism and that certainly applies in both our country of America and the States more so I think perhaps in some ways in Britain, because every government in Britain has one eye on the next general election. In America in the first term of a presidency, the president always has one eye on his second term. Of course in Britain there's a big argument constitutionally about whether there should be a fixed term number of terms in which a prime minister can serve.

And it's quoted here that in both Thatcher's case and Blair's case in their final administrations, they thought they were walking on water, they were consumed by hubris. I think there's a very good case in Britain to follow that American model, but nevertheless, politics is short-termism. And therefore larger important questions are shelved. One of the issues today is the issue of the environment, and all, virtually every democratic country, whatever they say, pushes the issue of environment to the side. We've got bigger things to think about than that, we'll deal with that later. So short-termism is a problem. Then there is corruption. One commentator has said the inability of governments around the world to deal successfully with corruption is causing a global crisis in democracy. Whilst countries that have high levels of democracy tend to have low levels of corruption, it is also clear that countries with moderate levels of democracy have high corruption as well as countries with no democracy having little corruption, this means that democracy does not effectively deal with corruption.

One important element of democracy is the electoral process, which can be easily corruptible. I always think of the 18th century Duchess of Devonshire when when men who had the vote voted openly in Britain, she gave kisses. She was a well-known beauty, she gave kisses to any man that would vote Conservative, there was a queue. Corruption has to be guarded against, and the law must be there to guard against it and that's one of the reasons that in the States there's an issue about the implementation of impeachment. Technically England also has impeachment. Where do you think America's impeachment laws came from? But we haven't actually used them since the 18th century and I doubt whether we ever could, although there were suggestions over the Iraq war that prime minister Blair should be impeached, but we wouldn't have known what to do. Impeachment is a, is not a delicate legal weapon to use. Corruption today with the internet raises oddly enough, turning it on himself, what Trump called fake news, what is put out there on the internet can be crazy. At the moment we've seen issues about anti-vaxxers, anti-global warmers.

We've seen in the British Brexit referendum how both sides gave out false information. We must develop systems in democracies that deal with that issue. The fourth and last critique of

democracy is that of voter ignorance. That is to say those who have the vote really don't have a full grasp or in some cases any grasp at all of the issues that they're voting for. Churchill is reported to have said that he believed in democracy until he met the first voter. That of course is itself fake news. There's no attribution of that quotation to Churchill until the year 2000. Well after Churchill's death, it shows how we have to be careful about fake news. Both or all Anglo-American democracies are representative democracies and to some extent that mitigates against the ignorance of voters. We vote for a candidate who then represents us, and that system has served in Britain, has served us well since 1688.

But in Britain for party political reasons, Prime Minister Harold Wilson introduced a new constitutional tool, that of the referendum, i.e., direct democracy, not representative. Direct democracy, not a question of all right, which candidate are you going to vote for, Labour or Conservative, Democrat or Republican, but what do you think about whatever issue it might be? Yes or no, put a cross in the box and that's caused mayhem in Britain with the Brexit referendum, had the issue of do we remain or come out of the European Union being left to parliament, then parliament would've voted overwhelmingly to remain. But having had a referendum in which by a small majority those voting voted to leave, then parliament said or parliamentarian said, we've got no choice but to follow the referendum. And that has created a real tension in British democracy.

And one of the questions heard here from those who fear referenda, and I know this is a different issue in America or at least in some states of America, and the issue is put in Britain is what happens if a government was to give us a referendum on capital punishment? Indeed, the present home secretary in Britain, Priti Patel, has said she wants to reintroduce capital punishment. She hasn't any hope of getting that through parliament, not a single hope. But was she to call a referendum? I suspect she might well get quite a healthy majority, but is that right? Indirect democracy isn't the answer to democracy. In fact, direct democracy by referenda is not an answer to the problems of democracy. Indeed, direct democracy could lead to the advance of authoritarianism rather than the advance of democracy itself.

If democracy is to work in our world of multiple sources of news and information, much of which can be in Trump's phrase, fake, or in my phrase, dangerous, then we need urgently to beef up our teaching of democracy and the teaching of the issues at the moment, both the children in school but also to adults. It will require a massive explosion in the funding and provision of adult education, both in the states and in Britain where it has been under attack in the last quarter of a century. In Denmark, for example, before a referendum goes to the voters, the country's adult education service is tasked and given the budget for providing objectively to the general public, the arguments both for and against whatever proposition is in the referendum. Education is key. John Adams said in 1765, "Liberty cannot be preserved without a general knowledge among the people who have a right and a desire to know." I'm absolutely with Adams when he says, "Who have a right to know."

I'm not so with him when he says that people have a desire to know. I'm not sure how true that

is, in either America or Britain in the 21st century, but what I do know is that education is key. The British humorous writer, G.K. Chesterton once wrote, "Democracy means government by the uneducated. While aristocracy means government by the badly educated." That's what Plato and Sophocles feared in ancient Greece, democracy means government by the uneducated. And if you say that you are called by those opposed to any suggestion that direct democracy is wrong or that there's any failings in democracy, you are described as, well, liberal and elitist. It's you're just wanting people like you to make the decisions, and that's our problem. How do we embrace everyone to be able to make a decision? After all, the Boston that Thomas Hooker walked away from said the only people that we will allow to make a decision are those with whom the church says you are good, God-fearing people.

In other words, people like us, and the rest of you won't have a vote. Education is the key. I came across a comment made by an American academic, Jason Brennan who said, "I believe that voter ignorance is a major problem in America." It is in Britain. "That voter ignorance is a major problem in America and it's the main objection to democracies in general." He goes on to say, "Less than 30% of Americans can name two or more of the rights listed in the First Amendment of the Bill of Rights. Naturally this creates a problem because an ignorant vote counts for the exact same as an informed vote." And that's our problem, how in a democracy do we enable the population at large to be able to make a judgement on complex, and indeed, the issues today are arguably far more complex than they were when the American Constitution was written and published. How do we make people? I think in defence of democracy, we have to be savvy. You can't just assume things, we need to teach it. One of the hallmarks of democracy, of liberal constitutions is tolerance.

We pride ourselves on being tolerant people, but the philosopher Carl Popper argues that tolerance does not mean we should be tolerant towards the intolerable. In the 1980s, there were many courses run for people like me working in education on equal opportunities and one of the big issues of the day was racism. And I went to a course run by a black Englishman and I've never forgotten what he said. And he said, "Look, when you see racism, don't be tolerant, don't be nice. You must make a statement. If you are a classroom teacher, I'm sorry, but we cannot have that said in this class. If you are a principal, we cannot have this said in this college, in this school." Popper's paradox of tolerance goes something like this. Should the tolerant society tolerate intolerance? The answer Popper said is no. When we extend tolerance to those who are openly intolerant, the tolerant ones end up being destroyed and tolerance with them. Any movement that preaches intolerance and persecution must be outside the law.

As paradoxical as it may seem, defending tolerance requires to not tolerate the intolerant. It does, and that's a very difficult thing to learn. We cannot tolerate the intolerant, of course that then raises the question of whom you think are intolerant I may not think are intolerant, but I think in terms of Anglo-American democracy, we're fairly clear are we not, on what is intolerant? Generally speaking. But there's one important lesson that we have to take on board in the defence of democracy, and that is democracy is death by a thousand cuts more often than by one coup d'etat. And one morning you wake up and democracy has gone. Why didn't you stand

up, the question in 1930s Germany, I'm an adult educator.

I've been an adult educator all my life, and the Nazi regime insisted that every adult education centre, they were massive things, in American terms, think about adult education in California, in British terms, think about the place I was principal at in London City, big, huge colleges, and they were instructed not to employ as part-time tutors, any Jew. Every college principal in adult education across Germany complied, with the exception of the principal of the Adult Education Institute in Hamburg who refused. He was later arrested, never seen again. But what would've happened if every principal had stood up? What would've happened if the Christian churches had stood up? It's the cuts that come gradually until you reach a "1984" situation as described by George Orwell in his book of that name. And Orwell wrote, "Every record has been destroyed or falsified. Every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered and the process is continuing day by day and minute by minute. History has stopped.

Nothing exists except an endless present in which the party is always right." There are just perhaps two, these are just two of the messages in defence of democracy, which we need to teach our young and ourselves, we must not be tolerant of the intolerant is perhaps the greatest of all those messages, and we must be aware of the death of democracy little by little. Now we've been faced this week in a question that's crossed the Atlantic from America to Britain over the issue of free speech, a whole basis of puritanism in 17th century Britain and America is free speech. It's a hallmark of our democracies. And Trump was removed arbitrarily from those who run Twitter, Facebook and Instagram, all the rest of it. And the question has been raised, is that not a violation of the great liberal principle of free speech?

We may not agree with what Trump tweets, but we agree that he has the right to tweet it. But there is a phrase that's being used today called muscular liberalism in which not being tolerant of the intolerant is key. Muscular liberalism says there must be limits to tolerance and there must be limits to free speech. The British Minister of Health on television last week agreed that there should be limits to free speech, because he was asked about the Trump situation, but then said, "It's not for those who run Twitter and all the rest of it, who should be making those decisions because they're not accountable to anybody, but it should be politicians or lawyers that make that stand." And perhaps that's what should have happened constitutionally within the States with Trump at a far earlier stage. We have to think through in our democracies what muscular liberalism might be. We can't say we don't know the consequences because we have the appalling consequence of Nazi Germany ever at the back of our minds.

One issue, which seems to me vital in addition to that of educating our young and ourselves about what democracy might mean, what muscular liberalism might mean. One issue across Western democracies is how to deal with those that are being left behind by the modern society of the 21st century. Left behind in a world which demands higher level of skills for jobs. That takes us again back to education. So a world that sees too many citizens excluded from the good life by lack of education. It's always that, by lack of quality housing, the COVID pandemic

here in Britain and I guess in America also has thrown up. How can a single mother with three children living in a damp high rise flat in a depressingly rundown urban area, survive lockdown mentally or even physically with the being able to buy food, lack of education, lack of quality housing, and in America, if you will forgive me, the Americans listening, a lack of access by many to healthcare. I've been watching during lockdown the box set about the designated survivor, the American series with Kiefer Sutherland, which I think is a brilliant series.

And in that there's these, the episodes dealing with Americans trying to get medical aid. The president, of course is a philosopher king who wants to do everything for everybody. But in Britain too, we know that life expectancy is lower in areas of unemployment and poor housing. We have to address these questions and then overriding all of that, there is the question of ethnicity and the difficulties for people in ethnic minorities to be on an level playing field with others within the population. Black Lives Matter is not merely an American domestic issue. It has become an issue for all Western democracies. It's a very big issue here in Britain. Now, no one said, no one said that defending democracy was going to be easy, but that leaves unanswered what changes do we need to make in the 21st century to ensure that 17th and 19th century doctrines of democracy work effectively today to prevent the authoritarianism of the right or the left from winning? Well, we have to begin to address those questions to find answers.

I began in the year 1628, sorry, 1626. I began in the year 1626 in England, and I finished in the year 1941 in America. To be precise, February, 1941. That is to say before Pearl Harbour and America's entry into the Second World War. I'm going to read in a second and that's the end of the talk, the last part of a long poem written by a Hollywood script writer called Alice Doer Miller. It was her personal contribution to the gathering swelling of voices in the states in support of FDR and coming to the support of Britain in its hour of need. The poem she called significantly "The White Cliffs" that were subsequently turned into a film. The poem is a narrative poem and it tells a story of a young American woman who comes to England in 1914. She comes from a strong Republican, even anti-British American family. In London, she falls in love with an upper class Englishman and they marry, he goes off to war in 1914, and she's left behind with a mother-in-law whom she really doesn't get on with.

She's the archetypal snobby English mother-in-law. Her husband is killed and she finds she's pregnant and she and the mother-in-law have to bury their differences in order to bring the little boy up. Then we fast forward to 1940 and the little boy is now a young man and he wishes to join the British Army, but he has American citizenship as well as British, and he doesn't have to join the army. America is not in the war in 1940, and he talks to his mother about it, and his mother doesn't want him to go. She's lost her husband to the war in the first war, she doesn't want to lose her son in the second. And in the poem, she argues with herself on whether she should let him go or not. And in the end, she reaches a conclusion that he is right to go and the poem ends in this way. "And were they not English, our forefathers, nevermore English than when they shook the dust of the sod from their feet forever angrily seeking ashore, whereas in own way a man might worship his God.

Never more English when they dare to be rebels against her. That stern intractable sense of that which no man can stomach and still be free. Writing when in the course of human events writing it out so all the world could see. Whence come the powers of all just governments. The Tree of Liberty grew and changed and spread, but the seed was English. I'm American bred. I've seen much to hate here." She means in England. "I'm American bred. I've seen much to hate here, much to forgive, but in a world where England is finished and dead, I do not wish to live." Let me absolutely finally end by saying I'll rewrite the last line for all of us. Wherever you are listening in whatever democracy you are listening from, Australia, Canada, South Africa, Israel, in a world where liberal democracy is finished and dead, I do not wish to live. Thank you very much for listening. Okay?

- [Wendy] Sorry, I got stuck finding the unmute button. Thank you, William. Do you have any time to go of any of the questions?

- Yes, of course.

- [Wendy] Can you see them on the screen? I mean at the bottom of it screen under Q&A.

- Let me see on chat. I've not got any on the chat at the moment. Has anyone put anything on chat?

- [Wendy] No, it's under Q&A, not the chat button. There's a Q&A button.

Q&A and Comments:

- I haven't got, I don't think I've got, oh, yes, sorry, I beg your pardon. Yes, I have, sorry, yeah, I pressed the wrong button.

Q: Where does the Bill of Rights fit into democracy?

A: The Bill of Rights was a small attempt in Britain in 1688, 89 to have a form of written constitution. It's only part of what is there in Britain. If you are thinking about American Bill of Rights, it is a further explanation of the Constitution. Somebody says Australia doesn't have it, but is regarded as a democracy. Of course, Australia's a democracy and you do not have to have as Britain's democracy isn't the same as Americas. America's isn't the same as Canada's, and indeed Canada's isn't the same as Australia's. It doesn't matter. It's the fundamentals of that, which is that there is no authoritarian rule.

We have a rule of law as FDR and Churchill said, it is Magna Carta. It is the rights of individuals. It's the emphasis upon the individual. Look at what China is doing in Hong Kong, destroying the rule of law, destroying the rights of individuals, destroying the right of free assembly and free speech. All of those in intolerant society, and none of us are that. And it doesn't matter in our own particular countries how our democracy has come about, the actual historical process. We

are where we are. My argument today is we are where we are, but we have to safeguard it because the threats now are serious threats.

It so happens from the right, but with looking from within Europe at Poland and Hungary, goodness sake, we cannot ignore those problems. I've got, wouldn't you agree that the emphasis is part of me first problem? No, I don't think it is part of me first problem. Emphasis on individuality, me first? No, I don't think it is, and I certainly don't think the Puritan sought that, because they also had the very, a sense of community as well. They didn't only have a sense of the individual. They had a sense that the individual had, I think they would say the individual had responsibilities and duties to others within their community.

An individual had responsibility for those less fortunate for themselves than themselves, for example. So I don't think I agree with that. God, I'm being very outspoken tonight. I must have had something wrong with my tea. Somebody says there's no sense of responsibility at all. Well, that I think is a problem at the modern age, everything, this is a difficult age in which to live. There's also the dangers that we live in societies in which governments are more centralised and dominant. COVID has produced real problems where governments have had to act more centrally, and it takes away responsibility.

I mean, one of the things argued between Britain and America is that in America, many decisions at a lower level are more democratic than in Britain. In terms of, I mean, we've made changes in Britain in terms of how we run the police as more democratic in electing police commissioners, which in America, of course are actually elect a much wider strain of people. We don't do that. I'm not sure that the election of police commissioners has worked at all. In fact, I'm pretty sure in Britain it hasn't. These are not easy questions.

Somebody said, very interesting, so now we cancel everyone who doesn't agree with a certain viewpoint, that's autocracy or even worse. No, that's the argument that lets in intolerance, we must not let intolerance in. Never ever forget that Hitler came to power not through a coup d'etat which failed. He came to pass through the ballot box. People actually voted for him. So we've got to ensure, you use the word cancel. So you are thinking about cancel culture and you are wanting to put me into a category of woke. I'm not woke, I'm not cancel culture. I'm looking for a liberal centralist way through the problems we've got. This is the big debate of the moment.

Those of you who don't know me, I've spent my life in adult education. I never expect everyone to agree with me. I don't mind if you disagree. What I'm trying to do as an educator is to present an issue which we should find our own answers for. And because none of you are children and all of you are highly educated, then you can judge where I've given facts and where I've given opinions. And you are absolutely right and it's important that you jettison my opinions, but don't jettison the question. That's what's important. Does it benefit democracy to have compulsory voting? I don't know whether that's come from Australia where it does.

Personally, I'm in favour of compulsory voting, because we have large, particularly in referenda

if we're not careful. In the referendum Britain had on Brexit, it was simply 50% of those, or 51% of those voting. In an earlier referendum about Scotland held under the labour government of James Callahan, it was over 50% of those entitled to vote, so that those who chose not to vote were still in the figures. And I'm in favour of, yes, I am in favour of compulsory voting or in referendum the decision that it has to be over 50% of those entitled to vote, not those who do vote. I don't think I understand that question.

Q: How do I rate Cromwell on the development of liberal democracy?

A: Not at all. He set out with good intentions to give power to parliament, and he ended up as king. Never forget that when they buried him in Westminster Abbey, they put the crown of England on the coffin, and he would've established had he had his other son lived and he wasn't left with Richard Cromwell. Had Henry lived then there would've been I think a Cromwellian monarchy. So he never got us towards liberal democracy.

Q: Yeah, somebody's asked in America about the suppression of free speech in universities.

A: This is a big question of free speech. Again, there comes a point with muscular liberalism where you say you cannot, let me give you an example. I'm not American obviously, but in Britain, let me give a British example. It would, this actually happened when I was principal of the College of Adult Education a long, long time ago in Manchester. There was the height of IRA troubles and they were coming from Ireland onto Mainland Britain. And I was asked whether a group called representation of the Irish in Britain movement group society could hold a meeting in the college.

Now, the view of the local authority, educational authority I worked for was you couldn't deny anyone access to it. And I was very worried about this. And I asked a colleague, a part-time colleague of mine who happened to be Irish and Catholic, and I said to her, do you know anything about this representation in Britain group? And she says, no, but I'll ask father after mass on Sunday. And the following week came back and I said, "Oh, Therese that, what did your priest say to you?" And he said, "It'll be perfect to tell your principle that it'll be perfectly okay, but if he hears anything ticking to run like hell."

I thought that was rather good advice. And that's funny. But it wasn't funny when an anti-Semitic group wanted to hold a similar sort of meeting in a college in North Manchester and they almost gave permission for it to meet. Now there comes a point at which you have to say yes, no, I said yes to the representation in Britain, the Irish Representation in Britain group. I don't know to this day whether I was right or wrong, but it seemed on the balance of things to be right. But I would not ever have agreed to any group advocating antisemitism to meet. There are limits to free speech. They're not easy to judge, and university leaders at the moment are having to be very careful on what they do. Very careful. And I don't envy them the task. It isn't easy.

Q: Do you think impeachment helps or adds to the division?

A: Well, I'm not sure I'm in a position to say yes, Britain hasn't had it since the 18th century. I just think, I think it will be better, frankly, to prosecute Trump under criminal law rather than under impeachment. But that's a view of an English lawyer, not of an American politician or an American lawyer. And I really shouldn't say more than that. Money and lobbying seem to be undermining democracy. Well, yeah, I mean that is, lobbying is an interesting thing. It it seems to me that lobbying can be a positive thing.

That there may, if lobbying is an interest group pushing something like climate change, it's okay if the final decision is left with parliamentarians. It's not okay if the lobbying group pay money into one political party, particularly the political party in power. Now, that is an issue in Britain at the moment, and a lot of people are nervous about the amount of money going to the present Conservative government from less than clear sources, and to sources that subsequently get a peerage or get contracts during COVID. There are big questions here, but those questions can be answered by a robust legal system of a system in which politicians are accountable to lawyers. A ceiling must be put on political contributions. Yes, I would agree with that.

Q: Does the review of modern democracy need to address power in government?

A: It needs to address, it needs to address the accountability of government. And that's a problem. Although the executive legislative division is different in America and Britain, the same questions are there about the accountability of the government, the accountability of the executive, and maybe we've gone too far and maybe the executive now has so much power that it has more power in Britain than America, but it nevertheless has power. And we are drifting towards a situation where in Britain, we always say with prime ministers who seem to have enormous power, that they're presidential. But actually there are the more regal in a Charles I sense, there needs to be a pullback on the executive.

Now, the other problem in both countries is political attacks and or political intervention within the judicial system. We have seen in Britain attacks on lawyers, which we've never seen before. In America, different again. But Trump putting in his nominee for membership of the Supreme Court. I've never been happy as a lawyer with the Supreme Court's appointment system, but we are moving in Britain towards that. We need to have for the system to work an independent judiciary, a separation of powers between the legislature and the executive. And a means of making all those three branches of government accountable to make lawyers accountable, to make the executive accountable and to make the legislature accountable. And I'm not sure we're doing too well on that score anywhere.

I can't answer that. Somebody's asked a question. I really can't answer that.

Q: Many Republicans in the US including judges refer to themselves as originalists with regards to the Constitution. Is this a dangerous approach in the context of systems needing to evolve?

A: Well, it depends always on what words like originalists. They're words like sovereignty and nationalists. You have to unpack what the word means and when you unpack it, sometimes it's okay, but more often than not, it hides something else. And I think that's what the question implied.

Q: Do you consider the proposition a president can pardon himself as absurd?

A: I find it worrying rather than absurd. And I just worry that he might step down 24 hours before the end and then he gets pardoned by President Pence. That would be difficult to deal with, wouldn't it? No, I don't think anyone, we're back to Magna Carta. I stand with FDR and Churchill. Everyone is accountable. Even the king is accountable. Even a president is accountable. Even a prime minister is accountable by the law. So yeah, let the law deal with it. Oh, have we ever, we've been threatened by right wing sectors. Has it ever been threatened by left wing liberalism? It's been threatened by left-wing authoritarianism. Think of Kerensky's government in Russia in 1917 overturned by Lenin. But liberalism has, I don't think by definition liberalism could overturn a democracy. I stand to be corrected.

Q: Is short-termism only a problem in democracy?

A: Oh, that's a very good question. I think that's an essay for everyone to write in the next week. I think short-termism is more likely to arise as a problem in democracy than in other forms of government. Yes, I do. Simply because it's a question of being either for an individual or for a party to be reelected and therefore, it's why political parties, just before elections give away tax benefits. They're doing it not for the good of the country, but for the good of the party. And that is problematic. No, Russia can't be claimed to be a democracy because it's, it has none of the ingredients of a democracy like rule of law. It's opposition parties. It's in name only. No, Russia is not a democracy.

Q: And what political system does China fit into, and what is the future likely to be?

A: Well, China is interesting because it divides into two. It has a capitalist economy and a communist political system that cannot survive, what I think is likely to happen. Like all empires, and remember that China is made up of many different peoples. It will collapse as an empire. I don't think they will in the long term be able to hold China together, which raises the interesting question for our American friends of whether they can hold America together. California, to take one example on its own, is perfectly viable, more than viable as a nation state, given that there could be others that would join California in an independent state. Who knows? The attempt to divide America in the 1860s nearly worked.

There is nothing to say that in an empire in the American terms of people's drawn from many different places, many different ethnicities, can it hold together? Well, the normal answer is of course it will. I've never been entirely convinced of that argument. Britain. Look at Britain, who would've thought that Britain would face it because of Brexit or largely because of Brexit that

Scotland may break through, Northern Ireland. Well, Northern Ireland may well break free and joined the Republic. That would make sense. That's what Gladstone argued in the 1880s. So Britain is also not stable. Is anybody? Then we come back to the really fundamental question in 21st century, has the nation state run its course? Some within the EU experiment would argue in Germany, if not in France, that the nation state is something of the past. We're going for supernational states, yes. But at the same time we're also having breakaways. And Scotland, Catalonia in Europe are two examples of parts of countries which want to break away, and believe whatever others believe, believe that they're viable as states. Do you want me to go on? I feel that-

- [Wendy] William, I think that we might be here all night with all these questions and I'm not sure what to suggest, 'cause there's still tonnes and tonnes of questions.

- Wendy, I'm really, I'm quite happy for people to email me, but don't leave a message on my blog because I can't get back to you. If you want to contact me, contact me by my email, which Judy has sent out. You can find that and you can look at my blog and I have put up a book list which covers some of the things I've been saying tonight. I put that on my blog, but if anyone wants to ask a question, then send me an email and I will reply. I can't promise to reply that quickly, believe it or not, even though it's lockdown, I'm rather busy at the moment, but I will always reply.

So don't hesitate to send me a message, even if you want to be rude, it would be nice to receive some rude comments as well. It adds to the spice of life where someone says, "I think you are completely mad." That would be fantastic. So don't feel inhibited. Send an email and I will reply, look on my blog for the reading list. And probably Wendy, we've come to an end for the tonight.

- [Wendy] 'Well thank you very much, William. Otherwise we will be here forever. Thank you very much to you. Thank you to everybody for joining us. We had, I think one and a half thousand people signed in today, so wonderful.

- Crikey.

- [Wendy] That's why there's so many questions. I can't believe it, I can't get my head around that.

- [Wendy] Well, once again, thank you so much and we will see you again soon.

- You will, thanks very much. Bye, everyone.

- Fantastic, thank you. Bye-bye.

- Bye-bye, keep safe, keep.