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A Crisis of Parliament

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The words 'parliament' and 'crisis' have often been linked in single sentences, in different time periods, in different countries and in the pronouncements of politicians and academics alike. The impression is often given that crisis is endemic to parliaments and parliamentary systems for, as Bracher (1967: 245) noted nearly 50 years ago, 'The phrase "crisis of parliamentarism" is nearly as old as the phenomenon of parliamentary democracy'. Indeed, a random selection of analyses of parliaments over this period produces references to 'modern crises of parliaments' (Loewenberg 1971: 4) or 'a crisis of representative democracy?' (Alonso et al. 2011: 7). What these random quotations point to, respectively, is that parliaments and parliamentarianism may be confronted with possible multiple crises, and, when a question mark is appended, the notion of 'parliamentary crisis' becomes a contestable proposition and is not simply a matter of fact. What they also point to is that the institution of parliament needs to be located within the broader analytical frames of parliamentarism and parliamentary democracy.

The objective of this chapter, therefore, is to examine the contestability of the idea of parliamentary crisis in the UK and to do so by making a basic distinction between parliament as an institution, parliamentarianism as a system of government and parliamentary democracy as a form of representative democracy. Although inextricably interlinked in practice, these terms are capable of being disaggregated analytically, in which case, 'crisis' may manifest itself differently, disproportionately, or not at all, across different analytical layers. 'Crisis', for the purposes of this chapter, is taken as a social construction of what constitutes 'a conjunction of undesirable circumstances beyond the norm' (Drennan and McConnell 2007: 16; see also Nohrstedt and Weible 2010: 5). In this sense what constitutes an exceptional threat, the level of intensity of the threat to the status quo and the urgency required in responding to such threats are open to interpretation and contestation.

Threaded through the analysis of this chapter are the concepts of legitimacy and legitimation. Just as these concepts are central to any understanding of the institutional purpose and standing of parliament, equally they are crucial to a conceptualisation of crisis. Indeed, as Boin (2004: 167) notes, 'the currency of crisis is legitimacy' (see also 'tHart and Boin 2001: 31; Stark 2010: 4). Thus a crisis manifests itself when a marked decline in legitimacy incapacitates an institution:

At the heart of crisis is an unremitting discrepancy between external expectations and perceived performance ... If we take shifts in legitimacy as a key indicator of disruption it can be argued that any kind of rapid decline in the legitimacy of institutional structures that were previously widely valued helps us to identify a ... crisis. (Boin 2004: 168)

The argument is advanced that if there is a crisis, or a series of interconnected crises, then it might well be that what the UK is witnessing is a conceptual crisis: a crisis that stems from the counter-positioning of established notions of representative democracy and legitimacy derived from electoral processes against countervailing conceptions of democratic representation and representative claims which are not focused upon, or do not privilege, the institutional form of parliament or electoral representation. In one sense, this argument simply reformulates historic questions about the nature of representative democracy and notions of democratic legitimacy. In answering these questions the distinctive nature of the 'legitimation claims' of parliament (or more precisely the elected element of the House of Commons) is addressed and located within a discussion of diffuse systemic political support.

The discussion is structured in the following manner. It starts by examining empirical evidence of 'a crisis of public confidence and popular trust' in the institution of parliament, before considering levels of diffuse support for the wider system of parliamentary democracy in the UK. Concerns that the Westminster parliament has been residualised in the system of UK governance are then examined within a broader discussion of the Westminster model and its continuing significance as a legitimating frame for UK government. The crisis dimensions of this frame, which are encapsulated in a closed logical loop interred in the disjunction between the idealised prescriptions of the Westminster model and the practice of governance in the UK, are then analysed. The final section of the chapter moves the focus of the discussion away from a perceived 'crisis of government' to a 'crisis of parliamentary representation'. This latter 'crisis' has manifested itself both in theory, in a 'reconceptualisation of representation' that asserts the legitimacy and authenticity of non-electoral representative claims, and, in practice, in the implementation of 'democratic innovations' and the increased importance of non-electoral modes of representation beyond the conventional institutional configurations of elections and parliamentary institutions.

Parliament as an institution: Indicators of crisis – trust/confidence

Specific indicators

When popular trust in the UK parliament has been probed, levels of public support/trust have been found to be worryingly low (for a broader analysis of trust in UK institutions, see Chapter 2). Indeed, low trust is combined with low public knowledge thresholds about the workings of parliament. Thus, for example, when respondents to the Hansard Society surveys have been asked how much they know specifically about the UK parliament, 61 per cent on average claimed to know nothing or not very much about parliament (across the six surveys in which this question was asked), with 15 per cent claiming to know nothing at all about the UK parliament (Hansard Society 2013: 32).

When members of the public have been asked specifically about their ‘trust’ in parliament the results, in successive Eurobarometer surveys, have consistently recorded a marked propensity ‘to tend not to trust’ the UK parliament rather than ‘to tend to trust’. In 2012, 25 per cent tended to trust in contrast to 70 per cent who tended not to trust (average across Eurobarometer 2012a , 2012b). This marked a nearly 50 per cent decline in those trusting parliament within the space of a decade (down from 47 per cent in 2001) and a nearly 40 per cent increase in those tending not to trust parliament (up from 43 per cent) in the same period (Eurobarometer 2001). Interestingly, for all that the furore over MPs’ expenses in 2009 was deemed to constitute a ‘crisis’, especially in the media, public reaction ‘did not manifest itself, contrary to conventional wisdom, in collapsing levels of trust in politics and politicians’ (Hansard Society 2009: 126, Fox 2010: 6). In this respect, although the scandal surrounding MPs’ expenses served as a ‘focusing event’ in subjecting the activities of MPs to unremitting public scrutiny and no little ridicule, it did not mark a catastrophic drop in trust levels. In part, the failure to stimulate such a ‘collapse’ was because of the perilously low pre-existing levels of trust. It should be noted, however, that there was an 11 per cent drop in trust in parliament, as an institution, at the height of the expenses scandal between Eurobarometer 70 (October–November 2008) and Eurobarometer 71 (June–July 2009); and that the level of trust in parliament has not yet recovered to the institutional trust levels immediately prior to the scandal (30 percent in Eurobarometer 70, and 34 per cent in Eurobarometer 68 between October and November 2007). These low institutional trust scores also reflect ‘confidence’ assessments of the UK parliament, with, for example, only 23 per cent of respondents to the European Values Survey of 2008 recording a great deal or quite a lot of confidence in the Westminster parliament.

A caveat should, however, be entered at this stage by noting that it is unclear from these surveys exactly what respondents were assessing in making their confidence judgement, or what was their cognitive basis for scoring levels of trust (Marien and Hooghe 2011: 3; Hooghe 2011: 270). Nonetheless, despite this caveat, and no matter what was being measured, levels of trust and confidence in the UK parliament are distinctly lower in the UK than in all but four of the relatively well-established parliamentary democracies in the EU (Greece, Spain, Italy and Portugal, excluding post-2004 accession states). Moreover, although there were trendless fluctuations in most of these EU states across time, the UK (along with Portugal) stands out for ‘a significant growth of cynicism’ towards parliament since the 1990s (Norris 2011: 73). For many, these findings are sufficient evidence of a ‘crisis of public confidence’ in the UK parliament.

General indicators

Yet, surveys in the UK also reveal that citizens are capable of making discriminatory trust-judgements amongst and between politicians and political institutions (even if survey questions use single item indicators). Moreover, the more astute analysts of political behaviour acknowledge the multi-dimensionality of trust. Thus, for example, Pippa Norris – in her analysis of trends in citizens’ attitudes towards democratic governance – makes a distinction between specific trust (at the level of political actors or public policies) (2011: 61) and diffuse trust (as a form of ‘institutional

confidence' which reflects more enduring and general orientations than trust in particular actors or policy programmes (2011: 66)).

Even at the level of institutional confidence, different trust judgements may conceivably apply from one institution to another and, indeed, are empirically observable (Norris 2011: 70–82). In this sense, Norris locates a conception of political trust in close proximity to Easton's broader conception of political support: with its specific and diffuse dimensions (Easton 1965; and see below).

This point can be illustrated in relation to the UK parliament. There remains relatively limited confidence in parliament's specific capacities with, for example, only 47 per cent of respondents in the 2013 Audit of Political Engagement agreeing that parliament held government to account (Hansard Society 2013: 57). Yet, when asked whether the UK parliament was essential to UK democracy, over two-thirds (68 per cent) of respondents agreed, with 30 per cent strongly agreeing. Only seven per cent disagreed. In fact the 2013 result marked an eight per cent increase on the 2010 result of 60 per cent who found parliament 'worthwhile' or 'essential' (Hansard Society 2010: 41). This might be taken as an indication of a relatively high level of general or diffuse support or trust for the institution when located within the wider system of representative democracy. Indeed, generalised support for such a system continues at relatively high levels. Evidence of this is provided in a YouGov poll in 2012 which repeated a question asked in a 1969 Gallop Poll, 'Would you describe Britain as a democratic country or not?' (Kellner 2012: 2). The respective positive answers were 68 per cent in 1969 and 67 per cent in 2012. The negative answers revealed a small decrease across the two surveys from 20 per cent to 17 per cent. When pushed still further about their assessment of British democracy, 63 per cent of respondents to the 2012 YouGov poll were prepared to support the statement 'For all its faults, Britain's democratic system is one of the finest in the world.'

The significance of these empirical findings for the following discussion is two-fold. First, there is a distinction to be drawn between attitudes to parliament as an institution and parliament as part of a system of representative democracy. Second, specific public concerns about institutional competence (controlling government) linked to specific trust and specific aspects of MPs' roles, sit alongside general recognition of the 'essential' categorical role of the UK parliament in defining 'our democracy'. David Easton's notion of 'diffuse support' is of resonance here. Diffuse support for Easton encompasses 'rudimentary convictions about the appropriateness of the political order of things' (1965: 279) and generalized beliefs, no matter how inarticulate, 'that the authorities and the order within which they operate is right and proper' (1965: 280). The significance of these generalised beliefs will be discussed below, but first specific aspects of parliament's institutional roles and capacities need to be examined.

Parliamentarism as a system of government

Specific crises

Loewenberg (1971: 4), as noted above, identified 'modern crises' (in the plural) of parliaments. These crises emerged as the expectations associated with pre-

democratic parliaments – of the representation of a narrowly defined ‘political nation’ of vested socio-economic interests, collective institutional behaviour and an egalitarian organisational structure – came increasingly to be at odds with the institutional characteristics of parliaments in an age of the mass franchise. The first crisis emerged from the role of political parties in the wake of the development of the mass franchise. Parties sought to ‘mobilize the new electorate, to recruit representatives from it, and control these representatives after their election’ (1971: 5). The second was the expansion of the demands made upon parliaments as the scope of government increased almost exponentially, as public policies became increasingly complex, and as specialized oversight and interventions by parliament became more imperative. The third was the enhanced position of executive leadership in the political system and its corollary of the ‘executive domination’ of parliaments (1971: 12).

It is the third ‘crisis’ that has attracted most attention in the UK, but the other two are inextricably linked and continue to sustain elemental percussive backbeats to the ‘crisis’ in executive-legislative relations. The third dimension of the crisis was presented in a particularly stark form in the Power Commission Report in its conclusion that the UK was confronted by a ‘crisis of a nineteenth-century political system facing twenty-first-century citizens’ (Power Commission 2006: 108). At the centre of this crisis was the purported fact that ‘[t]he Executive in Britain is now more powerful in relation to Parliament than it has been probably since the time of Walpole’ (Power Commission 2006: 128). While the Power Commission Report distilled the essence of broader, longstanding public and parliamentary fears of an over-dominant executive, it attracted criticism from Flinders and Kelso (2011: 257) who sought to argue that such fears were overblown (for a critique of this position see Chapter 1). According to them, the Power Commission Report, along with most of the Political Science profession in the UK, failed ‘to take account of the complexities of parliament’ (2011: 257) and the ‘complex resource interdependencies that actually exist’ (2011: 259) between the executive and legislature. They also claimed that ‘scholars may have contributed to an erosion of public support in politics in general and declining levels of public confidence in parliaments in particular’ (2011: 250). The general thrust of their argument is that public cynicism about parliament and MPs (which is often taken as an indicator of an attitudinal crisis) may have increased in an ‘over-inflation’ of public expectations (fuelled by inaccurate conceptualisations of parliament’s position in the UK state) alongside a deflation of the results of ‘detailed empirical research’ (which provide practical contestations of those erroneous conceptualisations).

Even if, as Flinders and Kelso suggest, the imbalance between executive and parliament is not quite as lopsided as often portrayed in caricatured accounts of UK governance, there is still widespread concern that parliament has been residualised in the system of government. Although, as the next section reveals, simple arguments that the Westminster model no longer accurately describes the reality of contemporary UK governance have been moderated, and replaced with arguments that the Westminster model remains of importance as a validation of the activities of a centralised executive, the position of parliament in these arguments remains tenuous. Parliament as an institution may not be in ‘crisis’, but when located within

broader conceptualisations of governance and the British political tradition (BPT) (see Introduction), it may be at the epicentre of a crisis of parliamentarism.

The Westminster model

For a model that has attracted sustained criticism from political scientists for most of the past three decades or so, and one that provides the counterpoint for a self-proclaimed new 'conventional wisdom' of policy communities (Jordan 1990: 471) or a 'new orthodoxy' of a differentiated polity (Marsh 2010), the Westminster model has proved remarkably resilient.

In part this resilience stems from the simple fact that there is no agreed definition of the Westminster model, and no real agreement whether it is an 'organising perspective' (Gamble 1990: 404–6), part of a 'political tradition' (most recently Hall 2012: 92–120) or a descriptive model. Similarly, the fact that some 14 key beliefs and core institutions can be, and have been, identified as constituent elements of the Westminster model at various times (Rhodes et al. 2009: 7) makes it relatively easy to identify some continuities of 'key beliefs' or institutional configurations over time. Conversely of course it also makes it relatively easy to identify discontinuities or disjunctions of some other elements over time, as indeed critics of the model have demonstrated persistently.

It is instructive that the most recent, and most detailed, examination of the Westminster model identified at its core a set of four interrelated components which not only echoed those identified earlier by Gamble (1990: 407) but which, more significantly, reflected the central ideas of the Westminster model 'as understood by its constitutive actors' (Rhodes et al. 2009: 10). The four components were: responsible government with political executives drawn from parliament and ultimately dependent upon sustaining the legislature's confidence; an executive whose members are individually and collectively accountable to parliament; a professional, non-partisan and 'permanent' public service; and, in the UK at least, a legally sovereign parliament (Rhodes et al. 2009: 10). They are deemed to be core ideas in that they have the deepest historical roots and 'typically gravitate' (Rhodes et al. 2009: 9) around the constitutional fusion of the executive and legislature (see also Richards and Smith 2002, Richards 2008: 15–16).

Over time other ideas have been 'grafted on' to this core: some for categorical/taxonomic reasons, in the sense of being used to categorise and differentiate majoritarian from consensual systems (Lijphart 1999: 1–8), and some for descriptive accuracy in the sense of reflecting changed practices in relation to electoral processes, party systems and inter-institutional interactions. Yet the emphasis upon inserting more elements into the model to bolster its descriptive accuracy skewed the debate towards empirical positivist analysis and towards measuring the degree of separation between model and political practice. In this respect critics started from the premise that the Westminster model constituted an accurate representation of political reality. Not surprisingly they discovered that it was not. What the Westminster model sketched, in the pivotal period of its inception in the second half of the 19th century, was an idealised 'liberal view of the constitution' that constituted 'a theory of legitimate power' (Birch 1964: 65). As such,

from the outset, it was an artificial contrivance that arose out of the conflation of liberal theories of representation with a Diceyan view of liberal government (Judge 1993: 138–40). The brief and exceptional convergence between the prescriptions of the liberal view of the constitution and the practice of liberal government in the mid-19th century became petrified in seminal academic writings, most notably those of Dicey, despite the manifest erosion of the precepts of the liberal view after 1867. Indeed, for much of the period thereafter ‘adherents to the Liberal theory of the state [encapsulated in the Westminster model] have been regretfully aware that political practice has departed from [these] principles’ (Birch 1964: 80).

Just such awareness has, since the late-1970s, been an analytical stem cell in the genetic development, mutation and transmutation of models of policy communities, networks, governance, multi-level governance, differentiated polity and asymmetric power (e.g. Richardson and Jordan 1979, Rhodes and Marsh 1992, Rhodes 1997, Bache and Flinders 2004, Bevir and Rhodes 2003, Marsh et al. 2003, Richards 2008): all of which started from the premise that they provided ‘alternatives’ or posed a ‘direct challenge’ to the Westminster model (Marsh 2012: 46–8). The ‘challenge’ was empirical insofar as these alternatives sketched a more realistic representation of the UK polity (e.g. Bevir and Rhodes 2003: 198–9).

Initially such ‘corrective’ accounts were dismissive of parliament’s contribution to governance narratives, with parliament variously being seen to be insulated from networks, or residualised in the policy process, or in fact superseded in a ‘post-parliamentary’ polity (e.g. Jordan and Richardson 1987: 288, Richardson 1993: 90, 2000: 1006, Rhodes and Marsh 1992: 13, Rhodes 1997: 38). Notably, for the present discussion, the residualisation of parliament in these alternative models was not treated as ‘a crisis’ but something lower down the Richter scale of normative anxiety. There was certainly acknowledgement that, if these alternative models better encapsulated the processes of UK governance, then there were ‘normative grounds for concern’ (Grant 2000: 51). Similarly, Rhodes and Marsh (1992: 265), in recognising that normative questions about the extent to which networks undermined existing notions of parliamentary democracy remained largely unexplored in their model, nonetheless raised a concern, bordering on pessimism, at the extent to which the ‘output legitimacy’ claimed by networks served to insulate their activities from the ‘constraint of political, especially electoral, legitimacy’.

In part, such relative normative sanguineness might have been because new modes of governance were not as insulated from electoral representative processes as network analysts made out (Judge 1993: 120–30, 2005: 106–14). More importantly, however, was a claim that networks were nested in a process of parliamentary representation and the legitimation of government and government outputs flowing from that process. Indeed, the legitimating frame provided by the Westminster model is now widely recognised even by those intent on demonstrating that political practice does not correspond to the political prescriptions of the Westminster model. Such recognition is to be found in Rhodes et al.’s (2009: 29) statement:

In Westminster systems traditions provide a set of maps, a language, and historical narratives about government that over time captures those essential features we would now group under the heading ‘the Westminster

model' ... We disagree that Westminster is a fantasy ... it is better seen as a set of evolving traditions couched in myth.

More precisely Rhodes et al. identify the Westminster model as a 'legitimizing interpretation' which allows 'various actors' to provide legitimacy and context for their actions (2009: 228). Similarly, other contemporary analyses of UK governance are replete with reference to the Westminster model as a 'legitimising mythology' (Richards 2008: 199, Diamond and Richards 2012: 192, Hall 2012: 12); a 'legitimizing tool' or a 'legitimizing framework' (Flinders 2010: 25).

This framework is strikingly evident too in official descriptions of UK governance. Official views – recently enunciated in the *Cabinet Manual* (Cabinet Office 2011: 2–4) – still proclaim the four key elements of the Westminster model. These are not false statements, as the term 'myth' might suggest (Keating 2008: 111) but reflect instead the ideas of legitimate government as refracted in the vision of the executive. What is important about these official statements is that they combine statements about 'what is' with 'what should be'; and these ideas extend beyond formal official pronouncements. Of particular relevance, Richards (2008: 199) noted, from his interviews with ministers and civil servants, that 'it is important to appreciate the extent to which actors from the core executive have continued to draw from the Westminster model in defining, shaping and legitimising their behaviour'. Diamond and Richards (2012: 182) also reaffirmed the 'continuing salience of narratives that have emerged from within that [Westminster] model which still condition the mindset of ministers and civil servants' (see also Richards and Mathers 2010: 516–18, Bevir 2010: 125). In case it is suspected that the salience of the Westminster model for members of the executive pertains mainly to the centralisation/hierarchical dimensions of the model, it is worthy of note that the responsibility/accountability dimensions continue to feature predominantly in the mindset of ministers and civil servants (e.g. Stark 2011: 1151, Rhodes 2011: 38, 229).

In parallel to this internal executive recognition of the continuing significance of parliament, academics, many of whom started as parliamentary sceptics, were willing to concede – even if grudgingly – the importance of parliament to legitimisation processes in the UK (Richardson 1993: 90, Daugbjerg and Marsh 1998: 62–3, Marsh et al. 2001: 244–7, 2003: 314). Yet, even if there is now a broader acknowledgement that the four key notions of the Westminster model serve as a framework of ideas through which the members of the core executive in the UK seek to legitimise their institutional position and their policy preferences, there is equally a consensus that the UK polity does not necessarily adhere closely to those ideas in practice. Smith (2008: 150) makes this point neatly in his observation that 'as a myth the Westminster model may represent how officials and ministers present the political system, but however strong their beliefs ... it does not represent the truth about either the power of ministers or of officials [or how the system works]'.

Obviously Smith's statement throws up questions about 'truth' and about 'myth'. This is not the place to engage in the deconstruction of the term 'myth'. What is important instead is to disinter from this brief consideration of the Westminster model, the crisis dimensions that stem from the analysis. These can be specified within a closed logical loop. First, there is a disjunction between the idealised prescriptions of the

Westminster model and the practice of governance in the UK. Second, all contemporary governments describe, and so define, UK state institutional interactions in terms of the 'representative and responsible' core of the Westminster model. Third, this definition still 'conditions the mindset of ministers and civil servants'. Fourth, the Westminster model cements into the political institutional architecture of the UK the pivotal importance of parliament in providing the legitimating frame for executive action: for, as Judge (2006: 369) noted, in the UK an 'executive-centric state has been justified in terms of a legislative-centric theory of parliamentary sovereignty'. Fifth, in spite of points two to four, point one still pertains. In this loop an inherent conceptual 'crisis' is embedded. Executives depend upon a model of legitimation, the practical deficiencies of which possess the capacity to undermine the very claims to legitimacy incorporated within the model. Yet executives are unable to prescribe or incapable of articulating – either theoretically or expediently – an alternative model without dissipating the 'legislative-centric theory of parliamentary sovereignty'. This is why the executive remains insistent that 'Parliament is sovereign [even if] ... in practice ... Parliament has chosen to be constrained in various ways' (Cabinet Office 2011: 3 para 9). This very insistence fuels disbelief and dissatisfaction. In this manner the executive is locked into a 'conceptual crisis'. This is why the Blair and Brown Labour governments – in their repeated declarations that 'there is no intention to begin from first principles' (HL Debates 21 June 2001: col 52) – consistently defended their actions and formulated institutional change within the parameters of the Westminster model (Judge 2005: 273–9, 2006; Richards 2008: 196–203; Flinders 2010: 279–86). Equally this is why critics of those governments lamented, and continue to lament, a failure to provide a 'new narrative' (Hazell 2007: 18–19), an 'explicitly defined governing theory' (Diamond 2011: 68) distinct from the Westminster model, a 'discernable conception of an alternative constitution' (Flinders 2010: 285) or an 'overarching theory of government' (Diamond and Richards 2012: 191),

Parliament, electoral representation and non-electoral representative claims

In the unmediated principal-agent view of responsibility in the Westminster model, power flows serially from electors to parliament, and from parliament to the executive. So far in this chapter attention has been focused primarily on the parliament-executive nexus and the challenges posed by decentred network governance to the Westminster model. What has attracted far less attention, but what is ultimately at the heart of network governance analysis, is 'representation'. Simply stated: networks incorporate non-elected representatives into decision-making processes. This redirects our attention 180 degrees away from the executive to the representative linkage between 'the people' and state decision-makers. If the UK is not facing a 'crisis of government', it might yet be facing a 'crisis of representation' (Saward 2008: 93).

The problem with formulating such an argument, however, is, as Mainwaring et al. (2006: 15) note, 'the notion of a crisis of democratic representation is underspecified'. A meaning of crisis is to be found at the end of a continuum of democratic representation 'at which citizens do not believe they are well represented' (Mainwaring et al. 2006: 15). Mainwaring et al. maintained that a crisis of democratic representation had two basic components: attitudinal/subjective and behavioural.

The attitudinal component manifested itself in the perceptions of citizens when 'large numbers of citizens are dissatisfied with the way in which they are represented, or they feel not represented at all' (Mainwaring et al. 2006: 15). In many respects these perceptions are independent of whether representatives do or do not act on behalf of constituents or in the 'public interest'; what matters is whether electors *perceive* that their representatives are acting on their behalf (as individual constituents or as part of a collectivity of the 'political nation'). Importantly, Mainwaring et al. proceed to argue that even if there is widespread citizen dissatisfaction with elected representatives there has also to be a behavioural response to that disaffection. This would take the form of 'repudiation': of citizens rejecting existing electoral representative processes (Mainwaring et al. 2006: 15). In analysing five countries in the Andean region of Latin America, Mainwaring et al. were well aware that their choice of cases placed their comparator countries at the 'unambiguous' end of a continuum of crisis. Moreover, they were aware of the difficulty of conceiving of crisis as a continuum: insofar as there is 'no precise cut point that enables one to categorize case A as a crisis and case B as a non-crisis' (2006: 16). In which case, Mainwaring et al. conceded that the concept 'crisis of democratic representation' is 'not useful for intermediate cases' (2006: 16). The UK would fall within this intermediate category.

In this intermediate position there is clear attitudinal evidence in the UK of specific public disquiet with the formal representative processes (in seeming contradiction of the buoyant diffuse support noted earlier). A YouGov Poll in 2012 found, for instance, that only 15 per cent of respondents agreed that the Westminster parliament 'does a good job in representing the interests and wishes of people like you' (Kellner 2012: 2). This response was relatively consistent across the regions and nations of the UK. Moreover, 66 per cent of respondents believed that 'most MPs end up becoming remote from the everyday lives and concerns of the people they represent'. When asked which groups of people 'MPs generally pay most attention to', 'the people' (conceived as 'voters who live in their own constituency' or 'people like you') played a relatively insignificant role. Only 27 per cent believed that MPs paid most attention to constituency voters, and an even starker finding was that only 5 per cent believed MPs paid most attention to 'people like you'. When asked to choose one specific focus to which 'MPs nowadays pay most attention', only one in 25 respondents (4 per cent) identified that focus as the 'majority view among voters in their constituency' (Kellner 2012: 14). The significance of these findings, when refracted through Mainwaring et al.'s lens of the attitudinal/subjective component of representational crisis, is that 'the point [of such findings] is not whether the bad reputation of MPs and Parliament is deserved or undeserved. It is what people think' (Kellner 2012: 8).

When combined with behavioural changes by mass publics towards the institutions of representative democracy – evident in decreased levels of turnout at parliamentary elections, steeply declining memberships of UK nationally focused political parties, low knowledge thresholds of the purpose, functions and activities of parliament and parliamentarians, in fact in most of the indicators of 'why people hate politics' (Hay 2007, Stoker 2006) – it is possible to move the UK further towards the crisis end of Mainwaring et al.'s continuum.

Yet, in order to prevent further drift of representative democracy in the UK towards the negative end of this crisis continuum, successive attempts have been made to redress some of the perceived imbalances of parliamentary representation (for a critique of these attempts see Chapters 2 and 5). These have included strategies to: enhance the ‘representativeness’ of parliament through programmes (primarily implemented through political parties) to improve the ‘descriptive representation’ of the Commons in terms of gender, ethnicity and sexual characteristics; transmit the views of constituents more directly to their elected representatives through e-petitions and advisory referendums; increase control over representatives through proposals for the recall of MPs; and to engage electors more actively in understanding parliament through improved parliamentary outreach services. Yet, as the YouGov poll evidence suggests, these proactive programmes appear to have had little impact on the attitudinal dimensions of crisis.

At the same time, examination of the behavioural dimensions point to an increased privileging of non-electoral modes of representation over electoral forms of representation. At a practical level, UK governments have deployed some ‘state sponsored’ non-electoral modes of representation – citizens’ juries, focus groups, citizens’ assemblies, deliberative forums, consultative forums – to ‘supplement’ formal electoral representation. The case is made that the addition of non-electoral representation alongside electoral representation is ‘positive-sum’ (Saward 2009: 21). Such non-electoral initiatives are deemed ‘typically [to] function not as alternatives but rather as supplements to elected representative bodies’ (Urbinati and Warren 2008: 405). Certainly, Labour governments before 2010 saw the use of deliberative mechanisms as an enhancement of representative processes (McLaverly 2009: 384). Yet the compatibility of electoral and non-electoral representative forms might be as much a construct of wishful thinking as empirical observation. As Beetham (2011: 125) notes, many of these state-sponsored non-electoral modes of representation result in parliament being bypassed as a representative channel. Indeed, it is worth quoting Beetham at some length:

What is noticeable about most of these [non-electoral] initiatives, and the discussion of them in the academic literature, is that they completely ignore or bypass parliaments. While at first glance they might seem to be complementary to the formal representative process, there is a danger that they only serve to diminish its significance and public legitimacy ... Proposals for re-engaging citizens in politics through new forms of participation are likely to further this erosion if ways cannot be found to incorporate them into the established representative process. (Beetham 2011: 134, 138)

As noted in Chapter 2, in many other instances, however, non-electoral claims are voiced, often out of necessity, beyond the formal representative processes: literally on the streets outside of representative institutions. In recent times, streets around Westminster have reverberated to claims of ‘not in our name’ (Iraq war demonstrations), ‘we are the 99 per cent’ (Occupy LSX demonstrations), ‘all together for public services’ (TUC anti-cuts rally), or to a host of more delimited claims by students to ‘fund our future’ or of public sector workers to ‘save our pensions’. In essence, these are ‘representative claims’ by non-elected political actors. Similarly,

the 'performance protests' coordinated by, for example, UK Uncut in campaigns against, variously, corporate tax avoidance and NHS cuts, or by Plane Stupid against the expansion of Heathrow airport, constituted clear, non-electoral, representative claims. In making these representative claims such groups often sought to address non-parliamentary audiences and to construct non-electoral constituencies (see also Chapter 5).

Non-electoral representation and the distinctiveness of electoral representation

Saward has been at the forefront in the UK of the reconceptualisation of representation. In particular he has been determined to show that 'legislatures, formal territorial constituencies and the institutions they support are not all that matters to political representation' (Saward 2010: 31). More importantly, for the present discussion, he also maintains that any prior assumption – that elected representatives are the sole or '*fully* legitimate representatives' (Saward 2010: 167, emphasis in original) – needs to be questioned; as does the notion that 'the unelected are automatically *illegitimate* representatives' (Saward 2010: 167). It is the claiming rather than the possession of the attribute of legitimate authority that is important: 'What needs to be generated is a sense of legitimacy' (Saward 2011: 77). This allows Saward to conceive of democratic representation as a diffuse set of political practices and performances whereby democratic representation can plausibly be seen in 'many manifestations of non-statal political representation' rather than being identified with a specific set of institutions (Saward 2011: 93). In this reformulation the essence of democratic legitimacy 'is understood as "perceived legitimacy" as reflected in the acceptance of claims over time by appropriate constituencies under certain conditions' (Saward 2010: 84). Thus, recognition of legitimate representative claims beyond the institutional configurations of elections and representative assemblies is a key part of reconceptualisations of representation (Urbinati and Warren 2008: 391). As such they hold the potential to deprive parliamentary representation, to question the legitimacy of electoral representation and so to contribute to a perception of parliamentary crisis.

But, even Saward (2010: 167) acknowledges that his approach does not constitute a 'black-and-white alternative' to conventional conceptions of electoral democracy and that 'Elections and parliaments and the forms of due authorization and accountability they offer still matter, of course.' In fact he observes that those representative claims that are held to be compelling, or which have particular resonance among relevant audiences, 'will be made from "ready mades", existing terms and understanding that the would-be audiences at a given time will recognize' (Saward 2010: 84). This is of significance in differentiating electoral from non-electoral claims as one of the 'ready mades' of 'modern democratic constitutional design' is the 'centre-staging' of electoral representation, which is 'often now taken to be the paradigm of democracy'. Indeed, for present purposes, it is worth reiterating that elections underpin the 'perceived legitimacy' of electoral representation, and provide recurring opportunities where the represented assent to being represented – whether assent is based upon prospective or retrospective judgements of representatives' performance, or both (Rehfeld 2006: 188). In other words, electoral representation is identified as 'the received (and adaptable) frame within which we understand and interpret politics'

(Saward 2010: 178), and ‘it matters hugely for us to acknowledge and understand claims we accept more or less unthinkingly’ (Saward 2010: 60).

At this stage in the discussion it is worth noting the parallels with David Easton’s notion of ‘diffuse support’ noted earlier. Such support is dependent upon evaluations of the pertaining political ‘rules of the game’; the continuing validation of which is underpinned by a ‘legitimizing ideology’. In the general case of liberal democracies this ideology – as the ‘ethical principles that justify the way power is organized, used and limited’ (Easton 1965: 292) – is enunciated in the language of electoral representation. In the specific case of the UK, ‘the general belief, *whether based on reason or not* ... that public policy should be sanctioned and authorized by a representative body still pervades the ... polity’ (Judge 1999: 141, emphasis added). Such diffuse support is often tacit, even covert (Easton 1965: 161), unthinking, but, nonetheless, profound in the sense that, as noted above, it gives the elected representative ‘a head start in terms of familiarity and perceived legitimacy’.

What also gives parliament a head start is that at ‘a strongly abstract level, representation in its most familiar contemporary guises, is “One to All” ... This oneness is positive. It provides an answer to the basic political question – who resolves issues when they are contested?’ (Saward 2010: 90–1). In the case of liberal democracies it is a state’s legislature that ‘brings the nation together symbolically under one roof’ (Saward 2010: 90). Indeed, opinion poll data suggests that there remains overwhelming public support for such a national focus in the UK (Committee on Standards in Public Life 2011: 30). On average, 93 per cent of respondents in the period 2004–10 believed that MPs’ decisions should be guided by ‘what would benefit people living in the country as a whole’. This national focus outstripped both a party focus (84 per cent support) and a constituency focus (84 per cent support) in the same period.

The symbolism and reality of contemporary parliamentary deliberation in the UK may be severely mismatched, but the symbolism has a practical significance in that it enables elected representatives, and especially governments derived from national representative assemblies, to claim to speak for the collective entity of ‘the nation’. While non-elected representatives may wish to claim that they too speak for a ‘higher level’ national interest (or even ‘higher levels’ beyond the state), what differentiates their claim from that of the elected representative is the manner in which the visions of the collective interest is constructed. Sidestepping here the protracted debate about the terminological differences between ‘the national interest’, ‘the public will’, and ‘the general will’, and how each is conceptualised and deployed in political theory, the important point for present purposes is that a national representative assembly is required to justify, through deliberation, the vision of the national interest propounded therein (Judge 2013; see also Chapter 7). In this respect, justification is a form of accountability or responsibility. What distinguishes electoral forms of representation, ultimately, is that ‘only the elected have both deliberative and decision making power’ (Urbinati 2006: 15).

Conclusion: a conceptual crisis?

So where does the preceding discussion leave us? Contradictory answers have been provided across three dimensions of parliamentary interaction: first, public attitudes, second, state governance and, third, the practice of representation.

The first dimension points on the one hand towards a 'crisis of public confidence' in terms of specific indicators of public support and trust in the UK parliament. Yet, at the same time, generalised support for parliament within a broader context of representative democracy indicates continuing high levels of general or diffuse support in an Eastonian sense.

The second dimension identifies contemporary modes of governance at variance with the prescriptions of 'representative and responsible' government focused upon a sovereign parliament at Westminster. Yet, all contemporary governments have consistently defended UK state institutional interactions in terms of the 'representative and responsible' core of the Westminster model. Executives have thus defended a model of legitimation, the practical deficiencies of which challenge the very claims to legitimacy incorporated within the model. In so doing they have been locked into a mindset incapable of conceiving of an alternative governing model without dissipating the 'legislative-centric theory of parliamentary sovereignty'. If a 'headshift' (see below) is required to break out of this logical loop of crisis it would be confronted with the fundamental paradox that such a reconceptualisation would presumably entail devising a different model to one based upon traditional principles of electoral representation and responsibility. In other words, it would be a post-parliamentary system. Yet, even those models that profess to be 'post-parliamentary' (as noted above and below; see also Chapter 2) recognise that such an alternative is premised upon a 'dependence' on parliamentary institutional forms.

The third dimension distils the essence of this conceptual crisis. As noted above, non-electoral claims are made with increasing intensity. Non-electoral modes of representation are both advocated and deployed with increasing vigour. Yet electoral representation is still distinctive. The problem is that in seeking to make this form of representation less distinctive, a challenge is posited at a conceptual level and promoted at a behavioural level through notions and modes of non-electoral representation. Thus to claim that non-electoral representation supplements and enhances electoral representation somehow misses the point that in the process of supplementation the latter would become less distinct. To paraphrase Dubnik's (2011: 712) statement on accountability, 'Any effort to enhance representation also alters representation'.

Indeed, those theorists, such as Keane (2009a: 697), who call for 'a headshift' and 'a break with conventional thinking' do so out of a belief that a more empirically realistic model of 'actually existing democracy' (Keane 2011: 212) is required to acknowledge the 'morphing' of representative democracy into 'a new historical form of "post-parliamentary" democracy' (Keane 2011: 212). In common with other analyses of non-electoral representation examined earlier in this chapter, Keane's own model of 'monitory democracy' is based on the premise that existing descriptions of representative democracy are 'just too simple' (2011: 231). While this is not the

place to examine the intricacies and convolutions of this model, all that needs to be noted here is that 'monitory democracy' encapsulates a vast array of extra-parliamentary, often non-elected, scrutinising institutions – both formal and informal. In this model, political legitimacy is nested in multiple demoi, reflecting a vast diversity of interest; with decision-makers 'subject constantly to the ideal of public chastening, tied down by a thousand Lilliputian strings of scrutiny' (Keane 2009b).

Keane is adamant that monitory democracy 'operates in ways greatly at variance with textbook accounts of "representative", "liberal" or "parliamentary democracy"' (Keane 2009a: 706, 2011: 221). Yet, in calling for 'a headshift' and a reconceptualisation of representative democracy, he insists, repeatedly, that 'legislatures neither disappear, nor necessarily decline in importance' (2011: 213), that 'monitory democracies depend upon legislatures' (2011: 218) and that monitory democracy 'thrives on representation' (2009a: 699). However, if monitory democracy is to be conceived as 'something other and different' (2011: 231), it necessarily poses a challenge 'to the legitimacy of institutional structures that were previously widely valued' (Boin 2004: 168). In this sense, linking back to 'tHart and Boin's claim that legitimacy is the currency of crisis, this challenge gives rise to a conceptual crisis: insofar as the disjunction confronting governance analyses (noted above) is also manifest in the contradictions embedded in a 'headshift' required to make sense of non-electoral and monitory modes of representation in a political system still legitimised by electoral representation and parliamentary institutions. In which case, conceptualising 'something other and different' (a new democratic institutional topography) is ultimately dependent on retaining 'something the same and similar' (namely parliamentary institutions and processes of electoral representation). The historic legitimisation expectations associated with the latter and the changed legitimisation claims of the former hold the potential, to paraphrase Boin (2004: 168), to be unremittingly discrepant. Therein lie the roots of a conceptual crisis.

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