Community Councils as Democratic Forums[1].

As we all know, CCs are the most local bodies in our structure of democratic government, with the City of Edinburgh Council (CEC) and the Scottish Parliament (SP) being the democratic bodies at the next levels 'up'. By definition, in a structure for democratic government and public participation, the bodies at all levels have to see themselves as 'democratic forums' and have to act as such. But, what does that really involve and what are the essential implications of being such a forum? Perhaps we need to give some thought to that. In doing so, we can obviously take CEC and the SP as rough models for how democratic forums should behave, particularly in how they handle debate, conflict and dissent, among other things. One obvious difference we have with the latter, however, is that as a CC we are recommended or even required to avoid party politics in our proceedings and activities, whereas so much of what happens at those 'upper levels' revolves around party considerations.

In trying to answer the question of what being a democratic forum really involves and what the implications may be as briefly as possible, it should be admitted at the outset that much of what is set out below can quite possibly go without saying. Yet it may still be useful to try to tease out more explicitly the less obvious implications of being such a forum. In doing this I've found comments and suggestions from Oliver Escobar, a Lecturer in Public Policy and Co-Director of *What Works Scotland* at University of Edinburgh, very illuminating and invaluable. At our December meeting, as you will recall, we had some discussion of Oliver's report of 2014 on *Strengthening local democracy in Scotland: The Community Councils' perspective.* I've also had some thoughtful, practical suggestions from Todd Henshaw of the Causey Development Trust.

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[1] '*Fora*' for those who had to endure Latin at school, if they so prefer.

More recently, I've also benefitted greatly from comments on the third draft by Alan Twevetrees. Alan led two seminars/interactive workshops in Edinburgh on 9th and 10th February for community workers and representatives on the theme of 'Communities United: what role for community workers and representatives?'. These aimed to discuss the challenges that communities are currently faced with and considered how various community workers, community organisations and their participants can work together to find more effective ways forward. These sessions were hosted by Edinburgh Tenants Federation (ETF) as part of its 25th Anniversary celebrations. Moira Gibson had forwarded information on these events to Phillip, who suggested it would be useful if someone from SCC could go. As background to these sessions, the invitation from ETF described Alan as a world renowned academic and practitioner in the field of Community Development since the 1970's. It also explained that early in his career Alan studied at the University of Edinburgh and later went on to publish work that included research on tenants' groups in Edinburgh. He has also been a social worker, youth worker and a planner of services for children and young people in a local authority, and has written several books in these fields[2].

I attended the workshop Alan led on the evening of Tuesday 9th February at Norton Park Conference Centre and found it very lively and thought provoking. In the ensuing debates and interactions, it was quite striking that when participants discussed the typical problems and difficulties which not infrequently emerged in local community organisations and prevented them from working effectively or even led to their breakdown, several of the issues I tried to address in the earlier drafts of this paper often surfaced quite prominently and vividly. Subsequently, I therefore asked Alan to comment on the third draft of this paper, which he very kindly did in some detail. Essentially, he agreed with all the main points but qualified one argument and added a few points. So, with some assistance from Oliver Escobar, Todd Henshaw and Alan Twelvetrees, here goes…..

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[2] These include Community Work, a 4th edition of which was published in 2008. This looks to provide an impressively comprehensive guide for community development workers but of interest also to members of community organisations. It draws on his experience of such work and its problems, with lessons learned from practice and puts forward ideas and strategies for building more effective communities in UK. So far, I've only been able to dip into it, so I can't really say much at this point about how it might be of concrete help to SCC, but it does look interesting and relevant.

Perhaps a useful starting point is to remind ourselves that there is much more to being a democratic forum than just deciding things by majority vote when there is disagreement on a particular issue or proposal. Among the fundamental principles that need to be embraced here, Oliver emphasises that respect for minority views is a key tenet of all western, liberal democracies. He affirms that all views must be valued, but those held by a minority are particularly important in ensuring quality of debate, scrutiny and decision making - he terms this *deliberative quality*.

In this context, however, as a qualification to the above principle Alan has pointed out that when minorities with very extreme views are involved, this can be a difficult issue and limits may well need to be drawn. Thus I'm sure none of us would want to show respect to the views of avowed racists or jihadists advocating terrorism. Perhaps we could therefore agree on a general caveat suggested here by Alan that respect for minority views should not be extended to groups or individuals who clearly have anti-humanitarian views so we should not provide a platform or forum for these to air their opinions. In practice, though, these issues are surely very unlikely to arise at SCC.

Oliver's principle clearly implies that open debate is an essential, indeed vital, part of the deliberations of a democratic forum. Surely everyone will agree that this is probably the primary precept we need to affirm and practice. It follows that 'deliberative quality' requires debate to be real, authentic and honest. For that we must be able to fully exercise our right to freedom of expression as individuals and have that right respected by others, as would be the case at the levels above. In return, of course, we must also try to ensure that in debate we treat others we disagree with and their views respectfully, sticking to what we see as relevant information and argument and avoid attacking or insulting any opponents in personal and pejorative ways. In short, we must try not to take it personally if others disagree with us in an open and frank way. Also, in this context, Todd has pointed out that, when there's a danger of debate degenerating into offensive or overly aggressive behaviour or language, it's important for the Chair or other members of the CC to avoid this by managing the discussion in an effective way which leads the discourse in a more civil direction. Here Alan also suggests that if there's any danger of this problem arising, it may be helpful for the chair to keep a copy of the 'terms of reference' handy and remind people from time to time of the

'rules of the game'. He notes that in some circumstances this may not be easy to do, so may need to be done before trouble of this kind develops.

Engaging in frank debate with others who disagree over something we feel strongly about can sometimes be stressful, but it can also stimulate us to think harder or more clearly about the issues involved and that can help to generate new ideas, deeper analysis of the issues and more eloquent ways to communicate these. That's one of the reasons frank but respectful debate is surely to be welcomed. Oliver goes further here: he argues persuasively that difference and disagreement are in fact the foundations of any democratic forum and they must be treated not as a hindrance but as opportunities for deep exploration of issues because they bring into the conversation a wider range of evidence, experiences, perspectives, values and arguments.

As I understand it, in his research on CCs in Scotland from 2010 onwards, Oliver found that one of the reasons that some CCs were not functioning well or getting into various kinds of difficulty was that the full implications of the need to accept and even welcome open, frank and robust debate in the spirit of a genuine democratic forum were not always fully appreciated and respected, particularly when CCs became rather polarised on particular issues. If local democracy in Scotland is to be strengthened and to function well, it can only help if CCs keep the key implications of being democratic forums in mind.

To put the rather general precepts discussed so far into a more concrete and possibly testing situation, suppose I propose that Southside CC takes a particular action or supports a particular policy or makes a certain case to CEC about a local issue and suppose my proposal wins majority support and we carry out the actions suggested. However, suppose a particular member of SCC, X, disagreed in the debate and, after further thought, is still convinced I was mistaken and that SCC had got it wrong. In a democratic forum, X must be at liberty in the weeks or months following to express his or her dissent openly, for instance by emailing us all at some point to say we got it wrong, for example because Robert Hodgart got his facts wrong or misinterpreted the information available or wasn't aware of other relevant data or his logic was faulty (or several of these). X must then be within her or his rights to say openly that we therefore need to change our minds as a CC. In this kind of situation, Oliver offers a broader perspective, saying that my fairly specific points here are justified insofar as particular decisions must be treated as

temporary agreements in an ongoing conversation where continuing reflection and scrutiny are important, particularly when new evidence or arguments warrant the re-examination of a previous decision.

Since we are a democratic body accountable to our constituents in Southside, in this situation X must also be within his or her rights to communicate with our constituents in the area or some of them in whatever way he or she finds appropriate, e.g. by e-mail or other means, to say SCC got this wrong and why they got it wrong, in the hope these constituents will agree and make representations to SCC to persuade us to change our minds. If you are uncomfortable with that possibility, consider what would happen in CEC or the SP if a city councillor or an MSP who disagreed with a policy which was being or had been implemented after receiving majority support, subsequently decided to make his or her disagreement and the reasons for it public in the media. I'm sure everyone would accept they had a perfect right to do so and that this was in fact a normal part of the democratic process and any ongoing debate this might entail.

Of course, quite possibly in such a situation X might be in trouble with their party if these actions contravened any strongly enforced 'party line' on the issue. Fortunately, in a CC we don't have to worry about toeing a party line. Thus, if member X of SCC argued in this way in some open public manner outside SCC that I'd got it wrong, I would have to accept that X had a perfect right to do so. Of course, we have to be aware that in the *Community Council Guidance Notes* CEC has given us it states on p.18 that once a motion has been passed by a CC, no contrary motion should be considered for a period of six months, unless notice has been given of the proposed item in the summons for the meeting and the CC agrees the decision was based on erroneous, incorrect or incomplete information[3]. X may therefore have to keep all that in mind and possibly exercise some patience if he or she hopes to formally overturn my

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[3] If, gentle reader, you will permit at this point a short historical digression reaching back into the long roots of our democracy, it may be interesting to note that, fortunately, such a time limit did not apply to the Athenian Assembly in 427 BC when, after intense debate, it reversed its harsh decision of the previous day to execute all the male citizens of Mytilene and to sell all the women and children into slavery after the latter city had revolted against the Delian League led by Athens. The Assembly then dispatched a fast ship with the changed decision which just managed to reach Mytilene before the ship sent the previous day arrived.

motion, but in the meantime X is perfectly at liberty to go on arguing his or her case in the ways just described.

Being criticised or challenged robustly in a very public context is something few of us enjoy or appreciate positively. However, in the situation just outlined I would have to accept it as an intrinsic part of being involved in an open, democratic forum which values transparency. I know too I should try to accept that if there were errors in my facts or arguments, I'm the person who most needs to know and should therefore be the first to thank X for putting me right. This does not always come easily! Nevertheless, such correction needs to be seen as an invaluable benefit of healthy democratic debate.

A useful way to summarise the main general argument so far might be to say that as a CC we "must not confuse dissent with disloyalty" to quote a TV broadcast by the American journalist Ed Murrow when he rather bravely went on CBS in March 1954 to challenge Senator Joseph McCarthy's intimidating tactics in his 'witch-hunting' of supposed communists, socialists or other 'liberals' in the USA. It may also be worth remembering in this context that one rather wry definition of tolerance is "a suspicion that it's the other guy who's right."[4]

Taking these basic principles a step further, if SCC makes a report on a particular issue to CEC based on a majority view, a minority or even an individual has the right to also submit a differing minority report, acknowledging of course that it comes from a minority and specifying the minority's size. In this context as well, dissent should not be seen as disloyalty.

Another important implication of being a democratic forum is that a small minority must eventually be able to get an item onto the agenda for discussion, even if a majority are initially opposed to discussing it. After all, through debate a minority view may win majority support. Naturally, in setting up the agenda for SCC meetings, items which many want discussed must normally take precedence over items only a few want debated, but there must be some regular, accepted way through which minority issues get onto the agenda and get discussed or debated. This

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[4] This comes from an urban(e) sociologist of the 'Chicago School', Louis Wirth (1897-1952).

corresponds to the right of even very small parties in the SP to get motions they put forward debated from time to time. It's also helpful to note here a point made by Todd regarding agendas: it can aid quality of discussion and debate, particularly on important issues, if a full and clear agenda is sent well in advance so that people have plenty of time to form opinions and gather facts, if necessary. In the busy, real world we live in, however, we may have to accept sometimes that may not always be easy.

As noted at the start, you may think all the above principles are really already understood quite implicitly, or even just instinctively, without needing to be stated explicitly. Yet, experience suggests democratic bodies can sometimes lose sight of some of these principles when people hold strong and opposing views and debate becomes fractious. Taking a different critical perspective - a more practical one - you may well feel some of the situations described above are extreme cases which are very unlikely to occur in reality in CCs. This may well be a fair point, but I would argue, nevertheless, that even as somewhat extreme cases the situations considered earlier are still useful in roughly mapping out some of the outer boundaries or parameters of debate and dissent in a CC.

Finally, after all this, does everyone accept the preceding principles and conclusions? If not, why not? I'm sure they would be accepted in the contexts of the procedures and processes of CEC and the Scottish Parliament. In fact, they have also been practiced, essentially, in the deliberations and debates of the Church of Scotland for over 250 years in its annual General Assemblies, normally held in May. If you think any of the above arguments and conclusions are hard to accept, I would ask why should we be less of a democratic forum than any of the latter three?

Comments and criticism and, of course, debate are welcome.

<div style="text-align:center">Robert L. Hodgart   13/3/16</div>

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Postscript

I'd like to add a general point made by Alan here as it doesn't seem to fit into the preceding text at any particular point. He feels that, given the potential difficulties and complexities of their tasks, e.g. in engaging with their communities, plus the range of problems that they can encounter, community councils could benefit from more help, advice and perhaps training from professional community workers to assist, among other things, with "getting new people in and advising the group in other ways". CEC has, of course, provided a number of courses or training sessions particularly aimed at new members of CCs, but how far do these meet the needs for strengthening the role of CCs in community engagement and development? Ultimately, this may largely be a problem of limited resources. It's not so immediately connected to the questions discussed above of what being a democratic forum involves, but it is perhaps worth mentioning here as a reminder that as a democratic forum we operate within the context of the 'community' or 'communities' of the Southside and need to keep our engagement and interactions with the people of the Southside in mind in our deliberations as a democratic forum.