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# Democratic backsliding and public administration: the experience of the UK

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## ABSTRACT

The extent to which the Brexit-era UK Conservative Party engaged in a style of politics identified as “populist” or “illiberal” has been much debated in recent years. This article argues that, during its period in government, it used power to roll back the frontiers of liberal democracy through deploying policy interventions drawn from an “illiberal playbook” encompassing the (legal in letter and spirit), “forging”, (legally dubious but admissible) “bending”, and (illegal and extra-legal) “breaking” of the institutions which undergird the rule of law (Pirro and Stanley 2022). The article uses a policy tools approach to categorize the relevant interventions, such as weakening Freedom of Information laws, placing onerous burdens on the rights to vote and protest, favouring political allies in procurement, and illegally shutting down parliament to avoid scrutiny. Situating these observations within recent developments in scholarship which draws linkages between public administration and democratic backsliding, it concludes by sounding the alarm as to the possible shape of things to come due to the flexibility and therefore vulnerability of the UK’s constitutional system, the Conservatives’ authoritarian trajectory, and the rise of Reform UK.

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## Introduction

UK democracy has been subject to “democratic backsliding” in recent years (James 2023, 7; Kippin 2024; Russell, Renwick, and James 2022). As early as 2012, democracy researchers were “sounding the alarm” about the condition of UK democracy, with the organization Democratic Audit warning that UK democracy could be entering a period of “terminal decline” (Wilks-Heeg 2012). The authors of the report pointed to concerns around falling participation rates in politics, a loss of trust in political institutions, and an increase in governmental dysfunctionality. However, while coverage of the report emphasized its more worrying findings, the authors also identified fundamental strengths related to the UK’s core political institutions, including its Parliament, core executive, and elections. In 2018, the same organization (albeit using a different methodology)

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noted significant decline in those institutions, set against the backdrop of the UK's decision to leave the European Union, an upsurge in populism, and radically increased governmental dysfunctionality (Dunleavy, Taylor, and Park 2018). These events took place in the context of a "global democratic recession" for which the causes are many and diverse, but mostly circle back to the arrival of radical right populist parties into many national party systems (Diamond 2015; Carothers and Press 2022; Russell, Renwick, and James 2022; Benasaglio Berlucchi, Antonio, and Marissa Kellam 2023; Bauer 2023). In government, such parties have used their powers to pursue nativist and socially conservative reforms related to "morality" policy, compromised the independence of judicial and media institutions, and adopted "emergency" powers of dubious necessity. The result has been a generalized diminishment of democracy and the rule of law, with policy measures associated with an illiberal agenda causing democratic backsliding.

While generally associated with either President Trump or European radical right parties, this article explores whether a similar process occurred in the United Kingdom under the ostensibly centre-right Conservative Party in the years leading up to their historic election loss in 2024. Focusing on the period following the 2016 referendum on European Union membership which accelerated slower-burning trends towards the UK right's ideological realignment, it argues that there was a UK version of these developments, which saw the government pursue a policy agenda which was hostile to democracy and contributed to democratic backsliding. This article asks to what extent the UK Conservative government (2016–2024) caused backsliding through the deployment of illiberal policy tools, and what this reveals about the vulnerability or otherwise of consolidated democracies to democratic erosion, arguing that sustained anti-democratic policymaking can result in democratic deterioration. While Brexit is often treated as a critical juncture, these developments have deeper roots within both the UK Conservative Party and UK politics more generally. During this period in question, the Conservative Party may have "effectively transformed itself [...] from a mainstream centre-right outfit into an ersatz version of the populist radical right insurgency that the referendum was supposed to help see off" (Bale 2023a, 2023b, 6), but the ingredients were always there.

The article begins by providing some context about radical right populism in the UK context, before exploring the connections between (radical right) populism, illiberalism, nativism, authoritarianism, and democratic backsliding. The paper then introduces a schema for analysis, drawing on Pirro and Stanley's (2022) "forging, bending, and breaking" framework to categorize the policy approach which contributes to democratic backsliding. This section also introduces John's (2011) "tools of government" framework, and combines these insights to identify radical right populist policy tools. Three main sections explore UK policy in these areas, asking to what extent post-2016 Conservative government policy aligned with a populist playbook, finding:

- That the "War on Woke" or "anti-woke agenda" aligns with an approach to "forging" an anti-liberal politics
- The considerable flexibility of the UK's political and democratic system allowed the Conservative government a high degree of discretion to reshape UK governance in ways which "tilt the playing field" to the Conservatives' advantage

- That in spite of the leverage given to the executive in the UK's policymaking system, the government has nonetheless seen fit to act contrary to both domestic and international law - and squarely in contradiction of democratic principles.

However, this agenda was not always successful. Firstly, it was hamstrung by legal challenges, and undermined by the complexity of the UK's policymaking system, which frequently undermine even those policy agendas based on evidence, with high levels of stakeholder buy-in, and skilled public administration. Secondly, it contributed to Conservative unpopularity, and played a role in the party's historic defeat at the 2024 general election. Thirdly, when its constituent parts were implemented according to plan, they did not generally achieve their objectives. Nonetheless, the article ends by exploring whether this may be a temporary reprieve, with longer term trends pointing in a troubling direction for British democracy.

### ***Radical right populism and its UK manifestations***

The “thin” ideology of populism, which pits a “pure” people against a “corrupt” elite animates many political parties and actors in democracies across the world (Albertazzi et al. 2025; Rovira Kaltwasser and Taggart 2025; Bauer 2023; Baldini, Bressanelli, and Massetti 2023; Zulianello 2020; Mudde and Rovira Kaltwasser 2017; Müller 2017; Stanley 2008). The label describes a style of politics which takes complex problems and presents simple solutions and emotive appeals to mobilize mass opinion. “Radical right” populist parties tend towards both nativism and authoritarianism, gaining political capital from their ability to mobilize societal discontent over immigration and multiculturalism, their focus on personality, ability to “cut through the noise”, and are adept at positioning themselves as the opponents of societal elites, who they blame for all of societies’ ills (Schmidt 2025, 1074). The rise of such parties has benefited from a crisis of “market liberalism” from the 1970s onwards, which Hopkin (2020) argues triggered a rise in “anti-system” politics, which acts as a conduit for dissatisfaction with the state of public services, basic provision of important goods, and the condition of the economy (Hopkin 2020). Despite this, they often endorse economically orthodox, or “exclusionary neoliberal” policies and programmes congruent with those approaches which have fed hostility to the mainstream parties (Ausserladscheider 2024).

Populist actors often place themselves in direct opposition to liberalism, and in doing so seek to circumvent democracy – with which they enjoy a “difficult relationship” (Thomas and Jones 2025, 1062). The liberal state consists of (in radical right populists’ rhetoric) a vast apparatus designed to maintain the interests of the elites at the expense of the people (Albertazzi et al. 2025; Mudde and Rovira Kaltwasser 2017; Bauer, Peters, and Pierre 2021; Bernhard 2021; Popp-Madsen 2020). Therefore, by dismantling the system that upholds the status quo, the people can be liberated from the control of the elite - by a powerful leadership acting on their behalf. As such, populists and authoritarians, when they attain power, often target, undermine, or ignore the rule of law, which represents a key barrier to the achievement of their goals of “liberating” the people such as through placing limitations on the scope of the action of the country’s leadership. Law, and the associated legal system, also exists as a repository of elite sentiment and activity, and provides venues in which the will of the people is frequently

thwarted through supposedly undemocratic means. Such institutions are made up of individuals who live lives which are disconnected from mass experience, usually as a result of their superior wealth, connections, and means. Their attack on such institutions has consequences for democratic governance.

In the UK, the populist right has been examined primarily in terms of smaller independent parties which concern themselves with UK sovereignty, and in advocacy of the UK's departure from the European Union. The best known of these is UKIP, which was led for many years by Nigel Farage. Following UKIP's rapid decline, Farage emerged as head of the Brexit Party, which is the only non "main" UK political party to win a national election (finishing first in the 2018 European Parliament elections). Despite their difficulty in upending the country's two-party duopoly, these challenger parties have had a profound effect on UK politics, and it is difficult to imagine the 2016 referendum occurring, never mind delivering the result it did, were it not for Farage's skilful and persistent advocacy of the Brexit cause (Bull, Weinberg, and Coen 2024). Moreover, these parties strongly shaped the internal politics of the Conservatives – which has "adopted a discursive strategy that became increasingly populist" (Thatcher 2025, 1134). These parties have achieved less success in elections to the House of Commons, though in 2024, the party won five seats on over four million votes (14.3% of votes cast). Their greatest successes thus far have come from using their ability to mobilize right wing media and public opinion to shape the Conservative Party's political and policy approach: Bale states that Johnson "if he believed anything, believed that the Conservative Party must never again risk being outflanked by a Farage style radical right insurgency" (2022, 199).

This provides only partial explanation for what are longer running shifts in the nature of British conservatism. Blick notes significant continuities in ideological perspective, political approach, and policy preference between the right of the Conservative Party and the Farage-led parties (Blick 2023). Right-wing and Eurosceptic voices have long been prominent on the Conservative backbenches, and in the assortment of groups which reflect certain right-wing priorities. Some figures, both past and present, up to and including at Cabinet level, have expressed views and associated themselves with policy positions which would not be out of place in a far-right organization. We might consider the relationship between the Conservatives and its far-right challenger party competitors as representing an instance of "authoritarian mainstreaming" (Kaltwasser and Taggart 2025), a process by which arguments, approaches, and policies previously limited to the right fringes of the political spectrum are adopted in the mainstream – and which has accelerated in recent years.

### ***Democratic backsliding and public administration***

Democratic backsliding refers to "the process of removing constraints on accountability for democratically elected executive leaders" (Grillo et al. 2024, 383; Levitsky and Ziblatt 2017) – it is evident in the weakening democratic institutions such as the integrity of elections, the compromised independence of legislatures and judiciaries, and the removal of obstacles to executive action through legitimate and illegitimate means (Coletti 2025). It may also arise from reduced transparency, and limits to individual freedoms. Some scholars argue that we are now in an era of democratic backsliding and (Bauer 2024;

Grillo et al. 2024; James 2025, 11; Norris 2017). While often discussed interchangeably, radical right populism and democratic backsliding are distinct concepts, but are strongly connected in at least three ways. Firstly, radical right populist deploy anti-elite rhetoric that prefigures attacks on democratic institutions (Mudde 2004; Urbinati 2019). Second, populist leaders often use their real or perceived electoral mandate to position themselves as the highest legitimate and to justify the departure from liberal norms (Bermeo 2016; Levitsky and Ziblatt 2017). Third, both phenomena feed off similar conditions, high distrust, economic insecurity, and the perception of cultural threat, creating a climate ripe for democratic erosion (Gidron and Hall 2017; Inglehart and Norris 2016).

A key connection between the two can be found in the overlapping concepts of public policy and public administration. Put simply, radical right policymakers use public policy and public administration in ways which trigger episodes of backsliding. To develop this further, James (2025) in the introduction to this volume, identifies several key linkages between public administration and democratic backsliding:

1. the undermining of public administration quality by power hoarding governments,
2. the degree of institutional protection (or otherwise) in a democratic system against backsliding
3. the use and misuse of majoritarian logic to centralize power, and;
4. the role that public servants might play in resisting democratic backsliding.

This analysis concerns itself primarily with linkages 1, 2, and 3. Regarding linkage 1, it identifies the Conservative governments of the post-2016 period as being concerned with the aggrandizement of executive power and the removal of barriers to its freedom of domain. Regarding linkage 2, it identifies the UK as being peculiarly vulnerable for a mature democracy, with few institutional safeguards against executive overreach. The system is also inherently majoritarian (linkage 3), investing significant powers in the party, or parties, of government by dint of a plurality electoral system. If a majority UK government is determined to expand its own power, it has few formal limitations on its ability to do so, and can justify its approach with reference to the will of (a majority, or at least a plurality, of) the people.

### ***The tools of government and the illiberal playbook***

This section combines two complementary frameworks to bring greater conceptual and empirical rigour to the analysis of democratic backsliding in a mature democracy. By pairing Pirro and Stanley's typology of illiberal strategies with John's categorization of policy instruments, it becomes possible not only to identify illiberal *intent* but also to trace the mechanisms through which that intent is implemented. John (2011) offers a six-part typology of policy tools, which builds on and extends Hood and Margetts's NATO framework (2007). While the NATO model includes "organisation" as a separate category, John redistributes this element across "bureaucracy and public management", "institutions", and "networks and governance". These categories are particularly relevant in the context of democratic decline, as they encompass the institutional and constitutional arenas where norms may be reshaped, stretched, or dismantled. Historical and contemporary cases of backsliding suggest that such tools are frequently deployed

**Table 1.** Illiberal policy tools.

| Tool Category                         | Forging                                                                                                                                    | Bending                                                                                                               | Breaking                                                                                                                         |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Law and Regulation                    | Establishing new laws which seek to promote “majority” perspectives or defend against their alternative                                    | Enacting laws or regulations which create tangible political benefits for the dominant party (e.g. in elections)      | Implementing laws or regulations in a partial/biased way or breaching domestic/international obligations                         |
| Tax and Public Spending               | Diverting public spending away from groups, agendas, or programmes which represent a perceived threat dominant-group identity or interests | Using spending/taxation powers to deliver resources to supporters or target voters - or for overtly political reasons | Using public spending powers to reward loyalists in a manner outside the law - or to disbenefit opponents through the tax system |
| Bureaucracy and Public Management     | Establishing, abolishing, reconfiguring public bodies to promote “moralistic” or traditional values or perspectives                        | Centralizing executive power or making the state more amenable to executive influence                                 | Changing state functions in ways which are incompatible with legal obligations                                                   |
| Institutions                          | Reforming/establishing/abolishing institutions to privilege “in group” or “majoritarian” views                                             | Modifying rules to centralize executive power or limit political scrutiny                                             | Reforming institutions to give one side or sector interest a clear advantage; ignoring lower-level democratic mandates           |
| Information, Persuasion, Deliberation | Using government’s strategic role to frame perspectives or debates to privilege certain views                                              | Using strategic position in information networks to limit transparency and accountability                             | Using monitoring/data collection to surveil political opponents or promote anti-democratic messages                              |
| Networks                              | Establishing or legitimating networks and expanding their policymaking role through appointments                                           | Subverting norms in appointments or official/semi-official advice sources                                             | Bringing anti-democratic networks into policymaking, creating predictable anti-democratic outcomes                               |

by illiberal regimes seeking to consolidate power. The following analysis draws on this typology to assess how successive Conservative-led governments in the UK (2016–2024) have used policy to subvert liberal democratic norms.

What kinds of tools tend to be favoured by radical right populist governments? As Table 1 shows, some are relatively straightforward. For example, within the “law and regulation” category, one might expect legislation that imposes strict immigration controls or restricts access to welfare benefits for targeted groups. Public spending may be steered away from communities seen as ideologically oppositional, or from programmes that support marginalized groups. Bureaucratic tools can be used to politicize public appointments or undermine the independence of regulatory bodies. Institutional and governance reforms may be framed as efficiency measures while ultimately concentrating executive authority and weakening checks and balances. In this way, instruments of everyday governance become mechanisms of illiberal consolidation. These patterns align with what Pirro and Stanley (2022) describe as the illiberal playbook: a set of strategies that weaken liberal democratic institutions while preserving a façade of procedural normality. Drawing on the cases of Hungary and Poland, they identify three mechanisms through which this playbook is typically enacted:

- Forging: legal reforms that comply with democratic procedures but reduce pluralism or disadvantage particular groups;
- Bending: actions that follow the letter of the law while undermining its spirit or established democratic norms;

- Breaking: measures that violate both legal principles and the foundations of liberal democracy.

These processes allow governments to decouple the liberal from the democratic, preserving elections and other visible manifestations of democracy, but weakening civil liberties, accountability, and the rule of law (Merkel 2004, cited in Pirro and Stanley 2022, 89). While developed in the context of post-socialist democracies, Pirro and Stanley encourage the use of this framework in other contexts, noting the importance of institutional and cultural variation (2022, 96). The UK, regularly described as one of the world's most established democracies differs in both its historical foundations and political culture. Nevertheless, its democratic institutions are not immune to erosion (Dunleavy, Taylor, and Park 2018, 17).

The UK's uncoded constitutional system, rooted in the Westminster tradition, allows governments with a parliamentary majority significant latitude to enact reforms without the constraints typical of codified systems (King 2009) despite meaningful constraints (Cairney and Kippin 2024). This flexibility has often been regarded as a strength, enabling responsive governance and gradual adaptation. Yet it also opens the door to abrupt shifts, especially when political actors are willing to disregard precedent or convention. Brexit has intensified this dynamic, removing supranational legal constraints and accelerating the centralization of power within the executive (Baldini, Bressanelli, and Massetti 2023). Whereas Hungary and Poland face scrutiny from European institutions, the UK now operates with fewer external legal checks. The European Court of Human Rights continues to offer some constraint, though its domestic authority is increasingly contested.

Taken together, the illiberal playbook and policy instruments frameworks offer a structured means of analysing how illiberal strategies are translated into practice. Pirro and Stanley help to identify what is being done to democratic norms; John's framework shows how this is implemented through tools of governance. The combination allows for a more detailed understanding of how policy, far from being a neutral instrument, can be used to reshape the norms, institutions, and boundaries of political life in a mature democracy. There are, however, limits to what this combined approach can reveal. The use of tools that appear to forge, bend, or break democratic norms does not in

**Table 2.** Democratic backsliding and Conservative government policy.

| Dimension of backsliding                                                  | Contributing policy measure                                    | Relationship                                                                                                                                                              |
|---------------------------------------------------------------------------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Breakdown in the norms of political behaviour and standards               | Prorogation affair                                             | Use of illegal means to limit scrutiny of core executive policymaking and to delimit legitimate political oversight by parliament                                         |
| Disempowerment of the legislature, the courts, and independent regulators | Internal Market Act 2021, New powers over Electoral Commission | Granting executive new powers to override devolved policymaking and to direct previously independent electoral management body to respond to central government direction |
| The reduction of civil liberties and press freedoms                       | Rwanda scheme, Public Order Act 2023                           | Effective "opting out" of obligations to asylum seekers under international law; and severe limitations on the right to protest                                           |
| Harm to the integrity of the electoral system.                            | Provisions of Elections Act related to voter identification    | Clearly partial requirements on different types of voters seemingly in line with propensity to support the Conservatives at elections                                     |

itself confirm that backsliding is occurring. Similar instruments may be used by governments acting in good faith or pursuing legitimate policy aims. It is therefore necessary to consider wider trends and outcomes. The following sections apply this framework to the UK context, drawing on V-Dem and other democratic indices to assess whether democratic erosion is taking place, and if so, how far it has progressed. These are summarized in Table 2.

### ***Forging: the “war on woke”***

The UK Conservatives engaged in “forging” in the form of an ill-defined “war on woke”, which targeted politically correct sensibilities and the increased attention and emphasis being placed on racial justice and gender representation, as well as the UK’s historic role as an imperial and colonial power (Thatcher 2025). The academic Matthew Goodwin, a political and media ally of the UK’s populist right, identifies it in the pejorative, as an ideology, or a “pseudo-religious belief system which is organised around the sacralization of racial, sexual [and] gender minorities [and] prioritises subjectivity [and] lived experience over objectivity and empirical evidence” (Goodwin 2021). Davies and MacRae (2023) describe the backlash against this perceived threat as a “war on woke”, which is an “intensive ideological campaign against social justice movements that is mobilising far-right tropes and conspiracy theories within mainstream British political discourse” (1). These developments can be related to the “Blob”, a term which Conservative Party politicians and right-wing allies have used to identify the real and presumed opponents of its policy and political agenda (Finkelstein 2023; Fletcher 2023). Both “wokeness” and the “blob” have a long heritage, in spite of the newer nomenclature, perhaps marking the latest manifestation of a longstanding tendency which has identified political correctness, a supposed “nanny state”, and more recently “snowflake” tendencies.

Two policy interventions as discussed here. The first relates to free speech, which many commentators on the political right argue is under threat. This particular case relates to an increasing tendency of university student unions to “no-platform” invited speakers due to their association with allegedly problematic views. However, this longstanding issue has recently been conflated with issues related to academic freedom, and particularly the freedom of academics to articulate perspectives or ideas that some students find objectionable. The most well known instance is of the academic Kathleen Stock of Sussex University, who left her post at Sussex University following a backlash from students (and more widely in activist communities) to her research and public statements on gender identity and trans issues (Shaw 2023). Allegedly in response to these concerns, the Government introduced the *Higher Education (Freedom of Speech) Act 2023*, which included provisions designed to ensure that academics could not be penalized for holding supposed heterodox views, but also created new regulations for student’s unions and universities related to their public events programmes. Additionally, it created a regulatory mechanism in the form of a “free speech champion” as an Ombudsman (working with the Department for Education’s Office for Students) to monitor and, if necessary, fine supposed infringements (such as deplatforming speakers or ideologically motivated dismissals). This created a paradoxical situation in which the government now directly monitors private organizations, and potentially levies fines if they err on the wrong side of regulations as to who they invite to speak – all in the name of free speech! It

represents an instance of the government wielding its regulatory power to encourage (and at times enforce) certain “controversial” perspectives to be heard in higher educational settings, to encourage the flow of anti-woke ideas, and in to disrupt and compromise what is judged to be a dominant or progressive worldview on campuses.

A focus on trans issues also animated Conservative government policy on intergovernmental relations. Squarely within the bounds of the law, but representing a departure from institutional norms, sits the UK Government’s response to the Scottish Government’s passage of legislation that allowed individuals who wished to change their legal gender to do so with greater ease through the Gender Recognition Act 2023 (Scotland). This promoted a process of liberalization, which would have brought Scotland into line with other European countries such as Denmark, Ireland, and Germany, and to streamline the onerous legal and medical process that trans people must endure prior to formal legal recognition of their true gender. Following the legislation’s passage, the UK Government intervened with a Section 35 order, a legal device which challenges legislation passed by the Scottish Parliament where it is deemed incompatible with international obligations, national security or defence interests, or (more vaguely) where it would have an “adverse effect” on reserved matters (Paun and Allen 2023). The latter justification was used to block the bill, which remains on the statute but not implemented. The UK government’s rationale centred on the perceived impact that the change would have on UK equality law, and in particular, the UK Equality Act. They pointed to concerns about creating parallel legal regimes; the increased potential for fraudulent gender recognition applications; and the possible exacerbation of issues related to sex-specific services (Paun and Allen 2023). Underpinning these dry legal processes was a populist and exclusionary rhetoric, with Rishi Sunak remarking that he “wants to stand up to that lefty woke culture that seems to want to cancel our history, our values, and our women!” (quoted in Bale 2022, 290). This rhetoric continued and intensified during the 2024 General Election campaign. Such moves mirror rhetoric and policy in the US, where Donald Trump’s 2024 election campaign successfully mobilized prejudice against trans people (Demopolous 2024).

Prior to Brexit, the relationship between the UK and Scottish governments had generally been constructive and, despite some high-profile disagreements, cordial. What is notable is that this effective veto was deployed in the context of a political climate in which the issue of gender had become highly politicized, in which negative news coverage of trans people had increased, and in which crimes against transgender people had reached an all-time high. The Conservative Party conference in 2023 saw six ministers use their speeches to draw attention to trans and gender issues, including promoting reviews, new rules, or guidance to examine various dimensions of these societal changes. The conference speeches included new rules on single sex hospital wards, and guidance for scientists researching gender related issues (Fisher, Gross, and Parker 2023). The-then Conservative Party Deputy Chair had previously announced that the “trans debate” and “culture wars” could hold electoral appeal – something operationalized, albeit unsuccessfully, during the 2024 election campaign. This preoccupation with these issues reached a high point when the UK Government used its veto power to dismiss a domestic piece of Scottish Government legislation which would have had, at best, a minor impact on the rest of the UK.

A second example of forging can be identified in the UK Conservative government’s response to the issues raised by the coming to prominence of questions of deep-rooted

and systemic injustice triggered by the murder of George Floyd by a US police officer appeared to demonstrate an instinctive hostility to discourses which placed the UK state in a position of overt blame, and arguably sought to legitimize rather than challenge existing UK approaches to such issues (Thatcher 2025). One key response was the commissioning of a report on racial *disparities* (deliberately eschewing the more challenging language of injustice and inequalities). The choice of commissioners seemed to prejudge a particular outcome and was designed to produce a benign framing of racialized outcomes which minimized the impact of social determinants and dismissed the importance of systemic racism (Cairney and Kippin 2024, 239). Further, it reflected the growing prominence in Conservative Party circles of figures linked to right-wing networks of journalists and campaigners with a primary interest in “culture war” issues. For instance, Boris Johnson’s adviser Munira Mirza has been described as central to the Conservative Party’s tilt towards this focus and played a key role in designing and guiding the Commission’s rejection of notions of structural or institutional racism. The Commission presented the UK as a model for “other white majority nations” (quoted in Bale 2022, 188). The report demonstrates that the UK Government have used their power as occupying a strategic informational position to promote a “war on woke”. Further, it also drew upon new and emerging right-wing networks with overlapping ideological connections, which have become central to contemporary conservative politics. It also allegedly sought to stoke division, and to trigger politically advantageous protest from the “woke warriors” in the “race relations industry” (Bale 2022).

The “War on Woke” has other components. Not mentioned here, for instance, is the issue of the “protection” of statues, or other matters related to the preservation of heritage which critics describe as glorifying, explaining, or valorizing racists or other outmoded belief systems: all subject of Conservative government policy innovation, including new legislation and criminal sanctions. The article now shifts to the second category: “bending”, whereby the Government uses its powers to legally erode the rule of law. In the UK context, particularly in the post-Brexit period, the realms of what is technically permitted is vast, given the country’s flexible and uncodified constitution. This has been exploited to circumvent democratic norms, entrench partisan advantage in the political system, and centralize power within the core executive. This paper now turns to these issues.

### ***Bending: changes to the rules of the political game***

The Conservative governments of Johnson and Sunak both enacted policy reforms which enacting “bending”. Explored here are changes to the right to vote and to engagement in protest activities. These fall under the “authority” category of John’s schema (2011). Regarding the former, the Government introduced regulatory requirements in the Elections (Voter Identification Requirements) Bill for voters to produce individual proof of identification (ID) to vote at all elections held in England (and UK wide, in General Elections) (The Electoral Commission 2024). Critics argue that the groups less likely to hold the relevant kinds of ID are less likely to support the Conservative Party, and are more likely to be drawn from non-White communities and trend younger (and are more likely to move home frequently) (James 2023). Meanwhile, older and more settled groups are likely to be in possession of the relevant ID and routinely carry it with them. Indeed, the

specific types of ID permitted under the new regulations appear to discriminate against younger voters, with various forms of older person's age-specific ID acceptable under the regulations, but not the equivalent for younger people (Alonso-Curbelo 2023; Electoral Commission 2024a, 2024b). Additionally, changes have been made to the remit and the nature and extent of the government's ability to direct the activities of the Electoral Commission (James 2023; Dean 2022). At the 2024 General Election, "one in 1,200 voters who tried to vote at a polling station were not given a ballot paper at the UK general election due to the ID requirement" (Electoral Commission 2024a, 2024b).

Such requirements echo developments in the United States, where the Republican Party has pursued reforms in numerous state contexts, as well as at the Federal level, which seek to erect barriers to the exercise of the franchise, at times openly acknowledging their motives (to depress ethnic minority, and therefore Democratic Party, turnout) (Darrah-Okike, Rita, and Logan 2021). Indeed, Jacob Rees Mogg, a former Conservative Cabinet Minister was surprisingly unambiguous about the motives for introducing the reform when he described it as "gerrymandering" which had "[come] back to bite them" because older voters, who were not aware of the change, were turned away in surprisingly large numbers (Cowan 2023). Such older voters increasingly favour the Conservative Party in elections (Chrisp and Pearce 2019). A further change was made to voter eligibility, to provide UK passport holders who had emigrated to other countries a non time limited right to vote in UK elections (this had previously been set at 15 years – see Collard 2019, for an account of the history and politics of international voters in the UK). Again, such voters tend to be older and retired, pro-Brexit, and pro-Conservative. In combination, these reforms seek to make it more difficult for younger (anti-Conservative) voters to exercise their rights to vote, and easier (or at least no more difficult) for older (pro-Conservative) voters to do so.

The Conservatives also have pursued reforms to the Electoral Commission, the UK's electoral management body. Though a relatively new innovation in the grand scheme of things, these bodies have taken on an important role in ensuring the integrity of elections. The UK's version works closely with local government in setting benchmarks for integrity, to set standards for the management of elections, regulates and registers political donations, publishes election data (such as related to turnout and party-political funding), and works closely with local authorities to ensure the smooth running of votes. In 2022, the government passed the Elections Bill, which alongside the onerous new requirements on voter identification, granted itself the power to write a legally binding policy statement which the Electoral Commission must follow by law. The Chair of the Electoral Commission stated that this new rule squarely threatens the independence of the commission, arguing "powers on the face of a bill like that are inconsistent with the Electoral Commission acting as an independent regulator" (quoted in Dean 2022). This seemingly small change created a mechanism by which the government of the day can direct a previously operationally independent elections regulator to ignore or pursue certain issues, with clear incentives, given the partisan control of the government, to set the parameters accordingly.

Similarly troubling are changes which have been made to the right to protest. UK police have a noted track record in responding heavy-handedly to protest, and the obvious discontent that such resistance reveals has seldom triggered a reappraisal of the government policies that contribute to them (see Cairney and Kippin 2024, 213–215). While the police

enjoy a high degree of operational independence, such clampdowns are treated uncritically by relevant policymakers and are often mirrored in official government policy and pronouncements. Successive Home Secretaries Priti Patel and Suella Braverman have sought to create barriers to the right to the exercise of this protected right, and to criminalize such activities if they cause an ill-defined “public nuisance” (Liberty 2022). This mirrors the rhetoric of senior politicians, with Patel for instance describing environmental protestors as “selfish, fanatical, and frankly dangerous” (quoted in Bale 2022, 239). The changes come in tandem with changes to the regulations governing industrial action (against the backdrop of a cost of living crisis which has triggered a wave of pay disputes) where Ministers have sought to introduce “Minimum Service Agreements” which severely curtail the ability of certain “key workers” to withdraw their labour. Again, such changes are legal but explicitly contrary to the normative demands of democracy and pluralism, and clash with important rights such as free assembly and the right to engage in political speech (Arce and Rice 2019).

Despite substantial leeway in damaging democracy within the law, the UK government under the Conservatives nonetheless transgressed legal boundaries, signifying “breaking”. Some examples of this are now explored.

### ***Breaking: transgressing the law***

The Conservative government used its regulatory power to adopt a hardline approach on asylum, combining “tough” rhetoric with a hard refusal to abide by the country’s legal obligations under the Human Rights Act and its obligations under international law (Matera et al. 2023). A key plank of the approach was the plan to remove asylum seekers from the UK who would be held and “processed” in Rwanda, where they would remain, even if successful (if unsuccessful they would be deported to their country of origin). This sat alongside an “effective criminalisation” of the act of seeking asylum in the UK from other safe countries’ (Bale 2023a, 2023b, 204). A publicly stated justification for the plan was to deter criminal groups which profited from people smuggling and the facilitation of unsafe journeys across the English Channel from France (Parker and Cornell 2024). However, a more general “populist” anti-migrant rhetoric accompanied these changes, particularly from the Home Secretary Suella Braverman. They may have also been shaped by a preference for “wedge” issues, which place political opponents on the “wrong side” of public opinion, or an electorally significant portion thereof (Bale 2023a, 2023b, 245). When the plans were originally announced by Prime Minister Boris Johnson, he acknowledged that they would be challenged in court (while simultaneously vouching for their legality). However, the UN’s Refugee Agency quickly announced that the plans were in breach of both the letter and spirit of the refugee charter and the UK High Court eventually ruled that Rwanda was not a “safe third country” (a key justification used by the Government for the policy) (Grogan 2023). UK policy has been motivated (at least publicly) by a desire to “stop the boats”, but other options – within the constraints of international law – are readily available.

A second example of breaking, related to the government’s “internal to the state” powers, can be found in the example of the Internal Market Act - passed by the UK Parliament in December 2020. The legislation aimed to ensure the unquestioned ability to trade within the borders of the UK against a backdrop of a “differentiated Brexit”

which saw Northern Ireland remain aligned with the European Single Market (because of its shared land-border with Ireland, and therefore the European Union) (Keating 2022). While the relevant clauses of the Bill, which would have allowed Ministers the power to make regulations relating to state aid and customs rules between Northern Ireland and the rest of the UK, were withdrawn for a combination of political and legal reasons from the act prior to its passage, there were parts of the Bill which Ministers acknowledged would be in direct breach of international law. For instance, the Northern Ireland Secretary told the House of Commons (to much outrage and ridicule) that the bill would “break international law in a limited and specific way” (Hogarth 2020; Bale 2023a, 2023b, 164). The measures were not legal, as they provided the government with the authority to act unilaterally and contrary to the provisions of the UK’s Withdrawal Agreement with the European Union. Related processes also led to the government granting itself new powers, known colloquially as “Henry VIII powers” which allowed ministers to unilaterally amend laws via statutory instruments (i.e. without Parliamentary approval). This “power grab” was also challenged in court (Walker 2021).

Executive overreach was also a feature of the earlier process which saw the UK eventually leave the European Union in January 2020 – and can be related to the government’s “institutional” powers (John 2011). The most notorious instance of outright illegality related to the decision to “prorogue” the Parliament in December 2019 (effectively a temporary closure of Parliament). Formally, it is the Sovereign who orders Parliament into prorogation, however this decision is taken on their behalf by the Prime Minister. In this case, the decision extended a 3 week parliamentary recess into a longer 5 week one, which coincided with the deadline for the UK’s departure from the EU. It effectively limited the potential for Parliament to scrutinize the Government’s proposed Brexit deal at a crucial juncture (Lilly 2020). While a legal challenge in the English courts was judged to be *subjudice*, a successful challenge was made at the Scottish Court of Session, which ruled that the decision had been taken to evade parliamentary scrutiny. The decision was then affirmed by the UK Supreme Court, which overturned the legal advice and had the effect of requiring reopening Parliament for the period in question (Douglas-Scott 2019; McHarg 2020).

Finally, troubling developments can be identified with respect to the government’s role as a collector and disseminator of information during the Conservatives’ period in office, in line with its powers over information, persuasion, and deliberation. Civil liberties groups have long criticized successive UK governments for their approach to the collection and usage of personal data, activities which are often described as essential to national security, and more specifically to prevent terrorism and extremism, and it is likely that these issues remain under Labour’s stewardship. One such important agenda is the Prevent strategy, which was put in place to address violent extremism and related “terrorist” activities. However, it has been criticized by civil liberties groups, who have pointed to the duty it places on public servants to have “due regard to the need to prevent people from being drawn into terrorism”, which in combination with the very broad definition of extremism used by relevant legislation have led to the reporting of many entirely harmless activities carried out by innocent individuals. Whatever the merits of this approach, it was accused of falling foul of both UK and international law by the legal campaign organization Rights and Security International (2022). Regarding the former, the UK is obliged by the European Court of Human

Rights to offer greater clarity on the way data gathered under Prevent is gathered, stored, shared, and processed, in violation of Article 8 of the Convention. They also argue that this illegality extended to the UK's own laws, which entails protections for individuals against data non-consensual gathering. Such approaches are consistent with UK government approaches to security policy, which has seen heavy criticism levelled in response to heavy handedness, erosion (and sometimes outright disregard for) civil liberties (Ullah 2022).

### ***The consequences of illiberal public administration***

Contemporary governance is a complex and multi-faceted process, where many actors participate to produce something which collectively can be labelled policy. The agenda identified above represents one component of a broader set of activities, some routine, some inherited, some new. However, it clearly draws from an “illiberal toolkit” of public administration, similar, though more limited in nature, than that which has been deployed in countries such as Hungary and in Poland. The above identifies policies across governments “top-down”, “internal”, and “non-standard” functions which have been deployed to illiberal ends. It has done so in opposition to a perceived “woke agenda”, by changing policy in the areas higher education, gender recognition, and anti-racism policy. It has engaged in bending democratic norms in election management and the right to protest. Finally, it has transgressed legal boundaries in its attempts to limit scrutiny of its flagship policy.

This illiberal thread does not imply a uniformity of purpose, nor an unimpeded trajectory, however many varied examples were available to draw upon beyond those explored here: the Conservatives’ increasing tendency to place political allies into important positions, or to reward political donors with appointments or lucrative contracts; the sustained agenda to undermine the independence of the BBC (Rusbridger 2024); new rules which impinge upon judicial independence; the “pork barrel” spending of the Government’s flagship “Levelling Up” programmes to address regional inequalities; the attempt to overhaul the House of Commons’ arrangements for regulating standards of conduct (Kippin and Pyper 2025); the rolling scandal of “partygate”. Of course, there is also the enormous exercise in executive fortification that was the decision to leave the European Union (or the “Get Brexit Done” election which prefigured it – Flinders 2020). The consequence of all this has been a perceptible decline in democratic quality, according to democracy assessment organizations. For instance, V-Dem’s Electoral Democracy Index saw the UK decline (0.88–0.83 in 2025), suggesting that recent reforms to elections have harmed electoral integrity. Its Liberal Democracy Index now puts the UK below the Western European average (0.81 in 2018 to 0.75 in 2025), a consequence of electoral aggrandizement, weakened accountability measures, and new limitations on civil and political liberties. Other organizations concur, with Transparency International identifying a drop in the country’s Corruption Perceptions Index (from 78% to 71 in 2023) – the steepest decline amongst Western European countries (Transparency International 2023; V-Dem 2025). Additionally, the UK’s electoral integrity score shows a significant decline, leaving the country dwindling in the bottom half of European countries (Garnett et al. 2025, 22).

The UK's democratic system's democratic credentials rest upon "a sense of self-restraint on the part of the occupant of No. 10 Downing Street to make it work" (Flinders 2020, 238). This logic of self-restraint came under serious strain during the period of Conservative government. Successive Conservative governments used policy tools to further centralize powers and which had the consequence of undermining good public administration. They also exploited weaknesses within the UK's democratic and political systems to weaken institutional protections and the independence of mediating organizations, drawing upon upon a crude majoritarian logic in doing so – in other words, the hallmarks of anti-democratic public administration (James 2025). The consequences of this have been to damage UK democracy based on democracy assessment exercises, undermine public trust in democracy, and leave the country's political system more vulnerable should more emboldened anti-democratic forces emerge from future elections with significant power. This analysis does not imply that UK democracy is immediately imperilled. Rather, it suggests that modest democratic backsliding has occurred as a result of a partial embrace of radical right politics by a mainstream centre-right political party under the influence of competitor parties to its right, and through embracing its own worst tendencies. Such dynamics are not unique to the United Kingdom, and suggest the need for a renewed focus on these more nuanced and partial episodes would be a welcome development.

### **Concluding thoughts: the prospects for UK democracy**

This article contributes to research on democratic backsliding by establishing how routine policy instruments can, in certain circumstances, trigger democratic moderate or partial backsliding, even in mature democracies such as the UK, and even under the leadership of ostensibly mainstream parties. It also shows that backsliding can occur even in the absence of an obviously coherent strategy to create an illiberal democracy. It also highlights the particular dynamics related to institutional vulnerability. The UK's political and constitutional systems are overtly majoritarian and the functioning of democracy relies to a large extent on the self-restraint of political actors and the political consequences which might arise should democratic norms be openly transgressed. Such safeguards are inherently fragile, and should not provide and reassurance to those with concerns about the long term health and strength of our democracies. The above amounts to a troubling array of activity, and has undoubtedly contributed to processes of democratic backsliding in the UK. It interrupts the stark division that it is tempting to draw between mature and established democracies, and those at risk of significant democratic degradation.

As for the prospects for UK democracy, there are grounds for optimism and pessimism. First, optimism: there has been resistance, which has at times been effective. This has come in different forms, but in combination, the UK's judicial and legal system and a non-deferential culture of robust engagement with the government by civil society have hampered moves made by the previous government. Whenever it strayed from overtly legal territory, it was met with ferocious legal challenges – again, some successful. The grounds for pessimism, however, are arguably greater. Firstly, UK democracy has never particularly been a site of best practice, despite its impressive longevity, with large concerns about a lack of democracy, poor oversight, executive

action, corruption, and poor protection of material and civil rights (Dunleavy, Taylor, and Park 2018; Erdos 2009). These have arisen because the UK performs poorly on many of these metrics, and because the country is “particularly vulnerable to anti status quo discourses” and because British society has outgrown its political system. Secondly, the Conservatives are heading in an illiberal direction, and Nigel Farage’s Reform UK party are establishing themselves as viable contenders for power. These developments together do not suggest that the UK right is imminently to return to the moderate and rule-bound Conservatism of David Cameron – or even Theresa May.

Thirdly, outright policy reversals are rare (Cairney and Kippin 2024, 44; Rose 1990). This is owing to the well-documented limitations on the time, attention, and capacity of senior policymakers to address individual policy areas, even on occasions when they have promised to do so. The new Labour government spent its first year addressing an unhappy policy inheritance on the economy and fiscal deficit, the NHS, and asylum. Its attention is elsewhere, and new rules to address money in politics, or democratize parliament, or constrain the executive are either low on the agenda or unappealing to a government which does not wish to constrain itself further. It also seems unwilling to challenge nascent authoritarian narratives on issues of identity, immigration, and human rights. That is not to say there has been no promising developments, and moves to strengthen democracy, such as by the introduction of votes at 16, are welcome. In summary, there are more grounds for pessimism than optimism. Between 2016 and 2024 the Conservatives used power to diminish, weaken, and compromise Britain’s already imperfect democracy. In doing so, they lower the floor for what is possible in future, and place the changes that democracy demands yet further out of reach.

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