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The British constitution and monarchy

What is a 'constitution'?

For any state to achieve a sense of order and identity, it requires a shared set of values to be recognized and accepted by its subjects. Such values tend to be instilled by a system of fundamental laws and principles, and upheld by parliaments, courts, and other institutions established to maintain and reinforce them.

This notion of shared membership, of collective rights and responsibilities—as common to commercial companies and supranational organizations such as the European Union (EU) as to organs of any individual government—is known as a 'constitution'.

Constitutions come in all shapes, sizes, and formats. They can be formal or informal, long or short, absolute or merely advisory. Most significant, though, is the difference between the two broad types of constitution adopted by individual states: *written* and *unwritten*. Of course, for any set of ideas related to one's citizenship of a state to be communicated and sustained effectively, some kind of written record will need to exist. Yet there is an important distinction between constitutions described as 'written' and ones that are not. All constitutions of any worth comprise elements that

have been written in a literal sense—for example, laws or decrees laid down in documentary form. But this does not make them 'written constitutions' per se. Written constitutions are, rather, *codified* frameworks: single manuscripts summarizing the rights, values, and responsibilities attached to membership of the states to which they relate.

For historical reasons, some states have adopted written constitutions while others have not. Although this is not universally the case, written constitutions have tended to emerge in countries where there has been a sudden change in the entire system of government caused by a political upheaval such as a war, invasion, or revolution. This was certainly the case for two of the nations with whom the term is perhaps most closely associated: France and the USA.

France's constitution derives from the *Declaration of the Rights of Man and of the Citizen*, adopted on 26 August 1789 by the National Constituent Assembly convened in the aftermath of the French Revolution, and later amended to enshrine the three abiding principles of 'liberty, equality, and fraternity'. The USA adopted its equivalent a decade after declaring independence from Britain, on 17 September 1787, at a landmark constitutional convention in Philadelphia, Pennsylvania, addressed by the Enlightenment philosopher Benjamin Franklin.

The origins and sources of the British constitution

Britain—or more accurately the 'United Kingdom of Great Britain and Northern Ireland'—is a different case entirely. The story of the UK's constitutional evolution is of, first, the gradual unification of disparate kingdoms under one national sovereign (monarch), then, in due course, the struggle for supremacy between the sovereign and the Christian Church, and ultimately between the sovereign and Parliament.

As these various power struggles have been played out, at several points in its history the UK has come close to adopting a formal framework specifying the rights and responsibilities of its citizenry, but, up to now, has stopped short of producing a definitive statement. Despite the fact that documents of one kind or another form a huge part of the constitutional framework governing the lives of its citizens, there exists no single statement of principles. Therefore, in defiance of campaigns by all manner of individuals and pressure groups—from the Chartists of 1848, to the coalition of liberal thinkers who put their names to Charter 88 a century and a half later—to all intents and purposes, Britain still has an unwritten constitution.

As such, the British constitution has clear advantages: it is *flexible* enough to be amended, added to, or subtracted from according to the will of the elected

Parliament of the day, without any of the tortuous procedures required in the USA and elsewhere whenever the slightest break with tradition is sought in the interests of political progress. Conversely, it has the disadvantage of provoking as much wrangling among lawyers, politicians, and historians as it can ever claim to circumvent, by leaving substantial layers of ambiguity around sometimes crucial issues relating to its subjects' liberties. The recent controversy about Gordon Brown's decision to sign the EU's 2007 Lisbon Treaty—seen by some as a 'European constitution' in all but name—is only one example of how easily the UK can adopt potentially significant changes to its constitutional fabric without any of the debate rendered necessary by the *rigid* rule systems of other countries. Meanwhile, the perceived assault on individuals' civil liberties represented by the raft of 'Big Brother' anti-terror legislation since the attacks on the Twin Towers on 11 September 2001, not to mention the proposed introduction of identity cards and a national DNA database, is viewed by human rights campaigners as an example of the dangers of failing to enshrine core principles in a solid constitutional statement.

So what are the primary sources of the UK's constitution? The constituent components are probably best split into the following five broad categories:

- *statute*—that is, individual laws, known as 'Acts of Parliament';
- *common law*—sometimes known as 'judge-made', or 'case' law;
- *conventions*—that is, customs, traditions, and long-standing practices;
- *treatises*—historical works of legal and/or constitutional authority;
- *treaties*—that is, EU and other international agreements.

Statute

Magna Carta (the Great Charter), signed by King John in 1215, is often cited as the foundation stone of Britain's constitution, invoking as it does the principle of ***rule of law***. This embodied the inalienable right of any citizen accused of a criminal offence to a free and fair trial before their peers and, crucially, enshrined the principle that no one—not even the reigning sovereign—is 'above the law'. Of course, the idea that not even the sovereign is immune to prosecution is (like many constitutional concepts in the UK) largely a notional one. In practice, because most criminal prosecutions are instigated in the name of the Crown, if the king or queen were to be accused of a crime and brought before a court of law, this would provoke a constitutional crisis.

Perhaps more significant even than Magna Carta was the 1689 Bill of Rights, passed in the wake of the extraordinarily turbulent period stemming

from the execution forty years earlier of the Anglican King Charles I, and the 11-year 'interregnum' that followed under his vanquisher, the Puritan 'Lord Protector' Oliver Cromwell. Although titular head of the Church of England, Charles was felt by many to be too sympathetic to Roman Catholicism, having married the Catholic princess Henrietta Maria of France. There was also deep unease about his invocation of the loose constitutional principle (popular among medieval monarchs) known as the 'Divine Right of Kings'—a notion that the authority of the sovereign derived from his or her relationship to God and was thus immutable. In the event, the Parliamentarians secured victory over Charles's Royalist supporters in the ensuing English Civil War (1642–51), ending centuries of rule under this premise.

The Bill of Rights itself arose out of the alliance between the Protestant-dominated Parliament and William of Orange, the Dutch king whom it helped to depose Charles's younger son, James II, during the 'Glorious Revolution' of 1688. Having worked in an uneasy stalemate with James's elder brother, Charles II, after his return from exile in France following Cromwell's death in 1660, Parliament used the ascension of his uncompromising sibling (a devout Catholic) as a pretext to cement its newly asserted authority as the supreme seat of power in Britain.

To this end, it identified James's Protestant daughter, Mary, as the rightful heir to the throne, prompting her father's flight to France. Together with her husband, William, Mary effectively deposed James as monarch. In exchange for Parliament's loyalty to the couple, they permitted the passage of the Bill, which formalized for the first time the transfer of constitutional supremacy from Crown to elected Parliament. Its central tenet was to ratify the principle that the sovereign could only in future rule *through* Parliament—rather than tell it what to do, as in the past. In other words, monarchs would henceforth have to seek the official consent of members of Parliament (MPs)—and, more particularly, government ministers—before passing legislation (Acts), declaring war, or invoking any of the other sovereign powers that they had traditionally wielded. In this way, the Bill effectively ended centuries of 'royal sovereignty' and ushered in the concept (even today a fundamental cornerstone of Britain's democracy) of ***parliamentary sovereignty***.

This core constitutional principle is the one that, above all others, most symbolizes the oft-cited flexibility of an unwritten constitution. The term 'sovereignty'—also known as ***political sovereignty***—refers to the notion of an individual or institution exercising supreme control over an area, people, or themselves. The concept of parliamentary sovereignty flows from this: as well as asserting the hegemony of the *institution* of Parliament over British

subjects, it confers on *each individual UK Parliament*—that is, the body of MPs elected at a given general election—the authority to make its own laws and potentially to repeal any of those passed by previous Parliaments. To this extent, it prevents any one Parliament being 'bound by the actions of a predecessor'.

Many constitutional experts argue that this idea is incompatible with that of a conventional written constitution because, if we had such a document, one Parliament could theoretically use its sovereignty simply to repeal the Act that introduced it. Advocates of a codified document say that this is a bogus argument, arguing that many countries with written constitutions manage to maintain them alongside their own versions of parliamentary sovereignty without encountering such conflicts. One way of embedding written constitutions into the political fabric of a state is to compose them out of webs of interlocking legislation, rather than a single Act—making them harder to repeal. Another might be to set up an independent superior court with the power to adjudicate in constitutional disputes. A new US-style 'Supreme Court' along these lines was due to come into effect in Britain in 2009 (see pp. 20–21).

In addition to formalizing the notion of parliamentary sovereignty, the Bill of Rights granted a number of specific entitlements to all 'Englishmen'—with the exception, in certain cases, of Roman Catholics. Its main tenets are listed in Table 1.1.

The Bill also specified conditions governing the future succession of the monarchy, in light of the coronation of William and Mary over the dethroned James II:

- the flight of James from England was defined as an 'abdication';
- William and Mary were officially declared the successors of James;
- after them, the throne should pass to Mary's heirs, then her sister, Princess Anne of Denmark, and her heirs, then to heirs of William by later marriage.

Finally, the Bill also introduced a further constitutional principle that is fundamental to the working of the British Parliament. Often incorrectly described as a 'convention' (rather than as a product of statute, which it is), this is the notion of ***parliamentary privilege***. In brief, parliamentary privilege enables any elected MP sitting in the House of Commons or peer in the House of Lords to make accusations about individuals or companies in open debate in the chambers without fear of prosecution for defamation.

Table 1.1 Main entitlements listed in the Bill of Rights 1689

Freedoms for all 'Englishmen'	Sanctions for Roman Catholics
Freedom from royal interference with the law—sovereigns were forbidden from establishing their own courts, or acting as judge themselves	A ban on Catholics succeeding to the English throne—reflecting the supposed fact that '*it hath been found by experience that it is inconsistent with the safety and welfare of this protestant kingdom to be governed by a papist prince*'
Freedom from being taxed without the agreement of Parliament	An obligation on newly crowned sovereigns to swear oaths of allegiance to the Church of England
Freedom to petition the monarch	
Freedom *for Protestants only* to possess 'arms for defence'	Bar on carrying weapons
Freedom from drafting into a peacetime army without Parliament's consent	
Freedom to elect MPs without interference from the sovereign	
Freedom from cruel and unusual punishments, and from excessive bail	
Freedom from fines and forfeitures without trial	

In recent years, there have been several high-profile examples of the use of parliamentary privilege by members to 'name and shame' private individuals in ways that would be considered defamatory (and might invite legal action) if they were to be repeated outside Parliament. In 2000, Peter Hain (then Foreign Office Minister for Africa) invoked parliamentary privilege to identify brothers Maurice and David Zollman as the owners of an Antwerp diamond trading business that he said was breaking ***United Nations (UN)*** sanctions by helping to bankroll the civil war in Angola. A year later, Peter Robinson (then deputy leader of the Democratic Unionist Party) used it to 'out' Brian Keenan and Brian Gillen as members of the Provisional Irish Republican Army (IRA) ruling army council.

A flipside of the legal protection afforded by parliamentary privilege is the fact that certain words and phrases are construed as 'unparliamentary language' and therefore unacceptable if directed at fellow members in either the Commons or Lords chambers. Most notorious is the word 'liar', which is seen to conflict constitutionally with the freedom given to members under parliamentary privilege to speak their minds. In November 1993, the Reverend Ian Paisley (then leader of the Democratic Unionists) was suspended from the Commons for five days for accusing then Prime Minister John Major of lying after it emerged that, despite previously insisting that the

idea of negotiating with Northern Irish Republicans (whom he dubbed 'terrorists') would 'turn his stomach', he'd actually been holding secret talks for more than a year with Sinn Féin, the main Republican party.

Just as parliamentary privilege gives protection from being sued through the courts to MPs or peers who make defamatory statements in Parliament, it also protects the media and public from action arising out of repeating those claims. By way of further complicating explanations of this privilege, however, according to a literal interpretation of the Bill of Rights, it also protects the press from proceedings arising from *a report alleging wrongdoing in Parliament by an MP.* This contentious legal argument was used to enable *The Guardian* to defend a libel action brought in 1996 by former Conservative minister Neil Hamilton over its allegations two years earlier that he had accepted cash from Mohamed Al Fayed for asking parliamentary questions designed to further the Harrods owner's business interests. To muddy the constitutional waters further, as a sitting MP, Mr Hamilton had to obtain formal permission to sue the newspaper in the first place. In the event, a new clause was inserted into the 1996 Defamation Act (s. 13) enabling him to waive his right to parliamentary privilege by suing *The Guardian* as a private citizen. In any event, his action failed.

In November 2008, a major political row erupted about a more obscure aspect of parliamentary privilege, when it emerged that the Conservatives' immigration spokesman, Damian Green, had been arrested and questioned by police for nine hours over allegations that he unlawfully solicited leaks about government policy from a sympathetic civil servant in the Home Office. Both Opposition and government MPs united in criticising the police action. Many saw it as an abuse of the long-established constitutional right of members to conduct free and open conversations with officials in the Palace of Westminster—and a throwback to Charles I's challenge to the freedoms of Parliament in the seventeenth century. At time of writing, MPs had turned their fire on the Commons Speaker, Michael Martin, who was accused of having given his permission to officers to search Mr Green's office in the House, potentially jeopardizing the confidentiality of sensitive information relating to his constituents.

Of the UK's other key constitutional statutes, the most historically significant are the 1701 Act of Settlement and the 1706–07 Acts of Union. The former built on the newly introduced rules relating to monarchical succession in the Bill of Rights, by setting out the conditions for future sovereigns outlined in Table 1.2.

The Acts of Union, meanwhile, were twin laws passed firstly England, then in Scotland, in 1706 and 1707 respectively, formalizing the Treaty of

Table 1.2 The rules governing monarchical succession in the Act of Settlement 1701

Rule	Details
Protestants only	The Crown should pass to the Protestant descendants of the Electress Sophie of Hanover (a first cousin once removed of Queen Anne, who had inherited the throne after the death of Mary and her husband, William)
No marriages to Catholics	The monarch '*shall join in communion with the Church of England*' and not marry a Roman Catholic
England for the English	If a person not native to England comes to the throne, England will not wage war for '*any dominions or territories which do not belong to the Crown of England without the consent of Parliament*'
Loyalty from the Crown	No monarch may leave the 'British Isles' without the consent of Parliament (repealed by George I in 1716)
Openness before Parliament	All government matters within the jurisdiction of the Privy Council (see p. 47) should be transacted there and all such resolutions must be signed, so that Parliament is aware of who has taken such decisions
Constitutional privileges for English only	No foreigner, even if naturalized (unless born of English parents), shall be allowed to be a privy councillor or member of either House of Parliament, or hold '*any office or place of trust, either civil or military, or to have any grant of lands, tenements or hereditaments from the Crown, to himself or to any other or others in trust for him*' (repealed by later citizenship laws)
Ban on election for Crown servants	No person working for the monarch or receiving a Crown pension may be a MP, to avoid 'unwelcome' royal interference in the work of Parliament
Judiciary answerable to Parliament	Judges' commissions are valid *quamdiu se bene gesserint* (during good behaviour) and can be removed only by both Houses of Parliament
Parliament has ultimate sanction	No Royal Pardon (see p. 25) can save a person from impeachment by the Commons

Table 1.3 Key statutes absorbed into the UK constitution in the twentieth century

Statute	Effect
Race Relations Acts 1965, 1968, and 1976	Outlawed discrimination on racial grounds
Government of Scotland and Government of Wales Acts 1998	Paved the way for national referenda to establish devolved power in Scotland and Wales
Human Rights Act (HRA) 1998	Incorporated into British law the *Convention on the Protection of Human Rights and Fundamental Freedoms* (commonly known as the European Convention on Human Rights), signed by the ***Council of Europe*** in 1950 (see p. 330–1)
House of Lords Act 1999	Removed all but 92 hereditary peers then remaining and created a 'transitional' Lords to remain until further, decisive reform was agreed by both Houses (see p. 66–70)

Union—the agreement that unified the countries as one United Kingdom under one sovereign and Parliament. Key Acts absorbed into UK law in more recent times include those listed in Table 1.3.

The penultimate Act listed in Table 1.3—the Human Rights Act (HRA) 1998—justifies some discussion here, given the growing contention by many lawyers, human rights campaigners, and constitutional experts that it conflicts with the British constitution as it previously stood. Although it received ***Royal Assent*** in November 1998, the Act only came into force in October 2000. Among its stipulations was that every future Bill put before Parliament must now include a preface confirming that the relevant ***secretary of state*** is happy that it conforms with the convention. The principal rights safeguarded by the convention are as outlined in Table 1.4.

In addition, the UK has accepted the First and Sixth (now Thirteenth) Protocols to the *European Convention on Human Rights* (ECHR), of which there are 14 altogether. The First Protocol includes additional rights for property (Art. 1), education (Art. 2), and free and fair elections (Art. 3).

Table 1.4 The Articles of the European Convention on Human Rights (ECHR)

Article	Right enshrined
1	Obligation to respect human rights
2	Life
3	Protection from torture and inhuman, or degrading, treatment
4	Protection from slavery and forced, or compulsory, labour
5	Right to liberty and security of person
6	Right to a fair trial
7	Protection from retrospective criminalization of acts or omissions
8	Protection of private and family life
9	Freedom of thought, conscience, and religion
10	Freedom of expression
11	Freedom of association and assembly
12	Right to marry and found a family
13	Freedom from discrimination
14	Prohibition of discrimination
15	Derogations
16	Exemption for political activities of aliens
17	Prohibition of abuse of rights
18	Limitations on permitted restrictions of rights

The Sixth Protocol, meanwhile, formally abolishes the death penalty in peacetime, while the Thirteenth Protocol does so in all circumstances.

The Act has, in theory, strengthened the ability of ordinary people to challenge the actions of governments, public bodies, and private companies in the UK and EU courts, by taking legal action through the ***European Court of Human Rights (ECtHR)*** in Strasbourg, if necessary. There are, however, some notable restrictions to its pre-eminence, and it is as yet a moot point as to how far it takes absolute precedence over national laws and conventions. There is a general consensus, for example, that the existing constitutional principle of parliamentary privilege remains unaffected by the Act. In addition, British judges—although required by it to take account of judgments in Strasbourg when making rulings in British courts—are not permitted simply to override extant parliamentary legislation that appears to contravene the terms of the Convention.

In addition, the following formal qualifications exist in relation to the implementation and enforcement of the Act:

- claims must be brought against the offending state or public body '*within one year of the action about which the complaint is being made*';
- some rights can theoretically be breached, if not '*in accordance with the laws of the country*' that is a signatory;
- breaches are tolerated '*in the interests of national security, public safety, or the country's economic wellbeing; for the prevention of crime and disorder, the protection of health or morals, or to protect the freedom and rights of others . . .*'.

In the UK, the HRA has arguably been repeatedly breached by successive home secretaries, from David Blunkett to Jacqui Smith. The Anti-terrorism, Crime and Security Act 2001, passed in the wake of the 11 September attacks on New York, allowed the detention and deportation, without trial, of people suspected of terrorist links, and Tony Blair repeatedly threatened to amend the Act to prevent judges blocking further proposed crackdowns—particularly on the activities of extremist Islamist preachers—following the 2005 London bombings.

In Scotland, meanwhile, the Act came into force in 1998—two years ahead of England. By November 1999, the High Court had already declared unlawful the appointment of 129 temporary sheriffs (judges in the Scottish criminal courts) because they had been hired by the Lord Advocate, the member

of the ***Scottish Executive*** responsible for prosecutions—a clear conflict with one of the constitution's fundamental guiding principles, the ***separation of powers*** (see p. 19–21).

One potential outcome of the adoption of the Act in the longer term could be the abolition of the Act of Settlement, which might be argued to infringe human rights by preventing non-Protestants from acceding to the throne of the UK and maintaining a system whereby the succession passes through the male line (see below). For some time, *The Guardian* has argued that the very *existence* of a monarchy is incompatible with the HRA and that it should therefore be repealed. Because it is still technically illegal, under the Treason Felony Act 1848, to advocate the monarchy's abolition, *The Guardian* recently tried to obtain a High Court declaration that the 1848 Act was incompatible with Art. 10 of the HRA. Its attempt failed, due to a loophole, because the court ruled that the Attorney General's refusal to grant immunity to its editor was not an 'act of the state'—that is, that it fell outside the HRA's remit.

The most recent twist in the newspaper's long-standing campaign for the abolition of the Act came in September 2008, when it reported that Labour MP Chris Bryant—charged by Gordon Brown during his first year as prime minister with reviewing the constitution—had recommended ending the bar on Catholics succeeding to the throne and abolishing the principle of 'eldest male primogeniture'. This is the rule stating that, following the death of a monarch, the crown should pass to his or her eldest son, over the head of any older daughter. Mr Brown's constitutional adviser, Wilf Stevenson, was said to favour legislating to end both of these traditions early in a fourth Labour term.

Besides the showpiece constitutional Acts listed in Table 1.3, a number of others have contained key clauses with serious implications for the workings of the British constitution. Among these are the myriad Parliament Acts passed in the first half of the twentieth century (discussed in more detail in Chapter 2). Perhaps the single most significant constitutional reform introduced by any of these Acts was the stipulation, in the Parliament Act 1911, that a general election must be held *a maximum of five years after the previous Parliament was convened* (in other words, a little over five years after the previous polling day). Until then, parliaments could theoretically last up to seven years, under the terms of the Septennial Act 1715. Despite this change, unlike in the USA and other countries, British parliaments still do *not* have fixed terms.

Common law

For several centuries prior to the emergence of parliamentary democracy, many laws passed in England were decided, on a case-by-case basis, by judges. When this system began to emerge in the eleventh and twelfth centuries, judicial decisions were often taken in an ad hoc way, at a very local level, leading to significant disparities from one area of the kingdom to another—in terms of the perception of what was and was not a criminal offence, and the type and severity of punishment meted out when laws were broken.

In 1166, however, the first Plantagenet king, Henry II, began the process of institutionalizing a unified national framework of common law derived from what he saw as the more reasoned judgments made in local hearings over previous decades. This new framework—which came to apply throughout England and Wales, although not Scotland—elevated some local laws to a national level, sought to eliminate arbitrary or eccentric rulings, and established a great enduring constitutional right of citizens charged with criminal offences: a jury system, which would enshrine defendants' entitlement to be tried by '12 good men and true' from among their fellow citizens. To ensure that these new practices were implemented consistently and fairly throughout the land, Henry appointed judges at his own central court and sent them around the country to adjudicate on local disputes.

Many statutes passed—and constitutional conventions that have evolved—in subsequent centuries have their roots in common law. Even now, common law is arguably sometimes 'created': judges often have to make rulings based on their interpretations of ambiguously worded Acts, or of apparent conflicts between domestic and international laws. Such 'test cases' are, in their way, common law hearings.

Conventions

Other than from formal statutes and court judgments, perhaps the single most characteristic feature of Britain's unwritten constitution is its incorporation of all manner of idiosyncratic, invariably quaint, and occasionally absurd traditions and customs. These obscure and well-worn practices have become accepted as part of Britain's constitutional framework through little more than endless repetition.

Many of the principal conventions operating in Parliament and government today are discussed in detail elsewhere in this book. These include the doctrines of ***collective responsibility*** and ***individual ministerial responsibility***, and the tradition that the sovereign accepts the will of Parliament by

rubber-stamping new legislation with the Royal Assent. Other, more amusing, conventions include the fact that the Speaker of the House of Lords (until recently the ***Lord Chancellor***) sits on a woolsack and wears a wig. The annual State Opening of Parliament by the reigning monarch is heralded by a procession led by a ceremonical officer known as 'The Gentleman Usher of the Black Rod', who raps three times on the door of the Lords with (naturally) a black staff to gain permission for MPs—or 'strangers'—to enter. This ritual is derived from a confrontation between Parliament and the sovereign in 1642, when King Charles I tried to arrest five MPs, in what the Commons regarded as a breach of parliamentary privilege. Within Parliament today, a former of light 'class warfare' between the chambers remains: MPs only refer to the Lords as 'another place'.

Treatises

Just as judges often have to disentangle apparently contradictory elements of Britain's unwritten constitution when making rulings in court, so too historians, philosophers, and constitutional theorists have long struggled to make sense of it.

Of the myriad books and theses written about the UK constitution over the centuries, a handful have become so revered that they are now seen effectively to qualify as 'part of' that constitution themselves. Some are now considered so indispensable that they are often used as 'handbooks' (albeit unwieldy ones) by everyone from the ***Speaker*** of the House of Commons to High Court barristers and judges. Many of today's new laws and court judgments are framed in reference to the wisdom imparted in such volumes, the most celebrated of which are listed in Table 1.5.

Treaties

Over recent decades, Britain has signed many international treaties and pacts. Of these, only a handful are arguably in any way 'constitutional'—that is, legally binding. Most—such as the 1945 Charter of the United Nations and the North Atlantic Treaty, which established the ***North Atlantic Treaty Organization (NATO)*** military alliance in 1949—are effectively little more than membership agreements and, as such, could theoretically be 'opted out of' at any time.

Some, however—such as the ECHR, belatedly ratified by Labour in 1998—have effectively been incorporated into the UK constitution and would therefore require legislation to 'remove' the obligations that they impose on the state. There has also been considerable debate about the growing powers

Table 1.5 Seminal British constitutional treatises

Treatise	Author	Significance
A Practical Treatise on the Law, Privileges, Proceedings and Usage of Parliament (*Parliamentary Practice*)	Erskine May (1844)	Sir Thomas Erskine May (1815–86), first Baron Farnborough and a distinguished parliamentary officer, became Chief Librarian of the House of Commons Library and Clerk to the House of Commons. His most famous work remains the seminal examination of the role, rights, and responsibilities of Parliament.
The English Constitution	Walter Bagehot (1867)	A maths graduate from University College, London, Bagehot (1826–77) was called to the Bar, but rejected it for a career in banking and shipping. He went on to edit *The Economist* (the last column of which still bears his name in tribute), before writing his most esteemed work: a rumination on the relationship between Parliament and monarchy—and the contrast between the UK and US constitutions.
An Introduction to the Study of the Law of the Constitution	A. V. Dicey (1885)	Albert Venn Dicey (1835–1922) was an accomplished scholar, appointed to the Vinerian Chair of English Law at the University of Oxford in 1882, later becoming professor of law at the London School of Economics. Of all of the great constitutional treasises, Dicey's is considered the most authoritative and far-reaching. Its central thesis was that—as long ago as 1885—the 'freedom' of British subjects was under attack by an increasingly aggressive rule of law. He saw the impartiality of the courts (which he believed to be essential to preserving this freedom) as even then being under attack from governments intent on limiting fundamental civil liberties. He might well disapprove of many recent developments, given controversies over the Labour government's moves to limit defendants' rights to request trial by jury, and to imprison, tag, and/or detain 'terror suspects' without trial.

of the EU, which Britain joined (amid some controversy) in 1973, when it was still known as the European Economic Community (EEC). Recent treaties—in particular, the 2007 Lisbon Treaty—have solidified the relationship between member states and the EU's governing institutions, leading so-called 'Euro-sceptics' to claim that the UK has signed up to an 'EU constitution' by the back door and that it is now effectively part of a 'European super-state'

governed from Brussels, rather than an independent, sovereign nation, as before. This is discussed further in Chapter 9.

The separation of powers in the UK

Perhaps the most fundamental guiding principle underlying the British constitution is that of the 'separation of powers'. Based on the theories of French political thinker Baron de Montesquieu (1689–1755), the *Trias Politica* is a notional model that splits the state into three branches:

- the 'executive' (the government);
- the 'legislature' (Parliament);
- the 'judiciary' (the courts).

The idea is that, to avoid arbitrary or dictatorial government, a constitutional framework is needed that does not confer too many powers on a single individual (or small group of individuals). In theory, if the executive is wholly 'separated' from the legislature and, in turn, the judiciary, each can act as a 'check and balance' on the other.

Montesquieu formulated his theory based on the workings of the UK system, although Britain's democracy arguably adheres far less strictly to this model than many that have emerged since. In practice, numerous overlaps have emerged down the centuries between the roles, powers, and even membership of the key institutions that are meant to be preserving the separation of powers, including that:

- constitutionally, the reigning monarch (as 'head of state') is titular head of all three branches of the constitution;
- until 2007, when the post was reformed (see p. 78), the Lord Chancellor was actually a member of all three institutions, as Speaker of the House of Lords (legislature), 'manager' of the legal profession (judiciary), and a minister in the ***Cabinet*** (executive);
- the prime minister and most other ministers are members of the government (executive) and the Parliament (legislature);
- prior to the expected establishment of an independent Supreme Court in October 2009, the Law Lords were still the UK's highest court of appeal (judiciary), as well as being members of the Lords (legislature).

Such constitutional overlaps are not confined to Britain. Many other parliamentary democracies—particularly those directly modelled on that of the UK, as in many Commonwealth countries—display a similar fusion of powers in practice, rather than the 'separation' to which they aspire. Constitutional historians are increasingly drawing a distinction in this regard between countries that practice 'presidential government' and those characterized by 'parliamentary government'. In the former (which include the USA, France, South Africa, and Australia), separation is felt to be both more practised and practicable than in countries such as Britain, where the most senior politician (the prime minister) is today drawn from among the ranks of ordinary MPs and, as such, is elected to a ***constituency*** in the same way as his or her peers.

In the UK, executive decisions are taken primarily by prime ministers and their ministers, before being presented for approval to Parliament (where most of them are also present, this time as voting MPs and peers like every other). In the USA and other presidential states, in contrast, the most senior elected politicians are known as presidents—who, in the absence of reigning monarchs, are also heads of state. Crucially, unlike in Britain and other parliamentary states, presidents are usually elected on different timetables to their national parliaments. The separation of powers in the USA is far more pronounced than it is in Britain because Congress (made up of the Senate and the House of Representatives—the US equivalent of Britain's Parliament) is elected in large part on a different date, and in a different manner, to the president. More crucially, the president (unlike the British prime minister) is not a member of either House; so while he or she may present policies to Congress for its approval, he or she does not preside over the ensuing debate and vote(s) within the two chambers in the way that prime ministers do in the Commons.

Another feature of the separation of powers enjoyed by presidential states is the fact that, historically, they tend to have developed a more provably independent judicial system than in many parliamentary states. To this end, the USA has a Supreme Court that is, in theory, entirely separate from the political process. Notwithstanding controversies over the president's ability to nominate judges to replace those who retire (President Bush was castigated in 2005 for choosing Harriet Miers, his former adviser and a long-time conservative ally, who later withdrew her own candidacy), this system is felt to be better than one in which judges straddle the notional divide between legislature and judiciary by serving in both a legal and legislative capacity. To this end, in 2007, Jack Straw, as inaugural Secretary of State for Justice (and de facto Lord Chancellor) announced that the Law Lords would

be effectively removed from Parliament in 2009, to sit in the new US-style independent court, the creation of which was approved in the Constitutional Reform Act 2005.

Further reforms were promised by Gordon Brown during his first weeks in Downing Street, as part of a 'new constitutional settlement' for the British people. Among those mooted was a law to formalize the tradition (notably bypassed by his predecessor over Iraq) that Parliament should always have the final say on whether Britain goes to war.

The monarchy

The British sovereign is the head of what is known as a 'constitutional monarchy'. This means that, while he or she remains the UK's head of state, with the notional prerogative to govern and take major constitutional decisions, in practice she does not do so. Unlike in presidential countries, Britain's head of state is a figurehead with little real power. Instead, day-to-day decisions regarding domestic and foreign policy are left to Parliament and, more specifically, the government, led by the 'First Lord of the Treasury', or prime minister.

The authority invested in successive prime ministers to choose their own ministers, devise and draft legislation, and decide whether to take the state to war, among other things, is derived from another of those key constitutional principles: the ***Royal Prerogative***. In essence, this is the body of customary privileges and powers historically acquired by reigning monarchs (predominantly in the Middle Ages). Today, the majority of so-called 'prerogative powers' derived from this principle are exercised not by the Crown itself, but by Parliament.

The origins of the modern British monarchy

Although the present monarchy is also descended from several powerful families with roots outside the UK, Queen Elizabeth II is said to be able to trace her line on one side directly to King Egbert, the ruler who united England under one throne in AD 829. The position that she occupies is that of Britain's longest standing secular institution (its only interruption being the previously mentioned interregnum from 1649 to 1660).

Although it was short-lived, this period—sometimes referred to as the 'English Revolution'—marked a symbolic break with the past that was to change the role of the British monarchy forever. Beforehand, the prevailing 'rationale' for the existence of the sovereign derived from the 'Divine Right of Kings'. By propagating the idea that they could not be held answerable to 'manmade' institutions such as mere parliaments, European medieval monarchs sought to reign with the minimum of outside interference—with the possible exception of that of the Church, which, in some notable instances (such as Henry VIII's inability to obtain permission from the Pope to divorce his first wife, Catherine of Aragon) directly challenged their pre-eminence. Parliaments were generally regarded as tools to enable kings and queens to raise taxes, pass edicts, and declare wars with impunity (and a veneer of legitimacy).

In England, all of this was to change following the execution of Charles I. While his eldest son, Charles II, ultimately succeeded him following Cromwell's death, the concept that any monarch had a divine right to rule unchallenged had, by then, been all but rescinded. Through a succession of landmark constitutional statutes—most notably, the Bill of Rights and Act of Settlement (see pp. 8–12)—a newly liberated Parliament stamped its authority on the nation, and (in all but name) the monarch.

The role of the monarchy today

In *The English Constitution*, Bagehot (1826–77) argued that it was incumbent on monarchs to embody the following qualities:

> "The right to be consulted, the right to encourage, the right to warn."

Specifically, the role and powers of the monarch are best explained by splitting them into two broad categories: *actual* and *notional*.

Actual prerogative powers—those exercised by the monarch

Despite the huge upheavals of recent centuries, the reigning sovereign still holds the following key constitutional offices:

- head of state;
- head of the executive, legislature, and judiciary;
- commander-in-chief of the armed forces;
- supreme governor of the established Church of England;

- head of the Commonwealth (and head of state of 15 of its 53 members);
- the authority from which the Royal Mint derives its licence to coin and print money (at present, in his or her image).

But so much for their official titles: what does the monarch actually *do*? And more specifically: which prerogative powers do monarchs personally still exercise in an age when the government holds sway over most key political decisions?

The core roles and duties fo the monarch—many of which are largely ceremonial—include:

- reading Her Majesty's Most Gracious Speech, or the 'Gracious Address'—better known as the ***Queen's Speech***—at the annual State Opening of Parliament each October or November, or shortly after a general election;
- governing the Church of England;
- 'creating' peers, and conferring knighthoods and honours in person;
- meeting the prime minister once a week (usually on Tuesdays) to discuss Cabinet business and to offer advice on affairs of state;
- entertaining visiting heads of state at Buckingham Palace;
- visiting other nations on official state visits—including those of the Commonwealth—as Britain's premier overseas ambassador;
- chairing meetings of the ***Privy Council*** (a body of advisers made up of members of the current and previous Cabinets, plus other distinguished individuals, which issues Royal Charters and Orders in Council—see p. 73);
- attending, on horseback, the 'Trooping the Colour' (the monarch's annual birthday parade, led by regiments of HM Armed Forces).

Although this list of powers may seem feeble in the scheme of things, there is considerable anecdotal evidence to suggest that recent monarchs have discharged their duties with some rigour. Queen Elizabeth II is reputed to have given certain prime ministers a hard time in her weekly audiences by grilling them on specific details of Cabinet business. In her first audience with then newly elected Labour Prime Minister Harold Wilson, in 1964, she famously wrong-footed him by expressing interest in proposals for a 'new town' near Bletchley. Having not yet read his Cabinet papers, he clearly

knew nothing of them. In his 1975 resignation speech, Wilson made a joke of the episode, saying that he would advise his successors to 'do their homework' before meeting the Queen.

In addition to the above prerogative powers retained by the monarch and his or her immediate family, the monarch has traditionally been called on to fulfil a unifying role as a national figurehead at times of crisis. The late HM Queen Elizabeth the Queen Mother famously toured bombsites in London's East End to provide comfort to dispossessed families during the Blitz, while the Queen's annual televised Christmas Day address is designed as much to 'sum up' the year past and look to the one ahead on behalf of the whole nation as to update her subjects on her own regal affairs. Such is the onus placed on the sovereign to 'speak for the nation' at times of tragedy or disaster, that the initial silence of Queen Elizabeth II following the death of Diana, Princess of Wales and lover Dodi Fayed in a Paris car crash in 1997 became a cause célèbre among her critics—and allegedly prompted newly elected premier Tony Blair to appeal to her to make a statement in tribute to her daughter-in-law (as dramatized in the Oscar-winning film *The Queen*).

Notional prerogative powers—those deferred to government

Most sovereign powers are exercised 'on the advice of ministers', which means that it is ministers—and the prime minister, in most cases—who take the necessary decisions. In practice, then, it is the monarch who offers the 'advice' to prime ministers, rather than the other way around, and prime ministers who discharge the following functions:

- dissolving and summoning Parliament—that is, calling elections and forming new parliaments after the results are in;
- giving the Royal Assent to Bills passed by Parliament;
- appointing ministers and other senior public officials, including judges, diplomats, governors, officers in the armed forces, police ***chief constables***, and Church of England bishops and archbishops;
- devising the legislative ***agenda*** for each parliamentary session (year of Parliament) and writing the Queen's Speech, which will make these proposals public at the State Opening of Parliament;
- declaring war and peace;
- the ***prorogation*** of Parliament—that is, the suspending of the activities of Parliament (if not Parliament itself) for the duration of holiday periods, such as the Summer Recess, and the annual Christmas and Easter breaks;

- drawing up lists of nominations—in consultation with the leaders of opposition parties—for peerages, knighthoods, and other honours in the New Year ***Honours List*** and the Queen's Birthday Honours List.

In addition, the monarch may occasionally issue a 'Royal Pardon'—known formally as the 'Royal Prerogative of Mercy'—to convicted criminals. This tends to happen either when an individual found guilty of a crime is subsequently pardoned in light of new evidence, or (very rarely) when the actions and/or behaviour of a prisoner are deemed to warrant their early release from a sentence. Unlike all other sovereign powers exercised by the government on the monarch's behalf, pardons are issued on the advice not of the prime minister, but of the Home Secretary in England and Wales, and the First Minister in Scotland, following the introduction of ***devolution*** (see p. 31–40). A recent example of a Royal Pardon was the posthumous forgiveness offered to families of all British soldiers executed for cowardice during the Second World War.

How the monarchy is funded

The income of the reigning monarch and his or her immediate family—known as the 'Royal Household'—comes from four principal sources:

- the ***Civil List***;
- grants-in-aid;
- the Privy Purse;
- personal income.

The Civil List

Often used by those in favour of abolishing the monarchy as a form of shorthand for the Royal Family as a whole, this core fund, financed by the British taxpayer, ultimately originated with the Bill of Rights.

With the accession to the throne of William and Mary, Parliament voted to give the Royal Household £600,000 to aid it in 'civil government'. The Civil List in its present form was set up in 1760, during the reign of George III. In return for the king's surrender to Parliament of his so-called 'hereditary revenues'—that is, the income generated by the Crown Lands (estates owned over a period of time by the monarchy)—MPs agreed to pledge a fixed annual income to the Royal Household. In practice, this exchange has reaped huge dividends for Parliament: in 2007–08, the income from the

Crown Lands (as administered by the Commissioners of Crown Lands) was £190.8m, compared to the £40m paid to the monarch.

Since 2001, the Civil List itself has been fixed at £7.9m a year for the Queen until 2011, with her husband, the Duke of Edinburgh (Prince Philip), receiving a separate annuity of £359,000. In a deal struck with the Royal Household by then Chancellor Gordon Brown, the Queen agreed to finance any increases in her outgoings from a 'reserve fund' worth up to £30m accumulated over the previous decade. In return, her own and her husband's 'fixed' incomes would rise by 7.5 per cent a year to keep them abreast of ***inflation*** (which, at 3 per cent in 2001, was less than half as high). As a result, by the end of 2007–08, the Civil List had actually swelled to £12.7m.

So for what does the Civil List *pay*? In broad terms, it funds the following expenses for both the reigning monarch and his or her spouse:

- around 70 per cent pays the salaries of the 645 servants, butlers, and other employees of the Royal Household;
- most of the remaining 30 per cent covers the costs of royal garden parties (attended by some 48,000 people each year) and hospitality during state visits.

In addition, a number of annual parliamentary allowances are issued each year to individual members of the Royal Family, including the Duke of York (Prince Andrew) and the Princess Royal (Princess Anne), under the auspices of the Civil List Acts. These amount to £2.5m extra in total. Since April 1993, however, the Queen has, in practice, refunded £1.5m of this money to Parliament, using her personal pot of money, the Privy Purse (see p. 28). The remaining £1m has been retained annually as income for the Duke of Edinburgh and, until her death in 2002, the Queen Mother (who received £643,000 a year). All other senior royals performing official duties are now paid annuities out of the Privy Purse, rather than the Civil List.

Perhaps surprisingly, one of the few key members of the Royal Household who derives no such annuity income is the present heir, the Prince of Wales (Prince Charles), who, as Duke of Cornwall, earns substantial income from his sprawling 130,000-acre Duchy of Cornwall estate. Originally bestowed on the Black Prince in 1337, despite its name, the Duchy actually extends over 23 counties. According to the Prince's official website, in 2007–08, his income from the Duchy was £16.3m, a year-on-year increase of £1m, or 7 per cent—twice the rate of inflation.

Grants-in-aid

Awarded to the Crown by the Department of Culture, Media and Sport (DCMS), grants totalling £15.3m a year (fixed until at least 2011) are bestowed on the so-called 'occupied royal palaces'. These are those in which members of the Royal Family still live, as distinct from the likes of Hampton Court Palace and the Tower of London, both of which are overseen by a separate organization, Historic Royal Palaces (also funded by DCMS).

The occupied palaces include the following:

- Buckingham Palace (home of the Queen and Prince Philip);
- St James's Palace (home of Prince Charles);
- Kensington Palace;
- Windsor Castle (second home of the Queen).

In addition to grants-in-aid, Buckingham Palace and Windsor Castle also help to maintain themselves by means of their summer public openings. Grants may not be used for the upkeep of the two royal estates—Sandringham in Norfolk and Balmoral in Scotland—which are the Queen's private property and not her legacy as head of state.

A further set of grants, meanwhile, are awarded by the Department for Transport (DfT), to the tune of £6.2m in 2007–08. These cover the cost of transporting members of the Royal Family to and from their three thousand annual engagements in the UK and overseas. Until she was decommissioned in 1997, the biggest grant was used to maintain the Royal Yacht *Britannia*, the Queen's official ship, which was launched in 1953. Now that *Britannia* is little more than a visitor attraction, royal transport consists of:

- the Royal Air Force (RAF) aircraft of the No. 32 (The Royal) Squadron;
- the Royal Train;
- other chartered and scheduled flights on official visits.

In 2007–08, disclosure of the Royal Family's movements in the preceding 12 months produced some typically eyebrow-raising details. The Queen and her husband—occasionally accompanied by one or two fellow family members—made journeys totalling £200,000 on the Royal Train during the year, including one from Windsor to Euston—via, of all places, Liverpool—to attend the Royal Variety Performance. This convoluted trip cost £23,750. But

while £200,000 may sound a lot of money, it is half as much as the £400,000 that the royal couple spent on 11 train trips in 2006–07—including a return visit to Brighton, which set them back £19,271.

No such restraint was visible, however, in the royals' flying habits: security concerns have seen family members avoiding scheduled flights in certain parts of the world more than ever before, with the result that they spent £275,506 between them on chartered flights in 2007–08—£203,007 of it on helicopter trips. A further £143,461 was spent on scheduled flights and, on top of that, £692,790 on flights on various smaller commercial aircraft, including Sikorsky S-76 Spirit helicopters, BAe 146 light aeroplanes, and HS125 corporate jets. Not for the first time, the Duke of York was by far the most extravagant individual air traveller—notching up flights totalling £640,987 in the course of the year, including a £212,880 charter flight in the Far East, taking in stops including Singapore, Jakarta, Delhi, and Mumbai.

The most expensive single flight was the use of a chartered plane by the Queen and Duke of Edinburgh for a May 2007 round trip from London Heathrow via Richmond, Norfolk, Lexington, and St Andrews Airforce Base, which set the taxpayer back £381,813. Intriguingly, this cost even more than a chartered flight for the Prince of Wales and Duchess of Cornwall from Lyon to Uganda and Turkey as part of a Foreign Office visit, which totalled £327,801 (less £11,740 in reimbursements).

The remaining portion of the grants-in-aid budget (amounting to £500,000 in 2007–08) is spent on royal 'communications'—that is, letters, telephone bills, and other correspondences, including invitations to garden parties.

The Privy Purse

Dating back to 1399, the Privy Purse is derived largely from the income generated by the Duchy of Lancaster—a huge expanse of land covering 19,268 acres and the sole surviving Crown estate to remain in the hands of the monarch. It is kept under lock and key by the monarch's personal accountant and administered by the Chancellor of the Duchy of Lancaster—in recent years, almost always a senior Cabinet minister.

Personal income

Like anyone else, senior members of the Royal Family, despite deriving much of their income from the state, are free to generate their own earnings—provided that they pay Income Tax on them, like their subjects. Examples of the personal incomes earned by individual members of the Royal Household include the military salaries drawn by Prince Charles, who served for a time in the Royal Navy, Prince Andrew, who saw action during the Falklands

War, and Prince Harry, who is currently in the Household Cavalry (Blues and Royals). Other examples include the income earned by Prince Charles from his Duchy of Cornwall estate, in the form of land rent and the proceeds from goods produced there—for example, his 'Duchy Originals' products. His youngest brother, Prince Edward, Duke of Wessex, has a film and television company, Ardent Productions.

More sporadic sources of income might include everything from share dividends to windfalls from betting on the races (the Queen Mother famously liked a flutter). Perhaps the most controversial example, however, was that which emerged following the collapse of the trial of Paul Burrell, former butler of the late Diana, Princess of Wales, in 2003. During the hearings, it emerged that Prince Charles's household had been giving away—and, in some cases, selling off—unwanted official gifts bestowed on members of the Royal Household during state visits to foreign countries. Following a lengthy and controversial inquiry led by Sir Michael Peat, the Prince's private secretary, the future king was forced to dismiss his most trusted valet, Michael Fawcett—the servant who had disposed of many of the items. It was never established how much involvement in, or knowledge of, these practices the Prince himself had.

Taxation and the monarchy

It has long been argued by republicans that the Queen and Royal Family derive great dividends each year from the British taxpayer, while giving back little, or nothing, in return. In truth, this is not entirely true. Like everyone, the Queen has always paid ***indirect taxes***—that is, Value-Added Tax (VAT), and other tariffs levied on consumer goods and services. She has also long paid, on a voluntary basis, local taxation—that is, ***Council Tax*** and, before that, the Community Charge (or 'Poll Tax') and rates. It was not until 1993, however, that she agreed to pay ***direct taxes***—principally, Income Tax. This decision was taken in the wake of a mounting backlash over the revelation that much of the £60m cost of repairing Windsor Castle following a devastating fire in 1992 was funded by taxpayers, despite the fact that they already hugely subsidized the Royal Household.

The monarch and certain members of her immediate family do, however, continue to enjoy substantial tax breaks not granted to her subjects. In particular, while the Privy Purse pays tax and the Queen's personal estate is subject to Inheritance Tax, grants-in-aid are not regarded as taxable, and neither is any transfer of property 'from sovereign to sovereign'—that is, between the Queen and her successor.

The succession

For many centuries, as is commonly the case in other European nation states, the monarchy has tended to pass from father to son in Britain, through a process known as 'eldest male primogeniture'. Only when a male line (going through the eldest son) has been exhausted does the crown pass to the next eldest male sibling of the originator of that line, and only after that will it ever go to a female sibling. Therefore, as things stand, Prince Charles will inherit the throne from his mother on her death and, after he dies, it will pass to his eldest son, William, and from him to the eldest of his own sons. If William were to fail to have any sons, but have a daughter, it would eventually pass to her, but if he were to have no children and die before his brother, Harry, the crown would finally pass to him.

The other key 'rules' governing the succession—between them derived from the Bill of Rights and Act of Settlement—state that they must:

- be in communion with the Church of England;
- not marry a Roman Catholic;
- swear to preserve the Established Churches of England and Scotland;
- swear to uphold the Protestant succession.

Monarchy versus presidency—which way forward?

Although Britain has had a monarchy for the best part of 1,500 years, today it is one of only a handful of 'developed' nations to retain one—let alone to boast an extended Royal Family, funded largely by the taxpayer. Perhaps unsurprisingly, the past decade or more has witnessed growing calls from some quarters for the monarchy to be abolished and replaced by an elected head of state, in the guise of a president. These calls have been fuelled by a succession of controversies surrounding the Royal Household and, in particular, that relating to Prince Charles's divorce from the late Diana, Princess of Wales, and revelations about his long-standing relationship with Camilla Parker-Bowles (now his second wife). Further succour was given to those arguing for Britain's hereditary figurehead to be replaced by an elected one by the narrow decision of the Australian electorate to retain the Queen as their head of state in November 1999. In 2007, the country's Labour Prime Minister, Kevin Rudd, announced his intention to hold a further such ***referendum*** in the near future.

The argument for an elected head of state is fairly self-explanatory: in a modern democracy, so the republican case goes, it is surely only right that the state's ultimate ambassador—that is, the individual who most represents its interests on the international stage—should gain their 'mandate' to do so from their subjects. But what of the arguments for retaining a monarchy? Opinions differ among constitutional historians about the merits of the institution, but perhaps the most oft-cited argument in favour of the hereditary principle is that it produces heads of state who have the luxury of being able to maintain an objective, independent-minded *distance* from the day-to-day workings of the political process—rather than being hidebound by the narrow, short-term thinking that constrains politicians reliant on the votes of a fickle electorate. In addition, the presence of Queen Elizabeth II through fifty years of changing governments and shifting political priorities has provided, argue some, a welcome note of continuity that is absent from presidential states.

Devolution—from union to government in the nations

The bulk of this chapter has focused on outlining the process by which the modern British state came into being, and the rules, customs, and laws that has evolved to determine the balance of powers between Parliament, the monarchy, and citizens.

The UK is a 'representative democracy'—that is, a state, the power of which is exercised through democratically elected representatives (in the UK's case, MPs in the Commons). Broadly speaking, there are two main types of democracy: *federal* and *unitary*. In federal democracies, countries are divided into separate political units, each of which has a large degree of autonomy over its own affairs. The USA is a good example of a federal democracy: major foreign and domestic policy decisions are taken by the national government—president and Congress—but many day-to-day matters are decided by individual federal administrations on a state-by-state basis. The most oft-cited example of ***federalism*** in action relates to the manner in which different states punish felons convicted of serious crimes such as murder and rape: while 14 of the states that make up the USA favour custodial sentences, such as life imprisonment, the remaining 36 still practise the death penalty.

Britain, in contrast to the USA, is a *unitary* democracy. This means that the bulk of power remains in the hand of central government and the Westminster Parliament. But while the constitutional story of Britain since the late medieval period has, for the most part, been one of the gradual consolidation of a single UK run from the centre, in recent years, this has been compromised by moves towards a more decentralized form of government, taking power closer to the people from whom it derives.

The story of the emergence of local government—that is, elected local authorities, funded by local taxpayers, which run services in individual areas of the UK—is told in detail in the second half of this book. But, at a higher level than the strictly 'local', there now exists in Scotland, Wales, and Northern Ireland a further tier of government to which significant powers have recently been devolved by Westminster, taking decision-making closer to the inhabitants of those countries. This statutory transfer of power from central government to the constituent nations that, alongside England, make up the UK is known as 'devolution'.

Before proceeding further, however, it is necessary to underline the important distinction between 'devolution' and 'independence'. Although the parties that most enthusiastically embraced devolution in Scotland, Wales, and Northern Ireland tend to be 'nationalist' ones—that is, those that would ultimately like to break away from the UK and become independent states—the policy does not amount to any form of independence in itself; neither does it inevitably follow that, having gained devolution, a country will one day become independent. Indeed, one of the principal arguments used by Labour to justify devolution was that, in granting it, they were trying to safeguard the union of Britain, by permitting a limited degree of autonomy that made practical sense and would answer many of the frustrations expressed by dissatisfied, but otherwise loyal, British subjects in those countries. Conversely, those in favour of independence have argued that, in the long term, it makes little sense for a national parliament in Scotland or Wales that takes most of its own day-to-day decisions without needing formal permission from Westminster to remain its vassals and that full self-government is the logical next step. Although an Act of Parliament would have to be passed at Westminster to pave the way for independence in practice, the clamour for a breakaway government has become even more acute since Alex Salmond, leader of the Scottish Nationalist Party, was elected First Minister in May 2007, eradicating Labour's majority share of the vote in Scotland for the first time in fifty years.

Mr Salmond has pledged to hold a referendum on the question within the next four years, although he has as yet failed to set a date—inviting speculation in some quarters that he might ultimately cry shy. In an apparent attempt to call his bluff, the former Scottish Labour Party leader, Wendy Alexander, incurred the wrath of Gordon Brown in May 2008 by publicly announcing that she favoured holding a referendum immediately to 'settle the issue'—and claiming that she had spoken to the prime minister on the phone before making her statement and that he had said he agreed with her.

The unification of Great Britain

Wales

Like much of the UK's constitutional heritage, the concept of devolution originated in the Middle Ages, when Wales and Scotland first began to demand the right to rule themselves independently of the English sovereign. Of the two countries, Wales has the longest formal association with England. The main stages in its moves towards incorporation into the UK are outlined in Table 1.6.

Scotland

Scotland's progress towards integration in the UK was a more complex one—due, at least in part, to the fact that it was never formally absorbed

Table 1.6 Timeline for the incorporation of Wales into the UK

Date	Event
Fifth century	Departure of the Romans and rise of Anglo-Saxon hegemony over much of Britain, despite attempts by a number of Welsh kingdoms—including Gwynedd, Powys, Dyfed, and Gwent—to unite in defiance of this latest invasion
Late thirteenth century	The Norman Conquest finally reaches south Wales
1093	By now, all of Wales has been subsumed under English rule
1707	The Acts of Union are passed, fusing England, Scotland, and Wales into a single 'United Kingdom of Great Britain'
1536 and 1543	Two Acts of Parliament formally incorporate Wales into a new Realm of England. Although English is the official language, Wales continues to exert its distinctive Celtic heritage into modern times—leading to the bilingualism of modern times
1925	The Welsh Nationalist Party, Plaid Cymru, is formed, and its first MPs are elected to Parliament in the 1960s

Table 1.7 Timeline for the incorporation of Scotland into the UK

Date	Event
Fifth century	Romans leave Britain, having failed to conquer Scotland fully
Ninth century	Individual Scottish kingdoms unite under a single Celtic monarchy, which goes on to rule for several hundred years
1296	Edward I tries to impose English rule; William Wallace leads Scots revolt
1328	Edward III is forced to recognize Robert Bruce as Robert I of Scotland—the first king of the House of Stuart, which went on initially to establish strong links with France, rather than England
1567	The English force Mary, Queen of Scots, to abdicate and hand the throne to her infant son, James VI (later James I of England). The Presbyterian Church usurps Catholicism to become the established church of Scotland
1603	James VI succeeds the childless Elizabeth I to the English throne
1707	The Acts of Union are passed. Scotland subsequently dissolves its own Parliament and sends its MPs to the English Parliament at Westminster

into the Roman Empire. It took centuries of conflict during the medieval period for it finally to succumb to the authority of the English Crown, a broad timeline of which is outlined in Table 1.7.

Northern Ireland

Northern Ireland's incorporation into the UK was more problematic, encompassing as it did its split from southern Ireland (Eire). The early stages of the process are outlined in Table 1.8.

The path to devolution in Scotland

The workings of the governing institutions set up under devolution in Scotland, Wales, and Northern Ireland are explored in more detail in the next chapter. What follows here is an outline of the process by which these institutions were put in place following the 1997 referenda and the levels of devolution granted in each case.

Of the three countries, Scotland has been granted the most extensive degree of devolved government, following the enabling legislation passed to formalize devolution in 1998. In part, this is a reflection of the fact that, for complex historical reasons, the country has long had certain devolved functions—most notably, a distinctive legal system. More significantly, however, it reflected the growing calls north of the border after 18 years of

Table 1.8 Timeline for the incorporation of Northern Ireland into the UK

Date	Event
1171	Henry II invades Ireland and proclaims himself overlord of five extant Irish provinces (each governed by 300-year-old clans)
Sixteenth and seventeenth centuries	Catholics flee Ireland, leaving land around Ulster to be occupied by Protestant Scottish and English migrants
1692	Protestants assume control of Ireland, spurred on by the victory of William of Orange (the first of the 'Orangemen') over deposed James II at the Battle of the Boyne a year earlier
Eighteenth century	Growing pressure for greater self-determination from England by controlling Protestant Irish minority
1886, 1893, and 1912–14	Successive Home Rule Bills introduced, unsuccessfully, to give Ireland a form of limited self-government
1916	Ireland declared a republic at Dublin's General Post Office after Easter Rising by Irish Volunteer rebels (forerunners of the IRA), who surrender five days later
1918	Sinn Féin (meaning 'Ourselves Alone'), the IRA's political wing, wins 73 Irish seats at the general election—more than twice as many as are won by the Unionist parties combined
1920	The IRA effectively rules large areas of Ireland as the country slips into civil disobedience. Parliament passes the Government Act of Ireland, which sets up two Home Rule parliaments: one in Belfast, covering six of Ulster's nine counties; the other in Dublin, covering the remaining 23 (the 'Republic of Ireland')
December 1921	Anglo-Irish Treaty passed, formalizing Northern Ireland's status as a sectarian society
1949	Republic names itself 'Eire' and pulls out of the Commonwealth

Conservative rule at Westminster for a greater degree of autonomy from a national Parliament that seemed increasingly remote—both politically and geographically—from Scottish interests.

The path to Scottish devolution began in the 1960s, when a previous Labour government established a Royal Commission to examine the arguments for some form of home rule in the country. The sequence of events leading to eventual devolution was as outlined in Table 1.9.

Unlike Wales and Northern Ireland, where (at present) the powers devolved are much the same, the ***Scottish Parliament*** has considerable authority, with only foreign affairs, defence policy, the welfare system, and the introduction

Table 1.9 Timeline for the introduction of devolution in Scotland

Date	Event
1973	Royal Commission on the Constitution, set up by Harold Wilson's Labour government in the late 1960s, recommends devolution to Edward Heath's Conservatives
1978	Re-elected Labour government passes the Scotland Act, paving the way for a referendum on Scottish self-government. Under its terms, 40 per cent of the entire Scottish electorate must vote for devolution for it to be granted
March 1979	Devolution is put on hold indefinitely because, although 52 per cent of those who turned out to vote supported the idea, this was equivalent to only 32 per cent of those *entitled* to vote
July 1997	Newly re-elected Labour government publishes Scotland's Parliament, a ***White Paper*** advocating devolution
11 September 1997	This time, the referendum attracts a 60 per cent turnout, with 74 per cent of voters voting for devolution and 64 per cent voting 'yes' in answer to a second question, asking if they want a Scottish Parliament to have *tax-varying* powers
1998	Government of Scotland Act is passed, conferring devolution
12 May 1999	Queen opens new Scottish Parliament after its precise powers are confirmed by a consultative steering group
7 September 2004	Grand opening of £420m purpose-built Scottish Parliament at Holyrood, by foot of Edinburgh's Royal Mile

of new taxes outside its remit. Its powers therefore include determining education, health, environment, and transport policy in Scotland, and, perhaps most significantly, being able to 'vary'—that is, raise or lower—Income Tax by up to three pence in the pound.

The 'West Lothian Question'

The growing assertiveness of the Scottish Parliament in light of these powers—for example, it voted to reject foundation hospitals and undergraduate top-up fees, two deeply unpopular Blair policies that were passed into law south of the border—has raised some significant constitutional questions. None is more explosive than the 'West Lothian Question': the argument that devolution allows Scottish MPs to continue to vote on issues that do not affect their own country, but directly affect England and Wales, while members with constituencies in those countries have no power to vote on issues specific to Scotland. Although devolution was only introduced a decade ago, this quandary was first raised in debate in the Commons by Labour ***backbencher*** Tam Dalyell in the 1970s. It was dubbed the 'West Lothian Question' by then Tory MP Enoch Powell after the name of Dalyell's then constituency.

Today, the West Lothian Question rages more than ever—not least because, on more than one occasion before he handed over to Gordon Brown, Mr Blair managed to bolster a shaky Commons majority in votes on controversial legislation with the help of Scottish MPs who had let it be known that they did not support the same policies in their own country. The fact that Brown is a Scottish MP himself, and represents a Scottish constituency to boot, has done little to dampen the issue.

The path to devolution in Wales

Welsh devolution was introduced as outlined in Table 1.10.

The rocky road to devolution in Northern Ireland

Due to the fallout from 'The Troubles', the devolution process in Northern Ireland has been characteristically problematic, with the various parties unable to agree a workable framework for devolved government until very recently. A landmark agreement signed in 2007 appeared finally, however, to bury the hatchet between the main Republican and Unionist parties, with the ruling Democratic Unionists accepting that the IRA had decommissioned its weapons, as it had long claimed and the Northern Ireland Assembly having power restored.

The saga that led to the granting of meaningful devolution to Northern Ireland lasted decades, as outlined in Table 1.11.

Table 1.10 Timeline for the introduction of devolution in Wales

Date	Event
July 1997	White Paper entitled *A Voice for Wales* introduced by the new government, outlining its proposals for Welsh devolution
18 September 1997	Referendum attracts low turnout of around 50 per cent, but 50.3 per cent vote in favour of devolved powers
1998	Government of Wales Act passed to lay out framework
1999	National Assembly for Wales (Transfer of Functions) Order introduced, to provide the legal and constitutional framework
6 May 1999	First election for National Assembly for Wales
12 May 1999	National Assembly for Wales meets for first time
1 March 2006	Queen officially opens new purpose-built £67m Welsh Assembly building in Cardiff

Table 1.11 Timeline for the introduction of devolution in Northern Ireland

Date	Event
1968	Civil Rights Movement starts in Ulster. Street violence erupts between Protestants and Catholics (dawn of 'The Troubles')
1972	Most notorious explosion of violence in the history of The Troubles, 'Bloody Sunday', takes place in Northern Ireland, culminating at the Bogside, a Catholic ghetto in Londonderry
1972	Northern Ireland constitution, prime minister and Parliament suspended for a year due to escalating violence
November 1985	The Anglo-Irish Agreement (officially, 'The Hillsborough Agreement') is signed by Britain and Ireland. It recognizes that any constitutional change in Northern Ireland can only come about with the agreement of its occupants through referendum.
November 1992	Inconclusive end to talks flowing from Anglo-Irish Agreement
December 1993	UK Prime Minister John Major and Irish Taoiseach, Albert Reynolds, issue a Joint Declaration from 10 Downing Street ('The Downing Street Declaration'), setting out constitutional principles and political realities to safeguard the interests of both Protestants and Catholics in Northern Ireland. Its key principle is that, in future, participation in discussions about the government of Northern Ireland should be restricted to parties committed to 'exclusively peaceful means'
31 August 1994	IRA announces its first ceasefire, describing it as a 'complete cessation of military operations'
13 October 1994	Combined Loyalist Military Command does likewise
February 1995	British and Irish governments launch *A New Framework for Accountable Government in Northern Ireland*, which outlines proposals for new democratic institutions
February 1996	The Docklands bomb brings the IRA ceasefire to an end
June 1996	Former US Senator George Mitchell convenes a Northern Ireland Forum at which he outlines six so-called 'Mitchell Principles' for moves towards peace. Sinn Féin excluded until the IRA formally readopts its ceasefire. The process wobbles again briefly, following two further IRA bomb explosions, in Manchester city centre and County Antrim
July 1997	Sinn Féin president Gerry Adams and vice-president Martin McGuinness elected as Westminster MPs, and IRA announces resumption of its ceasefire. An international commission on decommissioning is set up under the auspices of the Canadian General, John de Chastelain, to oversee the process
September 1997	Sinn Féin signs up to Mitchell Principles and multiparty talks start at Stormont. After being switched to Lancaster House in London, a deadline of 9 April 1998 is set for agreement
1998 (Good Friday)	The Good Friday Agreement published, as the basis for dual referenda on devolution in Northern and Southern Ireland. Constitutionally, the way was paved with the passage of the Northern Ireland (Elections) Act 1998 and a 19th Amendment to the Irish Constitution (renouncing Eire's claim on the north)

Date	Event
22 May 1998	Referendum of the whole of Ireland produces a 94 per cent majority in favour of devolved government among residents of Eire and a 71 per cent 'yes' vote in Northern Ireland
25 June 1998	First elections for Northern Ireland Assembly see the Ulster Unionist Party gaining the most seats (28), with the Social Democratic and Labour Party coming second (24)
1 July 1998	New assembly meets for the first time and Northern Ireland Secretary Mo Mowlam appoints Lord Alderdice as the country's first Presiding Officer. David Trimble, the leader of the Ulster Unionist Party, is elected as First Minister Designate and Seamus Mallon (deputy leader of the Party) becomes his designated deputy. At least three Nationalist and three designated Unionists are intended to be included in government under part of the devolution deal known as the 'd'Hondt procedure', a formula named after the Belgian, Victor d'Hondt, whereby each party is allocated seats on a 'largest average' basis relating to the number of votes that they receive
15 August 1998	Twenty-nine people die in Omagh bomb planted by IRA splinter group, the 'Real IRA'. New ceasefires announced 1998 (3 Sept); President Clinton delivers address in Belfast calling for peace
29 November 1999	The d'Hondt procedure is used to allocate seats in the Assembly, with the largest party given first ministerial nomination, followed by second largest, until all ten portfolios are filled
1 December 1999	Direct rule of Northern Ireland from Westminster formally comes to an end with the Queen's signing of the Northern Ireland Act 1998. New Northern Ireland Secretary Peter Mandelson remarks wryly that he is pleased to be losing his authority over the province so soon after taking the post
2 December 1999	Anglo-Irish Agreement is replaced by the British-Irish Agreement, which formally creates the North-South Ministerial Council and British-Irish Ministerial Council envisaged in the Good Friday Agreement. On the same day, the Irish Parliament replaces Arts 2 and 3 of the Irish Constitution, thereby formally abandoning Eire's historic claim to hegemony over Northern Ireland, and IRA appoints an 'interlocutor' to liaise with General de Chastelain and the recently created international decommissioning body
11 February 2000	Assembly is suspended over continuing disagreement over the pace of the terrorists' decommissioning of their weapons. UK government passes swift legislation to enable this to happen in effort to avoid Mr Trimble's tendering his resignation as First Minister (he had already handed over his post-dated resignation as a form of 'guarantee' to the Unionists of his determination to ensure full IRA decommissioning took place)
30 May 2000	Renewed period of direct rule from Westminster ends as gradual movement occurs on decommissioning and Unionists approve Mr Trimble's return to his chair on executive
2001	Mr Trimble finally resigns from executive, having failed to secure the tangible proof of IRA decommissioning on which the Unionists were insisting and following months of explosions in London. UK government gives the two sides until 6 August to respond to a new implementation plan

(continued)

Date	Event
6 August 2001	General de Chastelain announces his International Commission on Decommissioning is satisfied with new methods proposed by the IRA for verifying decommissioning
11 August 2001	After a further—one-day—suspension, the Assembly is finally restored and a deadline for the next election of the first minister and deputy first minister is set at 22 September
22 October 2001	Gerry Adams asks the IRA to begin decommissioning and the process finally begins the following day
6 November 2001	Mr Trimble is re-elected as first minister by a narrow majority from Unionists, but a decisive vote by Nationalists
14 October 2002	Northern Ireland Secretary again forced to suspend both the Assembly and the executive over renewed controversy surrounding the transparency of the decommissioning process
December 2003	New Assembly elections give largest number of seats (30) to the Reverend Ian Paisley's Democratic Unionist Party, followed by the Ulster Unionist Party (27) and, close behind, Sinn Féin (24), with only 18 for the moderate nationalist Social Democratic and Labour Party
August 2005	IRA announces final cessation of hostilities in its long-running armed conflict. Talks resume to reinstate devolution
March 2007	After further elections in Northern Ireland and power-sharing talks, an agreement is finally struck to restore devolution
April 2007	The Loyalist Volunteer Force announces that it is ceasing to be a paramilitary outfit and will commit to peace
May 2007	Power-sharing restarts in the Assembly

Ironically, the *level* of power devolved to the province is much more limited than that of Scotland. As is Wales, Northern Ireland is currently restricted to:

- determining some budgetary priorities in education, health, etc.;
- funding, directing, and appointing managers of its National Health Service (NHS) bodies;
- administering any EU structural funds;
- determining the content of its version of the ***National Curriculum***.

As with the ***Welsh Executive***, however, the Northern Ireland administration is in discussions with the government about the possibility of extending its devolved powers to other, as yet unspecified, areas in the near future.

Moves towards devolution in England

The increasing autonomy given to Scotland, Wales, and Northern Ireland has led to growing demands from some quarters for the major English regions outside London to be given similar powers to determine their own affairs.

Oddly enough, tentative moves towards an embryonic English regional devolution actually emerged under the Tories, when John Major set up a series of regional offices manned by civil servants seconded from the main spending departments at Whitehall. As befitted these nine 'Government Offices of the Regions', however, their role was largely administrative and there were no moves to extend the remit of this 'devolved' power to embrace any form of elected government.

When Labour returned to power in 1997, however, steps were taken to introduce the idea of some form of elected regional authorities by then Deputy Prime Minister John Prescott's so-called 'super-ministry': the (in the end) short-lived Department for the Environment, Local Government and the Regions. The path towards regional devolution took the course outlined in Table 1.12, while that of the eight appointed 'regional assemblies' introduced to pave the way for elections is outlined in Table 1.13.

In the event, in November 2004, the North East Regional Assembly was the only one actually to hold its local referendum on the designated date—a postal-only ballot that proved hugely controversial, in the wake of allegations of corruption in similar-style votes for Birmingham City Council in the months preceding it. The region voted decisively against the introduction of an elected assembly—by a margin of 78 to 22 per cent—throwing regional devolution into turmoil. Local people appeared not to want yet another tier of government, and to be unclear about the tangible benefits and powers that would have derived from such a body. Although chastened at the time, Mr Prescott vowed to resurrect the regional plan at a later date and it was recently mooted again by Hazel Blears, when Gordon Brown made her Secretary of State for Communities in his first Cabinet.

Table 1.12 Timeline for the establishment of English regional assemblies

Date	Event
1 April 1999	**Regional development agencies** (RDAs) are created as a result of the passage of the White Paper *Building Partnerships for Prosperity* and the Regional Development Agencies Act 1998 in the following eight English regions: the East Midlands; East of England; North East; North West; South East; South West; West Midlands; Yorkshire and Humber. They are statutory organizations responsible for promoting economic development and regeneration, business efficiency, employment, and sustainable development. Regional chambers are also established, which the RDAs are to consult when they draw up strategies covering their areas. Despite their titles, members are not directly elected, but appointed by John Prescott, with 70 per cent of their members drawn from local authorities, and 30 per cent from bodies such as the Confederation of British Industry (CBI), the Trades Union Congress (TUC), and the *Learning and Skills Council (LSC)*
May 2002	Government publishes its long-awaited regional government White Paper, entitled *Your Region, Your Choice—Revitalizing the English Regions*. It outlines proposals for directly elected regional assemblies, but immediately provokes criticism from various interest groups, because analysis of its small print suggests that the public will not be consulted on whether there should be regional assemblies to represent them 'full stop'—but merely on whether or not their members should be elected. Some are suspicious that the government wants to undermine the authority of local councils by setting up more easily controlled assemblies
May 2002–8 May 2003	Subsequent Regional Assemblies (Preparations) Bill receives Royal Assent. This enables designated English regions to hold referenda to allow them to adopt elected assemblies.
22 July 2004	Government publishes Draft Regional Assemblies Bill, explaining the proposed roles and powers of the new regional assemblies. Initial referendum date set for each region of 4 November. It outlines a tripartite role for these assemblies. They are given responsibility to promote economic and social development, and to protect the environment. To this end, they will be allowed to form their own companies, foster public–private partnerships, and acquire and dispose of land, buildings, and other property

Table 1.13 The regional assemblies set up by the Labour government

Assembly	Website
East Midlands Regional Assembly	www.eastmidlandsassembly.org.uk
East of England Regional Assembly	www.eelgc.gov.uk
North East Assembly	www.northeastassembly.org.uk
North West Regional Assembly	www.nwra.gov.uk
South East England Regional Assembly	www.southeast-ra.gov.uk
South West Regional Assembly	www.southwest-ra.gov.uk
West Midlands Regional Assembly	www.wmra.gov.uk
Yorkshire and Humber Assembly	www.yhassembly.gov.uk

➔ Further reading

Cannon, J. and Griffiths, R. (1998) *The Oxford Illustrated History of the British Monarchy*, Oxford: Oxford Paperbacks. **Full-colour history of the British monarchy, from King Egbert to Elizabeth Windsor, including an examination of the social and cultural roles of the monarchy in modern Britain.**

Hardman, R. (2007) *Monarchy: The Royal Family at Work*, London: Ebury Press. **Populist, but informative, companion book to the BBC series of the same name, giving insights into the day-to-day reality of how the monarchy works—covering everything from Privy Council meetings, to how the Queen pays her bills.**

Harrison, K. and Boyd, T. (2006) *The Changing Constitution*, Edinburgh: Edinburgh University Press. **Comprehensive examination of the origins and history of the British constitution, with particular emphasis placed on recent and upcoming reforms, including devolution and the introduction of a new independent Supreme Court.**

Hazell, R. and Rawlings, R. (2007) *Devolution, Law Making and the Constitution*, Exeter: Imprint Academic. **Detailed look at the mechanics of lawmaking through the devolved administrations in Scotland, Wales, and Northern Ireland.**

Leach, R., Coxall, B., and Robins, L. (2006) *British Politics*, London: Palgrave Macmillan. **Excellent guide to the nuts and bolts of contemporary British political institutions and processes at local, regional, national, and international levels.**

Moran, M. (2006) *Politics and Governance in the UK*, London: Palgrave Macmillan. **Forward-looking textbook focusing on British politics in the early years of the twenty-first century, and the new and evolving forces at work in local, regional, national, and international governance in an increasingly globalized world.**

? Review questions

1. Outline the main sources and principles of the British constitution. What are the advantages and disadvantages of an unwritten constitution?
2. What is meant by the principle of 'separation of powers' and to what extent does it work in practice in the UK?
3. What are the main roles and powers of the British monarch—notional and actual—and how is the Royal Family funded?
4. Given that royal sovereignty has been superseded by parliamentary sovereignty, what are the arguments for retaining the British monarchy?
5. Is there an 'answer' to the West Lothian Question?

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