

A Proper British Revolution?

How the Public Views Constitutional Reform

By W. Wayne Shannon and Andrew J. Taylor

From an American perspective, it is supremely ironic that the “Westminster Model” of government, so long admired by our would-be constitutional reformers, has come under a vigorous and sustained attack in recent years on its native ground. Oddly enough from this perspective, it is the very essence of modern British government—the fusion of executive and legislative powers in a unitary state, backed by disciplined partisan majorities in the House of Commons—that is now seen by many as the root of a flawed constitutional arrangement in the UK.

That British governments, whether Conservative or Labour, can usually pass budgets in a flash and carry out their domestic and foreign policies even when they are very controversial has always been seen as a good thing by critics of the American system of divided and checked powers. It is precisely due to this ability of British governments—all Tory, of course, since 1979—to freely pursue their agenda between elections, however unpopular, that British constitutional reformers now see their system as one of “elective dictatorship.”¹ Although they disagree on an exact blueprint for a new constitutional order, reformers are looking to the greener grass of Europe and/or the United States for the proper model of a polity less centralized, more checked and balanced, and endowed with judicially enforceable rights for its citizens.

The Reform Movement and Its Ideas

The current British constitutional reformers are a diverse lot. Charter 88, by far the best known organization, sees itself as a kind of social movement. Its leaders and supporters are quite eclectic, comprising Liberal Democrats, Labour supporters, new left Marxist intellectuals, civil libertarians,

leaders of center to left think tanks, as well as various writers, actors and journalists. Even a few Tory intellectuals are present in the movement.

Despite their considerable ideological differences, all of these people share a central belief that the “Westminster Model” of government is inherently flawed. Rodney Brazier, a legal scholar, states the essence

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of the reform argument: “Parliamentary sovereignty has become more complete than the divine right of kings, and elective dictatorship has given governments supreme authority in the constitutional system...Our constitutional laws, including those designed to secure basic civil rights, are not specially protected, and any government can limit individual freedom more or less as it wishes. Such a basis for a constitution is at best unsatisfactory and at worst offensive.”²

While the constitutional reform movement is sometimes seen as nothing more than mere carping at fifteen years of Tory rule that would cease instantly with a change of party control, we have become increasingly dissatisfied with this interpretation. Thatcherism, to be sure, was the most

important catalyst of the reform movement, but it is by no means the whole story. It is already apparent that the movement has outlived her departure. The reformers have gone well beyond criticism of the “Iron Lady” and her distinctive style of governance to produce a comprehensive indictment of the inherent problems of modern British government *under any party*. The reformers’ basic critical themes—excessive executive power, the inability of the legislature to shape policy or oversee administration, over-centralization, excessive secrecy and the inadequate protection of citizens’ rights—have found resonance in British public opinion.

The Public Response: The MORI State of the Nation Study

In response to the growing public debate in Britain on this topic, the Joseph Rowntree Reform Trust in 1991 sponsored an extensive national survey by Market Opinion Research International (MORI), wholly devoted to sounding public opinion on constitutional questions. The MORI survey is by far the most extensive and systematic sounding of the British public on attitudes toward constitutional reform.³ Aside from it, survey data bearing on the public’s receptivity to the reform agenda are very slim. Uncomfortable as we are with placing so much emphasis on a single survey, there is no choice until other such dedicated efforts find sponsorship.

We believe the main story in The State of the Nation study lies in the marginal percentages and the percentages for the various groups of partisan identifiers in response to questions regarding constitutional reform.⁴ We have grouped the questions in three categories—1) general attitudes toward reform 2) strengths and weaknesses of the “Westminster Model” and 3)

public support for specific constitutional reform proposals.

Responses to the six general attitude questions show clearly, we think, that the basic themes of the British constitutional reform movement are supported by public opinion. By a 47 to 32% margin the public agrees that "the system of government in Britain is out of date." On this question the respondents' party identification makes a big difference. Conservatives clearly disagree with the statement (56%), but substantial majorities of Labour followers, Liberal Democrats and those identifying with "Other" parties agree (61, 58, and 67%, respectively).

Nearly two thirds (64%) of the British public express agreement with the statement that "Government power in Britain is too centralized." Only 17% disagree. While party loyalties prove again to be an important factor here, even Conservatives agree with the statement (50%/30%). More than three-quarters of the other party groupings say they believe that governmental power is too centralized. A majority of the public also agrees that Parliament lacks "sufficient control of what the government does." This question splits Tory identifiers pretty evenly, but the other three groupings all agree strongly (by 60% or more) that the legislature is too weak.

The questions dealing with individual rights clearly align the British public with a critical stance of the constitutional reform movement. Majorities affirm both that "government can change individual rights too easily" (56%/20%) and that "the rights of individuals are better protected by the force of public opinion than by formal legal safeguards" (50%/21%). Partisanship is not a major factor on these questions; pluralities of Conservatives join large majorities of all of the other partisan groupings in agreeing with both of them.

Five questions in the MORI study focused on strengths and weaknesses of the "Westminster Model." They are complex questions, posed as "trade offs" that require respondents to decide whether they agree more with one statement or another. It is not surprising that they produce ambivalent

responses. The issues that MORI is trying to get at here are difficult enough for political scientists, let alone a democratic public, however well informed. Although the "trade offs" are not forced (respondents could take the neutral ground of a seven point scale, which we have here collapsed into "for" and "against" categories), it is likely that these questions pull many respondents in two directions at once.

The simplest of these questions asks for a preference between two ways of forming government: by one party (current British practice), or by "two or more parties forming a coalition." A plurality of all respondents opt for single-party government, but only the conservative identifiers strongly take this line. Labour followers are pretty evenly divided. The Liberal Democrats show a reasonably clear preference for a coalition government.

When asked to choose between a government "able to take action without looking over its shoulder all the time" and "constitutional checks and balances...to make sure that a government doesn't overdo it," the British public opts decisively for checks and balances. Here, partisanship again produces a split between Conservatives and the three other groups. Conservatives prefer the "action" statement, while majorities of each of the other three prefer checks and balances. When given the choice between "clearer differences between the parties" and "more agreement and working together between the parties," there is strong preference for the latter from the whole sample, and for each of the partisan groups.

Our third group of questions deals with support for specific constitutional reforms. Endorsement of a freedom of information act is overwhelming (77%/10%) with large majorities coming from each of the partisan groupings. Roughly the same level of approval exists for a British bill of rights (73%/11%), and again, there is strong support from all of the parties' followers. Fixing the length of parliaments, thus removing the power of governments to set the date of elections when they wish, is strongly backed by 49 to 22% with agreement coming from supporters of all parties. By a 42 to 26% margin the public favors replacing

the House of Lords with an elected second chamber. On this question there is some partisan difference, but only Conservative supporters show a plurality for retaining the present House of Lords.

Attitudes toward electoral reform are more complicated. When the public is asked straight out whether they wish to "change Britain's current electoral system to a system of proportional representation [PR]," the answer is a clear "Yes" (51%/22%) with only the Conservatives very divided (43%/38%). Nevertheless, the following questions illustrate the difficulty of polling the public on this complex and tricky subject. While the straightforward wording gets what seems to be strong approval of PR, the results are very different when the public is asked to respond to other question wordings which intend to get at various subtleties of the subject.

When asked if the present first-past-the-post electoral system ought to be kept, "as it preserves two strong parties both able to form a government" or modified because "the two-party system is now an obstacle to progress in Britain" that "blocks the advance of other parties" and narrows "the range of alternative policies," the public produces no clear answer (36% for the first statement; 38% for the second). It also divides the partisan groups quite differently. Only Conservative voters strongly take a position in favor of the present electoral system and the dominance of the two major parties (52%/29%). Labour supporters are about evenly divided (41%/37%). Liberal Democrats and the "Others" are, not surprisingly, strongly critical of the present system's bias toward the two-party monopoly, choosing the second statement by majorities of about three to one.

Another question of this sort, asking for preference for representation by "one member of parliament" or by "several members ...to represent a larger area, possibly from different parties" yields a fairly strong preference for one member (53%/31%) that is shared by all of the partisan groupings. This would not seem to sit well with either the single transferable vote or additional member versions of PR.

Where, then, do the MORI responses, taken together, place the British public on the broad subject of electoral reform? This is, we must remember, a subject of mind-numbing complexity about which 68% of the MORI sample professed to know "just a little" or less. Taken together, these mixed responses show only that the reform movement's criticisms of first-past-the-post enjoy considerable public favor. But it is certainly too much to say the public has anything like a clear understanding of alternative electoral systems or a clear preference for any one of them as a replacement for the present system. The constitutional reform movement itself is seriously divided on this question. It is not surprising, then, that the public should be of mixed mind as well.

On the final substantive reform issue, devolution, the MORI data suggest strong support for a change in the constitutional status of Scotland. Only 25% opt for no change when offered the choice of the status quo, independence, or a devolved Scottish assembly with taxing and spending powers. The public favors devolution as the best alternative (45%), and all of the party groupings prefer devolution to the present arrangement. Narrow pluralities also say they favor "giving greater powers of government" to Wales and Northern Ireland. Yet, the public draws the line on devolution with these three. Giving greater powers to the English regions is decisively rejected overall (28%/58%) and by each of the party groups as well.

Public Opinion and British Constitutional Reform: Where From Here?

Although we would certainly like to see more survey evidence, we believe a fair reading of the MORI State of the Nation study shows remarkably strong support for the constitutional reform movement's general themes and for many of its specific proposals as well.

The road to British constitutional reform, however, seems uphill and strewn with difficult obstacles. Clearly, the movement will not advance any part of its agenda without a change of party control. Despite the very considerable support among Tory

voters for parts of the reform agenda, Conservative governments have shown not the slightest interest in the movement's ideas—even the most popular ones. At the other extreme, the Liberal Democrats are clearly the most serious devotees of constitutional reform. Yet, the possibility of this party coming to power remains remote, short of a hung parliament in the next national election or an electoral alliance with the Labour party. Then, reform might come, but quite a long way down the road.

What, then, can be expected of the Labour Party? A good deal of historical experience supports the cynical maxim that the leaders of *both* major parties do not so much dislike "elective dictatorship" itself, as its practice by the other side. We do, however, see some signs of change within the Labour Party. Whereas the former party leader, Neil Kinnock, was fond of dismissing the constitutional reformers as "whiners" and worse, his successor, John Smith, has taken a very different line, arguing that Britain's "crumbling constitution can no longer be dismissed as a sideshow. It is at the heart of what is wrong with our country. People care and want change."⁵

Further, according to Graham Allen, Labour's Front Bench Spokesman on Democracy and Constitutional Affairs, the "...party and its leadership have converted in the last year to citizens' rights, ... by agreeing to [eventually] set up an All Party Commission to draft a homegrown and entrenched British Bill of Rights."⁶ Even if he proves to exaggerate what Labour will actually be prepared to do, it is our judgment that time is on his side. His generation in the party largely share the constitutional reform movement's ideas, and in time they will replace those who are more comfortable with "elective dictatorship."

The State of the Nation study, as we have argued above, goes far to establish the receptivity of the British public to the constitutional reform movement's critique of the "Westminster Model." It demonstrates clearly that the case for less secrecy, less centralization and better protection of citizens' rights has found impressive resonance in public opinion. It is very hard to believe that ideas as popular as freedom of

information and a judicially enforceable bill of rights will continue to be ignored. It seems very likely that party leaders will try to respond to them, promising significant alterations of the British constitution within the next few years.

Endnotes:

¹ This phrase, now in general currency among constitutional reformers, was first used by Lord Hailsham in 1978. He was, of course, thinking of the Labour government in power at that time, and as many have noticed, his worries diminished sharply with his party's return to power. (Lord Hailsham, *On The Constitution* [London: HarperCollins, 1992]).

² Rodney Brazier, *Constitutional Reform: Reshaping the British Political System* (Oxford: Oxford University Press, 1991), p. 136.

³ In March, 1991, MORI interviewed 1,547 adults (over 18) in person in their homes across 180 constituency sampling points throughout the UK.

⁴ We cross-tabulated the MORI data against respondents' reported interest in politics, readership of "quality" or other newspapers, social class, age and partisan identification. Somewhat to our surprise, none of these variables other than partisan identification was found to be very strongly correlated with attitudes toward constitutional reform.

⁵ Jill Sherman, "Smith Calls For Sweeping Reform of Constitution," *The Times* (March 2, 1993), p. 10. (Note: John Smith died May 12, 1994. The party will select a new leader this July.)

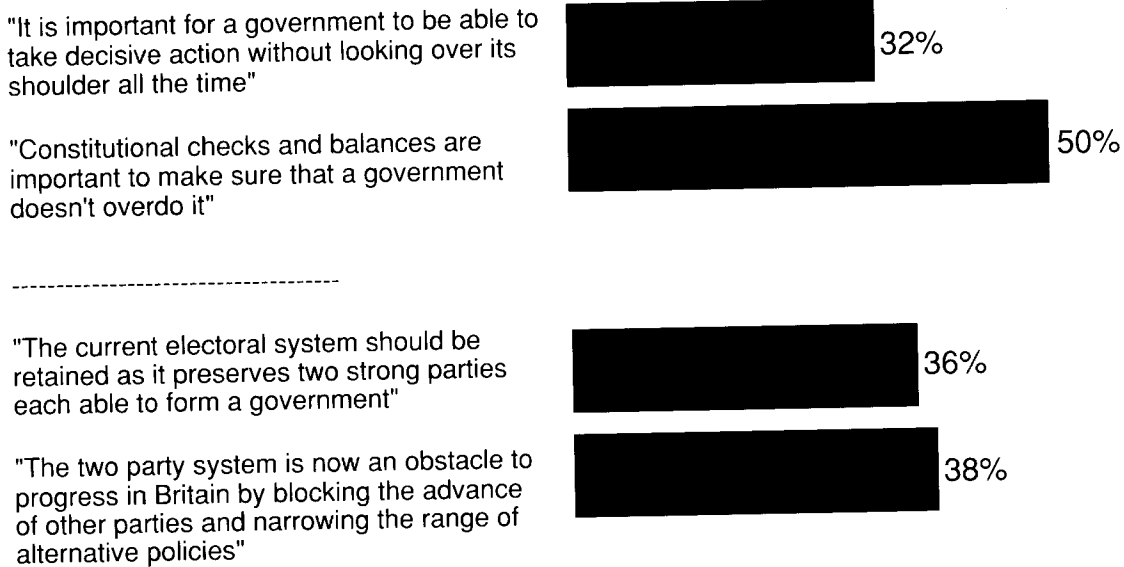
⁶ Graham Allen, "Reinventing Democracy," *RSA Journal*, CXLII, p. 36.

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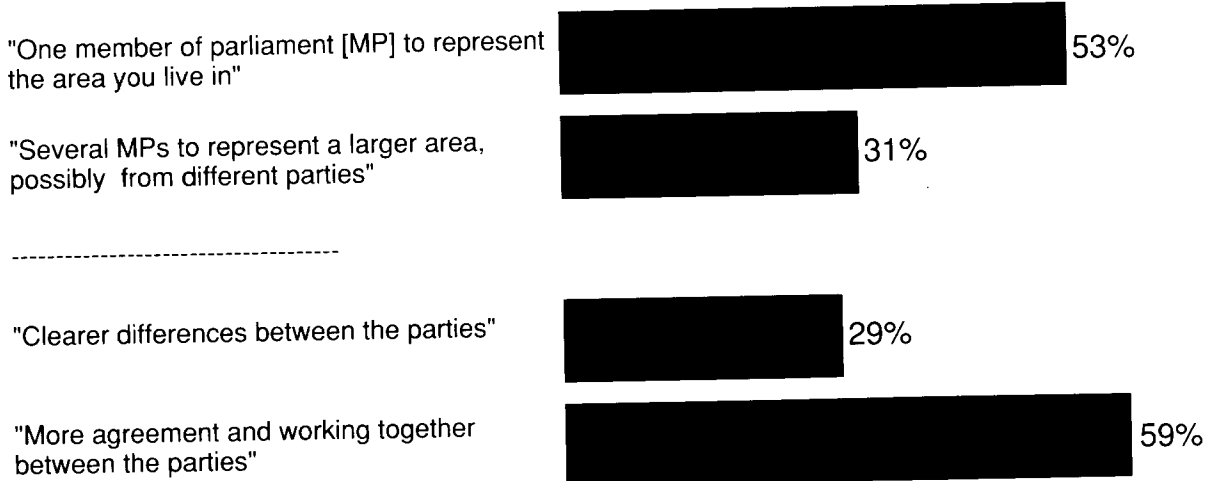
Figure 1
Governmental Reform in the UK: The Public Calls for Change

[Do you agree or disagree / support or not support?]	%Agree	%Disagree	%Neutral or No Opinion
"The system of government in Britain is out of date"	47	32	21
"Government power in Britain is too centralized"	64	17	19
"The British government can change individual rights too easily"	56	20	24
"Britain needs a Bill of Rights to protect the liberty of the individual"	73	11	16
"Replacing the House of Lords with an elected second chamber"	42	26	32

[With which statement do you most agree?]



[Which do you prefer?]



Source: Survey by Market Opinion Research International (MORI), State of the Nation, 1991.