

# **Edexcel A-LEVEL POLITICS**

## **Component 2: UK Government and Non- core Political Ideas**



## Contents

Key Questions Checklist .....	3
• Component 2: UK Government and Non-core Political Ideas.....	9
• Assessment overview .....	10
TOPIC 2: THE CONSTITUTION .....	21
<b>1.1. The nature and sources of the UK constitution</b> .....	21
<b>1.2 How the constitution has changed since 1997</b> .....	25
<b>1.3 The role and powers of devolved bodies in the UK, and the impact of this devolution on the UK</b> .....	30
<b>1.4 Debates on further reform</b> .....	32
TOPIC 2: PARLIAMENT .....	35
<b>2.1 The structure of the role of the Houses of Commons and House of Lords</b> .....	35

Case study: Prisoner votes (BBC News, 17 February 2011) .....	39
Chief European Court judge warns UK on prisoner votes (BBC News, 17 February 2011) ..	39
<b>2.2 The comparative powers of the House of Commons and House of Lords</b> .....	41
<i>How new laws are made</i> .....	41
TOPIC 2 THE PRIME MINISTER AND EXECUTIVE .....	57
<b>3.1 The structure, role, and powers of the Executive</b> .....	58
<b>3.2.1 The powers of the Prime minister and the cabinet</b> .....	64
3.2 The Concept of Ministerial Responsibility .....	68
<b>3.3.2 The power of the PM to dictate events</b> .....	69
TOPIC 4: RELATIONS BETWEEN BRANCHES .....	74
<b>4.1 The Supreme Court and its interactions with, and influence over, the legislative and policy-making processes</b> .....	74
<b>4.2 The relationship between the Executive and Parliament</b> .....	75
4.3 The aims, role and impact of the European Union (EU) on UK government.....	79
4.4 The location of sovereignty in the UK political system.....	80
Case study: Prisoner votes (BBC News, 17 February 2011) .....	80
Chief European Court judge warns UK on prisoner votes (BBC News, 17 February 2011) ..	80
• GLOSSARY.....	82

### Key Questions Checklist

	<b>1. The Constitution</b>
	<b>The development, nature and sources of the UK Constitution</b>
<b>1</b>	1. What are the sources of the UK constitution?
<b>2</b>	2. What is the nature of the UK constitution?
<b>3</b>	3. How far does the UK constitution need to be reformed?

	<b>How has the constitution changed since 1997?</b>
<b>4</b>	1. How far is the Westminster parliament still sovereign in the UK?
<b>5</b>	2. How far has the Westminster parliament lost power since 1997?
<b>6</b>	3. How far has parliamentary sovereignty been regained since 2016?
	<b>The role and powers of devolved bodies in the UK</b>
<b>7</b>	1. How has devolution impacted upon England?
<b>8</b>	2. How far has devolution impacted upon the politics of Scotland?
<b>9</b>	3. How far has devolution impacted upon the politics of Northern Ireland?
<b>10</b>	4. How far has devolution impacted upon the politics of Wales?
	<b>Debates on Further Reform</b>
<b>11</b>	1. To what extent should the constitutional reforms of 1997 be taken further?
<b>12</b>	2. To what extent does the UK need to have an entrenched constitution?
	<b>2. Parliament</b>
	<b>The structure and role of the House of Commons and the House of Lords</b>
<b>13</b>	1. What is the structure and role of both Houses of Parliament?

<b>14</b>	2. How are functions of both Houses of Parliament?
<b>15</b>	3. How effective is parliamentary scrutiny?
<b>The comparative powers of the House of Commons and House of Lords</b>	
<b>16</b>	1. What are the exclusive powers of both Houses of Parliament?
<b>17</b>	2. How far can the House of Lords challenge the House of Commons?
<b>18</b>	3. How far has the commons maintained its supremacy?
<b>The legislative process</b>	
<b>19</b>	1. How does a bill become a law?
<b>20</b>	2. How effective is the legislative process?
<b>The ways in which parliament interacts with the executive</b>	
<b>21</b>	1. How important are backbenchers?
<b>22</b>	2. How important are select committees?
<b>23</b>	3. How important are the opposition?
<b>24</b>	4. How far is PMQs just a spectacle?
<b>25</b>	5. Evaluate the view that parliament is effective in carrying out its role of scrutiny

	<b>3. The Prime Minister and Executive</b>
	<b>The structure, role and powers of the executive</b>
<b>26</b>	1. What is the concept of individual ministerial responsibility?
<b>27</b>	2. How far does IMR still exist?
<b>28</b>	3. What is the concept of collective ministerial responsibility?
<b>29</b>	4. What are the exceptions to collective responsibility?
	<b>The Prime Minister and Cabinet</b>
<b>30</b>	1. What are the powers of the Prime Minister?
<b>31</b>	2. What is the relationship between the Prime Minister and the Cabinet?
<b>32</b>	3. How far has this relationship changed since 2016?
<b>33</b>	4. How far can the Prime Minister and the Cabinet dictate events and policy?
<b>34</b>	5. Case studies of Tony Blair; David Cameron and Theresa May
	<b>Relations between institutions</b>
<b>35</b>	1. What is the role of the Supreme Court?
<b>36</b>	2. What are the principles of the Supreme Court?

<b>37</b>	3. How independent is the Supreme Court?
<b>38</b>	4. How far can the Supreme Court influence parliament and the executive?
	<b>The relationship between the executive and parliament?</b>
<b>39</b>	1. How far can parliament hold the executive to account?
<b>40</b>	2. How far can parliament +remove the government and ministers?
<b>41</b>	3. How far has power moved from the executive to the legislature?
	<b>The aims, role and impact of the European Union on UK government</b>
<b>42</b>	How far have the aims of the EU been achieved?
<b>43</b>	What is the structure of the EU?
<b>44</b>	What is the role of the EU in policy making?
	<b>The impact of the EU on the UK</b>
<b>45</b>	How has the EU impacted upon the UK?
<b>46</b>	How has the EU impacted upon UK policy making?
	<b>The location of sovereignty in the UK political system</b>
<b>47</b>	What is the distinction between legal sovereignty and political sovereignty?

<b>48</b>	How far has sovereignty moved between different branches of government?
<b>49</b>	Where does sovereignty now lie in the UK?



- **Component 2: UK Government and Non-core Political Ideas**

There are two sections within this component, UK Government and Political Ideas. Students study UK Government and one political idea from a choice of five from the Political Ideas section.

### **Overview**

Politics is ultimately about people, but most political decisions are made by a branch of government whose roles and powers are determined by a set of rules: the constitution. This component is fundamental to understanding the nature of UK government, since it enables students to understand where, how and by whom political decisions are made. The component also gives students a base of comparison to other political systems.

The component introduces students to the set of rules governing politics in the UK, the UK constitution, which is different in nature from most of the rest of the world. It further introduces students to the specific roles and powers of the different major branches of the government – legislative, executive, and judiciary – as well as the relationships and balance of power between them, and considers where sovereignty now lies within this system.

Students will explore the following key themes: the relative powers of the different branches of UK government; the extent to which the constitution has changed in recent years; the desirability of further change; and the current location of sovereignty within the UK political system.

### **UK Government**

**There are four content areas:**

1. The constitution
2. Parliament
3. Prime Minister and executive
4. Relationships between the branches.

### **Non-core Political Ideas**

This section allows students to explore **one** of five additional political ideas. Students will learn about the core ideas and principles, the effects of these ideas, the divisions within each idea and their key thinkers.

**The five non-core political ideas to choose from are:**

1. Anarchism
2. Ecologism
3. Feminism
4. Multiculturalism
5. Nationalism.

**We will study political ideas in Year 2**

- Assessment overview

## Qualification at a glance

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### Content and assessment overview

The Pearson Edexcel Level 3 Advanced GCE in Politics consists of three externally-examined papers.

Students must complete all assessment in May/June in any single year.

<b>Component 1: UK Politics (*Component code: 9PL0/01)</b>
<p><b>Written examination: 2 hours</b>  <b>33⅓% of the qualification</b>  <b>84 marks</b></p>
<p><b>Content overview</b></p> <p>1. Political Participation, students will study:</p> <ul style="list-style-type: none"> <li>• democracy and participation, political parties, electoral systems, voting behaviour and the media.</li> </ul> <p>2. Core Political Ideas, students will study:</p> <ul style="list-style-type: none"> <li>• conservatism, liberalism, socialism.</li> </ul>
<p><b>Assessment overview</b></p> <p><b>Section A: Political Participation</b></p> <p>One 30-mark question from a choice of two (each question uses a source) – students must complete one of these. Plus one 30-mark question from a choice of two – students must complete one of these.</p> <p>All questions assess AO1, AO2 and AO3.</p> <p><b>Section B: Core Political Ideas</b></p> <p>One 24-mark question from a choice of two, which assesses AO1, AO2 and AO3.</p>
<b>Component 2: UK Government (*Component code: 9PL0/02)</b>
<p><b>Written examination: 2 hours</b>  <b>33⅓% of the qualification</b>  <b>84 marks</b></p>
<p><b>Content overview</b></p> <p>1. UK Government, students will study:</p> <ul style="list-style-type: none"> <li>• the constitution, parliament, Prime Minister and executive, relationships between the branches.</li> </ul> <p>2. Non-core political ideas, students will study:</p> <ul style="list-style-type: none"> <li>• one idea from the following: anarchism, ecologism, feminism, multiculturalism, nationalism.</li> </ul>
<p><b>Assessment overview</b></p> <p><b>Section A: UK Government</b></p> <ul style="list-style-type: none"> <li>• One 30-mark question from a choice of two (each question uses a source) – students must complete one of these. Plus one 30-mark question from a choice of two – students must complete one of these.</li> <li>• All questions assess AO1, AO2 and AO3.</li> </ul> <p><b>Section B: Non-core Political Ideas</b></p> <ul style="list-style-type: none"> <li>• One 24-mark question from a choice of two, which assesses AO1, AO2 and AO3.</li> </ul>

Component 3: Comparative Politics (*Component code: 9PL0/3A or 3B)
<p><i>Written examination: 2 hours</i></p> <p><i>33⅓% of the qualification</i></p> <p><i>84 marks</i></p> <p><i>Students study either USA (9PL0/3A) or Global (9PL0/3B)</i></p>
<p><b>Content overview</b></p> <p>For USA (3A), students will study:</p> <ul style="list-style-type: none"> <li>the US Constitution and federalism, US Congress, US presidency, US Supreme Court and civil rights, democracy and participation, comparative theories.</li> </ul> <p>OR</p> <p>For Global (3B) students will study:</p> <ul style="list-style-type: none"> <li>sovereignty and globalisation, global governance: political and economic, global governance: human rights and environmental, power and developments, regionalism and the European Union, comparative theories.</li> </ul>
<p><b>Assessment overview for 3A and 3B</b></p> <p><b>Section A</b></p> <ul style="list-style-type: none"> <li>One 12-mark question from a choice of two, which assesses AO1 and AO2.</li> </ul> <p><b>Section B</b></p> <ul style="list-style-type: none"> <li>One compulsory 12-mark question focused on comparative theories, which assesses AO1 and AO2.</li> </ul> <p><b>Section C</b></p> <ul style="list-style-type: none"> <li>Two 30-mark questions from a choice of three, which assess AO1, AO2 and AO3.</li> </ul>

## Assessment information

- First assessment: June 2019.
- The assessment is 2 hours.
- The assessment is out of 84 marks.
- The assessment consists of **two** sections.
  - o Section A – UK Government: this section is worth 60 marks  
Students answer one source question requiring comparative analysis from a choice of two and one non-source question from a choice of two. AO1, AO2 and AO3 are assessed.
  - o Section B – Non-core Political Ideas: this section is worth 24 marks  
Students have a choice of two questions from the non-core idea they have studied and they answer one.  
AO1, AO2 and AO3 are assessed.  
These questions will focus on content areas 1 and 2 and require students to use the key ideas of thinkers (content area 3) in their answers.

No other materials, for example a calculator, are required for this paper.

## Sources

AO2 and AO3 require students to study and respond to 'political information'. In this qualification, this is carried out through the questions in Section A that use a source. These sources will be a single written (text) source only or a single source that combines both text and data (pie chart, tables, simple graphs such as a bar chart), all related in some way to UK government.

Sources will be selected to ensure that they give students opportunities to bring in their own knowledge and understanding, to engage in comparative analysis and to evaluate by making judgements and drawing conclusions.

For each source, information relating to the context of the source is provided. This information will not be discretely assessed, however it is provided to assist students in engaging with the information provided in the source.

## Synoptic assessment

Synoptic assessment requires students to work across different parts of a qualification and to show their accumulated knowledge and understanding of a topic or subject area.

Synoptic assessment enables students to show their ability to combine their skills, knowledge and understanding with breadth and depth of the subject.

This paper assesses synopticity in Section A in the non-source questions, which require students to draw on relevant knowledge and understanding from Component 1: UK politics and core political ideas.

## Sample assessment materials

A sample paper and mark scheme for this paper can be found in the *Pearson Edexcel Level 3 Advanced GCE in Politics Sample Assessment Materials (SAMs)* document.

## UK Government content

Subject content	Students should gain knowledge and understanding of:
<b>1 The constitution</b>	1.1 The nature and sources of the UK constitution, including: <ul style="list-style-type: none"> <li>an overview of the development of the constitution through key historical documents: <ul style="list-style-type: none"> <li>Magna Carta (1215); Bill of Rights (1689); Act of Settlement (1701); Acts of Union (1707); Parliament Acts (1911 and 1949); The European Communities Act (1972)</li> </ul> </li> <li>the nature of the UK constitution: unentrenched, uncodified and unitary, and the 'twin pillars' of parliamentary sovereignty and the rule of law</li> <li>the five main sources of the UK constitution: statute law; common law; conventions; authoritative works and treaties (including European Union law).</li> </ul>
<b>Key terminology</b>	
Constitution	
Unentrenched (entrenched)	
Uncodified (codified)	
Unitary (federal)	
Parliamentary sovereignty	
The rule of law	
Statute law	1.2 How the constitution has changed since 1997. <ul style="list-style-type: none"> <li>Under Labour 1997–2010: House of Lords reforms, electoral reform; devolution; the Human Rights Act 1998; and the Supreme Court.</li> <li>Under the Coalition 2010–15: Fixed Term Parliaments; further devolution to Wales.</li> <li>Any major reforms undertaken by governments since 2015, including further devolution to Scotland (in the context of the Scottish Referendum).</li> </ul>
Common law	
Conventions	
Authoritative works	
Treaties	
Devolution	1.3 The role and powers of devolved bodies in the UK, and the impact of this devolution on the UK. <ul style="list-style-type: none"> <li>Devolution in England.</li> <li>Scottish Parliament and Government.</li> <li>Welsh Assembly and Government.</li> <li>Northern Ireland Assembly and Executive.</li> </ul>
	1.4 Debates on further reform. <ul style="list-style-type: none"> <li>An overview of the extent to which the individual reforms since 1997 listed in section 1.2 above should be taken further.</li> <li>The extent to which devolution should be extended in England.</li> <li>Whether the UK constitution should be changed to be entrenched and codified, including a bill of rights.</li> </ul>

Subject content	Students should gain knowledge and understanding of:
<b>2 Parliament</b>	2.1 The structure and role of the House of Commons and House of Lords. <ul style="list-style-type: none"> <li>• The selection of members of the House of Commons and House of Lords, including the different types of Peers.</li> <li>• The main functions of the House of Commons and House of Lords and the extent to which these functions are fulfilled.</li> </ul>
<b>Key terminology</b>	
Parliament	
House of Commons	
House of Lords	
Confidence and supply	2.2 The comparative powers of the House of Commons and House of Lords. <ul style="list-style-type: none"> <li>• The exclusive powers of the House of Commons.</li> <li>• The main powers of the House of Lords.</li> <li>• Debates about the relative power of the two houses.</li> </ul>
Salisbury Convention	
Parliamentary privilege	
Legislative bills	2.3 The legislative process. <ul style="list-style-type: none"> <li>• The different stages a bill must go through to become law.</li> <li>• The interaction between the Commons and the Lords during the legislative process, including the Salisbury Convention.</li> </ul>
Public bill committees	
Backbenchers	
Select committees	
Opposition	2.4 The ways in which Parliament interacts with the Executive. <ul style="list-style-type: none"> <li>• The role and significance of backbenchers in both Houses, including the importance of parliamentary privilege.</li> <li>• The work of select committees.</li> <li>• The role and significance of the opposition.</li> <li>• The purpose and nature of ministerial question time, including Prime Minister's Questions.</li> </ul>

Subject content	Students should gain knowledge and understanding of:
<b>3 Prime Minister and Executive</b>	3.1 The structure, role, and powers of the Executive. <ul style="list-style-type: none"> <li>• Its structure, including Prime Minister, the Cabinet, junior ministers and government departments.</li> <li>• Its main roles, including proposing legislation, proposing a budget, and making policy decisions within laws and budget.</li> <li>• The main powers of the Executive, including Royal Prerogative powers, initiation of legislation and secondary legislative power.</li> </ul>
<b>Key terminology</b>	
Executive	
Cabinet	
Minister	
Government department	3.2 The concept of ministerial responsibility. <ul style="list-style-type: none"> <li>• The concept of individual ministerial responsibility.</li> <li>• The concept of collective ministerial responsibility.</li> </ul>
Royal prerogative	
Secondary legislation	
Individual responsibility	3.3 The Prime Minister and the Cabinet. <p>3.3.1 The power of the Prime Minister and the Cabinet.</p> <ul style="list-style-type: none"> <li>• The factors governing the Prime Minister's selection of ministers.</li> <li>• The factors that affect the relationship between the Cabinet and the Prime Minister, and the ways they have changed and the balance of power between the Prime Minister and the Cabinet.</li> </ul> <p>3.3.2 The powers of the Prime Minister and the Cabinet to dictate events and determine policy.</p> <ul style="list-style-type: none"> <li>• Students must study the influence of one Prime Minister from 1945 to 1997 and one post-1997 Prime Minister.</li> <li>• Students may choose any pre-1997 and any post-1997 Prime Minister, provided that they study them in an equivalent level of detail, covering both events and policy, with examples that illustrate both control and a lack of control.</li> </ul>
Collective responsibility	
Presidential government	



Subject content	Students should gain knowledge and understanding of:
<b>4 Relations between branches</b>	<p>4.1 The Supreme Court and its interactions with, and influence over, the legislative and policy-making processes.</p> <ul style="list-style-type: none"> <li>• The role and composition of the Supreme Court.</li> <li>• The key operating principles of the Supreme Court, including judicial neutrality and judicial independence and their extent.</li> <li>• The degree to which the Supreme Court influences both the Executive and Parliament, including the doctrine of <i>ultra vires</i> and judicial review.</li> </ul>
<b>Key terminology</b>	
Supreme Court	
Judicial neutrality	
Judicial independence	
Judicial review	
Elective dictatorship	
European Union (EU)	
Four freedoms (EU)	
Legal sovereignty	
Political sovereignty	
<i>Ultra vires</i>	
	<p>4.2 The relationship between the Executive and Parliament.</p> <ul style="list-style-type: none"> <li>• The influence and effectiveness of Parliament in holding the Executive to account.</li> <li>• The influence and effectiveness of the Executive in attempting to exercise dominance over Parliament.</li> <li>• The extent to which the balance of power between Parliament and the Executive has changed.</li> </ul>
	<p>4.3 The aims, role and impact of the European Union (EU) on UK government.</p> <ul style="list-style-type: none"> <li>• The aims of the EU, including the 'four freedoms' of the single market, social policy, and political and economic union and the extent to which these have been achieved.</li> <li>• The role of the EU in policy making.</li> <li>• The impact of the EU, including the main effects of at least two EU policies and their impact on the UK political system and UK policy making.</li> </ul>
	<p>4.4 The location of sovereignty in the UK political system.</p> <ul style="list-style-type: none"> <li>• The distinction between legal sovereignty and political sovereignty.</li> <li>• The extent to which sovereignty has moved between different branches of government.</li> <li>• Where sovereignty can now be said to lie in the UK.</li> </ul>



## Feminism option

Feminism is an ideology based on the belief that society is characterised by unequal gender power and status. All forms of feminism are committed to advancing the social role of women, ensuring that the disadvantages they face can and should be overthrown.

**There are three content areas for this option:**

1. Feminism: ideas and principles
2. Different types of feminism
3. Feminist thinkers and their ideas.

Subject content	Students should gain knowledge and understanding of:
<b>1 Feminism: ideas and principles</b>  <b>Key terminology</b> Public sphere Private sphere Essentialism Gender stereotypes	Core ideas and principles of feminism and how they relate to human nature, the state, society and the economy: <ul style="list-style-type: none"> <li>• sex and gender – sex refers to biological differences between men and women, whereas gender refers to the different roles that society ascribes to men and women – to cover how feminists believe this distinction to be important in their analysis of society</li> <li>• patriarchy – society, state and the economy are characterised by systematic, institutionalised and pervasive gender oppression – to cover how patriarchy is understood by different feminists and how different feminists view its importance</li> <li>• the personal is political – the idea that all relationships, both in society and in private relationships, between men and women are based on power and dominance – to cover why feminists think this goes to the essence of patriarchy, and why some feminists believe this distinction is crucial and others believe it is dangerous</li> <li>• equality feminism and difference feminism – equality feminists seek equality for men and women in society, whereas difference feminists argue that men and women have a fundamentally different nature from one another – to cover the core differences between these two types of feminism and how significant they are</li> <li>• intersectionality – argues that black and working-class women's experiences of patriarchy in state, society and the economy are different from white, middle-class women – to cover the impact of this newer strand of feminism to wider feminist thinking.</li> </ul>
<b>2 Different types of feminism</b>  <b>Key terminology</b> Discrimination Equality of opportunity Political equality Legal equality Reserve army of labour Gender equality Cultural feminism Reformist	The different types of feminism: <ul style="list-style-type: none"> <li>• liberal feminism – sees individualism as the basis of gender equality</li> <li>• socialist feminism – believes that gender inequality stems from economics and that capitalism creates patriarchy</li> <li>• radical feminism – believes that the biggest problem facing society is gender inequality</li> <li>• post-modern feminism – argues that patriarchy manifests in different ways depending on a woman's race, class etc.</li> </ul>

Please note that content area 3 should focus on the key ideas given, rather than on the study of detailed biographical information on each thinker.

Subject content	Students should gain knowledge and understanding of:
<b>3 Feminist thinkers and their ideas</b>	The key ideas of the following thinkers to exemplify the content from areas 1 and 2:
<b>Key terminology</b>	<b>Charlotte Perkins Gilman (1860–1935)</b>
Otherness	<ul style="list-style-type: none"> <li>Sex and domestic economics are hand in hand – for women to survive, they have to depend on their sexuality and body in order to please their husbands.</li> </ul>
Equality and difference feminism	<ul style="list-style-type: none"> <li>Societal pressure – young girls are compelled to conform in society and prepare for motherhood by playing with toys and wearing clothes that are specifically designed for and marketed to them.</li> </ul>
Intersectionality	<p><b>Simone de Beauvoir (1908–1986)</b></p> <ul style="list-style-type: none"> <li>Sex versus gender – ‘one is not born, but rather becomes, a woman’.</li> <li>‘Otherness’ – men are perceived as the ‘norm’ and women deviants from this norm.</li> </ul> <p><b>Kate Millett (1934– )</b></p> <ul style="list-style-type: none"> <li>Family – undoing the traditional family was the key to true sexual revolution.</li> <li>Portrayal of women in art and literature – she showed how patriarchal culture had produced writers and literary works that were degrading to women.</li> </ul> <p><b>Sheila Rowbotham (1943– )</b></p> <ul style="list-style-type: none"> <li>Capitalism – women are forced to sell their labour to survive and use their labour to support their family under the capitalist system.</li> <li>The family – not just an instrument for disciplining and subjecting women to capitalism but a place where men took refuge from alienation under a capitalist economy.</li> </ul> <p><b>bell hooks (1952– )</b></p> <ul style="list-style-type: none"> <li>Women of colour – she brought the cultural concerns of women of colour into the mainstream feminist movement.</li> <li>Intersectionality – the mainstream feminist movement had focused mostly on the plight of white, college-educated, middle/upper-class women who had no stake in the concerns of women of colour.</li> </ul>

Please note that key terminology is not exclusive to the given content area and applies across all three content areas. Definitions of key terminology are given in *Appendix 2: Key terminology glossary*.

## Nationalism option

Nationalism believes that nations are a timeless phenomenon. It is based on the belief that people have been attached to the practices connected with their heritage and seeks to continue them freely.

**There are three content areas for this option:**

1. Nationalism: ideas and principles
2. Different types of nationalism
3. Nationalist thinkers and their ideas.

Subject content	Students should gain knowledge and understanding of:
<b>1 Nationalism: core ideas and principles</b>  <i>Key terminology</i> Civic nationalism Liberal internationalism Socialist internationalism Ethnicity	Core ideas and principles of nationalism and how they relate to human nature, the state, society and the economy: <ul style="list-style-type: none"> <li>• nations – people who identify themselves as a cohesive group based on shared values in society – to cover the idea that there are very different ways of defining a nation</li> <li>• self-determination – belief that nations should decide how they are governed – to cover the idea of the nation as a genuine political community capable of self-government</li> <li>• nation-state – a nation that rules itself in its own state and controls its own economies – to cover the understanding that the nation-state, while supported by most nationalists, is not universally supported</li> <li>• culturalism – that nationalism is based on shared cultural societal values – to cover the idea that some forms of nationalism are grounded in more mystical, emotional ties and also to reflect on the darker side of nationalism</li> <li>• racialism – humankind can be meaningfully divided into separate 'races', which each possess different natures – to cover the view held by a very small group of nationalists who believe that nationhood is determined purely by biological factors</li> <li>• internationalism – the world should unite across boundaries to advance their common interests in society – to cover the idea that some forms of nationalism also have an internationalist perspective, whereas other nationalists reject nationalism.</li> </ul>
Subject content	Students should gain knowledge and understanding of:
<b>2 Different types of nationalism</b>  <i>Key terminology</i> Rational Progressive Regressive Inclusive nationalism Exclusive nationalism Chauvinistic nationalism Imperialism/colonialism	The different types of nationalism and the extent to which they vary: <ul style="list-style-type: none"> <li>• liberal nationalism – seeks a world of autonomous nation-states</li> <li>• conservative nationalism – exists to forge a sense of cohesion and unity within society</li> <li>• anti/post-colonialism – rejects colonial rule and seeks to have governance returned to the indigenous population</li> <li>• expansionist nationalism – rejects the right of all nations to self-determination, usually linked to chauvinism.</li> </ul>

Please note that content area 3 should focus on the key ideas given, rather than on the study of detailed biographical information on each thinker.

Subject content	Students should gain knowledge and understanding of:
<b>3 Nationalist thinkers and their ideas</b>	The key ideas of the following thinkers to exemplify the content from areas 1 and 2:
<b>Key terminology</b>	<b>Jean-Jacques Rousseau (1712–1778)</b>
Volksggeist	<ul style="list-style-type: none"> <li>• General will – that government should be based on the indivisible collective will of the 'community' and that nations have the right to govern themselves.</li> </ul>
Integral nationalism	<ul style="list-style-type: none"> <li>• Civic nationalism – where the state is legitimate because it is based on the active participation of its citizens.</li> </ul>
Black nationalism	<b>Johann Gottfried von Herder (1744–1803)</b> <ul style="list-style-type: none"> <li>• Cultural nationalism – suggested that every nation was different, and that every nation had its own unique cultural character.</li> <li>• Volk – identified the Volk (the people) as the root of national culture and special nature (Volksggeist), which each nation should try to express.</li> </ul> <b>Giuseppe Mazzini (1805–1872)</b> <ul style="list-style-type: none"> <li>• Nationhood – believed that humans could express themselves only via their nation and that human freedom rested on the creation of one's own nation-state.</li> <li>• 'Action' – rejected intellectualism and rationalism, and created an idea known as 'thought and action'.</li> </ul> <b>Charles Maurras (1868–1952)</b> <ul style="list-style-type: none"> <li>• Integral nationalism – an intensely emotional form of nationalism where individuals were encouraged to submerge themselves into their nation.</li> <li>• Militarism – integral nationalism encourages nations to have a strong military ethos.</li> </ul> <b>Marcus Garvey (1887–1940)</b> <ul style="list-style-type: none"> <li>• Black pride – encouraged African people to be proud of their race and to see beauty in their own kind.</li> <li>• Pan-Africanism – that African people, in every part of the world, were one people and that they would never progress if they did not put aside their cultural and ethnic differences.</li> </ul>

Please note that key terminology is not exclusive to the given content area and applies across all three content areas. Definitions of key terminology are given in *Appendix 2: Key terminology glossary*.

## TOPIC 2: THE CONSTITUTION

### 1.1. The nature and sources of the UK constitution

#### Features of the UK constitution

- It is **uncodified**.
  - ◆ Codification is the process of writing something down in a single document.
  - ◆ You may hear that the UK constitution is unwritten, but this is false. Our constitution is currently written down, but in many different documents.
  - ◆ By contrast, the US constitution is codified because it is written in a single document.
- It is derived from a number of sources as opposed to one.
  - ◆ For example, the US constitution comprises a single document.
  - ◆ The UK constitution is made up of written sources, such as laws passed by Parliament and unwritten sources, such as **conventions**.
- Constitutional laws are not superior to other laws.
  - ◆ In the US, the constitution stands above all other laws and all other laws must be compatible with it.
  - ◆ In the UK, constitutional laws have exactly the same legal status as any other law.
- It is very **flexible**.
  - ◆ This means that it is easy to change. All that needs to happen is for Parliament to pass a law in the normal way.
  - ◆ For example, if a constitutional convention was challenged on the basis that it was out of date and Parliament agreed it should be changed, then the new process could be formalised in an ordinary law.
  - ◆ A government with a majority in the Commons can easily pass constitutional change, as, for example, the coalition did in 2011 with the Fixed-Term Parliament Act.
  - ◆ There is a lack of checks and balances to protect against ill-considered constitutional change, because the House of Lords is weak, as they lack a democratic mandate.
  - ◆ By contrast, the US constitution needs a super-majority (67%) in Congress to be amended. This makes it difficult to change and therefore **'rigid'**.

#### Sources of the UK constitution

- Statute law, as passed by Parliament.
  - ◆ Not all laws are constitutional laws. To be specific, constitutional laws change the nature and processes of government.
  - ◆ For example, the Human Rights Act (1998), the 1998 Wales Act and Scotland Act (devolution); and the House of Lords Acts of 1999 and 2014 (HoL reform).

- Conventions (unwritten rules)
  - ♦ These comprise rules concerning the ordinary way of working for Parliament and they are taken very seriously even though they are not written down.
  - ♦ Some conventions may be referred to in the minutes of Cabinet meetings, for example, but they are not formally outlined in a specific written document.
  - ♦ For example, the Salisbury Convention and Collective Cabinet responsibility.
- Historical principles
  - ♦ These are similar to conventions and tend to be specific to Parliament.
  - ♦ For example, the sovereignty of parliament and the prerogative powers exercised by the Prime Minister.
- Works and documents of authority
  - ♦ Document examples: the Magna Carta (1215) and the Bill of Rights (1689)
  - ♦ Works of authority examples: Bagehot's *The English Constitution* and Dicey's *Introduction to the Study of the Law of the Constitution*.
- Common law and tradition, relating often to rights.
  - ♦ Judges have the authority to decide law in the absence of an authoritative statement (case law).
  - ♦ Common law is a body of rules that has evolved over a long period of time.
  - ♦ In the UK, common law is the traditional grounds of basic rights, such as freedom of speech and freedom of assembly.
- European Union Treaties
  - ♦ For example, the Treaty of Rome (1957) and the Maastricht Treaty (1992).

#### Strengths and weaknesses of the constitution

Strength	Critique
It is flexible and can adapt to changing circumstances.	It is too flexible and can be manipulated by governments to suit their own purposes. For example, the 2011 fixed term parliament legislation is a major constitutional change introduced with no public consultation.
The balance of power lies largely with the executive branch.	Too much power with lies government ('elective dictatorship') and parliament is too weak.
It has stood the test of time.	It is outdated and not suited to a modern democracy. For example, the persistence of a non-elected second chamber.
Despite being uncoded it has successfully protected rights in the UK.	Rights are not protected well enough because of the sovereignty of parliament.
The lack of a codified constitution means that judges have relatively less power in the interpretation of constitutional rules and processes. This places the constitution in the hands of elected, accountable politicians.	Recent evidence suggests that judges are increasingly intervening in constitutional interpretations.

### Should the UK have a codified constitution?

<b>Yes</b>	<b>No</b>
Codification would bring us into line with other democracies, as most other countries have codified constitutions.	It has served us well for centuries, so there is no need for change.
It would help people to understand what their rights are and entrench those rights in the long term.	It would be extremely difficult and take a long time to establish constitutional rules. Although we would aim for consensus, it is unlikely that it could be achieved.
It would reduce disillusionment with politics, thereby promoting participation, which would help to address the participation crisis.	Dry constitutional arguments may turn people off politics, thereby increasing apathy.
It could put limits on the power of the executive and perhaps strengthen Parliament. This would promote a more cooperative cross-party approach to politics, reducing its adversarial nature in the UK.	Strong government is able to act efficiently whilst being effectively held to account by the Opposition under our current system.
Impartial judges would be able to make decisions on important issues without being swayed by ephemeral political concerns.	A codified constitution would put too much power in the hands of unelected and therefore unaccountable judges, which is undesirable.
Important and popular reforms, such as devolution would be entrenched.	The great strength of the constitution is flexibility – we would lose this. We would be unable to respond quickly and effectively to changing circumstances.
Codification would give us the chance to modernise our constitution and create a system fit for modern Britain.	Conservatives argue that a constitution is organic and should not be an artificial creation – it should continue to develop naturally. It has worked in the past and therefore should continue to work in the future.

### ANALYSIS: is the UK constitution fit for purpose?

<b>Strengths</b>	<b>Criticisms</b>
Its flexibility, arising from its uncodified nature, means it can adapt to circumstances. For example, constitutional procedures were able to adapt to the first coalition government since 1945 remarkably easily.	It does not conform to the modern democratic world.
It does provide for strong decisive government. For example, recent anti-terrorism measures (Terrorist Prevention and Investigation Measures ( <b>TPIMs</b> ) Act 2011) were enacted easily, as were measures to deal with the financial crisis of 2008-9, such as the bank bailouts. In contrast, the US Congress could not agree emergency measures for several weeks despite the urgency of the situation.	It is excessively flexible which means that there is too much opportunity for a drift towards executive power.
The UK has enjoyed many years of stable government which suggests the constitution is effective. This cannot be said of many modern states which have strong, codified constitutions.	The sovereignty of parliament, which largely replaces a codified constitution, prevents individual rights being adequately protected.
The 'conservative' arguments suggests a change to the constitution would have unknown consequences.	The existence of prerogative powers is fundamentally undemocratic.
	The loss of public confidence in politics may be partly due to a lack of codified constitutional principles.



## 1.2 How the constitution has changed since 1997

### Reforms introduced by New Labour (1997-2010)

- The Human Rights Act (1998)
  - ◆ Embodied the provisions of the ECHR in UK law.
  - ◆ Allowed individuals to appeal to UK courts for human rights cases, rather than having to take their case to the European Court of Human Rights.
- Devolution
  - ◆ The Scottish Parliament was established by the Scotland Act (1998) after the positive referendum of September 1997.
  - ◆ The Welsh Assembly was established by the Wales Act (1998) after a positive referendum result in September 1997.
  - ◆ It was originally envisaged that the English regions would also have devolved government through regional assemblies, but this policy was dropped after a lack of enthusiasm in the regions, culminating in a rejection of devolved government in a referendum held in Yorkshire and the Humber.
  - ◆ Legislation was passed in 2000 setting out the terms for future referendums on constitutional reform.
- House of Lords reform
  - ◆ Stage 1: the removal of all but 92 hereditary peers in the House of Lords Act (1999).
  - ◆ Stage 2: Labour proposed that some proportion of the HoL be directly elected, but MPs couldn't agree on the appropriate proportion, so reform stalled until Labour were replaced by the coalition.
- Local government
  - ◆ The Greater London Authority Act (1999) created the London Assembly, which is an elected body with 25 members, and the office of Mayor of London.
  - ◆ Ken Livingstone won the first 2 mayoral elections in 2000 and 2004, having been the leader of the Greater London Council in the 1980s until it was abolished by Thatcher's government in 1986.
  - ◆ Some other cities gained elected mayors at this time, notably Hartlepool, and the government intended to extend the policy of elected mayors to all major cities.
  - ◆ However, popular support for the policy was lacklustre and the programme was not rolled out.
- The electoral system
  - ◆ PR was introduced for elections to devolved bodies, the European Parliament and the London Assembly.
  - ◆ The Jenkins Enquiry recommended that FPTP be replaced by 'Alternative Vote Plus' for general elections to the Westminster Parliament. This system was never popular with the Labour government and was never seriously considered for implementation.

- Freedom of Information Act (2000)
  - ◆ Became operative in 2005.
  - ◆ Gave individuals the right to view information held about them, such as medical records.
  - ◆ Gave individuals the right to view information on the workings of government and Parliament.
  - ◆ Requests made under the Freedom of Information Act triggered the MPs' expenses scandal of May-June 2009, partly because attempts made by the Speaker (Michael Martin) to block these requests convinced journalists that MPs had something to hide and encouraged them to keep trying.
- Constitutional Reform Act (2005)
  - ◆ Created the UK Supreme Court, which replaced the Appellate Committee of the HoL as the UK's highest court.
  - ◆ Created an independent appointments commission to recommend candidates for appointment to the Supreme Court to the Minister for Justice.
  - ◆ Created the post of Speaker of the HoL, taking that function away from the Lord Chancellor.
  - ◆ Transferred the Lord Chancellor's political role to the Minister for Justice.
  - ◆ Transferred the Lord Chancellor's judicial role to the President of the Courts of England and Wales.
  - ◆ Came into force in 2009.
- Changes to modernise the working practices of the House of Commons
  - ◆ Changes to the hours MPs would 'sit' in the HoC were trialled in order to promote more family-friendly working hours because votes would often be scheduled for the evening at the end of debates, which could run until after midnight.
  - ◆ Advocates of changes to working hours argued this kind of change could encourage more women to become MPs, but after the trial period MPs voted to reject most of these changes.
  - ◆ Other changes included payment for the chairpersons of select committees in order to professionalise the role and recognise the effort and expertise of chairs.

### Reforms introduced by the Coalition (2010-2015)

- Fixed-term Parliaments Act (2011)
  - ◆ The Bill provides for five-year fixed terms.
  - ◆ Previously the PM was able to set the date of the general election as long as an election was called within 5 years of the last election. This enabled the PM to call an early election, generally after 4 years, if the party was popular. If not, the election could be delayed to give time for inducements to the electorate, such as tax cuts, to kick in, in the hope that this would increase the governing party's popularity.
  - ◆ It includes provisions to allow the Prime Minister to alter the date by up to two months by Order.

- ◆ There are also two ways in which an election could be triggered before the end of the five-year term:
  - If a motion of no confidence is passed and no alternative government is found.
  - If a motion for an early general election is agreed either by at least two-thirds of the House or without division (a vote).
- The electoral system
  - ◆ A referendum was held in May 2011 on whether AV should be used for UK elections.
  - ◆ Holding a referendum on electoral reform was a key element of the Coalition Agreement, although the Lib Dems accepted that the Conservatives should be free to campaign against AV.
  - ◆ The 'no' campaign was vociferous, whereas the 'yes' campaign was underwhelming.
  - ◆ The rejection of AV was thought to have taken electoral reform off the political agenda for the foreseeable future, but the gross disproportionality of the 2015 general election result has renewed calls for the introduction of proportional representation.
- Elected Mayors
  - ◆ In May 2012, referendums were held in 10 English cities on whether to introduce directly elected mayors to replace local council cabinets.
  - ◆ Birmingham, Manchester, Newcastle, Nottingham, Sheffield, Wakefield, Coventry, Leeds and Bradford voted 'no'.
  - ◆ Bristol voted in favour of introducing a mayor.
  - ◆ A referendum was also held in Doncaster on whether to scrap the directly elected mayor, introduced in 2001. The people voted in favour of keeping the mayor.
- **Police and Crime Commissioners**
  - ◆ These were introduced in May 2012, when the first PCCs were elected.
  - ◆ Turnout was very low indeed and people don't seem to have known much about them, not least what they are supposed to do.
  - ◆ Their role is to be the voice of the people and hold the police to account. PCCs can set policing priorities and have a small budget of their own.
  - ◆ This role is similar to systems in America, in which various members of the police and judiciary are elected to ensure these institutions act in the interests of the people.
- Independence for Scotland
  - ◆ A referendum was held in September 2014.
  - ◆ It asked "Do you agree that Scotland should be an independent country?"
  - ◆ A special section 30 order was approved by the Westminster Parliament, giving the Scottish government the legal authority to hold a binding referendum.
  - ◆ Alex Salmond (the Scottish First Minister) said an independent Scotland would have a codified constitution.
  - ◆ In a last few days before the vote, the Conservative, Labour and Lib Dem party leaders all pledged to support further devolution for Scotland ('**Devo Max**') if Scots

wanted to remain in the UK, although no significant change has yet been implemented. This was regarded as a last minute concession to undecided voters.

- The convention of using referendums to decide questions of constitutional reform
  - ♦ Since Labour held a number of referendums on devolution and elected mayors, and the coalition continued that practice, there is now an established convention that referendums should be used to decide constitutional issues.
  - ♦ It would therefore be very difficult for a future government to engage in constitutional reform in these areas without holding a referendum.
- The end of male primogeniture
  - ♦ The Succession to the Crown Act (2013) was introduced to end the sexism of male primogeniture (the idea that the eldest male inherits the throne).
  - ♦ In future, succession will depend solely on order of birth – males will not have priority over females.
  - ♦ The legislation also changes the rules concerning marriage, allowing the monarch to marry a catholic, as well as someone of any other faith (or none).
  - ♦ Legislation was introduced in all other commonwealth countries at the same time, to avoid the scenario that 2 different people become the reigning monarchs of different commonwealth countries simultaneously.
- House of Lords reform
  - ♦ The House of Lords Reform Act (2014) allows members to retire from the HoL and makes provision for members to be expelled if they have not attended for an entire session (1 year) or if they are convicted of a serious criminal offence.
- English Votes for English Laws (EVEL)
  - ♦ As a result of the proposed 'Devo Max', the **West Lothian Question** needed to be resolved. This is the problem that Scottish MPs were able to vote on laws that would only affect England, but English MPs cannot influence matters that only concern Scotland, as they are dealt with by the Scottish Parliament. While this is known as the West Lothian Question, the situation is the same for Welsh and Northern Irish MPs.
  - ♦ The solution used currently is EVEL, which means that only English MPs are allowed to vote on English laws. It was first used January 2016.

### Reforms introduced by the Conservatives (2015-present)

- Leaving the EU
  - ♦ A referendum on Britain's membership of the EU was held in June 2016.
  - ♦ David Cameron pledged to renegotiate the terms of British membership and campaigned for Britain to remain in the EU on the basis of those new terms.
  - ♦ Conservative MPs were offered a free vote, which meant they did not have to follow the party line and were free to campaign on whichever side they liked.

- ◆ Labour campaigned for Britain to remain in the EU, although Corbyn's campaign was lacklustre.
- ◆ The result of the referendum was to leave the EU ('Brexit') and Theresa May has promised to invoke Article 50 by March 2017, which gives the UK two years to negotiate their exit with European leaders.

### 1.3 The role and powers of devolved bodies in the UK, and the impact of this devolution on the UK

#### Where is sovereignty located in the UK?

- Officially, Parliament is supposed to be sovereign over all other institutions. However, the legal sovereignty of Parliament has been challenged in recent years in several ways...

#### **The EU**

- All EU legislation automatically takes precedence over UK law.
- Primary legislation is contained in the Treaty of Rome (1957) which was ratified by the UK in 1972.
- Secondary legislation comes from regulations and directives issued mainly by the European Commission.
- The precedence of EU over UK law was confirmed by the Factortame case of 1990 in which the company Factortame registered Spanish fishing vessels as British in order that Spanish fishermen could fish in UK waters to circumvent quota restrictions. The UK Parliament changed British law to make this illegal, but the European Court of Justice overruled Parliament.
- A more recent example comes from EU regulations on employment rights and the maximum working week, as these regulations rendered existing UK law null and void.
- However, the UK retains the freedom to leave the EU and this decision would be made by Parliament. Thus, although leaving the EU would be a radical step, Parliament is still sovereign because if there were very strong objections to EU law, Parliament could refuse to enforce them by passing a new law to rescind ratification of the Treaty of Rome. This would involve invoking Article 50, which allows two years for the process of leaving to be negotiated.

#### **Devolution**

- Devolution is often seen as a *de facto* transfer of sovereignty from Parliament to the devolved institutions: the Scottish Parliament, the Welsh and Northern Irish Assemblies.
- The Scotland and Wales Acts of 1998 transfer sovereignty in specific policy areas from Parliament to the devolved bodies. This means that Parliament cannot interfere with the decisions made by the devolved institutions in these areas and laws passed by Parliament in these areas will only apply in England.
- This has given rise to the English Votes for English Laws convention (EVEL), which was used for the first time in Jan 2016. This involves Westminster MPs for devolved areas not being allowed to vote on laws that will only apply in England.
- However, Parliament could decide at any time to take the devolved powers back. This means, again, that Parliament retains sovereignty because if it objected strongly and persistently to laws made by the devolved institutions, it could repeal the Scotland and

Wales Acts, which would immediately dissolve the institutions and return their power to Westminster.

## **Referendums**

- Referendums may be seen as transferring power from Parliament to the people.
- However, referendums are only advisory in the UK, so the government is not bound to abide by the referendum decision.
- In the case of the Scottish Independence referendum of 2014, Parliament passed a law to ensure it implemented the result, whatever it may be. However, if Parliament had not wanted to implement the result, it could simply have repealed that law and it would no longer have been bound by that requirement.
- There have also been calls since the EU referendum in June 2016 for Parliament to refuse to implement the vote to leave. However, most politicians recognise that refusing to implement the will of the people would cause their popularity and credibility to plummet, leading to them being voted out at the next election. This need to win regular elections, ensures that there is very little chance of a referendum result being ignored or argued against by any major party.

## **Executive dominance**

- In practice, Parliament is now dominated by the government (executive). This means that a majority government is able to pass almost any law it likes, as MPs will usually vote along party lines.
- Adherence to the party line is enforced by the whips.
- However, it is clear that legal sovereignty remains with Parliament. MPs in the HoC are able to rebel against their parties, indeed Jeremy Corbyn was a notable and frequent rebel in his backbench days, and the result of a parliamentary vote is final. So, if sufficient MPs from the governing party rebel and vote with the opposition, the government can still be defeated.
- Furthermore, in November 2015 a vote in the HoL delayed proposed tax credit cuts, which forced the Chancellor, George Osborne, to change his mind and scrap the cuts only days later. This shows the HoL, as part of parliament, can be effective in curbing executive dominance.

## 1.4 Debates on further reform

### Possible future reforms

- A Bill of Rights?
  - ◆ The Conservative party has expressed support in the past for a Bill of Rights to replace the Human Rights Act (1998).
  - ◆ This would involve the UK refusing to continue to abide by the European Convention on Human Rights (ECHR) and refusing to submit to the judgement of the European Court of Human Rights.
  - ◆ Since the ECHR is administered by the Council of Europe, which is not part of the EU, Britain's participation in the ECHR is unaffected by Brexit and therefore dropping out of the ECHR would require an additional Act of Parliament.
- A written constitution?
  - ◆ Unlock Democracy (formerly Charter 88) argue Britain would benefit from a written (codified) constitution.
  - ◆ Any move to a codified constitution would be likely to set out fundamental rights and freedoms.
- Further reform of the House of Lords?
  - ◆ Can HoL reform be revived yet again after the Coalition government couldn't reach agreement?
  - ◆ Can the lack of democratic mandate for the HoL continue to be ignored?
- Electoral reform?
  - ◆ After the disastrous AV referendum it looked like electoral reform was out of the question for a long time. However, the disproportionate result of the 2015 general election has renewed calls for reform.
  - ◆ It is very unlikely that AV would be proposed again, as the public seem to favour a more proportional system.
- The *Republic* of Great Britain?
  - ◆ Should the UK accept another monarch after Queen Elisabeth II?
  - ◆ The monarchy are increasingly seen as an expensive anachronism and the Labour leader, Jeremy Corbyn, supports abolition of the monarchy.
  - ◆ However, the British public are generally positive towards the monarchy and there are few calls for change, let alone abolition.



### ANALYSIS: has constitutional reform gone far enough?

<b>Yes</b>	<b>No</b>
The HoL has more legitimacy since the majority of hereditary peers were removed.	HoL reform is incomplete – the chamber still lacks a democratic mandate, as Life Peers are appointed.
The Human Rights Act (1998) constrains Parliament and has brought the issue of human rights to prominence in a variety of contexts, such as the military.	Ultimately the Human Rights Act cannot prevent Parliament from passing potentially contradictory legislation.
Freedom of information has had an impact, most notably through the MPs' expenses scandal.	The rights to freedom of information do not go far enough, as requests can be denied on grounds of there being no public interest in disclosure and/or cost (if it is extremely expensive to comply with a request, that request may be rejected).
The convention of using referendums to decide constitutional questions has been established on the issue of which institutions should hold which powers (devolution and the EU).	Electoral reform has not extended to Westminster (general elections), which means representation is distorted.
The Judiciary is more independent following the creation of the Supreme Court.	There are still relatively few elected mayors.
	There are no clear principles or long term goals underpinning constitutional changes made thus far.
	There are no proposals for a codified constitution.
	Too much power still rests with the executive – the problem of elective dictatorship has not been addressed.
	The monarch is still an important element of the political system as Head of State, but is unelected.

### How have constitutional reforms reduced the powers of UK governments?

- Power has been significantly decentralised through devolution, so the scope of central government activity is narrowed.
  - ◆ For example, responsibility for education has been devolved, leading to Scottish university students paying no fees when English students pay £9,000 per year and to the Welsh Assembly retaining modular GCSEs and A levels while English students will study linear courses.
- The protection of human rights has been increased by the Human Rights Act and the Freedom of Information Act. Thus government must take rights and openness into account when making decisions and policy.

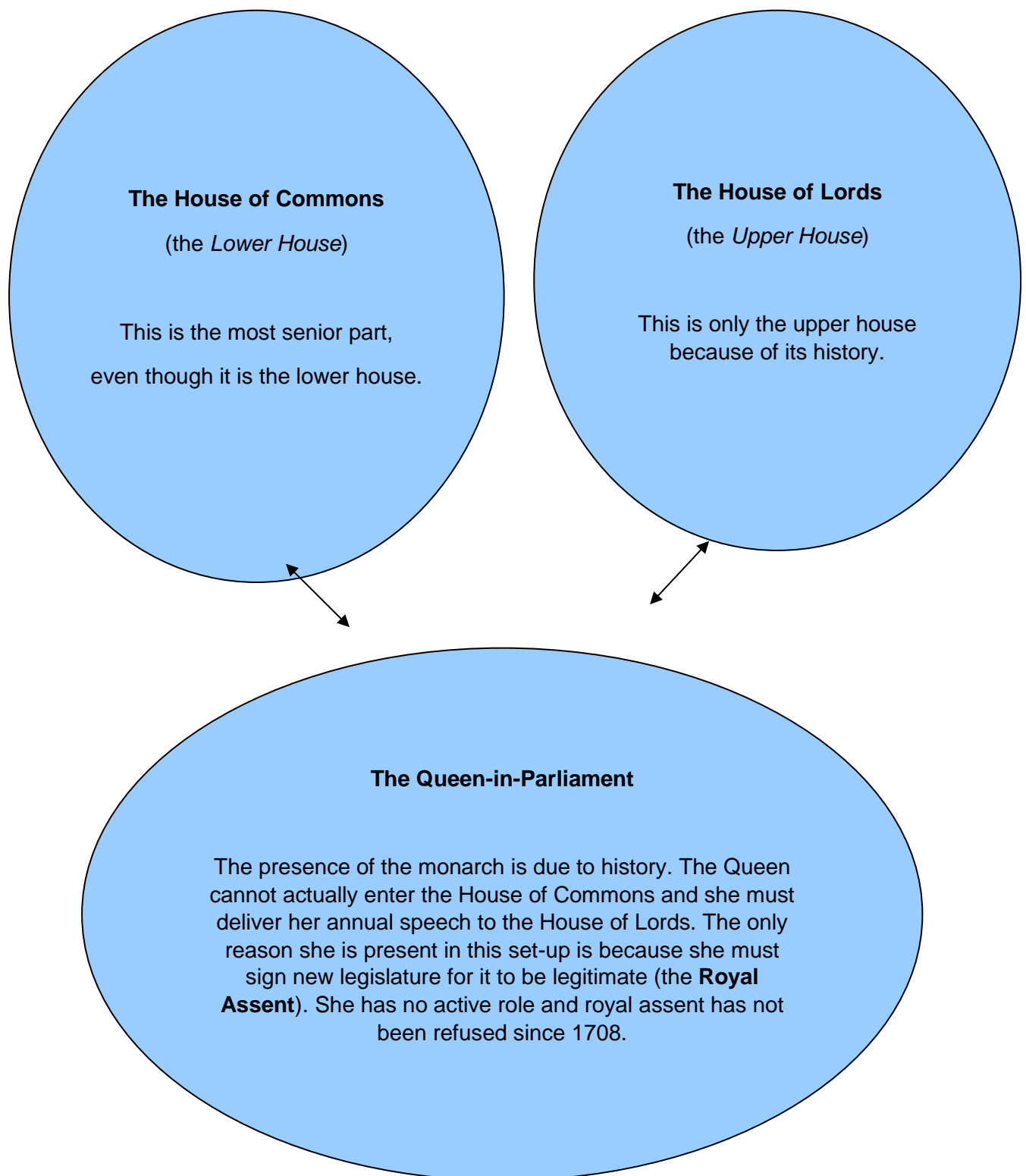
- ♦ For example, TPIMs have been incredibly controversial and subject to many challenges on the basis of human rights legislation, while FOI measures have been used by challengers to gain information on how exactly TPIMs work and how many people are subject to TPIMs.
- The House of Lords has become more assertive and therefore challenges government more robustly. Government must take this into account when drafting legislation.
  - ♦ For example, the increased willingness of the HoL to challenge the government was demonstrated when the Lords voted to delay Chancellor George Osborne's proposed cuts to tax credits, forcing him to back down, in November 2015.
- Elected mayors have revitalised some aspects of local government in London and a few other locations, which presents central government with rival centres of power.
  - ♦ For example, Boris Johnson has come into conflict with the Coalition and Conservative governments of 2010 and 2015 respectively over the issue the Heathrow expansion (third runway).
- The Constitutional Reform Act has made the judiciary more independent and it is now more independent in its control of government power. Governments must take the increased possibility of judicial reviews and other challenges into account.
  - ♦ For example, judicial review prevented the closure of Lewisham hospital and allowed Virgin trains to continue running the West Coast mainline service.

### How significant have constitutional reforms been?

- Devolution has created a new tier of regional/local government, where decisions have been made in closer proximity to citizens. This has given rise to regional variance, which has been valued and it has also fostered civic pride. However, devolution has come at a cost, both financially by creating another tier of government and politically in that it may fragment the UK.
- Reform to the House of Lords has increased its legitimacy by the removal of the bulk of hereditary peers and the introduction of People's Peers; it has a more meritorious intake. However critics point out that it still has no democratic accountability and the major political parties dominate its structure.
- A fixed term parliament has reduced the unfair advantage held by an incumbent PM and government in deciding when the next General Election can be held, which adds transparency to the electoral process. However, critics may argue that this constitutional change was forged in the heat of the creation of a coalition agreement to suit both parties and a single party government may easily sweep this away.

## TOPIC 2: PARLIAMENT

### 2.1 The structure of the role of the Houses of Commons and House of Lords



So the **basic functions** of Parliament remain the same as they always were:

1. Make government legislation
2. Give consent to legislation it has not made
3. Approve the government's financial arrangements
4. Keep government accountable by raising the complaints of the people

**So it supports government, it does not threaten it**

**One other major function** has been added:

- The power to dismiss government through a **vote of no confidence**. So government must stay accountable to Parliament.

Summary of significance of House of Lords membership
<ul style="list-style-type: none"><li>• The government cannot have an absolute majority.</li><li>• Even peers with a party allegiance are more independent than MP's because politics is not their principal occupation, so the party whips have little influence over them.</li><li>• Most peers have had a previous job or occupation so have wider experiences than MP's and represent a wide range of interests in society.</li><li>• The Church of England is strongly represented, as is the legal profession and the judiciary.</li><li>• Despite its greater independence, the House of Lords is subject to the political patronage (support) of party leaders.</li><li>• It is likely that the membership structure will be significantly reformed in the years after 2010.</li></ul>

## Parliamentary and presidential government

**Parliamentary government** has the following features:

- Parliament is the highest and only source of political authority – the political power of government can only be used if Parliament has authorised it.
- The government must come from Parliament – either the House of Lords or the House of Commons. So all members of government must be members of one of the two houses.
- So the powers of the legislature and the executive are fused. They cross over.
- Government must be accountable to Parliament.

**Key word:** Parliamentary government

A system of politics where government is drawn from Parliament and is accountable to Parliament. So the government has no separate authority from that of Parliament.

be  
or  
the

**Key word:** Presidential government

In contrast to parliamentary government, a president normally has a separate source of power from that of the legislature. This means that the executive (president) is accountable to the people, not the legislature.

**Presidential government** (mainly the USA) has the following features:

- The legislature and the executive (the president) have separate sources of authority. They are separately elected.
- The president is not part of the legislature.
- The president is accountable to the people, not the legislature.
- There is a separation of powers between the legislature and the executive.
- So a codified constitution is needed to show how these powers are separate.
- Parliament is said to be **legally sovereign** because:

**Key word:** Separation of powers

A system where the powers of the legislature, executive and judiciary are separate. We don't really have this system in the UK.

- Parliament is the source of all political power, because no-one can exercise political power unless granted by Parliament. In practice Parliament delegates most of these powers to devolved governments, ministers, local authorities and the courts of the law.
- Parliament can take any delegated powers back.
- Parliament can make any laws it wants to and they shall be enforced by the courts and other authorities. There are no restrictions on the laws Parliament may make.
- Parliament is not bound by parliaments in the past. Laws passed by previous parliaments are not binding on the present one. Laws can be changed or repealed (taken away) if they want to.
- Parliament cannot bind the parliaments that come after it. So it cannot pass any laws that will stop the next Parliament changing or repealing them. Laws cannot be entrenched.

**But if we consider political sovereignty, we can see that Parliament has lost most of this:**

- This mostly lies with government. Governments have an electoral mandate from the people to carry out its manifesto promises and Parliament should not stoop this. Parliament will only block things if it is thought government is abusing its power.
- People are also politically sovereign at the time of an election.
- BUT, Parliament can still block legislation (which the House of Lords does quite often) and get rid of a government with a vote of no confidence (this was last done in 1979).
- So Parliament can ultimately overrule the government.

**So Parliament is legally sovereign, but political sovereignty lies with Government and the people. However, Parliament can ultimately overrule the government.**

## The erosion of parliamentary sovereignty

There are a number of reasons why it can be said that parliament has lost its sovereignty:

- Certain legislative powers have passed to the **European Union**. Areas like trade, environment and employment rights have passed to the EU. European law is superior to British law and Parliament cannot pass law that goes against EU law. But Parliament still has power over areas like criminal law, tax law, health and education.
- **Executive power** has grown so Parliament has lost **political sovereignty**, not legal sovereignty.
- The use of **referendums** over certain decisions has transferred power to the people. The decision of a referendum is not binding, but Parliament would realistically never go against what the people decide.
- **Devolution** has meant a transfer of power. Parliament can take these back, but it is not really ever going to go against what the people decided on.
- It is argued that Parliament has lost sovereignty because of the **Human Rights Act** and **European Convention on Human Rights** and what it does and does not allow. Parliament is not bound by it, but it is only in extreme circumstances when Parliament would ignore these and enforce its sovereignty over them. This is illustrated well by recent events.



### **Case study: Prisoner votes (BBC News, 17 February 2011)**

#### **Chief European Court judge warns UK on prisoner votes (BBC News, 17 February 2011)**

'The UK is currently considering whether to comply with a European Court of Human Rights ruling that it should not ban all prisoners from voting. The court's most senior judge tells the BBC's The Record: Europe it would be a "disaster" for the UK - and bracket it with the Greek colonels of 1967 - if it defied the court or withdrew from the Convention.'

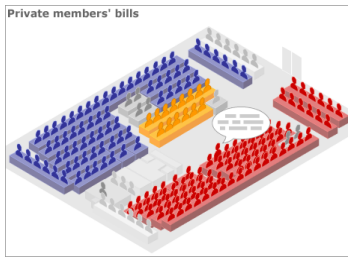
**Q:** Why has Parliament lost sovereignty in this case?

**BUT**, parliamentary sovereignty has not been totally lost. Important points to remember are:

- Britain can leave the EU at any time and take back any powers it gave away.
- Parliament can block the will of government.
- Devolution can be repealed.
- Parliament could decide not to accept the decision of a referendum.
- If there is a time when government does not have a majority, the balance of power – both legal and political – can pass back to Parliament.



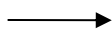
## 2.2 The comparative powers of the House of Commons and House of Lords



### Function 1: Legislation

- Parliament makes laws. This is why it is classified as a legislature.
- Parliament is the supreme legislature in the UK because it can make and unmake any law it wishes (as long as they are allowed to do this under EU law). This is because of parliamentary sovereignty.
- Parliament is not restricted by a codified constitution, and no other law-making body can challenge Parliament's authority. Devolved assemblies, local authorities and ministers can only make laws because Parliament *allows* them to.

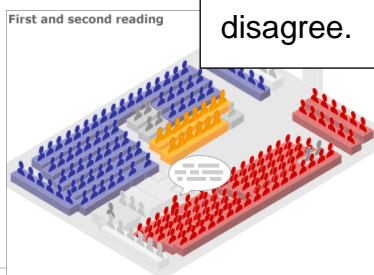
### How new laws are made



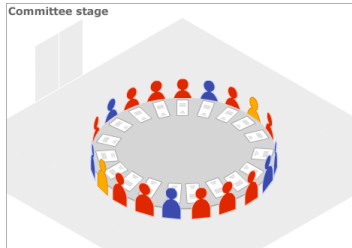
1) After a new government is elected, the **Queen makes a speech** to Parliament which includes a list of bills or proposals for new laws.



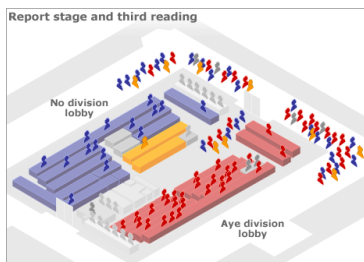
2) **Most bills start in the Commons.** The first reading is a formality. At the second reading, MPs debate the main principles and **vote** on whether they disagree.



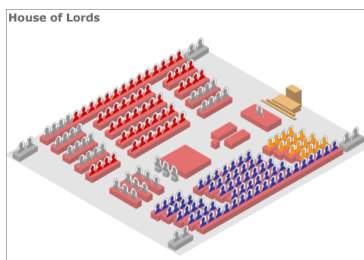
3) MPs can introduce their own legislation in the form of a **private members' bill**. They still need government support to go any further.



4) All the bills that pass the second reading are considered by a **public bill committee of at least 16 MPs**. They consider a bill line by line and may introduce amendments. They can call **experts to give evidence** and they may meet several times before **returning the bill to the Commons**.



5) At the **report stage further changes** can be made. At this point there could be a rebellion and **parts of the bill might be defeated in a vote** when MPs divide into two areas known as the **Aye** and **No lobbies**. The bill then moves to a **third reading** when there is often a **brief debate before it goes to the Lords**.



6) A bill goes through the **same process in the Lords**. Most bills **need the Lords' approval** but **occasionally the Commons will use the Parliament Act to pass a bill into law**.

7) Any Lords' amendments are returned to the Commons for consideration. A bill can go **backwards and forwards** several times (**ping-pong**) before both houses agree on a **final version** and it gets the **royal assent**.

*However, Parliament's effectiveness as a legislature has been questioned:*

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- It is mostly government legislation that Parliament considers. Private members bills are rarely successful.
- Party control of the House of Commons means that government bills are rarely defeated, and most **amendments affect the details** of legislation, **not its major principles**. It is more accurate to say that legislation is passed **through** Parliament rather than **by** Parliament.
- The **Lords** plays a **lesser role** in the legislative process. Most of its time is spent '**cleaning up**' bills not scrutinized enough in the Commons.

**Function 2: Representation**

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- Parliament is the key link between government and the people, reflected in the fact that the UK has a system of **parliamentary democracy**.
- This representative function is completed by the elected House of Commons and works through the relationship between MP's and their constituents.
- But, there is debate about how this representation happens in practice.



- **Traditional (Burkean) view:** MP's use their own judgement in acting on behalf of their constituents. For example, when there emerged a proposal to build a third runway at Heathrow airport in 2009-10, the relevant MP's from constituencies in the Thames Valley actively opposed the plans or sought to change the details of those plans.
- However, the **doctrine of the mandate** suggests that **MP's serve their constituents by 'toeing a party line.'** They represent their party and what has been laid out in their manifesto. An exception is when an MP, during a general election campaign, declares openly that he does not support a

**Key word:** Parliamentary democracy

A form of democracy that operates through a popularly elected deliberative assembly, which creates an indirect link between government and the people.

This is a system of **representative and responsible government**. It balances popular participation against elite rule. Government is accountable not directly to the public but to the public's elected representatives.

particular aspect of his party's official policy. **In 2005, a large number of Labour candidates openly stated that they did not support British military involvement in Iraq.**

- There are times when the **national interest can be at stake**. Representatives in both Houses must **balance the party's position on the issue with what is best for the country**. The **2003 Iraq War**, our **relations with the EU** and **identity cards** are all examples of where our representative may step out of traditional party allegiance and consider the country as a whole.
- MP's can either be paid an amount to represent an outside group or regularly support the interests of a group without payment. This is widely accepted and anybody who does this must declare their interest to avoid any possibility of corrupt practices.

*However, the effectiveness of parliamentary representation has also been criticised:*

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- The **House of Lords** is **unelected** - it not representative and undermines the democracy of Parliament
- The **'first past the post'** voting system undermines the effectiveness of representation in the House of Commons
- MPs and peers are socially unrepresentative of larger society

- **'Parliament today better reflects the gender balance and is more ethnically diverse, but in terms of educational and vocational background the new political elite look remarkably like the old establishment.'** ('Who Governs Britain?' 2010)

### **The social background of MP's**

**Social class:** MP's are mainly middle class. Almost half of all MP's (48%) are drawn from three professions – business, finance and law. In the Conservative party 27% of MP's have at some point worked in finance compared to 3% in the Labour party., whilst they heavily represent the public and voluntary sector. The manual working class is very under-represented, even in the Labour party.

**Gender:** MP's are mostly men. Women continue to be very under-represented in the Commons, but they have increased in number since the 1980s, when they made up only just over 3 per cent. The current number of women in the House of Commons is 142, the highest it has ever been. This increase in many occurred due to very big steps taken by the Labour Party to get more women in the Commons.

**Ethnicity:** Ethnic minorities are under-represented. At 26, there is now the highest number of MP's in the Commons ever. Helen Grant became the first black female MP for the Conservatives in 2010 and three Labour MP's were elected as the first female Muslims in the House of Commons. But considering the number of overall MP's (650) this number is tiny and not representative of people in wider society.

**Age:** MP's are mainly middle aged; 70 per cent of them are between 40 and 59, with the average age being 50.

**Education:** MP's are better educated than most UK citizens. Approximately 90% went to university and one in four went to either Oxford or Cambridge. Also, more of them have attended independent (or 'public') schools, especially Conservative MP's. 35% of MP's went to private school, compared with 7% in the normal population. It has been stated that: 'These results clearly show that the educational profile of our representatives in the 2010 Parliament does not reflect society at large.'

**Sexual orientation:** There are 11 openly gay MP's, mostly Labour. However, this is likely to be an underestimate of the total number.

### Function 3: Scrutiny and accountability

- **Parliament does not govern**, but its role is to **check or constrain the government of the day**.
- Many argue that Parliament's **most important function** is to '**call the government to account**', forcing ministers to explain their actions and justify their policies.
- It does this through scrutinising and overseeing what government does. This is the key to ensuring **responsible government**.
- In this role, **Parliament** acts as a '**watchdog**', exposing any mistakes the government may make. Parliamentary oversight is **underpinned by** the conventions of **individual responsibility** and **collective responsibility**.

**Key word:** responsible government

A government that is answerable or accountable to an elected assembly and, through it, to the people.

**Key word:** Individual responsibility

Ministers are responsible to Parliament for the policies and actions of their department.

**Key word:** Collective responsibility

Government is collectively responsible to Parliament for policies and decisions.

### How Parliament calls ministers to account

**Question Time:** The best known aspect of Question Time is Prime Minister's Questions (PMQs), which takes place each Wednesday from 12.00 to 12.30, where MP's can ask questions of the PM. PMQs are dominated by clashes between the prime minister and the leader of the opposition, who is able to ask four or five extra questions. Question Time also extends to other ministers, forcing them to answer questions from MPs. Each department features a four-week cycle.

**Select committees:** Select committees scrutinise government policy. There are 19 departmental select committees (DSCs), which shadow the work of each of the major government departments. They carry out enquiries and write reports, being able also to carry out question-and-answer sessions with ministers, civil servants and other witnesses, and to ask to see government papers.

**Debates and ministerial statements:** Government policy can be examined through legislative debates and through emergency debates that are held at the choice of the Speaker. Adjournment debates allow backbenchers to start debates at the end of the

parliamentary day. Ministers are also required to make formal statements to Parliament on major policy issues.

**The opposition:** The **second largest party** in the House of Commons is designated as '**Her Majesty's loyal opposition**'. It is given privileges in debates to help it carry out its role of opposing the government of the day. On '**opposition days**' (sometimes called 'supply days'), opposition parties choose the subject for debate and use these as opportunities either to criticise government policy or to highlight alternative policies.

**Written questions and letters:** Much information is provided to MP's and peers in answers to written questions (as opposed to oral questions in Question Time), and ministers must respond to letters they receive from MP's and peers.

*However, the effectiveness of Parliament in carrying out the scrutiny of government has also been questioned:*

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- As the **majority of MP's in the House of Commons** (normally) **belong to the governing party**, their **main role** is to **support the government** of the day, not to criticise and embarrass it.
- **Question Time** is often **too weak** and **ineffective**. **Questions rarely produce detailed responses**, and are used **more to embarrass ministers than to subject them to careful scrutiny**. Prime minister's questions, in particular, **often degenerates into party-political battle** between the prime minister and the leader of the opposition that generates more heat than light.

- Although **select committees** are widely seen as more effective than Question Time, they also have their **disadvantages**. These include that:

**Key word:** Party whips

These are people whose main role is to ensure that party members support party policy and legislation.

- The **government** has a **majority** on each of these committees (the committees reflect the composition of the House of Commons).
- Committee appointments are **influenced by the whips**, who ensure that loyal backbenchers sit on key committees and tend to be appointed to the influential posts of committee chairs.
- Select committees have **no executive power**. At best they **can criticise government, but they cannot change government policy**.

#### **Function 4: Recruitment and training of ministers**

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- **Parliament** acts as a major source of **political recruitment**.
- **In the UK, all ministers**, from the prime minister downwards, must be either **MP's or peers**.
- Before they become frontbenchers they get **valuable experience on the back benches**.
- The **advantage** of this is that by **taking part in debates, asking parliamentary questions and sitting on committees**, the ministers of the future **learn their political trade**. They **gain an understanding of how government works** and of **how policy is developed**.



*However, the effectiveness of this recruitment and training role has also been questioned:*

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- Ministers are **recruited from a limited pool of talent**; mainly the **largest party** in the **House of Commons**.
- Parliamentarians may gain speechmaking skills and learn how to deliver sound bites, but they **do not gain the bureaucratic or management skills to run a government department**.
- **Fewer and fewer ministers have experience of careers outside of politics**.

#### **Function 5: Legitimacy**

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- **Parliament** also promotes **legitimacy**.
- When **governments govern through Parliament**, their **actions** are **more likely to be seen as 'rightful'** and therefore to be **obeyed**. This happens for **two reasons**:
  1. **Parliament**, in a sense, **'stands for' the public**, being a representative assembly. When it approves a measure, this makes it feel as though the public has approved it.
  2. **Parliamentary approval is based on the assumptions that the government's actions have been properly debated and scrutinised**, with any weaknesses or problems being properly exposed.

*However, Parliament's ability to ensure legitimacy has also been criticised:*

---

- Being **non-elected**, the House of Lords has **no democratic legitimacy**.
- **Respect for Parliament** has been **undermined by scandals** involving, for example, **'cash for questions' (MP's being paid for asking parliamentary questions)** and **'cash for peerages.'**

#### **Function 6: Reserve powers**

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- **Parliament** has **two powers** that it **rarely uses** (hence the term 'reserve powers') but which nevertheless **give it great authority**:
  1. **Ability to veto government legislation**: The House of Lords has voted down legislation on a number of occasions, but such decisions will normally be reversed by the House of Commons in the next session. If the

Commons rejects a bill it is normally the end of the matter. It is not the role of Parliament to defy the will of the elected government, but the threat that any government which attempts to act in a bad way may be blocked remains an important power.

2. **The power to remove a government:** The threat to remove a government by a vote of no confidence in the Commons is also constant. If the government has a large majority it remains a distant threat, but the people can be comforted by the fact that there is an ever-present safeguard against government with too much power. The Labour government in 1979 was the last government to be removed in such way.

### Specific Lords powers



- Although it is the **junior House**, the **Lords** does have **two specific powers** not necessarily enjoyed by the Commons:

#### 1. The power of delay:

The **Parliament Act of 1949** states that **if a bill is rejected in the Lords**, it will **automatically become law if the Commons passes the same piece of legislation in the next session (year) of Parliament**. This does not happen in the Commons because MP's support the party. However, the **Lords has more freedom to defy the government in the knowledge that the government will have its way in the long run. A delay is used to force government to think again** and the threat of a delay is often enough to **obtain important concessions by way of amendments**.

**Example:** 'Peers end marathon debate on voting reform bill' (The Guardian, 3<sup>rd</sup> February 2011)

They endured numerous late finishes and one all-night sitting – but peers finally crossed the finishing line last night in the marathon committee stage debate on plans to reform the voting system and cut the number of MPs.

The government efforts to force the parliamentary voting system and constituencies bill through the [House of Lords](#) took 17 days, amid claims of Labour

**filibustering.** With two stages still to go in the Lords, the bill needs to be returned to the Commons by the end of 14 February in order for a referendum on adopting the alternative vote (AV) for Westminster elections to be held on 5 May.

But for the bill to return to the Commons by its deadline, the normal 14-day interval between committee and report stage will have to be cut. The bill's remaining amendments were dealt with by 6.51pm yesterday after the opposition finally changed their tactics following an agreement with the government this week.

Labour peers do not oppose the AV referendum, but are against the separate plans included in the bill to reduce the number of MPs from 650 to 600.

**Key word: Filibustering**

A parliamentary procedure whereby a piece of legislation can be delayed by extending the debate. It can be known as 'talking out a bill.'



## **The Speakers**

Both Houses have a Speaker, whose role it is to oversee the debates, select speakers from the floor and arrange the business of their House with party leaders. They are expected to be entirely neutral and even-handed.

### **The Speaker of the Commons:**

This is a senior MP who is elected by the House. It is someone who has no political ambitions and so is prepared to retire from party politics.



This has mostly been an uncontroversial role, but this changed in 2009 when the Speaker, Michael Martin was accused of blocking reform and being too defensive of MP's after the expenses scandal. He was forced to resign. His replacement, John Bercow, promised to lead reform and become more actively involved in the general reform of the Commons.

So the office of Speaker has stopped being passive and administrative and is now a key part in restoring the reputation of MP's and Parliament.

### **The Speaker of the Lords:**

This is the Lord Speaker chosen by members of the House. In 2006, this figure replaced the former office holder, the Lord Chancellor. Because the Lord Chancellor was a member of the cabinet and appointed by the prime minister, it was claimed he wasn't that neutral. His replacement by a neutral figure is seen as the first small step towards greater



#### **2.3 The legislative process**

#### **2.4 The ways in which Parliament interacts with the Executive**

### **Other parts of the structure of Parliament**

#### **Plenary sessions**

Neither the House of Lords or Commons meet very often in full, or plenary, session. There are not enough seats for everyone! The Commons is most full at Prime Minister's Questions on a Wednesday or when a very important issue is being debated. In recent years the debates on the fox-hunting ban, the Iraq War in 2003, the 2001 Anti-Terrorism Act and student tuition fees have all attracted full houses. Mostly the two houses, or chambers, are only part full. All loyal party members are expected to vote on government legislation, but they don't have to present during debates.

#### **General committees of either House**

Much of the legislative business of both houses of Parliament is carried on through general committees. They form a vital part of a bill being passed through Parliament. They typically contain 20-40 members. There are different types dealing with secondary (minor) legislation and regional issues. Occasionally a general committee will hold a debate on the general principles of a bill when it is not contentious (everybody generally agrees). But the main type of committee is a public bill committee.

#### **Public bill committees**

- Specifically created to consider proposed amendments to government legislation.
- Each important amendment is debated in committee and a vote is held to decide whether to include it.
- The governing party is always given a majority on the committees and party loyalty plays a role.
- Members of the governing party are expected to vote only for amendments that are approved by government (not an amendment that has been suggested after consultation with people like pressure groups).
- Governing party members usually vote against any amendment that is not approved by government.
- So it is rare for an amendment to be passed without government approval.

The government also has other methods to stop amendments it doesn't support:

- All amendments proposed in the House of Lords committee must also be approved by the House of Commons committee.
- It is normal for House of Lord proposals to be overturned in the Commons.
- But the House of Lords can also make a nuisance of itself by holding up legislation in legislative committees, that the government will be forced to give in to.

Being members of these committees can be frustrating and an unpopular task. If a minister has special experience on a particular issue they will be keen to be part of the committee and will request that they are.

Pressure groups can also be very influential at this stage of a bill's progress through Parliament, as they seek to persuade both committee members and relevant ministers to include amendments they want. It is when a bill is in committee that changes can be made.

## **Committees of the whole House**

In the House of Lords it is often but always, the case that the committee (amendment) stage of a bill is considered by plenary session of the whole House. In the Commons this is very rare. It only really happens over a very special bill or if it constitutionally significant (i.e. it is about the structure and powers of government). But, here again, party loyalty applies.

## **Departmental select committees**

- There are 19 of these covering different areas of government responsibility (they mostly shadow a government department).
- They are made up of 11 and 14 members and are elected by all members of the House of Commons.
- The chair person (the leader) is an important parliamentary figure with a lot of influence, so these positions are very popular.
- All members are expected to be non-biased in their decisions, even though the governing part makes up most of the members.
- So the chair person will seek to get a unanimous decision because this is stronger in Parliament.

Select committees are quite powerful and have a **number of functions**:

- Investigate the work of government departments to decide if they have done their job properly.
- Consider major departmental policies to make sure they are well thought out and have taken into account relevant opinions.
- Consider proposed legislation to make sure it will be effective.
- Consider matters of major public concern that cover the area the committee is responsible for.
- Investigate any serious errors or omissions made by the department, making suggestions on how to correct the problem.
- Occasionally propose future legislation where there is an overwhelming need.

Committees have the power to call ministers, civil servants, external witnesses and official papers in their investigations and can use quite aggressive styles of questioning.

### **Other select committees**

#### **Public Accounts Committee (PAC)**

- The oldest in Parliament.
- Very independent and by tradition the chairperson is a member of the opposition party.
- It investigates the financial arrangements of government.
- It particularly checks that public money has been spent for the right purpose.

#### **Standards and Privileges Committee**

- Mainly concerned with standards of public life.
- Deals with disciplinary matters against MP's and comments on the way in which ministers and other public officials have conducted their relationship with Parliament.

#### **European Scrutiny Committee**

- Both Houses have these to examine proposed legislation or regulations coming from the European Commission.
- They particularly attempt to guide ministers in their negotiations with the Commission and their European partners.

**The powers of these committees should not be over-estimated. They can criticise,**

**publicise and recommend action, but it doesn't mean it will result in action. But they**

**can still find themselves at the centre of major issues, as shown below:**

Important action by select committees		
Committee	Report	Detail
Home Affairs	Detention of terror suspects 2006	The commission rejected the government case for up to 90 day detention without trial for terror suspects and instead suggested 28 days maximum. This recommendation was accepted by the House of Commons.
Culture, Media and Sport	Call-in TV quiz shows 2007	The committee criticised TV companies running call-in quiz shows where it was not clear what the chances of winning were and how much callers were paying. As a result investigations led to cancellation of many such shows.



## TOPIC 2 THE PRIME MINISTER AND EXECUTIVE

Margaret Thatcher	1979–90	Conservative	Resigned — failed to win Conservative leadership election
John Major	1990–97	Conservative	Election defeat
Tony Blair	1997–2007	Labour	Resigned — decided early date for departure after pressure from party
Gordon Brown	2007–10	Labour	Election defeat
David Cameron	2010–16	Conservative– Liberal Democrat (2010–15) Conservative (2015–16)	Resigned — led the losing 'Remain' campaign in EU referendum
Theresa May	2016–	Conservative	



### 3.1 The structure, role, and powers of the Executive

Executive governs. Includes:

- PM
- Police, military, etc..
- Ministers
- Civil servants

#### **Two parts**

##### 1. Political executive

- government: PM and ministers

##### 2. Official executive

- Civil service
- Advise on and implement policy

#### **Prime Minister - 3 qualifications:**

1. Must be an MP
2. Must be a party leader
3. Usually has majority control of Commons

## Role of PM

**Developed over time due to uncodified constitution**

### **Key aspects:**

#### 1. Making governments

- Power to hire and fire

#### 2. Directing govt policy

- Sets overall direction (esp economic and foreign policy)

#### 3. Managing cabinet system

- Chairs meetings, length etc

#### 4. Organising govt

- Set up/abolish, reorganise depts and civil service

#### 5. Controlling Parliament

- As leader of majority party

#### 6. National leadership

- Elected by people, link TO people

## The Cabinet

Committee of leading members of govt. Pecking order

- Chancellor, foreign, home secretary

Inner circle - kitchen cabinet of key members and advisors

## Role of Cabinet

### 1. Formal policy approval

- Although PM can do this without cabinet

### 2. Policy co-ordination

- Joins govt up: all depts. Know what others are doing

### 3. Resolves disputes

- Final place of appeal for disagreements

### 4. Debate

- Raise issues but time limited

### 5. Party management

- Considers views/morale of parliamentary party – chief whip included

### 6. Symbol of collective govt

- The 'face' of govt

## Ministers and Civil Servants

### 1. Ministers

Run govt depts, appointed by PM - must be MPs or peers. Hierarchy exists - main rungs

- Secretaries of state
- Ministers of state
- Parliamentary under-secretaries
- Parliamentary private secretaries

### 2. Civil Servants

- Appointed govt officials

#### **Key roles:**

1. Provide ministers with policy advice
2. Implement govt policy

Expected to be:

#### (a) Permanent

- Accumulate expertise

#### (b) Neutral

- No bias, makes policy workable

#### (c) Anonymous

#### **Distinction between ministers and civil servants blurred:**

1. Ministers cannot make all policy decisions
2. Many based on advice of civil servants
3. Civil servants control flow of information
4. May also be politically biased

Big changes since 1980s - reduction in civil servant power. Arguable now too little power

## Theories of executive power

*Who runs the country?*

### 1. Cabinet Govt

Traditional view. Power collective, not personal, all ministers equal, inc PM. Collective responsibility - support or resign

However – now outdated due to party unity. MPs now loyal to party, PM cannot survive if they lose support of cabinet. PM needs backing of the ‘big beasts’

### 2. Prime-Ministerial Govt

Power of PM grows during 20<sup>th</sup> C due to party discipline. PM, NOT executive dominate Parliament. PM is:

- Head of civil service, and...
- Leader of majority party

Cabinet no longer key policy-making body. PM fuses legislative and executive branches and nominates policy making process. Cabinet subordinate, just a source of advice.

### 3. Presidentialism

Since 90s, PMs increasingly resemble presidents. Evidence as follows:

#### (i) Spatial leadership

- PM distances from parties and govt. Personal ideology (Thatcherism, Blairism)
- 

#### (ii) Populist

‘Reach out’ directly to public, ‘speaks for the nation’

#### (iii) Personalised elections

Media portray battles between leaders who become ‘brands’ of the parties

(iv) Personal mandates

- PM the chief source of policy direction

(v) Wider use of special advisors

- handpicked, not civil servants – more personal loyalty

BUT - PM cannot become presidents. No constitutional separation of powers. PM appointed by result of Parliamentary election not a separate election like USA, so PM SHARES executive power with cabinet, unlike president

#### **4. Core Executive Model**

Neither PM nor Cabinet independent actors - each exercises influence. Each brings other actors/institutions into picture. Balance of power affected by availability of resources. Power never concentrated in single person/body. Power more about building relationships with key actors

### 3.2.1 The powers of the Prime minister and the cabinet

## Powers of the PM

Formal powers are modest, via Royal Perogative:

- Appoint ministers and senior figures
- Dissolve/recall Parliament
- Sign treaties
- Grant honours

However, INFORMAL powers significant. PM persuades/influences, rather than dictates

### 3 key sets of relationships with:

1. Cabinet, ministers and govt depts.
2. The party and Parliament
3. The people, often through the media

All PMs different, depends on leadership style

## Key levers and resources available to PM

### 1. Hiring and Firing

Power of patronage - appoint, sack, demote, promote ministers.  
Strengthens PM in 2 ways:

#### (i) PM can appoint and promote loyal supporters

- Share ideology
- Keeps critics out or restricted to junior positions

#### (ii) PM controls MPs careers

- They have to be loyal and supportive, or else!

### Thatcher 1979-1983

*Transformed cabinet*

- *Fired 'wets' (One Nation Tories)*



- *Hired 'drys' (Thatcherites)*

Blair 1997-2001

*Only half of original cabinet left by 2001*

### **However, patronage has limitations**

PM must consider that:

- All ministers must be MPs or peers and come from majority party
- Party unity requires ideological balance in cabinet
- Particular groups must be represented (women)
- Opponents less dangerous inside govt
- Coalition: need to manage needs of two parties

## **2. Cabinet Management**

PM uses authority of cabinet to serve his/her ends. Controls role and significance of cabinet by:

### **(i) Cabinet meetings**

Chairs, manages agendas, decides how often and long they meet. This has declined from 100 to 40 since 1950s, often lasted an hour or less under Blair and Cameron

Strict agendas, wider discussion not tolerated. Thatcher, Blair and Cameron all used committees more – so reduced role for cabinet. Policy often made before full cabinet just ratified it

### **(ii) Committees**

PM decides number and nature of committees, appoints chairs and members and PM chairs the most important

However, PM ability to control cabinet has limits:

- (i) Cabinet support for PM conditional on being successful/popular
- (ii) Cabinet resignations damage support for PM, especially senior figures
- (iii) Coalition complicates it - management of coalition and cabinet entangled

### 3. Party leadership

Underpins all other aspects of PM power - gives leverage across system of govt, in 3 ways:

- (i) Increases PM's authority in cabinet & Parliament
- (ii) PM controls Parliament through disciplined Commons majority
- (iii) Fortune of party closely linked to popularity of PM

#### **However, limited benefit from party leadership:**

- (i) Party loyalty can evaporate quickly IF govt becomes unpopular - PM may be seen as electoral liability. No PM can survive without support of the party

### 4. Institutional supports

PM does not have own dept, unlike other cabinet ministers who have a team of thousands of expert, experienced civil servants. To compensate, PM has range of bodies and advisers. Two key ones are:

- (i) PM's Office
- (ii) The Cabinet Office

Expanded hugely under Blair who created new unit, ie: *Social Exclusion, Anti-Drugs* - Blair had over 50 special advisers

#### **However, benefits limited:**

- Small by comparison with President and govt depts

## 5. Access to the media

Huge growth of influence, increased flow of political information to public which explains growth in 'presidentialism'

Strengthens PM power in 3 ways:

- (i) Growth of 'political celebrity' - creates a separate, special appeal
- (ii) Obsession with personality and image - guarantees focus on leaders over ministers/MPs
- (iii) Spin/news management - control flow of information from the media to the public

- **Ingham (Thatcher), Campbell (Blair), Coulson (Cameron)**

Such as:

- Leaks
- Vetting information
- Feeding stories just to sympathetic media sources
- Timing of 'bad news'
- *Backing of key newspapers*

Normally benefits Tories – bias in print media, although Blair 'won' Murdoch

### **However, media attention doesn't always benefit PM:**

- 'Bad news' stories hyped by media – crisis created
- Spin can be counter-productive - reduces trust in govt and credibility of PM

## 3.2 The Concept of Ministerial Responsibility

### Collective v Individual Responsibility

#### Collective Responsibility

Convention – relationship between cabinet and its ministers, there are 2 strands:

(i) Government COLLECTIVELY responsible to Parliament

It rests on confidence of the Commons - if govt defeated on vote of confidence it is obliged to resign or call election. All govt ministers resign

(ii) All ministers obliged to support govt policy in public and in Parliament

Policies were agreed collectively in cabinet so ministers should all sing the same song. Failure to do so – resign or sacked. Rests on the principle of cabinet secrecy

(iii) Based on assumption of single party majority govt

More relaxed in event of coalition

#### Individual Responsibility

Convention – relationship between ministers and their depts. Ministers are responsible to Parliament for policies/actions of their depts. Ministers take responsibility for mistakes of their civil servants. Historically – resign or sacked

NOW, only resign as a result of personal blunder. So, civil servants responsible to their ministers and should be loyal to whatever minister is in office. If they have concerns, should report them to cabinet secretary.

### 3.3.2 The power of the PM to dictate events

## Constraints on the PM

### 1. Cabinet

Influence reflected by the power of the 'big beasts'. Political 'weight' of a cabinet minister determined by:

- seniority of the office-
- standing within the party
- public profile

PMs have a choice when dealing with the big beasts. They either accept the damage of resignation or conciliate

#### **(i) Accept the damage**

Weakening of Thatcher's authority late 80s as a result of growing disunity in her cabinet. Her public image and standing damaged by 3 resignations:

- Heseltine (Defence, 1986)
- Lawson (Chancellor, 1989)
- Howe (deputy PM, 1990)

Thatcher survived each one BUT ground set for her downfall - Heseltine's leadership bid, backed by Lawson and Howe

#### **(ii) Conciliate**

Famously Blair did with Brown (The Deal), in return Brown given unprecedented power as Chancellor. He was allowed to both control the flow of money AND policy developments – pace and nature of welfare reform. Led to 'dual monarchy' – power almost shared. Similarly with Cameron and Osborne

However, examples of cabinet taking collective action against PM very rare as the fate of PM and government so closely linked

## 2. The Party

PM can usually count on party support

However, support conditional as the party looks to PM to provide leadership that maintains party unity and ensure party's electoral success. Failure to do so can be fatal.

### **(i) The fall of Thatcher 1990**

*Key factor was her failure to win sufficient support from MPs in the party leadership election. Backbench support for her undermined by growing divisions over Europe.*

*She was increasingly opposed to further European integration and was also hugely unpopular over poll tax*

*Thatcher now viewed by many Tory MPs as electoral liability. Too many MPs acted to save THEMSELVES, and the PARTY, rather than the PM*

*So, Thatcher lost her power over the party. As a result, she resigned.*

### **(ii) Blair 2003-07**

Authority over the party declined significantly after Iraq War (2003) - largest backbench rebellion since WW2. Mood of unrest lasted for the final 4 years of his premiership. So, Blair's power significantly reduced by losing power over his party.

## 3. The Electorate

Underpins all other constraints

When PM is popular - authority over cabinet and party assured

BUT – when popularity of govt dips the chances of winning next election thrown into doubt and life becomes much harder for PM

### **(i) Thatcher late 80s**

*Mood of the electorate shifting - poll ratings for her govt declining AND early signs of improved support for Labour*

(ii) *Blair 2005-07*

*Electorate played a major role in his departure. Reduced majority after 2005 election AND improved poll ratings for Conservatives AND declining personal popularity in opinion polls*

*Consequence: Blair announced intention to resign AT SOME POINT in the next Parliament. Result: 'lame duck' – significantly reduced his power and legitimacy*

## **4. The Mass Media**

Image of PM now presented through 'prism' of the media who are more critical of politicians than before

### ***Blair govt v BBC over Iraq***

*BBC alleges Blair 'sexed up' dossier over military threat Iraq posed to UK, which undermined Blair's power and legitimacy*

Media plays major role in bringing about ministerial resignations. Places pressure on them and PM. So, PM has a tough balancing act between

- (a) Damage to his/her and govt image by negative media coverage by retaining minister under pressure, and...
- (b) ...damage done by ministerial resignation

Media coverage causes problems for PM by:

### **(a) Tendency to hype**

Commercial pressures force media to 'make it sexy'. A 'crisis' more interesting than a 'problem'

### **(b) Blurring of facts v interpretation**

Nature of coverage changed so there is a difference now between 'what happened' (facts) and 'what it means' (interpretation)

### **(c) TV coverage now copies print media style**

Style of coverage changed significantly there is a greater tendency to sensationalise

## **5. Pressure of Events**

In THEORY, PM runs country, BUT in PRACTICE they have very little control because surprise events come along which they have to respond to:

### ***(i) Thatcher – Falklands War 1982***

*Arguably she 'initiated' the war and benefited hugely from the outcome (so nearly different). Hugely strengthened her position but could have destroyed*

### ***(ii) Brown – 2008 recession***

*Destroyed his reputation for economic competence, despite his robust response that it was a global financial crisis that started it*

**It could also be argued that the problem of 'events' could be structural, not random:**

#### **(a) PM only controls top level decisions**

Decisions implemented by bodies/people who they have little DIRECT control over

- *doctors, head teachers, teachers, etc..*

#### **(b) PM over-stretched due to 'presidential role'**



As a presidential figure PM now expected to speak on ALL important decisions, so PM has endless range of 'events' to respond to. Therefore also responsible for all mistakes

(c) PM power may be counter-productive

They rely too closely on hand-picked advisors and as such have lost their political touch. This leads to miscalculations of public mood:

- *Thatcher & Poll Tax 1990*
- *Blair's support for Iraq War 2003*

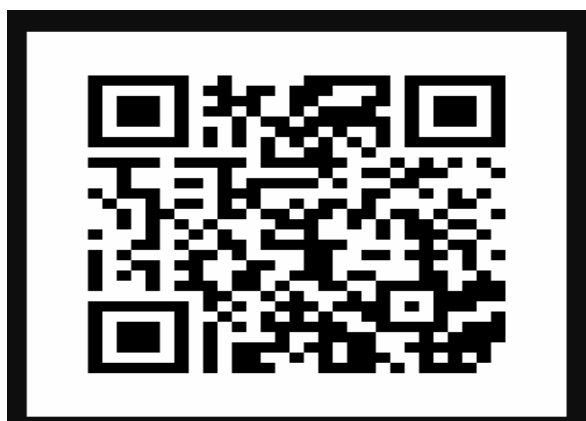
## TOPIC 4: RELATIONS BETWEEN BRANCHES

### 4.1 The Supreme Court and its interactions with, and influence over, the legislative and policy-making processes

- Constitutional Reform Act (2005)
  - ♦ Created the UK Supreme Court, which replaced the Appellate Committee of the HoL as the UK's highest court.
  - ♦ Created an independent appointments commission to recommend candidates for appointment to the Supreme Court to the Minister for Justice.
  - ♦ Created the post of Speaker of the HoL, taking that function away from the Lord Chancellor.
  - ♦ Transferred the Lord Chancellor's political role to the Minister for Justice.
  - ♦ Transferred the Lord Chancellor's judicial role to the President of the Courts of England and Wales.
  - ♦ Came into force in 2009.

#### Former 'Law Lords':

Until 2009 the House of Lords contained all the **most senior members of the judiciary**, the **'law lords.'** But from 2009 their function as the highest appeal court in the UK has been **replaced by the Supreme Court**, a separate body. However, as a legacy of their previous position, there still remain many senior judges in the House, both active and retired. They have **no formal function but their presence is important**. This legal experience and knowledge in the House of Lords gives it a special ability to make a great contribution to the legislative process. They can **examine proposals from a legal point of view**. So they are in a good position to examine and improve the legal aspects of proposals, checking they are both clear and enforceable. But members of the Supreme Court who are also peers are **not meant to take part in important proceedings, to preserve their independence**.



## 4.2 The relationship between the Executive and Parliament

The **domination of the legislature by executive government** in the UK is one of the **key features of the political system**. Indeed, it could be **considered to be its most important feature**. The power of government creates **two important realities**:



1. It means that **governments are rarely removed from office permanently**. Most governments last the full legal maximum of five years in office or decide to call an election before this on a voluntary basis.
2. It also means that **governments are generally able to carry out virtually all of their manifesto commitments with little obstruction**. So the electorate can vote for a party confident in the knowledge that they are giving them a solid majority.

But there are also **disadvantages** to executive/government domination of Parliament:

1. **Governments can become dictatorial in nature. Legislation may not be properly scrutinised and may survive undesirable features.**
2. There may be **times** when the **government has lost the confidence of the public**. The **public cannot remove a government, but Parliament can**. **But as long as the government maintain control and support in the Commons** (through the whips who get MP's to support them) **the government will survive, even with a small majority**.

**So whether it is good for the executive to dominate Parliament is a balanced one.** When **governments are popular and successful**, the **weakness of Parliament is of little concern**. But when the **opposite is true**, the **public complain that MP's do not want to exercise reserve powers to remove them**.

## Why government dominates Parliament

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There are a number of reasons why government can control Parliament so effectively:

### 1. Electoral system:

The **first past the post electoral system** usually **guarantees that one party will win an absolute majority** in the Commons and this parliamentary majority tends to be quite large, due to how the system works.

This **helps the executive (government) dominate** because they **have the biggest say over what the Commons does and does not do**, particularly what **new laws are created**.

### 2. Party loyalty:

Party loyalty is **usually very strong** so **governments can rely on their parliamentary majority with the confidence that members of their party will support them**. This means they will be able to **get new legislation passed**.

### 3. Prime ministerial patronage (support):

The **height of success** for a politician is to **become a minister**. The **person who decides** who gets these positions is the **prime minister**. So he can **demand loyalty** from many MP's in his party.

While some MP's are already ministers, **one of the best qualities an aspiring minister can display is loyalty**.

### 4. Prime ministerial power:

Prime ministers **used to be able to threaten to dissolve Parliament** if MP's did not agree with what they wanted to do. **But fixed-term parliaments will remove this threat**.

### 5. Lack of Lords power:

The **lack of Lords powers and democratic authority** can **prevent it from effectively controlling government**.

#### IMPORTANT NOTE

With a **coalition government**, party loyalties can become problematic. Policies have been compromised so party members don't know if they want to support a government move that goes against their fundamental party beliefs.

**Example:** Some Liberal Democrats felt torn over the tuition fees vote because they had said in their manifesto that as a party they would not support raising fees.

***BUT, government dominance is not always guaranteed. The following factors show why:***

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- When the **government only has a small majority** – like from 2005 onwards – it is **much easier for opposition parties and some MP's who do agree with their own party to stop government doing what it wants**. Example: 2006 – proposals for 90-day detention orders for terror suspects was stopped.
- When the **government has no overall majority** or is in a **coalition government**, a **small number of MP's can stop them carrying things out**.
- When there is a **large majority in the Commons**, the **Lords becomes more active to replace a weak opposition in order that government stays accountable**. From 1997-2005, Labour had large majorities and the House of Lords definitely became more active.
- Some **MP's in the governing party** can be consistently **obstructive to stop what government wants to achieve**. This happened under **Labour after '2001'**, particularly over **matters like human rights, foreign policy and welfare**. This '**Labour Left**' was **small, but important in influence**.

**BUT**, on the whole, **parliamentary power is limited**. Usually government will get its way. Parliament can get victories but they are quite rare.

***Strengths and weaknesses of the Commons and the Lords***

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Commons strengths	Commons weaknesses
<ul style="list-style-type: none"><li>➤ Commons have the ultimate power to remove a government from office through a vote of no confidence</li><li>➤ In exceptional circumstances MP's can veto legislation, or threaten to do so to get compromises</li><li>➤ In exceptional circumstances MP's can force legislative amendments from government</li></ul>	<ul style="list-style-type: none"><li>➤ Governments with a majority can dominate MP's through patronage (support) and discipline</li><li>➤ Legislative standing committees are mainly controlled by party whips, so the amending function of the Commons is weak</li><li>➤ MP's don't have enough time and support to effectively call government to account and ministers are good at avoiding uncomfortable questioning</li></ul>

<ul style="list-style-type: none"> <li>➤ MP's can call ministers to account, particularly with select committees</li> <li>➤ Constituencies can be represented by its own MP in the Commons</li> <li>➤ MP's can represent various pressure groups</li> <li>➤ With a coalition government, small groups of MP's can stop the will of government</li> </ul>	<ul style="list-style-type: none"> <li>➤ MP's have a limited role in developing legislation</li> <li>➤ The Commons is not socially representative</li> <li>➤ Governments are increasingly ignoring Parliament and consulting groups and the public directly</li> <li>➤ The belief the government could fall at any time can promote obedience as, generally, MP's don't like elections</li> </ul>
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Lords strengths	Lord weaknesses
<ul style="list-style-type: none"> <li>➤ Many members are more independent from party control than MP's. They can therefore be more effective in controlling government</li> <li>➤ Peers represent a wide variety of interests and expertise</li> <li>➤ The Lords can delay legislation and so force government to compromise</li> <li>➤ The Lords has more effective time to conduct and to scrutinise legislation</li> </ul>	<ul style="list-style-type: none"> <li>➤ Because it is not elected, the Lords lacks democratic legitimacy</li> <li>➤ Lords power is limited by law. It has no power over financial matters and cannot veto legislation in the long term</li> <li>➤ Its proposed amendments can be overturned by the Commons</li> <li>➤ It has a limited role in developing legislation</li> <li>➤ Peers have the same problems as MP's when trying to call government to account</li> </ul>

#### 4.3 The aims, role and impact of the European Union (EU) on UK government

##### The EU

- All EU legislation automatically takes precedence over UK law.
- Primary legislation is contained in the Treaty of Rome (1957) which was ratified by the UK in 1972.
- Secondary legislation comes from regulations and directives issued mainly by the European Commission.
- The precedence of EU over UK law was confirmed by the Factortame case of 1990 in which the company Factortame registered Spanish fishing vessels as British in order that Spanish fishermen could fish in UK waters to circumvent quota restrictions. The UK Parliament changed British law to make this illegal, but the European Court of Justice overruled Parliament.
- A more recent example comes from EU regulations on employment rights and the maximum working week, as these regulations rendered existing UK law null and void.
- However, the UK retains the freedom to leave the EU and this decision would be made by Parliament. Thus, although leaving the EU would be a radical step, Parliament is still sovereign because if there were very strong objections to EU law, Parliament could refuse to enforce them by passing a new law to rescind ratification of the Treaty of Rome. This would involve invoking Article 50, which allows two years for the process of leaving to be negotiated.
- **After the referendum in 2016, the UK voted to leave the European Union.**
- **Theresa May triggered Article 50 in March 2017 after a debate and vote in parliament was ordered by the Supreme Court**
- **The UK is scheduled to leave the EU in March 2019**

#### 4.4 The location of sovereignty in the UK political system

##### The erosion of parliamentary sovereignty

There are a number of reasons why it can be said that parliament has lost its sovereignty:

- Certain legislative powers have passed to the **European Union**. Areas like trade, environment and employment rights have passed to the EU. European law is superior to British law and Parliament cannot pass law that goes against EU law. But Parliament still has power over areas like criminal law, tax law, health and education.
- **Executive power** has grown so Parliament has lost **political sovereignty**, not legal sovereignty.
- The use of **referendums** over certain decisions has transferred power to the people. The decision of a referendum is not binding, but Parliament would realistically never go against what the people decide.
- **Devolution** has meant a transfer of power. Parliament can take these back, but it is not really ever going to go against what the people decided on.
- It is argued that Parliament has lost sovereignty because of the **Human Rights Act** and **European Convention on Human Rights** and what it does and does not allow. Parliament is not bound by it, but it is only in extreme circumstances when Parliament would ignore these and enforce its sovereignty over them. This is illustrated well by recent events.



##### **Case study: Prisoner votes (BBC News, 17 February 2011)**

##### **Chief European Court judge warns UK on prisoner votes (BBC News, 17 February 2011)**

'The UK is currently considering whether to comply with a European Court of Human Rights ruling that it should not ban all prisoners from voting. The court's most senior judge tells the BBC's The Record: Europe it would be a "disaster" for the UK - and bracket it with the Greek colonels of 1967 - if it defied the court or withdrew from the Convention.'

**Q:** Why has Parliament lost sovereignty in this case?



**BUT**, parliamentary sovereignty has not been totally lost. Important points to remember are:

- Britain can leave the EU at any time and take back any powers it gave away.
- Parliament can block the will of government.
- Devolution can be repealed.
- Parliament could decide not to accept the decision of a referendum.
- If there is a time when government does not have a majority, the balance of power – both legal and political – can pass back to Parliament.

- GLOSSARY

## UK Government

1. The Constitution	
Key term	Definition
Constitution	A set of rules determining where sovereignty lies in a political system, and establishing the relationship between the government and the governed.
Unentrenched (entrenched)	A constitution with no special procedure for amendment.
Uncodified (codified)	A constitution not contained in a single written document.
Unitary (federal)	A political system where all legal sovereignty is contained in a single place.
Parliamentary sovereignty	The principle that Parliament can make, amend or unmake any law, and cannot bind its successors or be bound by its predecessors.
The rule of law	The principle that all people and bodies, including government, must follow the law and can be held to account if they do not.
Statute law	Laws passed by Parliament.
Common law	Laws made by judges where the law does not cover the issue or is unclear.
Conventions	Traditions not contained in law but influential in the operation of a political system.
Authoritative works	Works written by experts describing how a political system is run, they are not legally binding but are taken as significant guides.
Treaties	Formal agreements with other countries, usually ratified by Parliament.
Devolution	The dispersal of power, but not sovereignty, within a political system.

2. Parliament	
Key term	Definition
Parliament	The British legislature made up of the House of Commons, the House of Lords and the monarch.
House of Commons	The primary chamber of the UK legislature, directly elected by voters.
House of Lords	The second chamber of the UK legislature, not directly elected by voters.
Confidence and supply	The rights to remove the government and to grant or withhold funding. Also used to describe a type of informal coalition agreement where the minority partner agrees to provide these things in exchange for policy concessions.
Salisbury Convention	The convention whereby the House of Lords does not delay or block legislation that was included in a government's manifesto.
Parliamentary privilege	The right of MPs or Lords to make certain statements within Parliament without being subject to outside influence, including law.
Legislative bills	Proposed laws passing through Parliament.
Public bill committees	Committees responsible for looking at bills in detail.
Backbenchers	MPs or Lords who do not hold any government office.
Select committees	Committee responsible for scrutinising the work of government, particularly of individual government departments.
Opposition	The MPs and Lords who are not member of the governing party or parties.

3. Prime Minister and the government	
Key term	Definition
Executive	The collective group of Prime Minister, Cabinet and junior ministers, sometimes known as 'The Government'.
Cabinet	The Prime Minister and senior ministers, most of whom lead a particular government department.
Minister	An MP or member of the House of Lords appointed to a position in the government, usually exercising specific responsibilities in a department.
Government department	A part of the executive, usually with specific responsibility over an area such as education, health or defence.
Royal prerogative	A set of powers and privileges belonging to the monarch but normally exercised by the Prime Minister or Cabinet, such as the granting of honours or of legal pardons.
Secondary legislation	Powers given to the Executive by Parliament to make changes to the law within certain specific rules.
Individual responsibility	The principle by which ministers are responsible for their personal conduct and for their departments.
Collective responsibility	Principle by which ministers must support Cabinet decisions or leave the Executive.
Presidential government	An executive dominated by one individual, this may be a President but is also used to describe a strong, dominant Prime Minister.

4. Relations between branches	
Key term	Definition
Supreme Court	The highest court in the UK political system.
Judicial neutrality	The principle that judges should not be influenced by their personal political opinions and should remain outside of party politics.
Judicial independence	The principle that judges should not be influenced by other branches of government, particularly the Executive.
Judicial review	The power of the judiciary to review, and sometimes reverse, actions by other branches of government that breach the law or that are incompatible with the Human Rights Act.
Elective dictatorship	A government that dominates Parliament, usually due to a large majority, and therefore has few limits on its power.
European Union (EU)	A political and economic union of a group of European countries.
Four freedoms (EU)	The principle of free movement of goods, services, capital and people within the EU's single market.
Legal sovereignty	The legal right to exercise sovereignty – i.e. sovereignty in theory.
Political sovereignty	The political ability to exercise sovereignty – i.e. sovereignty in practice.
Ultra vires	Literally 'beyond the powers'. An action that is taken without legal authority when it requires it.

## Anarchism

- Derives from 'Anarkhos', meaning 'without rule'.
- Often believed to lead to chaos and disorder, which anarchists reject.
- Based around the belief in no state, with complete and utter freedom.
- Argue that humans are naturally cooperative and rational.

### History of Anarchism:

- 1840, Proudhon: In 'What is Property?', declared "I am an anarchist".
- 1864: Proudhon and Marx's followers joined forces to set up the International Workingmen's Association, or the First International.
- 1871: Movement collapsed because of the antagonism between Marxists and Anarchists.

- Syndicalism/anarcho-syndicalism (a form of revolutionary trade unionism, based on class war) promoted anarchism as a genuine mass movement around Europe in the early 20<sup>th</sup> century.
- During the Spanish Civil War, the anarchist movement, CNT, saw a membership of 2m. However, after Franco won the civil war, this saw an end to the movement.
- 1917 saw the Russian Revolution, which undermined anarchism.

#### Characteristics of Anarchism:

- Never succeeded at winning power at a national level.
- No society has been remodelled according to anarchist principles.
- Anarchists look to historical societies that reflect their principles, for example, the Cities of Ancient Greece, Russian peasant communities.
- They support experiments in small-scale communal living in Western society.
- The goal of anarchism is often dismissed as utopian.
- Their opposition to bureaucratic organisations means that they refuse to stand for election, which hinders their ability to gain any political power.
- However, anarchist thought does persist today.
- Proudhon: "To be governed is to be watched...numbered...censured...by creatures who have neither the right nor the wisdom nor the virtue to do so."

#### How do anarchists view...?

- **Human Nature:** Highly positive view of human nature. They are rational, sociable and have the ability for enlightenment.  
Bad human behaviour is a result of the imposition of authority, mainly from the state.
- **The State:** Very hostile towards the state; see actions of the state as non-consensual.
- **Society:** Positive view of society, natural and spontaneous harmony, with no need for the state, which is cohesive intervention.
- **The economy:** Some anarchists advocate complete free-market economics, others would support pure communism, however all anarchists dislike state intervention.
- **Freedom:** They see it as an absolute value, with freedom being unable to achieve under the rule of any political authority.
- **Authority:** All forms of authority are unnecessary and disruptive, equating authority with oppression and exploitation.
- **Equality:** They stress the importance of political equality, understanding equality as an absolute right to personal autonomy. They argue that all forms of political inequality amount to oppression. Collective anarchists support social equality.
- **Religion:** It can be an institutionalised source of oppression. The church and the state are linked; religion preaches obedience and submission, whilst prescribing a set of authoritative values.
- **Democracy:** They endorse direct democracy and call for continuous popular participation and decentralisation. Representative democracy justifies elite domination and oppression.

#### Key themes of anarchism:

##### **Anti-statism:** (Constitutionalism)

- The state establishes sovereign power within a defined area, which usually possesses a monopoly of coercive power.

- The state is evil and exploitative as it imposes authority over the individual, which can corrupt people. It also enslaves and oppresses human development.
- Anarchists believe that human nature is flexible, thus meaning that the state can mould people into selfish and corrupt individuals.  
If authority is imposed onto someone, the person is damaged through the inequality of knowledge and power, which in turn creates a sense of authority.
- Political authority is exploitative and corrupting. This is because the state holds sovereign power, which can be used to oppress individuals. Goldman: The state was symbolised by 'the club, the gun, the handcuff or the prison.'
- Issues with this belief:
  - State oppression stems from the corruption of individuals, by their own political and social circumstances, so how did political authority occur in the first place?
  - If power and authority is corrupting, how should a society be organised?

#### Utopianism: (concent)

- Utopianism is the vision of a perfect society, often characterised by the abolition of want, the absence of conflict and the avoidance of oppression and violence.
- Anarchists argue that humans only act in selfish, aggressive and unjust ways due to the corrupting influence of the state.
- Rousseau: "Man is born free, yet everywhere he is in chains", this supports the anarchist argument that government is the problem rather than the solution.
- Social institutions are argued to help mould the ideas of cooperation and respect into human nature, rather than the use of authority, which encourages negativity and selfishness.
- Issues with this belief:
  - Critics have suggested that there is no prospect of a functioning society as there is always an aspect of selfish and negative human behaviour at the heart of human nature.

#### Anti-clericalism:

- Anarchists often reject organised religion because they see it as an ultimate form of authority over the individual and society, in the form of faith and God; a concept with requires unquestioning loyalty.
- Religion has been described as a pillar of the state, as religion is used to support and legitimise authority and order, for example, the concept of divine right used by absolute monarchs.
- Religions impose a set of values and moral codes. These are policed by figures, who possess authority, such as priests or rabbis.
- However, some anarchists do not completely reject the idea of religion, through the support of spirituality or personal enlightenment. This includes Buddhism and Taoism, which allow the individual to make their own choices.

#### Economic freedom:

- The state and the economy are linked, because economic inequality benefits the state, as authority is created. Bakunin argued 'political power and wealth are inseparable'.
- The difference between Marxist and anarchist views on the economy, is that anarchists saw the 'ruling class', more broadly, as anyone who commands power, wealth and privilege.
- Three major groups were identified by Bakunin;

1. Vastly exploited majority
  2. A minority who are both exploited and exploit others.
  3. The supreme governing state that exploits and oppresses deliberately.
- There is a division of beliefs within anarchism:
    - Collective anarchists believe in destroying the state and collectivising property.
    - Individual anarchists believe that the market is the only way to run a society.
  - All anarchists oppose the economic system which is the implementation of managed capitalism alongside social democracy in 1945. It is an example of state authority having great control and power over peoples' lives. It allowed corruption and class exploitation.

#### Collectivist anarchism:

Can be described as Anarcho-collectivism or social anarchism.

#### **Mutualism:**

- A system of fair exchange, where individuals or groups bargain with one another, trading goods and services without profiteering or exploitation.
- Pierre-Joseph Proudhon's libertarian socialism stands between the individualist and collectivist traditions of anarchism. He said that "Property is theft", condemning a system of economic exploitation. Unlike Marx, he was not opposed to all property. He admired the independence and initiative of small communities of craftsmen and artisans.
- It would exist through a voluntary, mutually beneficial and harmonious system, which would require no regulation or interference from the state. Affairs would be organised through mutual cooperation and a system of ownership that would avoid exploitation.
- Examples include the establishment of mutual credit banks in France and Switzerland, which provided cheap loans for investors and charged a rate of interest only high enough to run the bank.

#### **Anarcho-syndicalism:**

- A form of revolutionary trade unionism, drawing on socialist ideas and advancing a notion of class warfare. Workers are seen as the oppressed, and industrialists, politicians and judges etc.. are the exploiters.
- In the short term, trade unions help to protect workers' interests. In the longer term, they can be used for revolution.
- Sorel: revolution could occur through a general strike.
- Conventional politics is corrupting and pointless.
- A syndicate model could reflect the structure of a future society (grassroots, pure democracy, cooperation).
- However, they can be criticised for placing too much focus on spontaneous action.

#### **Anarcho-communism:**

- This a belief in social solidarity, alongside the belief in collectivism and full communism. It is argued that wealth that is produced through labour, should be owned by the whole community. This links to anarchism because private property is particularly offensive to anarchists as it promotes conflict and social disharmony.
- There is a highly optimistic belief in human nature, as expressed by Kropotkin. He attempted to provide a biological explanation for social solidarity, through re-examination of Darwin's theory of evolution. He argued that mutual aid had flourished in Ancient Greece, but it had been hindered by competitive capitalism.
- Kropotkin and Malatesta argued that true communism required the abolition of the state, showing their admiration of Medieval city states and peasant communes.



- Kropotkin further suggested that an anarchist society would be made up of a collection of small, self-sufficient communes. This would strengthen solidarity.
- Decisions would be made through direct democracy and people would manage their own affairs in small communities.

#### Collectivist anarchism vs Socialism:

Anarchists	Both	Marxists
<ul style="list-style-type: none"> <li>-They dismiss parliamentary socialism as a contradiction.</li> <li>-Capitalism cannot be reformed or normalised.</li> <li>-Any expansion of the power of parliament, plays a role in entrenching oppression.</li> <li>-Anarchists would not endorse any kind of state, including a proletariat state.</li> </ul>	<ul style="list-style-type: none"> <li>-Stress the importance of cooperation and solidarity.</li> <li>-Fundamentally reject capitalism, as it is a system of class exploitation.</li> <li>-Preference for the collective ownership of wealth and communal living.</li> <li>-Human beings have the capacity to order their affairs without political authority.</li> <li>-A fully communist society would be anarchic, as expressed by Marx: "Withering away of the state".</li> <li>-Endorsed revolution as a means of bringing about political change.</li> </ul>	<ul style="list-style-type: none"> <li>-Marxists have called for a revolutionary 'dictatorship' of the proletariat.</li> <li>-However, this state will eventually 'wither away'.</li> <li>-Marxists view the state as a reflection of the class system.</li> </ul>

#### Individual anarchism:

- Described as 'liberalism taken to the extreme', because it follows the idea of the sovereign individual. Godwin's anarchism amounts to extreme classical liberalism, for example. Freedom is negative and resides in the absence of external constraints.
- Their belief in individual sovereignty implies that the state is evil, as it poses as a sovereign, compulsory and coercive body. Individualism and the state are irreconcilable.
- Modern liberals believe in the idea of positive freedom, which is fulfilled by the state. However, anarchists argue that people are able to conduct themselves peacefully and harmoniously.
- Individualist anarchists reject constitutionalism and representative government. They regard them as facades, behind political oppression. They argue that all states infringe individual liberty.

#### **Egoism:**

- Can mean that individuals are self-seeking. However, this could create conflict, so a state should be necessary?
- Stirner: Egoism means that individuals should be "the centre of the moral universe".
- Therefore, individuals should act as they choose, ignoring convention, moral principles and law.
- However, it is difficult to see how order could be maintained under these circumstances.

#### **Liberatarianism:**

- This is a belief that that individual should enjoy the widest possible realm of freedom, meaning the removal of both internal and external constraints on the individual.

- Thoreau: lived for some years in solitude in the woods, in order to investigate self-reliance.
- Thoreau approved of civil disobedience against the government. Individual conscience is more important.
- Tucker considered how individuals could live and work together without conflict:
  - Placed an emphasis on human rationality and reasoned discussion.
  - System of market exchange, where individuals have a right to the property they produce, but they also need to work with others, so this encourages social and economic stability.

#### **Anarcho-capitalism:**

- Rand, Rothbard and Friedman pushed free market ideas to their limit.
- It was argued that the government can be replaced by unregulated market competition.
- Property is to be owned by individuals, who can enter into contracts with others if they choose to.
- Market regulates all social interaction.
- The market can satisfy all human wants.
- Profit-making agencies will be better than those provided by the state, due to competition, leading to cheap and efficient services.
- Contracts are voluntary. For example, private prisons and private courts in the USA.

#### Similarities between individualist and collectivist anarchists:

- Reject state authority
- Reject organised religion
- Ideas of freedom and voluntary activities
- Shared positive view of human nature
- Belief in utopianism
- Representative democracy is a façade
- Reject constitutionalism.

#### Roads to anarchy:

##### **Revolutionary violence:**

- Key methods include assassinations, such as the People's Will in Russia, with the assassination of Alexander II, or in the modern day, bombing.
- Violence is a form of retribution. It originates in oppression and exploitation, caused by the state and their agents. Violence can be a way of raising political awareness.
- Violence has been counterproductive. Political violence has sparked public outrage and horror. This led to the damaged reputation of anarchism and violence is an unpromising way of persuading the ruling classes to step down.
- Most anarchists reject violence.

##### **Direct Action:**

- Ranges from passive resistance to terrorism (main aim is to cause disruption).
- Anarchists refuse to engage in conventional politics, and aim to use direct action on employers. Anti-globalisation and capitalism movements use mass protest and direct political engagement.
- Direct action is untainted by the state, meaning that their opinions do not have to be watered down.
- It is also a form of popular political participation, on the basis of decentralisation.

- However, public support can be damaged for political groups and movements, from the label gained of 'irresponsibility' or 'extremism'. Media may also prevent groups from gaining power, by labelling a particular group as 'outsiders', meaning that there may be little influence upon government.

**Pacifism / non-violent protest:**

- The use of moral principles (or religious) and returning to a simple, rural existence based on cooperation and mutual respect.
- It reflects a respect for human beings as moral and autonomous creatures. Non-violence has been attractive as a political strategy and demonstrates the strength and moral purity of ones' convictions.
- Those who support pacifism will often shy away from mass political activism. However, this failed to be genuinely effective.