

The Modern British Constitution: Reformed or Undermined?

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Abstract

Britain has the oldest constitutional and representative system of government in the world, but it is unusual among modern states in not having a written constitution. From the Glorious Revolution of 1688-89 onwards, Britain gradually developed a stable constitution that enshrined the joint sovereignty of the monarch, the House of Lords and the House of Commons, while defending the liberties of the people and making the legislature increasingly responsible to a widening electorate that eventually, by the earlier twentieth century, included all adults, male and female. Until the late twentieth century this constitution enjoyed massive support at home and was greatly admired abroad. Developments over recent decades, however, have posed serious challenges to this long established and well-supported constitution. The most important developments have been the changes made by Britain's entry into the European Community, the growing concern about the decline in parliament's authority, the rise of nationalist sentiment in the non-English parts of the United Kingdom that have resulted in the devolution of power from the Westminster Parliament to regional legislative bodies in Scotland, Wales, and Northern Ireland, and the widespread desire to democratize the composition of the House of Lords but the absence of any agreement how to do this. Many changes have been made and others contemplated but not achieved over recent decades. It is still far from clear, however, whether these changes have improved or undermined a constitution that has served Britain so well over the previous three centuries.

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References:

A. Archives:

United Kingdom: Microfiche numbers 971, 1-98; 972, 1-47 (Scotland); 967, 1-98; 968, 1-98; 969, 1-44 (Wales); and 973, 1-98; 974, 1-33 (Northern Ireland).

B. Books, articles:

- Bagehot, Walter. *The English Constitution*. London, 1867.
- Ballinger, Chris. 'Hedging and Ditching: The Parliament Act 1911.' In *A Century of Constitutional Reform*. Ed. Philip Norton. Chichester: Wiley-Blackwell for The Parliamentary Yearbook Trust, 2011.
- Blackstone, William. *Commentaries on the Laws of England*. 4 vols., Oxford, 1765-1769; 18th edition, London, 1829.
- Bogdanor, Vernon. *Devolution in the United Kingdom*. Oxford: Oxford University Press, 1999.
- Bogdanor, Vernon. *The New British Constitution*. Oxford: Hart Publishing, 2009.
- Bradley, A.W. 'The Sovereignty of Parliament – In Perpetuity?' In *The Changing Constitution*. Eds. Jeffrey Jowell and Dawn Oliver. 3rd edition, Oxford: Oxford University Press, 1996.
- Crick, Bernard. *The Reform of Parliament*. London: Weidenfeld and Nicolson, 1964.
- Dicey, Albert Venn. *Lectures introductory to the Study of the Law of the Constitution* (London, 1885).
- Dickinson, H.T. 'The Eighteenth-Century Debate on the Sovereignty of Parliament.' *Transactions of the Royal Historical Society*, 5th series, 26 (1976): 189-210.
- Dippel, Horst, ed. *Constitutions of the World 1850 to the Present*. Munich: Saur, 2004.
- Feldman, David. 'Extending the Role of the Courts: The Human Rights Act 1998.' In *A Century of Constitutional Reform*. Ed. Philip Norton. Chichester: Wiley-Blackwell for The Parliamentary Yearbook Trust, 2011.
- Goldsworthy, Jeffrey. *The Sovereignty of Parliament: History and Philosophy*. Oxford: Clarendon Press, 1999.
- Johnson, Nevil. *Reshaping the British Constitution: Essays in Political Interpretation*. Basingstoke: Palgrave Macmillan, 2004.
- King, Anthony. *The British Constitution*. Oxford: Oxford University Press, 2007.
- Moran, Michael. *Politics and Governance in the UK*. Basingstoke: Palgrave Macmillan, 2005.
- Oliver, Dawn. *Constitutional Reform in the United Kingdom*. Oxford: Oxford University Press, 2003.
- Peele, Gillian. *Governing the UK*. 3rd edition, Oxford: Blackwell, 1995.
- Stevan, Norman St John. *Walter Bagehot: A study of his Life and Thought together with a Selection of his Political Writings*. London: Eyre and Spottiswood, 1959.
- Tebbit, Norman. 'Britain and Europe: The issue of sovereignty.' In *The Rape of the Constitution?* Ed. Keith Sutherland. Thorverton, Exeter: Imprint Academic, 2000.

Winetrobe, Barry K. 'Enacting Scotland's "Written Constitution": The Scotland Act 1998.' In *A Century of Constitutional Reform*. Ed. Philip Norton. Chichester: Wiley-Blackwell for The Parliamentary Yearbook Trust, 2011, 85-100.

C. Web postings:

http://en.wikipedia.org/wiki/D'Hondt_method

http://en.wikipedia.org/wiki/Scottish_Militia_Bill_1708

http://news.bbc.co.uk/1/hi/uk_politics/3984387.stm

<http://opsi.gov.uk/acts/act1998/19980046.html>

<http://www.archive2.official-documents.co.uk/document/cm64/6488/6488.pdf>

[http://www.en.wikipedia.org/wiki/United_Kingdom_Alternative_Vote_referendum,
2011](http://www.en.wikipedia.org/wiki/United_Kingdom_Alternative_Vote_referendum,_2011)

<http://www.legislation.gov.uk/ukgpa/Geo6/12-13-14/103/contents>

<http://www.legislation.gov.uk/ukpga/Eliz2/6-7/21/contents>

<http://www.legislation.gov.uk/ukpga/Geo5/1-2/13/contents>

<http://www.opsi.gov.uk/acts/acts1998/19980047.html>

<http://www.opsi.gov.uk/acts/acts1999/1990034.html>

<http://www.supremecourt.gov.uk/index.html>