Ladies and Gentlemen

It is a commonplace amongst historians that England is a long-formed state. In contrast to most other states, the English state was shaped by a process of evolutionary continuity rather than revolutionary discontinuity. Most modern states can point to moments of foundation or refoundation. The United States hallows its revolution of 1776 and its constitution of 1787; France its revolution of 1789, and its many revivals of that great drama (1830, 1848, 1871, 1958, and 1968 to name but a few). Many states, notably Germany and Japan, were effectively refounded after 1945, and much of Europe forged new institutions and identities after the velvet, and in some places actually rather violent, revolutions unleashed in 1989.

In this context Britain looks very different, 'long formed' indeed. Most of our central institutions are medieval in origin, and much that shapes the way our political culture works was determined long before the last century. True, we have had our revolutions, notably between 1642 and 1689, but generally English political and social institutions have been sufficiently robust to prevent rebellions becoming revolutions.

The absence of revolution in England is a prism on a distinctive history, a history that historians on both the left and the right have tended to see as 'English exceptionalism'.

So let us examine this 'English exceptionalism'. The central political dynamic of medieval states was the struggle to define the role of the crown. Broadly speaking, monarchs sought to concentrate power in their person and in institutions which articulated that personal authority.

Opponents of centralised monarchy, first nobles and later more popular movements, sought to distribute power more broadly, constraining monarchical absolutism in the process.

The system thus created has been called 'local government at the King's command', a system in which the King appointed local officials and their authority rested precisely on their being the King's representatives. Nevertheless, and importantly, England's social geography, the slow pace of communications, ensured that much power was effectively decentralised. The King's authority in the counties rested in a landed nobility, itself powerful and ambitious. Hence in the long run, there was a struggle to define and to limit the power of the English Crown. We see this in the Civil War of Stephen's reign, 1135-54, in the Magna Carta of 1215, in the Baronial Rebellion led by Simon de Montfort between 1258 and 1265, in the Wars of the Roses of the 15th Century, and in the Peasant Uprisings of 1381 and 1450.

As things turned out, the English monarchy had two crippling limitations to its power. It lacked money and it was trammelled by the common law.

Lacking wealth, the Crown was almost wholly reliant on taxation. The King's inability to 'live of his own' had profound implications for the development of Parliament.

Some of the developments and conflicts we have been exploring can be paralleled throughout medieval Europe: A struggle to define and extend royal power, the need to raise revenue, the development of systems of law, and the emergence of systems of central and local Government.

The struggle between the Crown and parliament in England was no different, except in one key respect: the result. Parliament emerged in the ascendant. A victory that has more or less defined everything about the modern English and British state.

The details of this struggle are too complex for me to explore here but let me give you a few pointers. It is often said that Henry VIII demonstrated his power by compelling parliament to legislate the English reformation through a series of statutes from 1530 onwards. Now it is true that Henry used parliament and broadly secured through parliament the outcome he sought. But the price was to make parliament the central agency of legitimacy in the English state. The King was now supreme head of the church and England a reformed country in breach of Rome. Why? Because parliament said it was.

The ironic outcome of legislating the King's will in the 1530s was that parliament gained the authority to legislate later to limit the Crown's power. The outcome of the reformation was thus an augmentation of parliament's role and power. Not just legislating for the structure and liturgy of the church but also under Elizabeth I, carrying through a whole raft of social legislation and welfare, public order and policing and we see the development through parliamentary statute of a secular policy for the first time in European history. Thus it was parliament building on local experiments which through acts of 1597 and 1601, established the English poor laws. This was an unprecedented development in Europe, enabling local Government to raise taxes - rates - to support the poor. This, I have argued on a number of occasions, laid the basis of the first English welfare state which flourished until parliament changed policy in 1834. My main point here simply is that the 16th century saw parliament rise dramatically in power, scope and ambition.

This of course, intensified the conflict between parliament and the Crown, a conflict that culminated in the 17th Century and was resolved decisively in the 18th.

The major point I want to make concerns the profound centrality of parliament to the history of England's state formation. By the 19th Century, and especially when the House of Commons reformed itself in 1832, parliament was arriving at a point where its power was quite unchecked. Two years after the Great Reform Act of 1832, the King dismissed a ministry for the last time, only to have it foisted back on him by the electorate the following year. And in those same two years, 1832 to 1834, parliament underscored its power by transforming local Government through the reform of the poor law and the reform of English municipal boroughs.

Thus a process began which a parliament unfettered by either royal power or the ancient fabric of local institutions, or by a written constitution, drove a kind of parliamentary centralisation that by 1997 had made Britain perhaps the most centralised polity in Europe.

Not only was political and administrative power increasingly focused through parliamentary centralism, but England's parliament was unfettered, by either a constitution or by an established framework through which the rights of citizens were elaborated.

Here, I think, is a crucial parting of the ways between England and Europe and that crucial parting of the ways came in the 18th Century. As we've already seen, the central dynamic of politics in 18th Century England was the triumph of parliament.

The states of Western Europe though, energised by the European enlightenment, moved onto a quite different trajectory in which citizens liberties came to be defined as much by legal rights as by political participation.

In Europe, notably in Germany, the Hapsburg Empire and Russia before 1789 and France after 1789, states embarked on hugely ambitious codifications of their legal systems, precisely because political institutions, and in particular popular political institutions were weaker in Europe, enlightenment thinkers invested their reforming energies in rethinking and reconfiguring the relationship between the state, the law, and the citizen. In Europe, citizens whose political rights were limited were increasingly empowered by legal rights. Put simply, the definition of citizenship was as much legal as much as it was political.

This use of legal codes and courts to define, enforce, and extend citizens' rights was driven forward in Europe in the 19th Century, especially before and after the Revolutions of 1848 and, of course, it was imported into the constitution and political culture of the European Union.

So if we ask why the European Union places such emphasis on codes and extending the legal rights of citizens, consumers and workers, and sees European law as an agency of political modernisation, the answer is that this has been central to Western European political culture for more than 250 years. That is not to say that the European tradition has been indifferent to political rights, to securing the right to vote and other forms of political participation, but rather it is to say that in Europe, political rights - in particular just having the vote -has never been regarded as sufficient. Moreover, as Europe democratised, it did so around notions of the sovereignty of the people.

A tradition from Rousseau onwards which sees sovereignty residing in the citizen body and represented both through political and legal rights.

The difference between this and the English parliamentary tradition is stark. In England, conservatives and radicals have regarded parliament as sufficient and have been content to see citizenship defined simply in terms of political rights and indeed more or less exclusively in terms of the right to vote. Thus the English radical tradition, whether it be the English Jacobeans of the 1790s, the Chartists of the 1840s, the Labour party after 1900 or the Suffragettes in the Edwardian period, all of these reforming radical movements had defined their objectives in terms of securing the vote and effective parliamentary power. They have sought access to the parliamentary club.

Like their Conservative critics, radicals shared a profound reverence to parliament as an institution and saw progressive political agendas as being best realised through having an exercising parliamentary power. Hence, and this is crucial, both conservatives and radicals are united in their belief in the sovereignty of parliament. Note that. In such a commonplace in English politics and political language that we often don't forget just how important it is. We operate and have operated for over three centuries with a notion that parliament – or more strictly the Crown in parliament - is sovereign. Contrast enlightenment and post-enlightenment European traditions of 'the sovereignty of the people'. In the European and the American tradition, sovereignty is dispersed and embodied in the people. In England, sovereignty is concentrate and embodied in parliament.

This helps to explain so much that puzzles our European partners and indeed our American friends.

Further European integration, strengthening the European Parliament and devolving the power to the various territories of the UK is generally resisted on the grounds that it will diminish the sovereignty of parliament. By which it is meant that parliament will be less powerful, or subject to more significant checks. If you believe in the sovereignty of parliament you can see why this should be a concern. However, if you are the product of a different history of state formation, notably one which is grounded in the idea of a constitution and a formal codification of the relationship between governed and the Government, then creating new institutions, sharing power in new ways, need not diminish the sovereignty of the people. Indeed it may enrich it or give it better expression. If you want to know why so many in this country look with scepticism at the future of Europe then you need to attend to our history.

All of this is underpinned by a tradition of English constitutional thought that gives a theoretical explanation of the centrality of parliament. At its core is what I have called the 'Doctrine of the Sufficiency of Parliament'.

Parliament is equally central to the second state I want to talk about, the British state, constructed in and after 1707, the date of the Act of Union with Scotland. If we look at the way in which the British state was put together, it was put together through acts of union. The first such union came with the acts of union with Wales in 1536 and 1543. A newly empowered parliament became the way in which the territory of the English state could be extended.

By 1707 it had become thinkable, to have a union at parliamentary level without uniformity in public, ecclesiastical, juridical, and educational institutions.

Britain was being built, not around establishing uniformity in church, law, and local Government, but through a fusion at the one level which really mattered - parliament.

The same kind of parliamentary union was affected with Ireland a century later. Faced with the challenge of Irish radicalism, massive civil unrest in 1798, and a major crisis wrought by the war with revolutionary France, London repeated in 1800 the solution of 1707 and drew Ireland into the British unionist state.

Here the union spanned still greater diversity, drawing a Catholic country, with a largely peasant economy, into a predominantly Protestant nation in the midst of economic modernisation through an industrial and commercial revolution. Thus parliament became the fulcrum of Britain as a unionist state.

The key to Britain as a unionist state has been not only a strong parliament but what I have dubbed the doctrine of the sufficiency of parliament. Whereas other federations and multi-ethnic states in Europe sought or were forced to accept complex, legal and political frameworks within which regional, linguistic, and ethnic differences were expressed and enshrined, the British unionist state took representation in parliament as a sufficient guarantor of regional, sub-national, or national identities.

You are all probably seeing where this argument is leading.

The union with Ireland failed. The point is that there are

differences which parliamentary unionism cannot span

without collapsing and that too thin a notion of unionism took

root, in which differences were squeezed rather than

accommodated. Significantly, the experiment that was not

tried with Ireland in 1886, 1893, and 1914, was trying to

stabilise the parliamentary union by the creation of a national

sub-parliament in Ireland. This, of course, is precisely what

parliament did do a century later for the other territories of

the UK and through devolution in 1998, the attempt to

stabilise what now remains of the union by the creation of

sub-parliaments or assemblies is what devolution is

substantially about. We are now exploring the boundaries of

a unionist state. Whether and how it might survive are

interesting, and indeed in Scotland urgent, questions.

The centrifugal forces are considerable, but our parliamentary system, and our parliamentary language struggles with notions of power where power is distributed. The sufficiency and central power of the British parliament has left British political culture with an impoverished notion of the ways in which power might beneficially be distributed. We think in terms of conflicts between parliamentary and quasi parliamentary institutions, not in terms of their complementarities. Hence also the need for a strictly limited and subordinated second chamber at Westminster, without the capacity to evoke significant representative legitimacy. The attempt to reform the House of Lords has gone on for over a century and is not, and I submit, will not be completed.

If we had a richer language of and a greater historical

sympathy for federalism, the question of Scottish

independence might not have arisen, or at least it might not

have arisen in the stark separatist form that it is now

presenting. Similarly it would give us a framework within

which to rebalance the relationship between central and

local government.

My central point here though is that our reliance on the

language and the idea of a central mediating parliamentary

system is impoverishing. Moreover we are finding operating

a multi-parliamentary system in a unionist framework is

formidably difficult. That is not, however, to say that the

territories of the UK would or will choose independence over

union. Money has always mattered here.

It mattered to the Scots in the early 18th Century when they sought union with England; it continues to matter to the Welsh and it will probably be decisive with the Scots in the September 2014 referendum.

What often looked like the cultural preconditions of British parliamentary centralism, Protestantism, imperialism and the ability to wage patriotic war successfully, were, in fact, consequences of a powerful parliamentary centralism. Nevertheless, parliament and the construction of the British state are not immune from cultural change and cultural re-formation. A post-Christian, post-imperial, multi-cultural polity is very different from the political culture, characteristic of Britain's long-formed, historically centralised parliamentary state.

The rise, rediscovery, and indeed the fabrication of national, regional and sub-national identities are underpinning a fragile experiment in a devolved polity which is ultimately eschewing the stabilising forces of constitutional federalism. This, and our highly ambivalent relationship to Europe, have meant that the constitutional and political arrangements of the UK are more uncertain now than at any time in the last three centuries.

The European Union has a term for the kind of constitutional settlement we might be elaborating. It is called 'variable geometry'. But we are trying to do this, so far, without elaborating anything approaching federalism.

Where the gears of the system grind, we still evoke the primacy of the Westminster parliament. At the same, we are pushing the limits of a unionist state.   Britishness will only survive if the British state continues to comprehend the increasing diversity of the British state.

Just as the creation of the British state formed Britishness,

so the disillusionment of the British state would leave

Britishness not only stateless but meaningless.

So ironically the future of the British State is perhaps most

likely to be as a federal state.

David Eastwood
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