



**HAL**  
open science

## Devolution and Territoriality in Modern Britain

Kenneth O. Morgan

► **To cite this version:**

Kenneth O. Morgan. Devolution and Territoriality in Modern Britain. *Miroirs : Revue des civilisations anglophone, ibérique et ibéro-américaine*, 2014, pp.66-77. hal-03632333

**HAL Id: hal-03632333**

**<https://hal.science/hal-03632333>**

Submitted on 8 Apr 2022

**HAL** is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

## Devolution and Territoriality in Modern Britain

Kenneth O. Morgan (House of Lords)

This article was originally read as a paper at the MIMMOC's international conference "The Territorial Politics of the Nation-State: Decentralisation, Devolution, Autonomy, (Con)Federation" held at the University of Poitiers on 14-16 October, 2010.

Britain's recent constitutional history has been essentially an attempt to cut free from memories of the second world war. The British are obsessed by that war. Unlike the French, they have no recollection of internal division; there was no British Vichy. To them, events like those of 1940, the recent seventieth anniversary of the Battle of Britain, Churchill's great speeches, the London blitz, even the retreat from Dunkirk are an imperishable and unique moment in our island history, truly Britain's 'finest hour'. But in fact the legacy of the war has been limiting, and even damaging, to the national psyche in two main respects – Europe and centralism.

As regards Europe, the war left a sense of extreme insularity, of Britain 'fighting alone'. The Dunkirk spirit symbolizes that mood, with Britain retreating safely to its island domain while continental nations were either defeated, collaborationist or governed by fascist dictatorships. However, since it joined the old Common Market in 1973 Britain has found ways of being a part of Europe. Despite all the eurosceptic reservations of many of our right-wing politicians and much of our tabloid press, Britain's membership of the European Union has long since transformed our constitution and legal system, especially in the entrenchment since 1998 of the European Convention of Human Rights in British law. No major party in Britain seriously considers leaving Europe now.

On centralism, the war left a legacy of authority and of sovereign power exercised overwhelmingly by one-party government in a sovereign parliament at Westminster. Wartime propaganda, notably for the Army Bureau of Current Affairs for our forces overseas, emphasized the glories of the British parliament, what Mrs. Thatcher later called 'Big Ben chiming out for liberty'. That was what we were fighting for. In the operations of government, it meant what the socialist Douglas Jay memorably called the view that 'the gentleman from Whitehall knows best'. Here again, there has latterly been a great change. Since the advent of devolution in Scotland and Wales in 1999, along with similar though separate arrangements for Northern Ireland, British politics and government have been far more decentralized, territorial and pluralist. The United Kingdom seems more diffuse, if not necessary disunited. It is an historic change of structure and mood after a thousand years of history since the coming of the Normans in 1066.

The consequences here were clearly demonstrated in the general election of May

2010. The results of the election showed how territorial British politics were becoming. In both Scotland and Wales, while the Scottish Nationalists and Plaid Cymru suffered setbacks, it was still a different kind of election there, especially in Scotland where there was actually a small swing to Labour. The Conservatives, dominant in the new Coalition, were almost entirely an English party, indeed heavily southern English: they have few MPs in Wales and only one in Scotland where they have almost disappeared. Conversely, it might be noted that all five candidates for the Labour Party leadership in the summer of 2010 came from England, this from a party whose recent leaders included such Celts as Neil Kinnock, John Smith and Gordon Brown. This element of territoriality was soon in evidence again. A striking indicator came on 7 October 2010 when the first ministers of the three devolved administrations, Scotland's Alex Salmond (SNP), Wales's Carwyn Jones (Labour) and Northern Ireland's Peter Robinson (Democratic Unionist) signed a joint letter of protest to the Westminster coalition government, arguing that the proposed cuts in public sector spending went 'too fast and too deep' and might put future economic recovery at risk in the Celtic nations. As a result of these developments, new questions have been posed, notably by Gordon Brown when he became prime minister in 2007, about the nature and quality of British identity. In a world marked by European integration, Celtic separatism, internal mass immigration, global multi-national capitalism, and American cultural imperialism, what was the residuum that could be described as truly British? It was a less divisive debate than in France, with much less focus on immigrant minorities, Muslim or otherwise, and little discussion of Muslim women wearing the burka. But it was still distinctly novel in modern Britain.

For three hundred years, Britain had been a union state of four different nations, though a highly integrated one. Despite the strength of local government in nineteenth-century Britain, of which Alexis de Tocqueville wrote perceptively, it remained a relatively very centralized country, as it had been since the Union with Scotland in 1707 and the Union with Ireland in 1801. Throughout the nineteenth century, it was heavily Unionist in sentiment, a feeling reinforced by the growth of the British Empire, with scant devolution in governmental arrangements. Eventual self-government for the twenty-six counties of southern Ireland from 1922 did not impinge on Scotland and Wales. In most respects they were Unionist and imperialist too. This was reinforced by war, by central governmental control during 1914 – 18, and by the unifying impact of mass depression and unemployment after it. The trade unions became intensely unionist; the Labour Party dropped its early sympathy for devolution and now favoured policies such as central indicative economic planning and the nationalization of major industries. This unionism became even more pronounced after the war of 1939 – 45. Two famous female icons reinforced this unionist mood – the image of the Queen Mother striding through the rubble of Buckingham Palace after a Luftwaffe air-raid, and Dame Vera Lynn, a celebrated radio chanteuse who sang of blue birds over the white cliffs of Dover

and nightingales singing in Berkeley Square in London, each location in south-east England near to the centre of government. Both contributed to a feeling of a strong, unified nation.

Both sides of the political divide were strongly unionist after 1945. On the Conservative side, Winston Churchill embodied an historic Whiggish unionism focussed on Crown and empire. On the Labour side, the left-wing Welsh socialist, Aneurin Bevan, stressed the Britain-wide solidarity of the working class all over the country, and a British-conceived welfare state that would promote equal social standards throughout the land. He spoke contemptuously against a 'Welsh Day' debate being held in the Commons in 1944; the social and economic problems of Britain knew no national boundaries. There was no upsurge of any kind of Celtic nationalism before the mid-1960s, when Plaid Cymru and the Scottish Nationalists both enjoyed an upsurge of strength. A great change was heralded in the Kilbrandon report on devolution in 1973 and the devolution referendums in 1979. Even though the latter failed, miserably so in Wales, devolution was on the public agenda henceforth. The regime of Mrs. Thatcherism, from 1979 to 1990, ironically, saw the climax of this process. Under her strongly centralized, Unionist regime, not only did Northern Ireland move towards greater self-government, and not only was there a more strongly territorial emphasis in the institutions of Wales and Scotland. In both Wales and Scotland, the very centralist rigour of Thatcherism saw a powerful quasi-separatist reaction. Mrs. Thatcher herself was seen as a very English phenomenon who polarized the country electorally and ideologically. This was especially marked in Scotland, where the imposition of the English-conceived Poll Tax led to massive popular protest, and to a profound alienation of the articulate professional and commercial classes in Scotland from the governing processes at Westminster. In response, Conservative politicians derided the Scots for having a dependency culture based on hand-outs from the London government rather than a culture of enterprise.

The advent of devolution in 1999 was a major historic change. This time, unlike 1979, the referendums in Scotland and Wales followed the general election, rather than preceding it, and the Labour government, elected with a huge majority, called the tune. A far more pluralist Britain resulted. Wales was, as always, far less enthusiastic. There had never been a Welsh sovereign state, and little sense of Welsh citizenship. Devolution squeezed through here by 0.5 per cent on a lowish poll. Scotland, however, voted strongly for devolution, by a majority of over two-thirds those voting. This reflected the fact that in Scotland there had previously been a Constitutional Convention in 1990 to discuss the issue of devolution, in which all parties save the Conservatives joined. In Scotland, too, devolution was firmer in concept. The Labour leader in Scotland, Donald Dewar, had ensured a different basis for a proposed Scottish devolution settlement in 1999, compared with twenty years earlier. Everything not defined as a reserved issue (foreign policy and defence,

taxation and social security) was to be transferred to the Scottish Parliament in Edinburgh. This was not the case in Wales. In addition, the Scottish Parliament had far greater powers than the Welsh Assembly, including not only powers to pass primary legislation directly but even (notionally) the power to raise income tax. As a result, a range of new policies flowed from the Scottish parliament, including no tuition fees for university students and free medical care for the elderly. To underline the separate trajectory of the Scottish Parliament, in 2007 the Scottish elections resulted in a (minority) Scottish National Party government.

However, the implications of this pluralism were concealed for many years. It was a very British approach, minimizing quite fundamental changes under a veneer of continuity and historic evolution. This was partly because Tony Blair (unlike Gordon Brown) had very little engagement with devolution or indeed with constitutional issues generally. Also the fact that there were Labour, or Labour-dominated, governments in Westminster, Edinburgh and Cardiff, gave an impression of some uniformity. The cohesive effects of the British civil service also served to minimize the changes that had taken place. There were agreed concordats about future constitutional arrangements between the Cabinet Office and the secretariats in Edinburgh and Cardiff: naturally, since this was Britain, they were not published and their precise contents remained secret. Significantly, there was no accepted mechanism for conflict resolution between the various legislatures. The Council for the Isles that was supposed to have representatives from all four legislatures (including Belfast), with the Irish Republic also involved, had a ghostly existence as did other proposed councils of ministers. Issues that arose between the different bodies would be resolved legally before the Privy Council (the new Supreme Court dealt with this after 2009). There was a curious air of smooth transition, of business as usual. Nor did things change greatly thereafter. There was no significant alteration to the Scottish settlement down to 2010. In Wales, there was a more important change, the Government of Wales Act of 2006. This facilitated the power of the Welsh Assembly to make primary laws without the interference of Westminster. However the procedure devised was very cumbersome, involving the vetting in both houses of Parliament of legislative competence orders to determine whether a proposed measure fell within the powers of the Assembly. This could be almost farcical when even the competence of the Assembly to legislate on issues relating to the Welsh language had to be approved in Westminster. It was all very cumbersome and it all took time. The Act in fact was a compromise that reflected divisions within the Welsh Labour Party, large parts of which in the old mining valleys of the south had never been reconciled to devolution in the first place.

Like all the Blair government's constitutional changes – House of Lords reform, the Human Rights Act, the Freedom of Information Act and others – the results were piecemeal and fragmentary, leading to a somewhat incoherent constitution that could be interpreted in diametrically opposed ways. Each form of devolution

was different, with the different circumstances prevailing in each country. Scotland was always the most separatist. This was not surprising. Political nationalism in Scotland was driven by the fact that there had once been a sovereign nation of Scotland, down to the controversial and contrived union of 1707. Separate Scottish institutions and practices had continued after that in education, in the established Presbyterian Kirk of Scotland, and most importantly in Scottish law. Scotland remained the most detached of the devolved nations. This led to an extraordinary situation in 2009 when the Scottish law officers decided on compassionate grounds to release one of the Libyan terrorist bombers who had been imprisoned in Scotland after being found guilty in Scottish courts of the terrible atrocity of 1988 when an American airliner had been brought down near Solway Firth with the loss of all air crew and 243 passengers, most of them American. This had major implications for foreign policy and security in Britain as a whole, and materially affected Anglo-American relations. The awkwardness of a situation when the British government controlled foreign policy but the Scots controlled legal affairs in their own domain was thus laid bare. Northern Ireland was a totally different problem. There it was mainly a matter of trying to reconcile the separate Protestant and Catholic communities, deeply divided on political and other issues for many centuries past. Security was a central issue here as it was not in either Scotland or Wales. The co-operation of a foreign government, that of the Irish republic in Dublin, was also an important influence. In 2007, after years of deadlock in the so-called 'peace process', an all-party government, amazingly, was set up with the old Protestant die-hard, the Rev. Ian Paisley as first minister, and Martin McGuinness formerly of Provisional Sinn Féin and an irreconcilable republican, as his deputy. Devolution still presented many difficulties, but what brought it finally into effect in 2009 was agreement in Northern Ireland over policing arrangements and the control of security matters. The agreement was much assisted by a significant financial *douceur* from the British government.

Welsh national sentiment was different from either, since there was a major element of cultural nationalism. One consequence of devolution in Wales was that the native language received something of a boost: the census showed an increase in those speaking Welsh for the first time in any language census, 23 per cent now being recorded. There were, however, local divergences in policy in Wales too, notably in the local running of the National Health Service, and the creation of a specific Children's Commissioner in Wales with broad executive functions in advance of such a post in England. Constitutional experts concluded that in Britain there was a clear system of asymmetrical devolution with progress varying considerably between the different devolved nations. This, of course, is by no means unique to the United Kingdom. In Spain, where demands for regional autonomy have long been a central conflict in political life and helped to bring about civil war in 1936, a form of 'rolling devolution', following article 2 of the Spanish Constitution, has led to wide regional

variations. The 'fast-track' regions, notably Catalonia and the Basque territories, have greatly increased the powers of their devolved governments, whereas Galicia and Andalusia have advanced at a slower pace, and the ten other regions progressed only very gradually. Spanish local autonomy is a miscellaneous patchwork, and so is the United Kingdom. In Spain, however, all regions have shared in a movement towards greater autonomy. In Britain there is a huge gap. Nothing at all has been done about England. It has nothing resembling a parliament of its own, and its regions have shown no appetite for new governmental arrangements. The most likely of them to favour devolution of some kind, the North East, roundly rejected it in a referendum in 2004: it seemed that people in Newcastle and neighbouring areas felt there were quite enough politicians in circulation already and more would be both superfluous and expensive. England has truly been the 'black hole' of constitutional change in the words of Robert Hazell, director of the University of London's Constitutional Unit. England itself scarcely seems to fit into a scenario of constitutional reform. Legally, as Metternich once famously described Italy, it seems no more than a 'geographical expression'.

There are at the present time, at least three major aspects of devolution which require some kind of resolution. The first is the broad relationship of the devolved parliaments or assemblies to the parliament at Westminster. The important of these, the famous 'West Lothian' question, focussing on the fact that Scottish or Welsh MPs could vote on English issues but that the reverse could not now apply, was raised anew with the presence as prime minister of the very Scottish Gordon Brown, and other Scottish MPs such as Alastair Darling prominent in his government. Lord Irvine, chairman of the relevant Cabinet committees in 1998 which drove devolution through, has observed that the best thing to do with the West Lothian question is not to ask it! But it remains a constitutional anomaly which defeated even the mighty mind of Gladstone during the Irish home rule controversies in 1886 and 1893, and is often criticised by Conservative MPs. The Conservatives have long been committed to 'an English parliament for English laws', and their preponderance in the Coalition that came into being in May 2010 was shown by a proposal for a Commission to be set up to explore the issue. As yet, nothing further has been heard about this item of the Coalition's manifesto, and the Liberal Democrat minority in the government would not be keen on it. A separate Parliament for England, covering the affairs of 85 per cent of the British population would indeed be a massive, probably destructive change. It would be difficult to see a Westminster parliament and an all-England parliament existing side by side. It would virtually end the United Kingdom as a coherent country. It seems highly improbable.

Other aspects of the relationship between the devolved legislature and Westminster might, however, generate action. One issue that might well arise is a diminution of the seats allocated to Scotland, Wales and Northern Ireland to take account

of their devolved status. This would have serious political implications for the Labour Party, strong in both Scotland and Wales, while the Conservatives, as noted, are overwhelmingly an English party. Another issue is the future of the Secretaries of State for Scotland and for Wales. Both their roles are greatly reduced after devolution: indeed, that for Scotland now seems largely nominal and the office is invariably occupied by a Cabinet minister holding another departmental responsibility as well. The Lords Select Committee in 2003 proposed merging the various local Secretaries of State into a kind of Minister for the Regions, but nothing came of this, largely because of local political sensibilities. Another inter-legislative matter is the relationship of all these bodies to Europe. In practice, on such issues as agriculture, fisheries and regional policy, the Scottish, Welsh and Northern Irish bodies all have their representation on British negotiating bodies. In the handling of the BSE crisis in livestock it was notable how little difficulty, let alone friction, the existence of devolved assemblies actually created. But it is also an area for potential difficulty. The role of the various devolved British legislatures to Europe, with less authority by far than the German *lander*, let alone the almost totally separate and deeply antagonistic parts of Belgium, still needs clarification.

Secondly, and crucially important, there is finance. Back in 1978, the Callaghan government worked out the so-called Barnett Formula to determine the resources to be allocated to Scotland and Wales. It was based, roughly, on population with additional payments to the Scots, Welsh and Northern Irish of £116, £112 and £131 per £100 of spending on England respectively. At the time, it seemed a useful stop-gap. But it is now widely acknowledged to be seriously inadequate, including by Lord Barnett, the author of the Formula himself. The Lords Select Committee, in a devastating critique, showed that Scotland was seriously over-funded and Wales equally seriously under-funded, as indeed were many regions of England. The nature of the Formula meant that the larger the increase in public spending, the greater the 'squeeze' effect on funding, especially in Wales. The Formula was based on the rough criterion of past population relativities, not on social or economic need, while it was also arbitrarily determined by the Treasury which was judge and jury in its own cause. The Barnett Formula has also aroused much resentment in England, notably in poorer regions of the north east and the north west.

The Barnett Formula's clear inadequacies shows the need for an urgent reform of the financial arrangements between the various nations. In Scotland, an important set of proposals came from the Calman Commission in 2009. While insisting on the importance of maintaining the United Kingdom as a sovereignty entity, the Calman report would take Scotland more clearly down the road of financial autonomy. It recommended a Scottish rate of income tax plus greater powers for the Scottish Parliament to decide the use of taxes levied in Scotland. The Cameron government in 2010 announced that it accepted the Calman proposals. In Northern Ireland the main issue is whether to reduce the rate of Corporation Tax there to enable the

Belfast government to compete more effectively with the lower rate of tax in the Republic to the south. In Wales, as indeed Gordon Brown's Labour government had done prior to the general election. In early 2010, the Holtham Commission made somewhat similar proposals to Calman's for the Welsh assembly government. It shredded the claims of the Treasury that the Barnett Formula was fair to Wales, by showing that Wales should receive £115 for each £100 of funding spent in England on comparable activities plus the added costs of the Welsh language whereas it was falling steadily below £112. Wales was scheduled to lose £8.5m. of public funding over the next decade under the Barnett Formula. The Welsh government should have tax powers of up to 3p. in the pound, plus half from each income tax band to gain more control over its own resources as a self-respecting legislature. It called for a so-called 'Barnett floor' so that Welsh resources would not continue to decline. However, the Coalition government to date has refused to implement any change in the Barnett Formula, claiming that eliminating the deficit must come first. This is an irrelevant argument and also a spurious one as Gerald Holtham himself has shown since reform of the Barnett Formula, by significantly cutting back funding per head in Scotland would actually reduce public expenditure. The Formula should most certainly be based not on the changing base of population but on proven socio-economic need. It has proved entirely possible to work out indices of need in English local government with needs-based assessment, and the Holtham report showed very lucidly the kind of yardsticks that could be adopted to assess Welsh needs, based on demographics and aspects of deprivation. In fact, in Charles Peguy's famous formulation, an issue that began with 'mystique' would necessarily end in 'politique'. The plain fact was that all parties were terrified of sorting out the Barnett Formula because it would lead to significant funding being taken away from Scotland: its funding would fall from £120 per £100 to only 105%, and has been said to mean a reduction to the Scottish block grant of over £4bn. per year. It would thus provide a ready-made grievance for the eloquent spokesmen of the Scottish National Party.

The third and final problem associated with devolution and needing urgent attention concerned the law-making powers of the devolved bodies. The Scottish Parliament's powers over domestic matters were already pretty complete. The main area of novelty here lay in the Scottish Nationalists' call for a referendum to enable Scots to express their views on total independence. This is making no headway at the moment. Barely a fifth of Scottish people seem to favour such an idea, and the proportion is currently falling away. The SNP suffered acutely from the political fall-out of the credit crunch in the autumn of 2008 which seemed to show the powerlessness of a Scottish Parliament to deal adequately with economic problems on this massive global scale. In addition, with so many jobs in the banking and insurance sectors, Scotland lost out directly from the financial crisis. The likelihood of serious cuts in public sector expenditure by the Coalition government, foreshadowed in George Osborne's budget of May 2010, would very probably

demonstrate still further Scottish economic vulnerability by adding significantly to the rate of unemployment. Scottish independence, the possibility of Scotland becoming another Estonia or Montenegro, seemed a very distant prospect indeed at the end of 2010.

In Wales, where the Assembly played a more withdrawn role and where political nationalism had ebbed since Plaid Cymru joined Labour in a coalition government in 2007, there was continuing resentment at the relatively limited power of their government compared with that of the Scots. Thus in 2009 the Jones-Parry report called for legislative powers for the Assembly to be elevated to those of Scotland, on grounds of political legitimacy and the rule of law. The process of law-making in Wales was remarkably complicated, in a way that lessened the public esteem of the Assembly as a whole, and the course of progress through Westminster on the way to Cardiff having the final debates and decisions was tortuous and leisurely. The Jones-Parry report called for a referendum to be called in the near future for Welsh opinion to be expressed on granting the Assembly more authority in primary legislation. The Coalition proved very hesitant in responding, to the extent that a referendum might actually clash with, and complicate, the next Welsh Assembly elections in May 2011. In any case, with Welsh nationalism now less assertive, there was real doubt whether such a proposal would be passed in a referendum anyway. At the moment, then, there remains a discrepancy between Wales and Scotland which is very unsatisfactory. The Welsh elected Assembly lacks clear authority and the status that a democratic legislature should receive. As a result, devolution in the United Kingdom remains very incoherent.

What will be the future of devolution in Britain? The Coalition government, under some pressure from its Liberal Democrat minority, has proposed a wide range of major constitutional reforms. Their manifesto listed a referendum on a change to the voting system from 'first past the post' to the Alternative Vote, a preferential system which might help the Liberal Democrats. There was also proposed a wholly elected House of Lords, the voting system for which was not yet clear. Other major changes would be fixed-term parliaments and the partial equalisation of constituencies. Partly this was all a response to the slump in the reputation of parliament, more particularly the House of Commons, in 2009 with the various scandals linked to MPs' claim for expenses. But far more important was the horse-trading between Conservatives and Liberal Democrats when the Coalition was set up in secret talks after the May 2010 general election. The Liberal Democrats are traditionally supportive of devolution. But so far the Coalition has said nothing about it, other than promising a referendum some time on Welsh legislation and underlining the unlikelihood of any action being taken on the Barnett Formula any time soon. Their lack of boldness here is a striking contrast with the range of their proposed reforms in many other areas of policy. It is a likely point of division within the Coalition. One complication is that possible voting reform in Britain must be

somehow reconciled with the very different voting systems adopted in Scotland, Wales and Northern Ireland. Devolution, then, hovers as an unresolved issue with no clear guide on future policy. But it is clear that the major issues that it raised cannot permanently be deferred.

There are a number of policy future scenarios for British devolution. One, the most extreme, would be a federal Britain on the lines of Germany or even the United States. This seems most improbable. Despite the pressures that led to devolution coming about in the first place, there is not at all the same level of local separatism evident historically in other countries. The United Kingdom, for all the exaggerated responses to devolution from some political commentators back in 1999, simply does not have the profound local divisiveness of, say, Belgium or Canada, while the existence of England as so overwhelmingly dominant in terms of wealth and population ensures that any federal arrangement would be hopelessly unbalanced. A second possibility is a more territorial Britain in its constitutional structure. There is no doubt that the nationalist pressures in Scotland and, to a lesser degree, Wales from the 1960s onwards surprised governments, and suggested a contemporary view of parliamentary sovereignty very different from the classic accounts of Walter Bagehot, A.V. Dicey or Ivor Jennings in the past. One possibility could be re-modelling the House of Lords, in its new elected guise, to reflect the territorial and regional divisions in the country. But there seems little appetite for this either at the moment.

A third, more likely, possibility might be devolution being entrenched as part of a formal, written British constitution, in which the relationships of the different legislative bodies will be entrenched in permanent form, as in the United States. Events seem to be moving that way. Gordon Brown proposed consideration of a written constitution in the dying months of his government and set up a representative all-party body (of which the present writer is a member) to consider drawing one up. More and more aspects of British legal and constitutional arrangements are now set out in written form – Europe, devolution and human rights are prominent amongst them. The unwritten aspects of a constitution based on convention and precedent have also come under attack, notably when the Brown government's first draft Constitutional Reform Bill in 2008 included winding up the royal prerogative over powers to make war and to conclude foreign treaties. In the event, the first was dropped and only the second has become law. But clearly a crisis like the invasion of Iraq, along with the Americans, in 2003, undertaken on the basis of prerogative powers beyond the sanction of the elected parliament, caused immense disquiet. It seemed absurd, and perhaps unfair to Queen Elizabeth herself, to claim to be bombing Baghdad and Basra in the name of the Queen. There is growing pressure for the British to see themselves as citizens, not merely as subjects of the Crown. Commentators write of 'Britain's republican moment'

and evoke the memories of past republican advocates of a written constitution like the poet, John Milton, and Thomas Paine, author of the Rights of Man in defence of the French revolution of 1789. A more robust notion of citizenship has emerged with the people having ownership of their own governmental system, as in the United States. As yet, the British, unlike the Americans or the French, cannot say in their constitutional enactments 'We the people'. Devolution, a major transition towards accountable, codified and open democratic government, points the way in this direction.

A fourth possibility, of course, might be to do nothing at all, and to continue the present patchwork arrangements. But, in a volatile state of national politics, with British public life undergoing so many fundamental changes, this does not seem probable. The status quo is not an option. What is clear is that Britain is undergoing dynamic change in its constitutional structure and its relationship to the people. This has been evident since the break-up of the post-war political and social settlement from the 1970s onwards. It is an historic nation undergoing profound constitutional and social transformation. One of the major factors driving that transformation will undoubtedly be devolution.

---

## *Pour citer cet article*

---

### **Référence électronique**

Kenneth O. Morgan (House of Lords) "Devolution and Territoriality in Modern Britain"  
Revue Miroirs [En ligne], 1 | 2014, mis en ligne le 15 juin 2014, consulté le 9 août 2014,  
<http://www.revuemiroirs.fr/links/Article7.pdf>

---

### **Auteur**

Kenneth O. Morgan (House of Lords)

---

### **Droits d'auteur**

© RevueMiroirs.fr