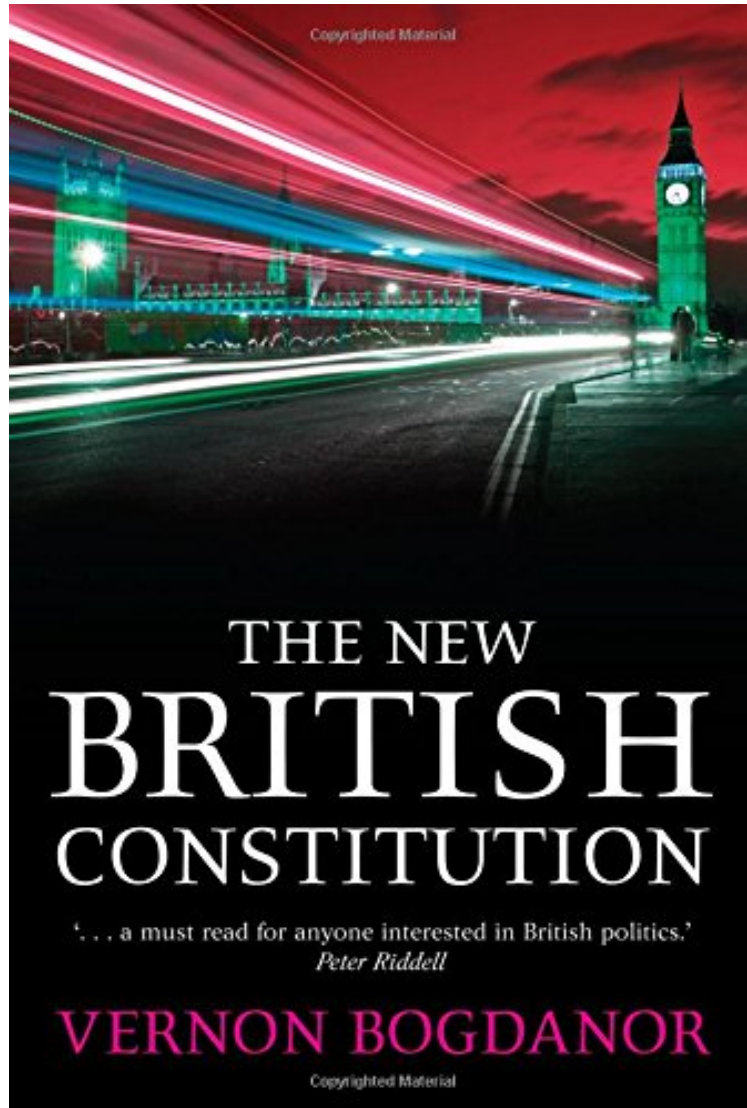


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The New British Constitution

Vernon Bogdanor

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Vernon Bogdanor : The New British Constitution before purchasing it in order to gage whether or not it would be worth my time, and all praised The New British Constitution:

4 of 5 people found the following review helpful. Defying old premisesBy Sarubbi GuillermoBy describing the recent and far-reaching changes to the British constitution and delineating its key new features, this book offers an insightful look into the current state of the British system of government. This perceptive survey of Britain's constitutional landscape, written in straightforward prose, will prove of great value to the expert while also being approachable by the general public.3 of 5 people found the following review helpful. The grass isn't always greener on the other sideBy

Todd Bartholomew Americans may be astonished to learn that Britain's Constitution, unlike our own, was not written all at once, but has evolved gradually over time through accumulated legislation and is a largely unwritten assemblage. There was no Constitutional Convention to discuss, debate, and draft the guiding principles of the nation; there was no sudden rupture or rift that necessitated a clean break with the past as with American Independence. As Britain faces myriad constitutional crises and controversies in recent times there is suddenly a wave of potential constitutional changes being discussed and proposed in Parliament and in public. Among the ideas is to create a written constitution. For Americans this is puzzling and confusing as English Common Law helps to shape and form so much of our society. While the Westminster system of unifying the legislative and executive branches is a bit alien to Americans the idea of scrapping what has worked for England for centuries seems an odd idea indeed. Why fix what isn't broke? But the reality, as pointed out by Bogdanor, is that Britain is trying to move with the times. Joining the European Economic Community in 1973 set Britain on the path towards modernizing its constitution as more power flowed towards Brussels. But Bogdanor argues that the piecemeal changes occurring since that time have failed to revive and rejuvenate British politics, but have instead redistributed power rather than democratizing the political process. Bogdanor argues for divesting power to the people and is clearly a fan of proportional representation, arguing for primaries to select parliamentary candidates as opposed to the old first-past-the-post rule, increasing use of referendums and the use of citizens' assemblies. While that sounds good on paper one need only look at the mess California has gotten into thanks to the referendum process. And while the primary process would make elections somewhat more democratic it would be the death of typically quick British elections as witnessed by the marathon contests here in America. While the timing of "The New British Constitution" couldn't have been better, and it is quite well written, it remains a polemic with a clear agenda. Bogdanor is clearly looking to establish a dialog and makes persuasive arguments, but the reality is there are equally persuasive counterarguments which aren't made here. As Americans regularly groan about the inefficiency of our country's political system it boggles the mind why Britain would want to adopt some of the same processes. The Westminster system cannot be that badly broken to warrant such an injudicious fix. 1 of 11 people found the following review helpful. Misses the point By William Podmore Hasn't the learned professor noticed that our new constitution is the EU Constitution? This EU Constitution installs a new, more powerful, semi-permanent President and a Foreign Minister, posts that no other international organisation has. The Constitution guarantees the free movement of persons, capital, goods and services, plus the 'freedom of establishment'. This new freedom appears to mean giving the Establishment whatever it wants. Under this 'freedom', the European Court of Justice has ruled that Finnish ferry operator Viking Line can ignore its collective agreements with Finnish unions, re-flag its vessels to Estonia and hire local crews on lower pay. The RMT warns that employers will use the ruling to cut wages across the EU because every industrial action 'restricts the right of freedom of establishment'. The EU Constitution spells out the EU's new goals of lowering customs and other barriers and of ending all controls over foreign direct investment. This would leave us defenceless against foreign takeovers and Chinese and Middle Eastern sovereign wealth funds. Crucially, the EU Constitution says that EU law will overrule national law. It extends EU rule to justice and home affairs. It gives the EU the right to decide the common commercial policy, and policies over customs, fisheries, money (for eurozone members) and competition. The authors admit, "No other international organisation has such a structure." The EU may not be a 'superstate', but its Constitution is a huge step towards a new state. Before the 2005 election, the three parliamentary parties all pledged to hold a referendum on the Constitution, so whoever won we should have had the referendum. We must have this promised referendum; otherwise, where is the democracy?

The British constitution, long considered entrenched by tradition and history, has, since 1997, undergone a process unique in the democratic world: piecemeal transformation from uncoded to codified status. This process, spear-headed by the Human Rights Act and devolution to the non-English parts of the UK (at present there exists neither the political will nor the consensus to go further) has created a new constitution, characterized by the limitation of the powers of Parliament. The Human Rights Act and the devolution legislation, having the character of fundamental law, in practice limit the rights of Westminster as a sovereign parliament, and establish a constitution which is quasi-federal in nature. And though these reforms, together with Britain's membership of the EU, do little to secure more popular involvement in politics, they nevertheless serve to replace one constitution by another. The next phase of constitutional reform is likely to involve the creation of new forms of democratic engagement, so that Britain's constitutional forms come to be more congruent with the social and political forces of the age. The end-point of this piecemeal process might well be a fully codified or written constitution which declares that power stems not from the Queen-in-Parliament, but, instead, as so many constitutions do, from 'we the people.' This new book, by one of Britain's most respected and experienced constitutional commentators, charts the emergence and significance of these reforms, and evaluates their success as part of a larger historical shift towards the constitutionalizing of British democracy. While opinion is sharply divided as to the way forward, the author argues that former Prime Minister Tony Blair's most permanent legacy may well prove to be his championing of a new British constitution. Those seeking an authoritative insight into the state of that constitution need look no further. This eagerly awaited text - by Vernon Bogdanor, the

UK's leading expert in this area - will be an invaluable source of information for scholars, students, politicians, journalists, and policy-makers.

In explaining how this new British constitution has emerged in the space of a political generation, Bogdanor is not only an insightful but also a congenial companion. His mastery of the subject is conveyed in a conversational style which makes the book a pleasure to read and for this reason *The New British Constitution* will appeal to the widest possible readership. I am reluctant to end a review of such a valuable book with a cliché but in this case it is warranted. It is a 'must read' for anyone interested in British politics. Arthur Aughey *The Journal of Legislative Studies* Volume 15, No. 4, 2009 This is a beautifully written book, the language as clear as the thinking, and it could not be more timely. *The Economist* 25th June 2009 This book is written with a vigorous clarity, with easy expertise and with quiet wit. Bogdanor is himself a part of the constitution, an unacknowledged legislator: the book is a revelation. More, it is a reproach to journalism, that we have not more clearly explained a great shift of the past decade. He has. John Lloyd *The Financial Times* 28th June 2009 Bogdanor's book is a practical analysis of the British Constitution. Its appeal is certainly not limited to lawyers or political historians. The is an engaging, clear and timely read for all. The book comes at a time when both the government and the opposition are talking widely about a bill of rights, and this is a must-read for anyone interested in the startling constitutional changes proposed by the parties. Sangeetha Lengar *The JUSTICE Journal* Volume 6, Number 2 .[Vernon Bogdanor] is well informed, subtle and immensely thorough. This is not just a book to read, it is one to keep on the shelf for reference. Anyone remotely interested in the constitution, including all the main party leaders, should certainly acquire a copy...*The New British Constitution* is a formidable and invaluable achievement. Anthony King *Times Higher Education* 13 August 2009 ...provides a fresh and reflective account of democratic change...despite the efforts of both Tony Blair and Gordon Brown public opinion polls and attitudinal surveys reveal declining levels of public trust in politicians and confidence in the political system. It is exactly in explaining, understanding and responding to this puzzle - major constitutional reform combined with the erosion of public support - that *The New British Constitution* provides a provocative and original answer. Matthew Flinders Vernon Bogdanor offers a fresh insight into the substantial, and still largely underappreciated, changes to the British constitution. He combines the approaches of the political historian, the constitutional lawyer and the political scientist to put the changes into a wider context. It is a must read for anyone interested in British politics. Peter Riddell, *The Times* This masterly survey charts the rise of the 'New' constitution and expertly explains both how it works and why it matters. Bogdanor is Dicey and Bagehot rolled into one for the twenty-first century Guy Lodge, Institute for Public Policy Research Vernon Bogdanor's *The New British Constitution* is a timely work. Bogdanor has set himself an ambitious target in writing this book; he is inviting comparison with the great late Victorian analysts - and advocates - of the old constitution of untrammelled parliamentary sovereignty, Bagehot and Dicey. He is worthy of the comparison. The book is an illuminating guide to quite how much of what we used to know about the British constitution has ceased to be applicable in a comparatively short time...One of Bogdanor's similarities with Bagehot (although he is a better scholar by far) is that he writes with an unusual clarity. Lewis Baston *Progress* 24th July 2009 *The British Constitution* is a mysterious, ramshackle and amorphous beast. Because much of it has never been written down, some people even claim that it doesn't exist. But in hunting this Snark through the thickets of legislation and tradition, there can be no more doughty guide than Vernon Bogdanor.[a] timely and indeed prescient book. Alison Thomas *Public Servant* July 2009 If David Cameron becomes Prime Minister... he should read the thoughts of the Oxford tutor who explained it all to him when he was a student twenty years ago. *The Times Literary Supplement* September 2nd 2009 The scholarship and clarity is impressive. You will look long and hard for as complete a rsum of what has been done... as an analysis of changes which may or may not have a direction but which have certainly changed Bagehot's settlement, this is an important book. *Total Politics* September 2009 ...this work provides a thorough dissection of contemporary political and constitutional issues that merit careful consideration...the book will interest scholars in the field of British constitutional history: past, present, and future. Richard A. Cosgrove *The Law and Politics Book* Vol 19, Issue 10, October 2009 Bogdanor's book provides a fascinating insight into the constitution that many of us may have thought we didn't have. What makes it successful is Bogdanor's easy ability to make these issues interesting, real and relevant. The clarity Bogdanor brings to the UK's current constitutional halfway house will, for many, be a political and social revelation. *The New British Constitution* also undoubtedly provides a strong basis for discussion of future change. Simon Moore *Public Service Magazine* Autumn 2009 ...this is an impressive work which informed and interested people on both sides of the Atlantic should read with care, because it will give them a greater understanding of the issues now facing the united Kingdom as it faces up to a major systemic crisis in her politics and government. Harold Elcock *The British Politics Group Quarterly* No 138 *The New British Constitution* is written with the rare combination of erudition and elegance that places it firmly in the tradition of Dicey and Bagehot. After four decades of observing and writing about constitutional affairs, Bogdanor has become part of the constitutional furniture. Baroness Helena Kennedy QC once noted that "laws are the autobiography of the nation." If so, then they have a fine biographer in Professor Bogdanor. Thom Dyke, Pupil Barrister, Hardwicke Building Judicial 2009 Bogdanor's book provides an impressively well-informed and informative account of where the constitution

stands today. As a guide to the changes, written from a liberal and democratic reforming perspective, this book has already attracted much admiration and will be widely read. Whether its enthusiastic prescriptions for further reform commend themselves to one of Professor Bogdanor's former students (Conservative Party Leader, Mr David Cameron) remains to be seen. Colin R Munro *The Edinburgh Law* Volume 14, Issue 2, May 2010 Vernon Bogdanor is one of our most astute commentators on constitutional issues. From the discipline of government, he fully engages in legal matters and brings a freshness to public law. This book is written with admirable clarity and is unusually accessible to expert and layman. It is also one of the few works that seek to make sense of contemporary developments in the context of our constitutional history. This book has already received deservedly wide attention and will continue to do so. Jeffrey Jowell *Public Law* July 2010 Bogdanor's background as a political scientist shows in the keen insight he brings into the interplay of politics with constitutional principle that colour the context within which the constitutional reforms he discusses take place. His conclusions are bold and ... this is a compelling book on a topical subject. Yvonne Tew *Cambridge Law Journal* Volume 69, Part 2 Vernon Bogdanor is an acknowledged expert in political science and constitutional law. He also writes very well in a style which engages the reader. He offers fresh insights into both the changes which have taken place since 1997 and into the unknown future. The New British Constitution will be of value to everyone with an interest in politics or public law and is highly recommended. Jean McFadden *SCOLAG Legal Journal* Issue 394, August 2010 Bogdanor...magisterially lays out the formal-legal details of recent constitutional change in Britain that lead him to see a "new British constitution" in the making... he does that with admirable clarity and precision. It is a must-read for anyone concerned with the constitutional ferment in Britain. E. A. Goerner *The Journal of the of Politics* Volume 73 About the Author Vernon Bogdanor, CBE, Fellow of Brasenose College, is Professor of Government at Oxford University, Gresham Professor of Law, a Fellow of the British Academy and an Honorary Fellow of the Institute of Advanced Legal Studies. He has been an adviser to a number of governments, including those of the Czech Republic, Hungary, Kosovo, Israel and Slovakia. His books include *The People and the Party System*, *Multi-Party Politics and the Constitution*, *Power and the People*, and *Devolution in the United Kingdom*. He is a frequent contributor to TV, radio and the press and is a sometime special advisor to the House of Lords Select Committee on the European Communities (1982-83), and the House of Commons Public Service Committee. Most recently he was awarded the Sir Isaiah Berlin prize for Lifetime Contribution to Political Studies by the Political Studies Association.