

Britain: Brown's constitutional reform—a smokescreen for right-wing measures

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Gordon Brown's first major speech as prime minister, setting out his proposals on constitutional reform, was delayed by 24 hours due to the car bombs in London and Glasgow. As with his government's supposedly low-key handling of the terror scare, his remarks on Tuesday before the House of Commons were greeted as a significant departure from the Blair era.

The *Guardian* exclaimed rapturously that the reforms could “fundamentally change the balance of power in the UK,” while the *Independent* said Brown's speech contained “ideas that have the potential to give our democracy a shot in the arm.” Tony Benn, veteran Labourite and leader of the Stop the War Coalition, said they were “like a breath of fresh air”.

Such claims are deeply cynical. There is no accounting for why ten years of the Blair government so gravely undermined democracy in Britain that a “shot in the arm” is considered urgent. In part this is because such an evaluation would necessarily indict much of the media, which functioned as cheerleaders for Blair's policies.

Brown's champions also pass over the fact that one decade ago, Blair's claims to be making a significant break with 18 years of Conservative rule also centered on constitutional reform—including the devolution of certain powers from Westminster to the newly created Scottish parliament and Welsh assembly.

These constitutional initiatives were at the time hailed as part of a brave new beginning, enabling what was in fact the most right-wing Labour government in British history to bring on board former leftists and the liberal media to provide a smokescreen for its offensive against workers' living standards and democratic rights.

Brown's constitutional proposals have the same purpose. The Labour government is all too aware that it is faced with such popular hostility that it could lose the next election. Just as pressing, the lack of any democratic credibility seriously compromises its ability to press ahead with the changes demanded by big business.

While Brown was outlining his “democratic” reforms, John Hutton, head of the newly created Department for Business, Enterprise and Regulatory Reform pledged that his office would be “aggressively pro-business” and insisted that Labour “wants to be the natural party of business.” The Brown government has set up a Business Council headed by leading corporate figures to this end.

The further entrenching of the interests of finance capital over government policy is entirely incompatible with democratic rights—hence Brown's resort to a smoke and mirrors speech on constitutional changes, aimed at obscuring the fact that his government is intent on deepening social inequality and further undermining civil liberties.

Much of the Green Paper, “The Governance of Britain,” on which

Brown based his speech, is full of vague and unspecified changes to constitutional arrangements. In his speech to parliament, Brown said the proposals were not a “final blueprint” but a “route map” whose objective is to “forge a stronger shared national purpose—by building a new relationship between citizens and government”.

These changes include changing the voting day from a Thursday to a Sunday, possibly lowering the voting age from 18 to 16 and creating a new code of conduct for ministers. But it was Brown's proposals to hand over or limit the exercise of the royal prerogative—crown powers exercised by the prime minister—in 12 areas that won him most praise amongst political commentators. These include deploying troops overseas, dissolving and recalling parliament and ratifying international treaties without parliamentary approval.

It is a measure of how self-satisfied the liberal media is that they are content with what many themselves have acknowledged are largely cosmetic changes.

Blair had already created a precedent for allowing parliament to vote on war at the time of the Iraq invasion in 2003—a vote he won comfortably. Indeed, one of the factors involved in Brown's ability to make this gesture is how supine parliament has become.

The Green Paper makes parliament synonymous with “the people,” an apparently eternal and noble democratic institution. In reality it is a body comprised of parties without any significant social base who share a common commitment to the interests of big business and which have again and again demonstrated their readiness to come together in support of deeply unpopular measures.

It is a measure of Brown's attitude to genuinely representative democracy that he is ready to propose changes to formalize the procedure for allowing parliament to “scrutinize” international treaties, but at the same time rules out allowing a popular vote on the European Union Treaty.

Even so, there are limits to how far Brown is prepared to tolerate parliamentary oversight on the question of war and other issues of foreign policy. The Green Paper states only that the prime minister will seek parliament's approval “to the greatest extent possible” and “without prejudicing the Government's ability to take swift action to protect our national security, or undermining operational security or effectiveness”.

Similarly, the proposed change enabling parliament to have a say on its own recall or dissolution is largely symbolic, and will have little impact under conditions in which one party has the majority.

More fundamentally, Brown's proposals explicitly rule out abolishing the undemocratic preserve of the royal prerogative. The Green Paper states, “The Government believes that in general the prerogative powers should be put onto a statutory basis and brought

under stronger parliamentary scrutiny and control,” but a footnote explains, “No changes are proposed to either the legal prerogatives of the Crown or the Monarch’s constitutional or personal prerogatives.”

The claim that a “more open twenty-first century British democracy” is compatible with the retention of the monarchy is indicative of the fraud of Brown’s constitutional reforms. While much play has also been made of the prime minister surrendering his powers to appoint bishops to the Church of England, the Green Paper reaffirms his government’s “commitment to the position of the Church of England by law established, with the Sovereign as its Supreme Governor, and the relationship between the Church and State.”

On the reform of Britain’s second chamber, the House of Lords, which parliament decided in March should be wholly elected, the Green Paper speaks vaguely of developing “reforms for a substantially or wholly elected second chamber” and says the government will “explore” how its existing powers can be reconciled.

Brown has introduced immediate changes to the role of the Attorney General so that the new incumbent, Baroness Scotland of Asthal, will play no role in deciding whether any Labour aides or donors are to be prosecuted in connection with the “cash for peerages” investigation. This was forced on the government, following complaints that a Labour appointee would have a key say over legal proceedings involving the party and its supporters. The Attorney General retains the right to halt prosecutions on the grounds of national security, a right that was exercised in the recent case involving BAE Systems’ alleged corruption in an arms contract with Saudi Arabia.

Even on the issue of relaxing restrictions on protests around parliament—which was hailed by the media as one of Brown’s most progressive proposals—the Green Paper states that the government will consult “with a view to ensuring that people’s right to protest is not subject to unnecessary restrictions,” whilst ensuring that the review will “reflect the security situation and allow the business of Parliament to proceed unhindered”.

This measure must be balanced against Brown’s proposal to create a National Security Council. This will merge the existing ministerial committees on Defence and Overseas Policy, Security and Terrorism, and Europe and will meet regularly under the chairmanship of the prime minister.

The proposal marks a significant centralization of power under the executive. Piloted as a counter-terrorist strategy, the prime minister will co-ordinate military, police and intelligence strategies.

Other significant measures contained in Brown’s proposals include his pledge to develop a Bill of Rights, which has led to excited chatter in the media about a potential written constitution. In fact, the proposed Bill of Rights has far less to do with civil liberties than it does with imposing a “British” identity, the content of which is to be determined by the state. The Green Paper argues, “Britain needs to articulate better a shared understanding of what it means to be British, and of what it means to live in the UK.” To this end the government “intends to initiate an inclusive national debate through which the whole country can come together to develop a British statement of values.”

The paper points up the government’s introduction of language tests for new applicants and citizenship studies in schools. It also proposes to ease restrictions on flying the Union flag over government buildings, a demand hailed by Rupert Murdoch’s *The Sun*, which immediately began a campaign to “fly it in the face of terror.”

In addition to establishing the “obligations” and “responsibilities”

of citizens to the state, Brown’s Bill of Rights could also be used to justify the final rejection of European Human Rights legislation. At the recent EU summit in Brussels, Britain won an opt-out from its provisions, having long expressed dissatisfaction that the Human Rights Act has been used to challenge the government’s measures on detention without trial of terror suspects and the overturning of asylum rights.

Once again there is an ongoing campaign by *The Sun* newspaper to fully withdraw from the convention, which was partially incorporated into British law in 1998. A Bill of Rights could function—politically and constitutionally—as an initial means for such a withdrawal.

The Green Paper also pledges, “People within their communities should be able to hold the executive to account over local issues”. The government has created Regional Ministers in England and is to establish nine regional select committees to represent local interests in central policy. The full remit of these committees is again not spelled out in the Green Paper. It merely complains, “In the past, individuals and communities have tended to be seen as passive recipients of services provided by the state” Instead, the government will seek to help people become “active citizens” who are “fully engaged in local decision making”.

To this end, Brown proposed the establishment of “citizens’ juries” to consult on major decisions undertaken by local authorities and to enable referenda to be held on local spending decisions. Hazel Blears, the new communities secretary, has since unveiled plans to enable voters to hold ballots to determine where local authority cash should be allocated. But with no new cash promised and cuts proceeding apace, all that will result from such measures will be divisive conflicts over the allocation of dwindling resources.

The real measure of Brown’s first days in office was summed up by Anatole Kaletsky in the *Times* newspaper. Congratulating the new prime minister, he wrote, “Mr. Brown did something I have long suspected he might do, but never fully believed: he started to outflank [Conservative leader] David Cameron from the Right and to reposition Labour as Britain’s most solidly pro-business party.”



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