CENTRE FOR A
Better Britain

UK state legitimacy:
Do we live in a Democracy?

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Foreword

The Queen in Parliament, as it was for most of my lifetime, or the King in Parliament, as it has been since 2022, was the centre of political power in this country and its predecessor nations since the middle ages.

It is fascinating that legitimacy came from this constitutional source from so early a period. In 1265 the boroughs sent members to Parliament, in 1269 the Statute of Marlborough declared that only the King's courts could make judgments and in 1297 the Act of Talage said that taxation required the Commons' consent. These meant that by 1300 Parliament had become the focus of the executive, the judiciary and the legislator.

This suited us well as the acts of governments had to have the consent of the people as well as of the King. The judges while increasingly independent in their judgments were also unified as part of the political nation.

A combination of modern constitutional theory concerning the separation of powers, international law, the European Union and the European Convention on Human Rights changed this. It is not the EU in isolation but the alignment with other international bodies and decline in national self-confidence which undermined the idea of British exceptionalism.

This took power away from the Crown in Parliament and dispersed it to other less democratic bodies, some foreign. It was deemed wrong for the Lord Chancellor to be the link between the three parts of government and for mere politicians to be trusted with monetary or climate policy. Heaven forfend they might do things that voters like.

Hence an elite cadre of bureaucrats grew up who preferred international symposia to the rigours of a town hall meeting aided by supposed experts who could read the auguries as if they were an ancient Roman looking at our bull's liver. Unfortunately, this destroyed accountability and thereby legitimacy. Christopher Howarth explains how to get it back.

The Right Honourable Sir Jacob Rees-Mogg

British state power and legitimacy

PREFACE

The legitimacy of the British state to make laws and govern the United Kingdom has not been seriously questioned since the Civil War. While the economic depression that followed the Napoleonic Wars, combined with an increasingly unrepresentative Parliament and Government brought the United Kingdom closer to revolution than is widely remembered, it remains the case, that, compared to other European countries, the British state, as well as its laws and governance, has retained the loyalty of the British people over an extended period.

What is behind this extended period of political stability? Political philosophers over the centuries have examined the essential question as to what makes a state legitimate in the eyes of its citizens. While an illegitimate state that rests on force alone is unlikely to survive, legitimacy has many sources. In the West, democracy is the main source of legitimacy, though it is not the only one. In China, the Communist state relies on the competence of its government to deliver economic growth. Other states, notably in the Gulf, rely on a web of traditional loyalties and personal ties; still others rely on a shared ideology to underpin the state, or even the presence of a charismatic leader. The common principle, regardless, is that there is always some degree of approval of the rulers and their rules by the ruled.

In the British context, the most relevant sources of state legitimacy are its representative democracy, the customary practice and traditions of its institutions, the acceptance of the 'rule of law' - that laws are fair and the product of its accepted institutions, and lastly, competence: a belief that, for all its faults, the British state works.

While these pillars of British state legitimacy have remained largely unquestioned for decades, now, in common with many Western states, the United Kingdom is showing the early signs of a political legitimacy crisis.

This paper is the first in a series on 'British State Power and Legitimacy' that will look in more detail at these themes.

How can the British state retain its legitimacy with a changing British electorate? Will the British State need to reinforce its pillars of legitimacy? Will different pillars become more important over time as populations and expectations change? How can the British state improve its responsiveness to the needs and desires of its population? Why is it widely believed to have failed on key issues? Has the original concept of the 'rule of law 'morphed into something closer to the 'rule of lawyers' becoming in the process an impediment to the State's ability to deliver policies its democratic pillar demands?

These questions are fundamental to the state's ongoing legitimacy and efficacy and urgently need to be explored in more detail.

Executive summary

The British state has become unresponsive both to the needs of the British people, and the demands of a changing international economic and political environment. This has led to a profound crisis of state legitimacy, centred on issues such as immigration, energy and a stagnant standard of living. The question, therefore, arises: does the British state still command the trust and loyalty of the British people?

While the UK has evolved over time into a representative democracy within a constitutional monarchy, democracy alone is not enough to legitimise an administration. Buttressing the democratic element are the customary loyalty of the people to long-established institutions and practices, a belief in the rule of law as providing fair laws and justice, and the fact that throughout most of British history, in both war and peace, British institutions have generally delivered what the people demanded of them. In short, the British state relies on the following:

- Representative democracy
- Customary and traditional loyalty
- The rule of law
- Competence

However, over a range of recent critical policy areas from immigration, cultural cohesion, policing, and the needs to drive productivity in the state sector, the British state has shown itself incapable of or unwilling to deliver and has undermined its legitimacy in the process. This raises serious questions as to the nature of British democracy in a world where competing ideologies and systems are increasingly powerful.

While in Britain, and around much of the developed world post 1991, representative democracy is seen as the "standard model" of governance necessary to ensure legitimacy, a range of authoritarian or semi-democratic states (from China to the UAE and Singapore) have shown an ability to deliver public goods for their people at a speed and scale that outmatches the British state. For example, the last nuclear power station built in the UK was Sizewell B in 1995, while China now has 58 nuclear power stations and is adding additional capacity at a rapid pace. If competence is measured as capacity and capability to deliver on popular demands, this poses critical practical questions for the British state that require answering including:

- Can a government elected on a promise to 'stop the boats' and cut immigration do so in the face of international and domestic legal constraints?
- Could a government curtail public spending and increase its own productivity in the face of a financial crisis despite a plethora of legally entrenched state-funded legal commitments?
- Can the British state re-engender a sense of unity in its citizenry in the face of a range of newly entrenched sectional rights?
- Can British ministers exercise the levers of power within their departments to fulfil their manifesto commitments?

In order to ensure the British state retains its legitimacy, this paper and the subsequent series will look at the pillars of British state legitimacy and where they are failing.

Firstly, the nature of British representative democracy and its challenges: what level of support does it still retain and is it seen to be delivering for the British people? Why has it lost the confidence of a growing section of society, and what can be done to reconnect the responsiveness of the government to its electorate? How does representative democracy cope with the threat of sectarianism in mainland UK?

Secondly, how important are the customary and traditional elements of the British state, and (how) has this changed over time? Some of the central institutions of the British state are continually reforming themselves, such as the Monarchy, while the practices and cultural loyalty of the electorate itself has changed over time. Are these two changing in contradiction to one another? If so, can that be resolved?

Thirdly, the rule of law, how this has changed over time, and why is its legitimacy being questioned by British people for the first time.

Lastly, why is the British state no longer seen as competent? On key issues, such as immigration, government spending and energy prices, can Ministers continue to be elected on a promise to take action on a key issue and then fail to deliver? What is needed to restore competence and responsiveness to the citizens' priorities?

Does the UK need a reboot to factory settings?

The UK is fortunate that the legitimacy of its state rests on deep foundations. Unlike some states, where legitimacy rests on single pillars - democracy alone, competence alone, the rule of law or even that of a charismatic leader - the United Kingdom's strength is that its legitimacy is founded on four pillars. However, this is no cause for complacency; in fact, each of these pillars is showing signs of erosion.

To meet challenges to its legitimacy, the British state will need to look at all these core strands, rebuilding its legitimacy in the modern age. This could involve strengthening what Walter Bagehot called the 'dignified', or customary part of the constitution through education and symbolism. Building on this, Britain's democracy also needs enhancing; importantly elected governments need to show that they can enact democratic manifestos and have the executive power and competence to deliver and lastly the rule of law needs to serve the democracy and not be used as a block on government action.

The following series of papers will seek to look at all these threads and what the British state needs to do to overcome a range of internal and external political, legal and cultural challenges necessary to recreate a British State that is both responsive and capable of responding. This may require a radical return to the fundamental pillars of the state. Reinforcing the democratic underpinnings of the state by allowing ministers to govern - the repeal of the accumulated legal

cobwebs tying down government ministers, putting ministers back into full control of their departments, as well as improving the quality and durability of ministers, their policies, the range of advice available to them and then reconnect them to the levers of power to get things done. Likewise, the traditional and cultural underpinnings of the British state require rejuvenation in the face of a changing and increasingly incoherent electorate. The rule of law may also require reform, returning it to a transparent, fair and democratic reflection of Parliament. Underpinning it all is competence; can the British State regain the confidence of the British people that it can deliver.

Table of contents

Background to state legitimacy:

Where does political legitimacy come from?

The legitimacy of a state or institution flows from a number of sources and has been the subject of much academic discussion. In the 17th century, Thomas Hobbes formulated his concept of a 'social contract' between ruler and ruled where the ruled could legitimately remove their consent to be governed.[1] This was later developed by Rousseau who argued that 'force is not the source of right', a system based on force alone would not survive. But if it were not to be force alone that compelled people to follow a state's laws, what would?[2]

For the emerging liberals, the 'social contract', was supplemented by John Locke's new rights (life, liberty and estate) so that for them political legitimacy now included two difficult to reconcile principles 'consent' to govern and the liberal principles of individual freedom that limited what a ruler could do.[3] John Stuart Mill in his essay 'On Liberty' - a copy given to each new Liberal Democrat leader - set out yet more liberties (the freedoms of thought and emotion, to pursue tastes and to unite) and his new 'harm principle' that things that are offensive but cause no harm to others should not be banned.[4] But how were these fundamentals of liberal thought to be made compatible with developing ideas of democracy without the danger of what he foresaw as the 'tyranny of the majority'? Mill was acutely aware that representative democracy was often inimical to these liberal values setting out multiple qualifications to democracy in his 1861 work 'Considerations on Representative Government'. Nevertheless, despite his reservations he believed that participation in democratic debate did legitimise the state, even while he hoped that the actual job of government would be left in the hands of the most competent.

Liberal democracy of this type - participation checked by liberal fundamental beliefs - adapted to the growth of the state in the 20th century reached its apotheosis in the wake of the collapse of communism in the 1990s, where American liberal philosophers, Fukuyama in particular, looked out at the spread of elections around the world and saw validation for their world view.[5] However, this liberal view has been shaken in recent years.[6]

For conservatives like Edmund Burke, legitimacy did not come from any 'social contract'[7], still less 19th and 20th century liberal representative democracy, but instead came from a body of shared manners, beliefs and prejudices where a mixed constitution, as was the case in his contemporary 18th century Britain, escaped the twin issues of "a mere despotism of the Prince,

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[1] Thomas Hobbes, Leviathan or The Matter, Forme and Power of a Commonwealth Ecclesiastical and Civil 1651
[2] Jean-Jaques Rousseau 'The social contract' 1762
[3] Locke "Two Treatises on Civil Government 1690
[4] John Stuart Mill, 'On Liberty' 1859 and 'Considerations on Representative Government' 1861
[5] See 'The End of History and the Last Man' by Fukuyama and 1992 and John Rawl's, 1993 book 'Political Liberalism' where he added a qualification of 'reason' to those placed in charge in a democracy.
[6] Nadia Urbinati. in her book 'Representative Democracy: Principles and Genealogy' (2008) set out again the idea that participation in democracy and advocacy as a politically legitimising force.
[7] For Burke the contract was not a contract between ruler and rules but "a contract between the living, those who have died, and those who are yet to be born" 'Reflections on the Revolution in France' 1790

or the brutal Tyranny of a ferocious and atheistick populace."[8] Bagehot expanded on this view in the 19th century: for Bagehot, the customary or 'dignified' parts of the constitution, such as the Monarchy, provided a focus for loyalty while the 'efficient' parts of the constitution undertook the day-to-day work of governance.[9] For instance, the re-enactment of the theatre of traditional power every year at the state opening of Parliament reflects the enduring importance of the customary element within the British system. From state occasions to Royal garden parties and visits, the human link between traditional ruler and ruled still counts as it always did.

But while some form of democratic and customary element would be needed to provide stability, that would not on its own be sufficient. In a British context, A.V. Dicey set out his concept of 'the rule of law' codifying a British principle of Parliamentary supremacy where, at its simplest, it is understood that Parliament makes the law and the law is enacted by the judiciary.[10] The legal theorist H. L. A Hart in the 20th century expanded on what made people accept laws as valid in his book 'The Concept of Law', where he rejected the idea that law rests purely on compulsion, setting out his 'rule of recognition', that to say "a given rule is valid is to recognize it as passing all the tests provided by the rule of recognition and so as a rule of the system". In other words, its source is known and understood.[11]

On the continent, at a similar time to Dicey, the German political economist Max Weber, looking at the sources of political legitimacy, distinguished three ideal types of authority; charismatic authority, traditional authority, and a rational-legal authority.[12] Charismatic authority, rule by deference to the personality of one exceptional individual, is rare, with few leaders transcending the systems that surrounded them: Oliver Cromwell and, perhaps, Winston Churchill being the only two that commanded that type of authority in the British context. So, while in the British system the ascendance of a charismatic personality is rare, the traditional element is strong and flows from its long-standing. Weber's other category 'rational-legal' broadly covers the rule of law and in our system of representative Parliament.

Lastly, on a more practical level, the competence of the Government. Thomas Hobbes, writing in the 17th century argued that political legitimacy stemmed not from how a government came to power but on whether it effectively protects those who have 'consented' to obey it. The idea of competence as a legitimising force has both a moral and practical dimension: a people will consent to many things if it works.[13]

In the British system we therefore have four main sources of legitimacy. We have the traditional customary element as expanded on by Burke and Dicey, we have respect for the 'rule of law', as set out by Dicey and Hart; a belief in representative democracy; all buttressed by a general claim to competence.

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[8] Edmund Burke Corr 7: 160
[9] Walter Bagehot, 'The English Constitution' 1867
[10] A. V. Dicey, 'Introduction to the Study of the Law of the Constitution' 1885
[11] H. L. A Hart The Concept of Law (Clarendon Press), 1961;
[12] Max Weber, 1921; Economy and Society: An Outline of Interpretive Sociology.
[13] See also Richard Tuck: The Sleeping Sovereign: The Invention of Modern Democracy 2016, where Tuck argues that the people remain sovereign even though they do not directly participate in governance.

Yet all four of these pillars have seen challenges in the last few decades. The 20th century witnessed the traditional element of legitimacy gradually eroded by successive Governments' actions, culminating in an aggressive anti-historicism in the Blair years, typified by 'Cool Britannia' under which certain British traditions were sidelined, 'modernised', or simply abolished altogether.

In its place the Government's preferred source of legitimacy is now the 'rational-legal authority' of the rule of law, proceduralism and increasingly, lawyers.[14] Yet the legitimacy of this has been weakened by the seeping of international law into the British legal landscape, alongside the powers of the Judiciary acting as a block on the delivery of key policies and democratic choice. That leaves the British state's legitimacy largely resting on its representative democracy, though that is itself also tarnished by its seeming inability to effect change, and the public's faltering belief in the competence in the system as a whole.

State	Main source of state 'legitimacy'
China	Competence to deliver economic growth
Saudi Arabia and UAE	Traditional institutions and competence
USA	Democracy and a traditional belief in the Constitution
New democracies, in Europe, Africa etc.	Democratic governance
The EU	Rule of Law and legalism
The UK	Traditional, democratic, rule of law and competence
North Korea	Ideology of Juche and Songun[15]
French Empire under Napoleon	Charismatic personality of the Emperor

Professor Samuel P. Huntington, a Carter era official and political philosopher, in his books 'Political Order in Changing Societies' and 'A Crisis of Democracy' observed that over time states can lose their legitimacy.[16] In Western states this can "stem from an excess of democracy" where the government's room to govern gets curtailed. The current British state's inability to act in the face of a triplex economic, energy and migration crisis exhibits many of the problems he identified.

This paper will look at the strength of these four pillars of British state legitimacy in turn.

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[14] Lord Bingham's 'Rule of Law' 2011, is perhaps the most forceful example of the primacy of law over politics where he sets out his argument that the Courts have the power to overturn Acts of Parliament if they threaten the 'Rule of Law'. The Bingham Centre for the Rule of Law, funded by UK and EU public funds sets out this vision for a wider political audience: https://binghamcentre.biicl.org/how-we-are-funded

[15] Although North Korea is an illegitimate regime based to a large degree on force, like other totalitarian states it does have a ruling ideology that it uses to justify its rule.

[16] Samuel P. Huntington, 'Political Order in Changing Societies' 1996 and 'The Crisis of Democracy: On the Governability of Democracies' 1975 by Huntington et al.

Pillar I: Representative democracy?

Britain's Parliamentary system preceded Britain's advent as a mass democracy in the late 19th and early 20th century by over five hundred years. While the Parliamentary system has long been a part of the traditional legitimacy of the British state, as Parliament gradually democratised it provided additional and growing democratic legitimacy to the British state.

Indeed, democracy became a defining point of British political identity throughout the 20th century; a self-belief that Britain as a historic democracy in a world often dominated by autocratic regimes. The defining characteristics of British democracy were that the electorate could decide to change its government, that a new government and the civil service would then deliver on its new manifesto, and that there was a stable 'demos' - an electorate that could change its mind in what was then a two party system. Such was the solidity of this idea the nature of British democracy, like that of British identity itself, went unquestioned. However, developments in recent decades have raised questions as to whether this is still the case.[17]

The decline in Britain's international power has been matched by the decline in the power of the British state within Britain. The decline in state power combined with mass migration has led to signs that the inherent legitimacy of the British state as a democracy, something accepted by the British people for the last hundred years, can no longer to be taken for granted.

In addition to the failure of elected governments to enact the policies their electorates demand (most notably but not solely on immigration), government's legitimacy in the eyes of the electorate has been compounded by the related challenges of a changing electorate. Whereas there was once a definable 'demos' of shared values and beliefs, there is now a kaleidoscope of views, values and identities within the borders of the United Kingdom. The unifying characteristics of education, Judeo-Christian beliefs and a national broadcaster and media has given way to multiple identities and the fragmentation of the 'national story'. Whereas until recently most Britons would have watched the same television programmes at the same time and had similar cultural reference points, this is no longer the case.

The fragmentation of the national 'demos' is reflected in its institutions: we have Parliaments in the regions that are a rival focus for the people's attentions. In addition, decades of mass migration has created large areas of the country where new religions, identities and languages predominate. National government has followed suit, embedding legal rights for certain identities and groups based on minority beliefs, language, religion and history. This has led at best to an atomisation of the British demos and national story, but at worst to the rise of sectarian politics comparable to the historic tensions in Northern Ireland.

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[17] Sir Ivor Jennings KBE in his 1941 book 'The British Constitution' identified that the British electorate shared certain beliefs, in particular that they wished to defend their freedoms both internally and externally which underpinned its operation.

Can the UK state rely on representative democracy for its legitimacy?
A substantial proportion of the British population have given up on democracy

Multiple recent studies of British public opinion have demonstrated that the British people demonstrate a surprising degree of scepticism towards their current governmental system. In particular a poll for Channel 4 found 52% of younger voters stated in one poll that the country would be better off with a strong leader and no elections or Parliament. Other polls show different results depending on the precise wording of the questions, but a consistently large number of people show little or no attachment to the current system.

Do British people really still prefer democracy?

A series of opinion polls in 2025 demonstrated that a substantial proportion of young Britons have grown frustrated with UK's democracy.

Question	Result	Date
"Percentage of British people with a very or fairly positive view of 'a military strongman with no government or elections"	**38% of 18-34 year olds**	**July 2025**[18]
"I prefer to live in a dictatorship rather than in a democracy"	**27% of 18-34 year olds**	**2025**[19]
"The UK would be a better place if a strong leader was in charge who does not have bother with Parliament or elections"	**52% of 13-27 year olds**	**Jan 2025** [20]

To understand this frustration with the current system it is necessary to analyse why the British state is seen as unable to deliver policies or public services they have consistently voted for. At the root of the problem is the powerlessness of the ministers over their departments. The ministers can make speeches, they can set out goals, they can answer for their Department and are responsible for everything. But, when they sit down behind their desk in the Secretary of State's Office, they pull the levers of power and nothing happens. The levers are not connected. Like an old Victorian bell pull connected to a non- existent bell in an empty servant's hall, the Minister may pull the lever, but nothing happens.

The levers of central Government are not connected to anything;
Are Ministers in charge of their departments?

It may come as a surprise to newly-appointed ministers when they arrive in their Department that their powers to effect their policies are in practice very limited. They are given a private office of staff to help with their tasks and will have the ability to appoint a few 'special advisers' subject to

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[18] Onward, 'Generation Extreme', July 2025; https://ukonward.com/reports/generation-extreme/
[19] John Smith Centre, 'UK Youth Poll 2025' https://www.johnsmithcentre.com/news/research-are-britains-young-people-really-falling-for-dictators/
[20] Channel 4, Gen Z Trends, Truth and Trust Jan 2025; https://assets-corporate.channel4.com/_flysystem/s3/2025-02/Gen%20Z%20Trends%20Truth%20and%20Trust_0.pdf

the agreement of the Prime Minister. The Department is in effect run by the Permanent Secretary (the senior civil servant in the Department), who owes his or her position, not to the new Minister but to the Cabinet Secretary in Downing Street as the Head of the Civil Service and Chairman of the Permanent Secretaries Management Group.

The new minister has a limited ability to create his/her own team or remove those seen as obstructive to their government policy. They can not hire or fire staff. They are also unable to spend money, even on small items, as the chequebook is held by the civil service and Treasury. ministers carry the responsibility for everything that goes on in their departments but in reality, do not hold the powers necessary to manage their department or put forward their policy objectives.

Without the formal powers to manage their Department successfully, ministers need to be experts in politics, and leveraging the weakness of their position into one of strength. To do this, they need to have a clear view or what they wish to achieve, a detailed knowledge of the policy area, agreement across government particularly the Treasury and Cabinet Office as well as permanence. A long serving Minister with a plan, expertise and cross government backing can still achieve things in government. Sadly, such ministers are in short supply, governments are often not united for any length of time and ministers are often rotated into Departments of which they know little.

Increasing Ministers' effectiveness to Manage their departments

It may come as a surprise to a CEO of a large company that Ministers consistently fail to do things that the private sector have done for years: increase productivity, invest in technology, hire and fire, create teams, promote based on results. All of these are largely outside of the remit of a Government Minister. To reconnect some of the levers of power Ministers should have the following:

- The power to hire, fire and reward senior civil servants
- The ability to recruit outside excellence and commission outside advice
- The power to spend money and enter into contracts within their budgets

Civil Service reform

Since the 1854 Northcote Trevelyan reforms brought in competitive exams and recruitment on merit, much has changed. While the Northcote Trevelyan reforms were designed for the problems of a different age - recruitment by purchase and nepotism, the fundamental point regarding merit was a good one and has sadly been lost. The Civil Service Fast Stream is now tied down by quotas, targets, official and unofficial discrimination.[21] Such a system will inevitably incubate the ideology of entitlement and the defence of privilege over that of effectiveness and excellence. Good people will be put off from contributing and mediocrities who believe in the right ideology will flourish. This needs to end.

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[21] Internships offered on the basis of race, sex and perceived socio economic background as allowed by the 2010 Equalities Act.

Even when a minister seeks to act there are numerous legal obstacles placed in their way. For instance the duty to consult can slow down necessary legislation and lead to further judicial avenues to block legislation.[22] Recently a decision by the Home Secretary Suella Braveman to ban demonstrations was struck out by a court as, despite a consultation, it was decided under judicial review that the consultation had not included the demonstrators.[23] Similarly a government decision to implement parts, but not all, of the Windrush review was struck down on judicial review for failure to consult.[24]

Political failure compounds the problem - i.e ministers having no clear understanding of their subject area, rotating far too often, and internally-divided governments where civil servants can play different bits off against each other to stop a policy they do not wish to push forwards.

The civil service should return to a culture of recruitment on merit, as well as recruitment of specialised external skills, alongside building up expertise in-house. The era of 1854, where the generalist Oxbridge humanities senior civil servant could flourish, was fitted to an age in which information and knowledge was still limited; it is wholly inappropriate today. There needs to be civil service reform and a restoration of accountability to ministers.

Dwindling Ministerial power regarding independent bodies

As well as their lack of power over their own departmental responsibilities, ministers have to contend with the gradual centrifugal dissipation and devolution of their departments powers to 'independent' bodies (Quangos, Regulators or Independent Commissioners etc). This has been the case across government and often driven as a response to various crises or perceived political failures. This has reached such a level that a combination of legal constraints, devolution to the regions and nations and independent bodies can severely crimp ministerial autonomy.

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[22] Although originally a Common Law right, the duty to Consult was extended in 2007 by statute to new areas including planning and certain regulators.
[23] R (National Council for Civil Liberties) v Home Office.
[24] R (on application by Trevor Donald) v SoS for the Home Department 2024 EWHC 1492

Devolution and dissipation of ministerial powers to Quangos and Independent Bodies: examples

Department	Quango
Home Office	Migration Advisory Committee, College of Policing, Elected Police Commissioners
DEFRA	Natural England
HM Treasury	Office for Budgetary Responsibility, The Bank of England
FCDO	0.7% Overseas Development Aid legal commitment
Energy	Climate Change Committee and Climate Act
DWP	Social Mobility Commission
Various	Equality and Human Rights Commission
DCMS	Football Regulator, OFCOM
Justice	The Solicitor's Regulation Authority, Judicial Appointments Committee, Crown Prosecution Service, Sentencing body, Government Legal service etc.

While the levers of the state have been systematically disconnected over the years, this has been compounded by a failure of party politics.

Devolution of power to regional and local government

It is a common complaint from Westminster MPs that, although the folk memory of their constituents is that MPs are their representatives and the ones they should write to, in fact developments over the years have narrowed their areas of responsibility. Westminster MPs, and indeed the Westminster government, have no say over a range of devolved or dissipated powers to other bodies or the regions, there is no National Health Service or Education policy, and increasingly within England new Mayors wield budgets and powers equivalent to government ministers. Meanwhile local government faces many similar legal and other constraints on their powers and budgets which leads the Westminster MP to receive correspondence on these issues as well - far exceeding their formal responsibilities.

Parliament's role in a revitalised democracy?

Electing an MP as a representative for a geographical constituency is the bedrock of the Westminster form of representative democracy. It creates a personal link between an area and the accountability of central government, reinforced by the MP's presence and activities in the local areas, while the executive is separate from Parliament. Parliament can scrutinise and hold the government to account to improve legislation but cannot (and should not) use procedure to block a duly elected government enacting a manifesto supported by a majority of the Parliament.

A revitalised Parliamentary democracy is not therefore a matter of Parliamentary powers or the ability to block legislation. It is to reflect voters' desires and allow government to enact them in the best possible fashion.

The prestige of our Parliament and its MPs has also declined in tandem with that of ministers. Whereas it was once possible for MPs to make representations to ministers with an expectation of action, the declining power of ministers leave MPs with fewer avenues to put at the disposal of their constituents, reducing their relevance.

While it is not Parliament's role to directly govern or block a government, it should have a vital role in scrutinising and improving legislation. This function has however decreased over the years as the complexity and volume of legislation has increased. The Select Committee structure of the Commons is not set up to look at legislation and the ad hoc Bill Committees are often filled by the Whips with MPs with little interest in the legislation and no incentive to spend time amending or improving the minister's Bill, where there are few votes or career enhancements to be gained. Leaving the vital work of detailed scrutiny to the House of Lords. MPs need to be incentivised to work at their primary job: that of legislators.

While the House of Lords does undertake much useful work on the details of Bills that is not done in the Commons it can and does overstep its mark in terms of its relationship with the Commons. As we saw during the passage of Brexit, the Lords has considerable powers of delay and obfuscation that can deter a government from pursuing radical policies.

The failure of party politics

In addition to the problems within the civil service and legal framework, many problems with government stem from party politics. This starts with the candidates parties put up for election and their internal dynamics. Problems common to all governing parties include:

- The rotation of ministers within weak Governments and the resultant short periods of office. This was most notable in the offices of Housing and Immigration in which terms, on average, were under a year in length.
- Weak governments leaving civil servants to see their jobs as the effective caretaker administrations, putting off any decisions that they might believe a future government should wish to reverse.
- Divided administrations with no purpose.
- A lack of legislative time and will power or competence.
- Coalition Government where a party's manifesto is traded off in negotiations post election.
- Competing priorities of MPs who are ministers, particularly those in marginal seats.

Local democracy

Whereas local Mayors and regional governments have seen a growth of powers and prestige at the expense of the centre in recent years this has not been a universal experience. Local elections and citizen activities like Magistrates - have also seen a significant reduction in legitimacy in recent years. Causes for this may include the mismatch between local government's supposed powers over local issues and its actual powers, when all the legal and spending impositions

made at the centre are taken into account. Local Government, in effect, is ending up as a service provider wherein they have little actual control over budgets and services.

### What is the British 'demos'? Who votes in UK elections?

While the powers of Ministers and the responsiveness of the administration to deliver on the people's priorities are one aspect of the weakening of British democracy, another is the actual composition of the British people and electorate. Over recent decades immigration combined with historic rules on voting in UK elections, recent changes to British citizenship rules, and overseas voting have created a new electorate which is neither based exclusively on British citizenship nor residency in the UK.

Who participates in UK democracy? The blurred distinction between citizenship and residency.

While the popular view of British elections is that of British citizens resident in the UK, this has not been the case for many decades. Firstly, British citizens who are long term resident abroad can vote, but also many non-British citizens in the UK can vote for various historical reasons

Main cohort	Resident in the UK	British Citizen	Can they vote?
UK Citizens in UK	Yes	Yes	Yes
UK Citizens abroad	No	Yes	Yes
Commonwealth citizens resident in UK who are not British Citizens	Yes	No	Yes
Irish Citizens in the UK who are not also British citizens	Yes	No	Yes
Other EU citizens in the UK	Yes	No	Not in general elections, but many EU cizens with settled status or in states with reciprocal deals can vote in local elections.
Other nationalities in UK	Yes	No	No

The presence of many non-British citizens (in addition to dual nationals) with voting rights is exacerbated by the geographical concentration of non-British citizens in a small number of seats.

Geographical distribution of Non UK born (England and Wales)
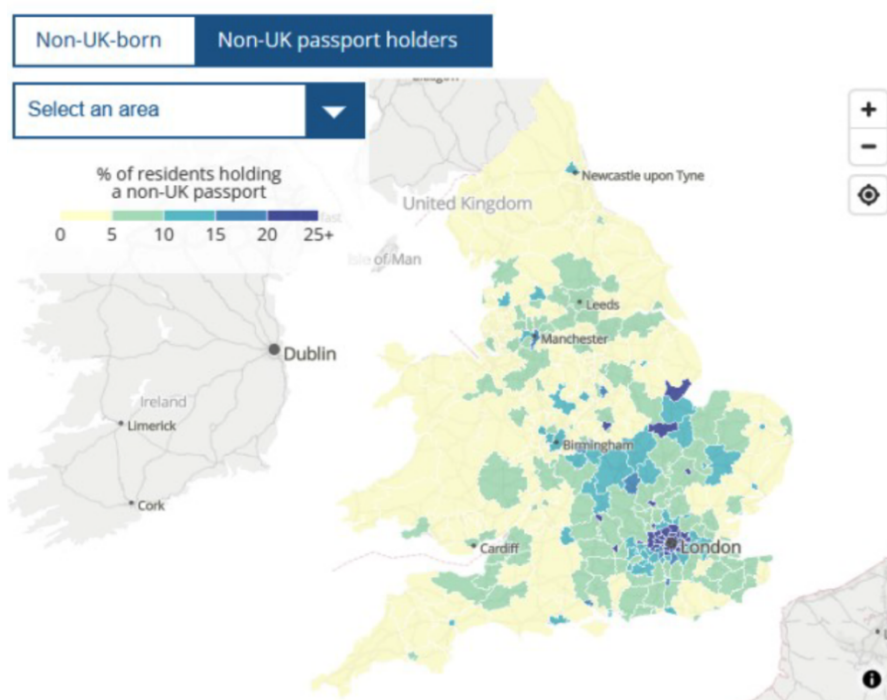
Source: Office for National Statistics – Census 2021

EU Settlement Scheme

Under the European Union Withdrawal Agreement signed in 2019, the UK guaranteed certain rights to EU citizens that had been present at one time in the UK in perpetuity and under EU law. These rights have now been extended to 4.8 million EU citizens either inside or outside the UK.[25]

Should Commonwealth and Irish citizens be able to vote in British elections?

British citizenship rules are the product of Britain's Imperial history and retreat from Empire. While the rules surrounding those born in former British territories, and their descendants, have now been tightened up, UK citizenship retains characteristics that are a product of Britain's history and recent migration. Britain has, for instance, a liberal approach to dual citizenship, one that initially suited the retreat from Empire. Britain also imposes a low bar on UK residents wishing to acquire citizenship allowing only six years.

Is it too easy to acquire British citizenship?

Currently it is possible to acquire Indefinite Leave to Remain (ILR) after five years of residence in the UK (less for some visa types) and British citizenship also in as little as five years (of which ILR must cover the last 12 months), so effectively six years after arrival in most case. Recent mass migration has also led to a large proportion of British passport holders, some with fairly shallow connections to the UK, living abroad with the permanent right to return, a fact that becomes internationally significant when the UK is asked to evacuate British citizens following international

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[25] UK Gov, EU settlement scheme; https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-june-2025/how-many-grants-of-settlement-are-made-via-the-eu-settlement-scheme

disasters or political crises. A UK government seeking to strengthen British citizenship could look at how its citizenship rules could be changed to make it more of a privilege to hold than an administrative formality.

It has now been reported that extending the franchise to EU citizens is under consideration; something that would further dilute the meaning of British Citizenship. The further idea to introduce a digital ID card, for residency not citizenship, would move us even further away from the idea that Citizenship is the bedrock of British democracy.[26]

Length of time to acquire citizenship

|	Length taken to gain citizenship	Dual nationality allowed
United Kingdom	6	yes
Germany	5	no
Switzerland	10	no
France	5	yes
UAE	30	no
Japan	5	no

Countries that allow dual nationality
*Map of dual nationality / single nationality*
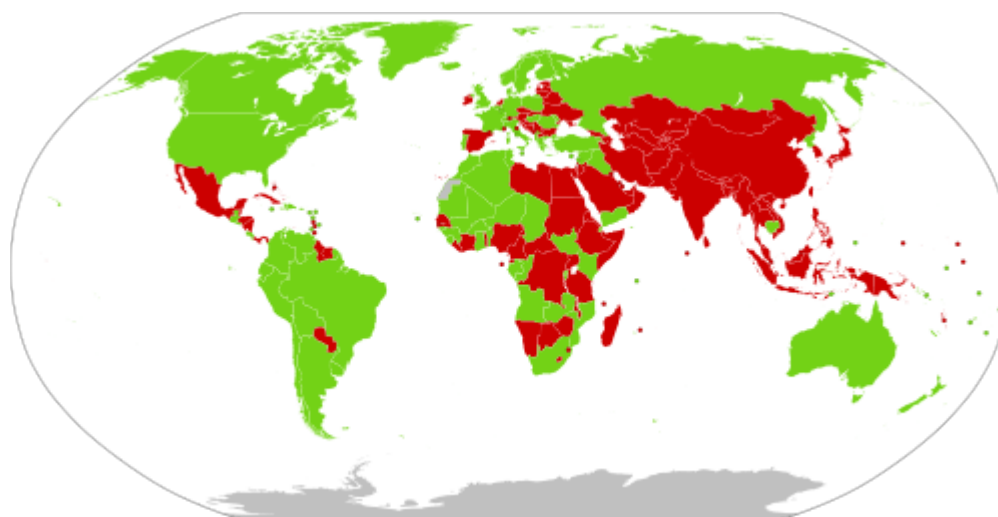
| Multiple nationality allowed without restriction
| Multiple nationality restricted to specific cases

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[26] BBC, 'Labour considers extending voting rights to EU citizens' May 2023; https://www.bbc.co.uk/news/uk-politics-65590121
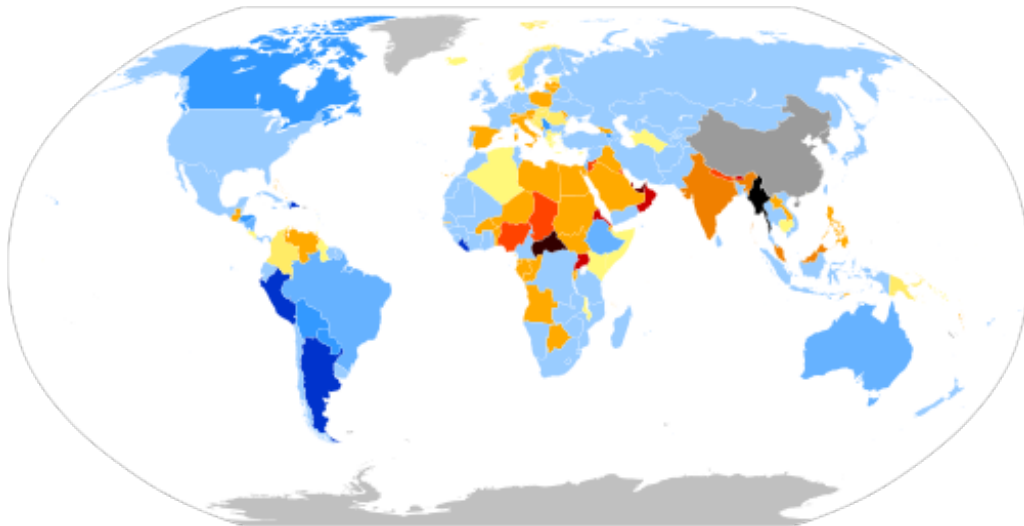
Residence requirements in years for naturalization by country:

2 years	8 years	20 years
2.5 years	9 years	25 years
3 years	10 years	30 years
4 years	12 years	35 years
5 years	14 years	No naturalization allowed
7 years	15 years	Not stated by law or varies
		No data
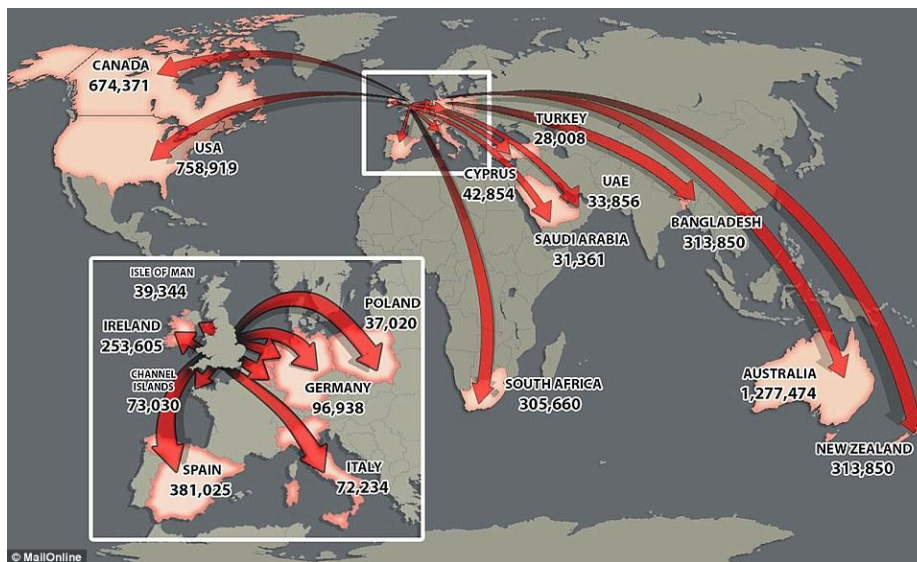
Sectarianism in the UK, an old and new challenge to our democratic system?

A key feature of successful democracies is the creation of a 'demos', a people with a shared political culture and identity that can collectively decide matters, and abide by the decisions of the body politic, in a democracy that requires the consent of the loser. The 'demos' can change its mind and reverse decisions. However, what happens when the 'demos' changes rapidly into

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27 BBC, http://news.bbc.co.uk/1/shared/spl/hi/in_depth/brits_abroad/html/asia.stm

one where there is no shared culture? What happens when one community does not share the same allegiances to the state? In these circumstances, we can see the emergence of sectarian politics.

The UK is no stranger to sectarianism: for much of its history it was divided between Protestant and Catholic. While the religious divides in Great Britain that reverberated from the Reformation in the 16th century had cooled by the 19th century this was not the case in Ireland and specifically in 'Ulster', a phenomenon imported into Great Britain by Irish migration after the 1840s. In Glasgow, Liverpool and Manchester large immigrant Catholic populations fed into the politics of religion. Liverpool saw episodic sectarian violence, notably around the Home Rule election campaign of 1886, something that had entered the political system with the expansion of the franchise.

In Liverpool for much of the early 20th century sectarianism surrounding Irish migrants led to large Protestant memberships of Orange Lodges with similar effects being seen in other towns and cities such in the North, with both Liverpool and Manchester having rival football clubs built on rival sectarian communities. In Scotland, there was similar division with both sides finding expression in rival football teams - Celtic and Rangers. This later entered politics with the Protestant identity finding expression in the Scottish Unionist Party (formed to oppose Irish Home Rule) and later the within the Conservative and Unionist party balanced by the 'Catholic' identity within sections of the Labour Party. In Northern Ireland the rival sectarian identities remain to the fore with the politics of the province polarised into two political camps.

The Northern Irish experience of politics within a sectarian society is potentially instructive as to a new sectarian politics that is emerging in the rest of the UK. A political landscape in which people vote within their political tribe (Unionist or Nationalist); where established parties win elections due to demographic change or via differential turnout; where energising your own community to vote is the political game, since the idea of attracting voters across the political divide is a non-starter.

A democracy with a changing electorate

In Northern Ireland, since the foundation of the province, the visceral fears of the Protestant community at the possibility of being either outnumbered demographically by an Irish nationalist population (or negotiated away by the British state) led to a heightened sensibility. For both communities, identity could not be taken for granted and thus found visual and symbolic expression in the province in a way unthinkable until recently on the mainland.

Ulster's struggles over identity and sovereignty were unique. However, British identity (but not sovereignty) is a question being asked across a range of towns and cities which have seen profound and rapid demographic change. This demographic change has led to significant political changes, most notably the rise of voting along cultural and identity lines. The emergence of new parties to cater to particular communities and the rise in desire among the native population to also visibly express their identity in a field of competing identities.

This new development is a real challenge to the nature of British Democracy in some areas of the country and the Westminster system of representation based. The traditional party system based at heart, on the principles of 'loser's consent', with voters moving between two or more parties, bi-partisan cooperation, respect for the office, and adherence to unwritten conventions and rules of Parliamentary and democratic behaviour is difficult to sustain where divisions are based on cultural and ethnic identity.[28]

What does 'Ulsterisation' look like?

Northern Ireland is a province that contains two competing national identities. The British identity that can be non-exclusive to being Irish and an Irish identity that sees the British Identity as illegitimate. Since its creation in 1922, Northern Ireland has had a majority British Identity with a large minority of 'Irish' identifying voters.

Broadly speaking, within these two communities, there are political parties that represent those identities. Votes change between 'Unionist' parties, (DUP, TUV and UUP)[29] and, within the 'nationalist' community, Sinn Fein and the SDLP.[30]

Politics in Northern Ireland therefore displays the following characteristics:
- Adherence to party based on national identity rather than socio economic, occupational or class identities.
- Elections being decided by 'differential turnout' and demographics rather than on issues where voters can change between different blocks.
- Change may happen within a community i.e the replacement of the UUP by the DUP and the reduction in the SDLP at the hands of Sinn Fein.
- Geographical voting among geographically concentrated communities.

Correlation of religion and voting
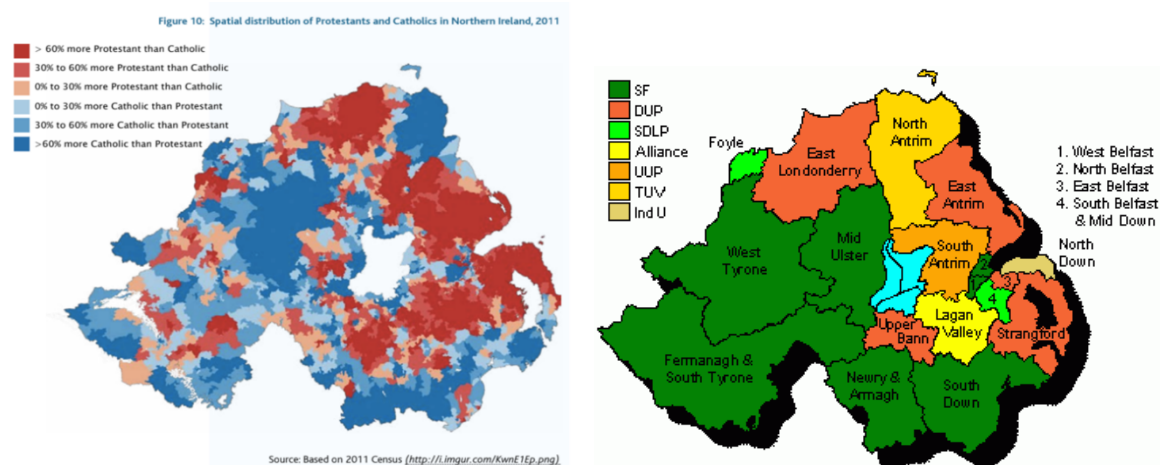
Source: Based on 2011 Census (http://i.imgur.com/KwnE1Ep.png)

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[28] See the years 2018-20 and a certain Rt. Hon. John Bercow for what happens when Parliamentary conventions break down under pressure from partisan politicians.
[29] Democratic Unionist Party (DUP), Traditional Unionist Voice (TUV) and Ulster Unionist Party (UUP).
[30] The moderate nationalist Alliance party picked up some moderate unionist and nationalist voters.

The Ulsterisation of Great Britain

The mainland of Great Britain has so far not experienced mass sectarian voting. Questions of national identity have by and large been settled and those periods of sectarianism, 19th and 20th century Liverpool. Manchester and Glasgow have by and large subsided as religious differences have cooled, religious identities have weakened and population change has led to a new more stable population.

However, mass migration in recent decades has meant that sectarianism has reappeared in some areas within Great Britain in the form of radical Islam and identity politics focuses for example on the issue of Gaza within Muslim Communities.[31] This sectarianism first appeared within and was contained by the Labour Party but given the geographical concentration and expanding numbers within Muslim communities, combined with specific political issues relating to Muslim communities, this has now found its expression in the election of a range of 'independent' MPs holding to a set of Muslim identities.

The Muslim population of England and Wales

Sectarianism based on new Muslim populations is a recent feature of UK politics. One of the first examples was the 2010 election of Lutfur Rahman, originally a Labour member, as an independent Mayor of Tower Hamlets, a predominantly Bangladeshi area of East London. He was then re-elected in 2014 in controversial circumstances - an election later annulled. A similar progression from Labour was followed by George Galloway, whose victories for his 'Respect' Party were largely a result of appeals to the Muslim community. This trend has accelerated recently with the 2014 election of a range of 'Gaza' Independents across predominantly Muslim constituencies, where the Israel/Palestine issue has far greater salience among Muslims.

The geographic dispersal and size and growth of the Muslim population now allows for a (small) number of seats where an MP of a Muslim identity can win under the 'First Past the Post System' on issues of particular salience within the one community without having to appeal to the rest of the community.
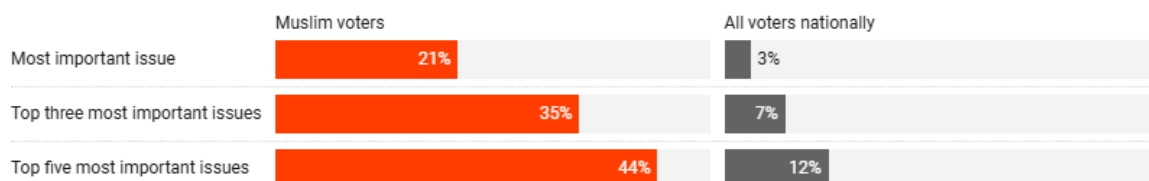
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[31] In 2024 the general election also saw the first 'Hindu manifesto' and campaigning for Hindu voters on Hindu issues in some key seats; https://hindusfordemocracy.org.uk/manifesto/

Muslim Population 2001

Muslim Population 2011

Muslim Population 2021
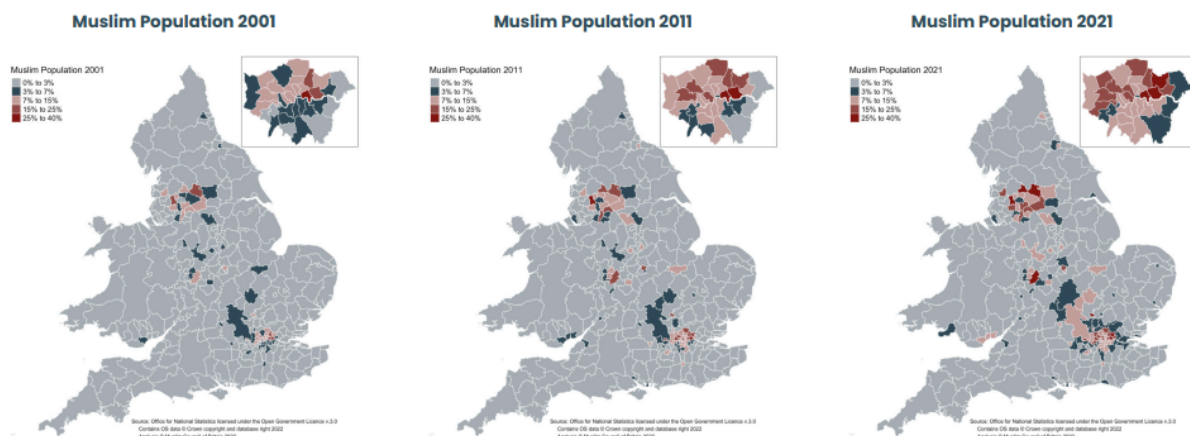
Source: MCB-Striving-For-Fairness-Full-Report.pdf (2021)

A fifth of Muslim voters say Israel-Palestine is their number one voting issue in the general election

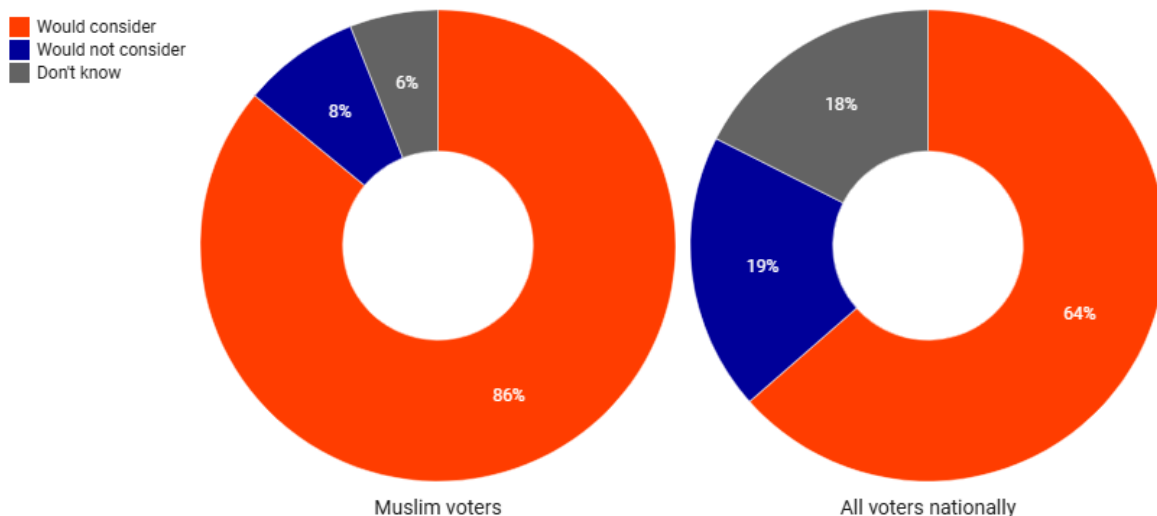|	Muslim voters	All voters nationally
Most important issue	21%	3%
Top three most important issues	35%	7%
Top five most important issues	44%	12%

Percentage of respondents who said "the Israel-Palestine conflict" is one of their most important policy issues are most important to you when deciding how to vote at the next General Election

Source: Hyphen x Savanta poll, surveyed 24 May - 3 June 2024 • Created with Datawrapper

Will voters switch to an independent candidate over Israel-Palestine?

Percentage who said that the Israel-Palestine conflict is one of the most important policy issues, who would consider voting for a pro-Palestinian, independent candidate, running on the issue of the Israel-Palestine conflict

- Would consider
- Would not consider
- Don't know

Muslim voters: Would consider 86%, Would not consider 8%, Don't know 6%

All voters nationally: Would consider 64%, Would not consider 19%, Don't know 18%

Source: Hyphen x Savanta poll, surveyed 24 May - 3 June 2024 • Created with Datawrapper

Source: Hyphen x Savanta poll, surveyed 24 May – 3 June 2024 – Created with Datawrapper

CENTRE FOR A
Better Britain
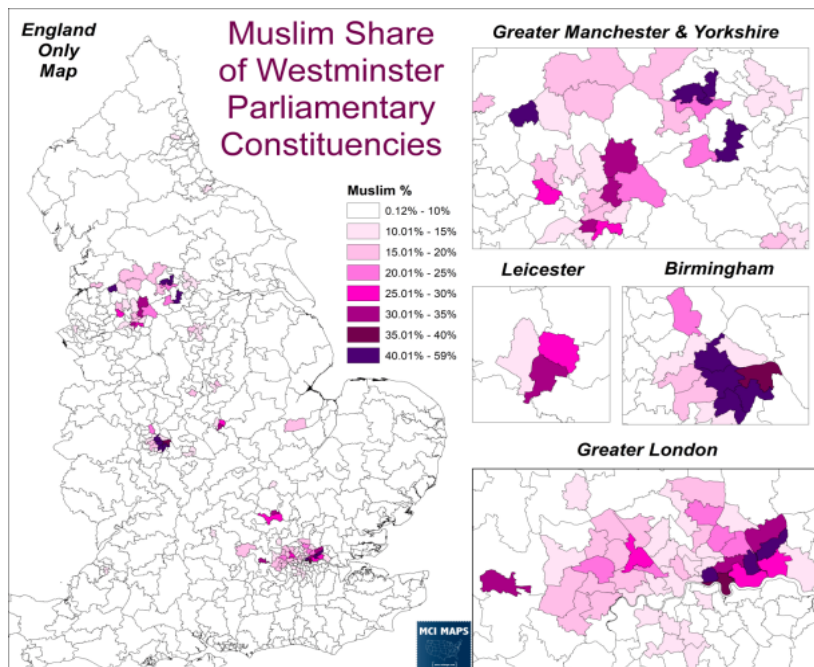
Practical effects of sectarianism

The 2024 election of the Gaza Independents demonstrate many of the hallmarks of sectarianism which would be recognisable to observers of Northern Ireland. Sectarianism in politics leads to elections not driven by voters (of all communities) changing their views on the big topics of universal interest (tax, public services) but decided within communities and between communities where identity to a group is the primary motivation. This leads to elections being decided by:

- Demographics, including immigration influencing the sizes of competing communities.
- Differential turnout between communities rather than switching allegiances.
- Voting within separate communities.

In short parts of the mainland is now demonstrating some of the symptoms of Ulster. Politics where political change is brought about by demographics, relative birth-rates and immigration rather than a competition of ideas where voters switch between the main parties.

Integration and Citizenship as key parts of representative democracy

As noted above, the loose rules underpinning who is entitled to vote in British elections pose questions for British democracy. While the 'demos' is changing in composition and in terms of its cultural and political focal points, there remains significant ambiguity as to the nature of British citizenship and who actually can participate in British democracy.

British Citizenship at present takes up to six years to gain but citizens from the Commonwealth, including populous states such as Nigeria, India, Pakistan and Bangladesh (as well as Ireland) are

afforded automatic rights to vote in British elections from day one in the UK without any need to acquire British citizenship. This is an historical anomaly based on Britain's imperial history.

When Britain had a largely settled population but had colonies around the globe, British citizenship was a wide concept, extended at some points to a quarter of the globe.[32] With the retreat from Empire, Britain did not decisively break from its history. When British Subjects became Commonwealth citizens they retained the right to vote in the UK along with citizens of a newly independent Republic of Ireland. This muddying of the waters regarding citizenship rights was compounded by the UK's membership of the European Union where EU citizens were afforded rights to vote in local elections (and European elections) as well as legally protected 'citizenship rights' within the UK protected by EU law, something that has continued after the end of UK membership.

For many residency in the UK affords effectively all the same citizenship rights as actual British citizens and many British citizens are not present in the UK at all. The distinction between residency and citizenship may potentially be muddied further by proposals for a new digital Identity as the hall mark of residency rather than citizenship.

In addition to expansions of the franchise to new immigrants the government has also decided to expand the franchise to 16-year-olds changing the nature of the electorate. This again raises questions about the British 'demos' and the nature of British Democracy.

While reducing the rates of immigration would slow the pace of change within the British demos, who exactly can or should vote in British elections remains an unanswered question.

While clearer, more restrictive rules on voting in British elections, making British citizenship more difficult to acquire, and reducing immigration would allow the British 'demos' time to settle there is no magic solution to the questions of British democracy. In addition to the threat of sectarianism the political representation of some communities along sectarian lines might lead to the Government granting legal privileges that further entrench division.

These may come about through special language or employment rights. For instance, quotas or special treatment in recruitment or in the form of legal protections for certain cultural practices or beliefs not shared by others.

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[32] Originally a British subject.

**Examples of the use of sectarian political power:
The definition of 'Islamophobia':**

While for Christianity the legal protection against blasphemy was repealed many decades ago the legal protection of Islam has grown in recent years due to the wording of anti 'hate' legislation. This may now expand further if the Government seeks to legislate for 'Islamophobia' around a specific and wide-ranging definition.

The argument surrounding defining 'Islamophobia' was developed within the Labour Party as a key policy, leading to the formation of a working group under Dominic Grieve KC "to provide government with a working definition of Anti-Muslim Hatred/Islamophobia which is reflective of a wide range of perspectives and priorities of British Muslims."[33]

This working group in its very purpose sets out to deliver a definition for Muslims specifically and not the country at large.

The UK's representative democracy legitimises the state?

British representative democracy as a pillar of British state legitimacy faces numerous challenges: a changing and unstable demos where the demarcation as to who is a part of the political space is ill defined. In addition, the failure of British democracy to respond to the clear views of the electorate and 'get things done', notably on immigration but also on the cost of living and state efficiency have weakened this pillar.

To remain a key pillar of the British state the state will need to manage and slow these changes to allow for a genuine British 'demos' to reappear where party politics transcends both ethnic and religious lines. The alternative is the Ulsterisation of Britain.

The failure of the British state to deliver for its people on key issues due to the constraints and restraints imposed on government ministers by those parts of state that are not democratic will also need addressing otherwise Parliament itself will evolve from what Walter Bagehot saw as the 'efficient' part of the constitution to a purely 'dignified' or ceremonial piece of theatre.

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[33] UK Gov, Working Group on Anti-Muslim Hatred/Islamophobia Definition;
https://www.gov.uk/government/groups/working-group-on-anti-muslim-hatredislamophobia-definition

Pillar II: Customary and traditional loyalty

Walter Bagehot in his 1867 work 'The English Constitution', defined the 'dignified' part of the constitution as the part that engenders loyalty and thus legitimacy.

The most visual and obvious parts of this are the Coronation, where the Monarch displays his/her legitimacy to rule in a ceremony replayed for over a thousand years in front of all the major institutions of state, the Church, Parliament and the armed Forces. While the Coronation was watched by millions in the UK and around the world, other ceremonial displays of traditional British power and legitimacy have retained less profile and understanding.

The State Opening of Parliament is traditionally the major piece of political theatre where the essential elements of the British constitution are acted out. The King in Parliament, reading His Government's programme for governance to the assembled Lords, Bishops and Commons, the refusal of the Commons to allow Black Rod to enter into the Common's chamber in a reenactment of the Civil War settlement of the Common's privileges.

These are vitally important elements of the British settlement demonstrating the traditional supremacy of the Commons over the executive, yet the tendency for the last few decades had been to downplay the importance of state ceremony and the national story generally, to a point where knowledge of the institutions is now low.[34] There have been numerous proposals to downgrade the ceremonial aspects of the state, a modernised Coronation, a slimmed down State Opening, removing minor ceremonials and downgrading the teaching and history of it both in schools and on the BBC. General knowledge of the importance of the ceremonies has likewise decreased.

Parliamentary sovereignty?

Traditionally, the British constitution was underpinned by a simple concept - that the King in Parliament made laws and the Judiciary interpreted and enforced them. This was set out in various state occasions, including the presence of the Law Lords at the State Opening of Parliament, where they were a part of the body politic. This is no longer fully the case. Not only do the Law Lords no longer sit in Parliament, but they now have a rival building on the other side of Parliament Square, the UK Supreme Court - signalling its importance with its own flag.[35]

The setting up of a Supreme Court was the culmination of a process that had seen the rise in the importance in Law and in particular 'international law' over that of UK law, in the form of the Human Rights Act (1998) and engrained EU law. This broke the traditional British settlement as understood by the likes of Dicey and Bagehot and has coincided with a decrease in the perceived legitimacy of the judiciary.

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[34] See Hansard Society, 'An Audit of Political Engagement' 2008. This found that "Around half of the public have never heard of or know hardly anything at all about the constitutional arrangements governing Britain."
[35] The flag itself featuring an Ω symbolising (to them) the finality of their judgment symbolises their 'supreme' nature as well as a curious view on the validity of appeals.

Parliamentary conventions

In addition to the relationship between Parliament and the Judiciary, Parliament itself is governed by a range of old conventions, precedents and standing orders. These rely on the good faith of the government and opposition to make Parliament - and thus government - work. Foremost among these conventions is that the government controls the legislative timetable in order to allow its business to get through Parliament. The events of 2019, in which MPs, with the support of the Speaker, decided that they would 'take over the Order Paper' and decide the government's business for it, broke this convention and rendered the government of the day temporarily unable to get its business through Parliament.

The changing roles of representative government

If what was traditionally known as the efficient part of the constitution is no longer so, has it become part of State ritual? Is the theatre of Prime Minister's questions just that - a theatre disconnected from power? Like the Senate in Ancient Rome under the Empire, providing a veneer of legitimacy while power is exercised elsewhere - a folk memory of a time when Prime Ministers and Parliament could effect change.

If the British representative government pillar is now effectively state ceremonial, maybe Bagehot needs updating, with Parliament itself becoming a traditional form of ceremony, the 'dignified' part of our system while the efficient part is in other hands.

What can be done?

By its nature, the customary component of the British State's legitimacy takes a long time to build up - but can be reduced in an instance. The government could do more to ensure the State ceremonials are understood and carried out with due respect. There is a role here for a genuinely national broadcaster as a part of its charter to ensure state occasions, at all levels are explained and covered in an accessible manner.

MPs should respect conventions even when discussing fractious matters and resist the temptation to usurp the Government's right to govern.

Polling on the different institutions of the British state

Polling shows the Monarchy and the National Health Service (NHS) are the only two institutions with high levels of trust from the main parties.

Source: https://ukonward.com/reports/the-great-british-breakdown/
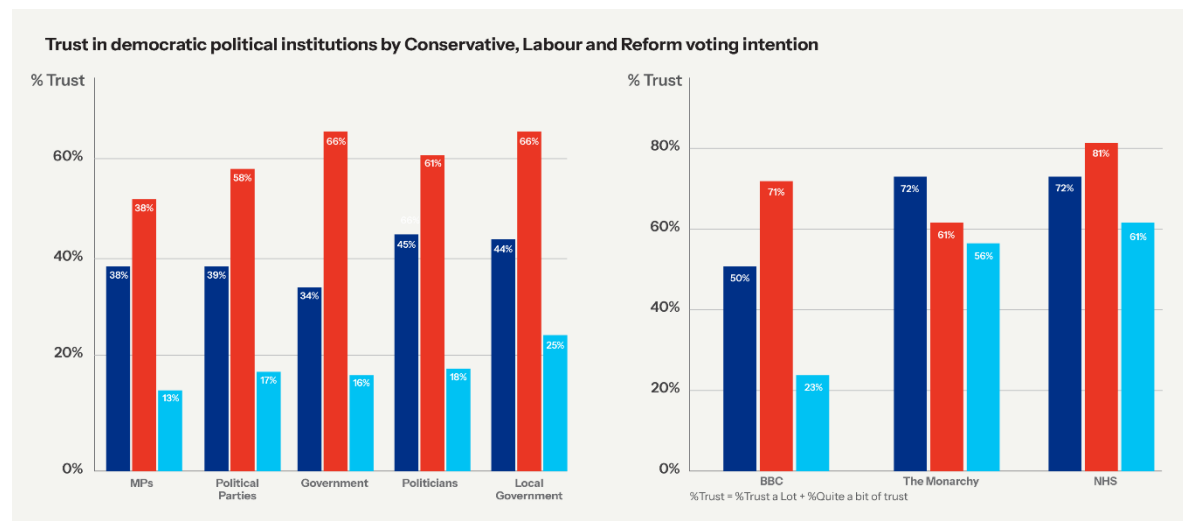
Pillar III: Rule of Law

The 'rule of law' in a British context was largely settled at the time of the 1688 'Glorious Revolution' and Bill of Rights, namely that everyone, including the executive, is subject to the law. This was buttressed by the independence of the Judiciary and the principle that the Judges exclusively follow laws made in Parliament and cannot interfere in their proceedings. Adding in the role of juries and magistrates and we have a form of justice as recognisable to Dicey as the authors of the Bill.

These principles have, however, been eroded over time, a process sped up by the entrenchment in UK law of international legal concepts, the changing powers and composition of the Judiciary, and the volume and quality of legislation and guidelines produced.

These developments have led to high profile cases where the Courts rather than Parliament have been seen to hold judgment over essentially political issues. Firstly, the UK Supreme Court (UKSC) cases concerning Brexit (such as Miller v HMG), the right to notify the EU on leaving and on the Royal prerogative to prorogue Parliament in the face of political deadlock. Most recently the UK courts have held sway over a large area of UK immigration law, using ECHR case law to block deportations, including opposition to the UK government's flagship policy of deportation to Rwanda.[37]

The UK & international law: Is Britain's rule of law in peril?

Unlike many states, the United Kingdom is a 'dualist' rather than a 'monist' state regarding 'international law'. This means that any commitments the Government enters into with other sovereign bodies are 'binding' commitments in international politics/law but are not automatically justiciable in domestic law.[38] Over time this distinction has been blurred by the passing of UK legislation that has placed international commitments and case law into domestic law and directed UK courts to follow it. The most notable examples are the European Convention (and Court) of Human Rights and European Union law and its Court (the European Court of Justice), originally having an impact via Britain's membership of the EU, and now in Northern Ireland via the EU Withdrawal Agreement.

From the rule of law perspective the two most profoundly influential international obligations the UK has signed up to are the ECHR and EU law via the Northern Ireland Protocol/Windsor Framework. This is due to the fact that these treaties, firstly, have their own Courts, and secondly, the United Kingdom has legislated to give the rulings of these courts legal authority in UK domestic law.

There are other onerous international obligations that British Courts have chosen to follow such as the 1951 UN Refugee Convention, and other International Courts that the UK has signed up to

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[37] For Rwanda see: R (on the application of AAA and others) v Secretary of State for the Home Department (2023) https://www.supremecourt.uk/cases/uksc-2023-0093
[38] See Heinrich Triepel's 1899 work 'International Law and National Law' for dualism and Hans Kelsen 'The Problem of Sovereignty and Theory of International Law' 1920 on Monism

in various degrees. For example, the International Court of Justice and various arbitration tribunals and procedures under UN bodies, such as the International Tribunal on the Law of the Seas, and the World Trade Organisation's arbitration - but none of these currently have the force of law in UK domestic law.

That international law has seeped into UK domestic law is no accident, and if it had to be ascribed to one Judge, the Rt Hon Lord Bingham of Cornhill would be the key figure. In a series of judgements in the years after the Human Rights Act came into force in 1998, Lord Bingham extended the role of 'international law' into such areas as sovereign immunity, the extraterritorial application of Human Rights, treaty interpretation, and the admissibility of evidence obtained under torture.[39]

But it was in his writing that he gained a following among politicians and lawyers. In his influential 'popular law' book 'The rule of law' Bingham set out six principles the sixth being "The rule of law requires compliance by the state with its obligations in international law as in national law." It is no accident that the current Attorney General Lord Hermer in 2024 used a Bingham Centre 'rule of law' lecture to set out his own thesis that the UK was subject to international law, stating that "International law is not simply some kind of optional add-on, with which States can pick or choose whether to comply. It is central to ensuring our prosperity and security" a thesis that led him into accepting an advisory opinion of the ICJ on the Chagos islands - something he argued was necessary to "demonstrate our deep commitment to international law".[40]

Case study in the rule of lawyers: The Chagos Islands

One of the worst examples in recent years of a UK Government following the view of 'international law' contrary to the interest of the British state is that of the British Overseas Territory of the British Indian Ocean Territory. In this case ministers, and their Attorney General Lord Hermer, decided to prioritise an advisory opinion of a Court that had no ability to provide a binding Judgment on the UK. This then led to a series of pointless negotiations with the Government of Mauritius and the surrender of sovereignty over a major British overseas military base.

The Chagos advisory opinion of the ICJ is an extreme case of UK ministers following 'international law' but one that is illustrative of the decline in legal thinking within government.[41]

However, while Lord Hermer and Lord Bingham's views of the rule of law, at its root is closer to the rule of lawyers, they overlook the importance in public perceptions of the Rule of Law as underpinning state legitimacy among its people, rather than the state's legitimacy among its peers.

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[39] Tom Bingham and the transformation of the Law, 2009 https://academic.oup.com/book/8869
[40] Lord speech's Bingham speech 2024; https://www.gov.uk/government/speeches/attorney-generals-2024-bingham-lecture-on-the-rule-of-law
[41] The UK followed an advisory opinion of the ICJ, despite not requesting it, being a UN P5 member, having an opt out from the ICJ for Commonwealth disputes and a separate opt out for military activity under UNCLOS.

The challenge to the 'rule of law' as a legitimising foundation of the British state comes in several ways. Using law, international law or other domestic statutes, to empower lawyers and the Judiciary to overturn a Government's political programme will damage the transmission process from voter to executive action. Taken to its extreme by Lord Bingham, the ability of Judges to strike out statues decided upon by Parliament was not a part of 'The Rule of Law' (the name of his book) but a direct threat to it.

The seepage of international law into UK domestic law raises challenges for the UK's political framework, as it is based on a largely unwritten constitution. The multiple sources and conflicts between authorities was a conceptual problem that Hart addressed in 'The Concept of Law' wherein he argued that EU law in the form of the 2000 judgment in R (Factortame Ltd) v Secretary of State for Transport had put questions over the origin and recognisability of law - his 'Rule of Recognition' which he argued underpinned the 'rule of law'.[42]

The European Convention on Human Rights (ECHR)

The UK was a founder member of the ECHR which entered into force in 1953. However, the ECHR has changed significantly over time. The two main innovations in this respect were firstly the 'Right of Petition' in 1966, which allowed individuals to go to the court, and then the Human Rights Act in 1998 that made ECHR case law binding in UK domestic law.

The impact of the ECHR in the UK

The impact of the ECHR in UK law has had a range of effects not limited to the more high profile immigration and asylum cases. Human Rights law has entered into areas such as planning, and the environment and net zero, and has expanded following cases involving the British Army in Iraq and Afghanistan to become 'extra territorial'.

European Union Law from Northern Ireland to the 'EU Reset'

Since the UK left the European Union and repealed the 1972 European Communities Act, the majority of EU law has been merged into domestic UK law via the Retained EU Law (REUL) Act. These inherited rules and regulations are, by consequence, no different to any other pieces of UK legislation, subject to repeal and statutory interpretation by the courts.

However, there is one large exception to this: the imposition of EU law in Northern Ireland in 300 different areas. This EU law is not made in the UK and, if there is a dispute regarding its interpretation, it will be held in the EU's Court (the ECJ), not a British court.

One of the many problems with the design of the EU's legal architecture in Northern Ireland is that over time the divergence between UK regulations and new regulations imposed on Northern Ireland by the EU will lead to differences that could, due to the rigid nature of the EU's external

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[42] Hart, Herbert Lionel Adolphus, Herbert Lionel Adolphus Hart, and Leslie Green. The concept of law. Oxford University Press, 2012

borders, impact trade between two parts of the UK's internal market - Northern Ireland and Great Britain.

This divergence in the Irish Sea is now leading to pressures within the Government and its agencies to renegotiate its deal with the EU; though not to remove EU law from Northern Ireland, but extend it to the whole United Kingdom. If this goes ahead - and a myriad of Statutory Instruments and new Bills such as the Product Regulation and Metrology Act point to exactly that happening - then the British State's ability to regulate and pass laws regarding its own economy will be neutered despite a majority of the British voters voting to take back legislative and Judicial control from the EU.

The Northern Ireland Protocol (NIP) / Windsor Framework (WF)

The NIP forms part of the Withdrawal Agreement with the EU. Due to the political weakness of the UK at the time this was a very one sided agreement, with a range of non reciprocal obligations imposed on the UK for little or nothing in return. This was later supplemented by the Trade and Cooperation Agreement (the TCA) which is a free trade agreement between the UK and EU.

Some of the major issues regarding EU law:

- The Irish Sea Border and the imposition of EU law in Northern Ireland, which has in effect broken up the UK's internal market.
- The NIP contains clauses on UK 'State Aid' that potentially reach back into Great Britain and would limit how the UK could spend state money on, or allow tax breaks for, regional or other industrial policy.
- The Withdrawal Agreement contains guarantees for people with EU Settled Status that could clash with a UK immigration and welfare policy.
- The TCA includes a section on fishing that hands over half the UK's fishing catch to the EU for the next 12 years, for nothing in return.[43]

Legislation that binds Ministers hands

Further undermining the Ministers authority within their departments is a series of domestic codes and laws passed that crimp ministerial authority. Among these cobwebs there is the 2010 Equality Act that puts a duty on the public sector to have due regard for a range of protected characteristics, a law that allows Civil Servants to interpret their roles and that of policy in ways both unintended and unforeseen. Equally the Human Rights Act (or interpretations of it) can be deployed to end policy proposals at an early stage. Add to the mix the civil service code, the ministerial code, Procurement Act (date) and the special advisers code and the job of ministerial office starts to resemble a compliance task. In the hands of a weak minister these laws, rules, Human Resources departments and threats of judicial review can lead to stasis.

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[43] This was added in 2025 as a part of the 'EU reset' negotiations.

Government legal advice compounds the issue by seeing every issue in black and white, legal or not legal, where an excess of caution allows the civil service to advise that most preferred policies are illegal/unlawful, whereas the real answer is the chances of success in Court are seen in percentage terms. While a move in the Government Legal Service (GLS) to a more client-led private practice culture (wherein the Minister or the Attorney General (AG) is the client) was enacted in 2015 and furthered in 2022 by then Attorney General Suella Braveman KC, this has now been somewhat reversed by the current AG Lord Hermer, who has returned power to the GLS. In any case Governments can change the law if it is blocking government policy.[44]

The Ministerial Code

Likewise, Lord Hermer has now reversed a key reform of the Ministerial code made by David Cameron in 2015 to exclude international law from a Minister's obligations.[45]

2015 code as set out by David Cameron	2024 code as per Sir Keir Starmer
1.3. The Ministerial Code should be read against the background of the overarching duty on Ministers to comply with the law and to protect the integrity of public life.	1.6. The Ministerial Code should be read against the background of the overarching duty on ministers to comply with the law, **including international law and treaty obligations,** and to protect the integrity of public life.

The Civil Service Code

The statutory basis for the management of the Civil Service is set out in Part 1 of the Constitutional Reform and Governance Act 2010. This sets a high store on political impartiality saying that civil servants should not "act in a way that is determined by party political considerations."[46] This is all well and good but leaves open the charge that Civil Servants, while not operating for party political motives can indeed be 'political' and working to an agenda, for instance on topics such as Climate Change and the 'diversity' agenda.

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[44] See LegalFurures; https://www.legalfutures.co.uk/latest-news/ag-tells-government-lawyers-to-be-more-like-those-in-private-practice and IFG; https://www.instituteforgovernment.org.uk/article/comment/Hermer-new-legal-risk-guidance

[45] IFG, https://www.instituteforgovernment.org.uk/comment/starmer-new-ministerial-code

[46] The UK Civil Service code: *https://www.gov.uk/government/publications/civil-service-code/the-civil-service-code*

Impartiality, Independence and Accountability

These are the three most misused words in the UK government. Every Quango claims and often are 'independent' and some even claim to be 'impartial'. But it's impossible to be independent and yet accountable and independence does not guarantee impartiality and/or competence. For the UK system to work better more thought needs to go into which functions of government should be Impartial, Independent and accountable. For instance:

The Judiciary: The Judiciary should be Independent of Government Ministers and should impartially interpret the law that Parliament hands to it. They should not however be allowed to use laws, such as the HRA, and their 'independence' to interpret and impose laws in a Partial manner, for that they should be accountable.

The Bank of England: The Bank of England should be accountable to yet when given a strict mandate by government should act impartially.

The BBC: The BBC should be politically impartial and independently of ministers and be accountable ultimately to Parliament.

Yet it is perfectly possible for government agencies to be highly politically partial, independent and effectively unaccountable and often incompetent. Not all agencies should be impartial, if they are a key part of a government's programme. For those there needs to be a rethink with Minister's put back in control as a route to accountability.

International conventions on climate change

While most of the UK's climate change and energy policy legal commitments are consequences of domestic law, the UK has signed up to various declarations and international conventions that then gain moral and/or political force in the UK as a result. An example of this is the 1995 Intergovernmental Panel on Climate Change which in turn led a to the EU adopting a strategy further declaration at the G8 which ultimately the 2008 Climate Change Act which was strengthened by the 2015 Paris Agreement on Climate change. At every stage the international agreements preceded domestic law and discussion.

UK trade agreements? Need for more scrutiny

While most UK trade agreements contain exit clauses and are designed to be mutually beneficial, there are examples of trade agreements moving into areas usually ring-fenced away from pure trade issues as they impact on sovereignty. Foremost among them was the withdrawal agreement with the EU, but issues such as immigration and visas come up regularly in trade talks, including in the negotiations with India. As a result, it may be sensible to look at what powers the government has or should have to sign agreements that touch on domestic or immigration policy and the scrutiny of these agreements before they are signed.

Areas to look at in the Court system might include:

Whereas the Judiciary traditionally been 'independent' there are concerns that it has not remained impartial.[47] In particular Immigration Tribunals, a number of high-profile case bear out, tend to be staffed by ex-immigration/Human Rights practitioners that see the world in terms of migrant rights. Human Rights lawyers have found themselves in senior positions within the Judiciary and politics with few practitioners willing to question them. If these immigration and human rights were reduced there may not be a need for specialist tribunals and less partisan Judges within the system coming from the rights based legal disciplines.

In terms of the balance between the independence of the Judiciary and the democratic necessity for the executive to deliver on important parts of their manifesto other areas to look at may include:

- Judicial Appointments Committee. Its introduction and how it has changed the nature of the Judiciary.
- The Immigration Tribunal System. The background of the Judges that sit in it.
- The UK Supreme Court. Whether it is sufficiently impartial and accountable to Parliament.

Restoring the 'Rule of Law'

While 'international law' is not automatically part of UK law, the position has been muddied over the years, particularly after the accidental creation of the UK Supreme Court.[48] The Human Rights Act and EU law, as well as rulings referencing the UN Convention, have led some lawyers to lose track of the fundamental underpinning of the UK's historic settlement: that the judiciary follows Parliament, and nothing else.

To restore this settlement the UK should leave the ECHR and legislate to repeal the EU Withdrawal Agreement and the Human Rights Act. It may however be necessary to go further than this. Removing international law from domestic law would leave historic case law and a legal system that has learnt to see itself as 'supreme'.

A new government may also wish to reverse the creation of the UKSC and legislate to create both 'ouster clauses' preventing references to historic or current ECHR Human Rights cases as well as annul all previous case law relying on 'international law' in order to prevent its continued use as precedent.

Ultimately the UK retains the ability to legislate domestically to remove the laws that seek to bind the executive and its successors and so prevent the legitimate functions of the executive. In order to restore faith in the rule of law, the government can and should act.

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[47] The Law Lords were of course both in the legislature and Judiciary with a Lord Chancellor sitting in the executive, but they remained operationally independent and since 1688 unsackable except by an Act of Parliament.
[48] See Yuan Yi Zhu for how the UKSC came about https://thecritic.co.uk/bring-back-the-law-lords/

Pillar IV: Competence - getting things done?

Just as a bad workman blames his tools a bad Minister can slip into the habit of blaming the civil service or legal stasis. As with minister Jim Hacker in the comedy 'Yes Minister' it's often a mixture of incompetence of both and unaligned motives.

In terms of the British state competence has historically been a key characteristic that has legitimised the British system. A form of government and administration that had led Britain to economic growth to be a world power and survival through world wars was verifiably 'competent' compared to others. In the post WWII world, the state competently set about its new tasks given to it, namely, building the welfare state. The state got things done.

This was important as competence is one of the key characteristics that legitimises a system. Whereas the British state relies on four pillars, many states, such as China, rely almost exclusively on the proposition that their system delivers for their people. Whereas for the Chinese state a failure to continue to deliver economic growth would lead them with few arguments to fall back on in Britain it is but one element but a very important one.

However, recent years have seen the British system fall behind others in delivering economic growth and public goods. In addition, the British state's priorities have become more and more detached from those of its people on key topics including energy prices and immigration and in other areas, such as debt, productivity and inflation, had failed.

Growth in civil servants not matched by productivity

Yet it is striking that the as the size of the British state has grown it has become less and less productive. In recent years, from 2019 the growth in the headcount of the Civil Service has been detrimental to productivity and potentially gross output.
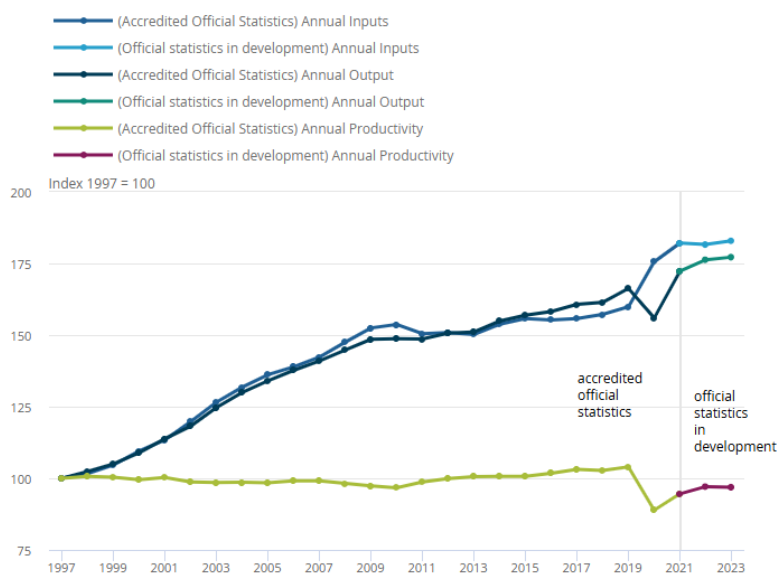
The competence of the state contrasts with that of the private sector which has continually improved over the years.

UK State sector productivity?

Figure 4: Public service productivity is estimated to have fallen by 0.2% in 2023, compared with 2022
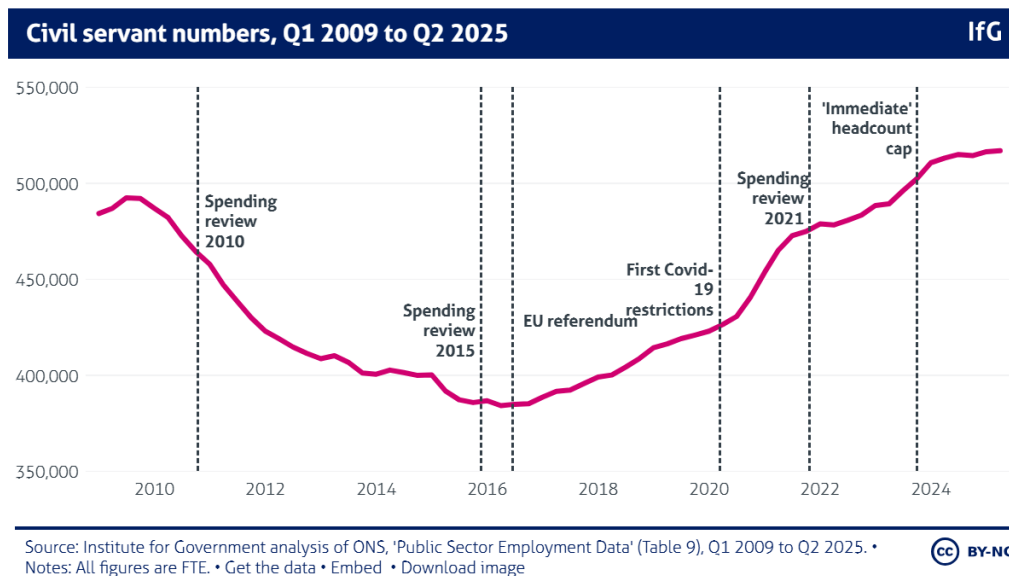
Total public service productivity, UK, 1997 to 2023

Source: Public service productivity from the Office of National Statistics

How many civil servants are there?

Source: Institute for Government analysis of ONS, 'Public Sector Employment Data' (Table 9), Q1 2009 to Q2 2025. • Notes: All figures are FTE. • Get the data • Embed • Download image

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[49]ONS; https://www.ons.gov.uk/economy/economicoutputandproductivity/publicservicesproductivity/bulletins/publicservice productivityquarterlyuk/januarytomarch2024

[50] IFG; https://www.instituteforgovernment.org.uk/explainer/civil-service-staff-numbers#:~:text=As%20of%20June%202025%2C%20there,in%20such%20schemes%20taking%20effect.

Why are projects so difficult to deliver?.

While public sector productivity remains flat as headcount increases its outcomes for the people remain lacklustre. This is not unique to the UK but international comparisons do bear out that the UK has failed to reform its own state.

Problems with the reform of the state include the managerial skills of the senior civil service, the inability of minister's to manage their departments and invest in productivity. Over the top of the civil service, we have seen a crisis of party politics where ministers are not left in place long enough to master their briefs, the competing interests within divided governments and a failure of the levers of government. These failures have led to a slide into the civil service being captured by a producer interest where little changes except salaries and pensions for the staff involved.

Areas for further research

The UK could look to several global examples to look at what might work in terms of civil service reform. Some contrasting examples include Singapore where civil servants are highly paid but generally recognised to be of high quality with a long-term view as to how to develop the state. Alternatively in the USA a greater number of political appointees can work to allow politicians (Presidents) greater control over the executive.
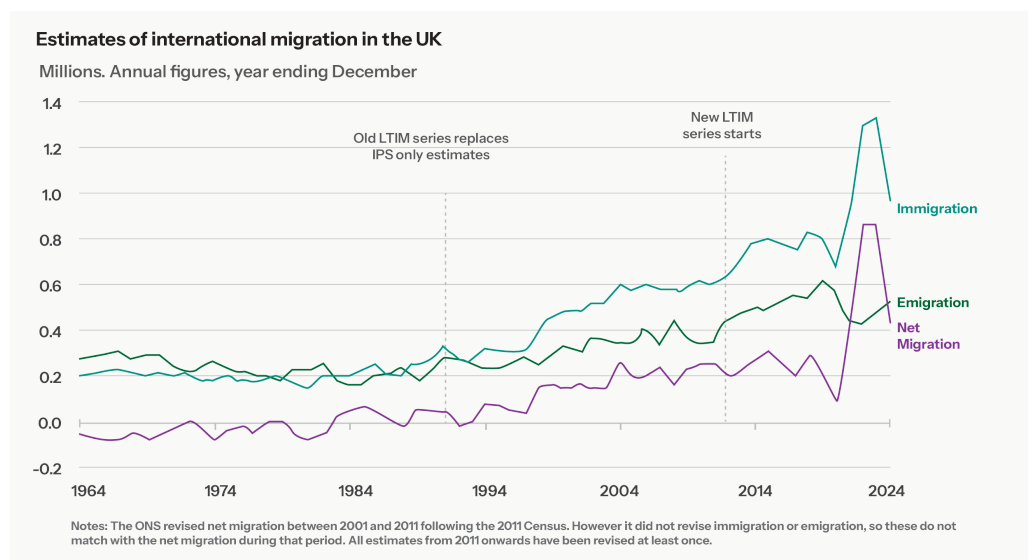
Administration	Key characteristics
UK	Generalist fast stream applicants move around the departments gradually moving to the top, difficult to sack and with high levels of pension?
Singapore	High pay and responsibility
France	Elite civil service fed from select colleges
USA	Political appointments
UAE	Long term view / family business? Developing UAE over generations?

The British State and Immigration - a case study in competence

One of the most striking failures of the British state in recent years, that has corroded the legitimacy of the state in the eyes of many of its citizens has been that of immigration control, an issue that highlights many of the structural problems inherent in the British state and policy making.

It has been a constant feature of British politics over the decades that the British public has demanded low levels of immigration and been sceptical of the 'expert' case for mass migration and its supposed economic benefits. An equally constant feature of British politics over the years has been British Government's promising to reduce immigration and then enacting policies that drive it to ever higher levels.

Immigration over time

Estimates of international migration in the UK

Millions. Annual figures, year ending December

Notes: The ONS revised net migration between 2001 and 2011 following the 2011 Census. However it did not revise immigration or emigration, so these do not match with the net migration during that period. All estimates from 2011 onwards have been revised at least once.

Source: Office of National Statistics: https://commonslibrary.parliament.uk/research-briefings/sn06077/

Mass immigration is a new phenomenon in the UK, starting in the 1990s. Prior to that the UK was often a state where emigration was the primary driver of demographic change, with fears over the 'brain drain' in response to the economic stagnation of the 1970s. However, this all changed with the advent of the Labour Government in 1997 and the enlargement of the EU in 2004.

Successive Governments have been elected after paying lip-service to the public's desires to cut immigration, yet in office have done the exact opposite. From the NHS to higher education, the British State wired itself up to see immigration as the solution to all its problems. Questionable and undemocratic beliefs in mass immigration now permeate the British state from the Office of Budgetary Responsibility (OBR), the Migration Advisory Committee (MAC), HM Treasury and the Cabinet Office, and into every Government department. Rather than training its own doctors and staff, the NHS relies on overseas recruitment. For instance, 42.7% of doctors in England were born abroad.[51] The UK has failed to train its own medical staff instead putting a cap on training places.

Rather than a labour market that relies on domestic training and investment to drive productivity the state chose the sugar rush of mass migration to massage short term economic growth statistics with the OBR, MAC and HM Treasury all in agreement.

The increase in immigration to the UK was given underpinning by a plethora of organisations that sought to mould the public debate, firstly as one limited to economics, and subsequently that of being an economic benefit. The economics of this was rooted in the works of Dustmann and Fratini[52] and Professor Jonathan Portes[53], who perpetuated a 'more the merrier' approach to

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[51] IFS, https://ifs.org.uk/sites/default/files/2024-01/IFS-Report-R294-Ethnic-diversity-of-NHS-doctors%20%281%29.pdf

[52] Dustmann et al 2008 https://www.ucl.ac.uk/~uctpb21/Cpapers/DustmannGlitzFrattini2008.pdf

[53] Jonathan Portes, https://kclpure.kcl.ac.uk/portal/files/110383255/Proof_FEA_Economics.pdf

immigration, with Professor Portes being the chief economist in the Cabinet Office during the opening up of the UK's borders under then-Prime Minister Tony Blair. These arguments crudely prioritised economic growth and dependency ratios over GDP per capita growth where the long-term costs and infrastructure implications   of mass migration were discounted or ignored, essentially sweating today's infrastructure with a larger population for a temporary economic gain.

This has been likened to a Ponzi scheme wherein economists argue for the immigration of more workers today to pay for the (state) pensions of yesterday's workers without considering that today's workers will in turn become pensioners and need yet more immigrants of working age to pay for them.[54]

The institutional bias in favour of immigration remains in the opinion-forming organisations and the economic models they continue to use up until today.

- The economic modelling used by the OBR, HMT, Home Office and MAC remains in favour of immigration over the alternatives of domestic training and automation. Focusing on short term management of the Government's fiscal position based on over optimistic projections of migrants' contributions while ignoring second order or long term implications.
- UK domestic legal rights-based thinking, based on the Human Rights Act, has made action on immigration difficult.
- The state's own reliance on low wage immigration to staff the NHS and reduce training bills as well as the use of visas to attract international students to subsidise universities.

This has had a profound impact on the British state and its democracy, where the state reduces the values and people of what had been a stable population with shared cultural norms into little more than economic units of production.

Previously there was a definite political culture and shared understanding. The majority of the population not only spoke the same language and shared the same religion, education, and family histories, they watched and listened to the same television and radio programmes.

This has changed. Not only has the proliferation of the media and social media atomised a once homogenous political culture but mass immigration has changed the very nature of the electorate. Concurrently, the BBC, once a trusted and universally accessed source of information has declined, levels of trust and interaction have declined and no longer leads the national conversation. Now with the establishment of majority-minority communities in many towns and cities accessing different media and holding different cultural identities, questions around integration are left mostly unanswered, and in some cases, completely unasked. Newly settled communities have little to integrate into and are now able to remain in close contact with their original state via cheap long-haul travel.

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[54] Made worse by the fact that today's mass immigration was not even mostly of workers, including many dependants.

Thinking in Siloes - each individual department argues for more immigration while collectively Ministers wish to reduce immigration.

Even with a government nominally committed to reducing immigration, the opposite has often been the result. A key reason for this is the propensity of Government Ministers to think in silo:. each individual department has a 'migration want' but in total the Government wishes to reduce immigration. For example:

The in-built Pro Immigration lobby

Department	Migration ask	Effect
NHS	Low wage workers for the care sector Trained Doctors to reduce training budgets	Becomes a permanent sticking plaster driving down wages.
HMT	More workers to pay for today's pension bill while ignoring tomorrow's pension bill.	Criticized as a 'Ponzi scheme'
DEFRA	Agricultural workers	Slows down investment in necessary automation
Universities	International Students to subsidise uncompetitive universities. The key task is an unskilled post graduate visa.	Keeps open Universities that add little value for their students.
FCDO	Immigration further to foreign policy aims. Afghanistan, Hong Kong, ad hoc humanitarian schemes.	Decisions taken without regard to the domestic economy or political situation.
Department of Trade	Immigration offers to speed up trade agreement announcements	Decisions taken without regard to the domestic economy or political situation.
Department of Business and Trade	More migration for businesses that lobby the department when there are labour shortages or wage inflation.	Dependence on low wage migrant labour in uncompetitive business sectors.

Yet despite that there is still a collective view that immigration should be reduced. While the public and Government believe that the Home Office is responsible for immigration numbers in practice it has little power. Instead they are compelled to write visas for other departments leading to the negative consequences of mass immigration in terms of cultural dislocation, pressure on public services and infrastructure, crime and housing are then felt by other departments and society at large.

There is no central body responsible for immigration policy. Each Department argues for more (Defra, Business, Education, and HMT), while the Home Office is nominally responsible but has no power to block coalitions of pro-migration Ministers.

The 'blob' mindset on the economics of immigration

The British state's official views and analysis on the benefits of immigration are largely the product of the OBR, HMT and MAC economic models. These are geared to specific outcomes, be it short term economic goals or questionable assumptions on the long-term effects or second order effects of migration, as exemplified by Dustmann and Portes.

This outlook needs to change. Rather than rely on models that promote immigration on a narrow and often false basis, the civil Service should be tasked with looking at migration as a whole. A new model based on the entire economic and social cost (and/or benefit) of immigration, encompassing training, automation and the whole lifespan of a migrant. Domestic automation and training should be the default response to labour market skills shortages, focusing on utilising the domestic workforce as far as possible.

Recognition needs to be made of the changing nature of the UK and international labour market. Automation and Artificial Intelligence (AI) will reduce the need for all types of labour; from foreign students to both unskilled and skilled workers, the UK needs to invest in AI and domestic labour market resilience over mass immigration.

UK domestic legal rights based thinking. The HRA and ECHR

To tackle illegal immigration, the UK will need to repeal the HRA, the Equality Act and leave the UN Convention on Refugees. Even with the legislation corrected, there remains a problem with the UK court system. The UK should end any moves to give devolved governments immigration powers. The government should not enter trade deals where UK immigration is a key ask of a UK trading partner.

NHS recruitment and training. Universities

Statistics on only 50% of NHS doctors and Nurses recruited domestically.[55] This leads to the loss of the opportunities for British students and a loss in the ability of the NHS to drive an increase in standards and productivity via high quality domestic training. This raises the issue of fairness.

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[55] IFS, https://ifs.org.uk/sites/default/files/2024-01/IFS-Report-R294-Ethnic-diversity-of-NHS-doctors%20%281%29.pdf

Conclusion

The British state, in common with other Western states, is undergoing a crisis of legitimacy that will require sustained efforts to rectify. While the foundations of legitimacy of the British state are deeper and wider that many other states, they are still showing signs of failure.

Identifying how each of the four pillars the legitimacy of the British state rests upon have been eroded is a key task for government, ahead of coming forwards with policy proposals to strengthen British representative democracy, its cultural and customary legitimacy, restoring the rule of law and above all the competence of the civil service and government to deliver.

A radical government wishing to reconnect with a sceptical population should first start to look at the foundations.