**Discipline: "British history"**

**Theme: "GREAT BRITAIN: CONSTITUTION. POLITICS. LAW"**

*The Constitution.* Unlike the constitutions of the US, France and many Commonwealth countries, the British constitution has never been assembled at any time into a single, consolidated document. Instead, it is made up of common law, statute law (статутное право, право, выраженное в законодательных актах), and convention.

Britain does have some important **constitutional documents**, including the **Magna Carta** (1215) which protects the community against the Crown (61 clauses deal with “free church”, feudal law, towns, trade, and merchants, the behaviour of royal officials, royal forests); **the Bill of Rights** (1689) which extended the powers of parliament, making it impossible for the sovereign to ignore the wishes of government; the **Reform Act** (1832), which reformed the system of parliamentary representation.

Common law has never been clearly defined – it is deduces from custom or legal precedents and interpreted in court cases by judges. Many conventions derive from the historical events through which the British system of Government has evolved.

The Public Attitude to Politics.Politicians in Britain do not have a good reputation. To describe someone as a “politician” means to criticize them, suggesting a lack of trustworthiness. It is not that people hate their politicians. They just regard them with high degree of suspicion. They do not expect them to be corrupt or to use their position to amass personal wealth, but they do expect them to be frequently dishonest. People are not really shocked when the government is caught lying. On the other hand, they would be very shocked indeed if it was discovered the government was doing something anything really illegal.

The lack of enthusiasm for politicians may be seen in the fact that surveys have shown a general ignorance of who they are. More than half of the adults in Britain do not know the name of their local member of Parliament, and quite a high proportion do not even know the names of the important government ministers or the leaders of the major political parties.

The British were not always so unenthusiastic. In the centuries past, it was a maxim of gentlemen’s clubs that nobody should mention politics or religion in polite conversation. If anybody did there was a high there was a danger that the conversation would become too heated, people would become too bad-tempered and perhaps violent. However, there has not been any real possibility of a revolution or even of a radical change in the style of government for almost two centuries now. The stability is now taken for granted. Most people rarely see any reason to become passionate about politics and nobody regards it as a “dangerous” topic of conversation. They are more likely to regard it as a boring topic of conversation. Still, three-quarters of the adult population are interested enough in politics to vote at national elections.

The Style of Democracy. Two unique aspects of British life will make this clear:

* Britain is one of the few European countries whose people do not have identity cards. Before the 1970s, when tourism to foreign countries became popular (and so holding of passports became more common), most people went through life without ever owning a document. Even now British people do not have to carry their identification with them. You even do not have to have your driving license with you in your car. If the police ask to see it, you have 24 hours to take it to them.
* Britain is also the only country in the EU without a Freedom of Information Act. There is no law which obliges a government authority or agency to show you what information it has collected about you.

*The relationships between an individual and the state* – both should “leave each other alone” as much as possible.The duties of an individual towards the state are confined to not breaking the law and to paying taxes. There is no military service; people are not obliged to vote at elections; people do not have to register their change of address with any authority if they move house. Similarly, if the government wants to make an important change in the way the country is run (e.g. the electoral system or the powers of Prime Minister) it does not have to ask people to vote in a referendum. It does not even have to have a special vote in Parliament with an especially high number of MPs in favour. It just needs to get Parliament agree.

In Britain, democracy has never meant that people have a hand in running the country; rather, it means that people choose who will govern the country, and then let them go on with it!

The system of government. In theory, the constitution has three branches: Parliament, which makes laws, the Government, which 'executes' laws, i.e. puts them into effect, and the law courts, which interpret laws. Although the Queen is officially head of all three branches, she has little direct power.

**The Queen reigns but does not rule**

The Sovereign. *Her Most Excellent Majesty Elizabeth the Second by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen. Head of the Commonwealth, Defender of the Faith.*

The UK is **a constitutional monarchy**.The Queen is the official Head of State and, for many people, a symbol of the unity of the nation. For a thousand years England (and later the whole of the United Kingdom) has been united under one sovereign, a continuity broken only after the Civil War, by the republic of 1649 to 1660. The Crown is passed to the sovereign’s eldest son, although in future it will pass to the eldest child, whether son or daughter. The Queen has a central role in state affairs, not only through her ceremonial functions, such as opening Parliament, but also because she meets the Prime Minister every week and receives copies of all Cabinet papers. However, she is expected to be impartial or “above politics”, and any advice she may offer the Prime Minister is kept secret.

Other countries have “citizens”, but in the UK people are legally described as “**subjects** of Her Majesty the Queen”. Moreover, there is a principle of English law that the monarch can do nothing that is generally wrong. In other words, Queen Elizabeth II is above the law.

Functions of the Sovereign:

* opening Parliament every autumn. The Queen makes a speech where she says what “my government” intends to do in the coming year. As far as the law is concerned, she can choose anybody to run the government for her. In reality, she appoints the head of the party that has won the majority of seats in the House of Commons. The same is true for the people to fill some hundred or so of ministerial positions. Officially speaking, they are all “servants of the Crown” (not servants of the country or the people). In reality, it is the Prime Minister who decides who the government ministers are going to be (although the Prime Minister simply “advises” the monarch who to choose). In reality the Queen has almost no power at all. For the ceremony of **the State Opening of Parliament**, the speech she makes is written for her. She makes no secret of the fact and very obviously reads out of the script, word for word. If she strongly disagrees with one of the policies of the government she might ask to change the wording in the speech, but she cannot stop the government from pursuing the policy.
* approving the appointment of the Prime Minister;
* giving her **Royal Assent** (королевская санкция) to bills. In theory, the Queen could refuse the Royal Assent and so stop a bill becoming law, but no monarch has actually done so since 1708. The Royal Assent is so automatic that the Queen doesn’t even bother to give it in person, somebody else signs the document for her;
* giving honours such as peerages, knighthoods and medals. Traditionally, by giving people titles, the monarch “honoured” them for their services. These days, the decision who gets which honour is made by the Prime Minister, so a high proportion of honours id given to politicians, civil servants, business people, sport stars, musicians and other entertainers.
* Head of the **Commonwealth**. The Commonwealth is a voluntary organisation of 54 independent countries who all share a common history as part of Britain’s imperial past. The countries are as diverse as Australia, Canada, New Zealand, Pakistan, Cyprus, India, Barbados, Sri Lanka and Zambia. The British Commonwealth of Nations was set up in 1931 on dismantling of the British Empire, since 1949 it has been known simply as the Commonwealth. Any nation wishing to join must be independent, and its application must be acceptable to existing members. All member states recognize the British monarch as head of the Commonwealth, though he\she is not necessarily the head of each individual state. Members of the Commonwealth have special links with the UK and with each other. All members are equal and agree to work together to advance democracy, human rights and social and economic development, and organises special programmes to help promote trade, science, health, young people and many other specific issues in its member countries. There are no legal or constitutional obligations involved in the membership.
* Head of the Church of England;
* Commander-in-Chief of the armed forces.

*The National Anthem*

*God save our gracious (милостивый) Queen!*

*Long live our noble Queen!*

*God save the Queen!*

*Send her victorious,*

*Happy and glorious,*

*Long to reign over us,*

*God save the Queen!*

Many members of *the Royal Family* undertake official duties in Britain and abroad. Their various responsibilities reflect tradition, their own personal interests and Britain’s former imperial status.

For example, among her many titles the Princess Royal (Princess Anne) is Chancellor of the University of London, Colonel-in-Chief of eleven Army regiments, including the 8th Canadian Hussars [hu'za:] and the Royal New Zealand Nursing Corps, and president of the Save the Children Fund, for whom she has travelled widely.

The Royal Family's money comes from two sources: government funds and their own personal wealth, which is considerable. On the one hand the Queen is certainly one of the richest women in the world, while on the other her power is limited by the fact that so many of her expenses are paid for by government money. Parliament has had effective control of the monarch's finances since the seventeenth century. A survey in 1989 found that 71% of people in Britain thought that the Royal Family offered value for money – this was fewer than in previous surveys. As many as 74 per cent thought the younger Royals should “get proper jobs”.

The British Parliament works in a large building called **the Palace of Westminster** (popularly known as **the Houses of Parliament**). This contains offices, committee rooms, restaurants, bars, and libraries. It also contains two larger rooms. One is where **the House of Lords** meets, the other is where **the House of Commons** meets. The House of Commons – a far more important of the two houses – consists of 651 members (524 for England, 38 for Wales, 72 for Scotland, 17 for Northern Ireland). Members of the House of Commons are elected by the voters of about 650 constituencies. They are known as **MPs, or Members of Parliament**.

*The General Election of June 2001 Results*

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| --- | --- | --- |
|  | Number of MPs elected | % share of vote |
| LABOUR | 412 | 40.7 |
| CONSERVATIVE | 166 | 31.7 |
| LIBERAL DEMOCRAT | 52 | 18.3 |
| SCOTTISH NATIONAL | 5 | 1.8 |
| PLAID CYMRU (WELSH NATIONAL) | 4 | 0.7 |
| NORTHERN IRELAND (the four Sinn Fein members have not taken their seats) | 18 | 2.8 |
| OTHERS | 1 | 0.1 |

The design and the layout of the House of Commons differ from the interior of the parliament buildings in most other countries; these differences can tell us a lot what is distinctive of the British Parliament.

*The seating arrangement.* There are just two rows of benches facing each other. The MPs of the governing party sit facing the opposition MPs. There is no opportunity in this layout for a reflection of all the various shades of political opinion. This division is emphasised by the table on the floor of the House between the two rows of benches. The **Speaker**’s chair is also there. From here the Speaker:

* chairs and controls discussions in the House;
* decides which MP is going to speak next;
* makes sure that the rules of the procedure are observed.

If they are not, the Speaker has the right to demand a public apology from an MP or even to ban an MP from the House for a number of days.

The Speaker is, officially, the second most important commoner (“non-aristocrat”) in the UK after the Prime Minister. Once a Speaker has been appointed, he or she agrees to give up all party politics and remains in the job as long as he/she wants it.

Hundreds of years ago, it was the Speaker’s job to communicate the decisions of the House of Commons to the King (that’s where the name *Speaker* comes from). As the King was often displeased with those decisions, it was a dangerous job and nobody wanted it. They had to be forced to take it. These days, a position is a much safer one, but the tradition of dragging an unwilling Speaker to the chair has remained.

The Commons has no “front”, no obvious place from which an MP can address everybody. MPs simply stand up and speak from wherever they might be sitting.

MPs do not have their own place with a name on it. There are no desks for them. They sit on the benches like in church. Besides, there aren’t seats enough for everybody (there are only about 400 seats for 651 MPs).

Although MPs do not have their own personal seats in the Commons, there are two seating areas reserved for particular MPs. These areas are the front benches on either side of the House. These are the benches where the leading members of the ruling party and the leading members of the main opposition party sit. These people are thus known as ***“frontbenchers”.***MPs who do not hold the governing posts and who, therefore, in the House of Commons sits on the back benches are known as ***“backbenchers”;***an independent or neutral MP, who belongs neither to the Government nor to the Opposition is called a ***“crossbencher”.***

All these features result in a fairly informal atmosphere. The fairly small size of the House together with the lack of podium means that MPs do not normally speak the way they would at a large public meeting. MPs normally speak in a conversational tone and because they have nowhere to put their notes, they do not normally speak long.

There is a rule, which forbids MPs to address one another directly or use personal names. All remarks and questions must “go through the Chair”. An MP who is speaking refers to or ask a question of *“the honourable member of Winchester”* or *“my right honourable friend”*. A Winchester MP might be sitting opposite but the MP never says you.

*A parliamentary day in the Commons from Monday to Thursdays.*

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| --- | --- |
| 14.30 | Prayers |
| 14.35 | Question time (the most well-attended part of the parliamentary day. MPs are allowed to ask questions to government ministers. Opposition ministers have an opportunity to make the ministers look incompetent or perhaps dishonest. However, questions have to be “tabled” – written down and placed on the table below the speaker’s chair two days in advance. The risk is a “supplementary question” which can be asked relating the minister’s answer.)  |
| 15.30 | A debate on a proposal of a new law, known as “bill”. Most of the bills are introduces by the government but there are also “private member bills” introduced by individual MPs.  |
| 22.00 | The main business of the day stops and MPs are allowed to bring up another matter for the discussion. |
| 22.30 | The House rises (usually). |

\* On Fridays the House starts in the morning, finishing in the early afternoon for the weekend.

The House has long holidays: four weeks at Christmas, two weeks at Easter, two weeks at Whitsun (Троицын день), about eleven weeks in the summer (the beginning of August – the middle of October).

Traditionally, MPs were supposed to be ordinary people giving some of their time to representation their countrymen. They were not even paid until the beginning of the 20th century because they were supposed to have some business of their own, and usually only rich people could afford to be MPs. Even now British MPs – though professionals– are relatively poorly paid in comparison with many of European countries. The House does not sit in the morning because these are “gentleman’s hours” when MPs were supposed to do the business of their own. Nowadays, this time is spent on committee work, research, preparing speeches and dealing with problems of their constituences.

How a bill becomes a law.

**First reading.** This is a formal announcement only, with no debate.

**Second reading.** The House debates general principles of the bill and, in most cases, takes a vote.

**Committee stage.** A committee of MPs examines the details of the bill and votes on amendments to its parts.

**Report stage.** The House considers the amendments

**Third reading.**  The amended bill is debated as a whole.

The bill is sent to the **House of Lords** where it goes through the same stages. (If the Lords make new amendments, these will be considered by the Commons),

After both Houses have reached agreement, the bill is sent to the Queen for her signature (or 'Royal Assent') at which point it becomes an Act of Parliament. The Royal Assent is a formality: no sovereign has refused a bill since 1707.

Members of the House of Lords (**peers**) are not elected at present. Until 1999 they were mostly “**hereditary peers**” because their fathers had been peers before them. Now only 91 out of about 700 peers are hereditary: the rest are “**life peers**” who cannot pass on their titles, senior judges (**Law Lords**) and Church of England Archbishops and Bishops (**Lords Spiritual**).

Elections. The United Kingdom is divided into 650 parliamentary **constituencies** (избирательный округ), each with an electorate of about 60,000 voters. Each British citizen over eighteen has the vote (although voting is not compulsory). Each constituency is represented by one Member of Parliament in the House of Commons.

Any number of candidates can stand for election in each constituency. The main political parties are usually represented, and sometimes candidates representing minority parties also stand. The winner is the candidate who gets more votes than any other single candidate, even if the difference is only one vote. This **“first past the post”** system is clear, familiar and simple, but it means that the candidate who comes second gets nothing.

The leader of the party with most seats becomes Prime Minister and forms a Government, which can remain in power for up to five years unless the Prime Minister decides to hold an earlier election. The second biggest party becomes the official Opposition. Its leader forms a “**Shadow Cabinet**”. Since 1945 the **Conservatives** and **Labour** have been either the Government or the Opposition.

In the 1980s, British politics was dominated by Margaret Thatcher: she was Britain’s first woman Prime Minister, leader of the ruling Conservative Party and the longest-serving Prime Minister in the 20th century. Under Thatcher, it was Conservative policy to return state-owned industries to private ownership, cut taxation and control inflation. In 1997 her successor John Major was beaten by Tony Blair of Labour.

Breaking Conservative and Labour dominance. In 1981 a new party was formed to try to break the dominance of Conservative and Labour. Some Conservative and Labour MPs left their own parties to join the new **Social Democrats**. The new party then agreed to fight elections in alliance with the small but long-established Liberals, forming the Alliance. In 1987 the two parties of the Alliance agreed to merge to form a new party, the **Liberal Democrats**, although some Social Democrats preferred to remain independent.

The election timetable. A British government is elected for up to five years, unless it is defeated in Parliament on a major issue. The Prime Minister chooses the date of the next **General Election**, but does not have to wait until the end of the five years. A time is chosen which will give as much advantage as possible to the political party in power. About a month before the election the Prime Minister meets a small group of close advisers to discuss the date which would best suit the party. The date is announced to the Cabinet. The Prime Minister formally asks the Sovereign **to dissolve Parliament**. Once Parliament is dissolved, all MPs are unemployed, but government officers continue to function. Party manifestos are published and campaigning begins throughout the country, lasting for about three weeks with large-scale press, radio and television coverage. Voting takes place on **Polling Day** (usually a Thursday). The results from each constituency are announced as soon as the votes have been counted, usually the same night. The national result is known by the next morning at the latest. As soon as it is clear that one party has a majority of seats in the House of Commons, its leader is formally invited by the Sovereign to form a government.

The Prime Minister, or leader of the Government, is also an MP, usually the leader of the political party with a majority in the House of Commons.

The Government. Functions of the Prime Minister:

* leading the majority party;
* running the Government;
* appointing Cabinet Ministers and other ministers;
* representing the nation in political matters.

The Prime Minister is advised by a Cabinet of about twenty other ministers. The Cabinet includes the ministers in charge of major government departments or ministries. Departments and ministries are run by civil servants (гос. служащий), who are permanent officials. Even if the Government changes after an election, the same civil servants are employed.

The legal system. British law comes from two main sources: laws made in Parliament (usually drawn up by government departments and lawyers), and Common Law (общее право), which is based on previous judgements and customs. Just as there is no written constitution, so England and Wales have no criminal code or civil code and the interpretation of the law is based on what has happened in the past. The laws which are made in Parliament are interpreted by the courts, but changes in the law itself are made in Parliament.

The most common type of law court in England and Wales is **the magistrates' court** (магистратский суд, мировой суд). There are 700 magistrates' courts and about 30,000 magistrates. More serious criminal cases then go to **the Crown Court** (Суд короны (уголовное отделение Высокого суда правосудия), which has 90 branches in different towns and cities. Civil cases (for example, divorce or bankruptcy cases) are dealt with in **County courts** (суд графства). Appeals are heard by higher courts. For example, appeals from magistrates' courts are heard in the Crown Court, unless they are appeals on points of law. The highest court of appeal in England and Wales is the House of Lords. (Scotland has its own High Court in Edinburgh which hears all appeals from Scottish courts). Certain cases may be referred to the European Court of Justice in Luxembourg.

**Articles**

1. http://ru.wikipedia.org/wiki/Великобритания
2. http://www.britannia.com/history/
3. http://www.british-history.ac.uk/Default.aspx
4. http://www.great-britain.co.uk/history/history.htm
5. http://www.greatbritain.ru/