

CHARTER 88

We have been brought up in Britain to believe that we are free: that our Parliament is the mother of democracy; that our liberty is the envy of the world; that our system of justice is always fair; that the guardians of our safety, the police and security services, are subject to democratic, legal control; that our civil service is impartial; that our cities and communities maintain a proud identity; that our press is brave and honest.

Today such beliefs are increasingly implausible. The gap between reality and the received ideas of Britain's "unwritten constitution" has widened to a degree that many find hard to endure. Yet this year we are invited to celebrate the third centenary of the "Glorious Revolution" of 1688, which established what was to become the United Kingdom's sovereign formula. In the name of freedom, our political, human and social rights are curtailed while the powers of the executive have increased, are increasing and ought to be diminished.

A process is underway which endangers many of the freedoms we have had. Only in part deliberate, it began before 1979 and is now gathering momentum. Scotland is governed like a province from Whitehall. More generally, the government has eroded a number of important civil freedoms: for example, the universal rights to habeas corpus, to peaceful assembly, to freedom of information, to freedom of expression, to membership of a trade union, to local government, to freedom of movement, even to the birth-right itself. By taking these rights from some, the government puts them at risk for all.

A traditional British belief in the benign nature of the country's institutions encourages an unsystematic perception of these grave matters; each becomes an "issue" considered in isolation from the rest. Being unwritten, constitution also encourages a piecemeal approach to politics; an approach that gives little protection against a determined, authoritarian state. For the events of 1688 only shifted the absolute power of the monarch into the hands of the parliamentary oligarchy.

The current administration is not an un-English interruption in the country's way of life. But while the government calls upon aspirations for liberty, it also exploits the dark side of a constitutional settlement which was always deficient in democracy.

The 1688 settlement had a positive side. In its time the Glorious Revolution was a historic victory over Royal tyranny. Britain was spared the rigours of dictatorship. A working compromise between many different interests was made possible at home, even if, from Ireland to India, quite different standards were imposed by Empire abroad. No criticism of contemporary developments in Britain should deny the significance of past democratic achievements, most dramatically illuminated in May 1940 when Britain defied the fascist domination of Europe.

But the eventual victory that liberated Western Europe preserved the paternalist attitudes and institutions of the United Kingdom. These incorporated the popular desire for work and welfare into a post-war national consensus. Now this has broken down. So, too, have its conventions of compromise and tolerance: essential components of a free society. Instead, the inbuilt powers of the 1688 settlement have enabled the government to discipline British society

to its ends: to impose its values on the civil service; to menace the independence of broadcasting; to threaten academic freedom in the universities and schools; to tolerate abuses committed in the name of national security. The break with the immediate past shows how vulnerable Britain has always been to elective dictatorship. The consequence is that today the British have fewer legal rights and less democracy than many other West Europeans.

The intensification of authoritarian rule in the United Kingdom has only recently begun. The time to reverse the process is now, but it cannot be reversed by an appeal to the past. Three hundred years of unwritten rule from above are enough. Britain needs a democratic programme that will end unfettered control by the executive of the day. It needs to reform a Parliament in which domination of the lower house can be decided by fewer than 40 per cent of the population; a Parliament in which a majority of the upper house is still determined by inheritance.

We have had less freedom than we believed. That which we have enjoyed has been too dependent on the benevolence of our rulers. Our freedoms have remained their possession, rationed out to us as subjects rather than being our own inalienable possession as citizens. To make real the freedoms we once took for granted means for the first time to take them for ourselves.

The time has come to demand political, civil and human rights in the United Kingdom. The first step is to establish them in constitutional form, so that they are no longer subject to the arbitrary diktat of Westminster and Whitehall.

We call, therefore, for a new constitutional settlement which would:

Enshrine, by means of a Bill of Rights, such civil liberties as the right to peaceful assembly, to freedom of association, to freedom from discrimination, to freedom from detention without trial, to trial by jury, to privacy and to freedom of expression.

Subject executive powers and prerogatives, by whomsoever exercised, to the rule of law.

Establish freedom of information and open government.

Create a fair electoral system of proportional representation.

Reform the upper house to establish a democratic, non-hereditary second chamber.

Place the executive under the power of a democratically renewed parliament and all agencies of the state under the rule of law.

Ensure the independence of a reformed judiciary.

Provide legal remedies for all abuses of power by the state and the officials of central and local government.

Guarantee an equitable distribution of power between local, regional and national government.

Draw up a written constitution, anchored in the idea of universal citizenship, that incorporates these reforms.

Our central concern is the law. No country can be considered free in which the government is above the law. No democracy can be considered safe whose freedoms are not encoded in a basic constitution.

We, the undersigned, have called this document Charter 88. First, to mark our rejection of the complacency with which the tercentenary of the Revolution of 1688 has been celebrated. Second, to reassert a tradition of demands for constitutional rights in Britain, which stretches from the barons who forced the Magna Carta on King John, to the working men who drew up the People's Charter in 1838, to the women at the beginning of this century who demanded universal suffrage. Third, to salute the courage of those in Eastern Europe who still fight for their fundamental freedoms.

Like the Czech and Slovak signatories of Charter 77, we are an informal, open community of people of different opinions, faiths and professions, united by the will to strive, individually and collectively, for the respect of civil and human rights in our own country and throughout the world. Charter 77 welcomed the ratification by Czechoslovakia of the UN International Covenant on Political and Civil Rights, but noted that it "serves as a reminder of the extent to which basic human rights in our country exist, regrettably, on paper only".

Conditions here are so much better than in Eastern Europe as to bear no comparison. But our rights in the United Kingdom remain unformulated, conditional upon the goodwill of the government and the compassion of bureaucrats. To create a democratic constitution at the end of the twentieth century, however, may extend the concept of liberty, especially with respect to the rights of women and the place of minorities. It will not be a simple matter: part of British sovereignty is shared with Europe; and the extension of social rights in a modern economy is a matter of debate everywhere. We cannot foretell the choices a free people may make. We are united in one opinion only, that British society stands in need of a constitution which protects individual rights and of the institutions of a modern and pluralist democracy.

The inscription of laws does not guarantee their realisation. Only people themselves can ensure freedom, democracy and equality before the law. Nonetheless, such ends can be far better demanded, and more effectively obtained and guarded, once they **belong to everyone by inalienable right.**

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Charter 88 is an informal association of individuals and bodies, including the *New Statesman and Society* and the Constitutional Reform Centre