

EURAMERICA Vol. 38, No. 1 (March 2008), 31-64  
[http://www.ea.sinica.edu.tw/euramerica/en\\_index.php](http://www.ea.sinica.edu.tw/euramerica/en_index.php)  
© Institute of European and American Studies, Academia Sinica

## **Modern Constitutional Ideas and Developments and the Challenge Posed to the British Constitution**

Harry T. Dickinson

School of History, Classics and Archaeology, University of Edinburgh  
E-mail: [Harry.Dickinson@ed.ac.uk](mailto:Harry.Dickinson@ed.ac.uk)

### **Abstract**

Britain has the oldest constitutional and representative government in the world, but it is an unwritten, customary and un-codified constitution that has evolved over centuries. It possesses some, but not all, of the features now associated with modern democratic written constitutions widespread in North America and Western Europe. While this constitution enjoyed considerable support from the mid-nineteenth through the mid-twentieth century, in more recent decades it has been subject to much criticism and has been altered significantly by major recent developments. Membership of the European Union and the decisions taken to devolve legislative authority away from Westminster to local legislatures and executives in Scotland, Wales and Northern Ireland have together led to challenges to the long-established sovereign authority of the crown-in-parliament, made significant changes to the rule of law, and undermined the former ways in which the executive was

---

Received September 19, 2007; accepted December 21, 2007; last revised December 27, 2007

Proofreaders: Jeffrey Cuvilier, Yu-ting Lin, Hua-Hsuan Chu, Pei-Hua Lee

accountable to parliament and people. The United Kingdom no longer possesses the constitution so admired until recently but has not yet evolved a new constitution capable of winning widespread support from all social strata and all parts of the kingdom. The result is a public sharply divided on how the United Kingdom should respond to the changes wrought by its membership in the European Union and the devolution of some of Westminster's authority to Scotland, Wales and Northern Ireland.

**Key Words:** constitution, parliament, sovereignty, devolution, European Union