

# 'Never Reflective, because So Obviously a Fact': Institutions and National Identity in English Political Thought

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## Abstract

Following the result of the Scottish Referendum in September 2014, Peter Hennessy thought that the English Question would become the weather-maker in contemporary British politics. It is important, however, to avoid overemphasis on the novelty of this matter. There is a compelling argument to bring current debates about Englishness into fruitful dialogue with historical perspectives because this may yield more nuanced understandings of the relationship between political argument and enduring expressions of Englishness. This article considers first a tradition of institutional thinking and how that thinking helped to define English national self-understanding, what Sir Ernest Barker once described as 'never reflective, because it is so simply and obviously a fact'. The article explores the erosion of that national self-understanding in recent years through a number of 'ironies of inversion', in which the previous virtues of English institutionalism can appear as present vices. These ironies of inversion have become factors of popular political grievance, especially since devolution, and have added to an insistent mood that the English Question *must* be addressed, even if there is no consensus about *how* it should be addressed.

## Keywords

English identity, institutionalism, constitutional irony, political trust

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The 2015 General Election, according to one knowledgeable commentator, 'will be remembered as the Scottish election' for a tidal wave propelling the Scottish National Party to 56 out of 59 seats (Massie, 2015). However, this may not be the only or lasting impact. To paraphrase Winston Churchill's famous remark about Ireland, as the deluge subsides and as the waters fall short in Scotland we see the English Question emerging once again. That is what Peter Hennessy (2015: 126) predicted in the immediate aftermath

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of the Scottish independence referendum in September 2014, and the meteorological metaphor also appealed to him. He thought that the English Question would become the weather-maker and that it would continue to be influential 'even as the political low pressure systems come squalling in as they do, one after another'. Hennessy imagined it roaring into life, the very phrase Alex Salmond used to describe post-election Scottish nationalism. The popular currents may be deeper, and the effect on the political climate is less immediately visible but the significance of the English Question for the United Kingdom is no less profound. Some have always thought that it would be the determining factor. The important thing for continuity in the state, as Margaret Canovan argued (1996: 79), is not that the Scots, Welsh and Northern Irish feel comfortable being British but that the English do. If one can identify a distinct English grievance in recent years, it is that Canovan's observation has been ignored or, according to Linda Colley (2014: 61), it has been assumed that England is 'the big sister whose reliability could be taken for granted'. There is a compelling argument to bring contemporary debates about Englishness into a fruitful dialogue with historical perspectives to yield more nuanced understandings of the relationship between politics and cultural expressions of Englishness. Andrew Blick (2015), on a much larger historical canvas, has provided an intriguing example of how historical reflection may inform contemporary constitutional debates. Certainly, much in the life of a nation depends on how the past is imaginatively linked up with the challenges of the present (Colls, 2002: 2). This article considers the dialogue between the contemporary and the historical in terms of a number of 'ironic inversions'.

For there certainly are interesting historical echoes in the present. At the beginning of the twentieth century, HG Wells (1932: 43) wrote that 'In England we have come to rely upon a comfortable time lag of fifty years or a century intervening between the perception that something ought to be done and a serious attempt to do it'. At the beginning of the twenty-first century, Colley (2014: 153) recounted with approval a journalist in 1911 who pronounced, 'If Home Rule for England presents serious problems we had better face them at once. They are not going to be solved by either postponing them or ignoring them'. Both statements constitute an interesting reflection on the present circumstances. Before the 2015 election, some commentators anticipated that the English would finally speak, as GK Chesterton observed in 1915, provoked by Scottish events (Parris, 2015). After the election, Home Rule for England emerged as a widely proposed option to address the constitutional imbalance in the United Kingdom, with some scholars looking forward to a possible workable arrangement by looking back to the first decades of the last century (Bogdanor, 2015). Mike Kenny (2014b: 5) has written of 'a lineage of constitutional orthodoxy' embodied in political institutions, one which once defined English self-understanding. A lot of intellectual energy has been expended either searching for an authentic English nationalism or criticising the lack of one (Nairn, 1977), yet constitutional orthodoxy (to paraphrase the political philosopher, Michael Oakeshott) can be an authentic substitute for nationalism. Like the epitaph on the tomb of Sir Christopher Wren – *si monumentum requiris, circumspice* – the evidence of what was once called the English national 'genius' was to be found most clearly in its institutions. If we are witnessing an emergent 'moment of Englishness' (Kumar, 2003), it is worth revisiting that historical self-understanding invested in institutional form. Indeed, critics ironically detect in the old orthodoxy, not Wren-like magnificence but Shelley's Ozymandias, nothing but a colossal wreck. And that ironic inversion of institutional self-understanding, some say, is symbolised by the crumbling architectural fabric of Westminster itself.

## The Secret of England's Greatness

It is 'England's structure' which takes a central role in Robert Tombs' recent monumental history (Tombs, 2014: 881). His book details England's long administrative unity: its powerful central government, ancient tradition of representation, effective common law and sovereign Parliament. This history of the English is the history of their institutions, expressing structurally what was once widely held imaginatively: that England's constitution had been responsible for the progress of civil liberty and has had a positive effect upon national character (Readman, 2005: 189). If there was a common principle informing the Tory and Whig values which together sustained this ideal of England defined by its institutions, it could be summed up as follows: progressive goals attained by conservative means. Although some (see Moore, 1995: 5) would argue that the word 'England' is a 'poetic' term evoking warm beer and pleasing landscapes and that the word 'Britain' is 'fundamentally a political word' evoking 'an intricate network of institutions', the historical evidence suggests otherwise. Insofar as there was an English 'public doctrine', it could be described as self-congratulation about the parliamentary system (Cowling, 1985: 310). Here was an understanding of England precisely as a way of running things with its own distinctive network of institutions. One finds it in AV Dicey's observation ([1906] 2008: 329) that the secret of English liberty lay in the absence of any romantic national idea: 'The singular absence in England of all popular traditions causes some natural regret to poets and even to patriots. Yet it has assuredly favoured the growth and preservation of English freedom'. What distinguished England was the enduring reality of its institutions, especially the distinctive balance, conducive to freedom, which had been struck between law and public opinion. In short, England has always been a place for politics, government and the state. One intriguing example of the character of the English nation as an expression of institutional form can be found in Ernest Barker's ([1927] 1948) influential *National Character and the Factors in its Formation*. It is intriguing because of its divergence from many current readings of the condition of England.

In an extended reflection on questions of nationality and statehood, Barker ([1927] 1948: 194) remarked on the difference between England and Scotland which echoes ironically in the present. The quality of self-consciousness which marked out Scottish nationality, he thought, was self-reflective and sought to cultivate itself in demonstrative ways. According to Barker, this was explained by Scottish national consciousness not finding embodiment in an external political order of life. What was distinctive about articulate Scottish nationhood was its lack of separate governing institutions. On that basis, Barker explained the inarticulate and unconscious character of English nationality by inversion:

Embodied in a system of institutions, and visible to the very eye in an ordered countryside marked like a garden with the impress of the possessor's mind and ideas, English nationality is never reflective, because it is so simply and obviously a fact.

He went on to claim that what 'is deep in the bone does not hover about the lips, or rise to that level of consciousness which excites reflection and speech'. To think in this way did not mean that one was deprived of a national identity. Nor was it to assume that England's institutional shape revealed Podsnappian perfection. Rather, 'if it attains to so much reflection, it will only murmur to itself that "the English constitution might be worse, and England, after all, is not a bad country"' (Barker, [1927] 1948: 195). When he returned to this subject in a post-war edition of the book, Barker conceded the implausibility of the notion that these institutions were the inevitable expression of an 'English

national spirit'. On the contrary, they were historical achievements, and he continued to believe that institutions were the mould in which England's national character had been formed (Barker, [1927] 1948: 117). Reading Barker today, one is struck by an interpretive transposition, another classic example of the 'irony of inversion'. There has emerged a view that the English are absent from the creative institutionalism which attends devolution, particularly in Scotland and also in Wales and Northern Ireland (Kenny, 2014b: 177; Marquand, 2008). This complements a real sense of denial, that England is the last 'stateless nation' in the United Kingdom or, as one editorial proposed on the eve of the 2015 election, that England is the largest nation in Europe without its own political institutions (*New Statesman*, 2015; Weight, 2002: 726). The tone of these contemporary explanations – of Scottish institutional presence and English institutional absence – would surprise a previous generation of thinkers.

For example, a reaffirmation of Barker's thinking can be found in the early post-war writing on constitutional practice by Michael Oakeshott. The English parliamentary tradition was not an abstract idea but 'a way of living and a manner of politics which first began to emerge in the Middle Ages' (Oakeshott, 1948: 489). Out of that era was fashioned a style of politics enlarged by experience. This way of life was the earthly stepchild of English institutional inventiveness representing a method of political integration, which he thought 'the most civilized and the most effective method ever invented by mankind' (Oakeshott, 1948: 490). In this interpretation, Oakeshott was retelling afresh a traditional story which held that the secret of England's greatness lay in the continuity of its institutions, what Hugh Gaitskell in 1962 called the product of 'a thousand years of history'. As Robert Colls (2002: 73) admits, from a radical rather than conservative perspective, this story served by extension as a powerful integrating myth for the whole of the United Kingdom. The English 'external political order of life' involved a romantic history invested ironically in utility, perhaps best illustrated by Enoch Powell's famous speech to the Royal Society of St. George in 1961.

This speech is often taken to illustrate the sort of poetic nationalism which Dicey would have deprecated, but it is interesting to note that it was political institutions to which Powell generally referred as the source of England's identity. His rhetorical flourishes were designed to emphasise a simple point: that what binds the nation are its traditions of 'government and lawgiving'. Therefore, institutions 'which elsewhere are recent and artificial creations appear in England almost as works of nature, spontaneous and unquestioned'. That 'almost' is important for its insertion places Powell in the same tradition as Barker and even Oakeshott. And like them the characteristic of English governance is this: that people are mostly unaware how those institutions make the nation (although unlike either Barker or Oakeshott, Powell was conscious that this hidden strength could become an explicit weakness). The symbol of national unity, the monarchy, remained English for all the multinational leeks and thistles and shamrocks that had been grafted onto it: 'The stock that received all these grafts is English, the sap that rises through it to the extremities rises from roots in English earth, the earth of England's history' (Powell, 1969: 339–340). There is no doubting the Anglocentricity of this understanding of constitutional orthodoxy. Indeed, Vernon Bogdanor (1996: 184) has written deliberately of England's management of the 'Westminster model' being the 'cornerstone of the English Constitution about which Bagehot and Dicey wrote in those unregenerate Anglocentric days'. And for all his lingering Gladstonianism, Barker (1942: 14) was certain that the great danger which faced the Scots was a national path which 'might segregate them in isolation, of autonomy and Home Rule'. His

measure of isolation and autonomy was defined by the distance from and relationship with England or even London. Autonomy, in other words, was tantamount to being cut adrift from the source of English institutional energy and progress. Through political representation at Westminster, the common interests of what Barker called the 'contained nationalities' were secured, and it was through accommodation of diverse institutional traditions and cultures that distinct national identities were sustained in turn. It was, as one historian neatly put it, 'the English constitutional way of seeing the nation whole' (Colls, 2002: 53). Although in a celebrated phrase Richard Rose (1965: 5) argued that England was a state of mind, not a consciously organised political community, he was sure that the parliamentary system meant that 'what is important for England will never be overlooked'. Here is another example of the irony of inversion, for there has developed a popular view today that what is important for England is indeed overlooked. What reasons explain the disordering of English self-understanding in (very) recent times?

### Ironies of Inversion

The first reason involves another irony of inversion and can be called the constitutional effect. One clue again may be found in Dicey. In the first of his lectures on law and public opinion in England, he noted an apparent paradox: 'France is the land of revolution, England is renowned for conservatism, but a glance at the legal history of each country suggests the existence of some error in the popular contrast between French mutability and English unchangeableness'. In France as well as the United States, it was the habit of constitutionalism which told against the 'promotion of that constant legislative activity' which characterised the United Kingdom (Dicey, [1906] 2008: 5). When Bogdanor traced the course of constitutional reform a century later, he suggested a rather Diceyan answer as to why devolution, for example, had not generated immediate public reaction in England: 'The reforms have made less impact than they would have done in a country with a codified constitution where they would have been the subject of constitutional amendments and, no doubt, considerable discussion and debate' (Bogdanor, 2009: 271). – to which one is tempted to add, 'and ironically those radical reforms were possible only because of the English political tradition which thinkers once celebrated'. For Dicey, of course, the correspondence between public opinion and legislative change was inextricably linked to the doctrine of parliamentary sovereignty. The ironic inversion of this doctrine has meant that, in the space of a single political generation, the former orthodoxy has been undermined while the English public generally assumes that it continues as before. For some, profoundly discontented with the (non)state of England, the problem could be stated as the sentimental curse of Westminster. In short, while the English unreflectively subscribe to the pieties of the Mother of Parliaments and all that, the new institutional order now works against England. And if, as David Starkey (Dale, 2009) believes, the most powerful force in English public life is an absolute sentimentalism for the Westminster model, that force corrupts rather than promotes English interests. Hence, the constitutional effect which some claim has become self-evident: that there 'is a political void where England should be' and while the rest of the United Kingdom enjoys forms of self-government, Westminster, the traditional assembly of the English people, speaks for the Union but not for them. 'England, as a political nation, has no body and cannot speak' (Glasman, 2010). There are two related aspects to this now familiar complaint.

The first concerns another irony of inversion in what Jim Bulpitt famously called British statecraft. For him, the historical concern of what is now popularly called the 'Westminster elites' was autonomy of the political centre from the periphery, complemented by functional collaboration with many peripheries. From this governing perspective, England was never the centre of the United Kingdom as many non-English critics complained. Rather, the British Government 'attempted to relate to (or distance itself from) all parts of the country in a similar fashion'. From the perspective of Westminster and Whitehall, England was not the centre but rather another 'part of the periphery' (Bulpitt, 1983: 237). If that served well the centralising priorities of the post-war unitary state, after devolution it may no longer serve England well within a decentralising state. This partly explains an evident mood that the English should no longer be at the periphery of British statecraft (an ironic inversion of Barker's view) but at the centre of their own. The second and related point concerns the administrative mind, that utilitarian perspective so lauded by Dicey but which may misrepresent the times and ironically invert the new reality. There was an interesting discussion on this in the devolution debates of the 1970s. The historian Hugh Seton-Watson (1979: 130) identified one of the greatest problems of engaging English constitutional orthodoxy with matters of national sensitivity. He thought that there existed 'a great difficulty in mutual understanding between Scots who have varying degrees of national consciousness on the one hand and Whitehall bureaucrats and politicians on the other'. He did not think that English Ministers were the imperially minded rulers of nationalist mythology but liberals who did not understand, rather like Dicey, what the issue with nationhood really was: 'They have no national consciousness whatever, think in bureaucratic categories, use bureaucratic language and are on a different wavelength'. And if one were seeking an example of the mentality Seton-Watson was describing, it is worth reading the exquisite mandarin critique of devolution in the 1970s by AR Isserlis (1975). It is a complaint repeated 35 years later, only this time not about the misrecognition of Scottish, but of English, national identity:

Some people in the Westminster bubble may not like the concept of Englishness. Too many politicians have ceased to speak the language of the people, retreating instead to technocratic language and running from concepts like community, belonging, sense of place and shared values (Skelton, 2015).

One can suggest two further ironic changes of popular mood which, despite lingering sentimentality, make the old constitutional orthodoxy less persuasive and less popular. The first is a matter of institutional identity. Peter Mandler (2006: 229), for example, is sceptical of the academically fashionable notion that the English have never had a very strong sense of who they are because of the construction of British identity, a notion which clearly lacks a proper sense of history. Nevertheless, he does think that one can detect growing popular discontent with the exclusively 'British' character of old English institutions. Insofar as they are absorbed into that orthodox institutional identity, most politicians of the major political parties will find it difficult to respond creatively to changing public opinion. In an inversion of conventional governing wisdom (and of Dicey), it is because politicians are wedded to the existing national institutions, organised on a UK basis, that 'they are almost automatically disqualified from playing a role here, which increases the hopefulness that the new English identity might have deep and genuine roots in society' (Mandler, 2006: 238). Here, Mandler re-states a point made earlier by Krishan Kumar who argued that the English habit of confusing England and Britain



ignored the fact that there are very few institutions which are clearly English as opposed to British. Inverting Powell in this case, he thought this is 'true of Parliament, the monarchy, the law courts, the civil service, the armed forces, the broadcasting system and practically every other important national institution' (Kumar, 2003: 256). In the aftermath of their General Election defeat in 2015, this is a matter which some Labour politicians are beginning to address seriously if only to avoid the exclusive appropriation of Englishness by the Conservative Party (Riddell, 2015). One is tempted to call this the 'Emily Thornberry factor': a prominent member of the party's Shadow Cabinet who, during the Rochester and Strood by-election in November 2014, tweeted a photograph of a working-class suburban house draped with three English flags, an act seized upon by a critical media to illustrate Labour's elite disconnection from popular Englishness (see Kenny, 2014a: 6).

The second is a matter of institutional trust and concerns the political capacity of both institutions and politicians. Bogdanor believed (1996: 183) that the old orthodoxy could only survive in a political community where the public trusted the ability of their rulers to achieve agreed political objectives. It is that trust in the efficiency of politicians and institutions which has been partly eroded and along with it the faith formerly placed in the virtue of traditional institutions – hence, the commonly expressed disaffection from the 'Westminster elite'. One should not exaggerate the novelty of the present crisis, of course. Intellectuals were writing about the suicide of the nation in the 1960s and equally engaging with questions of trust and confidence (Koestler, 1964). However, that 'suicide' concerned the inefficiency of the class system as well as the failure of the country to adjust to modern economic and scientific change. The matter today is different. It is about the 'nation' itself, even what the nation is, as well as the potential disintegration of the United Kingdom as a state. What scholars note is a generational crisis of belief (and self-belief) in the political elite, 'brought about by a declining faith in the viability of pre-existing understandings of constitution, nation and territorial governance' (Evans, 2015: 30; Kenny, 2015: 36). One answer to these questions and to the ironies of inversion is to give back to England her political institutions. Yet this 'answer' only begs further, and intensely complex, constitutional questions.

## Conclusion

There are two aspects of English governance which Robert Hazell (2014) usefully distinguishes: 'it is not clear whether the English want a stronger political voice, or simply fair treatment on issues like territorial distribution of funding'. In other words, the English Question can be expressed either as a non-instrumental matter of national identity or as an instrumental matter of equitable resourcing. After devolution, the choice for England has appeared to be either some variant of English Votes for English Laws (EVEL) at Westminster which attempts to address the first matter and has recommended itself to Conservatives, or some variant of devolution within England which attempts to address the latter and has recommended itself to Labour. Both these have been advocated in a minor key. Kenneth Clarke thought that the issue of English political identity represented only a 'niggle' which required minor tweaking to procedures at Westminster. Pragmatic parliamentary modifications would be sufficient to diffuse a narrative of illegitimacy emerging about the United Kingdom's supposed suppression of English interests (Hayton, 2015: 130). The second issue has also struggled for clear articulation, reflecting divisions between those who see regional policy as a method for improving economic performance

and those keen to promote regional devolution as an end in itself (Ayres and Pearce, 2004: 267). These are not necessarily mutually exclusive prescriptions, of course. Research suggests that people favour EVEL on principle but consider other options at the same time, such as strengthening English local government (Eichhorn et al., 2015: 8). Once again, a historical perspective can help to shed some light on these current debates.

In his polemic *England's Case against Home Rule* (Dicey, [1886] 1973: 33), Dicey had pointed out a key distinction. Home Rule was not local self-government. The latter was compatible with the constitutional orthodoxy of parliamentary sovereignty, but the very aim of Home Rule was to introduce a new political relationship. In anticipation of English concerns after 1997, Dicey noted that radicals wished local self-government to be greatly extended in England (like New Labour's regionalism) and thought that this was a sufficient principle of democratic government. What was on offer to Ireland, by contrast, was a form of government designed to meet the 'feeling of nationality', and it was desired by Irish nationalists precisely because it would provide an alternative institutional legitimacy to that of Westminster, something which no reform of local government would do. Although Dicey was using England as a synonym for Great Britain, his conclusion provides a distinct historical reference for contemporary England: that the English are being required to sacrifice legitimate claims to nationhood in the interests of maintaining a Union reflecting mainly the sensitivities of Scots, Welsh and Northern Irish. It is a point which impressed Tombs (2015) who argued that national identity, not administrative or economic efficiency, is the core of devolution and all 'the rest is window-dressing'. EVEL at Westminster or extensive devolution within England – for example, proposals for a 'Northern Powerhouse' as a model of effective devolution – or a combination of the two (as the Conservative Government elected in 2015 intends) may now seem as mere 'window-dressing'. This may explain renewed speculation about the merits of federalism and an English Parliament which would entail a wide-ranging re-structuring of UK constitutional practice (see Salisbury, 2015).

Therefore, Barker's complacent maxim – that 'the English constitution might be worse and England, after all, is not a bad country' – seems no longer adequate. The ironies of inversion which this article has identified intimate that now, in a way which Barker could not have imagined, a more politicised Englishness does 'hover about the lips' and has begun to rise 'to that level of consciousness which excites reflection and speech', not only among Conservatives but also among those on the Left (see Denham, 2015). The inversion in this case might involve overturning that generally complacent, and complaisant, English disposition towards constitutional reform. However, one assumes that there will be continuity as well as change: that modification rather than transformation is likely and that this will involve the recovery – by a process of re-imagining – of the historical identity of English institutions.

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### Author Biography

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