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## Features of the political regime of Great Britain

### Особливості політичного режиму Великої Британії

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#### Abstract

The purpose of this article is to study the features of the political regime of Great Britain. Methodology. Methodological research has found its tactical expression in the following research methods: monographic, logical method, dogmatic, systemic, system analysis, historical, analyzes and synthesis Research results. The structural elements of the form of the State, which is characterized, among other things, by the form of the State and political regime, are considered. It is established that the political regime is a broader concept than the State or State and legal one. Scientific approaches to the concept of political regime, its forms and features, which are usually analyzed to determine its essence, are studied. Practical meaning. On the basis of the proposed characteristics, the peculiarities of the political regime of Great Britain, which is defined as democratic, are described. Value/originality. It is determined that there was a threat of introducing a totalitarian regime in Great Britain, however, democracy protected the monarchy from totalitarianism.

**Key words:** democracy, features, Great Britain, political regime, totalitarianism.

#### Анотація

Метою цієї статті є дослідження еволюції політичного режиму Великої Британії. Результати дослідження. Розглянуто структурні елементи форми держави або державного устрою, який характеризується, між іншим, формою державно-політичного режиму. Встановлено, що політичний режим є ширшим поняттям, ніж державний або державно-правовий. Досліджено наукові підходи до поняття політичний режим, його форми та ознаки, які прийнято аналізувати для визначення його суті. Практичне значення. На основі запропонованих ознак охарактеризовано особливості політичного режиму Великобританії, який визначено як демократичний. Цінність/оригінальність. Визначено, що у Великій Британії існувала загроза запровадження тоталітарного режиму, проте, монархію від тоталітаризму захистила демократія.

**Ключові слова:** демократія, ознаки, Великобританія, політичний режим, ознаки, тоталітаризм.

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## Introduction

The form of the state or its system is characterized, among other things, by the form of the State-political regime. Such a regime is also called political, sometimes – State and legal. Each of these modes has its own characteristics and content. Political regime has a broader concept than State or State and legal regime.

In the system of elements of the form of the State, the political regime performs the role of an internal one, and it is this purpose that determines the specificity of its structure and content. It really occupies a special and significant place, since it is precisely through the formalized signs of the political regime, in which the main characteristics of political rule are embodied.

There are three forms of political regime: 1) democratic; 2) authoritarian; 3) totalitarian. Democracy and authoritarianism are the main forms of political regime. A specific type of authoritarian political regime is totalitarianism. Its existence does not depend on the form of government in the country. In particular, the experience of monarchical countries – Italy, Great Britain and Japan – indicates that the monarchical form of government and the totalitarian political regime can coexist or oppose each other. In particular, in contrast to the Italian one, the British experience of coexistence with totalitarianism turned out to be unsuccessful for the latter.

Therefore, the purpose of this article is to study the evolution of the political regime of Great Britain in order to find out exactly how democracy managed to "defeat" totalitarianism in this country.

To achieve this goal, we should solve the following questions: 1) to investigate the concept of "political regime"; 2) to examine the difference between the State regime and political regime; 3) to clarify, on which criteria political regimes differ; 4) to study distinctive features of democratic regime; 5) to pay attention to the historical development of the British political regime; 6) to characterize the political regime of Great Britain, using the following criteria for differentiation: a) procedures and methods of formation of power institutions; b) style of political decision making; c) the relationship between the authorities and citizens

## Methodology

The search for methodological foundations of the research was carried out in the following directions:

- study of scientific works of famous scholars who used general scientific methodology to study a specific branch of science;
- analysis of the scientific works of leading scientists who, simultaneously with the general problems of their area, investigated its specific issues;
- generalization of the ideas by the scientists who directly studied this problem;
- analysis of general concepts in this area;
- study of scientific works of Ukrainian and foreign scientists.

Methodological research has found its tactical expression in the following research methods.

Monographic approach was useful when examining the works by domestic and foreign scholars, who have studied the characteristics of the British political regime.

Logical method, as well as dogmatic approach helped to deepen the conceptual apparatus and to investigate the definitions of State regime, political regime, democracy.

Systemic approach made it possible to examine the structural elements of the form of the State, which is characterized, among other things, by the form of the State and political regime.

System analysis method was helpful when identifying forms and features of political regime, which are usually analyzed to determine its essence. This method was also used when studying distinctive features of a democratic regime.

Historical method was of assistance when investigating the formation of the British political regime.

The method of analyzes and synthesis was applied to characterize the peculiarities of the political regime of Great Britain.

## Literature Review

The issue related to such a phenomenon as the regime in relation to the state is key in the theoretical understanding of its form. Therefore, a considerable amount of attention has been paid to this problem.

In particular, Garretón (2004) believes that the political regime includes an established mediation between the State and society solving the problem of managing society through the relationship between people and the country, forms of representation and participation, systems of conflict resolution and provision of needs.

Schmitter and Karl (1991) share the opinion that the regime or system of government determines the methods of access to the main public institutions of the State; characteristics of actors to be allowed or excluded from this access; and the rules followed in the process of making binding public decisions. For this ensemble to function properly, it must be institutionalized in a certain way, so to speak, various models must be known, tested in practice, and accepted by most, if not all, political actors. Increasingly the predominant mechanism of institutionalization appears the written body of laws supported by a written constitution, although many political rules may have an informal, reason-dictated, or traditional basis.

Font and Cardoso (2001) emphasize that it is important to distinguish between the concepts of political regime and the concept of the State. By the concept of "political regime" they mean formal rules connecting the main political institutions (legislative power to the executive, executive to the judiciary, to the party system, to them together), as well as the result of the political nature of the connections between citizens and rulers (democratic, oligarchic, totalitarian or any other).

The definition of the term "State" is a complex matter, but there is some degree of agreement that this concept refers to a basic alliance, a "contract of superiority" between social classes or groups of dominant classes and norms that guarantees their dominance over subordinates.

O'Donnell, Schmitter and Whitehead (1991) argue that by regime or political regime we understand an ensemble of patterns, explicit or implicit determining the forms and channels of access to the main governmental positions, the characteristics of actors, who is generally recognized and who is excluded from such access, and the resources or strategies they may be accustomed to accessing. This necessarily involves institutionalization, meaning that the patterns that define the regime must be sufficiently known, applicable in practice, and accepted, at a minimum, by those who define those same patterns as participant in the process.

Where a regime really exists, actual or potential disagreement is unlikely to threaten these specimens due to its weakness or absence, manipulative politicization or outright repression.

Pempel (1990) emphasizes that regimes represent a social order and include a kind of "fusion" between State institutions and specific segments of the socio-economic model. In short, the political regime will be determined by a social coalition, powers of that State, and the resulting institutionalization and bias of the State policy.

The analysis of the varieties of political regimes and their features definitely enriched the array of characteristics of this phenomenon. The studies by a number of scientists make it possible to outline the evolution of the understanding of the term "political regime" and become an impetus for further scientific elaborations corresponding to the modern development of society.

Many questions regarding the structure, functioning and evolution of democratic political regime have been studied in the form of scientific research, but it is clear that the field for scientific research remains quite wide today.

## Results and Discussion

The political regime is a set of ways and methods of exercising power by the State. Some researchers are of the opinion that "political regime" is too broad a concept for this phenomenon and prefer to use another one – "State (state-legal regime)". In contrast to the concepts of the form of government and the form of the State system, which refer to the organizational side of the State form, the term "State regime" characterizes its functional side – the forms and methods of exercising State power. The State regime is a set of ways and methods of exercising State power in society.

The concept of "State regime" is not the same as the concept of "political regime", although they are close to each other. The state regime is a type of political regime that has a broader meaning than the state regime. The concept of "political regime" includes not only the methods of activity of state bodies, but also the forms of activity of all elements of the political system of society: political parties, public organizations, and other associations of citizens. In contrast to the form of State government and the form of state organization, the State regime characterizes the order of state activity and determines its

functional direction. The State regime is the most unstable element of the State form (Kyrychenko & Kurakin, 2010).

Political regime is a form of organization and functioning of the political system, which determines specific procedures and methods of organization of government institutions, relations between citizens and the state, decision-making style, etc. In essence, this concept means how the government and the one who heads it use power, control and manage social processes. Political regimes are distinguished according to the following criteria: 1) the method of formation of authorities; 2) the relationship between the central and regional authorities; 3) the role of political parties, public organizations in public life; 4) legal status of the individual; 5) political culture; 6) the nature of the implementation of the State's functions; 7) the method of formation of authorities. In political science, 3 main types of political regimes are distinguished: totalitarian, authoritarian and democratic (Skakun, 2001, p. 97).

To determine the essence of the political regime, it is necessary to pay attention to the following signs: a) procedures and methods of formation of power institutions; b) style of political decision making; c) relationship between the authorities and citizens. It is worth noting that the listed features make it possible to easily distinguish established autocracies or democracies, but they are not very suitable for defining transitional regimes (Matsiievskiy, 2006, p. 18).

All researchers agree that a democratic regime operates in Britain. However, there was a period in British history when democracy was under threat. Thus, the king in Great Britain in 1936 was Edward VIII, who sympathized with Hitler. It was in the year of his reign that Germany demilitarized the Rhineland, because the king believed that the latter historically belonged to Germany and that it would be possible to conclude a special pact with Hitler, under which the latter undertook to be responsible for the population of the Rhine. After his abdication, he left for the Continent, where he married Bessie Wallis Simpson and visited a number of European countries as the Duke of Windsor. It was then that "The Times" published articles dedicated to Edward's visit to Germany: "His Royal Highness smiles and salutes to the crowd of people who have gathered under his windows near the hotel...". In July 1940, after the capture of France, the couple moved to Portugal, where they lived, communicating with circles close to the German embassy. Subsequently, they

planned to go on a cruise on a yacht that belonged to a friend of H. Goering. The intelligence services of the allies in the anti-Hitler coalition took quite seriously the rumors about the relations of Edward's wife with the German Foreign Minister J. Ribbentrop, during his stay as the German ambassador in London and later.

Moreover, there are even assumptions that A. Hitler discussed the possibility of Edward's restoration to the English throne in the event of victory in the war. In addition, Edward gave an interview to a Portuguese publication that was devastating for the anti-Hitler coalition, which was the last straw for the British government during the war. In August 1940, the couple was arrested and sent from Portugal on a warship to the Bahamas, where Edward was appointed governor. So, as we can see, there was a threat of introducing a totalitarian regime in Great Britain due to Edward VIII's connections with A. Hitler. However, fortunately, this did not happen: the government of Great Britain, led by S. Baldwin, stood in the way. Taking advantage of the king's matrimonial plans, which were not perceived positively in English society, the government forced Edward VIII to abdicate. That is, in fact, democracy protected the monarchy from totalitarianism (Sukhonos et al., 2017, p. 26).

Democracy is a political regime based on the recognition of the people as the source of power, their right to participate in the decision-making of State affairs combined with a wide range of civil rights and freedoms.

Distinctive features of democratic regime are:

In the economic sphere: • the rule of private property, which is protected by law; • market mechanism of managing the economy; • partial State regulation of the economy (antimonopoly legislation, the presence of a state order, etc.);

In the political sphere: • the leading principle "everything that is not prohibited by law is allowed"; • the population participates in the formation and implementation of State power with the help of direct and representative democracy; • decisions are made by the majority taking into account the interests of the minority; • the existence of civil society with its developed structure and the rule of law; • electability and changeability of central and local state authorities, their accountability to voters; • real legitimacy of state power; • "power" structures are under the democratic control of society, are used only for their direct purpose, their activities are regulated by laws; • the law reigns in all

spheres of public life; • human and citizen rights and freedoms are proclaimed and actually ensured; • methods of persuasion, agreement, compromise; methods of violence, coercion are limited; • real implementation of the principle of separation of powers into legislative, executive and judicial ones.

In the ideological sphere: • political and ideological pluralism; • multi-party system, competition of political parties, existence of political opposition on legal grounds; • transparency, lack of censorship (Hal et al., 2011, p. 24).

Having considered the general features of a democratic regime, let us move on to those characterizing the political regime of Great Britain, using the features for differentiation proposed by Matsiievskiy (2006).

a) procedures and methods of formation of power institutions.

The highest legislative body in the United Kingdom and the Royal Overseas Territories is the Parliament of the United Kingdom of Great Britain and Northern Ireland. It is headed by the British monarch.

Parliament is bicameral, including an upper house called the House of Lords and a lower house called the House of Commons.

The House of Lords is not elected, it includes Lords Spiritual (higher clergy of the Anglican Church) and Lords Secular (members of the peerage). Members of the House of Lords have extensive experience and thorough knowledge of various professions and industries. Many members of the House of Lords have successful careers in business, culture, science, sport, academia, law, education, health and the public service. They use their professional knowledge to investigate matters of public interest to the state and to solve problems affecting the citizens of Great Britain (UK Parliament, 2023a).

The influence of the Pan-European process of democratization led to the need to minimize the anachronisms present in the political system of Britain, in particular, the so-called undemocratic institutions, which primarily concerned the review of the House of Lords hereditary status. Therefore, in 1997, T. Blair's government began to modernize the Parliament and reform the specified Chamber.

The result of this reform activity was the House of Lords Act (Legislation, 1999), which significantly changed its structure. After the adoption of the specified document on June 01, 2000, the number of members was reduced by almost half. Out of 750 hereditary peers, only 92 were left with the right to sit and vote in the House of Lords. The right to participate in the activities of the House of Lords was retained by those Lords who were given the title by the monarch in recognition of their personal merits. As part of the reform, the position of Lord Chancellor was also removed, and the position of Speaker became called Lord Speaker (since 2006, it became elective). The Lord Speaker is elected by the members of the House of Lords for a term of five years and no more than two consecutive terms. The Lord Speaker is not a member of the government.

The House of Commons, on the other hand, is a democratically elected chamber. The population of Great Britain elects 650 members of the Parliament who represent their interests and solve their problems in the House of Commons. The latter consider and propose new laws and can scrutinize government policy by asking ministers questions about current affairs in the House of Commons or in committees of the House of Commons. The House of Commons is managed by a group of deputies who are members of the House of Commons commission. Members of the House of Commons discuss important political issues of our time and make proposals for new laws (UK Parliament, 2023b).

The Parliament of Great Britain is rightfully considered the oldest in the world, because its formation and evolution has been going on since the 11<sup>th</sup> century. In addition, the British legislative body became a prototype for the parliaments of a number of other European countries, which were created according to its model.

Parliament is the true center of political life in Great Britain, the concentration of the State power. Inside the British Parliament, there is an uncompromising competition for power, the positions of the main political forces are outlined, and there is a struggle between the current government and the opposition. An essential indicator of the level of democratic development of Great Britain is that the opposition has the right to a political struggle for power and real opportunities to legally come to power. Given the complex composition of the political class of Great Britain, parliamentary competitions have become the unique mechanism for making state

decisions, which most optimally determines the future vectors of the State's development (Yakovenko, 2017, p. 65).

The country's Government is usually headed by the leader of the party that won the election and has the largest number of seats, and the House of Commons consists of members of the Cabinet, non-Cabinet ministers and junior ministers (about 100 in total). The Prime Minister single-handedly forms the composition of the Government and determines which ministers are part of the Cabinet.

The Cabinet of Ministers of Great Britain is part of His Majesty's Government and the highest executive body. It consists of government officials chosen by the Prime Minister, most of them are government ministers, basically, heads of departments in the positions of «state secretaries». Formally, the members of the Cabinet are elected exclusively from one of the chambers of the Parliament.

There are two key constitutional conventions in the United Kingdom governing the conduct of the executive. They provide for two main forms of responsibility of the Cabinet: the first is the individual responsibility of the minister, that is, his (her) obligation to report to the Parliament for his (her) words and actions and for the words and actions of civil servants subordinate to him. The second is the collective responsibility of ministers, which, among other things, provides that decisions taken by the Cabinet or committees are binding on all members of the Government, regardless of whether individual ministers agree with them or not (Webley & Samuels, 2021).

Note that in Great Britain, the executive power is not separated from the legislative one, as the members of the Cabinet are simultaneously members of the Parliament.

The judicial system of Great Britain at the present stage remains complex and decentralized. Due to the fact that case law is an essential part of the Constitution, the system of higher courts is very extensive. The highest court in the United Kingdom is the House of Lords, which hears appeals from the appellate courts of England and Wales, as well as Scotland (in civil cases only). The opinion of the House of Lords is referred to the appropriate appellate body, which formulates an order in accordance with that opinion.

The Supreme Court of England and Wales is headed by the Lord Chancellor and consists of

three independent judicial institutions – the Court of Appeal, the High Court and the Crown Court. Judges of the Supreme Court are appointed by the Queen for life on the recommendation of the Lord Chancellor from among barristers (lawyers who are to act exclusively in the higher courts).

The lower courts of the British court system include county courts and magistrates.

Being historically very conservative, the UK's judicial system has become an object for reform following the country's accession to the European Union. The main confirmation of the victory of the European development choice was the Constitutional Reform Act (Legislation, 2005). Its importance is difficult to overestimate, because for the first time in almost 900 years, the independence of the judiciary, supported by historical traditions, was enshrined at the legislative level. The main changes introduced by this Law include:

- a. entrusting government ministers with the duty to maintain the independence of the judiciary and prohibiting them from influencing court decisions through any specific access to judges (Article 3);
- b. reforming the post of the Lord Chancellor, which lies in the transfer of its judicial functions to the Chief Justice of England and Wales (his new name is the Lord Chief Justice). Currently, he is responsible for the training, placement and administration of judges, representing the views of the judiciary of England and Wales before the Parliament and the Government of the country (Article 7);
- c. establishment of the Supreme Court, separate from the House of Lords, with an independent system of judicial appointments, its own staff, budget and premises (Articles 23 – 27);
- d. formation of an independent Judicial Appointments Commission, which is responsible for the selection of candidates for judicial positions and recommends them for appointment to the State Secretary for Justice. This Commission acts as the guarantor that each candidate for the position of judge will be recommended exclusively for personal merit, and the appointment system must be modern, open and transparent (Articles 61, 63);
- e. introduction of the position of a special ombudsman, who is responsible for hearing complaints submitted regarding the consideration of cases in courts and judicial appointments, and issuing recommendations

in accordance with the law based on the results of this activity (Article 62).

In addition, the Service of Tribunals (Courts of the First Level) was created, which brought together a significant amount of the administration of separate tribunals, resulting in common and consistent approach to all persons seeking legal protection in these courts.

b) style of political decision making.

In Great Britain, the highest source of power is the sovereign – the Head of State; however, he has very little practical influence on its implementation. The institution of a monarch outside of politics is actually one of the important guarantees that politicians will always find a way to resolve their conflicts.

The constitutional system of Great Britain contains various formal mechanisms on which the influence of various institutions on power depends. These include, for example, the right of veto (in the legislative sphere, the monarch has the right of absolute veto; however, the last time he used this right was in 1707). But the most important indicator of how these formal powers are implemented is not their legal boundaries; rather, it is the degree to which the political process recognizes their exercise as legitimate under certain circumstances.

As a result, political power is distributed and everyone who has an influence on how it is exercised begins to cooperate. In this regard, the most revealing thing is that the legislative function in the country does not belong exclusively to the Parliament – it is divided between two chambers on the one hand, and the Government – on the other. Everyone has their own defined role in this process, which, in turn, is only the basis for practical influence and an incentive for cooperation.

In practice, the Government controls the legislative initiative – only the Government has the right to propose draft laws that can be included in the code of laws. The Parliament often conducts a preliminary review of the proposals of the executive power; it also plays an important retrospective role in ensuring accountability for government action, which includes responsibility for implementing legislation once it is enacted and for its effectiveness.

An example of how political legitimacy is more important than formal powers is the House of

Lords, which is endowed with a wide range of possibilities, but rarely implements them in practice. The "restraint" of the House in the exercise of its powers is explained by the direct recognition that the active use of power by an unelected House cannot be recognized as legitimate from a political point of view (indeed, the House's intensive use of its formal powers at the beginning of the 20<sup>th</sup> century was a sufficient reason for their reforming and reduction). The House's formal right to delay or sometimes block the adoption of a law gives it the opportunity to be heard.

Likewise, there is theoretically a supreme executive veto over legislation passed by both Houses, but it has not been used for over 300 years. In practice, the control of legislative initiative is sufficient enough to ensure that the government must approve or at least agree with all laws. The legitimacy of using the right of veto can be questionable both from a constitutional point of view (because it has not been used for a very long time) and because this procedure requires the Monarch's personal intervention.

c) the relationship between the authorities and citizens.

Since April 2018, a kind of transformation of society began in the UK, when the Ministry of Justice of the UK published "The national framework for greater citizen engagement" (Ministry of Justice, 2008). In the specified document, the list of issues of national importance, which must be discussed and developed jointly with citizens, is provided. Among them: 1) issues capable of leading to significant constitutional changes; 2) issues in which the active participation of the citizens is necessary to obtain a noticeable effect – for example, the fight against smoking or obesity; 3) if there are several policy options, on which the government has not reached a final conclusion; 4) if there is a public benefit from studying complex and difficult compromises between different political decisions.

Besides, this consultative document establishes a number of basic criteria inherent in effective mechanisms for building public confidence and describes in detail two new forms that can be used along with standard consultation procedures:

- 1) public summits: large groups of people gather (usually 500 – 1000 persons) to discuss one or more related issues. The summit takes place in the personal presence

of the participants or online. The recommendations of the summit are submitted to the Parliament for further consideration;

- 2) public juries: an independent public forum designed to analyze and discuss important issues of public policy. Public juries have much in common with juries in the court system. The public jury collects expert information on the discussed topics, may ask questions to relevant experts, and then makes its decision. In turn, the Government is obliged to publish its own response to such a decision – either as a general response to the results of broad public consultations, or in the form of a separate public document;
- 3) petitions to Westminster: The Rules Committee of the House of Commons has proposed an electronic system of submitting petitions, which would work in parallel with the traditional one. It is proposed to discuss separate electronic petitions in the House of Commons three times a year. The principle of e-petition was also characterized as a valuable mechanism of public participation in the local self-government. It is interesting that even before the publication of this program document, numerous local authorities have introduced electronic petition submission procedures in parallel with the traditional "paper" process.

This electronic tool turned out to be one of the most effective mechanisms for increasing public participation in local decision-making processes. Adhering to the course of more responsible and transparent policy, the British government organized a consultative platform "Have your say" (Department of Communities and Local Government, 2006).

The British Ministry of Justice notes that any mechanisms for strengthening citizen participation in democratic processes and enhancement trust will achieve their goal only if they meet the following criteria: 1) take into account the interests of relevant population groups. For this, they should be considered useful, and their participants feel better informed as a result of their application; 2) ensure the widest possible representation and accessibility, involvement of broad sections of the population and participation in the process of proportional selection of relevant audiences; 3) are trustworthy, and therefore people feel their importance. For this purpose, an effective objective standard for the application of mechanisms of public involvement in the discussion of national policy issues must exist

and be effectively implemented: there must be feedback from the participants in the discussions and a mandatory evaluation of the results at the appropriate level; 4) openness and transparency: participants must know in advance the possible extent of their influence and how the government will take into account their conclusions. There must be mutual understanding as to when and how these mechanisms will be applied; 5) systemic nature and integration into the policy-making process, otherwise people will consider them a publicity stunt that undermines the legitimacy of the process; 6) correspond to the fundamental principles of representative democracy. The government and parliament should continue to leave some room to consider the effect of any policy changes – particularly where resource needs will increase significantly. The government considers it extremely important that these mechanisms complement and do not question the supremacy of our system of representative democracy, and there should be a clear understanding of the relationship between these mechanisms and the consideration of issues in the parliament (Makarenko, 2016, p. 335).

## Conclusion

So, we saw that in Great Britain there was a threat of the introduction of a totalitarian regime, but, in fact, democracy protected the monarchy from totalitarianism.

Currently, in this country, power institutions organically interact with each other, not only not "encroaching" on each other's sphere of authority, but also consciously limiting their own rights for the sake of achieving common interests. To resolve conflicts, authorized persons will rather use the method of persuasion than to "press" competitors with their authority, because there is always a political price that will have to be paid for this. The more important the issue, the higher this price will be. For example, it can be expressed in parliamentary time: using more parliamentary time to discuss one problem limits its amount to solve others.

In addition, the policy of Great Britain allows us to talk about a high level of development in the field of relations between the government and society in the context of strengthening mutual trust and ensuring good governance, which promotes democracy, the rule of law and sustainable economic development (Leshchenko & Zaika, 2018, p. 50).



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