

# The constitution and Boris Johnson's long goodbye



**Pippa Catterall** discusses key aspects of the relationship between the constitution and Boris Johnson's resignation.

In essence, a national constitution is simply the rules governing a society. In the process, such rules usually determine where power is located, and how that power is held to account. In the United Kingdom, as the formal name of the state suggests, that power is centred in an imagined space called 'the Crown'. This does not mean the person of the monarch. Instead, it refers to the powers of the Crown which are exercised on the monarch's behalf by ministers

and other bodies.

It is a popular myth that the national constitution of the United Kingdom is unwritten. In practice, much of what matters is written down in some form. The difference with other national constitutions, such as those of France or the US, is that for the most part, the UK constitution is not codified into a single set of documents or entrenched as a special set of rules which can only be changed by special processes.

The UK constitution allows private associations, such as political parties, to exist. Beyond certain generic provisions, however, law does not prescribe how these associations operate. The constitution does not specify, for instance, how the Conservative Party chooses its leaders. That is a matter for the internal politics of that body, though the sometimes-messy processes that choosing a Tory leader can involve undoubtedly have constitutional implications for the whole of the UK.

In constitutional theory, the Prime Minister is appointed by the Queen from among those who are most likely to be able to command majority support in the House of Commons after a general election. Command of the Commons is important because it is in that House that taxes are raised, and without taxes the business of government in the name of the Crown cannot carry on. A Prime Minister does not have to sit in the Commons; they merely need to have sufficient supporters there. However, since the 1920s, their presence in the Commons has generally been deemed to be required. This is an example of a customary aspect of the UK constitution which is not written down and does not have to be followed.

Notwithstanding the constitutional theory, it is noteworthy that the last Prime Minister to emerge after a general election was Tony Blair as long ago as 1997. All the subsequent Prime Ministers have emerged as a result of power brokerage among political elites, usually exclusively involving the governing party. The current incumbent, Boris Johnson, did however subsequently win a general election in 2019.

Since then, Johnson has conspicuously lost the confidence of his political supporters in the House of Commons, the body of Conservative MPs. He was faced with an unprecedented number of sudden resignations from a government which already featured an unprecedentedly large number of ministers. This triggered his announcement on 7 July of the commencement of his departure process. As Nigel Lawson pointed out following his role in the ousting of Margaret Thatcher in 1989-90, every minister may owe their job to the Prime Minister, but they can also damage him or her by resigning. This is not a matter of constitutional processes, but of attrition of those political values known as trust and authority.

Most Prime Ministers, faced with so many resignations, would aim to retain what personal dignity they can and head for the exit. Not so Johnson. The flood of resignations has proved sufficient to force Johnson to say he will go. In the interim, his promise to depart has enabled him to cobble together sufficient ministers to carry on the government. This is not a matter of the constitution but of the power politics within the upper echelons of the Conservative Party: how do Tory MPs get rid of a party leader whose manifest character flaws – all of which were well-known before he became their leader – has become an embarrassment to them, and how do they replace him.

Johnson has meanwhile given himself the assumed title of caretaker Prime Minister. This has no constitutional meaning, and the only precedent was Churchill for two months in 1945 in the wholly different circumstances of waiting for the ballot boxes of troops scattered across the world to be collected and counted to determine the results of that year's general election. This caretake period is allegedly to allow the large array of candidates who have already thrown their hats into the ring in the upcoming Conservative Party leadership contest to slug it out over the summer. There is every possibility that this contest, if as protracted as Johnson wishes, could add to the damage he has already done to the party's image. Nonetheless, although the outcome of this process will have profound implications for everyone in the UK, how the Conservative Party manages this process is up to them.

Current rules are that two candidates are selected by ballot by Conservative MPs. These two then face a run-off election in which the only voters are those who are already members of the Conservative Party. External factors, such as Britain's powerful right-wing press, will no doubt impact on this process by lionising one or other candidate. Johnson undoubtedly benefited from this press cheerleading in the last Conservative leadership contest in 2019. Nonetheless, as then, it is the Tory membership who will collectively choose Britain's next Prime Minister. This is because the Conservatives have a majority of seats in the current House of Commons. Accordingly, whoever emerges as their party leader from the upcoming contest will also automatically look like the person most able to command the confidence of that House and be sent for by the Queen to be the next Prime Minister.

In the meantime, Johnson has secured for himself an unprecedentedly long goodbye. During this period, he will no doubt continue the habit of a lifetime and try somehow to wriggle out of his offer to go. At the same time, he will also continue to be the dominant factor in British politics. This is not least because all the candidates in the contest to replace him will necessarily have to position themselves in relation to Johnson and his supposed achievements and legacy, if only to appeal to the mostly elderly electorate that is the Conservative Party membership. This long goodbye will no doubt be satisfying for Johnson's enormous ego. Given the urgency with which crises such as the cost-of-living require attention, however, this is unlikely to be good for the United Kingdom.

Finally, instituting a constitutional rule that an interim leader must be appointed when the Prime Minister is incapacitated or ousted might be a useful innovation. It certainly seems preferable to allowing the Conservatives to manage their party's leadership succession – and Johnson's long goodbye – in a dilatory way.

---

## About the Author



**Pippa Catterall** is Professor of History and Policy at the University of Westminster.

Featured image credit: by [Kyle Heller / No 10 Downing Street](#) on Flickr, under a [CC-BY-NC-ND 2.0](#) licence.