The Elusive Foundations of Political Freedom in Britain and the United States

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Political freedom is relatively secure in both Britain and the United States. Its foundations, however, are obscure. We explore four possibilities: (1) that tolerant attitudes are widely held by members of the general public; (2) that those who hold intolerant views are unlikely to act on their beliefs; (3) that tolerant attitudes are widely held by members of the political elite; and (4) that constitutional organization plays a salutary role in the protection of political freedom. We conclude that neither public tolerance nor public apathy is a promising source of political freedom in either Britain or the United States. The critical underpinnings of political freedom in both countries, we conclude, seem to be elite tolerance and constitutional organization.

Political freedom is not an easy concept to define. A certain consensus does emerge, however, from the literature on democratic politics. The critical components of political freedom—as specified, for instance, by Dahl (1971) and others (Mayo 1960; Pennock 1979; Lijphart 1984)—include freedom of speech and assembly, freedom of the press, freedom to form and to join organizations, the right to vote, and the right of political leaders to compete for popular support.

Relying on these criteria, observers have concluded that political freedom is relatively secure in both Britain and the United States. Dahl (1971, 231–34) placed Britain and the United States near the top of his ranking of 114 countries “according to eligibility to participate in elections and degree of opportunity for public opposition.” Britain and the United States have also been classified among the freest societies in the world based on an assessment of both the “political rights” and the “civil liberties” of their citizens (Gastil 1987, 7–25).

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The citation of these sources, of course, does not end dispute. Some would take exception to the conclusion that political freedom in Britain and the United States is essentially unsurpassed. Moreover, placing Britain and the United States in a single "advanced" category begs the question of whether there are differences between them. Finally, even those who believe that Anglo-American political freedom is *comparatively* satisfactory are unlikely to find it *completely* satisfactory. In recent years, the status of political freedom in Britain has come in for considerable criticism (Smith 1986; Zellick 1985; Wallington 1984; Street 1982; Barnum 1977). In the United States, arguing that the scope of political freedom is too narrow has been something of a national pastime since at least the 1940s, if not since 1787 itself (Tribe 1987; Blasi 1983; Levy 1960; Chafee 1941).

The status of Anglo-American political freedom is therefore the subject of several outstanding disagreements. An additional and equally important point of disagreement concerns the *foundations* upon which that political freedom is built. Indeed, there is probably as much dispute about *why* British and American citizens are free as about *whether* they are free. Our primary concern in the present article is with the former question.

In the literature on the United States, at least four explanations for the relatively satisfactory status of political freedom have been advanced. Some have argued that political freedom reflects the fact that ordinary citizens are widely supportive of democratic values (Tocqueville 1945, 409; Griffith, Plamenatz, and Pennock 1956). Others dispute the existence of widespread support for democratic values, but they argue that those citizens who are least supportive of democratic values are also least likely to be politically active, thus vitiating the threat to political freedom (Prothro and Grigg 1960; McClosky, 1964; McClosky and Brill 1983). A related argument focuses on evidence of widespread support for democratic values among political elites and posits a critical role for such elites in preserving political freedom (Stouffer 1955; Prothro and Grigg 1960; Dahl 1961; Key 1961; McClosky 1964; McClosky and Brill 1983.) Finally, the durability of political freedom in the United States is often ascribed to structural characteristics of the political system, including a written constitution, specific guarantees of individual rights, horizontal and vertical divisions of governmental power, and the institution of judicial review (Madison 1961; Hamilton 1961; Choper 1980; Perry 1982).

Many of these same factors have been explored in the literature on political freedom in Britain. The conclusions that emerge, however, are tentative. There is ample evidence that attitudes conducive to democratic politics are widespread among British citizens (Almond and Verba 1963). Unfortunately, there is little evidence of tolerance of unpopular minorities (cf. Rose 1986, 138). Nor does any research of which we are aware examine the comparative propensity of tolerant versus intolerant citizens to act upon their beliefs.
It may be, of course, that political elites in Britain bear primary responsibility for protecting political freedom. However, the validity of this theory, and of its factual premise that political elites are more supportive of democratic values than are ordinary citizens, is open to debate (cf. Budge 1970; Putnam 1973; Parry 1976; Kavanagh 1980; Searing 1982). Finally, structural characteristics of the British constitution are traditionally given little credit for preserving political freedom. When structural characteristics have been examined, primary emphasis has been on features such as the rule of law and the supremacy of Parliament, and observers have paid little attention to the possibility that courts could play an expansive role in the policy-making process (Dicey 1959). The traditional view, however, has been overtaken by actual events, including the rise of political agitation to enact a written Bill of Rights (Holme and Elliott 1989; Zander 1985; Barendt 1985; Abernathy 1983; Jaconelli 1980), an unrelenting series of major developments in the field of judicial review of administrative action (Jowell and Oliver 1988; Schwartz 1987; Jowell and Lester 1987; Zellick 1985; Waltman 1984; Harlow and Rawlings 1984), and the subjugation of British law to decisions of the European Court of Human Rights (Lester 1984).

Clearly there is considerable interest in the foundations of political freedom in Britain and the United States but also considerable disagreement about what those foundations may be. We are under no illusions that our research will resolve this extremely complex debate. Our modest purpose is to advance the debate itself by the introduction of new perspectives and new empirical evidence.

I. DATA AND METHODS

The opinion data on which this study is based consist of nationwide surveys of attitudinal tolerance among the general public in Britain\(^1\) and the United States.\(^2\) The study is also based on data on attitudinal tolerance among Members of Parliament in Britain\(^3\) and Members of Congress in the United States.\(^4\)

\(^1\)The British general survey was conducted for the authors in 1986 by Market and Opinion Research International (London). It consisted of personal interviews with a sample of 1,266 persons in England, Scotland, and Wales.

\(^2\)The American surveys were conducted in 1978 and 1987 by the National Opinion Research Center (Chicago). Results of the 1978 survey are analyzed in Sullivan, Piereson, and Marcus (1982). Preliminary findings from the 1987 survey are presented in Gibson (1987).

\(^3\)Interviews with Members of Parliament were part of the 1985 annual survey of MPs conducted by MORI (London). Of 100 MPs who were interviewed, 77 answered our tolerance questions. We wish to acknowledge the able assistance of Robert Worcester and Brian Gosschalk in collecting the British data.

\(^4\)The Congressional survey consisted of personal interviews with 99 members of the House of Representatives. It was conducted for the authors in 1987 by Opinion Research Corporation (Princeton, NJ).
We define attitudinal tolerance as the willingness of citizens to grant basic rights to disliked groups. Our definition of tolerance requires us to establish that respondents are negatively disposed toward a particular group before we attempt to assess whether they are tolerant or not. In addition, it suggests the wisdom of allowing respondents to make their own selection of disliked groups.\(^5\)

Respondents in each of the surveys were shown a list of groups currently active on the political scene and were asked to choose the group they liked the least.\(^6\) The request to respondents to identify their least-liked group yielded a portrait of unpopular groups in the United States in 1978 and 1987 and in Britain in 1986.\(^7\)

Each respondent's self-selected “least-liked group” became the subject of six tolerance questions. Respondents were asked whether they would allow a member of their least-liked group (1) to make a public speech, (2) to hold a public rally, (3) to run for public office, (4) to form a lawful organization (i.e., not be banned or outlawed), (5) to teach in a public (i.e., state) school, and (6) whether government should be allowed to tap the telephones of members of the group.

\(^5\)Previous studies (Stouffer 1955; Nunn, Crockett, and Williams 1978) have measured levels of support for the basic rights of particular groups without necessarily establishing that respondents were negatively disposed toward the groups themselves. In addition, previous studies have focused primarily or exclusively on left-wing groups. For an argument that tolerance should be defined as support for the basic rights of disliked groups and that respondents should be allowed to select their own “least-liked” group (from an ideologically diverse spectrum of groups), see Sullivan, Pireson, and Marcus (1982) and Sullivan and Marcus (1988). For criticism of this position, see Mueller (1988) and Sniderman, Tetlock, Glaser, Green, and Hout (1989b).

\(^6\)In the more recent surveys (e.g., in Britain in 1986 and the United States in 1987), respondents were shown a list of groups and were asked to rank each of the groups on a like-dislike scale ranging from 1 to 11. Respondents were then asked to identify their least-liked group. In the earlier (1978) U.S. survey, respondents directly selected their least-liked and second least-liked group from a prepared list. For a discussion of insights derived from the more recent measurement strategy, see Barnum and Sullivan (1989); Gibson (1987).

\(^7\)The proportion of respondents choosing particular groups in each of the national surveys was as follows (in descending order of frequency):

United States (1978): Communists (29%), Ku Klux Klan (24%), Atheists (8%), Symbionese Liberation Army (8%), Black Panthers (6%), Fascists (5%), Pro-Abortionists (4%), Anti-Abortionists (2%), Socialists (1%), John Birch Society (1%), Other (2%), Don't Know (10%). See Sullivan, Pireson, and Marcus (1982, 86).

United States (1987): Ku Klux Klan (32%), Communists (24%), Militarists (11%), Atheists (11%), American Nazis (10%), Homosexuals (6%), Pro-Abortionists (3%), Anti-Abortionists (1%), Religious Fundamentalists (1%), Other (1%). See Gibson (1987, 11).

Britain (1986): National Front (26%), Sinn Fein (25%), Fascists (19%), Communists (12%), Militant Tendency (5%), Pro-Abortionists (3%), Campaign for Nuclear Disarmament (3%), Anti-Abortionists (1%), Democratic Unionist Party (1%), Freemasons (1%), Other (3%). See Barnum and Sullivan (1989, 140).
Obviously, these six questions do not constitute an exhaustive array of civil liberties issues confronting the people of Britain and the United States. However, they do provide a basis for comparing the two national populations and also for making aggregate comparisons—as we do in Section IV—between the attitudes of ordinary citizens and those of their Parliamentary or Congressional representatives. In addition, as we have noted, four of the activities addressed in the survey—making speeches, organizing groups, holding rallies, and running for public office—are commonly identified as key attributes of a democratic political system (Dahl 1971; Lijphart 1984; Pennock 1979; Mayo 1960). Thus, there is reason to believe they provide an appropriate basis for exploring the attitudinal component of the foundations of political freedom in Britain and the United States.8

The discussion is divided into four parts. First, we explore the possibility that significant differences may exist in the propensity of ordinary citizens in Britain and the United States to hold tolerant views. Following that, we try to ascertain the strength of the relationship between respondents' attitudes and their actions. Our goal in this section is to assess the behavioral significance of empirical evidence of the distribution of tolerant versus intolerant views. Our third concern is with the role of political elites. We rely in this section on the data on attitudinal tolerance among Members of Parliament and Members of Congress. Finally, we examine Anglo-American differences in constitutional organization and the impact of those differences on political freedom.9

II. PUBLIC OPINION AND POLITICAL FREEDOM

One reason why political freedom is comparatively secure in Britain and the United States could be that large numbers of ordinary citizens have in-

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8We are aware, of course, that tolerance itself is a highly contested concept. Not everyone would agree, for instance, that it is necessarily "intolerant" to oppose the right of a member of Sinn Fein to run for public office or the right of the Ku Klux Klan to hold a public rally. For additional discussion of the meaning of tolerance, see, e.g., Auerbach (1956); Chase (1956); Marcuse, Wolff, and Moore (1965); Symposium (1971); Barnum (1981); Sullivan, Pireson, and Marcus (1982, chap. 2); Bollinger (1986); Richards (1986); Mendus (1988); Damico (1989).

9Our approach benefits from new empirical data but is otherwise comparable to one developed a quarter century ago by Herbert Hyman (1963). Hyman was interested in why England experienced so little anti-communist hysteria, compared to the United States, in the 1950s. He believed—but was unable to substantiate empirically—that perhaps the British as a people were more tolerant than Americans. Hyman further theorized, however, that if it should emerge that: "the British [and American publics] were equally disposed toward intolerance, then one should explore the political and structural factors that held the intolerance in check [in Britain]. Was the British elite even more tolerant than Stouffer [1955] had found the stratum of American leadership to be? Had particular political institutions prevented the mobilization of intolerant sentiments?" (1963, 236).


Table 1

Levels of Tolerance among the General Public in Britain and the United States

<table>
<thead>
<tr>
<th>Least-Liked Group Should:</th>
<th>Percentage Tolerant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Be allowed to teach in state schools</td>
<td>14</td>
</tr>
<tr>
<td>Be banned from running for office*</td>
<td>27</td>
</tr>
<tr>
<td>Be banned (outlawed)*</td>
<td>31</td>
</tr>
<tr>
<td>Be allowed to hold a public rally</td>
<td>34</td>
</tr>
<tr>
<td>Be allowed to make a public speech</td>
<td>51</td>
</tr>
<tr>
<td>Have phones tapped by government*</td>
<td>62</td>
</tr>
<tr>
<td>N</td>
<td>1,266</td>
</tr>
</tbody>
</table>

Sources: The British survey was conducted for the authors by Market and Opinion Research International in 1986. The 1987 American results are from Gibson (1987). The 1978 American results are from Sullivan, Pireson, and Marcus (1982).

* For these three items, disagreement was coded as the tolerant response.

** Respondents in the 1978 U.S. survey were asked whether a member of their least-liked group should be banned from "being president" rather than banned from "running for public office."

ternalized norms of tolerance and are able to apply them in situations involving groups which they dislike. When tolerant norms are widely held and consistently applied, it becomes unlikely that differences of opinion about political and religious issues will lead to restrictions on political freedom.

The results of surveys of attitudinal tolerance among the general public in Britain and the United States are presented in table 1. They indicate an extraordinary degree of comparability in the attitudes of British and American respondents.10 In fact, Anglo-American differences on individual questions rarely exceed two or three percentage points.11

The survey results also indicate that levels of tolerance among ordinary citizens are not particularly high. The proportion of respondents who offer a

10 Independent of the research reported here, a cooperative project on Anglo-American attitudes was inaugurated in 1985. On a variety of issues involving police powers and civil liberties, the study found "close accord between British and American opinions" (see Davis 1986, 92).

11 It is important to note that the similarity in levels of tolerance in Britain and the United States could be misleading. In particular, if British respondents are more threatened by the groups they have chosen as their least-liked—e.g., Sinn Fein and the National Front—then the discovery of comparable levels of tolerance suggests that the British are more successful than Americans at maintaining tolerant attitudes in the face of greater perceived threat. We have undertaken a preliminary examination of comparative levels of perceived threat. The results indicate that, if anything, American respondents perceive a greater threat from their least-liked groups than do British respondents. We assess the impact of perceived threat on political tolerance in greater detail in a forthcoming analysis. For additional discussion, see Mueller (1988, 2).
tolerant response reaches or exceeds 50% on only two items (those dealing with governmental wiretapping and making a public speech). On the remaining items, tolerant opinions are expressed by no more than one-third of respondents. Three of those items, moreover, concern key democratic activities, e.g., running for public office, forming a lawful organization, and holding a public rally.

It is difficult to know what concrete significance to attach to these findings. There is no objective benchmark by which to measure how widespread tolerant attitudes must be among citizens in order to enhance rather than threaten democratic stability (cf. Mueller 1988, 20–22; Searing 1982, 255–56; Kavanagh 1980, 163–66). Earlier commentators may have been naive to expect to find consensual levels of tolerance among ordinary citizens. It nevertheless strikes us as noteworthy that only a minority of citizens in both Britain and the United States is willing to voice support for the right of unpopular groups to engage in several activities which are critical components of the democratic process.

Our principal goal, however, is not to make country-specific judgments about the significance of levels of attitudinal tolerance. It is to reach comparative conclusions about the foundations of political freedom in Britain and the United States. In this regard, it seems clear that the factor we have identified as "attitudinal tolerance" does not make a selective contribution to the status of political freedom in the two societies. It is evidently not the case, for instance, that political freedom in Britain is secure because citizens are widely tolerant, whereas in the United States, because citizens are much more intolerant, political freedom is guaranteed by completely different means. The attitudinal environment in which groups pursue their political objectives is roughly comparable in Britain and the United States. Moreover, in neither country is the attitudinal environment particularly conducive to the exercise of basic democratic rights. The most plausible conclusion to be drawn from these data, we think, is that in both countries it is factors other than citizen support for the application of tolerant norms which are primarily responsible for the perpetuation of political freedom.

III. THE DISCREPANCY BETWEEN ATTITUDES AND ACTIONS

The researchers who initially discovered that American citizens were surprisingly insensitive to the application of democratic values were consoled by the fact that people do not necessarily act upon their beliefs. Prothro and Grigg (1960, 293–94) called attention to "the functional nature of apathy in the democratic system." McClosky (1964, 376) argued that "[d]emocratic viability is . . . saved by the fact that those who are most confused about democratic ideas are also likely to be politically apathetic and without significant influence."
These scholars may have been too ready to assume that citizens are unwilling to act upon their intolerant beliefs. They observed intolerant attitudes, failed to observe intolerant actions, and concluded that apathy is protective. Whether intolerant attitudes lead to intolerant actions, however, depends heavily upon the existence of particular political circumstances and opportunities which can activate latent intolerance. An additional reason for re-examining this issue is that earlier studies focused only on the extent of apathy among those who are intolerant and failed to assess apathy among those who are tolerant.

In our British survey, we posited for respondents a situation in which their least-liked group was planning to hold a public rally. We asked those respondents who were tolerant (i.e., said the group should be allowed to march) to tell us how they would react to a decision of their local council banning the march. Similarly, we asked those who were intolerant (i.e., opposed the march) to tell us how they would react to a decision of their local council allowing the march to take place. The results are presented in figure 1.12

The clear indication from figure 1 is that, at the least, intolerant respondents are substantially more likely than tolerant respondents to express an intention to take some action. When they were confronted with a local council decision contrary to their own, intolerant respondents, compared to tolerant respondents, were twice as likely to say they would sign a petition or join a peaceful demonstration, three times as likely to say they would vote against their local councilor in the next election, and four times as likely to say they would go to court to seek an injunction. Overall, only 13% of intolerant respondents indicated they would “do nothing,” while a majority of tolerant respondents—62%—adopted this passive stance.

Obviously, these findings do not fully resolve the question of whether people who hold intolerant views will try to carry them out.13 The findings do establish, however, that an expressed determination to act is quite high among those who are intolerant and in any case is much higher among such respondents than among those who are tolerant. In sum, apathy is not necessarily widespread among those who are intolerant nor is it confined to such persons.14

12 Unfortunately, we lack directly comparable data on the relationship between attitudes and actions among American respondents. Thus, the conclusions in this section apply only to Britain. For recent findings on behavioral intentions among Americans, see Gibson (1989b).

13 For a study of “the parameters of license for unconventional political behavior,” including citizens’ support for protest, on the one hand, and support for repression, on the other, see Barnes, Kaase, and Allerbeck (1979).

14 Data from the British and American surveys also show that those who are “strongly” intolerant far outnumber those who are “strongly” tolerant. These data constitute a further basis for doubting that apathy among the intolerant will substantially mitigate the threat to political freedom which is posed by high levels of aggregate intolerance. See Sullivan, Piereson, and Marcus (1982, 83–84); Sullivan, Shamir, Walsh, and Roberts (1985, 129–31).
Elusive Foundations of Political Freedom in Britain and the U.S.  

**FIGURE 1**

**Actions Contemplated in Response to a Local Council Decision to Ban or Allow a Public Rally**

<table>
<thead>
<tr>
<th>Action</th>
<th>Intolerant Respondents</th>
<th>Tolerant Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign a petition</td>
<td>20%</td>
<td></td>
</tr>
<tr>
<td>Join a counter-demonstration</td>
<td>8%</td>
<td></td>
</tr>
<tr>
<td>Vote against their local councillor</td>
<td>9%</td>
<td></td>
</tr>
<tr>
<td>Seek a court injunction</td>
<td>2%</td>
<td></td>
</tr>
<tr>
<td>Stop the rally by using force</td>
<td>4%</td>
<td></td>
</tr>
<tr>
<td>Do nothing</td>
<td>13%</td>
<td>62%</td>
</tr>
</tbody>
</table>

Source: Survey of the general public in Britain conducted for the authors by Market and Opinion Research International in 1986.

Even if those who hold intolerant views are not always apathetic, however, it does not follow that in a society in which a majority of citizens is intolerant, political freedom is necessarily in danger. In the fullest sense, the discrepancy between attitudes and actions refers to more than the fact that individuals do not always do what they say they will do. It also refers to a gap—indeed, the word “chasm” may be more descriptive—between individual attitudes, on the one hand, and social and political consequences, on the other. This gap is dependent in part on the extent to which individuals, as individuals, are unlikely to take action to implement their beliefs. It is also dependent, however, on at least two other factors. The first is the extent to which an individual’s intentions must be translated into collective action before they become meaningful. The second is the extent to which individuals will be obliged to rely on elected representatives and other types of public officials in order to implement their intentions.\(^{15}\)

In fact, most actions representing a threat to political freedom will require at least collective action and more realistically the cooperation of public officials (cf. Gibson and Anderson 1985; Barnum 1982). Attempting to prevent a

\(^{15}\) For an exploration of factors which confound the relationship between public opinion and public policy, see Weissberg (1976).
speech or demonstration by a petition drive or counter-demonstration will require collective effort and considerable planning. Attempting to prevent a speech or demonstration by invoking the aid of the law necessitates relying on legislators, judges, administrative officials, and police. The power to outlaw an organization or to exclude its members from the electoral process will undoubtedly be reserved to public officials at the national and local level and thus will lie well outside the direct control of ordinary citizens.

In sum, there are good reasons to doubt that low levels of attitudinal tolerance among ordinary citizens necessarily portend an immediate threat to political freedom in Britain and the United States. We base this belief less on the argument that individuals are unlikely to act out their intolerant beliefs, however, than on the fact that individual behavior is rarely the \textit{proximate} source of public policies that affect political freedom. Typically, the "intolerant actions" which may adversely affect the political freedom of disliked groups will take the form of official responses to political pressure rather than direct action on the part of individuals and groups. That being the case, it is critical to examine the attitudes and actions of elected officials and other members of the political elite.

\section*{IV. Elite Tolerance and Political Freedom}

The early studies of attitudinal tolerance among Americans found greater support for democratic values among those who were especially active in politics than among ordinary citizens (Stouffer 1955; McClosky 1964). These findings led to articulation of what came to be known as "the elite theory of democracy" (McClosky 1964; Prothro and Grigg 1960; Dahl 1961; Key 1961).\footnote{In his 1963 study of British and American reactions to the threat of Communism, Hyman (cf. note 9 supra) explored the actual behavior of political elites. He found that politicians and other public officials in Britain, compared to those in the United States, exhibited restraint in their approach to loyalty-security issues and made a conscious effort to avoid fanning the flames of anti-Communism in their dealings with the public. Hyman concluded that in the period on which he focused, the political elites in Britain fulfilled their responsibility for preserving democratic values more successfully than had their American counterparts (238–50). To date, our research has not focused on the behavior or behavioral intentions of political elites. Hyman's findings suggest that elites in Britain may be exceptionally capable of remaining true to their tolerant values or exceptionally likely to behave in a tolerant fashion irrespective of the values they hold or express. See also Gibson (1988).}

A principal goal of our research has been to gather empirical evidence of levels of tolerance among at least some members of the political elite in Britain and the United States. For this purpose, we administered our tolerance survey to a sample of Members of Parliament (MPs) in 1985 and a sample of Members of Congress in 1987.

The results are presented in table 2. Comparisons can be drawn, first, between the general public and their legislative representatives in each coun-
Table 2

Levels of Tolerance among the General Public and Political Elites in Britain and the United States

<table>
<thead>
<tr>
<th>Least-Liked Group Should:</th>
<th>Percentage Tolerant</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>General Public</td>
<td>Political Elites*</td>
<td>Difference</td>
</tr>
<tr>
<td>Be allowed to teach in state schools</td>
<td>US 18</td>
<td>46</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>UK 14</td>
<td>36</td>
<td>22</td>
</tr>
<tr>
<td>Be banned from running for office</td>
<td>US 27</td>
<td>83</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>UK 27</td>
<td>70</td>
<td>43</td>
</tr>
<tr>
<td>Be banned (outlawed)</td>
<td>US 32</td>
<td>74</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td>UK 31</td>
<td>75</td>
<td>44</td>
</tr>
<tr>
<td>Be allowed to hold a public rally</td>
<td>US 33</td>
<td>93</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>UK 34</td>
<td>64</td>
<td>30</td>
</tr>
<tr>
<td>Be allowed to make a public speech</td>
<td>US 50</td>
<td>93</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td>UK 51</td>
<td>81</td>
<td>30</td>
</tr>
<tr>
<td>Have phones tapped by government</td>
<td>US 63</td>
<td>78</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>UK 62</td>
<td>49</td>
<td>-13</td>
</tr>
</tbody>
</table>

Sources: The surveys of the British public (1986; n = 1,266) and Members of Parliament (1985; n = 77) were conducted for the authors by Market and Opinion Research International (London). The U.S. general survey was conducted by National Opinion Research Corporation in 1987 (n = 1,215). Additional results from this survey are reported in Gibson (1987). Members of the U.S. House of Representatives were interviewed for the authors by Opinion Research Corporation (Princeton, NJ) in 1987 (n = 99).


Clearly, levels of tolerance are higher among politicians than among citizens with one exception. In Britain, a larger proportion of citizens than MPs is opposed to telephone wiretapping by government.\(^{17}\) In every other case, elected representatives express tolerant views more frequently than do members of the public. In some cases—e.g., in the American surveys, the items on public rallies and running for public office—congressional repre-

\(^{17}\) The British and American results on wiretapping echo previous findings based on the six-item tolerance battery and results from other on-going research projects. In Israel and New Zealand, as in Britain and the United States, the general public registered its highest levels of tolerance on the wiretapping question (Sullivan, Shamir, Walsh, and Roberts 1985, 116). In Canada, as in Britain, the general public is actually more tolerant, on the issue of wiretapping, than are the political elites (Fletcher, 1988; Sniderman, Fletcher, Russell, Tetlock, and Gaines 1989a). On the basis of Canadian findings, Fletcher (1988, 8) concludes that "wiretapping . . . is not simply another tolerance issue with the greater political knowledge and sophistication of the elites predicting greater tolerance." The explanation, Fletcher believes, may lie in the fact that political elites are aware of judicial safeguards on governmental wiretapping. As a result, they have fewer misgivings about the practice, for better or worse, than do ordinary citizens.
sentatives are more tolerant than the public by as much as 50 to 60 points. In several other cases, differences between politicians and the public in both Britain and the United States are in the range of 42 to 44 points. The wire-tapping question excepted, the smallest difference between politicians and the public is 22 points.  

Some Anglo-American comparisons are also revealing. On an item-by-item basis, approximately equal proportions of the general public are tolerant, but American legislators are more likely to express tolerant views than their British counterparts on five of six of the survey items. Anglo-American differences are most pronounced on the issues of governmental wiretapping and holding public rallies, where tolerance among American representatives exceeds tolerance among British MPs by 29 points. Anglo-American differences on three items—speaking, running for office, and teaching—are in the 10–13 point range. Only on the question of whether disliked groups should be banned or outlawed altogether do MPs and Members of Congress manifest similar levels of tolerance.

We hesitate to offer a comprehensive explanation for the cross-national differences we have discovered at the elite level. We are not surprised, however, that on most of the items American legislators are more tolerant than their British counterparts. There are important cross-national differences in the content of legal and constitutional norms governing each of the policy areas addressed in the tolerance questions, and in most cases American law is more protective of individual rights than is British law (see, e.g., Singh 1988; Smith 1987; Barendt 1987; Smith 1986; Leigh 1986; Zellick 1985; Barnum 1981; Barnum 1977). Members of Parliament and Members of Congress will be quite familiar with the substance of the law. Thus, the cross-national elite differences revealed in table 2 may reflect underlying differences in the law itself.

Apart from these elite-level differences, however, the data do provide strong evidence, we think, of the fact that on key issues of democratic politics, tolerance is more widespread, in both Britain and the United States, among national legislators than among the general public. The exceptional issues, of course, involve governmental wiretapping and allowing members of disliked groups to teach in schools. On the remaining items—e.g., those which elicit reactions to allowing disliked groups to speak, hold rallies, organize, and run for office—tolerance among politicians exceeds tolerance among the general public by a minimum of 30 points.

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18In a 1962 London-area study of MPs and Parliamentary candidates, on the one hand, and voters, on the other, Budge (1970) found that politicians were substantially more likely than voters to express support for democratic values.

19While we have made every effort to interview a representative sample of MPs and Members of Congress, the relatively small size of the sample in each case suggests the importance of treating our Anglo-American elite comparisons with caution.
These findings are consistent with the proposition that insofar as political freedom is adequately protected in Britain and the United States, it is the political elites, rather than members of the general public, who are primarily responsible. Of course, we have not established by specific evidence the extent to which the political elites in each country are the actual architects of key political freedoms or the extent to which the content of those freedoms precisely reflects the preferences of the political elites. Moreover, we recognize that politicians are no less likely than ordinary citizens to say one thing and do another. Indeed, the discrepancy between attitudes and actions may be especially great among politicians. What is apparent, however, is that Members of Parliament and Members of Congress are substantially more likely to express tolerant opinions than are members of the public. From this we draw the tentative conclusion that but for the involvement of political elites in the policy-making process, the status of political freedom in both Britain and the United States might be considerably less satisfactory than it is.

This conclusion is subject, of course, to one particularly significant qualification, namely, that national legislative representatives in Britain and the United States do not begin to exhaust the category of policymakers who have direct responsibility for shaping the contours of political freedom. The scope of the right to speak in public or hold a public rally, for instance, is obviously a function of the attitudes and actions not only of national legislators, but also of police, permit-granting officials, local elected officials, lower court judges, and others. These local-level officials are in a position to define the content of political freedom, but they are not necessarily more tolerant—or even as tolerant—as members of the public (cf. Gibson 1988; Shamir 1987; McClosky and Brill 1983; Barnum 1982). To evaluate the role of various elites in the overall process of both policy formation and policy implementation, we turn to the question of constitutional organization.

V. CONSTITUTIONAL ORGANIZATION AND POLITICAL FREEDOM

Britain and the United States exhibit major differences in constitutional organization. Many of these differences, moreover, could have an impact on the status of political freedom. America has a written Constitution, a Bill of Rights, a federal division of governmental power, separation of powers at the national level, and the institution of judicial review of legislation. The British constitution includes none of these features. The result, conceivably, is that political freedom is less secure in Britain than in the United States.

We are not certain this is true. Our view is tentative, but we are inclined to believe that the impact on political freedom of Anglo-American differ-

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30 The inverse is also probably true. During periods when political freedom is abrogated, such as the McCarthy era in the United States, the elites are also primarily responsible (see Gibson 1988).
ences in constitutional organization has been exaggerated. We are also convinced, however, that constitutional organization, as such, has made a major contribution to the preservation of political freedom in both Britain and the United States.\textsuperscript{21}

American history suggests that the contribution to political freedom of constitutional features such as a written Bill of Rights and the institution of judicial review is potentially significant but may go unrealized for extended periods of time. For the first three-quarters of American history, the U.S. Supreme Court was all but oblivious to the Bill of Rights. It decided few cases dealing with political freedom and even fewer in which it ruled in favor of the rights of the individual (Ulmer 1985; Baar 1976; Dahl 1957; Commager 1943). Following the New Deal, however, the Court's concern for individual rights increased, culminating in an unprecedented outpouring of decisions in the 1960s and early 1970s (Baum 1989). Recently, the Court's solicitude for individual rights has diminished but has not disappeared (Blasi 1983). In the meantime, an increasing proportion of the burden of defining the scope of individual rights has been assumed by legislative bodies and by courts other than the Supreme Court (Fino 1987; Linde 1984).

These broad trends suggest that while the promises of a document such as the Bill of Rights may not be redeemed immediately, such promises, over the long run, can exert a powerful prescriptive influence on the process of political change (Perry 1982; Wright 1981). A broad examination of American history also reminds us that courts are not invariably staunch defenders of political freedom. Ultimately, the status of political freedom may depend to an uncomfortable degree on the personal views of judicial decision makers and the political context in which they operate.\textsuperscript{22} American history also suggests, however, that while the willingness of courts to defend political freedom may not be "congenital," there is a basis for predicting that courts will have their seasons of activism and, moreover, that judicial precedents established during periods of heightened solicitude for individual rights will tend to endure (Choper 1980, 1984). Finally, American history suggests that judicial institutions may be ill-equipped to shoulder the entire burden of protecting political freedom, even when they are disposed to do so. However, freedom may be enlarged or restricted by the interplay among judicial in-

\textsuperscript{21}The impact of constitutional organization on the protection of individual rights in Britain and the United States is explored in detail in Barnum (1987). See also Nagel (1984; 1989); Choper (1980; 1984).

\textsuperscript{22}This realization has prompted renewed attention in the United States to the mechanics and the politics of the process of appointing Supreme Court justices (Tribe 1985). In Britain, recognition of the role of personal values in institutional decision making renders some commentators uneasy about the prospect of enacting a judicially enforceable Bill of Rights. As expressed by Griffith (1985, 234), "The judges [in Britain] define the public interest, inevitably, from the viewpoint of their own class. . . . [T]hey are not, as in a different dispensation and under a different social order they might be, the strong, natural defenders of liberty."
stitutions, legislative bodies, and public opinion (Silverstein and Ginsberg 1987; Shamir 1987; Barnum 1985; Adamany and Grossman 1983; Page and Shapiro 1983; Murphy 1962; and Pritchett 1961).

We would argue that many of these tendencies are in evidence in Britain today. Parliament has recently taken the lead in defining the content of various aspects of political freedom. In particular, Parliamentary scrutiny of the relationship between freedom of assembly and public order resulted in the enactment in 1986 of a new Public Order Act (Smith 1987). At the same time, overall constitutional arrangements in Britain are in an obvious period of transition, and courts are actively testing the limits of their power and the boundaries of their role in protecting individual rights. In 1984, the Judicial Committee of the House of Lords decided, for the first time, that the royal prerogative was, in principle, subject to judicial review. A year earlier, the House of Lords announced, in an immigration case, that where an executive action allegedly infringes "the liberty of the subject," a reviewing court is not confined to deciding whether the executive acted "reasonably," but must also be satisfied that the facts on which the executive decision was based "do exist." Finally, in a series of recent cases, courts have reviewed and overturned local council decisions alleged to have been improperly based on ideological or partisan considerations.

These recent decisions are indicative of the fact that British judges are increasingly willing to play an active role in the policy-making process (cf. Waltman 1988; Jowell and Lester 1987; Schwartz 1987; Barnum 1987; Waltman 1984). In addition, Parliament and other legislative bodies seem to be increasingly willing to surrender to judges at least some of their discretion to define the content of political freedom and to agree in principle that the remainder of their discretion should be exercised with greater care than in the past. Undoubtedly, the power of judges to define the content of individual rights would be enhanced if Britain were to adopt a judicially enforceable Bill of Rights. But the existing British constitution is sufficiently flexible—

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23 *Council for Civil Service Unions v. Minister for the Civil Service*. 1984. 3 All E. R. 935 (House of Lords) (holding that the Prime Minister's decision to ban trade union membership among employees of the Government Communications Headquarters, hence the common reference to the case as "CCHQ," was subject to judicial review but was justified by considerations of national security).


25 *Wheeler v. Leicester City Council* 1985. 2 All E. R. 1106 (H.L.) (overturning a city council decision penalizing a rugby club for refusing to prevent three of its members from participating in a tour of South Africa); *R. v. Hackney London Borough Council, ex parte Camper*. 1984. 3 All E. R. 275 (Divisional Court) (enjoining a Labour-controlled borough council from denying access to documents to a Liberal Party council member); *Verrall v. Great Yarmouth Borough Council*. 1980. 1 All E. R. 839 (Court of Appeals) (ordering a newly-elected Labour-controlled borough council to honor a contract made between the council and the National Front, when the council was controlled by the Conservative Party, for use of one of the council's halls).
particularly given the external impetus provided by the European Court of Human Rights—to allow increasing attention to civil liberties from practically all components of the policy-making apparatus. Moreover, there is reason to believe that judges—as a particular category of policymaker—will be in the forefront of the process of constitutional change.

VI. CONCLUSION

It will be some time before the foundations of political freedom in Britain and the United States are fully understood. We think it is possible, however, to identify some of the key components of the underpinnings of political freedom and, more importantly, to make a tentative assessment of their relative importance.

Public opinion apparently does not exert an important selective impact on the status of political freedom in Britain and the United States. Levels of tolerance (as we have measured it) are strikingly similar in the two countries. Thus, the climate of public opinion in which policymakers operate in the two countries is comparable.

It is also our best judgment that while the climate of public opinion in Britain and the United States is perhaps not as threatening to political freedom as it may be in other societies, neither is it notably beneficent. On key issues of democratic politics, majorities or near majorities of the general public express support for restricting the rights of disliked groups. If policymaking in Britain and the United States were completely majoritarian, the political freedom of unpopular groups might be in considerable jeopardy.

It is possible, of course, that apathy among those who are intolerant could substantially mitigate the impact of high levels of intolerance. We are not convinced, however, of the merits of this argument. Our data show that many of those who are intolerant are willing to contemplate taking action and in any case that those who are intolerant are much more likely to contemplate action than those who are tolerant. Thus, we are not sure that apathy, as such, constitutes a promising safeguard of political freedom.

We are led to the tentative conclusion that two of the key factors protecting political freedom in Britain and the United States are elite tolerance and constitutional organization. The political elites whose attitudes we have measured in this study are substantially more likely to be tolerant, on key issues of political freedom, than are members of the public. In addition, constitutional arrangements buttress the policy-making autonomy of such elites and guarantee competition among governmental institutions, thus contributing to the ultimate improvement of the status of political freedom.

We think it would be premature to go much further than this. We hesitate, in particular, to speculate about cross-national differences in the contribution to political freedom of the factors we have identified as elite tolerance
and constitutional organization. What evidence there is, however, suggests that the differences are minor. National-level legislative elites in both countries are significantly more tolerant than the general public. In addition, constitutional arrangements in both countries are characterized by extensive checks and balances and by judicial concern for civil liberties which is cyclical but apparently irrepressible. Thus, we are skeptical of the conventional wisdom that political freedom in Britain owes its success primarily to legislative autonomy and legislative self-restraint, whereas in the United States, the primary sources of political freedom are constitutional checks and balances and an institutionalized tradition of judicial review. We have found that levels of attitudinal tolerance are very similar in Britain and the United States. In other respects—including the role of elite tolerance and constitutional organization in protecting political freedom—the two countries may also be more alike than we sometimes assume.

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REFERENCES


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