

United Kingdom: Liberal OS Invariant Analysis

Date: 16 February 2026 **Framework:** Classical Liberal Political OS v1.0 **Period:** 2019 – February 2026 (Conservative Government under Johnson/Truss/Sunak, July 2019 – July 2024; Labour Government under Starmer, July 2024 – present)

Executive Summary

The United Kingdom presents a distinctive and instructive case study for the Liberal OS framework. The country that originated many of the liberal invariants – Magna Carta, parliamentary sovereignty, common law rights, habeas corpus – now operates under a constitutional architecture that provides **weaker invariant protection than any other major Anglophone democracy**. The UK has no codified constitution, no entrenched bill of rights, and Parliamentary sovereignty means that any statute can be passed by a simple majority with no judicial strike-down power. The Human Rights Act 1998 (HRA) incorporates the European Convention on Human Rights into domestic law but is itself an ordinary statute – Parliament can override it, and courts can only issue “declarations of incompatibility,” not strike down legislation.

The period 2019–2026 spans two governments of different parties, both of which have implemented policies that degrade liberal invariants – but through different mechanisms and in different domains. The Conservative government (2019–2024) expanded protest restrictions, passed the Online Safety Act, and pursued coercive immigration policies. The Labour government (July 2024 – present) has paused free speech protections in higher education, expanded hate speech enforcement, and continued the surveillance-state architecture inherited from its predecessors.

The framework’s prediction: in a system with no constitutional hardening, **invariant degradation will proceed from whichever direction holds power**, because there is no structural wall that either side must respect. The evidence confirms this prediction. The UK’s invariants are degraded from the right (protest restrictions, immigration coercion) and the left (speech regulation, DEI mandates, information control) in alternating sequence, with each government inheriting and building on the authoritarian infrastructure of the last.

Structural Context: The United Kingdom in the Governance Stack

Layer	US Implementation	Australian Implementation	UK Implementation
OS (invariants)	Same liberal invariants (Agency, Information, Alternatives, Revocability)	Same liberal invariants	Same liberal invariants
Runtime (constitutional hardening)	Bill of Rights, First Amendment, due process, equal protection. Supreme Court can strike down legislation	Sparse – implied freedom of political communication, separation of powers, federalism. No bill of rights	Effectively none – no codified constitution, no entrenched bill of rights, no judicial strike-down power. HRA 1998 is an ordinary statute. Parliamentary sovereignty is absolute
Tradition layer	Supplements the constitution	Carries the invariants	Originated the invariants (Magna Carta, common law, parliamentary tradition) – but tradition alone carries them. No formal encoding
Vulnerability	Programs can corrupt, but constitutional hardening provides fallback	Programs can corrupt, and there is no constitutional fallback – if tradition erodes, invariants are unprotected	Maximum vulnerability – the very institution that should protect invariants (Parliament) is the one with unlimited power to violate them. No external check exists

The UK's Unique Constitutional Position

The UK system has three features that distinguish it from all comparators:

1. **Parliamentary sovereignty:** Parliament can pass any law by simple majority. No court can strike it down. No prior law binds a future Parliament. This is not a bug – it is the foundational doctrine of UK constitutional law, established since Dicey (1885) and reaffirmed by the Supreme Court.
2. **No entrenched bill of rights:** The Human Rights Act 1998 incorporates ECHR rights into domestic law, but: (a) Parliament can legislate contrary to it, (b) courts can only issue “declarations of incompatibility” – they cannot invalidate the legislation, (c) the government has repeatedly considered repealing or replacing the HRA entirely (the “Bill of Rights Bill” introduced under Boris Johnson in 2022, later dropped by Sunak).
3. **No separation of powers in the American sense:** The executive is drawn from the legislature. The Prime Minister commands a majority in the House of Commons. With party discipline, this means the executive and legislature are effectively fused. The House of Lords can delay but not block legislation. The Supreme Court (established only in 2009) has no constitutional review power over primary legislation.

The result: **the UK has the weakest formal invariant protection of any major liberal democracy.** The invariants exist by convention, tradition, and political culture. When those are insufficient, there is no fallback.

Legislative Actions: Invariant-by-Invariant Analysis

Information (1.2) – Direct Regulatory Control

Online Safety Act 2023

- **Timeline:** Introduced as the Online Safety Bill in March 2022; received Royal Assent 26 October 2023. Ofcom began phased implementation from late 2024
- **Mechanism:** Creates a comprehensive regulatory framework for online content. Ofcom, the communications regulator, is empowered to:
 - Require platforms to remove “illegal content” (broadly defined to include communications offences under existing law)
 - Impose duties to protect children from “harmful content” (defined by Ofcom-issued codes of practice)
 - Require age verification for pornographic content
 - Impose duties regarding “fraudulent advertising”
 - Issue fines of up to 10% of global turnover or GBP 18 million (whichever is greater)
 - Seek court orders to block non-compliant services from the UK
 - Criminal liability for senior managers of platforms that fail to comply with information requests
- **Critical feature:** The Act creates a government-appointed regulator (Ofcom) with the power to define categories of harmful content through codes of practice, which platforms must then enforce. The definition of “harm” is not fixed in statute – it is delegated to the regulator, creating an expandable framework
- **Section 122 controversy:** The Act originally included provisions that would have required platforms to scan encrypted messages for child sexual abuse material (CSAM). Although the government acknowledged the technology to do this without

breaking encryption does not yet exist, the legal requirement remains on the statute book as a “dormant” power – Ofcom has stated it will not enforce it until “technically feasible,” but the legal authority exists

- **“Legal but harmful” provision (removed):** The original bill included a category of “legal but harmful” content for adults, which would have required platforms to police lawful speech. This was removed during parliamentary passage after significant opposition, particularly from the House of Lords

Pre-Evaluation Triage: - Step 1 (Formal encoding): Yes – the Act formally encodes a regulatory power to define and enforce removal of content categories, with those categories expandable by a government-appointed regulator rather than fixed in statute. The delegation of definitional power to Ofcom creates a formally encoded asymmetry: the state defines harm; platforms and users are subject to it. - Proceed to invariant test.

Invariant Test: - Information (1.2): **Degraded.** The Act creates a state-appointed body with expansive power to determine what information may circulate online. Even with the “legal but harmful” provision removed, the framework’s architecture – delegated definitional power, massive fines, criminal liability for executives – produces structural pressure toward over-removal of content. Platforms have commercial incentives to remove more rather than less. The “dormant” encrypted messaging power (s122) represents a latent threat to private communication. - Agency (1.1): **Chilling effect.** Users and platforms self-censor under the regulatory framework. The criminal liability provisions for senior managers create personal incentives for aggressive content removal beyond what the law strictly requires.

System State: Strained (Information invariant degraded through regulatory architecture; Agency affected through chilling effects)

Constitutional protection: None. The HRA 1998’s Article 10 (freedom of expression) is an ordinary statute and cannot override the Online Safety Act. Courts could issue a declaration of incompatibility but cannot strike down the Act. Ofcom’s codes of practice are subject to judicial review on procedural grounds but the substantive power is unconstrained by any constitutional limit.

Status: Passed and in phased implementation. Ofcom published its first codes of practice in 2024–2025. The framework is operational and expanding.

Higher Education (Freedom of Speech) Act 2023

- **Timeline:** Received Royal Assent 11 May 2023. Was due to come into force on 1 August 2024. Labour government announced in July 2024 – within days of taking office – that it would pause implementation. In February 2025, the government confirmed it would repeal the Act entirely
- **Mechanism:** The Act would have:
 - Created a statutory duty on universities and student unions to protect free speech and academic freedom
 - Established a Free Speech Complaints Scheme within the Office for Students (OfS)
 - Allowed individuals to seek compensation through a tort for breach of the free speech duty
 - Required universities to maintain codes of practice promoting free speech
- **Labour’s rationale for pausing:** Education Secretary Bridget Phillipson stated the Act could be used by those with “extreme views” and could conflict with other legal

duties. The government expressed concern it would impose “regulatory burdens” on universities

- **Net effect:** A law specifically designed to protect the Information invariant in higher education – the primary institution for open inquiry – was passed but then blocked from implementation by the incoming government

Pre-Evaluation Triage: - Step 3 (Runtime distortion): The Act itself does not encode an asymmetry – it is a protective measure. The runtime distortion is the decision to pause and repeal it, which preserves the existing distortion: universities that have adopted speech codes, no-platforming policies, and institutional positions on contested political questions face no countervailing legal duty to protect open inquiry. - Proceed to invariant test.

Invariant Test: - Information (1.2): **Degraded.** The decision to block implementation of free speech protections preserves the status quo in which universities – the primary institutions of open inquiry – operate without a legal duty to protect free speech. The existing pattern (documented by the OfS, Policy Exchange, and the Free Speech Union) includes: speaker disinvitations, academic disciplinary proceedings for heterodox views, and institutional “values statements” that pre-commit to contested political positions. - Agency (1.1): **Degraded.** Academics and students who hold views that conflict with institutional orthodoxies face career and disciplinary consequences without legal recourse. The Act would have provided that recourse; its repeal removes it.

System State: Strained (Information and Agency degraded in higher education through government decision to withdraw existing protections)

Constitutional protection: None. There is no constitutional right to academic freedom in the UK. The common law provides limited protection. The HRA Article 10 applies but is balanced against other considerations and cannot override institutional policies.

Status: Act paused since July 2024. Government confirmed repeal in February 2025. Free speech in higher education remains unprotected by statute.

Agency (1.1) – Speech Enforcement and Compelled Silence

Hate Speech Laws and Non-Crime Hate Incidents

- **Legal framework:** The UK has extensive hate speech legislation accumulated over decades:
 - Public Order Act 1986 (ss 17–29): offences of stirring up racial hatred, religious hatred (added 2006), and hatred on grounds of sexual orientation (added 2008)
 - Crime and Disorder Act 1998: racially or religiously aggravated offences (enhanced sentencing)
 - Communications Act 2003, s127: offence of sending “grossly offensive” messages by electronic communications network
 - Malicious Communications Act 1988, s1: offence of sending communications that are “indecent or grossly offensive”
 - Online Safety Act 2023: creates new communications offences including “false communications” (s179) and “threatening communications” (s181)
- **Non-Crime Hate Incidents (NCHIs):** Police forces record reports of “hate incidents” even where no criminal offence has occurred. A 2014 College of Policing Hate Crime Operational Guidance required all forces to record NCHIs. Between 2014 and 2023, over 120,000 NCHIs were recorded by UK police forces. These

records can appear on enhanced Disclosure and Barring Service (DBS) checks, affecting individuals' employment prospects – for speech that was not criminal

- **The Harry Miller case:** In 2020, the High Court ruled (*Miller v College of Policing* [2020] EWHC 225) that the police visit to Harry Miller over gender-critical tweets was unlawful and had a “chilling effect” on free speech. The Court of Appeal ([2021] EWCA Civ 1926) went further, ruling that the 2014 NCHI guidance was itself unlawful as it failed to adequately protect freedom of expression
- **Revised guidance (2023):** The College of Policing issued revised guidance in 2023, introducing a higher threshold for recording NCHIs. However, recording continues, and the fundamental architecture remains: police can create records about individuals' lawful speech
- **Social media arrests:** The UK has repeatedly arrested and prosecuted individuals for social media posts. High-profile cases include:
 - A woman cautioned for tweeting a limerick (2019)
 - Multiple arrests during the August 2024 riots for social media posts, including individuals charged under the Online Safety Act for “false communications” and “encouraging violent disorder” on social media
 - The case of a man sentenced to 20 months' imprisonment for posting “inaccurate” content on Facebook during the August 2024 Southport riots

Pre-Evaluation Triage: - Step 1 (Formal encoding): Yes – the offences of “grossly offensive” communications (s127 Communications Act), stirring up hatred (Public Order Act 1986), and false communications (Online Safety Act 2023) formally encode state power to punish speech. The NCHI system formally encodes a recording mechanism for lawful speech. - Proceed to invariant test.

Invariant Test: - Agency (1.1): **Degraded.** The combination of broad speech offences, the NCHI recording system, and visible enforcement (arrests, prosecutions, imprisonment for social media posts) creates a comprehensive chilling effect. Citizens cannot know in advance whether their speech will be classified as criminal – the standards (“grossly offensive,” “stirring up hatred,” “false communications”) are inherently subjective and enforcement is discretionary. - Information (1.2): **Degraded.** When speech on contested political topics carries risk of criminal sanction or police recording, the information environment is structurally distorted. Citizens self-censor. The August 2024 enforcement pattern – rapid arrests for social media posts during a period of civil unrest – demonstrated that the state can and will use speech laws to control the information environment during politically sensitive periods.

System State: Crisis (Agency and Information both degraded through formally encoded speech restrictions with demonstrated enforcement)

Constitutional protection: **None.** No First Amendment equivalent. HRA Article 10 provides a right to freedom of expression but it is a qualified right – it can be restricted “for the prevention of disorder or crime,” “for the protection of the reputation or rights of others,” etc. Courts have consistently upheld speech restrictions under these qualifications. There is no absolute protection for political speech.

Status: Active and expanding. The Online Safety Act adds new speech offences to an already extensive framework. The August 2024 enforcement pattern demonstrates willingness to use these powers aggressively.

Agency (1.1) + Alternatives (1.3) – Protest Restrictions

Police, Crime, Sentencing and Courts Act 2022

- **Royal Assent:** 28 April 2022
- **Key protest provisions:**
 - Expanded police powers to impose conditions on protests, including conditions relating to **noise** (s73) – for the first time, police could restrict protests on the basis that noise generated might cause “serious unease, alarm or distress”
 - New offence of “intentionally or recklessly causing public nuisance” (s78), replacing the common law offence with a statutory one carrying a maximum 10-year sentence
 - Conditions can be imposed on one-person protests (s74)
 - Expanded powers to impose conditions on assemblies, including start and finish times, maximum noise levels
- **Context:** Introduced in response to Extinction Rebellion and Black Lives Matter protests (2019–2020). The government argued existing powers were insufficient to deal with disruptive protest tactics

Public Order Act 2023

- **Royal Assent:** 2 May 2023
- **Key provisions:**
 - **Serious Disruption Prevention Orders (SDPOs)** (ss19–28): Courts can impose SDPOs on individuals who have been convicted of protest-related offences on two or more occasions, OR on individuals who have carried out activities related to a protest on two or more occasions that resulted in serious disruption (even without conviction). SDPOs can prohibit individuals from being in specified places, associating with specified persons, using the internet in specified ways, and can require GPS electronic monitoring. Breach is a criminal offence carrying up to 51 weeks’ imprisonment
 - **New offences:** locking on (s1), tunnelling (s3), being equipped for locking on (s2), interfering with key national infrastructure (s7), interfering with the use of transport works (s8)
 - **Suspicionless stop and search** (s11): Police can stop and search individuals without reasonable suspicion in areas where they believe protest-related offences may occur
 - **Buffer zones:** around abortion clinics (s9) – creating zones where certain activities including “informing” and “advising” are prohibited

Pre-Evaluation Triage: - Step 1 (Formal encoding): Yes – both Acts formally encode restrictions on the exercise of protest. SDPOs formally encode pre-emptive restrictions on individuals who have not been convicted of an offence. Suspicionless stop and search formally encodes a power to search individuals without individualized grounds. The noise provisions formally encode a subjective trigger for restricting assembly. - Proceed to invariant test.

Invariant Test: - Agency (1.1): **Degraded.** The combination of broad new offences, enhanced police powers, and pre-emptive orders (SDPOs) restricts individuals’ capacity to engage in protest – a core expression of political agency. The noise provisions allow police to restrict protest based on subjective assessments of disruption. SDPOs can be imposed without criminal conviction, based on police and prosecution assertions about past conduct. - Alternatives (1.3): **Degraded.** SDPOs restrict individuals’ freedom of

movement, association, and internet use – pre-emptively, based on past protest activity. The suspicionless stop-and-search power deters attendance at protests. The cumulative effect narrows the viable options for expressing political dissent. - Information (1.2): **Affected**. Buffer zones around abortion clinics prohibit “informing” and “advising” – directly restricting information exchange. The broader chilling effect of protest restrictions reduces the visibility of dissent, degrading the information environment for the wider population.

System State: Crisis (Agency, Alternatives, and Information degraded through formally encoded restrictions on political expression)

Constitutional protection: Minimal. HRA Articles 10 (expression) and 11 (assembly) apply but are qualified rights. The Supreme Court has some capacity to interpret statutes compatibly with Convention rights, and can issue declarations of incompatibility, but cannot strike down primary legislation. The European Court of Human Rights in Strasbourg can issue judgments against the UK, but compliance is voluntary (no enforcement mechanism), and the UK government has historically indicated willingness to resist Strasbourg judgments it disagrees with.

Status: Both Acts passed and in force. SDPOs have been issued. The powers are operational.

Agency (1.1) + Information (1.2) – Public Sector Ideological Mandates

Equality Act 2010 – Expanding Enforcement and Public Sector Equality Duty

- **Background:** The Equality Act 2010 consolidated previous anti-discrimination legislation. Section 149 imposes a **Public Sector Equality Duty (PSED)** requiring public authorities to “have due regard to” eliminating discrimination, advancing equality of opportunity, and fostering good relations between groups sharing protected characteristics
- **Expansion pattern (2019–2026):**
 - The PSED has been interpreted by public bodies, regulators, and the Equality and Human Rights Commission (EHRC) as requiring active measures including diversity training, representation targets, and equity frameworks
 - Diversity, equity, and inclusion (DEI) mandates are pervasive across the public sector: NHS trusts, universities, government departments, police forces, local authorities, and arms-length bodies all maintain DEI strategies, officers, and reporting requirements
 - The Civil Service Diversity and Inclusion Strategy sets targets for representation by race, gender, disability, and sexual orientation across the civil service
 - Many public bodies require staff to undertake “unconscious bias training,” “anti-racism” training, and training on concepts including “white privilege,” “structural racism,” and “intersectionality”
 - Staff who challenge these frameworks face professional consequences – not through formal legal prohibition but through performance management, complaints processes, and institutional culture
- **The Forstater / gender-critical speech intersection:** Maya Forstater’s case (Forstater v CGD Europe [2021] UKEAT/0105/20) established that gender-critical beliefs are protected under the Equality Act. However, the practical enforcement pattern in workplaces has been that employees expressing gender-critical views face disciplinary action, with employers citing the PSED and harassment provisions. The

legal protection exists in theory; the institutional environment penalizes its exercise in practice

Pre-Evaluation Triage: - Step 3 (Runtime distortion): The Equality Act does not explicitly mandate ideological compliance. But the PSED's requirement to "advance equality of opportunity" has been interpreted by public bodies as requiring adoption of specific ideological frameworks (equity, structural racism, intersectionality). When the employer IS the state, and the state adopts a specific ideological framework as the interpretation of a statutory duty, public servants who disagree face career consequences without formal legal encoding of that penalty. - Proceed to invariant test.

Invariant Test: - Agency (1.1): **Degraded.** Public sector employees' professional advancement is tied to engagement with an ideological framework. Dissent is not formally prohibited but is structurally penalized through performance evaluations, complaints processes, and institutional culture. The Forstater ruling established legal protection for gender-critical beliefs, but workplace enforcement patterns have not consistently reflected this. - Information (1.2): **Degraded.** DEI frameworks within public bodies pre-determine analytical conclusions (e.g., disparities evidence structural bias). This shapes what research is commissioned, what analysis is conducted, what policy recommendations are viable, and what views can be expressed within institutions. In universities (also subject to the PSED), this intersects with academic freedom.

System State: Strained (Agency and Information degraded for public sector workers through institutional pressure rather than formal mandate)

Constitutional protection: **None.** No free speech guarantee for public servants as employees. No constitutional constraint on government as employer. Employment tribunal protection exists (Forstater) but remedies are individual and retrospective, not systemic.

Status: Active and pervasive across the public sector.

NHS Gender Identity Services

- **Timeline:** The Cass Review (Final Report, April 2024), led by Dr. Hilary Cass, reviewed NHS gender identity services for children and young people. The Tavistock GIDS (Gender Identity Development Service) was closed in 2024 and replaced by regional centres with a different clinical model
- **Mechanism:**
 - The Cass Review found that the evidence base for puberty blockers and cross-sex hormones in under-18s was "remarkably weak." It found that the Tavistock GIDS had adopted an "affirmative" approach that was not evidence-based
 - Clinicians who raised concerns about the affirmative model (whistleblowers including Dr. David Bell, Sonia Appleby, and others) reported being silenced, marginalized, and in some cases subjected to disciplinary proceedings
 - The NHS imposed an emergency ban on puberty blockers for gender dysphoria in under-18s (May 2024), made permanent in December 2024
 - Despite the Cass Review findings, lobby groups, some professional bodies, and some NHS trusts resisted implementation, and the World Professional Association for Transgender Health (WPATH) criticized the review
 - Labour government accepted the Cass Review findings and maintained the puberty blocker ban

- **Agency analysis:** The pre-Cass pattern showed a runtime distortion: an ideological framework (gender affirmation) captured clinical practice within NHS institutions, and clinicians who dissented faced professional consequences. The Cass Review represented the correction mechanism working – but it required an independent external review commissioned at the highest level to overcome institutional resistance

Pre-Evaluation Triage: - Step 3 (Runtime distortion): The affirmative model was not formally encoded in law. It was adopted through institutional capture – professional bodies, clinical guidelines, and workplace culture converged on an approach that was not evidence-based, and dissenters were penalized through institutional mechanisms. - Proceed to invariant test.

Invariant Test: - Agency (1.1): **Degraded (now partially corrected)**. Clinicians’ professional autonomy was overridden by institutional ideology. Patients (children) were subject to medical interventions on a weak evidence base because the clinical environment had been captured by an ideological commitment. The Cass Review and subsequent policy change represent partial correction. - Information (1.2): **Degraded (now partially corrected)**. The evidence base was not systematically reviewed for years because the institutional consensus treated questioning the affirmative model as transphobic. The Cass Review found that research quality in the field was “remarkably poor” – a consequence of the information distortion.

System State: Strained (correcting – the Cass Review and puberty blocker ban represent the system self-correcting through tradition-based mechanisms)

Constitutional protection: **None relevant.** The correction came through executive/institutional action (commissioning the Cass Review, NHS policy change), not through constitutional constraint.

Status: Correction in progress. Puberty blocker ban in effect. Regional centres replacing Tavistock GIDS. Institutional resistance continues in some quarters.

Agency (1.1) + Alternatives (1.3) – Immigration Without Democratic Mandate

Net Migration and the Rwanda Scheme

- **Scale:** Net migration to the UK reached 764,000 in the year ending June 2022 (ONS revised figure), 685,000 in the year ending June 2023, and approximately 728,000 in the year ending June 2024. These are historically unprecedented volumes – net migration averaged approximately 200,000 per year in the decade before 2019. The Conservative Party was elected in 2019 on a manifesto pledge to reduce immigration
- **Democratic mandate:** The 2019 Conservative manifesto pledged to reduce overall immigration numbers. The opposite occurred – net migration more than tripled. At no point was the electorate consulted on or presented with immigration at these levels. The increase was driven by policy decisions (post-Brexit visa liberalization for non-EU workers, expanded Health and Care Worker visa, student visa expansion) that were implemented without explicit democratic authorization for the resulting scale
- **Rwanda scheme:** The Illegal Migration Act 2023 and the Safety of Rwanda (Asylum and Immigration) Act 2024 sought to deport asylum seekers who arrived via irregular routes (Channel crossings) to Rwanda for processing. The Supreme Court ruled

(November 2023) that Rwanda was not a safe third country. The government responded by passing legislation that **declared Rwanda safe as a matter of law** (the 2024 Act), overriding the court's factual finding by statute. No deportation flights departed before the July 2024 election. Labour cancelled the scheme immediately upon taking office

- **Labour government (2024–present):** Cancelled the Rwanda scheme but has not reduced net migration to pre-2019 levels. The government announced reforms to the Health and Care Worker visa and student visa routes, but net migration remained at historically elevated levels through 2025
- **Channel crossings:** Small boat Channel crossings continued throughout the period – approximately 29,000 in 2024. Neither government found an effective mechanism to stop them

Pre-Evaluation Triage: - Step 3 (Runtime distortion): Immigration policy is a legitimate program-level decision. But at these volumes, without explicit democratic mandate, and with measurable effects on housing, wages, and public services, it produces runtime distortion of invariants. The Rwanda scheme raises a separate concern: legislating to override a Supreme Court factual finding. - Proceed to invariant test.

Invariant Test: - Agency (1.1): **Strained.** The population's capacity to shape the direction of their own society is degraded when transformative demographic changes occur without explicit democratic authorization. The 2019 manifesto pledged reduction; the opposite was delivered. This is a consent violation – the electorate authorized one policy and received its opposite. - Alternatives (1.3): **Strained.** Housing affordability crisis (UK house prices and rents at historic highs relative to earnings), NHS waiting lists (over 7 million by 2024), school places pressure, infrastructure strain – all measurably affected by population growth rates that were not democratically authorized. The real, accessible alternatives for existing residents are degraded. - Revocability (1.4): **Strained (specific to the Rwanda Act).** The Safety of Rwanda Act 2024 overrode a Supreme Court factual finding by declaring, as a matter of statute, that Rwanda was safe. This represents Parliament using its sovereignty to override the judiciary's assessment of fact – a use of Parliamentary sovereignty that degrades the separation-of-powers tradition even if it is technically lawful. (The Act was subsequently repealed by Labour, so the precedent is not currently operative.)

System State: Strained to Crisis (Agency and Alternatives strained by immigration volumes without democratic mandate; Revocability strained by the Rwanda Act's override of judicial findings)

Constitutional protection: None. No referendum requirement for immigration levels. No constitutional mechanism for citizens to constrain the scale. Parliamentary sovereignty means Parliament can override court findings by statute (as the Rwanda Act demonstrated). The only correction mechanism is electoral – and the electorate exercised it in July 2024, replacing the government. But the incoming government has not reversed the underlying immigration volumes.

Status: Rwanda scheme cancelled. Immigration levels remain historically elevated. Housing and public services remain under pressure. Electoral correction occurred but has not yet produced policy correction on the underlying issue.

Pattern Analysis

Legislative Action	Invariant(s) Affected	Constitutional Protection	Outcome
Online Safety Act 2023	Information (1.2), Agency (1.1)	None	Passed – no resistance mechanism
HE Freedom of Speech Act (paused/repealed)	Information (1.2), Agency (1.1)	None	Protective law blocked by incoming government
Hate speech laws + NCHI system	Agency (1.1), Information (1.2)	None	Active and expanding
PCSC Act 2022 + Public Order Act 2023	Agency (1.1), Alternatives (1.3), Information (1.2)	Minimal (HRA qualified rights)	Passed – in force
Public sector DEI mandates	Agency (1.1), Information (1.2)	None	Active and pervasive
NHS gender identity services	Agency (1.1), Information (1.2)	None	Correction in progress (Cass Review)
Immigration without mandate	Agency (1.1), Alternatives (1.3), Revocability (1.4)	None	Electoral correction occurred; policy correction incomplete

Key Finding

The UK demonstrates a pattern unique among the Anglophone democracies: invariant degradation from both political directions, with no constitutional wall to stop either. The Conservative government degraded Agency and Alternatives through protest restrictions (PCSC Act, Public Order Act) and degraded Revocability through the Rwanda Act's override of judicial findings. The Labour government is degrading Information through blocking free speech protections and maintaining the speech-law enforcement architecture. Both governments maintained and expanded the Online Safety Act's regulatory framework.

The critical difference from Australia: Australia's invariant degradation is primarily unidirectional (CJ-aligned programs on a Liberal OS host). The UK's degradation is **bi-directional** – each government builds authoritarian infrastructure that the next government inherits and repurposes. The Conservatives built the protest-restriction and

online-regulation architecture; Labour inherits it and adds speech-enforcement and DEI-mandate layers. Neither side dismantles the other's authoritarian infrastructure – they add to it.

The Ratchet Effect

The UK exhibits what the framework would predict as a **ratchet effect** in a system without constitutional hardening:

1. Government A introduces restrictive powers (protest restrictions, online regulation)
2. Government B does not repeal them – instead adds its own restrictive powers (speech enforcement, DEI mandates, repeal of free speech protections)
3. Government A (when it returns) inherits both sets of restrictions and adds further
4. Each cycle increases the total stock of invariant-degrading legislation
5. No constitutional mechanism exists to ratchet back – only tradition and political will, which are insufficient against the institutional inertia of established powers

The Online Safety Act exemplifies this: introduced by a Conservative government, it creates a regulatory architecture that any future government can expand. The “dormant” power over encrypted messaging (s122) is a pre-positioned capability that does not require new legislation to activate – only a decision by the regulator.

The Correction Mechanism Problem

The UK's corrections have come through: - **Electoral replacement** (July 2024 – the electorate removed the Conservatives) - **Independent review** (Cass Review – an externally commissioned review overcame institutional capture) - **Judicial intervention** (Miller v College of Policing – courts finding police conduct unlawful)

But these corrections are **partial and asymmetric**: - Electoral replacement changed the government but did not reverse the authoritarian legislation (PCSC Act and Public Order Act remain in force under Labour) - The Cass Review corrected one institutional capture but required extraordinary political will to commission and implement - Judicial intervention (Miller) corrected one specific practice but did not constrain the underlying framework (NCHIs continue to be recorded under revised guidance)

The correction mechanisms work intermittently and on individual cases. They do not address the structural accumulation of invariant-degrading legislation.

Framework Prediction

The United Kingdom's trajectory tests the following prediction:

A Liberal OS that originated the liberal tradition but never constitutionally encoded its own invariants is the most vulnerable of all liberal democracies. Parliamentary sovereignty – the doctrine that Parliament can do anything – means that the legislature is simultaneously the greatest threat to and the only protector of liberal invariants. When political culture treats invariant degradation as legitimate policy-making (whether from the right or the left), the ratchet effect produces cumulative degradation that no single election can reverse, because each government inherits and builds on its predecessor's authoritarian infrastructure.

The framework points toward the structural remedy: **a codified constitution with an entrenched bill of rights and judicial strike-down power**. The UK needs what every other major liberal democracy already has – a constitutional wall that Parliament cannot breach by simple majority. Not because Parliament is malicious, but because Parliamentary sovereignty without constitutional constraint is structurally identical to unlimited government power – the very condition the liberal tradition was designed to prevent.

The irony is historically precise: the country that invented constitutional constraint on sovereign power (Magna Carta, 1215) is the only major liberal democracy that has not constitutionally constrained its own sovereign legislature.

Sources

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