

# Parliamentary Reform

## Lecture to the Hansard Society

Monday 15 March 2010

We should start by saying what parliamentary reform is not. First and foremost, it is not the same as reform of the whole of politics, since that would require reform not only of parliament but of government too, and of local government and of the political parties, especially party funding, and of the judiciary and of the media. But parliamentary reform is related to reform of all of those other institutions and is therefore part of the overall reform of politics. It is related to reform of the government because the domination by the government of parliament, especially of the House of Commons, is one of the crucial facts, and, in my view, one of the crucial defects, of our political system. It is related to the reform of local government because another one of the crucial facts about our political system, and, again in my view, one of its crucial defects, is that it is too centralised, and one of the causes and the effects of that centralisation has been the growing confusion of the role of member of parliament and that of local councillor, which in turn has helped to create public confusion about what members of parliament are for. One of the aims of parliamentary reform must be to clarify and strengthen the national role of members of parliament, but that cannot happen without a restoration to local government of the powers and prestige that rightfully belong to it. And parliamentary reform is related to the reform of the political parties because the relationship between the individual member of parliament and his or her party - a relationship of loyalty and support for its aims and ideals, but also of patronage, discipline and, above all, campaign finance - is crucial to the way parliament works, and, again, is something in need of reform if parliament is to restore its reputation. Parliamentary reform is connected to reform of the judiciary, and more generally to reform of the relationship between politics and law, because if we are to move to a political system based more on the rule of law, and less on crude majoritarianism, as I want to see, parliament and the judiciary will have to develop a new understanding each other's role, and to replace the current mutual misunderstanding.

And finally, parliamentary reform is related to the position of the media because one of the reasons parliament has come to be seen as less important, and why it has lost its standing as the cockpit of the nation, is that a media voracious for instant decisions and unceasing 24 hour entertainment has very little room for a

deliberative assembly that conducts debates over hours and takes months to make decisions. That is why, for example, parliament rarely receives media coverage beyond the dramatic, noisy and irrational exchanges of prime minister's questions, and even that - in parliamentary terms - short session has to be severely edited to make it appear both snappy and even more confrontational. On this point, however, I am a reactionary. It is the media that should reform, not parliament. The 24 media has not changed human nature and it has certainly not increased human capacity for making good decisions at speed. Quick decisions might be what the media need to keep their audiences, but they still tend to be bad decisions.

And so parliamentary reform is not by itself political reform, but it is closely related to political reform and cannot be understood outside that context. But parliamentary reform is also not something else; it is also not the same as reform of society, or economic or social reform. Those who say that parliamentary reform is irrelevant to the everyday concerns of those who are worried about their jobs, their families and their souls do have a point. Parliamentary reform is unlikely by itself to create a single job, except perhaps in the administration of the House itself or in academia, and it is unlikely by itself to lead to better public services or to lower taxes, although I would suggest well-scrutinised laws have a better chance of being effective laws than those who contradictions and vagueness are allowed to pass unchallenged. But that does not make it irrelevant. The health of our democracy – or rather its state of ill-health – is an important question in itself. As a liberal, I always turn to political questions first, before I turn to the economic and the social. For liberals, the distribution of political power is always an issue of the first rank. I know that is not what socialists think, or what conservatives think. They both think that the state of politics is a secondary question, and that politics is never really more than an expression of social or economic conflicts, conflicts that they both think of as more fundamental than political conflict. That is one of the reasons liberals are different. We do not think that we have to justify an interest in political reform in terms of anything else.

But before going into specifics I should make clear what I think the fundamental problem is with our present political system. For it seems to me that we in Britain are on the edge of a crisis of legitimacy in our political institutions. It is not merely that our institutions are unrepresentative or ineffective or unjust, although they are all those things. It is that they command so little respect that they are losing authority. The lack of respect is evident in many survey results. A 2009 IPSOS-MORI poll found that trust in whether politicians are telling the truth has fallen to

13%.<sup>1</sup> A PoliticsHome survey of the same year discovered that only 12% of the population trust the state to keep their personal information safe.<sup>2</sup> And according to a 2010 Edelman survey, only 35% of the ‘well-informed’ public (educated to degree level, top quartile earnings) trust the government ‘to do what is right’, a fall of 6% in one year at time when trust in almost every other developed country is rising and leaving elite trust in government in the UK about 10% lower than that in other democracies.<sup>3</sup> As the Hansard Society’s latest Audit of Political Engagement shows, this is not at all a temporary blip caused by the expenses crisis, since there has not been much trust in politics apparent since the Hansard Society’s survey began in 2004 (that is, after the start of the Iraq War), although the expenses crisis does seem to have increased the proportion of the population with no trust in politics at all.<sup>4</sup> That report also shows a gradual decline in the proportion of citizens who believe that the political system works well. The only surprise is perhaps that as many as 28% still believe that the system does work well, but whether that survives the general election is another question. One of the most telling results in the Hansard Society survey was to the question, would you be proud of a child of yours who became a national politician, to which only 22% answered yes. Another telling result is that three times as many people believe that the media has an important effect on their lives than believe that parliament has such an effect.

The point at which loss of respect shades into a collapse in authority cannot be identified with precision, but it is clear that a political system that is despised, whose leading participants are seen as motivated by personal greed and selfishness and whose relevance to daily life is doubted cannot for long retain much of a claim on the loyalty of the population. We are left with a state apparatus reduced solely to the legal system and the administrative structure, and even they are vulnerable to attack by media organizations that see no inherent value in legality and procedural regularity when they come into conflict with their commercial interests – as we have seen both in the mobile phone tapping scandal and the Jon Venables affair.

Collapse of state authority is a problem in itself for liberals, who, unlike libertarians, believe that state authority is indispensable for the achievement of social justice. But it is even more of a problem, a practical problem, in the middle of an economic crisis, especially one whose origins lie in banking – the part of the

---

<sup>1</sup> <http://www.ipsos-mori.com/Assets/Docs/Polls/poll-trust-in-professions-topline-2009.pdf>

<sup>2</sup> <http://www.bigbrotherwatch.org.uk/home/big-brother-state-survey-28-october-2009.html>

<sup>3</sup> <http://www.edelman.co.uk/trustbarometer/files/edelman-trust-barometer-2010-uk-highlights.pdf>

<sup>4</sup> 7<sup>th</sup> Annual Audit of Political Engagement (<http://www.hansardsociety.org.uk/>)

economic system in which, more perhaps than any other, the institutions of the market are ultimately dependent on the credibility of the state.

The optimistic view, promoted largely by those political parties and their media supporters who have most to gain from it, is that a general election will bring the legitimisation crisis to an end, that a bout of democratic participation and the ritual humiliation of a number of members of parliament will restore authority to the political system. I do not believe that it will, for three reasons.

First, the origins of the loss of respect for politics are more deep-seated than the expenses crisis and a few discredited individuals. Its origins in my view lie in the processes that produced a situation in which politics and the media have both reduced themselves to branches of the entertainment industry – processes too complex to go into in great detail here, but which have to do with the unfortunate coincidence of the media's desperation to maintain revenues in the face of new sources of information and entertainment and the political system's equally desperate attempts to manipulate the media for political ends, attempts that have resulted in the political system becoming subservient to the very power that it sought to control and harness.

Second, it is important to realize that the types of individuals involved in parliament will not fundamentally change after the election. I know that the Conservatives have been trying to give the impression that their candidates are all drawn from outside politics – that they are local doctors and 'ordinary people' – but that is far from the truth (and the fact that the Conservatives are raising false expectations makes the problem worse). I have been looking at the backgrounds of Conservative PPCs in seats in which a Conservative MP is not standing again, plus those in newly created seats generally expected to elect Conservative MPs and those in the seats in which the Conservatives are second to Labour that they need to win to gain an overall majority. In those seats, about 170 in total, 38% of Conservative PPCs have at some point in their lives until now been political professionals – researchers, special advisers, Conservative Party employees, think-tankers, lobbyists and so on. 38% is, interestingly enough, also the percentage of Labour MPs in the 2005-10 parliament who had been political professionals at some point before being elected. Perhaps even more important from the point of view of trust, and the kind of political system we are in the process of creating, nearly 30% of Conservative target PPCs have worked in the media manipulation professions – marketing, advertising, PR – or directly in the media. That is 10% higher than the figure for the whole of the present House of Commons (though I should note in passing the proportion of media professionals in the present House

is highest in my own party). Max Weber said in his great essay *Politik als Beruf* that modern democracy was inextricably linked with modern lawyers.<sup>5</sup> That is no longer true. In the House of Commons now, lawyers are vastly outnumbered by political and media professionals and they will be again in the next parliament. I cannot see how a parliament of marketing professionals and full-time politicians will regain the public's trust for very long, perhaps no longer than the time it takes people to work out, for example, that the scientific claims of the average cosmetics advert are bogus.

Third, and perhaps most fundamentally, the first-past-the-post electoral system time after time results in the election of governments that are overwhelmingly unpopular on the day they are elected. In other democracies governments start popular, because they have at least the good will of voters for parties that add up to a majority, or to near a majority, of the electorate. It is only later that they become unpopular. In our system, however, governments are regularly elected whose policies have just been rejected by three fifths of the voters, and in the case of the present government, and perhaps the next one, by nearly two thirds of the voters. Such a government lacks real authority from the start. It lacks consent. It lacks legitimacy. It is not so much an elected government as a junta propelled into power by an unpopular minority. Imagine, for example, a government elected on 6 May with between 35 and 40% of the popular vote committed to immediate heavy cuts in public spending and to tax breaks for the rich, a set of policies rejected by all the other parties. In what way does that government have real authority? Will it, for example, be able to carry the public with it against a wave of public sector strikes? Will it be able to resist those centrifugal forces that threaten to break up the United Kingdom? I suppose those who believe in the myth of Margaret Thatcher, that she triumphed over consensus politics and ruthlessly carried through necessary reforms that never commanded popular support, will look forward to another bout of 'strong government', by which they mean social rupture combined with countervailing repression, but those who see more clearly will fear this country is about to be subjected to period of political and social division just at a time when there is the highest possible premium on unity and co-operation.

That is why the most fundamental reform of parliament that we need is reform of the electoral system for the House of Commons. We need a system that retains the individuality of members of parliament, so that they are not mere creatures of their party – which means that we should reject party list systems – but we also need a

---

<sup>5</sup> 'Der moderne Advokat und die moderne Demokratie gehören seitdem schlechthin zusammen', *Politik als Beruf* (Duncker & Humblot, Munich and Leipzig, 1919) p 24.

system that produces tolerable proportionality in terms of result, that produces a parliament that is representative in the most fundamental sense, namely representative of the political views of the country. There is one system that achieves both of those objectives, the single transferable vote in multi-member constituencies, and it is therefore that system that we support. Introduction of STV would also allow us to reduce the number of MPs, by about 20%, without having the effect that would follow from reducing the size of the House under first-past-the-post of making the Commons even more unrepresentative.

But we only support the reduction of the number of MPs because we are committed to the maximum amount of devolution of power to local level. If, as we envisage, there will be democratically elected local bodies that set health policy and policing policy, and if local councils have far more freedom to organise themselves to act in whatever way they think beneficial for their areas, there should be less for MPs to do. More generally, it is important that we find ways of counteracting the tendency for MPs to undermine local government by setting themselves up as super-councillors. The best way of doing that is to ensure that when a constituent writes to an MP to intervene on their behalf, as often as possible the MP will have to write to a local representative, not to a national minister, to get anything done.

Electoral reform for the Commons will transform the way the Commons looks to the public. If no single party has a majority, that itself will open up the range of issues that will be debated and decided on. Parliament would be an important locus of public attention simply because the results of votes would be more uncertain and the public would see parliament as more relevant and worth caring about. There are many proposals for enabling members of the public to ensure that particular topics should be debated in the House, and I support the general principle that if a very large section of public opinion wants parliament to discuss a matter but parliament refuses to do so, there should be a petition mechanism so that the public can force the issue. But a more representative parliament would mean that those occasions would be rarer than they are now.

Lack of single party control would also transform parliamentary procedure and start to undermine the government's stranglehold on the agenda. A government without a majority would not be able to force through programme motions, it would lose control of public bill committees and statutory instrument committees, and it would even lose control of the committee of selection, which chooses members of such committees. But it would not by itself end government control of the agenda of the chamber of the House of Commons itself. That is because the

infamous standing order 14(1) gives the government control over all of the time of the House by virtue of being the government, not by virtue of having a majority. If, on the day the next parliament meets, the Labour Party has been reduced to third place in the Commons, but Gordon Brown has refused to accept the result and has not resigned, he would be just as entitled to control the agenda of the House as he is now. He would even be able to keep reform of standing order 14(1) itself off the agenda for as long as he retained office. His successor would have the same power even if he or she lacked a majority.

Standing order 14(1) has to go. Henry Porter said in an article in the Guardian that no MP could give an account of the history of standing order 14. That is not strictly true, since I could. But I am, you will be pleased to hear, not going to embark on a detailed history here. I would, however, like to point out that standing order 14 came into being in its present state only in 1963, at a period when very few people questioned the two party duopoly, when backbench rebellions were very rare and when backbenchers were not expected to be hyper-activists. No one at the time thought it was a big deal to cede all parliamentary time to the government because the distinction between the government and parliament was at that time near to an all-time low. None of the conditions of 1963 now apply. The duopoly is gone, no matter how much the Labour and Conservative Parties fantasise about its return. Backbenchers are under pressure to find ways of raising issues that voters are worried about, and they are more inclined to rebel – although, admittedly, that tendency might disappear in a House without a large majority and no longer populated more by those who have lost ministerial office than by those who aspire to it. But the distinction between government and parliament is back, and procedures of the House need to recognise that fact.

What should replace standing order 14(1)? I was a member of the Wright Committee and fully support its proposal for a House Business Committee (as I support its other proposals, on electing select committees and their chairs and on opposition business for example). I support the full recommendation of the Wright Committee, not just the Backbench Committee, which the government and the Conservatives have conceded in principle and about which they were forced by the House to give jurisdiction over not just 15 days a year but over approximately one day a week (a proposal that, combined with private members bills on Fridays, just about gets us back to the position before the Second World War). I support putting the whole of the time of the House at the disposal of the House itself via a House Business Committee. But I also support the Committee's mechanism for making the House Business Committee work, that the backbench committee would meet with representatives of the government and the opposition parties to try to reach a

consensus, but when no consensus is possible, the Chairman of Way and Means would act as an arbitrator, and it would be the Chairman of Ways and Means (who, of course, will, as a deputy speaker, in the future be elected by the whole House by secret ballot) who would propose the forthcoming business to the House in the form of a motion. A majority government that objected to the motion could organise its troops to amend it, but that would have to happen in the open. By the way, one consequence of giving this additional task to a deputy speaker is, in our view, that the House will need four deputy speakers, not just three, as at present.

But we need to go much further than the Wright Committee if we are to restore the prestige of the Commons. In particular, the Commons needs to increase its role in deciding policy, not just in reviewing the government's policy. I disagree with the comment often attributed to Gladstone that parliament's only role is to hold those who govern to account. It is also, in as far as a large assembly plausibly can, to set the broad limits of policy. That is what the public think we do already, and are surprised to find that we don't do. The crucial battleground here is expenditure. Parliamentary control of supply has been reduced to a joke. No debate is allowed and half a trillion pounds gets voted through in an instant. Parliament has less real control on expenditure than a parish council. That needs to change, and the place to start is to give the new, elected, select committees a power to call in specific spending decisions before they are made.

Reform of the electoral system for the Commons will also increase the pressure for democratising the Lords. The Liberal Party has supported the reconstitution of the upper House on a popular basis for a hundred years. We inserted that policy into the preamble of the Parliament Act 1911, which we intended as an interim measure. We continue to believe that the right to make laws should be based on election, not selection, and are dismayed that the leader of the Conservative Party says that Lords reform is not a priority for him and that Jack Straw has only come round to the idea of an elected upper house when it is too late for him to do anything about it. We recognise that for the public Lords reform is a lower priority than almost every other proposal for political reform that is put to them, but that is the result, we believe, of a situation in which the Lords look more successful in standing up to the government than the Commons, and, perhaps oddly, look more politically representative than the Commons. If the Commons becomes more democratic and representative, the position of the Lords will come to look more and more unsatisfactory.

We support the idea of electing the Lords for long terms, to help preserve their independence, but we believe that their independence should not be absolute and

that they should be subject to a recall mechanism if they are found to have been corrupt or utterly incompetent. We also believe that a recall mechanism should apply to members of the House of Commons who have been found to have been corrupt.

These reforms would not in themselves transform public trust in the political system. Perhaps there is nothing that can be done fully to reverse the corrosive effects of the political and media culture that British society has developed. But we can pull back from the brink of a full-scale crisis of legitimacy if we at least commit ourselves to elect a politically representative parliament that controls its own agenda and has some say in how the country is governed. That doesn't seem too much to ask.