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REFORM OF THE COMMONS

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THREE SHILLINGS AND SIXPENCE

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I. Introduction

THE return to power of a Ministry with a large majority for a third successive period makes urgent and acute, not merely for the Opposition but for all who value Parliamentary government, a problem which has for long worried some and has recently, on occasion, been obvious to all. The problem is simply that Parliament is ceasing to be an efficient critic of the Executive. No-one in their senses nowadays questions the broad basis on which Parliament goes about its business. Root and branch schemes for reform, such as were canvassed in the 1930s, are no longer the fashion and, indeed, no longer relevant. Few intelligent men in the 1930s could have imagined, amid the economic events of the time and the seeming incapacity of Parliament to deal with them, that the coming to power of the Labour Party in 1945 with a large majority would not lead to the most radical changes in the purposes—and therefore the procedure—of the highly decrepit old Mother of Parliaments.

The procedures of the House did not allow an easy delivery for such a uniquely large and contentious programme as Mr. Attlee's between 1945 and 1950. But the fact that it could get through at all—with the need for only relatively minor procedural alterations—showed that Parliament still possessed a quite unexpected flexibility, if pushed hard enough. In other words, it is a long path from the innovating zeal of even such a respected and judicious writer on the Constitution as Sir Ivor Jennings in his *Parliamentary Reform* of 1934, to the apostrophe to institutional tradition of Mr. Herbert Morrison's *Government and Parliament*, written exactly twenty years later.

But, as usual, the truth lies between extremes: the danger of ceasing to think big is ceasing to think at all. The welcome decision that, after all, there is no place like home can become all too often sheer parochialism. The reputation of the House of Commons in the outside world is now far in excess of its merits. By comparison with the popular assembly of almost any other free country, Parliament has fallen hideously behind the times both in its procedures and in the facilities that it extends to its Members, and there is good ground for thinking that it would benefit from some fairly drastic internal alterations and repairs which would go far beyond mere patching. Despite the general complacency of M.P.s themselves, there has been evidence lately of public concern: flare-ups of indignation and mockery in the popular press, worried soul-searchings and reassurances in the heavier papers. Some M.P.s are aware of a growing scepticism, even hostility, certainly bewilderment, among the public; but the House as a whole seems to react only by an increasing touchiness about 'privilege'—telling a few journalists not to be rude and not to tell the public what goes on in the 'private' party meetings.

REPORT OF THE COMMITTEE
ON THE CONSTITUTION
BY
BERNARD CRICK

BERNARD CRICK, a Labour Member of Parliament,
was Chairman of the Committee

1. Introduction

THE power to pass of a bill by a large majority for a long time has been the main feature of the British system of government. It is a feature which has been widely admired and has been widely imitated. It is a feature which has been widely criticised and has been widely imitated. It is a feature which has been widely admired and has been widely imitated. It is a feature which has been widely criticised and has been widely imitated.

The procedure of the House did not allow an easy delivery for such a majority. It was a procedure which was designed to ensure that the House would not pass a bill without a large majority. It was a procedure which was designed to ensure that the House would not pass a bill without a large majority.

But as usual, the truth lies between extremes: the danger of doing so is that it is easier to limit it all. The welcome lesson that after all it is to place the power in the hands of the people is now the reputation of the House of Commons in the outside world is now in a state of its mind. By comparison with the public assembly of almost any other free country, Parliament has fallen badly behind the times both in its procedure and in the facilities that it extends to its members and there is good ground for thinking that it would benefit from some fairly drastic internal alterations and reforms which would go far beyond mere extension of the number of members of the House. However, there has been a considerable amount of public concern about the House of Commons and its members. It is a concern which has been widely expressed and has been widely imitated. It is a concern which has been widely admired and has been widely imitated. It is a concern which has been widely criticised and has been widely imitated.

True, the House itself has appointed several Select Committees of recent years to enquire into its domestic affairs and procedures, but these bodies have come up with almost nothing of any importance; they have limited themselves to almost ritual acts of reassurance about the 'complex and subtle' nature of our Parliamentary institutions. Meanwhile the public has little help in trying to form a sensible image of what Parliament is doing and, in particular, what it is doing *for them*.

The declining effectiveness of the House has been paralleled by a rising efficiency of the Executive. The Executive has reached a point where the divorce in attitude between Minister and M.P. is such that both Front-benches have grown more and more prone to think that Parliamentary criticism is nuisance enough at the moment without contemplating radical reforms of Parliamentary procedure. The general thesis of this pamphlet is that while, indeed, the power of the Executive has increased, is increasing and need not necessarily be diminished, yet the power of Parliament to offer informed and well-disseminated criticism has declined, is declining and should be increased. *For there is no necessary contradiction between wanting a strong Executive and wanting a more effective and efficient House of Commons.* The more power we trust a Government with to do things for us, the more need there is for it to operate amid a blaze of publicity and criticism. But there is such a contradiction at the moment because Parliament has not improved her own instruments of control, scrutiny and criticism to keep pace with the great improvements of efficiency and the increase of size in the departments of executive government. Small wonder that public comprehension of Parliament is so low and that confidence is declining. Unless Parliament does something to repair its hide-bound ways, this confidence may degenerate from the typical affectionate scepticism (at times so good for the pride of Ministers) into an indignant cynicism (hitherto, of course, a purely foreign phenomenon). M.P.s must be brought to remember that they are the only effective mechanism by which people's trust and distrust of government can be brought into equilibrium—and at the present time they are falling down on the job badly.

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This pamphlet is deliberately limited to the public interest in the broad manner in which the Commons conduct their business. Purely domestic matters to the House have been ignored, as have the important but external matters of election law and the selection of candidates. The discussion of radio and television in relation to the work of Parliament may also be important, but is an issue better treated separately. A more important, though deliberate, omission is the lack of any reference to the House of Lords. Clearly a thorough-going reform would relate the work of the two Houses to each other, not merely the powers.¹ But, again, first things first.

¹ The closing paragraphs of this author's 'The Life Peerages Act', *Parliamentary Affairs*, Autumn, 1958, sketches some such suggestions.

This tract is occasioned not merely by the assembly of the new Parliament, but by the *Report of the Select Committee on Procedure*, published in March, 1959, of which the more valuable *Minutes of Evidence* became available in May. At about the same time, the Hansard Society published as the work of an anonymous committee *Parliamentary Reform, 1933-58; A Survey of Suggested Reforms*; it made no recommendations, but it was comprehensive, able and useful in its description of past schemes and suggestions.

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2. Reform and the Public Interest

MANY people are interested in the *content* and substance of what Parliament discusses and the legislation it approves; but concern is more rare with the methods by which Parliament fulfils its function. Partly this is because the Mother of Parliaments is not shy of hinting that the way she conducts her business is the wonder of the wise; partly because the study of Parliamentary procedure seems to many just so dry and dull; and partly because there is widespread confusion about what the functions of Parliament should be. Yet the purpose of any institution, or the operative ideals of any group of men, are only realisable through procedures; and so existing procedures must constantly be examined in light of the great radical question: 'Do they serve the public interest?' The procedures and principles of Parliamentary government are inextricably intertwined and the one cannot be understood without the other.

Popular Misunderstanding

The belief in the public mind that Parliament should deliberate and legislate as a body of some 630 independent minds, irrespective of party, passion and pedigree, dies hard and is the source of much confusion. Any student of politics worth his salt will, on the utterance of this fallacy by even friend or family, settle himself easily into a familiar and forceful rebuttal: that party organisation is necessary both in Parliament and the constituencies if you want to be able at elections to hold any group of politicians clearly responsible for anything; and that strong and enforceable party discipline is necessary if there is to be a coherent development of policy. It is recognised, certainly, that an M.P. has something very technical called a 'conscience' which he may exercise by *not* voting at all on matters concerning gambling, conscription, sex, religion and—apparently—Egyptian affairs; but it is also recognised—whatever Edmund Burke said at Bristol—that, to adapt a once famous phrase of Ernest Bevin at Brighton, an M.P. cannot hawk his conscience around to every issue that turns up.

Much of the undoubted public scepticism about Parliament and the growing antipathy towards the whole profession of politics admittedly stems from this fallacy of self-defeating individualism. It is, in a silly but safe form, the dominating motive of many of the young Liberals of the moment; it gets more sinister with those who speak, sometimes innocently, of 'want-

ing to get rid of politics'. But the M.P. or the student of politics, however secure and sound he feels in refuting such muddle, should at least ask himself whether *all* alienation of the elector and the elected is due to ignorance on the part of the former, and whether, in any case, verbal rebuttals by the latter cut much ice at all.

Genuine Concern

Perhaps there is not always need to raise the blanket-bogey of 'not understanding the spirit of the British system', *etc.*, whenever any attempt at all is made to consider whether Parliament is effectively fulfilling its function. Parliament's function, let it be granted, is not primarily to legislate, but is rather to provide a recruiting and a testing ground for Cabinet timber, and then both to sustain and to criticise a particular Cabinet. Even so, how can it possibly be supposed that at any given time there is a 'balance' between the two functions of Parliament, that of creating a strong government and that of trying to criticise its hide off? But this is commonly assumed—and by people who are not normally considered simple. There is, in fact, a great deal of cant from M.P.s and servants of the House, in which the word 'organic' mechanically figures—or else the tale from Tennyson about precedents broadening down, which argues that the procedures of the House necessarily evolve (Burke-through-Darwin-out-of-Aristotle) until they are near perfect, and that there is always a sensible response to any challenge or problem which threatens the 'balance' between the criticism and the support of the Government. Yet if the public is suspicious that the legislative and procedural history of recent years has always weighted the scales in the same direction, that of vastly strengthening the Ministers against the House, the public is surely right. There is no question of a balance: we are approaching the point when it will be only a question of how much initiative the Frontbenches will be pleased to allow the Backbenches.

Certainly there is no *a priori* reason for assuming that Parliament is functioning in an ideal manner. The control of the Executive over the House increases during some great Parliamentary crisis, notably the obstructionism of Parnell and the Irish Party in the 1880s and the exceptional pressure on the time-table during Mr. Attlee's two Ministries; but when these particular crises are past, the Executive never fully relaxes its new grip. It would be simple if it were merely a question of bad leaders needing strict discipline, but even with the best of generals habits of blind command outlive the campaign.

Certainly it is unusual, but certainly it is not absurd, to suggest that Westminster needs to reform itself to keep pace with the technical efficiency and expansion of Whitehall, indeed in order to allay the public suspicion that Members have become mere Ministerial voting machines that never even backfire in protest. Certainly there is a declining sense of assurance in individuals or particular groups involved in some conflict with their local authorities, some planning authority, public board or Government department, that their local M.P. is likely to be of any help to them. Th

cliché of the popular press is, indeed, a broadly correct description: most M.P.s have become mere 'rubber stamps'—and not, unfortunately, because they are literally forced to become so, but because they themselves seem happy to be so.

A leading article in *The Times* of 23rd December, 1957, complained that the House of Commons had 'far too many little men' who were 'engaged in desperate fighting over things that do not matter'. This is a fairly typical and sweeping indictment. But different things, of course, matter to different people; top people and little men live differently and think differently. The wide scatter of matters raised in Question Time and on the Adjournment is, for example, surely a wholly good thing; something matters to everyone—depressing though at times this truth is, and the range of topics keeps the whole Executive at least somewhat awake and aware. What is depressing is not that so many things in themselves do not matter, but that they cannot on occasion be made to matter. What so often happens is not that M.P.s are not brilliant enough men to ask the really searching question, but that they lack the facilities and the sources of information to follow through such a question against the well-briefed and complicated reply which turneth away a river of wrath into a delta of confusion. Rarely is the 'desperate fighting' inherently trivial, but often it lacks depth. British M.P.s, like British boxers, have a straight left lead that can pierce most guards, but they rarely develop anything to throw after it. But let us first turn to the question of personnel, and consider later the important matter of their access to technical knowledge.

The Man for the Job

The public in its coolness to Parliament is on very weak ground, it is agreed, if it thinks that the House of Commons should consist of the 630 pre-eminently intelligent minds of the nation. Members themselves, particularly of the Conservative persuasion, are surprisingly prone to grumble about a steady decline in the calibre (or class) of their fellows. Even if this decline were true (which is extremely doubtful), the grumble would not be very sensible. What would Parliament do with such a picked six hundred? Would they in any sense be representative?—and this question is asked not in point of theory, but in point of fact: could the 600 best men represent even a rough index of what the general public want, and will stand for, as distinct from their knowing (as we all do) what is best for the public? And if in fact the social esteem of Parliament were to become so high and the mechanism of selection so rational that everyone who felt himself to be of consequence and righteousness even wished to be in Parliament, it might depress leadership and standards all over industry, the professions, the unions and the schools far more than it would elevate Parliament. It is not merely a question of God protecting the common man from ever being governed by Wellsian 'intellectual Samurai'. There is no need even to regret the faded picture that the great Tory historian Sir Lewis Namier painted at the beginning of his famous study, *The Structure of Politics at the Accession of George III*: 'You will be of the

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CHAPTER 10

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House of Commons as soon as you are of age', wrote Lord Chesterfield to his son, '... and you must make a figure there if you would make a figure in your country'. For the idea that Parliament was the natural show-place and prize-ring for any man of talent was only possible when to be an M.P. was for most a strictly part-time activity. The full-time professional M.P. cannot be regretted; he is a natural response to the volume and complexity of modern legislation and to the representation of Labour in Parliament, of men as financially dependent on their immediate job as most of their constituents are on theirs. The grumble about 'little men' in Parliament is still, at root, an irritable nostalgia for a Parliament of 'gentry'—in the full, technical sense of that term (even though they, of course, by their own self-understanding never needed to be 'particularly brainy').

3. The M.P. at Work

? THE public is not let down by the kind of man who comes to Parliament,¹ but it is let down by the use that is made of whoever comes. What is worrying is not that all the best men do not go into Parliament, but that the talents that do, unless they hold office, are commonly so wasted (and it may be a realisation of this, as much as faults in the mechanism for selection, which decides many good men not to become candidates). Some of the ways in which the Backbencher's talents are wasted or frustrated are in themselves extremely mundane, though in their consequences important, and would be easy to remedy. The point cannot be better put than by quoting at length from a speech of Mr. Wedgwood Benn in that unusual debate of 31st January, 1958, specifically on the 'Procedure of Parliament':

'The conditions under which we are expected to work are a public scandal. . . . I do not believe that people outside have the slightest conception of the way in which members are required to do their work.

Each of us has only one place private to ourselves, a locker which is so small it will not take the ordinary brief-case to be locked away. We have no access to a telephone unless we make the endless, senseless tramp around the corridors, waiting outside the kiosks, with our papers, waiting to telephone. No incoming telephone call can reach us, although every modern hospital has now devised the simple system of giving the doctors a tiny radio receiver which buzzes and from which they can pick up messages. . . .

We cannot even communicate freely with each other. There is no general pigeon-hole where one can put messages for a Member. To circulate hon. Members for the debate to-day, my hon. Friend had to pay 3d. postage for every member to whom he wrote . . . simply because the facilities were not available . . . it is a scandal and ought to be reconsidered. Unless Members are given the opportunities to get greater help, this House cannot really be an efficient place.'

¹ Here is the last place to take up the cudgels in favour of more Conservative M.P.s of working-class origin.

Mr. Benn also regretted the lack of 'proper research facilities', which phrase might open up larger vistas, but was at the time merely intended to point to the fact that M.P.s have not even got routine typing and clerical assistance by virtue of their office. An American Congressman, it is said, collapsed with shock on being shown the writing-rooms and the Library of the Commons full of men writing letters in longhand: Members of Parliament answering their constituency mail. For not merely does Congress supply from public funds at least routine clerical assistance to its elected representatives, but so do nearly all the 50 States of the American Union (though this will not convince those so principled that to learn that Americans do a thing is sufficient reason for us not to); South Africa, Australia and Canada all provide free secretarial facilities during the session at least. The best that Parliament does for its Members is to make a few rooms available to an *outside, private* secretarial agency, whose services M.P.s may then hire. How can people expect to find their local M.P. at all helpful when he may be in the position of having to deal with all his correspondence, the important to him and the routine which is important to anonymous others, unaided and by hand? Many Members, of course, though certainly not most, have a secretary-typist. But this depends on a private income, on outside earnings or on facilities extended by some outside body—trade union, trade association or business firm—with whom the Member is intimately and usefully connected.

Pay and Expenses

The question of M.P.s' remuneration arises and is, indeed, a thorny one. Let us only enter into it here in so far as it touches the efficiency of Parliament—putting aside questions of equity or incentive.¹ Since 1957 Members have been paid £1,750 a year, of which the average sum allowable as necessary expenses by the Income Tax authorities appears to be about £750. This latter figure was calculated by the 1953 Select Committee on Members' Expenses² and was, after much acrimony and confusion, the basis of their recommendation and of the eventual salary increase in 1957 from the previous £1,000.

On the face of it such a compounding might seem sensible. But in fact it was a stupid and regressive action—as *The Times* itself warned in a leader headlined 'A Bad Business'.³ For it thoroughly confused two quite separate issues: that of an M.P.'s own proper remuneration, and that of what facilities he should be given to carry out his job efficiently. To be given a blanket expense allowance, like some commercial travellers, is surely

¹ See Peter G. Richards, *Honourable Members: a Study of the British Backbencher* (Faber, London, 1959), chapter 13, for an admirable account of the sad shuffles over this whole question of payment.

² *House of Commons Paper* 72 of 1953-54.

³ *The Times*, 9th July, 1954.

not the best way to help an M.P. and, indeed, to get the most out of him. What business man would think twice of an organisation which—the basic salary apart—gave him no secretary, no office,¹ no telephone allowance (except, as at present, purely within the London area in Session) and no travel (except purely between home or constituency and the House in Session and then only—and oddly—by rail); but which instead gave him £750 p.a. to provide his own equivalents? Such a system is not likely to be efficient overall and, on the one hand, does not give enough help to the very energetic and busy Backbencher; and yet, on the other hand, does not encourage the few completely idle M.P.s even to go through the form of doing anything except voting. And lumping together the two payments makes the resulting payment seem larger in the public eye than it is—if, that is, the real difficulty about raising salaries was fear of misrepresentation before the public and not, let it be said openly for once, a violent aversion among many Conservative Members against making things easy for the Member without private income: the ‘professional politician’.

All this would be bad enough even if the total sum of £1,750 were adequate. But it is plainly not. The ordinary Backbencher’s postage bills can easily run to a hundred pounds a year, and a man with some small national reputation will spend far more. Many M.P.s have two homes to keep up, unless they desert their normal home or their constituency for London entirely. Put it in such homely terms as this: it is well known in the House that those who live on their salary alone and pay proper attention to constituency and other public duties, all involving considerable expense, cannot regularly afford lunch or dinner in the dining-room of the House of Commons and use only the tea room regularly. If the ‘professional politician’ chose politics as a paying profession, the miserable nature of the Members’ (Pension) Fund would alone be good reason for changing jobs again—or emigrating to Canada.²

On all counts it is clear that the M.P. should be granted from public funds the facilities he needs to fulfil his public functions: secretary, office, postage, telephone, and travel.³ The public having elected Members at least in part to represent their particular interests, have a right to demand

¹ Nor even a desk. See the *Report of the Select Committee on Accommodation*, H.C. 309, 1952-53, and H.C. 184, 1953-54, which, amid its report (or exposure) on the almost unbelievable conflict of authorities within the Palace of Westminster, made the humble comment that 60 per cent. of Members replied to an item in a questionnaire that they would welcome an individual, office-type desk. But the Lord Great Chamberlain, the Speaker, the Ministry of Works and the Sergeant-at-Arms still seem unable between them to find space, money or inclination for this simple bureaucratic task. *uqn*

² See the *Report of the Select Committee on Members’ Expenses*, H.C. 72, 1953-54.

³ *Ibid*, pp. xvii-xxii. Every country in the Commonwealth in 1953, except India and Pakistan, allowed free travel everywhere to their M.P.s, often including wives and families, and, with the same two exceptions, complete or large telephone and post allowances.

that their M.P.s should be given the normal facilities without which any managerial or professional man in private or public employ could not be expected to stir. Such minimum clerical assistance is merely a logical extension of the payment of M.P.s at all; it need raise no new constitutional issue; it merely enables—and encourages—M.P.s to fulfil properly their individual obligations to their constituents.

These matters seem so obvious that the only clear reasons why they have not been implemented, even widely demanded by M.P.s themselves, must surely be: firstly, Conservative objections to 'excessive' payments of Members—presumably on the high constitutional principle of 'Damn you Jack, we're all right'; secondly, frontbench opposition in both parties to even the slightest risk of strengthening the abilities and therefore the powers of their fairly docile majorities; and thirdly, sheer despair or bewilderment by Backbenchers about what they should be doing anyway.

THE CONSTITUENCY CASE

Clearly the first obligation of an M.P. in the British system of government is to support or to make things difficult for a particular government, according to the interests and the plans of a particular party. Let all this go with no more saying (except to reflect that most frontal attacks on the 'party system' in fact make more sense when recast as criticisms of the internal organisation of the two separate parties). But the M.P. has a secondary role to play in relation to his constituents—certainly secondary but certainly necessary and important both politically and constitutionally.

Much of the work of the modern private Member is, some have complained, that of a 'glorified welfare officer', someone to whom complaints and enquiries come, often of a bewildering and ridiculous variety, about all sorts of inequities and incomprehensions which the plain people find in dealing with officialdom—often complaints about which the M.P. can do nothing. Members receive precious little encouragement from their leaders in this work. Lord Attlee wrote recently:

'I think the present practice whereby many M.P.s spend the bulk of their week-ends dealing with constituency cases is a bad one. The M.P. ought to have leisure for recreation, home life, and possibly homework. Many M.P.s wear themselves out doing work that ought to be left to others . . . in these days of legal aid and citizen's advice bureaux, he should not be troubled as he so often is to-day with a mass of detailed work which detracts from his work as an M.P. It would be a good thing if there could be some kind of gentleman's agreement among all Parties on this, for as things are there is a tendency for competition in these matters. . . . Government Departments deal, I think, with cases on their merits, and intervention by an M.P. is often quite unnecessary.'¹

But this is surely the very kind of attitude which creates as well as reflects a sense of alienation between the public and its Parliament. Everything is

¹ *Fabian Journal*, November, 1958, p. 6.

so geared towards the business of carrying on central government that the public is actually reprimanded for ignorantly wasting the time of M.P.s. Certainly the public is ignorant of the fact that an individual M.P. can do little more in the great majority of cases than forward his constituent's letter to the right Government Department—on a standard form provided for that purpose, and then send back to him a reply drafted and typed out in the Department. There is the occasional bigger fish to fry, of course—a Crichel Down or a 'Thurso boy' case (and one such case as either of these every so often goes a long way to making Ministers and Departments careful and thorough in their answers to even apparently routine 'constituency' questions). But Lord Attlee would be the last to deny that Members should keep their ears open for that kind of thing, though not for 'work that ought to be left to others'. The mere fact that members of the public come to the M.P.'s clinic (if he holds one at all), whether they come to get legal advice, to complain about their house or their mother-in-law, shows that there is a need, shows that the Constituency M.P. can still be thought of as the person to turn to, even if he only posts one off to somebody else. Lord Attlee's laudable wish to find creative leisure for M.P.s should not be at the expense of that psychological level of representation without which the most efficient system of government can fall into the contempt of the governed.

Vital Link

There is a good case for saying that it is important not merely for M.P.s to receive no discouragement from their party leaders, but that the House of Commons as a whole should take 'the constituency case' more seriously. The leisure to think and read, which Lord Attlee rightly says is an urgent need of M.P.s, could be gained simply by giving them proper secretarial and office facilities: this would save far more time than abandoning work which, in fact, needs expanding. The public, when confronted with the bewildering diversity and, at times, remoteness of officialdom, needs to feel that it has an intermediary to whom it can turn for advice and help. Even if the help is purely a question of reassuring someone that the New Model Circumlocution Office is in fact dealing with him fair and fast, this reassurance is in itself a vital factor. Again, it would be overly abstract and endlessly debatable to say that the public has a *right* of access to and advice from their Member; it is rather the question that at times people feel the *need* (whether rightly or wrongly in administrative terms is *not* the question) to put their troubles, administrative and personal, before their Member. If such needs are not met, who is to blame that the public is cynical about Parliament? One can go further and say—shuddering at the shaking of heads which such a wild suggestion will cause—that it would be wholly a good thing if each M.P. had a local secretary who was in fact a trained social worker, paid for out of local rates and with a known office in some local public building, not in the party offices, where many people—

again rightly or wrongly is not the question—are reluctant to go.¹ The reasons are obvious why the life of an M.P. should not become dominated by 'constituency case work', but it would be an act of great wisdom, understanding and compassion for the small man in the big world—not a regrettable 'tendency for competition in these matters'—if some party leader were even to devote two minutes of a political broadcast to reminding the public that they have an M.P. who is somewhat there to help them.

IMMEDIATE NEEDS

From every aspect there seems an overwhelming case that the House should develop secretarial and office facilities for the use of M.P.s even in their purely individual capacity. The obvious solution would seem to be a separation of the question of salary from that of expenses: on the one hand, it is surprising that the House does not follow the French example and tie salaries to some suitable scale in the Civil Service so that the House could surrender to the Whitley Council its invidious task of fixing its own pay²; and, on the other hand, it is surprising that M.P.s will not provide themselves with proper facilities, if not for their own sakes, for the sake of the public which has an interest to demand an efficient Parliament and a well-equipped M.P.

Two other specific points should be raised. *Office accommodation* is not merely a convenience for the M.P. himself, but would be a place where at least his secretary could be found, behind a door or on the 'phone, by constituents and others outside the House. Has no M.P. ever fully realised the disillusionment in the face of a constituent lobbying him for the first time when he is expected to conduct his business in a corner of a crowded lobby which has all the *confusion*, the noise and, indeed, the *decor* of the entrance to one of the London railway stations, themselves equal victims with the House of Commons of the inconvenience of Victorian opulence? If M.P.s will not treat themselves with enough respect to have offices, they should at least consider the public. Where could such accommodation be found within the Palace of Westminster?—even apart from the cost—ancestral voices from nearby will protest.

But if anyone would bother to resurrect some of the evidence submitted to—but ignored by—the Select Committee on the Rebuilding of the Palace of Westminster, 1943-45, they would see that there is ample scope for adapting or rebuilding parts of the present site, and there are even easily available sites close to (and it does not notably affect the dignity of U.S. Senators to pass from desk to division on a delightful, automatic under-

¹ This solution might go better with British law and practice than the importation of something like the Scandinavian *Ombudsman*—the official investigator of grievances. But if M.P.s do not become far more effective intermediaries between the public and the Executive, then the Ombudsman is worth turning to—see articles and editorial in the *Observer*, 31st May and 7th June, 1959.

² As suggested by William Pickles in a letter to *The Times*, 28th May, 1954.

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people need

ground railway). In fact the *Report* of the 1943-45 Select Committee sadly illustrates the apathy and unimaginativeness of many M.P.s themselves. The Report was dominated by three things: restaurant facilities, lavatory accommodation and the design of the present Chamber—making few concessions to its hallowed pseudo-Gothic inconveniences. Only the facilities of the Press Gallery did well out of the rebuilding, though its size, like that of the slightly increased Public Gallery, is still ridiculously inadequate. It could be seriously argued that—the inconvenience of the present Chamber and its surroundings apart—the whole atmosphere of Westminster is dangerously that of a museum of a vanished order.

The Select Committee on House of Commons Accommodation of 1953 and 1954, the 'Stokes Committee', perhaps wisely gave most of its attention to the tangled question of the control of the Palace of Westminster and to the allocation of accommodation within the existing type of space available. Even the chairman, the late Richard Stokes, restrained his obvious inclination to advise that the whole building should be torn apart and rebuilt as something likely to serve its purpose and as a vindication of modern British industry and design, not as a monument to Pugin's theories about a non-existent Gothic race. But it availed them little to concentrate on one main and simple recommendation, that 'some unified control of the whole Palace' should be created; that was ignored by the Government with nearly all the rest.

Research Facilities

The House also seems unimaginative and unduly modest in the Library it possesses. It does, indeed, have ten graduate library clerks in addition to the Librarian himself. As well as helping Members to books and reports, they will 'find things out for Members', will present short answers to fairly straightforward demands for statistics, and will compile lists of references on a subject; but there are not enough of them to conduct more detailed or original research for individual Members, or even for Committees of the House, as does the Library of Congress or the many American State Legislative Reference Libraries.¹ These American libraries go far beyond being 'reference libraries' in the English sense; they are centres of research for, and on the instructions of, the legislature; they employ statisticians, economists, social scientists and research workers of all types. They are deliberately alternative—if often, of course, also complementary—sources of information to the great facilities of the Executive offices. British M.P.s seem far too easily satisfied with Departmental reports set on foot by the Government itself and with what other information can be gained from Whitehall by written answers to Parliamentary questions.

¹ See the strong plea of Mr. Percy Daines for a better library with research officers in the adjournment debate of 22nd July, 1954, H.C. Debates 530, c. 1669ff.

The Library of the House of Commons, though it seems to fulfil its limited functions admirably, is simply not equipped to provide, for instance, expert staff for a Select Committee of the House, let alone the normal Standing Committees who rely entirely on Government sources or on the unaided initiative of private Members. Whenever such an expansion of the Library has been urged, allegedly constitutional or political arguments have been advanced against the House developing 'a rival bureaucracy' to Whitehall. But it is hard to see why such a simple strengthening of the *critical efficiency* of the Commons should—or could—threaten the far more deeply entrenched predominancy of the Executive. Once again, the fundamental question is raised whether the 'balance' between the carrying on of government and the criticising of its measures is, at this time, healthy, efficient and in the public interest. This takes us directly to the whole question of the procedural organisation of the House of Commons itself.

4. The Committee System

THE novels of C. P. Snow, Professor Parkinson's *Law* and K. C. Wheare's *Government by Committee* are all, in different ways, testimonies to the truth that the most important work of central government is conducted not by civil servants or M.P.s working as individuals, but by committees. To say this is not to under-estimate the great importance of the general debates on the floor of the Commons—or even those in the House of Lords. These debates on the floor are invaluable as occasions on which the Government is forced to explain its actions or intentions before a partly hostile audience which can gain the maximum of publicity. And generally the House is at its best in the conduct of general debates; there seems little cause for public concern here—if the giants of yester' year are mourned by some, so have they always been. In the days of Gladstone and Disraeli there were old hands who yawned in their faces at the memory of Peel and Russell. Members themselves feel strongly that there is never enough time for as many as want to speak in debates to speak. But the public may perhaps be justified in regarding this as a purely domestic matter of the House when all experience suggests that the eager expectation of novelty in the umpteenth speech of a debate is usually only a function of having forgotten the content of the first dozen. It is rather depressing to find that most M.P.s view the whole topic of Parliamentary reform as simply meaning suggestions as to how to find time for more Members to speak more often on the floor of the House.

But the scrutiny of legislation and Parliamentary control of the actions of the Executive, particularly in its lower reaches, give cause for greater disquiet. Proposals for legislation, or even for changes in departmental or administrative policy, are usually the product of a network of departmental and inter-departmental committees. These bring together the departments

affected and expert opinion—both inside and outside government service—and, far more than is commonly realised, consult with interested parties, outside interests and the whole range of legitimate pressure groups. Thus a Minister when he rises from his seat to face the House is as well prepared as the resources of what is still one of the most efficient and highly qualified civil services in the world can make him. It is not uncommon for a major Bill to make fifteen or more journeys for redrafting back and forwards from the Ministry to the Parliamentary Counsel. So much skilled staff work goes into the drafting of modern legislation and the formulation of policy that it is hard to see how criticism from the floor can hope to be informed and even modestly effective unless M.P.s have some, even remotely, equivalent source of knowledge, or way of getting it. The reliance of the ordinary M.P. on Government sources is flattering but extreme. The ordinary M.P. may have his 'speciality' as the fruit of past experience, but he is simply not equipped and assisted to break new ground. The conscientious M.P. spends most of his working life in committees: some have brains, some have teeth, but none—except Committee of Public Accounts—have hands and feet to work for them.

Any complex matter put before any large association of men is commonly dealt with in four ways: by appointing a small committee; by giving that committee as precise a definition of its function as possible; by giving the committee as much time as possible; and by including among the committee technical experts or giving it access to such experts. Few of the activities of the House, as we will now see, measure up to such a standard.

COMMITTEES OF THE WHOLE HOUSE

Paradoxically, the most common type of committee of the House is not really a committee at all. The House, as is well known, sits as a whole as the Committee of Supply or the Committee of Ways and Means, as it does, indeed, on any Money Resolution relating to the Consolidated Fund. Commonly Bills of exceptional importance are given in their committee stage to the House as a whole, rather than being sent 'upstairs' to a Standing Committee; and uncontested Bills of a minor nature are almost certain to be 'passed on the nod'. Thus, the finance bills apart, there are two occasions when time can actually be saved by the ordinarily more cumbersome device of 'Committee of the Whole': when the matter is not going to be discussed anyway, and when the matter is felt by Members to be so important that the Report Stage on the floor of the House would probably want to cover again all the ground already covered by the normal Standing Committee upstairs.

A Committee of the Whole on Finance Bills and Money Resolutions, while it has some greater procedural flexibility over a normal session of the House when the Speaker is in the Chair, is at the best a cumbersome and time-wasting device. It is justified not in terms of efficiency but in terms of alleged constitutional principle: that all M.P.s should be able to contribute to every level of the discussion on granting Supply. But this

is one of those 'principles' that are self-defeating—and are now probably meant to be; control by, say, 60 would obviously be stricter than by a nominal six hundred. The Committee of Supply and the Committee of Ways and Means are traditionally of the whole House but, as we will see, even the recent and most cautious *Report from the Select Committee on Procedure*, 1959, thought seriously of ways and means by which much of their work could be sent upstairs. Evidence put before the Select Committee showed that over the last ten years about a fifth of the entire working hours of the House had been spent in Committee of the Whole.

GENERAL STANDING COMMITTEES

All legislation in its Committee Stage is automatically considered by a Standing Committee unless it is claimed for the floor of the House or sent—as very occasionally happens—to a Select Committee, or else the Scottish Standing Committee. Nowadays the normal number of such committees is six per session. One committee is reserved for Private Members' Bills, but otherwise there is no specialisation on different types of topics. Bills come to them quite arbitrarily, according to their order on a calendar and according to which committee finishes its work first. Gladstone's original intention in creating these Standing Committee was that different committees would have a broad but different subject area, *i.e.* industry, foreign trade, agriculture, *etc.* But this intention died early, if it was ever seriously followed at all. The Standing Committees are thought of as the House in miniature and not as a collection of specialists. Each committee is thus originally composed of a core of 20 members appointed for the Session by the Committee of Selection. But then up to 30 members, commonly 25, are appointed *ad hoc* for each particular Bill. Now in fact, if not in theory, this floating 25 or 30 is usually composed of Members whom their Whips think to have some special interest in or knowledge of a particular Bill. But any private member who says that he wants to serve on a particular Bill is likely to be 'selected'—since it is not at all easy to find sufficient Members to serve regularly on these committees. They meet in the morning and they need somewhere around 250 Members to work them at full strength. And though there is no precise evidence, the figure as low as 200 was frequently mentioned in the *Evidence* of the recent Select Committee on Procedure as the number of Members who fairly regularly attend this important morning work. Thus there is an *ad hoc* kind of specialism on the committee stage of Bills already, and the Select Committee's *Report* wishes to carry this further by abolishing the core of about 25 general or sessional Members. But this system would still studiously avoid sessional or permanent committees empowered to consider definite subjects—as, for instance, the standing committees of the American Congress and the French Assembly. These British Committees, of course, have no vestige of executive power; they cannot summon persons and papers before them; they cannot debate or discuss matters irrelevant to the actual text of the Bill before them; their proceedings are reported in the 'Committee' *Hansard* and there are clerks at the table to assist the chairman

with the procedure of the committees, but they have no research staff to 'go into' the evidence behind the legislation before them. One of the strangest anomalies of the British Parliament is the lack of assistance for Members in Standing Committees.

The Scottish Grand Committee is, however, a kind of specialist committee—if geography could be said to determine knowledge. It is in origin a concession to Scottish national sentiment by which the Grand Committee takes the Committee Stage of all Bills which refer exclusively to Scotland, considers the Scottish interests in certain other Bills referred to it by the House, and also considers the Scottish Estimates. The Committee is composed of the 71 Scottish Members plus not less than 10 and not more than 15 non-Scottish Members for each particular Bill. (One of the most interesting tasks faced by the Committee of Selection is to find non-Scottish specialists on Scotland.)

SPECIALISED STANDING COMMITTEES

Select Committees are normally those appointed by the House from time to time to deal with particular matters as they arise; but there are some Select Committees which are in practice perennial and are most readily described as specialised standing committees. The Select Committee on Kitchen and Refreshment Rooms has actually been given (strange anomaly) executive powers—in its rather narrow field. The examples of the Select Committee of Privileges and the Selection Committee, however, show that many of these 'specialisms' are in fact procedural or domestic to the House. But there are certain great exceptions. The Committee of Public Accounts and the Select Committee on Estimates are radically different in character from the Standing Committees—so is the Select Committee on Statutory Instruments. And recently, moreover, the somewhat experimental Select Committee on Nationalised Industries has been made sessional and so will continue to report.

The great esteem and effectiveness of the Committee of Public Accounts, whose duty it is to ascertain whether money is spent for the purpose for which it was voted, is bound up with the fact that the reports and the independent status of the Comptroller and Auditor General furnish them with an unrivalled, extra-governmental source of advice. The committee has no executive power, but the fear that its criticisms inspire in Whitehall, the reputations which are furthered or ruined when civil servants appear before the committee to explain, or explain away, sections of the Comptroller General's report, makes it the prime example of a Parliamentary control of the Executive which does not itself create or impede policy. The Comptroller General has, of course, an expert and a very large staff—virtually a Department of State.

The Select Committee on Estimates, on the other hand, has a more chequered and at times dispiriting career. Part of its difficulties arise from the fact that, unlike the Committee of Public Accounts, it is concerned with scrutinising and suggesting economies on *current* estimates, while being, of course, precluded from challenging the policies themselves. But it is easy to construe the slightest suggestion of an economy as a challenge to

Government policy, so therefore the Committee as often avoids even the appearance of such a challenge by descent into triviality. Also its job is too big, even when divided into five sub-committees, in the absence of any equivalent at all of the work done for the Committee of Public Accounts by the reports of the staff of the Comptroller General.

Powers of Scrutiny

The Select Committee on Statutory Instruments—known as the ‘Scrutiny Committee’—is also of some interest, not so much for what it does, but for what it could do and for the grudging recognition it represents that in some areas at least specialised scrutiny by the House of acts of the Executive is necessary. The committee was established in 1944 in partial fulfilment of one of the recommendations of the Donoughmore Committee on Ministers’ Powers of 1932. It has the task of scrutinising every instrument made by a Minister under some powers of delegation on which the House may or must move a resolution. But its terms of reference are limited to drawing the attention of the House, without explanation, to any instruments which appear to make unusual or unexpected use of the powers conferred by the enabling statute. It cannot consider the merits of such instruments, nor grievances arising out of those instruments already in operation. The Committee has the assistance of the Counsel to the Speaker, yet it is doubtful in the extreme whether the committee does a thorough job—largely due to its lack of staff. The *Report of the Select Committee on Delegated Legislation*, 1953 (H.C. 310), rejected a proposal to make this sessional committee a Standing Committee with greater powers and wider terms of reference—as, indeed, with famous and ludicrous consistency, it rejected all other proposals for reform in this field: the final burial of the much reburied Donoughmore Report. The Select Committee evidently regarded the fact that the Scrutiny Committee had brought to the special attention of the House only 56 Statutory Instruments out of a total of 5,496 considered between 1947 and 1953 as evidence that there was nothing worth worrying about. Thus if only one instrument of delegated legislation out of a hundred ever even raises the suspicion of having gone beyond the Statute or of containing unusual provisions, then we are all indeed fortunate that Whitehall has gained so much power at the expense of Westminster. Otherwise one might think that the Scrutiny Committee is a watch-dog either without sufficient teeth, or reluctant to use what it has.

An even more interesting ‘anomaly’, which could point the way to many better things, is the Select Committee on the Nationalised Industries. The Committee, as finally established in 1957,¹ was to enquire into the

¹ This followed the *Report of the Select Committee on the Nationalised Industries* of 1952 (H.C. 235). But when the new committee was first set up in 1955, its terms of reference were restricted to exclude matters of Ministerial policy and of day-to-day administration within the industry. This committee failed to function and the Government yielded to considerable backbench pressure and reconstituted it with the present wide terms of reference—though with a warning to behave. But the recommendations of the 1952 committee in favour of such a committee having a specialised staff, including at least one accountant, have never been met.

administration of the nationalised industries, which Parliament has been reluctant to embarrass by debating too frequently, and on which many normal Parliamentary questions are out of order in that the Nationalisation Acts did not, of course, make the Minister responsible for, or entitled to intervene in, the detailed day-to-day running of the Nationalised Boards. The new committee began cautiously by examining—actually visiting and hearing evidence—the North and then the South of Scotland Hydro-Electric Boards, Boards whose affairs Parliament had never found time to debate. The committee published a report¹ which, while it made no fundamental criticisms, yet had several useful suggestions to make to the Boards—such as the desirability of the Boards sending out more types of contract to open tender. Many people went to the trouble to give evidence to the committee about the slowness of rural electrification. The final *Report* did contain, however, one highly significant passage:

‘Your committee having looked so far at two of the eight nationalised boards which lie within its terms of reference, are not yet able to say whether there are any grounds for thinking that the influence of the Treasury has in any way hampered or is hampering the initiative of the Board.’

Future reports from this committee may be looked forward to with interest: it is incredible to think that the House has never got beyond *a priori* suspicions of excessive ‘Treasury control.’

SELECT COMMITTEES

Select Committees are simply small committees of Members appointed by the House to examine, investigate and to make a report on a certain subject or problem. They perform a kind of task for which the House itself is not suited: the examination of witnesses, the sifting of evidence, the production of a reasoned and concise report and usually proposals. Select Committees, of course, simply publish their reports and the House may or may not find time even to debate them; and the Government may or may not take any action in line with the proposals put forward. These committees have no executive power. But they are usually given power ‘to send for persons, papers and records’; they can then enforce attendance and require answers from any British subject except a Peer or an M.P. They are assisted in a procedural manner by clerks of the House, but they rarely, if ever, have funds or facilities to sponsor original research.

In the nineteenth century much important legislation was the direct result of the reports of Select Committees; they were major instruments of reform. But in this century there has been a steady decline in the numbers of Select Committees and, with a few notable exceptions, in their importance and influence. Royal Commissions and Departmental Committees have largely replaced them as investigatory bodies. Indeed, from 1945 to the present day only a handful of such committees have considered matters of public policy, as distinct from the domestic affairs of the House. For

¹ *Report of the Select Committee on Nationalised Industries*, H.C. 304, 29th October, 1957.

one thing, Select Committees on matters of public policy are thoroughly distrusted and disliked by the Whips; despite Government majorities on them, they have an awkward tendency to develop cross-bench sentiment, a shocking habit of regarding the Executive as guilty until it is proved innocent.

Obviously, Select Committees have the great advantages of speed and tighter control over Royal Commissions, except in the most complex and wide-flung matters. Their real enemy is the Departmental Committee—as well as the general shortage of time to serve on them among *the minority* of Members who do the real work of the House. They can be an effective and indirect instrument of control over the Executive, without in any way being able to dictate to the Executive. The House of Commons could and should make more use of Select Committee procedure on matters of public policy on which there is simply a lack of information. Obviously, a Select Committee cannot usefully be employed when it is considering a matter on which there is a predictable party split and rival line already well known. It will be most useful on matters which can be regarded as non-partisan (or, more often, which cut party lines badly), or on matters on which the government has no clear policy and is willing to surrender some responsibility to the House. Recent examples are the Select Committee to revise the Army Act in 1952; to revise the Naval Discipline Act in 1955; to consider the Obscene Publications Bill in 1956, and, of course, in 1958 yet another Select Committee on Procedure—all these in addition to those so-called Select Committees, mentioned above, which are now really standing committees.

Unfortunate Decline

It has been calculated that in the latter half of the nineteenth century there were—on a rough average—something like 35 Select Committees sitting each session, on which about 250 members a session would serve, and of which about three-fifths sat to consider matters of general public interest. But a similar count from 1945-56 shows an average of only 17 Select Committees a year, involving about 160 Members a session, and of which only six, or seven at the best, could be said to have been of public interest and not simply concerned with the domestic affairs of the House. There can be little doubt that this decline is unfortunate, a symptom not of any real threat to the Executive, but of the Ministerial willingness to be advised on policy by Whitehall a hundred times more gladly than by the House. Many Departmental Committees inevitably usurp a function which is more properly that of the Executive, or, if the Executive is in doubt, open-minded or even anxious to avoid responsibility, the House. Better by far for a Government Department to produce evidence for a Select Committee—which then appears, argument and all, in the Minutes of Evidence of that Committee—rather than for Parliamentary control of the Executive—and Parliament's ability to make up its own mind—to continue to decline.

Thus, to summarise, there can be little doubt that the present committee system of the House is a ramshackle compound of conflicting elements. In

a purely procedural sense, the difficulty is that the desire of M.P.s to keep all matters of apparent importance on the floor of the House conflicts with their desire or need to have more time on the floor to discuss really important general issues. And in a more political sense, the difficulty is that the party leaders have not caught up with the fact of *how much already* the House has been forced to specialise in committee work; and neither M.P.s nor public are fully aware of how much more important and effective, on a vast range of matters, committees prove than the floor. There is need quite simply to stop thinking of the 'essential' Parliament as just the Floor, but rather as a dynamic relationship between the general-Floor and the specific-Committees—committees which nevertheless have to report to the whole House and whose reports have to be acceptable to the whole House. The theory of Parliamentary procedure is still anti-specialist; the practice of the House is becoming more and more specialist; there is need for the theory to catch up with the practice and then to go beyond the existing practice, both to extend and simplify the present un-system of committees, to systematise them and to give them greater facilities.

PARTY COMMITTEES

The House has something to learn from the maligned parties which compose it in the matter of intelligent organisation. Public interest in the affairs of the two Parliamentary parties is all too much absorbed in the issue of 'party discipline'. This, as such, is not directly relevant to the concern of this tract, though three points deserve to be made in passing. Firstly, both the Bevanist rebellions in the Labour Party of 1952-55 and the Suez rebels in the Conservative Party in 1956 demonstrate that 'if a minority group is sufficiently large and determined, sanctions for indiscipline become ineffective'.¹ Secondly, critics of party discipline often ignore the fact that the problem of the rebel and the leader is, to put it mildly, an endemic one in any kind of large organisation or association. And thirdly, it is not commonly appreciated how elaborate is the organisation of the two Parliamentary parties.

Much of an M.P.'s time is spent in unofficial party groups and committees. And there is no nonsense about these groups not being specialised. Let us look first at the Conservative Party organisation. All Conservative M.P.s who receive the Whip can meet weekly as the Conservative and Unionist Private Members Committee (the so-called '1922 Committee'). Ministers only attend (if they wish) to discuss policies for which they are responsible and they are not eligible for election to the executive committee of the group. A senior whip always attends; resolutions are not moved, nor are votes taken, but the 'sense of the meeting' usually emerges and is reported back by the Whip to the Conservative leaders. The 1922 Com-

¹ Peter G. Richards in his *Honourable Members*, *op. cit.*, p. 150; his whole chapter on 'Party Discipline' is extremely sensible. See also 'The Labour Rebels: An Analysis of Divisions' by W. L. Guttsman in the *Guardian*, 14th April, 1955.

mittee does not challenge the right of their party leader alone to determine policy, but it is a most effective sounding-board as to whether he is likely to be followed if he leads, or does not lead, in a particular direction. But subsidiary to this Grand Committee of the Conservative Party, there are other committees. Their structure is flexible, they come and go—particularly the sub-committees—as problems rise and fall; their membership is open to any Conservative M.P. who cares to attend. It is worth listing those in existence in the session 1956-57:

Defence

*Sub-Committees: Navy
Army
Air*

Trade and Industry

Sub-Committee: Films

Foreign Affairs

Finance

Commonwealth Affairs

*Sub-Committees: East and Central Africa
West Africa
Far East
Mediterranean and Pacific
Commonwealth Relations
West Indies
Commonwealth Development*

Agriculture, Fisheries and Food

*Sub-Committees: Horticulture
Fisheries*

Labour

Home Office Affairs

Health and Social Security

Housing, Local Government and Works

Sub-Committee: New Towns

Education

Transport

*Sub-Committees: Shipping
Canals*

Power

Sub-Committee: Oil

Atomic Energy

Civil Aviation

Arts and Amenities

Broadcasting and Communications

Scottish Unionist Members

Ulster Unionist Party -

Liberal Unionist Group

Lancashire Members

Merseyside Members

These committees can raise issues before the 1922 Committee, though, as already noted, there will be no vote. Conservative Ministers on the whole appear to view these committees as useful places to explain departmental policy and to gain support for such policies, rather than annoying sources of inter-party opposition.¹

Labour Party Organisation

The Parliamentary Labour Party has a more formal organisation. When the party is in opposition its leader is elected; he is then chairman of the Parliamentary Committee of the party, a committee of 18 which is itself elected. At a full party meeting, then, the party leaders, unlike in the 1922 Committee, sit facing their followers and formal resolutions are considered which are often put to the vote and are then held to express the policy of the Parliamentary Committee. However, it is hard in the extreme to say whether the Backbencher has more influence over his chiefs amid the informality of the open-eared Conservative oligarchy or amid the democratically voting, but hence more deliberately managed and fiercely contested, Labour meetings. The Conservative Party wash their linen behind closed doors, the Labour Party virtually in the streets. The public has the advantage of usually knowing what is going on in the Labour Party—the voting and thus the rancour in party meetings is almost impossible to keep from the press; but the Conservatives have the disadvantage that in their conciliatory-informal style of politics the best way to hide differences is often an agreement to let the whole thing drop. If the Parliamentary Labour Party seems adept at rocking its own boat, the Conservatives, when faced with disagreements about where they are going, are apt to agree just to drift with the tide.

The Labour Subject Groups also have a more official flavour: when Labour is in opposition the 'Shadow Cabinet' spokesman for a particular topic presides over the group. In the session 1956-57 they were:

Agriculture, Fisheries and Food
Arts and Amenities
Atomic Energy
Commonwealth and Colonies
Defence and Services
Economic
Education
Foreign Affairs
Fuel and Power
Health Services
Home Office
Housing and Local Government
Legal and Judicial

¹ See Peter G. Richards, *op. cit.* pp. 95-106.

Social Insurance
Statutory Instruments
Transport and Civil Aviation
Public Information
Films

Trade Union M.P.s also meet together regularly, as do the Co-operative M.P.s. In addition, the Parliamentary Labour Party has the habit of forming special working parties to consider each major item of legislation—these can be important bodies. And there are also ten Area Groups, but they are relatively unimportant, fulfilling no real function which is not better served by the Subject Groups, except perhaps the Welsh and Scottish groups. These area groups were an attempt to mitigate what was felt at one time to be the extremism of some of the specialist groups. But within a party, if there are to be sub-groups at all, the logic of specialism is hard to avoid; and, though a group may come to a meeting of the Parliamentary Labour Party with resolutions, it is for the Parliamentary Party as a whole to accept these resolutions or not—just as it is for the House of Commons itself to take action or not on the report of a Select Committee or on the proposed amendments to a Bill by a Standing Committee. The leadership of neither party allows itself to be dominated by their specialised committees, but their existence does help issues to be presented in an informed and well-considered manner.

Thus there is good ground for saying that the parties organise themselves to discuss the business of Parliament far more sensibly than does the House of Commons itself; and if the parties are not dominated, but only advised and thus indirectly controlled by their committees, there seems little reason to think that the House could be dominated by its committees if they grew more openly and rationally specialised, indeed less reason when all the massive bonds of party unity in face of opponents are considered.

5. Putting Their House in Order

JUST as there is a public mood of frustration with Parliament, so there is at least 'a sense of frustration which has on occasions been voiced by Members of all sides of the House'.¹ The Debate of 31st January, 1958,² on the 'Procedure of Parliament' was an interesting outburst and one to which the Government felt it wise to give way—at least as far as creating another Select Committee on Procedure, 'to consider the Procedure in the Public Business of the House; and to report what alterations, if any, are desirable for the more efficient dispatch of such business'. The 'frustration' to which the *Report* itself referred and which M.P.s exhibited in the debate was to most Members quite simply a question of not being able to speak

¹ *Report from the Select Committee on Procedure*, 1959, xxviii.

² See *Hansard* and above, p. 6.

enough on the floor of the House and of a lack of time for debates of major consequence. The issue of reforming and specialising the committee system of the House in relation to the power of the Executive certainly was raised, but only cautiously, very obliquely.

The *Report* made by the Select Committee is, at first glance, somewhat free from matters of general public interest. In the nature of procedural matters, of course, much of such a Report must inevitably be confined to matters of detail important only to the convenience of the House itself. But not the smallest part of the *Report's* proposals comes to grips with the real problem of the rapidly diminishing effectiveness of Parliamentary control of the Executive. Indeed, in several sections it sets itself against any altering of the 'balance' between the Executive and the House—with that sublime assurance, already noted, that the House, by the Laws of God and Nature, rides a nag which is always a fixed and dutiful distance behind the great State-coach of the Cabinet. Only among a minority of the committee, mostly on the Labour side, was there any recognition that the Ministry is drawing farther and farther away from the House. The idea of a Standing Committee on Colonial affairs was called 'a radical constitutional innovation'—a palpable exaggeration considering the recent creation of the Select Committee on Nationalised Industries, but enough to damn it.

Piecemeal Recommendations

The committee, in other words, while doing some quite useful pruning and clearing, completely lost the wood for the trees. As on such exercises before, it was actually the Clerks of the House who put forward the most radical and comprehensive proposals for reform. Was Sir Edward Fellowes, Clerk of the House of Commons, teasing or trying to frighten the committee when he said, in the discussion of a long memoranda on reform which he submitted: 'ultimately the only solution for the amount of legislation and the complexity of legislation in modern times is a vastly extended power of delegation . . . ?' But he went on to remark that so little would the House of Commons be prepared to accept such a scheme, that he had not bothered to put it forward. It is surprising that none on the committee then argued that it was, indeed, time to face this alternative, but that it need hold no fears so long as Parliamentary examination and scrutiny of delegated legislation was greatly improved: the Committee on Statutory Instruments, it could be argued, only needs a professional staff to make it as effective an instrument of control as is the Committee on Public Accounts.

However, the committee made 37 piecemeal recommendations, a few of which may have some general interest.

Paragraph 8 of the report made proposals for alterations in the composition and procedure of Standing Committees: the distinction between the nucleus of a Standing Committee and the additional members for each Bill should be ended—membership should be composed in respect of each individual Bill; and there were proposals to ease the difficulties of keeping a quorum in committee. The main proposals here would, of course, tend

to create a type of committee composed more of specialists, but would prevent Members grouping together in specialised committees over a whole session: specialism may be tolerable to the House provided that the specialists are constantly reshuffled.

- *Paragraph 9* suggested that as an *experiment* parts of the committee stage of the Finance Bill should be considered upstairs, thus breaking the—to some—sacred tradition of the whole House granting supply.

- *Paragraph 20* suggested that drafting assistance should be made available to Members, both for Private Bills and for amendments to Public Bills (but this simple reform was the furthest the Report went towards asking for more expert staff for either Members or committees).

Paragraph 25 expressed the pious hope that preference be given to general debates in the use of time saved by the proposed procedural reforms (although the discussion in the *Proceedings* of the committee showed almost unanimous agreement that the Government would bag any time thus saved for their own business—yet this still did not turn the committee, as will be seen, in favour of morning sessions or a radical increase in the use of committees upstairs).

Paragraph 27 made the sensible suggestion that in major debates an hour be reserved for five-minute speeches.

Paragraph 31 proposed that incidental reference to the need for legislative action be permitted on motions for the adjournment—an odd procedural restriction of great historical but no other relevance.

Among other proposals were for the form of the Order Paper to be revised and made comprehensible; for Privy Councillors to lose their automatic priority over ordinary Members in Debate; for the Business of the House to be announced longer in advance; for Question Time to be tidied up in several small and sensible ways; and for Members to be allowed to discuss the policy underlying the main Estimate in a debate on the granting of Supplementary Estimates.

But the most interesting section of the Report is that of which the summary began: 'We have also examined the following matters but recommend no alteration in the present procedure and practice.' Four of these matters are worth keeping alive.¹ Firstly, the *Report* rejected the proposal that pressure on the Floor of the House would be relieved if *the Report Stage of less important or less controversial bills was taken in Standing Committee*. This was proposed by the present Clerk of the House, as it had been by his predecessor, Sir Gilbert Campion, before the Select

¹ The Report also rejected proposals for 'mechanical voting' rather than the present system of divisions. Since this proposal gained much publicity and since it appeared almost as a symbol of tradition versus efficiency, it is only fair to say that the Select Committee found that only two or three minutes a division could possibly be saved by 'press button' voting. Divisions are time-consuming because Members have to go to the Lobby, not because the telling takes long. Mechanical voting is only practicable where Representatives each have a desk on the Floor.

Committee on Procedure of 1945-46.¹ The Committee agreed that the relief afforded would be 'self-evident', but argued that the effect would be 'improper, since it would involve a departure from the principle that the whole House assumes responsibility for the details of legislation.' This kind of invocation of 'principle' is a remarkably fine example of an allegedly empirical conservatism turned static and doctrinaire. The Committee genuinely wanted to save time on the Floor for more general debates by rescuing the House from detail, and yet it invoked a 'principle' which has already become so shot-through with exceptions (the whole field of delegated legislation, for instance, not to mention Scottish Bills) that it is not even an adequate description of present practice, much less a rule to be blindly followed. It is hard to see how the House would lose its responsibility for the detail of legislation when the hurdle of the Third Reading still lies ahead; it would be perfectly possible, without detailed amendments necessarily being offered on the Third Reading, for a Bill to be sent back to Committee for further amendment without defeating it as a whole.

No Morning Sittings

Secondly, the *Report* advised against *morning sittings*, although it noted with considerable emphasis a difference of opinion between those who thought that Membership of the House should demand 'full-time service' and those who thought that the House 'would be better served by retaining a number within her ranks who bring to her deliberations the benefit of their knowledge and experience derived from other fields during such hours of the day as their attendance can be spared from the precincts of Westminster.' But the last phrase is really a little too ingenuous: there is in fact no question of deciding whether Members can be spared; there is simply the massive desire of a majority on the Conservative benches to treat the House as a strictly part-time form of activity, and of many on the Labour benches to do so out of financial need. One sympathises with this strange 'can be spared' formulation of the Committee: a franker statement would bring regrettable public scorn upon the House. No one really believes that the 'knowledge and experience' of making money in the morning is of direct relevance to the work of the House in the afternoon or evening; but everyone knows that at present salary scales Parliament would lose valuable Members if attendance in the mornings ever became obligatory—and it would also lose some others.

¹ Sir Gilbert had suggested that the House should have two large Standing Committees of 75-100 Members each—plus the Scottish Standing Committee. Each of these would have three sub-committees of about 25 Members. These sub-committees would consider what is at present the Committee Stage of all legislation and then 'report' not to the Floor of the whole House, but to their parent committee. See the *Third Report of the Select Committee on Parliamentary Procedure, 1945-46*. The Committee rejected this as 'a drastic interference with the rights of Private Members'—a sadly automatic response: such a scheme might affect the abstract rights of Private Members, but it would certainly strengthen their collective power.

Certainly it is of the utmost importance that Parliament should, in a rough way, be socially and professionally representative as well as electorally. But two things should be clearly borne in mind: firstly, that the avoidance of business in the mornings allows lawyers and company directors to be greatly over-represented; and secondly, these same people could equally well serve full-time in the House just for a Parliament. The present distinction between full-time and part-time Members could to great advantage give way to the more natural distinction between Members with Ministerial aspiration, who would seek to remain in Parliament after each General Election, and men from the professions, from business and from the unions who would enter Parliament for a limited time and then return to their colleagues. If this seems fanciful, it is at least an answer to the 'outside experience' objection, and it would also improve the quality and enthusiasm of backbench participation. Better that some men should be clearly professionals and that others should be clearly temporary, though for a period *full-time* representatives, of their constituencies and local parties, than that the present huge twilight majority of half-time Members should continue to leave the present work of committees to a mere, over-worked and conscientious two hundred.

There was a vigorous move in the Committee in favour of morning sessions. Mr. Wedgwood Benn moved an amendment to the Report, which was rejected by 9 to 6, in favour of morning sessions so as to 'create time for debates which might otherwise never take place because of the pressure of business'. He had in mind debates on matters of current interest while they were still topical; on matters of specialised interest which tend to get eliminated from the time-table of the House; on Colonial affairs—for many of the smaller colonies are scarcely ever discussed in Parliament, until there is trouble; and for debates on the Reports of Royal Commissions and Select Committees. None of these matters would be legislative; all are things that peculiarly interest the private Member. Such debates would not call for the presence of the Minister himself, only of a junior Minister. 'The strongest case for this innovation', argued the amendment, 'lies in the fact that it stakes a claim for the private Member at a time of day and under conditions which make it very unlikely that any Government would want to steal it for its own business'.

Undoubtedly such a proposal would provide criticism and scrutiny of many neglected aspects of Government policy and areas of public concern, without in any way imperilling the Government's control of Parliament. The only doubt about such a proposal is that it smacks a little too much of debate for the sake of debate: one is a little sceptical as to whether more words would lead to the multiplication of wisdom. What is needed, surely, is not simply more time on the Floor, but more preparation behind what is then said on the Floor. If there are to be morning sessions (even with no compulsion on the majority of Members to turn up at all), they would seem the ideal time for the work of a reformed committee system.

It might be asked why no one simply proposed that the House begin its present business at 10 or 11 o'clock instead of 3 o'clock, simply so that the inconvenient night sittings could be cut out. But here the Committee is to be supported: full morning sessions for legislative business would place an intolerable strain upon the Ministers. The British system, after all, of having Ministers in the House is vastly to be preferred to the American separation of the Executive from the Legislature; but it does mean that men cannot be in two places at once; the Ministers must have the mornings for their Departments.

Rejected Proposals

The Report's third important 'non-proposal' was the despairing: 'We have reviewed alternative methods suggested for providing a closer and more detailed examination of the Estimates, but have concluded that none of these methods is likely to prove more satisfactory than the present arrangements'. The Committee recognised that the Committee of the Whole House 'is no longer capable of conducting a more detailed examination', and that the 'Select Committee on Estimates can admittedly do little more than select certain votes from time to time for close scrutiny'; but it rejected the proposal of the Clerk of the House that particular sections of the Estimates, certainly the Defence Estimates, should be sent to *ad hoc* small, and presumably somewhat specialised, committees for examination by a fixed date. But this raises the general issue which will be discussed in the last section.

And the fourth important non-proposal—the rejection of a Colonial Affairs committee—leads us directly to what is surely the absolute heart of the matter of how to make Parliament more effective.

However, it should be noted that the Select Committee, for all their cautious modesty, might well have saved their breath to cool their porridge. The Report was debated on 13th July, 1959, Mr. R. A. Butler speaking for the Government in a speech of bewitching evasiveness. The furthest he would go was in regard to the recommendation that part of the Finance Bill might go upstairs in Committee: 'all we have said is that there might be an experiment in that direction'. And he thought the proposal for an hour of five-minute speeches in major debates 'a good idea'. He did deliver himself strongly against the idea of a standing Colonial Affairs Committee—and had to be reminded that this proposal had *not* been accepted by the Select Committee. He also poured cold water on 'men of genius' who contemplate changing the 'antiquated procedure': 'the answer may well lie in the mouth of the younger Pitt, who said that he could not have run the House of Commons at all had not all his supporters, the country squires, been extremely stupid'. Mr. Butler is, indeed, a deep man—but that is another question.

6. The Case for 'Specialism'

IF Parliament is to make itself more effective at all, it must reform its committee system. This means at the very least that far more of its business must be conducted in committee—both in order to give adequate scrutiny of matters of detail of Government policy and to give more time for debate on the floor of the House of great matters of public concern. The distinction between detail and general policy does not lead in contrary directions so long as there is a sensible distinction between committee-work and general debate: at the moment there is not. Clearly 'Committee of the Whole' is now a quite indefensible procedure (though there is a traditional pleasure in such a puzzling phrase), and the taking of the detailed Report stage on the floor of the House is, in the case of most Bills, at least very hard to defend. Clearly any extension of the committee system will involve a greater specialisation of that system.

Both sides in the procedural debate agreed that doing business by committee and the developing of specialisms become quite inseparable principles once an organisation gets past the point where even its active Members cannot grasp the intricacies of much of the business before it. This is why many Ministers and other M.P.s prefer to jog uncomfortably along with the present procedural arrangements rather than strengthen, by any reform of committees whatever, tendencies towards specialisation among Private Members: they quite rightly see the one as the thin edge of the wedge towards the other. But the question is really—as the metaphoricians of Conservatism usually forget—how far should the wedge be driven, not whether it should not (when it palpably does) exist at all. Even those who do not wish to drive this wedge too far have felt that there are two areas of Government policy in which, because of their extent and diversity, Parliamentary discussion has been singularly inadequate and confused and in which Governmental explanation has been singularly ineffable: firstly, defence estimates and policy; secondly, colonial affairs. They are both obvious cases—like the administration of the Nationalised Industries—where discussions by a standing committee, either in the form of debates or hearings, would be greatly to the public interest.

THE MINIMUM NEED

The case for a colonial committee was put before the Select Committee by Sir Edward Fellowes in discussion of his evidence and more fully in the wording of a proposed paragraph for the *Report* moved by Mr. Hale, Labour Member for Oldham West. Briefly, Mr. Hale suggested that there should be a Colonial Standing Committee of between 32 and 40 Members established in proportion to party strength in the House. It should meet for a morning session at least once a fortnight; subjects for discussion should be chosen by mutual agreement between members of the committee, and there should be no motions or voting on any other but procedural matters. One Minister of the Crown responsible for Colonial matters

should be a member of the committee and any Minister should be entitled to attend. 'We believe', said Mr. Hale's motion, 'that this proposal would provide an effective means of calling attention to the necessity for redress of grievances in the colonies in advance of an emergency'—a grim but true implication about the normal occasions for Parliamentary debate.¹

This was the sole claim for a specialised committee put before the Select Committee and it was a minimum claim even of its kind: it did not propose to give such a committee power to send for 'persons and papers'; it did not suggest that the committee should make formal reports to the House, nor yet publish reports or proceedings. It seemed, in some ways, a slightly regressive proposal, in that it might create the impression that even reforming M.P.s are—once again—obsessed with the virtues of mere debate, as distinct from the need for more premeditation, inquiry and preparation. But, nevertheless, the proposal was rejected—as threatening the powers of the Executive—on a vote of eight to six, splitting the committee exactly on party lines (the Liberal Member, Mr. Clement Davies, was absent).

Thus even a weak specialised standing committee, on a topic which it defies credulity to believe that Parliament discusses adequately, was rejected, albeit on party lines. However, there is more cross-bench sentiment in support than the Conservative vote in the Select Committee's proceedings betrays—it was not a tactful moment for a Conservative to suggest the need for a better scrutiny of colonial affairs. But the case for such a committee—and for one to debate Defence estimates adequately—remains the minimum and urgent ground for reform of the Parliamentary committee system. And if two such committees were created forthwith, they would give the House some evidence on whether to go further by way of reform or not.

Consistent Development

More long-run proposals for reform would, of course, have to emerge in some manner out of tendencies in the existing procedure. It is extremely unlikely that sudden new schemes would be accepted. But the present argument is not that such tendencies do not exist, they are arising almost inevitably, but rather that M.P.s are being singularly slow to recognise them. Reforms should be seen as growing out of the specialised but unofficial inter-party committees and out of the recent check in the decline of Select Committees as seen in the reports of the Select Committee on Nationalised Industries.

It is for nobody but M.P.s themselves to work out or evolve a detailed scheme—even though it is overdue for the informed public outside Parliament to insist that M.P.s make themselves more effective. But a more specialised committee system is likely to emerge in one of two different ways. Firstly, the existing Standing Committees which consider the Committee Stage of legislation could become specialised and then be given powers at

¹ It is, after all, a curious tribute to the Mother of Parliaments that the only sure way her un-Parliamented children can get her to discuss their affairs is, broadly speaking, by riot or rebellion.

least *to debate and discuss*, if not to report upon, the whole subject area of the type of legislation which is sent to them. Or, secondly, Standing Committees could remain unspecialised, or even if specialised, yet remain limited strictly to the scrutiny and amendment of legislation put before them, but alongside them could grow up a comprehensive pattern of 'standing' Select Committees covering all areas of Government policy, debating and making occasional reports. Either system would be better than the present. And neither need scare any government in particular or the friends of good strong government—by our chaps—in general. Suppose there was a Standing Committee on the Colonies; suppose it was free to debate what it chose; it would still need to approach the whole House before embarking on collecting evidence for a Report—unless it were given an annual appropriation, which is very unlikely. (At the beginning of every Report from a Select Committee the cost is stated of printing and publishing and preparing the shorthand Minutes of Evidence—some £1,052 5s. 6d. for the one under discussion.) And the great power to 'send for persons and papers' is not one that the House is ever likely to delegate wholesale, though there would be no harm in an official specialised committee being allowed to table a motion asking for such powers for such and such a specific purpose.

Organisation and Procedure

Any debate or discussion in specialised standing committees would almost inevitably seek to follow as far as possible the experience of the Conservative '1922 Committee' rather than that of the Parliamentary Labour Party, and avoid motions and votes. The sense of the meeting and the published debate in the 'Committee' *Hansard* would speak for themselves. And if the new specialised committees did the work of the present Standing Committees, the Government—through the Committee of Selection—would and should retain the power to add additional Members to a Committee to ensure that Government legislation is passed if their existing majority on any such committee grew—as some profess to fear would happen—threatened by crossbenching follies.

Would not the public interest in the effective criticism of the Executive be greatly served by such a system? Would not the role of the House as a training ground for Ministerial talent be strengthened also? And would not the floor of the House be greatly relieved if at least the Committee Stage of all Bills was sent to one or other of these committees (and possibly, in time, the Report Stage) which would meet in the mornings? And if these committees could also consider estimates for particular Departments or parts of Departments, there would be a solution to what is admitted on all sides to be the inadequate scrutiny of estimates by the quite overwhelmed and under-equipped Select Committee on Estimates. And if either the Library of the House or the office of the Clerk was greatly expanded in personnel and facilities, so that committees could have—on affirmative vote of the House—clerks or research assistants seconded to them, one could then say that the Mother of Parliaments would at last have an organisation reasonably adjusted to the complexity of modern administra-

tive life and which would have evolved from one of the most effective, yet neglected, institutions within her—the committees of the two Parties. Such reformed committees, less cumbersome than Royal Commissions, less ‘interested’ than inter-Departmental committees, could throw light on many dark or obscure corners of modern administration—as did the best of the old Select Committees.

But before suggesting the basis for the precise specialisms and offering a specific outline for functions and powers, it would be best to consider certain objections to the whole principle.

THE CASE AGAINST

The case for suppressing these tendencies towards more committee work and more specialisation is based either on an outright desire to allow the Executive to continue to find it progressively easier to put through its business in the House—suffering random David sling-shots in Question Time, but rarely facing sustained and well-informed scrutiny—or else is based on a vast misunderstanding.

The majority in the recent Select Committee on Procedure rejected, as we have seen, even the modest proposal simply for a Colonial Committee as being ‘a radical constitutional innovation’—like, presumably, the Select Committee on Nationalised Industries. Paragraph 47 of the official *Report* says in part:

‘. . . there is little doubt that the activities of such a committee would ultimately be aimed at controlling rather than criticising the policy and the actions of the department concerned. . . . Although the House has always maintained the right to criticise the executive . . ., it has always been careful not to arrogate itself any of the executive power. The establishment of a colonial committee would not only invade this principle, but would also lead to the establishment of other similar committees.’

The essence of this objection is simply a misunderstanding of the distinction between ‘criticism’ and ‘control’. Obviously there is a sense in which all criticism is and should be a form of control. Presumably there are no real grounds on which a Government of a free people should be worried about any potentiality of criticism among its Parliamentary opponents—even among its followers; what worries it is not criticism as such but criticism so protracted through time as to be obstruction. But this is a matter of procedure on which no one—certainly not the present writer—is suggesting that the clock be turned back to Parliament before Parnell. By guillotine and closure a Government, governing as a Government has to govern, pushes its business through. In such a circumstance, when actual delay can be used but little by an opposition, it in fact becomes more and more important that the criticism there is should be more concentrated and more informed. Such criticism is, of course, control—in the ultimate sense that it may reach and affect public opinion and affect the government electorally. But the only valid sense of ‘control’ which would go beyond ‘mere’ criticism is one in which Parliamentary votes would go against the

Government, either on the Floor or in Committee. In the only sense of control that can be a decisive objection to specialised committees, 'control' must mean an increased likelihood of the Government being overthrown on the Floor of the House, or continuously obstructed by defeats in Committee.

Party Control

But what is there in a specialised committee system as such that would threaten the basis of control possessed by any government with a working majority? For that control depends not upon the committee system of the House, but upon the historical fact that the power of dissolution has made the Prime Minister also the unquestioned leader of his party, the majority party. He and his cabinet control Parliament ultimately because no one stands much chance of being elected to the House without the help of a party. And disciplined parties exist not because the House is split down the middle by an aisle (as if they would cease to exist if it sat in a semi-circle), but because England is split down the middle. If one-half of England ever comes to feel that it does not need protecting against the other half, then it may begin electing men for the smile on their face or the intelligence in their test and not for their certified likeliness to vote the same way as large numbers of other men. But until that time a Government with a reasonable majority will control the House in the only sense of the word that is a real objection to any committee system whatever.

It will naturally give itself a working majority on every committee and the wrath of the party will be as great and as effective as at present against any Member who treats his party as Burke, the great apostle of party, claimed to treat his constituents. A specialised committee system may complicate the life of the Whips and force them to extend their sphere of operations in, after all, what is their most frequent and important task—not coercing stubborn rebels, but informing willing colleagues what is in fact the issue and the party line on a particular vote;¹ yet such a system cannot destroy the basis of their power: the very fact of party itself.

It is really very odd that those who accuse the proponents of a specialised committee system of 'not understanding our system' themselves seem to have only the groggiest notions of foreign systems. When Mr. R. A. Butler replied to the Debate of 31st January, 1958, which led to the establishment of the committee, he warned—not once but several times—against the dangers to our fine old constitution of a committee system '*à l'américaine*'—as if to put it in French would remove any lingering doubt among his followers that America is foreign. But no one had used such an argument in relation to executive powers, though several members had cast envious words at the secretarial facilities of American Congressmen, and Mr. R. H. S. Crossman and—then—Mr. Robert Boothby had said that all was not rotten in the purely investigatory work of some great Congressional

¹ An M.P. walks into a room or refocuses his attention and hears a chairman saying: 'The question I have to put is that the words proposed to be left out stand part of the question,' etc.

Committees. Mr. Butler reverted to this theme again in his appearance before the Select Committee: 'it might well be that such a specialist committee would confound the French and American systems and imagine it had a direct say in the administration of colonial affairs'. And Mr. Herbert Morrison had earlier warned the committee against 'importing into our Parliamentary system something like that which the United States and the French have'. But these warnings are strange, somewhat ignorant and certainly unnecessary. For it is not the case that the American committee system led to the separation of the Executive from the Legislature and therefore to periods of Congressional rule, but rather that the original and Constitutional separation of powers led the American Congress to develop specialised and legislating committees. The systems are so radically different that there can be no question of 'importing' anything, except a dubious analogy against the internal reform of our own for reasons of our own.

A more cogent argument was Mr. Herbert Morrison's fear that a colonial committee, for example, would throw an almost impossible burden on the Minister. This is indeed something to be guarded against. The Labour Party, in particular, is not likely to forget the sheer physical exhaustion of many of its leaders towards the end of Lord Attlee's second Ministry. But three things should be said. Firstly, for a non-voting committee there would only be political need for a junior Minister to attend—again by analogy to the 1922 Committee, and then not always he. Secondly, if the Minister himself did on occasion think it necessary to attend, it might stimulate thought about how to rescue himself from too much time-consuming detail within his own Ministry—something in which there is great variation of practice and room for experiment. And thirdly, the Ministerial attitude of automatic resistance to such committees might in any case be unnecessary. L. S. Amery, speaking from his own experience of office, actually thought that such committees would have been helpful to him as a Minister.¹ A committee, controlled by party sentiment, can be a sounding-board and a testing-ground for Ministerial projects; and it could be a valuable help to the Minister in his own problem—in itself almost as great as those we have been discussing—of keeping control of his own Department.

Unjustified Fears

Thus the general fear that any strengthening of the critical capacity of the House against the Executive would necessarily weaken our system of Cabinet Government is quite absurd. None of the fundamental controls by which the leader of an elected majority maintains his party's power are in question. It was true, is true and for ever shall be that the British Cabinet system is, in the words of the American, A. L. Lowell, simply an autocracy operating under constant criticism and with the need for

¹ See Hansard Society, *Parliamentary Reform*, p. 65, and L. S. Amery, *Thoughts on the Constitution* (Oxford University Press, 1947), pp. 53-54.

periodic re-election. But what has happened is that the complexity of modern legislation and administration has made the civil service, with its sources of specialist information, and its elaborate inter-departmental committee systems, far too much the exclusive source of information both for policy making and for the evaluation of policy. The Opposition Members, or even the Government Backbenchers, have retained formal rights and occasions of criticism, but they will continue to lack the ability to make really informed criticism unless they can specialise or employ specialists of their own. If the cry is raised that there would be a danger of creating a 'counter-bureaucracy', one might ask just what is thought to be dangerous in that. On the contrary, it is one of the pressing needs of our time that the M.P. should not have to depend entirely upon the Government bureaucracy for the knowledge on which he will wish to evaluate their policies. So much of what he needs to know could, indeed, be readily found out for him, either as an individual or as the member of a committee, if he had access to proper assistance, which in turn would give him the vision of some leisure, some time for thought beyond the pressing business of the day—leisure which would be entirely in the public interest.

Ministerial fear of having a specialist committee trying to run or ruin their Ministry for them is equally unreal, for the party whips would still have the same influence over Members as before. Indeed, these committees could be of the utmost use to many Ministers, if once it were grasped that the problem of Parliamentary control of the Executive is inseparably linked to the Minister's own problem of how to control his own Ministry.

SPECIFIC REQUIREMENTS

So far we have talked of 'specialism' with a questionable vagueness. What specialisms are needed? The Hansard Society's *Parliamentary Reform* devotes some 22 pages mainly to an account of various past proposals, some taking no more than three or four very broad areas—as was contemplated in Gladstone's original scheme for Standing Committees, some assuming that there would be a helpful watch-dog committee to every Department of State. Opponents of reform can take some comfort from the confused variety of schemes so described. But there is a very obvious road to be taken on the basis of considerable Parliamentary experience—a level of experience which was outside the terms of reference of the recent Select Committee, although one which it is almost fantastic that they were able to ignore completely: *the specialisms which the two parties themselves have found need to create to discuss policy and inform themselves effectively.*

If one took the subject groups which both parties have in common,¹ ignoring the question of sub-committees, amalgamating two or three Conservative groups together which have no direct or separate Labour equiva-

¹ See above, pp. 21-23.

lent, there would be—already in existence, as it were—a sensible, though flexible and quite undogmatic model for a reformed and specialised committee system—as follows:

Agriculture, Fisheries and Food
Arts and Amenities
Atomic Energy
Commonwealth and Colonies (perhaps better separated)
Defence and Services
Economics and Finance
Education
Foreign Affairs
Fuel and Power
Health Services and Social Security
Home Office Affairs
Housing and Local Government
Transport and Civil Aviation

In addition:

Legal and Judicial Affairs: to survey the whole field of the administration of justice and law reform.¹

Machinery of Government: it is almost fantastic that Governments are so free from serious Parliamentary criticism or study in respect of the making and unmaking of Ministries and Departments and the allocation of responsibilities between them.

The work of the *Committee of Public Accounts* should continue, though the work of the Committee on Estimates would be better divided among the specialised committees above.

The *Select Committee on Nationalised Industries* would become one of the new type of committees.

The *Select Committee of Privileges* would continue.

A *House of Commons Commission*: the recommendation of the 'Stokes' committee of 1954 on accommodation should be implemented so that a single committee would supervise the allocation of accommodation, estimates for the House itself, the staff and their conditions of work, the Library and the Kitchen and Refreshment Rooms, etc.²

Selection and Allocation Committee: to distribute Members to the various committees and to allocate which Bills should go to which committees. This must obviously be a keystone of Government power—perhaps it would be no larger than the Whips of the Parties with the

¹ See Robert S. Pollard, *Speed Up Law Reform* (Fabian Society, 1958), Section 4—this committee would ideally be related to the work of an expanded Lord Chancellor's Office as suggested in the same pamphlet.

² H.C. 184, 1953-54. Legislation would almost certainly be needed so that the Lord Great Chamberlain's use of the Crown's prerogative power in relation to the Royal Palace of Westminster, and the rights and needs of the Upper Chamber, would all be put under one system of control dominated by such a committee or commission of the House of Commons.

Speaker in the Chair: but power could be mitigated by publicity if its proceedings, as those of the other committees, were published in an expanded Committee Hansard.

POWERS AND FUNCTIONS

Let us sum up and round-out the scattered inferences already drawn from a general consideration of the procedures of the House of Commons as regards the powers and functions of a reformed and specialised committee system. Such an outline appears unnecessarily dogmatic—but it is intended only to be something more than ‘merely suggestive’.

1. The very minimum power that the above specialised committees should have would be those necessary for effective scrutiny of public policy: the power to meet (in the mornings), to have their proceedings reported both by press and *Hansard* and to draw staff for purposes of research and investigation either from an expanded office of the Clerks to the House or from an expanded Library.

2. These committees could well be allowed as a committee to put motions before the House itself asking for power to send for persons and papers for specific purposes; it would be dangerous to delegate such power *carte blanche* to committees, but a motion would allow backbench sentiment of the House to be felt. Parliamentary time, however brief, should be set aside each Session to debate the reports of these committees.

3. Membership of these committees could well be left simply to the inclination of members—their meeting not more frequently than that active members could serve on at least two such committees; but that the Selection and Allocation Committee, suggested above, should have power to put additional members on these committees, either for the whole Session or for specific business where the power to send for persons and papers has been given them (as distinct from their normal discussions), so as to maintain a normal working majority for the Government.

4. Beyond all this, there seems every reason to think that the efficiency of Parliament would be greatly increased if the committee stage of all public bills took place before these specialised committees—also, of course, with the safeguard that the Committee of Selection could appoint additional members. And if these committees gain the trust of the House, eventually the Report Stage too might be taken from the Floor.

5. If the fourth point was reached, the work of the present Select Committee on Estimates should be shared around the relevant specialised committees to ensure a far closer scrutiny of estimates than is at present possible.

6. The work of the present Scrutiny Committee on delegated legislation might well be better performed by sub-committees of the proposed specialised committees—with the power, for this purpose, of sending for persons and papers.

The Commission has the honor to acknowledge the valuable assistance of the various departments of the Government in the preparation of this report.

CHAPTER I
GENERAL PRINCIPLES

SECTION 1
THE NATURE OF THE PROBLEM

The Commission was organized in 1911 to study the various aspects of the problem of the Government. It has since that time held numerous public hearings and has received many suggestions from interested parties.

The Commission has endeavored to present a fair and impartial view of the facts and to make such recommendations as it deems to be in the best interests of the country.

SECTION 2
THE COMMISSION'S ORGANIZATION

The Commission is composed of members appointed by the President. It has a Secretary and a Clerk. The Commission also has a number of advisory committees and subcommittees.

The Commission has held many public hearings and has received many suggestions from interested parties. It has also conducted extensive research into the various aspects of the problem.

The Commission has endeavored to present a fair and impartial view of the facts and to make such recommendations as it deems to be in the best interests of the country.

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7. The chairmen of all the committees that would normally consider the committee stage of legislation should be Government supporters; but, following the practice of the present Committee of Public Accounts, the chairmen of all the other committees, those more procedural or domestic, should be drawn from the Opposition—with the inevitable and obvious exception of the proposed Committee of Selection and Allocation.

7. Conclusions

THIS pamphlet has ignored many things which might help repair the House of Commons amid its flagrant decay, its inefficiency, inertia and complacency which all add up to a growing gulf between public awareness and Parliamentary responsibility. The many forms of the radio and television controversy in relation to Parliament, the matter of Private Members' Bills, Parliamentary privilege, the conduct of elections and the selection of candidates, even the relation of the work of the Upper House to that of the elected one, all these have been passed by—passed by in order to argue that four things are of overwhelming importance to restore the vitality of Parliament:

1. That M.P.s should be given individual offices, secretaries and full secretarial facilities, free travel anywhere on public business (which would include investigating complaints of constituents), and a salary and pension scheme tied to some quite high grade in the Civil Service—all this not for themselves but so that they may serve the public as the public has a right to expect.

2. That M.P.s and committees should have ample access to research facilities controlled by the House itself and on a far larger scale than the present Library—this deliberately to create sources of information independent of Whitehall.

3. That the public has a right and a need to demand that M.P.s, given the above facilities, should put their public duties before all other concerns and should, in particular, be far more available than is often the case to investigate complaints of their constituents against the Executive and other public authorities.

4. That a system of standing specialised committees should be established—perhaps gradually—to replace and subsume the existing Standing Committees and the haphazard use of Select Committees—this could make the House of Commons an informed and effective critic of Government policy and administration which, at the moment, in so many respects, it is not.

Only the first part of the third conclusion, the need for full-time M.P.s, is inherently unlikely to be accepted by one party more than the other, and none of the reforms suggested would threaten the Cabinet system of Ministerial control with which historians have rightly blessed this country.

Governments should govern and lead, not follow; in Britain we even think that Governments that try permanently to stand with their ears too close to the ground are in an unbecoming and dangerous posture. Few Socialists would not agree with a random remark of Sir Winston Churchill in the last press conference he held in Washington: 'politicians who cannot stand unpopularity are not worth their salt'. But this does not mean that we have not something to learn and much to amend. Governments at the moment get away with too much too easily. Strong government needs strong criticism. Parliament has only itself to blame that its procedures have fallen so desperately behind the times and the still growing powers of the Ministries. The public, while government still ultimately rests upon their confidence, has a right to demand that the House of Commons wakes up and reforms itself—no-one else can.









