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Parliament: Emasculated or Emancipated?

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Context

Compared to many of the areas of the constitution covered in this book, parliament has on the face of it seen relatively little change in the last ten years. Two of the key unfulfilled pledges in Labour’s 1997 manifesto related to parliament and its reform. The manifesto had promised a two-stage reform of the House of Lords, with the first stage being the removal of the hereditary peers, and the second stage leading to ‘a more democratic and representative’ second chamber. Only the first of these has yet happened. It also promised a referendum on changing the voting system for the House of Commons. But – as discussed in Chapter 14 – there has been no progress at all towards this end. Meanwhile, there has been some internal reform of the Commons, in particular through the Modernisation Committee created in 1997, but the shape of this has frustrated many reformers (see for example Gay 2005b; Kelso 2007; Kennon 2000).

Parliament is, however, a prime example of where seemingly small reforms can have large unintended consequences, and how reform can develop its own momentum. The House of Lords, which some claimed would be neutered by the removal of hundreds of opposition party members in 1999, has in fact become more assertive since its reform. Furthermore, this assertiveness seems to be growing (Russell and Sciara 2006a, 2007, 2008). Although the chamber continues to be unelected, its members feel more legitimate thanks to the removal of the hereditaries, and to the resulting change in party balance. This gives no party an overall majority, handing the balance of power to the Liberal Democrats and Crossbench independents.

At the same time, there have been signs of growing assertiveness in the House of Commons. The oversized majorities of the first two Blair governments made it difficult for the whips to maintain discipline, as it was clear that a rebellion of even several dozen backbenchers would not result in defeat for the government. Consequently, rebelliousness grew and reached unprecedented levels in the 2001 parliament (Cowley 2002, 2005). This
clearly is not a result of constitutional reform, but of other political forces. Various other changes have fuelled this backbench independence. Ever since 1979 the select committees have been growing in profile and stature, and they have gradually gained greater resources which can be deployed on their inquiries (Norton 1998; Seaward and Silk 2003). As far as possible the committees operate by consensus, which encourages less partisan behaviour. In more recent years MPs may also have been responding to the political environment outside Westminster, where voters’ allegiance to political parties is weakening (see Chapter 15).

Some similar factors apply to the House of Lords, whose recent assertiveness could be seen in part as a response to the seemingly unchecked power of the Blair governments. With the official opposition in a weak position in the House of Commons, new sites of resistance grew up both in the Lords and on the government backbenches. But post-2005, with the government’s majority reduced, there has been little sign of this resistance declining.

So parliament has changed in important ways in the last ten years, but still remains largely ‘unreformed’. There is continued pressure for further progress. In particular, Lords reform was seen as one of Tony Blair’s great failures, and continues to pose a challenge. During Blair’s premiership there were no fewer than four white papers on Lords reform (each taking a rather different position) along with a Royal Commission, two joint Parliamentary committees, and two votes in parliament on a range of composition options (for a discussion of reform attempts see Norton 2004; Russell 2005). All of these failed to find a solution that could garner adequate support. The debate has become polarised around the question of whether the chamber should be appointed or (largely) elected. Votes in the House of Commons found support in March 2007 for an 80 per cent or 100 per cent elected House, and this was endorsed in a white paper in 2008 (Ministry of Justice 2008b) which followed extensive talks between frontbench representatives of the parties. However, views remain divergent on the Labour and Conservative back benches while some issues, notably the electoral system for a reformed second chamber, remained unresolved in the cross-party talks.

The opposition parties have always been happy to point to the government’s failure in this area. The Conservatives’ attitude towards reform has been ambivalent, though their official position has for some time been support a largely or wholly elected House. The Liberal Democrats have more wholeheartedly favoured such an option. Lobby groups have built up outside Westminster calling for elections to the Lords, and many MPs have been convinced, though a strong anti-election also exists.

The issue of PR for the House of Commons has been less visible than that of Lords reform in recent debates, as discussed more fully in Chapter 14. However it is generally the same forces that support this as that favour elections to the House of Lords. These include the Liberal Democrats, certain elements in the Labour Party, and pressure groups such as UnlockDemocracy.