ABSTRACT

SELECT COMMITTEES AND THE FUNCTIONS OF PARLIAMENT

The thesis begins by examining theories of the functions of Parliament in the British Constitution. The conclusion reached is that Parliament exists to support and to control a strong Executive. The relationship between these functions and procedural devices (especially Committees) is explored through an examination of the work of Select Committees on Procedure from 1834 to 1969. By the 1960's the Select Committee on Procedure had begun to concentrate its attention on the control function. A case-study of the 1968-9 Select Committee on Procedure shows how it came to study proposals for devices to strengthen Parliamentary control of Expenditure and how it came to suggest that a new system of Select Committees would be the most hopeful device to perform this function. The proposals for Select Committees are evaluated in the light of knowledge about the behaviour of people working in small groups.

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SELECT COMMITTEES AND THE FUNCTIONS OF PARLIAMENT

by

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PREFACE

The subject of the uses of Select Committees in the British House of Commons was suggested to me in the summer of 1969 by Professors J.R. Mallory and Robert Jackson. It seemed to offer a relatively compact and neat subject for a Ph.D thesis. Detailed examination of the subject, however, soon made me realise that this was a highly complex subject involving macro-political questions of constitutional balance as well as micro-political questions of political behaviour in small groups. I, therefore, decided to find a focal point by making a detailed study of the Select Committee on Procedure. The work of this Committee has received little attention since Redlich's classic book The Procedure of the House of Commons appeared in 1908. My thesis presents the first detailed study of the work of Select Committees on Procedure covering the years 1834 to 1969. It pays particular attention to the way in which these Committees have examined proposals for the use of House of Commons Committees to perform functions of support of and control of the Executive. It shows the way in which the work and recommendations of Select Committees on Procedure have related to changing emphases on these functions in different periods. From 1961 the Select Committee on Procedure has paid particular attention to the function of control, and it has consistently recommended a new Select Committee system as a device to strengthen Parliament's ability to control the executive. These proposals are clearly related to pressures for a new Constitutional balance. Whether the proposed new Committees will prove to be effective or not depends in part on the sort of behaviour which can be expected of Members of Parliament working in Committee. Proposals for the extended use of Select Committees are evaluated in the light of available information about the behaviour of

persons working (a) in small groups in general and (b) in Legislative Committees in U.S.A. and Britain. A model of Committee behaviour is presented which can be tested by future students of Select Committees of the House of Commons.

I wish to thank those Members of the House of Commons and of the Office of the Clerk of the House of Commons who kindly gave their time for interview. As so many of these persons were willing to give interviews freely and frankly so long as the journalistic conventions of the House of Commons were recognised they are not mentioned in the text by name. Professor Bernard Crick and Professor Charles Wilson offered advice at an early stage. Professor Peter Bromhead, Dr. M.N. Franklin and Mr. Donald Shell read parts of the manuscript in draft and offered useful comments as did the members of my Committee: Professors J.R. Mallory; F. Kunz; and M. Stein. Dr. M.F. Robinson offered useful textual advice.

My greatest thanks are due to my supervisor, Professor J.R. Mallory, who performed a difficult task of long-distance supervision, and whose encouragement kept me going. Finally, I wish to record my very great thanks to the McConnell Foundation without whose generous financial support this thesis would never have been written.

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CHAPTER I

Theories of the Function of Parliament

> "Parliaments are not only, what they always were, essential parts of our constitution, but essential parts of our administration too. They do not claim the executive power: No. But the executive power cannot be exercised without their annual concurrence." Henry St. John (Viscount Bolingbroke) The Spirit of Patriotism, 1742.

The Role of Parliament in the Constitution

In the 1960's demands abounded for a reformed Parliament as a counterweight to excessive executive power. These demands were based upon an assumption that Parliament's power had in recent years declined relative to the executive. The activities of Government had expanded greatly in the 20th century and it was perhaps too easy to assume that the exigencies of modern government were the root cause of an expanded executive power. But was the fear of excessive power a new one?

It can easily be demonstrated that fears of excessive executive power were not unique to the middle years of the 20th century. Some scholars have claimed that such fears, and accompanying feelings of Parliamentary impotence are 'as old as Parliament itself'.[1] Indeed fears of the over-extension of executive power are older than Parliament. Even before Parliaments were regularly called, a tension existed between the Monarchy and the nobles. This tension gave rise to the Magna Carta which in 1215 gave constitutional guarantees against arbitrary rule to the Barons. And it is not stretching the point too far to suggest that

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[1] David Menhennet and John Palmer, Parliament in Perspective, London, 1967, p. 143.

similar tensions existed between Anglo-Saxon Kings and the Witanagemot, the pre-Parliamentary assembly which elected the Kings and which on occasion deposed them. Certainly ever since Parliaments were first called in 13th century England a tension has existed between the executive power and the power of the assembly. The story of Parliament's struggles against the Monarchy is indeed the story of the gradual development of the British Constitution. Parliament is regarded as a natural counter-weight to the executive, and its apparent relatively weak position has frequently been lamented. As early as the Stuart period the idea was current that Parliament had once been powerful but had lost its power to despotic monarchs.[1]

The question of the role which the assembly or Parliament should play in any political system - a weak one or a strong one vis-a-vis the executive - is not a remote question but one of the fundamental first order questions which a political system has to face. It is sometimes dealt with by the adoption of a written constitution. Constitutions can be deliberately manipulated so that a particular required balance is achieved, as in the Fifth French Republic. But even written constitutions are subject to interpretation and to change over time. The tremendous literature on executive/legislative relations in the U.S.A. since the Federalist Papers reflects a national obsession with the balance of Constitutional power. In Britian the relationship between executive and legislature has never been definitely delineated. Yet all too often the functions of the British Parliament in the Constitution are taken as understood and agreed upon by all. J.P. Macintosh stated in this respect 'There has been a tendency for books on British Government to assume that a certain pattern exists'.[2] But that pattern may be a

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[1] W. Notestein, 'The Winning of the Initiative by the House of Commons', Raleigh Lecture, 1924.

[2] J.P. Macintosh, The British Cabinet, London, 1962, p. 524.

changing one as British and world conditions alter. Mackintosh felt that there was a dearth of work by political theorists which would provide a guide to these patterns. The underlying assumptions upon which the British system of government rests are rarely probed. When proposals for changes in the House of Commons are put forward, the primary question, according to Mackintosh, must first be answered. That is 'How much power should the Executive have and how far is it desirable that either the public or a representative chamber should know about or participate in the process of Government'.[1] What in fact should be the role of Parliament in the political system?

Although Mackintosh found a dearth of contemporary theorists capable of answering this question, political theorists have for many centuries addressed themselves to this and related problems of the Constitution. There has been no dearth of descriptions of the British Constitution and one difficulty encountered in a search for the answer to the question "What should be the role of Parliament in the constitution?" is the plethora of answers to the question "What is the role of Parliament?". To add to the confusion not all writers have been entirely clear as to which of these questions they were answering, whether they were describing the actual role of Parliament or setting forth an ideal version. Normative theory and description are often mixed consciously or unconsciously and have to be disentangled from each other. When this is done it can be shown that certain strands of thought appear again and again in British political writings on the question of the role of Parliament. The isolation of these strands of thought can go some way towards supplying an answer to the problem "What should be the role of Parliament in the Constitution?". At the very least it shows what answers various theorists

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[1] ibid., p. 525.

have put forward. And it is certainly possible to show what political writers have estimated that role to be in practice at different periods.

Theories of the Functions of Parliament from the 18th Century to Bagehot

Interest in the functions and powers of Parliament and its position vis-a-vis the executive did not begin in the 18th century. But in the middle and later years of that century interest in the subject was particularly high. There appear to be various reasons for the growth of interest in the subject of Parliament at this time. M.J.C. Vile suggested that in the 17th century the notion of an executive function as quite separate from the judicial function was not found.[1] While the roots of the doctrine of the separation of powers, which is related to theories of mixed government and of checks and balances, are to be found in the ancient world, it could not emerge as a coherent theory of government until the executive function was distinguished. This did not occur until the end of the 18th century. A developing fondness for systematic analysis in all subjects, developments in science and scientific method, as well as the great social and political changes of the later 18th century, contributed to a growing interest in the relationship between the executive and Parliament. Reaction to the corruption of 18th century English Government is yet another factor which turned attention to the function of Parliament. In this period, moreover, we first find mention of the need for democratic as opposed to aristocratic control over the executive. The seeds of the democratic strain in English political thought can be traced back to the ideas of the Commonwealthmen, a minority group among 18th century Whigs.[2] The Commonwealthman movement saw a threat to the balance of the Constitution in the development of Cabinet government.

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[1] M.J.C. Vile, Constitutionalism and the Separation of Powers, London, 1967.

[2] Caroline Robbins, The Eighteenth Century Commonwealthman, Harvard, 1959.

They fully realised that Ministerial predominance could be as dangerous as the bogy of earlier periods, Monarchical predominance. They roundly condemned placemen and party cliques and cabals. By the middle of the 18th century the theory of a 'balanced constitution' had developed. In this theory the balance of power was held between King, Lords and Commons. Blackstone stated:

> ..... In all tyrannical government the supreme magistry, or the right of making and enforcing the laws, is vested in one and the same body of men .... With us, therefore, in England, this supreme power is divided into two branches; the one Legislative, to wit, the Parliament, consisting of King, Lords and Commons; the other executive, consisting of the King alone.[1]

Late 18th century commentaries on the functions of Parliament in the Constitution are often mechanistic in form, due to the influence of Newtonian physics and the notion which was popular at the time of a mechanism with parts in equilibrium or balance. Each part checked the others from playing an excessive part in the whole. This notion is found not only in scientific literature but also in commentaries upon and theories of the Arts. Blackstone in applying the notion to the Constitution likened King, Lords and Commons to "Three distinct powers in mechanics which jointly impel the machine of government in a direction different from what either, acting by itself would have done."[2]

In the late 18th century many commentators saw a balance in the elements of the Constitution as a key factor in the success of the British Constitution. The theory of the balancedconstitution is allied to the other great 18th century constitutional theory, that of the Separation of Powers. Montesquieu was the most famous exponent of this latter theory, but he did not invent it. M.J.C. Vile stated that Montesquieu did not maintain a pure doctrine of the separation of powers

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[1] Sir William Blackstone Commentaries on the Laws of England, 15th edition, London, 1809, Vol.1, pp. 146-7. The lectures were first delivered at the University of Oxford in 1758.

[2] ibid., p. 155.

for he combined with it the idea of mixed government and checks and balances. But each part of the Government should, in the main, exercise its own functions, and the representative body should not attempt to exercise the executive function because it is not suited to it. As a part of the system of checks and balances the legislature should act as a checking or controlling force upon the executive power. Thus the idea of the legislative branch performing a checking or controlling function over the executive was well developed by the last two decades of the 18th century. From the late 18th century onwards the notion of Parliament's function of controlling the executive becomes clearer, and it is from that period that the development of the modern executive - Cabinet government and the modern administrative machinery - and the modern Parliament with its party machinery dates. It is from this period too that notions of Parliament's function of communication from people to the government and from Government to the people begin to develop into their modern forms.

Burke's Theory of the Function of Parliament

Edmund Burke is perhaps best known to political scientists for his statements on the role of the Member of Parliament, rather than for his view of the function of Parliament in the Constitution. The two areas of thought are closely related. Many have shared Burke's conception of the role of the member of Parliament, and many members of Parliament and of the public share it in the late 20th century. This view of the member of Parliament carries with it a notion of the function which Parliament as an institution performs in the political system. Parliament does not exist to do what the people tell it to do, but to do that which its members consider in their judgement to be in the best interests of the

country.[1] It does not exist to reflect public opinion in a blind manner. Burke's view of the function of Parliament was that it was the place where the interests of the whole nation could be reflected and where those of the small minority in charge of running the country could be criticised and called to account by their party in the interests of the whole country by independent minded Members.[2] In his speech to the Electors of Bristol on November 3rd, 1774, Burke stated:

> Parliament is not a congress of ambassadors from different and hostile interests.... but Parliament is a deliberative assembly of one nation, with one interest, that of the whole; here not local purposes, not local prejudices, ought to guide, but the general good.[3]

Parliament's function was to discern the general good and to see that those involved in governing acted in accordance with this guideline. To serve such a function it is not necessary to have any system of representation which mirrors the interests of the population. Such devices as universal suffrage and proportional representation are not necessary. Burke introduced instead the concept of 'virtual representation'. Under this type of representation there 'is a communion of interests, and a sympathy of feelings and desires, between those who act in the name of any description of people, and the people in whose name they act, though the trustees are not actually chosen by them'.[4] This is better than

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[1] This view of the role of the Member and the function of Parliament was strongly advocated by Mr. Roy Jenkins in the debate on British entry to the Common Market. He, as a pro-Marketeer, considered that members should make up their own minds and should not follow the dictates of public opinion. His view contrasts strongly with that of the Labour leader, Harold Wilson, who thought that Members should follow public opinion. The British Parliament frequently disregards public opinion especially in issue areas concerned with morality. See P.G. Richards, Parliament and Conscience, London, 1970.

[2] Edmund Burke, Thoughts on the Cause of the Present Discontents, 1770. Works, Boston, 1884, p. 536.

[3] Edmund Burke, Speech to the Electors of Bristol, November 3rd, 1774, Works, London 1826. Vol.III, p.20.

[4] Edmund Burke, Letter to Sir Hercules Langrishe, ibid., Vol.vi, p.360.

literal representation for 'The people may err in their choice; but common interest and common sentiment are rarely mistaken'.

Other Burkeans

The idea that Parliament's function is not to aggregate individual and local interests but somehow to 'guide the general good' was echoed by Sir Robert Peel. On the third reading of the Reform Bill in 1831 he stated:

> We are here to consult the interest, and not to obey the will of the people, if we honestly believe that that will conflict with those interests.[1]

By 'consult the interests' Peel meant that the job of the Member of Parliament was to decide what those interests might be, not to follow slavishly the will or desires of the people. For the people might want things which were not really good for them, which were not in the public interest. The function of Parliament is to act as a forum where men of independent mind and of wisdom might discover what is the public good. This idea encapsulates an essentially Platonic view of the legislator as a guardian of the public interest. It can also be described as an aristocratic view of the place of Parliament in the constitution, but with reservations, for the aristocratic tradition was based upon interest in the form of landholding, just as the interests of the Barons in 1215 were related to their landholdings.

The notion that the House of Commons should actually take upon itself the executive function was not present in Burke's thought. Indeed he was afraid of popular power. Partly, as we have noted above, the idea of a separate executive function had only recently developed, and in general when Burke was active in politics there was not a general feeling that Parliament's function was to govern. There was however, as we have indicated, a growing feeling that it should control those

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[1] Sir Robert Peel, Speeches of Sir Robert Peel, Vol.II, London 1853, p. 394.

who did govern. On April 25th 1822 George Canning stated that the functionsof the House of Commons:

> are, not to exercise an undivided supreme domination in the name of the people, over the Crown and the other branch of the Legislature, but checking the one and balancing the other, to watch over the people's rights and to provide especially for the people's interests.[1]

This notion of Parliament's function is still common in the 20th century as the debate over the relative merits of a system of administrative law on the French model or a Parliamentary commissioner on the New Zealand or Scandinavian model illustrates. Parliament, not a system of administrative courts, is the most favoured locus for the redress of grievances against the administration. On the more positive side of the Parliamentary function Burke, Peel and Canning expressed the view that Parliament is not concerned with what people want or demand but with divination of what people need, the elusive public interest. But alas, they did not spell out how this was to be achieved, except through reference to the exercise of rational thought by independent minded Members of Parliament. This notion of the function of Parliament has been an especially powerful one in British political thought, and has been embraced by left and right alike. It is a view of the function of Parliament based upon an organic view of the state and of community. Parliament is the arena in which the common interest of the community and common sentiment is discovered. It is the arena in which the political process of sharpening differences, presenting view and counterview, is played out. Parliament is an instrument for conveying information concerning the public interest to the Government. The Government is entrusted by Parliament with the actual process of governing and decision making, and if this is to be effectively carried out the machinery of government must be strong and powerful. Parliament

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[1] Hansard, (Second series), Vol. 7, Col. 122.

checks, controls and steers the Governmental machinery. Parliament participates in the decision making process by 'influencing' the Government which is part of Parliament itself, chosen by it and responsible to it. Parliament ensures that the Government works in the public interest, but it does not itself undertake the task of administration. A contrast with the Burkean view is presented by the 'Liberal Democratic' view. This view of the political process is based on an atomistic, individualistic theory of society. The function of Parliament is to act as an instrument for the reflection and reconciliation of the divergent interests of groups and individuals in society. The general good, or 'the public interest', emerges through processes of aggregation and calculation of the various interests concerned. Such a view of the political process was in its infancy at the time of Burke, but was more clearly developed in the early 19th century by the Utilitarians.

Jeremy Bentham

Bentham was the vanguard of the 'Liberal Democratic' school; more so than some of his immediate followers and disciples who mixed Whig or aristocratic views of the constitution with notions of Laissez faire in Government and economics. In 1776 Bentham published the Fragment on Government. This early work was a criticism of Blackstone's commentaries with their mechanistic view of the balanced constitution, and the Whig view of English government contained therein. Bentham put forward the Greatest Happiness of the Greatest Number as a principle for the measurement of value in government. The utility of legislation is to be measured in terms of its effectiveness (its contribution to the Greatest Happiness) against the costliness of its enforcement. An early statement of cost-benefit analysis in short, a technique which rests on Benthamite principles. Bentham originally thought that his principle of the Greatest Happiness of the Greatest

number could be carried into effect by the action of a beneficent superior authority which identified its own satisfaction with the satisfaction of the people. Bentham's early political associations were Tory, and he espoused a theory of vanguard democracy. But after many years of thinking that this was the best means of putting his principle into operation he became disenchanted with the prospects. He turned to a system whereby the Greatest Happiness of the Greatest Number would be achieved not by an aristocracy or enlightened set of Platonic leaders, but by the Greatest Number themselves, through a system of representative government. He advocated a system of government which included annual Parliaments, representation, universal suffrage, and a secret ballot. Parliament too had to be reformed. In 1817 he published a 'Plan of Parliamentary Reform' a work which he had started seven years previously. And his proposals for the reform of Parliamentary procedure were contained in An Essay on Political Tactics, written first in French.

Bentham's views on the function of Parliament were based upon what he thought Parliament ought to be, not on a description of the actual working of the constitution. His ideal assembly would be a mirror of the opinions found in the country. In order to achieve this mirror effect the representatives - who were necessary since direct democracy would be inefficient and clumsy - were to be elected by a system of proportional representation. The notion of 'virtual' representation propounded by Burke had no place in the Benthamite scheme. Parliament is a forum in which the various interests in the country are mirrored and represented and is part of the mechanism for the calculation of the Greatest Happiness of the Greatest Number. The Benthamite view of the function of Parliament emphasises the function of processing demands from the people. Parliament is an instrument in this process. The view that it would be possible to devise a system for calculating the Greatest Happiness of the Greatest Number rests upon an assumption that

Happiness, or in the Economist's terminology, Utility, can be measured and calculated. Devices for ensuring a perfect representation of opinion such as proportional representation in Parliament are all part of the calculating machinery. The notion that Happiness or Utility could be measured or calculated had a powerful impact upon 19th century political and economic thought and still persists as the underlying assumption of those who advocate using techniques of economic analysis - cost-benefit analysis, and econometric modelling - as the basis for political decisions. It also underlies reliance upon opinion polls as a basis for political decision making.

Bentham's writings provide the foundation for the Utilitarian school but they are obscure and of excessive length. It is never precisely clear from what Bentham wrote how much relative power executive government and the representative assembly should have in practice. One can simply attach weights to the distribution of power and state that it appears that Bentham wanted a powerful assembly and a weak executive. There is also inconsistency between Bentham's theories and their effects in practice. Paradoxically just at the period when Benthamite ideas were becoming popular, government intervention in private activities through legislative programmes began to expand.[1] This was partly due to the fact that in order to achieve individual liberty of the sort which Bentham desired a programme of legislation was required. The early Benthamite legislation, as Dicey shows, was intended for the protection of the individual against oppression. Thus Parliament had to be organised to put legal reforms onto the Statute Book. But the line between legislation with this intention and legislation which regulates and controls human activities is a thin one. In the process of protecting

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[1] An excellent account of the impact of Bentham's thought on early 19th century legislation is to be found in A.V. Dicey, Law and Public Opinion in England, London, 2nd Ed. 1920.

the individual against exploitation by employers for example the liberty of employers is restricted. Protection of the individual against disease entails sanitation and municipal works. And these may be regarded as excessive state activity, working against the Benthamite principles of limited government. Noone saw the problems of excessive state activity in more dramatic terms than Herbert Spencer. In Man Versus the State (1856) he put forward a classic statement of the consequences of over-zealous legislation which seeks to control every activity of man. This extension of governmental power is both inimical to liberty and is inefficient. But Spencer's ideas, like Bentham's whom he followed, have not been in the mainstream of British political thought. The fierce individualism of Bentham and Spencer clashes with strong collectivist feelings in the British people. There are more parallels with Spencer to be found in American political thought. Later members of the Utilitarian school followed their mentor Bentham in some of his principles, but modified others in a peculiarly English manner.

James Mill

Clearer and more explicit statements of the Utilitarian attitude to the functions of Parliament are provided by James Mill. Mill was greatly influenced by Bentham and took the view that 'The National Interest' is the aggregate of individual interests, properly calculated by adding potential pleasures and substracting potential pains. This calculation process can be achieved most effectively through a representative system.[1] Like Bentham, James Mill rejected any notion of the division or balance of powers in the constitution as described by Blackstone.[2] Instead of a system of checks and balances to counter

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[1] James Mill, An Essay on Government, Cambridge, 1937, 1st. published 1820, pp. 33-34.

[2] ibid., p. 32.

excessive executive power Mill turned the whole process of government upside-down. Decisions should not be made by the Government and checked by the legislative Branch. Instead the constitution should be such that decisions could be made by a legislature whose interests were identical to those found in the country. Like Bentham before him Mill offered an alternative to the existing constitution as described by Blackstone. Annual elections, universal suffrage and a form of proportional representation had been suggested by Bentham. Mill modified the Benthamite position in a way which fundamentally affected the impact of his theories. Mill rejected universal suffrage, for he considered this unnecessary since the interests of some people (e.g. women and children) are included in those of the heads of their families:

> One thing is pretty clear, that all those individuals whose interests are indisputably included in those of other individuals, may be struck off without inconvenience. In this light may be viewed all children, up to a certain age, whose interests are involved in those of their parents. In this light, also, women may be regarded, the interest of almost all of whom is involved either in that of their fathers or in that of their husbands.[1]

So this leaves the adult males. Mill rejected property qualifications on the grounds that it would be difficult to discover a suitable qualification. He rejected the group theory of representation on the grounds that each group would pursue its own interests to the detriment of the common interest but suggested that all men over the age of 40 be given the vote as their interests include those of the younger men (since they have sons). By keeping the voting age above 40 the interests of older men would not be sacrificed to younger men. Parliament thus in Mill's scheme had the main function of being a representative body in which the interests of the community are somehow mirrored.

But the people cannot exercise the powers of Government themselves, being too large a group, so must entrust these powers to 'some one

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[1] James Mill, An Essay on Government, Cambridge, 1937. First published 1820, p. 45.

individual or set of individuals, and such individuals will infallibly have the strongest motive to make a bad use of them, it is possible that checks may be found sufficient to prevent them'. The importance of checks upon those who govern is fundamental to good government. 'The community itself must check those individuals else they will follow their own interest, and produce bad government'.[1] The body which should do the checking should be, in Mill's view, the House of Commons. Mill then considered whether the representatives of the community could operate as a check upon government. Mill's view of Parliament as a check upon the government was fundamentally different from Blackstone's view of a mechanistic system with its parts in equilibrium. For Mill regarded the function of Parliament as an elected, representative body, directing government. His understanding of the word "check" was quite different from that of Blackstone. This is clear from his representative system.

Members should be the delegates of their constituents to the end of directing government. They should be subject to recall if they do not do as their constituents expect of them. They should have no more independence than is necessary to carry out their duties. They should be subject to annual election. But between the elections the assembly should have the ultimate power of decision. Thus, like Bentham, Mill saw Parliament as having an active role in the decision making process. This is a fundamental feature of the Utilitarian view of the function of Parliament, for through the representative system alone can the calculation of the greatest happiness of the greatest number be made.[2]

Mill, however, stated that the role of Parliament is to act

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[1] ibid., p. 34.

[2] James Buchanan and Gordon Tullock, The Calculus of Consent, Ann Arbor, 1962 suggest that majority rule is the best method of calculating the greatest happiness or greatest utility principle.

as a checking body. And on this point he diverges from Bentham. To be effective the checking body must have sufficient power for the business of checking. And:

> if the King had the power of bearing down any opposition to his will that could be made by the House of Commons; or if the King and the House of Lords combined had the power of bearing down its opposition to their joint will, it would cease to have the power of checking them; it must, therefore, have a power sufficient to overcome the united power of both.[1]

This view of the power of the House of Commons as the final sovereign power, attached to a system of representation which fell short of universal suffrage and including a desired degree of wisdom in the policymakers themselves, had particular appeal for the new middle classes in the first decade of the 19th century, and indeed for much longer.[2] It was advanced and progressive without being revolutionary, and Bentham's pleasure/pain principle allied to Mill's theory of the constitution and the system of representation which he described particularly suited the entrepreneurial classes operating in a period when competition was fierce in the market place, when big business was not so big as to destroy the theory of competition, and when the profit motive was a driving force. Bentham's notion of maximising utility became a fundamental concept of classical economics, and has remained a powerful idea of capitalist, free enterprise political economies in the 20th century. The Utilitarian or Philosophical Radical view of politics which so appealed to the middle classes had a specific notion of the job of the representative body in a polity and of the role of the members who composed this body. Mill was quite explicit about the superiority of the middle classes and clearly thought that they were the persons who should be elected to this

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[1] James Mill, op.cit., p.37.

[2] A.H. Birch, Representative and Responsible Government, London 1964, p. 47. A.V. Dicey, The Law of the Constitution, London, 1908.

representative assembly and who should make the decisions of government.[1]

He described the middle ranks as:

> The class which is universally described as both the most wise and the most virtuous part of the community, the middle ranks..... which gives to science, to art, and to legislation itself, their most distinguished ornaments, the chief source of all that has exalted and refined human nature..... Of the people beneath them, a vast majority would be sure to be guided by their advice and example.[2]

He makes a neat transfer of the principles of aristocratic government to middle class government - which still prevails in the 1970's. Mill here indicated an important feature of British politics which so many writers on the function of Parliament and the role of the Member of Parliament (in Britain) subscribe to, namely that the government and the assembly of representatives should consist of the wiser and better educated men of the nation to whom the lower classes entrust the government and towards

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[1]This notion of the suitability of an elite to govern in Britain is often thought to be a hangover from Aristocratic ideas, and the notion of deference is explained in these terms. But the notion of the suitability of a middle class educated elite is based not on interest as was the suitability of the Aristocrats (their interest being that they were the chief landowners) but on merits, and on intellectual superiority. This notion became popular in the late 18th and early 19th centuries not only among the middle classes in Britain but elsewhere e.g. August Comte and St. Simon in France. This view is still widely held in Britain in spite of attempts to democratise the education process. Jo Grimond in The Times, 19th and 20th July, 1971 criticises the content of the education which the British elite now obtains, stating that it makes them into experts, and expertise clouds judgement. The elite should be in his view educated to be able to make judgements, not to follow technical fashions, or to give in to popular demands.

[2]James Mill, op. cit., p. 72.

whom they act and think in deferential terms.[1] The belief that all men are reasonable is a limited one in British politics.

With this bias towards the middle classes taken into account, making their constitutional views less than purely democratic, Mill and Bentham can be seen as the classic exponents of the Utilitarian or Philosophical Radical view of the functions of Parliament and the role of the legislator. The views of this school of thought, or group of thinkers are based upon certain fundamental principles which may be summarised:

(a) the pleasure/pain principle - and the result of this principle that man's prime objective is the maximisation of utility.

(b) a belief in reason of a particular calculating type, and a belief that men exercise this type of reasoning when following their interests as they always do. (But knowledge is important in this type of reason and so educated men are more likely to make wise decisions than uneducated men).

(c) Individualism - an atomistic view of society. Bentham stated that the community is fictional. In order to arrive at a common decision individual interests in society have to be reconciled, generally through a process of calculation and summation of the pleasures and pains of the individuals. Majority rule is thus favoured. In order to achieve this calculation however interaction and bargaining may have to take place between the individuals in society.

(d) the sovereignty of the people - with the Parliamentary body representing the sovereign people.

Government exists to ensure that these fundamental principles will be put into operation, and it should be active in ensuring that they are (hence Bentham's plans for reforms of all sorts, and his impatience with a Parliamentary system which did not act swiftly enough). In Bentham's

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[1] G.A. Almond and S. Verba, The Civic Culture, Princeton, 1963, p. 37.

view the "right and proper end of Government is the greatest happiness of the greatest number."[1]

The Utilitarian view of the place of Parliament in the Constitution in its most strict form, is thus in contrast to both what Birch calls the "Whig" view of the Constitution, and what he calls the "Tory" view.[2] The Whig view of Government, the view of the need for freedom of conscience and resistance of Parliament to the arbitrary authority of Kings assumes as a fundamental principle that this authority does exist. But in its strictest form Utilitarian theory turns the whole Constitution quite upside-down and denies the existence of such authority, for it takes as one of its basic principles the sovereignty of the people. Like other doctrines however Utilitarian theory became modified.

The Whig view of Government had been long established before the early 19th century. But as Maurice Shock indicates, Liberalism in Britain had become an aristocratic liberalism.[3] The check upon authority was an Aristocratic check. In a similar manner the 19th century Liberalism of the Utilitarians became the Liberalism of the emergent middle classes, the merchants, industrialists, and entrepreneurs whose characteristics were of individualism and self-interest. Paradoxically in the 19th century when this type of individualism was popular, Parliament was becoming more active in economic and social regulation.[4] For physical, geographical and economic reasons this individualistic liberal

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[1] Jeremy Bentham, Constitutional Code, in Works, ed. J. Bowring, London, 1838-43, Vol.ix, p. 8.

[2] A.H. Birch, Representative and Responsible Government, London 1964.

[3] Alan Bullock and Maurice Shock, eds. The Liberal Tradition from Fox to Keynes, London, 1956, p.20.

[4] According to Dicey Law and Public Opinion, p.xxix, several periods of law making, related to predominant currents of thought, can be distinguished. 1800-1830 was the period of Old Toryism or Legislative Quiescence, 1825-1870 the Period of Benthamism or Individualism and 1865-1900 (and after) the Period of Collectivism.

thought remained, in Britain, a middle class philosophy confined to a relatively small group of the population and did not pervade the social community to such a degree as it did in the United States of America at the same time, where commentators on the political culture from De Tocqueville onwards have noted it as the predominant political philosophy, with a consequent effect upon the shape of political institutions and behaviour. Collectivism, rather than individualism, as Beer points out[1], has been an important feature of the platforms of both the major political parties since the Second World War. It was not until the affluent years of the later 1950's that collectivism began to show weaknesses as a political philosophy.[2] The 1966-70 Labour government opened many chinks in the fabric of the Welfare State which were prised further open by the 1970 Heath administration.[3] This administration is more strongly individualistic in doctrine than any Conservative government since 1945. The 'New Style of Government'[4] has Benthamite, Utilitarian philosophical foundations. Nevertheless, Utilitarian or Philosophical Radical views of the Constitution (as opposed to their views on reforms of social and economic affairs) must be viewed as a side line in British political thought from 1870-1970 and the Whig view of the Constitution is pervasive and influential in British politics even in the 1970's. Even the Utilitarian view of Government, and the role and function of Parliament, is modified, as we have indicated, by the view that decisions should be made by those who are the best educated, and are the wisest citizens,[5] which in effect means emphasis on Governmental authority,

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[1] Samuel Beer, Modern British Politics, London, 1965.

[2] Timothy Raison 'The British Debate the Welfare State', The Public Interest, No.1, 1965, pp.110-118.

[3] In 1971 the Government ended the provision of free school milk to children over seven. This issue sorted out the individualists from the collectivists.

[4] White Paper, 1970. The Reorganisation of Central Government.

[5] The 1971 'Great Debate' on the Common Market has emphasised the role of the individual member of Parliament acting as independent judge of the best interests of the community, although the party leaderships have tried to force the issue to become a party one.

and these decision makers are checked by Parliament.

J.S. Mill

In spite of the tendency in British politics towards that which might be described in very general terms as the Aristocratic tradition (which includes the notion of a meritocracy), later writers in the 19th century were powerfully influenced by the philosophical radicals none less so than James Mill's son J.S. Mill. But, as we have indicated, the philosophy became one favoured by and favouring the middle class. J.S. Mill was greatly influenced by the philosophical radical school. He rejected much of this philosophy in later life, but he did not reject all the fundamental principles of the school. Indeed J.S. Mill and writers after him were certainly influenced by notions of popular sovereignty, an idea becoming more powerful as the franchise was extended. The right to vote was still a middle class preserve until after 1888, but as it was extended to the lower classes the widening of the electorate had in the latter years of the 19th century a great impact upon the views which were held of the function of Parliament in the constitution, and on the nature of representation. J.S. Mill, unlike his father, favoured female suffrage.

J.S. Mill, like Burke and the Tories and even like his father James Mill, seems to have accepted one fundamental point about the British system of Government which Bentham seems to have rejected, and which clearly places Bentham in a side-stream. This is the notion that there is a distinction between those who govern and those who are governed. Descriptive theories of the place of Parliament in the British Constitution always have to take this fundamental notion into account, and it is upon such a point that we see the relevance of making a distinction between descriptive theories of the place of Parliament and those which might, like Bentham's be better described as normative theories. For it is on this point that the two types of analysis most sharply diverge.

J.S. Mill stated "There is a radical distinction between controlling the business of government and actually doing it".[1] In the work of J.S. Mill we see more emphasis on the power of the executive, a theme which we will find recurring in later analysis of the British Constitution as the functions of Government change and the collectivist view predominates. In Chapter two we indicate how this is related to changing attitudes towards the importance of Government as opposed to Private business in the House of Commons in the mid-19th century.

J.S. Mill spelt out the functions of Parliament explicitly. In Representative Government he examined the tasks that the assembly performs. He indicated that the functions that the House of Commons has with regard to finance are limited. All that is asked for is its consent, for the executive government is responsible for the plans and calculations on which the disbursements are grounded. This view is not unlike that expressed by Bolingbroke in 1742 in his work The Spirit of Patriotism quoted at the beginning of this chapter, and is we claim, the predominant view in Britain.

If the House of Commons does not have the initiative in its traditional function of granting supply what, according to J.S. Mill are its proper functions?

> That which it can do well it ought to take personally upon itself; with regard to the rest, its proper province is not to do it, but to take means for having it well done by others.[2]

Once again we see the notion of the function of the House of Commons as a chamber which controls the Government and checks its activities. Mill's

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[1] In the United States where Benthamite notions of the function of Parliament are more fully worked out, Congress takes a more active part in decision making. A comparison of the Estimates Process in U.K. and the Appropriations Process in U.S.A. illustrates this point.

[2] J.S. Mill, Representative Government, Everyman Edn. London, 1948, p. 230. (First published 1861).

argument in favour of this function is that the job of administration is suited to small groups or individuals, not to large assemblies:

> Numerous representative bodies ought not to administer..... even a select board, composed of few members and these specially conversant with the business to be done is always an inferior instrument to some one individual.[1]

In Mill's time administration did mean the administration of Government departments and did not mean choice of priorities in Government expenditure. The Gladstonian approach to budget making and the Estimates - the Gladstonian 'Circle of Control' - emphasises the fact that mid-19th century administration and government was a much more limited affair than mid-20th century government and required different modes of decision making. Today, administration involves Government members in the choice of social and economic priorities and the problem of control of the administration thus arises afresh.[2] Much of the point of Mill's argument is thus only meaningful in its own historical context of limited government. Nevertheless, proponents of new aids to decision making and the budgetary process indicate that concentration of decision making at the top in a small number of hands is crucial to success as Mill realised.

The need for expert knowledge, according to Mill, is one reason why a large body is not suited to the task of administration, but there is another important reason indicated by Mill. A large body, he claims,

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[1] ibid., pp.230-231.

[2] Thus the need for the 1968-9 Select Committee on Procedure, see Chapter IV below, and a book written by the expert advisor to this Committee some time after the enquiry. James Robertson, The Reform of British Central Government, London, 1971. In this book and in his evidence to the 1968-9 Select Committee Mr. Robertson examines the Gladstonian 'Circle of Control' and the need for extension of this model to take account of changes in methods of decision making. Timothy Raison, art.cit. states that when the Welfare State was initiated, it was thought that individual freedoms would be adequately safeguarded by advisory committees, but the agencies of the Welfare State, like the Nationalised Industries developed bureaucratic structures which prevented this interchange between producer and consumer.

is irresponsible by nature. It will not take upon itself the responsibility for policy decisions which an individual who has to look to his reputation and his future, will take upon himself.[1] Members of Parliament do not lose their seats, stated Mill, on account of votes given on details of administration. The proper task of the assembly is to see that the Ministers are made responsible for their actions. There are other tasks than administration which can be better done by a large body. It has some positive value:

> What can be done better by a body than by any individual is deliberation. When it is necessary or important to secure hearing and consideration to many conflicting opinions a deliberative body is indispensable.[2]

Even in the choice of Ministers the powers of Parliament are limited. It does not select the Ministers:

> The Crown appoints the head of the administration in conformity to the general wishes and inclinations manifested by Parliament, and the other ministers on the recommendation of the chief.[3]

Mill regarded this situation with favour. He also indicated that large assemblies are ill suited to the legislative function. Bills take a long time to pass through Parliament and are ill-made when they have passed through. Thus we are left with the function of control of the Government as the main function of a representative assembly:

> Instead of the function of governing, for which it is radically unfit the proper office of a representative assembly is to watch and control the government; to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which any one considers questionable; to censure them if found condemnable, and, if the men who compose the government abuse their trust, or fulfil it in a manner which conflicts with the deliberate sense of the nation, to expel them from office,

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[1] See also Woodrow Wilson Congressional Government, first published 1884, for the argument that the assembly is irresponsible.

[2] J.S. Mill, op.cit., p. 231.

[3] ibid., p. 234.

> and either expressly or virtually appoint their successors..... In addition to this, the Parliament has an office, not inferior even to this, in importance; to be at once the nation's Committee of Grievances, and its Congress of Opinions.[1]

Mill continued his analysis of the functions of Parliament with an exposition of its function as an organ for the communication and expression of public opinion. Parliament is a talking shop but not one peddling idle talk. The importance of the talking shop function is in the expression and communication of opinion to those who govern with the purpose of influencing decisions so that statesmen are able to "shape their measures with some regard not solely to present exigencies, but to tendencies in progress".[2] The role of the member of Parliament in the exercise of this function is "to indicate wants, to be an organ for popular demands".[3] To sum up Mill's long discussion of the functions of Parliament, he indicates that being a large assembly it is not suited to the task of governing itself. Its function is to elect or select a chief executive minister who appoints his colleagues, to allow these officials to govern and then to check them to make sure that they do their job properly and to dismiss them if they do not. And also it has the function of communicating to the government the opinions of the people and their desires, needs and grievances, so that the government might govern in accordance with the wishes of the people. To put it even more briefly the function of Parliament is to act as a talking shop which controls the executive government through the exercise of its position as intermediary between government and governed, which position enables it to influence governmental decisions.

Mill was not a democrat although his view of the function of Parliament rests upon a notion of popular sovereignty - ultimate popular control since the people can ultimately turn the government out if they

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[1] ibid., p. 239.
[2] J.S. Mill, op.cit., p. 240.
[3] ibid., p. 241.

do not like what it does. Like his father he wished that the representatives should be of a high intellectual calibre. Though those of superior intellect and character may be outnumbered in the community, it was important, in his view, that they be heard. Mill pointed to the American system of government where the highly cultivated members of the community did not often offer themselves for high political office and for membership of Congress.[1] Thus in Mill we see a continuity of what can be described as the Aristocratic Liberal tradition of politics. His view of the relationship between constituent and member has something of his father, and something of Burke in it:

> Superior powers of mind and profound study are of no use if they do not sometimes lead a person to different conclusions from those which are formed by ordinary powers of mind without study: and if it be an object to possess representatives in any intellectual respect superior to average electors it must be counted upon that the representative will sometimes differ in opinion from the majority of his constituents, and that when he does, his opinion will be the oftenest right of the two. It follows that the electors will not do wisely if they insist on absolute conformity to their opinions as the condition of his retaining his seat.[2]

Bagehot

Much of what Mill had to say upon the functions of Parliament was repeated by Walter Bagehot in 1867 in his classic study The English Constitution. There are many similarities between the two accounts of the functions of Parliament. The Liberal tendencies of both Mill and Bagehot have been noted by several commentators on their work,[3] but these tendencies, as we have indicated, are limited to the concept of middle class popular sovereignty and the middle classes were in the mid-19th

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[1] Many European visitors to the United States in the 19th century including De Tocqueville made remarks that Congress did not attract the most intelligent and cultivated men who preferred to make their careers elsewhere than in public life (generally in the pursuit of the dollar). This, De Tocqueville and others, considered to be one of the shortcomings of a democratic system of Government.

[2] J.S. Mill, op.cit., p. 317.

[3] Including A.H. Birch, op.cit., and R.H.S.Crossman in his introduction to the 1963 Fontana edn. of Bagehot's The English Constitution, London, 1963.

century a relatively small group, especially in comparison with the greater numbers who enjoyed middle class status at the same period in the United States as many British visitors to that country pointed out. Like Mill Bagehot saw a basic distinction between governors and governed and between the functions which governors and the representatives of the governed performed. Like Mill Bagehot did not think that the function of the House of Commons was to govern but to select and to control the government. Indeed the selection of a government, was, according to Bagehot, the first function of the House of Commons:

> The main function of the House of Commons is one which we know quite well, though our common constitutional speech does not recognise it. The House of Commons is an electoral chamber: it is the assembly which chooses our president.[1]

This elective function was the most important function of the House of Commons according to Bagehot. But this function is one which has prompted criticism from writers in the 20th century who feel that the House of Commons no longer elects the leader of the Government but that the party machine does this.[2] It is now more than 30 years since a Prime Minister resigned after an adverse vote in the House of Commons. And when Chamberlain resigned in 1940 it was not the fact that a majority had voted against / him but that a significant number of his own party who had failed to support him which led to his resignation. But while some present day critics point to party as the reason for the decline in Parliament's power over this function Bagehot himself fully recognised the importance of party in the operation of the House of Commons. Indeed, in his view, it was because of the party machinery that the House was able to perform this elective function. "Party is inherent in it, bone of its bone, breath of its breath".[3] And he recognised that there was a need for party

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[1] Walter Bagehot, The English Constitution, (1867) London, 1964, p.150.

[2] R.H.S. Crossman, Introduction to the Fontana Edn. of Bagehot's The English Constitution, London, 1964.

[3] Bagehot, op.cit., p. 142.

discipline in this as in other functions. "The principle of Parliament is obedience to leaders, change your leader if you will, take another if you will, but obey No.1 while you serve No.1 and obey No.2 when you have gone over to No.2".[1]

As for the other functions of the House of Commons Bagehot listed them as:

> The second function of the House of Commons is what I may call an expressive function. It is in its office to express the mind of the English people on all matters which come before it .... The third function of Parliament is what I may call.... the teaching function..... It ought to teach the nation what it does not know.... Fourthly, the House of Commons has what may be called an informing function - a function which though in its present form quite modern is singularly analogous to a medieval function. In old times one office of the House of Commons was to inform the Sovereign what was wrong. It laid before the Crown the grievances and complaints of particular interests. Since the publication of the Parliamentary debates a corresponding office of Parliament is to lay these same grievances, these same complaints, before the nation, which is the present sovereign..... I am disposed to reckon it as the second function of Parliament in point of importance, that to some extent it makes us hear what otherwise we should not..... Lastly there is the function of Legislation....Some persons will perhaps think that I ought to enumerate a sixth function of the House of Commons - a financial function. But I do not consider that... the House of Commons has any special function with regard to finance different from its functions with regard to legislation. It is to rule in both and to rule in both through the Cabinet.[2]

Bagehot's second and third functions are clearly functions of political communication, as is the fourth function. But like J.S. Mill before him Bagehot felt that Parliament's function was not simply to respond to public demands.

> Constituency government is the precise opposite of Parliamentary government. It is the government of immoderate persons far from the scene of action, instead of the Government of moderate persons close to the scene of action.[3]

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[1] ibid., p. 141.

[2] ibid., p.133-136.

[3] Bagehot, op.cit., p.156. See also Nigel Nicolson, People and Parliament, London, 1957, p. 27 who indicates that the tendency towards immoderate constituency opinion is more marked in safe seats.

Independence and moderation should be the two key characteristics of the member of Parliament. The member of Parliament should be unfettered by doctrine: "the mass of a Parliament ought to be men of moderate sentiments, or they will elect an immoderate ministry, and enact violent laws".[1] The independent and moderate member (clearly a member of the educated middle classes for Bagehot was not in favour of universal suffrage) does not respond to immoderate demands from the electorate. He is better able to make decisions than most of the electorate for one advantage of becoming a member of Parliament is "the acquisition of much valuable knowledge..... which can in no other way be learned so easily or so perfectly".[2] The member is thus placed in an advantageous position to act as an educator, not a follower of public opinion and to perform the teaching function of Parliament. Thus we see that Bagehot emphasised a two-way communication function of Parliament flowing from the people to Parliament and from Parliament to the people. While the important teaching function is not performed particularly well by the British Parliament in Bagehot's estimation: "In comparison with the debates of any other assembly it is true that the debates by the English parliament are most instructive. The debates in the American Congress have little teaching efficacy; it is the characteristic vice of Presidential government to deprive them of that efficiency".[3] This desire to see Parliament performing a teaching or instructing function puts Bagehot in the British tradition of what Shock calls the aristocratic liberal. When Bagehot says that the people is sovereign it must be tempered with the understanding that his views of the representative system are

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[1] Bagehot, op.cit., p. 155.

[2] Bagehot, The Economist, no date given, quoted by Crossman, op.cit., p.4.

[3] Bagehot, The English Constitution, p. 170.

aristocratic and Burkean in flavour. In Bagehot, as in J.S. Mill, we see continuation of the view held by Burke, that the member of Parliament should be an independent-minded guardian of the national interest, an educated member of the elite middle classes, a trustee of the people not a delegate or element in the Benthamite 'mirror of opinion'.

The Function of Parliament in Socialist Thought

In spite of the tendency to temper democratic thought with the virtues of middle-class rule the notion of the Sovereignty of the People was powerful at the end of the 19th century and the beginning of the 20th century. But in Britain a more powerful idea at that period was that of the Sovereignty of Parliament. Writers such as A.V. Dicey and, later, Ivor Jennings, subscribed to the theory of Parliamentary sovereignty without bowing to notions of democratic popular sovereignty. The effect of this upon theories of the functions of Parliament is clear from Jennings:

> The function of the Government is to govern; that of its supporters is to support it; and that of its opponents is to criticise it. In the last resort the House can compel the Government either to resign or to dissolve Parliament. The last resort is, however, far, far away if the Government possesses a large majority. The British Government is one of the strongest, if not the strongest in the world..... the true function of the House is to question and to debate the policy of the Government..... In so doing it can bring home to the Government the unpopularity of a particular line of policy. Democratic governments rest upon public opinion.[1]

As a socialist Jennings saw the advantages of a strong Government which reflected a majority view working with a Parliament of relatively limited power. And other socialists have agreed with him that the function of Parliament is primarily to support the Government.

In the 1930's a debate arose in the Labour Party as to the function of Parliament in the political system and the extent to which

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[1] Ivor Jennings, Parliament, Cambridge, (first published 1939), 1948, pp.7-8.

it could be used as the instrument for the achievement of a socialist state. The argument raged between the gradualists, led by Ramsay MacDonald,[1] and those who wanted a swift movement towards the socialist millenium. Those who wanted socialism to be introduced swiftly realised that this could only occur if changes were made in the Constitution and in the procedure of Parliament.

Among those who advocated changes in the Parliamentary system were G.D.H. Cole, Stafford Cripps, and Harold Laski. In 1933 Cole produced a pamphlet which outlined the plans for socialism and indicated some of the difficulties which would be encountered when attempts were made to activate these plass. Cole realised that there would be stiff resistance in the country from capitalists, and in Parliament. It would, he thought, be necessary to adopt emergency powers in order to ensure passage of the necessary Acts of Parliament.[2] Harold Laski had produced a similar suggestion:

> I believe, therefore, that the attainment of power by the Labour party in the normal electoral fashion must result in a radical transformation of parliamentary government. Such an administration could not, if it sought to be effective, accept the present forms of its procedure. It would have to take vast powers, and legislate under them by ordinance and decrees; it would have to suspend the classic formulae of normal opposition.[3]

Even given such extraordinary Parliamentary and governmental powers.. the general opposition in the country from Capitalism might pose a real threat to the viable operation of a socialist system.

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[1] In Socialism and Government, London, 1909, MacDonald rejected the Benthamite view of the state because of its atomistic, individual conception of society. MacDonald did not consider such a view of society to be compatible with socialism. He thought that socialism should be achieved through the Parliamentary system.

[2] G.D.H.Cole, A Plan for Britain, Clarion Pamphlet, London, 1933.

[3] Harold J. Laski, Democracy in Crisis, London,1933, p.85. This book was based on lectures delivered in April 1931 to the University of North Carolina.

The consequence of this argument is the suggestion that the ends of socialism justify the suppression of opposition. Just what this would entail in the nation at large is not clear. In Parliament it would mean that the traditional rights of Members of Parliament to control the the executive through debate and criticism would be curtailed. The functions of Parliament as (a) a communications link between people and Government and (b) as a control mechanism over the executive could not have been exercised under such a plan, for it was based upon a distorted interpretation of the functions of Parliament. This plan would have reduced Parliament to a legitimating body and rendered it powerless. It would allow the Government freedom to do whatever it liked.[1]

The proposals of the socialist intellectuals were ill-timed as well as ill-conceived. It was most inopportune to make suggestions for the emasculation of Parliament at the time when the Hitler movement in Germany was weakening and finally destroying the Reichstag (1931-3). The unfortunate timing of the proposals helped to ensure that the ideas of the Labour intellectuals did not find general acceptance and approval within the Labour party.

Some members of the Labour party have, however, continued to subscribe to the view that the Government should be powerful and that the members of Parliament should support their party. The question of how much power the executive should have and the role of Parliament vis-a-vis the executive has continued to plague the Labour party. The Bevanite revolt showed that rather than being united the party has remained deeply divided on the question of the power of leadership

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[1] This, of course, was the whole point of the proposal as the writings of Harold Laski show. Laski was a socialist, but he had an elitist view of democracy. His view is what J.L.Talmon, The Origins of Totaliterian Democracy, New York, 1952, regards as vanguard democracy. Laski, Democracy in Crisis, stated,' a democracy, in a word , must be led.' p.76. Laski was less troubled by the problems of party dominance than by the lack of a coherent and positive approach to Government. Parliamentary Government in England, London, 1938.(1950 edn),pp.34-5.

versus the party rank and file.[1] A powerful Labour party organisation coupled with the powers of the Executive when the party is in office appears to lead, inevitably, to unhappiness and revolts within the Labour ranks especially among those out of power and influence. The Labour party has remained deeply divided on the question of the functions of Parliament. Some members favour a supportive role for Parliament, a milder version of the plans of the 1930's intellectuals. Herbert Morrison was clearly in favour of a strong executive with Parliament playing a supportive role.[2] R.H.S. Crossman appears to occupy a middle ground, or perhaps one might say that he stands on shifting sands depending on whether he is a member of the Government or not. But other Labour members, e.g. Michael Foot, question the need for a strong executive power unchecked by a strong Parliament and champion the cause of backbench independence.

Crossman in his introduction to the 1964 edition of Bagehot's classic work on the English Constitution claims that socialist thought has been led astray on the function of Parliament because acceptance of the Bagehot analysis of Parliament has allowed a confusion to arise between Parliamentary and popular sovereinty. Bagehot was discussing Parliamentary sovereignty, not popular sovereignty. His analysis was:

> favoured by a long line of radical theorists and left wing reformers who wilfully misunderstood the lesson of The English Constitution.[3]

Of Harold Laski's book Reflections on the Constitution, and Herbert Morrison's Government and Parliament Crossman stated:

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[1] Recent evidence of this division is presented by Allen Kornberg and Robert C. Frasure,'Policy Differences in British Parliamentary Parties', American Political Science Review, Vol.LXI, 1971, p.702.

[2] Herbert Morrison, Government and Parliament, London, 1954.

[3] R.H.S. Crossman, Introduction to The English Constitution, by Walter Bagehot, London, 1964.

> both books were written on Mill's and Bagehot's liberal assumption that real sovereignty resides in the House of Commons and that the Cabinet is created by and responsible to the Commons.[1]

But Crossman states that Mill and Bagehot, while liberals, were not radicals:

> Mill held as strongly as Bagehot that one special threat to freedom was constituted by the radical demands for the transfer of executive authority to the House of Commons.[2]

Control of the executive, yes, but exercise of the executive function, no. Mill and Bagehot had not in effect departed from the description offered by Bolingbroke in 1742 (quoted at the beginning of this Chapter) and neither had socialists who followed their model.

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[1] R.H.S. Crossman, op.cit., p.38.

[2] ibid., p.38.

The Liberal Democratic View

While the Labour Party in the 1930's wrestled with the problems of executive/legislative balance and seemed to find an advantage in adherence to the traditional pattern of strong executive power, others also concerned themselves with the problem. Some Conservative Party members adhered to traditional views of the Constitution while others articulated a "Liberal Democratic" point of view and demanded greater power for the House of Commons. Lord Hugh Cecil in Conservatism, (1912) claimed that there was something amiss with the theory of Parliamentary sovereignty:

> The House of Commons, though constitutionally all powerful, is in practice the obedient instrument of whatever political party has a majority of members... The party in the majority in the House of Commons absolutely controls the House of Commons.[1]

Cecil went on to claim that the House of Commons no longer represented the people and that this constituted a strong argument for the use of the referendum. (This offered no danger to Conservatives since 'The British people have a strong leaning towards Conservatism'). In the 1930's cries were heard that the government was becoming too powerful and that the lines of communication between governed and governors were not effective. We see once again books and articles like those written by Herbert Spencer nearly 100 years previously condemning the growth of state activity. Among the most influential of these works was The New Despotism by Lord Hewart (1929). Hewart claimed that the executive branch of government had become so powerful that it constituted a threat to individual freedom. A stronger countervailing force in the shape of a strengthened Parliament was one solution proposed.

Later writers also claimed that the theory of the Sovereignty of Parliament was a myth. These included Christopher Hollis in

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[1] Lord Hugh Cecil, Conservatism, London, 1912, p. 233. Lord Hugh Cecil was the son of the third Marquess of Salisbury whose views of the functions of the House of Commons were similar to those of John Stuart Mill. "The House of Commons would be a singularly unfit body to exercise executive power", Quarterly Review 112, p.547. Quoted by Michael Pinto-Duckinsky, The Political Thought of Lord Salisbury, London,1967,p.115.

Can Parliament Survive? (1949) and G.W. Keeton's dramatically entitled The Passing of Parliament (1953). The basic argument of all these writers is that big government, strong executive power, is inimical to democracy of the liberal type. Parliament in their view had to be strengthened in order to obtain a more responsive form of government. For as governmental institutions become larger and more complex, they fail to respond to popular demands. The communication function of Parliament fails to live up to the demands put upon it, and the control function can no longer be exercised.

Theories of the Function of Parliament Since 1945.

Since the beginning of the 20th century no political theorists of the stature of Mill, Bentham or Burke have addressed themselves to the problem of the function of Parliament. Perhaps, as some critics claim, political philosophy is dead. But this is unlikely so long as people write about politics. Descriptions of the machinery of British Government abound - indeed perhaps there has been a surfeit of these. Polemics rather than reasoned and well shaped political theories are also abundant. Some theory underlies all the descriptive and polemical writings on the function of Parliament since 1945. One branch of political writing developed since 1945, systems theory, reveals a definite and distinctive view of the function of Parliament.

A measure of the interest in the function of Parliament in recent years was the re-issue of Bagehot's classic The English Constitution as a paperback book. Richard Crossman's introduction is interesting because his interpretation of Bagehot is coloured by his own, inside, view of the functions of Parliament nearly 100 years after Bagehot. And his views were reflected in his own actions as Leader of the House of Commons when in 1966 he set up Specialist Committees. These Committees were hailed by many MPs as instruments which would

enable them to have a greater say in policy-making and a greater part in government.[1] Crossman stated that the Parliamentary machinery needed to be adapted if the House of Commons was to perform its prime function of control of the executive. It was unable to do this effectively in the mid-20th century because the modern party machinery ensured that both government and opposition maintained control over their ranks. Crossman has been accused of wavering on the subject of the functions of Parliament and many members were disappointed at the limited nature of the reforms he introduced in 1966. A reading of his introduction makes it clear that he emphasised the control function, not the radical claim that Parliament should take over the executive function. He did not advocate that Parliament's function should be extended into the executive function of decision-making. His position is not too far from the classical English view that Parliament exists to control a powerful executive.

Like Crossman, other writers in the years after 1945 took the view that Parliament needed new or reformed machinery if it was to perform its function of controlling the executive. The views of Mackintosh, Crick and others writing in the 1960's are examined in detail below (Chapter III). Crick saw the function of Parliament as the provision of a platform for a continuous election campaign. Mackintosh saw its function as the most important pressure group influencing the Government. They and many others of the period recognised that strong executive power was a basic feature of the British system of Government and that Parliament existed as a channel of communication between governing and governed. If its machinery were to be improved it might once again be able to exercise its function of control. As then organised,Parliament could not act as an effective channel of political communication.

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[1] Alfred Morris MP., (ed.) The Growth of Parliamentary Scrutiny by Committee, London, 1970. This book contains a number of articles by members of the 'Crossman' committees.

Communication was a key word in the mid-20th century. The notion that the function of Parliament is to act as a communication link between people and government is not, however, a new idea. It appears in pre-20th century thought. J.S. Mill recognised the importance of the communication function:

> Their (the representatives) part is to indicate wants, to be an organ for popular demands, and a place of adverse discussion for all opinions relating to public matters, both great and small; and along with this to check by criticism and essentially by withdrawing their support, those high officers who really conduct the public business, or who appoint those by whom it is conducted.[1]

Emphasis has traditionally been laid on communication from people to Government, but some theorists noted, Bagehot among them, that the communications link is a two-way one and includes the functions of informing and of educating the people. Indeed the word Parliament comes from the old French word meaning to converse and it takes two to make a conversation.[2]

Among the post-1945 writers some have emphasised the inward flow of the communications link - from people to Government. And some have emphasised the importance of the outward flow - from Government to people. Wahlke, who has done much work on legislative behaviour in the U.S.A. has noted that these flows represent two basic models of the function of Parliament in the political system, and that the facts of British political life must lead us seriously to question the validity of the Input/Demand model which emphasises the inward flow of communications.[3] This model, nevertheless, has been put forward by some British political theorists in recent years, notably those influenced by systems and communication theory.

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[1] J.S. Mill, Representative Government, London, 1948, p. 241.

[2] Sir William Blackstone, Commentaries on the Laws of England, offered various interpretations of the origins of the word Parliament. He preferred the one above, but left it to the reader to decide for himself which was the most satisfactory.

[3] J.C. Wahlke, 'Policy Demands and System Support: the Role of the Represented', British Journal of Political Science, Vol.1, Part 3, July 1971, pp.272-290.

Lord Windlesham in Communication and Political Power (1966) suggested that communication itself is a form of political power. Influence and persuasion are the intentions behind the passing of messages. The attempt to influence and to persuade is inseparable from acts of communication, for the very definition of communication includes this intention:

> Political communication is the deliberate passing of a political message by a sender to a receiver, with the intention of making the 'receiver' behave in a way that he might otherwise not have done.[1]

In Windlesham's view democracy in a system of representative government is measured by the government's responsiveness to outside opinion. This opinion can be communicated to the government by (a) Members of Parliament, (b) the people and, (c) Pressure groups and the mass media. Parliament's function in the political system is to act as one of the channels of communication between government and those governed. Parliament is an important channel of communication because it focuses messages in one place, and simplifies them. Members of Parliament are in an advantageous position to transmit messages to the government for they are in close contact with the men who compose the government. Parliament is thus an influential and valuable channel for political communication but it is not the only one. And its usefulness is limited by the fact that Parliament is manned by the elite, and by the fact that public opinion in Britain is primarily negative.[2]

Another writer working within the systems framework, Richard Rose, indicated that horizontal lines of communication are stronger in the British political system than are vertical lines.[3] People playing national political roles are drawn from a homogeneous class of society and there is more horizontal communication among them than vertical

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[1] Lord Windlesham, Communication and Political Power, London, 1966, p. 17.
[2] Windlesham, op.cit., p. 238.
[3] Richard Rose, Politics in England, Boston, 1964, p. 187.

communication between them and other classes in the population. Thus the communications links between people and Parliament is not a pure vertical one as Bentham desired. Communications links between people and Parliament are skewed in favour of the middle classes from which most of the representatives are drawn. And "English politics is notable ..... for the degree to which the emphasis on horizontal communication is sanctioned by the norms of the political culture."[1] Parliament's value and importance as an input communication link between people and government is thus affected by the way in which politics operates in Britain.

The view that Parliament is part of the input channels of communication is similar to the Benthamite view of Parliament as a 'mirror of opinion'. It may be a distorting mirror in practice, but the idea is based upon an essentially liberal democratic view of that body's function. Those writers who like Windlesham and Rose approach the functions of the British Parliament from within a systems framework influenced by communications and economic theory, tend to have a Benthamite view of the ideal function of Parliament, but they recognise that in practice it does not perform such a function adequately or perfectly. Relatively few systems theorists go as far into normative theory as James Robertson, who claims that today Parliament's function is to 'set goals'.[2] That may be the logical function allotted to Parliament by systems theory in which Parliament acts as an input channel, but it does not do that in practice. The Government and the parties do.

In a more general systems analysis of the role of assemblies in political systems Jean Blondel concluded that assemblies are essential in the political system because they and only they can provide the

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[1] Rose, ibid., p. 187.

[2] James Robertson, The Reform of British Central Government, London, 1971.

vital communication link between government and governed:

> The primary function as assemblies is one of communication between inputs and outputs, as well as of feedback from outputs to inputs.... Assemblies do not typically make rules; they exert an influence on rules... in the process they may help to create a class of rulers and help to select rulers within this class.[1]

But the crucial words in this passage are 'exert an influence upon rules'. Blondel's position is not so very different from the traditional English view of the function of Parliament. Edmund Burke had already noted the vital need of a link between governed and governors; he stressed that control or influence over the rulers was the key function of the House of Commons, and so did J.S. Mill. Where Burke and Mill differ from 20th-century theorists is in the extent of the franchise which they are willing to allow, in their concept of political rationality, and in their concept of the nature of representation.[2] The basic concept of the Parliamentary function is not greatly different.

Blondel listed four ways in which assemblies are involved in the political process. They can put pressure on the government to make rules; they can take part in debates on proposals put forward, (a) by the Government and, (b) by their own members; and they provide examination, scrutiny and control of rule application. They may be involved in the control process either as individual members, by collective action of the whole assembly or by action of intermediate structures consisting of small groups from among the assembly members. The intermediate small group activity may frequently be the most effective method of scrutiny and control. Thus the development of a Committee system in an assembly enhances its ability to perform the

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[1] Joan Blondel, An Introduction to Comparative Government, London 1970, p. 325.

[2] A.H. Birch, Representation, London 1971, examines the concept of representation.

control function.

The systems approach to the functions of Parliament does not tell us anything new, or more, than the traditional approaches to the functions of Parliament. But it tends to emphasise the importance of the input side of the functions which Parliament performs. It simply translates 19th-century 'Liberal democratic' ideas into 20th-century idiom or jargon. But some writers claim that this view of the functions of Parliament is unrealistic and out of touch with what Parliament actually does in the political system. Such theory is normative, rather than descriptive. As such it lacks explanatory power and is thus not useful for research purposes. What Parliament really does in the political system is to perform a function of outward flowing communication from the Government to the people. Samuel Beer stated that the primary function of Parliament is to 'mobilise consent'. Consent is the 'constantly renewed product of a continual exchange of communications'.[1] Consent is manifested in the return of a party to power, and if a party fails to maintain consent for its policies while it is in office then it will be thrown out at the next election. Bernard Crick also pointed to this side of the communications function which Parliament performs:

> Its real functions are those of alerting and informing the public on matters relevant to the decision on which way or whether to vote.[2]

Such views of Parliament are, these authors claim, based on what Parliament actually does, not what it might ideally do in the Constitution.

The communications approach to the control functions of Parliament, may stress the inward flow or it may stress the outward flow. But the approach always seems to lead the commentator to conclude that, while perhaps the best available instrument for political communication between

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[1] Samuel Beer, 'The British Legislature' in Bernard Crick (ed.) Essays on Reform, London, 1967, p. 99.

[2] Bernard Crick, The Reform of Parliament, London, 2nd. edn., 1968, p. 27.

people and government, Parliament is not as effective an instrument as it might be. The lines of communication need clearing and opening up if Parliament is to control the executive. And this demand for more open lines of communication is valid whether the function of control is interpreted in the Burkean or 'aristocratic liberal' model to mean restraint or check upon a powerful executive; whether it is interpreted in the communications model to mean influence upon the executive's policy decisions; or whether this notion of control is carried to its strongest meanings of command or direction as in the Benthamite, Liberal Democratic model of the function of Parliament. The models differ not so much in kind as in degree.

If we were to attempt to give an answer to the question posed at the beginning of the Chapter "How much power should the executive have and how far is it desirable that either the public or a representative chamber should know about or participate in the process of Government?" we would have to answer that as far as political theorists from the 18th century are concerned a pattern has existed. Fundamentally, in British government the executive should be (and is) strong and effective. Parliament exists to ensure that the executive acts in accordance with the wishes of the people. So long as the executive so acts Parliament supports the executive. Efficient and effective government needs popular support. Parliament controls and checks the executive using the sanctions of adverse voting, and refusing supply. It also checks and controls through influencing the Government's decisions in more subtle ways so that it may not have frequently to resort to the above-mentioned sanctions. The idea that Parliament should take upon itself the process of governing and decision making is a side-stream in British political thought with Bentham as its main supporter. There has certainly been unhappiness with Parliament's position relative to the executive at certain periods, but it is important to understand that this unhappiness has been primarily related

not to the inability of policy determination but to the weaknesses of its control mechanisms.

The Mechanisms of Control and Proposed Remedies for Parliamentary Weakness

We have indicated that many British political theorists have thought that the primary functions of Parliament in the political system are to support and to control a powerful executive. In order to perform these twin functions efficiently Parliament has had to organise its timetable and devise procedural machinery. To perform the functions of support for the executive so that a functionally effective government is obtained Parliament has devised for itself rules which allow for the speedy passage of the Government's legislative programme. In the House of Commons these procedural rules or devices include the closure, guillotine, and the Standing Committee system. To perform its functions of control the House of Commons has likewise invented many procedural devices. There are the debates on the floor of the House on Legislation; Supply; Public Expenditure proposals; and Taxation. In these debates minds may be changed and opinions swayed so that votes are influenced. That is the theory of control through the Floor of the House, although in practice these debates are the set pieces of the House of Commons dominated by the Government and Opposition from benches. There are other devices open to the back-bencher. There is Question-time when Ministers have publicly to defend and explain their policies and actions. There are Private Members Motions; Adjournment Motions; and the Ten Minute Rule. Emergency debates may be granted by the Speaker under Standing Order No. 9. Members may sign Motions for debate 'On an Early Day' which are, in effect, expressions of opinion supporting, or more frequently, expressing displeasure at Government policy. Influence may also be exerted in party meetings; in informal all-party backbench committees; and in secret cliques and cabals. The Whips keep their ears to the

ground sounding out opinion in their parties. And there are the Select Committees, especially those with an explicit function of control or scrutiny. These include the Public Accounts Committee; (up to 1970) the Estimates Committee; the Nationalised Industries Committee; the Statutory Instruments Committee; and the Select Committee on the Parliamentary Commissioner. Since 1966 there have also been a number of Specialist Committees on various departmental and subject areas.

In this thesis we are concerned with the last mentioned group of control devices, the Select Committees. Many of the writers who in the 1960's complained of Parliamentary weakness suggested that Parliament could be strengthened by the extended use of Select Committees. They considered that improvement in political communication was a pre-requisite to greater Parliamentary control of the executive. Control cannot be properly exercised if Members do not know what is going on; if Governments do not tell the people through their representatives in Parliament what they are doing; and if the people cannot, through Parliament, indicate their wants and needs to the Government. In the 19th century Select Committees had been used to inquire into many subjects. Their ability to inquire, to probe, and to publicise, added to their ability to scrutinise the executive seemed to indicate that such Committees would present useful opportunities for greater communications between people and Parliament.

Not all commentators offered exactly the same shape of committee system in their proposals. Before we pass on to consideration of the different proposals for Select Committees and the impact which these proposals have had on House of Commons procedure we will examine how the House of Commons changes its procedural rules, and in particular what part Select Committees on Procedure have played since 1832 recommending changes in the Committee system of the House of Commons.

CHAPTER II

Changes in the Committee System of the House of Commons and the Select Committee on Procedure

Committees of the House of Commons are procedural devices designed to help the House in the efficient performance of its functions. As such the shape of the Committee system of the House at different periods can be a guide to the emphasis put on these functions.[1] It can indicate whether the main functions of the House of Commons are considered to be to support the Government and to help it bring its legislative programme speedily to the Statute Book, or whether these functions are considered to be to control the Executive and to bring its activities under continual public scrutiny. The changing shapes of the Committee system since the 18th century can be interpreted as a concrete expression of the abstract theories of the functions of Parliament examined in Chapter I. But if we are to look at how these systems have come into being and fallen into decline, we must look at other factors which have

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[1] The theory of the relationship of procedural rules to the shape of the Constitution was first expounded at length by Josef Redlich in The Procedure of the House of Commons, London, 1908. Redlich claimed that the procedure of the House of Commons expresses the relationship between the Ministry (Government) and the representatives of the people. The great 'ripening of the modern system of Cabinet government, from the time of the Reform Act onwards, has produced all its inevitable results upon the rules of the House', p.204. Other students of Parliamentary procedure who have charted its changes and adaptations have accepted Redlich's theory, e.g. Sir Gilbert Campion, Introduction to the Procedure of the House of Commons, London 3rd. edn. 1958; Peter Bromhead, Private Members Bills, London, 1958; Gordon Reid, The Politics of Financial Control, London, 1966; D.N. Chester, 'Questions in Parliament', in B. Crick and A.H. Hanson, (eds.) The Commons in Transition, London, 1970 and D.N. Chester and N. Bowring, Questions in Parliament, Oxford, 1962.

helped to shape the Committee systems of the House of Commons. Committee structures, and indeed Parliamentary procedure in general, are related not merely to abstract theories of the functions of Parliament but also to (a) expectations held by both public and politicians of what Parliament should do in the political system and, (b) political events. Both of these factors need to be examined if we are to understand (a) why pressures arise for change in Parliamentary procedure, (b) in what direction changes are required, and, (c) the processing of pressures for change in Select Committees appointed to consider the Procedure of the House of Commons.

Since the 18th century expectations of Government performance have changed drastically. Many historians have pointed to the changes in attitude towards Government which accompanied and followed the 1832 Reform Act. While this Act did not immediately alter the nature of the representative system it heralded the greatest Constitutional change in Britain in modern times. The changes in attitudes which accompanied this Act had a profound impact upon the organisation of both Government and Parliament. In the 18th century and early 19th century legislation was primarily of a private, particular and local nature, much of it ephemeral in character.[1] After the Reform Act there was more pressure on the Government to act positively, to seize the legislative initiative, and to pass legislation of a Public General nature. W.E. Gladstone said "from the time of the Reform Act there was a sudden and vast expansion of Parliamentary duty".[2] Gladstone attributed this expansion of duty to (a) the demands of an enlarged Empire and (b) social questions. Economic changes of the Industrial Revolution were

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[1] Sir Courtney Ilbert, Legislative Methods and Forms, Oxford, 1901, p.211.

[2] Hansard, 266, cols. 1124-95.

accompanied by social changes. By the end of the 19th century the initiative in legislation clearly lay with the Government and not with Private Members. This state of affairs reflected a desire on the part of the British for a particular form of Government.[1] Governmental dominance of the legislative programme came to be an accepted feature of the British Parliamentary system, even though some Members chafed at the restrictions on their opportunities.

The numbers of individual Bills passing through did not increase in a dramatic fashion but the character of the legislation itself changed. Bills became longer, more complex, covered subjects of wide general interest rather than of local interest, of public interest rather than private, of collective rather than individual interest.[2] So more members

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[1] Peter Bromhead, Private Members Bills, London, 1956, pp.167-8.

[2] Witnesses to several Select Committees on Procedure presented evidence purporting to show increases in the press of business. But they generally presented figures for a small number of years. The impression that business was increasing when in fact it was not as measured by the output of Bills was noted by A.J. Balfour in his evidence to the 1914 Select Committee on Procedure, H.C.378, p. 70. Bills have become longer. The number of pages of legislation reaching the Statute Book has steadily increased.

	Average Length of Session (Days)		Average Number of Pages on Statute Book per Session	
1906-13	149	(75.7 on legislation)	355	(4.9 per day)
1919-29	139.9	(62.8)	648	(13.0)
1929-38	157.7	(79.7)	995	(13.15)

Source: Select Committee on Procedure, 3rd. Report H.C. 189 of 1946. By 1967, 1,817 pages were added to the Statute Book in a single session. Source: Clifford J. Boulton, 'Recent Developments in House of Commons Procedure', Parliamentary Affairs, Vol.XXII 1969, pp. 61-71.

wished to speak to them. Measures which might have been taken through the Private Bill process in the early and mid-19th century were taken through the public legislation process by the end of the century. These included Bills to provide municipal services which had been a heavy class of Private bill in mid-century. Private legislation in this field gradually gave way to the Public General Act. Such Public Bills were a greater object of discussion than Private Bills on the same subject. Bills involving matters of principle became more common from the 1832 Reform Act; from the early Poor Laws and Regulation of Labour to Municipal Government, Education, and in the 20th century Social Welfare and Nationalisation of Industries. This had its effect upon expenditure. Desires to control and restrict government expenditure which the traditional supply processes were designed to help were replaced by demands to spend more. When

> Social reform became the dominant interest, the representatives of the people ceased to be a check and began to apply the spur to public expenditure.[1]

Such attitudes supported strengthened Ministerial and Governmental control over expenditure.

The other factor influencing developments in Parliamentary procedure is the political events of the period. Throughout the 19th century and into the 20th century there was a general trend of Governmental attitudes in favour of stronger Governmental control over the business of the House. This is reflected in the evidence and proceedings of Select Committees on Public Business and/or Procedure. Whether this trend would have had the results it did without the catalytic effect of the Irish Obstruction of the 1870's-1880's is doubtful.[2] Some commentators have regarded the adoption of some of

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[1] Sir Gilbert Campion, evidence to the Select Committee on Procedure, H.C. 189-1, of 1945-6, p.xxiv.

[2] Edward Hughes, 'The Changes in Parliamentary Procedure, 1880-1882' in Essays Presented to Sir Lewis Namier, Richard Pares and A.J.P. Taylor (eds.) London, 1956. This is an excellent account of the pressures which brought about the 1880-82 Procedure changes. Obstruction, stated Hughes, was not new but the Irish developed it to a fine art, p.291. Gordon Reid, op.cit., p.22 & Redlich op.cit. also consider that the Irish Obstruction had a catalytic effect.

the Standing Orders and rules covering debates especially the Closure, as arising out of the obstructive behaviour of the Irish. Examination of the Select Committees on Public Business from 1832-1886 reveals that Closure and other devices for controlling debate had long been talked about and suggested, but no Government had the courage to adopt such drastic measures, and no Select Committee was willing to recommend them for they would have been extremely unpopular with Members who were jealous of their rights to speak. Closure was discussed by no less than eight Select Committees from 1837-1882[1] but never adopted until the Irish created a situation of real emergency which forced the hand of the Government. The Irish Obstruction illustrates the importance of political events as well as of political theories and general political attitudes in shaping procedure.

The general political atmosphere of the years between the two great Reform Acts 1832-1867 also helps to explain why the Government was concerned with the patterns of Parliamentary procedure, and why from time to time, it felt the necessity to set up Committees to look at proposals to expedite Public Business. Not only did Governments have more positive legislative programmes; they also found difficulty during this period in controlling their supporters, in keeping a House andin preventing Members from exercising ancient rights and bending the rules of Procedure in such a manner as totally to disrupt the Government's timetable. The decline of the 18th century system of Patronage and Influence as a means of controlling the House of Commons left the parties in a fluid state, which was especially notable after 1846. Electors may have become a more influential force and raised

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[1]Gordon Reid, op.cit., p. 22.

their expectations of Government. But until the later decades of the 19th century and the development of unified and cohesive Parliamentary parties, controlling the House of Commons was often a difficult task and the formation of a strong government an impossibility. Lord Derby refused to serve as Prime Minister in 1855 because of the impossibility of forming a strong government.[1] The party politics of the mid-19th century were often difficult, confused, and stormy.[2] Until after the Second Reform Act of 1867 voting shows a low correlation with party label in many divisions.[3] This made management of the Commons difficult. Party unity existed for short periods, during which temporarily stable Ministries were formed. But it was always a struggle to get votes, and it was difficult to prevent members from disrupting the timetable.

After the Second Reform Act (1867) a stronger correlation obtains between party label and voting.[4] Various factors helped to bring about this change: the extension of the franchise, the development of the party system, the introduction of new men into the House of Commons who were keen on organisation and efficiency in Government, Disraeli's managerial efficiency, the example of the Irish cohesion,

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[1] Hansard, 136, Col.1336. Quoted in A. Beattie, English Party Politics, London, 1970, p. 112.

[2] A. Beattie, English Party Politics, Vol.I, London, 1970, pp.80-86; 109-118; 145-151; and 180-193. Ronald Butt, The Power of Parliament, London, 1967, regards the mid-19th century as a aberration, Chapter II, passim.

[3] Beattie, op.cit. p. 81.

[4] ibid. p. 145.

the general change of attitudes toward Government and expectations of it (supported by theories of Parliamentary supremacy, strong Government, and strong party machinery).[1] In 1886 the first Select Committee on Procedure (so-called) was set up. The atmosphere in the House at the time enabled this Committee to examine and recommend for adoption various Government proposals to it. Previous Committees on Public Business (so-called) had been too timid to recommend radical measures.

Changing the Rules of Procedure

During the 19th century rules of procedure often had to be altered so that Parliament could deal with its expansion of duty. Of the existing Standing Orders (1970), only three date prior to 1832. The mass of legislation setting up Government Boards and delineating the new Governmental functions of the mid-19th century could never have reached the Statute Book had the Government not taken pains to try to control the timetable of the House of Commons. Speeding up Public Bill procedure, cutting down on Private Member initiative in debate and legislation, control of the timetable and transformation of the traditional supply processes all took place in the 100 years after the Reform Bill. And with all these changes came changes in the Committee system of the House of Commons.[2]

The processes by which political theory, elite and public attitudes towards and expectations of Government are transformed into

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[1] ibid., pp.147-8. A.V. Dicey, op.cit. dates the beginning of the 'Collectivist' period in British politics as 1867.

[2] Ronald Butt, op.cit. states that there was a relationship between the numbers of Committees in the 19th century and the efficiency of Parliament. "The first half of the nineteenth century, which led up to several decades in which the House of Commons was at its least effective as a political and legislative body, was also, as it happened, the high-tide of parliamentary Committees in Britain", p.78.

procedural changes are complex.[1] The rules of Parliamentary Procedure may be changed in various ways. Theoretically the House of Commons has supreme control over its own rules. Some of the rules are embodied in Standing Orders, which are published from time to time as Parliamentary papers in a small booklet and numbered. Rules of Procedure are also embodied in conventions which include Speaker's rulings. These, with other rules, are written down in successive editions of Erskine May, A Treatise on the Law, Privilege, Proceedings and Usage of Government, an authoritative compendium of Parliamentary rules first published in 1844. Rules are also found in Statute Law, for example the Parliament Acts which regulate relationships between the two Houses of Parliament. The rules listed in these documents may be altered by adding new Standing Orders; by changing existing ones; by re-interpretation of existing Standing Orders, conventions and Speaker's rulings; by new Speaker's

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[1] Elite attitudes are reflected in newspaper and journal articles, books, speeches, and pamphlets. They are also reflected in evidence given to Select Committees on Procedure. While such documents are necessary to a proper study of changes in Parliamentary procedure, they are not sufficient. Firstly they represent elite rather than popular attitudes, for Parliamentary Procedure is a technical subject. Data concerning popular attitudes is scanty even for the 20th century. G. Almond and S. Verba, The Civic Culture, Princeton, 1963, is one source of 20th century popular attitudes as measured by a sample survey. Social surveys have also been undertaken from time to time by the various polling organisations. These include Social Surveys (Gallup Poll) Ltd, National Opinion Polls, Research Services Ltd, Marplan Ltd, Opinion Research centre, and Louis Harris (Research) Ltd. Secondly the study of attitudes must be supplemented with an examination of political events. Procedural changes are often pressed by political events and without these events changes may be slow to come about. See Philip Laundy, 'The Visit of the Canadian Procedure Committee to Westminster', The Table, Vol.xxxvi, 1967. Laundy applies this second point in a contrast between the development of British and Canadian House of Commons procedure. He claimed that Canadian procedure had developed more slowly than British procedure because there had been no political events of the order of the Irish question to impel procedural changes.

rulings; and by the passage of new legislation. In some cases a change in one rule entails changes in others. When changes were made in 1966 to the Standing Orders regarding Finance legislation (abolition of the Committees of Supply and Ways and Means) it was necessary also to amend the Provisional Collection of Taxes Act 1913 and other acts.

The Origins of Rule Changes

Alteration of procedural rules may arise as a result of Government initiative as in the case of the 1902 Balfour changes to the Standing Orders - the 'Parliamentary Railway timetable' as they became known. These new Standing Orders streamlined business to the advantage of the Government and consolidated the changes of the preceding seventy years. Rule changes may be made by the Government on the recommendations of a Select Committee on Procedure which it has itself set up. And the Government may adopt recommendations of a Select Committee on Procedure set up as a result of backbench pressure. Rule changes may be made as a result of action, pressure, and demands from backbenchers - as the history of the development of Question time [1] and also the origins of some of the permanent Select Committees,[2] illustrate. The Government has strong weapons at its command when it wishes to alter the procedural rules of the House. But as with the weapons it holds to implement its legislative programme it is restrained in their use by the need to keep the good will of the House. In the 19th century governments which wished to alter procedure so as to prevent obstruction

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[1] Patrick Howarth, Questions in the House, London, 1957.

[2] Gordon Reid, op.cit. said of the Estimates, The Public Accounts, and the Nationalised Industries Committees: 'None emerged, spontaneously, on the initiative of the Government of the day. They all manifest the collective power of the backbenchers in the House of Commons to influence Procedural machinery', p. 93.

of public Business often found themselves restricted by the feelings of backbench members who resented attempts at front bench domination. When introducing rule changes the Government has to know how far it can go without losing support. For this reason it has often been convenient to channel pressures for change through Select Committees on Public Business and/or Procedure. They have also served as useful forums for private members to air their views. Thus both backbenchers and Governments have found such Committees useful for some purposes. Regardless of where the initiative for rule changes comes from, whether from Government, opposition or backbenchers, proposals are often filtered through the Select Committee device.

Functions

Influence and Importance of Select Committees on Procedure

Debates on Procedure are sometimes held in the House of Commons, but the Select Committee on Procedure is the most important House of Commons channel for processing demands for changes in the rules. It acts as a channel of communication between the Government and the private members, where ideas and proposals can be tested for acceptance. It allows for pro- and con- views to be aired, witnesses and experts to be examined and their proposals criticised. It allows for the views of government, backbenchers, officers of the House, Civil Servants, Academics and others interested in the functions of Parliament in the Constitution to express their views and offer their suggestions for rule changes so that those functions might more effectively be carried out.

As far as the influence of the Committee is concerned - its effectiveness as a channel of communication - there have been varied estimates. The Government may make rule changes without reference to Select Committee Reports, or it may ignore their recommendations or the

evidence of their witnesses. The Government has the final say in procedural changes and this may be one reason why some commentators have rated its influence low. Erskine May considered it a 'curiously sterile device'.[1] Gladstone thought little of its value, and introduced Procedural changes on his own initiative when his hand was forced. Disraeli, on the other hand, who favoured strong party machinery, sat on Procedure Committees. Balfour did not refer to a Select Committee when he introduced the 1902 reforms, but had sat on earlier Committees and gave evidence to the 1914 Committee. Morrison[2] and Crossman[3] made changes which were different from those recommended by Select Committees on Procedure. Other reasons for varied estimates of the influence of Procedure Committees may be put forward. In the 19th century they were generally set up on Government initiative and used as a legitimising or support generating device. And they were, in the 19th century, generally reluctant to make proposals for radical changes in the rules, confining themselves to relatively minor proposals.

It is difficult to estimate the precise influence of any Select Committee.[4] Recommendations made by Select Committees on Procedure have sometimes been immediately implemented and sometimes taken up many years after they were first put forward. A very long time-lag may elapse

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[1] Erskine May, quoted in Reid, op.cit., p. 22.

[2] The Rt. Hon. Lord Morrison of Lambeth, Government and Parliament, third edn., (paper), London, 1964. (First published 1954), pp. 225-31.

[3] The 1966 'Specialist' Committees on Agriculture and Science and Technology.

[4] Nevil Johnson, Parliament and Administration: the Estimates Committee 1945-65, London, 1966, p. 136. Johnson stated that many recommendations of the Estimates Committee were not more than an additional stimulus to a continuous process of adaption and change within departments.

before proposals made by witnesses to Select Committees are taken up. Select Committees' influence may often be indirect, rather than direct and immediate, influencing Government and Members' attitudes towards changes; supplying them with information and suggestions, making these public and open to debate, and analysing proposals. Select Committees on Procedure, we have stated, act as a communications channel. They are only one of several channels, but they are the most important of the official and formal communications channels for the subject of procedural change and serve as a link between the two Groups most interested in these changes, the Government and the backbenchers. Even if they do not have an immediate impact they perform a function of adding to the level of noise on the subject of procedural change. They act as a channel of communication in the continuing dialogue between House of Commons and Government.

Procedure Committees and their Subject Matter in the 19th Century

Many Select Committees were appointed in the 19th century to consider aspects of procedural change. They can be divided into two main classes: those dealing with Private Business and those dealing with Public Business (Bills and Financial Procedure). There were also a number of Select Committees dealing with subjects such as the Office of Speaker - provision for the occupation of the chair during his absence and the Admission of Strangers. Others dealt with the running of the House: Use of Space in the House, Dining Rooms, Kitchen and Refreshment Rooms, Library, Publications of Reports, the Officers of the House, and Ventilation and Lighting. The latter subject, curiously, is especially related to procedural developments. The large numbers of Select Committees on Ventilation and Lighting were partly due to the habit which grew up in the 19th century of

holding sittings far into the night.

We are not here concerned with Committees which investigated Housekeeping topics. And we are not concerned with those which investigated the rules of Private Business. But a word must be said about the numbers and importance of these latter Select Committees. The large number of Select Committees set up to investigate methods for expediting Private Business draws attention to the importance of Private Bills as a method of legislation during the 19th century. Moreover, the press of Private Bill work added to the burdens of the House and the difficulties which the Government faced in controlling and keeping to a timetable for Public Business. Private Bills which were used extensively for the purchase of land for Railways and Municipal services were often contested which made their process long and expensive. This affected especially the Committee stage of these Bills, and added to an already heavy burden of Committee work. Members were reported to be so exhausted by their morning labours in Committee that they could not attend the House between 7-10 p.m.[1] Thus the effects of heavy Private Bill activity spilled out onto the general problem of the use of time in the House, and many Select Committees laboured through much extremely technical detail to try and streamline the process.

Our concern here is with the work of Select Committees dealing with Public Business procedure, with especial regard to the considerations of changes in the Committee system of the House in relation to its functions. The number of Select Committees appointed to investigate

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[1] Select Committee on the Despatch of Public Business, H.C. 173 of 1861, p.vi. The House was reported to have been counted out 36 times between 1856 and 1860, and the burden of Committee work was offered as one of the reasons why members were lax in evening attendance. The contemporary habit of making extremely long speeches on narrow subjects has also been suggested as a reason for this low attendance.

the despatch of Public Business after 1832 indicated the general degree of interest which the Government and the House of Commons took in the matter of pressing changes in Procedure. And the subject matter and titles of these Committees indicates the general direction in which attitudes were moving. They were, until 1882, generally entitled 'On the despatch of Public Business'.

Select Committees on Procedure from 1832 to 1882 - Analysis

Several Committees on expediting Business of the House were set up in 1834. One of these was on Private Business. Other Committees dealing with procedural matters in the same session included those for Divisions of the House, and the Mode of Presenting Petitions.[1] The 1834 Committees dealt with only minor matters and in 1836 a further Committee was set up "On the adoption of a plan for more carefully preparing, drawing and revising Public Bills"[2] which has a bearing on the analysis of procedural reform. Ilbert records that a witness to a Select Committee in 1833 claimed he was a Parliamentary Counsel to the Treasury.[3] The office of Parliamentary Counsel to the Treasury was not official until 1869 but clearly the Government had begun to engage barristers to conduct the drawing and drafting of bills for some time. At the time of the 1836 Committee however many Public Bills

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[1] H.C. 350 of 1834; H.C. 284 of 1834; H.C. 147 of 1834.

[2] H.C. 606 of 1836.

[3] Sir Courtney Ilbert, Legislative Methods and Forms, Oxford, 1901, p. 82. In this work Ilbert gives an excellent short account of the development of the office of Parliamentary Counsel to the Treasury.

were still introduced by Private Members who had to prepare them themselves. This meant that many bills were ill-drafted, and ill prepared, and even those introduced by the Government suffered from a lack of co-ordination between the different departments.[1] Not enough thought was put into the pre-legislative stage of bills. The Committee's main concern was with the quality of Public Legislation which at this period was thought to be growing in volume.[2]

While this Committee under its terms of reference was primarily concerned with the shaping of Bills, it is of some general interest as an example of a Select Committee dealing with procedure. A feature of this Committee repeated in other 19th century Procedure Committees was that important Government members sat on the Committee. The Chancellor of the Exchequer and the Attorney General were members of the 1836 Committee.[2] Four witnesses were heard. John Duer, described as a New York Lawyer, spoke of the legislative Committees of the New York State Assembly. These were Specialist Committees of 3-5 members which considered bills before their introduction to the Assembly. No bills, he thought, should be introduced into the Assembly except on the report of a Special Committee. Another witness was Arthur Symonds, an ex-lawyer (attorney not barrister) in 1836 acting as Private Secretary to Mr. Poulett Thomson, M.P. (Chairman of the 1837 Committee). Mr. Symonds had been interested for some years in the process of framing laws. In 1832 he published Practical Suggestions for the Internal Reform of the House of Commons and in 1835 published The Mechanics of Law Making. In the latter work he set out a formula which would allow

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[1] Ilbert, op.cit., p. 96.

[2] Another Select Committee in the 1836 session was that set up on 5th February to take into consideration the best means of appointing and transacting business in Select Committees. It included as members the Chancellor of the Exchequer, Sir Robert Peel (P.M. 1834-5) and other notables. It made six recommendations on 11th February which were adopted including the regulation of numbers in Select Committees to 15 (H.C.J. 1836, p. 9 and p. 23).

bills to be written more clearly and at shorter length. Symonds proposed an agency (like that of the office of Parliamentary Counsel to the Treasury which was set up in 1869 under Sir Henry (later Lord) Thring). This agency would be concerned with revising laws and would make sure that new laws were consistent with existing ones. Government measures should be submitted to this agency before they were introduced (others after their second reading) but in practice Symonds envisaged that all members would consult with this agency when framing laws. The agency should consist of three lawyers, one a common lawyer and pleader, one a chancery draftsman and conveyancer, and one a mere draftsman. These men would not be in practice at the same time as they held office. Symonds was an interesting witness, for although he did not give evidence to later Select Committees he continued to take a very active interest in the subject of Governmental reform and in 1856 printed, privately, another work, Papers relative to the obstruction of Public Business and the Organisation of the Civil Service, which is examined below in connection with the 1848 Select Committee on the Despatch of Public Business.

The general atmosphere at the time of the 1836 enquiry indicates that Parliamentary reform of representation implied Procedural reforms. Apart from Mr. Symonds' technical work on drafting of bills, there were at the time a number of pamphlets calling for reform of procedures to match the reform of representation and to take account of the changing functions of Parliament after the Reform Act. Mr. Wicken published a pamphlet in 1829 on the subject, and another entitled "Practical Suggestions for the Internal Reform of the House of Commons" by A. Symonds appeared in 1832. The Spectator was interested in reform of the machinery of Government at the time and produced a special supplement entitled "Working of the House of Commons" (1832).

The recommendations of the 1836 Committee were however slight and had little impact on the general subject of procedural reform. They shied away from the larger scale changes such as the suggested pre-legislative Committees. However, in the following year, 1837, an appointment was made of Parliamentary Counsel to the Home Office and from that time the office of Parliamentary Counsel to the Home Office and other departments became of greater importance.[1] Minor changes were proposed by Select Committees on the Despatch of Public Business which were appointed in 1837, 1848 and 1854.[2] As Redlich in his admirable account of the work of Select Committees on Procedure up to 1908 indicates these Committees were minor ones in that they only proposed small incremental changes and shied away from subjects which involved considerable alterations in the balance between Government and Parliament.[3] While no important constitutional changes followed the 1837 and 1848 reports (although Standing Orders continued to have additions to them during this period), the reports of these Committees are of interest. Like the 1836 Committee, the 1848 Committee contained some illustrious members, The Spectator estimated them thus:

> besides the intelligent chairman Mr. Evelyn Dennison, there were the administrative Graham, the industrious Hume, the economic Cobden, the midnight Brotherton, the Conservative Inglis, the Committee-ruling Greene, the acute and imaginative Disraeli, and the great political realist - Peel.[4]

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[1] Ilbert, op.cit., p. 83.

[2] H.C. 517 of 1837; H.C. 644 of 1848; and H.C. 212 of 1854.

[3] For a more detailed account of changes proposed by Select Committees on Procedure in the 19th century see Redlich op.cit., Vol. 1, Part II, Chapter I passim. This Chapter indicates how gradual piecemeal changes added up to a change in the balance between Government and Parliament.

[4] The Spectator, September 9, 1848.

Prior to the establishment of the Committee in 1848 and during its enquiry The Spectator had carried out a campaign for the reform of Parliamentary procedure. The General feeling which this campaign conveys is that in the 1840's a great deal of time was wasted by Parliament in long winded speeches (these having become a fashion) and debates upon subjects which were considered to be of little relevance. "When do you ever learn anything new from a speech in Parliament? It is the rarest thing in the world".[1] It was extremely easy for members at this period to initiate debates on any topic at almost any time, and they clearly took advantage of the procedural devices which allowed them so to do. It was in addition a period of party turbulence. Peel had been driven out of office in 1846. The Spectator noted the difficulty of Government in such circumstances "If Ministers could get measures through Hon. members would complain of tyranny".[2] The Spectator did not think complaints of tyranny were of much concern since in its view it was the job of the Government to govern. Nor did it think the 'talking shop' Lord John Russell was running was an efficient body. The Spectator laid the blame for this state of affairs particularly at the feet of the Prime Minister Lord John Russell himself. That Parliament was unable to pass legislation was due primarily to the Ministers themselves and their attitude to their work. The Queen ought to select as Ministers, stated The Spectator on July 22nd, 1848, men who could "say 'boo' to a Goose". Men who have a will of their own were needed in Government who "can let the faithful Commons know it so that the Premier shall not become, as it were, the mere drudge, the scapegoat, the fag, the errand-boy of Parliament"[3] and so it continued in this vein

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[1] The Spectator, April 8th, 1848, p.321.
[2] The Spectator, April 8th, 1848, p.321.
[3] The Spectator, April 8th, 1848, p.321.

for several hundreds of words. Strong government was demanded by The Spectator in place of a Ministry which was too weak to impose its will upon an unruly House. This course was favoured rather than drastic changes in procedural rules.

If the editor of The Spectator took a political view of the needs of Parliamentary reform Mr. Arthur Symonds in his letters to that Journal was more concerned with organisational reform of government. In the same year as the editor was conducting his political campaign he published letters by Mr. Symonds which were later republished together with an analysis of the need for reform of the Civil Service.[1] This book appears to be totally forgotten by students of Parliamentary reform for there are no references to it in books on the subject. No biographical information on its author can be found in the usual sources. He appears to have been an Attorney-at-Law, not a member of an Inn of Court, and not educated at a University. Mr. Symonds claimed that "as at present organised, the executive is too weak to maintain its proper position." Mr. Symonds did not recommend that one branch of Government should be stronger than the others but that a strong executive be balanced by a strong Parliament. The House of Commons could be strengthened by setting up a series of Committees which should correspond to the Departments which themselves would be reorganised on a functional basis. In his proposals for the reform of the Civil Service, and its matching reform of Committees of the House of Commons Mr. Symonds was making proposals which are extraordinarily similar in many basic features to those made more than one hundred years later. In particular his book should be contrasted with the pamphlets and articles written by Mr. David Howell: for example, 'A New Style of Government', and the White Paper on Reorganisation of Government (1970).

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[1] See above p. 60.

Mr. Howell, and also Mr. James Robertson in his book The Reform of Central Government (London, 1971), make proposals similar to those of Mr. Symonds for the organisation of the Civil Service on functional lines.[1] Mr. Symonds in the 19th century called his organisation functional. The functional language in the 20th century is similar but has added to it the language of business organisation, of 'accountable management' and of PPBS (Planning, Programming, Budgetting System) and the other techniques subsumed under 'Systems Analysis'. Symonds' proposals recognise that a strengthened administration has to be matched by a strengthened Parliament, and Howell and Robertson's proposals also follow this line of thought. Symonds' proposals are also notable in that they include a form of regional devolution of functions which Robertson also suggested in 1968. Each department should be duplicated in England, Scotland and Ireland (Wales was not considered apart from England at this date). His proposals that these regional departments should be matched by regional Committees for Scotland and Ireland foreshadows the development of the present regional Committees of the British Parliament. Symonds was mindful of the importance of information to his efficient rational form of government. The Library services should be improved and so should the operation of the Clerk's department to afford assistance to the new Committees of the House of Commons. Symonds stresses also the importance of information before new legislation is introduced but indicates that in fact there is really no lack of information. Information is poured out in great streams and presented to Parliament in the form of Reports, Returns, Accounts and Volumes of Statistics and Indexes. Indeed he thought that there were few questions on which further enquiry was really needed but that all this information needed digesting. Anyone who has examined 19th century Parliamentary

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[1] See also James Robertson's evidence to the Fulton Commission, published as a pamphlet by C.E.I.R., London, 1968.

papers will agree with this statement: the information is in an undigested heap, which overwhelms and distracts.[1] The solution which Symonds proposed to this problem is to have Library systems which can offer assistance in the digesting of these great pools of information. A general library was suggested to achieve this end. This is an early hint of what later was set up as the Central Statistical Office with the very purpose which Symonds alluded to. Government, in his view, was concerned with finding the best possible means of achieving desired political ends. Thus ends should be distinguished (hence the functional departments) and then machinery of Government devised which would best achieve these ends. In his estimate of Government Symonds was remarkable for his time in speaking in a functional language popular amongst influential reformers of Government in the 1970's. He provides an excellent example of the far sighted witness.

The 1848 enquiry into the Despatch of Public Business approached its task with the great caution shown by its predecessors. In spite of his letters to the Editor of The Spectator and obvious grasp of the subject they did not call Symonds as witness. They did, however, hear evidence from M. Guizot, author of The History of Representative Government (Brussels, 1851)[2] who described the device of 'cloture' in use in the French Assembly and from Mr. Curtis of the U.S.A. Mr. Josiah Randall another American, and Mr. Shaw-Lefevre the Speaker of the House of Commons also gave evidence. One matter which the Committee considered was the great amount of time which members had to spend in Committees. This expenditure of time in Committees was considered to add to the Government's burdens in keeping a House. In the session of 1848 there were 44 Public Committees

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[1] Arthur Symonds, op.cit. p. 48.

[2] Francois Guizot was the first distinguished academic witness to a Select Committee on Procedure. His view of representative government was Burkean. "The Plurality is Society: the unity is truth", p. 62. Representative government is government by the majority of those who are capable and qualified to govern, p.72. But division of powers is necessary in representative government, the elective side is necessary to prevent the executive from degenerating into full & permanent sovereignty as of right.

(Select Committees) of 15 members each, 28 Election Committees of 5 members, 14 Groups on Railway Bills, (5 members), 17 groups on Private Bills (5 members) and 112 others on Private Bills.[1] These involved a tremendous number of committee meetings. This was why, it was claimed, members were too exhausted to come to the House from 7-10 p.m. Other commentators on this feature of Parliamentary life however considered the pernicious habit of making extremely long speeches, an important factor in keeping members out of the Chamber at the dinner hour when Roast Beef was more inviting than an oration. The recommendations of the 1848 Committee were relatively minor although they form part of the continual process of erosion of private member's control over the timetable of the House of Commons. The Committee suggested that no debate be held on first reading, and no debate on the motion to go into Committees.

During the 1840's and 1850's comments on the inefficiency of the House and the consequent need for the reform of Procedure were common. May had in 1849 published a pamphlet Remarks and Suggestions with a view to facilitate the despatch of Public Business in Parliament and we have already referred to other articles and pamphlets on the same subject. Meanwhile the House had not become particularly representative under the terms of the Reform Act, and pressure for more expansion of the franchise continued. According to Herbert Spencer in 1857 the House of Commons at that date contained:

> 98 Irish peers and sons of English peers; 66 blood-relations of peers; and 67 connections of peers by marriage; in all, 231 members whose interests, or sympathies, or both, are with the nobility rather than the commonalty.[2]

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[1] Report of the Select Committee on the Despatch of Public Business, H.C. 644 of 1848, p.iii.

[2] Herbert Spencer, 'Representative Government: What is it Good for?' first published in The Westminster Review, October 1857. Reprinted in The Man Versus the State, Penguin Edn. 1969, p.245. Like Symonds (See above p.65) he complained of the mass of undigested information placed before Parliament. The representatives 'Pay great respect to petty details of evidence, but of large truths they are quite regardless', p. 256.

Clearly Parliament in mid-century contained much dead wood, and members made too many long and boring speeches. Add to these factors a heavy round of Committee chores, ineffectual leadership, and party chaos, and the picture is not a particularly appealing one.

In 1854 a larger enquiry took place which again discussed the use of committees to expedite Public bills, although this time it was concerned not with the pre-legislative stage but with the Committee Stage.[1] It has been suggested that an article in the Edinburgh Quarterly of January 1854 by Erskine May advocating such Committees was instrumental in setting up this enquiry.[2] He had been airing proposals for Standing or Grand Committees for some years. (See above p. 66) The members of the Committee as usual included important Parliamentary figures. The presence of such members, some with Ministerial experience, may have encouraged 19th century Committees towards a cautious approach. Hume, Bright, Lord John Russell, Donnison, Brotherton, and others were joined by Disraeli in 1854.

As with previous Committees it can be seen that the witnesses were more advanced in their thinking and more radical in their approach to the problems of saving Parliament's time than were the Committee members. The witnesses were E.P. Bouverie, M.P., Erskine May and Speaker Shaw Lefevre. Statistics were presented to the Committee indicating the press of business in Select Committees, the session 1852-3 having been particularly heavy. Statistics showing the numbers of Private and Public Bills, numbers of days sitting and hours of sitting were also presented and these too showed an increase of business in the 1852-3 period.

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[1] H.C. 212 of 1854.

[2] Sir Courtney Ilbert, Evidence to the 1906 Select Committee on Procedure, H.C. 89 of 1906, p. 28.

The witnesses indicated that one effective means of relieving the press of business in the House would be to revert to some system of 'Grand' Committees which had existed until swept away by Alport in 1833[1], but that these new 'Grand' Committees should consist not of the whole membership of the House but of part of it. Erskine May had previously suggested in the Edinburgh Quarterly that the House be divided into six committees each specialising in a different topic with 100 members each. By the 1850's the House was making considerable use of Select Committees for the consideration of legislation but bills still had to come back to the Committee of the Whole for their Committee Stage even after a Select Committee had looked at the Bill. The witnesses proposed that instead the bills would simply go to a Standing Committee which would be like a miniature version of the House. Other evils to which the House was prey at the time were considered, including the problem of amendments to the Motion on going into Committee of Supply, the abuse of the Motion on going into Committee on a bill which led to a duplication of the second reading debate of the bill's principles, motions on the Friday adjournment and the problem of the numbers of members engaged in Select Committees. At the very period which is so often regarded as the 'Golden Age' of Parliamentary government we find that there are constant complaints against those very features of the Parliamentary system connected with individual initiative which are considered to characterise the 'Golden Age'. The mythical golden age seems indeed to be a period in which the inability of Parliament to get on with what was considered its job created a sense of frustration amongst Government members, and amongst those M.P.s who considered that it was their job to support the government. Reform

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[1] Hansard, 276, p.356. For a history of the use of Grand Committees see Sir Gilbert Campion An Introduction to the Procedure of the House of Commons, 3rd. Edn., London, 1958.

of Parliament at this time meant reform in the direction of making Parliament a more efficient legislative machine, just as Reform of Parliament in the 1960's means opening up wider opportunities for Private Members to criticise the Government and to influence its policy.

Although their witnesses had suggested radical changes in procedure the 1854 Committee once again showed its conservatism by rejecting the proposed Standing Committees and making minor recommendations. They did not think that radical measures were called for: the Committee report quoted from the 1848 report:

> It is not so much on any new rules, especially restrictive rules, that Your Committee would desire to rely for the prompt and efficient despatch of business by the House. The increasing business calls for increased consideration on the part of Members. Members should strictly confine themselves to matters immediately pertinent to the subject of debate.[1]

The 1854 Committee stuck to this position. Self-regulation of the rules, rather than new rules, was considered the answer to the obstruction of Public Business. These sentiments were echoed many years later by Gladstone,[2] who considered that the House had the remedy to obstruction in its own hands but its failure to act had forced the Government to introduce new rules.

After the 1854 enquiry there was no general enquiry into the Public Business until 1861. Two enquiries into financial procedure had taken place in the meantime: one into Forms of Business in the Committee of Supply,[3] and one into Tax Bills.[4] The 1861 enquiry had like its predecessors illustrious members including Palmerston, Bright,

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[1] Report of the Select Committee on the Despatch of Public Business, H.C. 212 of 1854, p. iv.

[2] Hansard, 266, Col. 1124.

[3] Select Committee on Forms of Business in the Committee of Supply, H.C. 261 of session 2, 1857.

[4] Select Committee on Tax Bills, H.C. 414, of 1860.

Disraeli and Lord Stanley. The Speaker, Erskine May, and Massey were the witnesses. This Committee reviewed the work of the 1854 Committee and concluded that the method which it had adopted of proposing small scale supplemental changes had worked well. However, the problem of the waywardness of Parliamentary procedure remained. Procedure still offered great opportunities to the Private Members and severely hampered the Government's attempts to stick to a legislative timetable. The Government at this time had control of only two days a week, and even this could be wrecked by members making ingenious use of procedure. There was, the report stated, a need for certainty, and the lack of any element of surprise in Parliamentary procedure. The difficult question of the endless debates raised on amendments on the motion on going into the Committee of Supply was once again raised. It was defended on the grounds that it was the right of members to seek redress of grievance before granting supply. In substance the 1861 Committee's concern was with balancing the Private Member's ancient rights to ventilate grievances (or as the Government saw it to disorganise the timetable) versus the Government's desire to get a legislative programme through the House. The Committee, cautious as ever, made its position in the debate of Government versus Private Member's initiative quite clear. The report stated:

> Although it is expedient to preserve for individual members ample opportunity for the introduction and passing of Legislative Measures, yet it is the Primary duty of the Advisors of the Crown to lay before Parliament such changes in the law as in their judgement are necessary; and while they possess the confidence of the House of Commons and remain responsible for good government and for the safety of the State, it would seem reasonable that a preference should be yielded to them, not only in the introduction of their Bills, but in the opportunities for pressing them on the consideration of the House.[1]

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[1] Report of the Select Committee on the Despatch of Public Business, H.C. 173, of 1861, p. 26.

Clearly the Government was often unable to ensure the passage of legislation. The House was often empty. From 1856-1860 the House had been counted out 36 times, 18 of these occasions from July 1859 to June 1861.[1] But radical proposals for expediting business, namely the Standing Committees first suggested in 1854 and repeated now in 1861, were rejected in favour of the cautious approach. The Committee's recommendations were therefore minor ones.

In the Session 1868-9 a Joint Committee of the Commons and the Lords on the Despatch of Business was set up 'especially in regard to the relations of the two Houses'. It was however concerned with the general topic of the Despatch of Business. It considered the problems of moving Bills through both Houses and looked into the question of whether it should be possible for Bills to be held over from one session to another. This solution had been offered to other earlier Committees as one of the more 'radical' answers to the general problem of the Despatch of Business. Bills often lapsed at the end of the session through inability to complete their stages in both Houses before the session ended. This problem has continued to bedevil successive Governments especially when an important bill takes up a good part of the session and much minor legislation gets left behind. The suggestion that legislation might be held over from session to session was put forward in Procedure Committees in 1956-7 and 1967-8, but has never been adopted. The Parliamentary session was generally a little shorter in the 19th century than it is in the 20th century but not notably so. Since the first decades of the century the practice of not starting the session until the New Year had grown up which led to a crowded timetable. It is clear from what has already been stated that a lot of time was wasted and bills piled up unread at the end of the session. Most of

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[1] ibid., p. vi.

the recommendations of the 1868-9 Committees however dealt with the expedition of Private Bills. The only witness was the Clerk of the House, Sir Thomas Erskine May. Lord Redesdale brought up the subject of referring more Public Bills to Select Committees (a common practice in the 19th century, see above p. 68). May, who had previously suggested not Select but Standing Committees, was, predictably, not in favour of the Select Committee device for Bills. "A Government Bill could be readily defeated by delay, and there are already sufficient, and more than sufficient obstacles to the progress of any Bill". May did not think that Select Committees would save time, on the contrary that they would afford members more opportunity:

> To discuss every grievance and matter of general policy and every question which affects administration as well as legislation.[1]

But May suggested instead that Standing Committees might be set up for the Committee stages of uncontentious bills, those which did not excite political tempers. Bills which might go to such Committees included only those "Bills of Secondary importance, and with numerous details not involving important principles."[2] Yet once again this proposal was rejected.

The next Committee to consider significant changes in Procedure was appointed in 1871. Members of this Committee included Disraeli, the Chancellor of the Exchequer, and other notables. Once again Sir Thomas Erskine May was the sole witness. Again the Committee's main concern was with devising means to aid the passage of business through the House. The number of days allotted to Government business

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[1] Report from the Joint Committee of the House of Lords and the House of Commons on the Despatch of Business in Parliament, H.C. 386 of Session 1868-9, p. 20.

[2] ibid., p. 139.

(that is the days on which this business had precedence over other, private business) was two per week at the time. The Committee discussed the possibility of extending the time available to the Government. Other topics were the practice of moving amendments on Going into Supply which as stated in previous Committees took up a great deal of time,[1] the evils of late sittings, and the possibility of Standing Committees for bills of lesser importance. This was May's old proposal coming forward for yet another airing. May in his evidence repeated his proposal for Standing (Grand) Committees of some 100 members each which would provide for a more formal discussion of a bill than was possible in a Select Committee which generally consisted of no more than 15 members. May in his evidence rejected the idea of Committees like the French bureaux.

> Which would be a dangerous impediment to public business, because it has been the function of the Bureaux to discuss measures before they are introduced.[2]

Earlier suggestions that this type of pre-legislative Committee be set up had been rejected by Select Committees on the Despatch of Public Business (see above pp. 60-61) This type of Committee May considered would obstruct rather than speed business through the House. The sole objective of his proposals for Standing Committees was that they provided a division of labour and freed the floor of the Whole House for other business. Important questions and the Estimates should not go to a Standing Committee but be considered on the floor of the House.[3] May considered that these proposals would speed up business so that more drastic measures including the 'clôture' need not be adopted. He did not think indeed that such a device was either necessary or desirable. Evidence was presented to support this claim. Since 1857 only three debates had exceeded four days. These were the Second Reading of the

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[1] Select Committee on the Despatch of Public Business H.C.261, Session 1857.
[2] Select Committee on the Despatch of Public Business H.C.137 of 1871, p.17.
[3] ibid., p. 33.

Representation of the Peoples Bill 1859 which took seven days, Lord John Russell's Reform Bill of 1860 which took six days on Second Reading and Lord Grosvenor's amendment on the Second Reading of the Parliamentary Representation Bill of 1866 which took eight days. Several debates had lasted four, three or two days.[1] It was also pointed out that many days were spent debating the motion, and amendments to the motion on going into Committee of Supply. According to Sir Thomas Erskine May's evidence,[2] this practice dates from 6th March 1811. The timetable problems raised by excessive use of the device had previously been considered by the 1861 Select Committee. These debates were used as Private Member's time to replace other time lost to the Government.[3] The subjects debated were generally individual matters of concern to very few members of Parliament, since they served the function of individual redress of grievance. Private Members could also use this device to disrupt the timetable. By the middle of the 19th century heavy use was made of these motions and amendments. In 1869 14 days were taken up on these debates, and 11 days in 1870.[4] The second witness, Speaker Dennison, thought that the House should go into Committee of Supply once a week throughout the session without any motions. He concurred with the first witness, May, that the Committee stage was an appropriate point in the legislative process for Bills to be sent to Committees for consideration.

In spite of the evidence from the witnesses they called, the Committee was too cautious to take up bold suggestions and satisfied itself with a series of minor time-saving proposals. As one member stated:

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[1] Select Committee on the Despatch of Public Business, H.C. 137 of 1871, p. 5.

[2] ibid., p. 2.

[3] ibid., p. 24-25. Mr. Cavendish-Bentinck's evidence.

[4] ibid., p. 26.

> Every modification of the rules which we propose must be subject to the discretion and good feeling of the House.[1]

And clearly at this time the Committee did not feel that the suggested Standing Committees would be generally welcomed by the Members of the House. Such Committees would be regarded as an erosion of member's rights to speak on all stages of all bills even if they did not often exercise these rights. Both House and Government were parties with an interest in rule changes, and the cautious approach of successive Procedure Committees in respect to changes which would assist the Government in the expedition of their legislative programme must be viewed in the light of the statement quoted above. Proposals which members thought would impinge further on the initiative and time available to private members would cause a number of members to protest loudly against further inroads on their rights. The cool reception of the proposals for Standing Committees must in part be related to this, for in a Committee of 100 from a House of 660 some 550 members could not take part. That they might not take part in a Committee of the Whole is immaterial to their fears that they might be excluded from discussions 'upstairs'.[2] May, the great advocate and originator of the Standing Committee system, himself considered that there were limits to the type of bill which might be discussed in a Standing Committee and in his evidence indicated that he did not think that the Estimates should be taken 'upstairs'. Matters of detail, matters which did not arouse strong political conflicts, these were the sort of matters which might be sent upstairs. Matters which involved the Constitution, which aroused strong political views, and which were of major importance, should

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[1] Knatchbull in Report from the Select Committee on Business of the House, H.C. 137 of 1871, p. 22.

[2] For expressions of such opinions from members see the Debates on Procedure of 1882 and 1947. Hansard, (3rd series) Vols.274 and 275. These debates in 1882 began early in the year and were adjourned from February 20th to October 24th. Debates on procedure were held for 34 days in the session, all but seven of these between October 24th and December 1st. Hansard, Vol. 443, Cols. 1547-1790. 4th November, 1947.

continue to be discussed on the floor of the House. May's proposals were criticised by W.M. Torrens, M.P., since they would, he thought "tend to stimulate and intensify the centripetal force already developed so strongly in the organisation and movement of Imperial rule."[1] This force led, in his view, to over legislation. Instead of May's original suggestion of 100 Members, Torrens suggested three panel committees of 200 Members each. These would meet simultaneously, perhaps daily, before the House sat. But the real remedy in the block of Public Business, in his view, lay in stemming the flow of legislation itself, and in the development of decentralisation.

The cautious attitude of Procedure Committees was not always matched by the Government but until the Gladstone procedure reforms of 1882 no Government on its own initiative introduced large scale procedural reforms. Until the late 19th century the only method open to the Government in the matter of procedural change was to proceed by stealth, to creep step by step in the general direction of greater control over the timetable of the House. Imperceptible changes over a long period of time have less chance of being noticed, and members only slowly realised that they were losing their control over Parliamentary time. Outside, or 'impartial', observers representing neither 'Government' nor 'backbencher' opinion in this matter (if Erskine May and the Speaker can possibly be so regarded) could see more clearly than the Government and members what bold steps were necessary. They could afford to be bold to a degree that the Government, dependent upon the support of the House, could not. Members of the Committees, who were generally men of wide, often of Ministerial, experience, some being members of the Government itself

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[1] W.M. Torrens, M.P., Reform of Procedure in Parliament to Clear the Block of Business, London 1881, p. 128.

preferred to make small steps rather than to stride for fear of over-estimating what the House would bear and incurring the wrath of members. Some thought that political rather than procedural changes were required.

After 1870 however a new political force entered the story of Parliamentary procedural changes, which pushed them forward more rapidly than they might otherwise have advanced. This was the Irish question which manifested itself in obstruction of the business of the House by the Irish members. The story is too well known to repeat here in detail. By the late 1870's Irish members had so obstructed business that new measures of restraint upon the initiative of the Private Member were being called for. In part the Government responded by setting up a Select Committee on Procedure in 1878, chaired by Sir Stafford Northcote, to consider methods to promote the despatch of Public Business. As usual it included important Government members, among them the Chancellor of the Exchequer who at this period seems to have occupied a position, in respect to Parliamentary procedure, analogous to the present day post of Leader of the House. No less than six of the fifteen members had been on the 1871 Committee. And among the fifteen members was the Irish nationalist leader, Parnell.

Parnell could not be expected to agree with the other members of the Committee. He submitted a draft report of his own. He considered that the rules of the House should not be meddled with for they were uniquely fitted to provide opportunities to the Private Member.[1] His colleagues needed no reminders of the flexibility of the rules of the House by this time, and were, in the next four years, to see them stretched to their furthest limits. Parnell proposed that special Committees should be set up to consider the Committee stage of bills for England, Ireland,

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[1] Report from the Select Committee on the Despatch of Public Business, H.C. 268, of 1878, p. xx.

and Scotland (Wales was not considered as separate from England at this time). He stated in support of this proposal that members of the House of different nationalities could not understand each others business, and should not be concerned with it. He also proposed that the Estimates should be considered by Specialist Select Committees which would have powers to recommend cuts in expenditure but not increases. This draft report was noted and rejected by the Committee. Parnell's draft offers an interesting example of how a dissenting member of a Select Committee can ensure that his views are published, and are not submerged in the general consensus. The dissenting member sets out an alternative report containing his own views, calls for a vote upon it, and thus gets it published for all to see in the proceedings of the Committee.

Inevitably the general tone of the Committee was different from that of Parnell, whose position on the Committee was due to political expediency. The general tone of the report was, as usual, moderate and radical solutions were not acceptable. One member, Newdegate, proposed an addition to the report adopting words condemning recent obstruction of business (by the Irish members) but this was rejected. A muted, compromise set of proposals were offered including one that members who disrupt business should be suspended for the rest of the day. The Committee was not prepared to recommend rules for closure. It was precisely this device which had finally to be adopted to solve the problem of the obstruction of business by the Irish.

There are several accounts of the procedural changes of 1882. The best, perhaps, are by Hughes and Redlich.[1] These changes will not be reconsidered here except to point out that Gladstone in the session

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[1] Hughes, op.cit., passim and Redlich, op.cit., pp.133-185.

1882-3 introduced two Standing Committees as an experiment. They lapsed at the end of the session. He was undoubtedly influenced by May[1] who had been suggesting such structures for over thirty years. May, during all this time, had acted as a pressure group of one but found support from Gladstone when events pressed him to a search for a solution to the obstruction. Standing Committees were a lesser evil than the closure, which Gladstone, conservative to a point in procedural matters, did not really favour.[2] Even after closure was introduced it was rarely used, but remained as a threat.

The Standing Committee experi ments of 1882-3 were short-lived but the device continued to be suggested as a useful one. Accordingly, another Select Committee was set up, in 1886 to look at the procedure of the House. This Committee was the first one to be called a Select Committee on Procedure. It was a larger than average Committee with thirty-three members and met thirteen times but heard no witnesses. Most of its meetings were taken up with discussion of draft resolutions proposed to it by the Chancellor of the Exchequer, and these draft resolutions form the basis of the recommendations which the Committee made in its reports. These recommendations set the seal of legitimacy and acceptance by the House of Commons of the foundations of the present system of Standing Committees although it was two years before the Standing Committees were set up (1882). May died in 1886. We have seen how previous Committees were too timid to recommend such changes for fear they would not be acceptable to members of the House, and how they were first tried out in 1882 on Government initiative. The idea that such Committees should be used for legislation had last been put to a

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[1] Hughes, ibid., p. 294.
[2] ibid., p. 309.

Procedure Committee in 1878 by May who then stated:

> Committees on Public Bills should be specially constituted and have permanent functions not limited to a single bill. For this purpose a Committee of considerable size should be constituted mainly of members permanently sitting and competent to represent the general opinion of the House aided by Members specially appointed to serve in regard to Particular Bills.[1]

The 1886 Committee recommended that four Standing Committees (sometimes called Grand Committees) be set up with the balance of parties maintained as in the House itself.[2] This was the principle upon which the present system of Standing Committees was founded, and they have operated in practice very much like the House of Commons itself of which they are miniature versions. The Whips keep the party numbers in line and Government/Opposition conflict style behaviour is more common than the consensus politics of the smaller Select Committee. (See below 'Towards a Model of Committee Behaviour', Chapter V). Highly contentious bills such as the 1971 Industrial Relations Bill are not taken in Committee but on the floor of the House. As well as this important recommendation the Committee ranged over a number of other procedural topics. These were: (1) sittings of the House, (2) putting the question at the close of the sitting, (3) consideration on report and third reading of bills referred to Standing Committees, (4) Committees of the Whole House, (5) Government Business, (6) Questions, (7) Divisions, (8) Address in answer to the Queen's speech, (9) Deferring or discharge of orders, (10) Bills to be printed, (11) Introduction of Bills,

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[1] Sir Thomas Erskine May, evidence to the Select Committee on the Despatch of Public Business, H.C. 278, 1878. Quoted by Sir Courtney Ilbert, evidence to 1906 Select Committee on Procedure, H.C. 89 of 1906-7, p. 28.

[2] The Government did not adopt the recommendation but reverted to the 1882 Gladstone Standing Committee formula. In 1908 Committees like those proposed in 1886 were set up.

(12) Amendments on report, (13) Lords Amendments. This long list of topics shows that the 1886 Committee was undertaking a review of the Procedure of the House in toto rather than looking simply at the question of the Despatch of Public Business. By 1886 the number of Standing Orders covering Public Business had greatly increased. Erskine May's handbook had been published for forty-four years and parliamentary procedure in general had become more complex than it had been in 1832. The 1886 Committee was the first Committee to be called a Select Committee on Procedure and this change in name did indeed signify a change in function.

The 1886 Committee ended for a time discussion on one topic concerned with the Despatch of Public Business, the principle of the use of Standing Committees. Future Select Committees were to enquire into details of their operation but the existence of these structures in some form was permanently established after 1888. And they have continued to operate in the manner which Erskine May envisaged. Select Committees on Procedure after 1888 moved on to other topics and there was no further general review of Procedure until 1906. The principle of Government control over the timetable was established by the 1880's and it became clear that Parliamentary control of Finance had weakened. The Government had established an ascendency in the financial field as well as in the field of General Legislation. In 1888 a Select Committee was set up to look at Financial procedure. This was the first Select Committee on Procedure which dealt specifically with Government encroachment on Private Members time.[1] The Committee proposed that a Select Committee of the House be set up to consider the Estimates. The Estimates Committee was not set up until 1912 - 24 years later at a time, according to Gordon Reid[2]

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[1] Report of the Select Committee on Estimates Procedure (Grants of Supply) H.C. 281, of 1888.

[2] Gordon Reid, op.cit., p. 96.

when Parliamentary scrutiny of the Estimates was patently inadequate. Repeated requests and recommendations for a Select Committee on the Estimates had had no results and in 1911-12 aggressive action by backbenchers finally swayed the issue.[1] And apart from its replacement by a National Expenditure Committee during the two World Wars the Estimates Committee continued, first gaining strength and then in the 1960's weakening, until it was replaced in 1970 by the Expenditure Committee. The draft report of the 1888 Select Committee also suggested that some Estimates should go to the Grand (Standing Committees) a suggestion previously made by Parnell in 1871, (see above p. 78) and that the Estimates should be grouped together in blocs of votes. It had become clear, from the discussions in previous procedure Committees, that the use of the Committee of Supply and the practice of moving amendments to the motion to go into Committee of Supply took up so much time that the Committee no longer exercised any real control over the Estimates but had become a forum for general political debate. The Estimates were generally passed through with only cursory examination and the time taken up with debates on topics of general policy or especial grievance. In a way the private members had themselves contributed considerably to their growing impotence vis-a-vis the executive in financial matters through their insistence on the exercise of the right to redress of grievance before granting of supply. The solidification of the party system and the growing institutionalisation of the 'Opposition' as a monolithic force and alternative Government at the close of the so called 'Golden Age' rendered their freedoms on supply days ineffective and finally removed the notion that any detailed control of the Estimates by Parliament was possible. Even such reductions as had been made in the 19th century were negligible, e.g. £80 for food for the pheasants in

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[1] Reid, op.cit., p. 96.

Richmond / Park, [1] or relatively insignificant. Clearly the notion that the Executive could be controlled by Parliament through Parliament's powers in the financial sphere had almost completely vanished by 1888. The financial function was considered unimportant by Bagehot as early as 1867.[2]

The Estimates Committee as suggested in 1888 was understood from the very beginning to be limited in scope to detailed analysis of the Estimates rather than to control and influence over the policies which lay behind them. Because this principle was made clear from the outset it did not violate Government superiority over the House of Commons. Henry H. Fowler, a member of the 1888 Committee, stated the functionsof the proposed Committee in a letter to The Times. This was reprinted as an appendix to the report. Sending the Estimates to a Committee before submission to the House:

> would diminish the proper responsibility of the Executive for the public expenditure, and would interfere with the Constitutional relations between the Government and the House of Commons. The duty of the House of Commons is to decide whether the expenditure which the various Departments propose is absolutely needed for the efficiency of the public service, and to see that all money is wisely spent, and that the nation gets the full equivalent for the outlay.[3]

At this time control over public expenditure by the House of Commons was considered to mean that detailed financial accounting control indicated in the passage above. It did not involve the setting of

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[1] Report of the Select Committee on Estimates Procedure, Grant of Supply, H.C. 281 of 1888.pp. 66-67.

[2] Walter Bagehot, The English Constitution, Fontana Edition, 1964, p. 136. "I do not consider that the House of Commons has any special function with regard to finance different from its functions with regard to other legislation. It is to rule in both and to rule in both through the Cabinet."

[3] Report of the Select Committee on Estimates Procedure, Grant of Supply, H.C. 281, of 1888, appendix No.2.

priorities for expenditure for the various departments. The House of Commons was at the end of the 19th century still in the candle ends era of financial control and the scope of governmental activity had not yet grown so vast as to place an emphasis on the alternative uses of governmental resources among competing ends. Thus the Estimates Committee proposed by the 1888 Committee was of this limited scope and when the Committee finally died in 1970 it was replaced by an Expenditure Committee with functions more in line with the changing functions of the Governmental machinery. Members in the 1880's claimed that they had lost control over expenditure and they had indeed lost control over the details of expenditure. They had not yet a pressing need to establish control over the total sums of expenditures through the larger scale political debate. Even when the Estimates Committee was set up in 1912 the sentiments expressed by Fowler were echoed by Lloyd George.[1] Considerations of policy lay outside the scope of the new Estimates Committee, and it remained constrained by its limited terms of reference although, policy and administration being notoriously difficult to distinguish, it did sometimes stray into the realms of policy - what Lord Butler called 'Administrative policy'.

The recommendations of the 1888 Committee, like those of the 1886 Committee did finally reach fruition, but only after a gap of 24 years. This illustrates how the precise importance of the Select Committee Report is difficult to estimate, and that the reports may often be seen simply as part of a general trend of thought towards change in a certain direction. Other Committees with different suggestions have not even had this degree of success. The 1890 Committee returned to an old proposal (see 1848) that Bills should be held over to the next session

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[1] Hansard, Vol. 37, Col. 362.

when they reached the end of the session without completing their stages in both Houses. The recommendations of the 1890 Committee[1] on this topic have not so far been put into practice although the suggestion is frequently taken out for an airing.

No other important Committee on Procedure sat until 1906, four years after the introduction of the 1902 'Railway Timetable' procedure changes by Balfour. These changes gave the Government much more control over the timetable of the House and did much to solidify the system by which the Government has supreme control of the business of the House. Balfour introduced these changes without reference to a Select Committee, although having been a member of the 1888 Committee he was aware of the possibilities of such a body. By 1906 the party system had so developed in the House that a Government wishing to put through Procedural changes could rely on its Parliamentary majority to carry them through. And the solidification of the Party system, too, meant that a Government was more likely to have success with its innovations than Gladstone had had with his experimental Standing Committees in 1882-3. A Government no longer had to feel the sense of the House in Procedural matters to quite the extent that Governments had done during the so called 'Golden Age'. Arguments that procedural changes can only be made with the agreement of the members of the House lose some of their force in a situation where party organisation is strong and powerful. Support for their leaders forces backbenchers into support for measures which will enable the Government better to carry out its programme.

The 1906 Report did not differ fundamentally in nature from those which were presented to the House in the 19th century. It followed

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[1] Report of the Select Committee on the Business of the House (Abridged Procedure on Partly Considered Bills) H.C. 298 of 1890.

the 1886 Report by taking a look at a wide range of procedural topics. The first report dealt with the question of double sittings.[1] The House had in the 19th century adopted the practice of holding a dinner break from 7.30 p.m. to 9.00 p.m. The 1906 Committee recommended single sittings from 3.00 p.m. to 11.00 p.m. with Questions being taken after Private Business at 3.15 p.m. and continuing until 4.00 p.m. This has, with a few exceptions, been the daily practice since. The Second Report returned to the question of Standing Committees,[2] which had been established in principle since 1888 but which were clearly not being used to their full potential as an established structure of the House of Commons. Sir Courtney Ilbert in his evidence in 1906 referred back to Erskine May's original suggestion in the Edinburgh Review (1854) and indicated that this article had been instrumental in getting the 1854 Select Committee set up. In this article May had suggested that six Committees like the 17th century Grand Committees of which there had been four, for Religion, Trade, Grievances and Courts of Justices, be set up. The specialised nature of these Committees had been reflected in the 1882-3 Gladstone experiment but had not become a feature of the 1888 system. The Standing Committee system was modified in 1907 after the Report of the Select Committee. Further modifications have not altered the essentially non-specialist nature of the Standing Committees but some have been set up for regions, Wales and Scotland.

From the turn of the century one can see more clearly the origins of the Select Committee on Procedure as we know it today. It is clear from the foregoing examination of 19th century procedure Committees that they were heavily weighted in favour of the Government

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[1] H.C. 89 of 1906-7.

[2] H.C. 181 of 1906-7.

and as a result their general effect was to assist in tipping the balance of power in the Government's favour. The recommendations of the Committees were generally cautious however for they had to consider what the House would accept. We thus see that the views of the witnesses were often more radical than those of the Committee members or at least than the those/Committee felt that they were able to endorse.

The views of the Government towards procedural reform were radical in that they wanted smoother running and more legislative efficiency, but Gladstone offers an example of the Government member who tempered this enthusiasm with considerable caution. The Procedure Committees of the 19th century were to some extent a restraining influence on the reform of procedure, reflecting a conservative attitude on the part of members of the House. Major changes were made without recourse to Select Committees on Procedure. Nevertheless these Committees recommended minor changes which gradually built up towards a great change and supplemented changes initiated by the Government alone. Redlich, whose commentary covers the period up to and including the 1902 Balfour reforms considered that the reform of the Procedure of Parliament had by that date gone about as far as it was likely to in favour of the Ministry:

> One prediction, may however, be hazarded: that alterations of great scope are hardly to be expected. Possibly, even probably, some of the small economies of time, proposed by Mr. Balfour in 1902 and not yet accepted, will be realised; but great changes involving matters of principle seem hardly possible except as accompanying great constitutional considerations.[1]

Select Committees on Procedure since 1906 might well be examined with these words in mind. Redlich's general theory is that the procedure of the House of Commons delineates the relationship between Ministry and House of Commons, is designed to maintain a balance between the executive and private members, and that the balance between these two reflects underlying attitudes towards Government's role held by members of the

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[1] Redlich, op.cit., p. 203.

political system at large. If this theory is sound and if there had been evidence of moves towards further procedural changes in favour of the Government then the work of the Procedure Committees may indicate a move towards a position of imbalance or a reaction to a position out of gear with attitudes in the political system. We do not have much information as to the attitudes of members of the political system towards the functions of Government[1] and those we have must be regarded as elite attitudes. Such attitudes as we can discover are expressed in the writings and speeches of academics, journalists and Parliamentarians. It is towards these we now turn to gauge the background to Committees on Procedure since 1906.

Background to Procedure Committees After 1906

Since the early years of the 20th century Procedure Committees have performed two functions. They have continued to examine, as they did throughout the 19th century, suggestions for reform which would aid the Government to implement its legislative programme. At the same time they have begun to look at proposals for reforms which would maintain and enhance the role of the individual member vis-a-vis the Government. The change in outlook of 20th century Procedure Committees was not immediate and is not complete, but is sufficiently striking to be interpreted as a response to political developments over a period of years.

These developments include the extension of the franchise since 1867 and the consolidation of the parties within and without Parliament to carry out electoral programmes. Within Parliament consolidation of parties cut down on opportunities for Private Member initiative. Legislative programmes finally have their fruition in the growth of

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[1] Wahlke, art.cit., p. 288.

governmental activities, and this had occurred by the end of the first decade of the 20th century culminating in the social legislation of the Liberal Government.

These broad changes in the political system are reflected in the operation of successive Procedure Committees. Eventually backbench members began to react to political developments and to demand reforms which would restore or improve their position vis-a-vis the Government. Some 20th century Procedure Committees have been set up directly as a result of backbench pressure. They have become overwhelmingly backbench in composition and sympathies. This has undoubtedly affected the nature of their enquiries and the choice of witnesses. Procedure Committee enquiries, witnesses, reports, and recommendations have thus tended to reflect a general feeling of reaction to the growth of governmental activities, and to the changes in Parliamentary Procedure and practice which were adopted to enable legislative programmes to be put through Parliament.

Just when the reaction to big government began is difficult to ascertain. It was probably always in existence, but not always in vogue. Just at the dawn of Dicey's 'collectivist' age Herbert Spencer was expounding an anti-collectivist philosophy. In 'Representative Government - What is it Good For' published in the Westminster Review for October, 1857, Spencer put forward a Benthamite view of the functions of Parliament, and clearly indicated that Representative Government is good for limited functions but not for entering wholesale into the management of the affairs of men, for when it attempts so to do it causes bungling and more trouble than it can cure.[1] There are a number of writings towards the end of the 19th century and in the early years of the 20th

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[1] In 1881 W.M. Torrens, M.P. put forward a similar view in a chapter entitled 'Over-legislation' in Reform of Procedure in Parliament, London 1881, pp. 87-114.

century which indicate that in Britain Government has extended power to the Executive. These works make the superior position of the British Cabinet a clear principle of the British Constitution. They go a step further than Bagehot's analysis of 1867 in which the Cabinet is described as the 'hyphen which joins, the buckle which fastens'. Examples of works in which the superior position of the Cabinet was recognised are Sir Sidney Low, The Governance of England, London 1904, A.L. Lowell The Government of England, London, 1908, and the more technical work of Josef Redlich, The Procedure of the House of Commons, London, 1908. By 1930 this interpretation of the British Constitution reached its apogee in the work of Professor Ramsay Muir, who claimed, in How Britain is Governed, London 1930 that the theory of Parliamentary Government was at variance with the facts since it was not Parliament but the Government which governed. Parliament's role was very limited:

> It is merely absurd to say that Parliament 'controls' the Cabinet in its executive functions. It sometimes criticises so far as it is allowed to know what is going on, and the criticism is sometimes effective and may lead the Cabinet to change its policy: more often the criticism has no effect at all.[1]

Muir's view of the Constitution was criticised by Ivor Jennings in Cabinet Government, London, 1948, for its neglect of the importance of the feeling of the House and the influence which consideration of this feeling has upon Government. H.J. Laski, too, criticised Muir's interpretation in Parliamentary Government in England, London, 1938, on the grounds that the greater private member initiative which Muir favoured would result in the 'pork barrel' legislation of the U.S. Congressional system.

> The weaker Cabinet control is, the more we drift back to the system of which the Private Enclosure Acts of the Eighteenth and Nineteenth centuries are the supreme examples.[2]

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[1] Ramsay Muir, How Britain is Governed, London, 1930, introduction.

[2] H.J. Laski, Parliamentary Government in England, London, 1938, pp. 167-9.

While some writers would not accept Muir's extreme view of the Constitution and the radical proposals for reform which these views entail if those holding them judge Cabinet dominance undesirable, it is apparent that there was from the end of the 19th century a recognition that the British Cabinet had become very powerful and that this was a distinguishing feature of the British governmental system. The impact of this change towards Cabinet dominance upon Parliamentary procedure had hampered the initiative of the Private Member at a time when control of the ever growing activities of Government seemed more important than ever. Fear of uncontrolled Governmental activity comparable to the views of H. Spencer was voiced by Lord Hewart in his book dramatically entitled The New Despotism, London, 1929.[1] Under the new relationship between Government and Parliament the Private Member was doomed either to become a tame party sheep (as Christopher Hollis described him in 1949)[2] or become frustrated, and perhaps to desert Parliament entirely. Frustrated backbenchers are not likely to remain members of Parliament for long if they are men of ability. These various interacting factors, the growth of the scope of Governmental activities, Cabinet dominance over Parliament, loss of Private Member initiative, indicated to some commentators and Parliamentarians from the turn of the century until the middle years of the 20th century, and again in the 1960's, that the balance in the Constitution had been tipped too far in the Government's favour with a consequent debilitating effect upon Parliament. Cries for the Reform of Parliament of a sort different from

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[1] Many of the works complaining of executive dominance reflect a certain type of Conservative thought, influenced by Benthamite principles. H. Spencer, Torrens, Lord Robert Cecil, and Lord Hewart fall into this category. In the 1960's similar 'Conservative' views have been expounded by Humphrey Berkeley (who had now joined the Labour Party).

[2] Christopher Hollis, Can Parliament Survive, London, 1949.

those of the 1830's and 1840's begin to be heard. 'Reform' now means greater responsiveness as well as greater efficiency. It means providing more opportunities for Parliament to counterbalance the Government. It means also the provision of arenas in which Government plans may be examined and criticised at all levels.

The 1914 Report

The 1913-14 Select Committee on Procedure was set up to investigate what alterations "are desirable in the Practice and Procedure of this House with regard to Public Business". All that emerged from the labours of the sixteen members over two sessions was the Chairman's draft report, and a recommendation that another Committee be set up in the next session as the 1913-14 Committee had not had time to consider the draft report in detail. The 1914-18 war intervened and no further Committee on Procedure sat until 1920. We thus have only the draft report and the evidence presented to the Committee to examine. This was, in spite of the lack of recommendations, an important inquiry. It was the first since the 1888 Select Committee on Estimates procedure which dealt specifically with the Private Member's use of the time of the House of Commons. The Committee in its report recognised that it was dealing with the topic of executive/legislative relations:

> Your Committee, recognising that one of the chief reasons for their appointment was the existence of a feeling amongst Private Members of Parliament that their power and influence in connection with legislation, and their control over finance and administration, have been and are being seriously curtailed; while the continually increasing power of the Government of the day, and its monopolisation of the time of the House of Commons are rendering the position of a Private Member of Parliament less attractive ..... have allowed their consideration of suggested remedies to range over a somewhat wide field.[1]

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[1] Report of the Select Committee on Procedure, (Public Business), H.C. 378 of 1913-14. Chairman's draft report, p. vii.

Balfour, author of the 1902 'railway timetable' reforms noted that the 1914 Committee was different from others previously set up in that it consisted of Private Members only - there were no Government members on the Committee:

> Other Committees have usually been appointed by the Government of the day to consider specific proposals intended to facilitate the transaction mainly of Government business. This Committee has arisen from the complaints of private members who have rather chafed under the restrictions which have been imposed as a result of the regulations which have been made, and we are here to make suggestions for the reform of Procedure, and we are approaching it, I think, I may say, somewhat from the point of view of the Private Member rather from that of the Government alone.[1]

The witnesses, who included Balfour, Lord Robert Cecil, Sir Courtney Ilbert, Fred Jowett, and Thomas Lough, also recognised that they were dealing with the balance in the relations between the Government and the Private Member although their views on this subject differed in emphasis, some supporting the Governmental position and others claiming that the position of the Private Member needed improvement. While Balfour was prepared to admit that there were defects in the present system of Parliamentary procedure from the Private Member's point of view, he poo-pooed the notion that there had once been a 'Golden Age'.

> I am not at all sure that some critics of the present system do not exaggerate the glories of a purely imaginary Golden Age. Whenever I hear them talk of the present system I am in full agreement with them. I am not always in full agreement with them when they represent our forefathers as living in a kind of Parliamentary paradise, where everybody voted according to the balance of argument, where debates were never dull, and where trivial discussions never were unduly prolonged.[2]

Some of the witnesses felt otherwise, looking back to the past with regret. The first witness, The Rt. Hon. Thomas Lough being among them:

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[1] ibid., p. 70.

[2] Report of the Select Committee on Procedure, H.C. 378 of 1913-14, p. 123.

> When I came in (1892) the theory was that we had a free and independent Parliament, and that the House of Commons had retained its liberties practically in its own hands. The tendency of the changes has [sic] to place all liberty with reference to what shall be done, and almost everything that shall be said, in the hands of the administration.[1]

This witness, later in his evidence, specifically referred to the 1902 Balfour reforms of the Standing Orders as examples of rules which had restricted the Private Member. He also indicated what he considered to be the functions of Parliament and the Executive respectively:

> The function of the Government:
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> I think that the main function of Ministers is to administer the affairs of the country and to see that this is efficiently carried out in all the departments; and that they do not exist to dragoon the House of Commons.[2]
>
> The function of Parliament:
>
> I think that one of the main functions of Parliament is to frame fresh legislation[3] [but not to introduce it].
>
> Parliament's role is:
>
> largely to instruct the Government, to convey its wish to the Government and that the Government should be merely the machine for carrying out that wish.[4]

But these functions are not being properly carried out as "fundamental rights and privileges exercised by Members of Parliament from the earliest times have been recently withdrawn."[5]

Another witness took a more radical view. This was Fred Jowett, who rejected the notion that the balance of the Constitution could be restored by the revival of ancient procedures and privileges. Like many of the witnesses to this Committee Jowett was extremely pro-backbencher

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[1] ibid., p. 1.
[2] ibid., p. 1.
[3] ibid., p. 2.
[4] ibid., p. 2.
[5] ibid., p. 4.

and anti-Government in sympathies. But his proposals for reform were quite unlike those of other witnesses. He suggested that Government by Committee on Local Government lines should be established. He saw no need for the existence of a co-ordinating committee - the Cabinet. Indeed he considered that the whole system of Government was subject to severe defects and should be entirely remodelled. Jowett thought that the root of the evil besetting Government was the party system, and that the Parties were able to command obedience from their followers through the threat of dissolution. The present procedure of Parliament he considered aggravated the situation. In answer to a question "What is the fundamental objection which you wish to present in regard to the present system of Parliamentary procedure?" he replied:

> It is that both in regard to legislation and administration, it gives excessive power to rival juntas of Party leaders, each in their turn as one or the other commands a majority in the House of Commons.[1]

Another witness who noted the decline of the backbencher's powers pointed out the effect that this had on the public's view of the role of Parliament in the Constitution. Lord Robert Cecil, brother to Lord Hugh Cecil, member of the Committee and author of Conservatism (1912) who claimed that the House of Commons was losing ground to the Executive, (see above, p.34) stated:

> There is a general tendency of the audience of the public meeting to regard the House of Commons as somehow or other more or less played out..... I should say it was a very common topic for newspapers of all shades of political opinion to deplore certain tendencies of the House of Commons, and the undue power of the Government in the House of Commons.[2]

On the other hand he considered that the argument that the business of the House had increased was fallacious:

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[1] Report of the Select Committee on Procedure, H.C. 378 of 1913-14, p. 17.

[2] ibid., p. 63.

> I believe that before 1877 or 1875, when the then procedure of the House may be said to have broken down, the business of the House was very much larger than could possibly have been conducted except by the general wish of the House to get it through and to conduct it fairly.[1]

Once again the witnesses were in general more 'advanced' or 'radical' in their ideas and proposals than the Committee itself. If we can judge from the Chairman's draft report the Committee was, like earlier Committees, a cautious body. The witnesses in 1913-14 were offering radical proposals to enhance the status of the backbenchers, as witnesses in the 19th century offered 'radical' solutions to the problem of the press of Public Business (e.g. M. Guizot's suggestion of the 'Clôture' in 1848 and Erskine May's long campaign for the establishment of Standing Committees). The draft report suggested the extension of the use of Standing Committees, carrying bills over from one session to another, and time limits on speeches. These were hardly measures designed to please the frustrated backbencher.

The impact of the Committee was nil. There were various reasons for this. They included, (a) because the Committee issued no report except the Chairman's draft report and no recommendations beyond those contained therein, (b) because the 1914-18 War diverted Parliamentary interests away from the question of backbench power and towards the national war effort and, (c) because the witnesses said things which no Government wished to hear.

The 1931 Report

It was not until 1930-1 that another large scale enquiry into the procedure of the House of Commons was set up. Interest in the supposed declining powers of the backbencher had been aroused for some time. In 1922 after an election which brought in a number of enthusiastic young members the Conservative backbenchers themselves organised a

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[1] *ibid.*, p. 54.

backbench 'power' group known as the 1922 Committee. The object of this Committee was to counteract excessive party discipline and power over the activities of the members and to provide a forum in which they could discuss policy and (hopefully) convey their views to the Government which might take note of them. Lord Hewart's book The New Despotism had appeared in 1929 and the Committee in its report took note of the prevailing atmosphere:

> One of the chief reasons for their (the Committee's) appointment was the existence of a large body of criticism of Parliament, both by Members and by Representative citizens.[1]

From 1914 to 1930 there had been three Committees looking at procedure but they had all looked at specific individual topics.[2] The time for a wider survey was due. The 15 members were all backbenchers. The Committee called a star-studded cast of witnesses including Ramsay MacDonald, Stanley Baldwin, Lloyd George, Winston Churchill, Austen Chamberlain, Professor Ramsay Muir, Sir Oswald Moseley, and F.W. Jowett, the Speaker, the Clerk of the House and the Parliamentary Counsel to the Treasury. This Committee dealt specifically with the constitutional question of Executive/Legislative relations.

The witnesses presented a variety of views and solutions to the problems of restoring strength to the backbencher. Professor Ramsay Muir, author of How Britain is Governed London, 1930, had a critical view of the Constitution. He considered that the Cabinet had become excessively powerful, it had become the dominant influence in British

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[1] Report of the Select Committee on Procedure, Public Business, H.C. 161 of 1930-1, p. 2.

[2] 1920, Bills involving charges on rates, H.C. 257 of 1920-21.
1927-8, Unofficial Members Business, H.C. 102, of 1927-8.
1929-30, The Hours of Meeting and Rising of the House, H.C. 126.

Government and that the status of Parliament had, in consequence, declined. Professor Muir accordingly wished to revert to what he called "the system of Parliamentary supremacy". Sir Oswald Moseley, later infamous as the leader of the British Facist Party, wished to reduce Parliament to the position of a jury to which the measures drawn up by a small junta should be submitted for a simple verdict of 'yes' or 'no'.[1] Winston Churchill thought that a sub-Parliament for industrial and economic questions, some devolution of powers, or a system of scrutinising Standing Committees would be desirable.[2]

The Committee considered, perhaps rightly, that some of the proposals put forward by the various witnesses involved not simply changes in procedure but changes in the Constitution.[3] There was a cleavage of opinion amongst the witnesses which the Committee recognised:

> One major cleavage is apparent in the evidence given before Your Committee, namely, between the witnesses who desired the machinery of the House of Commons to be altered in favour of the majority, and those who expressed keen feeling as to the position of minorities in the House of Commons, and who heed that the increasing power of the Government of the day over the time of the House of Commons was rendering the position of a Private Member of Parliament less attractive.[4]

The crucial deviation which the Committee found in criticisms of the present procedure could be reduced to a divergence of opinion as to the proper function of Parliament. Those who considered that its primary function was to be a national forum where great issues were debated (or should be such) were more concerned with the revival of this

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[1] For an elaboration of these proposals see John Strachey and C.E.M. Joad, 'Parliamentary Reform: the New Party's Proposals' The Political Quarterly, Vol. 2, 1931, pp. 319-36.

[2] He had earlier explored this view in 'Parliamentary Government and the economic problem', The Romanes Lecture, delivered in the Sheldonian Theatre, Oxford, June 30th, 1930.

[3] The evidence of the witnesses to the 1930-1 Committee is presented in more detail in Ronald Butt The Power of Parliament, 2nd edn., London 1969, Chapter 4; passim.

[4] Report of the Select Committee on Procedure H.C. 161 of 1930-1, p.4.

function than with the increase of Parliamentary legislative efficiency. While those who considered the function of Parliament to be that of a legislative machine, or a body charged with the control of expenditure and of departmental activity were anxious to make far reaching changes in procedure in order to improve the performance of these functions by the House.

The Committee, in its report, was more receptive towards those witnesses and sentiments in favour of the Government than those who wished to strengthen the position of the Private Member. On balance it thought that the work of the Government was more important. Accordingly the regulations and forms of the House of Commons:

> must be such as while permitting adequate debate and giving adequate powers of initiative to its individual members will assist the Executive in providing with regularity and celerity for the vital wants of the State.[1]

Devices such as the specialist committees which various witnesses had proposed were rejected by the Committee in its recommendations. The Committee considered that such Committees used for legislative and other purposes would only cause delays. (This had also been Erskine May's objection to the use of Select Committees for legislation, see above p. 73). Three major areas of concern emerged from the evidence and were tackled by the Committee. These were, (a) the advisability and possibility of shorter sittings, (b) the problem of the use of Standing Committees and, (c) the practice of Financial control.

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[1] Report of the Select Committee on Procedure, H.C. 129 of 1931-2, p. 5.

The major recommendations of the Committee included the enlargement of the Estimates Committee into a Finance Committee; the establishment of smaller Standing Committees each concerned with a department were rejected by the Government. In a debate on May 2, 1933 Neville Chamberlain told the House that the Estimates Committee "could not deal with major matters of policy without encroaching on the powers of the Executive."[1] The Government thought that the major proposals of the Committee represented a departure from 'present Constitutional practice'.

The limited nature of the Committee's recommendations and its failure to appreciate the arguments of those who wished to strengthen the position of the backbencher drew much criticism. Lord Eustace Percy (one of the witnesses) castigated the report for 'hopeless lack of originality'.[2] Ivor Jennings in Parliamentary Reform [3] criticised the Committee for being too cautious, and not being as radical in approach to the problem as were the witnesses.

> Unfortunately the Committee thought that only those with long Parliamentary experience knew anything about Parliamentary procedure, whereas the most interesting evidence was given by the officials, and by those with the shortest experience.[4]

Jennings considered that the purpose of Parliamentary Procedure was to obtain a just balance between the claims of the Government and the claims of minorities.[5] The function of Parliament he considered was not to govern but to represent public opinion, but in the last resort policy

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[1] Hansard, 277, Cols. 669-70.
[2] Lord Eustace Percy, Government in Transition, London, 1934, p. 99.
[3] Ivor Jennings, Parliamentary Reform, London, 1934.
[4] Jennings, ibid., p. 169.
[5] ibid., p.10.

must be controlled by those who represent public opinion.[1] Jennings thus saw the question before the Committee as two sided and he himself sat rather on the fence, taking a 'balanced' view of executive/legislative relations. Thus he considered that there was a need to strengthen Parliament, (a) by making the legislative system more efficient and, (b) by extending the Committee system by relating it to groups of departments so that the representatives of the people could better control the policy of the government. The Committees would, Jennings thought, strengthen Government by bringing it more closely in touch with public opinion. The statement by the 1931 Committee that "The procedure of Parliament is sufficiently flexible to meet all demands made upon it" was too cautious and conservative in his view.

The impact of the Committee on Parliamentary Procedure was limited and it served a function of providing a forum in which members with proposals for the reform of Parliament might display their views, and little else. The 1930's were not years in which Parliament shone as an institution. The pressure of business was less than in other periods, fewer Select Committees met (the practice of annual returns of Select Committees was discontinued in 1931 and not restored until 1969) the numbers of bills passed were not notably high, and in general 'Parliamentary government.... fell to its most inept level'.[2] That there was dissatisfaction with Parliament as an institution at this period can be estimated from the current output of books and articles on the subject. They reflect two views of the function of Parliament. Conservatives railed against 'big' government and deplored Parliament's inability to check the executive. It became clear to the socialists on the other hand that if a Labour government was to come to office it would need to make

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[1] ibid., p. 141.

[2] Ronald Butt, The Power of Parliament, London, 2nd. edn., 1969, p. 147.

some reforms in procedure in order to get its legislative programme through even if this meant that Private Members might find their activities curtailed. In 1933 Stafford Cripps had put forward proposals for Parliamentary reform of a drastic character.[1] In 1934 Jennings put forward strong, but less dramatic proposals.[2] In 1941 he produced another book on Parliamentary reform.

> In the process (of reform) the importance of the private member has considerably diminished and the authority of the Government has correspondingly increased. This change is often made the subject of complaint, yet it seems to be fully justified by the changed circumstances.[3]

The changed circumstances were of course the need to implement a socialist programme. A great deal of social and economic legislation could only be achieved if the procedure of Parliament was streamlined. But demands for reform did not come from socialists alone. It became clear towards the end of the 1939-45 War that which ever party was in power at the close of hostilities a very heavy legislative programme would be needed to deal with post war reconstruction. Some important legislation was foreshadowed by the Beveridge Report 1943, and by the gradual understanding that the government would have to accept responsibility for the direction of the economy.

Towards the end of the war a number of debates were held on Parliamentary procedure. These arose from backbench pressure for a Select Committee on Procedure. On April 4th 1944 the Prime Minister

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[1] Stafford Cripps, 'Can Socialism Come by Constitutional Methods', Problems of a Socialist Government, London, 1933.

[2] Ivor Jennings, Parliamentary Reform.

[3] Jennings, Parliament Must Be Reformed, London, 1941, p. 40.

Winston Churchill was asked in Question Time if he was aware that a number of members wanted a Permanent Procedure Committee.[1] Churchill was not in favour of setting up a permanent Procedure Committee, for he argued that it would keep the rules in a permanent state of flux and make the task of learning them more difficult. Earl Winterton accordingly gave notice that he would raise the matter on a Motion for the Adjournment. Churchill was again asked if he would appoint a Procedure Committee on April 6th and again replied that he would not. Earl Winterton's motion was debated on May 26th. Many matters connected with procedure were raised in the debate, among them the general point that the House needed to arm itself against the encroachment of the Executive.[2] The proposed Committee on Procedure would be modelled on the Committee of Privileges, and would look at existing Standing Orders, and the rules of Procedure for both Public and Private business. Other suggestions on procedure which received an airing during this debate were that there should be more debates on White Papers (a recent innovation); that there should be Committees attached to the Departments; that more use should be made of the Standing Committees for legislation; that Private Members had been deprived of their rights because of the desuetude into which Urgency Motions (under S.O. No.9) had fallen; that there should be a time limit on speeches; and that Parliament should receive more information about treaties. The Chancellor of the Duchy of Lancaster, (Rt. Hon. E. Brown) said that when one came to deal with Parliamentary Procedure one got two sharply divided views from those who desired to increase the power of the majority to get its way, and from those who

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[1] For an account of the 1944 Debates see The Table, for 1945.

[2] Hansard, 400,5,1070.

desired to increase the power of the independent Member and of the Minority in the House at any time to stage opposition to the majority of the day.[1] Brown had been chairman of the 1931 Select Committee on Procedure and he had noted that every Select Committee until that date had ended in the restriction of the opportunities for the Private Member and the increase in power for the executive of the day.

Notwithstanding the demands from backbenchers for procedural changes the Coalition Government itself became aware that modifications in procedure would be essential for post-war reconstruction. A Committee of Ministers was set up and discussed procedural changes particularly a scheme for the acceleration of proceedings on Public Bills which the Committee drafted.[2] And after the election of 1945 the Government set up a Select Committee on Procedure.

The 1945 Select Committee on Procedure - Background

While views on the function of Parliament remained sharply divided it is clear that during the 1940's much support was given to those who favoured strong government and a supportive role for the House of Commons. During the war Private Members initiative had been curtailed in the interests of Parliament's paramount function as Guardian of the National Interest during a period of crisis. Interest in Parliament rose during the war and by 1945 a certain optimism about its function had developed. The old days of laissez faire and limited government had given way to an understanding that big Government was necessary to deal with big problems. The Private Member was reduced to a lowly position in face of the Government's function of carrying out the popular will. "The truth is"

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[1] Hansard, 400,5,1107.

[2] Herbert Morrison, Government and Parliament, 3rd. edn., 1964, p. 219.

stated Jennings "that the Government business is the only business that matters"[1]. This view of Parliament and its function had much to recommend it to the members of the new Labour Government which took office in 1945, and especially to the man responsible for the conduct of the House's business, Herbert Morrison, who took on new functions with respect to procedure as Leader of the House. Herbert Morrison stated at the time, and later repeated in his book Government and Parliament, the view that the function of the House of Commons was to support the Government and to help it pass its legislative programme:

> It is commonly said that changes designed to economise time are dangerous, because they encroach upon the opportunities which the House must have for criticising the Government. That is true, up to a point. But there is another danger which is often overlooked - that the essential functions of the House may be neglected, if time is frittered away on matters of inessential detail and vain repetition.[2]

This comment, upon the proper functions of Parliament and the waste of time entailed when Private Members have control over the time table is familiar. In the 1830's, 40's and 50's such comments were common. The Government in 1945 clearly saw Parliament exercising a supportive role and set up the Select Committee on Procedure with this role in mind. The Committee's terms of reference were "to consider schemes for the acceleration of proceedings on Public Bills". The members of the Committee were carefully chosen and included Gaitskell, later leader of the Labour Party, and Clement Davies, leader of the Liberal Party. The evidence presented to the Committee was generally pro-Government and offers an interesting contrast with the 1931 Committee. It shows how control and

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[1] Jennings, Parliament Must Be Reformed, p. 41.

[2] Hansard, 443, Cols.1547, 4th November, 1947. Quoted in Morrison, Government and Parliament, p. 231.

direction of a Select Committee has an important effect upon its final output. A Committee on Procedure firmly controlled by Government-minded members will incline to a pro-Government report, while one which is directed by a group of members and Chairman with backbenchers' interests more at heart will reflect these. The evidence presented to the Committee is also a determinant of the final outcome and is related to the membership and initiation of the Committee. In 1945 one of the most important pieces of evidence presented to the Committee was a Government memorandum published as an appendix to the first report. This was the document prepared by the Committee set up by the Government before the end of the war. The First Report considered the problem of Standing Committees - the device which the Government intended to use to speed up the legislative process.[1] The Second Report of the Committee[2] dealt with Divisions and Questions (Private Members time did not exist during the war apart from questions and adjournment motions and was not restored until 1949) and the Third Report examined a scheme of reform proposed by the Clerk of the House of Commons, Sir Gilbert Campion.[3]

The first report on the Government's proposals is particularly important for our analysis of the part which Select Committees on Procedure have played in changing Government/Private Member relationships. The Committee's final recommendations did not correspond with the Government's proposals on all points. In the event the Government introduced procedural changes which corresponded more to the evidence which it had presented to the Committee than to the Committee's recommendations,[4] although in large part the Committee recommended

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[1] First Report, H.C. 9-1 of 1945-6.
[2] H.C. 58-1 of 1945-6.
[3] H.C. 189-1 of 1945-6.
[4] Herbert Morrison, Government and Parliament, p. 225.

the measures suggested by the Government. These included the referral of all Bills, except those of first class constitutional importance to Standing Committees. The term First Class Constitutional Importance gave rise to some discussion in the debate on the Report, some members of the House thought that Bills which dealt with economic matters such as Nationalisation should be so classified, although the Government excluded them.[1] Here party issues came, for once, into a procedure debate. In the event the Government view prevailed. In order that the Standing Committee system could cope with the extra burden of legislation Standing Committees were increased in number and reduced in size.

The Second Report dealt with Divisions of the House and Questions, and its recommendations were minor. The Third Report is, however, of interest, for it offers a contrast to the First Report. The Third Report considered the problem of the Control of Policy and Administration by the House of Commons mainly in connection with the Supply procedure and with the Control of Finance. The Committee examined a scheme of reform put forward by Sir Gilbert Campion, Clerk of the House. The Committee's and Parliament's reaction to Campion's evidence must be seen in the light of what the general attitudes towards the function of Parliament were in 1945. We have referred above (p.104) to the fact that Parliament rose in public estimation during the war period from the trough into which it had sunk in the 1930's. It remained popular during a period of post-war euphoria. Parliament's immediate post-war task was seen to be to help the Government set the country on its feet again. The Morrison/Jennings view of the function of Parliament had a degree of popular support in the first crisis ridden months of the 1945-50 Parliament

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[1] Hansard, 415, Col.2354. It is interesting to note here that in the 1960's the practice of keeping "Great measures" even if they are not classified as constitutional on the floor of the House for Committee stage has been readopted. Such measures as the 1970 Industrial Relations Bill were taken in the Committee of the whole House. This is further evidence of a reaction to Government dominance of the legislative process.

although the winter of 1947 with its fuel cuts and deprivations did not help morale. This feeling of euphoria was short-lived. By 1949 Christopher Hollis had written Can Parliament Survive? and other evidence points to a dramatic falling off of interest in Parliamentary proceedings after the war. Hill and Whichelow[1] show that the daily sales of Hansard had dropped from 8,889 in 1945 to 2,170 in 1963. (One must remember that this co-incides with an increase in newspaper size). But in 1945 this disenchantment had not yet set in and the time was not ripe for demands for more Private Member's initiative (Private Members time was not restored until 1949).

Campion, in his evidence to the Committee, states the objectives of procedural reform:

> I submit that the only adequate objective for the reform of procedure is the general improvement of the machinery and forms of procedure of the House so as to provide suitable instruments for the discharge of its various functions.[2]

Campion noted the connection between procedure and function, and indicated that the first step before making an examination of procedural changes is to determine what the functions of Parliament are. Only when the functions are clear can proposals for better machinery be legitimately made. The four functions which Campion listed are:

(a) representation of popular opinion

(b) control of finance

(c) formulation and control of policy

(d) legislation

The first, the primary function, cuts across the other three. It is of course in the interpretation of this primary function that difficulty arises. Is this function best performed by a strong Government which

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[1] Andrew Hill and Anthony Whichelow, What's Wrong with Parliament? London, 1964, p.10.

[2] Third Report of the Select Committee on Procedure, H.C. 189-1 of 1945-6, p. 22.

reflects 'the National interest' in a legislative programme which it can push through Parliament with the aid of a loyal party? Or is this function best served through opportunities for Private Members to represent particular and local demands and interests? Some countries have solved (to some extent) this problem by setting up different institutions to perform these two facets of 'representation of popular opinion'. One institution reflects more perfectly the majority view, and another takes care of minority and particular interests. In the British system Parliament somehow has to combine the two. And in the years immediately after the war public attitudes were sympathetic to the first of these.

Campion's proposals included changes which would allow both sides of the primary function to be more effectively performed. On the matter of legislative efficiency he made proposals including one that the Report stage of some bills be taken in Standing Committee. This was not accepted by the Committee.[1] On the control function of Parliament Campion noted the decline of real financial control through the Estimates and Supply procedure. To counteract this he proposed a Public Expenditure Committee which would combine the present Estimates and Public Accounts Committee. The Committee approved this recommendation but the Government was opposed to it partly on the grounds that Estimates and Public Accounts Committees have different functions and a combination would be unsatisfactory.

The effect of the 1945-6 Committee was to strengthen the Government's ability to pass legislation, but it did little for the Private Member. Like other Select Committees with similar terms of reference in the 19th century the 1945-6 Committee can be seen as a tool of the Government, set up to give legitimacy to Government proposals for new procedures. Several changes were introduced, especially in the Standing Committee system

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[1] The use of Standing Committees for Report Stage was long resisted by the House. But in 1967 Report Stage Committees were introduced for small non contentious bills which have had their second reading in Committee.

which served to speed up the legislative process, but there were no changes which enhanced the position of the backbench member. Until 1950 his position remained extremely limited.

Select Committees on Procedure in the 1950's - Background

With the aid of streamlined procedures the Labour Government was able to undertake a large legislative programme and in the years 1945-50 laid the foundations of the Welfare State. This legislative programme created new departments, and an increased public administration. It also increased the size of the total public sector of the economy, for at the same time as the Government was moving more into welfare provision it also began a series of Nationalisation programmes. The result of this expansion of governmental activities was that by the 1950's it became apparent that better organisation in public administration was needed. At the same time as improvements in public administration became necessary so a corresponding need arose for Parliament to develop machinery to control this growing administrative complex. During the 1950's the Estimates and Public Accounts Committee provided some opportunities for control of the Administration but members demanded more.[1] In 1955 the Nationalised Industries Committee was set up. Its terms of reference were at first restricted and in 1956 it was re-appointed under new terms with no restrictions in them regarding Ministerial responsibilities.[2] In the same years the Estimates Committee was attempting to break away from narrow terms of reference and to exercise some real control over the administration. Change in one sector of the political system led to demands for change in another. The need for legislation to set up the

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[1] David Goldsworthy 'The Debate on a Parliamentary Committee on Colonial Affairs' Parliamentary Affairs, Vol.xix, No.2, 1966. John E. Kersell, Parliamentary Supervision of Delegated Legislation, London, 1960. N.J.Vig & S.A. Walkland 'Science Policy, Science Administration & Parliamentary Reform', Parliamentary Affairs, Vol.xix, No.3, 1966.

[2] David Coombes, The Member of Parliament and the Administration, London, 1966.

Welfare State and Nationalised Industries led to pressures to change Procedure so that these objectives could be achieved. Once they were achieved it was necessary to provide for their efficient organisation through an improved bureaucracy. This increase in governmental activity meant that planning machinery had to be set up by the Government, and that projects had to be evaluated over a longer time span than was possible under an annual budget system tied to the Annual Parliaments. Traditional methods of Parliamentary financial control had virtually vanished, and little in the way of new devices had taken their place. The Estimates, Public Accounts, and Nationalised Industries Committees were virtually the only Parliamentary watchdogs and they had blunted teeth. In providing for the better exercise of one arm of the function of 'representation of popular opinion' the Procedural changes following the 1945-6 Select Committee on Procedure had aggravated the situation of the other arm of that function, namely the function of control of the administration.

It was not until the end of the 1950's that the need to improve the control machinery was strongly felt. At the end of the 1950's we enter a new period of activity in the reform of Parliamentary procedure. Reform is often a confusing term. It can refer to changes designed, as those of 1945-7 were, to improve, the legislative function, or it can mean changes designed to improve the control function. From 1958 we see a resurgence of the demands, noted in the 1930's, for reform in this second meaning.

After the 1945-6 Committee no Procedure Committee was set up until the 1956-7 Session. The 1956-7 Committee was set up partly as the result of discussions between 'the usual channels' and partly as a result of pressure from backbenchers.[1] The terms of the enquiry

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[1] M.H. Lawrence 'House of Commons: the Select Committee on Procedure Session 1956 ,' The Table, Vol. xxvi, pp. 52-61.

were narrow, to consider the practice of moving amendments on going into Supply (a problem which bedevilled 19th century Governments). Some members wanted a wider enquiry. Members of the House were invited to give evidence but only seven availed themselves of this opportunity. The Committee produced two reports, one on Supply and Financial Practice and the second on Standing Committees.

In 1957-8 a further Committee was appointed with wider terms than the 1956-7 Committee. The 1957-8 Committee did not complete its enquiry.

A further Committee was set up in 1958-9, as a result of a Private Member's motion, this being a most unusual method of setting up a Procedure Committee. Previously, as we have seen, Procedure Committees have been set up by the Government, but sometimes partly as a result of back-bencher pressure. The genesis of the 1958-9 Committee expressed the frustration of some backbenchers with the current procedure. But although there were a high proportion of backbenchers on the Committee its conclusions were not greatly in favour of the backbencher.[1] A large number of persons gave evidence to this Committee including the Speaker (W.S. Morrison), the Chairman of Ways and Means, R.A. Butler (Leader of the House), Edward Heath, Hugh Gaitskell, Herbert Bowden, Jo Grimond, Herbert Morrison, Chuter Ede, Sir Edward Fellowes (Clerk of the House). As well as the oral evidence thirty written pieces of evidence were presented to the Committee from academics including P.A. Bromhead, Victor Wiseman, and A.H. Hanson who later became members of the Study of Parliament Group (see below p.121) and Paul Einzig author of The Control of the Purse, London, 1959

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[1] R.D. Barlas, 'The House of Commons: Report of the Select Committee on Procedure Session 1958-9', The Table, Vol.XXVIII for 1959, pp. 27-43; H.V. Wiseman, 'Procedure: the House of Commons and the Select Committee' Parliamentary Affairs, February 1960, pp. 236-47. See also Bernard Crick, The Reform of Parliament, pp. 161-171.

a history of Parliament and taxation. As well as the academics, twenty members of Parliament gave evidence in writing to the Committee. Some of the proposals were too novel for the Committee to accept. One such proposal was for a Specialist Committee to deal with the Colonies. The Committee thought that this would be a 'radical constitutional innovation' as it would seek to control the department.

The enquiry which the 1958-9 Committee conducted was wideranging covering many aspects of House of Commons procedure. The topics covered included the use of Standing Committees, a suggestion that part of the Finance Bill should go upstairs to a Standing Committee for its Committee stage, a suggestion that the Report stage of some bills be taken in Standing Committees, examination of the use and abuse of Private Members time e.g. the Ten Minute rule. The questions of morning sittings, rules of debate, adjournment motions, Question time, mechanical voting, and the use of Supply days were all considered. The Committee approached its task in what the Report described as 'a non partisan spirit'.[1]

As with earlier Select Committees on Procedure the 1958-9 Committee was cautious. In Bernard Crick's view the Committee did not come to grips with the real problem of the rapidly diminishing effectiveness of Parliamentary control over the Executive. It covered a lot of ground, did a lot of pruning, but lost the wood for the trees.

> But not the smallest part of the Report's proposals came to grips with the real problem of the rapidly diminishing effectiveness of Parliamentary control over the Executive. Indeed, in several sections it set itself against any alteration of the 'balance' between the Executive and the House - with the sublime assurance 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.[2]

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[1] Report of the Select Committee on Procedure, H.C. 92 of 1958-9, p. iii.

[2] Bernard Crick, The Reform of Parliament, p. 163.

Of the thirty-seven detailed recommendations of the Committee only one was immediately implemented, and that was concerned with the composition of Standing Committees. After this date the distinction established between the 'nucleus' and the additional members of a Standing Committee was abolished, and since that date membership of Standing Committees has been composed individually in respect of each separate bill. This in effect was a move away from consolidated specialism on Standing Committees. As Crick indicates opinion in the House was not, in the late 1950's in favour of specialisation in Committees.[1] Witnesses who suggested Specialist Committees to Select Committees on Procedure were likely to have their views overlooked, and if Select Committees made tentative moves in this direction then they were likely to meet the criticism of the House. But in the 1960's this tide of opinion has gradually changed, and steps towards the establishment of Specialist Committees have been made. The reactions of (a) Select Committees on Procedure, (b) the Government and (c) the House to proposals for Specialist Committees can be compared with these bodies reactions to Erskine May's campaign for Standing Committees between 1849 and 1886. At first the notion was clearly unacceptable, but gradually became acceptable to Procedure Committees and then to Government and House.

An event which occurred in the 1957-8 Session of significance in the story of how the Procedure Committee came to accept recommendations for Specialist Committees, and to propose them to the House. The Sixth Report of the Estimates Committee 1957-8 on 'Treasury Control of Expenditure' indicated the four different levels of Treasury control over expenditure:

> First the Treasury must play a part in deciding the total of expenditure on all services. Secondly the Treasury must be concerned that there is a proper balance of expenditure between services, so that greater value could not be obtained for the total

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[1] ibid., pp. 176-178.

> expenditure by reducing the money spent on one service and increasing expenditure on another. Thirdly, they must help to determine the total of expenditure on individual policies and services. Finally, having decided how much should be spent on each service, the Treasury must have a continuing concern in seeing that the money is being spent as wisely as possible by Departments responsible - that there is a proper balance of expenditure within services.[1]

The Committee considered that if both the total and balance of expenditure are to be effectively controlled then policy decisions should not be taken on the basis of annual estimates alone, but on the basis of forward planning. It suggested that the Government should investigate the use of forward planning. The Government set up the Plowden Committee which produced a report The Control of Expenditure in April 1961. The Plowden Committee's main recommendation was that 'regular surveys should be made of public expenditure as a whole, over a period of years ahead, in relation to prospective resources' and that 'decisions involving substantial future expenditure should be taken in the light of these surveys.[3] It recommended that each year a five year White Paper covering the total of public sector expenditure should be presented to Parliament. It later became clear that the four levels of Treasury control could be made to correspond to four levels of Parliamentary control, and that these four Treasury levels should be matched with four distinct stages in Parliamentary scrutiny.[4] Suggestions were made to succeeding Select Committees on Procedure[5] that one of these levels, the lowest, should be considered by

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[1] Sixth Report from the Select Committee on Estimates, H.C. 254-1 of 1957-8, pp. vi-vii, para. 9.

[2] ibid., p.xi, para. 23.

[3] Quoted in Public Expenditure, A New Presentation, April 1969, Cmnd.4017, p.4.

[4] Michael Ryle, 'Parliamentary Control of Expenditure and Taxation', Political Quarterly, Vol. 38, No.4, Oct.-Dec., 1967.

[5] For example see the evidence of the Study of Parliament Group to the Select Committee on Procedure of Session 1964-65. Similar suggestions were made to the Select Committee on Procedure of Session 1968-9.

Committees of the House. It is with attempts to grapple with devising satisfactory procedures for the different levels of Parliamentary scrutiny that much of the energy of the Procedure Committees since 1961 has been taken up, when it has not been discussing matters of details, and matters connected with the despatch of Public Business, referred to it by the Government. Since Plowden the Select Committee on Procedure has consistently recommended Specialist Committees based on the financial method of control of the administration, rather than on 'political' control.

Since the session 1961-2 the Select Committee on Procedure has met in every session. As the foregoing history of this body shows Procedure Committees in the past have appeared sporadically, often at approximately ten-year intervals. In the 19th century members who were still available from a previous Committee would generally get put on to a new one. Several members appeared on two or more Committees in the 19th century but no degree of permanence or real continuity was achieved. This is partly due to the fact that work on the Committee has required a certain amount of specialist knowledge of procedures, and a degree of application on the part of the members of a Committee, and the number of members with a deep interest in procedure is extremely small even though procedure affects their rights. There appears to have been little strong pressure to set up a permanent Select Committee on Procedure although the idea was mooted in 1944. It was rejected because the Government at the time was not in favour of a running review of procedure. In 1961 it was still considered that a 'Permanent' Committee with power to initiate whatever procedural investigations it thought fit would cause more problems than it solved. The Government thus decided to set up a sessional Select Committee on Procedure restricted to consideration of any matters which may be referred to them by the House relating to the Public Business of the House'.[1] Twelve senior members of the House including the Leader

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[1] H.R.M. Farmer, 'The Select Committee on Procedure', The Table, Vol. XXXII for 1963, p. 35.

of the House, the Deputy Leader of the Opposition, and the Leader of the Liberal Party were nominated as members, but the Committee did not contain Front-bench members for long. It became by 1963-4 a Backbench Committee, although it has included a number of members with past ministerial experience. Since the session 1961-2 the Committee has continued to operate as a sessional Committee. Like the Committee on Privileges it considers matters which are referred to it, although it has in fact been able to initiate enquiries as in 1968-9 when it considered the Control of Public Expenditure (see Chapter IV.) While it has not become a Standing Order Committee like the Public Accounts or Nationalised Industries Committee it has, in the past ten years, become an established organ of the House. Its continuous operation has led to a considerable stability of membership (see p. 189), a factor which has affected its mode of operation and its ability to 'initiate' enquiries of its own choice. That the Procedure Committee has achieved a degree of permanence and continuity in its line of investigation may be due to many other factors. Among these must be the continued pressure from inside and outside Parliament for the reform of Parliament. Pressure groups have appeared such as the short lived Labour Reform Group of MPs between 1964-66, and the more successful Study of Parliament Group comprised of academics and officers of the House. The 1960's also saw a flood of literary and scholarly outpourings on the subject of Parliamentary reform which will be examined in detail in the next chapter. All this provided fuel to keep the Select Committee on Procedure in operation throughout the 1960's.

Select Committte on Procedure in the 1960's

The increased interest in procedural reform within Parliament can be measured by the increased use of methods of expression of opinion among backbenchers eager to influence the Government in the direction of

procedural reform. Franklin shows that in the session 1963-4 some 385 members signed Early Day Motions on Procedural topics but that in the session 1964-5 after a general election and an influx of young new Labour members this number had increased to 546.[1] Reform of Procedure was a topic which interested only a limited number of members of Parliament. Labour members in the session 1964-5 were more interested in this topic than were Conservative members. Of a total of 173 EDMs sponsored by Labour members that session 11 per cent were on procedural topics; of the 196 Conservative sponsored EDMs 6 per cent were on procedural topics. As well as party difference in the use of this device there was also a generational difference. Of those members entering Parliament between 1960-64 the average number of Conservative signatures on procedural EDMs was 4.8 and the average number of Labour members was 10.0 but for members entering Parliament before 1960 these figures were much lower. In 1963-4 the EDM device was used more frequently than either Debates or questions as a means of expression of opinion on Procedural matters with EDMs attracting 385 signatures while Debates attracted 141 mentions in Hansard, and Questions 54. These figures overestimate the number of individual members interested in Procedure for they include multiple mentions of members who spoke several times in debate and asked several questions. Franklin found that the use of the EDM as a means of expression of opinion correlated to some degree with the various manifestations of party irregularity.[2] Party rebels are more likely to use the EDM than party faithfuls. This evidence seems to indicate clearly that the mood of the House in the early 1960's was moving away from an acceptance of the supportive role of the member of Parliament and towards pressure for

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[1] M.N. Franklin, 'The Voice of the Backbench' unpublished Ph.D. thesis. Cornell, 1970, p. 36 and p. 60.

[2] ibid., p. 90.

greater backbench participation. It also indicates that while procedure has traditionally been regarded as a non-party matter in the 1960's Labour members, especially the younger ones, were more strongly interested in procedural reforms than were the Conservative members. This may be related to reaction to the stronger party discipline of the Labour Party. This strong discipline began to break down in the 1966-70 parliament.[1]

The early investigations of the Select Committee on Procedure in the 1960's were of a relatively minor character, and did not get to the heart of the problem of Parliamentary reform. In its first year of operation, 1961-2, the Select Committee considered the effect of Standing Order No. 58 (2), now No. 60 (2), which concerned the manner in which members were selected to serve on Standing Committees. The Committee was concerned with the effect that this Standing Order had on minorities, the smaller parties of the House, and with the associated problems of balancing Party membership and expertise on the Committees.[2] In the session 1962-3 the Committee considered among other more minor matters, the Finance Bill, and once again rejected a proposal that part of it should be taken in Standing Committee.[3]

In the session 1963-4 the Select Committee enquired into three topics. These were (a) the form of the Defence Estimates (b) disclosure of matters in reports of Select Committees and (c) proceedings on Public Bills (the allocation of time).[4] Perhaps the most important of these three reports in the continuing story of the interests of the Select Committee on Procedure since 1960 is that one on the form of the Defence Estimates

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[1] John Mackintosh 'The House of Commons 100 Years Ago and Today', Manchester Statistical Society 1970. Also interview 1970 with Rt.Hon. Fred Peart, Leader of the House.

[2] H.C. 236 of 1961-2.

[3] H.C. 156 of 1962-3; H.C. 190 of 1962-3 and H.C. 271 of 1962-3.

[4] H.C. 248 of 1963-4; H.C. 295 of 1964-5 and H.C. 306 of 1963-4.

for it marks the beginning of the Committee's concern with the Estimates and Financial Procedure as a peg upon which to hang discussions and control of policy and the administration. In this session the members of the Committee included one member who was still on the Committee in 1968-9 when the large scale enquiry into the Control of Public Expenditure was undertaken; this was Mr. Selwyn Lloyd, ex-Chancellor of the Exchequer and Foreign Secretary (and from 1971 Speaker of the House of Commons). The other eleven members of the Committee were backbenchers, the front bench element of the 1961-2 session being quite discarded by this time. The Select Committee on Procedure had become firmly a backbench Committee. Witnesses to the enquiry included the Secretary for State for Defence, Peter Thorneycroft; the Rt. Hon. John Boyd Carpenter (Chief Secretary to the Treasury); and the Paymaster General. The defence estimates had recently been presented in a new form as a result of the introduction of new budgetary methods into the Department of Defence, these were the methods latterly known as PPBS or output budgeting.

The Committee really got into high gear in the session 1964-5. Parliamentary reform of some description had been foreshadowed by Mr. Wilson in his speech to the electors of Stowmarket on 3 July 1964, and in the Party manifestos. The Procedure Committee undertook a large, wide ranging enquiry which produced five reports.[1] These were on (1) 'Second Reading' Committees; Sittings of the House, and the 'Ten Minute' rule, (2) Question time, (3) Expediting the Finance Bill, (4) 'Specialist' Committees, (5) voting arrangements for sick members, plus a Special Report on the Broadcasting of Proceedings in the House of Commons.

From our interest in what part Procedure Committees have played in the alteration of 'constitutional' rules of procedure, perhaps the most

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[1] First Report from the Select Committee on Procedure, Times of Sittings of the House, H.C. 149 of 1964-5, Second Report on Question Time, H.C. 188, Third Report on Finance Bill, H.C. 276, Fourth Report on 'Specialist Committees', H.C. 303. Fifth Report on Voting Arrangements for Sick Members. H.C. 361.

important of these enquiries was the Fourth Report which considered 'Specialist Committees'. The only other one dealing with what might be called a 'constitutional' issue was number three on Expediting the Parliamentary Finance Bill. /control of finance was by 1964 so atrophied that the novel constitutional import of recommendations that parts of the Finance Bill be taken 'upstairs' in Committee was negligible, in that such a move would not notably detract from what minute amount of private member initiative remained in the consideration of the Finance Bill. The constitutional changes in this field had already taken place, and the new proposal was simply suggesting better means to carry out the financial business of the House. The Fourth Report, however dealt with a 'constitutional' question which had not been settled into a recognisable pattern, and which remained an area of dispute. And this report is of special interest in that it was to form part of a series of enquiries all leading towards the same sort of changes in Parliamentary practice - that is towards a revival of the Committee system. It, moreover, was a step in the direction of pinning control down to the exercise of 'Financial' rather than 'Political' control over the administration.

One important fact in this enquiry was the emergence of a special pressure group - the Study of Parliament Group. Previous to the 1964-5 enquiry academics and officers of the Houses of Parliament had given evidence to Procedure Committees on the subjects on which they were clearly expert, but always as individuals. Officers of the House, especially Erskine May and Sir Gilbert Campion, have proved to be perhaps the most influential of the witnesses to Select Comittees who were not themselves Members of the House. Up to 1964 the influence of academics such as Ramsay Muir who gave evidence in 1931, and the academic witnesses called in 1958-9, had been less striking. But in the early 1960's a number of academics and officers of the House banded together to form a study group under the Chairmanship of the Clerk of the House,

Sir Edward Fellowes. This group meets from time to time to conduct investigations into Parliament and its modes of operation. Findings of the group are published under its collective name, and it also sponsors research (sometimes together with other bodies, notably P.E.P.) The first of these sponsored researches by two young members of the group was published in 1970 under the title of The Member of Parliament and his Information[1]. In 1970 it published The Commons in Transition edited by A.H. Hanson and Bernard Crick. The group is currently (1971) undertaking an enquiry into the legislative process under the direction of Professor John Griffith of the London School of Economics, and is at the planning stage of various other projects. It has also given evidence to Royal Commissions including the Crowther Commission on the Constitution. That the group is not always unanimous in its views is clear from the introduction to Commons in Transition[2]. Failure to agree on recommendations on reform means that sometimes witnesses will appear individually to Select Committees and Royal Commissions rather than present collective Study of Parliament Group evidence. Since the group began its operations it has sometimes presented collective evidence, and sometimes its members have appeared individually before the Select Committee on Procedure. The Clerk of the Select Committee on Procedure is also as a rule a member of this group, which gives it as a pressure group an extraordinary channel of communication to the body which it wishes to influence.[3] While Specialist Committees always attract the attention of pressure

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[1] Anthony Barker and Michael Rush, The Member of Parliament and his Information, London 1970.

[2] A.H. Hanson and Bernard Crick (eds.) The Commons in Transition, London, 1970. Introduction, p.7. "the Group is seldom unanimous, except in its belief that parliamentary government in Britain is a valuable institution."

[3] See below pp.198 ff.for an examination of the role of Committee Clerk.

groups, there are few groups which have such an advantageous position as does the Study of Parliament Group. As the Committee became, in the 1960's, a permanent structure in Parliament, so it provided a continuous outlet for the Group's activities, and a forum in which they could display their views. The existence of this outlet must have served to keep the Group in operation, just as the existence of the Group has kept the Committee supplied with pressure, information and witnesses. A symbiotic relationship between pressure group and Specialist Committee can sometimes develop as studies of Congressional committees have shown and this may have some influence on the direction which the Committee's enquiries take.

The Chairman and the academic members of the Study of Parliament Group provided evidence to the 1964-5 Committee which appears in the report as an appendix. Three academic members of the group appeared before the Committee to give oral evidence; Professors Bromhead, Hanson and Wiseman. Other witnesses to the Committee who also presented written memos were Jack Diamond, from the Government, the Parliamentary and Scientific Committee (an all party committee), Jeremy Bray MP (author of Decision in Government, which book brought his downfall from the Wilson administration), and the Treasury. Others giving oral evidence included the Speaker (Horace King), Enoch Powell, Sir Edward Boyle, Herbert Bowden and William Hamilton. The members of the Committee were, like the witnesses, divided in their views on whether Specialist Committees were desirable in the House of Commons. The report was subject to six divisions when votes were taken on sections of it connected with Specialist Committees.

We will first consider the evidence of the Study of Parliament Group and the Committee's reactions to their proposals. The Group's memo covered two topics, one the streamlining of Public Legislation, and the other the Control and Scrutiny of Public Administration.

> Parliamentary scrutiny of the Executive is fundamental to the whole question of Parliamentary reform. For though it is the business of the Government to govern, it is also their business to give a running account of their stewardship to the House of Commons which was elected to support them, and to submit their action or inaction in any particular instance to the judgement of that House.[1]

As far as the question of financial control and scrutiny was concerned in the Group's view:

> There are, it is considered, four stages of control of expenditure: total, balance between services, total of individual services, and balance and economy within individual services. These should be matched by four processes of Parliamentary scrutiny or debate.[2]

This paragraph must be matched with the one from the 1958-9 Estimates Committee quoted on page 115 above, for it expresses the same line of argument.[3] It seems to contain the essence of the Group's attitude in 1964-5 towards the scrutiny of administration, which should be performed through the medium of scrutiny and control of expenditure at the various levels. The various levels can be examined in different House of Commons structures. Thus total expenditure is a matter of party politics, a first order question regarding the size of the public sector, the extent of State intervention in the economy. The second level, balance between services, is a matter for the House as a whole to decide. The third likewise is a highly political question suitable for the floor of the House, but the fourth level, matters of detail, can be covered by an effective system of expenditure based Specialist Committees. The Group's recommendations in 1964-5 were accordingly that Specialist Committees should be set up, based upon the examination of expenditure, which could be developed from the sub-committees of the Estimates Committee. The Group's recommendations were therefore modest, in that

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[1] Fourth Report of the Select Committees On Procedure, 'Specialist' Committees, H.C. 303 of 1964-5, p.135.

[2] ibid., p.136.

[3] See also Michael Ryle, 'Parliamentary Control of Expenditure and Taxation', Political Quarterly, Vol. 38, No.4, Oct.-Dec., 1967.

they did not propose that Specialist Committees should be concerned with high level policy questions. Their interpretation of the meaning of control was, therefore, a rather narrow one. Whether in fact Specialist Committees so limited could and would stray into consideration of higher level 'policy' questions was a matter debated in the Committee between witnesses and Committee members and recurred in the debate on the report which followed in the House of Commons.

The Group recommended other changes.

> We recommend that:
> (1) The Government should publish before Christmas a Public Investment White Paper and Public Expenditure White Paper, giving details of the Five Year 'Forward Looks' in respect of Government expenditure.
> (11) Early in the Session a Select Committee on Expenditure should be appointed to which the White Paper would be referred to explore the economic, factual and policy assumptions on which the forecast estimates had been prepared: to draw attention to variations in the Estimates; and to examine their economic implications in terms of availability of physical resources etc: the aim of this Committee should not be to comment themselves on the priorities of the various services, but to produce informative material on the basis of which the priorities and balance of expenditure could be better debated by the House....
> (111) Before the Budget Debate and, ideally, in part on consideration of the Vote on Account, a major two day debate should take place on both the total and overall balance of Governmental expenditure.[1]

The Estimates Committee should be enlarged to allow for more sub-committees "Which would specialise in particular areas so as to cover the whole field of Government vote-borne operations and report on the conduct of administration and on matters necessary for the understanding of policy questions".[2] Specialist Committees, suggested by the Group, would mainly be concerned with matters of administration and would normally seek to avoid matters of policy.

Much of the questioning in the Committee sessions, and the debates following the report were concerned with the question of the scope of

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[1] Fourth Report of the Select Committee on Procedure, H.C. 303 of 1964-5.
[2] ibid., p. 136.

the suggested Specialist Committees, and what such Committees could in fact accomplish. While the representatives of the Study of Parliament Group argued in favour of the proposed Committees other witnesses did not approve of the suggestion. Enoch Powell put the case against Specialist Committees:

> effective control of the House of Commons over the executive does not much depend on detailed examination or detailed knowledge of administration..... I think it is a misconception to suppose that detailed knowledge or examination would necessarily strengthen the true control, which is of a political nature, that the House of Commons exerts over the Executive.[1]

Powell thought that control over the Executive was far more effectively gained through debate on the floor of the House.

> At the end of a good debate a minister ought to wish that he had never been born.... I should be prepared to argue that the more information Members have the less effective they are likely to be in debate and the more likely to approximate to the view of the Minister himself and his department.[2]

His understanding of the word 'control' was not congruent with the Committee's understanding. Powell was, moreover, deeply suspicious of 'specialists' believing that a breed of specialists in different subjects might result from a system of Specialist Committees:

> I should deplore anything which resulted in a cadre of foreign affairs members or Social Services Members coming into existence.[3]

One of the Committee members shared Powell's view. This was Michael Foot; like Powell an extremely 'political' member of the House of Commons and staunch defender of the floor of the House as the main arena for control. Foot considered that any Minister worth his salt should be able to twist a Specialist Committee round his little finger. Foot and Martin Redmayne together formed an opposition group on the Committee which did not favour

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[1] Fourth Report of the Select Committee on Procedure, H.C. 303 of 1964-5, p.77.
[2] ibid., p. 81.
[3] ibid., p. 81.

Specialist Committees. But they were in a minority and the Committee's recommendations on Specialist Committees followed the Study of Parliament Group's evidence quite faithfully.

The evidence presented to the 1964-5 Committee, and its reception by the Committee if not the House and Government at first, indicates the importance of the Study of Parliament Group as an influential pressure group. The Group has all the hall-marks of the successful pressure group. It is small, well-organised, professional (although it does embrace two professions). It undertakes considerable programmes of research by British standards although puny by North American standards. This research is sometimes supported by Government funds. The present(1970-72) investigation into legislation is funded from the Social Science Research Council. One of the most important factors contributing to the success of the Group is that it has strong links with the machinery which it seeks to influence. By undertaking research it acts as a counter-information source to the Government (after the 1968-9 enquiry the Government undertook its own counter-enquiry into the possibilities of accepting that Committee's proposals without altering the balance of the Constitution). It brings another party into a discussion which otherwise might become rather incestuous as if the functions of Parliament interested no one except backbenchers and Government locked in a struggle for power. It is clear from the foregoing analysis that outside witnesses have in general been more radical in their proposals than the Committees which have generally been cautious. The Study of Parliament Group being a group and not one individual presents perhaps more cautious evidence (to which it has to get the agreement of its members) than perhaps any one individual member of the Group might be prepared to offer. And indeed individual members of the Group do still offer their individual evidence to Select Committees.

Perhaps for these reasons there appeared to be greater acceptance of the witnesses' views by the Committee in 1964-5 than in some previous Select Committees dealing with 'constitutional' matters. The witnesses to the 1836 and 1854 Committees offered radical solutions to the problem of expediting public business which were unacceptable to a cautious Committee. By the 1960's we see a greater affinity of viewpoint between Committee members and witnesses. The House and the Government did not share in this general consensus and those who had looked forward to a Government pledged to reform the procedures of Parliament must have been disappointed by the rejection of the 1964-5 Select Committees Proposals. Instead of the broad system of expenditure based Specialist Committees recommended in 1964-5 Mr. Crossman in 1966 introduced the two experimental Specialist Committees, one for agriculture and one for science and technology. The first was based on a department and the second on a subject. The story of these Committees has been covered in various articles and monographs.[1] They were clearly not a total unqualified success, although they have been popular with some of the members who served on them.

The Select Committee on Procedure continued to pursue its interest in the Financial possibilities of control of the Executive. In the 1965-6 session a continuation of the 1964-5 enquiry which had produced the Fourth Report was carried out. In this session Financial Procedure was tackled.[2] This enquiry attempted to distinguish the realities of financial control from the forms of procedure with which they were encrusted. The Committee's principal conclusion in relation to the

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[1] John P. Mackintosh 'Specialist Committees - Have they failed?', Waverley Paper No. 1, Edinburgh 1970. Alfred Morris (ed.) The Growth of Parliamentary Scrutiny by Committee, Oxford, 1970.

[2] Report of the Select Committee on Procedure: Financial Procedure, H.C. 122 of 1965-6.

Supply process was that "The forms of procedure by which the House considers and votes Supply have in course of time come to be mainly used not for truly financial purposes, but as a means of controlling administration.... the House must not give up its right to grant or refuse to grant the money required by the Executive.[1] As a result of the Committee's recommendation the House on 14 December 1966 abolished the Committee of Supply which had met since 5February 1620. By this act the House gave recognition to a political reality. The Committee of Ways and Means was abolished in October 1967. The four basic rules of Financial Procedure laid out by Campion[2] were maintained by these changes which swept away the 'mumbo-jumbo' and left the actual work of the House unchanged. A recognition of the function which the time spent on consideration of the Estimates really served - the discussion of general policy rather than the detailed control of finance - was achieved by this report. The question of the exercise of true financial control in the face of the void left by the tidying up of the financial processes was left to the 1968-9 Committee. Consideration of the effectiveness of the financial control exercised by the House was clearly imperative.

Before this financial strand of thought was continued over into the large 1968-9 enquiry the Select Committee on Procedure in the session 1966-7 considered a number of 'nuts and bolts' questions referred to them by the Government.[3] These formed part of the Committee's wide ranging general survey of procedure begun in the 1961 session. The nuts

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1Report of the Select Committee on Procedure, H.C. 122 of 1965-66.pp.v-vi.

2Third Report of the Select Committee on Procedure, H.C.189-1 of 1945-6.

3First Report: Times of Sittings of the House, H.C. 153 of 1966-7; Second Report: Standing Order No.9 Urgent and Topical Business, H.C. 282 of 1966-7; Third Report: Methods of Voting, H.C. 283 of 1966-7; Fourth Report; The Finance Bill, H.C. 382 of 1966-7; Fifth Report: Questions, H.C. 410 of 1966-7; and Sixth Report: Public Bill Procedure, H.C. 539 of 1966-7.

and bolts questions included some of particular interest to backbenchers. One was Standing Order No. 9 on Urgent and Topical Business. As far back as 1944 (see above p.103) members were complaining about the desuetude into which this Standing Order had fallen. The Standing Order allowed for members to call for special debates on matters of great urgency. But this Standing Order had been rarely used in recent years owing to a strict interpretation of its meaning. Only 15 debates had been held in 20 years prior to 1965 compared with 102 debates under the order in the first 20 years of this century. The Committee recommended that the interpretation of the Standing Order should be more loosely applied and in fact the result of this recommendation was a greater use of the Standing Order to initiate debates. The recommendations here afforded greater opportunity for Private Members to initiate debates, and thus relieved a certain amount of frustration. Methods of voting, the Finance Bill, Times of Sittings, and Questions were also examined in this general round up of procedure. Another enquiry into Public Bill procedure was undertaken and once again an important witness was the Study of Parliament Group. This enquiry revived the notion brought forward to many Procedure Committees since 1835 that Pre-legislative Committees might be of use. The Committee recommended that increased use should be made of second reading Committees. Once again the enquiry was concerned with the legislative efficiency of Parliament and with reforms towards this end. Having done their duty by looking at nuts and bolts questions at the behest of the Government[1] the Committee was then able in the session 1968-9 to take a searching look at a 'constitutional' question, the Control of Public Expenditure.

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[1] Procedural changes from October 1964 to January 1970 are summarised in C.J. Boulton, 'Recent Developments in House of Commons Procedure', Parliamentary Affairs, Vol.XXII, 1969, pp. 61-71.

CHAPTER III

Critics and Friends of Parliament in the 1960's

In the previous chapter we have shown how attitudes in the country at large are related to demands for changes in Parliamentary procedure. Parliamentary procedure, claimed Redlich, is a 'political pressure gauge'.[1] Attitudes towards the function of Parliament may be determined by changes in other sectors of the political system: in the electoral system; in the structure of the executive; and in the administrative system. And attitudes towards the function of Parliament may be related to the general consensus of values within the political system.[2] Such attitudes and values are reflected in speeches, books and articles which serve as some of the indicators of demands for changes in the political system.

Parliamentary reform has been a hotly debated subject in the 1960's and this decade has seen a tremendous outpouring of academic, political and journalistic writings on the subject. It is worth while looking at some of the main works in this field in detail so as to get some view of the main problems which concerned those with an interest in the reform of Parliamentary machinery, to examine their works in relation to theories of the function of Parliament, and to indicate the main types of proposal which were made to reform Parliament. This examination provides part of the general setting in which the 1968-9 Select Committee enquiry on the Control of Public Expenditure must be examined if its importance, relevance,

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[1] J. Redlich, op.cit., p.198

[2] A.V. Dicey Law and Public Opinion, passim.

and significance is to be estimated. Many members of that Committee were quite aware of the books considered here, indeed one of the most important books on the subject in this period was written by a member of the Select Committee, and there can be no doubt of the link between the writings on the subject of the reform of Parliament and the attitudes of the members of the House of Commons Select Committee concerned with that function.

The 'Decline of Parliament'

Many of the commentators on the state of Parliament in the 1960's pointed to the decline of Parliament's power in recent years. Whether this decline was relative or absolute was a matter of dispute. The reasons advanced for the low estimate of Parliament's power were various. In some cases the argument assumed that there had once been a 'golden age' when Parliament really was powerful. In other cases the growth of political power in other areas of government was examined, without any necessary assumption of a Parliamentary 'Golden Age' in the past. The argument that political power had accrued to other bodies besides Parliament and that this represented a relative decline of Parliamentary power was particularly popular in the 1960's. Whether or not Parliament's power had declined absolutely, it seemed clear that a good case could be made for the argument that the powers of the Executive had increased with the growth and increased scope of Governmental activities. It was difficult to deny that an ever-increasing portion of the national wealth was being spent by the Government and its agencies, including indirect government spending in the public sector through Government corporations and other quasi-governmental bodies. As the scope of Government activities increased and its spending expanded, so the matter of democratic control over the executive became more urgent. And the existing machinery for this function of control, which included Parliament, became the focus

of interest among political commentators.

In attributing the decline of Parliament's power to various causes, some commentators in the '60's pointed to one factor, some to another as having the most effect. They all related the decline of Parliamentary power to the increased activities of Government and especially to the administration and executive branches. But some placed the emphasis on one part of the administration and some on another. Some regarded the most dangerous feature of the mid-20th century constitutional imbalance as the accretion of power to the Prime Minister, some as the growth of a more general administrative/executive power, some looked to the strength of the party machine, and others related it to a decline in Parliamentary initiative, especially in the field of expenditure. We will examine writers in each category in turn.

The Power of the Prime Minister

The first book in this period to ascribe the blame for the decline of Parliament to the growth of executive power put, in the last analysis, the locus of power with the Prime Minister. J.P. Mackintosh in The British Cabinet wrote:

> While British government in the latter half of the nineteenth century can be described simply as Cabinet government, such a description would be misleading today. Now the country is governed by the Prime Minister who leads, co-ordinates and maintains a series of ministers all of whom are advised and backed by the Civil Service.[1]

Mackintosh had set out to bring Berriedale Keith's book on the British Cabinet up to date in a new edition, but he considered that on examination British Cabinet Government had so altered in nature since Keith published that a completely new evaluation was demanded. In Mackintosh's estimation the Cabinet of the '60's provided part of the

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[1] J.P. Mackintosh, The British Cabinet, London, 1962, p. 451

backing up necessary for the Prime Minister's power. The Prime Minister's dominant position was supported by the Cabinet through which all decisions, even when taken in fact by the Prime Minister alone, had to pass. What was to be done to counteract this growth of power to the executive, and especially to the Prime Minister? Parliament appeared to be the obvious counterbalancing force. But Mackintosh suggested that the power of Parliament, and its prestige, had fallen so low that "Parliament does not now wield powers which can be said to amount to 'control of the executive'". Once a government is in office, Parliament and the party outside parliament stand simply in the position of highly important pressure groups whose support must be retained and who therefore have direct and recognised avenues for approaching the Premier and his colleagues.[1] The trouble with this sort of influence is that it is essentially private in nature, consisting as it does in the ability of members to buttonhole ministers and to put a word in their ear. It is covert influence, and thus does not attract the attention that free public debate would attract, so that Parliament had tended to fall in public estimation "a little further than its position, as the leading source of political pressure in the country, merits."[2] In The British Cabinet Mackintosh did not offer any explicit solution to the problem of balancing the growth of Prime Ministerial power, although it is clear that he thought this solution was likely to be found in a strengthened and invigorated House of Commons. But if a solution was to be found to the problem of balance in the Constitution the problem had first to be adequately stated and analysed. At the end of his book Mackintosh stated that "Reports by Select Committees on Procedure or by academic pamphleteers are pointless until the primary

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[1] ibid., p. 503.
[2] ibid., p. 504.

question is decided. How much power should the Executive have and how far is it desirable that either the public or a representative chamber should know about or participate in the process of Government?"[1] This question, stated Mackintosh, is a matter for political theorists to decide and political theorists capable of providing such an answer are thin on the ground. Here he took a swipe at the state of political theory in Britain in the 1960's, and especially at those theorists who concerned themselves with the language used to talk about politics rather than getting down to the business of making value decisions.

Another exponent of the 'Prime Ministerial' theory of the growth of executive power was Humphrey Berkeley, who suggested in The Power of the Prime Minister[2] that the British are heading towards a Presidential system of government. The decline in the power of Parliament was due, stated Mr. Berkeley, to many factors: to the emergence of the party machines; the intensification of Party discipline; the increasing importance of the Cabinet and the Prime Minister; the complexity of modern government, and the growth in the Civil Service. But with all these factors leading to increased executive power the central defect of the British form of Government was "the excessive power of the Prime Minister"[3] who stood at the central controlling point of this enhanced executive. So powerful was he in Mr. Berkeley's view that he occupied a position analogous to that of the President in the United States. But the President of the United States has a powerful Congress to check his excesses, and in Britain parliamentary control of the executive has been steadily decreasing (from the 'golden age' or the 'Classic period' of English Government from 1834 to 1867) without being replaced by any other methods of democratic control. There has been no increase in the effectiveness of Parliamentary machinery for controlling the executive, as the Prime

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[1] Mackintosh, op.cit., p. 525.

[2] Humphrey Berkeley The Power of the Prime Minister, London, 1968.

[3] Berkeley op.cit., p. 24.

Minister's power has grown.

The view that the power of the Prime Minister had become excessive in recent years became, as one commentator put it, 'part of the conventional wisdom expressed by some academics'.[1] There are however checks upon the exercise of his powers, and even those who pointed to the growth of Prime Ministerial power indicated these. The point which those commentators made when asserting that power concentrates in the hands of the Prime Minister was that these checks upon his power were no longer the overt, public checks channelled through Parliament. Those parliamentary checks which did exist were often covert and secret. Checking and controlling the Executive had been driven underground.[2] Thus commentators who pointed to the increased concentration of power in the Executive, and especially in the hands of the Prime Minister offered some suggestions as to how the balance in the Constitution might be restored in favour of the House of Commons, and how that body might be strengthened to control and scrutinise the Executive publicly and openly. One of the most important ways in which this strengthening of Parliament could be achieved is through the adoption of a stronger and more effective Committee system in Parliament through which issues could be publicly exposed.

The Growth of the Executive Machine

A second main reason suggested for the decline of the position of Parliament was a general increase in the powers of the Executive, and the Administration. This view was taken by Crick in The Reform of Parliament. Why had this happened? It was, Crick says, what people

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[1] G.W. Jones 'The Prime Minister's Power' Parliamentary Affairs, Vol. 18, Spring 1965, pp. 167-185.

[2] Further evidence of new methods of influencing the executive through the expression of opinion by groups of Members is afforded by S.E.Finer, H.B. Berrington and D.J. Bartholomew, Backbench Opinion in the House of Commons, Oxford, 1961. Finer et al analysed the practice of setting down motions for debate 'On an Early Day'.

wanted, i.e. they wanted the government to take over more and more activities and to make a more positive response to problems. Since 1900 the Civil Service had grown six-fold, and the number of members of Parliament holding government posts had doubled in the same period. The trouble was that no adequate machinery for controlling the Governmental octopus had been devised as it developed. It was not surprising that modern Government in Britain was powerful, for Crick pointed out that it had always been so. A powerful Executive Government is a special feature of the British political system:

> Of all Governments of countries with free political institutions, British Government exhibits the greatest concentration of power and authority. Nowhere else is a Government normally so free to act decisively, so unfettered by formal restraints of Constitutional Law..... the British system of Government is in essentials quite simple: a Prime Minister dominates a Cabinet which in turn dominates a Party majority in the House of Commons.[1]

This concentration of power made the British system of Government both superbly strong and somewhat insensitive. At the apex of the administrative machine stood the Prime Minister. British Government had become more and more a matter of "a Prime Minister governing absolutely, only restrained (from doing too little as well as too much) by the knowledge that his party must sometime face a general election".[2] The Prime Minister's position was safe so long as he was regarded as likely to lead the party to electoral victory; this was the main sanction on his behaviour. The Prime Minister was no longer 'primus inter pares' but 'top dog among champions'.[3] The top dog was chosen by the electorate which was why he had to be able to lead his party to electoral victory. So long as the Prime Minister convinced his party that he was the man for this particular job, then he would remain in power. He did,

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[1] Bernard Crick, The Reform of Parliament, London, 2nd. edn., 1968, p. 16.
[2] Crick, op.cit., p. 25.
[3] Ibid., p.35.

however, need to be able to carry his party with him and this need might act as a restraint upon him. A Prime Minister who risked deep party splits would find his position unsafe. But this sort of restraint on the powers of the Prime Minister was not, according to Crick, any substitute for Parliamentary control. For like Mackintosh he pointed out that restraints from inside the Party suffered from obvious defects:

> Firstly, they work in private, amid secrecy and rumour far from the public eye; events may be important, so reports will appear in the press, but rarely can anyone feel confidence in their accuracy and relevance - thus public understanding even of how we are governed suffers. Secondly, they are so informal as well as secret that they place an extraordinary need for honesty on politicians, both to deal openly with each other and to report accurately the findings from 'soundings'.... and thirdly, they may work against the public interest..... for a Party collectively is likely to think what no one member of it would think individually; that nothing is more important than re-election.[1]

In view of the strength of British government, and the need to wage a continual electoral campaign, Parliament's function was thus seen as the provision of a forum for publicity so that the electorate might be better informed in its choice. The first of Crick's ten principles was that Parliament primarily serves to inform the electorate, neither to legislate nor to overthrow Government.[2] "Its real functions are those of alerting and informing the public on matters relevant to the decision which way (or whether) to vote."[3] The function of Parliament was to control, in effect, through the Principle of Popular Sovereignty. While the scope of governmental activity had increased the machinery for Parliamentary scrutiny of this activity had fallen behind. The greatest gap which had appeared was in the critical and informative function of Parliament, the function of letting the people know about the activities of the Government so that they knew whether to vote for it

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[1] ibid., pp. 42-43.

[2] Crick, op.cit., p. 245.

[3] ibid., p. 27.

again or for the other party. If only Parliament could be better organised, more efficiently run, with more professional and full time Members, with more library and research facilities, and with better use made of the time that is available, then in Crick's view this informative function would be more satisfactorily fulfilled.

A writer with slightly different concerns was Brian Chapman, but we include him here as he analysed institutional response to the growth of general executive functions of Government. In British Government Observed[1] he examined the causes of Britain's decline in international status and prestige. This decline, he argued, is rooted in a general failure of British political institutions to respond to the demands of the modern state. The decline of Parliament is but one example of this general institutional failure. 'The Mother of Parliaments is a very weak old lady'[2], he claimed. As a result of the failure of British institutions to respond to 20th century functions of Government the decision-making process in Britain is weak and often faulty. Chapman's view of the function of Parliament is fundamentally different from the views of most other commentators in the 1960's. He dismissed the 'strong executive' arguments of Crick and others on the grounds that the executive is not as strong as they think. When really important decisions are to be made they are fobbed off to outside bodies. As examples of such bodies he cited The National Economic Development Council and Royal Commissions. The decision-making and policy-making framework which Chapman employed forced him to look at Government differently from other commentators. He saw Parliament as part of what Lindblom called 'The Policy Making Ladder.'[3] He wanted an invigorated Parliament to

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[1] Brian Chapman, British Government Observed, London 1963.

[2] ibid., p. 27.

[3] C.E. Lindblom, The Policy Making Process, Englewood Cliffs, N.J., 1968.

play a greater part in the policy-making process, not to concentrate on control:

> No European Legislature is so restricted in its functions and so inhibited by lack of information as the Mother of Parliaments. Recent commentators mourning the decline or eclipse of Parliament have focussed attention on the need to invent new parliamentary methods for controlling the Government's actions. This seems to me to put the argument the wrong way round. It might well be desirable to strengthen Parliament's hand to prevent abuse of power. But the essential difference between British parliaments and their European counterparts is that foreign legislatures in fact play a far more active role in the formulation of policy.[1]

The function of control should properly be exercised through a system of administrative laws and courts as on the Continent. That such a system had not developed in Britain was due, in his view, to the prevalence of deference, or an artistocratic view of political function (See above Chapter I, p. 19). This had concentrated attention upon Parliament as a body for controlling the executive. Chapman took a Benthamite view of the function of Parliament. Like other commentators he suggested a strengthened committee system as one of the means of invigorating that body, but he claimed that the real argument for strong legislative committees was that they provided a forum where government policy could be subjected to informed criticism before the policy was put into effect, and not that they provided better channels for control of the executive.

The Growth of the Party Machines

While the commentators examined above listed the growth of party machines as one of the factors leading to the extension of executive power, they did not focus upon this as a heavily weighted variable. One commentator however picked upon this factor as especially important.

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[1] Chapman, op.cit., p. 30.

In his introduction to the 1964 Fontana Edition of Bagehot's The English Constitution Richard Crossman pointed to party machinery as one of the causes of the 'decline of Parliament'. (See above, pp.35-36). He had earlier put forward the view that Parliamentary government was dominated by the Party machines in 'Reflections on Party Loyalty' in The New Statesman of 2 April, 1955.

> We hear a great deal about the managerial revolution in industry and the new despotism in Whitehall. How many people realise that a similar concentration of power into even fewer hands is taking place in Parliament and in the party machines, and has already had the following effects.

He listed these effects as (1) The elimination of the individual Member's freedom of action except on minor issues and (2) The removal of the forum where decisions are taken from the floor of the House of Commons to the secret party caucus. These arguments were repeated in the introduction to Bagehot. Crossman considered that Bagehot's account was a classic exposition of the classical period of British Government before the party machines had so developed into their modern form. The prime function of the House of Commons in Crossman's viewwas to control the executive. But here he was caught in the great debate of the Labour Party over the meaning of democracy. Should it be majority rule and a strongly disciplined party, or should minority views (the 1955 article followed the Bevanite crisis) be taken more into account. In short Crossman was unable to resolve the fundamental question which Mackintosh said has to be asked, namely, how much power should the executive have? Out of office he considered it to be so much; in power so much more, and that was why he had been accused of changing his mind on this issue.

All the writers examined so far offered suggestions for the strengthening of the House of Commons. They all suggested some sort of Committee system. But on what basis should the controlling machinery work? This was rather ill-defined in all cases, as all of these authors

were concerned with some form of 'Political' control by the House of Commons over the executive. Brought up in an age fed on Jennings and Dicey they appeared to be most concerned with the working out of the theory of popular sovereignty, as exercised through the representative Parliamentary system. But one way in which control over the executive could be achieved was through the control of expenditure and taxation. None of these writers concentrated on the matter of financial control. Like Bagehot they considered that finance was part of the general process of Parliament and not a special function. But other writers laid greater emphasis on the possibilities of controlling the executive through the control of finance, taking an historical view of the functions and origins of Parliament, which led then to the view that Parliament's existence was due primarily to the need for consent to expenditure and taxation. The advantage of this approach to the control function was that it clearly delineated a hinge upon which to set Parliamentary structures such as committees. Perhaps the reason for the neglect of this view by so many writers is that since the 19th century Parliament has in no 'real' or detailed manner controlled finance. The decline of Parliament's powers over Finance are thus charted and hopes for the revival of this function expressed.

The Loss of Financial Initiative

In 1964 a book entitled What's Wrong with Parliament? appeared in the Penguin special series under the pseudonyms, Andrew Hill and Anthony Whichelow. It is commonly understood that these gentlemen were officers of the House of Commons. Such officers are not generally allowed to write under their own names about matters considered to be commentaries rather than lists of simple facts. The authors stated that Parliament's reputation had fallen. And why had it fallen? In

the main because Parliament no longer controlled the nation's money.

> The control of the nation's money is at the heart of our parliamentary system. It is right that we should turn to consider it first, for it may be that Parliament is suffering from heart trouble.[1]

The authors pointed out that the House of Commons spent nearly a third of its total sitting time in the exercise of its financial function. But what was it doing during this time? Was it really considering the financial proposals before it or was it doing something else? How far were the Government's plans affected by the scrutiny of them made by the House?

> The answer seems to be - not very much. We have noticed how, in theory, the House spends a great deal of its time each year in examining the individual Estimates of expenditure which the Government have laid before it. To qualify that impression of a vigilant, suspicious House, we must now notice that this long-drawn-out examination, year after year, results in no economies at all. It is indeed more than forty years since the House forced the Government to reduce an Estimate - and then it was a proposal concerning Members' own travelling allowances that they were so bold as to reject. Two years earlier (in 1919), in another headstrong flurry of economy, the House had thrown out an Estimate designed to provide a second bathroom in the Lord Chancellor's residence. These are the only two occasions on which the Government's plans of Expenditure, as expressed in the Estimates, have been thwarted by a parsimonious House since the First World War.[2]

Instead of checking the details of policy and administration, the Commons debated general policy matters during the time theoretically given over to the control of finance. And by failing to pay attention to the details, and in some cases not taking any notice of matters at all, it was often debating grand policy matters in a state of ignorance. There should be, stated Hill and Whichelow, a considerable stratum of parliamentary activity designed to establish the facts and to question the

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[1] Andrew Hill and Anthony Whichelow, What's Wrong with Parliament, London, 1964, p. 15-16

[2] Andrew Hill and Anthony Whichelow, op.cit., p. 18.

thoroughness with which the policies of the government should be thought out.[1] Like Crick they felt that Parliament ought to be better organised and to work more efficiently. But unlike him they emphasised that this control of the government should rightly be connected with the control of the financial process, since the grant of supply and the control of taxation, the principles of no taxation without consent, and the redress of grievance before supply, were the foundation stones of Parliament and the source of its inherent powers. The virtue of restoring power to Parliament or of ensuring that Parliament did its work effectively was that the Parliamentary system was an open system, a public system. Like the other commentators on the state of Parliament in the 1960's Hill and Whichelow pointed out that government was no longer open. First discussions of policy matters were likely to take place in the party committees and in the party itself. "Behind locked doors, members on the Government side of the House may express their disagreement with new policy, but may then be outvoted".[2] The true views of all the members of the party, they said, were reserved for the party meeting, the private telephone call to the Whips, and the private conversation over a drink in the smoking or tea-room.

Another writer who took the view that the decline of Parliament's power and prestige was due to the loss of financial initiative was Paul Einzig. In The Control of the Purse he examined the history of finance and taxation to show how control over finance was gradually achieved by Parliament. Einzig considered that control means detailed control over spending, and that as this detailed control has vanished so has Parliament declined in public estimation. The loss of control

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[1] ibid., p. 65.
[2] ibid., p. 50.

has placed governments in a position to assume that they can do as they please with the taxpayers' money. Members of Parliament have become more interested in general political debate than in controlling the Purse, which has left a constitutional gap. As a remedy Einzig proposed a recovery of 'the spirit that formerly inspired Parliamentary pressure in favour of retrenchment'[1] not to revert to the unduly narrow attitude of the 19th century but to find a happy medium between the 'fanaticism of retrenchment and the irresponsibility of limitless spending'.

Another financial analysis was offered by Gordon Reid in The Politics of Financial Control. He came so he said to the somewhat paradoxical conclusion that 'Parliamentary control of finance although characterised by mythical qualities is not itself a myth. What mythical features there are, were devised to enable the Executive to cloak the degree of control it exercised over the financial-legislative process in the elected assembly'.[2] The Executive was in control of this process but that was not to say that there was such a thing as the dictatorship of the Executive.[3] There were the political checks operating in a Government/Opposition system which controlled the executive to some extent, and there have been countervailing pressures from backbenchers. "And just as dictators must accept limitations upon their formal power so Ministers of the Crown, and leaders of political parties, frequently defer to the initiative and the resistance of members".[4] Again this was saying rather what Mackintosh, Crossman and others stated, that there were always the underground 'political' pressures on the executive even if the formal channels of control were weak.

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[1] P. Einzig, The Control of the Purse, London, 1959, p. 331.
[2] Gordon Reid, The Politics of Financial Control, London 1966, pp. 164-5.
[3] ibid., p. 164.
[4] ibid., p. 164.

Before we go on to examine the implications of these views on proposals for strengthening the House of Commons, it is important to point out that one book published in the 1960's took a rather different view of the contemporary role of Parliament in the British political system. This book allowed greater weight to a strong executive, and played down the possibilities of greatly enhancing Parliament's controlling function. Ronald Butt in The Power of Parliament[1] did not accept the current view that Parliament was in decline, although he allowed that there was some evidence of a real decline in Britain's international status and prestige. None of the arguments for a decline in Parliament's relative position to the executive stood up, in his view, and one by one he put forward counterarguments to the Prime Ministerial, General Executive, Party Power and Financial Control arguments examined above. All these were in his view 'contemporary myths'. Strong executive power was a feature of British government, and it had always been so. Using an historical analysis of the function of Parliament he set out to reject the Parliament in decline hypothesis. He claimed that there was no evidence that Parliament was truly in decline - on the basis that all arguments of Parliament in decline assume that it must once have been more powerful. He did not find evidence to support the claim that the Commons once shared with the Government the initiative of legislation and 'real' control over finance. On the contrary, Parliament's historical role was one of consultation (see also Samuel Beer and the mobilisation of consent). Strong executive power had always been a feature of British government:

> Britain is still a monarchy in the practice of government, and not simply because a constitutional monarch occupies the throne, reigning without ruling. It is a monarchy in the sense that the power of the executive is of a monarchical kind. The

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[1] Ronald Butt, The Power of Parliament, London, 1969 (first published 1967).

> Cabinet is the Monarchy in Commission with the Prime Minister as First Commissioner.[1]

The authority attached to this form of government was nourished by the traditional political climate of the nation which favoured strong government, provided it was exercised legitimately and subject to Parliamentary approval. Because the Government in Britain came from Parliament, it had to be subject to control by Parliament. In the exercise of the consultancy function Parliament had been remarkably constant, and what it might be suffering from in the 1960's was a little 'marginal inefficiency'. Butt thought proposals for the reform of Procedure and the machinery of Parliament should take this view of its functions into account.

In the preface to the second edition of his book (1969), Butt moved over to the original Crossman view that strong party ties were the fatal flaw of the 20th century Constitution. He therefore suggested a loosening of party ties.

> A fundamental reform of the constitution along these very rough lines indicated here would, I believe, do infinitely more to revive Parliamentary influence than all the red herrings of procedural changes that have obsessively engaged the attention of some students of politics in recent years.[2]

Remedies

In almost every case writers who have analysed the power of Parliament and found it wanting make suggestions for revitalisation. Almost all suggest that this should be done through the development of some sort of improved committee system. The precise way in which the committees should operate varies from commentator to commentator and is related to his view of the function of Parliament, and of the means by

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[1] Butt, op.cit., p. 431.

[2] ibid., p.xxv.

which control over the executive might best be attained - through the exercise of popular sovereignty or Parliamentary sovereignty - or through the exercise of the financial function. The suggestion that committees are the best device to ensure a powerful legislature has powerful theoretical foundations. Sir Gilbert Campion suggested that the history of the committee system of the House of Commons indicated that committees have flourished at times when the House was powerful or finding its powers, and that committees were little used when the House was passing through relatively dormant periods. Neale indicated that the committee system of the House of Commons began to flourish and to develop in the later Elizabethean Parliament. And commentators have always before them the example of the American Congress with its strong committee system, and the French Fourth Republic which had a strong assembly, a strong committee system, and a weak president. But as we have shown in the previous chapter, all the talk about a committee system to strengthen Parliament as a controlling body is talk about a Select Committee system. The Standing Committees were developed to perform another of Parliament's functions, the legislative function, and have been viewed, rightly or wrongly, as a governmental weapon. (See, however, Frank Stacey's analysis of the function of Standing Committees in the Ombudsman Bill)[1]. So the remedy which all the commentators on Parliament in the 1960's were proposing was development of the Select Committees to enhance the controlling function of the House of Commons.

Where the commentators differed was in the means by which control was to be exercised. They seemed to be agreed on the ends in view, in that there was general consensus that Parliament's control function should be strengthened. But they did not agree on the means.

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[1] F. Stacey, The Ombudsman, Oxford, 1971. Stacey's careful analysis of the House of Commons Standing Committee stage of the Parliamentary Commissioner Bill (pp.95-168) shows how valuable this stage can be in allowing members an opportunity to improve a bill. Attitudes tend to be less partisan in Standing Committees than in the Committee of the Whole House, p.95.

Mackintosh's plea for more political theory seems to have been answered implicitly. There appeared to be a general consensus of opinion among the critics and friends of Parliament in the 1960's that we have a strong executive/controlling legislature model. Few commentators were prepared to suggest, like Chapman, that this be thrown over in favour of giving Parliament more of a share of the Governing. Few suggested more than a strengthening of the control weapons driving politics once more into the open glare of public debate and out of the dark corners of underground influence - as described by Crossman, Mackintosh, Crick, Whichelow and others. Where these commentators differed in the 1960's was on the means of control - was this to be 'Political' control or 'Financial' control.

Political Control - Suggestions

Mackintosh did not specifically offer a solution to the problem of a weakened Parliament vis-a-vis a strong Prime Minister in his work The British Cabinet. But all the work he has done since in the 1960's, and is continuing in the 1970's is concerned with the basic issues raised in this first book. He has himself been a strong champion of committees since he entered Parliament in 1966. He was a member of the ill-fated Agriculture Committee,[1] and a member of the Procedure Committee. His experiences to date have led him to take a sanguine view of the prospects for Parliamentary reform through the committee system. Eight years after the publication of The British Cabinet, Mackintosh indicated that:

> For most of those interested in reforming the House of Commons in the sense of redressing the balance between the increasing power of the Executive and the growing impotence of backbenchers;

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[1] The Select Committee on Agriculture lasted for only two sessions. Its troubles are chronicled by John P. Mackintosh, M.P. 'Specialist Committees in the House of Commons: Have they failed?' The Waverley Papers, University of Edinburgh, Department of Politics, Series I, No.1, 1970.

> select committees sometimes called 'Specialist' Committees have always been the most hopeful device.[1]

But in a review of the work of those 'Specialist' Committees which were set up in the 1966-70 Parliament Mr. Mackintosh was not convinced of their success. The high hopes held out for such Committees have not been fulfilled. The opponents of the new system of Specialist Committees came from several areas of government:

> Some Cabinet ministers, such as Mr. Michael Stewart and Mr. Richard Marsh, felt that Parliament was a power struggle and these Committees became, in effect, engines for criticising the Government thus simply aiding the Opposition. They believed that the task of the majority was simply to support their front bench....some senior Civil Servants certainly found the Committees hard to take....there is evidence that a number of Civil Servants complained to their ministers that they could scarcely fufill their normal duties because of the burden imposed by the Committees.. ..It seems clear that a number of the most senior departmental ministers and officials made their opposition to scrutinising Committees clear to the Prime Minister.....Finally, among the adverse forces, the Whips Office, though headed by a reformer, Mr. John Silkin, began to have its doubts.[2]

But the basic difficulty with the suggestion that Specialist Committees could help in restoring Parliamentary power was, in Mackintosh's view, that so many of those in favour of this remedy considered it could be operated without altering the balance of the Constitution. Mackintosh referred to this point in The British Cabinet, stating that:

> But he [referring to Bernard Crick's pamphlet Reform of the Commons, Fabian Tract, No.319] like most of the reformers, considers that the House can be revitalised without in any way weakening the power of the Government. Such a view makes all the rest worthless, for if the government is left in its present position reforms may make life easier for M.P.'s but nothing will result from the use of these facilities. The role of the House of Commons will remain unaltered, and the public will continue to ignore it.[3]

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[1] John P. Mackintosh, M.P., 'Specialist Committees in the House of Commons: Have they failed?', The Waverley Papers, University of Edinburgh, Department of Politics, Series I, No.1, 1970.p.1.

[2] ibid., p.61 ff.

[3] Mackintosh, The British Cabinet, p.499.

And he returned to this position in his article 'Specialist Committees', saying that it was "disingenuous of the reformers to keep saying (as most of them have done) that they had no intention of altering the relations between the executive and the House of Commons"[1]. Mackintosh does not think it is possible to make any changes in the procedure or facilities of the House without, in some slight degree, affecting this relationship. The Specialist Committees, for all their drawbacks and shortcomings in their present form, have proved to be one front where battles have been fought in the struggle between the backbencher and Ministerial and executive power.

Humphrey Berkeley saw the executive power as tending towards a Presidential system of government, but without a powerful Congress to check and balance this power. So he proposed that the British House of Commons should develop a powerful system of Committees which would enable it to check and control the 'Presidential' Prime Minister, just as Congress can check and control the U.S. President. This assumes that the Committee system which is developed should have some ability to make decisions itself, and to deal with matters of policy, not merely with matters of detail. In this respect Berkeley's suggestion was not unlike Brian Chapman's proposals.

The present system of Committees in the House of Commons is inadequate, said Berkeley, because the party Committees were not Committees in any real sense but private gatherings of a party caucus, and the Standing Committees were composed of members drafted on to them at random. Thus:

> I advocate the appointment of Select Committees on all the important areas of Government activity, such as external affairs, defence etc.... The members would be elected by backbenchers of each party and not appointed by the Whips. They would have the

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[1] Mackintosh, 'Specialist Committees', p. 10.

> power both to scrutinise the administration of the relevant Government departments and to question decisions of policy..... these specialist Select Committees would also assume the function of the present Standing Committees.[1]

And by taking on a legislative function as well as a scrutinising function these Committees would become involved in policy-making through their pre-legislative activity. In the foreword to the book, Norman St. John Stevas also advocated pre-legislative Committees (a function performed by Select Committees in the 19th century) on the grounds that they "would strengthen the position of the individual member in the most practical way by giving him something important to do"[2]. Of course students of the historical development of the U.S. Congressional Committees will recognise in the pre-legislative function the seeds of the investigatory power of the U.S. Committees.

Crick's analysis of executive/legislative relations was different from Mackintosh's and Berkeley's. Crick saw Government as powerful and the legislature as having a limited role, but believed that more could be made of this role. He specifically suggested Specialist Committees among his list of reforms. Crick did not believe that such specialised Committees would weaken the system of Cabinet government, for none of the fundamental controls by which the leader of an elected majority maintained his Party's power were in question. But what had happened, said Crick, was that the complexity of modern government and the complex information systems developed by the Civil Service left members of Parliament ill-informed, so that they lacked the ability "to make really informed criticism unless they can specialise or employ specialists of their own"[3].

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[1] Humphrey Berkeley, The Power of the Prime Minister, London, 1968, p.97.
[2] ibid., p. 9.
[3] Crick, The Reform of Parliament, p. 161.

The need for more information was the key to Crick's suggestion that there should be what he calls 'Hybrid' Committees, that is combining the Parliamentary system and Members of Parliament with the vast machinery of outside advisory and outside expert Committees. These would provide a fusion of parliamentary and expert knowledge. The model for these Committees Crick suggested was provided by the subject Committees of the Parliamentary parties. Departmental Committees might become too narrow-minded, and one of the functions of "Standing Committees of Advice, Scrutiny, and Investigation" should be to bring together considerations relevant to several Departments and to take broad views.[1] Thus Crick suggested the following Committees: Agriculture, Fisheries and Food; Arts and Amenities; Commonwealth and Colonies; Defence and Services; Economics and Finance; Education; Foreign Affairs; Fuel and Power; Health Services; Home Office Affairs; Housing and Local Government; Pensions and Social Security; Science and Technology; Transport and Civil Aviation. In addition to these he recommended a Committee on Legal and Judicial Affairs, on the Machinery of Government and on National Expenditure, The Select Committee on Nationalised Industries would continue, as would the Estimates, the Public Accounts, and the Parliamentary Commissioner's Committee.[2]

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[1] Crick, op.cit., p. 243.

[2] ibid., p. 244.

Financial Control - Suggestions

Proposals for Select Committees to perform some function of 'Political' control can be criticised. Such suggestions raise questions of the meaning of control - whether it means control of administration or of policy - and of the method of applying it. It is clear that some, notably Berkeley and Chapman, were talking about control in terms of influencing government policy before decisions are made. But other writers e.g. Crick and Crossman seemed more concerned with making sure that the Government does not overstep the bounds within which it should operate. Similar problems of the definitions of control, of the distinction between 'policy' and 'administration' arise when control is thought to be most effectively exercised through the financial function. But when the financial methods of control are considered the arguments can be narrowed down somewhat, and there are less nebulous concepts involved. One can be more precise in making suggestions for the operation of Select Committees with a financial function.

Hill and Whichelow in What's Wrong with Parliament? took the line that Specialist Committees of the House of Commons should be related to its function in the control of finance. As indicated above, these authors considered that the financial function was at the heart of the Parliamentary system and that financial procedures had become so out of date that the House of Commons could no longer perform the function of financial control. The starting point for specialised Committees in their opinion would be the departmental Estimates of expenditure, and reports laid annually before the House. They suggested that the Committee stage of public bills could also be taken in these Committees.[1] Such Committees would have an advisory and consultative role, so as not to infringe the principle of ministerial responsibility. These new

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[1]See Chapter on the 1968-9 Select Committee on Procedure below.

Committees should be merged with the Estimates Committee and could revitalise the work done by the House in its oversight of Government expenditure. And they could also provide the members with the information which they need, to enable them better to contribute to debate.

Another proponent of finance-based Specialist Committees was Michael Ryle. In an article in the Political Quarterly in 1967 Ryle analysed the levels of decision-making related to expenditure and taxation. The highest level of decision, he said, was concerned with the total size of the public sector in the economy in comparison with the private sector. This is a highly political matter to be settled by party controversy. The next level dealt with the allocation of resources between the different departments. Such decisions should be made on the floor of the House. At the next level of allocating resources within departments, and the lowest level of discovering whether the money was properly spent, the appropriate arena might well be the parliamentary committee. Ryle tied the establishment of Specialist Committees to finance,but limited their focus to the lower decision levels. There was no clear distinction between policy and administration here, but between the different levels of decision-making and the arenas appropriate to each. Ryle proposed a new Committee to look at Economic Affairs, which would be primarily concerned with examining the assumptions made in the forward projections of Government expenditure. This Committee would not deal with allocations between services (for this was a highly 'political' judgement) but look at and scrutinise the mechanics, control the assumptions made by the model builders responsible for projections of Government expenditure:

> It would be the function of this Committee to study particular economic problems from a Parliamentary point of view, with a view to establishing the facts, and clarifying the assumptions on which Government economic policy is based - and analysing the consequences as the policies are implemented. In particular

> they should examine the Government's longer term expenditure plans against the background of the current and projected economic situation.[1]

While this Committee covered the assumptions behind decisions of Levels 1 and 2, other Committees would deal with levels 3 and 4.

Ryle's proposal for examination of the assumptions behind the development of the Government's economic policy was as the quotation above illustrates, limited. He did not propose that the Committee itself should decide what the policies should be but that it should probe the information upon which these policies were based. Other commentators however were not willing to see such limited powers granted to the specialised Committees which they advocated. And certainly to tie specialised Committees to the function of control of finance might seem to be restrictive.

Problem: What is 'Control' of Policy or Administration?

Those commentators who proposed that Select Committees could discuss matters of policy were not generally very keen on the idea that such Committees should be based upon the principle of financial control. They claimed that there were many issues which were not related to finance, e.g. foreign affairs, and that to relate Committees to finance is to restrict their terms of reference considerably. Other proponents of the Specialist Committee idea have come round to the idea that the control of finance is one of the best ways in which to influence policy. While most of the 'academic' observers of Parliament, and some members, prefer development of political control through Specialist Committees the members on the Select Committee on Procedure since 1965 have shown

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[1] Michael Ryle, 'Parliamentary Control of Expenditure and Taxation', Political Quarterly, Vol. 38, No. 4, Oct.-Dec. 1967, p. 440.

a marked preference for expenditure based Committees. As we can see from an investigation of the work of the Select Committee on Procedure, it has concentrated since its 1964-5 Report on the proposals to establish Select Committees of a specialised nature based upon the control of finance, and especially on the control of public expenditure. The growth of public spending, and the increasing reliance of the administration upon statistical evidence as the basis of decision-making has made the re-establishment of Parliamentary control of expenditure imperative. In 1968-9 the Select Committee on Procedure finally got down to a large scale enquiry into the Control of Public Expenditure, and its main recommendation was that a Select Committee on Expenditure be set up. How it came to take this direction, and how it approached the question is the subject of the next Chapter.

CHAPTER IV

The Select Committee on Procedure 1968-9 - The Control of Public Expenditure. A Case-Study.

By the beginning of the session 1968-9 the Select Committee on Procedure had achieved some degree of permanence as a sessional Select Committee of the House of Commons.[1] It had been set up in every session since 1961-2 and had enquired into a wide range of procedural devices, some concerned with details, the 'nuts and bolts' or minutiae of procedure, and some of broader import touching on questions of executive/legislative relations. But the Select Committee on Procedure had not in this period devoted all of its efforts in a session to a single large scale enquiry into one aspect of procedure. The session 1968-9 marks the start of a new era in the Committee's development for it embarked upon the first of what became a series of large scale enquiries, taking one broad topic each session and studying it in depth. The 1968-9 enquiry into the Control of Public Expenditure was followed by an enquiry into Taxation in 1969-70 and one into Legislation in 1970-71.

There are several reasons why the Select Committee embarked upon a large scale enquiry in 1968-9 and why it chose to make the Control of Public Expenditure the first of its series of large enquiries. Before we examine the work of this enquiry in detail we should look at some of the factors which brought it about. They can be divided into two groups. The first group of factors are long term ones, which together

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[1] A sessional committee is one which is set up anew each session and considers matters referred to it. Some Select Committees are set up by Standing Order and exist until the Standing Orders are revised, e.g. The Public Accounts Committee. They initiate their own enquiries.

impelled the interest of Members of Parliament towards investigation of methods by which Parliament could better control the Executive. These include changes in administrative practice and organisation; changes in the political system in general; and the Parliamentary and party political atmosphere of the 1960's. The second group includes the short term immediate factors which led to the enquiry itself. These include the Procedure Committee's own initiative; the interests of its members; the efforts they made to set up the enquiry; and the attitude of the Government towards the suggested enquiry.

PART ONE

THE GENESIS OF THE ENQUIRY

1. Changes in Administrative Practice

Among the longer-term factors leading to the 1968-9 enquiry was a general reformist atmosphere in the 1960's.[1] As we have shown above (Chapter III), there was in the 1960's a spurt of books and articles claiming that Parliament was in a weak position vis-a-vis the executive, and suggesting that it needed reforming or strengthening if it was to perform its proper functions within the political system. Although some of these books might be described as polemical,[2] there was much basis for the argument that the nature of executive/legislative relations had changed since the end of the Second World War, and that changes in administrative practice had not been matched by changes in Parliamentary procedure. For the reformers had cast their eye on administration as well as on Parliament, and had had some success.

After the Second World War the scope of Government activities widened with the introduction of the Welfare State, and the more positive role taken by the Government in the direction of the national economy. There had been a shift of emphasis in government towards

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[1] The vogue for reform in the 1960's has been chronicled by Christopher Booker, The Neophiliacs, London, 1971.

[2] Bernard Crick, The Reform of Parliament, 2nd Edn., London, 1968. In the preface to this edition Crick indicates that the book was intended as a polemic.

social welfare and economic control, and this shift in emphasis had two major effects. It led to a growth in the size of the Civil Service and it involved the Government in ever increasing levels of public expenditure. This process accelerated rapidly in the 1960's. Just why total Public Expenditure rose as it did from 36 p.c. of GNP in 1958 to 47 p.c. of GNP in 1968 is not clear; it may in part be due to technical factors.[1] But one reason is that the prevailing political philosophy of the period supported increasing public expenditure levels. As a result of the increasing levels of public expenditure changes occurred in administrative practice and organisation, some as a result of natural development and some in response to demands for reform of the machinery of Government to make it more effective in the performance of its new functions.[2]

Because the expansion of governmental activity in the 1958-68 period was of a type to require greater expenditure, it became more and more apparent that greater co-ordination of effort and more planning for the future use of resources was necessary to give Government activities a positive and fruitful direction. The traditional centre of control

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[1] C.T. Sandford and P. N. Dean, 'Public Expenditure: Why it has grown', The Banker 1970. Sandford and Dean offer some possible explanations for the growth of public expenditure during the period 1958-68. These include a chage in political philosophy, a change in the financing of local government, and attempts to control expenditure by relating it to future resources (the rate of increase of GNP) which paradoxically helped total public expenditure to grow. In the period studied the greatest expansion of spending appeared in the social services; health, education, pensions and welfare.

[2] Brian C. Smith, 'Reform and Change in British Central Government', Political Studies, June, 1971, distinguishes ongoing change in administration from root and branch reform. Certain of the Treasury developments in the 1960's (PESC, 1961 and the 1962 reorganisation) he regards as part of a continuous process of adaptation and change. The Fulton Committee's recommendations (1966-68) on the other hand, he regards as an attempt at reform, an attempt to replace a 'bad' system by a 'better' one, p. 216. This proposal was motivated by strong political pressures, p. 219.

over the Civil Service, the Departments and Public Expenditure lay in the Treasury. And it was in the Treasury that some of the first stirrings of change were felt. In the late 1950's the Treasury was not well equipped to take long term views of expenditure patterns. Few economists were employed and no effective central planning machinery existed.[1] The deficiency in the nature of traditional Treasury control of expenditure which relied on annual accounting methods was noted in the Sixth Report of the 1958-9 Select Committee on Estimates.[2]

The 1958-9 Estimates Committee recommended that a small independent Committee be set up to report on the theory and practice of Treasury Control of Expenditure. This was the Plowden Committee on the Control of Public Expenditure which reported in July 1961. Both the Estimates Committee Report and the Plowden Committee report recognised that the annual control mechanism by which the Treasury scrutinised the departmental estimates was not appropriate for many of the services then being provided by Government. Many services can only be effectively operated if plans are made for several years ahead. This is especially true of some of the social services - the area of government activity which expanded the most rapidly from 1958 - and of other areas in which the Government was expanding in the 1950's and 1960's, notably transport. Some mechanism other than, or supplementary to, the annual budgetary

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[1] Samuel Brittain, Steering the Economy, London, 1971, p. 38. Brittain states that in 1961 when Sir Alec Cairncross became Economic Advisor to the Government there were about a dozen economists in Whitehall. By 1965 there were over twenty-five and by 1970 over 150. (50 of these in The Treasury, and the rest in other departments).

[2] Sixth Report from the Select Committee on Estimates, 'Treasury Control of Expenditure', H.C. 254-1 of Session 1957-8.

process was called for. By the late 1950's the Treasury had begun to develop 'forward looks' into defence expenditure; it was thought that the techniques of planning appropriate to defence might prove of use for domestic expenditure planning and control.

Partly as a result of the promptings of Plowden and the Estimates Committee the Treasury began slowly to develop machinery for long term forecasting of public expenditure in relation to expected future resources. More economists, on long and short term engagements, were recruited and the economic unit of the Treasury expanded. In 1961 the Public Expenditure Survey Committee (PESC) was set up. This is an inter-departmental Committee which each year surveys expenditure set against an estimate of the probable rate of growth in the economy over a period of five years. For PESC each department has to provide functionally costed estimates of future expenditure. PESC reports to the Cabinet and gives information upon which political choices concerning the allocation of resources can be made. Other planning experiments also began outside the Treasury, the National Economic Development Council was set up - with its offshoots - in February 1962, and the Regional Economic Planning Boards and Councils which existed in embryo prior to the 1964 election were developed after Labour came into office. In 1964 the Labour Government established a Department of Economic Affairs (D.E.A.), which took over some of the Treasury's planning functions, and in 1968 the Treasury lost its responsibility for Civil Service Control to the new Civil Service Department. But the D.E.A. was abolished in 1969 and its 'macro-economic' functions returned to the Treasury. Treasury aims and structure remained throughout the 1960's in something of a state of flux as new sections were set up, hived off, and brought back in again, and as moves were made towards the emphasis on planning and control functions of the Treasury. While it cannot be said that the Treasury was

radically reformed during the period 1958-68 it certainly underwent continuous and positive change towards a more active planning role in respect of public expenditure.

2. The Reform of the Civil Service

At the same time as the Treasury was developing its central planning machinery for forward looks at the economy and at public spending, suggestions were also being made which would alter the entire structure and organisational methods of the Civil Service. These proposals for changes in the Civil Service were undoubtedly related to the general reformist movements in the 1960's. The Civil Service was considered by reformers to be out of date, and unsuited to the modern tasks it had to perform. A particular target for criticism was the non-specialist, all-rounder emphasis in the higher grades of the Service. It was felt that the Civil Service's amateurish approach to many problems was a bar to efficiency in government. The Fulton Committee undertook a mammoth enquiry into the operation and structure of the Civil Service and reported in 1968. In its reports it suggested that more experts or specialists be recruited for specified jobs. It also proposed that the Civil Service should introduce new forms of management and accounting based on the system of accountable management or management by objectives. This system consists of breaking down the main objectives which a department or sub-department exists to serve into sub-objectives which can be carried out by groups of workers or by single workers. The objectives for each task are set out and efficiency is rated by the ability of the workers to perform the task allotted to them. This form of management and the accounting system which goes with it was to be closely tied in with proposed new methods of departmental budgeting where objectives, outputs, or functions, are taken as the basis for the accounting system. The only department

which used this approach to budgeting at the time of the Fulton Report (1968) was the Ministry of Defence which had in 1961 introduced a version of the PPBS (Planning, Programming, Budgeting System) used since 1959 in the Defence Department of the United States. By 1968-9 tentative moves had been made in other departments to investigate the possibility of using this system but it had not been introduced into any department.

3. The Parliamentary and Party Political Atmosphere

Certain features of Parliamentary and Party Political life in the 1960's indicate why some members began to press for better methods for control of the executive. The House of Commons had itself prompted some of the administrative changes outlined above when the Select Committee on Estimates produced its 1957-8 Reports. Changes in the Treasury and the Civil Service outlined above began to take shape before changes in corresponding control structures were suggested for the House of Commons. Opinion in the House of Commons moved slowly in the direction of internal reform of its own mechanisms and particularly slowly in the direction of reform of mechanisms for financial control. One of the earliest indications that opinion in the House was to some extent moving in favour of improving the methods of control of expenditure exercised by both Treasury and the House of Commons came in a debate on the 6th and 7th Reports of the Estimates Committee for the Session 1957-8 and the Report on the Control of Public Expenditure 1961 (Plowden). These three papers were all debated on a Supply Day in the House of Commons on January 14th 1962. Sir Godfrey Nicholson pointed to the great increase in the proportion of the Gross National Product which was accounted for by Supply Expenditure. This had been 4 p.c. of GNP in 1870 but by 1961 had grown to 22 p.c. (Total Public Expenditure being higher). While interest might have been awakened and alerted to

the need to consider the implications of the rise in public expenditure, it was clearly still a limited concern in 1962. Sir Godfrey stated:

> This is the first public debate which has been devoted to the subject. Incidentally, there is also very little literature about it. The rough truth is that the three documents which the House is asked to consider are a compendium of all that has been recently published, in so far as it is available to the Public or to Parliament.....the third document, the Plowden report is by far the most important.....a revolutionary document.[1]

The Plowden Report on the Control of Public Expenditure[2] had proposed that emphasis be shifted from annual budgeting to forward planning.

> decisions involving substantial future expenditure should always be taken in the light of surveys of public expenditure as a whole over a period of years, and in relation to the prospective resources.[3]

The Report recommended that regular surveys of public expenditure should be made, and as a result the Public Expenditure Survey Committee had been set up in the Treasury. But Parliamentary responses to Plowden were slow. From 1963 White Papers on Expenditure were presented to Parliament from time to time. These were developed from the PESC reports and covered the whole of Public expenditure including Local Government and Nationalised Industries. But they were not regularly debated as a normal part of the procedure of the House of Commons.[4] The White Papers allowed for some Parliamentary consideration of higher level decisions on expenditure, but no machinery existed for consideration of the allocation of resources within the main functional areas of Government or for examination of the assumptions upon which expenditure projections were based.

In their report of 1964-5 the Select Committee on Procedure recommended that the Estimates Committee be enlarged and be allowed

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[1] Hansard, Vol.652. Cols.209 and 221.

[2] The Control of Public Expenditure, Cmnd,1432, July 1961.

[3] Quotation from the Plowden Report in Report of the Select Committee on Procedure, 'The Control of Public Expenditure', H.C.410 of 1968-9, p.16.

[4] ibid., p.240 contains a list of debates relating to expenditure.

to set up specialised sub-Committees which could provide some scrutiny of expenditure proposals. It also suggested that the planning White Papers be presented annually to Parliament and debated. These proposals were not accepted by the Government (See above Chapter II, pp.120-8).

Members of Parliament were not particularly enthusiastic in 1965 about exercising greater financial control over the executive. Many members were apathetic towards financial debates unless these could be related to issues with a highly 'political' content e.g. education. More and more policy decisions in this period seemed to have a financial content - should more be spent on roads or rail, on schools or hospitals? These were the sort of questions which ultimately affect the quality of life in Britain but they did not attract great Parliamentary attention. While M.P.s debated endlessly on subjects such as Industrial Relations and House of Lords Reform (topics of 'political' interest), the bill for the Concorde Aircraft - to take but one example - rose at a seemingly exponential rate without any general debate as to whether it was or was not a desirable project. Fundamental questions raised by the growth of public expenditure were ignored. Like Topsy the cost of Concorde just grew; and as in similar previous cases e.g. the British and U.S. Atomic Bomb programmes of the 1950-45 period or the American project Moholo[1], no-one appeared to notice. The inability of many M.P.s to take an interest in the financial aspects of policy choices is perhaps a measure of the maladjustment of the Parliamentary machine in the 1960's.[2] The outward appearance of the Gladstonian concept of the control of public expenditure still remained to fox the innumerate member, but the substance of public expenditure and its relative importance had fundamentally altered.

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[1] Daniel S. Greenberg, The Politics of American Science, London, 1969. (First published New York, 1967), pp.219-261.

[2] Members' attitudes towards control of finance appear to have changed little since the 19th century, see above p.82.

Members were becoming more interested in the reform of procedure in the years 1964-68 but they seemed to incline to 'political' methods of control of the administration, not to financial methods. Interest in the control of public expenditure was slow to awaken but the fact that members were interested in the general reform of procedure during this period made them, eventually, more receptive to suggestions that financial control was important.

We have indicated above (Chapter II, pp.117-9) that members of Parliament, especially those entering the 1964 and 1966 elections, were exhibiting a greater interest in the reform of Parliamentary procedure. Two main reasons can be suggested for this. Firstly, many members appeared to have a more positive notion of their role as M.P. and this was especially notable among the youn ger, newer, members who were less keen than older members to take a passive role:

> Today Parliament is more active - it is not like it was in the 20's and in the 19th century when the Government made all the speeches and the members just sat back. Now it is all the time pressing the Government to do things. It is no longer a watchdog but a bulldog.[1]

Several members who were interviewed for this study pointed to the fact that more members with higher education were being elected, and they were more likely to want something interesting to do. Their feelings of frustration may have been partly augmented by the fact that after 1966 the Labour majority was so large that a number of members had no possible hopes of office. One Conservative member attributed the clamour for reform of Parliament in the late 1960's to the size of the 1966 Labour majority:

> What really started it off is that one side got in with a big majority. Then it had the problem of how to keep them happy. It had to keep them out of mischief, even though some were in the Government.... You are unlikely to get this sort

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[1] Interview with Member of the 1968-9 Select Committee on Procedure.

> of situation when the parties are evenly balanced. The history of this Parliament from a Procedural point of view is to be explained in terms of the size and composition of the majority party.[1]

Certainly the composition of the majority party did not make for a strong united front and the size of the majority may have encouraged some members to greater intransigency than they would have exhibited with a more even party balance. Cracks in the coalition of which the Labour party is composed were already beginning to show in the years 1966-68.[2] To some extent this was a dispute between ideology and pragmatism in political style. One member spoke at length and with deep feeling of the decline of socialist principles in the population - the breakdown of 'collectivist' thought. There were, he considered, too many capitalist minded workers. Such workers preferred regressive indirect taxation to direct taxation with its redistributive effect. No government which wanted to win elections could ignore the views of this large section of the population, and as a result the Labour party was experiencing 'The Death of Ideology' in an effort to gain votes and maintain popularity. Certainly the Labour leadership in the late 1960's began to pay particular attention to the public opinion polls. The theory that the British working class is becoming more bourgeois in outlook is a difficult one to prove. Nevertheless, there seems evidence that party differences in the 1960's were not as strong as they had been at other periods, that intra-party differences were more important than inter-party differences; that there was not a strong ideology to cement the Labour party together and cracks were once again appearing in its coalition; and that vote catching behaviour was more important to the Labour leadership than ideology. At the same time there appeared in both parties some reaction against 'big'

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[1] Interview with Member of the 1968-9 Select Committee on Procedure.

[2] For an analysis of this coalition see John P. Mackintosh, 'The Problems of the Labour Party', The Political Quarterly, Vol.43, No.1, Jan-Mar. 1972, pp.2-18.

government and against the collectivist values of the welfare state. Control of the executive became a matter of concern to many M.P.s.

In the years 1964-70 there also appeared to be weakening of party discipline. "The power of the parties to command total discipline is declining, and rightly so", said one member. This was evident in both the major parties but more so in the Labour party related perhaps to the factors outlined above. Why this resurgence of backbench activity and weakening of party discipline occurred concurrently is not clear but members were willing to offer suggestions. Some members interviewed (including the Leader of the House) were quite serious when they attributed failing discipline to 'the permissive society'. One member, an ex-army officer, and ex-Minister, attributed the decline in discipline to the falling number of members in the House with a military training. Certainly both parties were recruiting 'new men' some of whom had not been in the army. The Conservatives felt that they had less trouble with discipline than the Labour party:

> There are more people in the party who will do as they are told by the Whips. More of them have been in the Army and at public schools. Most of the Whips have been in the army too.[1]

But the Conservatives too had their share of keen young men eager to press on and have a useful career, not content with the concept of the role of the M.P. as a 'Tory Squire'.[2]

Whatever the reasons, the weakening of party discipline and the desire for a more positive role for the backbencher manifested itself in various ways of which the clamour for reform of procedure was only one aspect. In practice Members were continuously changing procedure through their ability to adapt and mould it to their own needs. Methods of backbencher expression which were not used to a great extent formerly were developed and exploited in the late 1960's.

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[1] Interview with Member of 1968-9 Select Committee on Procedure.

[2] 'All prospective candidates see themselves as Ministers' said an official of the Conservative Central Office. Interview.

For example, in the period 1964-68 there was an increased use of Early Day Motions to express backbenchers' views.[1] Members extended the practice of abstention in division as a method of influencing the Government.[2] This period was also notable for considerable legislative activity on the part of Private Members. Several important measures of a 'moral' nature including those dealing with Homosexuality and Abortion, were passed in this period.[3] And by 1968 there was a great increase in Select Committee activity, partly as a result of the new Specialist Committees; the first two of which on Agriculture and on Science and Technology were set up by the Leader of the House, Richard Crossman, in 1966.

Clearly in the late 1960's there was not, for very many reasons, a universal blind acceptance on the part of backbench Members of a sheep like role in which they tamely supported a strong party line. Members were adapting the procedure to get their voice heard, and they were willing to listen to suggestions for improving their ability to control the executive which included suggestions for improving the control of Public Expenditure.

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[1] M.N. Franklin, Voice of the Backbench, unpublished Ph.D. thesis, Cornell University, 1970.

[2] John P. Mackintosh, 'The Influence of the Backbench, Now and a Hundred Years Ago', Manchester Statistical Society, March, 1970. Mackintosh states that the events of 1967-9 during which period there were attempts to unseat the Prime Minister and two major bills were lost (The Parliament (No.2) Bill and the Industrial Relations Bill) were unprecedented in post-war years. But rather than vote against their party members chose to register dissent by abstention.

[3] P.G. Richards, Parliament and Conscience, London, 1971.

In 1968-9 Parliamentary control over Public Expenditure was manifestly weak and ill-suited to modern long term planning needs. There was little point in reviving the traditional supply procedure as it was dealing with expenditure, (a) on an annual basis, (b) from an input and not an output point of view and, (c) that the proportion of Total Public Expenditure represented by Supply votes was decreasing. The publication of the Fulton Report in 1968 with its suggestions that new methods of organisation should be introduced into administration and new methods of budgeting be adopted further highlighted the fact that Parliament had been slow to respond to changes in administrative practice and was in danger of falling further behind. The publication of Fulton together with the lack of Parliamentary response to Plowden made an enquiry into the control of Public Expenditure vital in 1968-9. The Gladstonian 'circle of control' over public expenditure with its basic concept of control as saving candle ends and ensuring wise spending seemed to have outlived its political usefulness. The time had arrived for Parliament to take stock of its machinery for the control of Public Expenditure.

4. The Initiative of the Select Committee on Procedure, and Attitudes of the Treasury and the Government towards an enquiry into the Control of Public Expenditure

As the Select Committee on Procedure had been meeting regularly since 1961 and had achieved a continuity of membership it provided an obvious outlet for the view that changes in the administration needed to be matched by changes in Parliamentary procedure. It offered an open and authoritative channel of communication through which ideas and proposals for the reform of the Parliamentary machinery could flow. Members of the Committee who were asked how the 1968-9 enquiry originated stressed the necessity of finding adjustments in the

Parliamentary machinery:

> There is the question of changes in administrative methods leading to changes in the Parliamentary system of control. With the introduction of such methods as output budgeting into the Treasury, we had to think about how Parliament could oversee expenditure in the light of the use of such methods. The new administrative system needs a new Parliamentary system and machinery.[1]

The suggestions which the Procedure Committee made in 1964-5 for an enlarged Estimates Committee had fallen on seemingly deaf Government ears. Many members of the Committee were not satisfied that the alternative reforms, the 'Specialist Committees' set up in 1966 by Richard Crossman, were able to perform the function of control. Members of the Committee felt that these Committees were not able to exercise any sort of control over the executive on either political or financial grounds, and that they had indeed largely ignored the financial methods of control.

The 'ad hoc' nature of these Committees was also an area of criticism.

> Well they were never really thought out.[2] They were just out of the top of Crossman's head.

And other aspects of the Committees were criticised:

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[1] Interview. Much of the material on which the following Chapter is based is drawn from interviews with Members of the Select Committee on Procedure. When a Committee Member is quoted the simple reference 'Interview' is given. Many members talked extremely frankly but were reticent about the use of their names. When a Member other than one on the 1968-9 Procedure Committee or an Officer of the House is quoted this is indicated. Members of the Committee were in 1968-9:

(L) Donald Chapman (Chairman)	(L) J.P. Mackintosh
(C) Robin Turton	(L) D. Coe
(C) Selwyn Lloyd	(C) Michael Hamilton
(L) Austen Albu	(C) James Ramsden
(L) Arthur Woodburn	(I) John Parker
(C) Dame Irene Ward	(L) David Marquand
	(C) David Howell

(L) Labour
(C) Conservative

[2] Interview

> There is a reaction against Specialist Committees in the House now. The Whips especially are not so keen as they are having difficulties in staffing the Committees... And then Ministers are not all that keen on Specialist Committees either.
>
> There is opposition to the present system of Specialist Committees - these are not very good anyway - they are a waste of time. Some of the Committees aren't a waste of time, the Estimates Committee, the Public Accounts Committee, the Nationalised Industries Committees and Science and Technology. But it is a waste of time to go charging round the country looking into questions like University students which is nothing to do with the House anyway. There is generally speaking no great enthusiasm for change in the House as a whole.[1]
>
> The Crossman reforms were a compromise with the fourth report of 1964-5. They were what the Dinosaurs in the Cabinet would put up with. Crossman was on the side of the angels but he really never does think about the consequences of his proposals. He didn't realise at the time that the sort of Select Committees he proposed could embarrass the Cabinet.[2]

The Education and Science Committee was especially singled out for criticism. 'A travesty' one member called it. This was because it was 'running round the country taking the pulse of the people'. Most members of the Select Committee on Procedure did not think that this was the correct function for a Select Committee.

> There was a universal feeling [among the Procedure Committee members] that the Specialist Committees we had were a failure..... they were doing the wrong sort of thing .... [they had] a tendency to get into the headlines like the Education and Science Committee with their enquiry into student unrest. They shouldn't have been dealing with that sort of subject.[3]

Dissatisfaction with the 1966 Committees was pretty universal among the Procedure Committee members, and members were unhappy that the 1964-5 proposals had never been taken up. "We have to recommend something twice before the Government takes any notice of it", said

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[1] Interviews.

[2] Officer of the House.

[3] Interview.

one member. There was general consensus among the members that Parliamentary control of the executive was weak and needed strengthening. They were, as one member pointed out, slanted towards a need for reform in this direction from the very beginning; they were a 'reformist' Committee wanting changes and action, although they varied as to the degree of control they meant to introduce.

How did the members of the Committee, in this frame of mind, manage to persuade the Government that an enquiry into the Parliamentary control of Public expenditure was desirable, in view of the fact that they were a sessional Committee and should in theory consider matters referred to them, rather than initiate their own subjects of enquiry? One senior member said:

> In the case of the 1968-9 Committee Selwyn Lloyd and I thought that we should look at expenditure. There were several other topics, but we wanted to do this one. There can be a stream of directives from the Government on what we should do - what subjects we should look at, questions and so on. When Crossman was Leader of the House he told us to look at certain things like Questions and Times of Sittings. That never happened in my day. These were in the nature of orders. This was an innovation. I hope that it is not going to last but one never knows once these things start. It had never happened before. It is wrong that Government officers should dictate to us what we should do.[1]

It was time, some members felt, that they did what they wanted rather than what they were told to do. Various of the members of the Committee claimed that they had played a major part in the initiation of the enquiry. One member stated:

> Mackintosh and I were responsible for the expenditure enquiry. I don't want to sound big-headed about it but that's how it was.[2]

Another member stated:

> Mackintosh and Marquand wrote a paper and gave it to Chapman in September 1968 asking that the Select Committee on Procedure look at Expenditure. Chapman had already been primed on this by the Treasury. Mackintosh and Marquand had been sold on the idea by Michael Ryle /Clerk to the Estimates Committee in the session 1957-8/.[3]

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[1] Interview. [2] Interview. [3] Interview.

One member described how he had become interested in the topic after reading articles in The Times by Peter Jay (son of Douglas Jay, M.P.) on the subject of new administrative practices suggested by Fulton, e.g. output budgeting. After reading these articles he got to work to try to get an enquiry into public expenditure control. For he did not consider that examination of the use of such techniques should be left to the Press. It was Parliament's job to find out what they were and how they were to be used. A lunch was held at which Peter Jay, Marquand and Mackintosh met the Committee Chairman, Donald Chapman, to discuss the possibility of a Committee enquiry into the control of Public Expenditure. Then at a later dinner with Richard Crossman (Leader of the House), it was put to him that an enquiry into the control of public expenditure should be held by the Procedure Committee. Crossman, members stated, said that this sort of enquiry could not be done, that it would be impossible to persuade the Treasury to allow it. Meanwhile however, with the Chairman won over to the idea in principle, members got to work on sounding out the Treasury. There they found a sympathetic ear:

> At the same time we worked on the Treasury and discovered that there was a body of opinion in the Treasury which wanted to publish PESC - PESC looks forward five years and deals generally with all public expenditure rather than just central government expenditure - and it groups expenditure into functional blocks - so the two streams coincided and the Treasury co-operated with us.[1]

Some members rated the Treasury influence even more positively:

> The Treasury made it known that they would be interested in views on the White Paper on Expenditure which they bring out.
>
> The impetus came from the Treasury - from Jack Diamond. There were discussions on planning ahead and the Treasury were keen to move in this direction. Chapman, the Chairman of the Committee, was told that a report on this matter would be welcomed.
> Q - Who told him?
> A - Oh, the Treasury - they were keen on the idea, and they were ready and keen to give evidence before a Committee - it was they who intimated that it would be welcome.[2]

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[1] Interview. [2] Interviews.

There had originally been two views on whether or not it was desirable to publish the PESC reports. The Plowden Committee expressed doubt as to whether they could be published but at the same time indicated that a Government which did not publish such a document might find it difficult to keep public opinion going along with it. Jack Diamond, at the time Financial Secretary to the Treasury, considered that there would be greater advantage to the Government to publish the White Papers based on the PESC report and allow debate on it rather than keep the reports under wraps. He had to convince the Cabinet that this was the right view to take, and thus he welcomed the Select Committee's proposed enquiry.

Rumblings in the Treasury, reports in the Press, the feelings of members of the Procedure Committee, a finance Minister who thought that there might be an advantage in the regular publication and debate of white papers based on the PESC reports, and the prevailing attitudes to Parliamentary reform in the 1966 Parliament all combined to make the setting up of an enquiry into the control of Public Expenditure a suitable move. The Government, seeing that these streams of thought were co-inciding, recognised that there would be an advantage in letting the Committee go ahead with its proposed enquiry. The enquiry might, indeed, even serve a useful political purpose.

> In a way you might say that it (the Select Committee on Procedure) acts as a 'Bunbury' or safety valve.[1]

The Government attitude to the function of the Select Committee on Procedure reflected this idea that it could be used as a political 'safety valve', and that its recommendations did not necessarily have

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[1] Bunbury was Ernest's mythical friend whom he said he would have to visit whenever events in town appeared to be threatening his peace of mind or his freedom. See The Importance of Being Earnest, by Oscar Wilde.

to be followed. The Leader of the House explained its use:

> It's simply a body of members. The Government can accept or reject its recommendations. We are not bound by it. Sometimes we say that we would ask it to look into something and would abide by its decision, but this is not usual. On a big thing like the structure of Select Committees we would just take note of what it said. We may refer little points to it. For example there was this business of the Private Members adjournment motions - the Ten Minutes Rule.[1]

One member of the Committee explained the Government's view:

> It is a useful instrument of Government. You can take the steam out of a situation by appointing a Committee like this and that is just what happened. Pressure was building up - there had been all this stuff written by academics for instance, and so on - and since the purpose of Government is to keep people happy and the House consists of 630 exuberant members it was really a piece of good government. I got the feeling that in the beginning the Treasury and the Government felt that it would be a good thing to be more forthcoming about the machinery of Government. The Government may have put it into the head of Chapman that they would welcome this sort of enquiry. It also took the steam off the academic world and the Press.[2]

Thus members who were interested in setting up an enquiry into the control of Public Expenditure found that their suggestions did not fall on stony ground, for they had the co-operation of the Treasury and, for various reasons, the blessings of the Government. The co-operation of the main department concerned in an enquiry of this nature is important. It is easier for a Committee to extract information from a willing department, and it ensures that there is likely to be a greater interest in and perhaps a better reception for the report.

Whether the Committee is able to initiate an enquiry which involves questions of a fundamental or constitutional nature depends largely on whether the Government will allow it to do so. The 1968-9 enquiry involved what one high level Civil Servant called:

> Fundamental questions which involve discussion of constitutional balances. Really it turns out to be a basic philosophical question. Can we allow members to know a great deal more

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[1] Interview.

[2] Interview.

> about the workings of Government for instance with these new techniques of forecasting being used by the Treasury and the departments so that they [the members] will be enabled to take part in the decision making process.[1]

In view of this the enquiry would not have been possible unless there was some evidence of Government and departmental co-operation. In the case of the 1968-9 enquiry two strands of thoughts and pressures conveniently coincided. The Treasury and its Financial Secretary Jack Diamond wished to explore the possibility of publishing PESC or a White Paper based upon its report, and the Select Committee wished to make an overall survey and assessment of the ability of the House of Commons to control public expenditure.

PART TWO

THE MEMBERS OF THE COMMITTEE

For the session 1968-9 the Select Committee on Procedure consisted of thirteen members. They were all at that time backbenchers, although five of the thirteen had in the past held office as Ministers. The part which a member of a Select Committee plays in its proceedings, and the amount which he contributes to the final report and recommendations varies. Not all members play a very active part. Since 1836 the usual number on a Select Committee has been fifteen, but the number of Members who in practice takes particularly active part is always much less than this:

> A handful [of the members of a Committee] perhaps 3, 4 or 5 of the members, emerge as the key ones..... There is a lack of participation in the rank and file of the Committee. Most of the work is left to the Chairman and the Clerk. In the case of the ..... Committee, members are put on who are not really very interested in the topic. If we had genuine Specialist Committees we might get a much greater degree of participation. There is

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[1] Interview, Civil Servant attached to the office of the Leader of the House of Commons.

> now a central core of really interested members with an outer group of members who are really in a jury position, judging on the basis of the evidence presented.[1]

An examination of the backgrounds of the members of the Committee; their previous interest in and knowledge of the subject of the enquiry; their previous political experience in the House of Commons and as members of previous Governments; and their length of service on the Procedure Committee should offer some guide as to why each member took the part which he did in the enquiry. We might expect to find that members with a high previous interest and a specialist knowledge of financial procedure who had expressed positive interest in Committee membership and who had been on the Committee for some previous sessions would tend to take an active part in the Committee's proceedings. That is, the 'specialist' member of the Committee takes a central part in its work. Those members with little or no knowledge of or interest in the subject put on to the Committee perhaps to make up party numbers, would be expected to play a relatively inactive part in the Committee's work. They would play the 'jury' role leaving the positive direction of the enquiry to the former class of member.

Selection of the Committee Members

The manner in which the various members came to be put on the Committee is of some interest. Some members ask to be put on to a Committee and some are asked. Members are appointed to Select Committees on the recommendation of the Committee of Selection which makes up the membership of all Select and Standing Committees of the House. This Committee includes representatives of the Whips. The views of the Whips may be important in determining the membership of a Select Committee for they have all the requisite information as to a Member's expertise

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[1] Interview, Officer of the House.

and his views, his position in the party and his general reliability.[1] In many cases the advice of a Committee Chairman will be heeded when he has suggestions as to possible new members for his Committee. In 1968-9 there was only one new member of the Select Committee on Procedure - David Howell. Howell had himself expressed a desire to join the Committee for this particular enquiry (he left the Committee after this one session) as it was his special interest. He said:

> I asked to be put on to the Committee and it happened that there was someone who had no great interest in the topic who had recently left and this made a vacancy and I got on.[2]

Howell had in fact first heard of the 1968-9 enquiry into the Control of Public Expenditure through a radio broadcast. This prompted him to enquire whether he could take part. His experience of hearing about the enquiry first from the radio and not from sources in the House of Commons indicates that members are not always aware of just what Select Committees are doing and that the communications system in the House is somewhat defective in this respect.

All of the other members of the Committee had been on it in previous sessions. Some of these members had taken positive steps on their own initiative to become members of the Committee. These included members with a special interest in the subject of executive/legislative relations. Some also took steps to enrol allies:

> He [another member] asked to be put on the Select Committee fairly early in his career. He asked me if I would be interested too. Then he suggested my name to Chapman who suggested it to the Whips who were happy to oblige. It's they who are responsible for the membership of Committees really - but Chapman makes suggestions.[3]

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[1] John P. Mackintosh, 'Specialist Committees in the House of Commons: Have they failed?' Waverley Papers, No.1, Edinburgh, 1970, pp.22 & 27.

[2] Interview.

[3] Interview.

The number of members whose interest in procedure is so great that they will make positive steps to become members of the Select Committee on Procedure is limited. Members who do make positive overtures on their own behalf are likely to be put on to the Committee for there is no great stampede for membership.[1] But because the Committee is rather specialist in nature it has to be staffed by members with a knowledge as well as with an interest in procedural matters. Keen young reformers eager to redress the executive/legislative imbalance have to be set against older, more experienced members. It is also important to get some cross-section of views if the Committee is to make recommendations which will be acceptable to the body of the House.[2] Most of the members of the Committee had joined it in response to requests that they serve:

> Someone was needed from my party with a knowledge of procedure. I was at the time on the Public Accounts Committee which I enjoyed very much. But I had to come off that in order to go on to the Procedure Committee for I couldn't manage both.
>
> It was partly a matter of interest in the topic. Being such a senior member of the House, having been here a long time, one has a knowledge of procedure. I was asked if I would like to do this and in any case I had been on other Committees - Estimates for example - and so I was ready for a change.[3]

Members' Backgrounds

For convenience we will look at the members of the Committee party by party although party labels are not a particularly useful indicator of behaviour in Select Committees. It is clear that there were members of the 1968-9 Select Committee on Procedure whose backgrounds and interests coincided more with members of the opposite party than with members of their own party.

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[1] Mackintosh, 'Specialist Committees', p.22 states that in 1967 there was competition for places on the Agriculture Committee.

[2] See above, Chapter II, p. 75. The 1968-9 Select Committee on Procedure was not notably representative of the membership of the House of Commons. John Mackintosh has suggested that the majority of MPs were not particularl interested in increasing the powers of backbenchers. 'Specialist Committees' p.10 & 12. There were proportionally more 'reformists' on the 1968-9 Select Committee on Procedure than there were in the House at large.

[3] Interviews.

The Chairman of the Committee was Donald Chapman, Labour member for Birmingham, Northmead. His outside interests were business (he was a company director), and agriculture. He was a Cambridge Economics graduate. At the time of the 1968-9 enquiry he was a member of the Council of Europe. On the Labour side the most senior member after the Chairman was Austen Albu (Edmonton). Albu was one of the members of the Committee with a particular interest in the subject of the 1968-9 enquiry. He probably knew more about accountancy and management techniques than most of the other members. He suggested that many of the new techniques discussed in the enquiry (Output Budgeting, for example) were really well worn business techniques offered up under new names. He had experience of practical business management for he was works manager of Alladin Industries from 1930-46. Albu's interests lay not so much in the discussion of the minutiae, the 'nuts and bolts', of procedure as in the wider implications of the control of Public Expenditure. From 1965-7 he had been Minister of State for the Department of Economic Affairs (DEA) which gave him some knowledge of planning techniques. His experience in the DEA and in industry he thought was why he had been asked to go on to the Procedure Committee. Albu was also a key figure in the development of what has been perhaps the most influential of backbench, all party Committees, the Parliamentary and Scientific Committee. Another senior Labour member with ministerial experience was Arthur Woodburn (Stirlingshire and Clackmanan). Woodburn represents a mining area and is an old school Labour party member, presenting a contrast with the 'bright young things' who had entered in the 1966 election. From October 1947 - February 1950 he had been Secretary of State for Scotland. During the war, like Dame Irene Ward on the Conservative side, he had been a member of the National Expenditure Committee. As Chairman of the Finance and Organisation Sub-Committee of this Committee he had taken the lion's share in the

production of the 16th Report of the Session 1943-4 on Organisation and Methods. This report had suggested that the Prime Minister should have a separate department under him which would provide machinery for the control of the Civil Service. Woodburn's twenty-nine years in the House of Commons gave him a good knowledge of procedure, and his interest lay rather in the 'nuts and bolts' questions of Government than in matters concerned with finance.

There were two young Labour members with a particular interest in the subject of the 1968-9 enquiry. John Mackintosh's interest was especially deep. He entered the House of Commons in 1966 for Berwick and East Lothian. Previously he had been Professor of Politics at the University of Strathclyde, Glasgow, Scotland. He perhaps had the most interesting background of all the members of the Labour side for he was the author of The British Cabinet (see above, p.133 f.f.) one of the most influential books written during the 1960's on the subject of the power of the British executive. From his written works and from the way in which his colleagues on the Committee regarded him, it is clear that Mackintosh brought his own very special 'image'[1] of executive/legislative relations to bear on the 1968-9 enquiry. His view of the possible power of Parliament vis-a-vis the executive was rather different from that of most of his colleagues. Mackintosh saw Parliament as engaged in a struggle for power with the executive. Most of the other members of the Committee, especially the ex-Ministers, had a rather different view of the function of Parliament. The other young 1966 Labour entrant with a special interest in the 1968-9 enquiry was David Marquand. The son of an MP (The Rt. Hon. Hilary Marquand, a Minister in the Attlee Government and well known as an industrial economist), Marquand was a

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[1] For an analysis of the concept of the image see K. Boulding, The Image, Ann Arbor, 1956. See Chapter V below for an application of this concept to behaviour in Committees of the House of Commons.

leader writer on The Guardian from 1959-62. He then became a Research Fellow of St. Anthony's College, Oxford, and from 1964-66 was Lecturer in Politics at Sussex University. He has published articles on political subjects in various journals and newspapers. For many years he has been working on a biography of Ramsay MacDonald (a man of decided views on the place of Parliament in the British Constitution). Marquand, like Howell on the Conservative side, was plugged into the horizontal communications network which operates between Parliament, the Civil Service, the quality Fleet Street journals and the Universities.[1]

The remaining members on the Labour side had less interest in the work of the Committee. These were John Parker (Dagenham) and Dennis Coe (Lancashire Middleton). Coe was a former school teacher and John Parker an author and publisher. Parker's publications are varied, from an edition of translations of modern Yugoslav novels to a biography of Harold Wilson (1964). But he has written nothing which has a direct bearing on procedure or on executive/legislative relations.

The senior member on the Conservative side was Robin Turton, Father of the House of Commons, and a member since 1929. Turton represented the 'Tory Squire' section of the party. He had represented the same constituency since 1929 and before that date the seat had been held by his uncle. Turton was Joint Parliamentary Secretary to the Ministry of Pensions and National Insurance 1951-4; Parliamentary Under Secretary for Foreign Affairs 1954-5; Minister of Health from December 1955 to January 1957. The other senior Conservative member, Selwyn Lloyd, had a more spectacular ministerial record. Lloyd, a barrister, had been a member of Parliament since 1945 for the Wirral in Cheshire. He was recorder of Wigan from 1948-51. In 1951 he was Minister of State for

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[1] See Lord Windlesham, Communication and Political Power, London 1966, and Richard Rose, Politics in England, London 1964 for examination of the importance of horizontal communications links in British politics.

the Foreign Office; in 1954 he was Minister of Supply; from December 1955 to 1960 he was Secretary of State for Foreign Affairs; and from July 1960 to July 1962 he was Chancellor of the Exchequer. It was this last experience which gave him a special interest in and knowledge of the subject of the control of Public Expenditure, for he had a working knowledge of budget preparation not available to other members of the Committee. From October 1963 to October 1964 Lloyd was Lord Privy Seal and Leader of the House of Commons. This position gave him an especial knowledge of Parliamentary procedure and of the organisation of the Government's business and timetable. (He became Speaker of the House of Commons in 1970). One other Conservative member had been a Minister, James Ramsden. He, even more than Turton, represented the 'Tory Squire' with interests in the army, hunting, and hare coursing. Ramsden had been Parliamentary Under Secretary of State and Financial Secretary to the War Office from October 1960 and Secretary of State for War from 1963. Then he became Minister of Defence for the Army from April to October 1964. He was fairly interested in the subject of procedure but mainly in the 'nuts and bolts' questions. Another member with a similar 'Tory Squire' outlook was Michael Hamilton (Salisbury). He was Ramsden's brother in law, and like him had a limited interest in procedure. Dame Irene Ward (Tynemouth), also a backbencher, was a different matter. She does have an interest in Parliamentary procedure and knows enough about the use of it to ensure that she can get her voice heard when she wishes. One member of the Committee referred to her as 'the woman in the street', and certainly from a reading of the evidence and questioning of the 1968-9 enquiry she did have a marvellous way of coming in with the direct question, of asking for a simple explanation when the questioning and answers had become too obscure. Like Woodburn, she had been a member of the National Expenditure Committee during the War and her interest in the control of Public Expenditure, like his,

was to some extent related to her past experience on this Committee which concentrated on getting value for money. The final Conservative member was David Howell. He was a member with a very special interest in the control of expenditure. After coming down from Cambridge he worked in the Treasury and became a Leader writer and Economic journalist with the Daily Telegraph. He was an economic journalist in the years 1960-4 when this form of journalism was in its infancy in Britain. He was particularly interested in the use of systems analysis and related techniques to aid rational decision in Government. He visited Stanford University and the RAND Corporation and other American research institutions to study these techniques. His view of the executive/legislative relationship is clearly coloured by his theoretical interests. In his view /the job of Parliament is to 'set goals' and the job of the administration is to provide the techniques for achieving these goals, and for indicating which of various alternative methods of achieving them would be most satisfactory.

Previous Parliamentary Experience

The 1968-9 Select Committee on Procedure was a Committee whose voice might be expected to carry some weight with the members of the House at large, and with the Government. Its members had a wealth of political experience. Although there were a number of 'new boys' who like new brooms had a desire to 'sweep clean' they were balanced by a larger body of members with formidable Parliamentary and Ministerial experience. Such a mixed composition in a committee is important if it is to have its voice heard by the assembly at large. As the accompanying table (Fig.I) shows, six of the thirteen members of the Committee had first entered the House of Commons more than twenty years previously. Three members had first entered more than thirty years previously, and one, the Father of the House, had more

Fig. I

Experience Members of 1968-9 Select Committee on Procedure

	Years since first elected	Previous Sessions on SCP	Ex-Minister	Party
Donald Chapman (Ch.)	17	4		Lab.
Austen Albu	20	1	*	Lab.
Denis Coe	2	2		Lab.
Michael Hamilton	9	1		Cons.
David Howell	2	-		Cons.
Selwyn Lloyd	23	3	*	Cons.
John. P. Mackintosh	2	2		Lab.
David Marquand	2	1½		Lab.
John Parker	33	1½		Lab.
James Ramsden	14	1	*	Cons.
Robin Turton	39	4	*	Cons.
Dame Irene Ward	37	2		Cons.
Arthur Woodburn	29	2	*	Lab.

than forty years of continuous service. He had entered the House of Commons before some of his younger colleagues on the Committee had been born. A majority of the Committee had considerable Parliamentary experience with nine of the thirteen having more than nine years in the House. The four less experienced 'new boys' had all entered in the 1966 election, an election notable for the numbers of academics and intellectuals which it had brought into the House. On paper at least there was an obvious generation gap and one member referred to this as "Ancient and Modern".

Cohesion

In the session 1968-9 the Committee had already considerable experience of working together as a group (see Fig.II). This factor greatly aids cohesion in a Committee for the members understand each others' modes of operation and know what they can and cannot do. Fig.II shows that by 1969 the Select Committee on Procedure had more members with long service on the Committee than ever before. Two members were serving for the fifth consecutive session; one for the fourth session; six for the third session; three for the second and there was only one with no previous experience. By the following session the experience index had gone up even more from 2.85 to 4.1. There were some other factors which contributed to cohesion amongst the group of thirteen MPs. Several knew each other from previous House of Commons and Governmental experience and some had worked together on other, earlier Committees. Several had similar backgrounds. Six had been to Oxford, three to Cambridge. Three were Old Etonians, Ramsden and Hamilton were brothers in law. Even some of the younger members knew each other from previous experience. Mackintosh had been to Edinburgh University with the Clerk and had interviewed Arthur Woodburn in the preparation of his book The British Cabinet.[1] Some members were clearly part of a horizontal communications network reinforced by similarities of background and interest.

Backgrounds, Interests and Views on the Function of Parliament

Some members interviewed for this study suggested that the members of the Committee could be divided into two groups according to their views on the functions of Parliament. These groups crossed party lines. The "Progressivists" were those members who wanted to extend the ability of the House of Commons to control the Executive.

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1 John P. Mackintosh, The British Cabinet, London, 1962, Preface, p.X

Fig. II

Membership of the Select Committee on Procedure from 1964-5 - 1969-70

With Cohesion Scores

1964-5 (1.05)
(1) Chapman
(1) Turton
(1) Steel (D)
(1) Blenkinsop
(1) Channon
(1) Heffer(from 22.1.65)
(2) Lucas-Tooth
(1) Robson-Brown
(1) Geo. Sinclair(from 22.1.65)
(1) Bessell
(1) English
(1) A. Irvine
(1) J. Johnson
(1) E. Pitt
(1) Redmayne
(1) Snow
(1) Foot
(1) C. Johnson

1965-6 (1.84)
(2) Chapman
(2) Turton
(1) Steel (T)
(2) Steel (D)
(2) Blenkinsop
(2) Channon
(1) Hattersley
(2) Heffer
(1) Dr. Kerr
(3) Munro-Lucas-Tooth
(2) Robson-Brown
(2) Geo. Sinclair
(2) English
(2) A. Irvine
(2) J. Johnson
(2) E. Pitt
(2) Redmayne
(2) Snow
(1) Pike

1966-7 (1.90)
(3) Chapman
(1) Mackintosh
(1) Marquand(from 31.5.67)
(3) Turton
(1) Ward
(1) Woodburn
(1) Parker(from 11.7.66)
(1) Coe
(2) Lloyd
(3) Steel (D)

1966-7 Cont/d.
(3) Blenkinsop
(3) Channon
(2) Hattersley(to 11.7.66)
(2) Dr. Kerr
(1) Milne(to 27.5.66)
(4) Munro-Lucas-Tooth
(3) Robson-Brown(to 28.10.66)
(3) Geo. Sinclair
(1) Williams(from 11.7.66 to 27.5.66)
(1) Dunn(from 27.5.66)
(1) D. Page(from 27.5.66 to 31.5.67)
(1) C. Morrison(from 28.10.66)

1967-8 (2.30)
(1) Albu
(4) Chapman
(1) Hamilton
(2) Mackintosh
(2) Marquand
(1) Ramsden
(4) Turton
(2) Ward
(2) Woodburn
(2) Parker
(2) Coe
(3) Lloyd
(4) Steel (D)

1968-9 (2.85)
(2) Albu
(5) Chapman
(2) M. Hamilton
(3) Mackintosh
(3) Marquand
(2) Ramsden
(5) Turton
(3) Woodburn
(3) Ward
(3) Parker
(3) Coe
(1) R. Johnston (to 12.2.69)
(4) Lloyd
(1) Howell

1969-70 (4.1)
(3) Albu
(6) Chapman
(3) M. Hamilton
(4) Mackintosh
(3) Ramsden
(4) Ward
(4) Marquand
(6) Turton
(4) Woodburn
(4) Parker

They included Mackintosh, Marquand, Coe, Howell and Chapman (to some extent). The other group, the "Status Quoists", were members who saw a supportive role for Parliament. They included Woodburn, Ramsden, and Hamilton. There was a third group less defined, the "Centrists". They were prepared to go along with the "Progressivists" but fell back from this position at times. They were Albu, Parker, Irene Ward, and Selwyn Lloyd (who was considered to be really a Status Quoist at heart but who changed his mind during the course of the enquiry). These groupings were not precisely the same as those of the "generation gap" which divided members of the Committee into "ancient and modern" but they did coincide to a degree. Perhaps more important than age alone on this issue was whether a member had or had not had experience as a Minister. None of the "Progressivists" had held office. Holding office tends to affect a member's view of the relative positions of Parliament and the executive, for as one member said:

> The Government thinks that the function of Parliament is to support them. To be around and vote and speak for them in their debates. The same goes for the leaders of the Opposition. A lot of MPs think this way too.[1]

This view was expressed by one ex-Minister:

> It's not the job of the MP to get involved with making policy. It's not our job. Our job is to make sure that the Legislation that gets through is sensible and to give the Government a rough time if it is not; to seek out and run to earth individual injustices that come up from the administration.[2]

Most members of the Committee had a flexible attitude on the subject however for they did not rigidly subscribe to the view outlined above:

> This was a packed Committee, remember, in favour of reform. It was not representative of the views of the whole House. There was a breath of a feeling which is strong in the House that of the High Tories.... Selwyn Lloyd for instance... but he was a surprise for as it came out in this Committee he has a radical innovating streak.[3]

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[1] Interview.

[2] Interview.

[3] Interview.

A typical example of the flexible attitude is contained in the following statement by an ex-Minister:

> The Government does have to govern. Its the Government's job to govern. The MPs job is to scrutinise. He can't govern. But he can put pressure on the Government..... He is a sort of pressure group. He is also a critic of Government.[1]

Most members were anxious to explore methods for extending the critical function of Parliament. The main difference of opinion existing among the members was the precise nature of the role of critic - whether this was to take a positive step towards giving the member a share in the policy formulation process or whether it meant that he should perform a checking or scrutinising function over the Government.

> There really did develop a real dialogue in the Committee.... There were no real party divisions. There was some sort of philosophical division. The Labour members were more interested in the question of public discussion: how much should be spent on health, how much on the police? On the Tory side there was more interest in how the money should be spent.[2]

But this member's perception of the party difference was not shared by most others who indicated that on each side there were to be found members whose interests were in saving money - how the money should be spent. And there were members on each side concerned with improving public discussion of expenditure priorities. One Conservative member stated:

> Parliament has many functions. There is that list which Bagehot made. The weakest of these functions at present is firstly Parliament's ability to control and scrutinise and influence public expenditure. Why are we spending so much on that, so much on this?[3]

How this critical function was to be performed was then the substance of the Committee's enquiry. There was a basis for consensus in their views on the function of Parliament for most of the members did not have widely divergent views to start with. They disagreed most about the extent of Parliament's critical role, and the manner in which it

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[1] Interview.

[2] Interview.

[3] Interview.

was to be performed. Only one member took a particularly strong line - John Mackintosh. One member said of him:

> John Mackintosh is a dissenter on this point [Parliamentary control of the executive]. Mackintosh has a special view of the Constitution - it comes out in his writings.[1]

His view of the critical function was:

> The critic [of Government] needs to be well-informed..... It also takes resources... That iswhy they aren't very keen on giving us facilities - offices etc. Anything like that gives us a little extra in the powor struggle. It all boils down to a question of power.[2]

But even Mackintosh's views were not so out of line with the Committee that he could not be brought into the general consensus.

Participation

The two following tables, (Figs. III & IV) indicate the behaviour of the Committee members in the sessions at which evidence was taken and witnesses questioned. Figures for all the meetings of the Committee are not available for the proceedings of the deliberative sessions - twelve of the total of 22 sittings - are not published. We can tell something about behaviour in these sessions only if there was a division and a vote taken. Names of those who voted Aye and No are recorded in the Minutes and published, but not what was said to the motion. Informal records of these meetings have been kept for some years by the Clerks but they are not available to students. There were no votes in the 1968-9 Select Committee on Procedure, a measure of the amount of agreement in the Committee.

The index of participation is taken from the reports of the meetings at which oral evidence was taken. Each interjection by a member was noted. This is only a rough guide to participation for two

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[1] Interview.

[2] Interview.

Fig.III

1968-9 Select Committee on Procedure

Attendance

The Committee sat on 22 days.

The Committee heard Oral evidence for 10 days.

Members	Days (Total)	Days (Evidence)	Days (Deliberation)
Donald Chapman (Chair)	21	10/10	11/12
Austen Albu	20	9/10	11/12
Denis Coe	10	5/10	5/12
Michael Hamilton	20	9/10	11/12
David Howell	15	8/10	7/12
Selwyn Lloyd	19	8/10	11/12
John P. Mackintosh	19	7/10	12/12
David Marquand	17	9/10	8/12
John Parker	16	6/10	10/12
James Ramsden	17	8/10	9/12
Robin Turton	21	9/10	12/12
Dame Irene Ward	19	10/10	9/12
Arthur Woodburn	17	8/10	9/12
		80 p.c.	79 p.c.

reasons. Firstly, the length of the interjection is not accounted for here.[1] It could be argued that members active in these sessions were less active in the deliberative sessions where the form of the

[1] A similar technique was used by M.N. Franklin, Voice of the Backbench, unpublished Ph.D. Thesis, Cornell University, 1970. Franklin counted entries in the Hansard index and gave scores according to the number of column inches achieved by a member. This was a less refined index of participation than the one used here.

report was hammered out, and vice versa. The index was shown to the Clerks who agreed that it was an accurate representation of the levels of participation, and they and other members agreed that as a general rule members active in the evidence sessions were also active in the deliberative sessions, although some members very little active in the evidence sessions were somewhat more active in the deliberative sessions. There seemed to be general agreement that this indicator was satisfactory.

Fig.IV

1968-9 Select Committee on Procedure

Participation Index - for the 10 days at which oral evidence was taken. No transcripts of deliberative sessions are published.

Member	Interjection	Attendance	Index of Participation
Donald Chapman (Chair)	229	10	22.9
Austen Albu	92	9	10.2
Denis Coe	4	5	0.8
Michael Hamilton	1	9	0.1
David Howell	38	8	4.6
Selwyn Lloyd	66	8	8.2
John P. Mackintosh	54	7	7.6
David Marquand	48	9	5.3
John Parker	-	6	0.0
James Ramsden	13	8	1.6
Robin Turton	76	9	8.4
Dame Irene Ward	67	10	6.7
Arthur Woodburn	37	9	4.1

Mean Score 6.0
Median Score 5.3.

High Scores		Mid Scores		Low Scores	
Chapman	L	Marquand	L	Ramsden	C
Albu	L	Woodburn	L	Coe	L
Turton	C	Howell	C	Hamilton	C
Lloyd	C			Parker	L
Mackintosh	L				
Ward	C				

Only one member can be described as a poor attender, with attendances recorded at less than half of the meetings. The rest of the members attended faithfully. Those members who expressed least prior interest in the subject under discussion, and who had little knowledge of that subject tended to be low participators. One member who participated very little said:

> I just go along and sit - take in the general line of questioning and so on.

This type of member was in the minority. Most members - ten of the thirteen - asked at least one question at each session. Three of the members had scores of around five interjections at each session, and of these two, Marquand and Howell were members particularly interested in the subject. Howell's relatively low score in view of his great interest was explained by the fact that he specialised - he mostly asked questions related to Output Budgeting and the other techniques in the systems family. The really high scorers were the Chairman (22.9), Auston Albu (10.2), Selwyn Lloyd (8.2), John Mackintosh (8.2), and Robin Turton (8.4). Seniority tended to have a considerable effect upon a member's participation.

The fact that the senior members of the Committee were particularly active in the evidence sessions can be explained partly because of deference. It was pointed out that some of the senior members tended to overshadow some of the more junior members. Thus a 1966 entrant sitting next to an ex-Chancellor of the Exchequer, or ex-Minister of Health, would find himself to some extent constrained in his behaviour. But deference on the part of the younger members was not the only reason for the high level of activity on the part of the senior members. Apart from the greater amount of experience which the senior members could draw upon in their questioning, they also found themselves dealing with witnesses whom they already knew from other Select Committees, and from their earlier political activities.

One other factor in the high level of activity by senior members was that the younger members considered that it was most useful to get the senior members really interested in the subject and let them do a good deal of the running. Their endorsement of the Committee's recommendations meant that other members of their party would find it easier to accept whatever the Committee decided. Thus deference, combined with political opportunity, combined to make junior members perhaps a little less active than might be expected, and to make the senior members particularly active. But special knowledge of the subject was an ever better indicator of participation than seniority. The table, (Fig.V), shows that the most variance in participation scores is explained by specialist knowledge. Members who had specialist knowledge of the subject of control of public expenditure were more likely to be high participators. Another good indicator of levels of participation was ministerial experience. Ex-Ministers tended to be high participators. The other variables, party, and youth or age, had little or no effect at all. Long service on the Committee had a minor effect but was not so notable as the two variables, specialist knowledge and ministerial experience.

A high level of activity by a certain group on the Committee, however, does not mean that the direction of the enquiry was controlled by them. There were other people active in the Committee's work whose influence has not been examined by the index of participation. The most active member of the Committee was of course, the Chairman. And his special role deserves examination. But working with him were two other people, the Clerk and the specialist advisor. We shall now look at the part played by these three in the conduct of the enquiry.

Fig.V

1968-9 Select Committee on Procedure

Explanations for Levels of Participation

	Participation Score	Committee Experience	Party	Minist. Exp.	Spec. Know.	Age
Donald Chapman (Chair)	22.9	H	L		X	
Austen Albu	10.2	L	L	*	X	
Denis Coe	0.8	L	L			Y
Michael Hamilton	0.1	L	C			
David Howell	4.6	L	C		X	Y
Selwyn Lloyd	8.2	H	C	*	X	
John P. Mackintosh	7.6	H	L		X	Y
David Marquand	5.3	H	L		X	Y
John Parker	0.0	H	L			
James Ramsden	1.6	L	C	*		
Robin Turton	8.4	H	C	*		
Dame Irene Ward	6.7	H	C			
Arthur Woodburn	4.1	H	L	*		

Most variance in level of participation is explained by being Chairman so he is excluded from the following. The figures show average participation scores for each category of member. See p. 194 for calculation of participation scores.

1. Committee Experience
   - 5.8 Long Service
   - 4.8 All Members
   - 4.1 Short Service

2. Party
   - 4.7 Labour
   - 4.8 All Members
   - 4.9 Conservative

3. Ministerial Experience
   - 6.5 Ex-Minister
   - 4.8 All Members
   - 3.6 Non-Ministers

4. Specialist Knowledge
   - 7.0 With Specialist Knowledge
   - 4.8 All Members
   - 3.2 No Specialist Knowledge

5. Age
   - 4.6 Young Members
   - 4.8 All Members

PART THREE

SPECIAL ROLES: THE CHAIRMAN AND THE CLERK

The Chairman of a Select Committee is one of the most important influences on the whole style of the Committee's operation.[1] The Chairman can make or break an enquiry. It was suggested in interviews by several members that one of the ways in which the Government was able to ensure the running down of the Estimates Committee during the 1966-70 Parliament was by appointing Chairmen of low calibre. This effectively ensured that the Committees were badly attended by the other members, and that they were ineffective through lack of positive direction. In the case of the Select Committee on Procedure all the members interviewed indicated that a large measure of the success of the Committee was due to its Chairman, Donald Chapman. Chapman had had some influence in the selection of members of the Committee (see above p.180). A weak Chairman will find his Committee packed with members put on by the Whips but an effective Chairman will have some influence in the selection of the members of his Committee. This may help the cohesion of the Committee and make the development of a consensus easier for it helps to ensure that members of like mind are selected. The main burden of the work of a Committee devolves upon the Chairman. He plays an important part in the direction of the enquiry, in the selection of witnesses and in the questioning of them. In the 1968-9 enquiry the Chairman asked twice as many questions as the next most active Committee member. He is also responsible finally for the production of a draft report which is voted upon by the Committee and if agreed to is published as the Committee's Report.

It is impossible to discuss the role of the Committee Chairman without considering the role of the Clerk at the same time. If the

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[1] This was recognised in the 19th century by the habit of referring to Select Committees by the Chairman's name, e.g. Sir Stafford Northcote's Committee of 1878 etc.

Chairman is very active the Clerk may have a minor role. If he is not an activist the Clerk has a bigger role to play. The Clerk is an officer of the House, a non-political figure. He is rather like a Civil Servant, and stands somewhat in the same relationship to his Chairman as does the Permanent Secretary of a Department to his Minister. Once the topic for the enquiry for the current session has been settled, the Chairman and the Clerk get together to set the machinery for an enquiry into motion. Most of the work of setting up a Select Committee is done by the Chairman and the Clerk together. The other members of the Committee do not generally play a particularly active part at this stage. In the case of the 1968-9 enquiry of the Select Committee on Procedure it has been shown above that several members had applied pressure to the Chair to initiate the enquiry. Some of them had some suggestions as to what witnesses should be called but the members all indicated that the main work after the initial decision to go ahead had been made was carried out by the Chairman and Clerk.

The relationship between the Chairman and the Clerk is all important. They have to be able to work together in harmony if the Committee is to be successful. There are as many styles of working together as there are combinations of personalities. Whatever style of working these two adopt, it is vital to the success of the Committee that the relationship be an easy one. Some Clerks stress the formal aspects of their relationship:

> There are three aspects of the Clerk's role. Firstly there is the question of formal procedure in which he plays an advisory role. Secondly there is the administrative role. This includes dealing with all the correspondence of the Committee, organising the selection of witnesses, arranging visits[1] ..... Thirdly, there is the role of advisor on the work of the Committee. This includes things like settling the subject of the enquiry.[2]

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[1]Select Committees can travel outside the House of Commons to hear evidence.

[2]Officer of the House.

After the topic is selected, the Clerk may prepare a rough draft programme suggesting witnesses and what papers might be called for. Then the line of questioning has to be settled. This may be done in a formal manner with the Clerk taking an active role:

> Some Chairmen are knowledgeable about the subject and prepare nearly all their own questions. Others like a detailed brief from the Clerk. I always do prepare detailed briefs.[1]

Other Clerks are more informal in their approach and stress the importance of informal relationships with the Chairman. The degree of informality which is possible depends to some extent upon the subject matter of an enquiry. It was very difficult for the Estimates Committee to hold informal enquiries, but some of the new Specialist Committees have been more informal in their approach to the collection of evidence. The Clerk of the Select Committee on Education and Science stated:

> We can't do briefs for this sort of thing..... we have open ended enquiries where there is no list of questions.[2] We just go there and say "What do you want to tell us?"

The temperament of the individuals concerned may determine the Chairman/Clerk relationship. One Clerk said of his relationship with his Chairman:

> It's a fluke. We suddenly realised that we worked in the same way. I read every word he writes and very carefully, and even correct his commas, his punctuation. And he does exactly the same thing with me. Its a very close relationship.[3]

This particular Clerk was emphatic that the relationship between Chairman and Clerk was crucial to the success or failure of a Select Committee:

> The relationship can be a disaster, and then you could say that you wouldn't get a very good enquiry.[4]

In the case of the Select Committee on Procedure, subject matter is particularly important in the Clerk/Chairman relationship

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[1] Officer of the House.

[2] Officer of the House.

[3] Officer of the House.

[4] Officer of the House.

for the Clerk is an expert in the subject of Parliamentary procedure. His expertise affects the part which he is likely to play in the conduct of the enquiry, and his role is rather different from that of other Select Committee Clerks:

> The Procedure Committee relies on the Clerk in a different way from the other Select Committees, since he is able to answer most procedural questions himself immediately. He thus has to be senior enough to speak with some authority. At least 50-70 p.c. of the Committee have a great deal of experience in procedural matters.... for example, X tells me things, I don't tell him.[1]

The Clerk of the Select Committee on Procedure cannot be exactly described as an impartial assistant because his expertise prevents him from playing this role. As an expert in the field which the enquiry is following and a senior member of the Clerks Office , he is likely to have his own views on desirable changes in procedure. Since the days of Erskine May the Clerks have been active in promoting reforms of procedure. They have frequently given evidence to Select Committees and they have written under their own, and assumed, names books and pamphlets putting forth suggestions for changes in procedure. In recent years they have joined with academic reformists in the Study of Parliament Group. The Clerk of the Select Committee on Procedure in 1968-9 was an active member of this Group. For the 1968-9 enquiry the Clerk's Office provided memoranda[2] and two of the Clerks, Mr. D.W.S. Lidderdale and Mr. R.D. Barlas, gave oral evidence to the Committee. The Clerk to the 1968-9 Committee himself paid a visit to Washington on the Committee's behalf to study the Planning, Programming, Budgeting System (PPBS) being developed by the U.S. Federal Administration.

His special knowledge of the subject undoubtedly added to the part which the Clerk played in the conduct of the 1968-9 enquiry.

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[1] Officer of the House.

[2] H.C.410 of Session 1968-9, Appendix I, pp.237-249.

This knowledge is especially helpful when looking for witnesses. The Clerk and the Chairman together bear a considerable amount of the burden of the work involved in the selection of witnesses. Other members may make suggestions as to likely witnesses but the Chairman and Clerk are ultimately responsible for choosing the witnesses. And the Clerk has a responsibility for seeing that they are called in time, and are suitably prepared. Some Chairmen will even go over the line of questioning with a witness before the session. As a rule the selection of the witnesses is a relatively informal matter. In the case of the 1968-9 enquiry an announcement was made in the House that the enquiry was going to take place. This was reported in the Press. But it did not result in any great rush of interested parties all pressing to give evidence.[1] This was probably due to the fact that the subject was one which appealed to a minority interest. Few MPs are deeply interested in the Control of Public Expenditure. Many of the witnesses 'suggested themselves' that is they were self-evident choices to the Chairman and to the Clerk. Some were people previously encountered professionally, some had appeared before earlier committees, some had special skills to offer, and some were suggested by the advisor.

> One usually has contacts, if not one knows someone down the corridor who has a friend in the Bank of England or in some other organisation one is interested in.... then there are the Civil Servants, and all the academic contacts.[2]

The number of people to choose from as witnesses is limited by the smallness of the world interested in the control of public expenditure. One member of the Committee pointed to this feature saying "Its a very small world, everyone knows each other", and indeed no serious student of the subject would have much difficulty in suggesting the relevant witnesses.

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[1] The practice of publicly requesting evidence for Select Committees is now frequent.

[2] Interview, Officer of the House.

During the period of the enquiry the Chairman and the Clerk have to be in fairly constant communication. This was sometimes difficult as during the session 1968-9 Donald Chapman was often abroad. He went to Europe several times as a Member of the Council of Europe, and travelled to the U.S.A. This travelling meant that he sometimes did not see the Clerk for several days, and then for only a few minutes. Donald Chapman lived in Brighton and commuted to London (60 miles and one hour to Victoria). He generally came up on a latish train arriving around mid-day. Thus he arrived when the morning was well advanced leaving little time before the business of the House commenced for the day. The hours between 2-4 p.m. are generally taken up with Parliamentary business, attending Question Time, or meeting constituents. Committee meetings often take place around 5.00 p.m. after the tea hour. Many meetings between Clerk and Chairman take place in an informal manner, over tea in the tea-room or drinks in the bar. The Chairman and Clerk may need to meet to take stock from time to time, and to search for new witnesses, or to redirect the line of the enquiry. The tight schedule which the Chairman, Chapman, had meant that he laid down the general lines of the enquiry and left much of the detailed work to the Clerk. Some Chairmen like to run their Committees themselves down to the very tiniest detail but the pattern of laying down broad directives and leaving detail to the Clerk is perhaps more common.

As far as the questioning of the witnesses is concerned some Clerks will even prepare this for the Chairman. Chapman was an active Chairman in the questioning. Several members of the Committee praised the Chairman's ability to draw out the witnesses and to direct them to fruitful lines of enquiry. This may be a difficult task where witnesses are likely to be evasive in their answers. Many of the witnesses in 1968-9 were Civil Servants and they were not exactly the most forthcoming of witnesses. To extract anything from them required

skillful prodding. The Chairman's ability to see that the different sections of the Committee had 'a fair crack of the whip' in the questioning was also praised by the members, and this was related to his efforts at building a consensus in the Committee.

When all the evidence has been taken the Chairman and the Clerk prepare a draft report. In some cases a Chairman will write a draft report and then show it to the Clerk. In other cases the process is reversed. Whichever style is adopted these two work closely together to produce a draft report which is then placed before the Committee for consideration. At this point the other members of the Committee have an opportunity to criticise, and perhaps to alter it. In the case of the 1968-9 enquiry another person played a significant part in the production of the report, and indeed in the conduct of the whole enquiry. He was the Specialist Advisor, Mr. James Robertson.

The Specialist Advisor

For the first time in its history the Select Committee on Procedure had, in the session 1968-9, a Specialist Advisor. The employment of such advisors to Select Committees had been suggested by various commentators on the power of Parliament as a means by which Committee members could become better informed. Several Committees, including the Estimates Committee, had since the mid-1960's made use of such advisors but their use was not general or widespread. The advisor for the 1968-9 Select Committee on Procedure was James Robertson. Mr. Robertson's interest in the reform of Government structures dated back to the time that he was a Civil Servant. After reading 'Greats' at Oxford Robertson entered the Civil Service and spent three years as Private Secretary to Lord Normanbrook. This put

him in a unique position to see both sides of the Government equation, for Normanbrook was both Secretary to the Cabinet and Head of the Civil Service. While he was with Normanbrook, Robertson was able to learn a great deal about how the Civil Service operated, and formed his own opinions as to what was wrong with it and what needed changing. After being with Normanbrook for three years he was transferred to the Ministry of Defence to head a new division concerned with re-organisation and rationalisation. (PPBS or output budgeting was introduced into the Ministry of Defence in 1961.) There he read books on the American experience including Charles Hitch and Roland McKeen , The Economics of Defence in the Nuclear Age, (Cambridge, Mass. 1961). Through the study of such books he got to know about the processes of PPBS or Output Budgeting then being put into operation in the Pentagon. He became convinced that reforms of a similar radical nature were needed throughout Whitehall. He became interested in the Management sciences and in computing techniques and left the Civil Service to join CEIR a statistical unit at British Petroleum under the direction of the distinguished statistician Morris Kendall. His experience with CEIR convinced him that great importance had to be stressed in the Government service on (a) data processing, (b) developments in model building and in the use of organisation theory,and (c) reform at the commonsense level.

While at CEIR Robertson gave evidence to the Fulton Committee. This evidence was later expanded to form the text of his book, The Reform of British Central Government (London, 1971).

Robertson's appointment to the job as Specialist Advisor to the Select Committee was made in an informal manner. He was known to the Chairman and the Clerk for his evidence to the Fulton Committee. Mr. Robertson did his work for the Committee without payment and in his spare time. It is usual for Specialist Advisorsto receive a fee.

As a rule they are academics who, if they are at the professorial level, do not find any serious problem with their employers when they wish to undertake consultancy work. And they expect a fee. Mr. Robertson was, however, by 1968 a fulltime director of the Inter-Bank Research Corporation and felt that if he was to take on the task he would have to regard it as a spare time activity. His work for the Committee occupied about six months of evenings. But he stated that he did not have to undertake any special new research for the task. He regarded it as involving putting into plain language what the problems were and how the Committee should approach them. But that he was an 'expert' in the field of governmental organisation is clear from the previous experience he had gained.

Mr. Robertson wrote several papers and memos to the Committee. Some of these were published with the Report, others circulated privately among the members of the Committee. He took a part in shaping the general lines of the enquiry, in the selection of the witnesses, and in the preparation of the report, a task generally shared by Chairman and Clerk.

The reaction of the Committee to the novel feature of a Specialist Advisor can perhaps be judged from the fact that the enquiry in the following session which was on an equally technical and 'difficult' subject - Taxation - was undertaken without the benefit of a Specialist Advisor. Members in general thought that Mr. Robertson knew a great deal about public expenditure control and about the organisation of the central administration, and they praised his knowledge. However, many members felt that Mr. Robertson took over a great deal of the running of the enquiry and they resented this, especially the older and more senior members. The younger generation was more enthusiastic about the appointment. Robertson was their contemporary and part of

their circle. They shared the same, or similar, views of the political process. Several of the older members of the Committee described him as 'a fanatic' (as did an influential academic in the field) and this was perhaps unjust. He was, however, a root and branch reformer. His enthusiasm for rationalisation and reform and for the introduction of new decision-making techniques is what earned him the tag of 'fanatic'. But he was well aware of the limitations of the techniques he advocated and of the fact that there may be dangers to democracy in a blind allegiance to them. His view of the political process was similar to that put forward by Charles Schultze, in The Politics and Economics of Public Spending, Washington, 1966. The job of Parliament is to 'set goals' for the political system. And decision-making techniques can aid this process by showing the effects of choosing different alternatives, and by showing how chosen alternatives may be best achieved. He himself did not claim that the goals should be set by the experts and econometricians. He was aware of the lack of communication between the expert and the common man:

> What has happened is that a communication gap has come about between say the backbenchers in the House of Commons, the Economists, the Sociologists and the Political Scientists and the data processors. The 'experts' just want to deal with their own technicalities. Then there is the vested interest of the economist in getting to be the best man, and top man, the top man in his own little esoteric speciality, some minute field which interests no one else. Then they develop their own special jargon - the whole of this sort of thing has become jargon ridden - and then they can't communicate with each other. And then of course how can the man in the street or the back-bench MP possibly understand what is going on.... personally I think that the techniques of PPB, output budgeting etc. are simply tools to help us. But the failure to be clear about this has led to confusion.[1]

What is doubtful is whether Robertson always managed to convey his position to the Committee members.

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[1]Interview, Mr. James Robertson.

> The specialist advisor Robertson was difficult for me to take. I objected to being pressurised by a research assistant. He was too much of a fanatic - sold on American ideas.
>
> We had Robertson for the expenditure inquiry. He did a lot of the work, he gave advice on things like the people we should take evidence from. But I really think that experts should be 'on tap' and not 'on top.'[1]

One member of the Committee attributed Robertson's inability to win over the members of the Committee on the personal level to shyness. This, the informant stated, manifested itself in a tendency to praise fulsomely his own achievements, and this did not go down well with the older members. Nevertheless, Robertson's contribution to the Committee's work, and to the final product - the Report - was most significant and the members recognised this :

> The Report actually took the form it did because the Chairman was impressed with the views of John Diamond - that there was a need for greater rationality in decision-making. There were also the views of Robertson. Robertson took the lead to some extent. Someone had to of course, that is essential in a Committee.
>
> /On the writing of the Report/ The Chairman and the Clerk must have had a considerable influence. Then there was the advisor Robertson... He was jolly good at his own task.
>
> /In regard to the general line of enquiry/ Oh well, Robertson more or less took care of that. A lot of it was his idea - the Circle of Control and so on.[2]

From the evidence gathered on the use of the specialist advisor in this enquiry it appears that an expert, or members of the staff of a Committee (in this case there is only the Clerk) can have a very great impact upon the line of enquiry, the selection of witnesses, the outcome and the final shape of the Report. This may diminish in some way the influence of the Committee members.

The role of specialist advisor to Select Committees has been hotly debated among reforms of Parliament. The Clerks, when asked

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[1] Interviews.

[2] Interviews. For the Circle of Control see below p. 246.

by Select Committees on Procedure about the employment of experts, always suggest that rather than experts a larger staff of clerks would be more useful. The anonymous authors of What's Wrong with Parliament? (generally thought to be Clerks) suggested not outside or special advisors but a stronger administrative section consisting of Clerks. The notion of permanent staffs for Select Committees is not particularly popular among members although they would welcome more assistance from the Library and from the Clerks. Members view the appointment of permanent Committee staffs like those of the Congressional Committees with some caution. The notion that the Clerks' Office should be strengthened seems more popular. Members like to feel that they have an effective administrative staff behind them but they like to pick and choose which experts they wish to hear offering advice and evidence. They do not like to think that they might have their roles usurped by a group of permanent staff.

PART FOUR

SOURCES OF INFORMATION

In the first three parts of this Chapter we have examined the members of the Committee looking at their interests, backgrounds, and experience, relating these factors to the degree to which each member participated in the work of the Committee. These were all important factors in determining the course of the enquiry and the final recommendations. But a Select Committee cannot be evaluated simply in terms of its members and their 'images' of the subject under

study.[1] They do not simply come to the Committee table armed with their preconceived notions of the subject under consideration and reach a solution or set of recommendations on the basis of the political activities of consensus building, bargaining and compromising through the exercise of influence and persuasion. This sort of activity does form part of the strategy through which the final recommendations emerge. But there is a second factor at work in a Select Committee. A Select Committee is set up to seek evidence, to find information and to enquire into the available facts surrounding the object of enquiry, so that minds may be made up (at least in theory) on the basis of the information so attained. A Select Committee is, as Wheare classified it, a 'Committee to inquire'.[2] The Select Committee on Procedure 1968-9 recognised that this was what they had to do:

> The aim of your Committee's enquiry has been to seek the provision of information for the House on the present day systems of planning public expenditure and to propose means by which the House can scrutinize government decisions on plans and priorities and can check on their execution by Departments of State.[3]

The information which was presented to the Committee in the form of written and oral evidence forms the second part of the basis upon which its recommendations were made. Ideas of the Committee are

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[1] Some theoretical 'models' of Committee behaviour assume that this is how members of Committees behave. An example of this sort of model is given by Douglas Rae, 'Decision-Rules and Individual Values in Constitutional Choice', A.P.S.R., Vol.LXIII, No.1, March 1969. 'Each Member decides whether to support or oppose each proposal on the basis of his own value schedule. Value schedules are independently constructed', p. 44. This is a positive model designed to show what would happen if such assumptions were correct. It, however, bears no relationship to what people actually do when they take part in small committees to enquire. Attitudes or value schedules are important but are modified by information. See below Chapter V.

[2] K.C. Wheare, Government by Committee, Oxford, 1955.

[3] Report of the Select Committee on Procedure, 1968-9, H.C.410, para. 42, p.xviii.

influenced, minds are made up and changed and compromises reached not only on the basis of the political activity which goes on in the Committee but also on the basis of the information which is provided to the Committee members from various sources. Information in Select Committees often has an educative function for the members. Some members may not know a great deal about the subject of the enquiry when they first join the Committee but become more familiar with the topic as the series of evidence sessions progresses. Even the members of the Select Committee on Procedure who had little interest in the Control of Public Expenditure and who played a relatively small part in the enquiry stated that the educative function of the Committee work was particularly useful to them, and that they learned a lot during the course of the enquiry. Those members who are non-specialists tend to play a 'Jury' role[1] and thus may be particularly open to influence through the flow of information which reaches them. 'I just go along and see how the evidence is shaping up' said one such member.

In a theoretically perfect 'Committee to inquire' all possible information about all possible alternative results would be obtained. This never occurs in practice. Information is selectively presented, and is filtered. Basically, there are three primary sources of information: the oral evidence of the witnesses to the Committee;[2] written memoranda provided by these witnesses and by others who may not give oral evidence; and informal sources - information provided by the members themselves and communicated to their fellows, and books and articles on the subject.

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[1] See above p.158.

[2] Select Committees have powers to call for 'persons and papers' for evidence. They may require persons to give evidence before them, and these persons can refuse only at the risk of being charged with contempt of the House of Commons. There is no formal positive subpoena power, only this negative threat if a witness called does not appear. The Select Committee's 'teeth' may be bared but they do not bite. Civil Servants and Ministers may refuse to give evidence on the grounds that it would not be in 'The National Interest' so to do. Sometimes they will give evidence which is classified as secret which is available only to the members who attend the Select Committee Meeting. When the evidence is published such passages are omitted and marked with an asterisk or star.

The process of information selection starts in a Select Committee with the selection of the witnesses to give oral evidence. The range of witnesses is primarily determined by the Committee's terms of reference, or the manner in which it interprets these terms. Thus in the case of the 1968-9 Select Committee on Procedure information regarding 'present-day systems of planning public expenditure' was primarily sought. This information was sought so that the Committee could evaluate the needs of the House of Commons to change its financial procedure regarding expenditure. The Committee also to some extent sought information regarding possible House of Commons procedural changes, but this was not their primary purpose in selecting information. Had it been so, they might have selected a rather different group of witnesses.[1]

Information presented to a Committee may be slanted in favour of one view rather than another, perhaps in favour of the interests of the most active group on the Committee who direct the course of the enquiry.[2] We know that in the 1968-9 Select Committee on Procedure the witnesses were selected primarily by the Chairman, the Clerk, and the Specialist Advisor, and we know also that they were drawn from a small circle of interested persons. They were in fact drawn from a horizontal communications network in operation connecting the Civil Service, academics, and business efficiency experts. As one member of the Committee put it:

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[1] The effects of a failure to obtain all possible information before making a political decision is explored by M.J. Barnett in The Politics of Legislation: the Rent Act 1957, London, 1968.

[2] The slanted effect of choice of witnesses and information is often noticeable in Royal Commissions as well as in Select Committees. See William Plowden 'An Anatomy of Commissions', New Society, 15th July 1971 and David Donnison 'Committees and Committeemen' New Society, 18th April 1968.

> In this very specialised sort of subject the witnesses sort of present themselves really. There are the Treasury officials, outside academics, and people who gave evidence to the Fulton Committee.... We knew anyway who were the sort of people to have as witnesses. Its a pretty small country you know, everyone knows everyone else.[1]

The majority of the members of the Committee took very little part in the selection of the witnesses. Most of the witnesses were selected after informal discussions between the three men mentioned earlier.

Apart from the witnesses who gave oral evidence there were two other sources of information. One source of information was the briefs and papers presented to the Committee, some of which came from people who also gave oral evidence. The same selection processes here applied to oral and written evidence.[2] The other source of information was from informal communications links between the members who met each other to discuss the Committee's work socially over drinks and meals; informal memos circulated before the evidence sessions and sometimes discussed in the business meetings which took place before these sessions; and information collected from books and articles supplied by the House of Commons library and other sources.

The Witnesses - their Oral and Written Evidence

Oral evidence was given to the Committee by five different classes of witness: (1) Civil Servants, (2) Members of the House, (3) Officers of the House, (4) Academics, (5) Others - mainly ex-Civil Servants in business.

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[1] Interview.

[2] In the case of the Specialist Committees operating in the period 1966-70 information came also from papers and evidence collected in response to requests to the general public. This is a very different method of collecting information for a Select Committee enquiry and the method of information collection may have a considerable effect upon the nature of the enquiry.

Fig.VI

Witnesses

(Oral evidence)

Civil Servants	21 *
Members of the House of Commons	4 /
Officers of the House	4 //
Academics	1
Others (mainly ex-Civil Servants in business)	5

* Some witnesses appeared twice. There were 18 separate Civil Service witnesses.

/ Includes one Minister who gave evidence with his Department.

// Includes Comptroller and Auditor General.

1. The Civil Servants' Evidence

The greatest proportion of the evidence submitted to the 1968-9 Select Committee on Procedure came from the Civil Service: 21 sessions out of 35 (18 persons - three came twice). This was an unusual feature for a Select Committee on Procedure, for such Committees generally draw their witnesses from people who have a specialised knowledge of Parliamentary procedure: from Government Ministers; backbench members of the House; Officers of the House of Commons; and

academics. But the nature of the 1968-9 enquiry required that much of the evidence came from the Civil Servants who were responsible for using the new techniques of decision-making and planning which the members wanted to find out about. It was necessary to find out as much as possible about the nature of the new techniques, about the degree to which they were already used in the Administration, the speed with which they were to be introduced, and their possible effects upon present procedure, before any constructive suggestions as to reforms of House of Commons procedure could be made.

Treasury Evidence - Day I

The Treasury, as the Department most intimately concerned with the planning of public expenditure, was the most important Department offering evidence. The first evidence session on 12th February was opened by three Treasury Civil Servants; Mr. S. Goldman, Mr. F.R. Vinter, and Mr. P.R. Baldwin. Mr. Vinter was of particular interest as he was the Chairman of the Public Expenditure Survey Committee (PESC). The Treasury presented a Memo to the Committee on the form of the Estimates, and discussion opened on the substance of this Memo. The Memo distinguished the Supply Estimates from Public Expenditure Estimates. Total Public Expenditure involves much larger sums than do the annual Supply Estimates which represent now only about half of Total Annual Public Expenditure. Total Public Expenditure includes items which do not pass through the annual Supply procedure such as National Insurance, Local Government and Public Corporation expenditures. It was important that the Committee understood the distinction between Public Expenditure and the Supply process before further exploration of the subject began; they needed to have this distinction clear before they began to discuss the annual Public Expenditure Survey Committee Report.

The witnesses were asked if they thought that there were any difficulties in holding debates in the House of Commons on the PESC Report. But the witnesses were unable to answer this question as they said that it was a matter for Ministers to decide, not for Civil Servants. Mr. Marquand thought that because Parliament does not know about PESC:

> The pressure on Government all the time from Members of Parliament is to increase expenditure in detail, although every body is in favour of keeping it down in general, and that this is one part of the political process which makes it difficult for any government of whatever political party to plan public expenditure as rationally as one would like to see it planned.[1]

Mr. Marquand here did something which was a notable feature of this Committee's style of interrogation. He was laying down his views as a member of the Committee, rather than asking a simple question to extract information from the witness. This was done by all the members from time to time, and while it makes the evidence more interesting to read it does indicate that seeking information purely and simply was not the only thing which the members were doing during the evidence sessions.

Mr. Ramsden asked the witnesses whether Parliamentary control over expenditure had ever been more effective in the past. "I doubt it myself" said Mr. Vinter, "I am not sure that the degree of control is inversely related to the size of spending in the public sector".[2] The members clearly wanted more information about the operation of PESC and much of the questioning of Mr. Vinter which followed was taken up with discovery of what PESC was and what exactly it did, and did not do, what parts of it could be published and what parts of it might perhaps be better unpublished.

Mr. Goldman and Mr. Baldwin answered questions on the presentation of the annual Supply Estimates and whether these might be affected by

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[1] para. 10, p. 5.

[2] para. 73, p. 37.

the introduction of new forms of budgeting into the Civil Service. Other techniques were also investigated including Cost Benefit analysis and accountable management. These, the witnesses indicated, were in an early stage of development and use in British Government in 1968. Cost Benefit analysis "is in a fairly early stage of development. Some departments have carried it further than others. The Ministry of Defence it might be said has carried it to the furthest point reached so far.... it is growing".[1] Accountable management as proposed by the Fulton Committee was "still in the early stages"[2]. While the witnesses saw the benefits of these techniques and foresaw their slow introduction into the British budgetary system they indicated that at the time they were not thinking of introducing the Annual Supply Estimates in a functional form although the PESC Report was produced in such a fashion.

Treasury Evidence - Day II

The Treasury next gave evidence on 7th May together with its Financial Secretary, Mr. John Diamond. Mr. Diamond had previously that week circulated a Green Paper to members of the House of Commons regarding the possible publication and debating of PESC reports on an annual basis. He said in evidence:

> You will recollect it was to this very Committee, in fact, that four years ago I first put the proposal that we should have this very kind of thing - a consideration of public expenditure figures on an annual basis and over a period of five years.[3]

The proposals in the Green Paper were that there should be, (1) an annual White Paper covering Public Expenditure over a period of three years and in a lesser detail five years, (2) the substitution of a new procedure in place of the Vote on Account and, (3) provision of new

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[1] para. 32, p. 11.
[2] para. 40, p. 12.
[3] para. 480, p. 151.

information which would enable discussion to take place on a more responsible basis.[1] He said that the proposals for changing the Vote on Account procedure were not intended to cut down on private members' opportunities to debate matters of their own choice. This was a technical question of timing, resolved eventually in a compromise between Government and Committee.

Mr. Marquand was not sure how it was possible to have a sensible debate on years four and five of the PESC Report if the information on which they were based was sketchy. Mr. Diamond recognised the limits of forecasting, and said that he was attempting to educate by information. He pointed out that he needed the support of the Committee if he was to be able to get the White Papers published annually so that Parliament might be able to debate them:

> I am pressing this Committee to support me in publishing more information than has ever been published in this field by this country, and more than is published by any other country at the present time, on this topic. We would be unique as a democratic country in publishing this information.[2]

What sort of discussion did Mr. Diamond envisage on this information? He thought that a debate in the House was suitable. But he was not in favour of Committees organised on a functional basis which could examine years four and five (for which the figures are tentative). Separate Committees of this sort, stated Mr. Diamond would prevent the comparison between the different functional elements. It was this level of discussion the Treasury wanted to stimulate. Committees might pin the discussion down too much:

> The more you are striving for precision in years four and five the more you are denying the opportunity to take account of other people's views on years four and five.[3]

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[1] para. 480, p. 151.

[2] para. 513, p. 159.

[3] para. 514, p. 159.

Diamond's hope was that Parliament as a whole would become better informed and more vocal, and would wish its views to be heard on the matter of advance policy. The debate on the White Paper Mr. Diamond said:

> represents in my view a real transfer of some of the power and authority of the executive to Parliament and I am hoping Parliament will understand it, accept it and welcome it.[1]

The Chairman and several members pressed Mr. Diamond on the question of whether it would be helpful if the White Paper debate process be continued on through the use of Committees of the House, departmental or otherwise. But Diamond re-iterated that he did not think that this would be a great advance. "I think that the present Committee structure is a good structure".[2] He referred to the Estimates and the Public Accounts Committee and their work in cash control

> I would not want to weaken the control by Parliament or by the Committees of Parliament on expenditure so far as the control of cash is concerned in the Estimates..... I am talking about the control by Parliament through the Estimates..... I think that the appropriate place for challenging policy must be on the floor of the House on Supply days. The appropriate place for challenging the execution of a policy decision is best carried out [sic] by the Estimates Committee or the Public Accounts Committee where expert evidence is brought forward but where the policy cannot be challenged. And this is the dividing line.[3]

But he was willing to agree that publication of the White Paper would tend to extend the scope of the existing Committees of scrutiny.

Treasury Evidence - Day III

On 21st May Mr. F.R. Vinter; Mr. P.R. Baldwin and Mr. J.M. Bridgeman gave evidence together with Mr. J.N. Archer of the Civil Service Department. The Treasury had presented the Committee with a Memo on Output Budgeting. This was examined by the Committee. The Treasury in their evidence appeared keen on the idea of Output Budgeting.

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[1] para. 544, p. 165.
[2] para. 546, p. 166.
[3] para. 552, p. 167.

They referred to the Feasibility Study by the Department of Education and Science which the members of the Committee had had an opportunity to study (it was not published until 1970). The Chairman indicated that if they were to consider the adaptation of Parliamentary institutions to administrative changes they were very anxious to get some idea of the pace of change in Whitehall. The witnesses were uncertain of how long it would take to introduce Output Budgeting but they indicated that they were thinking in terms of a decade or so. How, asked the Chairman, would the development of this system affect the Sub-Committees of the Estimates Committee? It was indicated that the process of Output Budgeting would not replace the traditional supply Estimates process but would complement it.[1] The Treasury witnesses were extremely cautious about exactly how much of the information on which they based programmes could be published. Some of the studies which were necessary might be somewhat speculative, for instance if the Government were enquiring into the effects of halving the cost of a service, and this sort of information might be better unpublished.

It was indicated by the witnesses that there were some departments which were not particularly amenable to output budgeting. This had been found in the U.S. Department of Justice, and the Treasury itself did not readily suit the process.

Treasury Evidence - Day IV

On 2nd July Sir Douglas Allen, Permanent Secretary to the Treasury, and Mr. K.B. Pepper from the Customs and Excise Department gave evidence. This session dealt with a subject which was not the prime concern of the Committee and to which they devoted an entire enquiry in the next Session of Parliament, namely Taxation. But it was necessary, the

[1] para. 612, p. 195.

Chairman noted, when considering expenditure that the Committee looked at the other side of the coin, at the raising of revenue to finance this expenditure. The main consideration germane to the 1968-9 enquiry was the question of whether there should be some House of Commons structure or Committee which would have the job of constant scrutiny of the tax structure, or of overall scrutiny of both expenditure and methods of raising the revenue. Two memos were presented to the Committee. One was on Financing Public Expenditure by the Specialist Advisor to the Committee (Mr. James Robertson). Mr. Robertson summarised the work of the Committee so far on the Control of Expenditure. He indicated that some Parliamentary discussion of the financing of Public Expenditure through taxation was required. Alternative methods of funding Expenditure through charges, and borrowing; varying the mix of taxes; redistribution of income; incentives; and import regulation; all these should be considered by Parliament as an integral part of the five year forward look. The second memo was from the Treasury and covered the same topic. It answered some of Mr. Robertson's points. The Treasury considered that Mr. Robertson's analysis failed on the grounds that it overlooked certain essential differences between Expenditure and Taxation. Expenditure needs to be planned over a long period, but Taxation is also used as one of the main instruments for short term regulation of the economy. Demand; private investments; exports and the balance payments are likely to change over long periods and are not highly predictable. The making of individual Budgets involves decisions which cannot be taken several years ahead in advance. Added to this the Treasury considered that it was undesirable for the Government to be examined on its tax plans before these are formulated in a reasonably firm way. As far as examination of results were concerned, the Treasury considered that the existing machinery (mainly the Public Accounts Committee) already covered a lot of ground.

In their oral evidence the Treasury witnesses thought that there would be extreme difficulties in a Committee which discussed alternative taxes. There would be extreme difficulties with a Committee which asked questions about tax "which is so closely wrapped up with policy judgement and what I might call value judgements which we the Treasury would not be entitled to take".[1] The Treasury witnesses felt that as Civil Servants they would not really be able to give evidence to such a Committee as it would involve them in questions of advice and policy. The Chairman pressed the Treasury hard on this point in his questioning and suggested that the Committee had not envisaged asking the Treasury to make value judgements but to give information regarding the effects of Tax A and Tax B. The witnesses suggested that an Institute of Tax might be better for that purpose.[2] Mr. Selwyn Lloyd replied to that:

> There is an Institute of Taxation, but the Government never paid any attention to it.[3]

The Treasury had 'very considerable reservations' on the idea of a Select Committee which could look into proposals for different taxes and tax structures. They felt that they as the prospective witnesses would be able to give such a Committee only extremely limited information - they would not enter into any area or question which could be remotely construed as 'political'.[4] In effect they were saying that such a Committee could not expect any realistic measure of co-operation from the department whose work it would be surveying - the Treasury.

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[1] para. 710, p. 228.

[2] para. 720, p. 229.

[3] para. 720, p. 229.

[4] For a further discussion of proposals for a Taxation Committee see John P. Mackintosh, 'The House of Commons and Taxation', The Political Quarterly, Vol.42, 1971, pp.75-86.

Other Departments

Civil Service Department

Sir William Armstrong, Head of the Civil Service Department, gave evidence on 26th February, together with Mr. J.N. Archer, Assistant Secretary of the Management Services Division of that Department. Two memos were before the Committee, one by the Treasury on the Planning and Control of Public Expenditure and the other by the Civil Service Department on the Development of Accountable Management.

Sir William Armstrong was asked for his views on the deficiencies of the House's present arrangements for the control of Public Expenditure. He felt that it might be presumptuous of him to talk about the deficiencies but drew attention to the facts which were that the House had only a partial control over total Public Expenditure through the traditional supply processes. The House only authorises for one year at a time, which lessened control when there is a need to look ahead and to plan for long term projects. He did not think that it would be a good idea for the House to attempt total and detailed control of Total Public Expenditure. This would usurp freedom of Local Authorities and of Nationalised Industries, but what the House should do would be to consider the 'political' questions of how much should be spent on this service and how much on that, to consider the distribution of total spending rather than details. As to the form of the Estimates, he did not think that they were

> the most useful basis either for knowing precisely how much resources are being allocated to a given programme or project or for the second part of our discussion whether value for money is being obtained and whether the various activities are being efficiently run.[1]

Armstrong was in favour of a functional approach to budgeting. Breaking down functions into objectives and sub-objectives would allow

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[1] para. 47, p. 31.

one to see more clearly what resources were going to what programmes and to make comparisons between these programmes.

After the general questioning the Chairman moved on to the specific points raised by the Civil Service Department's memo on accountable management.[1] He wanted to know how long it would be before the system would be introduced. It would take a long time, Armstrong said:

> If you are asking when would this be done completely and when would we have got round the whole area of government activity I would have to think in terms of a decade rather than anything shorter, and conceivably longer than that.[2]

The witnesses were asked whether the traditional form of Parliamentary cash control inhibited the development of accountable management. They thought that some form of cash control had to exist to prevent fraud, but it does inhibit the use of accountable management and means in effect that two systems have to be run side by side.

Mr. Marquand said:

> On the one hand there are mechanisms for enabling Parliament to control the administration. It now turns out that these inhibit the development of the best kind of modern methods in the administration. To scrap all forms of Parliamentary control would be rather frightening. Have you thought at all about the development of new and different forms of Parliamentary control in this area which would be more compatible with the kind of accountable management to which you are trying to work?[3]

Sir William had not thought of this, and could only suggest the development of management indicators. After closer questioning it was suggested that the Public Accounts Committee and the office of the Comptroller and Auditor General would be affected by the introduction of accountable management. He would monitor the new systems of control that the Departments were operating.[4]

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[1] For an explanation of the terms Output Budgeting and Accountable Management see the written evidence of the Specialist Advisor, below pp.244-5.

[2] para. 73, p.37.

[3] para. 82, p.39.

[4] para. 88, p.41

Ministry of Defence and Ministry of Technology

Sir James Dunnett; Mr. E.G. Cass; Mr. E.H. Curzon and Mr. C. Wellworth; all from the Ministry of Defence together with Sir Richard Clarke and Mr. E.S. Jackson of the Ministry of Technology were examined on 12th March. Two memos were before the Committee, one on the Planning and Control of Expenditure by the Ministry of Defence and one on Public Expenditure by the Ministry of Technology. The main questioning of this session was concerned with the early part of the Ministry of Defence memo and with paragraph 5 of Appendix III from the Ministry of Technology memo. Paragraph 5 of the Ministry of Technology memo, the Chairman stated, went to the very heart of the question before the Committee. This paragraph reads:

> The annual and cash basis of the Estimates presents no special problems. Any organisation must have a cash flow budget..... but it is not the basis on which we take policy decisions.[1]

This, the Chairman stated, was the heart of the matter, for it concerned the possibility of Parliament looking into that area of policy decisions.

Mr. Albu pointed out that in fact the Committee was engaged in an enquiry on two levels. One was with the methods by which Parliament can control the distribution of Government expenditure, and the other is with the methods by which Parliament can control the effectiveness of Government expenditure.

This area of questioning indicated some of the differences of opinion among the Committee members. For some were interested more in opportunities for policy making, while others were more concerned with detailed control of expenditure.

Mr. Woodburn stated:

> It strikes me that we are confusing the executive with Parliament. I cannot see how 630 people can examine details and then make decisions. Parliament does not make decisions about this at all; it is the executive that must make the decisions.[2]

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[1] para. 173, p. 68.

[2] para. 219, p. 80.

Other members were more interested in control of functional budgeting, and its impact on Parliament's ability to participate in decision-making:

> Would it..... also provide a more rational basis for Parliamentary discussion and debate?[1]

was a question asked by Mr. Mackintosh. He thought that Parliament might have more sensible discussions if it had more information.

The witnesses were cautious in their approach to the provision of more information freely available to Parliament.

Sir James Dunnett stated:

> One is always up against the problem of security which one has to keep at the back of one's mind. There are two things here. The first is how far Parliament would, so to speak, be entitled to have this information in order to make up its mind whether at a moment of time that Government had taken the right decision or not, which is rather different from making this information available for the future..... How far detailed information of this kind inside departments should be made available raises a rather major issue of the way Government business is conducted [It].....raises fairly major issues of the position of Ministers vis-a-vis Parliament.[2]

He did not think that in U.S.A. much more information was contained in statements made by the U.S. Defence Secretary to Congress using the PPBS system than is contained in the British Defence White Paper. But Mr. Howell disagreed. He wondered if this was a difference between the U.S. and British PPBS systems. In the U.S. Defence Department it was used for both planning and for controlling, whereas we used it for planning mainly. Sir James agreed.

The Chairman referred to Sir Richard Clarke's Stamp Memorial Lecture[3] in which he had said that long term expenditure had to be related to long term resources. "Are you then suggesting broadly that this will have to be limited to the Cabinet rather than to Parliament?"

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[1] para. 210, p. 78.

[2] paras. 210-213, pp. 78-79.

[3] Management of the Public Sector of the National Economy, Stamp Memorial Lecture, 1964.

The Chairman asked. Sir Richard replied:

> The original purpose in this matter is to relate it to Government decision-making, a Cabinet activity. What kind of things Cabinets may decide they wish to publish or present to Parliament is for Governments to decide rather than for Parliament.[1]

"You are destroying all my great illusions about your lecture which I thought was so very good"[2] exclaimed Mr. Turton.

Department of Economic Affairs

Sir William Nield, Mr. W.A.B. Hopkin and Mr. J.A. Jukes from the Department of Economic Affairs gave evidence on 26th March. The DEA had presented a memo to the Committee and an extract from this memo was printed in the Report. The memo concerned the work which the Department was doing on the Medium Term Economic Assessment. This work involved looking not only at Public Expenditure, but at the prospects for the entire economy over a 3-5 year period.

Like the Treasury and the Civil Service Departments Sir William Nield was doubtful as to the advisability of publishing certain of the Government's assumptions which went in to the production of its working plans and estimates. For example an assumption that incomes would rise over a stated period at 5 p.c. per annum might be a dangerous figure to publish. If such information were made public, Sir William stated, all Trade Unions would seize upon that figure as their basis for wage claims.[3] It would, in his view, be disastrous to publish such assumptions, or even to have them drawn out by the questioning of a Select Committee. Examination of plans and proposals by a Select Committee might have damaging consequences. Like Allen, Nield considered

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[1] para. 225, p. 81
[2] para. 226, p. 81
[3] para. 327, p. 109.

that academic studies showing the effects of different levels of price rises would be a better way of public education, for the Government's name and sanction would not be attached to figures which were in effect merely statements of probabilities. The difficulty with publication of such assumptions by the Government is that people tend to think that what the Government says is true, is authoritative.[1] Other witnesses agreed that they thought that people read papers uncritically and believed what they read. They would believe that assumptions were statements of fact especially when they were published by the Government or stated by a Civil Servant.

2. Members of the House of Commons

We have considered the evidence of one of the Members of the House, already. Mr. Jack Diamond as Financial Secretary to the Treasury gave evidence with the Treasury Civil Servants. The other three Members of the House were all Chairmen of Committees. No Member of the House gave evidence in a general capacity, so no attempt was made to discover the feelings and attitudes of Members in general towards, (a) the present facilities for Control of Expenditure and, (b) the sort of new facilities which they wanted and which they might make use of. Failure to get this sort of evidence from Members of Parliament can be seen with the advantage of hindsight to have been fatal. For the Committee made suggestions which it thought were desirable but which have not appealed to great numbers of Members. The lack of representativeness, the 'reformist' tinge of the Committee (see above p.188) meant that they operated when making their recommendations from a set of

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[1] para. 333, p. 111, and para. 337, p. 112.
"One of the awful things about producing economic forecasts and making economic judgements is that those judgements may alter the human behaviour of the people reading them and that in itself falsifies the forecast", para. 341, p. 114.

consensually derived assumptions that it would be a good idea to set up a particular set of structures. They assumed that Members would behave in a particular sort of way when these structures were set up and they failed to discover whether their own assumptions about the behaviour of Members were accurate. They simply did not enquire whether Members wanted to debate the Annual Expenditure White Papers (they do not) and whether they preferred the Specialist non-finance based Committees to an expanded finance based Expenditure Committee. (This is not known).

Evidence was taken from the Rt. Hon. J. Boyd-Carpenter, Chairman of the Committee of Public Accounts and Mr. W.W. Hamilton, Chairman of the Estimates Committee together with Mr. A.A. Birley, Clerk of the Estimates Committee, on 26th March. Two memos were presented to the Committee, one from the Chairman of the Committee of Public Accounts and one from the Chairman of the Estimates Committee. The memo from the Public Accounts Committee gave a history of the Committee and its work and developments in the Committee's interests. The memo also indicated the role of the Comptroller and Auditor General who with the help of his staff of about 500 surveys the accounts and makes his reports to the Committee which considers them. The Chairman of the Estimates Committee also presented an historical account of the work of his Committee. Some points of interest were that in 1966 it became the first Select Committee to be authorised to employ special technical or scientific assistance. It had employed an econometrician for the enquiry it conducted into the Government's Statistical Services (Fourth Report 1966-7) and had employed a Chartered Accountant for its enquiry into the Public Building Programme (Fourth Report 1967-8). This Committee had also travelled abroad to take evidence. In 1967-8 one of its sub-Committees began to hold public sittings (for evidence sessions) together with public sittings at places outside London.

The relationship of the Estimates Committee to the 'specialist' Committees was explored. The work of the Estimates Committee was curtailed in 1967-8 when the number of its members was reduced to 36 from 45. This allowed only five instead of six sub-Committees. Membership was later reduced to 33 which allowed for only four sub-Committees. The work of the 'specialist' Committees it felt, had not provided a substitute for the work of the Estimates Committee. For these Committees have not looked at finance and long term planning.

The Chairman of the two Committees were asked what part their respective Committees could play in the control of public expenditure in the light of the new techniques of planning and financial control. The Chairman of the Public Accounts Committee did not want his Committee to look at the 'forward looks' presented by the Annual White Paper on Expenditure. Forward looks involved matters which were too highly political to be dealt with by "wholly non-party non-partisan Select Committees." "This stuff - the indication as to how national resources are as a matter of policy to be allocated - is of course the very stuff of contemporary politics".[1]

Mr. Hamilton of the Estimates Committee compared his Committee with the new Specialist Committees. He had thought that the new Specialist Committees would take over some of the work of financial control that had previously been done by the Estimates Committee. But this had not occurred. Mr. Hamilton was disappointed at the ad hoc nature of the Specialist Committees. He would like to see Committees to which the Minister could be called, not to defend his policies, but to explain the reasoning behind the policies. The Committee would

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[1] para. 274, p. 96.

produce a Report for information purposes rather than for the purpose of recommending certain courses of action. He would like to scrap all the existing Specialist Committees, restore the Estimates Committee to its former glory and to have another Committee to look at the White Paper on the forward looks, which would cross examine Ministers as to how the figures in them were reached. He, like Boyd-Carpenter, noted the primarily non-partisan nature of the Estimates Committee:

> If there are any party differences in a Committee, they come out. They come out in the Estimates Committee quite often even in the questioning of civil servants. However, when one gets down to producing the report, one almost invariably gets a unanimous report. One has to compromise to produce the report.[1]

Mr. Boyd-Carpenter of the Public Accounts Committee had doubts as to whether a Select Committee was a suitable instrument for the task of looking into the allocations of expenditure. On this matter he was not in agreement with Mr. Hamilton and the outlook of the two men seemed to reflect the nature of the work which their respective Committees undertook.

One other member of Parliament gave evidence, Mr. Fred Willey, Chairman of the Education and Science Committee. His evidence was not very useful as he came at very short notice and quite unprepared. As for other Chairmen of Select Committees "All the others seem to be abroad or at least out of London today". He indicated some of the difficulties of his type of Committee. Because it is a sessional Committee it may be appointed too late in the session to set up a proper enquiry. What he was asked, was the object of the then enquiry of the Education and Science Committee (into Staff/Student Relations in the Universities):

> The object of our present study is to inform the House of the position with regard to student relations, particularly in the context, coming back to Mr. Albu's point, of Government expenditure.[2]

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[1] para. 311, p. 102.

[2] para. 694, p. 216

He pointed to the expertise on the Committee. The members consisted exclusively of members of the House who are intensely interested in Education. The Committee, he thought, should have more initiative of its own in the conduct of enquiries.

3. Officers of the House

The Comptroller and Auditor General, Sir Bruce Fraser, gave evidence on the 2nd April. He presented a memo to the Committee on Parliamentary Control of Government Expenditure. This he divided into three heads, (1) Parliamentary approval of Government policy, (2) Parliamentary control of Government finance and, (3) Parliamentary scrutiny of Government performance. Policy approval is given by legislation or in debates e.g. on White Papers. Parliamentary approval of finance rests on principles which include, (1) that statutory authority is required for all Government expenditure, (2) that the Government has to seek annual cash grants for most of its expenditure, (3) the principle of appropriation which is distinguished from the first principle of authorisation and, (4) the Supply procedure of the House. Performance is measured and is controlled through the Exchequer and Audit Department; the office of the Comptroller and Auditor General, and the Select Committees. He understood that the Select Committee was interested in (1) and (2) of the above headings. He did not think that there was need for a radical change in the form of the Estimates towards a functional presentation. He did not see much scope for a Select Committee to consider the Annual White Paper on Expenditure. For if its task was to elucidate the documents, why then it would be preferable to have better documents presented to Parliament in the first place. If its task was to examine the statistical reasoning and assumptions behind expenditure proposals this could be undertaken in depth and from time to time. He referred as an example of this type of enquiry to the

Estimates Committee enquiry into the Government's statistical services. This sort of enquiry was preferable rather than keeping the work under constant surveillance. He thought it too early to say what impact the introduction of Accountable management would have on his Department and its work.

Department of the Clerk of the House

Mr. D.W.S. Lidderdale and Mr. R.D. Barlas gave evidence on the 11th June: Mr. Lidderdale answered first on the question of proposed changes (by the Treasury) on the Vote on Account procedure. He was not in favour of the Treasury proposals. He emphasised that the existing Vote on Account procedure offered a rare opportunity for political control over the executive. He realised that Supply expenditure was now only a part of the total public expenditure, and that the processes of Supply control were now out of date but nevertheless it is the only part of Public Expenditure over which the House of Commons has direct control:

> the power to vote or withhold supply remains the most important element in the possible control of the House of Commons over national finances and also, incidentally, the basis for the whole of our supply procedure, which is a bargain by which things will be voted upon by a certain date provided that a certain amount of time is given to the Opposition to discuss various aspects of administration.[1]

One member of the Committee, Mr. Albu, did not agree with the emphasis on Vote on Account procedure for he considered that there were many other opportunities for the Government to be defeated if necessary. Mr. Lidderdale considered that the proposed change in procedure would weaken the House's control over the Government. To this Mr. Albu said:

> May I put it to you that the sort of thing at which the Committee is aiming would give the House far more control over what really matters, that is, the policies behind expenditure. We appear to be talking about two kinds of control.[2]

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[1] para. 634, p. 204.

[2] para. 647, pp.206-207.

Mr. Selwyn Lloyd also posed the question of the nature of control. What did it mean?

> Is it not a fact that a debate is not really control? One debates policies. That is not control.... the actual control is the chance of voting against a particular series of financial propositions. It is not possible to have both the debate on the White Paper, and also at some date in February the Vote on Account,..... then one gets the best of both systems.[1]

Mr. Turton agreed that it was apparent that there were two forms of control under discussion:

> As I see it there are two forms of control, the control by debate on policy, and the control through voting against an unpopular or unrepresentative Government on the Vote on Account.[2]

Mr. Lidderdale thought that while the old-fashioned type of technical control might not often be exercised this was no reason for watering it down or reducing it. The new forms of control proposed (Debates on Annual Expenditure White Papers) would be even more unreal than the present forms.

After the discussion on the technical matter of the Vote on Account the questioning turned to the Specialist Committees. What lessons could be drawn from the experiment with them? Barlas suggested that functional Committees are much better than are departmental Committees. He was in favour of a unitary body looking after expenditure, finance and administration which could be divided into sub-Committees. Austen Albu drew attention to the fact that members of Parliament might not be particularly interested in finance based Committees; the Specialist Committees think that they are dealing with policy and administration which makes them more attractive. Barlas thought that all policy is involved with Government expenditure and so finance based

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[1] para. 650, p. 207.

[2] para. 652, p. 207.

Committees would be dealing with policy but he was not sure that all members of the House would take this view. He doubted whether a sufficient number of members would want to serve on Select Committees if they were exclusively angled towards financial control.

4. Academics

Only one academic gave evidence to the Committee. On 23rd April Professor W.J.M. Mackenzie, Professor of Government at the University of Glasgow, was examined. Professor Alan Williams of the University of York had submitted a written memo on the subject of the Economics of Public Expenditure. Williams examined the role of economics in Public Expenditure. If they wished to achieve the primary objectives of Public Expenditure policy makers must examine certain factors such as short term stabilisation of the economy, the pattern of resource use in the medium and in the long run, and the distribution of wealth and income in the community. He concentrated on the economics of medium term resource planning covering 2-5 years. This can be divided into high level decisions for which output budgeting might be useful and low level decisions where the efficiency of the resource use within the budget must be calculated. Here techniques of cost-benefit analysis might be used.[1] Professor Williams did not himself give oral evidence but Professor Mackenzie was asked among other things to comment on the paper.

Mackenzie stated that he had been a member of the Study of Parliament Group but not one of the active and learned members. The Group was not giving evidence to the 1968-9 Committee. He thought that there might be certain practical difficulties in implementing the suggested Committees to discuss expenditure projections. It might be difficult to find enough active members to serve on them. Much of the questioning of this witness was concerned with the putative role of a new system of Committees. Should Select Committees discuss,

[1] For an excellent discussion of the techniques of cost-benefit analysis see Martin S. Feldstein, 'Cost-benefit Analysis and Investment in the Public Sector', Public Administration, Vol.42, 1964, pp.351-72.

(a) alternative policies or (b) the manner in which those policies had been arrived at - the techniques behind the choices? Mr. Woodburn asked Professor Mackenzie if there really was any machinery for weighing up the merits of alternative policies. The witness could not answer this question. He said that Plowden had suggested that this sort of activity should be carried on but no-one had indicated just how it was to be done, through what machinery it should be carried on. Plowden said there should be a unit in the system which could pause and say "What is this for? What do we want to do? If we do want to do it what are the alternative ways of doing it?"[1] It is much easier in theory than in practice to suggest that some structure performs this function, said Professor Mackenzie. Mr. Woodburn pointed out that there might be difficulties with a single expenditure Committee which one day wanted more houses and another day wanted more hospitals, and another day more schools. The answer to this problem he thought came from public pressure and by the needs of the moment. Professor Mackenzie stated that his alternative of a Committee which decided how much of the cake each should get would be an improvement on such a system of determining choices. "It is towards this that one wants to move as distinct from the Gladstonian saving of candle ends."[2]

Several of the Members of the Committee raised points on the activity of Select Committees. Mr. Howell asked whether the Select Committee could be used as a support generating device for government programmes. Dame Irene Ward referred to the public nature of Select Committees and asked "If you have Select Committees intervening you could have Select Committees possibly beginning to exercise pressures

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[1] para. 458, p. 147.

[2] para. 459, p. 147.

for priorities".[1] It seemed clear from the evidence that the Select Committees in existence had tended to specialise and to represent certain points of view. Professor Mackenzie thought that this would be a good idea.[2] But David Marquand wondered if the question of what Select Committees might actually do was a red herring and that in practice what a Select Committee was for was to elucidate views, leaving the place for debate always on the floor of the House. To this Professor Mackenzie replied:

> I agree confidently with the first part of this, that the Committee is not just to be seen in isolation but has to be seen as part of a pattern of communication, but of course, when one comes to the second part, the question of the floor of the House of Commons, one runs up against the constitutional principles of the Government's responsibility, the Government Whips, the unity of the Party and all the rest of it. Perhaps we are coming to a situation where speech is free on the floor of the House of Commons but voting is not.[3]

The Chairman said:

> Does it not strike at the roots of what we are trying to do constitutionally? Is it not up to you to decide what we want the House of Commons to do as against the executive.[4]

But the witness did not answer that question since the discussion would, he felt, go on too long. David Marquand pressed the point that if Committees were primarily to elucidate problems then the difficulty facing Civil Servants when they appeared before Committees would diminish. In effect Professor Mackenzie agreed that this was the sort of activity which Committees might usefully engage in.[5]

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[1] para. 465, p. 146.
[2] para. 465, p. 146.
[3] para. 468, p. 149.
[4] para. 470, p. 149.
[5] para. 474, p. 150.

5. Others

Several witnesses came from outside the House of Commons/ Administration dialogue. But they were persons with experience of Government. On Wednesday 5th March Sir Maurice Dean and Mr. F.A. Bishop gave evidence. Sir Maurice Dean was Personnel Director, British Printing Corporation and Mr. Bishop worked for Whitehall Securities. They were referred to by the Chairman as 'gamekeepers turned poachers'. Sir Maurice Dean thought that Parliament should turn its attention away from the scrutiny of details towards consideration of the main features of public expenditure, defence, external affairs and so on. He thought it was worthwhile exploring the possibilities of a greater use of Select Committees to create informed areas where questions of greater national policy could be debated. Perhaps, he suggested, the activities of the Public Accounts Committee might be extended and its work combined with that of the Estimates Committee. Mr. Bishop was also concerned with the problem of executive/legislative balance. Parliament in this present system he thought seems mainly to respond to the policy decisions of the executive, and its response is conditioned by the manner in which the executive presents information to it. This had led Parliament to concentrate on short term decisions and questions of value-for-money rather than on the long term financial implications of programmes. But Mr. Bishop was not sure whether the Parliamentary scrutiny which he envisaged should be carried out by Committees:

> I think there is a danger of there being too many Committees of the sort which, I think, Sir Maurice had in mind. I think Parliament's job primarily should be to see that the necessary jobs are being done rather than attempt to carry them out itself..... Parliament ought to be rather more like a board of directors with the function of consulting and debating about policy and with a responsibility for appointing a managing director and seeing that he has an executive which is properly organised and properly equipped with the necessary modern management tools.[1]

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[1] para. 92, p. 44.

Mr. Bishop was in favour of retaining the value for money aspects of the work of the PAC for:

> I think that the control of public expenditure can mean two things. It can either mean controlling it in the sense of seeing there is an allocation between broad sectors, by broad objectives, or of course, it can mean trying to settle priorities in a constructive way. I think both of these functions are ones in which the House, as a whole, would want to participate.[1]

The Chairman was unable to see the advantage of combining the Estimates and the Public Accounts Committees. And it emerged later in the questioning that some conflict of opinion existed in the Committee regarding just what the proposed new Committee was going to do. Was it just to elucidate what Public Expenditure suggestions the Government is putting forward, to probe statistics and assumptions? Or was it actually to do things itself and to make decisions? A lot of confusion, the Chairman thought, reigned about this point in the discussion. Mr. Marquand had frequently referred to the elucidating process; Mr. Woodburn pointed out that no Committee could be completely a-political; and that it would be preferable to rely not on Committees but on the broader political process and other members thought that Committees would want to look at policy questions. Mr. Marquand said that it seemed to him that the discussion had been based on the assumption that you are asking for a sort of illegitimate encroachment by Parliament on the sphere of the executive. But was this what the witness had intended?[2] Mr. Bishop thought that the executive got so caught up with day to day government that it had difficulty seeing things in the long term. Parliament could help here.

Both Dean and Bishop were keen on the introduction of accountable management to take care of the candle ends aspects of financial control as well as other aspects of control of the Civil Service. The candle ends control would, in their new system, be less a concern of Parliament

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[1] para. 94, p. 45.

[2] para. 151, p. 54.

for control of the candle ends could be more closely carried out by the Departments themselves under a system of accountable management. Parliament would drop this side of control and would concentrate on the long term priorities, on 'setting the objectives' the 'goals'.

One of the Committee members, Dame Irene Ward, pointed out that this suggestion meant that the Minister would have removed from him the necessity of defending whatever he is doing in his field because he would have already lost the battle with the Treasury. "You would alter the whole tradition of Parliament", she said, "if you undertook any of the suggestions that have been put forward this afternoon".[1]

On the 21st May Mr. John Garrett and Mr. H.R.N. Jamieson, of Associated Industrial Consultants Ltd., and Mr. Ian Hancock of Cooper Bros. and Co. were examined. Mr. Garrett was the Management Consultant on the Fulton Committee Consultancy Group which made recommendations later taken up and adopted by Fulton. Mr. Jamieson had been connected with the introduction of management accounting procedures into the Home Office (Prison Department). Mr. Garrett and Mr. Jamieson had presented a memo to the Committee on Control of Public Expenditure: the need for new management systems. They examined the relationship between the traditional supply processes of Government accounting and new management techniques proposed by the Fulton Committee. If the Fulton proposals for accountable management are to be carried out then a greater degree of financial analysis than is presently supplied by the voting accounting and public expenditure estimating procedures will be required. As an appendix Mr. Hancock included a chart showing the relationship between PPBS and management by objectives. PPBS provides the planning stage, the macro level of the large objectives, and management by objectives provides the micro level or the level of fine detail concerned with day to day management control. They considered that all departments should introduce some form of output budgeting to

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[1] para. 159, p. 55.

this end.

Mr. Hancock submitted a memo on the subject of Planning, Programming, Budgeting System (PPBS). This was related to the ' corporate planning' approach used in business. PPBS, he thought, would lead to more effective Ministerial and management control, especially important as the techniques of accountable management and management by objectives proposed by Fulton are developed in the Civil Service. Management by objectives in industry has been shown to be most effective when developed together with a system of corporate planning. Mr. Hancock considered that the introduction of PPBS might well provide an opportunity to develop more meaningful Parliamentary control of public expenditure, and this can be related to different stages of the control process. He thought that the review of overall objectives and priorities was a matter for the House as a whole but that some form of Committee structure would be required for the other levels of control.

The Chairman asked the witnesses what sort of figures and in what sort of depth would be necessary if Parliament were to be able effectively to scrutinize a system of Civil Service organsiation which used PPBS and accountable management. To use these systems across the board would, he thought, involve a whole new concept of the Civil Service. Mr. Hancock thought that it was not a good idea to present Parliament with a mass of detailed figures. He thought that the material presented to Parliament should include: a clear-cut presentation of the main assumptions taken into account; the main alternatives considered; what criteria were used in assessing the alternatives; what were the main options considered; and why the options were selected.

> Parliament would want to have the sort of limited information to enable it to see the broad processes and to satisfy itself that the work in selecting between these alternatives has been thoroughly done, and that sound assumptions had been made in selecting between these alternatives.[1]

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[1] para. 578, p.183.

He thought that output budgeting would make Parliament's job of selecting alternatives easier. PPBS should be introduced throughout the Civil Service as only if it was universal would it ensure that all aspects of Government were considered in a questioning way. When there is systematic and analytic thinking, he said, then decisions are taken more rationally. One of the benefits of the PPB system is that one is able to link together and co-ordinate the activities of the different departments which are all directed towards a common objective.

WRITTEN EVIDENCE. Memoranda presented to the Committee as written evidence. These memoranda appear in the Committee report as Appendices I - VI.

Appendix I (16th January)

Financial Procedure by the Clerks Assistant.

Procedure of the House for financial control was examined in the light of present day needs to plan ahead for Public Expenditure. The Supply Procedure was described and it was indicated that Debates on Supply Days are seldom, if ever, directed to the Control of Public Expenditure. Budget Debates are mainly concerned with Taxation. Defence Debates generally take place annually, and these cover long term spending plans. Since the publication of the Plowden Report there have been seven debates relating to Public Expenditure, but not on a systematic or regular basis. Committees as an alternative, or as an aid to control by the House were examined. It was pointed out that Committees have no authority to make decisions. How might Committees be developed? The memo referred back to the Procedure Committees suggestion of 1964-5 that a new Specialist Committee system be developed which could examine long term expenditure proposals. The decline of the Estimates Committee from 1965-1968 was charted. The present Estimates Committee appears inadequate for examination of the overall strategy of Public Expenditure. The Public Accounts Committee has its own function and

it is unlikely to take on a new one. The Nationalised Industries Committee covers a limited field of Public Expenditure. The Specialist Committees have not been concerned with Public Expenditure, and these Committees do not provide adequate coverage of the whole field of Public Expenditure. The case was then put for an Expenditure Committee which could look at the overall strategy of Public Expenditure. This Committee would not concern itself with matters of 'high policy' but could examine the economic and policy assumptions on which long-term plans had been drawn up. Some limitations (staffing, available membership) were indicated. Reports of the new Committee should be debated by the House, and promptly.

Appendix II (7th May)

The Economics of Public Expenditure and its consequences for Parliamentary control, by Alan T. Peacock, Professor of Economics and Jack Wiseman, Professor of Applied Economics, University of York.

This paper discussed the nature of efficiency in Public spending. How is this difficult concept to be measured and controlled?
It is necessary to specify objectives. These will be political objectives, the results of political decisions. The determination of objectives is a Parliamentary matter but some objectives may be generated by the administration. More sophisticated techniques of expenditure appraisal and control may mean that there is an increasing possibility that the social values (objectives) of administrators be substituted for those of Parliament. Thus the new methods of decision making must have the continued approval of Parliament.
When considering efficiency in public spending it is important to realise that judgements about 'efficiency' cannot be left solely to administrators. The aims and objects of Government financial policy should be publicised, explained and interpreted. Discussion should take

place at regular intervals.

The memo then turned to a discussion of the objectives of Economic Policy; the Allocation of Resources; Economic Stability; and The Budget. The main thrust of the argument was that Parliament was to be responsible for value judgements and it should continually scrutinize the administration, looking at methods, and at techniques to ensure that it, not the administration, retained this function. Parliament will need to have access to full information on the nature and use of techniques (such as Cost-Benefit analysis).

Finally the Professors considered some suggestions for Reform of the House of Commons procedure. They felt that there was a need for a Committee or set of Committees with functions much broader than those of the present Estimates Committee. The Committee must be able to inform itself on policy questions. It would look at:

(i) efficiency in government spending

(ii) methods of forecasting government spending

(iii) the effects of various taxes on incomes, growth and employment

(iv) the effects of various taxes on redistribution of incomes.

Appendix III (3rd February)

Output Budgeting, Accountable Management and Performance Measurement by the Specialist Advisor.

This was a working paper for the Committee, not a set of recommendations. The paper describes the three techniques, the relationship between them and developments in Whitehall. Output Budgeting is contrasted with Input Budgeting. Programme Budgeting covers Output Budgeting over several years. What it all boils down to is, (a) find out what you want to do. State it clearly. (b) Work out how to do it most effectively at least cost.

Accountable Management means that each individual is responsible for a task or block of work and is held accountable for its efficient performance. (1) Define Task, (2) Measure Performance.
Performance Measurement is provided by indicators which, in the Public Sector, may not be easy to find (e.g. measuring the effectiveness of a Judge or Ambassador).
Whitehall Treasury does long term planning. Civil Service Department is developing accountable management.

Appendix IV (16th April)

The Circle of Control by the Specialist Advisor.
This was a second working paper taking up a suggestion by Mr. Woodburn that the Committee should formulate an hypothesis. The hypothesis put forward is that "Parliament should re-establish the 'Circle of Control'".
The Gladstonian circle of control was established with the creation of the Public Accounts Committee in 1861 and the enactment of the Exchequer and Audit Departments Act of 1866. The Circle was:

(a) Appropriation by the House of Commons
(b) Issue of Funds
(c) Audit
(d) Scrutiny of the Accounts by the House of Commons

Parliament looked at expenditure (a) before it was carried out and (b) after.
Its purpose was in accordance with 19th century liberal ideas of limited Government. Its purpose was to set limits on expenditure and see that these were adhered to.
But a new circle of control is beginning to emerge in the light of new attitudes to Government spending. The new circle of control has to take into account:

(a) Public Expenditure has to be planned at least four or five years ahead

(b) It is now a crucial element in the national economy

(c) It must be efficiently managed so that resources are used to their best effects.

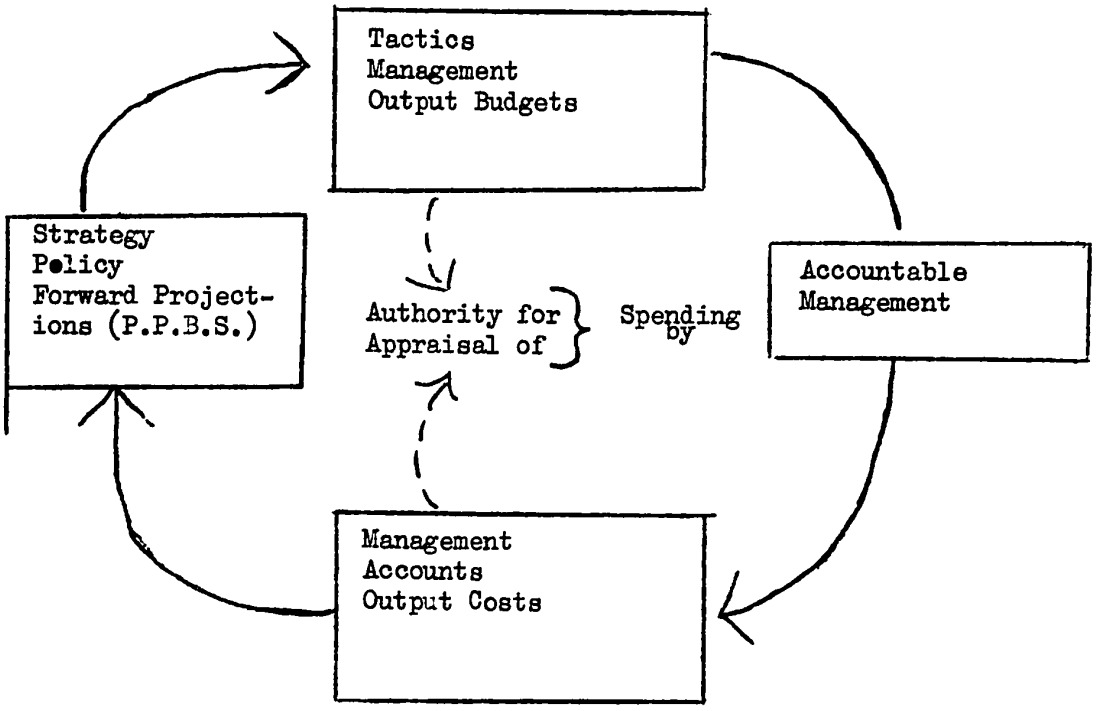
There are three levels of decision:

(a) Policy decisions (for five years ahead)

(b) Management questions (for the year ahead)

(c) Appraisal or review of the past work.

In the new circle of control strategic (policy) decisions are translated into tactical (or management) decisions which will eventually achieve certain results at certain costs. These results provide information needed for making future strategic decisions and tactical dispositions. (This is the feedback which joins up the Circle). But today Public Expenditure and the Annual Estimates and Accounts are operating in different circles.



The Circle of Control.

Appendix V

Select Committee on Nationalised Industries by the Chairman of the Select Committee.

This paper gave a short history of the Select Committee. It was set up first in 1955 with limited terms of reference. In the next session, 1956-7 it was set up again with wider terms of reference. The Committee has studied coal, gas, electricity, railway and air transport together with a study of the Post Office.

The Committee has not specifically considered the application of Output Budgeting, Accountable Management or Performance Measurement to the Nationalised Industries but they have commented upon the use of these techniques in several of their enquiries. A recent trend in the Committee's work has been to cover problems rather than specific single industries.

The Committee had also suggested recently that it should look at bodies set up by the Government which traded but which did not have an income provided by Parliament. These bodies included the Bank of England, the British Petroleum Company, the Independent Television Authority, and several other quasi-official trading bodies.

Appendix VI (27th March)

The Form of the Estimates by the Treasury.

This paper gave a brief description of the purpose; coverage; price basis and spending classification of the Estimates. It also listed a number of changes which had taken place in the presentation of the Estimates in recent years. These changes included the addition of tables providing a functional analysis of expenditure; a table showing which parts of the Estimates are transfer payments and refunds of taxes; a table showing composition into Consolidated Fund, National Loans Fund etc., and a table showing how the Supply Estimates fitted into the Total Public Expenditure figures.

Other Sources of Information

Before each formal meeting of the Committee at which evidence was presented a short informal business meeting lasting for about ten minutes took place. At this meeting members took stock of the course of the enquiry to date, indicated future lines of enquiry, and laid plans for the questioning of the witnesses. In some cases the witnesses were provided with general guides to the questioning or a list of questions on which they should come prepared to answer. The Committee in its business meetings discussed what it wanted to find out from the witnesses. At some of the business meetings memos which had been circulated privately among the Committee members were discussed. This sort of memo is not published and is not available for scholars to study although such memos are kept in the records of the Clerks of the House.[1] One member indicated in interview that he had written such a memo because he was concerned at the particular way in which the line of enquiry was moving and he wanted to make his views known on the matter among the members so that they could discuss it. Other methods of communication among members of the Committee are in the informal chat over drinks, tea or dinner. Here the physical grouping of members may to some extent determine the channels of communication and who speaks to whom. It is well known that the Tea Room is the haunt of Labour backbenchers (and of other members when entertaining visitors) and that the Smoking Room is the haunt of the 'Tory squires'. The importance of informal channels of communication in the British House of Commons cannot be overlooked for life in the House is very public by nature. Members cannot hide in luxurious suites of offices protected from the public gaze by ranks of secretaries and aides. They have to keep moving

[1] For information regarding the sort of material kept by Parliament and its availability for study see Maurice F. Bond, Guide to the Records of Parliament, Stationery Office, London, 1971

through the corridors and public eating and reading places of the House. Like mice they tend to run along well marked routes with fellows of their own kind.

Some information regarding the PPB system was available to members of the Committee from the Clerk. He paid a visit to Washington on the Committee's behalf to study the PPB system being developed there. The Committee's report indicated that this visit helped the Committee towards some understanding of the system, of its opportunities and its difficulties.[1]

Some time early on in the course of the enquiry all members were sent a list of books and articles which were "recommended reading". The Library of the House of Commons provides information on background reading to Select Committees. These lists generally include debates: speeches; books and articles; and Government reports on the topic of enquiry. Check lists of debates; committee reports; and other official publications relevant to selected topics are also published by the Library from time to time. The list presented to the Select Committee on Procedure included useful background books on the politics and economics of public expenditure; articles; speeches and debates; together with a list of the relevant Government reports e.g. the Plowden Report and the Fulton Report with which the Committee members might be expected to be familiar. The response to the reading list by Members of the Committee was rather lukewarm. Many Members indicated that they have so many activities that they cannot devote a very great proportion of their time to a single Committee, and that they cannot pay over-much attention to the background reading. On the reading list one member said:

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[1] H.C. 410 of 1968-9, p. v.

> I hadn't seen anything like this since I did PPE at Oxford. I don't know who thought it up - Robertson perhaps - but it was sent out from the Library. I don't ever recall having anything like this on a Committee before.
>
> Q - Did you read the books then?
>
> A - Well No, I had read one or two already, and some of the articles. But No, I didn't bother about it.[1]

The reluctance of some of the Committee members to bury themselves in their studies with a long reading list and a pile of books may not be entirely due to the pressure of Parliamentary work which they face. The lack of interest in reading up on a technical subject may be due more to the personal tastes of the Member. Many Members are perhaps more gregarious and social than studious and academic. The House, it has often been remarked, is "The Best Club in the World". While the House itself may be denuded of Members at the dinner hour the private dining rooms overlooking the river are full of happy members socialising. The member will always find time to meet people but may find his time for deep study limited. Another factor which restricts the time available to members for deep study of Select Committee enquiry topics is that Members are also busy with their other occupations. Only about 150 of 630 Members of Parliament live on their Parliamentary salaries alone.[2] The majority of Members are only part-time politicians.

The unstudious nature of some MPs, and pressure of other activities for many, leaves the way open to the active member of a Select Committee to gain influence on the Committee through superior knowledge, expertise, information and participation.

One of the most important books which was a source of information to members of the Committee was Charles L. Schultze's The Politics and Economics of Public Spending, Brookings Institution,

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[1] Interview. This member was one of the less active members of the Committee. The practice of providing lists of recommended reading to Select Committees is growing and the House of Commons Library is (1972) expanding its staff to deal with the work involved in servicing Select Committees.

[2] Calculated from the report of the Boyle Committee on Members' Remuneration, 1971.

Washington, 1968. As this book was read by a number of the more active members of the Committee and one, Austen Albu, referred to it specifically in the Debate on the Committee report it is worth examining the ideas contained in it in some detail. The book clearly impressed a number of the members of the Committee especially those with a particular interest in the application of Output Budgeting and PPBS. The book was published in December 1968 just as the Committee was preparing itself for the main body of evidence. The attention of members was drawn to the book by a review by Peter Jay published in The Times. Jay's articles had already made an impact upon the minds of some of the younger Committee members. Jay himself was an important source of information about the application of decision-making techniques in Government and has made himself a journalistic specialty in this line. (His father is Mr. Douglas Jay, MP). Austen Albu noticed the review and obtained a copy of the book "from a brother in law or some such relation at Harvard". (Mr. Albu's wife is the Social Scientist Marie Jahoda). Albu read the book and passed it on to interested members including Mackintosh, Marquand and Howell. James Robertson, the Specialist Advisor, also read the book and was impressed with its argument.

The Politics and Economics of Public Spending is an essay by the man who was Director of the U.S. Bureau of the Budget when President Johnson introduced PPBS throughout the Federal Administration. It is an essay in the more or less defunct discipline of Political Economy. It provides a reasoned account of the political consequences of employing systems analysis (or as Schultze prefers to call it systematic analysis) as an aid to political decision-making. Schultze attempts to distinguish political from technical decisions. Political decisions are decisions about values; technical decisions are about how to achieve the objectives chosen by political decision-makers.

PPBS can help to make the decision making process more meaningful for Politicians for it provides them with a greater amount of information about the consequences of their alternative choices. It tells us what so much of output X would cost and what so much of output Y would cost, and by so doing helps the politician select his mix of X and Y goodies. But PPBS and related techniques cannot, in Schultze's view, replace the political process of determining which goodies to choose. It simply tells the politicians what would result from choosing more of X and less of Y.

While the use of this system should in theory aid the political decision maker it may in practice have some adverse effects on the political process. It can mean greater concentration of power in the hands of the Executive. In the U.S.A. the need to concentrate on ends or objectives may alter the traditional structure of Government. For some objectives are better achieved under regional government covering large areas e.g. water resources. This may mean that traditional State and Local governments might be replaced for certain functions. In Britain the concentration of power would enhance the position of the Executive; the Permanent Secretaries; the Treasury; the Cabinet; and the Prime Minister. Already, in U.S.A. the tendency of the system to concentrate power in the hands of the Executive has aroused the hostility ofsome Congressmen. And apathy is likely to be aroused in politicians rather than heightened political awareness if they are not themselves experts in the new techniques and have no time and inclination to learn about them.

While Schultze pointed out the difficulties of introducing such a system as PPBS into Government on balance he favoured it. This technique concentrates attention on the important side of the outputs of Government rather than on the inputs. It forces politicians to concentrate their attention on the ends and not on the means of

politics. Ends must be carefully considered because the techniques of PPBS, Output Budgeting and Accountable Management cannot be operated unless ends or objectives are clearly defined at each level.

The crucial point in Schultze's book which was of interest to our Committee was that the use of the new techniques of decision making relied on the clear definition of political ends or objectives. Schultze put forward the view that the process of defining the ends or objectives should be undertaken by politicians, not by the experts producing the tables and figures. The Civil Servants, Economists, and technicians must not have a monopoly of knowledge and information regarding public expenditure, for as Schultze pointed out 'Knowledge is power'. The Committee had to find methods of ensuring that evaluation of objectives or ends remained a political process and did not become part of the technical process. Parliament would have to reorganise itself in some fashion to ensure that it obtained enough information and knowledge to make critical assessments of policy decisions.

Summary of the Evidence

The general impression of the Departmental evidence is one of extreme caution. The positive steps were those proposed by the Treasury - that there should be publication of an Expenditure White Paper each year and that there should be a debate on the Floor of the House on this White Paper. The White Paper would be based on the PESC report which was sent to the Cabinet and so, although this was never stated, the Cabinet could control exactly what parts of the PESC report did, and what parts did not, appear in the White Paper. This position, that the White Paper should be published each year, had clearly been agreed upon in the Treasury before the Committee met. Control over the flow of information from the Departments on plans and on the assumptions on which plans for expenditure are based

was the point at which the witnesses became cautious. They did not think that a Select Committee enquiry into the way in which the White Paper figures were reached would be desirable. When faced with the really sticky questions the departmental officials often sheltered behind the stock answer that 'It is the Minister to decide that, not for me'. But the general tenor of the official answers revealed quite clearly that the Civil Servants were not in favour of the development of any structures in the House of Commons which might be able to probe into figures in expenditure plans and into assumptions, for they feared the consequences of publication. Probing by finance-based Select Committees, whether on the expenditure or on the taxation side, would allow too much speculative and provisional information to be made public. In the case of taxation it was suggested that publication of proposals would lead to speculation about tax changes, and in the case of expenditure it was considered that knowledge of the assumptions on which econometric models are built could lead to excessive pressure from wage claims. Information about assumptions of income levels would give a guide to the Trade Unions on how much they could bargain for, and this the Civil Servants thought, would tend to move things up faster than they would otherwise have moved. This answer was related to the political facts of the period for in the year 1968-9 the Government was very concerned about the level of wage rises. It was therefore a particularly sensitive issue. General debate on the division of expenditure blocks between general levels of priorities was considered, on the other hand, to be a relatively harmless political activity but Committee probing and the release of too much information would possibly prove harmful to the smooth conduct of day to day Government.

Popular views on the secretive nature of British Government and the effective smokescreen provided for Ministers by Civil Servants are amply borne out by analysis of this evidence. A view emerged

that the place to debate policy questions is the Floor of the House (which can be controlled by the Front Benches and rendered harmless) not the Committee room, for Committees might probe and enquire and want to know things better left undiscussed. Committees might actually improve communications, and for that reason they were not favoured by the Government and by their Civil Servants.

The Departmental witnesses spoke of the advantages of the new systems of PPBS, Output Budgeting, Accountable Management and Management by Objectives being introduced into the Civil Service. They thought that it would take 'about a decade' to introduce the system throughout the Civil Service. The system would (a) help Parliamentary control by clarification of goals and objectives which could be debated on the floor of the House and (b) take away from the House the necessity for fine detailed control of candle ends and put this type of control more into the hands of Civil Servants responsible for blocks of work. Once again discussion of these techniques emphasised that the Parliamentary role was to debate the high level questions of priority allocation, to set the goals of the system. No witnesses were prepared to state that they were in favour of Select Committees which would take over consideration of priorities and policies. Select Committees might be useful for elucidation of assumptions behind policy choices, but not all witnesses were even particularly keen on this idea.

The evidence of other persons, the Academics, Clerks, and 'others' all stressed the importance of the Government yielding up more information to Parliament. It was indicated that Parliament's job is to debate policy and to check and scrutinise the administration. If it was to perform these functions effectively it required to know what the policies were and how they were arrived at. It required more information. Most witnesses agreed that questions of resource allocation between competing Government services were 'policy' matters

best debated on the Floor of the House. Some witnesses also saw a role for Committees in this sphere. But the general view was that Committees should not be engaged in questions of high level policy but should elucidate the Government's figures, and should investigate the assumptions and bases on which projections of expenditure had been produced. They should question not the policy itself but the manner in which the policy had been reached, the decision making process. Some witnesses, however, expressed concern that this sort of activity might appeal only to a small number of MPs.

Two distinct views emerge from an examination of the evidence. On the one hand were the Departments hanging on to their facts, figures, and tables, shielding the Minister from embarrassment behind a cloud of secrecy. On the other hand were suggestions that the flow of information to Parliament should increase so that it could take a more effective part in the political process, especially in the process of control. No-one, however, who gave evidence to the Committee, made the radical suggestion that Parliament itself should make policy decisions although some felt that the provision of more information would give Parliament more opportunity to 'influence' policy in debate. Some witnesses clearly thought that control of expenditure was a key to control of Government policy and that any methods of improving Parliament's ability to control public expenditure would enhance the position of Parliament in the Constitution.

PART FIVE

THE REPORT

A Select Committee makes only one report, it does not issue minority reports. Once the report is published it represents the views of the whole of the membership even though there may have been divisions on certain sections of the report and adverse votes cast. Members who fundamentally disagree with the report can vote against it, or they may also show their opinions by presenting another draft report and having that voted upon. But once the report has been voted upon and accepted then it reflects the view of all the Committee, not just those who have voted for it. In the case of the 1968-9 Select Committee on Procedure there were no divisions on any section of the report, and it was adopted unanimously. Drafts of the reports were laid before the Committee in its deliberative sessions and disagreements ironed out before the final draft was written, presented, and agreed to.

Building the Consensus - Attitudes

The first basis for the consensus which developed among the Committee members was the degree of like-mindedness among the Members. In Part One of this Chapter we indicated that there was a range of views among the members on the subject of the function of Parliament and its position vis-a-vis the Executive. But the range of views among the members was not too wide for a consensus to develop. There was no member of the Committee who expressed a desire for an all-powerful Executive and weak Parliament on the Moseley or Cripps model (see above p. 31) and there was no out and out Benthamite, although one member of the Committee was in favour of greater participation by

Parliament in the decision-making process. The range of views held by the members of the Committee leant towards the view that Parliament should be strengthened in its ability to control the Executive, that it should 'influence' the Executive, but that it should not take the governing function upon itself. To this degree the members of the Committee were 'reformist' although no members were of a revolutionary cast of mind. The Committee members at the outset also agreed that the 1966 Crossman Committees had contributed little to Parliament's ability to control the Executive, especially in the area of control over Public Expenditure. There was almost universal dissatisfaction on the part of the Committee members with the 'specialist' Committees and a feeling that a better system of Committees could be devised. By the end of the enquiry the more conservative members had accepted much of the 'reformist' position and the 'reformists' had accepted the view that there was a limitation on the powers of Parliamentary Committees to control the Executive and to debate matters of high level policy. One member described the shift in attitudes:

> Initially there was a clear divide between 'Liberal' and 'Conservative'. Albu and Turton were in the middle. Then what happened was that there was a perceptible shift. Selwyn Lloyd joined the 'Liberal' camp.... Austen and Selwyn felt they were being pushed along by Robertson. Then Selwyn was irked by the rather negative replies he got from the Treasury officials and this pushed him rather to the left. So the division broke down and in the end there was a consensus.[1]

The members of the Committee reached a consensus on the following points, (a) that Parliament needed new structures to strengthen its ability to control the executive, (b) that the Floor of the House was the place to debate matters of policy, (c) that more information was required by Parliament and, (d) that a new Select Committee on Expenditure with specialist sub-committees should cover the work of the existing Estimates Committee and should explore more closely the public expenditure proposals.

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[1] Interview.

Strategies of Consensus Building

Several factors aided the development of a consensus on the Committee:

1. Cohesion

The tendency towards a consensus in the Committee was strengthened by the cohesion of the group. Several members had worked together in the Committee on previous enquiries and there were other ties binding the members together.

2. The Chairman's Role

Many of the members noted the importance of the work of the Chairman in building a consensus among the members in the Committee. He used various strategies. (a) Selection of like-minded Committee members, (b) selection of witnesses to present a particular point of view and, (c) his methods of conducting the enquiry. One member said of the Chairman:

> Last year at the beginning there was a faction consisting of Robertson, Chapman, Mackintosh and Marquand.... and then I persuaded David Howell, who was interested anyway in the topic to come on to the Committee.... Chapman knew that he had to carry the older members with him - it would have been disastrous to have an old/young age split - that dubs us those wild young things... there was a need to let them have a fair crack of the whip at the questioning.[1]

3. Pasting over the Generation Gap

The younger members of the Committee exhibited a degree of deference towards the older members which help to close the generation gap. The younger members considered that the older members ought to make some of the running in the questioning. A new young recruit to the House of Commons who found himself sitting next to a man elected to the House before he, the younger man, had been born, next to the Father of the House or an ex-Chancellor of the Exchequer was, if not awed, at least inclined to act in a deferential manner towards the older man. He allowed him to 'make the running' in the questioning in a way which

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[1] Interview.

he might not have done had his neighbour been his own contemporary.

4. The Need for Support

The younger more 'reformist' members of the Committee indicated that if they were to get their ideas accepted by (a) the Government and, (b) the House of Commons at large they needed to gain the support of the older members:

> We could have got up an Estimates sub-Committee to make this sort of enquiry and put our friends on to it but an Estimates sub-Committee wouldn't have carried the weight that the Procedure Committee does because of people like Turton, Irene Ward and Lloyd. This is why we would work through the Procedure Committee and carry these people along with us.... The senior members have to be jollied along.[1]

Another member indicated that it was important to gain the support of older members who represented a particular section of the House of Commons, the 'Tory squires' for instance. This sort of support was necessary if the House of Commons was to accept the Committee's proposals.

5. The Influence of the Evidence

It is not easy to weigh up the relative importance of attitudes and information in the production of the final report. No statistical devices to measure the effects of these variables accurately could be devised from the sort of information currently available to a student of Select Committees of the House of Commons.[2] In the absence of a more precise tool of measurement for attitude change we will have to make some general observations.

One very important factor in building the consensus among the Committee members seems to have been the nature of the evidence

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[1] Interview.

[2] Such measures could be devised only if suitable access to Committee members could be arranged. But no members would be willing to give up the necessary time. Two attitude surveys would have to be made, one prior to the enquiry, and one after it had finished. During the course of the enquiry interactions and communications between the members of the Committee and between the sources of information (witness, books etc.) would have to be charted to draw up a sociometric chart showing communications networks.

presented to it. We have indicated above that the information presented to the Committee was selective, (a) because it was taken from a small circle of interested people (a 'horizontal' communications network) and (b) because the most active members of the Committee and the personnel had the most influence over the choice of evidence. These were the members with a more 'reformist' view. It is perhaps not surprising that the evidence should have assisted in the conversion of some members towards a more 'reformist' view.

The evidence presented by the Government departments and by some of the outside witnesses who described the use of new decision making techniques in Government indicated two things which might have been expected to make a House of Commons man a little fearful for the powers of Parliament to control the executive when these methods came into full use. These factors re-inforced the feelings of the Committee members that there was a need to strengthen Parliament. One factor having this effect was that the new techniques were extremely sophisticated and relied upon assumptions, statistical models, and a great deal of information. Members might not understand the techniques in detail but they should rightly be alarmed at the production of models of the economy and of projections of government expenditure upon which they were unable to comment for lack of information and understanding. The second factor which must have influenced attitudes towards acceptance of the 'reformist' view was the general attitude of secrecy exhibited by the Government witnesses. Such expressions of secrecy must surely be guaranteed to increase the hearer's desire to know what is going on for they serve to whet the appetite and to develop feelings of curiousity. The outside witnesses had stressed the importance of information in the use of the decision-making processes under review. If Parliament was to be able to scrutinise these processes then it too would require more information.

In a sense the Government and its Civil Servants damned themselves with their own evidence, and with the extremely cautious attitude taken towards publication of more information. By the end of the enquiry even the least 'reformist' Committee member could not help but be convinced that Parliament was sadly lacking in knowledge of what its administration was up to.

The Report and Its Recommendations

The Report of the Select Committee on Procedure was relatively short and to the point. After a few paragraphs outlining the genesis of the enquiry it considered the weaknesses of the existing arrangements of the House of Commons for the Control of Public Expenditure. Total Public Expenditure included local authority spending and capital expenditures of the Nationalised Industries. But only about two-thirds of the total of Public Expenditure goes through the House of Commons in the form of the Annual Estimates. Public Expenditure is now subject to forward planning projections made in the Treasury but no device for control over this planning which covers total Public Expenditure has been developed by Parliament. This means that Parliamentary discussions of annual cash expenditures are not based upon adequate knowledge of the long term plans into which annual expenditures fit. Moreover, as the system of Specialist Committees developed after 1966, so control of the Estimates has been further weakened by the run down of the Estimates Committee.

A new 'Circle of Control' should therefore be devised. This would allow for

(a) discussion of long term expenditure plans

(b) examination of the means being adopted to execute policies

(c) retrospective scrutiny of the results achieved, and the value for money obtained.

The executive should be encouraged to help these developments by introducing Output Budgeting and systems of Accountable Management throughout the Civil Service.

The Committee suggested that an Expenditure White Paper should be presented to Parliament in November of each year and should be debated by the House of Commons for two days. Adequate information should be provided to Parliament including the Medium Term Economic Assessment so that Members could understand the figures before them. At the same time the Vote on Account should be published (to cover the months of April to July until the Annual Appropriation Acts are passed).

After Parliament has debated the White Paper a Committee on Public Expenditure should consider the expenditure proposals in detail. This proposed Committee would replace the Estimates Committee and would have wider terms of reference. It should have a general sub-Committee to examine the White Paper projections in toto and to co-ordinate activities of its sub-Committees. There should be eight sub-Committees of nine members each.

The sub-Committees suggested were:

Industry, Technology, Manpower, Employment

Power, Transport and Communications

Trade and Agriculture

Education, Science and the Arts

Housing, Health and Welfare

Law, Order and Public Safety.

Defence

External Affairs.

Each of these sub-Committees would have the job of studying the expenditure projections for the Department or Departments in its field. It should examine the implications of the particular policy choices

made by Ministers and assess the success of the Departments in attaining them. It should enquire, on the lines of the present Estimates Committee, into Departmental administration including the effectiveness of management.

The Report also recommended that the Public Accounts Committee and the Select Committee on Nationalised Industries should be retained and should continue to fulfil their present functions.

The final paragraph of the Report read:

> The extent of control by the House of Commons of public expenditure depends on the relationship between the House and the Executive. Although there are limits to the degree to which Governments can be expected to disclose their plans and future thinking, yet over the years the power of the executive has tended to increase, and this tendency has left its mark on the working of Parliament. Your Committee believe that the main outline of the proposed changes in procedure should be embarked upon without delay if the House is to develop its proper influence in these fields.[1]

PART SIX

THE RECEPTION OF THE REPORT

1. Press Reception

The 1968-9 Report of the Select Committee on Procedure got rather more notice from the Press than did many earlier reports on Procedure. This was due to the fact that its recommendations were designed to increase the influence of Parliament over the Executive in its sphere of Public Finance. It dealt with a topic of interest not only to the general news and editorial journalists but to the growing band of writers on economic and business news with an interest in management techniques who write for the city pages and business sections

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[1] H.C. 410 of 1968-9, p.xviii.

of the daily and Sunday press. Such special sections had scarcely existed ten years previous to 1969. Most of the 'heavy' papers found space in their business sections or in news or leader columns, and sometimes in both, to comment on the report. The quality of the articles and reports varied considerably, and so did their content but there was emphasis on the importance and consequences of the introduction of new methods of accounting and budgeting by the Civil Service - called in many of these reports 'output budgeting' although by 1970 the term PPB (Planning, Programming, Budgeting) has more or less replaced the term 'output budgeting'. Many papers had both descriptive news reports and analytic articles either on the leader pages or in the business section leaders. One notable feature of the Press coverage of this report is that several members of the Committee were themselves the authors of Press comments on the report. This is yet another instance of the smallness of the community interested and knowledgable in the topics under discussion.[1]

Three of the 1968-9 Committee are, or have been, journalists either full- or part-time. Mr. Marquand had been a leader-writer on The Guardian and a contributor to New Society, The Times, The Sunday Times and other papers. Mr. Mackintosh had written political comment for The Times and other papers and journals and Mr. Howell was formerly a writer on economic affairs for the Daily Telegraph. He has written a long list of articles on the subject of PPBS.[2]

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[1] As will be seen in the analysis of the debates on Procedure members of the Committee tended to dominate discussion. This trend of Committee members to take a particularly large share in debates on their subject has been noted elsewhere in reference to other Committees. Mackintosh, Specialist Committees, p.15. It is an example of the tendency to horizontal communication noted by Richard Rose, op.cit. and Windlesham, op.cit.

[2] See appendix.

Mr. Howell's article on the Report was the first to appear. It was printed in The Times on Friday September 19th, 1969, the day on which the Report was due to be published at 11.00 a.m. The timing of the article gave rise to some embarrassment. When another article appeared on the same topic in The Times Business News the next day it was necessary to print an apology. The Report by Mr. David Howell had been printed on the wrong day due to a 'misunderstanding'. It did however provoke an attack from Mr. Douglas Houghton, Chairman of the Parliamentary Labour Party, who asked the Speaker of the House of Commons to look into the 'leak' which Mr. Houghton regarded as a breach of privilege. It was bad enough that The Times had made the mistake of printing the article a day early, but it was worse that the offending article was actually written by a member of the Committee which had produced the Report. Mr. Howell's article dealt with the detailed topic of output budgeting rather than with the general comment on the Select Committee Report and its findings, although he commented closely on the Treasury evidence and that from the Department of Education and Science. The detailed findings and recommendations of the Committee were reported by The Times as by other papers on the following day, 20th September, after the Report had been officially published at 11.00 a.m. the previous morning September 19th.

The articles by Mr. David Howell which appeared in The Times on September 19th discussed the subject which interests him so greatly, and on which he has written many articles and made many speeches - what he and others referred to in the 1970 General Election as 'A new style of Government'. The 1968-9 Select Committee's interest in output budgeting, stated Mr. Howell, could prove to be the most significant contribution which it has made. Unlike Mr. Peter Jay, also writing in The Times, who in several articles contrasted the British experience unfavourably with the American experience, Mr. Howell stated that the fact that the legislative branch in Britain

was pressing the executive to adopt new methods of accounting contrasted with the American experience where the legislature, with its entrenched Committee system, does not want the administration to introduce methods which might conflict with its relationship with the executive. The Washington Committee system, stated Mr. Howell, with its own counter-bureaucracy, does not welcome new methods which call for constant reappraisal of objectives.

Mr. Howell criticised the evidence given to the Committee by the Treasury for not being 'with it'. The Treasury, he stated, is occupied at once with higher things - overall scrutiny and planning - and with lower things. It does not get to grips with the middle level of allocation of resources in the public sector among competing alternatives. Other articles also made similar criticisms of the Treasury evidence.

Mr. Howell's interest in output budgeting as expressed in this and his many other articles on the subject is not without political interest. The Conservative party contains a group of members who are concerned with the better management of the economy and with the way in which public spending is organised. They have borrowed ideas from business with which they have many links. These ideas range from corporate planning to methods of measuring output. The more effective use of public resources became one of the points in the Conservative party's policy for the 1970 General Election.[1] Mr. Howell's claims for the PPB. system were not modest:

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[1]The Conservative Party's record as planners is impressive. All the enquiries referred to as part of the Genesis of the 1968-9 enquiry took place in the Conservative years, e.g. the Plowden Report. The examples of planning in the Government service given in the report as part of the implementation of Plowden ideas (and even before) such as the Motorway Plan, the Hospital Ten Year Plan were developed by Conservative Governments. The Conservative years also saw the seeds of the Economic Regional Planning Boards and Councils. See A. Robinson, Regionalism and Parliament, research paper for the Study of Parliament Group. Unpub.

> It is this kind of information flow which will give to the Prime Minister and his Cabinet a greater degree of control of the processes of Government and which at the same time will allow parliamentary scrutiny of public expenditure to become something more than the charade it now is.[1]

Mr. Howell thus saw PPB as providing a more rational method for the allocation of resources, and a hinge on which more satisfactory democratic control of the use of public money could be achieved.

On 16th October 1969 an article by David Marquand, also a member of the Committee, appeared in New Society. Mr. Marquand's article concentrated less on the technical advantage of the techniques and more on the democratic advantages of accounting by objectives. His article was entitled "Stand - on questions of value". Mr. Marquand went straight to the heart of the matter. He referred to the subject which the Committee studied as "the guts of politics". The guts of politics was in Mr. Marquand's estimation a matter of being concerned with the ability to control policies through control of the public purse-strings. He was following the theory that the control of expenditure will lead to control over the political ends which should be sought. The introduction of new techniques to aid rational decision-making which allow for evaluation of the ends or values of society as well as of the means for achieving these (the evaluation of expenditures), should lead to more constructive discussion of the ends or values of society. But Mr. Marquand is sanguine about the prospects for achieving better facilities for such discussion in the House of Commons:

> The section of the Report dealing with the Committee structure of the House of Commons is likely to provoke the stiffest resistance. The Committee system is a patchwork quilt

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[1] David Howell, The Times, 19th September, 1969.

> which covers part of the administration bed much more completely than is needed, and does not cover other parts at all.[1]

Defence, pointed out Mr. Marquand, which absorbs £2,000m. of public money per annum, has no Committee; overseas aid which absorbs £200m. will have had two Committee enquiries in this Parliament.[2] The recommendations for a systematic and coherent Committee system put forward in the Report, thought Mr. Marquand, would enable Parliament better to make choices between conflicting and competing alternatives: for example, roads, or environment pollution; nursery schools or Universities. Here he was making a similar point to that made by Mr. Howell - that there was no effective Parliamentary machinery for rational evaluation of the value of different alternatives to the system. Choices like these, stated Mr. Marquand, are and must always be political. They involve fundamental questions of value. And thus they need to be taken in the light of public discussion and debate:

> The question now is whether a reforming government has the courage to make this more possible than it has ever been in this country so far.[3]

But in his view the record showed - up to 1970 - that the Government had not exhibited a reforming zeal on this matter, preferring to think the thing over and move slowly.

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[1] New Society, 16th October, 1969.

[2] On the question of matters like Defence and Foreign Affairs opposition to Parliamentary Committees by the Government has been responsible for the lack of enquiries. See P.G. Richards, Parliament and Foreign Affairs, London, 1967.

[3] New Society, 16th October, 1969.

Yet another member of the Committee to produce a long article on the Report was Mr. Selwyn Lloyd, one of the senior members of the Committee. On Sunday 26th October his article appeared in the business section of The Observer. Mr. Lloyd referred to the Report as:

> In my opinion, the most important report produced by any Select Committee on Procedure for many a long day.[1]

Not only was pride of authorship involved in this judgement but Mr. Lloyd said that this was the most arduous assignment in that field which had fallen to his lot. Mr. Lloyd objected to the notion of 'control' of Public Expenditure but stated that what Parliament could do was to 'scrutinise' expenditure. Here we return to the familiar arguments about whether Select Committees should or should not discuss 'policy' matters, and indeed what is 'policy' and what is 'administration'. This matter of distinction has bothered many members of and commentators on Select Committees and was once resolved by Mr. R.A. Butler who referred to 'administrative policy'.[2]

Like Mr. Marquand, Mr. Lloyd expressed fears that the Government might frustrate the Committee's work by doubt and delay (these fears were perhaps justified in the light of the subsequent non-events with regard to adoption of the Select Committee's proposals):

> I really believe that the acceptance of our proposals would be a notable step forward in Parliament recovering the power

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[1] The Observer, 26th October, 1969.

[2] Several members referred to this story in interviews. For the problems of distinction see Johnson, The Member of Parliament and the Administration, also David Coombes, The Member of Parliament and Administration.

> effectively to scrutinise the performance of the executive. And that ought to be one of Parliament's most important jobs.[1]

The three articles considered here were all, as it were, by interested parties. Each one referred to the need for Parliament to look at policy alternatives, but Mr. Selwyn Lloyd's was less concerned with the evaluation of alternatives which he would regard as a policy making function and one more appropriate to the Executive than to the Legislature. Mr. Lloyd was more concerned with what he called 'scrutiny' of the Executive, meaning the way in which it prepares for its expenditures, and undertakes them. Mr. Marquand's use of the word scrutiny, which he stated in interview that he preferred to 'control' had a wider meaning. All three of these members expressed concern in their articles that the Government might be slow to take up the Committee's recommendations.

The main publicity for the report and its recommendations came on September 20th, the day after the report was published. Articles and news reports appeared in The Times, The Daily Telegraph, The Guardian, The Financial Times and The Scotsman. The Times ran a long article in its Business News by Hugh Stephenson. This article described the report and its recommendations. Like the articles examined above this one, too, seemed uncertain about the reception which would likely be afforded the recommendations by the Government:

> Treasury reaction to the proposals may be mixed. Certain sections have been alarmed at the more extreme statements by members of the Select Committee and fear that the conduct of orderly business would be impeded.....
>
> But the main decisions on how to treat the report lies with the Government. Some senior ministers are strongly against

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[1] The Observer, 16th October, 1969.

> more open and informed discussion of the machinery of Government by Parliament.[1]

The Guardian which had both an article and Leader comment stated in its Leader that the proposal that the House of Commons should take part, in effect, in the discussions about long term economic planning which would allow members to influence Government expenditure was of great importance:

> This is an immensely important proposal which, if accepted, would restore to the House of Commons much of the power to control policy which it has lost and would enable it to take part effectively in a vital decision-making process which Ministers and departments have so far kept to themselves. Parliament also could participate again.[2]

The Daily Telegraph also printed an article, a news report, and a leader, in favour of the report's proposals. The Telegraph's writer stated:

> Might not scrutiny of expenditure projections for the future, before, as it were, they were actually spent, cause Governments to draw back in time from their more ludicrous follies?[3]

The Scotsman regarded the proposals as 'revolutionary'. And added 'they are a decided step in the right direction and the report would make a watershed in the history of Parliament'. The Scotsman's leader referred to one of the traditional functions of Parliament - that it should act as a watchdog on behalf of the taxpayers. The need for budgeting for many years ahead and the need for keeping the growth of public expenditure within limits justified by the increase in the national income have pointed up the limitations of the Estimates Committee and the Public Accounts Committee as instruments of control. The Scotsman editorial writer referred to the use of 'output budgeting' in which the expenditure incurred is judged on the basis of the resulting

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[1] The Times, 20th September, 1969.
[2] The Guardian, 20th September, 1969.
[3] The Daily Telegraph, 20th September, 1969.

product or output as an instrument of control. The leader ended with the suggestion that a start should be made 'without delay' in implementing the Committee's proposals.

Thus the Dailies all came down strongly in favour of the proposals which they saw as a means of strengthening the power of Parliament vis-a-vis the Executive. And they saw a need for speedy introduction of these reforms, while realising that the Government might be less than enthusiastic.

The Financial Times left its main comment until the following week, after the articles in The Sunday Times, and other Sunday papers. In the Sunday Times Business section of 21st September Peter Wilsher produced an article entitled 'Why Britain needs an Output Budget'. Unlike other commentators notably Mr. Howell who considered that the executive branch was pressurised to modernise by the legislature Mr. Wilsher thought the boots were on the other feet, and that new techniques were being introduced into Whitehall while Westminster remained in "the paper-clip age". The present methods of accounting and budgeting mean that the important issues such as how many lives are going to be saved by a certain expenditure and whether more could be saved by less expenditure in another sector are never debated in Parliament whereas an output budget system would focus on the outputs and encourage more discussion of the objectives, or the ends of policy decisions. Wilsher came down heavily in favour of more use of output budgeting because it focusses attention on the ends rather than on the means of political expenditure.

A few days later the Financial Times put out their main comment on the report in the shape of a long article by their political editor, David Watt. Watt found that the various streams of thought which went into the production of the report led to "a fairly classic

confusion of aims". This seemed a particularly well-informed article with respect to the political behaviour of the members of the Committee.[1] The Report seemed to Mr. Watt to be fairly coherent on the surface, with its recommendations that a new structure of Committees be substituted for the old rather ineffective Estimates Committee; but:

> The radicals have managed to import the phrase about "reporting on progress made by Departments towards clarifying their general objectives and priorities" because they feel that this will give MPs the key to discussing any policy decision they choose. The Conservatives, in the next paragraph, have made it clear that they still propose to leave "policy making" to Ministers; and the modernists have gone haring after the need to introduce up-to-date management methods "programme budgeting", "accountable management" and so on - to Whitehall. Between them all, the Government and the Civil Service seem quite likely to slip through the net altogether.[2]

As Mr. Watt saw it the problem was to define at which level Parliament could best organise itself to 'control' public expenditure or in his words to "influence policy formulation".[3] The important level to control according to Mr. Watt is the level at which the major parts of the public expenditure programme are discussed. The level of how much private and how much public expenditure is dealt with already by the parties in their battles in the House. And the lower levels - how much motorway here and how much there, are dealt with best at lower levels of responsibility. The point at which Parliament could be most effective, said Mr. Watt, is at the inter-departmental level where at present the only referee in the 'interdepartmental bunfight' is the Treasury. Like Mr. Jay, of whom more below, Mr. Watt was enthusiastic about the idea of a single Committee reviewing the Government's expenditure priorities. He was less enthusiastic about the prospects of the Committee's proposals and their eventual fate at the hands of the Government.

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[1] Watt is also part of the "Horizontal Communication link" described above.

[2] The Financial Times, 24th. October, 1969.

[3] Mr. Watt's use of the word 'control' is stronger than that of some other writers.

The Economist had earlier made comment on the report. They were critical of the shortsightedness of the Committee in not looking towards the experts in cost accounting who abound in business.[1] On the list of persons who gave evidence they commented:

> From this list nobody would imagine that the problem of controlling expenditure and securing value for money even exists outside Whitehall, let alone that techniques for dealing with it have been developed for three hundred years. Because qualified accountants have their own professional bodies and circulate around the private sector and local government, so also do their ideas, methods and techniques circulate. But this movement bypasses Whitehall.[2]

This passage deserves comment. Firstly one member of the Committee, qualified as an accountant, indicated in interview that he considered that the 'new techniques' which were being discussed were not really very new, that cost-control in business had long been practised and that the new names for the techniques of accounting were really new labels for old bottles. Secondly several members mentioned in interviews that they circulated in a very small world, and that this put a limit on the number and variety of people who might be called to give evidence. The Econmist contrasted the numbers of accountants to be found in Whitehall with the numbers in Local Government and indeed systems analysts and experts in PPB are perhaps now thicker on the ground in local government authorities than in Whitehall. The Economist concluded:

> before the House of Commons Committees plunge too deeply into management audits of Government departments, they should ensure that modern methods of financial mangement and control are appreciated in Whitehall.[3]

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[1] It may be the case that had more Conservative members with big-business interests taken an active part in the selection of witnesses more cost-accountants would have appeared. The Conservative party's interest in business methods is indicated by appointments made by Mr. Heath to the Civil Service after the 1970 General Election. Experts from such firms as Marks and Spencer are now working in the Civil Service in order to promote efficiency.

[2] The Economist, 27th.September 1969. Once again attention is drawn to the horizontal and non-overlapping nature of communications networks in Britain.

[3] ibid.

Thus the Economist inclined rather to the view held by David Howell that the legislature in Britain is taking the initiative in pressing the executive to adopt new techniques and that the executive seems slow to get on with reforms. The Department of Education and Science, for instance, presented as evidence to the Committee in early 1969, a feasibility study on the introduction of PPB into the Department. A year later it published the same study, still simply in the feasibility stage and gave no indication that the Department had made much progress with the introduction of the system.

Finally in this section on press reception we refer to the articles in The Times by Peter Jay, its Economic Editor and one of the more influential journalists in this field. Jay has written much on the topic of introducing reforms into the decision-making structures of the administration. Before becoming Economic Editor of The Times he was a Civil Servant himself. Several members of the Committee and the special advisor knew Jay personally, and his background and knowledge make him a member of the circle of interested outsiders. It was his articles which prompted at least one member of the Committee to take a particular interest in the enquiry and to ask to be put on to the Committee.

Jay waited for a while before making comment on the report. Two articles appeared, one on 6th November and one on 11th November. In the first of these articles, written from Washington, Jay commented on the openness of American government and hailed the Select Committee report as the only ray of sunshine on the British horizon:

> The real impotence of Parliament in recent years has stemmed neither from the veniality of legislators, nor from the power of the Party Whips, nor from the lack of fancy specialist committees. The basic source of its paralysis has been Parliament's total failure to apply itself to its fundamental role. This is to monitor the activities of the executive at the formative stage; namely when and where the strategic allocations of resources are made.[1]

[1] The Times, 6th November, 1969.

Jay commented on the Treasury:

> real praise is due to Jack Diamond, the Treasury's Chief Secretary since 1964, for his rare fortitude and dedication in selling this method of control to his ministerial colleagues and then in persuading them to allow Parliament itself - as they say here - "a piece of the action".[1]

The reforms proposed by the Select Committee, Mr. Jay stated, were not the full answer to a stronger Parliament, but simply a modest step in the right direction:

> Eventually Parliament must get to the point where it separately and successively debates (1) the medium-term economic outlook and policy; (2) the required size of the public sector in the GNP in relation to the desired level of taxation; (3) the allocation of public resources between the main functional blocks of expenditure (defence, education etc.) and then, (4) the progressive sub-division within each block.[2]

Mr. Jay also pointed to the failure of the Committee to make any recommendations regarding the Parliamentary scrutiny of taxation - but this was the subject of the Committee's investigation in the next session of 1969-70 and the members knew that they would be conducting a separate enquiry into taxation.

Peter Jay's second article on 11th November dealt with the need for the wider scrutiny which he mentioned - the need for a Parliamentary Select Committee for Economic Affairs. Here Jay criticised the Treasury outlook and compared it unfavourably with the US Treasury. Examining the written evidence of the Treasury to the 1968-9 Committee Jay pointed to certain paragraphs in this evidence which deserve special consideration. These sentences, he indicated, gave the impression of the deeply negative attitude of the Treasury to public discussion of policy formulations, especially with regard to taxation. The Treasury claimed that expenditure can be more easily discussed in forward looks, but taxation cannot be discussed until the policy is well-formulated - that is

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[1] ibid.

[2] ibid.

until the Budget is settled. Jay pointed to the need for more than the simple provision of better facilities for Parliament to examine expenditure as suggested in the Committee's report. He looked forward to some sort of body which would be able to examine both sides of the financial machinery, expenditure and taxation. He suggested that some separate machinery should be available to discuss tax reforms such as Mr. Robertson's proposed Select Committee on Economic and Financial Affairs. Here Jay pointed to the fact that Parliamentary consideration of expenditure is only one side of the coin and that the Select Committee's proposals dealt with only the one side and that fundamental changes involving also the machinery for scrutinising taxation proposals are needed.

In general then the Press was welcoming in its reception of the Select Committee report. The Report was hailed by the Press as offering an opportunity to enhance Parliament's stature. Some commentators thought that it was merely the beginning of proposals for wider ranging reforms of scrutiny of the Executive, and many writers felt that given the present attitudes of the Executive, the Treasury and the Government it was perhaps unlikely that reforms would be speedily initiated. What the Government thought about the report, and how it was received in the House of Commons are examined below, and there are indications that the Press was right in holding pessimistic attitudes regarding the possibility of speedy reforms so long as the Labour party remained in office.

Reception of the Report

2. The House of Commons and the Government

On the 21st of October, 1969, just over a month after the report was published the House of Commons held a debate on it. This was an unusually swift reaction to a Select Committee report. Many Select Committee reports do not get debated at all, and if there is a debate it

may be months after the publication of the report. In this case a Supply Day was used for the debate, the Motion being moved by Mr. Fred Peart, Leader of the House of Commons. Mr. Peart had no illusions as to what the report intended:

> I can best summarise the proposals as being aimed at strengthening the control of the House over public expenditure, and so to strengthen the position of the House vis-a-vis the Executive.[1]

Mr. Peart stated that he had initiated a government enquiry to see whether the Select Committee's proposals could be implemented. At the time of the debate in October 1969 he was only prepared to accept part of the Committee's proposals. White Papers would be published each year showing the five year forecasts, and these would be debated by Parliament. Mr. Peart did not envisage any changes in the form of the Civil Estimates, they would not be presented in a functional form but would remain as they were.

The part of the Committee's proposals which the Government wished to investigate for itself, and which it was not prepared to implement concerned the suggested new Expenditure Committee. The proposals for this Committee represented, said Mr. Peart:

> a coherent and radical approach to one of the most fundamental problems facing us, namely, the balance of power and influence between the House and the Executive.[2]

The governmental attitude to this part of the report was "Wait and See".

Following Mr. Peart's opening speech came the speeches from the floor. Apart from Mr. Peart's opening speech a total of sixteen speeches was made in just over two hours.[3] Most of the speeches were about 15-20 minutes long, indicating the observance of the unofficial

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[1] Hansard, 788, Col. 967.
[2] ibid., Col. 970.
[3] See Fig. VII.

time limit on debate during Supply Days. Seven of the sixteen speeches were made by members of the Committee, and one by the Minister winding up, Mr. Jack Diamond, Financial Secretary to the Treasury and a prominent witness to the Committee. Several other members were in the House during the debate and made interruptions and interjections during the speeches.

Fig. VII

Participants in Debate on the Report of the Select Committee on Procedure

(21st October 1969)

Fred Peart (Lord President of the Council & Leader of the House)

*Selwyn Lloyd

*Donald Chapman

*David Howell

*Austen Albu

Ian Lloyd

*David Marquand

Eric Lubbock

*John Mackintosh

*James Ramsden

John Mendelson

Sir Spencer Summers

Robert Sheldon

Peter Emery

Brian Parkyn

Eric Heffer

John Diamond (Treasury, Financial Secretary)

Other members who took part by interjections in the debate:

John Boyd-Carpenter, James Dickens, Sir Douglas Glover, Sir Eric Fletcher, Arthur Palmer.

* Member of the 1968-9 Select Committee on Procedure

Debates on Select Committee reports are commonly dominated by the Members of the Committee making the report. This feature of debates on Select Committee reports tends to lessen the educative function of such reports for the converted are preaching to themselves. In this case the domination was noticeable enough for several members to mention the fact but it was not a total domination. Among the speakers in the debate who were not Members of the Procedure Committee there were several Members already known to the House for their decided views on the subjects of (a) the role of Parliament vis-a-vis the executive and (b) the relative merits of the Floor of the House and the Committee room as arenas for political debate and for control of the executive. Of these Members one, Mr. John Mendelson, interrupted Mr. Peart during his opening speech to state his own position with regard to the Select Committees which Mr. Peart was so cautious about introducing:

> Many Hon. Members are opposed to Select Committees on defence and foreign policy and would prefer to see the Floor of the House as the main forum for such debates.[1]

By the time Mr. Peart had finished his speech, two main points, illuminated by such interruptions, had emerged as areas of dispute among Members. These were (a) whether a system of scrutiny committees was likely to add to or to detract from the debates on the Floor of the House and (b) if there was to be such a system should it concentrate on public expenditure or have a wider more 'political' remit.

The first speaker after Mr. Peart was Mr. Selwyn Lloyd. The Report, he said, attempted to work out a system under which the House could more effectively scrutinise Public Expenditure. But he emphasised that the word 'scrutinise' should be used, not 'control' which he thought was the wrong word in the context. As far as the

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[1] Hansard, 788, Col. 971.

debates on the Annual Expenditure White Paper were concerned he stated:

> If the new process is to amount merely to an annual White Paper and a two day waffle about it, no-one will be satisfied.[1]

Mr. Lloyd was followed by the Chairman of the Committee, Mr. Donald Chapman. Mr. Chapman referred to the fact that there had been a split between two different views on the Committee:

> We have what I call 'Ancient and Modern' on the Select Committee. We have some of the very newest Hon. Members and some of us who have been here rather too long. This ancient and modern approach brings out rather good hymns provided that we blend the hymn as we go along. There is great team spirit.[2]

This was a tribute to his own work as a Consensus builder! Mr. John Diamond interrupted Mr. Chapman's speech to raise the question of whether or not a Committee could deal with matters of policy. Mr. Chapman replied that "If some policy probing becomes necessary in that process, then that must happen".[3]

The Chairman referred to the heartening welcome given to the report by the Press and was moved to quote in full a sentence from the Scotsman which stated "These proposals are a decided step in the right direction and the Report could mark a watershed in the history of Parliament."[4]

Mr. David Howell spoke after Mr. Chapman. He kept his remarks largely to that aspect of the enquiry which had particularly interested him, output budgeting:

> As one of those whom the Hon. Member for Birmingham, Northfield, might describe as the moderns as opposed to the ancients on the Procedure Committee.... I do not want to dwell very much exclusively on the Parliamentary side... I want to talk about the administrative side.[5]

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[1] Hansard, 788, Col. 975.
[2] Hansard, 788, Col. 979.
[3] ibid., Col. 982.
[4] ibid., Col. 988.
[5] ibid., Col. 990.

Mr. Howell wished to re-inforce the arguments of the Chairman by indicating that the core of these arguments was an insistence on a systematic approach to government organisation. Mr. Howell stated that there was a need in Government for questioning and that the only way in which this questioning could be achieved was through examination of the costs of Government activities. Money, he said, is the root of policy decisions. And the questioning should be done in some public manner, it should not be secret, private questioning:

> It seems to me therefore, that.... a systematic approach to the activities of government is right at the centre of our Report and ought to be quite near to the centre of the consideration of all those who are worried about the relationship between big and growing government and the individual citizens. It should be at the centre of our concern over the widespread feelings which people have that they are denied access to and denied discussion of the reasoning and arguments that go on behind the taking of major public policy decisions, and indeed minor public policy decisions.... the Hon. Member is absolutely right in saying that this is the issue of major importance for our times. It is raised by the bigness and disparate nature of modern administration. The thing is literally too big for Hon. Members to exert any proper degree of systematic control by general debate.[1]

Control is only possible when the members can dig down into the assumptions behind policy decisions, when the policy decisions are taken apart and their anatomy studied. For this to be done Members of Parliament must be able to question both Ministers and Civil Servants. The concept of Ministerial responsibility has been changed by new administrative practices. The anonymity of the Civil Service will be eroded by the introduction of Accountable Management into the Civil Service, for it will become possible to pin-point accountability on to individual Civil Servants responsible for blocks of work. This would be an advantage to the modern Minister for it would free him from responsibility for all the detailed matters of his department.

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[1] ibid., Col. 990.

Another new and important factor in governmental decision-making is the collection of data or information. A modern executive needs to have much data, machinery for data collection, and for organising flows of information along the appropriate channels. How is this to be achieved in government? 'One is arguing' stated Mr. Howell, 'for a more powerful Treasury'.[1] A more powerful administration which relies more and more on information in the making of decisions will inevitably mean that Parliament, too, must have more information available to it if it is to provide for a democratic check upon a powerful executive.

The importance of information for decision-makers in modern government was a point taken up by later speakers. Mr. Ian Lloyd who spoke next but one after Mr. Howell was concerned especially with the flows of information between government and Parliament. According to Mr. Lloyd the central issue at stake in the debate was the position of the House of Commons in relation to the executive. Executive power was increasing and an important factor here was the computer. The computer is:

> Tipping the balance as between the Executive and the Legislature not only in Britain but throughout the world, in a way in which it has not been tipped against the Legislature for centuries. This is the key point in my analysis.[2]

Mr. Lloyd quoted the evidence of Daniel Moynihan to the U.S. Congress Organisation Committee which indicated that Congress should establish an office of legislative evaluation in the General Accounting Office to review program evaluations and PPBS judgements made by the executive departments.[3] Control by the Legislature over the use of such

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[1] Hansard, 788, Col. 994.

[2] ibid., Col. 1002.

[3] The General Accounting Office performs functions similar to those of the Office of the Comptroller and Auditor General in Britain.

techniques is not effective unless MPs have access to "non-confidential data-banks of the executive".[1] There should be "data terminals having access to data-banks" provided in the Parliamentary buildings for the use of Members who wanted information. There is, Mr. Lloyd concluded, a need for an awareness of the revolutionary change which the computer has introduced into Government.

Mr. Austen Albu spoke after Mr. Howell, and before Mr. Ian Lloyd. Mr. Albu also pointed to the "really radical nature ..... of the changes taking place in Whitehall, and which the Committee presses the Government to proceed with further."[2] But Mr. Albu pointed out that these new techniques were only part of the political decision-making process:

> I must give a warning to the management enthusiasts speaking as an old management enthusiast myself but never a management fanatic. Government is not business. There are very complicated techniques.... for helping the process of decision-making, but they do not avoid the necessity, particularly in politics - in government - for making social and political judgements.[3]

Mr. Albu's view of the relative importance of information and of political judgement in the process of decision-making was clearly similar to that put forward by Charles E. Schultze (see above p.251f). Albu had been responsible for circulating Schultze's book The Politics and Economics of Public Spending among the Committee members, and he referred to the book in the debate.[4] Albu took up Schultze's point that there is a distinction which can be made between political judgements and decisions based upon information, and that there must always be a place in the political decision-making process for judgement of what is needed rather than what is most cost-effective. How,

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[1] Hansard, 788, Col. 1003.
[2] ibid., Col. 997.
[3] ibid., Col. 997.
[4] ibid., Col. 997. Also mentioned by Mr. John Diamond, ibid., Col.1067.

asked Mr. Albu, can the House of Commons bring its (political) influence to bear upon Government policy as projected in the expenditure forecasts? He thought that there were two levels of decision which could be dealt with at two levels of House of Commons activity:

> The first of the tasks for the House of Commons, that is, deciding between the alternative uses of resources - the great policy decisions - we have suggested should be a major debate in the House of Commons on the basis of the White Paper on forward expenditure..... the second - that is the examination of the methods by which decisions are arrived at and the control of effectiveness and so on - is to be performed by the new committees.[1]

Committees could be useful in discovering the benefits accruing from the alternative uses of resources. Whether the Committees would move into realms of policy was a difficult question. Mr. Albu doubted whether it was really possible to draw the distinction between policy and administration - a problem which has frequently dogged Select Committees.

Mr. Albu had some final remarks on the question of the organisation and staffing of Select Committees:

> I have always preferred that the staff of Select Committees should be servants of the House.... we have certainly come a long way since the time the then Clerk of Committees told me that it was not the job of Clerks to draft reports for the Chairman. I prefer experts, too, to be servants of the House. For a number of reasons, this cannot always be so. When it is necessary to use outsiders, it is very important that those outside experts do not overpress their own views or carry on their own battles with the Departments. Their job is to help elucidate material of a very complicated nature, not to press forward views of their own. This is important, because, otherwise, as has sometimes happened to me, one finds oneself in the position of a devil's advocate and that is not necessarily the right thing for a member of a Committee to be. I believe that a Committee composed of average members of the House with some assistance..... is likely to bring more commonsense to the task than some academic experts.[2]

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[1] Hansard, 788, Col. 998.

[2] ibid., Col. 999.

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[1] Hansard, 788, Col. 998.

[2] ibid., Col. 999.

The next speaker after Mr. Albu was another member of the Committee, Mr. David Marquand. Mr. Marquand wished to say something about the second proposal of the report, that there should be a new Committee system. "This", he said, "Is an absolutely fundamental and integral part of the report".

> The purpose of Select Committees is not so that Hon. Members can take part in an interesting academic seminar about problems of technology, education, and so on. Their purpose is to provide Parliament with some countervailing influence to the tremendous growth in the power of the Executive over the last century.[1]

While the new Specialist Committees of the House (since 1966) have produced interesting reports Mr. Marquand thought that:

> they have nothing to do with the purpose of Committees of the House, which is that of controlling the Executive.[2]

If Parliament wishes to control the Executive, then it must possess the key to the Executive door, the key of financial control. The proposed new Committee system would allow for greater control, and would also by provision of information strengthen debate on the floor of the House.

This last point was quickly taken up by other members present in the Chamber. Mr. Eric Heffer asked whether such debates would be composed entirely of Committee members.[3] Mr. Eric Lubbock who spoke next pointed out:

> It is no wonder that every Hon. Member who has so far taken part in the debate has been in favour of the Report of the Select Committee on Procedure, since only one Hon. Member who has spoken so far was not a member of it ..... Incidentally I consider this to be a very bad report.[4]

Mr. Lubbock criticised the proposed new form of the Estimates Committee. What, he asked, would happen to the present Specialist Committees?

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1 Hansard, 788, Col. 1007

2 ibid. Col. 1007

3 ibid. Col. 1008.

4 ibid. Col. 1009.

Many of the subjects which they studied were of a completely non-financial nature, e.g. the Staff/Student relationship enquiry conducted by the Education and Science Committee. Specialist Committees, he said, have been able to look at policy questions which they themselves have selected, not at those matters dictated to them by the departments. What would happen if an item of policy did not appear in the Estimates? The ability of Committees to discuss policy was crucial. One of the most successful features of the 'Crossman' Committees he thought was their ability to get stuck into policy questions, sometimes to the great embarrassment of the Government.

> We, on the Liberal bench, have always pressed for the extension of the Select Committee system to redress the balance of power between Parliament and the Executive.[1]

Another member of the Select Committee Mr. John Mackintosh, thought that there was room for both types of Select Committee, the Specialist and the Finance Based Expenditure Committee. The new Committees were essential because there was need for a new 'Circle of Control' over expenditure. Decisions were being taken each year on the PESC report but "we as a House play no part in this..... we do not know what is happening".[2] Mr. Mackintosh thought that the Select Committee was proposing "One of the greatest Parliamentary reforms which has come before the House".[3] He considered that Members needed more information. This could not be provided unless the Committees were adequately staffed:

> The staff of the Committees must be improved beyond all measure. I agree that the staff and specialists should be servants of the House, but it is not sufficient to expect a Clerk of the House, however brilliant, hardworking and assiduous, to cope with two Specialist Committees as well as spend time on other business and the Council of Europe.[4]

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[1] Hansard, 788, Col. 1016

[2] ibid., Col. 1020

[3] ibid., Col. 1018.

[4] ibid., Col. 1021.

The next speaker, Mr. James Ramsden, spoke on the question of the Form of the Defence Accounts. This matter had been considered in the same session by a small sub-committee of the Procedure Committee and dealt with technical detail not germane to the main subject of the debate.[1] Mr. Ramsden was followed by Mr. John Mendelson, well-known for his views that the floor of the House was the most important arena for political control, and for his opposition to Specialist Committees.

Mr. Mendelson thought that the Select Committee's projected system of Committee was a step in the wrong direction. The proposed Committees would become policy-making Committees, or they would try to. This would follow the American experience where strong Committees have killed debate on the floor of the House and have led to first and second class members of the House. This division into first and second class members was especially notable when classified material was presented to Committees for it ensured that only Committee members would have the full facts. If the pro-Committee faction think that their Committees are not going to discuss policy then they are chasing an illusion, stated Mr. Mendelson. The only sanction which our democratic Parliament has is the threat of a hostile majority of members overturning the executive's policy on the floor of the House.[2] The difference between Mr. Mendelson and the Committee members was that Mr. Mendelson believed that this statement of Parliamentary control he made was true, whereas the Committee members considered that it was a myth. In Mr. Mendelson's view:

> Let there be more efficiency but let everybody realise that the only effective control of the Executive lies in an increase in the number of independent minded Hon. Members who are devoted to the principles and philosophy of their party.[3]

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[1] The Sub-Committee consisted of Mr. Donald Chapman, Mr. Austen Albu, Mr. John Mackintosh, Mr. James Ramsden, and Mr. R. Turton. The Committee met five times and produced a report. H.C. 411. of 1968-9.

[2] Hansard, 788, Col. 1027.

[3] ibid., Col. 1031.

Sir Spencer Summers following disagreed with Mendelson and supported the report and its recommendations. Robert Sheldon then spoke to support Summers. He, too, took the view that the executive has power because it controls money. The problem today was that Members could not make long speeches analysing Government policy because they do not have the requisite information to do this. "The real task, therefore, which a Member of Parliament has to perform is to get that knowledge".[1] And he thought that this could best be done in small groups, in Committees perhaps even smaller than the present select Committee size:

> The smaller the Committee, the more useful it is for Members serving on it, the greater the influence they have and the greater the interest they feel.[2]

The speakers who followed agreed that the power of the Executive had become too great and had to be diminished. One, Brian Parkyn, stated "We are dealing with the stuff of democracy itself".[3] Modern complex governments could not be participatory but the representatives had to be accountable. But Parkyn did not agree that the foundation of Parliamentary control and accountability was finance. This, in his view, was a bad report, for he did not think that:

> financial control and management control are the beginning and the end of coping with the democratic problem of accountability.[4]

Members of Parliament are amateurs, and should remain amateurs. They are the lay critics of Government, not counter-experts.

The last speaker from the floor before John Diamond summed up for the Government was Mr. Eric Heffer, once a member of the Select Committee on Procedure. Mr. Heffer thought that while it was important

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[1] ibid., Col. 1038.
[2] ibid., Col. 1041.
[3] ibid., Col. 1049.
[4] ibid., Col. 1050.

to exercise a measure of control over the Executive it was also necessary to have a strong central government to carry through the necessary decisions. There are, he said, four places in the Parliamentary system where policy is made.[1] The essential place was the Cabinet. Then there were the Departments, Party Meetings, and the Chamber. Committees can do no more than 'influence' decision-making:

> When I have listened to a number of Hon. Members I get the impression that once we establish the sub-committees, they will determine policy. That is not true. It is a figment of the imagination to think that. That is called Participation..... I do not know what "participation" means. If it means participation in the sense of discussing something that has already been decided and trying to influence it slightly in another direction, that is all right. But it must be understood that that is the limit and that we cannot go further in that direction.[2]

The Chief Secretary to the Treasury, Mr. John Diamond, wound up for the Government. He referred in his speech to Parliament "sharing" in the decision-making process on matters affecting the shape of things to come.[3] This should be done, on the floor of the House, in debate. The debate on the Annual Expenditure White Paper would provide an opportunity for this type of "sharing" in decision-making. The Annual White Paper Debate should however concentrate and focus on Public Expenditure, it should not look at the whole economy.[4]

Mr. Diamond, like Mr. Peart, in his opening speech, expressed a "wait and see" attitude on the Select Committees proposals for a new Expenditure Committee system.[5] He considered that as far as this particular proposal was concerned there were a number of views which had to be taken into account before the Government made any proposals.

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[1] Hansard, 788, Col. 1056.
[2] ibid., Cols. 1056-7.
[3] ibid., Col. 1058.
[4] ibid., Col. 1060
[5] ibid., Col. 1066.

> There is the view that we should have all Specialist Committees. There is the view that we should have no Specialist Committees. There is the view that we should have some Specialist Committees and the Estimates Committee reconstructed..... It would be wrong of any Government, after a verbal debate of this kind, not to give time - not too long, but to take the matter with reasonable despatch, as we are doing - to enable careful thought to be given to all the different points of view which have been expressed.[1]

The debate showed that there was in the House a body of opinion which did not feel that the Select Committee proposals were acceptable. This was perhaps confined to a small number of known members such as Mr. Mendelson, it is not clear to what extent he represented the views of others who feel that it is the floor of the House, and the traditional political process of majority and vote which is the most effective and the proper means of the control of the Executive. Other members who were known to share Mr. Mendelson's views such as Michael Foot and Enoch Powell did not speak at this debate; there was a second group of members who thought that control of the executive might be exercised through Committees, but that to base this control on finance and public expenditure would be to exclude certain vital areas of policy-making from Committee's terms of reference. These were the members who favoured the 1966 Specialist Committees. Again the size of this group is not known, and again many of the members known to take this view e.g. Alfred Morris[2] did not speak in the debate. The third view point represented in the debate was that the Committee's recommendations were good, and were an important step forward towards improvement of the House of Commons' ability to control the executive. Again we do not have any indication of the numbers of members who supported this view, although it is perhaps highly significant that many of the speeches supporting the recommendations were made by the members of the

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[1] ibid., Col. 1066.

[2] Alfred Morris MP (ed.) The Growth of Parliamentary Scrutiny by Committee Oxford, 1970.

Committee which had made those recommendations. Finally there was the cautious view of the Government which adopted a "wait and see" attitude, obviously fearing that there might be something in the argument that it was useless to pretend that the proposed new Committees would not discuss policy, that they would not seek to participate in policy formulation, that they would not alter the legislative/executive balance. The government too did not know how many members were so strongly in favour of the new Committees that they would have to implement the proposals. It attempted through its own enquiries to discover just how much distress there would be if it did not. Although we do not have the documents available to study it would appear that enquiries through 'the usual channels' did not reveal a large enough section of the House's membership panting for the introduction of the new Expenditure Committee,[1] and that if nothing was done then not too much would be said on the matter. The Committee's proposals represented the suggestions of a minority 'reformist' group rather than the views of the majority of the members of the House of Commons. That these members dominated the debate on the subject on October 21st does not mean that their views commanded the support of the majority of members of the House of Commons. There was thus no political urgency for the Labour Government to set up the proposed Expenditure Committee.

Indeed there seems to have been later much evidence that the proposals which the Committee made, for the two day debates on the Public Expenditure White Paper and for the Expenditure Committee represented the view of only a tiny majority of the membership of the House. For no great enthusiasm has been shown for these new devices in the early years of their operation. As the earlier historical study of the Select Committee on Procedure from 1832 shows this Committee and its witnesses often have been in advance of the feelings of the

[1] The term ' the usual channels' refers to the mechanism of consultation employed by the party whips. They do not publish information which they obtain from members.

House of Commons with regard to reform of its structures, and the Committee tends to become a mouthpiece for the reformers, while changes in the procedure of the House of Commons occur through adaptation and interpretation of the rules by both members and by the Government. The 1968-9 Select Committee on Procedure while it dealt with a subject of great importance, perhaps one of the most important political issues of the mid-20th century - the Control of Public Expenditure - appeared to be ahead of its time, or at least out of tune with the political reality of behaviour of Members of the House of Commons. They, as one member of the Committee has pointed out elsewhere, are political animals, they like to sharpen their differences and pit one view or value against another. Few are prepared to get their heads down to the tedious task of unravelling econometric models of the British economy and their implications for relative allocation of money to housing and health.

Epilogue

In June 1970 there was a General Election. The Labour Party confidently expected to win, for the polls were all in their favour. On election night the nation sat waiting for the first result to come over the television networks. The first result to be announced was for Guildford, Mr. David Howell's seat. He retained the seat with an increased majority. It was an omen; within two hours the television commentator, Robert Mackenzie, was asking for more figures to be painted on to his charts to accommodate the size of the swing in favour of the Conservatives. Before long it was clear that Edward Heath would become Prime Minister and would implement the promised 'New Style of Government'.

David Howell became Civil Service Minister in the new administration. He began to implement the 'New Style of Government' and ensure that

the techniques of administration which he had been promoting were introduced into the Civil Service. In October 1970 the White Paper on The Re-Organisation of Central Government (Cmnd 4506) was published. This paper indicated that Government had been attempting to do too much, it aimed for "Less Government and Better Government carried out by fewer people".[1] To achieve this it proposed to adopt, (a) an Analytic approach with a rigorous investigation of policies and priorities, (b) a Functional approach with reorganisation of Government departments by function, (c) Unification of functions, e.g. Defence and Foreign and Commonwealth Office; Environment; Trade and Industry; to ease the problems of inter-departmental conflict resolution, (d) a radical improvement of the information system available to Ministers and (e) Stability - that the Government should look at the long term rather than at the short term. Several organisational changes followed upon the five principles. They included the development of the 'Super Ministries', e.g. Department of the Environment, Department of Social Services, and the Department of Trade and Industry. The Central Policy Review Staff under Lord Rothschild was set up in the Cabinet Office, and a system of Policy Analysis and Review (PAR) was developed in the Civil Service Department to keep departmental programmes under constant long-term review as an adjunct to the annual PESC exercise.

But there was another side to the 'New Style of Government'. Stronger administrative machinery was to be matched with stronger Parliamentary machinery. In October 1970 a second Government Paper, Green this time not White, was presented to Parliament. This was entitled Select Committees of the House of Commons. (Cmnd 4507)

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[1] White Paper, The Re-Organisation of Central Government, October 1970, Cmnd 4506, p. 3.

The Green Paper accepted the recommendations of the 1968-9 Select Committee on Procedure for a new Expenditure Committee with specialist sub-committees. In the session 1970-71 the new Expenditure Committee was accordingly set up. It had a Public Expenditure (General) Sub-Committee, and Sub-Committees for Defence and External Affairs; Trade and Industry; Education and the Arts; Environment and the Home Office; and Employment and the Social Services. Each Sub-Committee had eight members.

Meanwhile the Annual White Papers based on the PESC report continued to be produced. The 1970 report was delayed by the change of Government and did not appear until January 1971. A further White Paper was introduced in November 1971. By this time it was clear that Members of Parliament were not very interested in debating what they regarded as out-of-date and irrelevant projections of public expenditure. Mr. Wilson, the Leader of the Opposition, and his Deputy Mr. Roy Jenkins were not even in the country for the 1971 debate held on December 9th. One member described the activity of the debate as 'Flogging a dead mouse'. The debate just faded away from lack of speakers and lack of interest in the topic. Hopes of the reformers that this debate would become even more important than the annual budget debate seem to have foundered on the cold Parliamentary fact that few members are interested in figures indicating patterns of public expenditure.

Thus by 1970 the Select Committee on Procedure of 1968-9 had succeeded in having all of its recommendations implemented. This was partly due to a change in political circumstances, and partly it must be attributed to the fact that one man, David Howell, a member of that Committee and one of the 'reformist' group, seems to have had an important role in shaping the theoretical thinking behind what he himself first called 'A New Style of Government'. The importance of political events and reformist personalities in shaping procedure in the

House of Commons is indicated by these factors. But procedure is a living system shaped and formed by the Members of the House of Commons who use it. Reforms may be proposed, they may even be implemented, but to be effective they must be used by the Members of Parliament. If Members are not interested in a particular form of Parliamentary procedure it will fall into desuetude through lack of use. There is little, ultimately, that anyone can do about it. One can lead a Member to the White Paper Debate, one can even try to make him vote, but one cannot make him give a speech and hold the attention of other members if his heart is not in the subject, and if no-one attends the House and no-one speaks there is no debate.

CHAPTER V

Towards a Model of Committee Behaviour

In the last pages of Chapter IV we indicated that Parliamentary procedure is a living thing, developed and shaped by the Members of Parliament who use it. New structures such as Select Committees may be recommended by the Select Committee on Procedure, and they may be set up by the Government. But the final determinant of the uses to which these structures are put and the functions which they perform in the political system, is the behaviour of the Members of the House of Commons who work in them. If we are to evaluate the proposals made by the 1968-9 Select Committee on Procedure for a new Committee to perform functions of scrutiny and control of Executive plans for Public Expenditure then we should look more closely at the sort of behaviour which might be expected of the members of the new Committee.

It is clear from the foregoing analysis of the work of the Select Committee on Procedure that the members of that Committee had expectations of behaviour patterns in Select Committees different from those expressed by some of the Members of Parliament who spoke in the debate on the Committee's report. Even among the members of the Committee itself there were some differences of opinion on this question. John Mackintosh, David Marquand and David Howell clearly hoped that scrutiny of expenditure proposals would lead to discussions of policy. The Chairman, Donald Chapman, did not think that the Committees should avoid discussions of policies when these arose. But some other members of the Committee such as Selwyn Lloyd and Arthur

Woodburn did not think that Committees were satisfactory devices for policy discussion and formulation. However, there was sufficient agreement among the Committee members for them to reach a consensual view that the new Committees should, by and large, be concerned with scrutiny rather than with policy formulation. Among the members who spoke in the debate there was a greater variety of expectations of Committee behaviour. On the one hand there were those members who thought that the tendency towards consensus building in Committees rendered them unsuitable instruments for the discussion of policy and that they would confine themselves to uncontentious detail. On the other hand, there were those Members who thought that if Committees were given their heads they would discuss policy and would remove the main locus for policy control from the Floor of the House to the Committee room.

Members attitudes towards the uses of Select Committees were based upon (1) Macro-political considerations of desired Constitutional balance and (2) Micro-political considerations of political behaviour in small groups.[1] We have examined the macro-political or Constitutional questions in Chapter I. It now remains to examine patterns of Committee behaviour and to see whether any valid generalisations can be made about them in the same way as we attempted to make generalisations about the role of Parliament in the British Constitution. We now ask the questions: 'On what sort of evidence

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[1] For the use of the terms Micro-politics and Macro-politics see Gabriel Almond and Sidney Verba, The Civic Culture, Princeton, 1963, pp. 32-35. This terminology was previously used by Stein Rokkan and Angus Campbell, 'Norway and the United States of America', International Social Science Journal, Vol.XII, 1960, pp. 69 ff. to distinguish the study of the structures and functions of political institutions from the study of individual and group behaviour.

did Members of Parliament base their expectations of Committee behaviour? and 'Is there some pattern of behaviour in Select Committees?'.

Members of Parliament had, of course, their own experience of work in Select Committees. They had, also, access to academic studies of the work of Select Committees. But the Members most vocal on the subject of behaviour in Select Committees are not always those with the most experience of these devices, and the evidence which they might have obtained from academic studies of British Select Committees would not have given them much data about patterns of behaviour in these Committees. For studies of the work of British Select Committees have been few in number and not primarily oriented towards understanding patterns of behaviour among the members of the Committees. Most studies have concentrated upon description of the work undertaken by Committees and the relationship which exists between the Committees and the Executive. They have tended to concentrate upon the structural or Constitutional issues raised by the use of Select Committees, not on the behavioural issues. To some extent this is due to the subject matter. The Select Committees which have been of greatest interest in recent years have been those with functions of scrutiny and control.[1] Students of Select Committees have made limited excursions into Committee behaviour but they have done so without the benefit of any coherent theoretical framework which would allow for inter-Committee comparison, or for the development of any generalisations about patterns of Committee behaviour.

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[1] Kenneth Wheare, Government by Committee, Oxford, 1955 distinguishes Six functional classes of Committee. Select Committees of the House of Commons are considered under the headings 'Committees to Inquire' and 'Committees to Scrutinise and Control'. But he found that the Select Committee was, in the mid-20th century, rarely used to Inquire; more frequently to scrutinise and control.

Several other reasons for the neglect of behavioural studies in the British House of Commons may be adduced and we will not consider them in detail here, simply outline the main reasons for this neglect. Certainly there is no lack of commentary on the work of the House of Commons by politicians, academics, and journalists. But this has rarely been based upon systematic and scientific study of House of Commons behaviour, of what Members of Parliament acting individually or in groups can achieve in the way of influence, persuasion and participation in policy formulation. British political scientists are not oriented towards the behavioural persuasion by their training or their work experience. The study of politics and of political institutions at the macro or structural level is common in British Universities. Graduates from the few Universities which specialise in studies of political behaviour are only beginning to trickle into production. Funds are needed for large-scale behavioural studies as well as special skills, and funds have not flowed so freely in Britain as they have in the U.S.A. Again such studies often require teams of researchers and the tradition of the one man researcher lingers on in Britain. This, too, may have helped to inhibit the development of behavioural studies of British politics. Many of the more interesting behavioural studies of British politics have been undertaken by Americans, have been American inspired, or have been joint trans-Atlantic efforts.[1] And those surveys which have been undertaken on House of Commons attitudes and behaviour have not yielded any significant data

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[1] Large scale behavioural studies of British politics with an American influence include, Gabriel Almond and Sidney Verba, The Civic Culture, Princeton, 1963; David Butler and Donald Stokes Political Change in Britain, London, 1971. (Modelled on The American Voter, of which Stokes was a co-author); Robert Jackson, Rebels and Whips, London, 1968 (Canadian) and M.J. Barnett, The Politics of Legislation, London, 1968. (American). Other North Americans have been active in the study of British political behaviour including Samuel Beer, Robert McKenzie and Richard Rose.

regarding attitudes towards and behaviour in Committees.[1]

It has been noted that the way in which the House of Commons works tends to inhibit scientific study and measurement. Jackson noted that much of House of Commons behaviour is informal and unplanned.[2] Mackintosh noted that the analysis of voting behaviour is restricted by tight party voting, and the fact that lists of abstentions which record dissent are not published.[3] Some researchers have turned to the analysis of the public record as a source of data concerning behaviour in the House of Commons.[4] But few researchers using the public record have concentrated on behaviour in Committees, either Standing or Select. Analysis of behaviour in Select Committees is partly limited by the amount of material published. Only the sessions at which evidence is taken are reported and published. The deliberative sessions which are often of considerable interest are recorded by the Clerks but the papers are not published and are not available to students. However, similar patterns of closed and open sessions in the U.S. Congress have not prevented detailed studies of behaviour in Congressional Committees.

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[1] Surveys include A. Barker and M. Rush, The Member of Parliament and His Information, London 1970., Allan Kornberg and Robert C. Frasure, 'Policy Differences in British Parliamentary Parties', American Political Science Review, Vol.LXV, 1971. Robert E. Dowse, 'The Member of Parliament and His Surgery', Political Studies, Vol.XI, 1963.

[2] Robert Jackson, Rebels and Whips, London, 1968. Preface.

[3] John P. Mackintosh, 'The Influence of the Backbench: Now and One Hundred Years Ago', Manchester Statistical Society, 1970.

[4] S.E. Finer, H.B. Berrington and D.J. Bartholomew, Backbench Opinion in the House of Commons, Oxford, 1961, and M.N. Franklin, Voice of the Backbench, Ph.D Thesis, Unpub. Cornell University, 1970 analysed signatures to Early Day Motions in order to discover patterns of backbench influence. M.J. Barnett, 'Backbench Behaviour in the House of Commons', Parliamentary Affairs, Vol.XXI 1968, includes behaviour in Committees in his analysis of how members spend their time in a single session. F.A. Stacey in The British Ombudsman, London, 1971 presents a detailed analysis of the debate in the Committee stage of the Ombudsman Bill.

It is for reasons such as those outlined above that the evidence available to develop a model of Committee behaviour in the British House of Commons is so scarce. Patterns of behaviour in Committees have simply not been studied in any systematic manner, and observations and expectations of Committee behaviour in the House of Commons are based on scanty evidence from that House.

If we are to attempt to make some generalisations about patterns of behaviour in Select Committees we will need to develop a model of Committee behaviour which could be tested by further studies of British Select Committees. The first task is to look for a coherent theoretical framework which could indicate the sort of questions which might usefully be asked about behaviour in Select Committees. As this framework cannot be found from previous studies of British Select Committees we will have to look elsewhere. First we will look at general studies of behaviour in small groups - mostly undertaken by psychologists. Then we will look at decision theory. In order to see whether the sort of generalisations which can be made are appropriate in the legislative setting we will look at studies of Congressional Committees and at the few studies of Select Committees. It is to be hoped that the model which will be presented will provide a useful and clear framework for future studies of the uses and functions of Select Committees.

The Theoretical Framework of the Small Group Study

Sidney Verba has pointed out that the material available from the studies of behaviour in small groups (mainly by psychologists) is useful for the study of political behaviour in wider contexts. While the small group studies did not offer him data about political behaviour they filled an immediate need:

> for adequate conceptual schemes and systematic theories into which to fit the facts we have and the facts we shall gather in the future..... small group analysis can contribute to these broad theoretical and methodological interests of political science.[1]

In particular small group studies have pointed up the importance of the primary group and of face to face contact in human relationships. They have shown that the primary group plays an important part in larger systems: in industrial plants; in the street corner society; in modern armies; and in legislatures. Verba claimed that the study of face to face contacts within the primary group, often informal and unplanned, helps us to understand how the group affects the operation of the wider system. The study of small group behaviour helps to close the gap between the analysis of individual political behaviour and the operation of the political system.[2] Verba used the small group studies to illuminate problems of political leadership. Here, in this study, we are concerned specifically with a type of small primary group, the legislative committee.

The theoretical framework offered by the small group study is particularly appropriate for the study of legislative committees for these committees can with justification be called small groups. Only the very largest legislative committees, those which are so large as to make recognition of each member by the others impossible, could not be called small groups. But once a group is more than seven in number it is likely to divide into small sub-groups for working purposes when it has a task to perform. Large committees in legislatures often divide into sub-committees for working purposes. The intimate face to face co-operation and association which characterises the primary group is found in many legislative committees which have specific tasks to perform. Certainly those committees in which we are primarily

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[1] Sidney Verba, Small Groups and Political Behaviour: A Study of Leadership, Princeton, 1961, p. 4.

[2] This argument is also put forward in Gabriel Almond and Sidney Verba, The Civic Culture, Princeton, 1963, pp.32-35.

interested, the Select Committees of the House of Commons, which perform functions of scrutiny and control are generally small in membership or perform their tasks in small sub-committees.

Verba noted some of the more important characteristics of small group behaviour which can be discovered from existing studies. Firstly, he mentioned that one of the characteristics of the small group is the pressure to conform which arises in the group. Individuals who are members of a group will accept the norms and standards of the group. The member's behaviour is thus in part determined by group action and attitudes.[1] This feature of group behaviour is, Verba stated, one of the best documented generalisations about behaviour in small groups. But why does it occur? Verba suggested two possible explanations. One is offered by Festinger's theory of cognitive dissonance. Members of the group with dissenting views will have a strong tendency to agree with the attitudes and beliefs of the other members of the group rather than stick to their own differing views. If they do not change their views they will find themselves in an uncomfortable state of cognitive dissonance, in a state of confusion between sticking to their own beliefs and falling in with those of the group. Conformity, achieved by changing views, reduces the state of cognitive dissonance. The second theory which Verba offers by way of explanation for group conformity states that the individual feels a need for acceptance by the group. The individual will not perform deviant acts which pose a threat to the attainment of group goals for fear that such acts will result in his exclusion from the group. Where membership of a group is highly valued members are more likely to conform to group norms and to accept group beliefs. Pressures towards conformity are found more in small groups than in the larger, less personal, arenas of political activity.

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[1] Muzafer Sherif and Hadley Cantril, The Psychology of Ego Involvements, Social Attitudes and Identification, New York, 1947, p. 290.

They are more likely to be found in the Committee room where all the members sit around a table than on the floor of the House with its dramatic, theatrical setting. Festinger's theory however seems to reduce the group member to a rather low state of independence in his judgement, and it is doubtful whether this theory has great explanatory power with regard to members of the British House of Commons. The second theory assumes that membership of the small group is highly prized, and this is not always the case with Select Committees in the House of Commons. These two theories offer, at best, only partial explanations of why members of Committees tend to conform to group norms.

Even if we are not sure why such conformity occurs it is clear that agreement and consensus within the group is necessary if the small group is to persist over time, to survive, and to be successful in the performance of its allotted tasks. The decisional process in the group which has a task to perform is affected by this need for agreement and the need to avoid conflicts within the group: 'The decisional process will tend to be such as to prevent overt conflicts from coming to the surface. Formal votes, for instance, will be avoided.'[1] The pattern of consensual decision making is found more often in traditional groups, where the relations among members are diffuse, deeply affective, and have existed over an extended period of time. The legislative Committee with long serving membership is more likely to exhibit this form of decision making than that one with a constantly changing membership. Decisions taken by acclamation or consensus do not imply that no opposition exists within the group, only that there is a tendency to get everyone to agree first so that the need for a vote is overcome. The group will develop techniques to work towards a consensus. There may, however, be some cases where external constraints on the group's behaviour coming from the larger political system in which it operates are more

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[1] Verba, op.cit., p. 27.

important than the maintenance of group solidarity. When this occurs large numbers of dissenting opinions may appear in the group, the tight-knit, personal, face to face contacts between the members are interrupted by messages flowing in from outside the group, thus upsetting cohesion within the group.

It is important to realise that small groups are working within the framework of a larger system. What the small group is able to do is to some degree determined by the constraints and expectations of the larger group in which it operates. The small group can be regarded as one political arena in which the macro questions of political structure and the micro questions of political behaviour meet. Verba explored the relationship of the behaviour patterns in the small group and the behaviour patterns in the larger group of which the small group is a sub-system. He suggested that behaviour patterns in the small group may reflect behaviour patterns in the larger system. Types of participatory behaviour found in the system at large, for example, may be found reflected within the smaller system, which is a microcosm of the larger system. If, for instance, one was to find in the larger system deference to older and more experienced members of the community as a familiar pattern of behaviour, then one might expect to find this pattern of behaviour also in the small group. This is the 'culturalism' hypothesis. Verba did not offer much evidence to support this hypothesis apart from citing Village in the Vaucluse and The Moral Basis of a Backward Society as studies offering evidence to support this hypothesis.[1] But so far it has not been supported by much empirical evidence from other recent studies. In the legislative setting Allan Kornberg, in a study of the Canadian House of Commons, found that while he could not prove this hypothesis (with regard to patterns of French and English

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[1]Verba, op.cit., p. 40.

Canadian behaviour) neither could he disprove it.[1]

While it is not clear whether behaviour patterns in the small group reflect those in the larger system it is much more clear that the larger system does affect group behaviour in important ways. Expectations from the larger system regarding the behaviour of the small group have a direct effect upon the group's mode of operation. A legislative committee, for example, which attempts to behave in a manner unacceptable to the legislature in which it operates will find that its sources of information may be blocked, and difficulties put in the way of its future operations. The small group may not mirror the wider system, but it does operate within certain expectations and constraints coming from that system. All that is known of the internal effects upon patterns of behaviour in the small group must be understood to be modified by the external constraints within which the group can operate.

Another important feature of the small group and its relationship to the wider system in which it operates is the development of a "Two-step" flow of information. The "Two-Step" flow operates (a) within the group itself and (b) between the group and the wider system. Certain members of the group become 'Opinion leaders' because they are experts, leaders of the group, or central in the group's information network. Other members of the group come to the opinion leader for information and cues regarding behaviour. All the members of the Committee, because they gain special information in their Committee work become experts or at least specially knowledgable on the subjects which their Committee covers. They, in turn, become opinion leaders and cue givers in the wider system. Other members of the legislature will come to these informed members for cues.

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[1] Allan Kornberg, Canadian Legislative Behaviour: A Study of the 25th Parliament, New York, 1967, p. 141.

Small groups may find themselves in conflict with the wider system. We have indicated that this will occur when the group attempts to behave in a manner outside the expectations of the main system. But there is another factor which may lead to conflict. Small group behaviour is sometimes thought to be 'irrational' behaviour. At one time, Verba stated, sociologists considered that primary groups and modern society were incompatible because of the inability of the primary group for structural and behavioural reasons to make 'rational' decisions. Theorists who view organisations as essentially rational have the view that informal structures are in conflict with the larger and more rational organisational structures such as bureaucracies. Committees and small groups rely so much on consensus building, and strategies to achieve consensus such as bargaining, that no decisions which emerge from their deliberations can be regarded as the result of rational choice. We will elaborate on this point below in the next section on decision theory.

What role or function do small groups play in the wider political system? What are their primary uses? Verba indicated that an important function of small groups was a SUPPORTIVE role. This is related to the participation hypothesis and to the external constraints on small group behaviour. The participation hypothesis posits that the more that the small group perceives that it is taking part in the decision making processes of the larger system the more likely it is to support the system and to accept the norms of that system. This is related to findings of behaviour in small groups which indicate that those members who feel that they are participating highly (even if they are not in fact) in the decision making or problem solving processes of the group tend to a high level of support for the group norms. Members who participate little (or feel that they participate little) tend to

give less support to the group.[1] This finding is extrapolated to take account of the groups function in the political system. Groups which feel that they are taking part in the decision making process tend to support the system. Groups can thus in a measure act to stifle dissent within a system, they may act as an escape valve and be a sign of system health. The small group may be an important element in the maintenance of political stability in the system for it helps to create feelings of satisfaction among the members. These members who feel that they are high participants tend to have high levels of satisfaction with the group and with its work.

The study of behaviour in small groups provides a convenient and fruitful theoretical framework for the study of legislative committees. It forces the student of legislative committees to look at them from two levels. He has to look at the macro-level of the Committee's relationship to the legislature, and at the micro-level of internal constraints upon committee behaviour. Attention to the macro-levels of external constraints forces him to look at how internal behaviour patterns in the Committee are affected by outside pressures. But most important it forces his attention on to the internal constraints on Committee behaviour. He has to look at the internal relationships between the members of the group and at the patterns of communication and information flows. Findings from studies of small group behaviour indicate the importance of several variables in determining Committee behaviour. These include group size, leadership patterns within the group, centrality in the information network, and the relationship of the members one towards the other.

Before we go on to look at some of these internal variables which affect Committee behaviour in detail we must pay some closer attention to theories of decision making. Legislative Committees are small

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[1] James David Barber, Power in Committees, Chicago, 1966, did not find a relationship between satisfaction levels and participation in the California Local Government Committees he studied, p. 104.

groups which have a task to perform. They have to make decisions in the form of recommendations. We have already indicated above that the basic model of decision making which is appropriate to small groups is the one which emphasises the importance of interactions between the members and the operation of a consensus building process. This type of decision making is sometimes regarded as 'irrational' and in conflict with the processes of decision making adopted in other parts of the political system. Is the type of decision making found in legislative committees a distinctive one and does it conflict with types of decision making found in other parts of the political system? This is the fundamental question regarding behaviour of Members of Parliament in Select Committees which we have to answer.

Models of Decision Making

While the small group studies provide a basic theoretical framework within which to approach the study of legislative committee behaviour they do not provide a clear understanding of the different varieties of theory on the decision making process itself. Small group studies have shown that there exist powerful internal forces towards cohesion and consensus in the small group, and that these forces affect the decision making processes of the small group fundamentally and work against the application of the classic model of decision making within the legislative committee. If the classic model of decision making operated in the legislative committee we would find that each committee member approached each task with a clear head and an open mind. The members would survey the entire range of alternative solutions before them, they would collect and interpret all the information on the consequences of choosing each of the possible alternatives, and they would evaluate these consequences selecting that outcome which will provide maximum satisfaction or which will best achieve the aim or goal towards which the committee is

aiming. The classic model of decision making has been described by many commentators in various different ways. Briefly it can be said to include the postulates:

(1) that all alternatives can be known

(2) that all consequences of all alternatives can be known

(3) that a unique preference order exists among these alternatives and these sets of consequences and all sub-sets of consequences[1]

(4) - not agreed to by all commentators on this model - that information can be obtained on (1), (2) and (3) so that the decision maker chooses the best or optimal alternative.

Information gathering is vital to the basic classic model of decision making. But clearly in no case can perfectly complete information be obtained. Postulate (4) is frequently relaxed and modified to take account of imperfect information supply. The classic model of decision making is basically an individual model of decision making.[2] If this model is applied to a small group or Committee then the final outcome will have to be settled by voting. The study of voting processes (majority rule or proportional representation) thus becomes a vital part of the study of group decision making when the individual model of decision making is applied to groups.[3] But in the examination of the work of

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[1] James A. March, 'Theory of Organisational Decision Making', in Hare et al, Small Groups, New York, 1966, p. 188. For a detailed examination of two types of rational decision see A. Robinson, Rationality in Politics and in formal models of the Political Process, M.A. Thesis, McGill University, Unpub. 1969.

[2] James Buchanan and G. Tullock, The Calculus of Consent, Ann Arbor, 1962, state that collective decision making is the aggregate of individual decisions. In this they follow the Benthamite view that what is required is some method of calculating the collective decision from weighing up individual decisions.

[3] There has been a great deal of theoretical writing on the subject of voting in Committees. The definition of Committees employed is generally a wide one, and may include very large groups. Duncan Black, Theory of Committees and Elections, Cambridge, 1963, is a classic study. Douglas W. Rae 'Decision Rules & Individual Values in Constitutional Choice', American Political Science Review, Vol.LXIII 1969, examines the decision rules - of which consensus is but one of many - which allow members of Committees to optimise the expected correspondence between individual values & collective choice', p. 49.

legislative committees we are interested in collective, not individual, decision making. And these Committees may not vote.

There are very great difficulties in applying the classic model of decision making to legislative Committees because they are small groups. A group may develop a social life of its own, it may become something more than the aggregate of its individual component parts. Before we consider the implications of this statement it is important to note that the classic model of decision making may be defective even for individual decision making. It is a highly theoretical model, and when decision making behaviour is studied the model never seems to fit any observable facts. In his plea for the study of human behaviour Graham Wallas, in 1908, rejected the model of the 'rational' man in politics who selects his ends or objectives and then searches for the best means to achieve them.[1] Wallas stated that the study of political behaviour indicates that political man often acts 'irrationally'. The economists model of rational choice is not found in politics. For, he points out, as Hume indicated 'It is on opinion only that government is founded'.[2] Students of administrative behaviour including March, Simon and Braybrooke, think that in practice there are very serious objections to the classic model of decision making in organisations where one might expect it to be found to some degree.[3] They have shown how administrative behaviour diverges from the classic model and criticise this model for being unrelated to observable behaviour. Administrators do not search for optimal solutions to their problems, but they search for 'satisficing' solutions.[4]

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[1] Graham Wallas, Human Nature in Politics, London, 1908.

[2] ibid., p. 204

[3] David Braybrooke and C.E. Lindblom, A Strategy of Decision, New York, 1965. J.G. March and H.A. Simon, Organisations, New York, 1963.

[4] H.A. Simon, Models of Man, New York, 1957.

While the ideal type of rational decision making may never be achieved in administration strenuous efforts have been made in recent years to ensure that the decision making process follows the classic model of rationality more closely. The introduction of P.P.B.S. and related techniques is a great step in this direction. So far, however, the evidence is that structural and behavioural constraints have slowed down the impact of P.P.B.S. on decision making.

There is some dispute as to whether the rational methods of P.P.B.S. can be effectively introduced into the political process. Those who favour the introduction of such techniques think that the greater amount of information which they provide ensures that the administrative and executive machinery is able to make more rational policy choices. Such techniques may be criticised on two grounds. Firstly they are themselves never perfect and are always defective in that not all information is gathered and the assumptions which are made in the construction of models (e.g. econometric models) are unrealistic. Secondly such techniques may be criticised on the ground that in practice people do not want to make decisions merely on the basis of information and statistics. Political decision making is a matter of wants, desires, needs and values. Preferences, rational or irrational, may override all information and all computations. An example of this pressure in political decision making is shown by the history of the location of London's third airport. The Roskill Commission, on the basis of a cost-benefit analysis, came to the conclusion that the airport should be sited at Cublington in Buckinghamshire, an inland site. But the inhabitants of the area, like those of Standsted before them, did not want an airport and were able to make their feelings clearly known. The Government rejected the Roskill recommendations - the 'rational' choice - in favour of the politically desired and expedient. Values overrode

quantitative analysis.[1]

Even the most ardent protagonists of the use of quantitative techniques in political decision making do not accept the view that such techniques could replace the political decision making process, and render it unnecessary. Charles L. Schultze distinguished the analytical and political approaches to decision making. The political decision process in his view is greatly affected by consideration of values. The process of politics is concerned with achievement of consensus over values. Nevertheless, he did not think that it was right to think of the political process and the techniques of PPBS as incompatible and in conflict. Rather they should be seen as complementary, with PPBS as an aid to political decision making.

There appear to be two elements in the decision making process whether they are separable or not, incompatible or complementary. Any model of decision making which is to have a degree of correspondence with reality (and to be of any use at all) must take both elements into account. The classic model which stresses the importance of information and evaluation must be allied with the political model which stresses values, and the consensus building process which allows men to make decisions which they can all agree to accept. While such a mixed model of decision making must be the most suitable for individual decision making it is even more important to have a mixed model for collective or group decision making.

The classic model of decision making can be compared to the classic model of the market in perfect competition. Here knowledge

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[1]It may be argued that the first criticism of rational decision making techniques - the deficiency argument - also applies here. The value of the environment is difficult to measure. Peter Self, 'Cost-benefit and the Roskill Commission, Nonsense on Stilts', Political Quarterly, Vol. XL ,1969. It is also the case that the primary question 'Do we need a third London airport at all?' was never asked. Peter Bromhead, 'It's better by train,' New Society, believes that this question would have a negative answer if the possibilities of rail transport had been fully explored.

[2]Charles L. Schultze. op.cit passim.

concerning the state of the market is always available and the working of the market is perfectly known to all who are operating in it. The consequences of any changes in production or demand are always known to all in the market. Decisions as to whether to buy, sell, produce more or produce less in a state of perfect competition are similar to political decisions made in a perfectly rational manner. But as in practice one never finds the perfect market, so one never finds the perfectly rational political decision maker. Information is not always available, some people have more information than others, some are like political monopolists, duopolists, or oligopolists, and some members of the political community for this reason have more influence upon the outcome of political decisions than do others. Structural and behavioural constraints upon decision makers give them unequal weight in decision making. In the case of the legislative committee these constraints can be related directly to factors which influence the decision process inside the small group. We will now return to studies of behaviour in small groups to consider the variables which determine the state of the market within the group.

Factors which affect the decision process in the small group

1. Social and Structural Factors

Hare in A Handbook of Small Group Research (Glencoe, 1962) points to six variables which affect the interaction process in a small group. These are personality, social characteristics, group size, task, communication network and leadership. These six variables can be broken down into two main groups. Firstly, there are those variables which are connected with personality and social characteristics and previous experience of the members of the group. These are the variables which help to explain the formation of the attitudes which the members of the group bring to their task. These attitudes may be variously described

as the value system of the members of the group, their IMAGE of the world, or the attitudinal prism through which the decision maker views the political world.[1] These attitudinal positions taken by a decision maker provide a sort of filter through which all information presented to him passes. Secondly, there are those variables which affect the interaction process which takes place between the members and by which the images of the various members are modified. These sets of variables also affect the patterns of information flows amongst the members of the group, and in our model information as well as attitudinal or value position is a key determinant of the final policy outcome. This set of variables includes group size, communication network and leadership. This second set are the structural, as opposed to the personal variables.

The personal variables of personality, age, sex, friendship, social characteristics and previous experience may be important in explaining the basic or foundation positions taken by members on the task in hand, and their ideological standpoint. They may also be valuable in explaining such factors as high or low participation levels. If the subject matter is in an area in which the Committee member has professional training or constituency interest he is likely to be a high participator in the decision making process. Social characteristics may also help to explain patterns of interactions when groups have some members who have been to school or university together, have previously worked together, or are related. And members attitudes towards their jobs, their conception or their role as legislators may also affect their behaviour in Committees. The member may see himself as a 'trustee' or as a 'delegate'. So the personal variables may shade over into the

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1 For a statement of the meaning of the concept of the IMAGE see Kenneth Boulding, The Image, Ann Arbor, 1965. The concept of the attitudinal prism is a development of this concept of the image. See Michael Brecher, Blema Steinberg and Janice Stein, 'A Framework for research on Foreign Policy Behaviour,' Journal of Conflict Resolution, Vol. XIII, 1969, pp. 75-101. In small legislative Committees the member's given position will include such things as party position.

structural variables, and the attitudinal variables may in part determine the particular shape which a political structure develops.

Group size is one of the key structural variables. In legislative committees this can be particularly important. There are some legislative committees of very great size e.g. the Committee of the Whole House. Most Select Committees of the British House of Commons consist of 15 members, and the larger ones tend to work in small sub-committees of five or seven. The U.S. Congressional Committees likewise tend to work in small sub-committees even when the parent Committee is large in size. U.S. Senate Sub-Committeeshave 5.4 members on average.[1] The House sub-committees average 7.8 members. The argument that the ideal size of Committee is five members has been put forward by several small group researchers on the basis of extensive scientific trials, and by C. Northcote Parkinson on the basis of British intuition.[2]

Group size is important for several reasons. In the larger group the number of potential relationships between the members grows very rapidly. At a certain point it becomes so large as effectively to preclude interactions between the members in any intimate and meaningful manner. Hare gives a formula for calculating the number of relationships in groups of different size. Where relationships are symmetrical the number of possible relationships in a group of five members is 90 and in a group of six members is 301. The numbers rise even more

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[1] John James, 'A Preliminary study of the size determinant in Small Group Interaction', American Sociological Review, Vol.XVI, August, 1951, pp. 474-477.

[2] C. Northcote Parkinson, Parkinson's Law, Boston, 1956, pp. 33-4. Paul A. Hare, 'A Study of Interaction and Consensus in Different Sized Groups', American Sociological Review, Vol.XVIII, June 1952. Hare found that groups of five members performed better than groups of twelve.

steeply where the relationships are not symmetrical.[1] In the larger group the amount of time available for participation by the individual member declines, the average member has fewer chances to contribute to the discussion, and there is less time for intermember communication. Leadership becomes crucial to group success. So while the larger group may have the advantage of greater human resources for problem solving with a more diversified membership and greater variety of skills, as size of the group increases so the average contribution of each member declines. Large sized committees may find their size a deterrent to effective work.

The increase in size of membership of the group not only means that there is less time available for each member to participate but larger size also has a psychological effect in that some members are inhibited in the larger group and so take less part. The distribution of participation varies with the size of the group. And the greater variety of opinion which is found in the larger group is balanced by a greater difficulty in reaching consensus.[2] Increased human resources are balanced by diminishing returns - the marginal utility of the extra member tends to zero after a certain size. There tends to be a small

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[1] Paul A. Hare, A Handbook of Small Group Research, Glencoe, 1962, p.299.

$x = \frac{n^2 - n}{2}$ or where there are sub-groups $x = \frac{n - 2^n + 1 + 1}{2}$

Size of Group	Number of Relationships (symmetrical)
2	1
3	6
4	25
5	90
6	301
7	966

[2] Hence parties may develop.

number of high participants in the larger group.

Altogether the evidence seems to suggest that five is an optimal number for discussion and problem solving groups. While this number does not really allow for the development of groups and parties which would reflect different value positions held by members, it is considered that the intimacy and frequency of the interaction process fosters the development of a cohesive group which is able to make decisions by consensus. Cohesion is an important factor in the success or failure of the group to operate on a continuing basis. When a group is successful at its task it gets feedback from the wider system in which it operates and this tends to reinforce its feelings of cohesion. And when a group is successful it tends to raise its aspiration levels for the solution of subsequent problems. Likewise failure can lead to disintegration of the group.

Very often the crucial factor in the small group, as indeed in larger groups, is the leadership which develops.[1] Different patterns of interaction within the group may develop in response to the values of the six variables outlined above (expertise, length of service, personality, etc.) Generally some member of the group will take a central place in the communications network and this person will become some sort of a leader or director of operations. The larger the group the more important is the role of leader, but even in the small group of five or seven the role of leader may be important in the group's ability to complete its task. The number of inter-relationships which can occur and the possible fragmentation of the decision process means

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[1] Murray Glanzer and Robert Glaser 'Techniques for the Study of Group Structure and Behaviour: Empirical Studies of the Effects of Structure in Small Groups' in Hare, Small Groups, New York, 1966, pp.400-425, p. 407, indicate that centrality in the group communication network produces high morale and status not only because it provides greater access to communication channels but because greater access gives autonomy and the ability to make independent decisions.

that someone has to play a co-ordinating, and frequently a directing role in the small group which has to solve a problem or complete a task. Most of the studies of Congressional committees which we shall consider indicate the vital role played by the Committee Chairman. This is often attributed to the working of the seniority system in Congress which gives the Chairman great power, but in part it is also a consequence of the need for leadership in any problem solving small group as the theoretical literature on small groups indicates.

2. The Subject Matter - Policy or Administration

One of the points at dispute in the question of the use of legislative committees is the matter of what subjects and types of material they are capable of dealing with most successfully. Are legislative committees suited to the discussion of matters of high policy with a highly 'political' content which may inflame members' passions, or are they more suited to the less heated and more technical subjects of administrative practices. What can be learned from the small group studies which might illuminate this problem? Much of the small group literature is concerned, as we have indicated, with the study of the behaviour of people in small groups which are engaged in purposive activity, in some problem solving or decision making task. Such studies indicate that a small group performs its task most effectively and efficiently when it is able to collect and organise all the information necessary for the solution of the problem. The organisation of the group and the communications network which it develops is thus fundamental to the success of the group in goal attainment. We have already indicated the variables which affect the patterns of interaction and the shape of the communications network which develops and the fact that leadership may play an important part in goal attainment. It is clear that some tasks which are presented to groups to solve are more suited to solution in small groups than are others. Tasks of great complexity

which require large numbers of variables to be taken into account put a strain upon the computational and organisational facilities of the group as they do upon the abilities of the individual problem solver. The simpler the task, and the smaller the number of variables which have to be taken into account the more likely it is that a small group will find an acceptable solution. But the matter of an acceptable solution is where the small group differs from the individual solving a problem. For as we have indicated each member of the group comes to his task with an 'image' or 'ideology' which colours his impression of the task before him. And subject matter that is likely to lead to dissention within the group, which disturbs the impetus towards cohesion and integration, is less well suited to the small group problem solving approach. Where committees vote (as in the case of very large committees) this is less apparent for the committees will divide into 'parties' of some sort or another. In the small group or the small committee where parties do not develop and where voting is rare or unimportant small scale administrative problems which do not threaten a group's cohesion seem to be indicated as the more suitable subjects for this approach to problem solving. Thus it seems to be indicated from small group studies that legislative committees are more likely to be useful for subjects which deal with non-contentious detail rather than broad policy issues.

If the group really is small, five to seven, face to face contacts will be frequent and important. Thus highly charged subjects on which there is little chance of consensus appearing are unsuitable. A group may, however, be slanted or biased in relationship to the wider system on a given issue. In such an event it may be able to tackle a contentious problem without disrupting internal unity and integration. But in such a case the group may find itself in conflict with the wider system and while internally successful be externally unsuccessful.

On the whole therefore it would appear that contentious subjects can only be dealt with by a small group where there is underlying unanimity among the members.

3. Building the Consensus - The Strategies of Small Group Decision Making

The achievement of consensus in a small group where there is a basic underlying unanimity on a 'hot' political subject, or on a non-contentious technical subject is achieved through the interaction process. It is achieved partly through the communication of information on the subject and partly through the influence and persuasion which members of the group exercise to modify each other's 'images' which they bring to their task.

C.E. Lindblom has described some of the strategies which an individual decision maker will adopt in face of the difficulties of making a decision on the basis of the classical model of decision making.[1] These strategies include the examination of alternatives sequentially, making incremental stepwise progress relying on feedback, adoption of remedial solutions, blasting bottlenecks. All of these strategies of decision making add up to a type of decision making which does not lead to the finding of the optimal solution but to the finding of a satisfactory solution in the light of all the constraints which press upon the decisionmaker. In the case of a group decision another constraint appears which does not really confront the individual administrator. This constraint arises from the pressure within the group towards cohesion. The pressure towards cohesion in the group leads to a need to compromise regarding outcomes, and to achieve a decision which is satisfactory to all to some degree. This is the sort of behaviour which in another 'individual' model of decision making Herbert Simon has described as 'satisficing' behaviour.[2] This model is also found in

[1] C.E. Lindblom, The Policy Process, Englewood Cliffs, 1968.
[2] Herbert A. Simon, Models of Man, New York, 1957.

March and Simon's book Organisations.[1] March and Simon outline the cognitive limits of the classic model of rational decision making and ask how does the rationality of administrative man compare with that of the classical economic decision maker. Man, these authors stated, is not objectively rational in the way which economic man appears to be. Rather he is subjectively rational. A rational decision for him is one which satisfies him - even if it may satisfy no-one else. In the setting of the small group, however, his interest is bound up with that of the group, and so the member of the small group will be satisfied with some decision which allows him as much of what he wants without disrupting the group and putting its existence into jeopardy. It is this sort of constraint which in the small group sets the fundamental limit to rational decision making.

Members of the group will thus adopt certain strategies to achieve a consensual decision. Some will seek to influence their follows through persuasion, by offering some rewards for compliance. Bargaining may take place. Some members will seek to persuade through offering information and expertise on the subject to less deeply interested members. Some will seek to filter the information which flows into the Committee by selecting and suggesting which witnesses shall be called to give evidence. Some younger members may adopt deferential stances towards elder members, and elder members may bend their views to some extent to jolly along the younger members and keep them happy. Just as the individual decision maker often finds that he has to make a decision not on the basis of consideration of all the possible alternatives and

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[1] James A. March and H.A. Simon, Organisations, New York, 1959. See also David Braybrooke and Charles E. Lindblom, A Strategy of Decision, New York, 1963 and Charles E. Lindblom, The Intelligence of Democracy, New York, 1965.

probabilities but in the light of existing political circumstances, so the decision maker working in a small group will have to make his decision in the light of the internal political arrangements of the small group in which he is working.

Studies of Behaviour in Congressional Committees.

In the previous sections we have outlined a model of behaviour in small groups and in small legislative Committees. It now remains to examine some studies of legislative Committees to see whether our model is an appropriate and useful one which would offer a fruitful foundation for further study. We turn first to studies of behaviour in Committees of the U.S. Congress.

It is often claimed that Committees of the U.S. Congress are powerful bodies which pose a threat to the power of the Executive. How powerful is Congress vis-a-vis the Executive and to what degree is its position due to the influence of powerful Committees? George Goodwin considered four possible models of executive/legislative relations and concluded that the present balance was one corresponding to the President/Pluralist model.[1] Committees are an important element in this model of executive/legislative relations and in the model of Constitutional balance. They are less important under the Presidential/Responsible party model and the model of Congressional supremacy. In these models party, rather than Committee activity, dominates over policy choices.

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[1] George Goodwin, The Little Legislatures: Committees of Congress, Massachusetts, 1970.

Other commentators are less sure of Congressional power vis-a-vis the executive. Jewell and Patterson stated:

> We are living in an executive-centred world, a world of presidents and governors. prime ministers and premiers, kings and potentates.[1]

As a result Congressmen and state legislators see Committees as the main line of defence to halt the 20th century trends that threaten to turn legislative bodies into rubber stamps for the executive.[2]

What then is the nature of Congressional Committee influence and initiative? Examples of Committees and Committee Chairman which have appeared to wield great power are not hard to find and they provide a dramatic illustration of the way in which individual Congressmen can rise to positions of considerable prominence.[3] But Committee Chairmen such as Joseph McCarthy and William Fulbright may be regarded as mavericks who play an umusual Congressional role.[4] Generalisations about the power of Congress and the power of Congressional Committees made from such examples may ignore the more usual patterns of behaviour in Congressional Committees.[5] They may ignore the fact that the powerful Committee Chairman is the one who leads a cohesive integrated and authoritative Committee whose members have become Congressional 'Opinion leaders.'[6]

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1 Malcolm E. Jewell and Samuel C. Patterson, The Legislative Process in the United States, New York, 1966, p. 8.

2 The shift in initiative from Congress to the administration and consequent demands for the restoration of legislative initiative was earlier noted by David Truman, The Congressional Party, New York, 1959. pp. 2-10.

3 Alan Barth, Government by Investigation, New York, 1955

4 Ralph K. Huitt 'The Outsider in the Senate - An Alternative Role' America's Political Science Review, Vol. LV, 1961. Offers the example of Senator Proxmire (Wisconsin).

5 John F. Manley, 'Wilbur P. Mills: A Study of Congressional Influence,' American Political Science Review, Vol. LXIII, 1969.

6 Edward Schneier, 'The Intelligence of Congress: Information and Public Policy Patterns,' The Annals of the American Academy of Political and Social Science., 1970, p. 14. Schneier considers the importance of the 'Two-step' information flow pattern in Congress and its influence on policy formulation.

Power in Congress may not be power to make great policy decisions but power to gain consensus, support, and agreement. Commentators on the general behaviour of Congress in recent years have noted that it does not generally take great policy decisions. It, as a body, avoids a radical approach to policy making:

> As an institution Congress shies away from an architechtonic role and prefers its public policy interventions to be corrective and supplemental..... Congress tends to think and act inductively rather than deductively. The concern for details and oversight often obscures the true intent of the body.1

Even those Commentators who wish to claim that Congress does still play an important part in the policy process admit that this is achieved through small adjustments rather than through radical innovations and creative thought.[2] This tendency may be related to the dominance of a particular role type for Congressmen - the instructed delegate.[3] It may be related to the tendency of Congressmen to look to particular local interests rather than to wider questions of the public interest. And such a tendency may be partly caused by, or at least compounded by, the way in which Congressmen generally behave in Committees.

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1 Ronald C. Moe and Steven C. Peel, 'Congress as Policy Maker,' Political Science Quarterly, Vol. LXXXV, 1970. p. 469. This tendency is thought to be greater in Congress where the Committees are the focus of political life than in the British House of Commons where, in spite of the recent increase in Committee activity, the House itself is still the focus of political life.

2 ibid., passim. These authors suggest that Congress has retained its vitality and initiative in legislation because 'Executive decision making is essentially incremental and piecemeal, Congressional behaviour, to be effective, must also be incremental and piecemeal,' p. 468.

3 Roger H. Davidson, The Role of the Congressman, New York, 1969. offered inconclusive evidence regarding the numbers of Congressmen who might be classified as 'instructed delegate.'

Specific Committee studies.

Specific Committee studies indicate something of the external and internal constraints upon Committee behaviour. Some of the earliest studies of Congressional Committees were not undertaken with a particular theoretical framework in mind and their findings were not related to a specific body of theory about Committee behaviour. But some more recent studies have attempted to fit their empirical data into a wider body of theory especially the small group studies and theories of decision making outlined above.

We will look here at studies of Committees which are concerned with matters which may involve considerations of high level policy questions. There are at least two types of Committee which come into this category. One group of Committees deals with finance e.g. the House and Senate Appropriations Committees. The other group deals with Military and Defence Policy (including those Committees which deal with Scientific policy which overlaps into Defence). If any Committees are dealing with matters which should approach the 'architechtonic' role which Congress is reputed to shun, these are they. We will look at these Committees to see whether they are able to take a wide, large scale approach to their topic and how far decision making in these committees is incremental or piecemeal due to the internal constraints upon Committee behaviour.

The most notable of all the large scale studies of Congressional Committees deals with finance. And it is a study undertaken in the light of a particular framework. The Power of the Purse by Richard Fenno takes its framework from small group research, systems analysis, and role theory. Fenno was not the first student of Congressional Committees to regard them as small groups and to study them with this in mind.[1] But Fenno carried the group concept further than other, earlier students had done.

[1] Ralph Huitt, The Congressional Committee; A Case-Study,' American Political Science Review, Vol. XLVIII, 1954 was one of the first to use the notion of the Committee as a group, and this idea was later followed up by David N. Farnsworth, The Senate Committee on Foreign Relations, Urbana, 1961. Farnsworth considered the part that the Committee played in the decision-making process, but he scarcely considered the nature of the decision making process itself within the Committee. His major concern was with the relationship of the Committee as a group to the wider system in which it operated.

Fenno explored not only the relationship of the Committee as a group to the wider system in which it operated, but also the internal operations of the group and the relationships between the members. The focus of his study was two-fold, on the patterns of interaction between the members of the Committee and the House, and Senate, and on the patterns of interaction between the members of the Committee. The Committee, which operates as a series of sub-committees, has an external problem of adaptation to the larger political system and an internal problem of decision making and stability. Fenno found that the effective secret of the Appropriations Committee seemed to lie in its ability to integrate its members into the group so that the consensual method of decision making could be followed, and so that a united face could be presented to Congress. The interactions of the members of the Committee were determined by the internal need to make decisions (or policy recommendations) always constrained by the external environment. So, although the Committee had to find a solution acceptable to itself and its members in order to maintain internal stability, it also had to find a solution acceptable to Congress as a whole. If this solution was not acceptable to the wider system, tensions would develop between it and the Committee. In its search for solutions the Committee had to find a balance between individual goals (e.g. the desires of the members of the group for power, prestige, re-election, recognition and information) and the need to satisfy House and Committee expectations - the NORMS of behaviour.

Many factors affected the internal constraints on behaviour. Members wanted to be on the Committee. Nearly all the members of the Appropriations Committee were concerned with the power and prestige of the Committee. Membership was highly valued, and this worked towards cohesion within the group. Members saw the source of the Committee's influence as its ability to exercise real financial control. They also

believed that Committee membership would enhance their personal prospects and enable them to get projects for their constituents. But this particular Committee is concerned with budgets of all the agencies and departments so that clientele interest was not so strong as in some of the Congressional Committees with a narrower range of specialisation.

Specialisation on the Committee was found in its sub-committees. Expertise was highly valued. Much of the work of sub-committees may be done by one man - generally the Chairman. Different roles are played by different members of the Committee and the Chairman generally occupies a central position in the communications network which develops in the Committee.[1] He is generally better informed than the other members. The junior and senior members of the Committee have clearly defined roles, and this is an important element in the process of socialisation which serves to get the new members integrated into the work of the group. The key roles in the Committee's work are:

> The committee chairman; the ranking minority member; the committee newcomer; the sub-committee chairman; the sub-committee minority member and the sub-committee clerk.[2]

Another factor which worked towards the maintenance of stability and unity within the group was the stability of membership. Rebellion in Committees increases as turnover increases.[3] This finding from the

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[1] Other studies have indicated that the power of the Chairman is related to his ability as a consensus builder and his ability to achieve integration and unanimity in the committee. See John F. Manley 'Wilbur P. Mills: A Study of Congressional Influence,' American Political Science Review, LXIII, 1969, and 'The House Ways and Means Committee: Conflict Management in a Congressional Committee,' American Political Science Review, Vol. LIV, 1965.

[2] Richard F. Fenno, Jr. The Power of the Purse, Boston, 1966. p. 162

[3] Ibid., p. 227

Appropriations Committee confirmed other studies of small group behaviour which indicated that the 'traditional' group with long-term membership is more cohesive. Integration in the Committee, was, indeed, a key factor in its success or failure to produce decisions acceptable to its members. Integration developed largely through the socialisation process by which the new members came to accept the norms of committee behaviour. Minimal partisanship was one necessary condition of Committee integration which new members had to learn. Extreme partisanship is one of the most serious disruptive conditions in the small committee.[1] There may be other disruptive forces which arise within the Committee, for example when the Chairman of the Committee leaves and a new Chairman takes his place. The outward and visible sign of inward and invisible conflict in a committee is the production of minority reports.[2] The Appropriations Committee rarely filed minority reports which was an indication of its success in achieving a high level of integration and cohesion.

As a result of its high level of integration and cohesion the Appropriations Committee appeared to make incremental and piecemeal changes in budgets rather than dramatic changes which would represent great changes in policy. It was a Committee which could in theory look at great matters of policy and weigh up the alternative ways of using financial resources. But it did not appear to do this. Each of the specialist sub-committees was more concerned with its own specialist area than with the total budget.[3] This tendency was enhanced by the fact that one major source of information to the committee was the agency or department. Agencies saw the Committee hearings as offering an opportunity to communicate information about their programs to Congress, and to the interested public outside Congress. Every program has its interested supporters and a clientele outside the Government. Specialisation, and the pattern of information flows tended to work against the Committee's ability to take an overall view of the budgetary process.

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[1] ibid., p. 249.

[2] ibid., p. 253

[3] This finding was also noted by Aaron Wildavsky, The Politics of the Budgetary Process, Boston, 1964

But the House Appropriations Committee is not entirely typical of all House Committees. In one vital respect it is different from other Committees. It is engaged in a budget paring process rather than a pressure for greater expenditure. Its main function is to control the budgetary process, not to press claims from interested parties and groups. Is the model of Committee behaviour which Fenno developed of any use in the analysis of behaviour in other Committees?

Another Committee with a financial function which has recently been studied is the Senate Committee on Banking and Currency. This Committee is, on the whole, a less successful one than the Appropriations Committee. "Although the Standing Committees of Congress are generally thought to be active and aggressive, our analysis has shown that they can exhibit a quite different behaviour pattern of inactivity and passivity."[1] On this committee, in contrast to the Appropriations Committee, partisanship was frequently strong[2], it was not a committee of which membership was highly desired, integration of the members was weak, there was a high turnover of members and the work was not considered very interesting. Two basic blocs of members existed on the Committee, Liberals and Conservatives. The high level of partisanship, together with other factors mentioned, led to passivity among the Committee members. All the variables which in the Appropriations Committee had a positive weighting leading to success had in the Banking and Currency Committee a negative weighting, indicating a divided, passive, and unfavoured committee which presented a divided face to the Congress and was not able to achieve much. A committee which has great difficulty in achieving consensus is not able to get its view point accepted by Congress as authoritative. It thus contributes less to the

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[1] John Bibby and Roger Davidson, On Capitol Hill, New York, 1967, p.195.

[2] ibid., p.192.

information flows within Congress. Members of successful committees become 'opinion leaders' to whom other Congressmen turn for cues as to behaviour. It is this sort of 'influence' which marks out the important or powerful Committee from the one which is not powerful, and this is one of the ways in which Committees influence congressional decision making. But Committees are not generally very successful in making major policy changes in the financial field. The tendency to specialise and to concentrate on specific programes leads to piecemeal development of programmes.[1] An incremental approach to decision making can be seen in the patterns of public expenditure in the U.S.A. The entire Federal budgets as a percentage of G.N.P. varied little from 1956 to 1963. And the percentage spent on defence has likewise varied little in spite of all the rhetoric about changes in defence policy. The patterns of expenditure on defence show a remarkable stability over the past 25 years. The big change in policy is a hard one to achieve, and it is clearly not made by individual congressional Committee decisions, but incrementally by a series of such decisions over time.

We turn now to studies of those Committees which have a part in Military or Foreign policy to see whether these studies have any explanations as to why they do not appear to take large policy decisions, but concentrate upon details, and local interests. Questions of Military and Defence policy certainly may be very 'hot' politically - but what sort of behaviour is found in the Committees which consider these questions?

There are a number of Congressional Committees which deal with military and Defence topics. This large number of Committees itself makes for a certain lack of co-ordination of policy decisions and structurally fragments the decision making process on foreign policy in

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1 It is this feature of Congressional decision making which conflicts with the theory of rational decision making which underlies the P.P.B. system being introduced into administration. J.E. Jernberg, 'Information change and Congressional Behaviour: A Caveat for the P.P.B. reformer,' Journal of Politics, Vol. XXXI, 1969.

Congress. One highly active leader or Committee chairman can thus sometimes have an disproportionate impact upon foreign or Military policy, by injecting a sense of direction into the confusion. Thus, in the 91st and 92nd Congresses, Senator Fulbright has been able to campaign actively and with some success against the executive's foreign policy, and he has attracted support from disparate groups of Congressmen. The fragmentation of responsibility for decision making on Foreign and Military policy has a fundamental effect upon the ability of Congress to make high level policy decisions in this subject, and in some way helps to enhance the powers of the Executive in these fields.

Studies of the behaviour of Congressmen in relation to military and Foreign policy show that there is a tendency for them to look at detailed questions rather than at first order questions involving high level military and foreign policy. Lewis Anthony Dexter stated:

> Congressmen interviewed generally indicate that they have little tendency to raise or consider questions of military policy <u>in terms of its meaning for some national or international political objective or goal.</u> By military policy is meant specific decisions about interpreting or handling weapons, personnel, appropriations, missions, organisations, administration. In fact, during the 1946-57 period, few examples could be found where congressional committees created any impression of seriously evaluating decisions about weapons, appropriations, personnel, missions, organisation, or administration in terms of national or international goals or objectives.1

There is, however, a rhetoric or justification used by Committee members which purports to explain what is decided in terms of high and serious considerations, quite regardless of whether in fact these considerations were relevant to the decision making process as it operated. Congress has appeared to concern itself with overall military policies when (1) It feels it is able to judge between clamouring claimants (usually different military services) and (2) Where Congressmen see some connection with a local situation, usually an employment matter.

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1 Lewis Anthony Dexter, 'Congressmen and the making of Military Policy,' in Davis B. Bonbrow (ed) <u>Components of Defense Policy</u>, Chicago, 1965, p. 96.

The broader aspects of military policy are not generally considered in Committees dealing with this subject. Members of the Armed Services Committee do not see its functions as primarily concerned with the examination of high level policy. Members reported that this committee was primarily a real estate committee:

> Most questions even in what are called policy hearings are directed really towards production. This is true equally of off the record hearings. People are asked questions about specific manpower requirements et cetera, not about general policy..... I believe there should be some serious policy thinking on the ideological side. It should relate the military to State and U.S.A..... I called on several people in various government departments, Department of Defense, the Committee staff et cetera, to try to help me to frame questions to get at these policy issues (but did not get much help). Symington's sub-committee is concerned with program and production - not too much with big policy issues.1

The respondent who made these remarks, unusually, took the view that the committees should really be delving into policy questions. But other members, more typically, did not feel this so strongly stating that consideration of policy was not their job. 'Military policy is made by the Department of Defense..... Our Committee is a real estate Committee.' The frequent references made by the members to a real estate Committee indicate that the Committee is largely dealing with the location of military installations, and the related transfer, purchase and sale of properties.[2] This is what the House Armed Services Committee spends most of its time doing. Dexter suggests that one reason why the committee limits itself in this way is that the members are afraid of moving into areas where they have no expert competence, and thus they tend to concentrate on marginal questions. At the time that this study was undertaken there was a lack of interest in Military policy on the part

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1 Dexter, op. cit., p. 98.

2 Ernest S. Griffith, Congress: Its Contemporary Role, New York, 1967 made a similar point, p. 198, "Congressmen are responsible to their districts and states. This gives them an undue or distorted concern as to the location of Navy Bases, Army Camps and airfields - not to mention the awarding of contracts to firms who are their constituents."

of Congressmen's constituents which was another factor limiting the scope of the Committee. Towards the end of the 1960's however there has been an upsurge of Constituent interest in Military policy and a corresponding increase in the larger policy questions among some Committee members.

On the whole however, studies of Committee behaviour indicate that Congressmen hesitate to question the basic proposals for the Military. They regard the Military establishment as the experts in their own fields, and the power of the Pentagon with its superior (and often classified) sources of information certainly weigh the balance against a satisfactory discussion of high level policy in Congressional Committees. The superior sources of information available to the Military specialists inhibits Congressmen's ability to take on the evaluation of alternative military policies. A similar tendency for Congressmen to yield to the superior information available to experts is found in the consideration of Scientific policy.[1]

Whether greater sources of information would better enable committee members to move into high policy considerations can be debated. For it may not only be that the information is insufficient but that the ability of the Congressional Committee to process and analyse information may be defective. In many cases Military and Foreign policy involves questions of value which greater information and rational consideration may not affect:

> In the Congressional process, our preliminary survey leads us to the conclusions that the role of rational intellectual consideration is much less important than is commonly supposed and that it would not be greatly enhanced by changes in the volume and nature of information per se.[2]

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[1] Don K. Price, The Scientific Estate, Cambridge, Massachusetts, 1967 'A Congressional Committee will listen with more respect to a man who speaks as an expert, on the basis of evidence certified by some science or some profession, than if he is speaking as a member of a political or administrative team, interested mainly in the coherence and purpose of the governments total program. p. 198.

[2] Theodore Geiger and Roger Hanson, 'The Role of Information in decision making on Foreign Aid,' in Raymond Bauer and Kenneth J. Gergen (eds) The Study of Policy Formation, New York, 1968, p. 363.

With all the information in the world if Congressmen feel that they should, for example, oppose the Administration's policy in the Far East then they will oppose that policy. Their values rather than information presented to them by the Pentagon will play a large part in the determination of their decisions and choices. Different Committee members have different value positions and different views on policy matters. What occurs in the Committee room is a series of activities designed to bring the members of the Committee together towards a consensual view of the topic. These activities include the efforts of the chairman, bargaining and interaction between the members of the Committee, and controlling the flow of information within the Committee and from the interested parties (lobbyists and departments) to and from the Committee. Any model of Committee behaviour must, therefore, take into account two primary factors in the decision process, the value positions of the members of the Committee, and the information presented to them on which they base their decisions and recommendations. Control of the information flow, interactions and bargaining between the members of the Committee all together lead towards a model of decision making in small Committeeswhich emphasises the twin factors of value and fact, and which allows us to study the processes by which they are resolved by more than one person acting together. Kenneth Boulding stated:

> We need careful study of the way in which the communications networks of organisations affect not only the distribution of images of the role but also affect the value structure of the individual concerned. Only thus will we come to a real understanding of the decision-making process.[1]

In a Committee the group's very existence provides a major constraint on the decision making process.

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[1] Kenneth Boulding, The Image, Ann Arbor, 1956, p. 103

The Model

Decision making models can be broadly grouped into the following categories: HOW TO DECIDE

(1) Work out what would happen if alternative A or alternative B were to be selected (The Economic Rational or Root model).

(2) Do what you like (The Political Model - with high emphasis on value or ideological positions).

(3) Do what someone tells you to do (The 2 step information flow or opinion leader model).

(4) Toss up (may occur in crisis situations).

Our model of decision making in legislative committees contains elements of all of the first three basic decision making models. We have not considered No.4.

This model of committee decision making is, as the foregoing chapter indicates, drawn from several sources. Firstly there are the theoretical and experimental small group studies, and secondly there are the decision making studies, and thirdly there are those studies which have already been conducted into the working of the congressional committee system. From these three elements we have constructed our model. One of the important features of this model is that it recognises the importance of both FACTS and VALUES in the decision making process and allows for proportionate emphasis on the one or the other to be taken into account in individual situations. It allows for the effects of the social interaction process as it operates on the filtering of information (facts) and the adjustment of the committee members value positions.

The model can be expressed in three ways. Firstly it can be expressed verbally. This allows us to indicate the varieties and meanings of the various elements in the model. It can be expressed diagrammatically, which has the advantage of giving easy intuitive understanding of the model, and it can be expressed in mathematical or logical terms which gives a clear

picture of its internal logical structure. We will attempt all three types of description.

The Verbal description of the model.

(a) Legislative committee decision making takes place in a system which imposes external constraints on sub-system behaviour (the major system norms and expectations which include the government's attitude to the committee, and the attitude of the legislature as a whole). There are also internal constraints or norms of behaviour which are indicated below.

(b) Committee men (members of the sub-system or small group) come to their decision making task with a certain 'image' or set of perceptual filters on the world[1] which we shall call foundation positions (F). They have in effect certain attitudes towards the problems which they have to solve (these may include party positions, or ideology). These foundation positions determine the base from which committee members move towards a decision, they do not approach each task with a blank mind. On to these 'images' and through them they add and filter the information which comes to them during the course of their task.

(c) Values (or 'Images' or 'Ideologies') are not independent. That is members do not stick unyieldingly to their attitudes during the course of the work which they undertake in committee but they modify these value positions in two ways. They modify them in the light of political considerations - the need to continue working with the group. The members accept the group norms and the need for cohesion if the group is to be successful and to persist over time. In this manner values may be affected also by the external constraints coming from the major system. Foundations positions are affected secondly by the information flowing into the group.

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[1] Kenneth Boulding, The Image, Ann Arbor, 1956. passim.

(d) Modification of the foundation positions is carried out through two basic processes. Firstly through the processes of bargaining and give and take. Several strategies may be adopted to this end. Some members may be more influential than others. Influence over decision result is related to such factors as participation in the group, expertise, seniority and relationship to the external environment. High participators may be influential (i) they get more information (ii) they get to know more people and (iii) they may become 'opinion leaders' within the group.

Modification comes secondly through the information presented to and acquired by the group regarding the consequences of alternative solutions. Information being a key variable in the decision process, influence as described above is frequently related to information. The pattern of information flows and the control of information from the source and its dispersion through the group is crucial in the operation of the decision process. The shaping of the final preference location is determined by (i) Information flows (ii) Bargaining strategies.

(e) Members try to get as near to the maximum satisfaction of their position. They have to modify the value system (F) to satisfy political considerations and to build and maintain consensus. Thus they tend to 'satisfice'[1] rather than to maximise. An incremental approach to problem solving is indicated to maintain stability in the internal system and to maintain stability in relations with the major system.

(f) Final outcome on decision will be a location on a policy preference continuum which satisfies criteria of

(i) group maintenance,

(ii) external success,

(iii) members reaching individually "satisfactory" positions.

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[1] H.A. Simon, "A Behavioural Model of Rational Choice," Quarterly Journal of Economics, Vol. 69, 1955.

MATHEMATICAL REPRESENTATION OF THE MODEL

1. Model I (Economic Rational or Root model)

$$D = f(fI)\ (F_{C1};\ P_{C1};\ F_{C2}\ F_{C2};\ F_{C3}\ P_{C3};\ \ldots\ldots\ldots\ldots F_{Cn}P_{Cn})$$

Where D = the decision

I = Information

F = Foundation position

P = Participation in the task

C = Committee member

fI= the amount of information actually available to the decision maker.

2. Model II (The Political Model, combined with a two step information flow (1) and (2) = the small group model)

$$D = f(F(I)_L)\ \ (F_{FC1}P_{FC1};\ F_{FC2}P_{FC2};\ F_{FC3}P_{FC3};\ \ldots\ldots\ldots\ldots F_{FCn}P_{FCn})$$

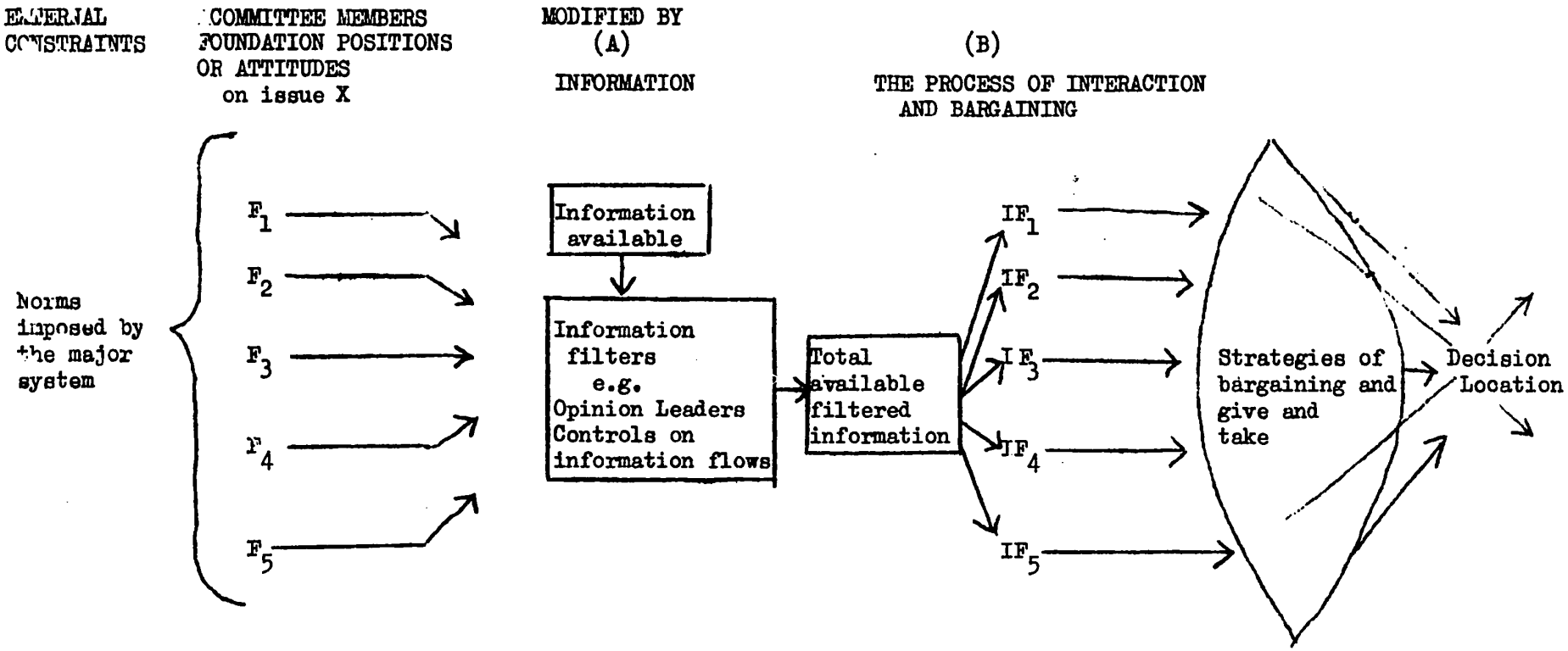
Where L = the Opinion leader and FC = the follower or committee member (C above)

3. Model III (Our Model which combines Model I and Model II)

$$D = f((F(I)_L) + fI)\ \ (F_{FC1}P_{FC1};\ F_{FC2}P_{FC2};\ F_{FC3}P_{FC3}\ldots\ldots F_{FCn}P_{FCn})$$

Where FC = the committee member.

NOTE The entire model being subject to the influence of external variables as described in (a) above.



Decision location explained.

Foundation positions on Issue X

ISSUE X A F1 F2 F3 F4 F5 B or A F1 F2 F F F F 3 4 5 B or A E E E F 1 2 3 4 F5 B etc:

Problem Where will the solution to Issue X lie. There are two main determinants of the final position. (1) Information and (2) Foundation values or position. These are modified by the processes of (1) Information control and (2) Bargaining and interaction.

Note. 1. Another variable may be added to the model. Foundation positions may be held Interim or Tenatively or Strongly. The intensity of F at t_1 may be included.

2. Time of A and B modification processes may overlap. They are presented separately here for the sake of clarity.

Behaviour Patterns in British Select Committees.

It would appear that our model of behaviour in legislative committees is a useful one so far as Committees on the U.S. Congress are concerned. But what of the British House of Commons? There is not the same volume of behavioural studies of the House of Commons as exists for the U.S. Congress. But we can make some short general observations drawn from the few studies which exist.

Kenneth Wheare pointed out that a notable feature of committees to inquire was a tendency for over-indulgence in compromise.[1] But few Select Committees perform this function today, it has been taken over by the Royal Commission and Tribunal. Select Committees more frequently perform functions of scrutiny and control, and they are not authorised to consider policy. They tend to be non-specialist. In the Estimates Committee, for example, the "layman" character predominated amongst the members. The main use of such a Committee is to provide an opportunity for the administration and its experts to be kept in line by a body of lay critics.

The lay critic role is taken up by Nevil Johnson in his study of the Estimates Committee. Johnson noted the reluctance of the M.P. to specialise, and this makes committee membership a minority role and taste in the British House of Commons.[2] The distrust of expertise is a general cultural pattern in Britain, reflected in legislative behaviour.

> This outlook expresses one of the most fundamental beliefs in British social and political life. This is that the best critic is the lay critic.... our society is pervaded by this belief. It has great political strength.[3]

One factor working against specialisation in the Estimates Committee was a high turnover of membership, although there was a small core of long serving members. The high turnover re-enforced the lay-critic role.

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[1] Kenneth Wheare, Government by Committee, Oxford, 1955.

[2] Nevil Johnson, Parliament and Administration, The Estimates Committee 1945-65, London, 1966.

[3] Johnson, op.cit., p.112.

Johnson noted the tendency towards a 'middle of the road' non-partisan attitude of committee members. This arose partly because most of the committee members were drawn from the centre of their parties. The onservative members tended to be 'Tory Squires' and the abour members to be those with a University or Professional training. Most of the members were moderate in their views and party ardor. The relatively non-partisan nature of the committee contributed to its success in its particular sphere of activity. Although turnover was high the low partisanship enhanced cohesion on the committee, and made it easier to achieve consensual decisions. While in general such a united committee is likely to have more influence it can mean that members of a committee may be at odds with their party leadership. This occurred when the Committee investigated the Concorde Project:

> 'The Committee's Conservative Members gave full support to opinions and comments which cannot have been welcome to the Government.1

The Committees inherent tendency towards non-partisanship and consensus may lead to tensions between it and the larger political system in which it operates. Government influence over membership of Select Committees may be exercised to prevent such an occurrence.[2]

The objectives of the Estimates Committee were to achieve value for money in administration. But, over the years, this concern broadened to a point where it had lost its primarily financial character. The Estimates Committee did not make policy as such but had become anxious to influence departmental action, and to act as a means of informing and advising the House of Commons on questions related to the preparation and organisation on the Estimates process. But Johnson found it difficult to measure the degree of influence which the Committee was able to exercise, and in many cases it was concerned to influence matters of administrative detail rather than policy.

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1 Johnson, op.cit. p. 110.

2 John P. Mackintosh,'Specialist Committees in the House of Commons: Have they failed?'. Waverley Paper No. 1, Edinburgh, 1970, p. 27.

The external constraints which affected the behaviour of Members of the Estimates Committee were considered in some detail. There was very little House of Commons interest in the Committee's work. Debates on its reports were rare, ill attended and dominated by Members of the Committee.[1] Johnson stated that the comparative neglect of Select Committee reports reflected the relationship between the Government and the House of Commons. And the Estimates Committee did not even function particularly well as a device for political communication since so few Members of the House of Commons took an interest in its reports.[2]

Johnson continued his study of committees in a later work. He examined the work of the new Specialist Committees to test the theory that they would provide members with greater influence on the Government through the provision of more information to members. Johnson considered that the Select Committee on Science and Technology had been reasonably successful in this respect. It had a stable and expert membership and had chosen topics for their interest, not for their sensational impact or their glamour.[3] But he was less happy about the influence of the other committees, they had been of short duration, they did not develop a style, they became irritants rather than influences.[4] They tried to tackle subjects which were too broad and political:

> The broader and more 'political' the theme, the greater is the risk that a committee becomes involved in general talk: it lacks the focus and the discipline which are present when the subject of enquiry is a specific departmental activity on which those actually responsible must deliver detailed evidence.[5]

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[1] The tendency for debate on Select Committee reports to be dominated by committee members is noted by Roger Williams, 'The Select Committee on Science and Technology' Public Administration, Vol. 46, 1968, p. 306

[2] Johnson, op. cit. p. 143.

[3] Roger Williams, art. cit, suggested that the Science and Technology Committee concentrated on micro-problems rather than on macro-problems, p.312

[4] Nevil Johnson, 'Select Committees as Tools of Parliamentary Reform,' The Commons in Transition, (eds) A.H. Hanson and Bernard Crick, London, 1970, p. 231.

[5] ibid, p. 232.

When a committee in the House of Commons tries to discuss matters of broad policy no clear results are likely to be obtained. Examination of such topics is likely to increase partisanship on a committee and inhibit the development of a consensus. This, in turn, will affect the ability of the Committee to influence Government, for only united committees have influence, and only then if their views do not conflict with Government views.

Proposals for reform of the House of Commons through the use of Select Committees had, in Johnson's view, seriously over-estimated the capacities of Select Committees, old and new. They could only be made effective by giving them powers and this would mean a fundamental change in the balance of the Constitution. And the Executive does not want this.[1]

But Johnson's conclusion implies that Select Committees might be more powerful if they were given formal powers. We have indicated in our model of committee behaviour, and Johnson's evidence supports, the view that whatever the external constraints on committee behaviour the internal constraints on behaviour must also be taken into account. The evidence appears to indicate that even if given wider powers small legislative committees find it hard to deal with matters of high policy. This tendency to concentrate on detail was noticed by John Mackintosh in his survey of the work of the Specialist Committees. Of the Agriculture Committee he stated:

> Despite the fact that the committee has grappled with political issues, it has tended to concentrate on management questions, ministerial control, pricing policy, and the assessment of new capital projects.[2]

Nevertheless Mackintosh felt that external constraints on behaviour were the reason why these committees had not looked at broad policy questions. The executive is jealous of its power. Whenever the Specialist Committees tried to look at policy the executive sought to restrain them. Certainly the external constraints on committee behaviour are formidable in Britain.

1 Johnson, 'Select Committees as Tools of Parliamentary Reform', p.247.

2 Mackintosh, 'Specialist Committees,' p. 52.

But the internal constraints on behaviour must not be forgotten. David Coombes showed that Members of the Nationalised Industries Committee tended to come from a special class of Member, the "Committee man." There was no great competition for places on the Committee. The "Committee man" was the sort of member not particularly active in other areas of Parliamentary business, in Question-Time or debate.[1] He was less a 'political animal' than some of his colleagues in the House. Johnson had also pointed out that committee membership is a special minority activity and taste and tends to attract a particular sort of member.[2] Coombes, like Johnson, noted the low level of partisanship on his Committee. Party differences tended to be lost in the Committee room for Members sitting next to each other in the relatively informal and intimate committee room tend to adapt to one another. On the Nationalised Industries Committee there was more concern with the problem in hand, with the solving of problems, and with the production of the report than with party differences. But then the Committee did not deal with topics which were likely to divide it on party lines. Members felt that their function was to act as a lay-body examining figures presented by boards and by the Government.[3] The political impact and influence of the Committee has not been great except when its reports have coincided with controversy over a board's affairs.

Curiously, in spite of his evidence, Coombes came to the conclusion that the cool, non-partisan outlook of Select Committees made them suitable devices for examination of policy.[4] Such Committees could look

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[1] The longer serving members of the Committee tended to be more active in Question-Time and Debate. The Members of the Committee were back-benchers, and back-benchers are generally less active in debate than front-benchers. Front-benchers even tended to dominate Question-Time.

[2] High attenders at Standing Committees are likewise a special group. Many Scottish Members who do not have jobs in London are high attenders at Standing Committees.

[3] David Coombes, The Member of Parliament and the Administration, London 1966, p. 121.

[4] ibid. pp. 211-2.

at policy "without becoming bogged down in debate." His behaviour enquiry did not go deep enough to uncover the limitations on the ability of a small group to deal with complex problems.

The studies of British Select Committees have emphasised the importance of external, constitutional or structural constraints on committee behaviour. It is generally pointed out that the main reason why British Select Committees are not more influential is that they are prevented from playing a policy-making role by the executive. Students of British Select Committees have not concentrated on the internal constraints on committee behaviour. Yet the evidence presented by studies of Select Committees, even though fragmentary and incomplete, indicates that even if given greater powers Select Committees, being small groups, would always tend to behave as small groups and as U.S. Congressional Committees behave. Select Committees tend to work towards consensual decisions, and to be most successful when dealing with matters of detail rather than high policy.[1] Only when a committee is in general agreement can it deal with a matter of 'high policy' and it will only be successful vis-a-vis the Government if its views correspond to governmental views. Any understanding of the uses and possibilities of Select Committees must take internal behavioural patterns into account as well as questions of constitutional relationship. New Select Committees may be proposed, they may be set up, but as procedural devices they are shaped by the men who use them. Behaviour, ultimately, determines the uses to which Select Committees are put in the British House of Commons.

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1 The case-study of the Select Committee on Procedure presented in this thesis is further evidence of the general applicability of the small group model committee behaviour.

CHAPTER VI

Select Committees and the Functions of Parliament

It is now time to pull together the threads of our argument and to return to some of the problems discussed at the beginning of this thesis. What, we asked, are the functions of Parliament and what part can Select Committees play in the performance of these functions? We have shown what political theorists and commentators have had to say regarding the functions of Parliament. We have shown that emphasis on the different functions of Parliament shifts from time to time and that these shifts in emphasis may be transformed into actual changes in Procedure which will allow the functions of Parliament to be performed more effectively. We have shown how, in the 1960's, there was pressure for improvement of Parliament's function of control of the Executive. We showed how this pressure was channelled through the Select Committee on Procedure. We have shown that the Select Committee on Procedure has made suggestions, including those of 1968-9, for the enlargment of the Select Committee system of the House of Commons in order to improve the exercise of the control function. At the same time our study of the work of the Select Committee on Procedure has been detailed enough for us to have noted some important characteristics of Select Committees. We have thus covered two topics. The thesis shows the relationship between public opinion and procedural changes. And the detailed case-study of the Select Committee on Procedure provides a test of the model of Committee behaviour which we developed in Chapter V.

It is now necessary to analyse some of the information presented in this study and to offer some tentative conclusions as to the uses of Select Committees in the House of Commons. Before we proceed to this analysis it is necessary to point out that a case-study has its limitations but that it is a valid method of study in comparative politics. One cannot make valid generalisations to the work of all Select Committees from the evidence of the operations of a single committee unless this evidence can be related to similar observations in other Committees or elsewhere.[1] It is for this reason that a framework such as that provided by our model of Committee behaviour is so useful. This is a particularly important point as the Select Committees on Procedure which we have studied here are examples of a particular type of Committee. They are, in Wheare's terminology, Committees to inquire.[2] They are not in the other class of House of Commons Select Committees, Committees to control. However the lines of distinction between these classes of Committee are not so distinct as to preclude comparisons. In some settings the distinction may be clear but it must be remembered that there are precedents for the development of control and even of decision making functions from inquiry functions.[3] Indeed some commentators have made much of the argument that control of the executive is only possible if there is adequate information as to its activities and that the function of inquiry is a necessary preliminary to the function of control.[4] The regularities of behaviour which

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[1] Some scholars have attempted to make such generalisations from a study of a single committee. See, for example, David Coombes, The Member of Parliament and the Administration, London, 1966. For a treatment of the proper use of the case study in comparative politics see J. Christoph (ed) Cases in Comparative Politics, 2nd Edn, Boston, 1969, introduction.

[2] K.C. Wheare, Government by Committee, Oxford, 1955. Chapter IV.

[3] The Committees of the U.S. Congress had at first fact-finding functions.

[4] See especially the arguments of Crick and Mackintosh, above, p.152. and p.192.

may be found in Select Committees to inquire may also be found in Select Committees to control although the relationship of the different classes of committee to the environment in which they operate may be somewhat different.

In the previous chapter we indicated the regularities of behaviour which might be observed in legislative committees. These regularities arose partly because legislative committees are small groups and they operate in the manner of small groups in other settings. We must now look at our case-study and ask whether such regularities of behaviour were found in the Select Committee on Procedure, and whether the conditions which make for successful operations in small groups have been found in the operations of Select Committees on Procedure from 1832, and especially in our detailed study of the 1968-9 Committee. We will now show how the model of Committee behaviour which was developed in the last chapter can be of use in understanding the work of Select Committees on Procedure, and ultimately in understanding and analysis of the work of other Select Committees of the House of Commons.

In the last Chapter we showed that there were two sorts of constraint upon the behaviour of Select Committees and on their ability to perform sucessfully. Firstly there were the external constraints on behaviour, the constraints imposed by the expectations of their behaviour from the House of Commons, the Government and the public. Secondly there were the internal constraints on behaviour which arose from the fact that Select Committees are small groups and that they behave as small groups do in other settings.

<u>The external environment</u>.

First we will examine the influence of the external environment in which a Select Committee is set and in which it makes its recommendations. (See Chapter Five above, p.338 ff. for the model of Committee behaviour)

The external environment in which the Committee operates can be examined by reference to:

(1) Mass public opinion,

(2) Elite or informed opinion outside Parliament,

(3) House of Commons opinion,

(4) Government and Opposition Front Bench opinion.

Expectations of Procedure Committee behaviour from the Environment

The Select Committee on Procedure is expected by those in the external environment to make recommendations for reforms of House of Commons procedure. All of the four groups listed above expect that it will perform such a function. It is expected to be a Committee to inquire. Its job is to discover what changes are necessary in procedure to allow the House of Commons to perform its functions effectively. In order to do this it must gather information in the shape of facts, figures and opinions from the interested parties. Its job is to collect, to examine and to collate this information and to make recommendations on the basis of the evidence which it has presented to it. In theory a Committee to inquire is supposed to make recommendations in a rational manner (see above p.338, Category I) But as Wheare has shown[1] many Committees to inquire are not set up simply for the purpose of finding facts and suggesting a course of action, and the reasons why they are set up may affect their behaviour. Committees to inquire may be set up to legitimise a proposal which the Government has already decided to implement, they may be set up as a smoke screen, they may be set up to placate those who are demanding change - as a safety valve or they may be set up for reasons of publicity. Because such committees are set up for various reasons apart from purely rational consideration of the facts the membership of Committees to inquire may be slanted towards one view or another, towards one set of

[1] Wheare, op.cit., p.79 and p.89 ff.

opinions on the subject rather than another. Expectations from some groups external to the Committee will be more salient to it than expectations from other groups.[1] Furthermore, when collecting its evidence the Committee may be selective and may seek evidence which re-inforces the attitudes and opinions which the members of the Committee bring to their task. Information presented to a Committee to inquire may thus be selectively filtered. Any expectations that a Committee to inquire would in practice behave otherwise are surely unrealistic. For there are few political or even scientific questions which can be studied by a Committee in so comprehensive a fashion that it makes a full survey of all the possible facts. Even in some fields of science,for example genetics and astronomy,there are different schools of thought with sets of facts to fit the different theories which they support. In the less precise world of politics there are likewise different schools of thought on questions of participation, on the functions of Parliament and on the uses of Select Committees. Just as scientists produce their evidence, their facts and figures to support this or that theory of, for example,the origin of Jupiter's red spot, so the politicians and commentators on political matters can produce their different sets of facts and figures to support their own view-points.

Although there are limitations on the rationality of Committees to inquire it would not be true to say that they are entirely unrepresentative in their surveys if they take a satisfactory sample of opinion. One can see that from time to time the general climate of opinion on any subject swings in favour of

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[1] For an explanation of the concept of salience in public opinion analysis see Robert E. Lane and David O. Sears, Public Opinion, Englewood Cliffs, 1964, p.15.

one theory and away from another. This is apparent in politics as well as in science.[1] Dicey attempted to trace the effects of such basic changes in public opinion on the legislative output of Parliament. In the case of the Select Committee on Procedure we are interested in the effects that changes in public opinion on the question of the functions of Parliament have upon Parliamentary procedure. Select Committees on Procedure provide an admirable focal point for examination of changing attitudes and changing opinion regarding the functions of Parliament and the machinery which is deemed appropriate for the performance of these functions for they have provided one of the main channels of communication between public opinion and the Government on this subject. We will now examine the relative importance of the various sources of opinion which come before the Committee.

(1) Mass public opinion

In Chapter Two above we have indicated that mass public opinion has not been particularly active on the subject of the functions of Parliament. There is little data on 19th century mass attitudes on the subject. In the 19th century popular interest in Parliament was concentrated more on the question of improvements in the representative system and on the need for reforms of a substantive social nature. There is a good deal of evidence concerning mass public opinion on these topics.[2] Even so the members of the public who expressed such opinion were generally of the more

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[1] For a study of changing world-views in science see T. Kuhn, The Structure of Scientific Revolutions, 2nd Edn, Chicago, 1970.

[2] See for example the collection of material presented by Dorothy Thomson, The Early Chartists, London, 1971.

sophisticated, literate section of the working class.[1]

Most of the data on public opinion on the subject of the functions of Parliament is what must be called elite or informed opinion, the opinions expressed by the educated and articulate mind. John Vincent has noted that "The educated mind has always dwelt on Parliamentary history, the Parliamentary party, and its politics"[2] but the uneducated mind has not so concerned itself. In Chapter One we showed some of the thoughts of the educated and articulate mind and the general line of argument which they have taken. What we do not know is how far elite opinions can be taken as representative of general or mass public opinion. What relation ship do the views of political theorists and academic commentators bear to mass opinion? Do we get any idea of mass opinion from a study of the writings and speeches of the elite?[3] The elite in Britain has been characteristd by its homogeneity, its separateness from other classes, and its geographical concentration in London and the South.[4] In the 19th century we do not see evidence of a pattern of vertical communication with the people demanding or asking for changes in the functions of Parliament and for changes in procedure so that these functions might be effectively performed. Rather, in the 19th century, we see that the question of the functions of

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[1] Thomson, op.cit., p.13.

[2] John Vincent, The Formation of the British Liberal Party 1857-68, London, 1966, Penquin Edn, 1972, p.19.

[3] Vincent, ibid., states that " most of what is usually said about the evolution of mid-nineteenth century society is limited in value by its being written by, for, and about one single, specialised, geographically limited, sociologically-imprisoned group; ' good society'.....Fallacy upon fallacy results from our taking our history of the century from the testimony of this class".

[4] W. Guttsman, The British Political Elite, London,1968, (First published 1963), p.41 ff.

Parliament was discussed among the elite or governing class and those educated commentators who intermingled with that class or hung about Parliament as journalists and writers have done since the 18th century. These are the persons who form a horizontal communications network, and they are the sort of people who appear as witnesses to Select Committees on Procedure.

Although elite opinion appears to be more salient to Select Committees on Procedure than mass public opinion it is clear that changes in general attitudes towards the functions of Parliament may be expressed in a subtle way through such factors as the development of popular participation in politics (the extension of the franchise), and the growth of public involvement in the party machinery outside Parliament. The changes which took place at the end of the 19th century gradually led to changing general expectations of Government performance. These changing expectations were, of course, noted by elite commenators and finally filtered through to Select Committees on Procedure. By 1945 this sort of link between general, if often unexpressed, public opinion and procedural devices can be clearly indicated. When the Labour Party was returned to power in 1945 Parliament was generally expected to support the leadership in its programme of legislation and it was generally expected to support procedural changes which would allow this proposed legislation to reach the statute book without too much delay. But the general consensus on the question of the functions of Parliament does not appear to have lasted beyond the 1950's. From 1960 the general view that there should be a strong and positive role for Government with Parliament playing a supportive role began to waver. To try to separate out mass public opinion from elite opinion is not easy. And it is clear that in the 1960's as in the 19th century the expression of views on the question of the functions

of Parliament was dominated by the elite - by writers, academics and Parliamentarians (see above, Chapter Four). The success of the great numbers of books written on the subject of the decline of Parliament in the 1960's and the good sales - for that sort of book - which they enjoyed is evidence of a swing of public opinion towards a strengthened role for Parliament. Those who read and bought these books were, it is true, a small proportion of the total population, and many of them were students. But they were perhaps a wider social section than were the readers of the Edinburgh Review or the Spectator in the mid-19th century.

The connection between mass public opinion and elite or informed opinion on the subject of the functions of Parliament exists, but it is tenuous and likely a distorting link. We must conclude that except in a very general manner mass public opinion is not highly salient to Select Committees on Procedure, but changes in mass opinion form a basic ground swell and the elite opinions form the crest of the waves pushed up from this swell.

(2) Elite Opinion.

It is thus not what the general public feels about the subject of the functions of Parliament which is salient to Procedure Committees. The messages coming in to Procedure Committees from the general public are diffuse and in the form af vague messages that (a) the Government should do more or (b) Parliamentarians should watch more carefully over the activities of Government. The specific messages coming into Select Committees on Procedure emanate from the elite sources. We find that this is true of the 19th century, and that it is equally true of the 20th century. There have, however, been some changes in the patterns of communication over the years.

We can see by reference to the types of person giving evidence

to Select Committees on Procedure that most of the information presented to such committees comes from people with a special expertise in the topic of Parliamentary procedure. In the 19th century witnesses were generally Members of Parliament or Officers of the House of Commons. One of the most important 19th century witnesses who also published articles and books on the subject was Thomas Erskine May, Clerk of the House of Commons (see above p 67). Officers of the House have continued to appear as witnesses to Select Committees on Procedure. They have special expertise in the subject, they often have a particular viewpoint regarding desirable changes, and they offer clear cut suggestions for reform.[1] Members of the House of Commons appearing as witnesses in the 19th century often tended to indicate the limits of possible changes which they considered that the House would bear.[2] Government witnesses indicated the need for reforms which would allow them greater control over the House.[3] There were occasional academic witnesses, and witnesses from other countries appeared once or twice,[4] but these were rare occurrences and they were not the most important class of witness.

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[1]For a later example see the evidence of Sir Gilbert Campion to the 1945-6 Select Committee on Procedure, above, p.108.

[2]See above, p.70.

[3]See above, p.67.

[4]See above, p.59 and p.65.

By the middle of the 20th century the variety of witnesses and the number called had increased. Academic witnesses appear more frequently. And in the early 1960's the Officers of the House banded together with the academics to form the Study of Parliament Group (see above p.123 ff). As well as witnesses from the traditional sources, M.P.s, Officers of the House and Academics, a new class of witness appears at some inquiries in the 1960's - the Civil Servant. Several Civil Servants gave evidence to the 1968-9 inquiry because the Procedure Committee had to find out what the changes introduced and planned for the Civil Service entailed, and how long it would be before they were fully operational. The 1968-9 enquiry also heard evidence from persons outside the Government-Officers of the House - Academic circle, from the business efficiency experts who had been advising the Civil Service on its new techniques of management. But some of these people had been Civil Servants in the past and they can, like the Civil Servants, be regarded as members of the horizontal communications network which we have described. The 1968-9 enquiry also acquired a good deal of information from its expert advisor (see above p.204 ff). He too had previously been a Civil Servant. Our evidence shows that while there was an increased variety of witnesses in the 1960's they must still be regarded as elite witnesses, and part of a close network of persons interested in Parliamentary procedure.

(3) House of Commons opinion.

House of Commons opinion can be a powerful force influencing the work of Select Committees on Procedure. It is highly salient to the Committees. We have pointed out above (see p.297) that the recommendations of such committees can only be put into operation if there is agreement that they are acceptable to those who

have to work the proposals. Consensus is necessary if the proposals of the Committee are to be put into effect.[1] In the 19th century the general pattern was that the proposals of Select Committees on Procedure which would give the Government greater control over the time-table were not generally considered to be acceptable to the majority of the House of Commons. This point was often put to Select Committees on the Despatch of Public Business. Select Committees thus had to go very warily when making such proposals although they had generally been set up precisely to discover ways in which the Government could gain greater control over the House. Thus we see time and time again in the 19th century that some witnesses, generally not members of the House of Commons but officers of the House and outsiders, made proposals too radical for the Committee to accept. And often Committees in their turn made proposals less radical than some of those presented by witnesses but still too radical for the majority of the House of Commons to accept.

Thus House of Commons opinion in the 19th century acted as a restraint on the rapid reform of procedure. In the 20th century House of Commons opinion gradually began to support the Government in its proposals for procedural changes which would speed up the legislative process. The acceptance of changes which in the mid-19th century would have been totally unacceptable to the majority of M.P.s arose partly as a result of the consolidation of the party system. From the 1860's to the 1960's party solidarity was

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[1] In another context it can be shown that consensus is necessary if Acts of Parliament are to be put into effect. An example of this is offered by James Christoph in his study of the founding of the National Health Service, in Christoph, op.cit., pp.35-74. A contemporary example of lack of consensus is afforded by the opposition to the 1971 Industrial Relations Act.

perhaps the most important force guiding House of Commons behaviour. Members who wished to increase the degree of independence from party which they enjoyed found that proposals which they made towards this end did not meet with marked enthusiasm from the Front Benches. Select Committees on Procedure in 1913 and 1931 did look at the problem of reconciling Government needs and members' private initiative, and took their evidence from witnesses representing both points of view. But the results of these inquiries did not include many proposals to strengthen the position of the private member. It was not until the 1960's that we find a predominately backbench Select Committee on Procedure taking a particular interest in methods of enhancing the ability of the backbencher to control the Executive. The 1968-9 Committee went about its task differently, however. Opinions of backbench members of the House of Commons were not sought. The Committee assumed that these were known and understood, for it was after all a backbench Committee. The Committee assumed that backbenchers would welcome new opportunities to control the Executive and would make use of them were they to be created. One witness, Professor W.J.M. Mackenzie, did point out that there might be difficulty in finding sufficient members to work the proposed new Committees, and this point was also noted in the written memorandum summitted by the Clerks Assistant.[1] But the topic was not pursued actively by the Committee.

It is now clear that the Committee erred in its assumption that members were all eagerly in favour of new procedural devices which would enable them better to control the Executive. There were indeed a growing number of members interested in this function, but

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[1]See above p.235 and p.243.

there were also a number of members who were not particularly concerned with extending their influence over the Government through the devices of financial control proposed by the Committee. The Committee thus misjudged House of Commons opinion. There was, in the 1960's, a reaction against the system of party solidarity and against a purely supportive role for the Member of Parliament but it was perhaps not so strong in 1969 as the members of the Select Committee on Procedure judged it to be.

We can summarise trends in House of Commons opinion by saying that from the mid-19th Century to the late 1860's (a period of party confusion) members of the House of Commons stoutly defended their traditional rights and initiative. From the 1870's to the early 1960's there was a long period of growing party solidarity which was accompanied by a gradual acceptance among members of a supportive role for themselves. Thus they did not oppose the introduction of procedures which allowed the Government to control the House of Commons. However, a proportion of the Members always resisted the full implications of this tendency and by the 1960's the numbers of members with a relatively independent view had begun to grow into a noticeable, if not a predominant section of House of Commons opinion.

(4) Government and Opposition Front Bench Opinion.

Government and Opposition Front Bench Opinions, like the opinions of the House of Commons as a whole, have a high saliency for the Select Committee on Procedure. The Government and the House of Commons as a whole represent, of course, the two parties in the struggle between Executive and Parliament. The Government has an interest in developing a supportive role for the House of Commons because, as a Government, it has a programme to achieve. The Opposition Front Bench also has an interest in developing a supportive role for the

House because it hopes one day to become the Government and would not wish to alter the rules so as to prejudice its own chances of getting a programme through if elected. It also relies on the support of its members in order to maintain the system of two party conflict in the House of Commons. We find that opinion on the subject of the function of Parliament and the need for procedural reforms tends to be divided less by party than between Front bench and Backbench. This division of opinion between Front and Backbenches is, however, more noticeable in the Labour Party than it is in the Conservative party.[1]

Governments have always been interested in a supportive role for members of Parliament since the party system began to develop. There is no doubt that since the 19th century the system of party solidarity in the House of Commons has become more widely accepted among members of the House. But in the 19th century Governments who wished to alter the rules of procedure so as to give them greater control of the House always found that there was resistance from the Members. In the 20th century Governments have continued to be concerned with devising methods for expediting Public Business. At times, e.g. in 1945, they have obtained the support of the House as a whole for their proposals. At other times Government opinion on the subject has run ahead of what the House of Commons would bear and Governments have had to proceed slowly, being content with small changes in procedure at any one time.

Since 1960 the Select Committee on Procedure has made several suggestions which would increase the opportunities of the Private Member in his role of critic and controller of the Government. Most

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[1] Allan Kornberg and Robert C. Frasure, 'Policy Differences in British Parliamentary Parties', American Political Science Review, Vol.XXV, 1971, p.702. " The most statistically significant difference between the Labour benches appear on the question of Parliamentary reform."

notable among these suggestions have been those for the increased use of Select Committees. Government attitudes towards such suggestions have, as a rule, been lukewarm. The Crossman reforms of 1966 disappointed many members (see above, pp 172-3). The problem for successive Governments has been to find a formula which would allow members to think that they were increasing their ability to check and control the Executive without allowing these activities to threaten party solidarity, or to infringe upon the Government's freedom of action. The Governmental attitude towards such procedural reforms remains what it has always been, that too much freedom of action for members of the House impedes the ability of the Government to see its programme through.

The acceptance of the proposals of the 1968-9 Select Committee on Procedure in 1970 is a more limited victory for the backbencher than it might appear to be. For the new Expenditure Committee created in 1970 has terms of reference which limit its ability to make policy. Its job is to examine the assumptions upon which policies are made, not to contribute positively to policy formulation. This committee does not have any of the powers of the Appropriations Committees of the U.S. Congress which allow them to increase or decrease budgets. It is unlikely that any Government would wish to allow a Select Committee of the House of Commons such a positive role in policy making.

Summary of Public and Elite opinion.

Mass public opinion on the functions of Parliament is rarely expressed. It is of low saliency to the Select Committee on Procedure, except in a very general manner. Elite opinions are of higher saliency to the Committee. Particularly important are the opinions of the

members of the House of Commons and the Government.

The Government is always interested in maintaining control of the House of Commons timetable. More variable are the opinions of Members of the House. Together with other witnesses to Select Committees on Procedure they reflect changing views on the functions of Parliament and the role of the Member. From the late 19th century the external environment in which the Select Committees on Procedure operated became more favourable to the development of a supportive role for the member of Parliament. This trend in opinion was apparent until the end of the 1950's when changes of opinion on many matters occurred in Britain. Parliament was no more immune to attacks on its competence and fitness for the 20th century than were other British political institutions.

The Internal Environment - The Select Committee on Procedure itself.

Now we must turn from the external environment in which a Select Committee operates to an examination of the internal workings of the Committee. We should now examine the attitudes and opinions of members of Select Committees on Procedure and the manner in which these attitudes and opinions are modified so as to allow the group of Members to produce reports and recommendations. We have shown how information flows into the Committee from the witnesses who present evidence to it. We must now see how this information impinges upon the ideas of the Committee members and how it influences their deliberations.

If Select Committees to inquire were to act as perfectly rational bodies they might be assumed to set out on their tasks with their members' minds totally blank on the subject in hand. The

members of the Committee would then be able to play the role of lay judge.[1] We do not find that this occurs in Select Committees on Procedure. Members appointed to serve on Select Committees on Procedure generally have some special competence in the subject. They may have been Members of the House for a long time, or they may have pursued academic studies of procedure. Their expertise means that in some degree they come to the Committee table with their attitudes formed. They already have their own ideas on the subject. Perhaps a Committee to inquire could overcome this factor by appointing Members to serve in proportion to the numbers of persons holding the different views expressed by the various publics which we have isolated above. Perhaps if members are experts, not laymen, there should be a balance of views on the Committee.

Our examination of the historical role of Select Committees on Procedure does not show that there is any such relationship between different views outside and inside the Committee. Instead we find that there is a tendency for the strongest prevailing viewpoint at the time to be somewhat overrepresented on the Committee. This may be partly due to methods of selection, and partly due to the degree of enthusiasm which different groups of members of the House of Commons have for service on the Committee. In the 19th century there were generally a number of Front bench members serving on Procedure Committees[1] Such men must have been sympathetic to the Government viewpoint. In the years 1906 to 1958 we see Select Committees on Procedure become more backbench in character. And from the early 1960's the Committee became a backbench dominated Committee. It would thus be likely to

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[1]The 'lay-critic' role is often found in Committees to Control, see above, p.343.

[2]For example the Chancellor of the Exchequer was a member of the 1878 Committee.

give a greater weight to backbench opinion. And the restraints on radical suggestions by the Committee now comes from the Government. Thus a trend opposite to that prevailing in the mid-19th century is observed in the mid-20th century. The major restraint on the Committee's ability to realise its proposals in the 19th century was the House of Commons and the major restraint on the Committee in the 1960's was the Government.

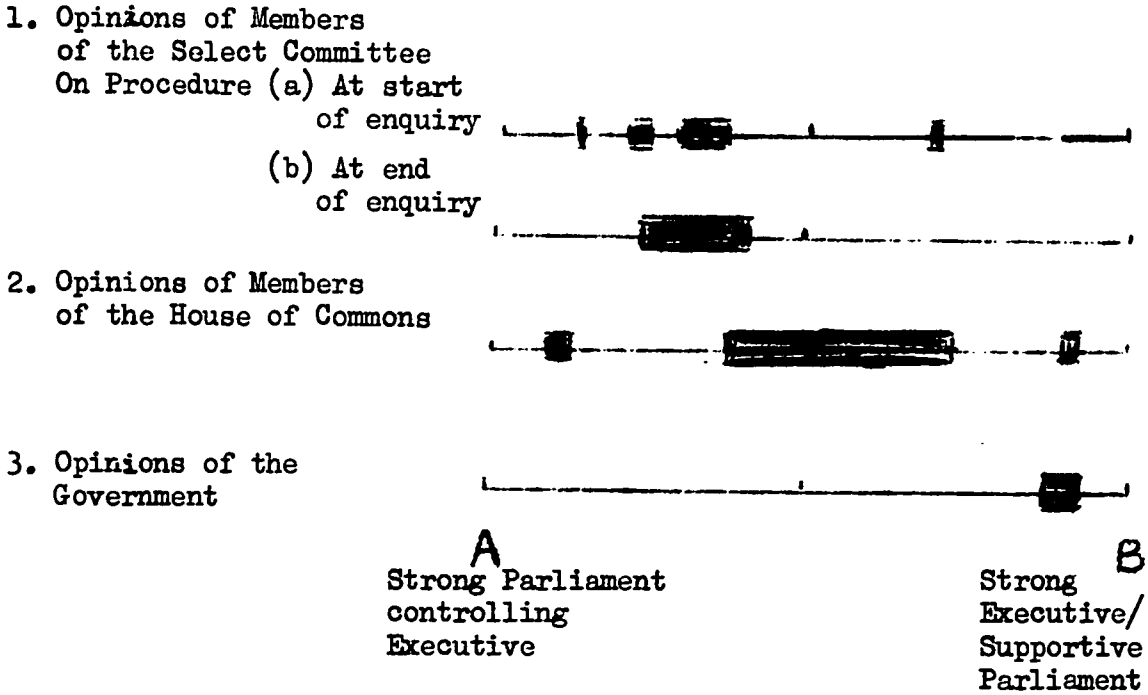
This tendency of the Committee to tip the balance towards backbench opinion was enhanced by several developements in the Committee's internal organisation. By the 1968-9 enquiry the Select Committee on Procedure had a number of long-serving members (see above p.189). A Committee viewpoint had begun to develop and the new members taken on in recent years were inclined to the view that there was a need to improve the House of Commons as a mechanism for the control of the Executive. It is clear that this Committee was not a representative sample of Members of the House of Commons and that the attitudes and opinions which the Committee members brought to the 1968-9 inquiry were from the start biased in a particular direction.

However, although the Committee as a whole showed a bias in favour of a more active role for the Member of Parliament not all of the members immediately agreed with each other. The attitudes of the members of the Committee can be said to have ranged along a spectrum of views from left to right. On the extreme left of the spectrum there is the view, discussed in Chapter One, that members of Parliament should take an active part in the policy making process. Parliament should be a body responsive to public opinion, and members of parliament should actively engage in transforming this opinion into action. On the extreme right there is the view that Parliament should

support the Government in its programmes, although it might ultimately act as a check or control mechanism through political debate and adverse voting. One member of the 1968-9 Select Committee can be placed well to the left on this spectrum - that is John Mackintosh. A few other of the younger members were clustered to the left but not so far as Mackintosh. Occupying a centre position were a number of the Committee members and a little to the right were some of the ex-Ministers. These positions were shifted during the course of the Committee inquiry so that the final result was a clustering to the middle left of the spectrum. This clustering of opinions among the members of the Committee did not correspond to clustering of opinions in the House of Commons as a whole. The Committee opinions were to the left of the House as a whole, and even further to the left of the Government opinion.

FIG 1.

DIAGRAMMATIC REPRESENTATION OF VIEWS ON THE FUNCTIONS OF PARLIAMENT



The problem for the members of the Committee was to find some position on the spectrum which would be acceptable to all of them. This would allow them to make a recommendation which would have a united support of the whole Committee. But they had to find a position on the spectrum which was at the same time acceptable to opinion in the external environment, especially to the House of Commons and the Government. In the event the 1968-9 Committee reached a position which they all endorsed, broadly acceptable to the House of Commons, which did at least not antagonise a sufficient number of Members to be unacceptable. But the position which they took was too far to the left on the spectrum to be immediately acceptable to the Government of the day.

One reason why the Committee reached the position which it did was the information which they received as evidence and which provided the raw material for the modification of the attitudes held by the several members at the start of the inquiry. As we showed in the case-study (see above p.191) the membership of a Select Committee may be slanted towards one viewpoint from the beginning. A Select Committee is small, sometimes partly self-selected, and partly expert. It may re-inforce its biases by the selective attention to information and messages coming in from outside. It may even consciously select the messages which it will receive, screening out those which it prefers not to hear. This it does through the process of selecting witnesses. And the more active members of the Committee may play a disproportionately important role in the screening of information. (see above p. 202 ff.) Information reaching the Committee members is thus filtered, and certainly the evidence of the case-study shows to what degree information

coming into the Committee was selective and filtered. This mechanism of filtering information was an important factor in aiding the development of a consensus of opinion among the members of the Committee.

In the cases of Committees where the information is not selective members may find thenselves in a state of confusion. When members of a small group find that they are receiving conflicting information some will find themselves in a state of cognitive dissonance, and this state does not aid consensus.[1] Examples of Select Committees on Procedure where conflicting types of evidence have been produced include the 1931 Committee which took evidence from an extremely diverse selection of witnesses so that it was presented with each side to every question. This committee came to few conclusions and was ignored by the Government. In the 1950's too there were examples of Committees which had a diverse membership and took evidence from large numbers of persons with very different viewpoints (see above pp.112-3). Committees with diverse membership attitudes and which seek many diverse opinions as evidence may find that consensus is impossible to achieve. Without consensus among the Committee members it is difficult to expect that those receiving the report and recommendations will attach sufficient weight to these to put them into operation.

Thus Select Committees which seek to inquire are on the horns of a dilemma. If such a Committee takes in too. much diverse opinion it will endanger its internal success in operation. But if it fails to collect sufficient information regarding the views held by the different affected publics it may offer proposals which are

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[1]See above, p.305 for an explanation of the term cognitive dissonance.

unworkable in practice or unacceptable to those who are expected to operate them.

In our view Select Committees on Procedure have been most successful when they have been able to achieve a consensus of opinion about a recommendation which is also acceptable to external opinion. This is most easily achieved when (a) there are adequate channels of communication between external opinion and the Committee (b) there are like minded members on the Committee and (c) the Committee does not search for information which would confuse the issue. A Committee may be internally successful in that it may be able to achieve a consensus of opinion among its membership. It may be externally successful in that it can make suggestions acceptable to external opinion. A really successful Committee is one which manages to achieve both sorts of success. This is a particularly important factor if the Committee is to continue its existence. For much of the history of Select Committees on Procedure they have had an intermittent life. But since 1960 they have been set up in each session of Parliament and have achieved a continuity of membership.

We can rate the various Committees which we have studied according to the degree to which they have been able to achieve this double success. In the 19th century many Select Committees on Procedure came to conclusions which were largely satisfactory to themselves (the 1878 Committee provides an exception to this rule, see above p.78). But as we have repeated above their conclusions were not generally acceptable to the external environment. A Committee such as that of 1945 must be judged as successful for its recommendations were put into operation. But we have shown (p.104 ff above) that this Committee was specially selected, it had a specific task to perform,

and received only specially selected information. A Committee like that of 1931 must be judged unsuccessful. Its composition was varied, and it took evidence from a diverse selection of witnesses. Its recommendations were never accepted and Parliament chugged along though the 1930's without any significant procedural changes. The 1958-9 Select Committee on Procedure also had difficulty reaching consensus, votes were taken on various clauses of the report and it could not present a united fromt to the external environment. In contrast the 1968-9 Committee knew from the outset what it wanted to do, it had a clear direction of opinion. It selected witnesses to provide it with information which would correspond to the sort of conclusions it wished to reach. It did not seek information which would tend to confuse the minds of its members. It was thus successful internally in that it managed to produce a report which offered each Committee member maximun satisfaction in the light of the satisfactions which had to be allowed to the other members of the Committee.

But the 1968-9 Committee was not so successful with the external environment. It was, as we have indicated, 'slanted' towards the left of our spectrum of views on Parliamentary functions.To this extent it reflected the change in public opinion which we have charted in the previous section of this chapter, and which was expressed mainly through 'elite' opinions. However, the Committee was not representative of all viewpoints along the spectrum especially those of (a) a section of backbench opinion and (b) the Government. Many members of the House were not particularly interested in financial control of the Executive and the Government feared that the recommendations of the Committee might go too far in provision of opportunities for backbenchers to control the activities of the Executive.

We can see from our case-study that Select Committees on Procedure with their function of inquiry reflect opinions from various sections of the public and the Government. A Committee is likely to be successful if it is able to interpret these opinions and find a solution acceptable both to its members and to the environment in which it operates. However, one cannot posit a simple causal model which states that public opinion (or elite opinions) demands changes, a Committee is set up, it makes recommendations and these are accepted. Firstly the Committee itself acts as a sort of filtering device and the internal mode of operation of the Committee which is a small group inevitably means that it is not able to make a completely accurate interpretation of public opinion for it has to think about its own internal stability and relationships among the members. Thus the Committee will always strive for consensus. This tendency is more marked when the Committee attains a degree of permanency as has occured in the case of the Select Committee on Procedure from 1960.

The Second factor which intervenes in this simple causal model is the Government. In the British system of Government it is the Government which makes the decisions, Committees merely recommend. Committees to inquire and Committees to advise merely suggest proposals. The Government may reject these, it may shelve them, it may undertake another inquiry or it may accept them. Even when recommendations are made by Committees to Control the Government is under no obligation to accept their proposals.[1]

We must introduce one more element into our analysis at this point. There may be variables exogenous to the causal model of which we speak

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[1] This is shown in the studies by Johnson, op.cit., and Coombes, op.cit.

which have an impact upon procedural changes. Examples of this effect include the 19th century Irish obstruction (see above p.77). The Irish obstruction acted as a catalyst pushing forward the acceptance of procedural changes which had long been discussed but rejected by the House of Commons. The case-study of the 1968-9 Select Committee on Procedure offers another example of the effect of exogenous variables. For the change of Government in 1970 brought about a change of philosopny regarding the administrative structure. Part of this philosophy was the idea that a strengthened administration needed to be matched by a strengthened Parliamentary machine. Thus the proposals of the 1968-9 Select Committee were accepted by the new Government and put into operation. These two examples of the effects of exogenous variables show that as a rule the general effect of such variables is to push changes more rapidly in the direction in which they were already moving.

We must conclude by stating that Select Committees on Procedure can act as a political pressure gauge or thermometer. But they are not an entirely accurate and reliable measure of changes in public opinion. External and internal constraints on the Committee both affect the manner of its operation. The external constraints are those imposed by the environment in which the Committee operates, and especially important is the attitude of the Government towards the Committee and its task. The internal constraints are those which arise from the nature of man's behaviour when he chooses to work in small groups. Select Committees can perform the task of

reflecting public opinion but they may be a distorting mirror.

This finding has obvious implications for the problems which we examined at the beginning of the thesis. We asked the question What are the functions of Parliament? We noted that Parliament was generally expected to perform the functions of support for and control of the executive. The function of control stemmed from the representative and responsive nature of the Parliamentary system. We noted that in the 20th century the function of support for the executive had often been emphasised at the expense of the function of control, and that critics and friends of Parliament called for new Parliamentary procedures to improve the function of control of the executive. We noted that many of these commentators favoured the use of Select Committees to perform functions of information gathering and control. If the Select Committee on Procedure can, for a moment, be viewed as an example of a Select Committee of the House of Commons at work what prospects are there for the use of Select Committees in the House to improve the functions of information gathering and popular control of the executive? It appears from our study that Select Committees may be a useful instrument for gathering information and for reflecting public opinion. But we have also indicated that their mode of operation is a particular one - that of consensus finding - which might not please some political theorists. And they are not perfect instruments for reflecting public opinion.

Select Committees must, we argue, be seen for what they are. It is true that they are Constitutionally an expression of backbench power versus executive power. And it is thus right that previous scholars of British slelct Committees have emphasised the external oonstraints which are often put upon their behaviour by the Government.

The external constraints on Select Committee behaviour may limit their prospects as instruments of a more responsive Parliamentary system. But it is wrong to emphasis the external constraints and ignore internal constraints on Committee behaviour. It is is internal constraints on behaviour, coupled with external constraints, which make Select Committees behave in the way which they do. These Committees are not part of the British two-party 'Opposition with a Capital O', they are part of a different type of opposition to Government. Select Committees seek always to find solutions which balance all possible alternatives, to find the consensus based compromise solution rather than the bold imaginative proposals. Members of such Committees perceive that this sort of compromise solution is what they must seek if they are to have any sort of success at all, if they are not to be totally ignored.

We conclude therefore that Select Committees may indeed help to increase the power of the House of Commons versus the executive, and may restore some of the balance of power in its favour, but they must be seen to be imperfect instruments for the communication of public opinion to the Government. And it must be understood that the characteristic mode of operation in Select Committees is bound to be similar to the characteristic mode of operation of any small group. This mode of operation conflicts with the familiar pattern of the British Parliamentary two-party system of Government and Opposition, thus to increase the use of Select Committees would have a profound effect on the British system of Government.

Appendix I

List of Select Committees on Procedure 1832 - 1968-9

Session	Number	Title
1968-9	H.C.410	The Control of Public Expenditure
	H.C.411	Form of the Defence Estimates
1967-8	H.C.356	Dates of the Session: The Financial Year
1966-7	H.C.153	Times of Sittings of the House
	H.C.282	Standing Order No. 9. Urgent & Topical Debates
	H.C.283	Methods of Voting
	H.C.382	The Finance Bill
	H.C.410	Questions
	H.C.539	Public Bill Procedure
1965-6	H.C.122	Financial Procedure
1964-5	H.C.149	Second Reading Committees, Sittings of the House, Ten Minute Rule
	H.C.188	Question Time
	H.C.276	Expediting the Finance Bill
	H.C.303	'Specialist' Committees
	H.C.361	Voting Arrangements for Sick Members
	H.C.304	Special Report: The Broadcasting of Proceedings in the House of Commons.
	H.C.357	Second Special Report: House of Commons Papers
1963-4	H.C.248	The Form of the Defence Estimates
	H.C.295	Disclosure of Matters in Reports of Select Committees
	H.C.306	Allocation of Time to Proceedings on Public Bills
1962-3	H.C.156	Rule Relating to Reference in the House of Commons to Matters Considered as Sub-Judice
	H.C.190	Expediting the Finance Bill
	H.C.271	Recommittal of Bills to Committees of the Whole House
1961-2	H.C.236	Effect of S.O.No.58 (2) on Minorities
1958-9	H.C.92	First Report (on many topics)
	H.C.92-1	Second Report (as first but with evidence)
1957-8	H.C.262	Special Report (did not complete enquiry)
1956-7	H.C.110	Moving Amendments on Going into Committee of Supply - Financial Resolutions
	H.C.211	Standing Committees
1947-8	H.C.192	Standing Orders Revision
	H.C.191	Procedure in Hybrid Bills
1945-6	H.C.9-1	Public Business
	H.C.58-1	Questions
	H.C.189-1	3rd Report (on Sir G. Campion's scheme)

Session	Number	Title
1936-7	H.C.149	Money Resolutions
1931-2	H.C.129	Public Business
1930-1	H.C.161	Public Business
1929-30	H.C.126 H.C.12	The Hours of Meeting and Rising of the House Unofficial Members Business
1927-8	H.C.102	Unofficial Members Business
1920-1	H.C.257	Bills which Involve Charges Upon the Rates
1913-14	H.C.378	Public Business
1907-8	H.C.264	Anticipatory Motions
1906-7	H.C.89 H.C.181	Public Business Public Business
1890	H.C.298	Abridged Procedure on Partly Considered Bills
1888	H.C.281	Estimates Procedure
1886	H.C.186-1	Parliamentary Procedure
1878	H.C.268	Despatch of Public Business
1871	H.C.137	Despatch of Public Business
1868-9	H.C.386	Despatch of Public Business (Joint Committee)
1961	H.C.173	Despatch of Public Business
1860	H.C.414	Tax Bills
1857	H.C.261	Forms of Business in the Committee of Supply
1854	H.C.212	Despatch of Public Business
1847-8	H.C.644	Public Business
1837	H.C.517	Public and Private Business
1836	H.C.606	On the adoption of a Plan for more carefully preparing, drawing and revising Public Bills
1834	H.C.147	Divisions of the House
1835	H.C.66	Divisions of the House
1834	H.C.284	Business of the House (Mode of Presenting Petitions)

Appendix II

Select Committees in the Session 1968-9:

Agriculture
Chairman's Panel
Consolidation &c Bills (Joint Committee)
Court of Referees
Education and Science (plus 4 sub-committees)
Estimates (plus 5 sub-committees)
House of Commons (Services) (plus 3 sub-committees on Accommodation and administration, Catering and Library)
Members Interests (Declaration)
Ministry of Transport Highways Compulsory Purchase Order (No. 66) (Joint Committee)
Nationalised Industries (plus 3 sub-committees)
Overseas Aid
Parliamentary Commissioner for Administration
Priviledges
Procedure (plus one sub-committee)
Public Accounts
Public Petitions
Publication of Parliamentary Proceedings (Joint Committee)
Race Relations and Immigration (plus 4 sub-committees)
Science and Technology (plus seven sub-committees)
Scottish Affairs
Selection
Standing Orders
Statutory Instruments
Transport (London) Bill
Vehicle Excise Duty (Allegations)

In the session 1968-9 276 Members were summoned to Select Committees. There were 595 meetings.

Attendances	NIL	NIL-10	10-20	20-30	30-40	over 40
	13	95	89	38	27	12
	5%	35%	32%	14%	10%	5%

2 are missing due to errors in the returns. The average member who attended Select Committees went to meetings less than 20 times or once per week during the session. Only 15 p.c. of those summoned (which represents half of the House) can be said to be furiously working at Select Committees. Those in the over 40 category were mostly the Chairmen. And the Chairman and the Clerks do the bulk of the committee work - drafting and writing report, organising the enquiry.

Source Return of Select Committees, 1968-9.

Appendix III

Articles and Pamphlets by David Howell on Programme Budgeting and Organisational Reform in Government

1) 'Whose Government Works?' Conservative Political Centre.

2) 'A Positive Approach to the War on Costs,' The Times, 21st. March, 1969.

3) 'PPB to PPE,' The Spectator, 14th June, 1969

4) 'Public Spending: Some New Controls,' New Society, 26th. June, 1969.

5) 'More Effective Control of Whitehall Spending,' The Times, 19th. September, 1969.

6) 'Where Tories can save money,' Daily Telegraph, 21st. November, 1969.

7) 'A New Style of Government,' Conservative Political Centre, May, 1970.

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