

**The rhetoric of constitutional reform: conceptions of the parliament during  
Cameron's first cabinet's parliamentary reform debates**

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| <p><b>Tiivistelmä – Abstract</b></p> <p>Tässä pro gradu-tutkielmassa tarkastellaan Britannian vuosien 2010–2012 parlamenttireformeista käytyjä debatteja. Konservatiivipuolueen ja liberaalidemokraattien koalitiohallitus muodosti merkittävän poikkeaman Britannian politiikkaan tuolloin koska se edusti poikkeamaa yhden puolueen muodostamasta hallituksista jotka ovat Britanniassa normi. Tämän erityislaatuisen ajanjakson tutkimuksen taustateorianä toimii Frank Ankersmitin ja Walter Bagehotin teorit Britannian kirjoittamattoman perustuslain piirteistä. Keskeisinä piirteinä Britannian perustuslaille he pitävät parlamentin jäsenen ja äänestäjäkunnan linkkiä, jakoa toimivaan (parlamentin alahuone ja hallitus) ja kunnioitusta herättävään (monarkia ja parlamentin ylähuone) sekä debatin suurta merkitystä. Britannian perustuslaillisia instituutioita alettiin uudistaa merkittävässä määrin työväenpuolueen johdolla vuodesta 1999 alkaen jolloin perinnöllisyyteen jäsenyyteen perustuva ylähuone korvattiin ylähuoneella jonka jäsenet hallitus pääasiassa nimitti. David Cameronin hallitus jatkoi tätä uudistuksen agenda vaihtelevin tuloksin vuosina 2010–2012 jolloin vaalijärjestelmää, vaalipiirien määrää, ylähuonetta ja vaalien päivämäärän päättämistä pyrittiin uudistamaan. Tutkimuksen aineistona on käytetty kyseisistä uudistuksista käytyjä parlamenttidebateja joita on analysoitu käsittehistorian ja keskusteluanalyysin metodein.</p> <p>Valitun aineiston perusteella tutkielmassa on selvitetty millaisia käsityksiä parlamentin jäsenillä oli Britannian perustuslaista ja kuinka he asian ilmaisivat debateissa. Tämän ohella on analysoitu sitä miten parlamentin jäsenet suhtautuivat useamman puolueen koalitiohallitukseen joka oli Britannian ensimmäinen sitten toisen maailmansodan. Britannian perustuslaista esitettyjen teorioiden sisältö esiintyi kaikissa käsitellyissä debateissa, joskin vaihtoehtoisia näkemyksiä esitettiin säännöllisesti johtuen parlamentaarisen politiikan konsensuksen vastaisesta luonteesta. Kaikkein vahvimmin perinteinen perustuslaillinen ajattelu näkyi ylähuoneen roolista käydyssä keskustelussa ja vähiten pääministerin oikeudesta päättää vaalien päivämäärää. Koalitiohallitukset miellettiin debateissa kyvyttömiksi noudattamaan vaalilupauksiaan minkä vuoksi ne koettiin epämieluisiksi Britannian politiikassa.</p> |   |
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## **1. Introduction**

The British party politics has been dominated by two parties from the 1920s, the Conservative party and Labour party. This has been mainly resulted from first past the post electoral system which heavily favors two greatest parties and discourages candidates with close political positions from competition in elections. The general elections of 2010 were significant in that regard that for the first time since the WWII a coalition was formed in Britain following the Conservative party's inability to win a plurality and as such was forced to form a coalition with Liberal Democrats. Thus it was also the first time since WWII that any party other than the Conservative party or Labour party was part of a government, which alongside forming coalition government was a new phenomenon in Britain's politics. Because of lack of experience with coalition governments and lack of formal procedures, many observers thought that coalition governments would be indecisive and ineffective in their policies. However, the Conservative/Liberal coalition soon proved to break these expectations, although the member parties of the government had to compromise their goals in order to make the coalition work (Hazel & Yong (2012), 1–7).

One of the most important parts of the coalition's agenda was reforming the parliament of the United Kingdom. The first part of these reforms was to change Britain's electoral system from first-past-the-post system to a more proportional system. This was one of the most problematic parts of the coalition agreement, and these disagreements between the Conservatives and the Liberal Democrats caused one of the most controversial scenes in the form of alternative vote referendum which goal was to legitimize the Liberal Democrats' longstanding agenda toward the proportional system. Because of the Conservative's stance that the electoral system should not be changed, the best that the Liberal Democrats were able to their own agenda in the coalition agreement was to hold a referendum about the alternative voting system in single-member constituencies instead of single transferable vote system with multi-member constituencies. The Liberal Democrats had also to accept that their coalition partner's right to campaign against changing the electoral system which put the electoral reform as highly questionable legitimacy as the government was divided on the reform. Also because of the coalition agreement the alternative

vote referendum was combined with reduction and equalization of number and size of constituencies, the bill was seen by many sides as a bad example of coalition politics. Alongside rushed timetable, the alternative vote referendum was ultimately a failure in putting forward the Liberal Democrats' parliamentary reform agenda because the referendum ended in a clear defeat of adopting the alternative vote system. In the referendum which was held in 5 May 2011 67,9 % of the electorate decided to keep existing system and thus ended hopes of the Liberal Democrats of adopting a more proportional system for the rest of the coalition's duration (Hazel & Yong (2012), 143-144, 159-162).

Second important reform put forward by the coalition government was limiting the prime minister's power to decide on which day general election should be held. This power allowed the prime minister to hold an election on a day which he regarded optimal as long as he followed the rule which according to that general election should be held within five years since the last general election. Deciding the general election day allowed a government to try to optimize its chances to win the election and thus politicize in time. Results for government by using the right to use have been questionable regarding their optimality for giving governing party an edge; for example, Harold Wilson was not able to gain electoral victory in 1970 despite at the time polls predicted that he had an advantage over the Conservatives. In 2010 general elections the Liberal Democrats campaigned for reducing the power of the prime minister to set date for general elections and thus advocating fixed-term parliaments. The Conservative party did not advocate changes in regards to limiting the power of setting date for a general election. Fitting these two differing views between the two coalition parties proved problematic in the forming of the coalition agreement. Ultimately the coalition was able to agree to pass the *Fixed-term Parliaments Act 2011* which introduced fixed parliamentary terms to the House of Commons. Unlike the alternative vote reform, adoption of fixed-term parliaments was a victory for the Liberal Democrats in their coalition politics ((Budge & McKay (1993), 97) & Hazel & Yong (2012), 162-164).

Thirdly the coalition government made an attempt to reform the House of Lords, the upper house of the British parliament. Because of the hereditary nature of the House

of Lords, both the Labour party and the Liberal Democrats had an agenda to reform the upper house to a mostly elected body. The House of Lords have the powers to put amendments to bills and have some legislative power even after the stripping of most of its powers since 1911 when most of the upper house's power to veto bills was removed. This agenda of the House of Lords reform was a continuation of the reforms made by the preceding Labour government during 1997-2010 when the upper house was reformed into a mainly appointed chamber with most of its' hereditary members removed in 1999. The Liberal Democrats attempt to reform the upper house was once again put to compromise by their reluctant coalition partner which did not share an agenda to reform the upper house. The coalitions' cooperation to put forward the reform were put to test in 2012 when a part of the Conservative party's MP: s rebelled over the House of Lords reform bill which eventually killed the bill, thus showing problematic side of coalition politics (Ballinger (2012), 177-178) & Hazel & Yong (2012), 110).

Because of the number of parliamentary reforms introduced by the David Cameron's coalition government, views and conceptions about the role of the parliament were reflected by members of the parliament. These conceptions about their role as the representatives of the people and politicians serve as an interesting topic because they were continuously reflected in their debates about the reforms of the coalition government. Peculiarly for Britain the lack of a codified constitution, this puts more importance for the political culture in defining parliamentary procedure due to lack of formal codification. Due to the nature of the parliamentary politics, every meaningful viewpoint is presented in debates immediately in response to an opposing view. This makes the parliamentary sources superior to the media in the conceptual history. Also, the parliamentary debates are able to generate public debate in the other forms of debate and as such set an agenda for it. This makes parliamentary sources important in studying the conceptional history according to Kari Palonen and Pasi Ihalainen who argue that the parliamentary sources should be in the focus of studying conceptual change and use of concepts (Ihalainen & Palonen (2009), 21-26).

Due to these reasons, I have decided to use the parliamentary debates as a main primary source for this thesis which attempts to cover the use of important concepts

used by the members of the parliament during the coalition governments' constitutional reforms. These important concepts include representation, parliament, democracy and legitimacy which are fundamental concepts in a representative democracy and thus reflect conceptions about British political culture. Alongside analyzing use of concepts in parliamentary debates I will focus on coalition politics and how they co-operated in the parliament. This aspect is relevant in that regard that for the first time since the WW II had a coalition government formed from multiple parties instead of one party governments which have been the norm of British politics. Because of this exceptional situation, the constitutional reforms were debated in a situation in which the government had to take account interests of two parties and often compromise their agenda in order to make the coalition to work. Alongside that they had to differentiate themselves from both opposition and their coalition partners in order to build a credible image for their electorate, which also reflects their representation of people in the parliament.

### **1.1 Theories about representation and British constitution**

The British political culture had a distinct nature from other continental European countries which reflect peculiar history on which the British political institutions have evolved. These peculiarities can be reflected in the conceptions of the parliamentary debates which concern the constitutional reforms because many of the changes proposed in the reforms are inspired by European continental political systems, which are based on different thought about parliamentary politics and representation. Many political theorists have tried to uncover the British parliamentary system and its functions in comparing them with other political systems. I will utilize theory of Frank Ankersmit as a viewpoint how British idea of representation puts emphasis on imperative mandate and electoral link. Also, I will analyze how MPs see referendums which Ankersmit rejects as a form of deliberative politics.

Frank Ankersmit had theorized that the idea of representation should be interpreted as same as in aesthetics. By this he means that as a painting is only one of many possibilities in depicting a target, idea of representation follows the same logic as aesthetics in that regard that MP does not perfectly correspond to an electorate. This allows more creativeness than a strict mandate from an electorate that would obligate

representative to pursue the same agenda as the electorate. This does not, however, mean that representative should be totally independent from electorate since his/her mandate is dependent on an electorate which could voice their distrust of their representative by not giving him a new mandate in next elections( Ankersmit (2002), 154-159, 234-235). In this regard the Ankersmit's idea about relative independence of representatives from an electorate is important in analyzing the debates about the parliamentary reforms MP:s had to take account their electoral manifestos which were the main source of agenda on which electorate had elected them to put forward. Since exceptionally Britain had a coalition government in the aftermath of 2010 general elections, delivering electoral promises in the government faced difficulties compared to one party governments since the two parties had to make compromises which resulted into decisions which none of the parties promoted in their manifestos. Legitimizing this divergence from electoral manifesto could end up in criticism from political opponents who are trying undermining positions of their opponents in order to gain an advantage in next elections. In response MP:s are trying to defend themselves from accusations from betraying their electorate by legitimating their actions in a debate.

Another important aspect about Ankersmit views concerning representation is the difference between the origins and the means of representative governance between Britain and continental Europe. According to him, parliaments of continental Europe had their origins in the 19<sup>th</sup> century when monarchies tried to preserve their status by giving concessions to liberals who demanded the rule of law and an accountable government. In order to prevent revolution parliaments were given more legislative powers alongside slowly enlarging the electorate represented in parliaments in order to give communities chance to voice in decision making. The parliamentary culture of continental Europe has been built by the principle of compromise in order to promote peaceful coexistence between different groups in order to face upheavals of the French revolution. Representation on this system is based then according to Ankersmit into an attempt to give even the smallest minorities voice in parliament and to make decision making. Also, electoral systems usually are designed in this system to divide power quite equally to multiple sides in order to gain legitimacy by popular representation (Ankersmit (2002), 93-99).

In contrast to the continental European representative democracy, the British parliamentary system is based on different logic. According to Ankersmit the foundations of the British representative system is based on the conflict between the parliament and absolute monarchs in using an absolute power. Ultimately in this conflict the parliament ended up as a winner and become the ultimate power in Britain. Because of the fact that the parliament in practice uses the powers of an absolute monarch, the political culture of Britain is based on a principle that one party can practically use a great amount of legislative and executive power. In this system compromise in decision making is not desirable in itself because it is seen as a contradiction to the principle of absolute power. The idea of representation Britain differs from the continental systems from that regard that it is based on representing every natural community in the parliament rather than popular representation. Thus the electoral system is based on plurality in which a majority is given representation and minorities are not provided much political power. This is done to ensure that a party representing the majority could gain a clear mandate to use the power without risking relying on a coalition and compromise (Ankersmit (2002), 99-104).

The implications which Ankersmit had made about the distinction between continental Europe and Britain would prove worthwhile when observing the debates about the constitutional reforms in many regards. Firstly the British idea that is based more on representing interests of local communities in the parliament rather than to provide a popular representation which would give representation in parliament to minorities. This conception could rise in the debate about the alternative vote referendum because of its proposal to change the plurality system into the preferential voting system which would have made electoral system more proportional. That would have questioned the traditional plurality system which would have likely resulted in a more permanent risk of sharing power in coalitions like in the continental system. Secondly, the notions about that the nature of the power of the parliament are based more on using the power of absolute monarch implies that idea about sharing the executive and legislative power is not the basis of the British parliamentary system. This can manifest itself in that the coalition partners' co-operation is seen more as an obstacle than a norm; this view would be supported by the fact that Britain does not have recent experience of multiparty governments which

have been set up only during crises like the world wars. Also, compromises which are normal in a continental parliamentary system can be seen as undesirable even by the coalition members who potentially would have preferred more straightforward decision making instead of horse-trading which happens outside the parliament.

Despite these ideas that the British political system does not prefer the division of power and compromise, the government has a set of limitations to its' power in British political culture. According to Robert Blackburn government faces two kinds of confrontations regularly in the parliament regarding its' agenda. The first kind of confrontation is between government and opposition which offers alternative to the current government and thus tries to challenge it. The second kind of confrontation is between frontbenches and backbenches of ruling party, Blackburn places equal value to this kind of confrontation as the confrontation between government and opposition. This is due to backbenchers' ability to amend and modify bills in committees alongside being able to introduce legislation in the form of private member's bills. Backbenchers also play an important role as a link between party leadership and the electorate in representing their party in constituencies, as such backbenchers play important role in election campaigns and winning elections. In parliamentary debates backbenchers usually voice their criticism toward governmental bills even after they eventually vote for it. As such backbenchers can voice their opinions and gain support for them during debates which could affect public opinion regarding the issue. In a more direct way to oppose government's legislation backbenchers can directly try to prevent a bill from passing by voting against or indicating that they are going to vote against the will of party whips. These kinds of rebellions have happened frequently in British political history since the WWII and have even caused prime minister to resign when backbenchers of the Conservative Party refused to support Margaret Thatcher in 1990 over poll tax. There is a risk in rebelling in the form of making a party in government look divided. Since electorate could see rebellions as a weakness of government, MPs have to think carefully when to rebel since it could weaken their chances of getting re-elected. As such backbenchers hold an important role in the parliament and its' functions (Blackburn (2003), 14-16, 174-177, 775-776)

For these reasons presented by Blackburn we can question the views of Ankersmit regarding the British parliament and its' relationship with the Crown. Even though the government uses powers which are not limited by a formal constitution, the parliament exerts control over the government in many ways. As such we can argue that the parliament does not use absolute power in the way Ankersmit presents it even though it has important control over Executive in finances. Additionally, we can dispute his viewpoint on how natural communities are represented in the British parliament since constituency redistricting based on arithmetic basis is regularly made in Britain alongside other western democracies. As such we can argue that Ankersmit is mistaken in his views regarding the power of the parliament even though his notions on electoral link and referendums can give insights when analyzing the debates.

Another important theory about the British parliamentary system is presented by Walter Bagehot who described how the constitution worked in practice in *the English Constitution*. Despite his study being written in the 19<sup>th</sup> century since when the British parliamentary system had evolved, it still holds relevance in understanding the peculiar nature of Britain's political system. Bagehot saw the closely knitted relationship between the legislative power (parliament) and the executive power (cabinet) as the greatest strength of the British system since it allowed that the parliament to decide who should use the executive power. Alongside deciding who would set up a government it could also remove it from office if it did not enjoy the support of the House of Commons. This made debates relevant in that regard that they were often crucial for a cabinet to continue in power because if they could not assure support of the parliament in an important debate, a cabinet was expected to resign. Bagehot also saw that debates in the British parliament would build public debate alongside educating the public since differing views will be brought up in parliamentary debate. This was according to him sharp contrast with the American presidential system which he saw clearly inferior to the British system. In the presidential system, the separation of powers between the legislative and executive power caused that system was more rigid than the British one. Because the parliament lacked the power in the American system to dismiss an executive, debates in the congress and the senate lacked significance they had in the British system. Due to this

unimportance of the legislative to have an important role in the formation of a government, the system cannot generate public debate or educate the public. He also claimed that in the election of president personal charisma rather than political capacities and expertise would rise in the deciding factor in presidential system whereas in the British system the parliament deciding factors would be based on competence of the candidate. Bagehot also deemed that the British cabinet system was more flexible compared to the American presidential system in that regard it allowed to switch an head of government by election when necessary. In the American system electoral terms were fixed and alongside with vice-president's position rendered unanticipated elections nearly impossible which was seen by him rigid (Bagehot (1867), 48-58, 117-119).

Second important aspect in Bagehot study in studying the British constitution is his division between efficient and dignified parts of the constitution. By the dignified parts he meant symbolic parts of British political institutions which had once wielded political power but over the course of time these powers were in practice transferred the House of Commons and the cabinet even though that officially the political power belonged to the dignified part. The monarchy and the House of Lords were the dignified parts of the constitution according to his study as cabinet ruled in the name of king/queen, who however was expected not to directly interfere with cabinet and political life. The role of the upper house was likewise limited to supervise and amend legislation put forward by the lower house, in the case of conflicting views between the two houses the upper house should yield. The dignified parts of the constitution also had an important function in representing the system to the exterior and showing a continuity of the system. The effective parts of the constitution meant the institution which in practice used political power, by which he referred to the House of Commons and cabinet (Bagehot (1867), 44, 90-93, 115-117).

The notions made by Bagehot about the British constitution will be useful in examining the debates about the constitutional reforms in that regard that in those debates it is likely that MP:s reflect their views about the dignified and effective parts of the constitution since the coalition's agenda was to change the character of the House of Lords to nonhereditary upper house. Because of the status of the upper

house is on the reform agenda and its traditional role in the legislation conceptions about the dignified part of the government and alternative views for it are going to be presented in the debate about the House of Lords. Also, the notion which Bagehot made about the importance of debate for cabinet's functionality is essential in analyzing the collaboration between the Conservatives and the Liberal Democrats since debates could rise up differences between them and lead up to fall of the proposed bill. This is especially relevant because the balance of power in the government was sensitive in that regard either of the two coalition party or relatively small part of the Conservatives could kill the reform bills if they were not convinced by the coalition government's agenda.

Also the Fixed Terms parliamentary act, which set the timetable for the general elections fixed for every five years instead of giving a prime minister a possibility to set elections on the day which he/she saw to be the most beneficial for him/her, was important deviation from traditional British constitutional thinking in that regard it codified some of the parliamentary procedure and made it more like the American presidential system in the way of making a change of executive less likely. This aspect could rise in the debate of the bill since it would render observation of public support in the form of polls pointless and thus make fall of executive the only way by which elections could be held prematurely. This inflexible way to change government was deemed by Bagehot as one of the worst aspects of the American system and as such it would be an interesting point to see if MPs shared notions of Bagehot in regards of fixed parliaments. As such I will analyze how well MPs upheld these ideas about British constitution and do they share Bagehot's distaste for the American constitution and its' characteristics during the debates.

Alongside these two theories about the peculiarities of the British constitution it is important to make distinctions between deliberative, legislative and representative parliaments and their characteristics. Kari Palonen has divided parliaments into three categories regarding their main focus, procedure and relationship with time. As such the British parliament is the prime example of a deliberative parliament; in the British parliament debates are central to the parliamentary procedure since they can affect legislation in the form of amendments and change conceptions toward it. As such

initial drafts of bills presented to the parliament are not likely to be passed in their original form, thus pre-legislation and legislation is not the main focus in the deliberative system. In contrast, the main characteristic of a legislative parliament is a focus delivering legislation. Since the efficiency of passing laws is the defining part of this kind of parliaments, enactment of laws and voting on them in a parliament is the main focus instead of deliberation. The USA Congress is the quintessential example of a legislative parliament. The third type of parliament is the representative parliament which bases its' legitimacy on a popular mandate. This kind of parliament focuses mainly on representing a majority in legislation and forming governments which have the support of a majority. In the terms of time, the main momentum of representative parliaments lies in elections and formation of coalition agreements which dictate parliamentary work over a parliamentary term and as such the work of a parliament will be judged based on how well it can realize government's program. France's National Assembly is seen as a typical representative parliament (Palonen (2018), 8-11, 15-17). This typology of different kinds of parliaments will be useful when analyzing perceptions toward coalition governments since the temporal and procedural focus will be different than normal in the British parliament. Since amendments are not likely to be accepted in the coalition's legislation since it would violate the coalition agreement it is likely that some MPs are likely to voice criticism towards lack of amending the legislation. It will be also interesting how temporal focus on amendments and debates in a deliberative parliament like the British parliament are seen during the debates.

## **1.2 Methodology**

In order to study conceptions about parliamentary politics and representation, I will utilize the theories of conceptual history and notions of Kari Palonen about parliamentary politics. Conceptual history is divided into two major schools regarding how to study concepts; the German *Begriffsgeschichte* and the Cambridge school. According to the *Begriffsgeschichte* concepts are linked to the social world which inevitably affects a content of concepts. History of concepts is also determined by how concepts can be used in conventional or new situations. As such every new meaning concept receives is influenced by its historical context. An example of this is

the concept of revolution which according to Reinhart Koselleck originally meant the circulation of planets from their original position through a loop back to their original positions. This concept became to mean in the 18<sup>th</sup> century an overthrowing of government by an uprising. Like the concept of revolution, many other concepts had different meanings before the modern era. The transformation period of concepts to their modern meanings began according to Koselleck from 1750 and ended approximately at year the 1900, this period is called *Sattelzeit* due to its position as an outlook where both original and modern meaning of concepts in addition of their slow transformation (Koselleck 1986, 30–31, Richter 1995, 41–42, 44). Although my goal is not to analyze concepts in their long-term evolution as Koselleck had, part of my thesis is to acknowledge that the use of language is influenced by meanings which concepts had accumulated in the past. Rather than long-term analysis, my aim is to study uses of concepts in specific debates in which both their long-term and new contents are brought up.

The goal of the *Begriffsgeschichte* represented by Koselleck is to decipher the contents and uses of central concepts in order to gather them in a dictionary which could be utilized by scholars specialized in studying premodern era. This goal has resulted in *Geschichtliche Grundbegriffe*, in which Koselleck himself had written articles, which is a lexicon about political concepts in German-speaking areas before the modern era. In order to compile the lexicon, many different genres of texts must be studied in order to realize different possible uses of concepts. This includes both primary uses of concept in its own field and its use outside of its primary field. For example, the concept of state must both be studied in political literature and vernacular use in order to grasp different possible meanings of the concept. The classics should not be in focus of a study of concepts due to canonizations of authors in later eras could ignore ongoing conceptual evolutions which did not affect concept's content significantly in later generations (Richter 1995, 50–51).

One of the most significant notions made by Koselleck for my research is the idea of conceptual struggle. Even after the use of a concept is heavily affected by social and political context, concepts are usually shared by competing groups/ideologies which are trying to change concepts to serve their needs. For example, the concept of

democracy could be used by conservatives, liberals and socialists to legitimize different political regimes; alongside using different prefixes which could denote different emphasis on different features of the concept such as peoples or liberal democracy. The main element of this conceptual struggle is an idea of counter-concepts by which concepts could be contrasted with. Example of counter-concept is a democracy, which counter-concept was initially tyranny and with the evolution of a concept of democracy, dictatorship became its counter-concept (Richter 1995, 140). This notion will be utilized in this thesis in analyzing how MPs of different political parties comprehend different concepts and how they position them with other concepts. For example, a concept of representation could be described as being related to democracy as a link between electorate and parliament in which MPs should be similar to electors and pursue their goals regularly. It could also be described as a link between area/communities and central government rather than an attempt to imitate electorate in the parliament.

The other major school of conceptual history is the Cambridge School. Quentin Skinner is one of the most principal representatives of this school alongside P.G Pocock. According to Skinner, every speech act is an attempt of a speaker to pursue his/her intention, and these can be interpreted by understanding linguistic conventions and language-games of language. Deciphering cultural values of historical eras and particular context is the key to understanding intentions in Skinner's theory. Understanding a context is also quintessential in discovering possible innovations and conflicts in a use of language. Charting different possibilities of using concepts is an integral part of understanding the content of concepts which are according to Skinner devices for achieving intentions (Richter 1995, 131, Skinner 2002, 142).

Skinner also emphasizes a need to take account not only the meaning of different concepts but also rhetorical means such as irony in which speaker does not mean things he/she said. According to him, speakers had to legitimize their actions by certain moral principle even after they themselves do not support it in order to pursue their intentions in the prevailing culture. According to Skinner focus of studying speech acts should be in analyzing speakers' self-made motivations in which they claim to be their reason to do specific actions. Also evaluative and describing terms

are important in understanding speakers' position and intentions (Skinner 2002, 155–156). This thesis is going to utilize these notions of the Cambridge school in that regard that my purpose is to decipher possible motivations behind speech acts made by different parties in the parliament. For example in debates about changing the electoral system of Britain parties' advantages in a certain system could influence argumentation of MPs even after they are ideologically not opposed to it. Another significant notion about the context of speakers is a division between the government and the opposition. This division often explains sceptical attitudes of opposition parties against government proposals since the main function of opposition is find a weakness of government's actions and to offer alternatives to it.

The main difference between the *Begriffsgeschichte* and the Cambridge School is their differing focus in individual uses of concepts. The German conceptual history focuses more on general uses of concepts in long-term period whereas the Cambridge school focuses more on individual uses of concepts. Skinner and other English scholars of conceptual history see language and concepts as unique to each speech acts. Koselleck argues instead that concepts are a product of long-term formation and their meaning cannot be reduced originating as individual and intentional speeches. Koselleck also emphasizes that context and values governing an use of concept cannot change quickly as a result of single speech acts (Richter 1995, 117, 131, 133-134; Ihalainen 1999, 38-40).

These two schools differ also according to that what is the most sensible way of approaching in studying meanings. In the German tradition focus is more on deciphering concepts whereas in the English conceptual history focus is more on languages and discourses. This distinction becomes clear in their primary focuses; Koselleck and other *Begriffsgeschichte* scholars are interested in concepts themselves and aspire to write a history of concepts in the form historical of lexicons, the Cambridge school is more interested in discourses and intentions in which content of concepts mainly derives from. By this, Skinner, for example, meant that concepts get their meaning primarily from intentions of individual users and thus it is more productive to analyze ideologies influencing speakers rather than concepts themselves. These discourses and ideologies should be studied according to him as

part of language use rather than separate since they are intertwined. For this reason, Skinner championed that there can be no histories of concepts but rather histories of usages of concepts (Richter 1995, 117, 131, 133-134; Ihalainen 1999, 39-40; Skinner 2002, 164-169).

Even after it is impossible for the scope of this thesis to fully go through all of the possible discourses ranging from ideological ones to party politics, my goal is to study the use of concepts as a part of the larger context in the form of discourses. My approach is more of micro-level one in a sense of observing individual speeches in the parliament although macro level analysis is also going to be part of the thesis in a form of analysis on contextualizing debates on larger agendas in order to reform the parliament in the past and present and how they become part of this picture. In the chapter 2 backgrounds of the political parties and their primary agendas will be covered in order to understand their potential argumentations legitimizations and motives in the debates. Another point in which views of these both schools could be linked together is the notion of counter-concepts which could be brought in the analysis of concepts according to Melvin Richter (Richter 1995, 140). These counter-concepts had a function that is used to question meanings attributed by opposing political groups to concepts. These different conceptions are brought into light during parliamentary debates when different speakers value and devalue concepts based on different backgrounds such as political alignments and professions.

Kari Palonen (Palonen 2008, 82–103 & Palonen 2012, 21, 61–62) argues that ideal of parliamentary politics is reached when the language used in debates is utilized to argue in pro et contra, in such situation arguments are presented from opposing points of view. Disputation is a quintessential part of this kind of politics which he calls “the parliamentary style of politics”. Parliaments had developed a distinctive political culture in which issues are by specific parliamentary procedures such as through pro et contra debate at each step of the process. This parliamentary style of politics influences the political profile of members of parliament through the rhetorical nature of his or her political discourse. This influences most fundamentally the way by which members of parliament speak both in parliament and to the public. This is a major part of the parliamentary procedure in that regard that members are expected to

use a different kind of language and speech. This naturally affects the nature of parliamentary debates.

Palonen also makes a distinction between different kinds of parliamentary debates which involve dissensus of concepts. He divides these into four types of dispute; policy, polity, politicking and politicization. By policy, Palonen refers to agenda at hand whereas polity refers to the question of a regime (parliamentary, presidential etc.) Politicking is how parliamentary procedures are used and politicization means putting things on the agenda (Palonen (2017), 103-108). Regarding my research topic, we can utilize this division by analyzing the debates by notifying aspects related to this division of politics. In the constitutional debates agendas are reforms proposed by the coalition government. Polity in these debates are likely to be conceptions of British parliaments and how it is compared to other countries, comparisons to USA system are likely to be made since it was the basis of Bagehot's theory of British constitution. In the terms of politicking, the most interesting aspect will be how coalition manages parliamentary procedures in a system where governments of one party are a norm. By bringing parliamentary reforms into government's agenda it will be interesting to analyze how urgent or desirable these agendas are conceived.

The notions made by Palonen can be utilized in this thesis to provide possible discourse in which speech acts made by MPs during parliamentary reform debates can be reflected. Due to the nature of the parliamentary politics we can, for example, expect that the governmental side of the parliament and opposition have a tendency to form dissensus in debates even if they tend to agree on an agenda on a debate. This form of politics offers an interesting perspective in studying political thought through concepts in that regard speakers have to immediately respond to previous speech acts as opposed to newspaper article or books which are more delayed and separated from political debate. Although the thesis cannot compare differences in the parliamentary and non-parliamentary political language, it is important to take into account these peculiarities possessed by the parliamentary style of politics. Because parliamentary debates are thus unique source material compared to other forms of political culture, I have decided to limit my analysis to parliamentary debates.

### 1.3 Previous research

Due to belonging to recent history, the parliamentary reforms made by Cameron's first government had been studied only in limited scope. These studies have mainly focused on the coalition's inner functionalities and its policymaking due to the peculiar position of the government as the first multiparty government since the WWII. For example, a comprehensive study by Hazel and Yong (Hazel & Yong 2012) had analyzed how the Conservatives and the Liberal Democrats had made coalition politics in a viewpoint of making distinctions from each other and how well the coalition parties had managed to put their agendas forward. Although this study had utilized multiple sources including parliamentary debates in analyzing the coalition's politics, focus in the parliamentary debates concerning the parliamentary reforms is more on their problematic passages through the parliament due to the coalition agreements rather than actual debates and language used in them. In this regard, there is space for this thesis since it will be the first research focusing on the conceptual dimension of the parliamentary debates of Cameron's parliamentary reforms.

Researches by the methods of the conceptual history of the British parliament during earlier eras are more numerous. Even after these are by their time period far from this thesis alongside featuring highly different political and social context, they can provide examples of how the conceptual history could be utilized in studying parliamentary debates. Pasi Ihalainen (Ihalainen 2010) had, for example, analyzed conceptions of the British MPs during the 18<sup>th</sup> century during a long-term period in his study *Agents of the People*. In the book, he had argues that traditional pejorative Aristotelian viewpoints about democracy and the rule of the people dominated conceptions of the parliament for much of the century, only after the French revolution conceptions toward democracy and the people as a source of political legitimacy. As a source material, Ihalainen used several debates such debate on the removal of the Septennial act which extended terms of the parliament in order to observe concepts linked to the parliament by its members.

Debates of constitutional reforms of Britain during the 21<sup>th</sup> century have been analyzed with the methods of conceptual history in *Debates, Rhetoric and Political*

*Action.* There Haapala, Palonen and Wiesner have utilized notions of Skinner and conceptual history in order to study debates concerning Gordon Brown's unsuccessful attempts to reform parliament in 2009. In analyzing these debates they found out that Brown justified his reform by recent MPs expense scandal which required his reforms in order to regain public confidence in politics. Brown's agenda to introduce reforms such as a proportional system for general elections was met with opposition from Conservatives led by David Cameron. Cameron argued that these reforms were just a way for the government to redirect public attention away just a year before the next general elections. Additionally, he noted that these reforms were unnecessary and would just weaken parliamentary system instead of strengthening it. Nick Clegg, on the contrary, welcomed these reforms introduced by Brown and urged the government to pass them without committees since these reforms were long overdue (Wiesner et al (2017), 112-114, 116-119). It will be interesting to see how these positions regarding constitutional reforms changed or alternatively remained similar in the debates during the 2010-2015 parliamentary term.

As mentioned before, my thesis will not focus on the evolution of the parliamentary concepts in long-term. Instead, my thesis' focus is on multiple debates concerning the role and its procedure during one parliamentary term in order to observe contemporary debates during extraordinary conditions in which Britain was during the first peacetime coalition government. Although the political cooperation between the coalition parties is not in particular focus, it will inevitably arise on the debates since the parliamentary reforms were one of the most controversial parts of the coalition agreement and the last ones to be decided.

## **2. Political system and parties of Britain**

Britain had one of the most stable political systems in the world in that regard that the political regime had evolved peacefully and gradually over many centuries instead of stark disruptions or largescale political turmoil. Alongside stable political institutions, political parties in Britain also share long-term continuity from the 19<sup>th</sup> century and in some respects even longer<sup>1</sup>. The only major shift in relative power of the political

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<sup>1</sup> The Conservative Party was founded officially in 1834 after issuing the Tamworth manifesto which promised to respect parliamentary rule guaranteed by the Reform act 1832. The party's roots are

parties had been the rise of the Labour Party at the beginning of the 20<sup>th</sup> century at the expense of the Liberal Party (Searle (2001), 1). In this chapter, I will present the major political parties of Britain and their agendas during Cameron's first premiership. For this preview, only the parties with significant parliamentary representation will be discussed because of the thesis' focus on parliamentary debates. For this reason, parties such as UK Independence<sup>2</sup> party will not be covered since they could not take part in the debates of the parliament even after it would be interesting to study their conceptions about the parliamentary reforms.

## **2.1 The Conservative Party: champions of the constitutional status quo**

The Conservative Party emerged as the greatest party in the parliamentary elections of 2010; this electoral victory marked an end of their long opposition period from 1997 when the Labour scored landslide after long premierships of Margaret Thatcher and John Major. During this long opposition period, the party had to reconsider its position due to its ideological evolutions what it experienced during the previous leadership of the party. This was evident in that way that the party have emphasized multiple different ideologies and agendas during its time; the Conservatives have their origins in defending status of aristocrats and landed interests during the 19<sup>th</sup> century, after this the party evolved into center-right party encompassing broad political views especially after the decline of the Liberal Party in the beginning of the 20<sup>th</sup> century as a major political force. For this reason and due to its' pragmatic nature of its' ideology, the party is quite divided on multiple agendas (Webb (2000), 88-92).

The most fundamental shift experienced by the Conservatives was the rise of economic liberalism and "Thatcherism" from the 1980s onwards. According to this tendency (Green 2002, 215–217) state action and planning in the economy are seen as a harmful that is why Thatcher and her government introduced neoliberal policies which cut social security and taxes in order revitalize at the time struggling British economy. Thatcher herself has been influenced by Friedrich Hayek who argued that

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however even older, originating in the Tory party, which supported monarchy of the 18<sup>th</sup> century. The Liberals had their roots both in the Whiggism, which supported aristocracy and the parliament and in the Chartist radicalism which agenda was to enlarge political franchise and rights.

<sup>2</sup> UKIP gained parliamentary representation in 2014 when it won several by-elections. However, by then the parliamentary reforms had either been failed or implemented.

totally free markets would eventually end up in spontaneous order which would eventually allocate resources most effectively to citizens. The role of the state would be primarily focused on lawmaking and enforcing laws by punishments according to him. Due to these anti-statist views pursued by the leadership of the Conservative Party views about classless society had been on the rise in the party. David Cameron himself claims to be the successor of Thatcher and follower of his legacy although he also has tried to profile himself more as a liberal on social matters than Thatcher (BBC 22.11.2005 & The Guardian 18.12.2005).

The other major ideological tendencies in the Conservative Party are the One-Nation Conservatives and the Cornerstone Group. The One-Nation Conservatives are focused mainly on safeguarding the unity of Britain by opposing devolution to the nations and by preventing social unrest by improving the status of poor by progressive taxation and social network and thus preventing the country from splitting into two parts; rich and poor. This tendency was the most prominent ideological strand in the party before the rise of Thatcher although it is still prominent in the party. The Cornerstone Group is a social conservative grouping which strongly defends traditional values and institutions such as the Church of England. This includes also political institutions such as the parliament and the monarchy which are according to the grouping the most important points of the British political system (Green (2002), 247–248, Cornerstone group website).

These different groupings are united by their Euroscepticism and their opposition to transfer the power of the parliament to other institutions such as devolved parliaments or multinational institutions although their degree of opposition to these institutions varies between the fractions. The Conservatives also tend to oppose procedural changes of the political system and favor the unwritten constitution instead of writing it formally. This had become evident in the electoral manifesto of 2010 where the only significant agenda concerning the parliament was a reduction constituency from 650 to 585 seats in order to make the House of Commons more efficient after the expenses scandal of 2009. Otherwise, the party did not pursue any significant agenda concerning the parliament; this naturally led them opposed to other parties' reform agendas (Conservative manifesto 2010, 63–67).

## **2.2. The Labour Party- pioneers of the parliamentary reforms**

The Labour Party had its origins in the trade union movement of the 19<sup>th</sup> century. During the beginning of the 20<sup>th</sup> century, the party gradually evolved into a reformist social democratic party with some socialistic tendencies such as nationalization of key industries as its agenda. The Labour rose to the second major party of Britain during 1920s when the Liberal Party declined due to internal strife and inability to adapt into the universal suffrage. The party managed to form government multiple times in the 20<sup>th</sup> century and during this time the party managed to build Britain as a welfare state. However economic problems faced by Britain during 1970s led to the victory of the Conservatives and longtime opposition period for the party. During this time the Social Democratic Party, a more centrist fraction of the Labour, split from the party due to its heavily leaning politics during the 1980s. Lack of electoral successes against the Conservative Party led by Thatcher who had reformed her party at the same time led to agendas aiming to shift the Labour Party to a more modern position from its traditional roots (Thorpe 2001, 27, 47, 188).

This change came into motion after Tony Blair became the leader of the Party in 1994. By distancing himself and his party from socialism and trade unionism under the slogan “New Labour” and labeling his policies as a third way between the left and the right he was able to renew the Labour Party and defeat the Conservatives decisively in the 1997 parliamentary elections. During his premiership the parliament and legislation were reformed in multiple ways, strengthen the European integration and improved social security system of Britain although keeping economic policies pursued by the Conservatives primarily intact. These new policies pursued by Blair and his follower, Gordon Brown, met growing criticism from the party, this criticism led to shifting back to more traditional policies pursued by the new leadership of Ed Miliband from 2010 onwards (Thorpe 2001, 225–226, 234–235).

The electoral manifesto of 2010 of the Labour Party pursued a referendum about switching the first-past-the-post (FPTP) used to elect the British MPs into the alternative vote system in which voters could rank multiple candidates according to their preference. Their other parliamentary agendas were also to lower voting age to 16 and continuation of devolution of power to the legislatures of Scotland, Wales and

Northern Ireland in addition of increasing powers of local councils. The party also sought to introduce fixed-term parliaments (Labour manifesto 2010, 9–9:6). Ironically as we later will find out, the Labour's agenda of reforming the parliament was adopted by the coalition, this led to a rather awkward situation for the party in that regard that at the same time it had to oppose these agendas which they had themselves pursued at the elections.

### **2.3 The Liberal Democrats and their parliament of new vision**

The Liberal Democrats are followers of the legacy of the old Liberal Party and the splinter Social Democratic Party from the Labour since 1988 when these two parties merged. The party had its roots in social liberalism which advocated social security system which would safeguard the liberty of possibilities of the citizens. The Liberals were the second major political force in Britain until 1920s when the Labour Party replaced it. From that point on the Liberals survived on few peripheral areas of Scotland, Wales and Cornwall until they experienced partial revival from the 1970s onwards. Although the Liberal Democrats were never able to regain major party status despite significant shares of the popular vote, they were able to gain a position of kingmakers when neither the Conservatives nor the Labour was able to gain an absolute majority in the parliament in 2010 elections. As a result, the party was able to form the coalition government with the Conservatives (Budge & McKay 1993, 87).

Internally the Liberal Democrats are mainly divided by economic policies (Hazel & Yong 2012, 127). The so-called orange bookers, which dominated the party during the coalition government, support more market mechanism based policies instead of state actions. The leader of the party, Nick Clegg, and other who preferred Conservatives as coalition partners belonged to this fraction. The other main fraction is the social liberals who pursue more state-oriented solutions in economics. In the parliamentary reforms the party as a whole is unified in a support for adopting proportional electoral system, significant reduction of number of MPs from 650 to 500, introducing fixed-term parliaments, replacing the House of Lords by elected second chamber and writing the constitution of Britain (Liberal Democrat manifesto 2010, 87–88). Due to the coalition agreement with the Conservatives who had

radically differing reform agenda, many of these agendas were dropped or radically altered in the government's program.

#### **2.4 Regionalists parties – missionaries of reformed parliament**

Due to the fact that Britain is a state with four constituent nations, it is natural for regional parties which advocate the interests of their respective nation to emerge. These parties are the Scottish National Party (SNP), Plaid Cymru and Northern Ireland's (NI) parties. Due to differences between statuses of each of the nations, these parties differ in their nature and status in their nation's political landscape.

SNP and Plaid Cymru are both founded during interwar period as nationalist parties representing their nation's interests. Although they were founded during the interwar period, they did not gain regular<sup>3</sup> representation before the 1970s when both of the parties gained multiple seats in the parliament. SNPs high-water mark was during 1974 general election in which they gained a total of 11 of 71 seats of Scotland, Plaid Cymru has never been able to win any more than 4 of 40 seats of Wales. These electoral performances deteriorated after failed devolution referendum which would have established Scottish parliament in 1979. After this SNPs electoral representation varied between 2 to 6 MPs until 2015 general elections. Ideologically both of the parties are big tent center-left parties with Scotland's and Wales' agendas uniting their supporters. They differ however significantly on their electoral strategy in that regard that Plaid Cymru is advancing the status of Welsh language than SNP which utilizes mainly English in order to appeal larger electorate. This could explain the differences between their electoral performances (Ball 1981, 192–195).

Northern Ireland differs totally from the rest of Britain in its political landscape in that regard that it has totally separated political parties. Whereas SNP and Plaid Cymru contest against the major parties and the Liberal Democrats, NI parties contest against only between themselves. As such political division is based in a peculiar situation between differences concerning the status of NI as either part of Britain, agenda which is advanced by unionists, or unification with the Republic of Ireland. The major unionist party is the Democratic Unionist Party (DUP) which has close

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<sup>3</sup> SNP won few by-elections prior 1970s but they were not able to hang in these constituencies in general elections.

relations with the Conservative Party and major Irish nationalist parties are Social Democratic and Labour Party (SDLP) and Sinn Féin. These two differ primarily on their working methods, SDLP works through parliamentary way and Sinn Féin through abstentions by boycotting Westminster parliament (Ball 1981, 195–198).

Regionalist parties primarily function in their devolved legislative bodies which have different parliamentary system and procedure than Westminster parliament. As such it is expected that MPs of these parties represent different ideas concerning parliamentary concepts in addition to advancing their nations' agendas.

### **3. The alternative vote referendum of Cameron's government- "a little miserable compromise"?**

The first major constitutional reform advanced by Cameron's government was to forward the electoral reform agenda of the Liberal Democrats in holding a referendum about the adaption of alternative vote system and reduction of the number of constituencies. These two items were combined into one bill which was given a second reading on 6 September and a third reading on 2 November of 2010 in the Commons.

#### **3.1 British electoral system and the Coalition's electoral reform agreement**

United Kingdom's general elections use first-past-the-post (FPTP) as an electoral system. In this electoral system Britain is divided into 650 constituencies in which one MP is chosen per constituency. The candidate who receives most of the votes is chosen as Member of Parliament, candidates placing receiving lesser votes in each constituency are left without any representation to parliament. This makes FPTP-system single-winner electoral system as opposed to a proportional electoral system in which more than single candidates are chosen to parliament. FPTP affects party system in different ways than a proportional system. According to Maurice Duverger, FPTP-system makes the biggest party over-represented and second and third biggest parties under-represented in parliament. This thus leads often into a two-party system where electors tend to abandon third parties because they do not want to vote parties which cannot gain significant representation and start to elect one of two major parties instead. Proportional system is different in that regard that it practically

guarantees that even the weaker parties get representation in parliament. FPTP is according to Duverger the most significant factor why the Liberal party lost its status as Britain's second major party during the 1920s (Duverger (1973), 23–32).

Because of this disadvantage which FPTP-system poses for third parties, the goal of the Liberal party and the Liberal Democrats which succeeded it is to adopt a proportional electoral system in Britain's general elections. A proportional electoral system is not in itself unknown in Britain since it is used in European parliamentary elections and Scotland's devolved parliamentary elections<sup>4</sup> and Northern Ireland elections<sup>5</sup>. These elections, however, do not include the House of Commons which is the highest legislative organization of Britain. Reforming the House of Commons was one of the goals of all three major parties in their electoral manifestos of general elections of 2010. However, parties differed significantly on how to reform the House of Commons (Bogdanor (2011), 53–55).

The Liberal Democrats aimed at their electoral manifesto to hold a referendum about changing the British electoral system into proportional single transferable vote system<sup>6</sup>. Labour proposed also to hold a referendum about reforming the electoral system into Alternative vote system, which would have retained single-member constituencies but would have made voting preferential (Labour manifesto 2010, 9:2). In this system voters could rank their preferential candidates which are calculated if none of the candidates secured more than half of casted votes. Then a candidate with the least amount of first-preference votes is eliminated and votes are recalculated so that eliminated candidate's votes are transferred to their second preference candidate. This process is continued until one candidate gets over half of votes. The Conservative Party was against any kind of electoral system change in their manifesto. Parties also proposed a reduction of constituencies in order to make work of the House of Commons more efficient. The Liberal Democrats proposed a reduction of constituencies from 650 to 500; Conservatives had a more moderate aim of reduction to 585 seats (Hazel & Yong (2012), 159-162 & Kelly (2011), 42).

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<sup>4</sup> Scotland's parliament uses a mixed version of both FPTP- and proportional party list system based on the electoral system of Germany's Bundestag.

<sup>5</sup> Except for the general elections of Northern Ireland's constituencies.

<sup>6</sup> A proportional system, where electors rank candidates in multi-seat constituencies.

These differing electoral manifestos about electoral reform turned out to be the most problematic element in forming the coalition program, as it was the last part of Conservative-Liberal Democrat coalition agreement to be accepted. Ultimately Conservatives offered as last resort to hold a referendum about adopting alternative vote, which the Liberal Democrats agreed to accept even after it was not their optimal choice. In this question the Conservative Party managed thus managed to get the best compromise for them as they would have opted for not pass any electoral reform at all, and the electoral system which referendum was to be organized was fundamentally same as FPTP. The parties were also able to agree reduction of House of Commons to 600 seats which was closer to the Conservatives manifesto than the Liberal Democrat's one (Qvortrup (2012), 108–109 & Threlfall (2010), 522).

### **3.2 Debates about the Parliamentary Voting System and Constituencies act 2011**

The alternative vote referendum and the reduction of seats of the House of Commons were combined into a single bill labeled as Parliamentary Voting System and Constituencies act 2011. The referendum was to be held at 5 May 2011, which was a relatively fast timetable in arranging a referendum. According to the coalition agreement the Conservative Party was given right to participate No-campaign in the referendum, which allowed the coalition parties to campaign for opposing sides. The bill went to the House of Commons for second reading on 6 September of 2010. During that reading the bill faced both criticism and praise from both the coalition and opposition (Hazel & Yong (2012), 159-162). Because the bill had two different parts, I have decided to divide this chapter into two parts: debates regarding the alternative vote and the reduction of constituencies.

#### **3.2.1 Debate about equalization and reduction of constituencies**

At the start of the second reading of the bill deputy Prime Minister Nick Clegg defended the content of the bill as a whole. He described the main two measures of the bill as a moderate way to restore Parliament's transparency and making elections fairer. Because the bill was a compromise between Liberal Democrats and Conservative Party, Clegg saw the bill as a bare minimum in reforming the electoral system. This expressed Liberal Democrats' long-standing electoral reform agenda,

the party's goal was to change the electoral system into anything else than FPTP-system which they regarded as unfair. The other major concern in which the deputy prime minister focused was the unequal size of constituencies, which was to be fixed by the bill. Equality of votes was a major concern because differences between constituencies' number of voters were large, which Clegg regarded as a flaw. He also noted that the House of Commons was the largest parliament in Europe, which should be reduced. For him, the bill's twofold content was parallel to each other in reforming the parliament rather than two different bills put together (House of Commons Hansard (HCH), 6.9.2010, c. 34-40). The major concepts he used about the bill were thus fairness and legitimacy which the bill would deliver to the parliament. Use of these concepts in his speech could be explained by also as a need to legitimize his party's position in reforming the parliament after the Labour's failure to do so in addition to the unpleasant position where his party was in the present system.

Other Liberal Democrats were mostly favorable regarding the constituency equalization in the second reading of the bill. Roger Williams<sup>7</sup> compared the equalization of constituency sizes to the Chartist movement of the 1830's, which goal was to make constituencies equal in size (HCH, 6.9.2010, c.63-64). The main goals of the Chartists were achieved in the Reform Act of 1832 although also many of them were not to be implemented until much later, such as universal suffrage. Mentions of the Chartist movement were unique in that regard that it was the only historical electoral reform movement to be mentioned in the second reading of the bill. These mentions of the Chartist could be explained by the view of the Liberal Democrats that they were successors of the Chartist who were integrated into the Liberal Party later in the 19<sup>th</sup> century in their agenda to enlarge political rights. Otherwise historical references were scarce, usually referencing only to the last constituency border acts in 1980's and need to check them more often in avoiding constituencies based on population which is outdated.

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<sup>7</sup> Roger Williams was a livestock farmer and member of the Labour Party before the split of SDP in 1981. He represented Brecon and Radnorshire constituency of Wales during 2001–2015. Information about MPs provided in footnotes like this is mainly based on information provided by UK parliament website.

However, MPs of the other parties did not share the conception of the Deputy Prime Minister about the fairness of the bill. Jack Straw<sup>8</sup> of the Labour Party called the bill as “the worst kind of political skullduggery for narrow party advantage” and gerrymandering, because of arbitrary reduction of the seats and arithmetical formulations which do not regard natural community boundaries. He also noted that the only exception to the bill was constituency of Orkney and Shetland, which he noted to be Liberal Democrat held constituencies. This also proved for him that the bill was a partisan one. Partisanship of the bill threatened to destroy the very things which the bill was about to bring according to Straw, democratic and fair principles. He, however, admitted that the alternative vote referendum was in the interest of the Labour Party although he noted that Clegg should have separated the reduction of seats and the referendum in order to maximize support for the electoral reform. Also for him the bill appeared as an arithmetical fixation which did not regard the value of natural communities that constituencies presented (HCH, 6.9.2010 c.45, 47, 50-51). As such, Straw’s conception of the bill was strongly disapproving, in which addition of artificiality of combining the referendum with gerrymandering made the bill as a political trade-off between the coalition parties.

Straw’s criticism against the seat reduction of the bill was not unique for him. The major concern for a majority of Labour MPs was the reduction of the seats, not equalization of constituencies. Phil Wilson<sup>9</sup> summed this during his speech, which summarized Labour MPs’ conception of reduction of seats as partisan and gerrymandering:

“Nobody can be against the equalization of constituencies, but why at the same time should we have to reduce the number of MPs from 650 to 600? Why cannot we equalize the constituencies and keep the number of MPs at 650-for the many good reasons that the hon. Member for Broxbourne (Mr Walker) put forward? The only reason for the proposed reduction to 600 is

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<sup>8</sup> Jack Straw was a barrister and MP for Blackburn from 1979 to 2015. He was a part of the Labour frontbench team and he held many high-ranking offices such as Lord Chancellor and Secretary of Justice during Gordon Brown’s government during 2007–2010.

<sup>9</sup> Phil Wilson was Labour MP for Sedgefield from 2007 onwards. He was a clerk by his background.

partisan gain on the part of coalition Members, especially those in the Conservative party.( HCH, 6.9.2010, c. 108)”

The Chartist references by the Liberal Democrats faced rejection by the Labour MPs, who noted that the Reform act 1832 did not bring an end to rotten boroughs. They also mentioned annually chosen parliaments as an example of Chartists’ reform goals, which the Liberal Democrats did not follow. As such the links between the Chartist movement and the bill’s aim to equalize constituencies’ size were perceived by the Labour at spurious at best (HCH, 6.9.2010, c 72,109). These speeches in which the reformists outlook presented by the Liberal Democrats were questioned were probably motivated by the Labour’s need to portray their opponents in an indefensible situation by showing that the Chartist were purer in their motivations and thus lacked partisan politics what they could pursue. In addition to this the tendency of the Labour MPs to focus more on contemporary issues rather than far-reaching historical references can also be seen as a strategy to show that the government was out of touch from the present situation.

Another major point of criticism against the reductions by the Labour Party was the reduction of Wales’ seats. Of the planned reduction of 50 seats, 10 seats of Wales’ 40 seats were planned to be reduced. The major reasoning for this drastic reduction was according to the Liberal Democrat Roger Williams<sup>10</sup> that both Wales and Scotland were over presented<sup>11</sup> in the House of Commons (HCH, 6.9.2010, c.64). This, however, did not stop the Labour MPs from accusing the coalition about ignoring Wales and democratic principles. This was not surprising in that regard that Wales is perceived as one of the strongest electoral areas of the party, and for this reason it was natural for reasons based on party advantage to oppose any attempt to reduce the political position of their electoral stronghold.

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<sup>11</sup> Wales has 40 seats (6,15% of all seats) in House of Commons but under 5% of the population of Britain.

For example, Wayne David<sup>12</sup> of the Labour Party defended the peculiar position of Wales as distinct Nation from the rest of Britain. Because of these peculiarities, Wales requires its' unique representation in the Westminster parliament. He also noted that Wales' representation in Westminster is crucial even after powers have been devolved into the Welsh parliament. The overrepresentation of Wales according to him was a result of the need to recognize Wales' distinct needs, not the partisan policies of the Labour Party, which was a common accusation of Conservatives toward Labour. Mr. David also mentioned that the reduction would be destructive for natural Welsh communities because it would create huge and unnatural constituencies (HCH, 6.9.2010, c. 90). This speech act shows common defense of MPs role of representing their communities and its' interests rather than their role as legislators. Also, the role of nations' distinct nature is notable in the rhetoric because it acknowledges that Wales and other parts of Britain have peculiar features which have to be taken accord in the place of emphasizing Britain's uniformity of interests. His speech act which emphasized Wales' special status in Britain can be explained by his professional status as a historian specialized in Wales and its position as well as his position of being MP of Wales.

Conservatives did not find the bill's reduction of seats as a measure of gerrymandering but as a measure to fix existing flaws and gerrymandering in constituencies. Equalization of constituencies was seen as achieving one vote, one value principle which was based on an arithmetical formula as a democratic principle, which did not work in the current situation where this ideal was not achieved. Accusations of the Labour advantage were common, as current constituencies were seen favorable to the Labour Party (HCH, 6.9.2010, c. 91,106). These speech acts were most likely motivated by grievances of the Conservatives toward the Labour's constitutional and constituency reforms during Blair's premiership which they had opposed.

The situation in Wales was a major point of criticism for the Conservative Party, which saw Wales as an example of current flaws of constituency sizes. Jonathan

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<sup>12</sup> Wayne David was Labour MP for Caerphilly from 2001 onwards. He graduated in Welsh history and worked as a teacher of history before going into politics.

Evans<sup>13</sup> presented Wales' election results in which although the Labour only got 35% of the votes in Wales, they got over 65 % of seats. However, at the same time he noted that Conservatives did not achieve a majority in the House of Commons with the similar amount of votes in general elections of 2010. As such the electoral situation was unbearable by democratic standards as the same amount of votes did not result in the same kind of electoral success (HCH, 6.9.2010, c.66-67). Thus the major conception of electoral system's fallacies for Conservatives was that current constituency borders were gerrymandering that needs to be fixed. The bill's reduction of seats was seen as a measure to fix these fallacies rather than to destroy natural communities by arithmetical calculations, which were seen as basics of democracy. Also, the opposed stance of the Conservatives toward devolution of Wales and Scotland may explain reasons for their MPs not speaking about special or traditional rights of these regions like the Labour which defended overrepresentation by these grounds.

Overall the three major parties during the debate about the reduction of the seats of the House of Commons did not share common conceptions about the reduction. The Liberal Democrats perceived the reduction as a method to renew the legitimacy of the parliament and to make the elections more democratic and votes more equal. They however at the same time saw the reduction as a minimal one as the Liberal Democrats would have opted for much higher reduction of seats. The Labour Party did not share the conception of that reductions were made in order to improve the efficiency of parliamentary work and to make elections fairer. Instead, they saw the reductions and equalization which the bill was set to achieve as an act of gerrymandering and partisan gain. Also, the defense of natural communities', which the bill was according to the Labour Party to disrupt, was utilized as a concept to deny the bill's content. The overrepresentation of Wales did not appear as fallacious to the Labour, instead they perceived it as recognition of distinct needs of the nation. Conservatives' conception of the bill was positive in that regard that it would solve fallacious situations in elections such as the Labour achieving majority of seats with a smaller share of votes than the Conservatives. This point is interesting in that regard

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<sup>13</sup> Jonathan Evans was Conservative MP for Cardiff North during 2010–2015 and MEP of Wales during 1999–2009. He was solicitor by his profession.

that only the Labour MPs of Wales highlighted the special position of Wales whereas other Welsh MPs did not promote their home nation's special positions significantly.

### **3.2.2 Debate about alternative vote referendum**

The other part of the bill concerned holding a referendum about changing FPTP-system into alternative vote system. Being a distinct element from the other major part of the bill, the debate about the alternative vote generated different kind of debate than equalization and reduction of constituencies. This did not go unnoticed as many MPs found indicated that they supported one part of the bill but opposed the other part. Majority of Conservatives accepted the equalization and of constituencies reduction of seats but were negative about the alternative vote. The Labour was more supportive of the alternative vote but at the same opposed reduction of seats. Michael McCann, for example, described the bill's alternative vote referendum as an act to smokescreen to cover gerrymandering of constituency reductions (HCH, 6.9.2010, c.117).

Only the Liberal Democrats accepted the bill as a whole, although they viewed the alternative vote as a compromise as they could not have a referendum about a proportional electoral system because of opposition from the Conservative Party. However, they viewed the alternative vote as advancement compared to FPTP-system, even after many Liberal Democrats such as Nick Clegg had called it before the coalition government as a "miserable little compromise" as reminded by Jack Straw during the debate (HCH, 6.9.2010, c.45). Other Liberal Democrats were supportive of alternative vote, although they noted that alternative vote was not a proportional system, it would have resulted in more proportional election results (HCH, 6.9.2010, c. 77-78). As such the Liberal Democrats saw the alternative vote system as a step toward proportional system rather than an end itself. However, Angus MacNeil<sup>14</sup> of Scottish National Party (SNP) did not see the alternative vote as a good compromise at all for a proportional system. According to him the alternative vote was only a step of 2 % to the way into a proportional system, which was not a big step. As such he lamented that SNP and other small nationalist parties were left

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<sup>14</sup> Angus MacNeil was SNP MP for Na h-Eileanan an Iar from 2005 onwards. He had worked as an engineer, reporter, and teacher before his political career.

alone by the Liberal Democrats to support proportional system (HCH, 6.9. 2010, c.59). Alternative vote system was thus seen even by the parties advocating electoral reform as a modest change compared to the present system and was not strongly supported in itself. These views could be accounted for the experience of the proportional electoral system of devolved legislatures which provided significantly different electoral results than in parliamentary elections of the House of Commons. In addition relative obscurity of the alternative vote as an electoral system can be held an account for modest enthusiasm toward it when compared to an ideal system for each party.

The Labour Party saw the alternative vote as an improved version of the FPTP system and its strengths. However, unlike the Liberal Democrats who saw a proportional system as an ideal system, Labour MPs emphasized the good sides of the FPTP system. For example, Margaret Beckett<sup>15</sup> argued that a view, in which argued that FPTP is flawed and proportional system is fair, is not correct because all electoral systems have flaws. A proportional system gives too much power to minorities according to Beckett, which she saw as equally problematic as FPTP system giving too much power to majorities. She also argued that in FPTP people would easily understand the end results of their votes unlike in proportional system where end results are decided by complicated coalition agreements which would take power from electors and hand it to politicians (HCH, 6.9.2010, c.55-56). These speech acts showed views about proportional electoral systems were seen as flawed as it would make elections more complicated instead of clear choices in the FPTP system. Also, coalitions themselves were perceived in the Labour fundamentally undesirable because their forming required backroom negotiations, which was not usual in FPTP system because it usually gives majority which would render coalitions as pointless.

The Conservative Party, however, did not agree on the desirability of the alternative vote as the Labour. All of the Conservative MPs declared that they would campaign for No-vote in the referendum, although most of them agreed to support the bill. Like

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<sup>15</sup> Margaret Beckett was long-timer of the Labour party; his parliamentary career had started in 1974. She served multiple times as minister during Blair's premierships as a minister of housing and planning in addition of multiple times as secretary. She also led a campaign to retain FPTP-system in the alternative vote referendum.

the Labour Party, Conservatives expressed strong support for FPTP system and its virtues. One of these virtues of FPTP was that it had prevented extremist parties such as the British National Party from gaining any seats and as such. Conservative MPs argued that the system also had endured the test of time and had enabled changes in political power when needed, as an example they used electoral victories of Clement Attlee and Margaret Thatcher in 1945 and 1979. Also, FPTP was perceived as a simple system which was easy to understand because electors need to take account of who they want as their representative rather than to think about multiple candidates as in a proportional system or alternative vote (HCH, 6.9.2010, c. 61,70-71,95). This stern defense of FPTP could be perceived as a legitimization of the present system of the parliament which was beneficial to both of the two major parties. Differences between the Conservative and the Labour in reasoning for defending the FPTP concerned primarily their emphasis; the Labour MPs were keener to raise matters of clarity and better possibilities of the people to change their representatives whereas the Conservatives highlighted stability provided by the system in addition to the aforementioned aspects by the opposition. These reflect the traditional position of the Conservative Party as a defender of status quo and stability in the British institutions and the Labour's.

A proportional system was seen by the Conservative Party as a flawed system, in which the gap between the electorate and political elite is large. The main example which the Conservatives used against a proportional system was European parliamentary elections which use a proportional system. According to Daniel Kawczynski<sup>16</sup>, the electoral system in which MEPs were chosen was the major reason for the low turnout in European parliamentary elections (HCH, 6.9.2010,c.58). This argument is remarkable in that regard that the Conservative Party is softly Eurosceptic, and as such MPs of the party could have used popular mistrust against the EU as an argument rather than the electoral system. Also, a proportional system was argued to cause that the link between electorates would break because constituencies would be too large for any representative to handle interests of the electorate. An important feature of the FPTP-system, the ability of the electorate to sack a

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<sup>16</sup> Daniel Kawczynski was Conservative MP for Shrewsbury and Atcham from 2005 onward. He was a manager by profession before becoming a politician. By background, he is a Polish immigrant.

government, was not possible in a proportional system was a common argument by the Conservatives. As an example of this they used Germany where politicians just shifted political posts between each other after elections, which was seen as an anomaly of the system by Andrea Leadsom<sup>17</sup>:

“That leads me on to the third important point about first past the post, which is that we get the ability to sack a Government when they have reached the point when we no longer want them. In Germany, for example, where they have long had proportional representation, every time there is a general election they wake up with the same people involved in government, but just with the deckchairs moved around slightly. The same can happen with the alternative vote.”(HCH, 6.9.2010, c.116).

Interestingly Leadsom referred Germany having a proportional representation even though Bundestag uses it for a minority of its seats whereas majority being elected by FPTP system. The proportional system was used as a vague concept during the debate without specifying any specific method or referencing mixed system as proportional like in Leadsom’s speech. Also, her speech did not mention safe seats being an obstacle for the electorate for sacking unpopular representatives. Such seats usually allow MPs of the dominant party in constituencies to continue their political careers despite their unpopularity nationwide; in proportional systems safe seats are not as common due to the electorate of each constituency being larger than in FPTP and thus electorate being more diverse and dynamic. Also choosing the German electoral system as an example for proportional systems being rigid can be seen intentional since post-WWII Bundestag was designed<sup>18</sup> to prevent governmental instability after the failure of Weimar Republic. As such Leadsom’s reference to the German electoral system can be seen as an intentional method to show proportional systems as undesirable despite the fact that the German system was unique on how it was designed to be a more rigid system and as such not a good comparison for the British system.

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<sup>17</sup> Andrea Leadsom was a Conservative MP of South Northamptonshire from 2010 onwards.

<sup>18</sup> Bundestag has 5% threshold for the proportionally elected seats which makes extremist or minor parties gaining power difficult while preventing parliament from becoming too splintered. FPTP seats are designed for large parties in mind since they allow them to gain enough seats to easily form government with a single coalition partner.

The alternative vote itself was not also viewed favorably by the Conservatives for a multitude of reasons. One of these reasons was that instead of increasing proportionality, the alternative vote would create disproportionalities because it would not fundamentally help smaller parties. In addition to this the Conservatives argued that instead of the most popular candidate winning, third candidates would be decisive in elections. As an example of that kind of situation where a Conservative candidate would lose by having 40% and Labour and Liberal Democrat candidates about 30% and Labour and Liberals having second preferences for each other. Alternative vote as such was seemed to disfavor Conservative Party, in which addition they claimed that alternative vote would effectively give some voters multiple votes which would increase disproportionalities (HCH, 6.9.2010, 61-62, 70-71, 94-95). The Conservative Party thus saw the alternative vote as an alternative for FPTP which would not solve the problems of the FPTP but instead worsen its current problems and lead to new problems as well. They also claimed alternative vote as a detrimental system for their party as it would favor their opponents who would form an electoral alliance against the Conservative Party.

Other major criticism against the alternative vote referendum by the Conservative MPs was that it was not proposed in the Conservative Party's manifesto, which many MPs of the party cited for their opposition to the alternative vote. They did not see coalition agreement as binding as the manifestos, which Gary Streeter<sup>19</sup> emphasized in his speech against the alternative vote:

“The measure was in the manifesto of our coalition partners, not in our manifesto. It was in the coalition agreement, which I respect-it is an impressive agreement-but I do not believe that that agreement is binding on me. This Parliament is sovereign, and my manifesto is binding on me, but the coalition agreement is not binding on me.” (HCH, 6.9.2010, c. 61).

Streeter's speech act emphasized the role of the manifesto as his guiding document than coalition document. Reason for this can be attributed to that representative got their mandates from the electorate who voted them according to their political

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<sup>19</sup> Gary Streeter was Conservative MP for Plymouth Sutton during 1992–1997 and of South West Devon from 1997 onwards. He was a solicitor by profession.

agendas expressed in manifestos to power in order to put forward these manifestos. As such manifestos were seen as a binding and whose content should be put into the government's agenda. The coalition agreement did not hold such mandate because it was not voted by the people and as such lacked agenda of the electorate. This view was shared by many Conservative as they explained that their constituents have never demanded electoral system change, even after they contacted their MPs from many other important issues. The referendum was also referred as unimportant when Britain was facing greater problems, electoral system change was compared to Nero's fiddling at the same time as Rome burned (HCH, 6.9.2010, c. 61, 94). These demands to follow the will of the electorate is reminiscent of imperative mandate in that regard that the Conservatives claimed that changing of the electoral system was unnecessary due to lack of demands from the people. This is an interesting notion in that regard that in these argumentations independent agendas from electorate are not seen as an ideal since it would take power away from citizens. This is a huge contrast to Ankersmit's views of representation in the sense of ideal representation where the best debates can be achieved by allowing autonomy of MP in agendas.

The coalition was seen as necessary evil by the Conservative Party and alternative vote referendum as a result of coalition politics. The overall perception of the coalition with the Liberal Democrats by Conservatives was it was necessary to form in order to solve urgent problems plaguing Britain. However, the coalition had led to governmental agendas such as the alternative vote referendum which was not advocated in either of the coalition parties' manifestos. This then resulted in horse trading decisions in which none of the parties of the coalition preferred. One of the Conservative MPs referred to Disraeli's dictum that "Britain does not love coalitions" to sum up his feelings toward coalition governments in general (HCH, 6.9.2010, c. 85). These conceptions of coalition governments reflect Britain's political culture where one-party governments are seen as a norm rather than a coalition government since it would render electoral promises and agendas more difficulty to put forward due to a requirement of compromise. Also, the view of Ankersmit about the British political system as a parliament exercising the power of absolute monarch seems to hold up in that regard that power-sharing governments which included multiple parties are seen as alien and opposed to the British politics.

Overall, conceptions of the parties toward the alternative vote were divided as they were toward the House of Commons' constituency reduction and equalization. The Liberal Democrats saw the alternative vote as a compromise in moving toward a proportional system. Scottish National Party was critical to this view because they deemed alternative vote as an extremely minor upgrade of FPTP, which was not worth compromising. The Labour Party shared mostly the views of the Liberal Democrats that the alternative vote would be an improvement of FPTP. They rejected any movement into a fully proportional system, however. The Conservative Party rejected the alternative vote system as an anti-Conservative system, which would not have the strengths of FPTP-system which had endured the test of time. They also viewed the referendum as an agenda which only minority wanted and what coalition agreements forced them to put forward against their own manifesto.

### **3.2.3 The third reading; the violation of the devolution and the parliament?**

During the third reading of the bill the conceptions concerning the alternative vote and the reduction of constituencies were mostly brought up in the debate as they were in the second reading; the Liberal Democrats saw the bill as a largely a positive albeit minor step toward renewed parliament (HCH, 2.11.2010, c. 861–864, 883), the Labour was moderately supportive of the alternative vote but strongly opposed to the constituency reform based on gerrymandering arguments (HCH, 2.11.2010, c. 870, 885–886) and the Conservatives opposed the alternative vote and supported the reduction of MPs (HCH, 2.11.2010, c. 870–872). However, two significant notions about the bill emerged during the third reading.

The first of these notions was a controversy concerning the date of the referendum which coincided with the elections of the local governments and devolved legislatures on 5 May of 2011. The decision of the government was defended by the governmental parties as a way to reduce expenses of arranging multiple elections at the same time and with same ballot (HCH, 2.11.2010, c. 797–798). This, however, met criticism from the MPs of the regionalist parties who claimed that it completely disregarded the rights of devolved countries. MacNeil of SNP, for example, argued that the Government did not respect legislatures of devolved nations:

“Gate-crashing Scotland's day of democracy shows a lack of respect on the part of the Government. They say that they would have respected the devolved Administrations, but when pressed they tell us that the opinions of the governing parties of Scotland, Wales and Northern Ireland do not matter—a case of words and actions diverging greatly.” (HCH, 2.11.2010, c. 806).

In his speech act MacNeil raised differences between the rhetoric of the government and actual actions and thus showing to his audience that the government's promises are only rhetoric. He also hoped that the government should pay respect to other parties in this kind of decision-making in order not to alienate potential supports such as him. He also raised the issue of Scottish independence if devolved parliaments could not receive respect from the central government (HCH, 2.11.2010, c. 807–808). The notion was aimed as criticism toward the governmental parties in that regard that they had already decided most of the content of the bill already when the coalition agreement was signed. This left the government with practically without any room to accept amendments to the bill, a fact which was not overlooked by the opposition.

Problematic nature of multiple elections was raised by also the Labour MPs who argued that politicians could not properly campaign for multiple elections at the same time. This was especially true for the members of the devolved legislatures since the referendum would not be of great importance to them compared to the other elections. This was deemed as another factor undermining the success of the referendum by Kevin Brennan<sup>20</sup> alongside MacNeil in that regard it would take attention away from devolved agendas and as such they comprehended the date as a cause of confusion and mess rather than saving of expenses. These notions were also supported by claims that media focus would further misunderstandings due to its focus on national issues such as referendum instead of local agendas (HCH, 2.11.2010, c. 809–810, 813–815, 818). The problem of media attention was recognized by the Liberal Democrat Mark Williams<sup>21</sup> who however emphasized that the problem was more in the handlings of the media rather than complexity of questions. The Conservatives, however, claimed that electorate should not have too big of a problem in voting in multiple elections at

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<sup>20</sup> Kevin Brennan was Labour MP for Cardiff West (Wales) and former minister and secretary of Brown's government.

<sup>21</sup> Mark Williams was Liberal Democrat MP for Ceredigion from 2005 onwards (Wales).

the same time. Louise Bagshawe<sup>22</sup> used the USA as an example where multiple elections are organized all the time with minimal problems and as such it would be an underestimation of the electorate to assume that they could not handle multiple elections. These claims were denied by the John Mann<sup>23</sup> of the Labour in the grounds of differing degree of complexity between elections of USA and Britain; all of the elections of USA utilized the same system whereas in Britain devolved legislatures, Westminster parliament and referenda all used different system which required much more from electorate (HCH, 2.11.2010, c. 814–815).

These conceptions about the electoral time can be seen as a desire for fairness in both time and attention to their agendas. Because their focus mainly on regional agendas, the MPs representing regionalist parties conceived combining of the elections as a challenge to their newly organized parliaments which they seemed as equal with Westminster parliament, with hopes of more powers to them or even independence. The Labour shared these notions about the status of devolved parliaments although their motivation for their speech acts could be their strong position in both Welsh assembly and Scottish parliament<sup>24</sup>, power sharing between devolved and Westminster parliaments would give more power to the Labour Party than decision-making solely in Westminster where the party was in opposition. The speech acts of the Liberal Democrats which defended the government stance and at the same time showing sympathy for the opposition could be explained by their intention of building consensus for the reform, in the debate earlier they have been largely been in an isolated position in the defense of the bill. The Conservatives had already expressed their opposition for the referendum and supported it only reluctantly in order to keep up with their coalition agreement. For this reason it was natural to combine referendum day with other election dates in order to avoid additional expenses and organize it more smoothly. The references to USA elections made by the party was used to legitimize multiple elections are interesting in that regard that the Conservative Party had a tradition of upholding Transatlantic relationship with the

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<sup>22</sup> Louise Bagshawe was Conservative MP for Corby during 2010–2012. She is a writer by profession.

<sup>23</sup> John Mann was Labour MP for Bassetlaw from 2001 onwards. He had trade union background in his professional history.

<sup>24</sup> In 2010 the Labour Party was the second largest party in the Scottish parliament after SNP with 46 seats (of 129) and largest in the Assembly for Wales with 26 seats (of 60).

USA. From these notions it is possible to argue that the party looked up to the USA also in domestic policies rather than just cooperation in foreign policy.

The second interesting notion brought up in the third reading of the bill was remarks of lack of time for the debate of the bill. This anomaly was raised by Sadiq Khan<sup>25</sup>, a Labour MP, who noted that:

“The Bill is more far-reaching than the Acts to which I referred, but there have been fewer than 40 hours of debate on it in the House before it goes to the other place. Day after day, colleagues on both sides of the House have been denied their wish to speak and deprived of the opportunity to make important points, and their speeches have been truncated when in full flow. The Liberal MPs on the Front Bench below the Gangway have had their mouths zipped because of the way in which the coalition Government have rushed the Bill through.” (HCH, 2.11.2010, c. 867).

Khan’s speech act makes remarks of how little time was spent on the debate of the bill and how many speeches were skipped in order to pass it. He implicitly criticized the government for straight forwarding legislative process in order to make the coalition work at the expense of debate, which he seemed an essential part of democracy. His accusation against the Liberal Democrats was pointed at the relative lack of speeches made by them even after they had forwarded agendas of the bill before elections and how they ignored the fact that the reforms included in the bill were not in their own agenda. Later (HCH, 2.11.2010, c.868) in his speech he argued that the railroading<sup>26</sup> made by the government concerning the bill endangered exemplariness of the British parliament as a role model for emerging democracies by showing that significant constitutional changes with clear partisan gain can be made in Britain without any independent committee. This notion is interesting in that regard that the British MPs had a conception of the British parliament as a “mother of

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<sup>25</sup> Sadiq Khan was Labour MP for Tooting from 2005 onwards. He also served as minister of state for transport and communities during Brown’s cabinet during 2008–2010.

<sup>26</sup> By railroading he referred guillotine motions which refers to a parliamentary procedure which brings debate into a closure.

parliaments” which had an obligation to respect parliamentary principles not only for the British constitution but for the whole world.

Khan was not alone in his criticism toward diminishing the role of the parliament in the legislature. Charles Walker<sup>27</sup> on the government side noted that the bill did affect another problem of the British politics; a size of the executive:

“Once again, we see the Executive seizing more powers at the expense of Parliament. The House will be reduced to 600 Members of Parliament, while the Executive will remain as large as it is now.”(HCH, 2.11.2010, c. 875).

As a backbencher Walker’s speech act was made to notify that the government should also make cuts alongside the parliament. This was made in the background of the increased role of the government’s functions and voting discipline of the parties which rendered individual members’ chances to affect policies more limited. The most recent of offense toward the parliament according to him was reduction of debate time which made the executive even more powerful since it would take away even the last bits of MPs’ influence. As such he advised in the latter part of his speech to oppose the bill since it would be only way influence the bill since it could not be amended. This request made by him to rebel against the frontbenchers is not a unique strategy for backbenchers to use power; many governments’ initiatives have been failed due to opposition from backbenchers. For example, John Major’s government’s agenda to further integration of EU failed due to his small majority in the Commons, which gave relatively small part of the governmental party significant power. The situation of Cameron’s government was similar in that regard that majority of the governmental parties was rather modest considering it had multiple parties, something which was unnatural for British political culture.

Overall, the debate during the third reading of the bill same conceptions toward the reduction of constituencies and the alternative vote referendum arose. The speedy process of the bill brought up new conceptions regarding the parliament. The first one was a relationship between devolved legislatures and the Westminster parliament.

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<sup>27</sup> Charles Walker was Conservative MP for Broxbourne from 2005 onwards.

The status of devolved legislatures was deemed on the same level as the central government by the opposition who argued that holding the referendum on the same day as devolved parliaments' election would show disrespect toward them. The government rejected these claims by the ground of saving expenses of holding two election campaigns. The lack of debate prompted the second important set of conceptions concerning the role of parliament regarding the executive. Role of a debate was seen as crucial for democracy since it would allow multiple viewpoints influence lawmaking. This dimension of parliamentary politics was challenged by the speedy implementation of the bill by the government because it did not allow full debate about it. Thus the process and the content of the bill threatened the very foundations of the British democracy according to the opposition who claimed it was made without a popular mandate to only forward narrow party advantage.

### **3.3 Conclusion**

The alternative vote and its referendum were perceived by many different concepts during the House of Commons debates. The most defining line between different conceptions did not lie in government/opposition division but rather more on an individual level and depending on specific agendas. This was especially evident in the conceptions about the alternative vote system which was deemed by Liberal Democrats, regionalists and majority members of the Labour party as positive. However, there were differing ideas between those parties how ideal the alternative vote was compared to FPTP. Conceptions of the Liberal Democrats about the bill were concerned around fairness which it would have introduced to minor parties and saw it necessary to renew legitimacy of British democracy. They did not, however, saw the alternative vote as the end itself but rather as a step toward a proportional system, as such MPs of the party saw it as a good compromise. Labour MPs did mostly saw the electoral reform as a strengthening of the FPTP, which was itself deemed the most ideal system due to its clarity and decisiveness, as it would somewhat fix disproportionalities. Regionalists who had already experience with proportional system expressed that the alternative vote was not significantly better than the present system. Conservatives were practically unanimously against the

electoral reform since they preferred FPTP since it was perceived as a stable and simple system in contrast with the alternative vote.

Reasons why the Liberal Democrats agreed to have such an unideal compromise for an electoral reform in the first place could be explained by both coalition politics and misreading of the public opinion. Since the Conservatives supported the FPTP, they would not likely adopt any kind of proportional system or have a referendum about it while in power. Since the alternative vote system was the least proportional of potential electoral systems, having a referendum about adopting it was acceptable to the Conservatives since even in the situation in which the public voted for its adoption it would not be a significant defeat for the FPTP and its principles. Also, the alternative vote as proposed in the bill was arguably a system with the least amount of advantages compared to other systems. It lacked the simplicity and understandability of the FPTP while being only slightly more proportional than it. Compared to proportional systems it lacked proportionality while being harder to understand calculation method behind it. As such I would argue that having a referendum on the alternative vote was a good compromise for the Conservatives irrespective of the referendum result. The Liberal Democrats likely accepted the referendum as a compromise since they were unlikely to have their demand of adopting a proportional system accepted by either the Conservatives or the Labour Party. Since the Labour Party had a manifesto promise of having a referendum about the alternative vote combined with the likelihood of Liberal Democrat's voters to support more proportional system, it is likely that the leadership of Liberal Democrats believed that adoption of the alternative vote was the most probable outcome. For this reason, I argue that the reason for accepting the bill as a compromise was caused by the misreading of the public opinion regarding the electoral system.

Reduction of the number of constituencies was perceived by the governmental parties as a way to legitimize the status of the parliament after the expenses scandal. Positive qualities of these cuts were efficiency, equality and democracy as seen by these parties. Labour and regionalist MPs described reductions planned in the bill as gerrymandering and artificial since it would favor governmental parties and break natural communities. The great reduction of Welsh seats, which was seen by

Conservatives as the mending of the unfair situation which favored the Labour Party, was branded as a violation of special status of Wales as a nation. This was linked to another important set of counter-concepts which was between equal/natural constituencies. Both of the governmental parties advocated equal constituencies in the name of the equal voting principle according to which one vote should have equal weight regardless of a constituency. This was seen by them as a way to reduce democratic deficit left by the previous government. The notion of equal constituencies was denied by the opposition who claimed that it would break natural communities and establish artificial constituencies which would not follow any established pattern other than party advantage. The opposition thus utilized the concept of natural constituencies in order to deny desirability of equal constituencies forwarded by the government.

Conceptions of representation followed primarily Ankersmit's idea of representing interests of a community rather than an idea of what the parliament should be an accurate reproduction of electorate. This was expressed with such expressions as claiming that multimember constituencies could not be represented sufficiently due to their size and speech acts against the Liberal Democrats on the grounds of having only minimal demand for electoral reform from the electorate. Only the Liberal Democrats and regionalists challenged this conception as unfair due to the tendency for FPTP give overrepresentation to majorities. The idea of the imperative mandate was utilized in the debates concerning fulfilling electoral manifestos. Since none of the major parts of the bill was actually in governmental parties' manifestos it was natural for opposition to point out that the government did not have a mandate for far-reaching reforms such as the bill. Reference to the imperative mandate was even utilized by the backbenches of the Conservative Party to legitimize their defiance toward the bill.

The multiparty coalition government was seen by majority of the MPs in a negative light due to compromising it required in order to function. This was evident in the debate in that regard that both opposition and government benches voiced dissatisfaction toward the content of the bill which was seen watered down version of proposed reforms advanced by political parties of the government. Some speeches

also noted that coalition politics would also undermine the status of the parliament by reducing significance and degree of debate, thus enhancing the power of the executive at the price of the parliament. FPTP-system was seen ideal by the majority of the Labour and the Conservatives as a way to avoid unpleasant coalitions whereas proportional and other electoral systems were seen as a seal for permanent multiparty coalitions. Only the Liberal Democrats and regionalists did not share these conceptions on the grounds of fairness and democracy which FPTP-system did not achieve in representing significant minorities' voices. It can be thus argued that the two major parties shared Ankersmit's view on the peculiar idea of British representation in that regard that the parliament exercises the power of absolute monarch rather than the continental idea of achieving compromises. Hence the Liberal Democrats and the regionalists can be argued that they shared the continental idea of representation in that regard they saw power-sharing with other parties less problematic and emphasized respect for the plurality of viewpoints rather than stability or direct mandate of MPs.

In terms of discussion of politics and political regimes Germany and European parliament were brought up in the debate. Both of these systems were perceived pejoratively by the Conservatives who brought them as an example why proportional system was seen inferior by them. Germany was seen as a country where governments and politicians never changed even though this characteristic of German political system is intentional and unlikely caused by a proportional representation. Likewise issue of elections of European parliament having low turnouts can be attributed to the lack of legitimacy and democratic deficit of European Union rather than the electoral system is having. As such the FPTP system which the British system had was seen as a reason for its superiority compared to other countries.

Overall conceptions toward the bill's content were divided depending on how the idea of representation was perceived. Those who shared the idea of Anglo-Saxon idea of representation saw a change of the FPTP system as a step toward indecisive and unstable governments and thus opposed it. Also, the link between electorate and MP was seen by them be safeguarded best by FPTP whereas in a proportional system there would exist no such link. Thus, this group saw the alternative vote and

characteristics of it as negative counter-concepts. This was contrasted by those who saw proportional representation and compromises as an ideal and the FPTP as a way to twist representation of large parts of the electorate. Communication between electorate and representatives were not raised by those who shared the continental conception in their speeches, probably because a proportional system would make constituencies so large that communication with most of the electorate would be impossible. Other significant notion related to the issue of representation was conflicting views on equal constituencies in which the government conceived equal constituencies as a way to strengthen democratic principles. The opposition opposed this notion on the grounds of the benefits of natural communities that was seen by them as a more sensible way to form representation than strict arithmetic formulas.

#### **4. The House of Lords reform act 2012 -“the bill neither guarantees primacy or democracy”**

The House of Lords is the upper house of British parliament, mainly composed of members of peerage and bishops of the Church of England. Its' members have traditionally been hereditary nobility until 1999 when Tony Blair's government decided to greatly limit the number of hereditary peers in order to promote appointed peers. Appointment of peers is formally duty of the monarch; however, the government appoints members of the upper house in practice as an unwritten rule. As such membership of the House of Lords is not determined by democratic mandate or by elections but by the patronage of the people in power. This is unique globally since most of the other countries either directly elect members of upper houses (USA) or indirectly elect them such as state parliaments and municipal councils (Germany, France) (Harrison & Boyd (2006), 17-20).

##### **4.1 Traditional role of the House of Lords and its' previous reforms**

According to Bagehot, the main function of the House of Lords is to function as a revising chamber that provides its own unique expertise to amend legislation. Since members of the upper house have been members of the aristocracy, level of education and scientific knowledge has been generally higher in the House of Lords than in the Commons. The unelected nature of the upper chamber helped its members to focus on

their civil careers and expertise compared to the lower chamber because they do not need to focus on being elected and sacrificing their time on electoral politics. Due to their aristocratic wealth, members of the House of Lords also were materially wellbeing and thus would not need to bother with making their income; to Bagehot this provided the upper house financial security and opportunity to travel to other countries, which also contributed to their expertise on various subjects. Due to this leisured lifestyle, they could see bills as a greater whole and less passion than their counterparts in the lower house since legislation usually did not threaten their economy and way of life. However, their reliance on aristocratic lifestyle and land properties meant that they were usually not adept at business. This experience of business was instead present in the House of Commons that Bagehot saw as the only kind of expertise in that the lower house was superior to the House of Lords (Bagehot (1867), 68-72).

Traditionally both houses had the same powers to legislate and pass legislation although the power over finances was in the Commons. Since the great reform bill of 1832 when the House of Commons gained more popular mandate, it has been the unwritten rule that the House of Lords would not block legislation accepted by the Commons since it had no other mandate than their birthright and respect of society. In addition, the ability of monarch and government to appoint new members that is more favorable to the lower house as an extreme measure to bypass Lords opposition made the upper house more agreeable to accept legislation. As such the House of Lords usually was satisfied in its role as revising chamber instead of legislating one apart from a few notable incidents since the 19<sup>th</sup> century. Bagehot thought that this kind of limited power over legislation and abstaining from rivaling the lower was desirable since it set clear hierarchy over who was effectively the effective part of the constitution. It also prevented gridlock between the two houses which were common in USA politics where either of the houses could prevent legislation passing and thus paralyzing the political system (Bagehot (1867), 72-75).

Probably the single most important conflict between the two houses occurred in 1909 when the Liberal government led by Lloyd George faced opposition from the Lords

while trying to pass his People's budget<sup>28</sup>. Since the House of Lords had the veto right over legislation, the upper house rejected the budget. This caused a constitutional crisis in which the Liberal party was able to get upper hand and as such pass the Parliament act of 1911, which limited the Lords' veto to temporal one in which they could delay laws only two years at most. This was later reduced to one year after the Parliament act of 1949. Due to these reforms, the effective power of the upper house to oppose legislation passed by the House of Commons was practically eliminated (Ballinger (2011), 20-23, 28-30, 73).

Since these reforms there have been no significant pieces of legislation that determined the powers of the House of Lords. Instead, there have been two major reforms that have affected the composition of the upper house. The first one was the introduction of life peerage in the Life Peerage Act of 1958 that was passed by the Conservative government premired by Harold MacMillan. This act made possible to appoint members of the upper house for life instead of giving hereditary right of a peerage to both peer and his successors as well (Dorey (2009), 263-265). Hereditary nature of the upper chamber continued to be dominant until 1999 when Tony Blair's Labour government expelled most of the hereditary peers and replacing them with appointed ones. This meant the end of the traditional House of Lords as a hereditary aristocratic institution (Ballinger (2011), 173-174).

Although the House of Lords has been reformed number of times, none of the reforms have achieved to make the upper house an elected body with a democratic or popular mandate. Only significant attempts to introduce elected elements to the House of Lords before the coalition government was the Wakeham Commission, which proposed that part of the upper house should be elected by a proportional and regional system by the electorate while retaining independence and expertise of the upper house. These recommendations were not implemented due to lack of consensus on specific amount elected and appointed members (Kelso (2009), 159-161).

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<sup>28</sup> This budget included increased taxes on rich landowners that dominated the House of the Lords at the time.

#### **4.2 House of Lords reform attempt of the coalition government**

During the election campaign of 2010 general election all of three major parties included the House of Lords reform in their manifestos. The Conservative party's manifesto stated that they would build consensus to reform the upper house into mainly-elected in order to become more effective and legitimate second chamber (Conservative manifesto (2010), 67). The Labour likewise proposed to reform the upper chamber into a fully elected chamber with an open-list proportional electoral system in stages over the years. They would have finalized their reform at the end by organizing a referendum about accepting this newly elected chamber (Labour manifesto (2010), 9:3). The Liberal Democrats also advocated fully elected chamber in their manifesto although they did not specify their idea of reform any further than that (Liberal Democrat manifesto (2010), 88). As such all of the major parties had reform of the House of Lords on their agenda.

Due to inner pressure from more traditionalist groups within the Conservative party, a proposal to reform the upper house was a problematic issue in the coalition agreement. Also, the vagueness of the two parties' manifestos over technical details of potential reform caused a significant amount of tension between the two parties since the only things they had promised was to reform the House of Lords into a more democratic chamber and reduce the number of its members. For these reasons, the coalition agreement included vague agenda to reform the upper house into wholly or partly elected chamber (Bogdanor (2011), 132).

As such the bill was made as a compromise of the ideals of the two parties. Size of the new reformed chamber was to be 450 members in addition of 24 bishops of the Lords Spiritual. Of these 450 members, 360 members or 80 % were to be elected by using proportional semi-open list system as an electoral system. 90 members or 20 % of the new chamber were to be appointed by the government. Parliamentary terms for these members would have been 15 years without a possibility to be elected for the second term. Powers of the upper house would have remained the same as clause two of the bill established that current Parliament Acts were to remain in force after the reform (UK parliament website: House of Lords reform bill 2012-2013).

Because of these characteristics of the bill being a compromise between different ideal solutions to the House of Lords reform, the bill received a significant amount of opposition from the major parties in the House of Commons debate. The bill received its' second reading in the Commons in 9 -10 of July 2012 where it was met with open rebellion within the Conservative Party alongside skeptical attitude from the Labour Party. It soon became clear after the second reading that the bill would not pass without the full support of the Conservatives and required that government had to negotiate with the rebels. Negotiations did not lead to an agreeable solution to either side and as such the bill and attempt to reform the House of Lords came to a halt in August (UK parliament website: House of Lords Reform Bill 2012-13: decision not to proceed).

### **4.3 Debate of the House of Lords reform bill 2012**

During its two days of debate, the House of Lords reform bill was debated intensively in the House of Commons and generated differing ideas about the bill and thus raised a lot of conceptions about the current and ideal reformed upper house. Opinions ranged from preserving the current system to completely abolishing the upper house in order to move into a unicameral system. I have divided analysis of the debate into categories defined by their main topic and conceptions about the reform and the current system. I have also dedicated attention how the compromised bill was perceived as a product of the coalition and in providing a satisfactory solution to different sides of the debate.

#### **4.3.1 Primacy and relationship between the two houses**

Due to the unwritten constitution and rather limited set of Parliamentary acts which determine powers between the two houses, many MP:s did not think that having an elected upper chamber would work the same way as before. Since it has been customary for the House of Lords to yield when viewpoints of the two houses conflict due to its lack of democratic mandate, many speakers were concerned that giving a

democratic mandate to the upper house would lead to increase in its' confidence to challenge the Commons. This view was expressed by Oliver Heald<sup>29</sup> in the debate;

“Following the proposed changes, we will struggle to have effective government. The Parliament Acts cannot be used on every occasion. It is a nuclear option. We rely on the Lords' giving way, but the fact is that without conventions and arrangements between the Houses —some means of ensuring that we always prevail in the end—it will be more difficult to ensure that we have effective government in this country.” (HCH, 9.7.2012, c. 69)

In Heald's speech we can notice that he utilizes a dichotomy between the dignified and efficient parts of government which was devised by Bagehot himself. Since the two houses were thought to be two separate entities with their own function instead of being two parts of the same thing with similar functions and nature, many speakers in the debate made it clear that they preferred that the upper house should be revising and/or secondary chamber instead of being the same as the lower house (HCH, 9-10.7.2012, c.88, 103-104, 118, 229). In these contributions to the debate, speakers noted that they thought the upper chamber as a check for the lower house power and revising organ instead of the Lords being a legislative chamber. As such these speakers did not conceive lack of elections being detrimental to the functions of the House of Lords since they did not have the same powers and mandate as the Commons. Instead, elections to the upper house were seen as unnecessary for its current functions and that they would bring nothing beneficial to its role as a secondary chamber.

This conceptual division of the British constitution between its' different parts was utilized as a reasoning why reforming the upper house into elected chamber met criticism from different speakers. This kind of division between dignified and efficient part of the constitution was utilized by Bagehot to explain why there was no significant conflict between the two houses despite having no formal constitution. This was different from the USA where the two chambers had equal powers and could undermine or block legislation from the other house. According to him, the

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<sup>29</sup> Oliver Heald was Conservative MP for North East Hertfordshire from 1997 onwards.

American constitution could lead easily into a gridlock between the two houses since there was no way to change Executive prematurely by calling early elections. This American example was used as a warning example for how a relationship between two chambers in bicameral systems could develop. This can be seen in Jesse Norman's<sup>30</sup> speech when he referenced then-recent American politics as a warning example;

“The US offers a useful cautionary tale. The American political system is manifestly struggling: beset by gridlock ----- The two Houses have repeatedly found it impossible to achieve consensus on important legislation. Pork-barrel has been replaced by stand-off. President Obama's health care Bill is a classic example and it ended up in the Supreme Court.” (HCH, 9.7.2012, c. 80).

In his speech, Norman made reference to the Obama's health care bill which received a significant amount of opposition from all levels of legislature and judiciary despite being an ordinary law. The healthcare bill was passed only after long negotiations between congressional, senatorial and presidential parties. This kind of gridlock has happened rarely in British parliamentary history, the aforementioned standoff between Asquith and the Lords being the most notable one. Other speakers also used the USA as a bad example for bicameral systems with two equal houses (HCH, 10.7.2012, c 229, 255). These conceptions of the American constitution as a flawed system compared to the British one are in agreement with Bagehot's conceptions of the strengths and weaknesses of each system.

Other countries, which had different arrangements between two chambers of parliament, were also utilized as examples when dealing with the Lords reform. The most notable references were made to German and Indian systems where subnational parliaments appoint members to the upper house and thus voters indirectly elect its' members ( HCH, 9-10.7.2012, c. 51, 117, 219, 236). These kinds of systems where appointment to the upper house is made by collective bodies were seen as superior compared to the British system where few members of governments made the same thing. Few speeches also mentioned Sweden and Nordic countries as a good example

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<sup>30</sup> Jesse Norman was Conservative MP for Hereford and South Herefordshire from 2010 onwards.

of a system without a second chamber (HCH, 10.7.2012, c. 236, 242). Preferences for the unicameral system were likely motivated by enhancing the power of the Commons and its members alongside making legislation more straightforward since there would not be an additional level in the legislation process. Also, Labour's old agenda to abolish the House of Lords which was deemed as an aristocratic bastion of power was providing background for these speakers. These good examples were not however seen by speakers optimal for British parliament since the British constitution does not differentiate ordinary and constitutional laws from each other and require larger majorities for changing constitution like Nordic countries. Also, the lack of a written constitution was seen as problematic in a unicameral system when passing constitutional laws. The unicameral system was otherwise seen as a problematic solution for the Lords reform since multiple speakers saw that only one chamber could not scrutinize laws and challenge Executive enough (HCH, 9-10.7.2012, c. 118, 245-246, 266). Aside from some speeches mainly from the Labour (HCH, 9-10.7.2012, c. 70, 93, 98, 260) speakers were mainly in favor in having second house due to their desire to have check and possible revision for legislation in order to avoid ill-thought legislation and a prevent tyranny of the majority. This viewpoint can be motivated by a desire of individual members to have their workload shared with other institution since one MP cannot focus on all legislation due to the amount of legislation passed. It can also be explained that individual MPs prefer to limit the power of Executive in which the second chamber is more optimal than unicameral parliament.

This challenge to Executive was utilized as an argument for elected since some MPs saw government too powerful in the contemporary system. Since elections would give the upper house more legitimacy and power according to conceptions of many speakers, governance would be improved as parliament would be able to scrutinize it better. This would lead to better laws as well as better system since it would governments could not pass ill thought and underdeveloped legislation as easily as before since it would need to pass double check of two chambers, as a result there would have been fewer laws which would have made legislation more transparent to the public which was regarded as being confused by torrents of new legislation (HCH, 9-10.7.2012, c. 25-26, 192-193, 222). These ideas about elected second

chamber being more challenging toward Executive can be seen motivated by MPs rivalry with government by increasing power of parliament as a way to limit the power of Executive. Since a lot of backbenchers of parliamentary groups do not have significant ways to affect how government benches draft their bills before they go to the parliament, having more powerful parliament would pressure governments to listen to their backbenches more often.

Overall there was no significant division of conceptions between party lines during the debate. In both of the major parties there were speeches for and against having an elected second chamber although in the Conservative party MPs advocating status quo or smaller reforms were majority (HCH, 9-10.7.2012, for example; c. 59-60, 69, 79, 80, 205, 229) compared to reformist ones ( HCH, 9-10.7.2012, c. 106-107, 192-193, 244-246). This could be explained by the multitude of factors, first by the general outlook of the House of Lords in its contemporary form was more moderate and preserving chamber than the Commons due to its status as an appointed chamber. Since the Conservatives were in favor of preserving traditional British institutions, having the second chamber as a revising body would help to moderate any radical legislation. Secondly, the membership of the Lords is favorable to the Conservatives due to it being formed from upper echelons of society who are likely to be more favorable toward them than the other parties. Also, life peers and bishops of the Church of England are likely to be in favor of status quo and the Conservative agenda. Thirdly unelected House of Lords serves as a “retirement” place for politicians since its members are largely appointed by the Executive. Since it would be easier to get appointed to the Lords than get elected to the upper chamber, it would be logical for members to support current system which could provide an easy way for MPs to continue their political careers in the case of losing their seats. Fourthly it is likely that many members saw the current system working well and as such saw no need to change it to something unproven. This classic argument for the Conservatives was even mentioned directly in the debate many times as Steve Brine<sup>31</sup> put it;

“I think that most of the sensible people I represent would say, “If it ain’t broke, don’t fix it.” (HCH, 9.7.2012, c. 88).

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<sup>31</sup> Steve Brine was Conservative MP for Winchester from 2010 onwards.

As such like Brine, the main conceptions about having an appointed chamber would guarantee its role as a revising chamber without interfering with the Commons and ensure effective governance. An elected chamber was instead seen as an unnecessary and dangerous since it would just duplicate the lower house and remove the revising role of the contemporary one and take primacy of the Commons away and as such paralyze effective part of the constitution.

Labour MP:s mostly also shared views that elected chamber would not be needed in for the contemporary role of the Lords and that elected chamber would lead to hierarchy problems without clear definitions for their powers. A minority of Labour MPs did not see the appointed house as problematic and voiced their opinions in support of status quo (HCH, 9-10.7.2012, c. 90, 101-102, 125-126, 229) since they regarded lack of a written constitution and lack of clear precedents would cause a political crisis in a form of gridlock. Frank Dobson compared the reform bill as “choosing a team without knowing what game is going to be played” and that “the reformed second chamber would play contact version of rugby instead of touch rugby insisted by the Commons” (HCH, 10.7.2012, c. 225). These kinds of conceptions were likely motivated by precedents set by British parliamentary history where the Commons gradually gained more powers and legitimacy after becoming increasingly more democratic since the 19<sup>th</sup> century without being formally codified into a constitution. Giving the upper house elected mandate could lead to it demanding more power as had already happened with the Commons. Also lack of international experiences of an upper house becoming elected from before being largely appointed and hereditary body have likely motivated these conceptions about potential evolution of the House of Lords into questioning the primacy of the lower house.

Majority of the Labour were in favor of having elected chamber although the bill was not their ideal form of reform due to its problems in multiple areas which we are going to cover in other subchapters. In these speeches (HCH, 9.10.2012, c. 65-66, 85-86, 221-222, 240) speakers preferred that the elected chamber should retain its status as a secondary chamber instead of becoming equal to the Commons due to aforementioned problems with USA constitution and fear of conflicting powers. Aside from those few speakers who preferred that elected second chamber could hold Executive in check, MPs advocating elected chamber showed preference to the

division of dignified and efficient parts of the constitution. A motivation for these ideals can be seen coinciding with the supporters of the status quo since their conceptions of the House of Lords as a secondary chamber was shared with them. Only the way how the second house should be composed was the dividing point between them. Liberal Democrats also shared this viewpoint of retaining current powers while making the upper chamber elected (HCH, 9.7.2012, c. 30-31, 55, 96). SDLP MPs' sole speech also shared this kind of view by emphasizing their policy to refuse to take seats in the unelected second chamber due to their republican ideology (HCH, 10.7.2012, c. 232). These speeches can be seen as a protest toward the appointed system which favored the two major parties and left minor ones underrepresented in the Lords. Having elected chamber would fix this anomaly and strengthen their position in revising legislation.

Overall the conceptions of Bagehot about British constitution being a hybrid system of having a legislating and a revising chamber instead of two legislating chambers like in the USA were upheld by a majority of MPs in the Commons during the debate about the reform bill. Also the notions of efficient part of constitution residing in the lower house were utilized by many speakers as an argument why reforming the upper house was problematic. Possible solutions for regulating powers of the two houses were likewise seen unideal for unwritten British constitution since they could not set every kind of problematic situation between two elected houses in Parliament Acts before there had been precedent, having to wait and see what kind of political culture would evolve with the new system was seen a step into the darkness. In this regard speakers shared the viewpoint of Bagehot in retaining the constitution flexible instead of having a rigid constitution like the USA one. Only speakers who advocated unicameralism did not share this viewpoint and preferred abolishment of the upper chamber. These viewpoints were not shared by a majority of the house and thus faced opposing views and arguments of other speakers, however. In conclusion we can argue that Bagehot's ideas of the House of Lords were influential for the debate.

#### **4.3.2 Democracy as a concept in the debate**

Use of democracy as a concept to justify or reject the bill was a major part of the debate as it was seen major agenda to promote democracy since many speakers saw

that democracy in Britain was in crisis due to lack of public interest in politics and a downward trend in electoral turnout. As such most members of the Commons saw that reforming the British political institutions into more democratic ones as a solution to this crisis. Different conceptions about the bill in this regard rose wherever the bill was a step into right direction into democracy or was the bill lacking in its' democratic qualities.

The proposed term of 15 years without a chance for reelection for the second term for the reformed chamber was met with nearly unanimous criticism from all sides of the House due to its lack of accountability which was seen integral part of democratic process (HCH, 9-10.7.2012, cc.59, 83, 114, 123, 214). Lack of being unable to elect current members out of office and thus indicate lack of confidence by electorate could not be done with the proposed system was seen as unaccountable as appointed House of Lords. Since the bill offered no way to sanction members of the reformed chamber for failing to perform their duties, many members speculated that significant amount of its members would not pay attention to their constituents and legislation because lack incentive to do so. David Tredinnick<sup>32</sup> even suggested that;

“but when we couple it with the absurd proposition of an elected House with 15-year terms, we see that this entire proposal presents an opportunity to get elected and then go and live in the south of France. Those elected would never need to come back, because they will never stand for election again. This is a recipe for lazy peers. Why should anybody want to turn up for that length of time? There is no accountability either. (HCH, 9.7.2012, cc.111).”

In Tredennick's speech we can see that he preferred not to have legislators whose actions during their tenure could not be put into an account in elections as undesirable for legislators. This kind of conceptions can be seen originating from standard work of MPs in the British system like we already have seen in the Alternative vote debate, Ability to directly give a sign of confidence or lack of thereof to sitting MP and government was seen as a clear way to show public opinion by the electorate in plurality system. In this system link between electorate and government is MP who is expected to consult his/her constituents regularly in order to make their needs known

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<sup>32</sup> David Tredinnick was Conservative MP for Bosworth from 1987 onward.

to Executive. Since that kind of link could be broken easily in the proposed single term system, it was seen as undemocratic to electorate due to its unaccountability by the way of reelection. It is also probable that many MPs of the lower house did not want that members of the reformed upper house could be elected just like them without any responsibilities of the profession while potentially threatening to usurp primacy of the Commons. As such it would have reduced powers of individual MPs while retaining unbalanced responsibilities toward electorate between the houses.

15-year term was conceived to be a far too long term for a democratically elected legislator (HCH, 9-10.7.2012, cc. 84, 86, 88-89, 114, 224, 258). Since parliamentary terms in the Commons last at most 5 years, 15 years in an elected office was seen undemocratic since in combination with the inability to stand for reelection it could make possible for irresponsible politicians to remain in office for multiple parliamentary sessions in Commons. Although few members noted that 15 years was preferable to contemporary lifetime appointments which at average lasted 26 years while still retaining longer time perspective than the Commons (HCH, 9-10.7.2012, cc.108, 209), a majority of MPs' speeches pointed some comparisons about the proposed term period. Hazel Blears<sup>33</sup> made reference toward Chartists and their proposal to have annual parliaments as a more ideal parliament than having elections every 15 years as an example how he could not see the proposed bill to bring more democracy since 200-year-old proposals to reform parliament were more ambitious in this regard (HCH, 9.7.2012, cc. 70-71). 15-year term was also negatively contrasted with terms of leaders of dictatorial states in Gareth Johnson's<sup>34</sup> speech which noted that even Robert Mugabe<sup>35</sup> did not dare to have such long presidential terms as one of most egregious dictators in Africa (HCH, 10.7.2012, cc. 205). These conceptions of the 15-year term being too long can be seen in contrast with other terms of elected upper chambers, for example, a term in the Senate of both France and USA is six-years. Considering that most of the western democracies do not have terms longer than that for any political office, it is reasonable to assume that 15-year terms cannot be conceived democratic at all. It is also noteworthy to point out that the 15-year term

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<sup>33</sup> Hazel Blears was Labour MP for Salford and Eccles from 1997 onwards. She was also a minister in Labour cabinets during 2003-2009.

<sup>34</sup> Gareth Johnson was Conservative MP for Dartford from 2010 onwards.

<sup>35</sup> Mugabe was president/prime minister of Zimbabwe from 1980 from 2017. His leadership was characterized by authoritarianism and corruption.

would have been longer than any British premiership in the 20<sup>th</sup> century<sup>36</sup>. This would have been a long time for legislative gridlock and alongside fears of potential political crisis due to lack of clarity regarding the primacy of the houses it is understandable that most of the MPs were critical of the term length.

Having an elected body does not automatically mean that country or institution is democratic. This point was made by Nadhim Zahawi<sup>37</sup> who reminded that the recent developments in the Middle East<sup>38</sup> have shown that democracy is more than holding elections and that building stable representative institutions is as important. He also noted that democratic deficit is a problem in Britain but the House of Lords is not the primary cause of that. (HCH, 9.7.2012, cc. 118). This notification is important since many undemocratic countries have elections regularly but due to the dominant position of one party and/or widespread corruption elections favor one party over others in form of pressuring voters not to support opposition parties or straight voter fraud. One-party states also usually have elections although their results are predetermined due to having candidates only from an official ruling party.

Having 20% of members of the reformed chamber appointed alongside elected members was seen as a major point to show that the bill was not totally committed to reform the upper house democratically and that Executive wanted to retain a degree of appointments, this would have meant that patronage of Prime minister would continue despite the reform. This was regarded by multiple MPs from the Labour (HCH, 9-10.7.2012, cc. 44, 206, 214-215, 269) as a problem due to concerns of the rise of assertiveness of the reformed house due to its democratic mandate. In that scenario appointed members would hold the balance of power despite having questionable legitimacy in legislation and thus undermine democratic principles. Counter-argument for this was that partly appointed chamber would retain some expertise the House of Lords had in either having all or part of them appointed (more on this in the next subchapter). These views (HCH, 9-10.7.2012, cc. 85, 206) argued that their ideal reformed chamber would contain the best elements from both the old and new, democratic, upper house. As such they made a point for compromise which

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<sup>36</sup> Longest tenure in the office was premiership of Thatcher which lasted 11 years.

<sup>37</sup> Nadhim Zahawi was Conservative MP for Stratford-on-Avon from 2010 onwards.

<sup>38</sup> He was likely referencing the Arab Spring revolutions which shook the Middle East from 2010 onwards.

they saw as the best solution instead of extreme views of abolishing the upper house or retaining appointed one in the debate. These views could be attributed to the different conceptions about the British constitution; while preferring to have more democracy in their institutions' members recognized some of the strengths the House of Lords has and thus wanted to retain some of it. Also these views defending/dismissing appointments can be seen as a reaction and solution toward abuse of appointment by Prime minister; some wanted to remove appointments altogether in order end the practice they regarded undemocratic or limit it to a portion of appointments in order to keep them in check.

Although many speakers shared the view that Britain was facing a crisis in democratic legitimacy, a majority of speakers saw that the House of Lords reform is not the correct way to resolve that problem. In these speeches (HCH, 9-10.7.2012, cc. 77, 91, 104, 123, 205, 212, 241-242) speakers either saw that either due to multiple questionable elements (15-year term, 20% appointed members etc.) in the bill made its goal to have a democratic chamber null or that the Lords do not need democratic mandate due to their role as revisionary chamber instead of legislators and due to the Commons already having democratic mandate, giving the upper house democratic mandate would just blur electoral links as we have seen on how primacy of Commons was viewed in the debate. It is interesting to see that the Lords was likened to other unelected offices such as judges, generals and other experts instead of other parliamentary bodies as a reasoning why the upper house should not be elected. This un-politicization of the Lords could be seen in the background of unwritten constitution and lack of supermajorities in the British legislation, instead of relying upon checks and balances between institutions the upper house acts as a buffer against ill-thought legislation and tyranny of the majority in offering more detailed views about legislation.

Like mentioned earlier in analyzing debate about the primacy of the houses (HCH, 9-10.7.2012, cc. 65-66, 108, 222) some speakers saw democratic mandate giving the upper chamber more assertive role against Executive and thus it the bill would produce better debate in the parliament. In these speeches the appointed Lords were

seen anachronistic institutions, David Miliband<sup>39</sup> even made Harry Potter reference in making a comparison how the current constitution feels like a trip to Hogwarts and game of Quidditch (HCH, 10.7.2012, cc.221). These speeches and conceptions can be seen against the general democratic crisis in which a significant part of citizens see politics distant from themselves, this manifests itself in low turnouts in general elections compared to earlier decades. By reforming these old institutions to have modern functions speakers saw as a way to show that they wanted the electorate to be more involved in legislative process and politics.

Overall speakers during the debate preferred to introduce more democracy into the upper house were seen as essential although many saw that the bill failed to deliver its promises to make the upper chamber more democratic and accountable. 15-year terms, lack of chance for reelection and 20% of appointed membership were seen as an antithesis for democracy and accountability as a whole. Despite some speeches were made in defense of these features, a majority of them admitted that the bill's provisions were just a step forward in their ideal reform instead of a desirable solution. As such most of MPs held democracy as a positive concept and perceived the bill lacking in that concept the fatal flaw of the proposed upper house. Some members made a point that while introducing more democracy was desirable, the House of Lords was not the right place for such reforms due to its own peculiar status as revising chamber.

#### **4.3.3 Expertise and independency of the Lords in the debate**

As mentioned before, Bagehot argued that the main advantage the House of Lords has over the Commons was that it was full of expertise on different fields due to its members' ability to focus on their specialties without worrying about getting elected or having financial uncertainty. Despite the traditional hereditary upper house was reformed into appointed one in 1997, in the debate the upper chamber was perceived having expertise and knowledge that the Commons lacked due to its members appointed mostly on basis of outstanding performances on different fields. As such

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<sup>39</sup> David Miliband was a Labour MP for South Shields from 2001 onward. He was also a minister in Labour cabinets during 2002-2010. He was a brother of Ed Miliband who was the leader of the Labour party during 2010-2015.

many members in the debate, most of them Conservatives, defended the status quo of the upper chamber due to these qualities.

Since a majority of Conservatives' speeches (HCH, 9-10.7.2012, cc. 79, 84, 104, 212, 238) preferred to have the second chamber based on expertise outside of parliamentary politics, they regarded the elected chamber inferior to the appointed Lords. Malcolm Rifkind raised this conception in his speech;

“The Bill is a puny measure. It is unwelcome and it will do far more harm than good to our constitutional structures and to the good government of this country. I say that because, essentially, two things will happen. First, the Bill will lead to the departure—the expulsion—of the vast majority of Cross Bencher and specialist Members of the upper House. ----- What are we to replace them by? Essentially, it will be a sham democratic Chamber, consisting overwhelmingly of Members who would rather be in this Chamber and who will be elected under a party list system that is an insult to the electorate.” (HCH, 9.7.2012, cc. 50).

In the speech we can see that Rifkind conceived that the bill would ruin the British constitution rather than to improve it. His main points against the elected chamber was that it would get rid of specialist and replace them with members who could not win constituency seat in the Commons and as such would bring nothing new to the legislative bodies. In other speeches, expertise was linked to the Lords being revising body instead of an equal legislative chamber with the Commons, in such function it was likened to that of judges instead of the lower house. In such status, MPs saw no need to have them elected. Also being appointed by their merits outside politics was used as a positive notion compared to being elected since they could not deny the primacy of the House of Commons due to their lack of democratic legitimacy. These viewpoints aligning with Bagehot by Conservatives can be explained by their traditional views of the British constitution and a preference for status quo as a whole regarding it. Some individual Conservatives, however, voiced that claims of the Lords being full of expertise being exaggerated (HCH, 9.7.2012, cc. 93, 107) and that expertise of its membership was more exception than the rule.

Labour MPs held more diverse views about the upper house holding plenty of expertise. While some speakers (HCH, 9.7.2012, cc. 53, 112) held similar views to Conservatives regarding their preference for revising second chamber full of expertise instead of elected chamber, most of them held critical views toward expertise as its basis instead of democracy present in the Lords and limitations of that expertise. In these conceptions ( HCH, 9-10.7.2012, cc. 65, 94-95, 254, 269) Labour MPs argued that democratically elected chamber could retain the same kind of expertise and professionalism as the appointed house and thus continue to provide an effective check on legislation. They also noted that despite members of the Lords could provide their knowledge on their fields in revising duty now, that would probably be not the case after 15 years have passed since their expertise could become outdated in that period. Also, the narrowness of members' expertise was seen by as problematic for revision process, while one peer could be expert in medicine he probably does not have any knowledge about army was used as an example in speeches. They also raised concerns that some appointed members could have their economic interests in revising bills more to their personal advantage instead of providing objective opinions about bills.

Interestingly Bagehot himself was referenced in the debate as an argument by Labour MPs in regards how to cure their admiration for the House of Lords was to observe it more (MPs referenced Bagehot (1867), 83-84. There Bagehot pointed out that debates in the Lords were lifeless and inferior compared to the Commons' debates). Graham Stinger<sup>40</sup> shared Bagehot's view in that despite having some capable people it was not the wonderful place which other speeches made it out to be (HCH, 9.7.2012, cc. 77-78). Alan Johnson<sup>41</sup> also shared a similar view in that status quo was indefensible even though he admitted that Bagehot was not right about the contemporary House of Lords:

“I do not agree with Walter Bagehot's comment that the cure for admiring the House of Lords is to go and look at it, but neither do I agree with the constant stream of self-regard that comes from those on the other side of Central Lobby

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<sup>40</sup> Graham Stringer was Labour MP for Blackeye and Broughton from 1997 onwards.

<sup>41</sup> Alan Johnson was Labour MP for Hull West and Hessle from 1997 onwards. He was also a minister in Labour cabinets during 2003-2010.

about how it is the greatest, most expert revising chamber ever to be devised in the world. They have certainly been very expert at preserving the status quo. (HCH, 9.7.2012, cc. 57).

These views were countered by Steve Brine who pointed out that Bagehot must not have been in the House of Lords recently:

I wonder what the public would think if they actually saw the other place in action and were exposed to its debates in the same way they are to debates in this House, at Prime Minister's questions for instance. I think that they would be genuinely shocked to find the level of debate that their lordships pursue and the much reduced partisan nature of their proceedings. Bagehot has been quoted a few times today, but clearly he has not been in the House of Lords lately. (HCH, 9.7.2012, cc. 89).

Brine's admiration for the appointed chamber was manifested in his conception about Bagehot since his own experiences about observing the Lords have been different according to his speech since he regarded that level of debate in the upper house was on a surprisingly high level. These conceptions of Bagehot were utilized to argue different agendas, for Labour members Bagehot's notion was used to justify their dislike for the contemporary upper chamber and either reform or abolish it altogether whereas Brine used it to show that appointed House of Lords had advanced significantly since the days of Bagehot. These conceptions were also linked to their conceptions about the relationship between the houses; Stinger preferred unicameralism because he perceived it to be too difficult to democratize the second chamber without risking primacy of the Commons and also because he thought that appointed second chamber was not working ideally, Johnson preferred elected chamber because conceived that level of expertise could be maintained despite giving members of the second chamber popular mandate, Brine instead saw that the appointed chamber was functioning surprisingly well alongside that he perceived that elected chamber could not reach to that level alongside his fears of it overthrowing primacy of the House of Commons. These conceptions thus could be explained largely by the framework of balance between expert revision and democracy, while a

majority of Conservatives preferred expertise over democracy, a majority of Labour preferred more democracy while some of them preferred balanced approach retaining.

These divergent conceptions from Bagehot's theory towards the House of Lords could be explained by how the composition of the House of Lords has changed since the 19<sup>th</sup> century. Since members of the Lords during Bagehot's time were landed aristocrats with the membership of the House being hereditary, members of the Lords had no incentive to improve their oratorical skills which were already inferior to the oratory in the Commons. This is different compared to the modern House of Lords which includes professional politicians a significant part of its membership. Since many members of the modern upper chamber are former members of the House of Commons, it is understandable that quality of debate has improved in the Lords since many of its members have years of experience in deliberative politics.

Being appointed for working outside of politics was seen as a positive trait compared to working as a career politician for whole life in revising chamber. Since a majority of MPs perceived that there was growing distrust toward political elite in the public, they expressed critical viewpoints toward introducing more elected career politicians in the second house. They raised concerns that those members contributing a lot as revisionary members would not be elected in elections due to their lack of political experience and as such reforming the upper house into the elected chamber would mean a great loss to British constitution (HCH, 9-10.2012, cc. 99-100, 212, 249-250). Richard Harrington<sup>42</sup>, for example, argued that the House of Lords should not be composed of the same gene pool as the Commons since it would weaken democracy by taking away possibilities of talented people being able to participate in revisionary duty without being part of political parties and their organization (HCH, 10.7.2012, cc. 219-220). These views about having non-career politicians as members of the revisionary second chamber could be seen as a way to express their views for defending the weak second chamber. Since appointed members did not participate actively in party organizations, many members of the Commons perceived them as being less able to form organized opposition to the legislation and not be that ambitious in competing with them for political offices. It is also notable that unlike

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<sup>42</sup> Richard Harrington was Conservative MP for Watford from 2010 onwards.

countries with proportional systems, it is more unlikely to get elected into British parliament without being a member of a political party since parties could put only one candidate per constituency and because those parties preferred to nominate candidates from their own ranks instead of nominating non-party members as their candidates.

Whipping and party loyalty were seen as aspects which should not be replicated in the reformed upper house since it would reduce the quality of debates since members would need to follow electoral manifestos and party discipline in debating and voting. Many Conservative members participating in the debate (HCH, 9-10.7.2012, cc. 89, 212, 226-227, 238) saw that being part of political parties in revising bills would be detrimental to legislative process since Whips would force members of the reformed upper chamber to amend and vote according to party lines instead of acting independently from the parties. This perception was explained by some MPs by their bad experiences of Whips turning their criticism down when amending bills. Thus they perceived that instead of improving democratic legitimacy, the bill would make it worse since it would put more power to party organizations instead of electors since there would be no effective check on their power. These views sharing that the Lords were independent of political parties was questioned by few Labour MPs (HCH, 10.7.2012, cc.254, 266 ) who noted that despite not being selected purely on party grounds, many members of the upper house were party affiliated and it had significant amount of partisan voting through this viewpoint was raised only two times in the debate. These differing conceptions how independent the House of Lords could be explained by their different attitudes about reforming the upper house, Conservatives were likely perceived more positively by independent peers since they were the least likely of the main three parties to challenge status quo and thus take away their status and as such saw independence from parties in more positive light whereas Labour MPs perceived independent peers more as a challenge to themselves than Conservatives did.

Overall expertise and independence were used extensively as concepts to justify the current status of the House of Lords. Although the amount of those two qualities in the contemporary and the reformed house were disputed, a majority of members saw that second chamber should retain these qualities somewhat even though some

members wanted to focus more on democracy and transparency. These viewpoints are thus in line with Bagehot's views since he also preferred the second chamber to have more professional and independent outlook than the Commons which function was to hold a democratic mandate. Participants of the debate even demonstrated openly that they were familiar with Bagehot in the form of referencing him in the debate.

#### **4.3.4 Referendum as a point of contention in the debate**

Since holding a referendum about reforming the House of Lords into an elected chamber was part of the Labour electoral manifesto, many Labour MPs alongside speakers from the other parties made an issue to hold a referendum in reforming the upper house instead of the normal legislative route. As such referendums about matters of constitutional importance were an important part of the debate.

The Labour MPs were critical of the bill since the government did not include referendum as a part of the bill and thus voiced opposition to it. Many of their speakers made references to referendums organized by Blair's government about Scottish and Welsh devolved parliaments as a good example of how to make good constitutional reforms instead of the government's bill which they saw as a way to rush reforms in a hurried manner. They also noted that many cities had referendums about having elected mayors, this issue was seen very important because MPs argued that if they can have referendums on such insignificant issue, why they could not have referendum on crucial constitutional issue which could change British parliament forever (HCH, 9-10.7.2012, cc. 46, 82, 116, 214). Many Labour speakers also reminded that the United Kingdom already had referendum last year (2011) about the Alternative vote which was eventually rejected by the electorate. Since participants of the debate saw that referendum as minor issue compared to the Lords reform at hand, they found it conflicting that the government was willing to hold referendum about such minor modification of electoral system but not on reforming the upper house into mostly elected chamber which could totally alter the constitution by questioning primacy of the Commons. Many of them speculated that the government was afraid to hold a referendum because they were afraid to lose it like in the Alternative Vote referendum (HCH, 9-10.7.2012, cc. 126, 199, 271).

This focus on holding the Lords reform referendum could be explained as a way to keep unity in the Labour parliamentary group since they held diverse views on what kind of the Lords reform should be as we have seen previously when analyzing the debate. Since there was no clear consensus should there be appointed, partially elected, fully elected or no upper house at all in Labour MPs ideals, an easy solution was to transfer responsibility of deciding ideal reform directly to the electorate instead of trying to impose one single view on all of its members and as such alienate some of its membership and electorate. This reason is probably why Labour promised to hold a referendum about the reform instead of reforming it in the traditional legislative way.

Conservatives also shared views that significant changes in the constitution could be changed only by referendums. In these speeches that argued that the bill would get better democratic legitimacy if it had referendum than being guillotined as they perceived in having limited debate and the minimal pre-legislative process of the bill. Also having referendum would ameliorate the many flaws of the bill although they did not believe that the bill would be accepted by the electorate in a referendum because of those flaws. Conservative MPs also noted that the probable reason why government and Deputy Prime minister Clegg would not hold a referendum because they seemed the bill to favorable to Liberal Democrats (HCH, 9-10.7.2012, cc. 60, 63-64, 76, 120, 238-239).

Conservatives' views on holding the referendum about can be seen in the same viewpoint on how they saw the Alternative vote referendum bill, even though they opposed alternative vote system itself, they saw no problem about holding a referendum about it since they believed that electorate would be sensible and reject proposed system. Like we have seen in the Alternative vote debate, MPs voiced their potential standpoints in hypothetical referendums since they could legitimate their ideal views about the constitution and electoral system in referendums and as such strengthen their arguments. Also, referendums could be seen as a way to escape the responsibility of making difficult decisions; like Labour, Conservatives could avoid alienating their traditional electorate who prefer status quo while on the same time trying to appeal to the more reform-minded public.

Few individual speakers made points against holding a referendum on the bill. Deputy Prime Minister Clegg argued that referendum was not needed and unnecessary since all of the major parties had Lords reform in their manifesto (HCH, 9-10.7.2012, cc. 28). This viewpoint was challenged by multiple participants of the debate by clarifying that the Labour manifesto only promise to hold a referendum about the fully elected chamber and Conservatives only promising to build and search consensus to reform the upper house (HCH, 9.7.2012, cc. 45, 111). Barry Sheerman<sup>43</sup> also was skeptical of holding a referendum on the subject;

“I can remember when people on both sides said that referendums were not British, and I can remember criticising the first referendum on membership of the European Union promoted by Tony Benn. I called it, “Tony Benn out of Benito Mussolini”, because dictators love referendums. They are a way out of the problems of weak leadership. The House does not need referendums for everything.”(HCH, 10.7.2012, cc. 244)

Sheerman’s speech made interesting notification in that sense it made conception that referendums are not a traditional part of the British constitution and that they are not a necessary part of democracy. By citing dictators’ tendencies to legitimize their status by holding referendums instead of parliamentary processes is interesting in that regard that it could be seen MPs way to critique governments as being too arrogant toward MPs. It is also interesting to note that he could be criticizing both Cameron’s and Blair’s governments being weak on leadership since Blair held multiple referendums on devolution and that Cameron’s government was indecisive in the Alternative vote bill. Blenn’s conception is thus in line with Bagehot’s views which held no significant part of British constitution since he regarded that the Commons already provided popular legitimacy through the Commons.

In Ankersmit’s views referendums are not ideal for representative democracy since they can be used effectively in matters which have straightforward implications. This is because in his views representatives will be able to arrive on more ideal and not as zealous solutions as electorate would, just like a painter would be able to make a better painting by not religiously trying to emulate his/her target. Because many

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<sup>43</sup> Barry Sheerman was Labour MP for Huddersfield from 1979 onwards.

political issues are intertwined with many other parts of the political and social spectrum and thus have effects on large parts of society, it is preferable in Ankersmit's views that representatives should make the majority of decisions instead of holding referendums because they have a better understanding on the larger picture than average elector. (Ankersmit F.R (2002), 115-116). Overall conceptions about holding a referendum on the Lords reform was not shared MPs participating in the debate and theories represented by Ankersmit and Bagehot. Since reforming the upper house would significantly change the British constitution and thus affect it by in more ways than just changing the way of how its members are selected, thus I argue that putting the reform in the form of a referendum would be unideal in Ankersmit's viewpoint. These viewpoints on having a referendum on the bill being necessary could be attributed to a rising number of referendums in general. Since many constitutional reforms were legitimized<sup>44</sup> or rejected by referendum in during the last 15 years from the debate, it made sense for MPs to follow this trend.

#### **4.3.5 Coalition and compromise in the debate**

The bill's objective of electing 80 % of the reformed upper house by using proportional party list system instead of being fully elected chamber was seen as a compromise between the differing coalition parties. Conceptions of how this compromise was viewed differed between MPs in the debate regarding that how desirable compromise the bill included was.

A number of both Conservative and Labour speakers saw the bill in lacking guiding principle in it was conceived. Since the Liberal Democrats' manifesto promised to introduce fully elected second chamber, many MPs noted that as a betrayal of their ideal by retaining appointed membership which they saw as a way to continue Prime minister's patronage (HCH, 9-10.7.2012, cc. 64, 78-79, 81, 250, 257-258). In these speeches lack of clear manifesto behind the bill and the electoral link was seen as the main reason why the bill lacked democratic legitimacy and should be thus rejected. Also the bill's goal to elect part of its' members were seen as unambitious reform in perspective of end-goal of ending patronage, Malcolm Rifkind made joke that if Christopher Columbus was a Liberal Democrat, he would have been satisfied with

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<sup>44</sup> These include referendums for founding devolved legislatures and the Alternative vote referendum.

discovering mid-Atlantic instead of going all the way to America (HCH, 9.7.2012, cc. 51). The bill was seen in the similar fashion to arrive in middle point instead of the historical ending point of the Lords reform that has been promised.

Motives for the bill were questioned during the debate regarding coalition politics. Since the method of election for the reformed upper house was to be a proportional system, many members saw the bill as Liberal Democrats' way to gain more power instead of a genuine desire for reform. Also, the way of not putting the Lords reform into a referendum was seen as a way to railroad the bill through without consulting the public, the reason for this way of legislation was seen motivated by failure for Liberal Democrats to adopt the alternative vote system in the referendum last year. Alongside lacking clear manifesto mandate for the bill, it was perceived as a form of blackmailing by Liberal Democrats in coalition agreements to introduce the bill as a reform without any consensus in different parties of coalition and opposition (HCH, 9-10.7.2012, cc. 54, 78-79, 89, 218, 238-239). As such Jim Dowd<sup>45</sup> called the bill as "a horse designed by a committee that failed to produce camel bill" due to being cobbled together from conflicting reasons and agendas (HCH, 9-10.7.2012, cc. 108-109). Also, like in the Alternative vote debate, the coalition was seen in negative terms due to its lack of transparency and requirement of compromise which was deemed as undesirable horse-trading designed for the good of the coalition government than the nation (HCH, 9-10.7.2012, cc. 88, 213, 248). Angela Eagle<sup>46</sup> made a point that the way that previous Labour governments made constitutional reforms differed from that of the coalition;

"Labour has a proud record of reforming the Lords. We have been responsible for all the major changes to the other place over the past 100 years: the removal of hereditary peers, the introduction of an elected Speaker and the creation of the Supreme Court. We wanted to go further and tried in the previous Parliament to pass legislation in favour of an elected Chamber, spending extra time trying to forge a cross-party consensus. This Government seem to spend so much time on inter-coalition diplomacy, however, that they

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<sup>45</sup> Jim Dowd was Labour MP for Lewisham West and Penge from 1992 onwards.

<sup>46</sup> Angela Eagle was Labour MP for Wallasey from 1992 onwards. She was also a minister of Labour cabinets during 2007-2010.

keep forgetting to work with Her Majesty's official Opposition, and on issues of constitutional change, that is an insult and a mistake." (HCH, 10.7.2012, cc. 198)

In her speech we can see that she perceived way of how the bill was being produced and prepared as inferior compared to the Labour constitutional reforms between 1997-2010. Since opposition which included Labour was not consulted when preparing the bill, the Conservative manifesto promise to build consensus for the Lords reform was weakened since it was worked as a coalition project rather than cross-party one. It is notable too that she made a distinction between ordinary and constitutional laws, the latter one should be changed only by consensus in her conceptions.

Reasons for these conceptions toward coalitions and compromises can be seen in the traditional British constituency system which emphasized the electoral link between MP and electorate instead representability; manifestos in which MPs were elected were seen as imperative. Due to the rarity of multiparty coalition governments in British political culture there was usually no need for compromise in decision-making since one party could pass most of its' legislation on its own. This Ankersmitian view of British constitution was thus dominant in conceptions of coalitions and compromise in the debate just like in the Alternative vote debate; Since either alternative vote or partially elected second chamber were not in neither of coalition parties' manifestos, they were regarded illegitimate and a lacking popular mandate.

In some speeches across all of the main parties the bill was seen as an okay compromise toward a more democratic house. These speakers argued that in order to Britain to stand as a democratic nation should have most of the legislators elected and saw the contemporary system of appointments antithesis to that ideal (HCH, 9-10.7.2012, cc. 85, 101, 206, 209). In these speeches the ability of Prime minister to appoint members of the upper house was seen outdated part of the constitution and saw that giving that power to the people as a way for democratic reform. Some speeches also mentioned that the bill contained practical compromise between democracy and expertise which were seen as opposite ideals in the debate. For example, John Stevenson argued that compromise crucial because the House of

Commons contained 650 different conceptions of ideal reformed upper chambers and that the status quo was indefensible (HCH, 9.7.2012, cc. 106). These conceptions were however in a minority in the debate and the bill was not seen just as a stepping stone toward greater reform rather than the end goal itself. These conceptions could be explained by MPs agenda to limit powers of the Executive and potentially to increase their chances to gain another office; being elected on election into the second chamber is a more equal way for such promotion for backbenchers than relying on being accepted into the parties' Front benches or gaining prime Minister's favor.

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#### **4.4 Conclusions**

Overall the conceptions of Bagehot about the House of Lords were largely present in the debate and shared by participants of the debate. The idea of the Lords being revisionary chamber instead of legislative one was a central point of the debate since the majority of debaters saw changing the way to select its' members changing the nature of the upper house's relation to the Commons into more equal one. As such the bill was seen undesirable since it would have unexpected effects on the relationship between the houses as unwritten constitution had no guarantees on how it could

evolve in the future. Also, Bagehot's view of the Lords containing expertise not present in the lower chamber was used frequently as a way to legitimize the appointment system against demands for more democracy.

Democracy was used as a desirable characteristic for an ideal upper house for many MPs. This conception was utilized mainly as a way to reject the bill since it was seen lacking in its' democratic ideals in many Labour speeches. Also, the way which the bill was presented into the parliament was seen as undemocratic since it was seen lacking expert and opposition input, as such both content and conduct of the bill was seen lacking in democracy. Since many of constitutional reforms were introduced by referendum during the previous and contemporary governments, a significant amount of speeches made clear that a House of Lords reform should be introduced only by referendum. As such these ideas made a distinction between Ankersmit's conceptions of referendums and how they should only be used in simple issues.

Like in the Alternative vote debate many MPs held their manifesto promises as imperative and saw it as a legitimate reason to break party discipline in voting against the bill. This link between electorate and MP is thus shared in the conceptions presented in the debate and the viewpoints of Ankersmit about peculiarities of British constitution of emphasizing the link instead of a proportional representation of electorate in the formation of the parliament.

Other political systems and how they handled the issue of the upper house was also brought up often in the debate. As a whole, the second chamber was seen necessary for the British system where parliament had to keep government in check instead of the written constitution. Although unicameral systems were contrasted positively few times with the British system during the debate, these were seen as an exception to the rule rather than good standards themselves. Indirectly elected second chambers were portrayed positively to the Lords since their membership was not seen based on government's patronage. Also, their lack of popular mandate made them lesser of two chambers, this was a norm shared by a majority of MPs in the debate. The USA system where the two houses of the Congress were equal, however, draw negative comparisons since it was perceived as a cause of political gridlocks. This strict division of powers in the USA constitution in two of its houses was criticized also by

Bagehot who likewise thought it as leading to a gridlock. As such the USA was negatively portrayed as a polity in the debate whereas countries with indirectly elected upper chambers received positive mentions in the terms of upper chambers.

In conclusion conceptions of Bagehot and Ankersmit were shared in many aspects in the debate about the House of Lords reform bill 2012 although many MPs differed due to recent developments of British constitution mainly in the regards of referendums and democratic ideals.

### **5. Fixed terms parliament bill – “either predictability or right of election”**

The third and final piece of constitutional legislation which I will be covering debates Fixed-term parliament act 2011. Unlike the other bills which we have covered previously in this thesis, this bill passed as a whole unlike Parliamentary constituencies and electoral system in which only constituency equalization and reduction came into effect and the House of Lords reform which was abandoned during its' second reading.

The main content of the bill was to introduce fixed polling dates for general elections for the House of Commons. Before the bill was passed the right to decide election date belonged to the prime minister<sup>47</sup>. In the previous system prime minister could hold general elections whenever he thought that s/he should consult the public about important and controversial decisions or when s/he felt that her/his cabinet no longer enjoyed support from the parliament which could be manifested in a vote of no-confidence or as a failure to pass crucial legislation. The only limitations to this right came from the Parliament act 1911 which determined that the maximum lifetime of the parliament is five years and thus general elections should be held within this time or few weeks after the maximum term (Harrison & Boyd ( 2006), 38).

The traditional right of the prime minister to decide election dates was valued highly by Bagehot who saw it as one of the strengths of the British constitution compared to the American system of fixed election dates. The main strength of this power was that it allowed more flexibility in political culture and by allowing the change of Executive during a parliamentary term. This was seen by Bagehot as crucial power

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<sup>47</sup> In theory, the Crown had the right to dissolve parliament by the request of prime minister before the bill was passed. In practice, monarch did not utilize this power on his own after 1834.

for the parliament which could hold Executive account and challenge it more effectively. Also, this kind of parliamentary system gave parliamentary debates more significance since they could affect a voting result and thus force the Executive to observe the parliament and its' mood in introducing new legislation. It was also easier to remove incapable leaders in the British constitution than in the American constitution which does not allow legislative bodies to remove Executive from power by a vote of no-confidence. Bagehot also saw that ability to dissolve the parliament and hold early elections when the Executive and the majority of parliament could not agree anymore prevented longtime gridlocks in political life, Bagehot contrasted this strength of the British system with the American system in which early elections are impossible which alongside stark separation of powers between the Congress and presidency often resulted into gridlock between the two which in turn greatly limited what kind of legislation could be passed for next years (Bagehot (1867), 52-54, 151-152). Another advantage this flexible system has it allows holding early elections when a government needs a public mandate in important constitutional issues and thus allows executive to gain legitimacy or rejection for their agenda. (Craig (2018), 484-485).

The power of the prime minister to set election dates was not however without any criticism. The most common criticism was that it could be used to give the party in power advantage in setting election date when the party is doing well in the polls. There has been a contradiction in the evidence pointing toward this argument; post-WWII some prime ministers have gained an advantage in holding elections significantly earlier than the maximum term limit allows whereas there also exist cases when holding early general elections had backfired on the party in power. Schleiter and Belu have argued that nearly 60 % of postwar general elections were timed so that incumbent party had a political advantage. Second common criticism of this power was that it could cause speculation about when elections will be organized and thus cause disruptions in the economy and legislative stability. This has usually happened when the incumbent prime minister had resigned midway through a parliamentary term and her/his successor was expected to gain legitimacy by holding early elections (Schleiter & Belu (2018), 303-305).

When the coalition government came to power in 2010, one of the first constitutional reforms they started to legislate was the Fixed-term parliament act 2011 which had the goal of removing the power of the prime minister to dissolve the parliament prematurely. It also set to set procedures for the cases when a government lost their confidence and limited possibilities when early elections could be held. In short, the bill set parliamentary terms 5 years long and an election must be held up to two months after the term limit had been reached. In the case of motion of no-confidence passes there is a 14-day time when other MPs could try to form a new government and gain the support of the parliament. If no one is able to form a new government, early elections will occur. The House of Commons can also be dissolved by a majority of 2/3 of its' total membership (UK parliament website: Fixed-term Parliaments Act 2011). Overall I argue that the bill's aim is to introduce more American constitution style of political culture into the British parliament and thus Bagehot would oppose the bill on the grounds of it limiting the flexibility of the constitution. As such I expect that the bill is being opposed on these grounds. I also expect that predictability of election dates and political advantage brought by the prime minister's power to set the polling days will be brought as an argument for the bill.

I have analyzed the second reading, third reading and report stage debates about the bill in order to analyses how fixed-term parliaments and traditional privilege of prime minister to dissolve the parliament and hold general elections were regarded by MPs participating in the debate and what kind of conceptions they had about the traditional British constitution in this regard and how they wanted to reform or preserve it.

### **5.1 Stability and rigidness as concepts in the debate**

The idea of fixed terms was welcomed by MPs from all the parties present in the debate. Election dates having fixed dates were seen beneficial for the country since it would bring predictability and stability to the country compared to the system in which election dates are subject to desires of prime minister. Graham Allen<sup>48</sup> from the Labour argued that;

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<sup>48</sup> Graham Allen was Labour MP for Nottingham North from 1987 onwards.

“The other thing about a fixed-term Parliament is predictability and continuity. Instead of permanent politics-as-entertainment, in which there is speculation about impending general elections and people feed tittle-tattle and gossip to raise or lower the political temperature, we will know that we can get on with serious business while knowing the date of the next general election and putting such considerations aside. That is something of great importance, and would lead to us as parliamentarians being able to seize greater control of what we do in this place on a number of issues, rather than being engaged, even at arm’s length, in speculation about when an election will take place.” (HCH, 13.9.2010, cc. 660)

In his speech we can see that Graham conceived traditional power of the prime minister to decide polling dates as a game which would distract the public from more important political issues. It is interesting that he made comparisons to it being entertainment instead of legitimate politics to make use of flexible dates for elections. As such it was seen as another distraction from the parliamentary work MPs were doing as having early elections forced them to focus on getting re-elected. This kind of conception about the prime minister’s right to play with dates and fixed-terms parliaments being the solution to it was shared by most of Labour MPs participating the debate (HCH, 13.9.2010, cc. 695 & HCH, 18.1.2011, cc. 762-763).

Also, members of the coalition parties also saw fixed-terms preferable to the old system of Prime ministerial power over the electoral dates. They raised most of the same concerns about potential speculation alongside fixed-terms allowing the coalition and future governments to fix problems the country was and would be facing in the future alongside being able to make decisions on a long-term basis rather than on daily basis. Thus a majority of speeches from both the Conservatives and the Liberal Democrats shared conceptions of fixed-term being beneficial for both the economy and the politics of the United Kingdom (HCH, 13.9.2010, cc. 621, 649, 664, 670 & HCH, 18.1.2011, cc. 758, 771, 804).

The idea of fixed-terms was not supported unanimously, however. Few Conservative MPs raised their opposition to the bill since they were against the core principles of

the bill. William Cash<sup>49</sup> argued in his speech that the bill's provisions were an invasion to the principle of parliament being able to bind successive parliaments and as such he saw that the bill threatened the very democracy itself. His argumentation was based on the notion of each parliament being voted by different people meant that each parliament was fundamentally different and thus no one could set common standards for all of them, these included the length of each parliamentary session (HCH, 18.1.2011, cc. 715). These kinds of conceptions of were shared by some of his fellow Conservatives who also raised that in a situation which required a government to make important decisions without legitimacy from election manifesto was unideal in fixed-terms due to not being able to easily dissolve parliaments. Also being able to cause snap elections with a majority of one vote was deemed natural right for the British people since they argued that elections were the basis of democracy (HCH, 13.9.2010, cc. 654-655, 684, 688 & HCH, 18.1.2011, cc. 711).

These kinds of conceptions for fixed-terms parliaments being preferable to the traditional system could be explained by it being more beneficial for the majority of MPs in multiple ways. Since in the system where the Prime minister could dissolve the parliament with only a few limitations at any time s/he prefers planning for the next elections are more challenging than in fixed dates system. This could potentially cause significant problems for individual MPs since they could have planned to focus on other subjects before they learn that an election is going to be organized in a few months. In this small timeframe fundraising and producing campaign materials could prove challenging especially to smaller parties since they could not rely heavily on big donors as larger ones. Also since decisions about dates for elections were made by a prime minister alongside his/her frontbench instead of parliamentary consultation, having fixed-terms could have seen as a way to increase individual MP's power over the subject. This was one major discourse which is going to be covered in the next sub-chapter.

Although the idea of having fixed-term parliaments was accepted by a large majority of MPs in the debate, the term limit of 5 years was the main source of criticism towards the bill. Even though 5 years was maximum term limit before the bill was

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<sup>49</sup> William Cash was Conservative MP for Stafford during 1984-1997 and MP of Stone from 1997 onwards.

passed, parliamentary terms often did not last over 4 years. For example of 18 post-WWII parliaments, only six<sup>50</sup> lasted for full 5 years or close to it. As such it was customary that parliament was to be dissolved earlier than the act required it to be. Since the bill also limited the cases of early dissolution of the House of Commons, the maximum term length became a point of contention. It was thus not surprising that in many speeches during the debate issue of term length became major point and accordingly multitude of demands were made in order to change 5-year terms which the bill proposed into 4-year terms.

Labour MPs were most vocal in their criticism of 5-year parliamentary terms. As mentioned before, 4-year parliaments were seen by them as a norm rather than 5-year ones. Gavin Shuker<sup>51</sup> cited Herbert Asquith in the debate that his intention for Parliament act 1911 which set maximum term lengths as five years was having an intention of having 4-years parliaments as a norm rather than five years (HCH, 13.9.2010, cc. 686). In his speech, Shuker thus made a distinction between the maximum limit and normal length of the parliament in criticizing the government for not understanding this distinction between the two. Four-year parliaments were seen as standards for the western democracies around the world and 5-year terms would make the British parliamentary terms one of the longest in the world<sup>52</sup> and thus weaken democracy by making MPs less account to the public since they would have to campaign elections less often. Thus five-year terms were conceived as weakening the legitimacy of the parliament and thus increasing political apathy of the public (HCH, 13.9.2010, cc. 681, 697 & 18.1.2011, cc. 720, 800). Austin Mitchell<sup>53</sup> made unique point in proposing triennial parliaments inspired by his perceptions about British parliamentary history and politics of New Zealand. He thus argued that;

“The Power report, three years back, indicated the massive degree of alienation, the massive misunderstanding and ignorance about politics and the massive mistrust of politicians. People think that politicians are in politics only to further their own ends and to enrich themselves. How do we get

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<sup>50</sup> Parliamentary terms of 1945-1950, 1959-1964, 1974-1979, 1987-1992, 1992-1997 and 2005-2010.

<sup>51</sup> Gavin Shuker was Labour MP for Luton South from 2010 onwards.

<sup>52</sup> Other major countries which have five-year legislative terms are France which has a semi-presidential system instead of a parliamentary system and Italy which is a parliamentary system.

<sup>53</sup> Austin Mitchell was Labour MP for Great Grimsby from 1977 onwards.

around that? We can do so by bringing ourselves into closer touch with the people through triennial elections, as works well in New Zealand. There is no more effective way of keeping a Government under control, ensuring that the Government serve the causes of the people and that MPs work for the people—that we do our duty in our constituencies—than having three-year Parliaments.” (HCH, 13.9.2010, cc. 682)

As such Mitchell saw that shortening the term length for fixed-term parliaments would bring two kinds of benefits. The first was to reduce disinterest toward politics which had become a major problem in most of the western democracies and has manifested in low turnouts in elections. The second benefit he saw in having shorter terms was having more responsible governments since governments needed to think the electorate more often in triennial elections than in five-year elections. Overall one of the major argument Labour MPs had against the bill that four-year parliaments were conceived as more democratic and accountable than five-year parliaments.

The second major argument against the bill was represented in fixed five-year parliaments being in a conflict with elections of the devolved legislatures. Since the devolved legislatures had fixed elections every four years and their next elections were scheduled for May 2015 before the bill was passed alongside the bill having general elections during the same year and month, many MPs felt that the government did not value on devolved legislatures. The government’s solution to this was to postpone next elections of the devolved legislatures to next year in order to avoid a clash with general elections. Most of the MPs from regional parties voiced their dissatisfaction with the bill how it had taken accord of devolution in Britain. Pete Wishart<sup>54</sup> from the Scottish National party referenced Aretha Franklin’s song “Respect” on what the government lacked toward the devolved legislatures in their constitutional reforms. He also noted that it would have been much easier for the government to have the four-year parliamentary term for the House of Commons since it would have been in the line with terms of devolved legislative bodies and would have prevented any clash with two elections in the near future. Instead, the government went on a thoughtless way with the reform by insisting on having five-

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<sup>54</sup> Pete Wishart was SNP MP for Perth and North Perthshire from 2001 onwards.

year terms which would eventually clash with other elections alongside with clauses to move election dates of devolved elections and thus disrespecting them. In the case of clashing elections Wishart saw that Scottish and other devolved elections would be put into second place compared to general elections in media and thus both the devolved parliaments and democracy would suffer as a result (HCH, 13.9.2010, cc. 672-674).

Other MPs also raised similar concerns about the elections of devolved legislatures. The issue of not consulting devolved legislatures before drafting the bill was seen as an insult to the devolved assemblies, alongside the clashing election dates distracting public attention from devolved legislatures' elections thus the bill was seen as undermining democracy. Combining multiple elections to the same was not seen viable since media was not expected to focus equally with regional issues as the national ones, these kinds of conceptions were similar to those already uttered in the alternative vote debate in which having referendum taking place during the same time as regional elections was seen as a violation to the principle of devolution. These opinions favoring four-year terms instead of five-year terms due to avoiding clashing elections were voiced from all of the major parties and regional parties (HCH, 13.9.2010, cc. 669, 689-690, 698 & 18.1.2011, cc. 787). Individually interesting contribution to the debate was made by Andrew Percy<sup>55</sup> who insisted that the House of Commons should adopt the same system as devolved legislatures regarding election dates in order to simplify British politics in order to revitalize public trust in politics. He strengthened this opinion by pointing out that most of the parliaments which lasted for five years were not ideal parliaments in how efficient they were (HCH, 18.1.2011, cc. 805-806). His speech is notable since he argued that the National parliament should follow the example of devolved legislatures which were modeled after parliaments of continental Europe in many ways<sup>56</sup> and as such indirectly criticized traditional British constitution in this manner. Also interesting is that he is from the Conservative Party which is usually seen skeptical toward devolution compared to other parties in the Commons. The point he made against

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<sup>55</sup> Andrew Percy was Conservative MP for Brigg and Goole from 2010 onwards.

<sup>56</sup> Scottish Parliament and Welsh Assembly, for example, use the mixed-member proportional electoral system, inspired by German Bundestag, instead of FPTP-system. They also have fixed election dates as mentioned before.

five-year parliaments can be seen in the context of Gordon Brown's government which was the last parliament which sat for its' full term. Since the Conservative Party was in opposition during Brown's government, it is not surprising that many Conservative MPs were bitter after their long period in opposition.

Reasons for raising election dates of devolved legislatures as an issue could be explained by their importance for regional parties and national parties. Since most of the regional parties wielded candidates only in their own regions and thus were unable to gain a majority in Westminster elections, they saw elections for their devolved legislatures more important since they could gain majorities there and gain governmental powers. National parties focusing on defending election dates from clashing with general elections could be explained by elections of devolved legislatures being relatively soon after the debate since those elections focused on regional and devolved issues it would have been natural to raise issues concerning them in national politics. Also at the time Labour party and Liberal Democrats had a large number of seats in devolved legislatures relative to their seats in Westminster, as such gaining more seats in devolved parliaments could be seen as a way to increase their influence and compensate their lack of influence in Westminster parliament.

Reasons for supporting four-year fixed-term parliaments could be seen in the background of Brown's ministry which lasted as long as the term allowed it to. Since Brown became prime minister midway through the parliamentary term of 2005-2010, many MPs could have seen it as inefficient executive due to lack of popular legitimacy. Even with these problems Brown continued to govern for three years without consulting electorate. This could have been seen as an indifferent way of governing which is similar to how USA politics worked in Bagehot's conceptions as a negative example of the Executive. Since four-year terms require governments to consult electorate more often than five-year parliaments and thus make situation similar Brown's government more unlikely, support for shorter parliamentary terms could also be seen as a method to make parliaments more effective. Thus legislative effectiveness could be used as an argument for both five-year parliaments and four-year parliaments.

In the face of criticism on the grounds of clashing elections members of the coalition parties made justifications for having five-year terms instead of four. Nick Clegg made a point in his two speeches about that of last five parliaments three had lasted for five years and the trend was that parliaments were lasting longer than they used to be normally. Thus he made an opening for the agenda that natural life expectancy of the parliament has been rising and thus it would need to be reflected in the bill. He also noted that the final year of parliaments is usually focused on electioneering and as such actual length of parliament functioning in the five-year terms is four years. He also mentioned international examples of other democracies having five-year fixed-terms parliaments and those five-year parliaments have precedence (HCH, 13.9.2010, cc. 625-626 & 18.1.2011, cc. 794). Some Conservative MPs also voiced similar opinions in their speeches pointing that there is nothing wrong about five-year parliaments, they also pointed that the Labour preference for four-year parliaments was in conflict with the last Labour premiership which lasted for full five years. They also pointed that it would be beneficial for turnout in elections for devolved assemblies if all of the elections would be held on the same day, in this issue they were a small minority in the house (HCH, 13.9.2010, cc. 692-693 & 18.1.2011, cc. 757-758, 804).

In these speeches we can see that some MPs saw an evolution in the natural length of parliaments over the time and as such argued that the government should set maximum length based on recent developments instead of longtime arithmetical averages. This notion is interesting since it puts emphasis on modern developments rather than traditional constitutional views and as such challenges how long parliaments should last. Although Bagehot would agree on the notion that there would not be any average parliamentary terms since different situations would make each parliament different, he would not argue that term length based on parliaments which were able to govern efficiently during relatively stable period of British history since they did not have any crisis which required immediate legitimacy from the public. As such I argue that advocates of any term limits do not represent traditional British constitutional viewpoints in the style of Bagehot.

Overall the main issue in the debate about the term limits and the idea of fixed-terms was how much MPs preferred stability or popular legitimacy. Since longer terms

were seen as more stable than shorter ones, many participants in the debate saw that it would be beneficial to the country's economy since it would lead to a longer-term approach by Executive. It was also seen by MPs as more predictable and safe for individual parliamentarians to have longer parliaments and have them on fixed dates since they made electioneering easier to plan around. These conceptions were mostly shared by members of the coalition parties. This viewpoint was opposed by mainly Labour MPs who argued that longer parliaments would damage British democracy and public interest in the public while accepting fixed-terms. The issue of term length also brought devolution as a part of the debate since the five-year term for the House of Commons brought a chance for two elections clashing with each other. As such agenda of having four-year terms was intertwined with the issue of devolution, this manifested in critical opinion toward the bill from MPs of regional parties.

## **5.2 Reduction of executive's power in the debate**

One of the main justifications for introducing fixed-term parliaments was to remove the power of the prime minister to set polling date and thus increase the power of the parliament alongside reducing the power of the Executive. The coalition government justified the introduction of the bill on the grounds of it enlarging parliamentary powers to determine its' election dates and dissolution of parliament. Nick Clegg in the governmental bench pointed out that the bill would be historical in the sense it was first time ever when prime minister gave up right to set up election dates. This was done according to him in order to regain public confidence in the parliament which was lost following the expense scandal during the last parliamentary term (HCH, 13.9.2010, cc. 622-624).

Other MPs also praised the bill for taking away the traditional power of the prime minister to set general elections on the date on his/her preference, this was seen by many members as a relic of old which did not fit in contemporary democratic politics. The main issue of opposition against the traditional power of prime minister was that it was perceived that prime minister used his/her right to set election dates for the benefit of a party in power. As covered in previous subchapter unpredictability of the traditional system was also cited as an argument for fixed-terms since it would hinder parliamentary work (HCH, 13.9.2010, cc. 659-661, 672, 679 & 18.1.2011, cc. 804).

Interestingly Dan Byles cited the USA as an example of how fixed-term parliaments do not make political culture any less democratic than the United Kingdom. He also argued that no matter how limited and regulated power of the prime minister to set election dates is, it would be used for political advantage regardless. As an example he mentioned France where President has the power to dissolve the National Assembly early in case of emergency. Although this power was intended to be used only in special circumstances, it has been used for political advantage regularly during the French Fifth Republic<sup>57</sup>. As such Byles was willing to abolish the executive's power over setting election dates completely and grant it to parliament (HCH, 18.1.2011, cc. 753-755). These notifications are interesting since they are in contrast with the thought of Bagehot concerning fixed-term parliaments as he would have preferred prime minister's power to call early elections as a way to solve political gridlock instead of parliamentary stability.

The idea that the bill strengthened the power of parliament was not shared by all MPs in the house, however. Provisions of the bill were seen as inadequate in preventing early elections by manipulation of government in the case of motion of no-confidence and thus effectively governments could dissolve parliaments early when they wished for it. Few speeches also pointed out that 14-day time for forming a new government after a motion of no-confidence would take power away from the public compared to automatic dissolution of such vote in the traditional system. As such in these speeches the bill was seen either pointless or in need of amendments in order for it being able to achieve its' agenda (HCH, 13.9.2010, cc. 669, 675-676, 684 & 18.1.2011, cc. 725, 745). Austin Mitchell noted in his speech that majority government could easily find a way for early dissolution like Gerhard Schröder did in 2005 by losing a vote of no-confidence intentionally and thus bypass 2/3 majority required for dissolving the parliament proposed by the bill. Since a motion of no-confidence required a simple majority instead of supermajorities, it would be no problem for a government to simply abstain from voting in such circumstances and thus engineer fall of the government in his opinion (HCH, 13.9.2010, cc. 682-683).

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<sup>57</sup> Since presidential and legislative elections had different term lengths before 2002 and French president has the power to appoint the prime minister, it was beneficial for a president to call early elections soon after he was elected unless presidential party already had a majority in National Assembly.

Other major criticism concerning the bill based on the grounds of the relationship between powers of executive and legislative branches was how the bill was being drafted. Since the bill received no pre-legislative work and no Green or White paper regarding the issue of the bill, many MPs saw that the government did not give parliament enough power to influence the content of the bill. Lack of consultation with opposition by the coalition was also seen as detrimental for the bill since the bill was perceived as partisan act instead of consensual one expected for constitutional bills. As such the government was accused of not giving power back to parliament altruistically (HCH, 13.9.2010, cc. 636-637, 640, 653, 658, 678,). As a way to solve the issue of partisanship both Gavin Shaker and William Cash proposed coalition government to have a free vote on term lengths instead of forcing controversial five-year terms (HCH, 13.9.2010, cc. 686, 695). Interestingly criticism concerning the power of the parliament was voiced in both coalition and opposition MPs, this could be attributed to the fact fixed-term parliaments was a part of the coalition agreement and as such decided in the leadership of both coalition parties. Due to being part of this agreement the government could not have modified before and during its' passage in the parliament.

Role of the monarch in the dissolution of the parliament was touched in few speeches during the debate. Geoffrey Cox<sup>58</sup> emphasized the importance of monarch in the case of dissolution of parliament in that regard that the monarch acted as a safeguard against prime minister's aspirations when setting dates for early elections. As such he argued that prime minister's privilege to hold early elections could easily be kept in the cases when they threaten interest of the nation while having the possibility of consulting the public in cases when important constitutional matters needed legitimacy. As an example, he mentioned Asquith's bid to reform the House of Lords in 1910 without early elections, in that situation the monarch advised Asquith to hold early elections instead of steamrolling the reform without going to the country. Adopting fixed-terms parliaments would prevent consulting the public and weaken the British constitution without any significant benefits according to him. In his conclusion he argued that the parliament should not discard role of the monarch in

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<sup>58</sup> Geoffrey Cox was Conservative MP for Torridge and West Devon from 2005 onwards.

such haste fashion and amend the bill to keep the balance between the crown and the parliament in its' dissolution (HCH, 13.9.2010, cc. 654-655).

An issue of keeping the power of proroguing the parliament in the hands of the monarch was also brought up in a few speeches during the debate. By proroguing parliament a prime minister could suspend parliamentary business without dissolving parliament and thus prevent legislation detrimental to his/her cause and prevent a vote of no-confidence from passing according to few Labour MPs. Thus retaining the power to prorogue could be used for governmental advantage (HCH, 13.9.2010, cc. 697 & 18.1.2011, cc. 734-736). These notions about prorogations for political gain were challenged MPs of the coalition parties as theoretical situations as it was rarely used even in the current constitution. As such, they conceived power to prorogue the parliament as a minor issue which would not become a major problem in the future (HCH, 18.1.2011, cc. 742, 765,768). As such there existed a clear divide between the governmental parties and opposition regarding prorogue during the debate.

Overall issues regarding powers of Executive, the parliament and monarch were brought up in speeches during the debate frequently. Even though taking power away from executive was seen as a positive factor for the bill, many participants of the debate perceived bill having insufficient provisions to prevent prime ministers from holding early elections. Some Conservative MPs criticized the bill for disabling government from consulting the public in the middle of a parliamentary term and as such they perceived that the bill weakened British constitution and democracy instead of strengthening it. They also preferred that monarch acted as a silent safeguard against executive's pursuit of political advantage instead of transferring the power to parliament. Thus conceptions of Bagehot regarding fixed-terms parliaments were voiced in the debate even though they were minority's opinion.

### **5.3 Coalition and fixed-term parliaments in the debate**

Since fixed-term parliaments were in both Liberal Democrats' and Labour's but not in the Conservative party's manifestos issue of coalition government not having legitimacy for the bill was raised often in the debate. (Labour manifesto 2010, 9:3 &

Liberal Democrat manifesto 2010, 88) Also, electoral promises<sup>59</sup> of introducing four-year fixed-term parliaments by both Liberal Democrats and Labour party were brought up since it was in contradiction with the bill's agenda to introduce five-year parliaments. In these criticism references were made about Liberal Democrats' previous policy compromises including the Alternative vote referendum which we have covered earlier when analyzing that debate (HCH, 13.9.2010, cc. 678, 681, 697). Conservatives were also a target of being accused as converts to fixed-terms parliaments by Sadiq Khan although this was seen as a positive change by debaters in the opposition. He, however, was harsher on Liberal Democrats' deviation from electoral promises which he saw as ruining the original promise of four-year parliaments (HCH, 18.1.2011, cc. 797-798).

Other main criticism regarding the coalition politics during the debate was due to fact that the bill was regarded as being beneficial toward the coalition and its' parties. Since the bill provided 14-day time after a motion of no-confidence passed for a new government to be formed before dissolution and new elections, many MPs saw that it allowed parties to change their coalition partners and executive without consulting the public. This was perceived as fundamental change compared to the traditional system in which dissolution of parliament was immediate after a motion of no-confidence. The Liberal Democrats were especially seen benefiting from the bill due to their kingmaker position in the parliament and their negotiations with both Conservatives and the Labour party for forming a government in the aftermath of the general election of 2010 (HCH, 13.9.2010, cc. 684, 695 & 18.1.2011, cc. 725-726). These kinds of speculations about intentions of Liberal Democrats were made mostly by Conservative MPs, likely due to fear of potential betrayal by Liberals midway through the parliamentary term due to compromises required to be made by both parties. Also due to seat allocation Conservatives could not find alternative coalition partners<sup>60</sup> easily in the case of Liberal democrats withdrawal from the government, for this reason the bill would not benefit the Conservative party as much as Liberal Democrats.

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<sup>59</sup> Neither Liberal Democrats and Labour Party did not specify a term length for fixed-term parliaments in their manifestos. During the election campaign leadership of both parties stated that four-year terms were on their agenda, however.

<sup>60</sup> Their only likely coalition party in this situation would have been Democratic Unionist party which had 8 seats and thus would not bring majority for Conservatives.

Due to both conflicting interests of the coalition as perceived by numerous MPs and limitation of cases for early elections in the bill, the bill was perceived as a method to prevent the coalition parties from divorcing each other prematurely. As such the bill was perceived by participants of the debate as being beneficial for the coalition instead of the nation. The debaters strengthened this viewpoint by pointing out the lack of consultation with the opposition and pre-legislative work which we analyzed in the previous sub-chapter. Thus coalition politics was perceived as an obstacle for careful constitutional legislation and being motivated only by narrow interest of the coalition parties. These conceptions were voiced in both Conservative and Labour MPs (HCH, 13.9.2010, cc.685, 697 & 18.1.2011, cc. 729-730, 802).

The coalition was not seen totally without its' credits, however. Three Conservative MPs (Eleanor Laing, Jacob Rees-Mogg and Charles Walker) raised positive aspects which the coalition had made government possible to do and praised how Liberal Democrats have shown their ability to make compromises regarding their other electoral promises (HCH, 13.9.2010, cc. 684 & 18.1.2011, cc. 709, 800-801). These included fixing economy which was in shambles after the global recession which started in 2008 and reducing deficit alongside increasing tuition fees which was perceived important for Liberal Democrats by Conservatives due to their electoral manifesto. Despite praising making improvements possible for the economy, the coalition's pursuit of the bill was seen as a necessary evil which was required in an exceptional situation or as a mistake. As such coalitions themselves were not conceived as positive on their own.

Overall conceptions of multiparty coalitions were nearly unanimously negative and pejorative. These perceptions were used to criticize the flaws of the bill and flaws of the bill were attributed to coalition politics which required making compromises. Deviations of election promises were seen as a direct result of a coalition and as a dangerous future for British democracy if coalition governments were to be formed in the future since they would render election manifestos into empty letters. These conceptions could be explained by the emphasis on the link between electorate and representative as theorized by Ankersmit when explaining differences in British and Continental ideas of representation. As we have analyzed debate on the Alternative vote referendum and constituency reduction, MPs put emphasis on electoral

manifestos and lack of electoral mandate for most of the constitutional reforms by the coalition government. Since the bill could be seen normalizing coalitions since option for having snap elections would be removed in the cases when a general election would produce a hung parliament, MPs voicing opposition to the bill can be seen sharing Ankersmit's ideas of British representation.

#### **5.4 Conclusions**

Overall conceptions toward having fixed-term parliaments were accepting towards them during the debate. Thus the majority of participants of the debate did not share the fundamental idea of Bagehot about fixed-term parliaments, Bagehot perceived fixed-term parliaments as one of the main reasons why he regarded British constitution to be superior compared to the USA constitution since it allowed more flexibility and consulting the public when a government needed legitimacy for their policies. Even though speeches defending prime minister's privilege to set election dates were made, the main issue dividing the government and opposition was the issue of length of parliamentary term.

Since five-year parliaments were regarded as long compared to international standards of four years the opposition focused on amending term length to four years. Four years was preferred also from the viewpoint of devolved legislatures since it would have prevented general elections from clashing with elections of devolved legislatures. Overall opposition conceived the idea of fixed-term parliaments preferable although they saw five-year terms as harmful for British democracy.

In the viewpoint of coalition parties the bill was met with more divisive reception. Whereas the majority of Conservatives and all Liberal Democrats participating the debate praised the bill for increasing power of the parliament over executive and removing prime minister's party political advantage in setting polling dates, some criticism was raised over that the bill should not bind future parliaments and that it allowed change of administration without elections. Some skepticism was raised in most of the parliamentary parties how effective was in preventing early elections and manipulations of government over it; on the other hand the bill perceived positively how it allowed early elections when supermajority of MPs agreed to dissolve it, on

the other hand, some MPs saw that it was a real possibility for future government to simply engineer a vote of no-confidence and have early elections as a result of it.

Coalitions were perceived as an obstacle for consensual constitutional decision making and for following election promises by an overwhelming majority of participants in the debate. Although some MPs from Conservatives praised the coalition for fixing economy which was in crisis, the constitutional reforms pursued by the coalition were only accepted as necessary evil.

Unlike in the Alternative vote and the House of Lords reform debates there were relatively few mentions of alternative polities during the debate. Aside from contrasting five-year terms with more common four-year terms, the Executive having power to dissolve the parliament was seen problematic even though using it was not considered as a norm. The Fifth Republic of France was cited as a reason why only the parliament should have power to dissolve it when required; otherwise the government would use it for partisan gain. As such the traditional British polity of having unfixed election dates was perceived unfavorably to the fixed-terms of other political regimes.

The question of how the Fixed-terms parliament act have actually changed the British constitution cannot be answered satisfactorily due to its passed relatively recently as of writing this thesis. Although the coalition lasted full parliamentary term of 2010-2015, the traditional way of British political culture for the prime minister to hold early elections seems to be prevalent even after the passing of the bill in 2011. This was manifested in Theresa May's decision to seek dissolution of the parliament in 2017 by 2/3 majority vote in order to gain a stronger public mandate for her Brexit negotiations. In the snap election of 2017 manifesto of the Conservative party advocated the removal of the Fixed-term parliaments act 2011 and as such idea of fixed-term parliaments is likely going to be a point of contention in the future (Conservative manifesto 2017, 43). As such it will be interesting how the bill will fare in the future and does its' key idea remain part of the British constitution.

## **6. Conclusions and discussion**

The British constitution is seen as unique in its' character when compared to other constitutions of the world. Due to its' lack of clear codification in written form like the most of other constitutions, the British constitution has been a subject of extensive analysis and theorizations over the centuries. One of the most influential theories concerning the British constitution was formulated by Walter Bagehot who divided it into dignified and efficient parts. Dignified parts were the House of Lords and the Crown which acted as an advisory rather than wielding actual power in everyday politics whereas efficient parts were the House of Commons and government of UK which used actual power in legislation and decision making. The other important divide between the two was that efficient power was based on a popular mandate which was based on members of the House of Commons being elected by the electorate. Thus Bagehot argued that the Commons held more legitimate mandate than the Lords and the Crown and as such would always be considered superior to the dignified parts of the constitution in cases when they ended up in conflict with each other. Bagehot also argued that the British constitution had more responsibility and flexibility compared to the constitution of USA since prime minister could be removed midterm and s/he could hold early elections when the situation required a public mandate for important legislation.

The other important theory which I chose to use as a framework was the theory of Frank Ankersmit who made several important notions about British constitutional ideas. Ankersmit makes a distinction between British and continental ideas of representation in political thought; in British system emphasis is put on a link between electorate and MPs who are expected to represent issues of their constituencies in the parliament whereas in continental systems put emphasis on proportionally representing all parts of society. Differences also exist according to Ankersmit regarding the division of power; in continental systems executive, legislative and judiciary powers are strictly separated from each other whereas there is no clear separation of these powers in the British system. Ankersmit also raises a point against referendums on the points that they lack strengths of representative politics and as such should be used when consulting straightforward political issues.

In the framework of these two theories about the British constitution and political system I have studied and analyzed debates of constitutional and parliamentary reforms in the parliament pursued by David Cameron's during his first term as a prime minister during 2010-2015. I chose this time period since it was also the first time since World War II when a British government was composed of more than one party, this time a coalition of the Conservative party and Liberal Democrats. As such it was an interesting topic to analyze how coalitions were perceived in the debates. I utilized methods of the history of concepts and Cambridge school as a methodology when analyzing speeches held during debates concerning adopting Alternative vote system, reducing the number of constituencies, reforming the House of Lords into a more modern upper house and adopting fixed-term parliaments. These debates fit well with my theoretical framework and for this reason I chose to focus on these three debates.

Conceptions toward these parliamentary reforms during these three debates were diverse among how they shared ideas of Bagehot. In the debate concerning reducing constituencies and adopting alternative vote the idea of one MP per constituency was preferred over the principle of multimember constituencies which would blur connection between the electorate and their representatives according to the majority of MPs participating in the debate. Similar arguments were used to oppose reducing the number of constituencies by a plurality of Labour MPs. As such only Liberal Democrats and representatives of regional parties expressed their preference for multimember constituencies and more proportional electoral system.

Opinions and conceptions of the House of Lords reform bill 2012 were equally diverse during the debate. Even though nearly every MP who participated in the debate saw that the upper house was in a need of reform, ideas of what kind of chamber was to be preferred divided participants of the debate. Conservatives, and to lesser degree Labour, were divided into those who supported status quo with some adjustments regarding membership of the Lords, those who preferred partially elected chamber and those who wanted to have fully elected upper chamber. Liberal Democrats and minor parties in the debate voiced their desire for a fully democratic chamber. As such traditional House of Lords was seen as undemocratic due to its members being either appointed by the prime minister. On the other hand, this lack of

democratic legitimacy meant for most members that the House of Lords could not gain primacy over the Commons and as such would guarantee that it would act as an advisory body rather than a second half of the legislative body. For this reason majority of MPs were against having members of the upper house democratically elected since according to them it would bolster the confidence of members of the reformed upper house and lead them to challenge the primacy of the Commons over legislation. Thus most of the MPs shared the viewpoint of Bagehot concerning that the House of Lords was an advisory chamber instead of being equal with the lower chamber.

Whereas viewpoints regarding issues of electoral link and role of the Lords during the two debates were in line with theories of Ankersmit and Bagehot, fixed-term parliaments received more positive conceptions. Since prime minister's prerogative to dissolve parliament was conceived as undemocratic and open to manipulation, adopting fixed-term parliaments were seen as a step toward more democratic governance. Majority of MPs, however, preferred to have some way of holding early elections in order to prevent gridlocks and gain popular legitimacy for contentious issues, this point being shared with Bagehot who argued that lack potential early elections made USA constitution inferior compared to the British constitution.

Referendums were required by a majority of MPs from opposition parties and few MPs from coalition parties in order to pass the House of Lords reform alongside Government's agenda to have the Alternative vote referendum. Although this could be seen as typical rhetoric from the opposition, it can also be seen as referendums becoming acceptable in British political culture. As such Ankersmit's idea of representative politics was being challenged and Britain was moving into what he would call referendum democracy at the conceptual level.

Multi-party coalition governments were conceived as inferior and undesirable by a clear majority among of those holding speeches during the three debates. Since conflicting interest between two parties of the coalition required the government to compromise, electoral manifestos could not be followed when making constitutional reforms and as such were perceived as untrustworthy. Also, lack of pre-legislation was seen caused by coalition politics and as such harmful for parliamentary process.

Even MPs from coalition parties showed their dislike of coalitions openly during the debates and as such it can be said that according to the debates British political culture does not like coalitions.

The division between MPs of governmental and opposition parties was rather clear on the majority of issues debated in the debates. Even though both significant parts of Conservative and Labour MPs voiced their opposition toward contents of the bills, their point of objection toward them differed significantly. This could be seen in both House of Lords reform and Fixed-terms parliaments debates where Conservatives usually defended traditional constitutional system whereas Opposition's criticism was usually based on how they saw proposed reforms being insufficient in their pursuit of introducing more democratic institutions.

As a whole, the coalition's agenda for constitutional reforms could be seen as a failure since only the fixed-term parliaments were introduced as a result of them. Even fixed-term parliaments seem to be challenged by significant parts of British politicians and as such it remains to be seen will it become accepted part of the unwritten constitution. Why this failure happened and was the two-party coalition responsible for it? In the case of the electoral reform there existed no real alternatives for the alternative vote referendum since even the coalition between the Labour and the Liberal Democrats would have probably settled on the same referendum since it was included in the Labour manifesto, it is very unlikely the Labour would have agreed to have a referendum about proportional system since it would have endangered its status as a major party and due to opposition toward it by many Labour MPs which we saw during the debate about the Alternative vote referendum. Also, lack of the majority of this coalition and reliance on regional parties' support would have rendered it impossible to pass the reform without a referendum. We can only speculate how it would have changed the result of the referendum if it would have received more uniform support of this hypothetical government than in the actual referendum where governmental parties supported opposing sides while the Labour stayed on sidelines. Instead of referendum formation of a cross-party commission could have been another way to introduce electoral reform even though it is unlikely that a solution which would have satisfied all parties could have been

found. As such passing reforms on the electoral system during the parliamentary term of 2010-2015 would have been unlikely even in alternative scenarios.

The House of Lords reform failed due to the rebellion within the Conservative Party. Rebels perceived the reform proposed by the coalition as a threat to the primacy of the House of Commons since the upper house would have 80 % of its member elected. Since even the Labour governments during 1997-2010 did not dare to reform the upper house into fully or partly elected second house, it is safe to assume that any measure to introduce even partly elected upper chamber would have received opposition from the Conservative party which included a significant amount of traditionalist MPs. As such introducing elected members for the House of Lords would have been difficult even for single party government let alone the coalition. Since there existed no clear consensus how the Lords should be reformed (or not reformed at all, or abolished altogether) between political parties any major reform on the composition of the upper house would have been unlikely in alternative scenarios. The most likely reform to pass regarding the Lords would have been a removal of remaining hereditary peers and Lords Spirituals since they represented last part of the traditional upper house. Also, their removal would have meant that there would not have caused a significant change in composition and nature of the House of Lords as an advisory chamber, this would have satisfied reformist MPs while remaining relatively acceptable for traditionalist MPs. Lack of cohesion in the major political parties regarding the issue alongside general disinterest toward reform remains the main reason why I argue that why the House of Lords reform failed in 2012 and is unlikely to be on agenda in the near future.

In the case of the Fixed-terms parliaments, the aforementioned hypothetical Labour-Liberal coalition would have probably introduced four-year terms instead of five-year terms. On this issue regional parties would have likely supported four-year terms since it would have prevented clashes between general and devolved elections, thus securing its passage even if every MP of the Conservative Party would have voted against it. We have to keep in mind, however, that these alternative scenarios are speculations and things could have happened differently in these scenarios that I have speculated. It could be also possible that Labour-Liberal coalition would not have worked due to disagreements on certain issues and as such caused fall of the coalition

midway through the parliamentary term. Alternatively, series of by-election defeats could have reduced its tiny majority (with support of regionalist parties) into minority and thus resulted into a motion of no-confidence.

The limits of this study left several interesting questions which arose during the writing process unanswered. Since I focused on debates during a single parliamentary session, it is impossible to review how the British constitution has evolved conceptually over the years. As such in the future studying evolution of concepts during a longer timeframe in the parliamentary debates could prove an interesting topic. For example, one could analyze debates concerning House of Lords reforms from 1911 onwards in order to find out how perceptions of the upper house have changed. Since I focused on the debates of House of Commons and not included debates of House of Lords concerning constitutional reforms, it would be interesting to review how members of the upper house debated about the constitution and saw their role in it.

Some interesting constitutional debates during the parliamentary term of 2010-2015 were omitted due to them not fitting on the theoretical framework of this thesis. These include debates about European Union and devolution which have become important political issues in British politics during the recent years due to Britain's withdrawal from EU and Scottish independence referendum. Devolution was an important point of contention in the debates I have analyzed and as such it would be fruitful to analyze constitutional debates in the framework of devolution and enlarge source material to include debates concerning mainly devolution such as debate of Scotland act 2012.

Alternatively point of future study concerning the reforms pursued by the coalition could be public debate concerning them. Since British newspapers usually have some bias toward certain parties, it would prove fruitful for future studies to analyze and compare how different newspapers presented these debates to the public and how did they conceive them. Also, a comparison between parliamentary and public debates could find out interesting conceptual differences between the two since their audience and format could create differences. Even though coalition politics was given focus in this thesis, it was limited to end-results and conceptions about them rather than larger

decision making process of the coalition. As such it would be interesting to analyze how negotiations went and were concluded in the coalition.

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