

Teemu Häkkinen

The Royal Prerogative Redefined

Parliamentary Debate on the Role
of the British Parliament in Large-scale
Military Deployments, 1982–2003



JYVÄSKYLÄ STUDIES IN HUMANITIES 224

Teemu Häkkinen

The Royal Prerogative Redefined

Parliamentary Debate on the Role
of the British Parliament in Large-scale
Military Deployments, 1982–2003

Esitetään Jyväskylän yliopiston humanistisen tiedekunnan suostumuksella
julkisesti tarkastettavaksi yliopiston Historica-rakennuksen salissa H320
helmikuun 1. päivänä 2014 kello 12.

Academic dissertation to be publicly discussed, by permission of
the Faculty of Humanities of the University of Jyväskylä,
in building Historica, hall H320, on February 1, 2014 at 12 o'clock noon.



UNIVERSITY OF JYVÄSKYLÄ

JYVÄSKYLÄ 2014

The Royal Prerogative Redefined

Parliamentary Debate on the Role
of the British Parliament in Large-scale
Military Deployments, 1982-2003

JYVÄSKYLÄ STUDIES IN HUMANITIES 224

Teemu Häkkinen

The Royal Prerogative Redefined

Parliamentary Debate on the Role
of the British Parliament in Large-scale
Military Deployments, 1982–2003



UNIVERSITY OF JYVÄSKYLÄ

JYVÄSKYLÄ 2014

Editors

Pasi Ihalainen

Department of History and Ethnology, University of Jyväskylä

Pekka Olsbo, Ville Korkiakangas

Publishing Unit, University Library of Jyväskylä

Jyväskylä Studies in Humanities

Editorial Board

Editor in Chief Heikki Hanka, Department of Art and Culture Studies, University of Jyväskylä

Petri Karonen, Department of History and Ethnology, University of Jyväskylä

Paula Kalaja, Department of Languages, University of Jyväskylä

Petri Toiviainen, Department of Music, University of Jyväskylä

Tarja Nikula, Centre for Applied Language Studies, University of Jyväskylä

Raimo Salokangas, Department of Communication, University of Jyväskylä

URN:ISBN:978-951-39-5592-2

ISBN 978-951-39-5592-2 (PDF)

ISBN 978-951-39-5591-5 (nid.)

ISSN 1459-4323 (nid.), 1459-4331 (PDF)

Copyright © 2014, by University of Jyväskylä

Jyväskylä University Printing House, Jyväskylä 2014

ABSTRACT

Häkkinen, Teemu

The Royal Prerogative Redefined. Parliamentary Debate on the Role of the British Parliament in Large-scale Military Deployments, 1982–2003

Jyväskylä: University of Jyväskylä, 2014, 306 p.

Jyväskylä Studies in Humanities

ISSN 1459-4323 (nid.), 1459-4331 (PDF); 224

ISBN 978-951-39-5591-5 (nid.)

ISBN 978-951-39-5592-2 (PDF)

The exercise of foreign policy has traditionally been reserved to the executive. Recent developments in Britain lead to a question whether this notion has experienced changes. The purpose of this dissertation is to analyze the role of the British parliament in decisions to deploy and commit military troops to large-scale military conflicts. The period analyzed includes the Falklands War (1982), the Gulf Crisis (1990–1991) and the build-up to the war in Iraq (2002–2003). This study utilizes a linguistically oriented methodology combined with a traditional reading of parliamentary and other political sources to analyze the role of Parliament through the perceptions of it presented there and thus to reveal the history of parliamentary discourse relating to Parliament itself. The analysis reconstructs the politicians' understanding of the role of Parliament in different domestic and international contexts. It argues that since the 1980s the traditional view of the Royal Prerogative in the exercise of foreign and defence policies has experienced shifts. The legal framework for the use of troops began to be regarded as outdated for the needs of a modern democracy. The cross-party shared idea of a stronger Parliament was a result of a gradual long-term development in which the role of Parliament was increasingly and repeatedly stressed in the parliamentary discourse to produce successful results. The success manifested itself in a generally accepted role for Parliament as the source of authorization for the use of military force in the Iraq War. This outcome was a result of changing circumstances and shifting attitudes towards the relation between Parliament and the executive, and as such, it has yielded new interpretations of the role and influence of the legislature in foreign and defence policy decision-making.

Keywords: Britain, parliament, debate, foreign policy, defence policy, war, the Falklands War, the Gulf Crisis, the Gulf War, the Iraq War

Author's address	Teemu Häkkinen Voionmaankatu 16 A 16 FIN-40700 Jyväskylä hakk.teemu@gmail.com
Supervisors	Professor Pasi Ihalainen Department of History and Ethnology University of Jyväskylä PhD Satu Matikainen Department of History and Ethnology University of Jyväskylä
Reviewers	Dr. Paul Seaward History of Parliament Trust London Professor Robert Blackburn Institute of Contemporary British History King's College London
Opponents	Dr. Paul Seaward

PREFACE

In 2009 I was in a situation in which I finally had to make decisions regarding the future. My graduate studies were beginning to be completed. The only question began to be: What would I do next? By that time I had learned that the answers usually turn up, one way or another. During the writing of my Master's thesis, I had discussed with my supervisor Professor Pasi Ihalainen about the possibility of pursuing postgraduate research on a similar topic, the role of the British parliament in war, and his reply was positive. It was in August 2009 when Pasi told me that there was funding available within the Academy of Finland *Centre of Excellence in Political Thought and Conceptual Change* for a brief period if I wished to begin to work on the doctoral dissertation. And there it was, the answer, and the beginning of a new journey. And what a journey it has been. I have worked on my research with the desire to learn interesting new things, to enjoy the journey and finally to accomplish the project before attractive new opportunities come along. During the last four years I have read a massive number of words about British politics, sat in the front of the computer for uncountable hours, walked around the Seminaarinmäki Campus of University of Jyväskylä in the search of ideas and a breather and discussed my research with many colleagues. And here it is, the dissertation. For the successful completion of it I am indebted to many persons, above all to my supervisors Pasi and Dr Satu Matikainen, who have guided me through the process. I would also like to express my sincere thanks to my reviewers, Dr Paul Seaward and Professor Robert Blackburn, for their criticism and suggestions on the manuscript. The Academy of Finland project *Parliamentary Means of Conflict Resolution in Twentieth-Century Britain* has provided not only the bulk of funding but also just the right circumstances for the work through collaboration with my colleagues Laura-Mari Manninen, Miina Kaarkoski, Matti Roitto, Dr Jonas Harvard and Dr Rinna Kullaa, to whom I wish to express my sincere gratitude. I have also appreciated the influence of Professor Kari Palonen and his *The Politics of Dissensus* team on my work. The Department of History and Ethnology has been a perfect place to work. Gerard McAlester has done a tremendous amount of work with the proofreading to make my manuscript resemble something like sensible written English. My family, Laura and Reittu, have provided me with an occasionally needed sense of reality and a much needed counter to work. In addition to the above-mentioned Academy of Finland project funding, this research has been subsidized by the Emil Aaltonen Foundation and the Faculty of Humanities of the University of Jyväskylä, and for this I extend my sincere gratitude to both the foundation and the faculty.

Jyväskylä, January 2014
Author

CONTENTS

ABSTRACT
PREFACE
CONTENTS

1	PARLIAMENT AND WAR	9
1.1	Introduction.....	9
1.2	Previous research.....	19
1.3	The functions and role of Parliament	26
1.4	Foreign affairs and the use of the military	34
2	METHODS, CONCEPTS AND SOURCES.....	40
2.1	The focus on parliamentary language and its use	40
2.2	The sources	49
3	THE BRITISH PARLIAMENT AS A POLITICAL FORUM.....	54
3.1	The House of Commons: the division between the Government and the Opposition.....	54
3.2	The different culture of the House of Lords	64
4	THE FALKLANDS WAR OF 1982: THE GOVERNMENT MAKES THE DECISIONS.....	71
4.1	The background of the conflict	71
4.2	The deployment of troops and the use of force: the Government vs. the Opposition.....	79
4.3	The deployment of troops and the use of force: arguments pro et contra outside the parties' official lines.....	98
4.4	Parliament's functions under parliamentary discussion: Parliament "not a committee of a revolutionary regime"	106
4.5	The House of Lords: "Damn the expenses and get on with the war!"	113
4.6	Conclusions	125
4.7	The aftermath and the right to use force: no major developments in the 1980s.....	129
5	THE GULF CRISIS IN 1990-1991: ATTEMPTS TO REDEFINE THE ROLE OF PARLIAMENT	141
5.1	The background of the crisis	141
5.2	The party leaders and the role of Parliament: an attempt to depoliticize the handling of the situation.....	146
5.3	Backbenchers and the role of Parliament: A "feudal anachronism"?	160
5.4	The House of Lords' view: strengthening the government.....	176

5.5	Conclusions	188
5.6	After the war in the Middle East: constitutional reform in the 1990s	192
6	THE IRAQ WAR 2002–2003: THE MAIN EMPHASIS SHIFTS TO THE ROLE OF PARLIAMENT.....	202
6.1	The background of the conflict	202
6.2	Increasing discussion about Parliament as the source of legitimacy	210
6.3	The final effort for the right to decide: The Government cannot go to war without Parliament	227
6.4	The House of Lords and the Iraq War	242
6.5	Conclusions	252
6.6	After the invasion: The role of Parliament in retrospective studies, 2003–2006.....	255
7	CONCLUSION	264
	FINNISH SUMMARY	276
	REFERENCES.....	286

1 PARLIAMENT AND WAR

1.1 Introduction

“There are few political decisions more important than the deployment of Armed Forces into armed conflict.”¹

This was one of the starting points of *The Governance of Britain Green Paper*, a research paper published in 2007 proposing constitutional reforms to the British political system. If implemented, the proposed reforms would shift power from the Government to Parliament, and they included changes to the Royal Prerogative rights. The green paper regarded the current situation, in which the Government could use its prerogative powers to deploy troops without any formal parliamentary agreement, as clearly outdated.² This paper and the following white paper *The Governance of Britain – Constitutional Renewal* (published in 2008) were based on the recent history of Parliament and on the recent armed conflicts in which Britain had played a key part.

In 2006 the Prime Minister Tony Blair ruled out the need to formally change the official rights in order to strengthen the role of Parliament, but the leader of the Opposition, David Cameron (Con.), called for an official change. In 2007 the new Prime Minister Gordon Brown (Lab.) made it clear that he wanted the constitutional basis to be changed in order to give a broader role to Parliament. However, no actual constitutional reforms were made during his premiership. In 2010 the general election led to a coalition Government established by the Conservative Party and the Liberal Democrats. The issue of reforming the role of Parliament in decisions to wage war was placed on the Conservative political agenda in 2010, and the Liberal Democrats were not against the reform either. However, no formal change in the constitutional basis materialized, and in 2011 Britain participated in the Libyan Civil War with the House of Com-

¹ The Governance of Britain. Presented to Parliament by the Secretary of State for Justice and Lord Chancellor by Command of Her Majesty, July 2007. CM 7170 (The United Kingdom: The Stationery Office): 18, para 25.

² The Governance of Britain, 11-14.

mons voting on the participation a day later when the British troops were already in action. Since then, the issue has remained under political discussion.³

The right to decide on the deployment and commitment of troops to an armed conflict is part of a broader long-term question of power relations between the representative legislature and the executive branch. Furthermore, it is also a question that in Britain relates to the position of the Monarch vis-à-vis the parliamentary system. From an international point of view, the issue also deals with the way democratic societies participate in an armed conflict and how parliaments have taken part to the decision-making process. The so-called parliamentary “war powers” can be used as a measure of Parliament’s ability to take part in the decision-making.⁴ War powers can be defined as the power to influence the political decision-making process on matters related to going to war. This definition includes the constitutional right to participate in decision-making as well as other rights defined in the law; Hartwig Hummel and Stefan Marschall consider the powers to be “resources” and divide them into legislative and budgetary resources, control resources, communication resources and election resources.⁵ They call for broader parliamentary participation in foreign policy, despite the fact that this has traditionally been in the remit of the executive owing to the need for quick action without lengthy debates.⁶ The discipline of historiography provides a way of understanding the development of parliamentary control of the armed forces, the key issue to which parliamentary war powers are related.

In Britain, the issue of reviewing the so-called “war powers” emerged in the 1980s although brief comments on the subject had been made earlier, as Section 1.3 will show. These brief comments emerged in relation to other issues and were often connected with the overall position of the Royal Prerogative in the British political system. In the twenty-first century, the major impetus for the emergence of the discussion came from the decision to go to war with Iraq in 2003. However, I shall also argue that this discussion had a history much longer than that one controversial decision to launch an attack against the Iraqi regime, a history that goes back to the 1980s in particular, but also involving a centuries-old discussion about the power relations between Parliament and the Government. The present dissertation describes, analyzes and explains this history of the political and constitutional discussion from the parliamentary point of view by taking under examination three recent major armed conflicts in which Britain has participated.

³ “Parliament ‘war powers’ must be law by 2015, say MPs” BBC News, 6 Dec 2011, accessed 13 Nov 2012, <http://www.bbc.co.uk/news/uk-politics-16050574>.

⁴ Sandra Dieterich, Hartwig Hummel and Stefan Marschall, “Parliamentary War Powers. Survey of 25 European Parliaments” Geneva Centre for the Democratic Control of Armed Forces. Occasional Paper No. 21. (2010), 5-9, accessed 9 Aug 2013, http://www.dcaf.ch/content/download/35827/526871/file/OP21_FINAL.pdf.

⁵ See Hartwig Hummel and Stefan Marschall, “How to Measure Parliamentary War Powers” Paks working paper 3. Parlamentarische Kontrolle von Sicherheitspolitik (2007): 11-13, accessed 8 Aug 2013, http://paks.uni-duesseldorf.de/Dokumente/paks_working_paper_3.pdf.

⁶ *Ibid*, 5.

In terms of “war powers”, the British Parliament does not have the right to deploy troops abroad. However, in Britain, as in parliamentary democracies generally, Parliament is at the heart of the discussion and the decision-making process. This central role derives from the fact that the British Parliament is both the representative assembly of the people and the legislative assembly of the country. If some new legislation dealing with war powers were to be introduced, Parliament would play a part in the process. The British political system is based on the idea of parliamentary sovereignty, and the concept of parliamentary scrutiny, i.e. the right and responsibility to scrutinize the Government, which is derived from this becomes the main function of Parliament in the exercise of foreign and defence policies.⁷

Philip Norton has pointed out that the constitutional history of Britain can be found in the minutes of Parliament. The lack of a single, codified written constitution means that any changes to the set of laws that represent the constitution are enacted in the same way as regular legislation: through a single majority in Parliament.⁸ This provides the starting point for a further analysis of the parliamentary debates examined in this dissertation.

The status of legislation and the possible legislative processes is one thing, but what about the opinions of the individuals who occupy the seats in the two chambers of the British Parliament, the political elite? The general idea of parliamentary sovereignty means that if Parliament wanted its position to be changed with regard to decisions to wage war, it would be capable of doing so, and indeed would do so. In this sense, the minutes of Parliament provide an account not of only the accepted or rejected motions and the legislative proposals put forward at times when the Royal Prerogative was used in the middle of a crisis but also of the opinions of the Members on these. In this connection, certain questions emerge: Was the requirement for a stronger Parliament related to a broader movement in attitudes that were prevalent among the political elite towards the further parliamentary involvement of foreign and defence policy in the twenty-first century? Or was the discussion that emerged in connection with this simply a logical consequence of the controversial decision to go to war with Iraq? Was it therefore an expression of parliamentary dissent resulting from the vagueness apparent in the Government’s key arguments? This dissertation aims to give an answer from an historical point of view by addressing the actual discussions relating to the role of Parliament over decisions to wage war, i.e. by analyzing three large-scale armed conflicts that occurred in the period of 1982–2003: the Falklands War in 1982, the Gulf Crisis in 1990–1991 and the Iraq War, which began in 2003 and ended for the British in 2009. The historical approach describes the events chronologically and analyzes the reasons for and the consequences of those events. Furthermore, the study evaluates their im-

⁷ See Philip Norton, “Introduction: Parliament in Perspective” in *Parliament in the 1980s*, ed. Philip Norton (Oxford and New York: Basil Blackwell, 1985), 4–6.

⁸ Philip Norton, “Introduction: A Century of Change” *Parliamentary History*, Vol. 30, Iss. 1 (2011): 2; for example, the motion to restrict the use of certain Royal Prerogative powers in connection with the parliamentary reform of 1911, HL Deb 30 March 1911 vol 7 cols 763–80.

portance for the role of Parliament in foreign policy both in relation to each other and in a wider context. Using this approach, this analysis of the role of Parliament differs from scholarly studies that focus on parliamentary war powers by analyzing and comparing the legal frameworks of different parliamentary systems, often from the point of view of constitutional law.⁹

Answers are also sought to the question of the extent to which the perceptions of individual MPs or political parties regarding the role of Parliament remained constant, changed or developed during the period under examination. The study also addresses the question of the influence of the institutional context on the opinions and discussions during this 21-year-long period: for example, the limitations that conventions place on speaking in plenary sessions or the influence of the conventions governing the way the Houses of Parliament can convene and debate. These conventions and practices, in addition to the more technical procedures, are described and analyzed as a part of the examination of the parliamentary debate. Furthermore, the opinions concerning the constitutional basis are analyzed as answers to the question of how parliamentarians understood the legal framework within which they were acting and how the ability to comment the constitutional situation was used to address perceived problems in the system. In relation to this, attention is also paid to legislative initiatives to change the exercise of rights relating to war powers. The dissertation analyzes the process, responsibilities and limits of parliamentary supervision not only of the executive but also of the armed forces during the build-up phase to an armed conflict because that lies at the heart of the idea of parliamentary war powers: To what extent and in which policy areas can Parliament use its power? To what extent can it scrutinize the use of power by the Government; and has the definition of the limits of parliamentary power resulted in a change in the attitudes towards parliamentary involvement of foreign policy in the studied period?

The reason for focusing attention on the recent armed conflicts as points of reference is that they provide a relevant context for the study of the discussion in Parliament related to its role in terms of war powers. When necessary, the analysis adopts a more long-term approach and provides the proper historical contextualization. The selection of conflicts for this study was made according to the following three criteria:

The first criterion is the constitutional basis on which decisions were made. The Royal Prerogative, the residual right of the sovereign (in effect the Government), to deploy forces without parliamentary approval and to commit them to an armed conflict relates essentially to overseas deployments and therefore to external conflicts. This particular right has attracted proposals for reform and is considered to be one of the most important Royal Prerogative powers, since by using it the Government, led by the Prime Minister, makes the crucial decisions

⁹ See Dirk Peters and Wolfgang Wagner, "Between Military Efficiency and Democratic Legitimacy: Mapping Parliamentary War Powers in Contemporary Democracies, 1989–2004" *Parliamentary Affairs*, Vol. 64, No. 1 (2011): 175–192.

regarding war and peace.¹⁰ Hence, this power excludes domestic conflicts. For example, the deployment of troops to Northern Ireland to control unrest there was primarily a domestic conflict since the area was, and still is, a part of the United Kingdom.

The second criterion for the selection was the sheer extent of military deployment and the burden the conflicts placed on the British armed forces and the state. In this respect, the Falklands War was the most significant since it was waged by Britain alone. It also cost more British casualties than for example the Iraq War. By this criterion, the Afghanistan War could have been included since it saw the deployment of 9,500 troops in 2001, but the decision to send troops to Afghanistan was made with very little prior discussion, and hence the Iraq War offers a more representative case of the political thinking of the time – moreover, it should not be forgotten that the deployment to Iraq in 2003 took 46,000 British troops, which was more than four times the number deployed to Afghanistan. The criterion of size also excludes the commitments to the NATO-led air campaign against the Serbs in Kosovo (in 1999) and to Sierra Leone (in 2000) as well as Operation Desert Fox, the air bombing of Iraq by the United States and Britain in December 1998. The Gulf War in 1991 demanded the deployment of 50,000 British soldiers, which was more than against Iraq in 2003. Much fewer troops were committed to the war that was waged against Iraq in the 1990s in order to place pressure on its leader Saddam Hussein, but these deployments are not included and are treated as a continuation of the Gulf War. In the context of the Cold War, the Falklands War in 1982 represented a major challenge to Britain not only because of the potential political consequences in both the domestic and the international spheres, but also because it required a major commitment of British troops to the South Atlantic.

The third selection criterion was the availability of possibilities to debate the conflicts in a way that illustrates the political climate of the time at both the domestic and international levels. The Falklands War was waged at the time of the Cold War and a bipolarized world and was the only conflict in which Britain was involved in the 1980s. It also reflects attitudes associated with the residue of the British Empire and shows the role that Britain sought both militarily and politically in world politics. The conflict that followed the Falklands War eight years later, the Gulf War, took place at the end of the Cold War. It also created a situation in which the international community was seeking ways to maintain collective security after the collapse of the Soviet Union. Britain was still led by Margaret Thatcher, but her stance on European integration would soon see her overthrown. Britain also had to seek its new role in world politics and to reassess its relationship with the United States. This British role was significantly redefined by the rise of the New Labour to power in 1997. The time of New Labour brought a new kind of moral idealism to the handling of foreign affairs – the British Government took a position that accepted intervention for humanitarian reasons. This shift in policy was soon followed by the changing international political situation after the United States was attacked in the 9/11

¹⁰ The Governance of Britain, 18.

bombings. Britain had reaffirmed its already close transatlantic relationship and deployed troops to Afghanistan in order to help the international Coalition troops to topple the Taliban regime from power. The Iraq War represents the continuation of the War on Terror and was a strongly controversial conflict that entailed considerable risks for the British political leaders and placed the transatlantic relationship under heavy stress as a result of criticism from oppositional groups in Britain. The Iraq War was also the last large-scale military deployment that Britain has taken part in.

The problems potentially associated with such major wars are also greater than in small-scale conflicts. When a greater number of troops are used, the risks to the local population and to the combatants themselves increase, as do the potential deleterious consequences to the infrastructure of the area involved. A large-scale conflict also involves the fear of escalation into neighbouring countries, as was the case in the Middle East in connection with the Gulf War in 1991 and the Iraq War in 2003. Major conflicts also tend to receive much more attention at the time than small ones, and for them the term “war creep”, meaning a crisis that step by step turns into a full-scale armed conflict, is often applicable. This point is important in examining the role of Parliament in decisions to wage war, since the early phase of the crisis is the most important one, the one in which Parliament and above all the Government may still have a variety of options available. After the war has broken out, the possible political options are limited because the idea of stopping the fighting and retreating from the theatre of war is much more difficult to implement than before the outbreak of actual hostilities.

As for other possible armed conflicts and periods to which the research could have been extended, smaller conflicts, or “small wars”, such as the Mau Mau insurgency in Kenya that ended in 1960, the events in Cyprus in 1955–1959, the Aden Emergency in 1964–1967, the Malayan Emergency in 1948–1960, the Indonesia-Malaysia conflict in 1962–1966 and others were excluded from this analysis on the basis that they are interconnected in that they all are part of the diminution of the British Empire. Of the other major conflicts affecting Britain, the Suez Crisis in 1956 was a large-scale conflict in which Britain, France, Israel and Egypt were all involved and which saw the commitment of substantial troop deployments, as did the war in Korea in the 1950s. However, the parliamentary debates in 1956 provide rather little discussion of the role of Parliament; nevertheless, the relevant impact of these conflicts on the discussion about the role of Parliament will be briefly explained in Section 1.4. This criterion – whether relevant discussions emerged during the crisis – also holds true for other conflicts. For example, during the studied period the Suez Crisis actually served the parliamentarians as a reference point for past experiences in two matters: the failed decision of the Government to embark on an armed conflict and the exclusion of Parliament from the key decision-making process. The Falklands War in 1982 constitutes a suitable starting point for the examination. Between 1982 and 2003, the way the role of Parliament, and its constitutional role in particular, was discussed in Parliament changed radically, and in this the

Suez Crisis provided an important example, evoking the past experiences and memories of MPs who had witnessed it. This was the case with some other potentially usable conflicts, too. However, this dissertation proceeds by taking the more recent conflicts under examination and using earlier and minor conflicts to provide contextual information; in this way, the recent historical origins of the contemporary discussion about the role of Parliament after the Iraq War can be reconstructed.

The reason for examining armed conflicts as potential contexts for a discussion of the role of Parliament is that the parliamentary process continued to operate during those events and also possibly developed through the creation of new parliamentary practices such the deliberation of issues never before discussed during a crisis. Furthermore, the Members of Parliament experienced a crisis in their role as parliamentarians, which may provide a chance to discuss and review the parliamentary process not only in terms of the constitutional framework but also through long-term parliamentary practices and conventions. Scholarly attention¹¹ has often focused on the causes of war from the political point of view. The focus on the decision-making process at the centre of parliamentary democracy and especially on the representative and legislative institution reveals more about the people who made the political decisions. This approach provides a chance to understand how the persons who are elected to Parliament or sit there through succession, official position or past professional or political achievements, saw themselves as the decision-makers on war and peace. It is a chance to see whether war is still seen as a continuation of politics, as Carl von Clausewitz proposed in his work, *On War*, published posthumously in the nineteenth century,¹² or whether the role of Parliament is seen to be based on the traditional idea of the executive exercising foreign and defence policies. Parliamentary debate serves as a public forum for such discussion, and in this dissertation the British parliamentary debates are used to grasp the variety of understandings of the role of Parliament.

As will be shown in Section 1.2, the existing literature portrays foreign policy in Britain as being usually exercised by the executive branch on the basis of its Royal Prerogative powers.¹³ In the post-Second World War context, the later decades of the century showed that the conduct of foreign affairs was still managed in many respects by the Government, although many issues changed during the course of the century, such as the level of European integration.¹⁴ The traditional view of Parliament playing a minor role compared with the

¹¹ See, for example, Stephen van Evera's *Causes of war. Power and the roots of conflict* (Ithaca, New York: Cornell University Press, 1999), and important works summarizing the current discussion such as Jack S. Levy's and William R. Thompson's *Causes of War* (Chichester: Wiley-Blackwell, 2010).

¹² Carl von Clausewitz: *On War* (The Project Gutenberg EBook, translated J.J. Graham in 1874, 1909), Book 1, Chapter 1, para 24, accessed 27 Aug 2013, <http://www.gutenberg.org/files/1946/1946-h/1946-h.htm#link2HCH0001>.

¹³ Peter G. Richards: *Parliament and Foreign Affairs* (London: George Allen & Unwin, 1967), 36–37; see Charles Carstairs and Richard Ware, "Introduction" in *Parliament and International Relations*, eds. Charles Carstairs and Richard Ware (Milton Keynes: Open University Press, 1991), 3.

¹⁴ Carstairs and Ware, "Introduction", 3–7.

Government will be evaluated. On the basis of my analysis of the sources, I shall argue that participation in an armed conflict provides a context in which the position of Parliament tends to be considered. Furthermore, I shall argue that the reconsideration of this position, carried out through discussion and debate in Parliament, has increasingly emphasized the need for a stronger role for Parliament in decisions to deploy and commit troops to armed conflicts in the period 1982–2003. I will also argue that the backbench MPs can influence opinions about the role of Parliament with regard to foreign policy. It is the backbenchers who were prominent in making the topic into an issue of mainstream discussion through a gradual process of speaking more and more about the role of Parliament. It includes the individual participants' past experiences of the previous armed conflicts and their activities not only within the framework of existing parliamentary practices and conventions but also in their redefinition. Furthermore, I shall argue that the shift of the issue into a subject of mainstream debate was a result of the broadening interest in it across party lines, an interest that also extended to front-bench Members, for example at the committee level.

However, I shall also argue that the role of Parliament depends on other factors than the actual performance of the two Houses or individual MPs. It is important to understand the role of Parliament in a wider context that merely in terms of making of actual decisions or the failure to do so. In fact, it is highly revealing to elucidate the whole complex combination of dynamics, actions, interactions and discursive processes that take place in a specific political institution such as Parliament. In a parliament, especially in the British case, these processes are linked to the formal framework, conventions and practices in a way that distinguishes it from any other organization of similar key importance for the whole political system.

The methods employed to analyze the sources are discussed in detail in Section 2.1. In summary, they involve the analysis of selected parliamentary debates by focusing on discussions, debates and individual comments related to the role of Parliament in decisions to deploy and commit troops to an armed conflict during the build-up phases of the conflicts – although in the case of the Falklands War the analysis extends beyond the initial quick decision to dispatch the task force to recapture the Falkland Islands. These discussions are analyzed in relation to parliamentary practice, conventions, legislation and past discussions about the role of Parliament. Parliamentary practice and the way decision-making and discussions have been organized in the past determine the nature of the discussions held in the House. Chapter 3 shows how the institutional context influences the way decisions are made and the debates arranged. The aim of the analysis is to reveal through historical research the differences and similarities in the discussions in the period, paying special attention to criticism of, support for, and the redefinition and re-evaluation of the role of Parliament. In this way, the relevant background of each decision to wage war can be understood. This helps us to understand the roles, given, obtained or neglected, that have been available to Parliament during each conflict.

The analyzed comments and speeches are taken from the plenary sessions of the House of Commons and the House of Lords, but attention is also paid to the committee level when committees conducted inquiries into issues concerning the armed conflicts or the constitutional rights to commit troops to such a conflict. The concentration on plenary debates is justified in terms of their role as public occasions in which policies and important motions are debated. Decisions can be made outside the debating chamber as well, but it is the plenary debate that serves as the forum in which decisions are publicly justified and finally made. The approval or opposition shown in the debates determines the fate of the proposed policies. Here, the committee level offers a supplementary forum; reports are published, and usually the hearing of evidence is a public event as well. Hence the committee level provides another source for examining discussions about the role of Parliament.

The problem-oriented nature of his study focuses on the British constitutional situation during the period studied. It is a system that has been defined as parliamentary sovereignty, but in decisions to wage war, and in fact in foreign policy decisions in general, the Monarch also plays a role because the Royal Prerogative rights are powers transferred from the Monarch to the executive branch. The relations between the Monarch, the executive branch and Parliament are suited to a problem-oriented approach.

Parliament has reviewed its own role during each decision-making process. This reviewing may not have been general, but there have been individual MPs or political parties who have seized the opportunity and given time to reflecting on the situation. Hence it is important to understand the role of Parliament and its functions in the decision-making process with regard to the deployment of troops to potentially major armed conflicts, as perceived and expressed by both individual MPs and groups within Parliament.

Before proceeding further, a conceptual clarification should be made. Throughout this introductory chapter, I have used the term “waging war” and to a lesser extent the term “going to war”. These terms should be understood in a general sense. Waging war or going to war refers to a process that embodies certain features. In the British case, going to war abroad requires the deployment of armed troops to a foreign country, the decision to do so, the possible call-up of reservist troops, the question of how the deployment is financed and the nature of the operation itself: What kind of tasks are troops going to be engaged in? Is there a possibility of an armed conflict, and are the political decision-makers and the general public informed about this possibility?

The concept ‘war’ is used in a general sense, as it is commonly used in metaphors and everyday language. It is also a legal term which includes various features and has importance for example in the conduct of international relations. Yoram Dinstein points out that ‘war’ is a formal status produced by the declaration of war.¹⁵ A similar view was repeated by the House of Lords Select Committee on the Constitution when it reviewed the right to wage war in

¹⁵ For more information on this, please see Yoram Dinstein: *War, Aggression and Self-Defence* (Cambridge : Cambridge University Press, 2005), 15.

2006. According to the committee, “war” is a term that has both popular and legal meanings in the domestic and the international context. According to the committee's interpretation, a state of war can be brought about through a declaration of war but that this is not necessary. States can also choose to use the term “war” to describe a conflict – a classical interpretation of war being an armed conflict between states; this underlines the nature of war as a struggle of two societies organized in the form of nation states. In Britain, the last declaration of war was made as long ago as 1942 against Siam, modern Thailand. When it comes to declaring war, the declaration triggers certain emergency powers in the domestic context. For example, the House of Lords committee noted that, in fact, the Iraq War was not a war in the strict legal sense according to a decision by the British courts.¹⁶ The term “armed conflict” has also significant special connotations, but like “war” it can be used in a popular sense. I shall use both of these terms throughout the text in a general sense, but when a stricter definition of the meanings of these terms is relevant in the course of the text, that will be made clear.

The analysis has been divided according to the division of the chambers in the British Parliament. Thus, different chambers are approached with different emphases owing to the particular position of the House of Lords in British parliamentary politics. In the House of Commons, the debates are considered to be highly significant because of the central role of the House in the political system and its role as a representative chamber. Owing to this prominence, the House of Commons provides the most relevant source for an analysis of whether Parliament not only commented on its role but also of how this role was linked to the discussion of policy relating to the on-going crisis and the build-up to an armed conflict. In the House of Lords, the debates are analyzed by focusing attention on comments and discussions similar to those in the House of Commons in relation to the role of Parliament, but with different expectations since the House of Lords has, in the exercise of foreign policy, focused more on giving advice than on the politicization of issues, which sometimes happens in the House of Commons.

In the next section, 1.2, I shall review the research tradition in this field and make an effort to explain the gap in knowledge which this dissertation seeks to fill with new information. In the Section 1.3, I shall focus on Parliament and its functions and roles, since they create the basis and the organization within which the Members of Parliament work and perform their duties. Section 1.4 takes a deeper look at the moral and legal features surrounding the decisions to use force especially at the international level. The section then continues with a description of the relevant information regarding the military history of Britain – focusing mainly to the post-Second World War military conflicts

¹⁶ House of Lords Select Committee on the Constitution. Session 2005–06. 15th Report. *Waging War: Parliament's role and responsibility*. Volume I: Report. Ordered to be printed 19 July and published 27 July 2006. HL Paper 236-I (London: The Stationery Office): 7, accessed 25 March 2013, <http://www.publications.parliament.uk/pa/ld200506/ldselect/ldconst/236/236i.pdf>.

that Britain has participated in – and an explanation of the part that Parliament has played during those armed conflicts that are not studied here. Chapter 2 will outline the methodology used and provide more details about the use of sources. Chapter 3 analyzes the institutional context of Parliament with regard to the study and examines the differences between the two chambers. Chapter 4 constitutes the first empirical part of the study with a discussion of the main issue in the context of the Falklands War. It shows that the role of Parliament was partly discussed during the months preceding the British landing on the Falkland Islands but that Prime Minister Margaret Thatcher was not prepared to provide a broader role for Parliament; however, the issue of the role of Parliament in relation to the Royal Prerogative did emerge as one topic for constitutional discussion at the end of 1980s. Chapter 5 shows how this discussion was visible in the build-up to the Gulf War in 1990-1991 and how the discussion was carried out by backbench MPs. The 1990s is described as a time when the seeds of change were sown for the expression of a more critical attitude to the Government's Royal Prerogative to wage war and claims for a stronger role for Parliament. Chapter 6, which deals with the build-up to the Iraq War in 2002-2003, shows how the interest in having a stronger Parliament in decisions to wage war first became an issue of mainstream parliamentary discussion and finally culminates in the House of Commons being at the centre of the decision-making process.

1.2 Previous research

Parliament and its role in the political system first in England and later in the United Kingdom have been the object of considerable scholarly interest. This section describes a gap in the current knowledge, which this dissertation seeks to repair with new information.

The concentration on Parliament's right to control the military is linked to its role in the political system as a whole and particularly to the exercise of defence and foreign policies. Jeremy Black shows in *Parliament and Foreign Policy in the Eighteenth Century* that the issue has existed for centuries. Discussions about the control of Royal Prerogative powers were rare in parliamentary debates, although there were some.¹⁷ In these, interest was expressed in altering the constitutional setting so as to obtain more influence for Parliament because such a strengthening would lead the Government to value parliamentary support more and would hence increase the status of Parliament. Parliament in the eighteenth century proved to be constitutionally strong particularly in decisions about going to war owing to the financial costs of waging war: after the settlement following the Glorious Revolution, it was Parliament that controlled the provision of funds for the military, and this made for a significant factor in Par-

¹⁷ Jeremy Black: *Parliament and Foreign Policy in the Eighteenth Century* (Cambridge: Cambridge University Press, 2004), 2-3.

liament's role in the exercise of foreign and defence policies.¹⁸ It was at this time, too that the constitutional basis for the role of Parliament in foreign policy began to be created, a process that ended in the nineteenth century, when the role of Parliament in the political system became stable, as Peter Jupp shows.¹⁹

In the first major study regarding the role of Parliament vis-à-vis the army, John Stuart Omond reviewed the long-term relationship between Parliament and the army over the period 1642–1904; in it he argues that this relationship was often very strained. It became evident in the seventeenth century that Parliament did indeed exert strong power over the army through the budget. In terms of the Royal Prerogative, the Sovereign continued to be held in high regard throughout the period, although at times the Royal Prerogative powers were reduced and then reinstated. In fact, even in the major military reform that took place in the early twentieth century, the position of the Royal Prerogative was not challenged.²⁰

World War I led to an analysis of the role of Parliament. In 1927 Francis Rosebro Flournoy published a book entitled *Parliament and War. The Relation of the British Parliament to the Administration of Foreign Policy in Connection with the Initiation of War*. The book examined the origins of World War I, but its main focus was on relations between Parliament and the Government in the nineteenth century. In his analysis, Flournoy argues that Parliament and its individual members were active during the political processes, and Parliament was – with a few exceptions – included to the political decision-making process prior to going to war. Flournoy sees the reason for a lack of participation in some cases as stemming from the large number of minor conflicts in which Britain took part. He argues that Parliament's role was partly determined by the Members of Parliament who wanted Parliament to have a greater role and who were active in military affairs; generally Parliament's role was small and often focused on the question of how much information the Government should provide to it about war-related decisions. The Government included Parliament in the decision-making process because of the need to avoid violating the Members' right to be informed. As leftist radicalism emerged in Britain, World War I led to the question of whether Parliament should unite behind the Government during a time of war. Flournoy argues that Parliament was able to influence foreign policy most commonly when there were divisions inside the Cabinet.²¹ Flournoy ended his book with a suggestion to enhance the role of Parliament in order for

¹⁸ Black, *Parliament and Foreign Policy in the Eighteenth Century*, 3–9. Parliament was considered an important actor in the conduct of foreign policy generally. See Jeremy Black: *Debating Foreign Policy in Eighteenth Century Britain* (Farnham and Burlington: Ashgate, 2011), 40.

¹⁹ Peter Jupp: *The Governing of Britain, 1688–1848. The Executive, Parliament, and the People* (London and New York: Routledge, 2006), 185–230.

²⁰ John Stuart Omond: *Parliament and the Army 1642–1904* (Cambridge: Cambridge University Press, 1933, 2009), 30–33, 154–157.

²¹ The Cabinet consists of about 20 senior ministers chosen by the Prime Minister, and it decides the Government's policies. The Government constitutes a much broader entity and is considered to be the executive. The Government consists of the other ministers and junior minister in addition to the members of the Cabinet.

it to be able to control the war powers more effectively.²² Otherwise there are no other similar works about World War I; Alexander Macintosh's work in 1921 did broadly analyze the events in Parliament during that war, but it focused on the oratory of leading political figures with no analysis of Parliament itself.²³

World War II produced a new examination of Parliament. Ivor W. Jennings published four articles, titled "Parliament in Wartime I-IV" in the journal *The Political Quarterly* in 1940, in which he examined the work of the House of Commons during the early years of the war. Another academic, H.G. Greaves, published an article, also titled "Parliament in War-Time" in *The Political Quarterly* in 1942, but his contribution was much less extensive and analytical than Jennings's.²⁴ These studies concentrate on the early phase of the war, which can be considered the most important time with regard to the role that Parliament was to assume.

According to these studies, the Government was the key player in decision-making right from the beginning in 1939, while the role of the House of Commons seemed to consist mainly in supporting the executive.²⁵ The strongest measure of power that Parliament was able to wield was in a vote in May 1940 after the military failures in Norway. The Opposition had spoken against the War Cabinet led by the Prime Minister, Neville Chamberlain, who was considered to be ineffectual owing to his failed appeasement policy. This dissent led to the so-called "Narvik Debate" in the House of Commons, which ended in an adjournment vote resulting from pressure from the Opposition. This vote was practically a vote of (no-)confidence and the Opposition voted against the Government together with many rebels from the Conservative benches. The Government won the division by 281 votes to 200, but in practice it lost since it was clear that it did not enjoy the support of the whole House, which the time of war and the threat to the nation clearly demanded. This forced Prime Minister Chamberlain to resign. The debate and the vote had a very strong political flavour. Since the time of war emphasized the supremacy of the Prime Minister and his Government, the Opposition had no real means – nor necessarily even the desire – to challenge the executive. However, according to Jennings, the vote of confidence in 1940 showed that the Labour party was able to force Chamberlain to resign by giving him "enough rope to hang himself" – which he duly did.²⁶

As a result, the Narvik Debate is considered to be one of the most important that took place in the House of Commons and a demonstration of the

²² Francis Rosebro Flournoy: *Parliament and War. The Relation of the British Parliament to the Administration of Foreign Policy in Connection with the Initiation of War* (London: P.S. King & Son, 1927), 247–267.

²³ Alexander Mackintosh: *From Gladstone to Lloyd George. Parliament in Peace and War* (London: Hodder and Stoughton, 1921), n/a.

²⁴ The tone in Greaves' text was more supportive and approving, and he did not analyze the parliamentary actions in the way Jennings did. H.G. Greaves, "Parliament in War-Time" *The Political Quarterly*, Vol. 13, Iss. 1, (1942): 78–90, 202–213.

²⁵ Ivor W. Jennings, "Parliament in Wartime I" *The Political Quarterly*, Vol 11, Iss. 3, (1940): 183–195.

²⁶ Ivor W. Jennings, "Parliament in Wartime II" *The Political Quarterly*, Vol 11, Iss. 3, (1940): 232–247.

power of Parliament. However, Nick Smart argues that the actual opposition in Parliament was smaller than is usually claimed, and that the Prime Minister's resignation was more a result of political tactics. Be that as it may, the adjournment vote in Parliament strongly influenced Chamberlain's actions, which indicates that Parliament was able, through this procedural measure, to challenge the Government.²⁷

In other respects, the conduct of the war as a matter of *arcana imperii* was maintained. Secret sessions were used as a procedural tool in order that questions connected with the war might be discussed in privacy without the fear of espionage. Jennings strongly criticized this and condemned the House of Commons for accepting the secret sessions as the way to deal with all delicate issues. For Jennings, this level of secrecy harmed the House of Commons because it diminished its public role – the House of Commons needed to be a place for public activity, which reinforced the representative nature of the House.²⁸ Churchill's Government was an all-party administration, and therefore the Opposition lacked any real interest in challenging it. There had been some efforts to maintain the challenging role of the Opposition during the Chamberlain Government, but this seemed to have changed during Churchill's term in office. The Opposition brought up issues that should be debated, but otherwise there existed a party truce in the Commons. Even so, the MPs wanted Parliament to be involved at every stage of the war.²⁹

Parliament's role did not arouse the interest of the public at large since the important issues were handled in secrecy, and the new all-party Government maintained the consensus-oriented approach, in which real oppositional politics played no part. Furthermore, the Members showed a certain level of passivity in debating war-related issues. Those MPs who spoke often avoided issues that related to the waging of the war and military operations, and concentrated their comments and questions on matters of minor significance. Jennings also noted a problem connected with the representative function of the members: many MPs were called up to serve in the armed forces and were thus prevented from taking part in political activities.³⁰ In general, the scholarly treatment of Parliament suggests that while it was occasionally a forum of political power, it was also to a significant degree a source of recruits for the armed forces during the two world wars. In the years 1914–1918 and 1939–1945 taken together, 42 MPs died in combat.³¹

²⁷ Nick Smart, "Four Days in May: The Norway Debate and the Downfall of Neville Chamberlain" *Parliamentary History*. Vol. 17, Iss. 2 (1998): 215–243.

²⁸ Ivor W. Jennings, "Parliament in Wartime III" *The Political Quarterly*, Vol 11, Iss. 4, (1940): 351–367, 363–366; Ivor W. Jennings, "Parliament in Wartime IV" *The Political Quarterly*, Vol 12, Iss. 1 (1941): 53–65, 65.

²⁹ Jennings, "Parliament in Wartime II", 232–247, 245–246; Jennings, "Parliament in Wartime III", 351–367, 353, 362.

³⁰ Jennings, "Parliament in Wartime IV", 53–65, 55, 60.

³¹ "Heraldic shields to MPs, First World War", The United Kingdom Parliament, accessed 24 June 2013, <http://www.parliament.uk/about/living-heritage/building/cultural-collections/memorials/in-the-collection/world-war-i/wars-heraldic-shields/>.

The Suez Crisis of 1956 led to new examinations of the role of Parliament; the most influential of them, published by Keith Kyle in the 1990s, was *Suez. Britain's End of Empire in the Middle East*. This study paid considerable attention to events in Parliament as well, and placed the legislature's role in a broader context. The book was well written and drew on a wide variety of other sources. However, it did not attempt to explain Parliament's role and focused on the broader picture and especially the actions of the Government.³²

The constitutional basis of Parliament with respect to decisions to deploy troops did not excite much scholarly interest. In 1967 Peter G. Richards, in his work titled *Parliament and Foreign Affairs*, reviewed the current situation of the conduct of British foreign policy and the part played by Parliament in it. Richards' study also included some concise historical descriptions of the development of Parliament's role with respect to various matters, including the Royal Prerogative, but the general focus of the book was not on the historical aspect. In addition to the literature mentioned in the work, Richards used parliamentary sources such as debates as material for his analysis. This study can be regarded as one of the few important works which actually concentrated on the parliamentary aspect of foreign affairs, and it has been useful for understanding opinions about the system before the period dealt with in the present dissertation. However, Richards considered that, although the powers of Parliament did not include the right to declare war, the existing situation was satisfactory.³³ The role of Parliament in decisions to deploy troops after the 1960s was not the subject of any further research.

Parliament and International Relations, edited by Charles Carstairs and Richard Ware, used a variety of parliamentary sources such as debates, committee papers, research papers and academic literature to examine the ways in which Parliament played a role in the exercise of foreign policy. Hence it offered a different view from the traditional idea that the Government was the organ that exercised foreign policy. Carstairs and Ware concluded that, while procedural issues did give the House of Commons more opportunities to strengthen its role in the conduct of foreign affairs, the constitutional limitations combined with the Members' lack of interest in specializing in foreign policy limited the role that the lower chamber was able to play.³⁴ *Parliament and International Relations* was the first broad examination of Parliament's role in foreign policy, but Parliament's position in a situation in which the military was dispatched to take part in an armed conflict abroad was only briefly touched on, and this omission offers opportunities for further research. The scholarly interest has generally focused on the positions taken by different political parties or prime ministers, such as Peter Byrd's *British Foreign Policy Under Thatcher* (1988), John Calla-

³² Keith Kyle: *Suez. Britain's End of Empire in the Middle East* (London and New York: I.B. Tauris, 1991, 2011), 571–585.

³³ Peter G. Richards: *Parliament and Foreign Affairs* (London: George Allen & Unwin, 1967), 37–40.

³⁴ Carstairs and Ware, "Introduction", 3; Charles Carstairs and Richard Ware: "Conclusions" in *Parliament and International Relations*, eds. Charles Carstairs and Richard Ware (Milton Keynes: Open University Press, 1991), 175–176.

ghan's *The Labour Party and Foreign Policy. A History* (2007), *The Labour Party, War and International Relations, 1945–2006* published by Mark Phythian in 2007, and the series *The Labour Party and the World* by Rhiannon Vickers, especially her second volume in the series *Labour's Foreign Policy Since 1951*, published in 2011. Apart from Phythian's work, the academic interest has not generally focused on war as a specific field of foreign policy. Dan Keohane's *Security in British Politics 1945-1999*, published in 2000, is a scholarly study that used parliamentary sources in addition to other material such as party archives to examine party decision-making and policies on security. It dealt with the same conflicts that this dissertation examines. Andrew M. Dorman's book *Blair's Successful War. British Military Intervention in Sierra Leone*, published in 2009, studies the decision-making process in that specific small-scale conflict. Even though the conflict in Sierra Leone is not included in my study, Dorman's findings on the Labour Government's decision-making system provides relevant contextual information for trying to understand the political processes that took place in 2002 and 2003, although Dorman focused mainly on the Government.³⁵ In addition to these academic studies, John Kampfner's *Blair's Wars*, published in 2003, is a widely cited work that describes foreign policy decision-making in Tony Blair's Cabinet, but its source material is composed of anonymous interviews.

It is relevant that these studies provide information above all about the Labour Party's foreign policies, especially during Tony Blair's premiership. The Conservative Party's role has received less attention, although Keohane, for one, has also examined the Conservative Party's positions. Since 1991, when *Parliament and International Relations* was published, the scholarly attention has focused on foreign policy more generally. From the parliamentary perspective, the scholarly research has produced wide-ranging information on the positions of the parliamentary parties, and it has taken account of important parliamentary events, such as key debates, relating to war, but with no effort to analyze the role of Parliament through parliamentary discussions. Philip Towle's *Going to War. British Debates from Wilberforce to Blair*, published in 2009, examined debates about engagement in war by analyzing the debate in different forums, such as contributions by the professional military or discussions in British society generally. However, he also paid some attention to Parliament and described and explained how MPs had started to take part in debates about foreign policy to a greater extent during the twentieth century.

In addition to speaking, the treatment of the role of Parliament in the scholarly field has also dealt with the legal aspects of war. Nigel D. White's *Democracy Goes to War. British Military Deployments under International Law*, published in 2009, studies British decision-making processes from the Suez Crisis in 1956 to the War with Iraq in 2003. White, a professor of international law at the University of Sheffield, used the perspective of jurisprudence in each case. He included Parliament and its role as a watchdog of the Government but only to a limited extent. He mainly used the parliamentary debates as source material

³⁵ Andrew M. Dorman: *Blair's Successful War. The British Military intervention in Sierra Leone* (Farnham and Burlington: Ashgate, 2009), 1-5.

and analyzed the general decision-making process against the legal framework, and as the title already hinted, mainly focused on the international legal framework. Nevertheless, this book is an important contribution to the study of Parliament in pre-war situations, since the role of Parliament is analyzed by using, among other things, the key comments made by party leaders in parliamentary debates relating to armed conflicts. White also noted that the need to strengthen Parliament's role was a broadly supported goal.³⁶

In the contemporary scholarly field, the issue of parliamentary war powers has been approached from a more international perspective with an emphasis on comparisons between different political systems and countries. Such a study was carried out by Dirk Peters and Wolfgang Wagner, for whom the British parliamentary system represented one in which the decisions to deploy forces are made by the Government with normal parliamentary support rather than on the basis of more official powers, such as constitutional rights to approve the deployment.³⁷ The debates in Parliament have been studied, as Nigel D. White has done, but there has been little historical examination of debates in a way that includes the contributions of the other speakers as well as the key comments made by front-bench Members and thus gives attention to Parliament and its debates as a whole.³⁸ Of the studies focusing on particular military conflicts, those by Keith Kyle and Andrew M. Dorman have already been mentioned. They often include examinations of particular events in Parliament, but their general approach treats Parliament as just one player, and often a minor one. Nevertheless, these studies of the military aspect, for example Sir Lawrence Freedman's *Official History of the Falklands Campaign*, provide some details about how contemporaries understood the role of Parliament.

Thus scholarly attention has been focused on war, treating Parliament as only one player in the game: the studies usually offer only small details, often the same, and refer to individual events or even just speeches that relate to Parliament or to a high-ranking politician. However, the question of how Parliament considered its own role in relation to military deployments is missing and constitutes a gap in our knowledge. This dissertation, therefore, seeks to provide new information on the subject with an examination of Parliament primarily as a forum for ideas about the role it plays or would like to play. It concentrates not only on the House of Commons but also examines the House of Lords, a subject that has often been ignored in contemporary scholarship.

After this look at the existing research, we shall now direct our attention to the subject proper of this study by first outlining the actual position of Parliament in relation to the British political and decision-making system.

³⁶ Nigel D. White: *Democracy Goes to War. British Military Deployments under International Law* (Oxford and New York: Oxford University Press, 2009), e.g. 104–110, 12–22.

³⁷ Peters and Wagner, "Between Military Efficiency and Democratic Legitimacy", 175–192.

³⁸ Nigel D. White, "The United Kingdom: increasing commitment requires greater parliamentary involvement" in *Democratic Accountability and the Use of Force in International Law*, eds. Charlotte Ku and Harold K. Jacobson (Cambridge: Cambridge University Press, 2002), 300–322.

1.3 The functions and role of Parliament

What is the political role of Parliament? How can its role when the country is going to war be defined? In his well-known commentary, Walter Bagehot found the House of Commons to have certain functions, which we can regard as still existing. The main function was to act as an electoral chamber which chooses "our president", meaning the Prime Minister. The second function was an expressive function, the duty to express the opinions of the British people. The House also had the duty to educate them, which was the third function. Fourthly, the House of Commons had the informative function of showing the people what was wrong. Lastly, the House of Commons had a legislative function.³⁹ Bagehot also discussed the role of the House of Lords after the reform of 1832. He observed that since the reform the function of the House of Lords had been the revision and suspension of legislation.⁴⁰

Since the days of Bagehot, the functions of Parliament have evolved, but in general the system has remained the same. Philip Norton argues that since the important changes in 1832 and 1911, the functions of Parliament can be divided into three main categories: provision of the personnel of the Government, legitimization and scrutiny, and influence.⁴¹ Rodney Brazier, a commentator on the constitutional situation, argued in 1998 that the House of Commons has two major functions: providing the Government with its political legitimacy and representation of the electorate.⁴² The function of legitimization derives from the fact that, while Parliament does not actually make the laws, it does give its assent to them. According to Norton, it is a similar case with most legislatures.⁴³

The role of Parliament in the legislative process is significant, but in general the decision-making process seldom involves Parliament's legislative role in the exercise of foreign policy. Although the decision to go to war may not require legislation, such as the passing of new bills, the parliamentary arena offers an opportunity for releasing tensions and provides an authoritative forum for expressing the feelings of the public. In doing this, Parliament can potentially play a significant role through its representative function. Parliament also seeks to mobilize public support and hence additional legitimacy for measures it has approved.⁴⁴ Furthermore, the function of scrutinizing the executive is important in the exercise of foreign policy since it gives Parliament the power to examine the Government's decision-making although it has no official power itself to make decisions on matters like the deployment of troops. In this study, the role of Parliament is approached from several perspectives. The first

³⁹ Walter Bagehot: *The English Constitution*, (Kitchener, Canada: Batoche Books, 1873, reprint 2000. Ebrary), 117-121.

⁴⁰ *Ibid*, 99.

⁴¹ Norton, "Introduction: Parliament in Perspective", 4-6.

⁴² Rodney Brazier: *Constitutional Reform* (Oxford: Oxford University Press, 1998. 2nd ed.), 56.

⁴³ Philip Norton: *Parliament in British Politics* (Houndmills: Palgrave Macmillan, 2005), 7.

⁴⁴ Norton, "Introduction: Parliament in Perspective", 5.

is connected with legislation, the question of whether there have been any legislative processes related either to the build-up to war or to the constitutional legislation on the basis of which the decisions are made. The constitutional role of Parliament is addressed from the perspective of whether Parliament should be given a constitutional role to approve the recourse to military action, or whether its role should rather be restricted to expressing opinions without a larger constitutional role.⁴⁵ The role of Parliament is also examined through its scrutinizing function and its right to hold the Government accountable.

The role of Parliament is here linked to the idea of parliamentary war powers, in other words parliamentary control of the armed forces. Considering the idea of war powers from an international perspective, Dirk Peters and Wolfgang Wagner argue that no trend of parliamentarization in decisions to deploy troops abroad has manifested itself in constitutional changes and that in fact the increasing internationalization has actually weakened parliamentary war powers in many of the countries they studied. However, their dataset, collected from 49 countries over the period 1989–2004, gave them reason to argue that there had been a strengthening of the parliamentary role in other respects, such as the right to decide on the funding of combat operations.⁴⁶

The role of a parliament can, as we have noted, consist of several different functions. Heiner Hänggi argues that the powers parliaments have in supervising the international use of force are related to their functions: the legislative function, although rarely used, can codify new legal powers such as authorization of the use of force. In their budgetary function, parliaments may decide on the funding of combat operations. In their elective function, which is quite marginal in effect, a vote of no-confidence can be used to challenge the government over its decisions. In their representative function, parliaments can voice popular disagreement over the government's decision to use force or, conversely, they can facilitate a political consensus on the use of force. In their last function, scrutiny and supervision, parliaments can extract information through parliamentary instruments such as questions and inquiries, or the government can consult parliament before the use of force. Perhaps their strongest power then consists in their ability to provide a co-decision on the use of force.⁴⁷

An important aspect of parliamentary war powers lies in the different components of the parliamentary process relating both to the deployment of troops and to the waging of war. There are six components in the process of parliamentary participation. The first is related to the actual deployments of troop. The second component concerns the mandate for the mission: For what

⁴⁵ Paul Bowers, "Parliament and the use of force" House of Commons Library. SN/IA/1218 (2003): 2, accessed on 8 Aug 2013, <http://www.parliament.uk/documents/documents/upload/sn-ia-01218.pdf>.

⁴⁶ Peters and Wagner: "Between Military Efficiency and Democratic Legitimacy", 175–192, 175–187.

⁴⁷ Heiner Hänggi, "The Use of Force Under International Auspices: Parliamentary Accountability and 'Democratic Deficits'" in *The 'Double Democratic Deficit'. Parliamentary Accountability and the Use of Force Under International Auspices*, eds. Hans Born and Heiner Hänggi. Geneva Centre for the Democratic Control of Armed Forces (Aldershot and Burlington: Ashgate, 2004), 12.

purpose are the troops being sent abroad? The third is about the schedule of the operation: How long are the troops going to be stationed abroad? The fourth aspect of parliamentary participation is connected with the economic question: Does Parliament have the right to approve the mission's budget? The fifth component concerns operational issues. In Britain, Parliament does not have the right to decide on operational issues, nor does it have the power to prevent the Government from going to war by refusing to finance it since the costs are paid through emergency funds that are already a part of the state's budget. The Government also decides on the goals of war operations, although the military too provides significant assistance in this. The sixth and the last of the components concerns the question of whether Parliament has the right to visit troops on their missions abroad; this right exists in Britain, but it is a rather minor power.⁴⁸

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) conducted an international comparison in which it found that generally parliamentary supervision was, in fact, rather limited and that there were clear problems that could be identified: in budgetary decisions: parliaments seldom had the opportunity to decide on the specific budgets for operations, although they were able to decide on the whole government budget, which meant that operational budgetary issues could be resolved fairly quickly. The right of parliaments to impeach the government in connection with the deployment of the armed forces could be considered strong, but it was little used in reality. Furthermore, the right to investigate was considered a significant prerogative of parliaments. DCAF sees the role of individual representatives and parties as lying in their chance to openly debate the issues concerning deployments; in debating, they can express their opposition to measures they disapprove of.⁴⁹ In the British historical context, the right to impeach is an ancient one, although it did occasionally, as in the late sixteenth century, fall into disuse.⁵⁰

In Britain, the decision to use military force is strongly influenced by constitutional arrangements that support the role of the executive branch as the decision-maker in matters of foreign policy, a practice that can be regarded as fairly traditional by international standards.⁵¹ As was mentioned in the introduction, the British Parliament can change the constitution by means of regular legislation, in other words, by simply passing new Acts of Parliament. The British constitution is unwritten or, to put it in more precisely, not a single codified

⁴⁸ Claire Taylor and Richard Kelly, "Parliamentary Approval for Deploying the Armed Forces: An Introduction to the Issues" House of Commons Library Research Paper 08/88 (2008): 54, accessed 8 Aug 2013,

<http://www.parliament.uk/documents/commons/lib/research/rp2008/rp08-088.pdf>; Geneva Centre for the Democratic Control of Armed Forces, "Sending Troops Abroad". DCAF backgrounder (2006): 1-4, accessed 11 April 2013, http://www.dcaf.ch/content/download/35300/525817/file/bg_troops_abroad.pdf.

⁴⁹ Geneva Centre for the Democratic Control of Armed Forces, "Sending Troops Abroad", 2-4.

⁵⁰ David Lindsay Keir: *The Constitutional History of Modern Britain 1485-1951* (London: Adam and Charles Black, 1961. 6th ed.), 39, 160.

⁵¹ See Hummel and Marschall, "How to Measure Parliamentary War Powers", 3-6.

document; it is based on various sources such as conventions.⁵² The fundamental principle is that of parliamentary sovereignty. In the British political system, decision-making on matters concerning troop deployments and the declaration of war is reserved for the executive, i.e. the Government led by the Prime Minister. The role of Parliament in decisions to deploy troops abroad or in other decisions related to the exercise of foreign policy date from the Glorious Revolution of 1688 (see below). Since the issue of going to war and the decisions to deploy troops abroad were, and still are, intimately connected with the Royal Prerogative, the focus of this investigation must be on developments in that particular relationship, that is, discussions about the Royal Prerogative as a whole.

What are the Royal Prerogative rights? The answer can be found in the parliamentary records. Viscount Cranborne, the Lord Privy Seal in 1994, defined them as: "...those residual powers, rights, immunities and privileges of the Sovereign and of the Crown which continue to have their legal source in the common law and which the common law recognises as differing significantly from those of private persons." Cranborne also talked about which rights remained important in 1994: "Examples of areas where the Royal Prerogative remains important include the conduct of foreign affairs, the defence of the realm and the regulation of the Civil Service."⁵³ Cranborne's answer can be seen as partial but there is a reason for that. Andrew Blick argues that "Nobody knows for certain what they all are. Here, then, is an area of constitutional fog."⁵⁴ The Royal Prerogative relates to matters that are not, as A.V. Dicey argues, under statute or law and are hence "left in the hands of the Crown".⁵⁵ The Royal Prerogative rights of the Crown include a set of powers that are absolutely essential for the exercise of foreign policy. The Royal Prerogative includes the power to summon and dissolve Parliament, make treaties, control disposition of the armed forces, declare war, give pardons and appoint ministers, judges and privy counsellors.⁵⁶ Cranborne also talked about who uses these powers: "With the exception of powers personal to the Sovereign, powers under the Royal Prerogative are, by convention, exercised by Ministers. The manner in which they are exercised will depend on the power in question. Ministers are accountable to Parliament for the use of powers under the Royal Prerogative, as they are for powers derived from statute."⁵⁷ What Viscount Cranborne failed to mention is that Parliament's legal existence can also be linked to the exercise of the Crown's Royal Prerogative, which is indicative of its supreme importance for the whole political system.⁵⁸ In 2004 the Public Administration Select Commit-

⁵² E.g. Thomas Erskine May: *Erskine May's treatise on the law, privileges, proceedings and usage of Parliament*, ed. C.J. Boulton (London: Butterworths, 1989. 21st ed.).

⁵³ HL Deb 01 December 1994 vol 559 col. 49WA.

⁵⁴ Andrew Blick: *How to go to War. A Handbook for Democratic Leaders*. With a Foreword by Peter Hennessy (London: Politico's, 2005), 54.

⁵⁵ A.V. Dicey: *Introduction to the Study of the Law of the Constitution* (London and New York: Macmillan and Co, 1885, 1897. Fifth edition), 354; accessed 9 December 2013, http://files.libertyfund.org/files/1684/Dicey_1316.pdf.

⁵⁶ See, for example, Geoffrey Marshall: *Constitutional Conventions. The Rules and Forms of Political Accountability* (Oxford: Clarendon Press, 1986), 19-23.

⁵⁷ HL Deb 01 December 1994 vol 559 col. 49WA.

⁵⁸ May, *Erskine May's treatise. 21.ed.*, 8.

tee divided the prerogative powers to three on the grounds of how they give executive authority to ministers of the Government. These three sets of prerogatives were the Queen's constitutional prerogatives (for example the right to advise the Prime Minister), the legal prerogatives of the Crown (for example the principle that the Crown or the State can do no wrong) and the prerogative executive powers (for example the right to deploy troops).⁵⁹

The centuries-old relationship between the Crown, the Government and the English Parliament was reformed in 1689 as a consequence of the Glorious Revolution, which had put an end to the reign of King James II in 1688. In 1689 the Bill of Rights, a parliamentary act, limited the powers of the Crown. With regard to the armed forces, this bill included the provision that "a standing army could not be kept in times of peace without parliamentary majority".⁶⁰ Another consequence of the Glorious Revolution was the establishment of the parliamentary right to control all of the Crown's prerogatives through parliamentary sovereignty.⁶¹ The union with Scotland in 1707 and the creation of the British Parliament did not change the situation. The Crown remained the head of both the executive and the armed forces, and the sovereign had several Royal Prerogative powers at his or her disposal, such as the right to dissolve Parliament. The monarch had also a strong role in appointments to key posts in the kingdom. On the other hand, the ruler began to work closely with his or her chosen ministers.⁶² After 1760, the Crown continued to be a major actor, and George III played an active role in the field of foreign affairs and in the conduct of war in general. After his death in 1820, the role of the Crown began to decline, although it did not disappear altogether,⁶³ and the Bill of Rights restricted the monarch's use of the Royal Prerogative.⁶⁴ The position of the cabinet in the executive branch was also asserted in the latter part of the eighteenth century, and it began to function as an advisor to the monarch on state business.⁶⁵ As the key decision-making body, it gradually became a core unit within the Government.

The Reform Act of 1832 strengthened the role of the Government, which ruled through Parliament.⁶⁶ The position of the Royal Prerogative began to be fixed in the nineteenth century, which was when parliamentary reforms also came to an end – according to D.L. Keir, major reforms of the administration and Parliament culminated with the Reform Act of 1867, which extended the

⁵⁹ The House of Commons Public Administration Select Committee. Session 2003-04. Fourth Report. Taming the prerogative: Strengthening Ministerial Accountability to Parliament. Report, together with formal minutes and appendices. Ordered by the House of Commons to be printed 4 March 2004. HC 422 (London: The Stationery Office Limited): 5–6, accessed 13 Aug 2013, <http://www.publications.parliament.uk/pa/cm200304/cmselect/cmpubadm/422/422.pdf>.

⁶⁰ Jupp, *The Governing of Britain 1688-1848*, 7.

⁶¹ Jeffrey Goldsworthy: *The Sovereignty of Parliament. History and Philosophy* (Oxford: Clarendon Press, 1999), 159–160, 232.

⁶² Jupp, *The Governing of Britain*, 110.

⁶³ Jupp, *The Governing of Britain*, 121.

⁶⁴ Keir, *The Constitutional History of Modern Britain*, 230–243.

⁶⁵ Jupp, *The Governing of Britain*, 129–131.

⁶⁶ Keir, *The Constitutional History of Modern Britain*, 400–405.

franchise to include all male urban householders.⁶⁷ The role of the Crown in decision-making had by then been greatly diminished, as Walter Bagehot observed in 1867. However, in that year the Crown still had control over particular ministers, most notably the foreign minister. The Crown also had the right to be consulted, the right to encourage and the right to warn.⁶⁸ The Royal Prerogative powers were part of the unwritten and uncodified British constitution. Parliament was considered to have a share in the use of these rights, since they were transferred from the monarch to the executive, which in turn was accountable to Parliament.⁶⁹ The relationship between the Royal Prerogative and the role of Parliament continued to be much the same into the twentieth century as it had been in the end of nineteenth century, when the main recommendations of the Esher Committee were adopted by the Government in 1904 and the role of the Sovereign as the Commander-in-Chief was reduced.⁷⁰

According to Lori F. Damrosch, a trend in the seventeenth and eighteenth centuries saw an increase in the civilian constitutional control of the military. In Europe several constitutional changes were made, for instance in France in 1791 when it adopted a new constitution, while in Britain a good example is the Bill of Rights.⁷¹ In the latter part of the twentieth century, the parliamentary records show that the constitutional basis was fairly stable, although it came under discussion from time to time. The Royal Prerogative of mercy drew attention, especially in the 1960s,⁷² although the issue itself and Parliament's ability to debate decisions made under this prerogative power had already been discussed back in the 1940s.⁷³ Those discussions were not so much about changing the system, but rather about specific cases and the use of the prerogative of mercy in specific circumstances. In fact, at the turn of the 1980s, views were expressed that the British constitution was well suited to its needs.⁷⁴

Since the Suez Crisis, there have been few attempts to have a parliamentary debate about Parliament's powers in going to war. There was a similar situation during and after the two world wars, when there were hardly any discussions regarding the Royal Prerogative power to decide on war. In 1957 Arthur Woodburn (Lab, Clackmannan and East Stirlingshire) filed a written question for the Prime Minister. He asked the Prime Minister if he would introduce legislation for the purpose of ensuring that no war or armed conflict might be commenced by the United Kingdom without the prior formal consent of the

⁶⁷ Keir, *The Constitutional History of Modern Britain*, 365–374.

⁶⁸ Bagehot, *The English Constitution*, 74–85.

⁶⁹ Goldsworthy, *The Sovereignty of Parliament*, 9.

⁷⁰ Omond, *Parliament and the Army*, 140–155.

⁷¹ Lori F. Damrosch, "The interface of national constitutional systems with international law and institutions on using military forces: changing trends in executive and legislative powers" in *Democratic Accountability and the Use of Force in International Law*, eds. Charlotte Ku and Harold K. Jacobson (Cambridge: Cambridge University Press, 2003), 42–43.

⁷² See, for example, the debate about Rhodesia, HC Deb 04 March 1968 vol 760 cols 35–9.

⁷³ See, for example, the debate about the prerogative of mercy, HC Deb 10 March 1947 vol 434 cols 958–62.

⁷⁴ See Philip Norton: *The Constitution in Flux* (Oxford & Cambridge: Basil Blackwell, 1984, 1989), 24.

Cabinet and Parliament, respectively. Harold Macmillan, the incumbent Prime Minister, simply answered: "No. Her Majesty the Queen, by virtue of Her Royal Prerogative, makes war and peace acting on the advice of her Ministers, who are responsible to Parliament."⁷⁵ Woodburn's question, which did not relate to the right to deploy troops but to actually initiate an armed conflict, was filed in the aftermath of the Suez Crisis; on the previous occasion when the House of Commons had convened, on 20 December, the Prime Minister had been Anthony Eden, who had been criticized for his failed military campaign in the Suez Crisis.⁷⁶ Macmillan's answer clearly stated the Royal Prerogative powers: regardless of the failed military campaign and the lack of parliamentary approval, there was no need to reform the constitutional basis of the right to wage war.

The next occasion for comments about the Royal Prerogative was in 1963. The House of Commons was forced to reconvene by the Labour Party on 24 October because of an attempt by the new Prime Minister, Lord Home, to postpone the new parliamentary session in order to be elected as a member of the House of Commons.⁷⁷ Anthony Wedgwood Benn (Bristol, South-East), familiarly known as Tony Benn, of the Labour Party, used this occasion as an opportunity to criticize the existing constitutional basis and specifically the Royal Prerogative.⁷⁸ He was one of those members who took an extensive part in the discussion about the role of Parliament in the conflicts studied here, and this occasion in 1963 offered a foretaste of the ideas he was to present in the 1980s and early 1990s. With regard to the 1960s and 1970s in general, the House's constitutional discussions focused on the creation of permanent select committees, which were eventually established in 1979.⁷⁹ The MPs' views on constitutional change varied greatly, from anti-reformism to support for different kinds of constitutional reform.⁸⁰ An important point to remember is that in 1973 the sovereignty of Parliament had been strongly limited as a result of the European Communities Act, which, after the diminution of its authority over the Commonwealth countries, was the second major change affecting the position of the British Parliament.⁸¹ There was little mention of the strengthening of parliamentary war powers in the 1960s and 1970s.

In the 1980s, the view that the constitutional status quo should be maintained started to lose ground, and, among other issues, the question of the Royal Prerogative powers, including the right to wage war, came under discussion. One of the starting points⁸² was an article published in *Parliamentary Affairs* in 1980 by Tony Benn, who had been a front-bench member of the Government a year earlier. In this article, Benn proposed changes, calling for more accounta-

⁷⁵ HC Deb 22 January 1957 vol 563 cols 5–6W.

⁷⁶ HC Deb 20 December 1956 vol 562 cols 1456–63.

⁷⁷ Parliamentary staff: "House must wait for Lord Home" *The Guardian*, 23 Oct 1963, 1.

⁷⁸ HC Deb 24 October 1963 vol 682 cols 936–942.

⁷⁹ For example the debate on parliamentary reform, HC Deb 15 March 1963 vol 673 cols 1715–820; Michael Jogerst: *Reform in the House of Commons. The Select Committee System* (Lexington: University Press of Kentucky, 1993), 95–96.

⁸⁰ Norton, *The Constitution in Flux*, 103–113.

⁸¹ May, *Erskine May's treatise. 21.ed.*, 56–57.

⁸² Norton, *The Constitution in Flux*, 43–46.

bility with regard to the powers exercised by the Prime Minister. Benn's argument was that changes in the ways by which parties controlled themselves and the strengthening of the party leader's position had placed too much power in the hands of one individual, and he described the system as an "elected monarchy". The Prime Minister was able to control not only the conduct of the Government's business but also the largest party in Parliament because it had become the custom to select the leader of the largest party as the Prime Minister, rather than allowing the Queen to choose another candidate for the position.⁸³ In 1981 the constitutional issue emerged in the House of Commons when it debated the "British Constitution", on a motion by John Stokes (Con, Halesowen and Stourbridge) to preserve the current situation. He argued: "...our constitution is the envy of the world."⁸⁴ The role of the Royal Prerogative was discussed a week later, when Eric Deakins (Lab, Waltham Forest Walthamstow) filed a written question about putting the Royal Prerogative under statutory authority, meaning in practice a law controlling the use of the powers. In his answer, Sir Ian Gilmour, the Lord Privy Seal, emphasized the nature of foreign affairs as being something that required discretionary powers for the ministers. Gilmour reminded Deakins that the Government was still accountable for its actions, and, for example in the case of treaties (such as the one with the European Community), they would be debated in Parliament through the constitutional convention called the Ponsonby Rule. This particular convention gave Parliament certain rights in the ratification of treaties.⁸⁵

While discussions about the Royal Prerogative might have been in abeyance in the early 1980s, it began to be a subject of political discussion at the end of that decade, and the need to reform the constitution and in fact the whole political system received attention among smaller political groups. The Socialist Campaign Group, a small left-wing faction inside the Labour Party, had adopted Tony Benn's demands for constitutional changes and putting the Royal Prerogative under parliamentary control.⁸⁶ The increased interest in the position of the Royal Prerogative was partly also as a result of the emergence of Charter 88 and the efforts of particular individuals who tried to put the issue on the political agenda. Charter 88 was an all-party group established in 1988 to campaign for a major constitutional reconstruction of the British political system. The group's aims were a written constitution with a Bill of Rights, an elected second chamber and electoral reform.⁸⁷

What this background examination has shown is how the constitution has been debated in Parliament. The examination has revealed that the question of the Royal Prerogative and the constitutional setting in general could be questioned in Parliament. The examination has also demonstrated that the time pe-

⁸³ Tony Benn: "The Case for Constitutional Premiership" *Parliamentary Affairs*, Vol 33, Iss. 1 (1980): 7-13, 19-22.

⁸⁴ HC Deb 10 April 1981 vol 2 col. 1213.

⁸⁵ HC Deb 16 April 1981 vol 3 cols 256-7W.

⁸⁶ Robert Blackburn: "The Dissolution of Parliament. The Crown Prerogatives (House of Commons Control) Bill 1988" *The Modern Law Review* Vol. 52, No. 6 (1989): 837.

⁸⁷ Brazier, *Constitutional Reform*, 12.

riod selected for this study – beginning in 1982 – can be regarded as appropriate since the question of the Royal Prerogative really only emerged as a subject of political discussion after 1980.

This background examination has now broadened our view of the history of the constitutional discussion in Parliament in general, and it has also outlined how the Royal Prerogative powers and their possible reform emerged as a topic of political debate. The following section will discuss foreign affairs and especially the question of using the armed forces abroad. The empirical part of this dissertation, which deals with the three specific armed conflicts, will also devote some attention to the events that occurred between the major conflicts.

1.4 Foreign affairs and the use of the military

The previous section dealt with the role of Parliament and its constitutional basis. It also shed light on matters after the 1950s in order to show how the issue of the Royal Prerogative, the key determinant in the whole question of Parliament's role and powers in the exercise of foreign policy in general, had been under discussion in Parliament. The discussions were carried on in plenary sessions, but a key aspect had been missing from them: the exercise of foreign policy, and especially the right to make decisions to use troops. This section seeks to answer these questions against the historical background of the role of Parliament.

It can be claimed that there were no sudden fundamental shifts in British foreign policy in the period 1982–2003, although there were some major changes in its focus points. The period 1982–1997, when the Conservative Party was in office and determined the country's foreign policy, is a long time both from the parliamentary perspective and in the exercise of foreign policy. In the years 1997–2003, foreign policy was in the hands of a Labour government. In the whole period 1982–2003, the key issues for foreign policy were the late and final phases of the Cold War, the question of European integration, Britain's "special relationship" with the United States and the ethical dimension of British foreign policy, an aspect introduced by Foreign Secretary Robin Cook and Prime Minister Tony Blair in the late 1990s. It can be argued that foreign policy decisions are also intertextually (i.e. in the form of references to earlier crises in parliamentary debates) closely connected to previous decisions. In addition, the decisions to use military force abroad or to commit the armed forces on other kinds of missions, such as peacekeeping, are based on experiences resulting from previous decisions as well as on other factors, in particular relations with international organizations.

Britain is a member of the United Nations and of NATO, two factors which have deeply influenced its foreign policy. When it comes to the country's position on the use of force abroad, certain basic policy differences emerge between the two major parties. The Conservative Party has approached the issue of war in a more realistic and rather nationalistic way: it has considered war

acceptable for national reasons and has treated the United Nations in a more pragmatic way. The Labour Party's position on war was created in the first half of the twentieth century. By the beginning of World War II, the Labour Party had constructed a view according to which the use of force was acceptable only as a last resort. This pacifist stance towards war distinguished the Labour position from the Conservative and Liberal views. After the foundation of the United Nations, the Labour Party began to emphasize the principal role of that institution in foreign affairs in general, but especially in the question of war. The Conservative party, by contrast, placed less weight on the United Nations Security Council and maintained its stance in supporting a realistic foreign policy and British national interests.⁸⁸ This analysis was originally presented by Mark Phythian, who generally concentrated on the Labour Party, although his analysis of the Conservative Party's position vis-à-vis the United Nations is also highly relevant. However, as will be shown in the empirical chapters, it is the stance of the Labour Party that was most influential with regard to the use of force because of its own traditional leaning towards the United Nations.

With regard to committing troops to an armed conflict, the Suez Crisis provided an important experience, and indeed a lesson, for the Members of Parliament serving in the period 1982–2003 of the risks involved in decisions to use force, and it was frequently referred to during the armed conflicts studied here. According to Mark Phythian, the Suez Crisis was the first event in foreign affairs after World War II that caused a clear and strong polarization between the two major parties. During the crisis, both parties openly criticized each other after British troops had been deployed to the Suez Canal Zone. The crisis particularly affected the Labour Party, which supported a restrictionist policy on the use of force. This is a highly relevant point since this ideology had a significant influence on the thinking of certain individual MPs, such as Gerald Kaufman (the shadow foreign secretary during the Gulf Crisis in 1990 and 1991) and Tony Benn (one of the key MPs who spoke for the need to strengthen the role of Parliament).⁸⁹

The experience of 1956 explains the politicians' behaviour in decisions to use force in the following conflicts and also illuminates the relationship between the political decisions-makers and the armed forces. When Egypt nationalized the canal, the British Government asked the commanders of the armed forces to outline a plan to recapture it but did not actually consult the military about whether the operation should be conducted at all.⁹⁰ The decisions were thus made by the politicians and, above all, by the Government.

In 1956 the role of Parliament in the decision-making process showed the extent of parliamentary scrutiny and offered an experience of what could occur if the Government went to war without parliamentary support. What happened during that crisis was that after Egypt had nationalized the Suez Canal in the

⁸⁸ Mark Phythian: *The Labour Party, War and International Relations, 1945–2006* (London & New York, 2007), 1–8.

⁸⁹ Phythian, *The Labour Party, War and International Relations*, 49–58.

⁹⁰ Philip Towle: *Going to War. British debates from Wilberforce to Blair* (New York: Palgrave Macmillan, 2009), 106; Kyle, *Suez*, 135–141, 167

summer of 1956, the British and French rejected Egyptian control of the canal, and they embarked on a joint venture to restore Western ownership of it.

The British position was very much a result of the determination of Prime Minister Anthony Eden and his Cabinet. During the summer, Parliament, too, was initially strongly opposed to the new ownership of the canal, but after some time had passed, the mood in Parliament became much calmer, especially since Egypt was able to get the canal traffic moving in good order. The mood in the Cabinet, on the other hand, continued to oppose Egyptian ownership. The assembling of the British task force turned out to be a surprisingly time-consuming task and was beset by several problems such as a lack of proper vehicles to carry out the operation envisaged by the Cabinet. During the autumn of 1956, Israel was asked in private discussions to join the endeavour. Israel's role would be to initiate hostilities by invading the Sinai Peninsula. Britain and France would then issue an ultimatum to Israel and would eventually launch an intervention mission to recapture the canal in order to guarantee the passage of ships.⁹¹

It is important to note that the British Parliament was intentionally left ignorant of the plans the Cabinet was making. When Israel launched its attack against Egypt on 29 October 1956, the British Parliament was informed a day later; in his statement⁹² Eden told the MPs about the ultimatum to Israel and the Anglo-French readiness to intervene. The message from the Opposition benches in the House of Commons was that Britain should not use military force before the UN Security Council had its say and the Commons had an opportunity to debate the issue in more depth. The Labour leader, Hugh Gaitskell threatened to force the issue with a division unless the Government agreed to wait before using military force. Eden failed to provide this promise, and there was a division, ending in a victory for the Government with 270 votes to 218.⁹³

On the following day, 31 October, another debate was held, but by that time British armed forces were already on the move. Anthony Eden refused to admit this in the Commons despite Reginald Paget's (Lab, Northampton) demand that the House be informed whether Britain was at war or not.⁹⁴ By the time of the debate on the following day, 1 November, the British had already used force against Egypt, and Eden informed the House of this. The conflict ended with a ceasefire on 6 November after pressure from other countries and a demand by the UN General Assembly calling for the cessation of hostilities. Despite strong criticism from the Commons, the Prime Minister was able to carry out the Cabinet's Suez policy and won the division in the Debate on the Address with 320 votes against 262, which constituted a vote of confidence in the Government.⁹⁵

What the Suez Crisis demonstrated was the keenness of the House to be informed about the exercise of foreign policy on this sensitive issue. It also

⁹¹ Kyle, *Suez*, 268–271.

⁹² Ministers can provide oral or written statements to the House of Commons on particular issues relating to policy or the Government's actions.

⁹³ Kyle, *Suez*, 360–362; HC Deb 30 October 1956 vol 558 cols 1351, 1380–1381.

⁹⁴ HC Deb 31 October 1956 vol 558 col. 1453; Kyle, *Suez*, 377–378.

⁹⁵ HC Deb 08 November 1956 vol 560 col. 404. Kyle, *Suez*, 471–473, 489–490.

showed that, although the Government was able to control Parliament through its majority support, the actual outcome of the use of military force abroad was determined by the international reaction. The crisis offers an example of a failed military campaign, which also lacked legitimization. However, Parliament was included to the process despite the fact that it was poorly informed and that the opportunity given to it to consider the events in Suez was sudden. On the other hand, the fact that there was a division was a result of the Opposition's active participation in the debate. The Suez Crisis is often considered to mark the end of the British Empire⁹⁶. It also meant a possible long-term ideological change in Parliament itself regarding the general use of military force abroad. After the Suez Crisis, the next military conflict for Britain was to be the Falklands War.

In the various functions of Parliament above, there was no mention of its role in keeping the country safe. Before the Glorious Revolution and the stronger role it brought for Parliament, its function was to approve taxes in order to provide the monarch with enough funds for different activities, including military ones. After the revolution and the adoption of the Bill of Rights, Parliament had the power to make decisions about the standing army in peacetime. Since the seventeenth century, the use of the armed forces has come within the remit of Parliament, but the actual exercise of foreign policy has been the right of the executive branch. Parliament's power has consisted in its right to decide on budgetary constraints. On the other hand, the members of the executive branch often come from the benches of Parliament, and the attitudes of these MPs and peers frequently reflect their own personal experiences and the opinions of the general public.⁹⁷

The British have been, and still are, ready to use force. Military interventions abroad are quite different from the regular use of the armed forces overseas. The tendency to approve military interventions is not a new phenomenon in the centuries-old British political culture. This readiness can be linked to Britain's desire to defend shared values of Western political culture such as democracy and respect for human rights.⁹⁸ The duty to defend the country and use of the armed forces clearly constitute an important part of British foreign policy. Parliament has frequent chances to examine the situation existing at any particular time. The state of the armed forces is controlled through the Armed Forces Bill, which is reviewed every fifth year. Before the 1960s, the armed forces were controlled through the Army and Air Force Acts, which were reviewed annually. However, the annual work involved in preparing the bill for each act did not seem to correspond with actual improvements in them, and the legislation was

⁹⁶ Kyle, *Suez*, 568–570.

⁹⁷ Jack Brand argues that previously “gallant Members” were able to make important contributions in debates. However, as the members who served as soldiers during World War II have left the Commons, so has the number of MPs with personal experience of war. Jack Brand: *British Parliamentary Parties. Policy and Power* (Oxford: Clarendon Press, 1992), 304–305.

⁹⁸ Towle, *Going to War*, 2-5; for the long-term development, see also Linda Colley: *Captives, Britain, Empire and the World, 1600-1850* (New York: Anchor Books, 2004. Ebrary).

reviewed.⁹⁹ In 1952, a broader redraft of the bills began with the establishment of Select Committees on the Army and Air Force Acts.¹⁰⁰

Defence expenditure was reduced after the end of the Cold War. In fact, there had already been cuts before the Falklands War, but that war did result in the conservation of most of the armed forces units that had been scheduled to be axed. In 1982 the total expenditure on defence was around 13.5 billion pounds,¹⁰¹ while in 1996 the estimated defence budget was over 21 billion pounds.¹⁰² However, in order to understand the situation better, we must look at other data. In fact, in 1982 Britain spent 5.1% of its Gross Domestic Product (GDP) on defence. In the same year France spent 4.1% of its GDP on defence and the United States 6.6%.¹⁰³ In 1992 Britain spent 3.9% of its GDP on defence, but by 1996 the defence budget had been systematically reduced to 3.0%.¹⁰⁴ What the statistics show is that by the time of the Labour Party election victory in 1997, the Conservative Government had already shrunk the defence budget considerably at least by comparison with the Cold War period, when there was a strong fear of a potential conflict between the Soviet Union and NATO troops. Even so, the British armed forces were still an effective fighting force in 1997 and capable of being deployed abroad.

The armed forces were prepared to act in a variety of operations, and these functions were outlined, for example in statements of defence estimates, issued in each session of Parliament. There were different options available for the political leadership to use the armed forces, if this was considered necessary. In 1996 seven different types of mission were defined for the British armed forces, ranging from military aid to the domestic civilian authorities to a general war, meaning a large-scale attack by a hostile power on NATO. One of the mission types was "other military assistance and limited operations [...] to support both British interests and international order and humanitarian principles", meaning that the ability to wage war abroad for ethical reasons was already inscribed in British military doctrine. The role of NATO and the Western European Union strongly influenced the potential types of conflict in which British troops might be engaged.¹⁰⁵ The international level is an extremely important component of the use of the British armed forces, and it was so for the whole period studied here. In 1986 the British troops were deployed in 24 different locations around the world. These different missions included the manning of bases on foreign soil, training operations and engagement in various exercises as well as the duties of the armed forces within the United Kingdom.¹⁰⁶

⁹⁹ The Deputy Secretary of State and Minister of Defence for the Army Frederick Mulley HC Deb 13 December 1965 vol 722 cols 918–923.

¹⁰⁰ Army Act and Air Force Act HC Deb 07 November 1952 vol 507 col. 554.

¹⁰¹ HC Deb 03 May 1983 vol 42 cols 36–7W.

¹⁰² "Statement on the defence estimates". Presented to Parliament by the Secretary of State for Defence by Command of Her Majesty, 1995/96 Cm 3223, (1996): 47.

¹⁰³ HL Deb 27 October 1983 vol 444 col. 424WA.

¹⁰⁴ HC Deb 10 June 1997 vol 295 cols 371–2W.

¹⁰⁵ "Statement on the defence estimates 1996", 18.

¹⁰⁶ "Statement on the defence estimates 1986". Presented to Parliament by the Secretary of State for Defence by Command of Her Majesty, 1985/86 Cmnd. 9763-II, (1986): 36–37.

In 1991, after the Gulf War, the British armed forces had detachments in 25 different locations around the world including the South China Sea, Sardinia and Malaysia.¹⁰⁷ The end of the Cold War did not reduce Britain's willingness to use its armed forces abroad. In 1993, British military units, including those stationed in the United Kingdom, were to be found in 34 different locations.¹⁰⁸ There was a long history of military operations abroad, a strong willingness to engage in international military collaboration and strong support for the armed forces.¹⁰⁹ Thus, the deployment of the British armed forces on missions and operations abroad was by no means uncommon, and this impinged on political decision-making since Parliament was aware of the armed forces' expenditures and missions through budgetary decision-making. The debate in British society had shown the public's interest in decisions to use military force, and the rise of Gallup polls makes it possible to measure popular support for them. In general, the British public has demonstrated common sense, sometimes in the face of the Government's contrary arguments.¹¹⁰

What then about the relations between the armed forces and the political decision-makers? Philip Towle argues that in the British political culture actual discussions between politicians and military commanders in connection with the threat of war are historically quite rare. Typically, the British decision-makers have used the armed forces as a tool for diplomatic leverage without actual consultations with them. On the other hand, the Falklands War in 1982 offers an example of a different relationship between the Prime Minister and the military. In that year, the Prime Minister consulted the First Navy Lord, Admiral Leach, before dispatching the task force to recapture the islands; there had been no such discussions previously, for example in 1914 or in 1939, which was by no means unusual in Europe at that time, as Philip Towle argues. Particularly in 1914, the British diplomatic position had been ready to declare Britain's readiness to help its allies in Europe without actually knowing whether the British military would be able to fulfil such promises.¹¹¹

So far, I have discussed the positions of the key political parties, the role of the armed forces and the state of readiness of the latter to be deployed abroad. I have also pointed out that the academic literature supports the view that Britain was prepared to use force abroad if this was considered necessarily. In the next chapter, I shall discuss the methodological aspect: the analytical tools used to answer to the questions presented in this introductory chapter.

¹⁰⁷ "Statement on the defence estimates. Britain's defence for the 90s. Volume I". Presented to Parliament by the Secretary of State for Defence by Command of Her Majesty, 1990/91 Cm 1559, (1991): 44-45.

¹⁰⁸ "Defending our future. Statement on the defence estimates 1993". Presented to Parliament by the Secretary of State for Defence by Command of Her Majesty. 1992/93 Cm 2270, (1993): 12-14.

¹⁰⁹ See Towle, *Going to War*, 1-10.

¹¹⁰ Towle, *Going to War*, 140-141.

¹¹¹ Towle, *Going to War*, 102-106.

2 METHODS, CONCEPTS AND SOURCES

2.1 The focus on parliamentary language and its use

So far I have discussed the role of Parliament in the British decision-making system and the part played by Parliament in the exercise of foreign policy. It has become clear that Parliament possesses different powers in the exercise of foreign and defence policies; these are to some extent connected to its budgetary powers but also more broadly to its role as a source of legitimacy; it scrutinizes the government and holds it accountable, and the government depends on the support that Parliament, and especially the House of Commons, provides. In many respects, these powers are exercised through speaking, discussing and debating, but they are also related to the procedural role that Parliament performs in the political system. This chapter explains the methodological framework within which the study was implemented.

In this dissertation, the focus is on political discussion, or to use a more appropriate term, political debate. A debate is an action, a part of a process that involves various procedures and actions such as the deliberation of legislative measures or the establishment of a committee, and it is also a way of providing or denying support for the government. This process of discussion can be carried out outside Parliament as well, but in this dissertation the attention is paid to Parliament and discussions outside it are analysed selectively when it augments the analysis of Parliament.

In the British Parliament, debating is not only a part of the legislative process, it is also the way of voicing the opinions of the people, the electorate, as Walter Bagehot emphasized.¹¹² Debating and voting in Parliament can be interpreted as expressions of the trust that exists between Parliament and the executive branch since Parliament is able to hold the government accountable by means of debates and votes.¹¹³ The opinion of people, the electorate, matters to

¹¹² Bagehot, *The English Constitution*, 119.

¹¹³ Denis Baranger, "Parliamentary Law and Parliamentary Government in Britain: Some Historical Remarks" in *Constitutionalism and the Role of Parliaments*, eds. Katja S.

Parliament and as such, the discussions outside Parliament are important additional source material.

The parliamentary debate is the knot that ties all the above-mentioned functions together – political debate in the British Parliament is the source of our understanding of the role of Parliament and of its execution of that role: it is action through speaking. According to Lori Damrosch, parliamentary debate is essential in a parliamentary democracy in order to provide support for international engagements – although it may take time to deliberate an issue in parliament, it is still a better option than gambling on popular support.¹¹⁴ By means of parliamentary debate, Members of Parliament can be made part of the decision-making process; through a debate a decision can be legitimized in Parliament and Members, not only backbenchers of the ruling party but also Opposition Members, can be committed to the decisions that are taken. Through debate in Parliament the wider public can also be included to the process since they form the electorate. Hence, even if a decision to deploy troops abroad with the clear prospect of military engagement can be made by the executive branch using its own prerogative, the desideratum of popular support is an important aspect, especially so when legitimacy is conferred through the proper parliamentary process. In practice, this means government by discussion.

Parliament is the place where executive decisions or legislative measures are debated in public, and the resulting debates are documented in verbatim records such as the Official Report, also called Hansard. Decisions are justified and criticized, approved or rejected, and Members of Parliament express opinions as the representatives of the people, the electorate living in the various constituencies of the United Kingdom. That is also why the media closely follow parliamentary debates: Parliament is the place in which political decisions of national importance are discussed, although some, such as those connected with the exercise of foreign policy, are often not made there. Through its function of debating, Parliament is at the heart of the British political system: it is a major form of public debate connecting public and administration. There are two different aspects of parliamentary speaking that may be of interest to the researcher. First of all, he or she may be interested in parliamentary speaking simply for what the debates tell about historical events and issues. This is the traditional way in which historians use the debates as sources. However, the parliamentary debates and the political way of how speeches and debates are produced can also provide relevant sources for understanding certain factors: What was important at the time of the debates? What were the Members talking about? And, above all, how were they talking about the issues under discussion?

Ziegler, Denis Baranger and Anthony W. Bradley (Oxford and Portland, Oregon: Hart Publishing, 2007), 16.

¹¹⁴ Damrosch: "The interface of national constitutional systems with international law and institutions on using military forces: changing trends in executive and legislative powers", 60.

How were the issues conceptualized? And so forth.¹¹⁵ Through speaking, micro-level activity can lead to changes or reformulations at the macro level, which provides members of both houses with the institutional possibility to influence policies and the way they are decided. That marks the dynamics that are behind the idea of a stronger role for Parliament becoming mainstream position: when the support is broad enough influence can be made, as for example broadly signed parliamentary motions as the case with the Iraq War will show.

This study has been conducted by examining speeches made in the two Houses of Parliament. The analysis examines all the occasions on which the two Houses discussed a policy for dealing with an emerging or existing armed conflict and the particular political situation associated with it. That topic was used as the main point of reference in the research, but the study has also paid attention to debates about the constitution if they were related to the Royal Prerogative. The occasions studied include various procedures in the two chambers, ranging from written questions about the use of reservist troops to full debates about whether Britain should go to war or not.

Speeches that included references to Parliament itself have been examined and contextualized. In this respect, certain political concepts have been used as additional reference points. These concepts included the Royal Prerogative, the constitution, foreign policy, deployment, sovereignty, democracy, parliamentary democracy, representation, war, conflict, crisis, responsibility and legitimacy. In addition to speeches and comments that included some of these concepts, attention has also been given to those that discussed the role of Parliament more indirectly. For example, an individual MP speaking about the need to vote before the use of military force was not necessarily using any of these particular political concepts, but the speech was nevertheless an expression of the speaker's desire to see the role of Parliament re-assessed with regard to the right to vote in a way that was contrary to the existing constitutional arrangement.

A proclamation of the right to vote could be an expression of opinion, a procedural suggestion and on some occasions also a motion. Attention has also been paid to other procedural matters such as the setting of the political agenda for the two Houses, discussions on the order of speakers and the time limit for speeches, initiatives for bills and the setting-up and implementation of committee inquiries together with their subsequent reports.

The questions, statements and comments made on these occasions have been qualitatively analyzed and used to construct an understanding of how MPs and peers evaluated the role of Parliament and in what terms the role of Parliament was discussed, debated and assessed. In this way, by working in a specific context, it has been possible to construct the historical development of the parliamentarians' ideas and thoughts about Parliament as an institution. It was assumed in this study that the use of the Royal Prerogative to deploy troops abroad would result in a scrutinizing process within Parliament. It was

¹¹⁵ See, for example, Markku Hyrkkänen: *Aatehistorian mieli* (Tampere: Vastapaino, 2002), 121; Kari Palonen: *Tekstistä politiikkaan. Esimerkkejä politiikan luennasta* (Jyväskylä: Jyväskylän yliopisto, 1997), 126–127.

also assumed that the build-up phases to war would lead to an assessment of the role of Parliament; and that that could result in a constitutional discussion as well, i.e. a discussion in which the state of the constitution was evaluated and possible alternatives or wishes for reform were expressed, as had happened previously in Parliament.¹¹⁶

The examination did not focus on individual MPs, although some individuals were more prominent in challenging the status of Parliament than most of the over 600 Members of the House of Commons. In this respect, the analysis inevitably reflects the development of reformist speaking by Members such as Tony Benn (Lab), but the fact that the views of single individuals do not necessarily represent the views of the majority was also taken into account. Hence the focus was on the whole of Parliament; all the speeches in the two chambers that related to the relevant topics were considered.

Furthermore, the press coverage of selected newspapers has been examined for contextual purposes, as has other published material such as party manifestos and individual political writings. These have been used in order to obtain a broader understanding of the discussion about the role of Parliament since, although the parliamentary chamber constitutes the key forum for comments relating to Parliament, similar ideas can be expressed outside Parliament as well, thus creating a discursive process that takes place simultaneously in many forums. The examination of sources outside Parliament has provided a means to contextualize the debates in Parliament both historically and thematically, and also to treat the debates as public occasions that were related to broader political positions. Parliament has a special meaning as a forum for debate because of the purposes of the forum. Cornelia Ilie argues: "... parliamentary debates are meant to achieve a number of institutionally specific purposes, such as negotiating, persuading and position-claiming, both along and across ideological and party lines."¹¹⁷ However, this kind of institutionally specific activity also occurs outside the chambers of Parliament since the debate can continue in other forums.

With regard to the use of language, Terence Ball and J.G.A. Pocock argue that political discourse seems to be in a state of perpetual flux with political concepts under constant contestation. The pace of change can be quite slow, with changes taking place in the language over long periods of time, but changes can also happen at a rapid pace. Ball and Farr further argue that such rapid changes in language can be linked to times of political crisis and social change, in which there are clear acts, practices and intentions to change the language rather than the usual unintentional process of language change.¹¹⁸

¹¹⁶ Norton: "Introduction: A Century of Change", 2; for example the motion to restrict the use of certain Royal Prerogative rights during the parliamentary reform in 1911, HL Deb 30 March 1911 vol. 7 cols. 763–80.

¹¹⁷ Cornelia Ilie, "Unparliamentary language: Insults as cognitive forms of confrontation" in *Language and Ideology, Vol. II: Descriptive Cognitive Approaches*, eds. R. Dirven and R. Frank (Amsterdam: John Benjamins, 2001), 235.

¹¹⁸ Terence Ball and J.G.A. Pocock, "Introduction" in *Conceptual Change and the Constitution*, eds. Terence Ball and J.G.A. Pocock (Lawrence: University Press of Kansas, 1988), 1.

A political or social crisis is an event that has far-reaching consequences, and in particular a military crisis combined with a general impetus towards changes in the political system which in turn can also lead to changes in the political language used to discuss the institution and its decision-making processes, as will be shown in the empirical chapters. Farr argues that conceptual change and political innovation are the result of mechanisms triggered by contradictions and criticism of accepted concepts. Political actors, in their world in which beliefs, actions and practices determine the way contradictions are handled, try to understand and change the system around them. Farr suggested that the political language used in the case of the constitutional innovation that took place in the United States in the eighteenth century should be examined through the dimensions of “activating” and “constituting”. By the former, Farr meant the use of terms or words that were little used in the context in question in comparison with their more active use in other situations or temporal contexts. “Constituting”, for its part, means the use of a concept for a particular purpose and as an integral part of a political action. Farr endorsed the view of scholars who saw the functions of language as more than merely descriptive or referential.¹¹⁹ In this respect, one might wonder whether the cut-and-thrust debating style of the British Parliament, in the context of an emerging international crisis, does not further inflame debates about controversial issues attached to the crisis or its handling.

Kari Palonen argues that parliaments reach an ideal when the language employed in them is used to debate matters *pro et contra*, presenting arguments for and against proposals from opposing points of view. As Palonen argues, disputation is an essential part of a workable parliament, what he calls “the parliamentary style of politics”.¹²⁰ Palonen also claims that the deliberation process with its procedures and customs is in fact crucial for parliamentary government. “The distinction between parliamentary and unparliamentary manners shapes the parliamentary procedure, the speaking practices as well as the relationship between majorities and minorities, the government and the opposition.”¹²¹ Parliament has developed a political culture in which issues are handled by specific means, for example through *pro et contra* debate at each step of the process.¹²² According to Palonen, membership of a parliament influences the politician’s political profile through the rhetorical nature of his or her discourse; in other words, the way the forum influences the way a member of parliament speaks. A member of parliament is expected to speak in a different way from that which

¹¹⁹ James Farr, “Conceptual Change and Conceptual Innovation” in *Conceptual Change and the Constitution*, eds. Terence Ball and J.G.A. Pocock (Lawrence: University Press of Kansas, 1988), 14.

¹²⁰ Kari Palonen, “Speaking pro et contra: the rhetorical intelligibility of parliamentary politics and the political intelligibility of parliamentary rhetoric” in *The Parliamentary Style of Politics*, eds. Suvi Soinen and Tapani Turkka (Helsinki: The Finnish Political Science Association, 2008): 82–103; Kari Palonen: *Parlamentarismi retorisena politiikkana* (Tampere: Vastapaino, 2012), 21.

¹²¹ Kari Palonen, “Fair Play with Parliamentary Times” (paper presented at the Finnish Conference for Historical Research, Jyväskylä, 21–23 October 2010), 1, 3–4, ct 4.

¹²² Palonen, *Parlamentarismi retorisena politiikkana*, 62.

he or she used before being elected, and not only when using the conventions of the parliamentary political culture but also in addressing individuals outside the chamber.¹²³

Political concepts offer relevant reference points for discussions about the role of a parliament since they can be regarded as factors of political understanding: they show how vocabulary is used to understand the surrounding world and how experiences are evaluated.¹²⁴ In fact, concepts, when analyzed in the contexts of their use, reveal the key content and main ideas in arguments and provide approximate frequencies of their use. A proper quantitative analysis would have required a complex computer analysis instead of focusing on the arguments as such. There are certain concepts which, when used together and when adopted by other participants in the debate, demand further attention in order to understand their significance as signs of political conflicts and changes in political stances.¹²⁵ Such interesting concepts were listed above. However, the use of concepts is not the only interesting topic of study, and there has also been academic interest in studying the arguments that include these politically interesting concepts.¹²⁶

The analysis of the content of the parliamentary language will be conducted, in Pasi Ihalainen's words, as "a language-conscious scholarly 'attitude' towards past political thought rather than as a strictly defined set of methodological rules".¹²⁷ This means in practice the understanding of meanings that are attached to concepts and at the same time to follow the dynamics of the discussion. I shall analyze the content of the language used to define and construct the role of Parliament, but I shall also endeavour to expand the interpretation by trying to understand the full complexity of the discourse on Parliament as an institution, including the role of parliamentarians, in a variety of constantly changing contexts. Contextualization is an important tool for achieving this. With regard to the concepts employed in the analysis, they are not treated as subjects of research in themselves but as elements used in the discourse process. The methods of discourse analysis can be applied to the examination of parliamentary debates, as Teun A. Van Dijk has done with the speeches in the House of Commons after the September 11 terrorist attacks. Cornelia Ilie, another discourse scholar, used parliamentary debates to study a very specific phenomenon in the British House of Commons, the insulting language used by MPs to others in their speeches. In her study, she endeavoured to show how emotions, a human trait often ignored in academic research, can have an impact alongside more normal expressions of parliamentary language. Denise Dibaba used dis-

¹²³ Kari Palonen, *Parlamentarismi retorisenä politiikkana*, 61.

¹²⁴ Quentin Skinner: "Rhetoric and Conceptual Change" *Finnish Yearbook of Political Thought*, Vol. 3, (1999), ct. 61, 62, ct. 63.

¹²⁵ See Kari Palonen: *Kootut retoriikat* (Jyväskylä: Jyväskylän yliopistopaino, 1997), 34.

¹²⁶ Skinner, "Rhetoric and Conceptual Change", 63; Quentin Skinner, "A Reply to My Critics" in *Meaning and Context. Quentin Skinner and his Critics*, ed. James Tully (London: Polity, 1988), 283.

¹²⁷ Pasi Ihalainen, "Between historical semantics and pragmatics. Reconstructing past political thought through conceptual history" *Journal of Historical Pragmatics*, Vol. 7, No. 1 (2006), 117.

course analysis to examine the ways in which the House of Commons was informed about British participation in the Kosovo War in 1999 and how this participation was legitimized there.¹²⁸

With regard to discourse analysis and its role in current research on parliamentary debating, there is an important point connected with the term “discourse” that has significance for this study. In this dissertation, the term “discourse” is used in its popular meaning to refer to a specific type of institution-bound speaking in Parliament about questions of foreign and defence policies and Parliament’s constitutional role, a parlance which is distinguished from the rest of parliamentary debating.

The examination of parliamentary discourse relates to discourse analysis in a broad sense since the analysis uses speeches as its objects and utilizes the understanding of parliamentary speaking as an institution-bound activity. However, the methodology is employed in order to provide a contribution to political history by combining the traditional use of sources and the analysis of events with elements of a linguistically oriented approach.

The interest in language has been present among historians of political discourse, thought and culture for decades. J.G.A. Pocock, one of key representatives of the so-called “Cambridge School” in the history of political thought, regarded “politics itself as a language system and language itself as a political system”. He explained that his approach to the issue he was studying was to consider words as actions and as acts of power directed at persons. He went on to discuss verbalization as a performative act.¹²⁹ Pocock argued that through verbalizing their actions people confirm the performance of these acts and their intention to act. A person can also explain and defend his or her intended action. Pocock claims that in order to have the right meaning this kind of performance also requires the right “qualifying context which the words invoke”. Behind this statement lie the underlying conventions and reference structures of language which qualify the words and thereby give meaning to the uttered statement.¹³⁰ The kind of approach to language that Pocock presents is a very political one, and he also suggests ideas about how language in general can be changed via political language. The language that a person uses is not a language of his or her own; he or she merely uses language that has been used before, a language institutionalized by other speech acts of other persons. This language is a complex, continuously evolving process that speech acts can modify.¹³¹ Since it is available to others via the process of institutionalization, it also

¹²⁸ Teun A. Van Dijk, “Knowledge in parliamentary debates” *Journal of Language and Politics*, Vol. 2, No. 1 (2003), 126-127; Ilie, “Unparliamentary language: Insults as cognitive forms of confrontation”, 235-263; Denise Dibattista, “Legitimising and informative discourse in the Kosovo debates in the British House of Commons and the Italian Chamber of Deputies” in *Cross-Cultural Perspectives on Parliamentary Discourse*, ed, Paul Bayley (Amsterdam and Philadelphia: John Benjamins, 2004), 151-181.

¹²⁹ J.G.A. Pocock, “Verbalizing a Political Act. Toward a Politics of Speech” *Political Theory*, vol. 1, No. 1 (1973), 28-31.

¹³⁰ Pocock, “Verbalizing a Political Act. Toward a Politics of Speech”, 28-31.

¹³¹ Pocock, “Verbalizing a Political Act. Toward a Politics of Speech”, 31.

gives power to its user. With this power, the user can modify the existing language, or at least by means of a performed speech act make a change in the meaning attached to a particular word. Pocock claims: "Language is an effective medium for political communication and action, on this interpretation, not because it is neutral but because it is relatively uncontrollable and so hard to monopolize." Pocock used these ideas to create a theory for the analysis of speech acts.¹³²

Pocock's ideas, endorsed in many parts by Quentin Skinner, another key representative of the "Cambridge School", showed that language was an extremely political phenomenon. Skinner used his method to study linguistic conventions and to determine the meanings of the authors of the texts he studied. Skinner also claimed that the argumentative use of ideas was a tool that employed the particular social and political vocabulary of the time. Skinner's main objective was to reconstruct the intentions of the author in writing the text, in effect what the author was doing by writing it. Skinner understood that these intentions could be found from texts by placing them in their contexts – the linguistic context, in particular, would provide linguistic conventions which would help to determine the meaning of the author through an understanding of how he used the language of the time. This approach has been criticized for its excessive focus on the linguistic aspect of text.¹³³

In one of his methodological precepts, Skinner emphasizes the importance of understanding that an utterance happens as a communicative act in a certain speech act situation, which has also a certain character and a context. The context can consist of several possible features. Peter Burke listed eight different types of context in his analysis of the term "context". His list was composed of the linguistic, literary, ideological, social, psychological, political, cultural and material contexts. Burke also emphasized that no specific context exists. He argues that the term "context" is situation-dependent, which makes the term rather open to interpretation and awkward to use for research purposes. It has often been connected with "situation" and "circumstances".¹³⁴

The definition of the proper context in the study of Parliament involves understanding the political culture. This must include all the Members of Parliament who have spoken on relevant matters, and these individuals and their speech acts must be placed in their own proper contexts. The political culture of Parliament can be interpreted as consisting of different contexts, such as linguistic conventions, the institutional and legal frameworks, the surrounding society, historical traditions and the economic situation. These are commonly shared contexts, because every MP works in the same place. On the other hand, Parliament can be regarded as an agent in its own right if it talks to the executive branch in a relatively united voice. If we apply the concept of context to the

¹³² Pocock, "Verbalizing a Political Act. Toward a Politics of Speech", 34–35.

¹³³ Quentin Skinner, "Interpretation and the understanding of speech acts" in *Visions of Politics I: Regarding method* (Cambridge: Cambridge University Press, 2002), 109–115; Skinner, "A Reply to My Critics", 283.

¹³⁴ Peter Burke, "Context in Context" *Common Knowledge*, Vol. 8, Iss. 1 (2002), 152, 175–177.

study of individual MPs, the potential contexts also include the background of the MP, including his or her education, individual interests (e.g. work in non-governmental organizations), career history and so on.

Karen Mingst has studied the contemporary use of military force in relation to domestic political factors. She argues that there are six factors in the political culture that can have an impact on the decision-making process: the top leaders, contending political elites, budgetary commitments, the military, the media and public opinion – the last two being societal factors and the first four political ones.¹³⁵ Although use of the concept “political culture” can be problematic because it is quite hard to define, her attempt to do so shows how decisions to use military force are often related to several different issues both within the domestic political sphere and at the international level (for example, in terms of possible relations with international organizations). What this means is that the idea of ‘context’ has to be extended beyond the individual level. To illustrate the influence of contexts, the following example is useful. Previous research has shown that parliamentary debates contain a variety of subjects. Furthermore, Philip Towle argues that parliamentary debates about going to war are much more wide-ranging today than they were in the nineteenth century. He mentions that in 1793, when the House of Commons debated about going to war against France, only six MPs¹³⁶ were reported to have spoken after the Prime Minister, William Pitt. On 31 March 1854, when the Crimean War began, nine MPs spoke, and a similar number of members of the House of Lords spoke in their debate. On 7 April 1982, on the other hand, the Speaker announced that over 80 MPs would like to participate in the debate.¹³⁷ The number of MPs wanting to speak has thus increased, but so has the number of issues that are debated under the general topic. Towle argues that it was Prime Minister Margaret Thatcher who introduced the subject of military operational details to Parliament when Britain was launching a task force against the Argentine invaders of the Falkland Islands. This was the first time in British parliamentary history that Parliament had debated the operations of the military.¹³⁸ Thus the time period studied here is one in which the range of debatable topics related to going to war has increased. However, this increase has been a result of different changes, for example in the membership of the House, and the suitability of delicate matters, like operational issues, for parliamentary debate by MPs has not been self-evident. I shall examine this issue in detail in the empirical chapters.

As for the contexts, it is fairly easy to create a list of different applicable contexts, but it is more difficult to define them and especially to find the right sources to study them. When the researcher’s corpus consists of hundreds of speeches, his or her task becomes a work of inclusion and exclusion. Hence it is

¹³⁵ Karen Mingst, “Domestic political factors and decisions to use military forces” in *Democratic Accountability and the Use of Force in International Law*, eds. Charlotte Ku and Harold K. Jacobson (Cambridge: Cambridge University Press, 2003), 75.

¹³⁶ Reporting at that time was uncertain and because of this unreliable nature of sources this number should be treated with cautiously.

¹³⁷ Towle, *Going to War*, 125.

¹³⁸ Towle, *Going to War*, 116–121.

unwise to construct an artificial list of contexts to study; it is more logical to take account of each situation, in the present case each of the military conflicts involved, as separate events with different meaningful contexts. It also appears that the decision-making of deployments is in fact related to contingent factors.

The analysis applies the understanding of context to the historical study of speeches and discourses. Linguistically oriented research strategies, like the emphasis on the use of concepts and the institutional use of language with limits and rules, are employed alongside the traditional source criticism to the study of parliamentary texts. As a result, the study provides an account on contextualized discursive processes within Parliament itself rather than focusing on the questions of more traditional historical research, i.e. on the causes and consequences of historical events. With this approach, inspired by recent trends in the study of political cultures, new interpretations on Parliament as an evolving institution and its changing role can be made. But before that the sources used for this study must be discussed.

2.2 The sources

This section offers a description and explanation of the primary source material. It also includes the sources used to contextualize the studied events, many of which are primary sources themselves. Owing to its Parliament-oriented approach, the principal focus of this dissertation is on sources that illustrate the content of the political language used in that institution.

Parliamentary debates have been recorded in written form ever since the eighteenth century. These debates are written down, edited with few changes and published in volumes. The press has used these debates in news reporting, and the House of Commons, the lower chamber where the main legislative work is done, has a space called the Strangers' Gallery, where journalists and other persons have an opportunity to listen the debates.

The Official Report, also commonly known as Hansard, is the name given to the transcripts of parliamentary debates, kept as verbatim records of parliamentary proceedings. The keeping of parliamentary records has a long history, with institutional records going back to 1066, although records of parliamentary debates do not extend that far back. In 1888 and 1893, the recording of debates was discussed in Parliament in a committee inquiry, after which the modern method of recording debates was introduced. The original guidelines discussed how, for example, mistakes were to be treated.¹³⁹ Similar guidelines existed in

¹³⁹ Joint Select Committee of the House of Lords and the House of Commons: *On the cost and method of the publication of the debates and proceedings in parliament. Together with the Proceedings of the Committee, Minutes of Evidence and the Appendix. Ordered, by the House of Commons, to be printed 17 July 1888* (London: Eyre and Spottiswoode, Adam and Charles Black and Hodges, Figgis and Co, 1888), iii-v, 141-142; Select Committee on Parliamentary Debates: *Parliamentary Debates* (London: Her Majesty's Stationery Office, 1893), iii-iv.

1982 and thereafter, which means that although the debates can be considered verbatim records, they omit certain features such as repetitions, mistakes, etc. Despite such omissions in the sources, the records constitute valid primary source material since they do not alter the content of the speeches.

The potential corpus is extensive. The Official Report records all parliamentary business. For the purpose of this study, however, the source material is limited to records of the actual debates, oral questions, written answers, engagements and statements during the periods that relate to the crises. A digital database of the Official Record provides an online and location-free access to the records of parliamentary debates. In addition, all the debates used for this dissertation are published online. However, the digital database is not an error-free platform: some entries may be missing owing to the editor's error or for some other unknown reason. There were no such errors evident in the debates studied here, and even if they did occur, minor errors would most probably not affect the interpretation of the data.

The analysis has been carried out with the help of a word search engine in the *Official Report's Historical Hansard* website.¹⁴⁰ Word searches were used to identify potential and relevant exchanges of words, especially those employing potentially highly relevant terms such as the Royal Prerogative. As a precaution, every parliamentary day from the first to the last in the period studied has been thoroughly examined and every occasion in which the studied crisis has been under discussion, whatever the subject or the reason, has been checked through and its value for this research assessed. This assessment has been carried out by examining what kinds of subjects were discussed (for example the call-up of reservists) and what kind of concepts or words the discussion included; special attention was given to specific concepts of a key political nature.¹⁴¹ Representative occurrences have been selected and contextualized with the help of other source material and previous research. I have used my own analytical historian's eye to pick out relevant and therefore interesting instances from this varied source material, but I have also noted instances that have been distinguished in previous research and which appear to have some importance. Especially important is the speaker's status in his or her party or in Parliament as a whole; this is the case, for example, with persons who have been prime ministers or secretaries of state. The speech acts have been chosen according to whether they include notions relating to Parliament, its role or the status or handling of the crisis at the domestic or international political level. At the time studied here, the Official Report did not indicate the speakers' party affiliations; this practice was not changed until 2003.

Political pamphlets have been used to analyze the broader political positions within the main political parties. Most of the pamphlets used in this dis-

¹⁴⁰ <http://hansard.millbanksystems.com/>

¹⁴¹ See, for example, Reinhart Koselleck, "Crisis" (trans. Michael W. Richter) *Journal of the History of Ideas*, Vol. 67, No. 2 (2006). Originally published in Reinhart Koselleck, "Krise" in *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, eds. Otto Brunner, Werner Konze, and Reinhart Koselleck. 8 volumes (Stuttgart: Klett-Cotta, 1972-97), 3: 617-50.

sertation are general election manifestos of the three main parties. Some of the pamphlets used were published by interest groups either within the parties or outside them. The pamphlets consulted dated from 1979 to 2003. Most of the relevant pamphlets were also published online in unofficial websites, but hard copies were used for the purposes of this study. Pamphlets are here considered to be representations of party ideologies, often of the mainstream political ideologies of the party elite. Pamphlets are intended to inform the public about a party's or political group's aims and ideas on key political issues, and in the case of general election manifestos also to seek support for the political agenda of the party.

The researcher can use various sources to study the content of political language. For example, the press has offered a wide coverage of the issues in Parliament and has dealt with the activities of Members of Parliament either in news reports or other formats. In addition to reading the newspapers and thereby acquiring information, Members of Parliament also have the chance to express their own opinions in the press in the form of letters to the editor. MPs can use the information they acquire from the press and even make references to the articles or reports they have read in order to lend weight to a certain argument.¹⁴² Newspapers are, therefore, an essential source not just for Members of Parliament themselves but also for anyone who studies the content of the language used in parliamentary debates.

The Guardian, *The Daily Telegraph* and *The Times* newspapers were used for contextualization purposes because of their status as mainstream newspapers and suitable forums for political action, for example in the form of letters to the editor. *The Guardian's* perceived political link with the Labour Party was not apparent in the period studied, but the paper was nevertheless included for this potential link with more left-wing commentators. *The Daily Telegraph's* position was similar with regard to the Conservative Party, and also *The Times* was linked to the Conservatives, although after 1997 the newspaper shifted its support from the Tories to the Labour Party.¹⁴³ Newspapers, and the media as a whole, underwent a continuous process of transformation during the time between the Gulf Crisis and the Iraq War. The impact first of the real-time transmission of live news coverage and later of the internet can be considered ground-breaking. For example, during the Gulf Crisis it took 10–12 hours to broadcast the news over the air. By 2003, advances in communications technology allowed for more real-time broadcasting.¹⁴⁴ As key sources, the newspapers

¹⁴² For example, Diane Abbott, a Labour MP, mentioned an article in *The Daily Telegraph* during the Minutes of Evidence in the Treasury and Civil Service Committee in February 1991 and used this information to put a question to the Chief Secretary of the Treasury. The House of Commons Treasury and Civil Service Committee. Session 1990–91. Cost and Economic Consequences of the Gulf War. Minutes of Evidence, 6 February 1991. 213-i. Ordered by the House of Commons to be printed 6 February 1991. Q14–16.

¹⁴³ "The politics of UK newspapers", BBC News, 30 Sept 2009, accessed 17 June 2013, http://news.bbc.co.uk/2/hi/uk_news/politics/8282189.stm.

¹⁴⁴ It is worth noting that the immediacy and more visual presentation of electronic media have not necessarily always taken the audience away from the newspapers, even though newspapers already lost their place as the primary source of information in

and the space in which they existed need to be reviewed in order to understand the interaction between them and political figures.

There have been some studies about the transformation of the media and its impact on the conduct of war. David R. Willcox has studied the connection between propaganda and the press and how these were used and affected the conduct of war in the Gulf Crisis and the Kosovo Conflict (1998). He approached the topic from the perspective of propaganda because of the increased importance that the military attached to the media and the information that the public would receive during conflicts. Willcox studied the same newspapers, among others, that were used for this research and discussed the changed space in which the papers and their editors worked in the presentation of news. It seems that newspapers operated in a “news hungry” environment during each of the studied conflicts, and this had an impact on the presentation of news. In the Gulf Crisis there was a period of almost five months between the invasion of Kuwait and the beginning of larger-scale hostilities, which had to be filled with news.¹⁴⁵ Willcox found out that the media had an impact on policy-making concerning the conduct of the military conflict. He agreed with the generally accepted view that the Gulf Crisis was “a watershed in the relationship between these three elements of society”, the media, the nation state and the public. Willcox argued that it is important to understand the advances in Western weapons technology before and after the Gulf Conflict and how this affected the question of public support, and therefore the importance of the media at home. Above all, it is still individuals who make the news and the public that reads them, but journalists work with tighter deadlines and have access to so-called “elite sources” (e.g. top military personnel). As a result, the information that can be obtained from these sources (often the Government) can be used in less journalistic work.¹⁴⁶

What Willcox found with regard to *The Guardian*, *The Daily Telegraph* and *The Times* was that the amount of propaganda was greater in these papers during the crisis than it had been before Iraq invaded Kuwait. There were small differences in the opinions of these newspapers, and especially *The Guardian's* editorial line was more pro-sanctions and against military action than the stances of the other two papers; it also devoted more space to criticizing the armament of Iraq during the time when the Conservative Party had been in office. The newspapers started to create a historical context for the conflict during the autumn of 1990, but this proved, at least according to Willcox, to be irrelevant since the invasion of Kuwait was so aggressive that there was not much need to explain why Saddam Hussein was opposed in the first place. When the Government decided on its policy, the newspapers “fell in line”.¹⁴⁷ Willcox further studied the propagandistic elements and found that the newspapers were in

the 1960s. Newspapers still provide more detailed information and deeper analysis. David R. Willcox: *Propaganda, the Press and the Conflict. The Gulf War and Kosovo* (London & New York: Routledge, 2005), 45, 25–27.

¹⁴⁵ Willcox, *Propaganda, the Press and the Conflict*, 30.

¹⁴⁶ Willcox, *Propaganda, the Press and the Conflict*, 37–41, 50–51.

¹⁴⁷ Willcox, *Propaganda, the Press and the Conflict*, 75–90.

fact under propagandist pressure. For example, the demonized image that they painted of Saddam Hussein and the Iraqi army was influential since it portrayed the threat that Iraq posed for the area. The Allied military leaders were also able through newspaper coverage to emphasize the effectiveness of the Allied armies and their technology over their Iraqi counterparts.¹⁴⁸

Parliamentary reports have also been used to broaden the analysis in this research. Parliament has scrutinized policies retrospectively and in doing so produced various reports on each of the conflicts which are studied in this research. For example, in July 1991 the Foreign Affairs Committee published an almost 600-page report on the Gulf Crisis with the title: *Third Report. The Middle East after the Gulf War*. The report assembled material covering the whole process, including records of 14 different hearings that the Committee had held during the Gulf Crisis and reviewed the post-war situation in the Middle East from different perspectives, including Palestinian-Israeli relations. The reports that the committees have produced are based on often orally submitted evidence as their source material and as such are not strictly academically valid as sources. They can, however, be regarded as indicators of the subjects, problems and issues that were considered relevant and topical in the current political system. The reports have been obtained from two separate sources. Those concerning the events of 1998 and thereafter have been taken from Parliament's official website. Those dating from before 1998 come from the House of Commons Parliamentary Papers (HCPP) database.¹⁴⁹

There are also some other sources that have been used. Members of Parliament have written their memoirs, or other researchers have studied them. There are academic studies on topics connected with war, and there is other published material as well, often written by journalists. This means that there are available both primary sources, comprising various kinds of published material, and also various types of secondary material; for example, studies of the subject or of the actions of political figures by other writers. Also available are numerous memoirs and biographies, often telling about the key political figures, and these also contain references to the military conflicts studied here. These sources are used for contextualization purposes despite the fact that they contain certain weaknesses such as brief commentaries about the run-up to the wars, often written years afterwards and usually offering rather limited amounts of relevant information.

This section has provided the key details of the sources used in the research; it has shown that the source material consists of records of parliamentary debates, other parliamentary papers and newspaper material. The following chapter will deal with the political culture of the British Parliament, with special reference to the differences between the House of Commons and the House of Lords and to the procedural tools that are related to the role of Parliament.

¹⁴⁸ Willcox, *Propaganda, the Press and the Conflict*, 140.

¹⁴⁹ <http://parlipapers.chadwyck.co.uk/home.do>

3 THE BRITISH PARLIAMENT AS A POLITICAL FORUM

3.1 The House of Commons: the division between the Government and the Opposition

This chapter concentrates on the Government-Opposition division, which is one of the most relevant features of the British parliamentary system and has a strong influence on the Members' behaviour in the two chambers. The focus is mostly on the House of Commons, but references are also made to the upper chamber whenever considered relevant. A further distinction is made between Parliament as an institution and a parliament as a period: a parliament is the span of time between one general election and the next. The Parliament Act of 1911 restricted the maximum period for a parliament to five years. However, often the Prime Minister chooses as election day the one that is best suited to obtaining an electoral success for his or her own party, which means that the dissolution of parliament also becomes a political act. A session is a shorter period of time, beginning from a State Opening in the early weeks of November, and ending in either the dissolution of Parliament or a prorogation, with new a State Opening to come.¹⁵⁰ When Parliament is referred to here, it is both as an institution and also as the composition of Parliament between elections, the primary meaning deriving from the context.

The House of Commons is composed of a large number of Members of Parliament. In 2003 the House consisted of 646 MPs elected from different constituencies, meaning that in that year, a single party holding 324 seats or more could dominate the legislative process, as the Labour Party did when it won 413 seats in the general election in 2001. By comparison, the membership of the House of Lords before the House of Lords Act of 1999, which changed the hereditary membership of the upper chamber, was around 1,300 peers and after

¹⁵⁰ Robert Rogers and Rhodri Walters: *How Parliament Works* (Edinburgh: Pearson, 2006. 6th ed.), 136, 138.

the reform around 670.¹⁵¹ The key feature of Parliament is the division between the Government and the Opposition. The general election “first-past-the-post” system has *de facto* ensured that Parliament has been dominated by two major parties, the Conservatives and the Labour Party. In the period studied, the general elections ended in a situation in which the winner of the general election was able to form a Government without needing other, smaller parties to join it in a coalition. A parliament in which one party or alliance, despite winning the general election, does not have a strong majority is called a “hung parliament”.¹⁵² In the period studied, each Government has enjoyed a sufficient majority to implement its policies without the need for the support of other parties.

Owing to what in the past was in practice a two-party system, the second largest party represents the official Opposition and often forms a shadow cabinet.¹⁵³ Furthermore, the leader of the second largest party has the title “Leader of the Opposition”, a paid job since 1937.¹⁵⁴ The division is also visible in the parliamentary chamber, where the Members are divided on opposite sides of the room to emphasize the distinction between them. The so-called “cut-and-thrust” style of speaking makes it highly important for Members to be able to respond quickly to changing situations and at the same time to direct clever responses to opponents;¹⁵⁵ speeches read from paper are not admitted. The language and culture of the chamber can be lively and noisy, but MPs also have the right to be heard.¹⁵⁶ The Opposition spokespersons for specific fields have certain rights such as putting further questions to the Government, but the Opposition has no veto over legislation nor, above all, the right to be consulted in deciding on the House of Commons’ agenda.¹⁵⁷

Within Parliament, the division between the Government and Opposition is the most important relation, but there is also one between Parliament and the Government, the former in this case meaning all the Members who do not hold offices in the Government of the day. The actions of Parliament are often reactions to measures taken by Members in the Government, a situation that was criticized by Bagehot in 1867, when he argued: “The whole life of English politics is the action and reaction between the Ministry and the Parliament. The ap-

¹⁵¹ David McKie and Martin Parr: “House of cards” *The Guardian*, 27 Mar 1999, p. C10; “Hereditary Peers removed”. The United Kingdom Parliament, accessed 25 July 2013, <http://www.parliament.uk/about/living-heritage/evolutionofparliament/houseoflords/house-of-lords-reform/overview/hereditarypeersremoved/>.

¹⁵² Glossary: “Hung parliament”. The United Kingdom Parliament, accessed 9 April 2013 <http://www.parliament.uk/site-information/glossary/hung-parliament/>.

¹⁵³ The maximum number of members in the Cabinet is 22.

¹⁵⁴ Thomas Erskine May: *Erskine May's treatise on the law, privileges, proceedings and usage of Parliament*, ed. Malcolm Jack (London: LexisNexis, 2011. 24th ed.), 49.

¹⁵⁵ lie, “Unparliamentary language: Insults as cognitive forms of confrontation”, 241

¹⁵⁶ “Debate”, The UK Parliament, accessed 9 Aug 2013, <http://www.parliament.uk/about/how/role/debate/>.

¹⁵⁷ Mary Durkin and Oonagh Gay, “Her Majesty’s Opposition” House of Commons Library. SN/PC/3910 (2006): 4, accessed 9 Aug 2013, <http://www.parliament.uk/documents/commons/lib/research/briefings/snpc-03910.pdf>.

pointees strive to guide, and the appointors surge under the guidance."¹⁵⁸ Party loyalty strongly affects an MP's parliamentary career, and this can lead to situations in which efforts to raise issues that are not in accord with the party line can lead to conflict within the party.

Philip Cowley has studied parliamentary rebellions and argues that despite the common view presented in the twenty-first century, MPs are not generally afraid of party discipline. In fact, Cowley argued, despite the rise of career politicians,¹⁵⁹ since the 1970s MPs have been, and still are, willing to rebel against their party whips. Cowley emphasizes the major shift that occurred in 1997 with Labour's landslide election victory, after which the opportunity for the rebellion within the Labour party increased significantly.¹⁶⁰ Cowley's claim partly contradicts the general argument concerning changes in the position of the prime minister, which many claim has become more powerful in deciding on policies especially after 1997, a process sometimes called "presidentialization".¹⁶¹ On the other hand, in 1990 it was MPs themselves who stressed the need for an all-party Opposition to the Government instead of opposing the Government being the exclusive prerogative of the official Opposition.¹⁶²

Members of Parliament represent different layers of society, but certain tendencies exist. In terms of MPs knowledge of military issues, the typical Member is male with a middle-class background and no experience as a professional soldier, although in all the conflicts studied here some of the members of the Commons or the Lords had taken part in World War II (for example, the Labour MP Tony Benn) or in smaller conflicts (the Liberal Democrat Chairman, Paddy Ashdown).¹⁶³

Despite the key position of Parliament at the centre of the British political system, there has been some fear of its losing its place as a forum for political deliberations and the discussion of decisions to other institutions such as the media. It is necessary to understand that this fear of Parliament losing its status is important with regard to the Government vs. Opposition division because it involves the overall workload of the House of Commons and the House of Lords. As will be discussed in the following section, the Lords was practically

¹⁵⁸ Bagehot, *The English Constitution*, 95.

¹⁵⁹ See Peter Riddell: *Honest Opportunism. How We Get the Politicians We Deserve* (London: Indigo, 1996), 84–187.

¹⁶⁰ Philip Cowley: *The Rebels. How Blair Misled his Majority* (London: Politico's, 2005), 1–3.

¹⁶¹ Antony Mughan: *Media and the Presidentialization of Parliamentary Elections* (Gordonville: Palgrave Macmillan, 2001. Ebrary), 129; Richard Heffernan and Paul Webb, "The British Prime Minister: Much More Than 'First Among Equals'" in *The Presidentialization of Politics. A Comparative Study of Modern Democracies*, ed. Thomas Poguntke and Paul Webb (Oxford & New York: Oxford University Press, 2005), 26–55. Dennis Kavanagh rejects the term "presidentialization" since the British prime minister, unlike the president in the United States who is elected for a fixed tenure, depends on the support of the Cabinet as well as the party. Dennis Kavanagh, "The Blair Premiership" in *The Blair Effect 2001–5*, eds. Anthony Seldon and Dennis Kavanagh (Cambridge: Cambridge University Press, 2007), 8–17.

¹⁶² Jogerst, *Reform of the House of Commons*, 143.

¹⁶³ Feargal McGuinness, "Social background of MPs" House of Commons Library. SN/SG/1528 (2010): 5–7, accessed 9 Aug 2013, <http://www.parliament.uk/briefing-papers/SN01528.pdf>; Brand, *British Parliamentary Parties*, 304.

forced to take a more active role in the scrutiny of the Government's actions in the 1980s because the Labour Party was too weak to carry out this scrutiny in the lower chamber, meaning that the House of Lords became, in certain respects, a more powerful opponent of the Government than the Opposition in the House of Commons. The situation in the 1990s was not necessarily any better. Michael Jogerst argues that in 1993 many backbench MPs were frustrated at Parliament's inability to perform this task adequately.¹⁶⁴ In reality, the media's importance has increased by comparison with Parliament, and parliamentarians are dependent on the information the media provide, a trend that has intensified in the twenty-first century.¹⁶⁵

The ability to scrutinize is linked to the role Parliament can have in the policy decision-making process leading up to, during and after a war. Accountability is another issue, since the Government is accountable to Parliament for its actions. Karen Mingst reminds us that legislation provides a foundation for accountability but that it is the political culture and the political and societal relationships in it – which in the case of the British Parliament means very much the Government vs. Opposition division – that dictate whether the legislation is implemented, modified or ignored.¹⁶⁶ Even so, with regard to scrutiny, too, parliamentary behaviour is dependent on information, as we shall see in particular in 2002 and 2003, when Parliament had to assess the Government's position on Iraq at a time when there were potentially serious consequences at stake. In the exercise of foreign and defence policies, the Government enjoys access to important intelligence information that it can use to create its policies. This is especially true of decisions about going to war. It is a matter of so-called *arcana imperii*, state secrets, which play an important part in the exercise of foreign and defence policies.

However, as will be shown in the empirical chapters, the Opposition is unwilling to give the Government *carte blanche* to act even if a war is about to start or has already started, and it constantly demands that Parliament be informed about new developments in the situation. Furthermore, Parliament's right to play a role in the handling of affairs is linked to the institutional context. MPs necessarily have to follow Parliament's traditions, conventions and procedures in order to operate effectively. The institutional context in this case means the surrounding procedures, conventions and traditions relevant for understanding a Member's scope for action when the country is embarking on a war and especially the limitations that the existing parliamentary practices places on Members. However, parliamentary practice not only limits action in terms of speaking and behaviour but also creates opportunities for it.

¹⁶⁴ Jogerst, *Reform of the House of Commons*, 145

¹⁶⁵ Ralph Negrine and Colin Seymore-Ure, "The challenge of adaptation" in *The Future of Parliament. Issues for a New Century*, ed. Philip Giddings (Basingstoke and New York: Palgrave Macmillan, 2005), 231–234; Frank Bosch, "Parlamente und Medien. Deutschland und Großbritannien seit dem späten 19. Jahrhundert" in *Das Parlament als Kommunikationsraum*, eds. Andreas Schulz and Andreas Wirsching (Düsseldorf: Droste Verlag, 2012), 371–386.

¹⁶⁶ Mingst, "Domestic political factors and decisions to use military forces", 61–62.

Erskine May's Parliamentary Practice 24th edition states: "Each House controls its own proceedings and obtains official knowledge of the proceedings of the other only through formal communications". This is an old practice and means that both chambers work quite independently of each other. Members of Parliament possess certain privileges, the most important being freedom of speech and freedom from arrest. The majority of the time in the House of Commons is reserved for the Government's business, which means that the Opposition has only limited opportunities to influence the issues that are debated.¹⁶⁷ As a result of this, during the build-up to war the debates are usually arranged and approved by the Government, and the Opposition cannot normally force a debate on a particular issue even of great significance. The conduct of daily business proceeds according to rules and conventions, on which the editions of *Erskine May's Parliamentary Practice* is the accepted authority.¹⁶⁸ These include the rules of debating, the times of sittings, the time limits for speaking and the rules on interruptions and questions, to mention just a few of the prescriptions that guide the Members' performance.¹⁶⁹

For the purposes of this study, there are certain particularly relevant procedural tools that were used during the run-up phases to each conflict and during the retrospective inquiries that took place after them. These are the right to speak, recall debates, parliamentary questions, motions, and rules concerning the setting of the agenda (in the House of Commons) and committee work.

The right to speak derives from the concept of freedom of speech, but in practice the Speaker has the right to decide who is called on to speak. The Speaker distributes the speaking time as equitably as possible between the different sides of the House.¹⁷⁰ The Privy Council, which is made up of persons who have had prestigious parliamentary careers, advises the Sovereign, while the Cabinet is formally the executive committee of the Privy Council. Members of the Privy Council long enjoyed the right to be called to speak before backbench Members, but during the speakership of Baroness Boothroyd (1992–2000), the practice of giving priority to Privy Counsellors was abolished.¹⁷¹

Recall debates provide a chance for Members to convene during a parliamentary recess. This procedural tool was used in each of the conflicts studied

¹⁶⁷ May, *Erskine May's treatise*. 24th ed, ct. 185, 206, 331.

¹⁶⁸ Mainly two editions are used, the 21st edition (1989) and the 24th edition (2011), in this dissertation. Procedural changes between different times are discussed in the text as necessary.

¹⁶⁹ For example, see May, *Erskine May's treatise*. 24th ed, 307–341.

¹⁷⁰ May, *Erskine May's treatise*. 24th ed, 432–433.

¹⁷¹ Baroness Boothroyd, "The role of the Speaker in the 20th Century" *Parliamentary History*, Vol. 29, Iss. 1 (2010):137. A good example of this practice can be found in a brief debate about the business of the House of Commons just before the emergency debate about the invasion of the Falkland Islands. In that brief debate, a vote was taken on whether to extend the length of the emergency debate because so many Privy Counsellors wanted to speak that there was very little time left for backbench members. HC Deb 03 April 1982 vol 21 cols. 629–32. Adjournment debates are debates to adjourn the House, basically giving an opportunity to end the debate without a substantive motion. At the end of each sitting day there is a short adjournment debate but the Government can propose an adjournment debate about any topical issue that requires attention.

here, and the power to recall the House is vested in the Speakers of both Houses. In the House of Commons, the Speaker, after receiving “representations from the Government that the House should meet” earlier than anticipated, can recall the Commons. In the House of Lords, the Lord Speaker consults the Government and recalls the House if the “public interest so requires”. The recall procedure provides a tool for political manoeuvring, and a request for a parliamentary recall cannot be considered an unusual ploy, although actual recalls are rare. For instance, in 1990 and 2003 the discussions about recalls were part of the deliberations regarding the role of the House of Commons in the political process. Emergency debates are similar to recall debates as procedural tools, since emergency motions are tabled to obtain a chance to debate an urgent issue. In the House of Commons, Standing Order No. 24 gives a private Member the right to propose a motion to debate an urgent issue.¹⁷² Baroness Betty Boothroyd, Speaker of the House of Commons from 1992 to 2000, remembers that demands for both recalls and for adjournment debates were very frequent.¹⁷³ They were typically means of obtaining publicity for a particular issue, but also a way of strengthening the role of Parliament vis-à-vis decisions to use military force, as will be seen in connection with the threat of war in Iraq.

Parliamentary divisions are important with regard to the role that Parliament can play in decisions to deploy troops, since voting offers a procedural device for Members to register their opinion. A parliamentary convention supports the right of Parliament to give its approval for the use of force at least after the initiation of hostilities, but this may not include the right to force a division. Two types of divisions occurred during the conflicts studied here. The first type is a division on a substantive motion, as was the case on 18 March 2003 in relation to Iraq, or on a motion to take note,¹⁷⁴ a motion used especially in the House of Lords in order to avoid confrontations with the Government.¹⁷⁵ In the conflicts studied here such motions were made by the Government, and members were able to propose amendments to them. The second type of division that occurred during these conflicts was on a substantive motion for adjournment, a technical vote that admitted no possibility of amendment. This type of motion was usually regarded as offering a chance to discuss matters without recording a decision, since the debate seldom ended in an actual vote.¹⁷⁶

The right to decide the parliamentary agenda received much attention in the debates, usually when anti-war Members questioned the Government about the following week’s agenda on a weekly basis. In the House of Commons, the

¹⁷² May, *Erskine May's treatise*. 24th ed, 342.

¹⁷³ Boothroyd, “The role of the Speaker in the 20th Century”, 137.

¹⁷⁴ A substantive motion means a type of motion that is tabled by a minister or MP for the purpose of eliciting a decision. Such a motion can be amended. Both the motion and the amendment (selected by the Speaker) appear in the Order Paper, which lists the day's business. A motion to take a note is a motion that enables the House to debate without the need to come to any positive decision. It is used in connection with issues that are so sensitive that the House of Lords does not want to politicize them. A motion to take a note can also be simply a neutral motion.

¹⁷⁵ See May, *Erskine May's treatise*. 21st ed, 426.

¹⁷⁶ May, *Erskine May's treatise*. 21st ed, 265; May, *Erskine May's treatise*. 24th ed, 339–340.

agenda is normally set by the Government, although some days are reserved for the Opposition, 20 in all in each session. In addition to statement debates, debates on motions and other forms of debate, parliamentary questions provide an important opportunity for Members to raise issues and demand a reply from the Government. They are a procedural tool that relates to the right to hold the Government accountable, since it is the right of a member to receive an answer from the Government when a question is asked. However, if the question does not relate to the remit of the Minister, there is no ministerial responsibility to answer it. This procedure differs in the House of Lords, in which the questions are presented to the Government as a whole.¹⁷⁷

Originally the occasion known as the Question Time was a frequent event in which the backbenchers were able to present oral questions and obtain information, and it offered a chance to for parliamentarians to obtain publicity for their cause. However, publicity was hardly a major issue for example in the time between the world wars, when few MPs asked questions in Parliament. The role of publicity has increased since then, and so has its significance in party politics.¹⁷⁸ Since the early 1990s, in addition to the possibilities that Question Time still provided for backbench MPs, Question Time has been an arena of disputation for the party leaders.¹⁷⁹ The putting of more politically motivated questions has come in for criticism since it could be argued that that the substance of the questions is suffering.¹⁸⁰

Supplementary questions are important aspect of parliamentary questions – even though ministers do try to prepare in advance as well as possible, there is always a chance that a supplementary question will take them by surprise.¹⁸¹ The Government party members can use oral questions just as well as the Opposition: during the Thatcher premiership, Conservative MPs often asked questions of the Prime Minister that received pre-prepared answers.¹⁸² However, a parliamentary question can also lead to a debate *pro et contra*, with opposing participants trying to find weaknesses in each other's arguments.

Another type of the parliamentary question is the Written Question, which is also answered in writing. In general, parliamentary questions can be used as a part of a political campaign – if there is a certain matter some individual MP wants to promote, he may ask frequent questions relating to it and thereby obtain publicity for his cause. The Labour MP Tam Dalyell was a well-known user of questions as a tool in his campaigns.¹⁸³ For this research, written questions

¹⁷⁷ May, *Erskine May's treatise*. 24th ed, 331–334, 352–63, 496–497.

¹⁷⁸ Philip Norton, "Introduction: Parliament since 1960s" in *Parliamentary Questions*, ed. Mark Franklin and Philip Norton (Oxford: Clarendon Press, 1993), 14–16.

¹⁷⁹ Philip Giddings and Helen Irwin, "Objects and Questions" in *The Future of Parliament. Issues for a New Century*, ed. Philip Giddings (Basingstoke and New York: Palgrave Macmillan, 2005), 73; Norton, "Introduction: Parliament since 1960s", 15–17.

¹⁸⁰ R.L. Borthwick, "On the Floor of the House" in *Parliamentary Questions*, ed. Mark Franklin and Philip Norton (Oxford: Clarendon Press, 1993), 73–75.

¹⁸¹ *Ibid*, 78.

¹⁸² Helen Irwin, Andrew Kennon, David Natzler and Robert Rogers, "Evolving Rules" in *Parliamentary Questions*, ed. Mark Franklin and Philip Norton (Oxford: Clarendon Press, 1993), 57.

¹⁸³ Borthwick, "On the Floor of the House", 81.

offered important source material relating to the build-up to war. For instance, in 2002 and 2003, written questions were used to discuss the constitutional situation, as will be shown in Chapter 6.

Thus the ability of MPs to act is generally determined by this institutional context, which is manifested in specific debates and occasions for questioning. While they provide the context for action in plenary sessions, the role of the committee in the British Parliamentary system has also become quite important since the creation of permanent select committees in 1979. The committees provide a further means of holding the Government accountable and implementing on-going scrutiny. However, the committees were given little actual power, since they have only the right to advise and recommend.¹⁸⁴

The Foreign Affairs Committee proved to be the most important committee for my examination of the role of Parliament. It is a departmental committee whose role is to examine expenditures, the administration and policy of the Foreign Office and associated public bodies. Its influence is difficult to assess, but generally speaking, the Government cannot easily ignore the consensual findings of a committee.¹⁸⁵ Crispin Poyser argue that the Foreign Affairs Committee can influence matters both directly and indirectly; direct means include the initiation of an inquiry into some issue, which usually in itself leads to consequences at the governmental level, and the provision of high-level information by committee members in parliamentary debates. The indirect influence of committees is especially difficult to assess, but at least the transfer of information in informal situations is one means of affecting the course of events.¹⁸⁶ The Foreign Affairs Committee also usually works in private, which gives opportunities for frank and open discussions, and its members get to know each other very well. The committee's work is based on hearing evidence, which also helps to create a consensus.¹⁸⁷ Other key committees, such as the Defence Committee and the Liaison Committee together with special committees established for particular inquiry purposes, have provided additional sources for examining the role of Parliament and discussions about possible changes to it.

Meg Russell and Meghan Benton argue that the number of committee recommendations implemented by the Government is not an accurate measure of the whole influence of the committees, which in their opinion is exerted in other ways.¹⁸⁸ In the conflicts studied here, the committees had a role in determining

¹⁸⁴ Stephen J. Downs, "Structural changes" in *Parliament in the 1980s*, ed. Philip Norton (Oxford & New York: Basil Blackstone, 1985), 48–50.

¹⁸⁵ Crispin Poyser, "Proceedings on the record: the floor of the House, the Foreign Affairs Committee and other committees" in *Parliament and International Relations*, eds. Charles Carstairs and Richard Ware (Milton Keynes and Philadelphia: Open University Press, 1991), 32; Rogers and Walters, *How Parliament Works*, 374–375.

¹⁸⁶ Poyser, "Proceedings on the record: the floor of the House, the Foreign Affairs Committee and other committees", 32.

¹⁸⁷ Rogers and Walters, *How Parliament Works*, 369–370.

¹⁸⁸ Meg Russell and Meghan Benton: *Selective Influence. The Policy Impact of House of Commons Select Committee* (London: The Constitution Unit, Department of Political Science, University College London, 2011): 32–33, 45–46, accessed 9 Aug 2013, <http://www.ucl.ac.uk/constitution-unit/publications/tabs/unit-publications/153.pdf>.

policy options and in implementing inquiries on issues that related either to the run-up phase or to the actual conduct of warfare; departmental select committees participated in the policy-framing process especially in the Iraq War, while the inquiries instituted on an *ad-hoc* basis and recruited from the Members of the Privy Council played an important role in the retrospective scrutiny of the Government with regard to certain specific issues; one such inquiry was that conducted into the sinking of the *Belgrano*, led by Lord Franks after the Falklands War.

In some cases, a committee's role outside the departmental select committee structure has proved to be lacking in influence or has suffered from overlaps in the distribution of responsibilities: in July 2003, the Foreign Affairs Committee recommended that the Intelligence and Security Committee be reconstituted as a select committee of the House of Commons since the remit of the latter committee, created to exercise supervision of the intelligence and security agencies of the Government, overlapped with the Foreign Affairs Committee's work in some areas, and this situation had led to Ministers refusing to testify in the Foreign Affairs Committee's inquiries.¹⁸⁹ From the point of view of this dissertation, the committees provide a valuable potential resource for examining not only the build-up phases prior to the conflicts but also the discussions on the role of Parliament that were carried out retrospectively.¹⁹⁰

Within the Government, political power is concentrated in the Cabinet. In times of war, however, the real power lay with a smaller group, the War Cabinet. This body, which went under different official titles in different conflicts, led the war effort. The War Cabinet's legal basis stems from the fact that constitutionally in Britain the Government as a whole exercises control over the armed forces, but in reality it is accepted that the War Cabinet assumes this control on an *ad hoc* basis. White argues that the existence of the War Cabinet inside the Cabinet limits the possibilities for discussing policy even in the Cabinet itself.¹⁹¹ The fact that, during a time of crisis, a smaller group is more capable of making decisions and keeping firm control is considered to be quite an important argument for the establishment of war cabinets.¹⁹² For example, in the

¹⁸⁹ The House of Commons Foreign Affairs Committee. Session 2002–03. Ninth Report. The Decision to go to War in Iraq. Report, together with formal minutes. HC 813-I. Ordered by The House of Commons to be printed 3 July 2003 (London: The Stationery Office Limited, 2003): 48–49, accessed 21 March 2013, <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmcaff/813/813.pdf>.

¹⁹⁰ This happened for example in 2003. See The House of Commons International Development Committee. Session 2002–03. Fourth Report. Preparing for the Humanitarian Consequences of Possible Military Action against Iraq. Volume I. Report and Proceedings of the Committee. HC 444-I. Ordered by The House of Commons to be printed 10 March 2003 (London: The Stationery Office Limited, 2003): 24, accessed 9 April 2013, <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmintdev/444/444.pdf>.

¹⁹¹ White, "The United Kingdom: increasing commitment requires greater parliamentary involvement", 302–303.

¹⁹² Colin Seymor-Ure, "British 'War Cabinets' in Limited Wars: Korea, Suez and the Falklands" Discussion paper for Freiburg-im-Breisgau: European Consortium for Political Research Workshops, March 1983, 1–2. The paper was published in 1984 under

conflicts studied here, a war cabinet was established in 1982 as a result of the Argentine invasion of the Falklands. Another War Cabinet was formed in 1991, when the Gulf War began, as also happened in connection with the war in Kosovo in 1999. However, in 2003 Tony Blair did not establish a War Cabinet to handle the Iraq War, although in fact he did make foreign policy decisions together with a rather limited group; according to White, the press actually referred to this special group as the War Cabinet although Blair did not use that title.¹⁹³

Later, an inquiry led by Lord Butler reviewed the way decisions were made within the Cabinet. Blair's leadership style was strongly criticized for being too centrist and leaving too little opportunity for the whole Cabinet to discuss the decision to go to war.¹⁹⁴ The membership of the War Cabinet usually consists of the Prime Minister, who leads the group, and some of the key members of the Cabinet, usually including the Secretaries of State for Foreign Affairs, Defence and Energy. In 1991 the Chancellor of the Exchequer was in the War Cabinet, but in 1982 Thatcher chose otherwise, as will be discussed in the chapter dealing with the Falklands War. The existence of the War Cabinet raised not only the question of the relationship between Parliament and the Government, but also that of relations within the Government, as Peter Hennessy has shown.¹⁹⁵

What can be learned from the procedures and conventions of the House of Commons is that the Members work in an institutional context that places certain restrictions on the act of speaking. However, the content of the speech, apart from the need for good manners,¹⁹⁶ is left for parliamentarians themselves to decide. The content can sometimes be a result of pressure from other politicians, as in the case of so-called "planted questions", but it also can be determined by party ideology or the need for internal party cohesion. In the next section, our attention will be directed at the House of Lords, the upper chamber, whose basis for action and speaking is different from that of the House of Commons.

the same title in *Public Administration*, but unfortunately that particular issue was unavailable for the purposes of this research.

¹⁹³ White, *Democracy Goes to War*, 25–26.

¹⁹⁴ *Return to an address of the honourable the House of Commons dated 14th July 2004 for the review of intelligence on weapons of mass destruction. Report of a Committee of Privy Counsellors*. Session 2003–04. Ordered by the House of Commons to be printed 14th July 2004. HC 898: 147–148.

¹⁹⁵ Peter Hennessy, "Informality and Circumscription: The Blair Style of Government in War and Peace" *The Political Quarterly*, Vol. 76, Iss. 1, (2005), 3–6.

¹⁹⁶ See Ilie: "Unparliamentary Language: Insults as cognitive forms of confrontation", 235–63.

3.2 The different culture of the House of Lords

The situation in the House of Lords is different. The upper house is a self-regulating chamber: "The Lord Speaker has no power to rule on matters of order. In practice, this means that the preservation of order and the maintenance of the rules of debate are the responsibility of the House itself, that is, of all the members who are present, and any member may draw attention to breaches of order or failures to observe customs."¹⁹⁷ The House of Lords can itself decide whether it wants to debate about the possible use of force or an on-going military crisis and when it wants to do so; in fact, the actual amount of activity in the House of Lords in itself provides relevant material since it offers valuable information about the peers' interest in raising issues for discussion. Furthermore, the interest shown in the House of Lords in forcing divisions when debating the deployment of troops or decisions made by the Government or approving military operations provides a view of the relations between the House of Lords and the executive branch.

The institutional context of the House of Lords is different from that of the House of Commons, but there are similarities with the lower house. Unlike the Commons, the House of Lords is not a representative body. The existence of the House of Lords goes back to a medieval custom in which the peers of the realm had a special role as advisers to the Crown. As Donald Shell reminds us, the House of Lords is the oldest British institution that still exists. However, in the course of time both its role and its position within the British parliamentary system have evolved. The House's exertion of its power led to a series of confrontations with the lower house during the nineteenth century. The situation calmed down after the Reform Act of 1832, but the latter part of that century saw more conflict. The confrontations, in which there were clashes between Liberals and Conservatives, finally led to a constitutional crisis in 1909–1911 and to the Parliament Act of 1911.¹⁹⁸ The supremacy of the House of Commons was now established, and the Parliament Act of 1949 reduced the power of the Lords even further. In 1958 the Life Peerages Act awarded membership of the House to life peers and thereby created circumstances that led to a new kind of professionalism in the upper chamber – after the number of life peers had grown enough large for their contributions to be noticed.¹⁹⁹

¹⁹⁷ *Companion to the Standing Orders and Guide to the Proceedings of the House of Lords, laid on the table by the Clerk of the Parliaments* (London: Stationery Office, 2000), 55.

¹⁹⁸ Nicholas J. Baldwin, "The membership of the House" in *The House of Lords at Work: a Study Based on the 1988–1989 Session*, ed. Donald Shell (Oxford: Clarendon Press, 1993), 33; Michael Rush, "The House of Lords: The Political Context" in *The House of Lords. Its Parliamentary and Juridical Roles*, eds. Paul Carmichael and Brice Dickson (Oxford: Hart, 1999), 8–10; Nicholas Baldwin, "The membership and work of the House of Lords" in *The House of Lords. Its Parliamentary and Juridical Roles*, eds. Paul Carmichael and Brice Dickson (Oxford: Hart, 1999), 45.

¹⁹⁹ The Lords previous power of absolute veto was removed. Baldwin, "The membership and work of the House of Lords", 45–47.

In the period studied here, the Lords have a role in legislative work, but it is also a function of the House to serve as a forum for full and free debate. In the legislative procedure, bills are formally discussed in the Lords as well as in the Commons.²⁰⁰ The House of Lords has several disadvantages compared with the lower chamber, the main being the fact that its members are not representatives of the electorate. This results in a situation in which the House of Lords usually loses political clashes with the elected Commons. This occurs especially if the contested issue has been to the fore during elections and is therefore regarded as having been “approved” by the electorate.²⁰¹

The membership is broad. In May 1987, there were 1185 members of the House of Lords, a number pretty similar to that at the time of the Falklands War. Of this number, 64.2% were peers by succession (761 hereditary peers, of whom only 20 were women), while 29.5% were life peers. In general, there are two types of lords: Lords Temporal and Lords Spiritual. The group latter includes those 26 archbishops and senior bishops of the Church of England who have the right to hold a seat in the House. Membership is conferred by the sovereign, who acts on the advice of the Prime Minister, who in turn may be influenced by his or her own political ends.²⁰² One particular group in the upper house is constituted by the Law Lords, who acted as the Supreme Court during the conflicts studied here.²⁰³

By the time of the Falklands War, the peers had become more professional than they had previously been as a result of the Life Peerages Act of 1958, a trend that continued into the time of the succeeding conflicts. They also enjoy more individual freedom in their actions in the chamber than regular MPs in the Commons. Donald Shell argues that it is the representatives of the political parties in the House of Lords who actually do the organizing work of the since most of the peers do not take part in the work at all. The parties can have their distinguished members who want to remain in touch with Westminster politics made life peers. Naturally, not all life peers have a political background, but it is those that do who often have the strongest desire to work in the House – without pay – and therefore make sure that the everyday work of the chamber is carried out.²⁰⁴

At the time of all the conflicts studied here, the Conservatives were the biggest party in the Lords. Despite its domination, the Conservative Government was challenged and defeated several times in the upper chamber during the 1980s.²⁰⁵ Labour had traditionally been the party that had sought to reduce

²⁰⁰ Donald Shell, “The House of Lords in context” in *The House of Lords at Work: a Study Based on the 1988–1989 Session*, ed. Donald Shell (Oxford: Clarendon Press, 1993), 14; Rogers and Walters, *How Parliament Works*, 203.

²⁰¹ Rogers and Walters, *How Parliament Works*, 130.

²⁰² Donald Shell: *House of Lords* (Oxford & New York: Philip Allan / Barnes & Noble Books, 1988), 25–31.

²⁰³ Its position changed in 2009, when it lost its role as the highest legal instance to another organization, the new Supreme Court.

²⁰⁴ Shell, *House of Lords*, 83, 52–53; Emma Crewe: *Lords of Parliament. Manners, Rituals and Politics* (Manchester and New York: Manchester University Press, 2005), 29.

²⁰⁵ Shell, “The House of Lords in context”, 13; Baldwin, “The membership and work of the House of Lords”, 43.

the power of the peers. This attitude partly originated from the fact that the Conservatives had a massive overall majority in the Lords, and Conservative governments, including the one led by Margaret Thatcher, had blocked many of the proposals for Labour candidates to be made life peers.²⁰⁶ The Labour Party had a clear minority in the House of Lords during the Falklands War and the Gulf Crisis. In the 1988–1989 session, its share of the membership amounted to 12.1% compared to the Conservatives' 46.5%, and these proportions remained similar at the time of the Gulf Crisis. Cross-benchers, those peers with no formal affiliation to any political party, although they held frequent group gatherings and meetings, constituted 25.8% of the members. There were also smaller groups present, including the Social and Liberal Democrats and the Social Democrats.²⁰⁷

By the time of the Iraq War, the numbers had changed as a consequence of the House of Lords Act of 1999. This reform, carried out by the Labour Government, was the outcome of decades of campaigning to either reform or abolish the House. The reform was inscribed in the party's manifesto, and the bill was eventually carried by a large majority in the House of Commons.²⁰⁸ The reform changed the House of Lords radically, leaving only 92 hereditary peers in the House. Of these 92, 17 were office holders. Of the 75 hereditary peers who were elected, there were two Labour peers, three Liberal Democrats, 42 Conservatives and 28 cross-benchers.²⁰⁹ Furthermore, after the reform, the life peers became the dominant force in the House. During her premiership, Margaret Thatcher created 201 new life peers. John Major, the Prime Minister between 1990 and 1997, created 160 life peers. Tony Blair broke the record by creating 374 new life peers (17 of whom had previously been hereditary peers).²¹⁰ The creation of peers is mainly connected with party domination of the House. The high number of life peers created by Blair was simply in order to achieve more power for the Labour Party by influencing the membership of the House of Lords. In the upper chamber, the legislation had been controlled by the large Conservative majority, which in many cases consisted of peers through succession. After the House of Lords Act of 1999 and the concomitant creation of a large number of life peers, the situation in the House moved nearer to a balance of power or even to one in which Labour could be the dominant force. In fact, in 2004 the number of party representatives in the House of Lords had changed with the Conservatives having 204 members and the Labour party 201, compared to 473 and 168 respectively just before the 1999 reform.²¹¹ The House of Lords Act of 1999 also influenced to the behaviour of the House, with the aver-

²⁰⁶ Rush, "The House of Lords: The Political Context", 10–12.

²⁰⁷ Baldwin, "The membership of the House", 38.

²⁰⁸ Labour party: *New Labour because Britain deserves better* (London: Labour party, 1997), chapter: "We will clean up politics".

²⁰⁹ Leader of the House of Commons and Lord Privy Seal: "The House of Lords: Reform". Cm 7027 (London: The Stationery Office, 2007): 13–14, accessed 14 Jan 2013, <http://www.official-documents.gov.uk/document/cm70/7027/7027.pdf>.

²¹⁰ David Beamish: "United Kingdom peerage creations 1801 to 2013", accessed 14 Jan 2013, <http://www.peerages.info/admintable.htm>.

²¹¹ Norton, *Parliament in British Politics*, 32–35.

age daily attendance rising substantially from 300 to 350. Philip Cowley and Mark Stuart argue that before the reform, the House had been unwilling to engage in confrontations with the Government because it was felt that the high number of hereditary peers weakened the House's legitimacy. In 1980s a weak House of Commons led to increasing scrutiny of legislative proposals in the House of Lords, but in general the problem remained. However, after the reform the number of confrontations with the Government clearly increased.²¹²

Members of the Lords are governed by different parliamentary practices and conventions from those that regulate the actions of their colleagues in the Commons. The speakers' list is usually prearranged, and speeches are listened to in silence. There is no similar cut-and-thrust style of debating, and owing to the polite political culture and the existence of time limits, peers do not need to try and catch the chairman's eye in order to get a chance to speak.²¹³ This creates a calmer political culture inside the chamber – again a difference between the upper and the lower houses.

The House of Lords is a very demanding place as a debating chamber because the audience consists of people with high expertise in practically all areas of knowledge. Emma Crewe, who made an anthropological study of the House of Lords in the early part of the twenty-first century, reminds us that the chamber is a very quiet place: the peers themselves uphold the order and rituals, and good manners are expected. For example, peers are required to always be polite towards each other, and disagreements have to be expressed with moderation. Peers are induced to act politely simply by the pressure the House creates. They do not get paid as MPs do in the House of Commons, so they are motivated to attend for other reasons. The House of Lords is not generally prominently featured in the media, and the peers themselves do not usually seek publicity.²¹⁴

Speaking in the upper chamber has also a different role since motions frequently do not end in a division. *The House of Lords Companion to the Standing Orders* states: "The opinion of the House is expressed in the speeches made by its members rather than in division."²¹⁵ Donald Shell argues that the key function of parliamentary debate in the upper house is to assess the adequacy of the Government's position.²¹⁶ Shell also emphasizes the expertise that lies behind the counsel that the House provides.²¹⁷

There are some relevant features that need to be clarified with regard to limitations relating to the studied debates. The debates studied in connection

²¹² Norton, *Parliament in British Politics*, 35; Philip Cowley and Mark Stuart, "Parliament" in *The Blair Effect 2001–5*, eds. Anthony Seldon and Dennis Kavanagh (Cambridge & New York: Cambridge University Press, 2007), 38–39.

²¹³ Shell, *House of Lords*, 90, 103.

²¹⁴ Crewe, *Lords of Parliament*, 19–29.

²¹⁵ Shell, *House of Lords*, 102. Cf. *House of Lords Companion to the Standing Orders and Guide to the Proceedings of the House of Lords*, 83.

²¹⁶ Shell, *House of Lords*, 152.

²¹⁷ Shell, *House of Lords*, 152–153. In 2005 Shell summed up the question of the expertise of the Lords as follows: because of the experience of its members, the House of Lords has significant influence but no real power. Donald Shell, "The House of Lords: A Chamber of Scrutiny?" in *The Future of Parliament. Issues for a New Century*, ed. Philip Giddings (Basingstoke and New York: Palgrave Macmillan, 2005), 112.

with each conflict were non-legislative debates apart from the emergency legislation that the Government decided to introduce during the Falklands War, and the impact of the House of Lords on the Government is more difficult to assess in other matters than in legislation, in which the influence of the Lords' revisory work is more easily assessable. The influence and the role of the House of Lords are relevant to this study. The House of Lords is a chamber whose members have often had prestigious careers in politics, business, diplomacy or the armed forces. Nevertheless, the House seems to be a rather minor actor in the field of foreign affairs, which is mainly the preserve of the House of Commons in the British political system. Donald Shell points out that even in its deliberative work the House of Lords does not pose a threat to the Government, and thus its work is rather easy to ignore because of its limited abilities to influence matters. However, he also sees that the House of Lords has the potential to do more in the field of foreign affairs. It seeks consensus in the conduct of affairs, and some claim that it might be a better chamber for dealing with foreign affairs because this work often requires the ability to use the "currency of influence" rather than the "currency of power". These are concepts used by Shell to distinguish situations in which Britain does not always have the resources or power to manoeuvre.²¹⁸ Nigel D. White attributes more value to the House of Lords but still describes its role as that of a seeker of information.²¹⁹

Donald Shell further points out that, while observers sometimes pay considerable attention to the impressive backgrounds that speakers in the Lords hold, this tells little about the influence that these peers have on the Government's policy. However, the House of Lords can still influence matters indirectly. Sometimes the peers' questions are reviewed in the press, and peers can also lead campaigns to promote certain policies. These campaigns may include various ways of obtaining publicity for their cause in different arenas, including the parliamentary chamber itself.²²⁰

The House of Lords has a role in the scrutinizing process. In fact, it has been called "the chamber of scrutiny" owing to the increase in the importance of this function of the House arising from the weakness of the Opposition in the House of Commons after the 1980s.²²¹ It can be argued that in this respect the House of Lords has been able to strengthen its role as a second chamber.²²² The House of Lords began to convene more often and to vote more unpredictably in the late 1970s and early 1980s. This, too, was, according to Norton, a result of the House of Commons' perceived inability to scrutinize the Government adequately.²²³ Questions in the House of Lords are as important as in the

²¹⁸ Donald Shell, "The House of Lords and foreign affairs" in *Parliament and International Relations*, eds. Charles Carstairs and Richard Ware (Milton Keynes & Philadelphia: Open University Press, 1991), 72-91.

²¹⁹ White, *Democracy Goes to War*, 13.

²²⁰ Shell, *House of Lords*, 169-174.

²²¹ Giddings and Irwin, "Objects and Questions", 71.

²²² Shell, "The House of Lords: A Chamber of Scrutiny?", 107-109.

²²³ Philip Norton, "Parliament in Perspective" in *Parliament in the 1980s*, ed. Philip Norton (Oxford and New York: Basil Blackwell, 1985), 14.

House of Commons, although they are less motivated by party politics.²²⁴ On the other hand, not all peers ask questions. For example, in the period between 1979 and 1987, the Lords Spiritual was a group that was not active in asking questions.²²⁵

One factor that determines the influence of the scrutiny of the conduct of foreign and defence policies, and how the House of Lords can be a part of the process, is the matter of expertise – the committees include members of the Lords who have substantial experience of the issues at hand. Here, the increasing number of life peers has had an important effect, but Shell points out that often the peers struggle to get their message through to the Government.²²⁶

With regard to possible changes or attempts to change the powers of the House of Lords by peers themselves, one should acknowledge Shell's claim: "In its day-to-day work only rarely does the question of powers explicitly arise."²²⁷ Peers actually often try to avoid situations in which they could use their power and thereby debate general issues rather than substantive motions.²²⁸ This is not surprising since the Parliamentary Act of 1911 was instigated by the Lords' refusal to pass a bill. Hence, it is clear that the House of Lords could well be subjected to further reforms if it tried to acquire more power at the expense of the House of Commons.

The role of the House of Lords in the conduct of foreign affairs is also an aspect that needs illuminating. Richards noted in 1967 that the influence of the Lords in the conduct of foreign affairs had been in decline since the reform of Parliament in 1832. In the nineteenth century, the foreign ministers were usually peers, but the situation has changed since the Parliament Acts of 1911 and 1949 reduced the Lords' right to alter the content of legislation. However, in the conduct of foreign affairs the role of legislation can be quite small or entirely lacking. Nevertheless, Richards noted that votes of opinion were used as a tool in the upper chamber, although the Government unfortunately took little notice of these opinions. The advice of the peers was considered useful owing to their great experience, but they were regarded as being out of touch with contemporary needs.²²⁹ In fact, with regard to a senior minister having a seat in the upper chamber, a notable exception occurred in 1982, when the Secretary of State for Foreign Affairs during the early days of the invasion of the Falkland Islands (Lord Carrington) held a seat in the House of Lords. But as will be seen in the section that deals with the House of Lords during the Falklands War, the situation had not generally changed since 1967. Despite its lesser role compared to

²²⁴ Norton, "Introduction: Parliament since 1960", 21.

²²⁵ Francis Bown: "Influencing the House of Lords. The Role of the Lords Spiritual 1979–1987" *Political Studies*, Vol. 42, Iss. 1 (1994), 105–119, 114.

²²⁶ Alexandra Kelso: *Parliamentary reform at Westminster* (Manchester and New York: Manchester University Press, 2009), 151; Shell, "The House of Lords: A Chamber of Scrutiny?", 111–112.

²²⁷ Shell, "The House of Lords in context", 6.

²²⁸ Shell, "The House of Lords in context", 15.

²²⁹ Richards, *Parliament and Foreign Affairs*, 96–99.

the Commons, the obligation of Ministers to respond to any subject debated in the House of Lords is an important aspect of its power.²³⁰

With regard to the role of Parliament in the issue of going to war, that of the House of Commons can be considered quite clear; especially in terms of its ability to vote during each of the conflicts studied here or in the periods immediately preceding them. The House of Lords is a different matter: there was no vote in the House of Lords during any of the studied periods. The House's reluctance to be involved in confrontations with the Government means that it was not likely to engage in any critical evaluations of the House's constitutional role. The main contribution of the Lords can be found in the advice it gave to the executive branch and in the scrutinizing work it carried out in the form of inquiries.

We have now dealt with the key issues concerning the source literature, the methodological choices, the historical background of the discussions about the Royal Prerogative and the parties' positions, and we have provided the relevant information concerning the working of Parliament itself. The following chapters will conduct an empirical analysis of the source material. The first chapter deals with the Falklands War and starts with a section devoted to the background of the conflict.

²³⁰ Shell, "The House of Lords and foreign affairs", 72.

4 THE FALKLANDS WAR OF 1982: THE GOVERNMENT MAKES THE DECISIONS

4.1 The background of the conflict

The Falklands War was a conflict that strongly influenced the reputation of Margaret Thatcher, the so-called “Iron Lady”, in the field of foreign policy. It was also an event that measured her performance as Prime Minister, as Enoch Powell commented in the first parliamentary debate after the invasion of the islands, “In the next week or two this House, the nation and the right hon. Lady herself will learn of what metal she is made.”²³¹ However, the events in Parliament also provided it with a chance to evaluate its own role with regard to both decision-making and influence. This section provides the background information needed to understand the parliamentary side of the conduct of the Falklands War. It offers a concise overview of the literature especially regarding the history of events in the South Atlantic and the international climate during the crisis. It also shows that the conflict’s main political emphasis was on the diplomatic negotiations between Britain, Argentina and mediating countries, especially in the United Nations, and that the domestic political level was less important.

The Falklands War was a military conflict in the South Atlantic Ocean between 2 April 1982 and 20 June 1982. For Britain, it was a defensive war since the area in question was a British Dependent Territory and thus under British jurisdiction: Britain was responsible for the Falkland Islands’ foreign affairs and defence. The conflict began when Argentine armed forces invaded the islands, which were located 7000 miles from Britain, on 2 April, without any declaration of war.²³² The ownership of the Falkland Islands had long been an issue in British-Argentine relations since Argentina considered the islands, which had been

²³¹ HC Deb 03 April 1982 vol 21 col. 644.

²³² Sir Lawrence Freedman: *The Official History of the Falklands Campaign. Volume II: War and Diplomacy* (London & New York: Routledge, 2005), 5–11.

under British sovereignty since 1833, to be a natural and historical part of its territory. The Argentine claims included not only the Falkland Islands but also South Georgia and the South Sandwich Islands, which were located further east in the South Atlantic Ocean.²³³ In Argentina, the worsening economic situation and the change in the leadership of the military junta in 1981 led the new rulers to decide that the invasion of the islands would divert public attention from the tense domestic political situation and would raise patriotic sentiment among the people since the question of the Falkland Islands – or “Islas Malvinas” as they were called in Argentina – aroused strong popular emotions.²³⁴ The threat offered by Argentina in March 1982 was realized in Britain, but the Argentines were expected to turn to other means such as economic sanctions when Britain refused to discuss the sovereignty of the islands despite the sudden Argentine claims.²³⁵

The Argentine plans were encouraged by the knowledge that Britain’s ability to defend its territory in the South Atlantic was thought to be poor and that there were only limited options available for it to retake the islands. Even the British willingness to defend the islands by force was under doubt.²³⁶ The invasion, carried out on 2 April, was executed swiftly since there was only a small garrison of British soldiers stationed in Port Stanley, the capital of the Falkland Islands, and they were ordered to surrender after a short exchange of fire that did not lead to any British casualties. The British Government learned about the invasion in the Falklands soon after through a radio contact from the islands – according to the official history of the military campaign, the Argentine press had already published the news of the successful invasion. South Georgia was then invaded by Argentina on 3 April after a short fight.²³⁷

Although the invasion was not a total surprise, its timing did surprise the British Government.²³⁸ By the evening of 30 March, the Cabinet knew that Argentine forces were moving towards the islands, and that they were most likely destination of the task forces. The First Sea Lord, Admiral Sir Henry Leach, told the Cabinet that the British armed forces would be able to respond to a possible Argentine invasion adequately – which was contrary to the general belief – by assembling a full-size task force with two aircraft carriers within a few days. The Cabinet meeting was a quick response to a request by the Secretary of State for Defence, John Nott, who had learned about the Argentine fleet approaching the islands. Leach was told to assemble a task force on 31 March. After the Cab-

²³³ Daniel K. Gibran: *The Falklands War. Britain Versus the Past in the South Atlantic* (Jefferson, North Carolina and London: McFarland & Company, 1998), 33–39.

²³⁴ Gibran, *The Falklands War*, 60–73.

²³⁵ Peter Strafford: “Argentina steps up Falklands pressure” *The Times*, 5 March 1982, p.8; G.M. Dillon: *The Falklands, Politics and War* (Houndmills & London: Macmillan Press, 1989), 37–53.

²³⁶ Sir Lawrence Freedman: *The Official History of the Falklands Campaign. Volume 1: The Origins of War* (London & New York: Routledge, 2005), 204–215.

²³⁷ Freedman, *The Official History of the Falklands Campaign. Volume II*, 7–9, 13–14.

²³⁸ The quality of British intelligence raised questions, and it later sparked the Franks Inquiry, conducted by a group of Privy Counsellors led by Lord Franks, to study the pre-war situation. Freedman, *The Official History of the Falklands Campaign. Volume I*, 216–217.

inet had learned about the invasion on 2 April, the decision to dispatch the task force to the Falkland Islands was taken. The author of the official history of the campaign, Sir Lawrence Freedman, argued that the decision to launch a military response was a key moment for both Parliament and the Government since Thatcher was able to tell to the Commons on 3 April that Britain was capable of responding to the invasion and that preparations to do so were taking place. This rallied Parliament to support the Government.²³⁹ The consultation that took place between the military and the political decision-making bodies in this situation is considered have been rare in British political culture.²⁴⁰

It was estimated that it would take three weeks for the task force to reach the South Atlantic – which was a surprise to Margaret Thatcher²⁴¹ – and this long delay created a chance for Parliament’s broad participation in the conduct of the affair. In fact, three weeks turned out to be an optimistic estimate; it would actually take significantly more time to get close to the Falkland Islands. Another question was the ability of the task force to combat the Argentine forces.²⁴² For the political control of the task force, Thatcher assembled a War Cabinet within the Cabinet proper. The War Cabinet included Thatcher, Home Secretary William Whitelaw, Foreign Secretary Francis Pym (who had been appointed after the resignation of Lord Carrington) and Defence Secretary John Nott together with key civil servants. The War Cabinet decided, among other matters, on the limits of the use of military force.²⁴³ Nott later wrote that his post was in effect run by the Prime Minister, and that his role had to be practically redefined.²⁴⁴

Since the Conservative victory in the general election of 1979, Thatcher’s foreign policy had emphasized the need to reinforce Britain’s “special relationship” with the United States. Thatcher was able to create good relations with the U.S. President, Ronald Reagan, and this relationship was strengthened during the Falklands War. Furthermore, Prime Minister Thatcher’s personal influence on the conduct of foreign policy was strong, and this hold was considerably reinforced by her actions during the Falklands War.²⁴⁵

²³⁹ Freedman, *The Official History. Volume I*, 15–16, 206–210; Margaret Thatcher: *The Downing Street Years* (London: HarperCollins, 1995), 179–181.

²⁴⁰ Towle, *Going to War*, 102–103.

²⁴¹ Freedman, *The Official History. Volume I*, 209.

²⁴² Ian McGeoch: “The battle plan when the Marines storm ashore” *The Times*, 6 April 1982, p.12.

²⁴³ White, *Democracy Goes to War*, 177–179. The War Cabinet’s official name was “The South Atlantic Sub-Committee of the Overseas and Defence Policy Committee of the Cabinet”.

²⁴⁴ John Nott: *Here Today, Gone Tomorrow. Recollections of an Errant Politician* (London: Politico’s Publishing, 2002), 246–248.

²⁴⁵ Peter Byrd: *British Foreign Policy Under Thatcher* (Oxford: Philip Allan/St Martin’s Press, 1988), 9–17, 54. John Campbell: *Margaret Thatcher. Volume II. The Iron Lady* (London: Vintage, 2008), 253–260; Vickers, *The Labour Party and the World*, 124; Paul Sharp, “British Foreign Policy under Margaret Thatcher” in *The Makers of British Foreign Policy. From Pitt to Thatcher*, ed. T.G. Otte (Houndmills: Palgrave, 2002.), 261–281; Peter Hennessy: *The Prime Minister. The Office and its Holders Since 1945* (London: Penguin Books, 2000, 2001), 442.

As will be seen on the following pages, the British Government made a considerable effort to achieve the support of the United Nations Security Council for its right to defend the islands. A positive resolution by the Security Council would strengthen the position of the British Government not only domestically but especially at the international level. It was very important to gain the support of the United States, but differing views existed as to how this goal might be achieved.²⁴⁶ The work to obtain a favourable United Nations Security Council resolution began, and in the end Resolution 502 was accepted on 3 April by votes 10 to 1, with four abstentions.²⁴⁷ The resolution demanded “an immediate cessation of hostilities”, “the immediate withdrawal of all Argentine forces from the Falkland Islands (Islas Malvinas for the Argentine side)” and called for a diplomatic solution between Great Britain and Argentina.²⁴⁸ This meant that Britain had an international mandate to defend the islands, and anyway the UN Charter also proclaimed the right of self-defence. The British had developed a strategy for dealing with the crisis right from the outset: they would attempt to put pressure on Argentina through diplomacy, economic sanctions and military force. Economic sanctions included a British request granted by the EEC to stop exports to Argentina from Community countries and the freezing of Argentine assets in Britain.²⁴⁹

On 12 April 1982, the British Government declared a Maritime Exclusion Zone covering the Falkland Islands. Inside this zone, any Argentine military ship or even civilian aircraft that might pose a threat to the British task force that was sailing in the South Atlantic would be considered hostile. Britain also declared that additional measures could be implemented.²⁵⁰ On 30 April, this zone was made into a Total Exclusion Zone (TEZ) – any ship or aircraft from any country in the area would be considered hostile and would be fired on without warning. Both zones encircled the islands and had a radius of 200 nautical miles.²⁵¹ The zones represented the legal and political context within which the possible use of force might be implemented, although the British Government insisted that Britain was ready to use force outside the exclusion zones as well if necessary.

From a military point of view, the task force had to prepare itself for the recapture of the islands in an uncertain diplomatic situation. As it sailed towards its destination, the probability of the use of force increased as the diplomatic efforts seemed to be bringing no peaceful solution. The public supported the readiness to use force if necessary, which constituted an important backing

²⁴⁶ Freedman, *The Official history. Vol II*, 40–41.

²⁴⁷ *Ibid*, 39–47.

²⁴⁸ “The United Nations Security Council 502”, of 3 April 1982, accessed 1 Aug 2013, <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/435/26/IMG/NR043526.pdf?OpenElement> OR www.un.org -> Peace and Security -> Security Council -> Resolutions -> 1946 to present -> 1982 -> Resolution 502.

²⁴⁹ Gibran, *The Falklands War*, 76–77; John Palmer: “Common Market backs UK call for sanctions on Argentina” *The Guardian*, 7 Apr 1982, p.3.

²⁵⁰ Margaret Thatcher HC Deb 14 April 1982 vol 21 col. 1147.

²⁵¹ Margaret Thatcher HC Deb 29 April 1982 vol 22 cols 980–981.

for the Government. However, it was not certain whether the politicians would ultimately have the stomach to commit the troops to battle if the diplomatic route brought no solution within the preferred time frame. Another relevant question was whether the aim of the expedition – the restoration of the British administration and the withdrawal of the Argentine forces – could be achieved with the current task force without the need to assemble a more formidable fighting force, as failure to do so would risk the alienation of the political support of both Parliament and the public for the operation. The British Government was thus using the deployment of the task force as a demonstration of force and as a bargaining chip in the negotiations.²⁵²

On the other hand, Britain was not ready to limit the use of the task force to putting pressure on the Argentine regime, and the British recaptured South Georgia by the use of force on 25 April as a natural step to the recapture of the Falkland Islands. South Georgia and the South Sandwich Islands were a remote chain of islands without a permanent population, and the Argentine military presence there was quite small. The recapture was carried out with minimal losses since the Argentine troops surrendered quickly.²⁵³ The recapture was partly effected because of the need for political leverage.²⁵⁴ However, it also represented an escalation of the crisis since it was the first military action by the British after the failed defence of the Falklands against the Argentine invaders. The US Secretary of State Alexander Haig had used the threat of the recapture of the islands to put pressure on Argentina, and that had induced the Argentine junta to come forward with some concessions, although there was no substantial change in their position.²⁵⁵ Now this option was gone. When the British recaptured South Georgia, the British Government and the public as a whole reacted positively since it now seemed that the British were in a strong position. It also led Thatcher to make her famous “Rejoice!” comment in a press interview and to put further pressure on the Argentines by establishing the Total Exclusion Zone.²⁵⁶ However, the Secretary General of the UN demanded a stop to any further escalation of the crisis.²⁵⁷ From a retrospective point of view, the recapture of South Georgia was not a particularly serious escalation, although it did involve the landing of British troops, fighting and the sinking of an Argentine submarine. The event that could be really regarded as a major escalation was about to happen.

This event occurred on 2 May 1982, when a British submarine *HMS Conqueror* sank the Argentine light cruiser the *General Belgrano* with the loss of over 300 Argentine seamen. The ship was located outside the Total Exclusion Zone and, as will be seen on the following pages, this caused political controversy

²⁵² Freedman, *Official history. Vol II*, 195–209.

²⁵³ Henry Stanhope: “White ensign flies again after two-hour battle” *The Times*, 26 April 1982, p.1.

²⁵⁴ Freedman, *Official history. Vol II*, 221; Dillon, *The Falklands, Politics and War*, 189.

²⁵⁵ Freedman, *Official history. Vol II*, 163.

²⁵⁶ Julia Haviland: “Rejoice, says Mrs Thatcher” *The Times*, 26 April 1982, p.1; Anon.: “Poll reveals 80% support” *The Times*, 28 April 1982, p.7; Henry Stanhope: “Task force puts on the pressure” *The Times*, 29 April 1982, p.1.

²⁵⁷ Freedman, *Official history. Vol II*, 172, 186.

over the British Government's objectives and handling of the crisis. On the other hand, there had been some small skirmishes on the previous two days when both British and the Argentine aircraft had made sorties. The sinking of the *Belgrano* was carried out because of its potential threat to the task force. The decision was made by the Prime Minister along with a small group of Cabinet members, who all were given the opportunity to express their opinions before the decision was taken. According to Lawrence Freedman, there was no real disagreement over the decision. This decision also marked a change in the rules of engagement of British armed forces in the area as well as a change in the order of priority of the means to be used in resolving the situation: the military aspect now came to the fore.²⁵⁸ The real test for the British political leadership came on 4 May, when the Argentine forces avenged the loss of the *Belgrano* by successfully attacking the British task force. The British lost one of their destroyers, *HMS Sheffield*, in an air raid with the loss of over 20 men. At the same time, two British aircraft were lost due to bad weather and one other in an air raid against Argentine positions on the Falkland Islands. The Cabinet managed to keep its nerve, and the loss of *HMS Sheffield* did not lead to any changes in its policy.²⁵⁹ After the sinking of the *General Belgrano*, the military activity increased, especially on the Argentine side, and the Argentine air force began to launch air raids against the task force.²⁶⁰ The British, too, started to execute air strikes against the Argentine positions on the Falklands.²⁶¹ Until the sinking of the *Belgrano*, the role of Parliament had remained much the same as before: it was informed about developments, and it was used to ensure political support, but now the Government's actions began to be questioned in the Commons. The sinking of the *Belgrano* led to parliamentary questioning and discussion about the executive's conduct in the diplomatic negotiations, and the question of whether Parliament should have more power than just the right to be informed was raised.

There were several attempts to resolve the crisis, and a number of possible means to achieve this were identified. For Britain, the best outcome would be for Argentina to unconditionally withdraw from the islands as Britain demanded. This outcome would lead to the re-establishment of British administration and sovereignty over the islands. However, this route led nowhere, as the first weeks of the crisis had shown. Britain was also ready to use other intermediaries to bring about an unconditional Argentine withdrawal and was considering the use of the International Court of Justice (ICJ). For the Government, the British position in any diplomatic attempt to resolve the crisis was clear: Britain wanted the withdrawal of Argentine forces and the restoration of British rule over the islands as a precondition of British withdrawal. Public opinion would

²⁵⁸ Freedman, *Official history. Vol II*, 287–288; Dillon, *The Falklands, Politics and War*, 208–214.

²⁵⁹ Freedman, *Official history. Vol II*, 298–302.

²⁶⁰ Christopher Thomas: "Junta says 680 rescued from sunken warship" *The Times*, 5 May 1982, p.3.

²⁶¹ E.g. Henry Stanhope: "Navy again bombard Falklands as negotiations drag on" *The Times*, 11 May 1982, p.1.

not necessarily tolerate the loss of the islands, as the polls suggested, although the public was not ready to endorse the escalation of the war to the Argentine mainland.²⁶² On the other hand, the appeal to the ICJ was considered problematic and uncertain.²⁶³

The US Secretary of State, Alexander Haig, began his work as a mediator, travelling first to London and then shuttling between the USA, Argentina and Britain. The US position was to some extent unclear: it could not support Argentina because the country was ruled by a dictator, but it could still take a neutral position. Haig's diplomatic efforts sought to push Britain into making some concessions in its position, and Argentina was urged to accept a compromise solution in which Argentine forces would have to withdraw from the area while the sovereignty of the islands would be decided at a later stage. The Argentine junta took a hard stance especially over the sovereignty of the islands, and the negotiations made no progress since the British, too, were unready to yield in their main position. Moreover, the question of the islanders' right to decide was of "paramount" importance for Thatcher, as she several times stated in the Commons. At the end of April, Haig's efforts to negotiate a solution ended in failure after the Argentine junta rejected his latest proposals. This led the USA to renounce its diplomatic efforts and to publicly back the British position in the crisis.²⁶⁴ In the United Nations, Britain proposed a new draft resolution, which allowed for the possibility that the administration of the islands would be carried out by the islanders themselves under the UN flag and without the presence of Argentine or British troops. This was done partly in order to avoid any restrictions on the use of force, but the draft was also intended as a genuine effort to seek an alternative solution. As Haig's mission was reaching its end on 24 April, the clear feeling in the Security Council was that the crisis would be settled by the use of force rather than by a peaceful solution.²⁶⁵

The Secretary General of the United Nations, Perez de Cuellar, also tried to act as a mediator in early May after Haig had given up his mediating effort, but this endeavour, too, ended in failure. After the sinking of the *Belgrano*, the mood in the Security Council turned slightly anti-British, and Argentina accepted de Cuellar's effort to obtain a ceasefire without any commitment to withdrawal. De Cuellar's work began on 8 May. The British position was to avoid a situation in which it would be blamed if the negotiations failed, but also to avoid one in which it would have to give in over issues that it felt to be important. A peaceful settlement was preferred but not at the cost of transferring the sovereignty of the islands to Argentina. Argentina made a big concession in accepting that the negotiations should be completed by 31 December 1982, as the draft agreement proposed, while Britain on the other hand had to be prepared to negotiate about the administration of the islands and perhaps about the future of South Georgia. The last matter posed a problem for the British War

²⁶² Freedman, *Official history. Vol II*, 119, 127; Towle, *Going to War*, 138.

²⁶³ Freedman, *Official History. Vol II*, 120–122.

²⁶⁴ Freedman, *Official history. Vol II*, 125–129, 147, 161–166, 177–178; Alexander Haig's statement: "How Haig announced backing for Britain" *The Times*, 1 May 1982, p.4.

²⁶⁵ Freedman, *Official history. Vol II*, 181–185.

Cabinet since South Georgia had now been recaptured, but even so it still preferred a peaceful settlement over military action. In Parliament, the Opposition in general wanted the Cabinet to exhaust all the diplomatic options available before embarking on any further escalation. Parliament's role had remained one in which the Government provided it with information about the course of events but did not include it in the decision-making process in general; the Cabinet continued to interpret the situation and make decisions about the direction of foreign policy.

After talks in London between the War Cabinet and Anthony Parsons, the UK ambassador to the UN, Britain offered its final proposal, in which it rejected the idea of British withdrawal from South Georgia and demanded self-government for the islanders, although in some other respects the draft was quite favourable for Argentina since it accepted the notion that the UN could administer the islands instead of Britain. Argentina offered its response to the draft agreement, adopting a much harder stance than Britain.²⁶⁶ Consequently, on 19 May de Cuellar told Thatcher that Argentina had rejected the proposal as such but was ready to enter into a new set of negotiations. However, Thatcher dismissed the idea, arguing that Argentina's final proposal document would never appear – after several rounds of negotiations, nothing of substance had emerged from Argentina. Thatcher told de Cuellar that on 20 May Britain would announce that Argentina had rejected the British proposal and that the negotiations had now ended.²⁶⁷ De Cuellar attempted to make a new draft agreement, but this was turned down by Britain since there was nothing new in his proposal, and indeed it contained some elements that Argentina had already rejected. Argentina failed to give any reply by the end of the deadline, and de Cuellar announced on 21 May that he was renouncing his mediating endeavour.²⁶⁸ The impasse reached in the different diplomatic routes came as a disappointment to many left-wing MPs in the House of Commons, who believed that an escalation into a land war was not inevitable.

While the negotiations continued, the British task force was pursuing its efforts to re-capture the islands. On 21 May, the British forces landed on the Falkland Islands. The Argentine forces launched several air attacks against the landed British troops and the Royal Navy, and the British forces' advance towards Port Stanley was slow. Nevertheless, on 14 June the Argentine forces surrendered, and a ceasefire was agreed between Argentina and Britain.²⁶⁹

This section has offered an outline of the relevant background information concerning the conflict and of the events that took place during the crisis, excluding only the land battles that were waged on the Falkland Islands after 21 May. The general goal of the British Government was to bring pressure on Argentina by means of economic sanctions and the threat of military force in order to gain a negotiated solution. The role of Parliament has as yet been only briefly

²⁶⁶ Freedman, *Official history. Vol II*, 334–337, 347–348, 357–358, 361, 366–370.

²⁶⁷ Freedman, *Official history. Vol II*, 372; Dillon, *The Falklands, Politics and War*, 159–162.

²⁶⁸ Freedman, *Official history. Vol II*, 374–375.

²⁶⁹ Julian Haviland and Philip Webster: "Ceasefire agreed in the Falklands" *The Times*, 15 June 1982, p.1.

touched on in this section: what was important were the actions of the Cabinet especially with regard to the different political routes available for seeking an end to the Argentine occupation of the islands since it was responsibility of the Cabinet to conduct the negotiations and to determine the general British response to the crisis. Parliament's role vis-à-vis the Government was above all to be a source of political and moral support. The Government provided Parliament with frequent information about developments in the crisis, and the executive branch in general had to defend its actions in Parliament, whose support was vital for the British aims: this was something that manifested itself in both chambers. Furthermore, especially at the beginning of the crisis, the sentiment of the House of Commons was critical of the Government because of its failure to defend the islands. The Government needed to remain as united as possible, even after the escalation of the crisis following the sinking of the *General Belgrano*. The responsibility of Parliament, for its part, was to scrutinize the Government but also to provide support for it during a time of crisis. It appears that in this role debating was the main way in which Parliament participated in the decision-making process. Parliament also came to be a forum that would see attempts to re-evaluate its role in the exercise of foreign policy, as the next section will discuss.

4.2 The deployment of troops and the use of force: the Government vs. the Opposition

The handling of events in the House of Commons began with the "civil invasion" of South Georgia, carried out on 18 March 1982, when a group of Argentine merchants raised the Argentine flag over the island.²⁷⁰ The Minister of State at the Foreign and Commonwealth Office, Richard Luce, made a statement to the Commons on 23 March. In this brief statement he announced that there was an Argentine civilian party illegally on the island, and although some of them had left on 21 March, several others still remained there. The Government was working to "[make] arrangements to ensure their early departure".²⁷¹ Twelve MPs took part in the debate that followed the statement. The Labour spokesman and the shadow foreign secretary, Dennis Healey, pressured Luce into admitting that the Argentine party had raised the Argentine flag, and Nicholas Winterton (Con, Macclesfield) called the event an "invasion of an independent country".²⁷² The debate also included talk about the defence of "the islands" (an expression which referred not only to South Georgia but also to the Falkland Islands), and the location and future of the navy's Antarctic ice-breaker, *HMS*

²⁷⁰ Simon Scott Plummer: "Argentines hoist a flag on Falklands" *The Times*, 23 March 1982, p.6.

²⁷¹ Richard Luce HC Deb 23 March 1982 vol 20 col. 798.

²⁷² HC Deb 23 March 1982 vol 20 col. 799.

Endurance, as a part of the islands' defences came under discussion.²⁷³ Other issues, such as the need to deploy further troops, were not discussed. To sum up, Parliament was aware of the developments on the Falkland Islands right from the beginning of the crisis. This differed from the situation in 1976–1978, when a group of Argentineans landed on Southern Thule Island (located south of the Falklands) and established a weather station there. Then the British Government tried to resolve the crisis through diplomatic means, but the event was not revealed to Parliament until 1978, when first the press learned about the incident and revealed it to the general public. After the revelation by the press, the issue was debated in the House of Lords.²⁷⁴

In order to examine the parliamentary discussion, attention should first be given to proceedings in Parliament. Between 23 March and 2 April 1982, the events in the South Atlantic were discussed in Parliament on a frequent basis. The incident in South Georgia was discussed in two statement debates, on 23 March and 30 March. The invasion of the Falkland Islands proper led to a clear increase in the extent to which the crisis was debated in the House of Commons. In addition to statement debates and oral and written questions, there were adjournment debates as well as debates on other motions than those to adjourn. The discussions included not only debates about policy but also frequent parliamentary questions (mainly written ones) on the specific state of the military capability of the British armed forces. The state of the navy in particular was frequently discussed. This seems to have been a consequence of the Government's earlier plans to reduce the size of the navy in the future.

The beginning of the crisis in April, the final escalation into a land war in May 1982 and finally the Argentine surrender in June constitute a fairly clearly defined time frame within which the parliamentary activity occurred. In the House of Commons, the Government controls the political agenda, which affects the handling of various matters. As was pointed out previously, the members are able influence the political agenda of the House of Commons only to a limited degree. The Government was able to interrupt the fixed agenda to present statements, and the procedures allowed for other quick actions, but in many respects the political agenda of the Commons was already fixed in the course of the previous week, with the MPs' opportunities to influence the handling of matters mostly limited to demands for further debates about particular issues.

All in all, there were 14 statements and five motions to adjourn before the Argentine troops in the Falkland Islands surrendered on 14 June 1982. However, if our examination is limited to the events that took place before the ground war, the available corpus is slightly smaller. The ground war on the Falkland Islands began with the landing of British troops there, which was announced in the House of Commons on 24 May 1982. Between 3 April and 23 May 1982 there

²⁷³ The speakers on this included, James Callaghan (Cardiff, South-East) HC Deb 23 March 1982 vol 20 col. 799.

²⁷⁴ HL Deb 10 May 1978 vol 391 cols 976–81.

were five adjournment debates²⁷⁵ and nine statements.²⁷⁶ Furthermore, as can be expected, the issue was frequently raised in oral questions. The discussion of oral questions mainly took place in Question Time, in which the Prime Minister answered questions every Tuesday and Thursday. On some occasions, the Prime Minister was absent, and another minister answered the questions. While the other ministers in the Cabinet were also listened to with attention, the Prime Minister's presence produced more relevant questions and discussions. With regard to written questions in the House of Commons, altogether 55 written questions can be identified that were clearly related to the crisis; however, there were many others that could be also regarded as related to it for different reasons. For the needs of this study, the questions to be examined were chosen on a case-by-case basis: the written questions in 1982 did not give rise to any discussions or results relevant to the subject of this thesis. When it comes to other parliamentary occasions, the situation in the Falkland Islands and the emerging and on-going crisis were frequently discussed in Business of the House debates, which are conducted every Thursday. These are the occasions when the political agenda for the following week is mainly discussed. Parliament held its Easter recess in April and consequently was not planning to convene between Friday 9 April and Sunday 18 April. However, on 14 April the Commons was recalled to discuss the latest developments concerning the Falkland Islands in an adjournment debate. The House of Lords, too, chose to convene on that date to debate the same issue. Apart from that recess, the parliamentary calendar made it possible to follow a regular timetable without long adjournments.

The Government gave Parliament frequent opportunities to debate the crisis and matters connected with it, for example, in the form of statements concerning the diplomatic negotiations. However, in addition to the speeches, attention should also be focused on other measures such as motions and the chances of the MPs to vote on them. The most notable feature is that there was no division on a substantive motion regarding the Government's policy; in other words, Parliament lacked a chance to vote on a motion that clearly stated the Government's policy and asked the House for its support. The existence of substantive motions in 1991 and in 2003 but not in 1982 allows us to compare the respective parliamentary discussion about voting in connection with an armed conflict. Instead of substantive motions, important topics could be dealt with according to the adjournment procedure, i.e. a motion (usually introduced by the Government) to adjourn the debate without a division. This was a technical procedure that allowed the members no chance to register their opinions concerning a specific policy. At the beginning of the crisis, a division on a substantive motion would have been in effect a vote of (no-)confidence in the Government: the early days of the crisis showed that the MPs' attitude to the Government was strongly critical owing to its failure to prevent the invasion of the is-

²⁷⁵ On 3, 7 and 14 April and 13 and 20 May.

²⁷⁶ Three statements on 19, 21 and 26 April and three on 4 May, followed by two others on 5 May. The last statement before the announcement of the landing was on 7 May 1982.

lands, and thus a division on a substantive motion concerning the direction of Government policy would have been a gamble for the executive. A substantive motion would have most likely been introduced before the landing of troops on the Falkland Islands since after the landing the options for different policy alternatives were reduced greatly. However, parliamentary tradition discouraged the use of votes during a time of bipartisan consensus and encouraged less aggressive measures such as the setting of often ill-defined limitations on the Government's actions.²⁷⁷ This influenced parliamentary participation in the exercise of foreign policy, and in fact constituted a rather different outlook from the view that parliamentary politics consisted essentially in debating issues *pro et contra* with differing views confronting each other, as will be seen later in this section.

After a brief discussion on 23 March 1982, Richard Luce, the Minister of State at the Foreign and Commonwealth Office, made a statement about the events on South Georgia on 30 March after more news about the situation on the islands had been received. Luce explained the details of the civil occupation and informed the House about an emerging crisis since there were Argentine warships near the islands and Argentina refused to withdraw them. The debate that followed paid much attention to the defence of the islands. A well-known and influential academic and politician, J. Enoch Powell (UUP, Down, South), raised the question of the use of military force and asked whether the Government believed that the British public would support the use of force. Luce emphasized British sovereignty over the islands but insisted that diplomatic routes were being used to resolve the crisis through peaceful means.²⁷⁸ The former Prime Minister, James Callaghan (Lab, Cardiff, South-East), supported the need to proceed through peaceful means but advised the deployment of navy ships towards the South Atlantic in order to put pressure on Argentina.²⁷⁹ On 23 March, the whole issue of the Falkland Islands was only briefly touched on, but on 30 March the fate of all the islands began to emerge as the most important question. Parliament was informed about these events, and that was considered sufficient: it was the task of the Government to handle the situation. Parliament did not offer any new suggestions about how to solve the crisis in addition to the measures which the Government had already started to implement, although the general mood began to take on some jingoistic features.²⁸⁰

On 2 April, the Government issued two statements before the news about the invasion was announced. There was now a "real expectation" that an invasion would take place, as Humphrey Atkins, the Lord Privy Seal, told the House of Commons.²⁸¹ The Labour MP and the shadow leader of the House, John Silkin (Deptford), immediately gave the party's support "for the right of the people of the Falkland Islands to stay British" and went on to state: "... we

²⁷⁷ Dillon, *The Falklands, Politics and War*, 122.

²⁷⁸ HC Deb 30 March 1982 vol 21 col. 165.

²⁷⁹ HC Deb 30 March 1982 vol 21 col. 168.

²⁸⁰ Editorial: "We don't have ships but by jingo..." *The Times*, 1 April 1982, p.11.

²⁸¹ HC Deb 02 April 1982 vol 21 col. 571.

believe that it is our duty to defend that right.”²⁸² The question of why the Government had not realised the gravity of the situation was to the fore in this debate, as it was in the emergency debate that was held the next day. Silkin had been active in demanding an emergency debate and was broadly supported by many of the Conservative Members, who, according to *The Times*, had experienced a sense of humiliation when the news about the invasion arrived.²⁸³

There was hardly any difference between the opinions of the Government and the Opposition, at least at the party leadership level, concerning the need to make Argentina withdraw. The MPs were recalled after the invasion, and in the emergency debate on 3 April, the first since the Suez Crisis in 1956, the Prime Minister declared that a decision had already been made to send a task force and that the preparations were on-going.²⁸⁴ According to Barnett, Thatcher’s powerful speech made her a “war leader of a bi-partisan consensus”.²⁸⁵ She stressed the fact that Argentina’s mere bellicose rhetoric had not offered a sufficient reason to strengthen the islands’ defences. With regard to the islands’ sovereignty, Thatcher emphasized the importance of the islanders’ own wishes. Thatcher continued by underlining the fact that military preparations were on-going and that the task force would sail towards the islands soon. She also stated that the Government was seeking a diplomatic solution to the crisis and that Parliament would soon receive a proposal for an order intended to place economic sanctions on Argentina.²⁸⁶ What can be learned from Thatcher’s speech and from the debate that followed is that there was no discussion about the actual deployment of forces since the views of the members were mostly supportive; the debate concentrated on other issues, mainly the humiliation incurred by Britain on account of the invasion and the evidence it offered of the Government’s failure to anticipate the situation.

Thatcher’s position was difficult. After becoming premier in 1979, she had learned about the exercise of foreign policy. John Campbell argues that in contrast to her otherwise strong support for deterrence and pragmatic solutions (as in the negotiations about peace in Rhodesia), in the Falkland Islands crisis she showed a different approach, which was characterized by a lack of readiness to make pragmatic compromises. With regard to deterrence, Thatcher had started to cut Britain’s deterrent capability in the Defence Review in 1981 for economic reasons.²⁸⁷

On the Opposition benches, the aim of the Government’s policy was unclear. The crisis caused unease within the Labour Party concerning the position that it should adopt: an armed crisis certainly was not the right time to practice strong Opposition politics as might be the case in other matters of foreign policy, but it still remained the Opposition’s role to make the Government explain and justify its actions. Michael Foot, the party leader, supported the Govern-

²⁸² HC Deb 02 April 1982 vol 21 col. 571.

²⁸³ Philip Webster: “House in crisis session today” *The Times*, 3 April 1982, p.1.

²⁸⁴ Margaret Thatcher HC Deb 03 April 1982 vol 21 cols 633–638.

²⁸⁵ Anthony Barnett: *Iron Britannia* (London: Allison and Busby, 1982), 19.

²⁸⁶ HC Deb 03 April 1982 vol 21 cols 633–638.

²⁸⁷ Campbell, *Margaret Thatcher. Volume II*, 130.

ment's policy, but his party was not united over the matter. In fact, Foot's quick decision to support the sending of a task force without sufficient consultations within the party received some criticism.²⁸⁸ Even so, most of the Labour MPs did back Foot's supportive stance on the Government's policy. However, it was important for the Labour Party to differentiate its policy in some way from that of the Conservatives but at the same time to maintain its support for British troops. This proved difficult to do.²⁸⁹ According to Barnett, the clear and strong support Michael Foot gave to Thatcher's policy in the emergency debate on 3 April was important for Thatcher. The support of the Leader of the Opposition strengthened Thatcher's position and helped to show that it was the united policy of the nation.²⁹⁰ However, beyond the support given by Foot, it is important to note that in his speech he also reminded the Government of the national embarrassment and suggested that the Government was to blame for it and was in fact perhaps even guilty of betrayal. Foot argued:

The responsibility for the betrayal rests with the Government. The Government must now prove by deeds – they will never be able to do it by words – that they are not responsible for the betrayal and cannot be faced with that charge. (...) there is the longer-term interest to ensure that foul and brutal aggression does not succeed in our world.²⁹¹

Foot emphasized that the Government needed to resolve the crisis in order to give an example to the world that aggression would not be rewarded. It was now Britain defending the world against dictators. Foot also criticized the Government for its inadequate spending on the military and on intelligence since Argentina had been able to invade the islands without proper warning by the British intelligence service, but he gave his backing for the task force as well as to the efforts to gain the support of the UN.²⁹² The UN route was the logical way for the party, and for some it also represented a true chance for a diplomatic solution. The Labour spokesman for defence, Denis Healey, emphasized that the UN offered a way to a diplomatic solution while the task force would work as a source of pressure. Mark Phythian later interviewed the Labour MP Gerald Kaufman, who was subsequently to become the shadow foreign secretary. Kaufman considered the situation in 1982 to be a simple yes-or-no issue as a result of the fact that the Falklands had been invaded by a fascist regime. But for Healey the situation was not so straightforward.²⁹³

For the Labour Party, the early 1980s had been a time of radicalization in terms of foreign and defence policies. The accentuation of left-wing policies within the party had led to the formation of the more centrist Social Democratic Party in 1981. These more radical policies included a unilateral approach to the disarmament of nuclear weapons. The radicalization had been further fuelled

²⁸⁸ Tam Dalyell: *One Man's Falklands...* (London: Cecil Woolf, 1982), 59.

²⁸⁹ Mark Phythian, *The Labour Party, War and International Relations*, 83–87.

²⁹⁰ Barnett, *Iron Britannia*, 19.

²⁹¹ Michael Foot HC Deb 03 April 1982 vol 21 col. 641.

²⁹² HC Deb 03 April 1982 vol 21 cols 638–640.

²⁹³ Phythian, *The Labour Party, War and International Relations*, 85.

by the election of Michael Foot as the party leader since he supported more left-ist policies and had links with the Campaign for Nuclear Disarmament, a peace movement NGO with over 110,000 members in 1981. In contrast, Denis Healey, the deputy leader elected in 1981, represented more centrist views.²⁹⁴ The Falklands War created a new situation for the determination of the party's policy, and Foot, rather than attempting to pursue more pacifist policies took the lead by adopting a supportive stance, for example in expressing a general readiness to respond to the Argentine actions with force of arms.

The House was largely in accord with the view that the Government had not succeeded well in its handling of the Falklands situation, one aspect of which was the timing of the troop deployments. The leader of the SDP's parliamentary group, David Owen (Plymouth Devonport),²⁹⁵ criticized the timing, claiming that the failure to decide to send forces a month previously had led to the present "humiliation".²⁹⁶ Owens's speech voiced the general attitude of the House of Commons towards the British Government: the executive now needed the support of Parliament to redress the humiliation. It was not at all a question of whether the Government had perhaps exceeded its powers by dispatching the task force, nor was the role of Parliament at issue. What was important was that the Government had failed to respond properly with military force to a potential threat although it had had the power to do so. In this regard, the House of Commons constituted an important agent of control by pressing the Government on 3 April to explain why things had failed and how the islands had been overrun by the Argentine forces.

Owens's party, the SDP, offers an insight into the activities of other parties in the House of Commons than the two largest ones. In 1982, the party was still in the process of forming its own political line since the creation of the party had been the result of a schism within the Labour Party. Even so, the opinions it voiced received wide publicity. It had also made an informal pact with the Liberal Party in 1981, thereby creating a potential threat to the domination of the Conservatives and Labour in the House of Commons.

From Parliament's point of view, the Commons' scope for debating the matter was called in question before the recall debate when the Speaker proposed a time limit of three hours. David Stoddart (Swindon), a Labour MP, proposed an amendment to the motion which was intended to give backbencher MPs a chance to speak alongside the Privy Councillors and former members of the Cabinet, but this was rejected in a division with 204 ayes and 115 nays.²⁹⁷

²⁹⁴ The Labour party: *A Socialist Foreign Policy. A Labour Party Discussion Document* (London: Labour party, 1981), 18-19, 22-23; Vickers, *The Labour Party and the World vol 2*, 123-127, 129.

²⁹⁵ There was a leadership struggle emerging in the SDP-Liberal Alliance: Roy Jenkins had been elected to the House in March, but Owen, although ready to hand over the leadership to Jenkins, remained the leader of the parliamentary group for several months. Julian Haviland: "Steel urges SDP to speed up choice of its leader". *The Times*, 27 March 1982, p.1; David Owen: *Time to Declare* (London: Penguin Books, 1992), 545.

²⁹⁶ HC Deb 03 April 1982 vol 21 col. 647.

²⁹⁷ HC Deb 03 April 1982 vol 21 cols 629-32.

No vote was taken in the actual debate. White argues that the fact that no vote was taken on 3 April showed the House's united resolve to recover the islands.²⁹⁸ Perhaps so, but other sources do not comment on the lack of a division on 3 April, and this fact suggests that the matter at hand was not considered to be a real issue; the division over the time limit for speaking cannot be interpreted to be an act of dissent towards the Government. In the main debate, the House was almost unanimous in its support for the Government, and there was no need for a division, especially since the Opposition did not press for one. If the Labour leadership had dissented from the Government's policy, a vote would have been taken, and in consequence it would have shown that Britain was partly divided over the issue, which would have possibly undermined British efforts to gain political leverage in the diplomatic negotiations. Furthermore, the Government's apparently weak position after the invasion meant that a division would have been *de facto* a vote of (no-)confidence.

A comprehensive treatment of the activities of Parliament requires that we also take into account the possible limits of parliamentary scrutiny at a time when the Government was engaged in delicate and important diplomatic work. The Government had to find a suitable line in providing enough information about diplomatic developments without revealing too much: in the recall debate on 3 April, for example, Ted Rowlands, a former minister, revealed that previously the British intelligence services had at least been able to read Argentina's diplomatic messages: this revelation constituted a leaking of sensitive information that was not regarded as suitable for publication.²⁹⁹ There were limits to what the parliamentarians might know, and those matters that were suitable for disclosure were defined as the situation developed.³⁰⁰

As for events after the recall debate, the new Foreign Secretary, Francis Pym, informed Parliament about the diplomatic developments very frequently.³⁰¹ His first performance as the new Foreign Secretary was on 7 April 1982 in a technical adjournment debate, the first during the crisis that offered members the chance to vote: however, nobody forced a division, and the debate ended in an adjournment. Pym spoke about recent developments in the crisis and confirmed that Argentina had now also invaded South Georgia. There was no information about the situation of the islanders living on the Falkland Islands, but Pym reminded the House of the appalling nature of Argentina's regime. He also spoke about the dispatched task force that had set sail two days earlier and emphasized that it was fully capable of executing any action in the exercise of self-defence. He further argued: "While no formal state of war exists between this country and Argentina, we are fully entitled to take whatever measures may be necessary in the exercise of this right."³⁰² It was a clear public warning to Argentina: the task force was ready to use force if necessary. The fact that Pym, unlike Lord Carrington, was recruited from the Commons was considered

²⁹⁸ White, *Democracy Goes to War*, 177.

²⁹⁹ Hennessy, *The Prime Minister*, 420–421.

³⁰⁰ See, for example, editorial: "In freedom's cause" *The Times*, 15 April 1982, 11.

³⁰¹ Freedman, *Official history. Vol II*, 39.

³⁰² HC Deb 07 April 1982 vol 21 cols 959–960.

important. David Owen claimed that the situation was now much better. Democratic accountability to the House of Commons required that the Foreign Secretary should sit in the lower chamber, Owen argued: "I have always believed that that office cannot be fully discharged unless there is democratic accountability to this House."³⁰³

The criticism of Lord Carrington related to the role of the Foreign Office in general and its performance vis-à-vis the intelligence service.³⁰⁴ Owen's comment brought out the relation between the House of Commons and the House of Lords. Generally speaking, the location of the Foreign Secretary's seat can be considered an issue of accountability since the House of Lords' political culture supported a more peaceful and considered approach and a desire to avoid confrontation. The House of Lords would become more hostile to the Government's legislation in the course of the 1980s, but in 1982 the House of Commons was a more suitable arena for a Government vs. Opposition confrontation. A time of crisis demanded that there be opportunities to speak in the representative chamber.

Despite Pym's performance, it was significant that the Opposition, while being generally in support of the Government's policy, began to place limits to this support. On the day of Pym's speech, *The Daily Telegraph* demanded that Parliament register its support for the task force.³⁰⁵ Denis Healey, the shadow foreign secretary, was the main proponent in ensuring that the Government was aware that it did not have a blank cheque to act as it wished. Healey adopted this stance on 7 April. He reminded the Government about the American War of Independence and Lord Frederick North's resignation (in 1782) as Prime Minister as a result of Parliament's the loss of confidence in the Government. Thatcher had chosen to stay, and that would limit her political and moral rights in the eyes of the Opposition. Healey argued:

If the British Government had behaved in that way on a vital British interest 200 years ago, the Prime Minister would have been impeached. The right hon. Lady has chosen to stay, but from this moment she has no moral or political rights whatever to ask the Opposition to give her a blank cheque. No responsible Opposition in this situation could surrender their freedom of thought and action to a Prime Minister who had demonstrated such a monumental lack of judgment.³⁰⁶

The events in 1782 offer an interesting point of comparison. According to Pasi Ihalainen, the negative experiences of the war in America had radicalized the constitutional debate in Britain; in Parliament that resulted in a more dynamic use of the concepts 'the people' and 'democracy' and also in the Prime Minister's realization that he had lost power.³⁰⁷ In 1982 the comparison with a situa-

³⁰³ HC Deb 07 April 1982 vol 21 col. 985.

³⁰⁴ See Ronald Butt: "No surprise how the FO hates MPs" *The Times*, 8 April 1982, p.10; Lord Home of Hirsel: "Don't snipe at the Foreign Office, go for the politicians instead" *The Times*, 13 April 1982, p.6.

³⁰⁵ Editorial: "The fleet under way" *The Daily Telegraph*, 7 April 1982, p.16.

³⁰⁶ Denis Healey HC Deb 07 April 1982 vol 21 cols 964-965.

³⁰⁷ Pasi Ihalainen: *Agents of the People. Democracy and popular sovereignty in British and Swedish parliamentary and public debates, 1734-1800* (Leiden: Brill, 2010), 288-289.

tion 200 years previously was used to remind the Prime Minister of what might follow if Britain should lose its territory on the other side of the Atlantic Ocean. The Labour leadership was trying to find a position that would not appear too pacifist and at the same time to ensure the party's internal cohesion by reconciling left-wingers with the use of force.³⁰⁸ Healey received support from the centre although no similar strong desires to bind the Prime Minister under parliamentary control were expressed in that direction. In the opinion of the leader of the SDP, David Owen, the Government needed "to justify their decisions in the House" as a simple matter of accountability.³⁰⁹

The Government-Opposition relation needed to be re-evaluated during the crisis. It was a question of how the Government should include other parties in the decision-making. As was stated above, Thatcher had assembled a War Cabinet, (a group that in the modern sense went back to World War I), but it consisted only of members of the Conservative party although, other parties could perhaps have also been represented in the decision-making. After all, the original idea of the War Cabinet in World War I was to detach the central authority from the routine of administration and give other departments the right to frame administrative policy, a practice that was repeated in World War II.³¹⁰ At the beginning of May, Prime Minister Thatcher proposed all-party secret talks concerning the diplomatic situation on the Falklands, but this was turned down by Michael Foot. *The Guardian* considered the proposal to be merely an attempt to maintain the political consensus over the Falklands since divisions within the Labour party had begun to increase.³¹¹ On the right-wing side of the media coverage, *The Daily Telegraph* regarded Foot's reluctance as proof of his problems within the party, which it claimed supported a do-nothing stance.³¹² Foot's own position showed that he was not willing to consider diplomatic negotiations outside the parliamentary chamber and indeed emphasized that the Commons was the proper place for such discussions.³¹³ In the end, Thatcher met privately with other party leaders to discuss military options, but Foot did not attend the meeting, the results of which were not disclosed.³¹⁴

However, before moving on to the internal rifts within the parties, further issues at the party leadership level about the use of force in the early days of the crisis should be discussed. What Healey and Owen sought to emphasize was that when it came to an operational mandate, Parliament should be able to impose limitations on the Government's actions when the occasion arose: the Government had the chance to implement its policy with regard to the use of force, but the decisions should be approved in the House of Commons. The need for such reminders had been on-going ever since John Nott, under pressure, an-

³⁰⁸ Philip Webster: "Labour divided on the use of force" *The Times*, 7 April 1982, p.9.

³⁰⁹ HC Deb 07 April 1982 vol 21 col. 986.

³¹⁰ White, *Democracy Goes to War*, 27.

³¹¹ Julia Langdon: "Foot turns down Thatcher's offer of all-party secret talks" *The Guardian*, 3 May 1982, p.1.

³¹² Editorial: "Mrs. Thatcher's invitation" *The Daily Telegraph*, 3 May 1982, p.8.

³¹³ Philip Webster: "Argentine cruiser hit by torpedoes from Royal Navy submarine" *The Times*, 3 May 1982, p.1.

³¹⁴ Julian Haviland: "Military options considered" *The Times*, 11 May 1982, p.1.

nounced in a broadcast that he was ready to order the sinking of Argentine ships or the storming of the islands.³¹⁵ The message had perhaps pleased Conservative MPs, but it also had an effect on the Opposition, and when the task force moved nearer to its target destination, the fear that force might be used began to increase outside Parliament as well.³¹⁶ Pym's speech on 21 April about the desire for a peaceful settlement had in fact caused a stir in the House of Commons: after the debate, a group of right-wing Conservative MPs had privately gathered and expressed their intent renounce the Tory whip if any part of British sovereignty should be handed over Argentina. On the other hand, there were Cabinet members, like Pym himself, who were concerned about the prospect of the use of force while the negotiations were still on-going.³¹⁷

When the British forces recaptured South Georgia, Thatcher confirmed that the Government was still searching for a peaceful solution to the crisis.³¹⁸ This position was challenged by the Opposition since the recapture of the islands could also be interpreted as a clear escalation of the situation, as Michael Foot pointed out. Foot also demanded that Parliament be informed about the level of political control over the operations and emphasized the need for such control as "absolute" in order to avoid any chance of mistakes. Foot reminded Thatcher that the Opposition's stance was a commitment to "fresh initiatives in the search for a peaceful settlement".³¹⁹

In addition to the Opposition's role, Foot also pointed out that the function of Parliament in this crisis was to maintain control over the Government and ensure that, for its part, it had firm control over the task force. He also referred to the need for the Government to constantly seek new support from Parliament.³²⁰

The point was that the recapture of South Georgia had created tense relations between the Government and the Opposition, since it now appeared evident that the Government was not seeking a diplomatic solution as its primary policy but rather a victory obtained through the use of force if the settlement negotiations did not proceed at a clear pace. This was endorsed by Prime Minister Thatcher when, expressing her frustration at the slow speed with which the negotiations were progressing, she stated in her speech in the Commons: "Time is getting extremely short." The main reason for her impatience was the threat of bad weather in the South Atlantic; as the task force got closer and closer to the Falkland Islands, there was no reason for any further delay.³²¹ As G.M. Dillon argues, the military schedule was the ultimate constraint that influenced the outcome of the diplomatic route.³²² South Georgia posed a danger of escalation, and there was also the question of whether the Government had overlooked

³¹⁵ Julian Haviland and Philip Webster: "Nott threat to storm islands, sink ships" *The Times*, 5 April 1982, p.1.

³¹⁶ Anon.: "CND worry at Suez atmosphere" *The Times*, 21 April 1982, p.6.

³¹⁷ Freedman, *Official history. Vol II*, 230-231.

³¹⁸ HC Deb 22 April 1982 vol 22 col. 416; HC Deb 26 April 1982 vol 22 col. 610.

³¹⁹ HC Deb 26 April 1982 vol 22 cols 610-611.

³²⁰ *Ibid.*

³²¹ HC Deb 26 April 1982 vol 22 col. 613.

³²² Dillon, *The Falklands, Politics and War*, 104-108.

Parliament. Then there was the question of information; the recapture of South Georgia, although expected, had still come as a surprise to the House of Commons since the timing of the recapture, or even the aim to retake the islands had not been discussed beforehand with the members of the House. Russell Johnston (Lib Dem, Inverness) warned that Parliament would limit its support if the Prime Minister did not provide more information about developments in the South Atlantic.³²³ A day later, the atmosphere was even tenser after the media had reported a small British landing on the Falklands Islands.³²⁴ Michael Foot pressed Thatcher to give more scope to Parliament. He referred to the on-going mediation efforts by the UN Secretary-General, Perez de Cuellar, and argued that the House of Commons should now be the source of decisions about how to respond to the message sent by de Cuellar. Foot demanded: "I ask her not to take any military action, but to take this diplomatic action after consulting the House of Commons."³²⁵ What Foot emphasized was that although the Government had the power to execute the military operations, Parliament could, and in fact should, have a stronger say on the conduct of the diplomatic endeavours, although this field had usually been the prerogative of the executive branch. Foot's stance reflected the tense situation, but his argument was not a new one. At the end of October 1956, the Labour leader Hugh Gaitskell had demanded that despite the crisis in the Middle East, in which Israel was using military force against Egypt, the Government should wait before it committed any British troops to action. It should have the consent of the UN Security Council, and there should also be a further debate on the matter in the House of Commons.³²⁶ Although the context was different, the idea was similar: to deter the Government from using military force without the Commons having a proper chance to debate the issue. As a result of this, the language used by Opposition emphasized the need to consult the House before the Government should use its prerogative powers instead of the convention of having a debate over accountability after the event.

The key argument for the executive branch to be able to make decisions in foreign policy has often been that it is necessary for such decisions to be made by a small group, often shrouded in secrecy.³²⁷ David Winnick (Lab, Walsall North), a left-winger, warned against engaging in a war without the House of Commons being able to decide on the matter. Winnick specifically stated that the lack of any clear declaration of war was the key argument for allowing Parliament a broader role in the decision-making.³²⁸ The unclear border between war and peace raised the question of whether the use of force should not be en-

³²³ HC Deb 26 April 1982 vol 22 col. 614.

³²⁴ Julian Haviland: "British advance unit reported on the Falklands" *The Times*, 27 April 1982, p.1.

³²⁵ HC Deb 27 April 1982 vol 22 col. 721.

³²⁶ HC Deb 30 October 1956 vol 558 col. 1351.

³²⁷ This matter was also addressed in a report produced by the Public Administration Select Committee in 2004, which examined possible restrictions on the use of the Royal Prerogative. The House of Commons Public Administration Select Committee. Session 2003-04. Fourth report. Taming the Prerogative, 15, para 50.

³²⁸ HC Deb 27 April 1982 vol 22 col. 725.

dorsed by a broader parliamentary process in the absence of a more clearly defined situation after a declaration of war. In fact, the Argentine Foreign Minister, Costa Méndez, had already described the situation as technically a war after the recapture of South Georgia.³²⁹ However, despite these comments about the need to uphold the role of Parliament, the Government's policy was ultimately still widely supported in the House of Commons. On 26 April, only two MPs spoke directly against the Government. However, Labour's toughened stance a day later showed that party's support would be conditional if the Government proceeded with the use of force without parliamentary approval. The party leaders emphasized a cautious approach.³³⁰ The widening rift, especially in the Labour party, led *The Times* to urge the Commons to exercise self-control as the Government was rightly enjoying its freedom to act; it was not a time for discussions about military options.³³¹ However, the Opposition was also advised not to abandon its constitutional right to scrutinize, but it was urged to find a balance between scrutiny and support.³³² The day before, *The Daily Telegraph* had been more critical of the Labour Party and expected a clear re-statement of British aims in Parliament instead of ill-informed discussions on military tactics or diplomatic initiatives; if this did not happen, the blame would lie with the Opposition, and Parliament would not be able to speak for the nation.³³³ With regard to the relationship between the media and Parliament, the apparent lack of details of British military activities gave rise to suggestions abroad that Britain was losing the war. Jonas Harvard argues that the matter of world opinion was important in Parliament and was on the political agenda. It was a matter of the need for the Government to channel information through Parliament, keeping not only the Members but also the media and hence the international audience informed of Britain's ability to resolve the crisis.³³⁴

The major escalation was on its way. On 2 May 1982, *ARA General Belgrano* was sunk by the British outside the TEZ. The sinking of the *Belgrano* led to strong criticism of the Government during the following parliamentary debate, especially when it was learned that *HMS Sheffield* had been lost. In fact, the Leader of the House was forced by the Members to provide a statement debate.³³⁵ In this debate, Michael Foot demanded that Thatcher describe how the political control had worked in this particular case and what kind of calcula-

³²⁹ Nicholas Ashford: "Costa Méndez says it is technically war" *The Times*, 26 April 1982, p.5.

³³⁰ Colin Brown: "Time 'extremely short' for peaceful settlement" *The Guardian*, 27 April 1982, p. 3; Julian Haviland: "MPs fear landing already ordered" *The Times*, 28 April 1982, p.1; Philip Webster: "Foot, Steel and Owen counsel restraint" *The Times*, 28 April 1982, p.7.

³³¹ Editorial: "Too many men at the helm" *The Times*, 29 April 1982, p.13.

³³² Editorial: "Parliament's responsibility" *The Times*, 30 April 1982, p.11.

³³³ Editorial: "Parliament's duty" *The Daily Telegraph*, 29 April 1982, p.18.

³³⁴ Jonas Harvard, "Parliamentary Speaking and Media Narratives on the Falklands War. The Concept of 'world opinion'" (Paper presented at workshop "Parliamentary Means of Conflict Resolution in a Comparative Perspective" at the Freiburg Institute for Advanced Studies, 16-17 March 2012), 9-13.

³³⁵ Hugh Noyes and Philip Webster: "Casualties could be as high as 30" *The Times*, 5 May 1982, p.1.

tions had been made in order to ensure that the use of force was as minimal as possible.³³⁶ In her reply, Thatcher referred to the declaration of the Maritime Exclusion Zone issued in April.³³⁷ Furthermore, she emphasized that Argentine ships outside the Total Exclusion Zone were not safe if they were considered to constitute a threat.

From the military point of view, the sinking was a success in many ways. First, it seriously damaged the Argentine capability to attack the task force through naval warfare, and second, it led to the withdrawal of the Argentine navy to the mainland ports.³³⁸ In the House of Commons, Denis Healey, the Shadow Foreign Secretary, used the TEZ as a measure of the legitimacy of the sinking and wanted to know the precise location of the *Belgrano* at the time of the action. Furthermore, Healey referred to Defence Secretary John Nott's comment on 3 May, in which the latter insisted that the task force was using minimal force under strict political control.³³⁹ Healey's aim was to question the existence of political control over the task force, a criticism that Nott strongly rejected.³⁴⁰ David Steel (Lib, Roxburgh, Selkirk and Peebles), the leader of the Liberal Party, the third largest party with 13 seats, also wanted Nott to reaffirm the existence of political control over the operations, and Nott again confirmed his claim that the fleet was under control.³⁴¹ On the other hand, David Owen, who was supporting the escalation of the war to Argentina's mainland in private discussions, made no comment on the matter in the Commons.³⁴² On the next day, after Parliament learned that the British *HMS Sheffield* had been sunk by the Argentine air force, Healey again suggested that the task force was lacking political control during this tense period.³⁴³

A Conservative motion³⁴⁴ had proposed that Britain should attack the Argentine airfields on the mainland. If executed, these attacks would have led to a wide escalation of the war and probably to increasing criticism of the British case in South America. Dennis Healey wanted Pym to state explicitly that an attack on the mainland was not an option, and Pym confirmed that no such escalation was projected. Pym rejected the idea of excluding any military option at the moment, but such was the pressure from the Opposition not to escalate the crisis by extending hostilities to Argentina's mainland that Pym needed to reassure the MPs that the War Cabinet was keeping calm in the midst of the crisis. However, Pym refused to rule out the bombing of the Argentine mainland. The pressure had emerged from a media report that the Cabinet had given

³³⁶ HC Deb 04 May 1982 vol 23 col. 15.

³³⁷ HC Deb 04 May 1982 vol 23 col. 15.

³³⁸ The Falklands Campaign: The Lessons. Presented to Parliament by the Secretary of State for Defence by Command of Her Majesty. December 1982, Cmnd. 8758, p.7, para 110.

³³⁹ David Fairhall and Ian Aitken: "Nott claims the fleet is using minimum force" *The Guardian*, 4 May 1982, p. 22.

³⁴⁰ HC Deb 04 May 1982 vol 23 cols 30-31.

³⁴¹ HC Deb 04 May 1982 vol 23 col. 32.

³⁴² Owen, *Time to Declare*, 549-550.

³⁴³ HC Deb 05 May 1982 vol 23 col. 156.

³⁴⁴ See the following section.

the War Cabinet the right to escalate the war to the mainland if necessary.³⁴⁵ In this sense, efforts to place restrictions on the Government's policy in Parliament failed to materialize since Pym stood by the Cabinet's position.³⁴⁶ The international reaction was closely followed since the diplomatic negotiations were still on-going, but the economic sanctions set by the EEC began to crumble as Britain's partners in the Common Market warned against resorting to a military solution.³⁴⁷ To return briefly to the issue of control over the task force, the War Cabinet deliberately emphasized for rhetorical purposes that the minimum use of force had been successful since this implied that the task force was under control and that when force was used it was employed in a precise way.³⁴⁸ The Government provided adequate answers (at least for most of the Members) to questions about the sinking of the *Belgrano*, and this, followed by a lack of more extensive military operations during the following days, offered evidence that the task force was under control.

The sinking of the *Belgrano* led to a major re-evaluation at the diplomatic level. It meant that both countries, Britain and Argentina, began to regard the situation as so conflictual that there was no longer a possibility for flexibility as had been the case during the early stages of the crisis.³⁴⁹ G.M. Dillon argues that by giving the right to sink the ship, the War Cabinet acknowledged that Britain was at war with Argentina.³⁵⁰ Perez de Cuellar began his mediating effort soon after the sinking of the two ships, but he made no real progress. A similar fate awaited the so-called "Peruvian initiative", in which Fernando Belaúnde Terry, the President of Peru, tried to act as a mediator. In the discussions that emerged after the sinking of the *Belgrano*, one reason that was suggested for it was the desire of the British Government to intentionally escalate the conflict and thereby to put an end to Terry's mediating effort.³⁵¹ From the British point of view, the issue was that Argentina's position could not be trusted. If Argentina was seeking to show a positive attitude, the British feared that it was only for prevarication in order that the British might become exhausted in the South Atlantic as a result of the bad weather and the difficult logistical conditions.

Although the British Government was quite pessimistic that Argentina would actually implement any proposals and believed that it was only playing for time, Parliament received a chance to debate the crisis in an adjournment debate. In this debate on 13 May, the question of the Argentine position was again emphasized by Pym in his opening speech. Denis Healey again warned against an escalation of the crisis, but he also proceeded to evaluate the Government's stance in the diplomatic negotiations. The concessions the British side had proposed did not receive strong support from Healey, any more than the

³⁴⁵ Anthony Bevins: "Pym gives warning on further bombing" *The Times*, 8 May 1982, p.1; Editorial: "No wider war" *The Times*, 8 May 1982, p.9.

³⁴⁶ HC Deb 07 May 1982 vol 23 cols 397-398.

³⁴⁷ John Palmer: "EEC warns Britain against military action" *The Guardian*, 10 May 1982, p. 2.

³⁴⁸ Dillon, *The Falklands, Politics and War*, 175.

³⁴⁹ Byrd, *British Foreign Policy under Thatcher*, 138.

³⁵⁰ Dillon, *The Falklands, Politics and War*, 214.

³⁵¹ Freedman, *Official history. Vol II*, 338; Dillon, *The Falklands, Politics and War*, 148-158.

Government's preparedness to accept a ceasefire without an immediate Argentine withdrawal from the islands. Healey reminded the Government that it was not tolerable to make excessive concessions: the Argentine forces must be withdrawn before a ceasefire was established, and Argentina could not "be allowed to set preconditions on the outcome of the negotiations".³⁵²

The former Conservative Prime Minister, Edward Heath (Sidcup), also rejected the idea of Argentine sovereignty over the islands.³⁵³ Thus the Government received two strong statements at the beginning of the debate which clearly restricted the possibilities for a peaceful settlement since they allowed the Government to make only a certain amount of concessions.

The Opposition was careful not to give the Government a blank cheque, and the overall conduct of the "crisis management"³⁵⁴ was to be handled by defining suitable limits through parliamentary discussion. Heath had also a comment to make regarding the political control of the task force. Heath reminded the Members that Thatcher was right when she insisted on the need for strict political control: civilian control was also something that the military desired from the politicians.³⁵⁵ In general, the political control of the military can be construed as dependent on the requirement that key matters in society, such as values, are defined by the politicians rather than the military, even during a time of crisis.³⁵⁶ In Britain the navy had traditionally been the cornerstone of the national defence together with a small standing army, and these branches had been under the political control of the Government and the Sovereign. In 1982, this traditional arrangement of political control was again reinforced.

The debate in the Commons on 13 May had, according to the historian Lawrence Freedman, convinced the Cabinet that the supporters of the Government would not tolerate further concessions.³⁵⁷ In that debate, a former cabinet member and the shadow Leader of the House John Silkin (Lab, Lewisham Deptford) recalled to Members that the Opposition's role was to "to remind the country continuously why we have reached the present position and that it is our duty to protect the inhabitants of the Falkland Islands". Silkin also conceded to the Government the right to maintain political control over the armed forces, but he reminded it about the responsibility that this brought. In other words, Silkin was prepared to discuss the role of Parliament but not to debate about military tactics in the Commons.³⁵⁸

There seemed to be a conflict within the Labour Party since on the same day 13 May, during Question Time, Michael Foot demanded a new debate to discuss explicitly the current alternatives and to allow Parliament to pass its

³⁵² HC Deb 13 May 1982 vol 23 cols 958–962.

³⁵³ HC Deb 13 May 1982 vol 23 col. 965.

³⁵⁴ The use of this term in this connection has received certain criticism. Dillon, *The Falklands, Politics and War*, 90–91.

³⁵⁵ HC Deb 13 May 1982 vol 23 col. 968.

³⁵⁶ Richard H. Kohn: "An Essay on Civilian Control of the Military" *American Diplomacy*. March 1997, accessed 8 May 2013, http://www.unc.edu/depts/diplomat/AD_Issues/amdipl_3/kohn.html.

³⁵⁷ Freedman, *Official history. Vol II*, 362.

³⁵⁸ HC Deb 13 May 1982 vol 23 cols 1026, 1026.

judgement on the Government's position before any further escalation of the conflict. This keenness to debate seemed to be in contrast with Silkin's stance on the Opposition not requiring a chance to debate about military tactics in the day's adjournment debate, which was conducted after Question Time. There was an internal rift within the party (more on that in the following section), and the party leadership needed to reaffirm its unwillingness to accept the Government's Falklands policy without close scrutiny and to reiterate its demand for a stronger role for Parliament that would allow it to study the alternatives before decisions were taken. However, Thatcher clearly stated that Parliament would not be allowed to debate that subject or to make the decisions since it would give the enemy a clear advantage by letting them know what the British were going to do next. It is worth noting that Thatcher's argument was not based on constitutional rights but simply referred to the need to prevent the Argentines from receiving too sensitive information – Thatcher did not reply to the part of Foot's speech concerning Parliament as the decision-maker.³⁵⁹ In the event, Thatcher received support from a fellow Conservative, Robert Adley, who argued very strongly for the Government's right to make the decisions. Adley asked the Prime Minister: "[...W]ill my right hon. Friend accept that most people in the country, and most of her right hon. and hon. Friends, expect the Government to behave like a government and not as though they are running a debating society? We expect them to make decisions and to come before the House and defend any decisions that they take."³⁶⁰

Adley's comment about a debating society was a reference to a long tradition, especially in the Universities of Oxford and Cambridge, in which the debating societies worked in some respects as practising grounds for future MPs: the debates held in them were generally on topical subjects, often following examples from Parliament.³⁶¹ With regard to voting, John Silkin's performance offers an interesting insight. Tam Dalyell later argued that Silkin, who was a senior Member and in the key position to influence the voting when informal decisions were taken through the "usual channels", was the who that was reluctant to have divisions about the Falklands although it would have been possible on several occasions.³⁶²

A week later, Foot returned to the subject of Parliament discussing the latest developments in the diplomatic negotiations. He argued that Parliament had the right to debate about an escalation of the crisis before it occurred regardless of whether Argentina was listening or not. A British attempt to recapture the Falkland Islands loomed as a very strong possibility, since the diplomatic negotiations did not seem to be producing any results. Prime Minister Thatcher replied by saying that Foot's argument was both constitutionally and

³⁵⁹ Michael Foot and Margaret Thatcher HC Deb 13 May 1982 vol 23 cols 943–944.

³⁶⁰ HC Deb 13 May 1982 vol 23 col. 944.

³⁶¹ See Taru Haapala: "*That in the opinion of this House*". *The parliamentary culture of debate in the nineteenth-century Cambridge and Oxford Union Societies*. Jyväskylä studies in education, psychology and social research (Jyväskylä: University of Jyväskylä, 2012), 48–79.

³⁶² Dalyell, *One Man's Falklands...*, 88–89.

practically wrong in terms of decision-making, and also wrong in terms of the safety of the task force and the future of the islanders. They debated as follows:

Michael Foot: "Surely the right hon. Lady has a responsibility to give notice to the dictator [Leopoldo Galtieri, the President of Argentina] that the House has the right to judge such matters before there is any escalation of the situation."

The Prime Minister: "The right hon. Gentleman is constitutionally and practically wrong, and wrong when it comes to regarding the interests of our people in the task force and in the Falklands."³⁶³

Thatcher's argument was that Parliament had no right to be consulted before the decisions, although Foot was certainly trying to obtain that power for the House; his behaviour in Parliament was linked to a letter he had sent to Thatcher the day before, insisting that the House should examine the proposed peace terms; Foot feared that the Cabinet would reject terms that were nevertheless, acceptable to Parliament.³⁶⁴ This is an interesting point since, although there was no discussion of the actual constitutional arrangements, the leader of the Opposition tried to gain more power for Parliament in a *de facto* form, in which Parliament would debate and discuss the direction of foreign policy before the Cabinet took the decisions. Although the question related only to the course of the diplomatic efforts, it would still create a precedent for future decision-making. It was an attempt to parliamentarize the exercise of foreign policy by placing limits on the Government's actions: the Government could proceed as it was entitled to, but a time of crisis could lead to escalations, and it was then that the Government should step back and let Parliament make judgments which the executive would implement. It was a kind of parliamentary definition of the Government's rights, not very far from the situation in which Prime Minister Chamberlain was pressured to resign in 1940 as a result of his excessive appeasement of Nazi Germany.

After the debate, an editorial in *The Daily Telegraph* commented on Parliament's constitutional position and gave its endorsement to the current arrangements, which supported the need for fast decisions: it is no surprise that a newspaper known for its Conservative sympathies should support the existing Royal Prerogative. In fact, the editorial argued that it was not even the full Cabinet that should be making decisions but a smaller group led by the Prime Minister.³⁶⁵ On the next day, 19 May, with the end of diplomatic negotiations again very much in sight, David Winnick, a Labour MP, urged once more for further debate before a military invasion of the Falkland Islands, but the Leader of the House of Commons, John Biffen, did not refer to the possible military invasion, merely ordering that Winnick should present his views in the debate that was due to be held the following day.³⁶⁶

³⁶³ Michael Foot and Margaret Thatcher HC Deb 18 May 1982 vol 24 col. 187.

³⁶⁴ Julian Haviland: "'Consult MPs' call by Foot" *The Times*, 18 May 1982, p.1.

³⁶⁵ Editorial: "Parliament and War" *The Daily Telegraph*, 19 May 1982, p.16.

³⁶⁶ HC Deb 19 May 1982 vol 24 col. 351.

It is relevant to understand that the broad public support for the Government's policy was an expression of personal support for Thatcher as well. During the seventh week of the crisis, a small rift had developed within the War Cabinet concerning the use of force. Foreign Secretary Francis Pym was advocating a more peaceful route than Thatcher, and although the War Cabinet showed a unanimous public front, this rift was known to exist. Pym was pressing for further concessions in the negotiations, and Thatcher was preparing the country for war.³⁶⁷ This rift also gave the Labour leadership further fuel to demand a stronger role for Parliament, since Thatcher's readiness to end the diplomatic negotiations was clearly not wholly supported inside her own party.

On 20 May, the Government announced that Argentina had rejected the latest British offer and that the mediation by the UN Secretary General was now considered to have ended. Before the publication of the news, de Cuellar had informed the press about a new initiative for peace with a new draft agreement, which he submitted to Britain and Argentina. This was an attempt by de Cuellar to get Britain to continue the negotiations, and as expected it produced questions in the House of Commons debate.³⁶⁸ However, the British view was that the latest initiative contained nothing new.³⁶⁹

What was more important was that the task force, made up of two smaller convoys, was now in place in the South Atlantic and was ready to take action against the Argentines on the Falkland Islands. As stated above, the military schedule was an important criterion in the decision-making.³⁷⁰ In the debate that followed Thatcher's speech, Michael Foot continued to emphasize the importance of using diplomatic means to avoid a further escalation, and encouraged Thatcher to travel to New York to negotiate. For the debate, the Government had provided the draft resolution documents showing the level of British willingness to accommodate the Argentine claims; this gesture was interpreted by *The Times* as a concession to the Opposition's recent demands for a stronger role for Parliament.³⁷¹ These documents provided strong evidence that the Government was genuinely trying to find a diplomatic settlement, and they also showed the Argentine position. The escalation of the crisis was now in the hands of Parliament, although the right to decide rested elsewhere. With regard to the possible use of military force, the parties generally supported it.³⁷²

On 20 May, the House divided in an adjournment vote that ended with a clear majority (296-33) in support of the Government. The anti-war lobby pushed for an adjournment, but the supporters of the Government voted against this.³⁷³ In the end, the use of force against Argentina was broadly supported by the party front benches, but the opinions within the parties differed

³⁶⁷ George Jones: "The Tories' two voices" *Sunday Telegraph*, 16 May 1982, p.17.

³⁶⁸ Freedman, *Official history. Vol II*, 373.

³⁶⁹ Margaret Thatcher HC Deb 20 May 1982 vol 24 cols 477-479.

³⁷⁰ Dillon, *The Falklands, Politics and War*, 110-111.

³⁷¹ Julian Haviland: "Argentine reply puts hopes for peace further out of reach" *The Times*, 20 May 1982, p.1.

³⁷² David Owen HC Deb 20 May 1982 vol 24 col. 489; Dennis Healey HC Deb 20 May 1982 vol 24 cols 546, 557.

³⁷³ HC Deb 20 May 1982 vol 24 col. 560.

in some respects; for example, within the Labour Party the overall attitude towards using force as a means was less favourable. James Callaghan spoke about the duties of the Opposition and concluded that it had its “duty to give a lead” but also to be ready to scrutinize the Government's actions. Just as the Prime Minister had responsibilities as a decision-maker, so Foot had responsibilities related to the behaviour of the Opposition and to how the Government was able to exercise its powers.

After the British troops started to re-take the islands, Michael Foot wrote to Margaret Thatcher and suggested that Parliament should have its say on how the determination of policy between the use of force and diplomatic negotiations should be settled. Thatcher turned down the request.³⁷⁴

4.3 The deployment of troops and the use of force: arguments pro et contra outside the parties' official lines

The previous section showed that the role of Parliament surfaced as an issue at the party leadership level at the precise moment when an escalation of the crisis was expected. This led the Opposition leadership to seek to pressurize the Prime Minister into broadening the role of Parliament in the conduct of the diplomatic negotiations instead of proceeding with the typical practice of parliamentary debating, which emphasized the need for the Government to be accountable and stressed the need for a rather less partisan approach to the crisis that had struck Britain. However, some of the backbenchers of the different parties held dissenting opinions.

What the war did not produce was unity in all the parties, although the country itself rallied round the flag.³⁷⁵ Although the Conservative Party continued to support the party leadership, the concessions to Argentina proposed in the negotiations, in particular, caused anger among the party's backbenchers. Within the Labour Party, the rift was much larger owing to a power struggle between the adherents of Foot and the supporters of Tony Benn (“Bennites”), meaning in practice a clash between members who accepted the use of force and to those who were reluctant to use it on account of its potential unwelcome consequences. Even discounting the Bennite faction, the party's traditional approach to the use of force accepted it only as a last resort, after a great deal of negotiation. In order to complement the picture given in the previous section and to understand the ideas voiced in the Commons more broadly, this section will analyze some opinions voiced from the backbenches.

In the recall debate on 3 April, one of the two opponents, George Foulkes (Lab, South Ayrshire) presented strong arguments against war. He reminded

³⁷⁴ Mark Phythian, *The Labour Party, War and International Relations*, 91.

³⁷⁵ Brian Lai and Dan Reiter, “Rally ‘Round the Union Jack? Public Opinion and the Use of Force in the United Kingdom, 1948–2001” *International Studies Quarterly*, Vol. 49, No. 2 (2005), 262–268.

the MPs: "Every hon. Member must have a gut reaction to use force, but we must also be sure that we shall not kill thousands of people in the use of that force". He wanted Britain to seek allies, but the use of force would have too severe consequences.³⁷⁶ The question of allies was important, but it was not generally stressed. Exceptionally, the former Chairman of the Conservative Party, Edward du Cann (Taunton), did draw attention to this issue without explicitly referring to particular countries, although he had a dim view of alliances generally: it was self-reliance that mattered. He argued: "For all our alliances and for all the social politenesses which the diplomats so often mistake for trust, in the end in life it is self-reliance and only self-reliance that counts."³⁷⁷

It was the backbenchers who delivered the strongest judgments on the Government's actions. It was suggested several times from the back of the House that John Nott, the Secretary of State for Defence, should resign. Nott, who was the last speaker in the debate on 3 April, mentioned the possibility that the task force might have been sent to the South Atlantic earlier. Nott argued that it had been the right decision not to send troops earlier, but this comment did not receive support from the Commons. Nott was rebutted by Members who shouted "Yes!" to Nott's statement that it would have been possible to act differently.³⁷⁸ *The Times* claimed that Nott was in fact howled down during his defence of the decision to delay the sending of troops.³⁷⁹ Nott's performance was rhetorically a bad one, especially with regard to his attack on Labour, a move ill-suited to the occasion; moreover, the party backbenchers, in particular, considered him responsible for the humiliation.³⁸⁰ In fact, the Foreign Secretary, Lord Carrington, had resigned on account of the national humiliation, and John Nott attempted to do so, only to have his application refused by the Prime Minister.³⁸¹ The House of Commons was generally active in criticizing both Nott and Carrington, and the media, too, were demanding resignations.³⁸²

The use of the concepts 'sovereignty', 'honour' and 'administration' perplexed the Members and gave them food for thought in the early days of the crisis. On 7 April, Foreign Secretary Pym stated that the restoration of the administration of the islands was the objective. This led former Prime Minister James Callaghan to use the same concept to ask the Government: Was the Government aiming to restore the sovereignty of the islands or to restore only the administration of the islands? The latter goal was considered to be of minor importance compared with the restoration of sovereignty - the use of the word "administration" suggested a possibility that Argentina could have a role in the islands' future. The exchange of words led the Prime Minister to intervene and

³⁷⁶ HC Deb 03 April 1982 vol 21 col. 661.

³⁷⁷ HC Deb 03 April 1982 vol 21 cols 642-463.

³⁷⁸ HC Deb 03 April 1982 vol 21 cols 666-668.

³⁷⁹ Peter Pryke, William Weekes and Anthony Looch: "Nott howled down during defence of decision to delay troops" *The Daily Telegraph*, 5 April 1982, p.6.

³⁸⁰ Nott, *Here Today, Gone Tomorrow*, 226-227; Thatcher, *The Downing Street Years*, 185.

³⁸¹ James Wightman: "Nott told to stay on" *The Daily Telegraph*, 6 April 1982, p.1, 30; David Cross: "Lord Carrington tells why he resigned" *The Times*, 6 April 1982, p.2.

³⁸² See, for example, Editorial: "A national crisis" *The Daily Telegraph*, 5 April 1982, p.14.

to emphasize that she had not used the word “sovereignty”.³⁸³ This exchange and similar ones regarding the sovereignty of the islands showed how delicate an issue the question of the islands’ future was for Parliament, especially in the Conservative ranks. The Government had to be extremely precise in its vocabulary in order to avoid the loss of parliamentary support not only during the early days of the crisis but also during the intense diplomatic phase in the early days of May.

Later in the debate, Tony Benn required a more precise statement from the Government about whether it intended to restore the sovereignty or simply the administration in the islands.³⁸⁴ The question of the precise definition of British demands remained to the fore in the following weeks as well when the US Secretary of State Alexander Haig was trying to get Britain to make concessions in its position over the sovereignty issue. Thatcher avoided using the concept of sovereignty in Parliament at one stage owing to the tense state of the diplomatic negotiations, because Argentina was very much against any return to British sovereignty of the islands. After two weeks of Argentine occupation of the islands, a change in the sovereignty over them had become a real alternative.³⁸⁵

The former Prime Minister James Callaghan coined the term “half-war” to describe and define the current situation: it was not a state of war, but there was no peace either. Callaghan used this to emphasize to the Prime Minister that there was no possibility of carrying on with “business as usual”.³⁸⁶ The Foreign Secretary had told the House that, while a formal state of war was missing in the situation, Britain was still entitled to take any measures it felt necessary to exercise its right of self-defence. Michael English (Lab, Nottingham, West) criticized the Foreign Secretary for using the term “formal state of war” even to describe what was missing in the situation. English emphasized that in international law there were only two situations: war or peace; there was no “such thing as an informal state of war”, as the Foreign Secretary was implying. Now there seemed to be a state of war, in the opinion of English, despite the fact that a formal declaration was missing.³⁸⁷ This interpretation did not draw further comments at this point, but the question of how to conceptualize the crisis and its different dimensions remained.

Tony Benn attracted attention with his frequent attacks on the party leadership outside the chamber and especially his desire to challenge its position over the employment of a task force.³⁸⁸ Benn was, together with George Foulkes and Frank Allaun (Lab, Salford, East), among those few individuals in the House of Commons who opposed the use of a task force in the early days of the

³⁸³ James Callaghan, Sir Bernard Braine, Francis Pym, Margaret Thatcher HC Deb 07 April 1982 vol 21 cols 971–972, 1045.

³⁸⁴ HC Deb 07 April 1982 vol 21 col. 991.

³⁸⁵ Freedman, *Official History of Campaign. Vol II*, 147–158.

³⁸⁶ HC Deb 07 April 1982 vol 21 col. 974.

³⁸⁷ HC Deb 07 April 1982 vol 21 col. 1024.

³⁸⁸ See, for example, Nicholas Comfort: “Foot leads attack on Benn” *The Daily Telegraph*, 13 May 1982, p.1.

crisis. They used similar arguments.³⁸⁹ Over two weeks before the invasion of the Falklands, Benn had claimed that the military and the media were the number one threat to British democracy, but he emphasized that this was due to the arms race: the military was powerful, he claimed, especially when it was armed with nuclear weapons. As for the media, Benn found the press to be lacking in both truthfulness and freedom.³⁹⁰ Before the debate on 7 April, Benn had created an internal rift within his party when he openly questioned the party leadership's policy of supporting the expedition of the task force.³⁹¹ Dame Judith Hart, another leading left-winger, made similar comments within the party.³⁹² The rift remained through to the end of the crisis, and Benn in particular received broad criticism in the two Houses on occasions when he questioned the Government's policies. Not all the shouted comments ended on the pages of Hansard, but the press coverage fills in the picture. When, after the sinking of the *Belgrano*, Benn publicly questioned the existence of bipartisan support for the Government, he was, according to *The Daily Telegraph*, called "Quisling" from the Conservative benches – a synonym for a traitor.³⁹³

This exchange of words reflects the tense atmosphere between the anti-war lobby and the Conservative backbenchers, many of whom had expressed greater interest in escalating the war. On 11 May, there was a clash between the party leadership and the anti-war lobby in a meeting of the Labour Party's International Committee, in which both groups filed motions. Benn and Hart's motion supported an immediate truce, while Foot and Healey proposed a motion which supported a ceasefire linked to the implementation of the United Nations Security Council Resolution 502, in effect calling for the prior withdrawal of the Argentine forces. In the end, the committee left all the motions on the table and proceeded with the agenda, which represented a suitable outcome for the party leadership.³⁹⁴

As was discussed in the previous section, there existed broad majorities of support for the leadership in the party, and the anti-war lobby consisted of only a handful of MPs who were not ready to use force in that stage. What some individual backbenchers did, on the other hand, was draw attention to specific issues. The sinking of the *General Belgrano* led Tam Dalyell (Lab, West Lothian) to begin his campaign of personal attack on Thatcher over the decision. In addition, Dalyell drew attention to the failure of early warnings of a possible Argentine invasion of the islands. The sinking led Dalyell to question the motives behind the sinking and to demand an inquiry. In a pamphlet he wrote after the war, Dalyell called the act an "evil decision" by Prime Minister Thatcher and suggested that the basic motive was to escalate the crisis so that the British

³⁸⁹ Tony Benn HC Deb 07 April 1982 vol 21 col. 991; Frank Allaun HC Deb 07 April 1982 vol 21 col. 1011.

³⁹⁰ Mario Modlano: "Media and military are threat, Benn says" *The Times*, 13 March 1982, p.5.

³⁹¹ Philip Webster: "Labour divided on the use of force" *The Times*, 7 April 1982, p.4.

³⁹² Anon.: "Labour unity in crisis begins to crumble" *The Times*, 10 April 1982, p.1.

³⁹³ Edward Pearce: "Rage of shires resounds on Benn" *The Daily Telegraph*, 5 May 1982, p.32.

³⁹⁴ Philip Webster: "Benn and Hart protest at Labour 'gag'" *The Times*, 12 May 1982, p.6.

troops would not need to be withdrawn from the area, as United Nations Security Council Resolution 502 required.³⁹⁵ It was not only the Labour frontbench who began to ask questions about political control, and Dalyell demanded that Thatcher reveal whether she had personally authorized the firing of torpedoes at the ship. Thatcher assured the House that the task force was still under political control but gave no other details about who was making the decisions.³⁹⁶

In the Commons, the sinking of the *Belgrano* and the loss of *HMS Sheffield* led to two motions, one from the Conservative benches and one from the mostly Labour Opposition benches. The Tory motion, which was signed by more than 20 Conservative backbenchers, called for “whatever immediate measures should prove necessary to eliminate the capacity of Argentine forces to inflict unacceptable losses on the British fleet”. In practice, what the motion meant was that the Tory backbenchers were pressing for more use of force against Argentina. The *Sheffield* had been attacked by aircraft based on the mainland, and the Conservative motion was meant to give approval to the bombing of the mainland. The motion signed by 74 Labour Members, on the other hand, called for an immediate truce in the Falklands dispute.³⁹⁷ Neither of these two motions led to actual debates or votes in the Commons, and the Official Record carries no reference to them at all that would allow us to ascertain whether they were Early Day Motions, the typical procedural tool for such purposes, or simple collections of signatures intended to stir up publicity and pressure.³⁹⁸ However, these motions do represent the backbenchers’ endeavour to challenge the parties’ main policies on the crisis. The need to debate and challenge the parties’ main policies on the crisis was shortly referred in the Business of the House debate by Tam Dalyell, but the Speaker emphasized that the House already had sufficient opportunities for debating the question.³⁹⁹ The Labour motion was intended to challenge the current policy as a whole, while the Conservative motion aimed more at influencing the rules of engagement during the conflict, an issue that was decided within the War Cabinet.⁴⁰⁰

The sinking of the *Belgrano* also led the anti-war lobby in the Labour Party to demand that Britain adopt a more moderate position in the negotiations; this meant that Britain would no longer demand the withdrawal of Argentine forces from the islands before a ceasefire could be implemented. In addition to the sinking of the *Belgrano*, the earlier air raids against the Argentine positions on the Falklands had fed fears of a further escalation.⁴⁰¹

³⁹⁵ Tam Dalyell: *Thatcher’s Torpedo*, Introduction by Paul Rogers (London: Cecil Woolf, 1983), 22–24.

³⁹⁶ HC Deb 04 May 1982 vol 23 col. 16.

³⁹⁷ George Clark: “Bomb Argentine air bases say senior Tory MPs” *The Guardian*, 7 May 1982, p.5.

³⁹⁸ May, *Erskine May’s treatise*. 24th ed, 392. An Early Day Motion is a formal motion submitted for a debate. They are seldom debated but often submitted. Early Day Motions are a way of drawing attention to particular issues.

³⁹⁹ John Biffen HC Deb 06 May 1982 vol 23 cols 286–287.

⁴⁰⁰ Dillon, *The Falklands, Politics and War*, 193–214.

⁴⁰¹ Adam Raphael: “Labour split widens” *The Observer*, 2 May 1982, p.1; Dame Judith Hart, Tony Benn and Andrew Faulds HC Deb 04 May 1982 vol 23 cols 23, 26–27.

After the sinking of the *Belgrano* and the loss of the *HSM Sheffield*, Tam Dalyell asked whether there was now a need to re-evaluate the role of Parliament in the crisis. His main argument was that the House of Commons had lacked any opportunity to study the crisis and its handling on a deeper basis, and this should be changed; his stance was inspired by the fear of an escalation of the war to Argentina's mainland.⁴⁰² Tony Benn supported this view and reminded the Government's representative, John Biffen, who was the Leader of the House, about the House of Commons' right to be part of the political process. He argued: "Is the right hon. Gentleman aware that the House of Commons is entitled to be a factor in the Government's thinking and not just convened to discuss the issue when military or diplomatic events elsewhere make it convenient?"⁴⁰³

Benn believed that the situation would eventually be transferred to the jurisdiction of the United Nations, and because of this he wanted the Commons to be able to debate the transfer now before there were further other casualties.⁴⁰⁴ Benn had earlier commented on Thatcher's famous "rejoice" declaration, saying that she had rejoiced at the deaths of the sailors of the *Belgrano*. Benn and others in the anti-war lobby did not make any further actual attempts to restrict the Government's actions through motions. Consequently, the anti-war lobby's position concentrated on negative rhetoric, in which Parliament's role was emphasized from time to time if an occasion to do so presented itself; comments about the constitutional position, on the other hand, were absent.

On 10 May, Tam Dalyell proposed an urgent motion demanding information about whether Britain was at war, as a British radio channel had reported that the French Foreign Minister had called the crisis a "war".⁴⁰⁵ Dalyell's motion was turned down by the Speaker on the grounds that Dalyell's demand did not fulfil the requirements for a motion. The Speaker also rejected demands for a ministerial statement.⁴⁰⁶ The majority of the backbench Members who took part in the debates did not address the issue of whether Britain was at war or not but accepted the situation as one in which the border between war and crisis was difficult to define and understood the British Government's policy of containing the crisis; if the crisis had been defined as war, it would have created a further escalation since it would have increased the fear that other countries would be drawn into the conflict.

The parliamentary discussion continued in much the same vein during the two weeks before the landing on the Falkland Islands. The Members scrutinized the on-going negotiations at the diplomatic level and there were frequent demands for new debates. One key factor that produced further parliamentary debates was party politics. During the crisis, the opinion polls showed that the Conservative Party was gaining more support during the crisis; the public also

⁴⁰² HC Deb 06 May 1982 vol 23 col. 286.

⁴⁰³ HC Deb 06 May 1982 vol 23 col. 287.

⁴⁰⁴ *Ibid.*

⁴⁰⁵ Tam Dalyell and George Thomas HC Deb 10 May 1982 vol 23 cols 467-8.

⁴⁰⁶ HC Deb 10 May 1982 vol 23 cols 467-8.

supported the use of force as one possible means of resolving the crisis.⁴⁰⁷ David Winnick (Lab, Walshall North) accused the Conservative Party of displaying jingoistic attitudes and warned that the party should not use the opportunity to exacerbate the jingoism for political gain. Winnick was worried that the influence of the media might distract the focus of attention away from a negotiated settlement, which should be preferred over the use of force.⁴⁰⁸ Ray Powell (Lab, Ogmore) presented similar comments and in fact accused the Conservative MPs of showing such attitudes in Parliament “safely from the sanctuary of the House”.⁴⁰⁹ There had also evolved a small rift within the Conservatives, in which right-wing Members were observing the Government’s actions with a special eye to any references to possible diplomatic concessions that perhaps might be made by Foreign Secretary Pym. The 1922 Committee consisted of around 30 Conservative backbenchers.⁴¹⁰ Although the group’s power was perhaps not particularly strong, the Cabinet had to work in a context in which the need for unanimous support within the Conservatives determined how Britain acted in the diplomatic negotiations, and this factor left little room for actual concessions.

In the adjournment debate on 20 May, just before the British landing on the Falkland Islands, the last opportunity to demonstrate a negative position on the Government’s policy presented itself, and Tony Benn declared that he and “some of [his] colleagues” would vote against the adjournment, as they did. Benn accused Thatcher of encouraging “war hysteria” in several speeches and expressed his hope that, if the negotiations should continue, Britain would declare an unconditional ceasefire and that the administration of the islands would be handed over to the United Nations.⁴¹¹ The activity of the backbenchers indicated that the anti-war lobby was quite small in number, as the division on 20 May showed: only 33 Members voted against the adjournment. The vast majority of backbench MPs across all parties supported the Government’s policy. However, the numbers do not tell the whole truth. Mark Phythian noted that the division and the number of opponents were very exceptional since dissent was usually demonstrated by abstention.⁴¹² The motives of those left-wing Labour MPs who voted against the motion were based on their views not only about the actual policy choices of the Government in seeking to use force instead of negotiations but also about the attitude to the policy within the party itself. Tony Benn, one of the leading leftist MPs in the Labour Party at the time of the war, wrote that the overall result of the voting was not a bad one. Alt-

⁴⁰⁷ Kenneth Goesling: “Poll shows Tory lead increasing” *The Times*, 18 May 1982, p.6; Anon.: “Falkland crisis creates strong support for Thatcher” *The Daily Telegraph*, 13 May 1982, p.10.

⁴⁰⁸ HC Deb 13 May 1982 vol 23 col. 1015.

⁴⁰⁹ HC Deb 13 May 1982 vol 23 col. 1020.

⁴¹⁰ Julian Haviland: “Crisis puts Cabinet under strain” *The Times*, 14 May 1982, p.1.

⁴¹¹ HC Deb 20 May 1982 vol 24 col. 494.

⁴¹² Phythian, *The Labour Party, War and International Relations*, 89–91; Vickers, *The Labour Party and the Wider World*, 130.

though only 33 Labour MPs voted against the Government, only 296 Members voted for it: as Benn noted, fewer than half.⁴¹³

There were no public demands for a vote at different stages of the crisis, nor were there demands for all-party leadership during it. However, the debates do show that in the Labour Party the frontbench was given considerable leeway to make strong comments such those uttered by Denis Healey. Within the ranks, Tony Benn was the most prominent opponent together with Dame Judith Hart, both former members of the Cabinet.⁴¹⁴ Both used public events outside Parliament to comment on the on-going crisis and placed much emphasis on the need to seek a peaceful solution even if that might lead to the islands remaining under the Argentine flag at least for the time being.

What remains unclear is the impact of the so-called “Falklands lobby” during the war. As in the case of many other issues, the Falkland Islands had their own lobby in Parliament, consisting of a group of parliamentarians who advocated pro-Falklands policies, although the group had no accredited status. The lobby was included in discussions about the islands before the conflict in the 1970s and enjoyed the support of all parties, partly because it was a national matter rather than one of domestic party politics. It continued to have some influence although, according to Dillon, it had not been a crucial player in creating a policy for the Falklands before the war. During the war, the members of the lobby undoubtedly supported the Government’s policy because it was in line with their previous activities in attempting to strengthen British commitment to the islands.⁴¹⁵

What the analysis of backbencher speaking has revealed is that while the *pro et contra* debate was carried on mainly at the party leadership level, it was the participation of the backbenchers, especially those who opposed any escalation of the crisis or the use of force, that led to the issues being broadened and details questioned. A good example of such issues is the sinking of the *General Belgrano* and its relation to the political control of the task force. In other respects, there were small groups within both of the main parties that sought to redefine their parties’ policy on the crisis but they enjoyed little success. This gives us reason to argue that, while issues could be politicized outside the party leadership level during a time of crisis, the politicization was also linked to the need for overall unity within the parties. In the next section, our attention will be focused on the role and functions of Parliament in order to see whether there existed direct rather than indirect discussions dealing with the Government’s policy of using force or diplomacy to resolve the crisis.

⁴¹³ Tony Benn and Ruth Winstone: *The Benn Diaries* (Guernsey: The Guernsey Press, 1996), 535–536.

⁴¹⁴ Tony Benn (Anthony Wedgwood Benn) was Secretary of State for Industry in 1974–1975 and Secretary of State for Energy in 1975–1979. Judith Hart was Minister of Social Security in 1967–1968 and Minister for Overseas Development in 1977–1979.

⁴¹⁵ Dillon, *The Falklands, Politics and War*, 85–86; Nott, *Here Today, Gone Tomorrow*, 256.

4.4 Parliament's functions under parliamentary discussion: Parliament "not a committee of a revolutionary regime"

In the recall debate on 3 April, the Prime Minister mentioned no role for Parliament in her speech except the order under the Emergency Laws (Re-enactments and Repeals) Act of 1964 to implement sanctions on Anglo-Argentina economic relations. The Government, as the executive branch, was applying legislation which had been passed in 1964, and this left little room for parliamentary discussions about whether the legislation was sufficient for the current needs or not. Unlike in the House of Lords, there was no discussion in the lower house about its role in the implementation of the law. It was the Leader of the Opposition, Michael Foot, who raised the subject of the functions of Parliament in his speech when he demanded a new debate or the establishment of an inquiry in order to allow Parliament the chance to examine why Britain was in the current situation.⁴¹⁶ He received support from David Owen, who also advocated the setting up of an inquiry.⁴¹⁷ Although the question of an inquiry into how Britain had ended up the current situation was presented from time to time, the idea of examining the issue in detail in the early days of the crisis received a mixed response. As Sir Nicholas Bonsor (Con, Nantwich) argued on 7 April: "... now is not the time for an inquest on how we are arrived at this position. In the interests of our country, it is imperative that the House should now show its united resolution to see the sovereignty of the Falkland Islands returned to our people."⁴¹⁸

This argument was in response to Foot's earlier proposal in the recall debate. David Owen pursued the issue on 7 April by demanding not only an inquiry, but an inquiry conducted by a special commission, not only by a select committee as was the usual procedure, to inquire into "the origin, inception, and conduct of operations", as had occurred in 1916.⁴¹⁹ In fact, it had been announced the day before that two separate inquiries would be carried out by select committees, with the Defence Committee focusing on the state of readiness of the armed forces and the Foreign Affairs Committee focusing in somewhat ambiguous terms on matters leading to the invasion of the Falklands; the decisions to initiate the inquiries were made by the committees themselves.⁴²⁰ However, this did not seem not to satisfy all the Members of the House as calls for a special commission inquiry were presented soon after the decisions to establish these two inquiries, which were to begin later in April. The timing of the inquiry was another question, as Nicholas Bonsor had suggested, and the idea of launching an inquiry later was broadly supported. Another matter that aroused discussion was the choice of the body that was to conduct the special commis-

⁴¹⁶ HC Deb 03 April 1982 vol 21 col. 640.

⁴¹⁷ HC Deb 03 April 1982 vol 21 col. 646.

⁴¹⁸ HC Deb 07 April 1982 vol 21 col. 973.

⁴¹⁹ David Owen HC Deb 07 April 1982 vol 21 col. 986.

⁴²⁰ James Wightman: "Nott told to stay on" *The Daily Telegraph*, 6 April 1982, p.1, 30

sion inquiry. Members of the Privy Council were the obvious choice, and one MP strongly objected to the composition of the existing select committees.⁴²¹

David Owen was a prominent advocate of a special commission inquiry, and he pressed the issue further in the following Question Time. He asked the Prime Minister whether she would as soon as possible “institute discussions between the parties about the form of an inquiry which will have to take place”.⁴²² Thatcher also had to answer a written question presented by Jo Grimond on 8 April about whether there would an inquiry into “the conduct of the Foreign and Commonwealth Office in recent years and the sufficiency of the advice and information supplied to Ministers”.⁴²³ The demands to set up a special commission inquiry did not subside during the following weeks although there were fewer demands at the party leadership level. The matter was presented from time to time in debates and in written and oral questions, but the pressure applied was rather limited since the crisis was still on-going.⁴²⁴ On 4 May, MPs Michael Meacher (Lab, Oldham West) and James Wellbeloved (Lab, Bexley Erith and Crayford) both received answers to their written questions that asked about either reviewing the situation that had led to war or about setting up an inquiry to investigate the matter directly. Prime Minister Thatcher answered that an inquiry was forth-coming although the timing was still undecided.⁴²⁵ Thatcher had agreed to an inquiry in the early days of the crisis, but the Members kept the matter to the fore in order to extract more detailed information from Thatcher about it.

The way the British Parliament behaved influenced how it was regarded by the Falklanders themselves. Edward Rowlands (Lab, Merthyr Tydfil) declared that the islanders were watching the actions in the House of Commons very closely and claimed: “Even the most obscure written parliamentary question is followed and debated in the Falkland Islands.” Rowlands also assigned the responsibility to the Government by emphasizing the fact that if the Government should let down the islanders, it ought to resign.⁴²⁶ The Government was also advised to take account of different viewpoints. The decisions Parliament took, unlike those of the Government, should not be interpreted as responses to writings in the press, although Parliament, too, necessarily had a role vis-à-vis the media and the British public.⁴²⁷ What then was the position of the British Parliament with regard to international law and to the Security Council as the source of authority? Samuel C. Silkin (Lab, Dulwich) explained his view of how and why Parliament should act. First, Parliament was defending “our fellow British subjects from the domination of a cruel dictator”; second, it was

⁴²¹ George Cunningham HC Deb 07 April 1982 vol 21 col. 998.

⁴²² HC Deb 08 April 1982 vol 21 col. 1085.

⁴²³ HC Deb 08 April 1982 vol 21 col. 416W.

⁴²⁴ Anon: “Luce backs inquiry decision” *The Times*, 24 April 1982, p.4.

⁴²⁵ Michael Meacher, James Wellbeloved and Margaret Thatcher HC Deb 04 May 1982 vol 23 col. 19W.

⁴²⁶ HC Deb 03 April 1982 vol 21 col. 649.

⁴²⁷ Raymond Whitney and Sir Frederick Burden HC Deb 03 April 1982 vol 21 col. 654.

acting as a “representative of the international community in upholding the international rule of law as declared by the Security Council”.⁴²⁸

Being a representative of the international community was one thing, but the idea of Parliament being an actor in the formation of foreign policy was another. John Stokes (Con, Halesowen and Stourbridge), described later as an old-fashioned Conservative who was keen on preserving the powers of the aristocracy, explained to Members that questions in Parliament had historically constituted a problem for the executive powers and gave the example of Queen Elizabeth I, who “took a very severe view when Parliament interfered in foreign affairs...”. Stokes believed that a similar view was shared by many modern governments.⁴²⁹ It was a view that supported the Prime Minister’s right to use the Royal Prerogative as the executive power, without needing to suffer interference from the legislators. On the other hand, Stokes emphasized Parliament’s representative function and the importance of the people’s will at the time of the current crisis. And he argued that it was also important for the people that parliament convened:

Our vital role is to express the will of the nation as we understand it and, on this occasion, to give our unstinted backing to my right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs and to the Government. The nation expects us to meet when there is a crisis. People somehow feel better when they know that Parliament is sitting.⁴³⁰

Stokes’ view was challenged by Ian Lloyd (Con, Havant and Waterloo), who reminded the Members about the advice given by Aristotle that “the true legislator ought to be acquainted not only with what is best but with what is best relative to circumstances, advice which applies even more to questions of foreign policy than to domestic policy”. He used this argument to defend the idea that circumstances necessarily influenced decisions, especially in the conduct of foreign affairs, and he considered the Falklands to be an example of this.⁴³¹ Parliament’s role was not only to convene in order to express the will of the people but also to formulate the actual policy to be followed.

The British Parliament’s powers include strong control over the budget. However, during the Falklands War, the expenses of the task force were financed through the Contingency Reserve, the funding of which had already been approved by Parliament, so there was no need for new decisions. The scrutinizing of how the money was spent was another matter, however. The question of expenditure emerged for the first time in the Commons when Tam Dalyell asked about the costs from Secretary of State for Defence John Nott. The minister replied: “We have made no estimate of costs. We are concerned with the success of the operation.”⁴³² The debate was coming to an end at the time of

⁴²⁸ HC Deb 07 April 1982 vol 21 col. 1014.

⁴²⁹ Anon.: “Obituary: Sir John Stokes” *The Daily Telegraph*, 30 Jun 2003, accessed 11 Feb 2013, <http://www.telegraph.co.uk/news/obituaries/1434417/Sir-John-Stokes.html>; John Stokes HC Deb 14 April 1982 vol 21 col. 1177.

⁴³⁰ John Stokes HC Deb 14 April 1982 vol 21 col. 1177.

⁴³¹ HC Deb 14 April 1982 vol 21 col. 1186.

⁴³² HC Deb 07 April 1982 vol 21 col. 1048.

that exchange, but the issue came up again the following day (8 April) in Question Time, when William Hamilton (Lab, Fife Central) asked if what Nott had said was true. Prime Minister Thatcher replied that when the time came, she had made the decisions without thinking about costs. She continued: "... the future of freedom and the reputation of Britain were at stake. We cannot therefore look at it on the basis of precisely how much it will cost."⁴³³ This was a basic feature throughout the crisis; budgetary issues were not taken under discussion until the war had ended, which well exemplifies the mindset of both the Government and the Members of Parliament during the crisis: their attention was focused more on the actual war itself. In fact, the Chancellor of the Exchequer was not even included in the formation of the War Cabinet, on the advice of a former Conservative Prime Minister, Harold Macmillan, in order to avoid any discussion of costs.⁴³⁴

In the previous section, the MPs' fears about the escalation of the crisis were discussed. These fears also influenced their views concerning the role of Parliament. The most direct comments relating to the role of Parliament came on 11 May, when Michael Foot, the Leader of the Opposition, in the aftermath of the sinking of the *Belgrano* argued: "The House of Commons has the right to make a judgment on this matter before any decision is taken by the Government that would enlarge the conflict."⁴³⁵ Foot's argument was related to the question of whether the Government would give the Commons' a chance to discuss the current state and the future of the diplomatic negotiations initiated by Perez de Cuellar, the Secretary General of the UN, after the US Secretary of State Haig had reported that his mediating effort had failed. However, Thatcher's view was very different, and she replied to Foot: "We have to take our decisions on those discussions. I agree that they are very important, but it is an inherent jurisdiction of the Government to negotiate and to reach decisions. Afterwards, the House of Commons can pass judgment on the Government."⁴³⁶

Foot was not happy with the answer and asked the Prime Minister to review her stance. He continued: "It could be that a decision on these matters made by the Government could utterly frustrate and destroy their outcome. Therefore, I again ask the right hon. Lady to give the House of Commons the chance to make a judgment before the Government themselves make the final judgment."⁴³⁷ Foot's comment reflected the mood in the Opposition after the crisis had in practice escalated: the Government had failed when it decided to sink the *Belgrano*, so would it not now be Parliament's turn to review the state of diplomatic negotiations before letting the Government continue to make wrong decisions? It is worth noting that there were indeed efforts to change the power structures during the Falklands War – if only in Foot's effort to press Thatcher into admitting that Parliament should now be given the chance to discuss the situation. If this happened before any decisions were taken, the Gov-

⁴³³ HC Deb 08 April 1982 vol 21 col. 1084.

⁴³⁴ Thatcher, *The Downing Street Years*, 188.

⁴³⁵ Michael Foot HC Deb 11 May 1982 vol 23 col. 597.

⁴³⁶ Margaret Thatcher HC Deb 11 May 1982 vol 23 col. 597.

⁴³⁷ Michael Foot HC Deb 11 May 1982 vol 23 col. 597.

ernment would in practice be forced to follow the position of Parliament. However, Thatcher rejected the idea and replied: "No, Sir. The Government have this responsibility, will shoulder that responsibility and will stand before this House and defend their decision."⁴³⁸ Thatcher's argument emphasized the fact that the Government needed the freedom to make the decisions in the exercise of the foreign policy in the current tense situation, and that she was ready to be accountable afterwards. The situation was difficult for Thatcher since, in addition to the Labour demands for a greater role for Parliament, the right-wing Tories were also putting pressure on the Government. A stronger role for Parliament in the diplomatic negotiations could lead to an increase in dissent in the Conservative benches.⁴³⁹

With regard to voting on a substantive motion, such requests were rare. However, the escalation of the crisis also brought this issue to the surface when Dafydd Wigley (PC., Caernarvon) asked in a debate about the following week's agenda whether the House might be given a vote on a substantive motion instead of a debate with an adjournment. According to Wigley, a vote on a substantive motion would give those Members who had "grave misgivings about the Government's policy" a chance to voice their opinions. However, the Conservative Leader of the House, John Biffen, simply replied: "There are situations in which words are as significant as votes."⁴⁴⁰ Was that the Government's policy in general? There were no other such illuminating exchanges in the studied material, but the lack of actual discussion about the right to vote on a substantive motion indicates that such ideas were rare in 1982 and were still waiting to be expressed, as we shall see in the chapters on the Gulf Crisis of 1990–1991 and the run-up to the Iraq War in 2002–2003.

Parliament was developing its role as the situation advanced. What were the limits of parliamentary involvement? David Steel, the leader of the Liberals, stressed the importance of continuous parliamentary discussion and reminded the Members of the example of the Rhodesia crisis, in which the Government had given the House opportunities to review the decisions that had already been made but not to discuss them in advance – the Government had made the decisions without consulting the House, and there had been no suggestion that it should be done otherwise.⁴⁴¹ Steel's main argument was that it was important that the Opposition should be able to criticize, question and express views, but he maintained that the recent actions of the Labour front bench were unproductive.⁴⁴² In the same debate, Enoch Powell supported Steel's argument and was even more direct in stating clearly that the current constitutional arrangements

⁴³⁸ HC Deb 11 May 1982 vol 23 col. 598.

⁴³⁹ Ian Aitken: "Tories think Pym is too soft" *The Guardian*, 12 May 1982, p.24.

⁴⁴⁰ HC Deb 12 May 1982 vol 23 col. 750.

⁴⁴¹ This was a reference to the Rhodesia/Zimbabwe case, in which the British government was negotiating peace terms in Rhodesia, which included the granting of independence. The Southern Rhodesia Bill received a second reading in the House of Commons on 8 November 1979. HC Deb 08 November 1979 vol 973 cols 663–754.

⁴⁴² HC Deb 13 May 1982 vol 23 col. 969.

for the use of military force were sufficient. Powell, a classical scholar who had participated in World War II, and who was a former Cabinet minister,⁴⁴³ argued:

... the prerogative of war and peace and of treaty-making vested in the executive is exercised by the Government subject only to retaining the subsequent and continuing confidence of the House. We are, after all, not a committee of security of a revolutionary regime, sitting in daily session to attempt to manage the affairs of a campaign. We are the nation talking to the Government.⁴⁴⁴

Powell, an influential figure in Parliament, endorsed the constitutional situation as had Steel a few moments earlier. His message was that the British Parliament was not like the French revolutionary regime with its committee trying to manage foreign affairs: Parliament was a stable body representing the nation and in this role talking to the Government also in the field of foreign affairs. Why did this impassioned expression of opinion occur at that point? The timing of the adjournment debate meant that it was not about the consultation of Parliament before a British landing on the Falkland Islands, a military move expected to occur if the negotiations led nowhere. The debate was rather a chance for Parliament to discuss the current situation, in which the crisis had escalated involving hundreds of casualties on both sides (although most of the lives lost were Argentine).⁴⁴⁵ The main body of the Opposition had demanded a greater role for Parliament, but now other Members – including some influential ones – on the Opposition benches rejected this claim. On the other hand, Powell went on to stress that, although the executive enjoyed the right to decide, the price for this right was that the Government should not change its main policy without consulting Parliament – and such a change of policy would now seem have occurred.⁴⁴⁶ So although the Government could enjoy its right to make decisions, Parliament should still be the place for discussing the direction of the main policy – the implementation of that policy, on the other hand, was the right and responsibility of the Government.

On 20 May, as a further escalation of the crisis loomed, the question of voting was raised again. As Tony Benn's speech showed, the anti-war lobby intended to vote against the adjournment and express their opinions in this way. However, the debate showed that there were some Members who argued against debating and voting out of fear that it would cost lives in the task force. Alfred Dubs (Lab, Battersea, South) defended the Members' right to debate and

⁴⁴³ Powell had been Minister of Heath in 1960-1963. He had gained a full professorship in Greek at the age of 25 in the University of Sydney in 1937 and had started serving as a private in World War II in 1939, rising to the rank of brigadier in 1944. Both of these can be considered to be exceptionally rare achievements. *Who's Who 1982. An Annual Biographical Dictionary* (London: Adam and Charles Black, 1982), 1777.

⁴⁴⁴ Enoch Powell HC Deb 13 May 1982 vol 23 col. 976.

⁴⁴⁵ The highest number of British casualties in single engagements was caused by the sinking of *HSM Sheffield*. It was reported in the press that up to 30 sailors might be dead. David Fairhall: "Destroyer Sheffield is sunk: 30 dead" *The Guardian*, 5 May 1982, p.1. On the Argentine side, the presumed death toll in the sinking of the *Belgrano* amounted to hundreds of men. Anon.: "Death toll appears to omit Belgrano victims" *The Guardian*, 8 May 1982, p.2.

⁴⁴⁶ HC Deb 13 May 1982 vol 23 col. 976.

perhaps even to vote on the issue. According to Dubs, elected to the Commons in 1979, it was the traditional and democratic right of the House to express its opinion, and such an expression would not compromise the soldiers in the task force.⁴⁴⁷ On the other hand, on the Conservative benches, John Stokes argued that such debates encouraged war hysteria, just as the broadcasts of Prime Minister's Question Time had done.⁴⁴⁸

Despite the discussions within the Labour Party about constitutional reform, the Falklands War produced no occasion on which actual proposals for reform were discussed. On the contrary, the role of Parliament was discussed in terms of the current system, but at least with regard to the discursive tactics that were employed, the comments dealing with the need for a greater parliamentary role envisaged this as a temporary measure in the conduct of foreign policy. Furthermore, the main demands of those Members who expressed opinions seeking a stronger role for Parliament focused on the diplomatic level, and they left the daily control of the task force to the executive branch, as the decision-making tradition warranted.

More than 20 years later, the *rt. hon.* Kenneth Clarke MP (Con, Rushcliffe), the chairman of the "democratic task force" in the Conservative Party, looked back at the parliamentary dimension of the Falklands War and considered that the parliamentary process had been linked to explanation and persuasion; it had been the clear policy of the Government to use adjournment motions instead of substantive motions in order to prevent divisions from taking place and thereby creating a challenge to the Government's policy. In 1982, by contrast, Clark believed that Parliament had the opportunity to reject the use of force before it occurred by acting through the parliamentary process.⁴⁴⁹ This represents one view of the matter. However, it is clear that in 1982 the role of Parliament was in some respects defined through the parliamentary process and that the Government was the key agent in this definition.

This analysis of the discussion relating to Parliament's functions has shown that there was actually such a discussion. It can be argued that the Opposition tried, through the actions of the Opposition leader, to obtain for Parliament a broader role in the exercise of foreign affairs but was turned down by the Prime Minister. This rejection and other contributions to the parliamentary discussion emphasized that the function of Parliament was to pass judgment afterwards rather than be an active decision-maker during the crisis, although this view was challenged to a limited extent by individual MPs. No demands for constitutional reforms were made, and the main focus was on pressurizing the Prime Minister into including Parliament in the decision-making process. This pressure did not begin to surface until after the crisis had started to escalate. Furthermore, it can be argued that through discussion related to the setting

⁴⁴⁷ HC Deb 20 May 1982 vol 24 col. 537.

⁴⁴⁸ HC Deb 20 May 1982 vol 24 col. 544.

⁴⁴⁹ The House of Lords Constitutional Committee. Session 2005–06. Minutes of Evidence, 29 March 2005, Q309, accessed 7 Feb 2013, <http://www.publications.parliament.uk/pa/ld200506/ldselect/ldconst/236/6032902.htm>.

up of an inquiry, Parliament emphasized the need to make the Government accountable even during the crisis, in particular for its actions before the outbreak of hostilities. However, the discussion showed that while Parliament was the arbiter of whether such an inquiry was needed, the Government had the power to decide when it should be held.

4.5 The House of Lords: “Damn the expenses and get on with the war!”

The role of the House of Lords in the Falklands War in terms of influence is not necessarily a fruitful area for study since, according to Donald Shell: “No one took any notice of the House.” However, in terms of the realistic nature and the content of the speeches made there, the claim that the House of Lords played a relevant role can be supported: the Lords discussed the different options available for settling the crisis with more realism and a better understanding of the post-conflict situation than occurred in the lower chamber.⁴⁵⁰

After 23 March 1982, the House of Lords, like the lower chamber, debated the issue with some frequency. The first statement about the impending crisis was made on 30 March, and in the period between 23 March and 21 May 1982, when the British troops landed on East Falkland, there were altogether eight statements,⁴⁵¹ two debates as answers to Private Notice Questions⁴⁵² and four debates to take note.⁴⁵³ After the landing, there were four further statements, the fourth one concerning the surrender of the Argentine forces.⁴⁵⁴ As has been mentioned elsewhere in this dissertation, the role of the House of Lords in the exercise of foreign policy is often considered minor compared with that of the House of Commons, but if nothing else the time of the crisis and armed conflict led to a keenness to debate the situation – the House of Lords as a self-regulating organization clearly wanted to have a role in the debate on the issue.

The debates in the House of Lords occasionally referred to the role of Parliament. There were no direct efforts to challenge the existing structures, but certain ideas were put forward especially in connection with events that caused the escalation of the crisis. The comments did not relate to the decisions to deploy troops – the Lords had regarded the deployment of troops as a self-evident measure from the outset. The upper house did not consider the right to be consulted before the use of force to be an issue for Parliament, at least not in the early days of the crisis. In fact, the peers considered that the situation required a

⁴⁵⁰ Shell, “The House of Lords and foreign affairs”, 88.

⁴⁵¹ 30 May, 19, 21 and 26 April, two on 4 May, two on 5 May.

⁴⁵² 5 and 7 April. Private Notice Questions are questions about urgent issues and can relate to matters of public importance or the arrangement of business in the House. The Speaker decides whether a question shall be allowed.

⁴⁵³ 3, 14 and 29 April and 20 May.

⁴⁵⁴ 24 and 26 May, 10 and 15 June.

readiness to use military force, although the Government would first need to seek peaceful means to resolve the crisis.

However, the role of Parliament in the decisions to use military force attracted more attention. The leader of the Opposition in the House Lords, Lord Peart argued that Parliament's role was to consider the situation realistically and soberly and with as little jingoism as possible as well as to examine how the country had ended up in the current situation.⁴⁵⁵ This meant that the policy of the Opposition in the House of Lords was similar to that of its counterpart in the House of Commons.

After the initial reactions in the House of Lords, the chamber also dealt with the legislative process. The Government had taken the Emergency Laws Act of 1964 into use in order to impose economic sanctions and implement the other measures required to establish the military response to the crisis, and the House of Lords briefly debated whether the implementation of this act would require the consent of one or both of the chambers of Parliament. However, the Government's representative, Lord Trefgarne (David Trefgarne), replied that it did not require the assent of either chamber.⁴⁵⁶ As for other legislation, the House of Lords approved the Reserve Forces Bill on 6 April.⁴⁵⁷

Although the House of Lords was a self-regulating body, its opportunities for debating the situation were not guaranteed. In fact, Lord Peart (Fred Peart, Lab), as the leader of the Opposition, made several demands for a debate during the crisis, including a Private Notice Question tabled before the short parliamentary recess on 7 April; Lord Peart wanted the assurance of the Government that in the case of armed conflict the House would be recalled from the Easter recess – however, the representative of the Government, Lord Belstead (John Belstead), refused to give any assurance concerning the recall.⁴⁵⁸ A similar discussion was conducted on the Labour benches in the lower chamber on how an opposition should act and how to secure a sufficient role for Parliament. The media were not especially interested in the House of Lords. The parliamentary pages in the examined newspapers did offer some short notices of the peers' debates but with no actual analysis outside the mere reporting of them. The writings in the press also emphasized the role of the House of Commons as the key forum, an issue criticized by the Marquess of Linlithgow (Charles Hope, cross-bencher, an hereditary peer born in 1912) in *The Daily Telegraph's* letters to the editor section. Linlithgow based his argument on the overall nature of Parliament and defended the Lords' right to debate topical issues even if the media were not interested in the chamber.⁴⁵⁹

A week later, on 14 April, the recall from the parliamentary recess was made. The House of Lords debated the situation in the South Atlantic according

⁴⁵⁵ HL Deb 03 April 1982 vol 428 cols 1609–1610.

⁴⁵⁶ HL Deb 05 April 1982 vol 429 col. 21.

⁴⁵⁷ HL Deb 06 April 1982 vol 429 col. 212. The House of Commons had approved the motion to pass the Reserve Forces Bill on the previous day. HC Deb 05 April 1982 vol 21 col. 801.

⁴⁵⁸ HL Deb 07 April 1982 vol 429 cols 223–4.

⁴⁵⁹ Marquess of Linlithgow: "Debate in the Lords" *The Daily Telegraph*, 7 April 1982, p.16.

to the “take note” formula. The Lord Privy Seal (Baroness Young) presented the Government’s motion “That this House takes note of the situation in the Falkland Islands” and gave the House an update on the situation in the Falklands crisis.⁴⁶⁰ The task force had now departed towards the South Atlantic, and the diplomatic negotiations were proceeding. Furthermore, Lord Carrington had resigned. Lord Shackleton (Edward Shackleton, Lab), the first Opposition speaker, compared the current situation with his previous experiences and argued:

Those of us who belong to the older generation are rather horrified that at this moment we are debating an issue which could mean the question of war and peace. There is a horrible feeling that we have been here before on an earlier occasion, among those of us who remember 1939 when we all hoped it would be all right and it was not.⁴⁶¹

Shackleton referred to the resignation of Lord Carrington and described it as a sad event. However, the main burden of his speech concerned the Government’s motion, and it reflected the general attitude of the House; Shackleton criticized the motion as being too narrow since there was a clear danger of an armed conflict. The motion was significantly lacking, especially in its failure to address all the issues that were at stake in this crisis. Shackleton was also moved to describe what he thought was the role of the House of Lords as the source of counsel based on long experience. The lord was well qualified to comment on the situation since he had constructed a report on the future of the Falkland Islands in 1976 with particular regard to their economy.⁴⁶² Shackleton’s view reflected the position of the Labour party in general. The deputy leader of the Liberal Party, Lord Gladwyn (Hubert Jebb), the first (Acting) Secretary General of the United Nations in 1945 and a former diplomat, took a much more measured view of the role of the House of Lords: he thought that the recall debate was unnecessary and stated that the Liberal party stood behind the Prime Minister’s policy.⁴⁶³

There were similarities with the Commons with regard to the possibility for backbench Members to exert some influence on the course of affairs although there were also differences between the peers: those members of the upper chamber who were Privy Councillors had better access to information than rank-and-file peers. This was one argument why, in the question of the setting up of an inquiry after the war, the Prime Minister supported a group of Privy Councillors as members of the inquiry committee, since they would have access to sensitive material.⁴⁶⁴ Lord Greenhill of Harrow (Dennis Greenhill, cross-bench, a life peer and former diplomat) pointed to this restricted access in a

⁴⁶⁰ HL Deb 14 April 1982 vol 429 col. 289.

⁴⁶¹ Lord Shackleton HL Deb 14 April 1982 vol 429 col. 291.

⁴⁶² HL Deb 14 April 1982 vol 429 col. 293. The actual report and its recommendations were debated in the House of Commons in February 1977. The House of Lords debated the report on the same day. HC Deb 02 Feb 1977 vol 925 cols 550–61; HL Deb 02 Feb 1977 vol 379 cols 871–81.

⁴⁶³ HL Deb 14 April 1982 vol 429 col. 296.

⁴⁶⁴ Freedman, *Official history*. Vol II, 716.

speech on 14 April, in which he claimed that the deficient role of Parliament was one reason why Britain had ended up in the current situation; the Government (both the present and the previous one) had not been frank enough with Parliament on the issue of the Falkland Islands.⁴⁶⁵ Lord George-Brown continued on a similar note by stressing that it was important for Parliament to be convened so that it could scrutinize the Government's actions – this was a response to comments like that of Lord Gladwyn, who claimed that that it was unnecessary to convene and to debate the issue. Lord George-Brown also criticized the level of debate so far (nine peers had spoken after the Government's representative), in which there had been hardly anything about challenging the executive, in fact no debate at all, only a discussion in which "we had patted each other on the back and undertaken to say nothing rude about the Minister". George-Brown continued by saying that the House talked and behaved in the crisis in the same way as the executive was talking and behaving. That would lead to a situation in which the House would make itself redundant in the handling of the crisis.⁴⁶⁶

George-Brown's criticism was rejected. He referred several times in his speech to Adolf Hitler and was rebuffed with howls and muttering, as the right-wing newspaper *The Daily Telegraph* reported.⁴⁶⁷ Lord Mishcon, another Labour peer, called George-Brown's speech "shameful".⁴⁶⁸ George-Brown's comments relating to the role of Parliament were largely bypassed since the House's attention was focused on the more controversial parts of his speech. With regard to his references to Hitler, his warning of the dangers of seeing Hitler everywhere after 1939, as had happened in 1956, was not suited to the mood of the House on 14 April 1982.⁴⁶⁹ The role of Parliament was also briefly touched on by another peer: Lord Beloff commented that in the existing situation Parliament was left with two possible tasks to perform: to make sure that the Government constructed a unified national outlook on the country's aims in the crisis from a diplomatic perspective, and to call attention to the "obvious difficulties confronting us in having perhaps to convince the American people" with regard to the British position.⁴⁷⁰ Furthermore, the all-party support for the Government in the House of Lords was stronger than in the Commons, in which there were clear dissidents within the parliamentary parties.⁴⁷¹

At the end of April, the House of Lords convened to debate the situation with a motion to "take note of the situation in the Falkland Islands". The timing of the debate was not a surprise since there had been many voices in the preceding days calling for a debate on a substantive motion to be given to the House of Lords.⁴⁷² Furthermore, parliamentary convention supported the idea of hold-

⁴⁶⁵ HL Deb 14 April 1982 vol 429 col. 303.

⁴⁶⁶ HL Deb 14 April 1982 vol 429 cols 313–314.

⁴⁶⁷ James Wighman: "Lords' excitement" *The Daily Telegraph*, 15 April 1982, p.32.

⁴⁶⁸ HL Deb 14 April 1982 vol 429 col. 318.

⁴⁶⁹ HL Deb 14 April 1982 vol 429 col. 316.

⁴⁷⁰ HL Deb 14 April 1982 vol 429 col. 334.

⁴⁷¹ Walter Aburn: "'We must not weaken' says Opposition peer" *The Daily Telegraph*, 20 April 1982, p.11.

⁴⁷² E.g. Lord Brockway HL Deb 26 April 1982 vol 429 col. 721.

ing a new debate after fresh developments in a particular matter, and the recapture of South Georgia was clearly such an event. In the debate, the Lord Privy Seal, Baroness Young, spoke about the recent developments, mainly with regard to the situation on South Georgia, but she also addressed the situation in the diplomatic negotiations and Parliament's role in directing how they should be conducted. Young expected from the House of Lords an interplay of "opinions and ideas" about the on-going negotiations and especially about the recent proposals made by the US Secretary of State, Alexander Haig, although the fact that little was known about these proposals reduced the chances of having an interplay of the kind she wished for.⁴⁷³ The chance to vote on 29 April satisfied most of the peers, but a cross-bencher peer Lord Shinwell (Manny Shinwell, aged 98) expressed his criticism of the use of the technical procedure of taking note: Why was the House not able to vote on a clear motion? Shinwell's argument was that the House had the right to be counted and the support of the House could help to boost the confidence of the British troops in the South Atlantic.⁴⁷⁴ This comment elicited few responses, but one key figure picked up on Shinwell's argument: the Liberal peer Lord Mayhew (Christopher Mayhew), a former soldier and a frontbench member as the *de facto* Minister for the Navy in the 1960s, was not pleased with the idea of having a vote only to give full support to the Government's policy. Lord Mayhew argued that the House should not commit itself blindly to supporting the Government since it would "depreciate the role of this House and of Parliament; ... bring it down, rather". Besides, the soldiers in the field would also look on such parliamentary behaviour with cynicism.⁴⁷⁵

The issue of giving the Government full support was connected with the broader idea of giving it *carte blanche* to make the decisions in the crisis. This had already been strongly rejected by the Labour front bench in the House of Commons in the first days of the crisis, but a similar idea resurfaced from time to time in the Lords. After Lord Mayhew had condemned Lord Shinwell's proposal, the former Labour Foreign Secretary, Lord Stewart of Fulham (Robert Stewart), reminded the House of the dangers of giving the Government a blank cheque. However, he pointed out that to some extent the House was not able to control the Government's use of the armed force that had now been sent to the South Atlantic. In fact, as Lord Stewart argued, the attempt to debate every use of the task force in Britain would lead to a disaster in the field. Lord Stewart recalled the constitutional set-up that caused the situation in 1667, when the Dutch fleet was making successful raids against the British by sailing up the River Thames during the Second Anglo-Dutch War. Lord Stewart argued that the constitutional arrangement of that time gave the executive the right to declare war but the legislature the right to vote the money needed for the war, and that it was this constitutional impasse that had led to the successful Dutch raids. The situation in 1667 referred to by Lord Stewart was quite different from that

⁴⁷³ HL Deb 29 April 1982 vol 429 cols 958-960.

⁴⁷⁴ HL Deb 29 April 1982 vol 429 cols 986-987.

⁴⁷⁵ HL Deb 29 April 1982 vol 429 cols 1022-1023.

which existed in 1982. With regard to the ways in which Parliament and the Crown considered their roles at the time of Second Anglo-Dutch War, the former was not associated with the concept of independent sovereignty, according to which Parliament should be at the centre of the decision-making process. In fact, when it came to the right to wage war, the Crown remained keen to preserve its role in matters of peace and war, as Charles II stated in 1677. Even so, Lord Stewart based his understanding of the limits of parliamentary control over the task force in 1982 on this historical event.⁴⁷⁶

Lord Stewart went on to praise “our usual constitutional skill” for getting the country out of that particular constitutional situation and warning the House that there should be no attempt to control the Government in such a way in time of war.⁴⁷⁷ On this issue, the Labour Party in the Lords adopted a different stance from that of the party leadership in the Commons. Furthermore, the idea of debating on that particular day did not meet with everybody's approval. Lord Monson (John Monson, cross-bench, a hereditary peer) described to the House how he had heard two or three peers saying that there was no sense in having the debate in the first place because there was nothing new to discuss. Lord Monson emphasized that he personally did not subscribe to such thinking and expressed his support for the debate.⁴⁷⁸

The issue of not giving the Government *carte blanche* was connected both with the use of force and with the direction of foreign policy. Baroness Young commented on the critical attitudes to the use of force. She emphasized the fact that it was inconsistent to first send a task force and then fail to use its full capability to create pressure in the diplomatic negotiations.⁴⁷⁹ Nevertheless, the use of force was the key question for the House of Lords, and it required an evaluation of the state of the diplomatic negotiations, which were being conducted behind closed doors. Lord Gladwyn voiced his concern that Parliament had not been given all the relevant facts about the diplomatic negotiations. If the House knew all the facts, it might give the Government its approval – or it could advise it to make further concession before instigating hostilities.⁴⁸⁰

Lord Gladwyn's message was clear: the prior use of force would not be easily approved in the House of Lords. Lord Noel-Baker, the recipient of the Nobel Peace Prize in 1959 and a former Secretary of State at the Foreign and Commonwealth Office, continued the discussion about the use of force, ex-

⁴⁷⁶ See Paul Seaward and Pasi Ihalainen: “Key Concepts for Parliament in Britain, 1640 to 1800” in *Parliament and Parliamentarism. A Comparative History of Disputes on a European Concept*, eds. Kari Palonen, Cornelia Ilie and Pasi Ihalainen (Berghahn Books: Forthcoming in 2014); HL Deb 29 April 1982 vol 429 col. 1027.

⁴⁷⁷ HL Deb 29 April 1982 vol 429 col. 1027.

⁴⁷⁸ HL Deb 29 April 1982 vol 429 col. 1001. In fact, a similar view to those referred to by Lord Monson on the question of whether there was a need to convene and debate was presented by Lord Aylestone on 20 May in the final full debate before the land war. Lord Aylestone, seemingly somewhat tired of the continuous debating, required merely that the government should present an occasional statement during the course of the war, nothing more. Lord Aylestone HL Deb 20 May 1982 vol 430 col. 817.

⁴⁷⁹ HL Deb 29 April 1982 vol 429 col. 961.

⁴⁸⁰ HL Deb 29 April 1982 vol 429 col. 969.

pressing criticism of the fact that it would not be implemented by more than one country – the momentum for that had now been lost.⁴⁸¹ Lord Gladwyn also hoped that the Government would henceforth consult Parliament about its intended policy; Gladwyn emphasized the risks: if the attempt to recapture the islands with the use of force should fail and the Government had failed to consult Parliament before using it, the situation would be quite serious. Gladwyn also presented some criticism of the Labour Party, directed at the party leadership in both the Commons and the Lords. He had strongly advocated going through the United Nations and was critical of the use of the task force regardless of his previous support for it.⁴⁸² The escalation of the crisis could cause ruptures in the political control of the task force. As Lord Jenkins of Putney (Hugh Jenkins, Lab), a CND activist,⁴⁸³ reminded the House: “One of the things that possibly the Government have forgotten is that in war the military tail tends to wag the political dog. I think that they may, therefore, find themselves facing, in perhaps a few days if they are not very careful, a situation which was not, they would feel, of their own choosing.”⁴⁸⁴ Was it now time for a broader parliamentary role? Perhaps, but Lord Jenkins’ main argument was that it was never too late to seek a diplomatic settlement, a fact that it was worth recalling to the House in a situation which had seen a clear escalation of the crisis. The use of force was clearly an option, but diplomacy was to be preferred.

The next statement was made to the House on 4 May after the sinking of the *General Belgrano*, although the Conservative peer Lord Belstead (John Gannoni), who had been made Minister at the Foreign Office after the resignation of Lord Carrington, made no reference to the name of the ship in this statement. The sinking of the ship received some criticism from the Opposition, although it was acknowledged that it was important to maintain the military pressure on Argentina.⁴⁸⁵ The question of the diplomatic negotiations was broadly debated, and the leading speakers of the main Opposition parties expressed supportive views for the continuation of the diplomatic talks and also discussed the role of the United Nations. Lord Shinwell, who had advocated a vote on a substantive motion on 29 April in order for the House to be able to give its full support to the Government, criticized the talks about diplomacy and asked when the House would come to the conclusion that all the options for a negotiated settlement had been exhausted?⁴⁸⁶ Lord Shinwell strongly favoured the use of military action henceforth over diplomatic efforts. Lord Belstead reassured him that the Government was resolute on this matter.⁴⁸⁷

In the second statement of the day, Viscount Trenchard (Thomas Trenchard, the Minister of State for Defence Procurement) talked more directly about

⁴⁸¹ HL Deb 29 April 1982 vol 429 col. 999.

⁴⁸² HL Deb 29 April 1982 vol 429 cols 969–970.

⁴⁸³ *Who's Who* 1982, 1157.

⁴⁸⁴ HL Deb 29 April 1982 vol 429 col. 1012.

⁴⁸⁵ Lord Stewart of Fulham and Lord Gladwyn HL Deb 04 May 1982 vol 429 cols 1066–1067.

⁴⁸⁶ HL Deb 04 May 1982 vol 429 cols 1070–1071.

⁴⁸⁷ HL Deb 04 May 1982 vol 429 col. 1071.

the British military actions in the South Atlantic and explicitly mentioned the sinking of the *Belgrano* and the British airstrikes against the Argentine forces on the Falkland Islands.⁴⁸⁸ As the media had already reported,⁴⁸⁹ the sinking of the *Belgrano* had most likely led to the death of hundreds of Argentine sailors, and the possibly large number of casualties caused by the use of force outside the Total Exclusion Zone (TEZ) sparked critical voices in the House of Lords. As Lord Banks pointed out, the question was how far beyond the TEZ the Government was prepared to use force.⁴⁹⁰ Viscount Trenchard repeated the Government's message that it was prepared to use force outside the TEZ if this was considered necessary, but the Opposition spokesmen were not convinced and demanded clearer explanations about why the *Belgrano* had been sunk.⁴⁹¹ Above all, the argument was about the provision of information to Parliament – if the Government could give it more information about the context, Parliament could be more supportive. Without the information, its role was to be strict in scrutinizing the Government's actions. This argument, as Viscount Trenchard recalled, was in opposition to voices heard in the House of Lords and in the press during the previous days supporting the need for greater secrecy in the conduct of the war. The Government was trying to provide the necessary information without revealing too much about sensitive military issues. Trenchard lent weight to this by telling the House that the Government was already afraid that it had revealed too much information during the past few days.⁴⁹²

The sinking of the *Belgrano* and the statements about the event received little criticism on 4 May, but the voices were much more critical on the following day, when there had been more time to digest the information about the *Belgrano* and the news of the loss of *HMS Sheffield*. The attention of the House was now directed to two separate issues: the Government's right to use force against the *Belgrano* and possible weaknesses in the defences of *HMS Sheffield* that were potentially the fault of the Government. Lord Peart wanted the Government to immediately start using force in accordance with UN Security Council Resolution 502,⁴⁹³ while Lord Jenkins of Putney wanted the fighting to be stopped immediately.⁴⁹⁴ A crossbencher peer, Lord Chalfont (Alun Gwynne Jones), the former Minister at the Foreign Office in the 1960s, spoke about the use of force and saw it as difficult to use minimal force in wartime, whether war had been officially declared or not.⁴⁹⁵

The two separate issues, the right to use force against the *Belgrano* and the matter of *HMS Sheffield*, were combined by the Labour peer Lord Davies of Leek (Harold Davies), who wanted the Government now be clear with the House: Was Britain now at war under international law or not? Lord Davies

⁴⁸⁸ HL Deb 04 May 1982 vol 429 col. 1073.

⁴⁸⁹ See, for example, David Fairhall: "Cruiser sinks amid fears of 500 deaths" *The Guardian*, 4 May, 1982, p. 1.

⁴⁹⁰ HL Deb 04 May 1982 vol 429 col. 1075.

⁴⁹¹ See, for example, Lord Shackleton HL Deb 04 May 1982 vol 429 col. 1078.

⁴⁹² HL Deb 04 May 1982 vol 429 col. 1078.

⁴⁹³ Lord Peart and Lord Mayhew HL Deb 05 May 1982 vol 429 col. 1173.

⁴⁹⁴ HL Deb 05 May 1982 vol 429 col. 1176.

⁴⁹⁵ HL Deb 05 May 1982 vol 429 col. 1175.

argued that the Government owed this information to the Opposition and to the public.⁴⁹⁶

An analysis of the discourse employed in this and other speeches during the debate on 5 May permits us to argue that the House of Lords itself struggled to interpret the legal position of Britain – the Falklands crisis had turned into a kind of grey war in which both participants were using the tools of war but at the same time insisting that they were looking for a peaceful settlement and that the legal position supported their view of the crisis. Thus far, the so-called Law Lords had not participated in the debate, and actual speeches by members with a legal background had been rare – the question of the sinking of the ship was connected mainly with the danger of escalation, not with the legality of the deed, although this aspect did receive some attention elsewhere, especially abroad. The question of referring the dispute to the International Court at Hague also received some attention and the Government's apparent reluctance to hand the matter over to Hague aroused some criticism.⁴⁹⁷

The peers in the House of Lords struggled to understand the Government's policy, which combined the use of different methods (sanctions, diplomatic negotiations and military pressure) to solve the crisis and seemed to go on using the same rhetoric regardless of the actual state of the crisis. Despite the escalation in the crisis, the Government was not admitting that it had turned into a war. In fact, Viscount Trenchard emphasized in his reply to Lord Davies that "hostilities are being carried out under Article No. 51 in self-defence".⁴⁹⁸ In the House, the right to use force was linked with the diplomatic negotiations, and there were some peers who wanted the Government to be prepared to make greater concessions in the negotiations, such as agreeing to a truce before the withdrawal of the Argentine forces from the Falkland Islands. However, even the Opposition was divided over this matter.⁴⁹⁹

This analysis of the discussion surrounding the role of Parliament will be completed up to the British landing on East Falkland. Before that occurred, the House had a chance to evaluate the last diplomatic turn in a debate to take note on 20 May. In that debate, the role of Parliament was briefly touched on. Lord Chalfont, a peer who wanted as minimal use of force as possible whether war was declared or not, evaluated the state of British parliamentary democracy and found it to be in good condition. His main argument was the Government's willingness to come to Parliament with the publication of the last peace proposal, which had been turned down by Argentina. The British response to the proposal demonstrated to Parliament the Government's readiness to accept concessions. This willingness, in the middle of the crisis, was a "heartening

⁴⁹⁶ HL Deb 05 May 1982 vol 429 col. 1178.

⁴⁹⁷ Foreign staff: "Sympathy for Britain wanes" *The Times*, 5 May 1982, p.2; Lord Mischon's letter to editor, *The Times*, 27 April 1982, p.13; Lord Perth's letter to editor, *The Times*, 29 April 1982, p.13.

⁴⁹⁸ HL Deb 05 May 1982 vol 429 col. 1178.

⁴⁹⁹ For example, Lord Mayhew was against letting the Argentine forces stay on the islands. Lord Mayhew HL Deb 05 May 1982 vol 429 col. 1184.

demonstration of what this House and the other place are about".⁵⁰⁰ The House of Lords, with its different position in the parliamentary system, was the forum in which comments such as this one could be made: the House of Lords was an arena of debate that allowed for a long-term look at the position of Parliament. Even in the middle of an armed conflict, the Government was allowing Parliament to have its say on delicate issues. This was a rather different stance than that voiced by the Labour leader in the House of Commons a few weeks earlier. The idea of the Government providing Parliament with the draft peace document would certainly not have been feasible in the opposing country, Argentina.

The most revealing evaluation of Parliament's role was presented in the debate by the last representative of the Opposition benches when Lord Stewart of Fulham took up the answer given by the Prime Minister to Michael Foot in the House of Commons at the beginning of May, in which Thatcher very clearly defined Parliament's role as being that of a retrospective judge. Lord Stewart stated that, while the position described by Thatcher was constitutionally correct, in terms of common sense Michael Foot had got it right: Parliament should be allowed to judge the conduct of foreign policy during the actual crisis, not afterwards. For Lord Stewart, the Government had actually given Parliament the chance to have a role in the conduct of foreign policy with this debate on the publication of the peace proposal although this exceeded the constitutional rights of Parliament.⁵⁰¹ The publication of such information indicated that Parliament's role was broadening, but if that was the case it was broadening because of the Government's need to enhance its case at the international level. At the domestic level, the debate served to maintain the transparency of the Government's actions. It was in many respects, the closing line on parliamentary speculation about whether the Government had done everything necessary to achieve a diplomatic solution. It is relevant that the kind of comment made by Lord Stewart was absent in the same debate in the Commons, which suggests that even if the MPs had perceived a similar broadening of Parliament's role, this was not stated.

The debate was quite calm, and the opinions seemed to indicate that everybody was expecting an escalation of the crisis into a land war. The publication of the latest peace proposal had clearly convinced the House of Lords of the lengths to which the Government was ready to go to avoid war, and since this route had clearly been exhausted, the House accepted that force would be used, whether it be minimal in scope or not. Like Lord Shackleton, many peers continued to advocate the further use of diplomacy either to avoid an escalation or to keep it as limited as possible in the hope of a political settlement. Lord Brockway (Fenner Brockway), who had already been a well-known anti-war activist during World War I, considered that the diplomatic route had now in practice come to an end. Lord Brockway told the House that the speeches made that day in the Commons and the Lords were similar to the speeches he re-

⁵⁰⁰ HL Deb 20 May 1982 vol 430 col. 817. The "other place" is a term used in the House of Lords to refer to the House of Commons.

⁵⁰¹ HL Deb 20 May 1982 vol 430 cols 862-863.

membered hearing in the debates before World War I and World War II. He now summed up the claims presented by the Prime Minister in the Commons and Baroness Young in the Lords that Britain had done its best and thus there was no alternative except the use of force. Lord Brockway opposed this view and wanted the diplomatic negotiations to be continued in an effort to find a peaceful settlement.⁵⁰² Other anti-war peers like Lord Noel-Baker also made known their reluctance to give the Government the right to wage war.⁵⁰³ Lord Gladwyn, an influential figure on the Liberal benches, encouraged the Government at the end of the debate to see whether the compromise proposed by the Secretary General of the UN as a last-ditch effort to avoid war would produce any results and to bring the compromise proposal before Parliament so that it might express its view on it.⁵⁰⁴

This comment was the last one relating to the role of Parliament before the landing of the task force on East Falkland, which was the first step towards actually recapturing the islands by means of ground warfare. During the land war, the debate in the House of Lords did not directly address the role of Parliament except with regard to the provision of information. The House of Lords convened to debate the situation from time to time during the ground war. Then the key issues in the discussions of the House were about the ceasefire and the British position on a conditional surrender – whether that should be required of Argentina or not.⁵⁰⁵ The need to keep political control over the armed forces was also brought up if there emerged the slightest hint from the Government that it might not have such control anymore.⁵⁰⁶

The need to be informed was regularly demanded in the House of Lords either in the form of a statement or, after certain major developments such as the re-occupation of South Georgia, in the form of a full-day debate.⁵⁰⁷ The role of the Opposition was to scrutinize the Government's actions despite the fact that the political culture of the Lords emphasized the need for unity and responsible behaviour.⁵⁰⁸

Budgetary issues were touched on only briefly, and the House of Lords made no effort to challenge the Government about its potential worries concerning the financial side. In fact, an independent life peer, Lord Shinwell (Emanuel Shinwell, aged 97, who resigned the Labour party whip in March 1982, replied to a question presented by Lord Orr-Ewing about the transfer of additional funds from the defence budget “My Lords, why not get on with the war and damn the expense?”⁵⁰⁹ The discussions on budgetary matters did not spark any further attention in either house, although the financing of the war

⁵⁰² HL Deb 20 May 1982 vol 430 col. 822.

⁵⁰³ HL Deb 20 May 1982 vol 430 col. 832.

⁵⁰⁴ HL Deb 20 May 1982 vol 430 col. 859.

⁵⁰⁵ For example Lord Milford HL Deb 26 May 1982 vol 430 col. 1177.

⁵⁰⁶ Lord Kennet HL Deb 27 May 1982 vol 430 col. 1360WA.

⁵⁰⁷ E.g. Lord Molloy HL Deb 21 April 1982 vol 429 col. 554, Lord Molloy HL Deb 22 April 1982 vol 429 cols 624-5; Lord Harris of Greenwich HL Deb 26 April 1982 vol 429 col. 722.

⁵⁰⁸ See Lord Chalfont HL Deb 14 April 1982 vol 429 col. 311.

⁵⁰⁹ HL Deb 27 April 1982 vol 429 col. 776.

was briefly discussed in the media; the general view in the press was that the cost of the war was difficult to calculate. Whatever the costs, Britain at least would be better able to endure them than the already economically troubled Argentina if the war should be prolonged.⁵¹⁰

The contributions of one particular group of peers, the Lords Spiritual, offer an example of the behaviour of religious leaders in high political positions. Only a few contributions were heard from the bishops about the war's moral or legal justifications. Even these are revealing in view of the fact that the bishops have traditionally remained silent during debates on foreign affairs.⁵¹¹ The first such contribution was made by Robert Runcie, the Archbishop of Canterbury, on 14 April; in his speech, he emphasized the legal obligation to seek the support of the United Nations and international law for the British case. Runcie, who had fought as a soldier and was decorated in World War II, also stressed that the British had a moral duty to act against the aggressor.⁵¹² The next speech by a bishop was one made by David Say, the Lord Bishop of Rochester, on 29 April because of the absence of the Archbishop of Canterbury; his speech was limited to explaining the bounds that the principles of a just war placed on resorting to the use of warfare. The bishop noted that the Government had strenuously reiterated that its actions were in accordance with the United Nations Security Council resolutions and in this sense it had followed the principles of a just war. The bishop thanked the Government for continuing the consultations with the UN.⁵¹³

However, more contributions had been expected from the Church (i.e. the Church of England). *The Times* wrote on 24 April that the Church's message should address the moral aspects of the war.⁵¹⁴ Such contributions were rare both in Parliament as well as outside it, and it was Basil Hume, the Cardinal of the Catholic Church, who gave the moral backing for the troops soon after *The Times'* suggestion.⁵¹⁵ This was a significant contribution in a situation in which Britain was facing Catholic Argentina. A few days later, Robert Runcie made a statement in which he claimed that the right to use force in defence of clear principles was justified.⁵¹⁶ The ecclesiastical scholar Edward Norman claimed in *The Daily Telegraph* that the increase in the comments made by religious leaders was linked to left-wing opinions of the kind expressed in *The Guardian* newspaper. Furthermore, Norman linked the religious leaders' views to the general opinions that prevailed at any particular moment among the public; these had followed a certain path during the crisis, beginning from national outrage and support for the task force to the seeking of peaceful means to resolve the cri-

⁵¹⁰ ee Editorial: "Financing the war" *The Daily Telegraph*, 11 May 1982, p. 14.

⁵¹¹ Richards, *Parliament and Foreign Affairs*, 98.

⁵¹² HL Deb 14 April 1982 vol 429 col. 299.

⁵¹³ HL Deb 29 April 1982 vol 429 cols 970-972.

⁵¹⁴ Editorial: "The war within" *The Times*, 24 April 1982, p. 13.

⁵¹⁵ Anon.: "'Just war principle quoted by Hume" *The Times*, 30 April 1982, p. 1; Clifford Longley: "Hume backs force as last resort" *The Times*, 30 April 1982, p. 6.

⁵¹⁶ Clifford Longley: "The churches: Armed force is justified" *The Times*, 3 May 1982, p. 4.

sis.⁵¹⁷ Robert Runcie's best known speech concerning the Falklands War was to be his sermon at a thanksgiving service in St. Paul's Cathedral at the end of July, in which he also spoke sympathetically about the Argentinean fallen, an act that aroused anger among some of the Conservatives, including the Prime Minister.⁵¹⁸ The activity of the Lords Spiritual and other religious leaders showed that the Church, together with other key religious institutions, was still needed to take part in the discussion about the principles of a just war.

In the last full debate before the crisis escalated into a ground war, the House debated the diplomatic route, which had now seemingly had reached its end. In this debate, the Archbishop of Canterbury encouraged the use of as minimal force as possible in the conflict that was now most likely to take place. As for the moral aspect, the Archbishop reflected on his need to speak in this debate. He emphasized that if the country now resorted to the use of force, as was likely to occur, it should be used only to achieve a political settlement rather than a military victory; the Archbishop warned that there existed the danger of pride and retribution in the military route, and that this should be avoided.⁵¹⁹ To sum up, the part played by the Lords Spiritual was quite small but important in terms of the debate on moral and legal values. They made only a few speeches, and these speeches were quite measured in their tone. As might be expected, they evaluated the crisis in terms of the Christian theory of a just war, but they adopted no strong position against the use of force. The debate about the compatibility of war with religious conviction was also carried on outside Parliament, in the letters of high-ranking clergymen to the mainstream newspapers.⁵²⁰

4.6 Conclusions

This chapter has shown that the extended period that preceded the beginning of the land war in the Falkland Islands clearly gave more opportunities for the parliamentary process to take place, but it can be argued that there was no actual parliamentarization during the crisis; the attempt to instigate such a process was a result of the escalation of the crisis in the first losses of Argentine and British ships. This attempt was rejected by the Prime Minister, who emphasized the sufficiency of existing parliamentary practice. Similarly, the relationship between the Government and the Opposition continued to be manifested in a

⁵¹⁷ Edward Norman: "Onward Christian spokesperson marching as too... well, er..." *The Daily Telegraph*, 10 May 1982, p. 14-15.

⁵¹⁸ James Wightman: "Dr. Runcie angers Tories" *The Daily Telegraph*, 27 July 1982, p. 1; Humprey Carpenter: *Robert Runcie. The Reluctant Archbishop* (London: Hodder & Stoughton, 1996), 255-258.

⁵¹⁹ HL Deb 20 May 1982 vol 430 cols 814-815.

⁵²⁰ For example, John Dunelm's, (the Bishop of Durham) letter to the editor, *The Times*, 30 April 1982, p. 11; Robert Runcie: "When the price of even a just war becomes too high" *The Times*, 8 May 1982, p. 8; John Robinson (the former Bishop of Woolwich): "War is not an instrument of peace" *The Guardian*, May 3, p. 7.

bipartisan approach as more suitable than politicization of the situation given the nature of the crisis. However, that view was not a unanimous one in either of the major parties, and this suggests that even in a time of crisis, long-term peace-time political positionings and practices sometimes dictate political actions.

In fact, the Opposition in the House of Commons was expected to scrutinize the Government's actions and force it to provide relevant information not only to Parliament but to the public as a whole and to describe the key details of their actions and their interpretation of the crisis and its different potential features. It was Parliament's duty to act appropriately as a watchdog during the crisis, but at the same time to uphold a situation in which the Government would be able to lead the country.

The concept of sovereignty was in frequent use during the crisis, and the discussion led to an evaluation of the limits of British sovereignty: the question of the Falkland Islands was considered to involve such a strong threat to the concept of British sovereignty that it was politically problematic to consider the transfer of that sovereignty to Argentina in Parliament. The transfer of sovereignty to the UN as a third party mediator was considered almost equally problematic. As for other potentially important concepts, the crisis provided the chance to re-reinforce beliefs in the state of British parliamentary democracy in contradistinction to more dictatorial systems. In fact, Parliament's role of representing the people was emphasized in contrast to the behaviour of the Government, which, according to some MPs, abused its power during the crisis, although this view did not lead to any direct challenging of the Royal Prerogative system.

The Falklands War featured a new kind of parliamentary discussion in terms of content: according to Philip Towle, this conflict was the first time when actual operational details were discussed in Parliament – Prime Minister Margaret Thatcher broke with traditional parliamentary practice by announcing which ships and aircraft were going to set out for the islands after the Argentine invasion. This announcement was something that had not occurred before, not even, for example, in 1956 in connection with the Suez Crisis.⁵²¹ But society had changed between the Suez Crisis and the Falklands War: there had been mass protests such as the Campaign for Nuclear Disarmament⁵²² and the peace movement (against the Vietnam War), and this had led to a situation in which the “strategic” debate,⁵²³ according to Towle, could not be restricted to the Government's any longer because the people was allegedly observing the Government's actions more closely than before.⁵²⁴

⁵²¹ Towle, *Going to War*, 116.

⁵²² Towle, *Going to War*, 121.

⁵²³ This concept includes more general aspects of how a military campaign is waged – such as the methods used vis-à-vis the civilian population, the use of strategic weapons (including nuclear weapons) – and it is related to the overall question of going to war.

⁵²⁴ Towle, *Going to War*, 121.

However, Daniel K. Gibran argues that the reason for statements about operational issues related simply to the need to strengthen the British legal position: the British were using diplomacy, economic sanctions and military force to pressurize Argentina into withdrawing from the islands. The frequent public statements about the development of the situation drew more international support for a possible British use of force and also created a public image of a well-controlled task force.⁵²⁵ Defence Secretary John Nott gives another reason why the statements were issued: while they were often based on shaky information, they were a way of counteracting the constant flow of propaganda from Argentina, which was undermining the British position.⁵²⁶ It can be argued that although the information provided to Parliament did help the efforts at the international level, the provision of the information derived from Parliament's constant demand to be further informed. Furthermore, the Government was in a vulnerable position, especially in the early days of the crisis: it simply needed the support of Parliament, and this depended on the information Parliament was receiving. Parliament based its judgment of the Government's policy on this information. This provision of information did not create a new parliamentary practice but was in accordance with the foundations of the whole parliamentary system in that it placed considerable importance on the need for the support of the representative legislature for the executive branch.

A *pro et contra* discussion was carried on, and the role of Parliament was reflected both directly and indirectly, but any actual contestation of the meaning of this role was mainly limited to exchanges of words between Thatcher and Foot after the first major losses of the war. Parliament was considered to be a key player, but in practice it struggled to obtain any actual influence in the decision-making, and hence its role was limited to that which the Government was willing to accord it. The constitutional basis was not challenged – in fact, it was widely backed.

The members were not generally active in their efforts to obtain a broader role for Parliament: that would have entailed, for example, forcing the Prime Minister to resign in the early days of the crisis or forcing a vote on a substantive motion to approve or reject the Government's policy in order to take a stronger stance on the conduct of the diplomatic negotiations. The rifts within the parties, and especially in the Labour Party, are important. The need for consensus thinking at a time of crisis meant that splits within the parties over policy objectives would undermine the Government's position. The role of Parliament becomes important through its expression of dissent, because the Government assesses how strong the support is for a proposed policy from the criticism and opposition voiced there.

The War Cabinet, the interesting *ad hoc* executive body established to direct the war effort, received very little attention as a subject of discussion. For example, the membership of that body was not politicized, although it meant that the group who were directing the war operations consisted of only a hand-

⁵²⁵ Gibran, *The Falklands War*, 79.

⁵²⁶ Nott, *Here Today, Gone Tomorrow*, 249.

ful of members of the Cabinet. A proposal for an all-party extra-parliamentary group to discuss the determination of policy was considered mainly outside the chamber, which indicates that Parliament was not the only forum in which efforts to evaluate and improve the decision-making process were made by high-ranking politicians. This suggests that the chambers of Parliament, above all the House of Commons, were places in which issues could be addressed publically according to procedure, but other issues, such as the small group of party leaders proposed by Margaret Thatcher, were rather the products of the party system that prevailed in Parliament.

The comments relating to the role of Parliament made in the House of Lords reveal some interesting aspects of the situation. The existing constitutional arrangement was clearly considered to be sufficient, but it was still hoped that the Government would give the House a clearer role when it came to the handling of foreign policy. This was reflected in a fear expressed in the House of Lords: Was the Government able to conduct the diplomatic negotiations properly, and were the comments in the media about the "Falkland Factor" being an election asset to some extent influencing the Government's position on them? To judge from the debates, the key issue was the sense of loss when British vessels were sunk by Argentine aircraft. The crisis seemed to be escalating without the House being able to do anything to prevent it, although clear warnings were given to the Government. The House of Lords took an active role in discussing the direction of foreign policy. The influence of the House can be considered important, and the actual questions mentioned above about whether it was really necessary to have debates so often reflect the peers' general willingness or the lack of it to debate the issue. Perhaps there were certain individuals who were tired of the constant debating, but the majority of the speakers (although only a small portion of the overall membership of the House actually spoke) seemed to be quite keen to express their views. Especially the former members of the Foreign Office made strong speeches. The House of Lords performed its function as an advisory chamber, and especially the long-term consequences of the crisis and solutions to it gave the House topics to talk about. One reason for this was the presence of Lord Shackleton, the Labour peer who had chaired a unit designated to produce a review of the future prospects of the islands, published six years before the war.

In other respects, the role of the House of Lords consisted mostly of providing further parliamentary support for the Government: in their debating, both chambers examined the Government's policy and this enhanced its legitimization. The subject of inquiries, a matter of interest to the Lords, will be discussed in the next section.

If the Falklands War is taken as a chance to evaluate the direction of Parliament's role in foreign policy, it offered little reason to expect constitutional changes to take place in the near future. On the other hand, it also showed that the Opposition would remain ready to challenge the Government and its foreign policies in the House of Commons in the future. Apart from the revelation

of operational details, the war did not yield any changes in parliamentary practice with regard to the use of military force.

4.7 The aftermath and the right to use force: no major developments in the 1980s

Although the parliamentary discussion during the Falklands War did not suggest that the Government's constitutional right to deploy troops and to use military force would be challenged in any major way, the war did demonstrate how the executive would use its Royal Prerogative powers during a time of crisis. However, the later 1980s provided peacetime opportunities to review the experiences of the war, and these will be the subject of this section, which will deal with the inquiries implemented after the war and will also take a broader view of the parliamentary discussion about the role of Parliament, especially with regard to the Royal Prerogative and the existing constitutional arrangement.

The most politically relevant report after the Falklands War was the Franks Report. An inquiry into the circumstances and causes that led to the war was launched after the Argentine troops surrendered on the Falklands. Lord Oliver Franks was designated to chair the inquiry committee, which consisted of members of the Privy Council. The inquiry was referred to several times during the debates, but actual negotiations between Thatcher and the Leader of the Opposition only began after the war.⁵²⁷ The direction of the diplomatic effort had been a target of party politics, and the setting-up of the inquiry was another matter on which Thatcher was induced to use her power. The Labour Party was more interested in having a quick inquiry, lasting only until the end of the closing summer recess, which would examine only the events immediately preceding the invasion and especially the quality of the intelligence reports from the South Atlantic to the Foreign Secretary Lord Carrington and to Thatcher. However, Thatcher rejected the idea and demanded that the inquiry should study the actions of successive Governments and operate according to a much less strict schedule.⁵²⁸ This would focus attention more broadly on the policies of both Labour and Conservative Governments in maintaining the defence of the Falkland Islands.

The discussions in Parliament and in the press studied here concerning the inquiry before its establishment did not deal with the parliamentary aspect of the crisis, and attention focused more on the question of why Britain had ended up in a situation in which it was incapable of preventing the invasion and on the composition of the committee.

⁵²⁷ David Loshak: "Most blamed' Foreign office man anxious for full inquiry" *The Daily Telegraph*, 17 June 1982, p. 5.

⁵²⁸ George Jones: "Thatcher No to Foot over the Falklands" *The Sunday Telegraph*, 20 June 1982, p. 1.

Lord Franks, a Liberal peer, was appointed to chair the committee on 5 July 1982. In the end the defined aim of the inquiry was a compromise between Thatcher's and Foot's positions: it was to study the actions of the Prime Minister and the current Government more thoroughly than Thatcher had wanted. However, the inquiry would take more time and would extend to previous governments as well, and hence Michael Foot had also been forced into making a compromise.⁵²⁹ The House of Commons was asked to accept the terms of reference of the inquiry on 8 July, and the parliamentary aspect came up in this debate: some Members of the Labour Party, including Foot, deliberated whether the committee should not also inquire whether the Commons had been deceived by the Government, a proposal which would have been generally welcomed within the party.⁵³⁰

The former Conservative Prime Minister, Edward Heath, was also interested in the inquiry. He had already taken up the subject of the committee's access to Cabinet papers during Question Time,⁵³¹ and on 8 July he claimed that it was not a parliamentary inquiry at all, despite the fact that Michael Foot had called it that a few minutes previously, but an inquiry set up by the Government and simply accepted by Parliament as Parliament itself had been unable to establish a proper basis for an enquiry. This view received support in both the main parties.⁵³²

In the end, the Government's motion was accepted without a division. This debate constituted the end point of a discussion that had emerged during the first days of the invasion. Neither the Franks Inquiry nor the other inquiries produced by select committees, the establishment of which was related to the functions of Parliament, made any recommendations relating to Parliament's constitutional role. The provision of information was the key issue of concern for the Franks Inquiry, as Lord Beloff noted in a letter published in *The Daily Telegraph*. The Cabinet papers were confidential, but Lord Beloff arguing against the purposes they served.⁵³³ The need for secrecy might also have been part of the reasoning behind recruiting the members of the inquiry committee from the Privy Council: it was necessary to have members who understood the need for *arcana imperii* in these matters.

When the Franks Report was published in January 1983, it was, according to Alex Danchev, quickly forgotten. It found that no major mistakes had been made by the Government, although some smaller misdeeds were revealed. Danchev found that such a conclusion was quite logical since the inquiry was set up after a successful war to examine the failure of diplomacy and the outcome of that war most probably influenced the committee's judgment on how matters had been handled. Furthermore, Lord Franks and the other members of

⁵²⁹ James Wightman: "Compromise over Falklands inquiry" *The Daily Telegraph*, 7 July 1982, p. 1.

⁵³⁰ Bernard Braine and Michael Fox HC Deb 08 July 1982 vol 27 col. 476.
⁵³¹ HC Deb 01 July 1982 vol 26 col. 1039.

⁵³² Edward Heath HC Deb 08 July 1982 vol 27 col. 494, Alex Lyon (Lab, York) HC Deb 08 July 1982 vol 27 col. 499.

⁵³³ Lord Beloff's letter to editor. *The Daily Telegraph*, 7 July 1982, p.14.

the committee were conservatively oriented despite having different party affiliations, and this affected to the amount of criticism of the Government. The report also disclosed secrets never previously revealed about the conduct of the diplomatic negotiations.⁵³⁴ It was, in the end, a report made partly for political ends, in response to the continuous demands for an inquiry from the Opposition benches, and it offered a chance for Parliament to assess whether the Government had failed in its conduct of the situation or not. The role of Parliament was not directly addressed in the report, which was, however, quite thorough in its description of events starting from 1965 and ending with the invasion.⁵³⁵

Other inquiries also examined the events that took place during the war. The Defence Committee inquired into the handling of information for the public and the press during the war. The inquiry, following quite heated discussions about the role of the media and especially the BBC during the war, began its work in July 1982 and submitted a report, which was published in December 1982. It examined the media's activities and the relationship between them and the Government's actions, including the dissemination of intentional misinformation, but the parliamentary aspect was not touched on.⁵³⁶ The Defence Committee also inquired into the future of the Falkland Islands after the war and published a report on this in May 1983. The report did not comment on the role of Parliament.⁵³⁷

Other reports were issued as well. The Foreign Affairs Committee inquired into the policy on the Falkland Islands and published its report in October 1984. The committee began its work on the inquiry at the end of 1982 and continued to assemble further evidence during the on-going parliamentary session. The inquiry was not completed during the session and was extended to the next parliamentary session, when it was concluded. The report mainly dealt with events after the war and paid a rather limited amount of attention to the actual war; hence the parliamentary aspect received no attention in it.⁵³⁸ Out-

⁵³⁴ Lord Franks et al: *The Franks Report. Falkland Islands Review, with an introduction by Alex Danchev*. (London: Pimlico, 1993, 1983), v-xii.

⁵³⁵ The report argues that the year 1965 was chosen as the starting point because at that time the situation of the Falklands had been brought formally to international attention. Lord Franks et al, *The Franks Report*, 4.

⁵³⁶ The House of Commons Defence Committee. Session 1982-83. First report. The Handling of Press and Public Information during the Falklands Conflict. Together with the Minutes of Proceedings of the Committee relating to the Report and the Minutes of Evidence taken before the Committee on 21, 22, 27 and 28 July, 20 and 27 October, and 9 and 10 November 1982. Volume 1. Report and Proceedings. Ordered by the House of Commons to be printed on 8 December 1982. HC 17, pp. iv-L.

⁵³⁷ The House of Commons Defence Committee. Session 1982-83. Third report. The Future Defence of the Falkland Islands. Together with the Minutes of Proceedings of the Committee relating to the Report; and part of the Minutes of Evidence taken before the Committee on 19 January, 2, 6, 17, 18 and 23 February and 1, 23, 29 March 1983, with Appendices. Ordered by the House of Commons to be printed 12 May 1983. HC-154, iv-vi.

⁵³⁸ The House of Commons Foreign Affairs Committee. Session 1983-84. Fifth report. Falkland Islands. Report with Annexes; together with the Proceedings of the Committee, Minutes of Evidence and Appendices, Volume I. Report and Minutes of Proceedings. Ordered by the House of Commons to be printed 25 October 1984. 268-I, iii-xiii.

side the parliamentary committees, the Defence Ministry's report *The Falklands Campaign. The Lessons*, published at the end of 1982, examined the military side of the war quite thoroughly, but it did not comment on parliamentary events.⁵³⁹

In addition to the Franks report, the only real test for political accountability was an inquiry established to examine the case of the *General Belgrano*. During the following session in 1984-1985, the Foreign Affairs Committee published its report about the events on 1-2 May 1982 with reference to the decision-making process relating to the sinking of the *Belgrano*. This report was published in July 1985. It examined the alleged linkage between the sinking of the *Belgrano* and the Peruvian peace plan in order to find out whether there was a connection.⁵⁴⁰ Another relevant subject was the changing of the rules of engagement by the War Cabinet in connection with the *Belgrano's* sinking. The role of Parliament came up in the question of whether the Government had misled the House of Commons over the sinking of the *Belgrano*.⁵⁴¹ The report concluded that the War Cabinet had acted in a correct manner and that the cruiser had rightly been considered a threat. It stated that the committee was satisfied with the decision to sink the ship.⁵⁴²

To conclude, the role of the committees set up after the war was broad in that they were charged with examining both the situation before the war and the actual war itself. As was noted in connection with the Franks Report, the positive outcome of the war most likely influenced the way the war was examined in the committee proceedings. The parliamentary aspect received very little or no attention, despite the fact that the committees that conducted the inquiries were composed of Members of the House of Commons.

A study carried out after the parliamentary session of 1979-83 found some noteworthy features connected with the select committee system. During this period, there was very little political partisanship in the Defence Committee. This was due mainly to the stance of the Labour members of the committee, who were less interested in political confrontation with the other parties than many of their colleagues in Parliament. This lack of political partisanship was visible in the voting, to which the Defence Committee very seldom resorted in working on its inquiries and producing the subsequent reports.⁵⁴³ By contrast, the Foreign Affairs Committee offered a quite different scenario, in which voting was commonly used: in producing its draft report on the Falklands War (which was published by the committee in the following session) the FAC voted 94 times, equalling the total of all divisions in other inquiries in the session.

⁵³⁹ *The Falklands Campaign. The Lessons*, 5-36.

⁵⁴⁰ Labour MP Tam Dalyell suggested this in the House of Commons on 21 December 1982.

⁵⁴¹ The House of Commons Foreign Affairs Committee. Session 1984-85. Third report. Events surrounding the weekend of 1-2 May 1982. Report, together with the proceedings of the committee; minutes of evidence; and appendices. Ordered by the House of Commons to be printed 22 July 1985. HC 11. ProQuest, vii-x, xv.

⁵⁴² The House of Commons Foreign Affairs Committee. Session 1984-85. Third report. Events surrounding the weekend of 1-2 May, xxiv.

⁵⁴³ R.L. Borthwick: "The Defence Committee" in *The New Select Committees. A Study of the 1979 Reform*, ed. Gavin Drewry (Oxford: Clarendon Press, 1989, 2nd edition). 77-78.

However, no dissenting opinions were recorded in the report.⁵⁴⁴ In general, the influence wielded by the select committees was not necessarily very strong. This was due to the fact that the permanent select committees were a relatively new institution in Parliament and they were still seeking a proper role for themselves.⁵⁴⁵

The retrospective work related to the war did not produce any new initiatives in the on-going discussion on the role of Parliament. But in order to understand the political context surrounding the next war to be studied here, the Gulf Crisis of 1990–1991, certain other events in Parliament need some elaboration. The role of Parliament in relation to the armed forces was briefly discussed in the House of Commons during the years after the war, and the issue of the Royal Prerogative in general received further attention. Civilian control over the armed forces surfaced in 1985, when the Commons was debating the Armed Forces Bill, a bill which is required to be re-enacted every five years and is historically “the lineal descendant of the epochal legislation following the Civil War and the Restoration, when Parliament tried to establish supremacy over the military”;⁵⁴⁶ this was a reference to the Bill of Rights of 1689, which placed the right to keep the standing army under parliamentary authority. In this debate, the bill proposed the transfer of further emergency powers to the armed forces, which led some MPs to raise the question of the extent of parliamentary control over them. Kevin McNamara (Lab, Kingston upon Hull, North) argued against certain additions that included the transfer of too much power to the military, and he also questioned the manner in which the debate was being conducted:

We should be debating those provisions as part of the military discipline measures that we are discussing now. I find it hard to accept the Government’s attitude, and that of the Prime Minister in particular, that such matters should be left until circumstances arise which would cause them to be discussed; in other words, when we are moving into a period of war or crisis, a time when temperatures are likely to be raised internationally and, indeed, in the House.⁵⁴⁷

In a comment after McNamara’s speech, Bruce George (Lab, Walsall, South) reminded the House:

The Bill, and the Select Committee that is to be set up later, are part of the process by which we, as elected representatives, ensure that we control the internal discipline of the armed forces. The legislation is of critical importance not just in legislative-executive relations or in civil and military relations but in the whole nature of parliamentary democracy.⁵⁴⁸

⁵⁴⁴ C.Y. Carstairs: “The Foreign Affairs Committee” in *The New Select Committees. A Study of the 1979 Reform*, ed. Gavin Drewry (Oxford: Clarendon Press, 1989, 2nd edition), 172.

⁵⁴⁵ Defence Secretary John Nott supported this view. Nott, *Here Today, Gone Tomorrow*, 281.

⁵⁴⁶ Bruce George HC Deb 21 November 1985 vol 87 col. 465.

⁵⁴⁷ Kevin McNamara HC Deb 21 November 1985 vol 87 col. 445.

⁵⁴⁸ Bruce George HC Deb 21 November 1985 vol 87 col. 465.

McNamara responded and expressed his gratitude for the work the Defence Committee had done, but insisted that defence matters were something to be debated by all the Members of the House rather than only those serving on the Defence Committee, since it was a question of a highly relevant constitutional issue.⁵⁴⁹

McNamara's earlier comment expressed the need to set the constitutional arrangements in proper order during a time of peace; a view quite different from that of the Government, as McNamara stated. This exchange of words is the only evidence of parliamentary discussions in the 1980s that explicitly addressed the question of the proper time for such discussions. In the end, the Bill debated on 21 November 1985 accordingly received a second reading, and McNamara's comments were left to the Defence Committee to discuss. It is not known whether any such discussion was conducted in the committee, but McNamara was appointed to be a member of the Select Committee on the Armed Forces Bill, which was established to consider the bill "clause by clause" on 16 December 1985, three weeks after the second reading in the House of Commons.⁵⁵⁰ McNamara, together with two other members of the committee, tried to have a paragraph inserted in the report stating that Parliament's role was, through the committee, to re-examine its relationship with the Armed Forces and that the committee should not be too subservient to the Government or to allow the scope of the inquiries it carried out to be limited. The committee voted, and McNamara's motion to have the paragraph inserted was rejected.⁵⁵¹ This event has significance as historical evidence. It happened in a situation in which Parliament's role vis-à-vis the armed forces was being considered and attempts were being made by individual MPs to redefine it. The event also offers examples of the parliamentary language used in challenging existing power rights: the actual drafting and re-enactment of the Bill at the committee stage as a suitable forum for changes and redefinitions were considered in it. In this sense, it was a quite different situation from other cases in the following years when the existing system was challenged in plenary sittings rather than at the committee level.

The Armed Forces Bill is not a part of the British constitution, which consists of a broad spectrum of legislation, but the Royal Prerogative is. When it comes to parliamentary discussions relating to the Royal Prerogative, the subject was raised in January and February 1988 by several MPs such as Tony Benn and Dale Campbell-Savours (Lab, Workington), but the issues being addressed were not related to the exercise of foreign policy or waging war; rather, the intention of these MPs was to bring up issues concerning the "security services",

⁵⁴⁹ HC Deb 21 November 1985 vol 87 col. 466.

⁵⁵⁰ The House of Commons Select Committee on the Armed Forces Bill. Session 1985–86. Special Report Together with the Proceedings of the Committee and the Minutes of Evidence, with Appendices. Ordered by the House of Commons to be printed 24 March 1986. HC 180, ii.

⁵⁵¹ The House of Commons Select Committee on the Armed Forces Bill. Session 1985–96. Special Report, xxxvi.

which Benn accused of breaking the law by abusing the Royal Prerogative.⁵⁵² That discussion led nowhere, but on another occasion during the same year Benn, advocating a broader constitutional reform, again spoke about the need to change the existing system. In July 1988, the House of Commons debated a motion that dealt with the celebration of the revolutions of 1688-1689, as their tercentenary was then at hand. This led to a discussion about history and parliamentary democracy, and it also induced Tony Benn to propose an amendment that would replace the Royal Prerogative by statute law. Benn criticized the existence of this prerogative when he argued: "How long shall we pretend that a system of law that rests on feudal prerogatives, even if exercised by the monarch sitting on the Government Front Bench, has anything to do with democracy?"⁵⁵³

Benn emphasized that this occasion was the first time in the House of Commons in the 38 years that he had sat there when the Commons debated the question of parliamentary democracy. A search for the combined use of the terms "parliamentary" and "democracy" in the Official Record for the years 1956-1988 supports Benn's claim, although a similar topic was briefly discussed on two occasions: in 1973 and again in 1977.⁵⁵⁴ Furthermore, in 1978 the House of Commons had debated the state of parliamentary control of the executive, which also related to parliamentary democracy, but the matter attracted rather little attention.⁵⁵⁵ The topic had been discussed in general terms, but the debate in 1988 provided a chance to evaluate the situation without linking the debate either to executive powers or to the constitution.⁵⁵⁶ In the House of Lords, the subject was debated under another title in 1974.⁵⁵⁷ No similarly broad debate about parliamentary democracy was to be found in the researched time period. Benn's stance was not supported, nor did it lead to any constructive reformist discussion - the debate was more about celebrating the existing system, not changing it. Benn also tried to introduce political reform through a Private Members' Bill in Parliament in 1988.⁵⁵⁸ In this bill, he proposed putting the exercise of the Royal Prerogative under the jurisdiction of the House of Commons. If the Bill had passed through the ratification process, it would have listed those Royal Prerogative powers the use of which must first be approved by the House of Commons before the Government could exercise them.⁵⁵⁹ This was an attempt not only to limit the Government's power but also to continue the historical diminution of the position of the Monarch, whose powers had been

⁵⁵² Tony Benn and Dale Campbell-Saviour HC Deb 26 January 1988 vol 126 cols 178-80.

⁵⁵³ HC Deb 07 July 1988 vol 136 col. 1242.

⁵⁵⁴ HC Deb 27 March 1973 vol 853 cols 1088-90; HC Deb 08 February 1977 vol 925 cols 1223-6; HC Deb 17 May 1977 vol 932 cols 210-1.

⁵⁵⁵ HC Deb 15 May 1978 vol 950 cols 30-110.

⁵⁵⁶ E.g. in 1981. HC Deb 10 April 1981 vol 2 cols 1213-77.

⁵⁵⁷ HL Deb 22 May 1974 vol 351 cols 1453-532.

⁵⁵⁸ A Private Members' Bill is a proposed law that is not put forward by the member of the Government. Basically the proposer is a backbencher or peer.

⁵⁵⁹ This included among other things a proposal whereby the Speaker of the House rather than the Crown would have the right to summon the person who was to form the government. Hilaire Barnett: *Constitutional & Administrative Law* (London: Cavendish Publishing, 2004), 156-157.

transferred to the Government; now their exercise would be officially transferred by law to the legislative and elected political body. Benn later explained that his intentions were inspired by a need to fight against the “feudal constitution” of the British political system.⁵⁶⁰

These occasions mark the only times when the existing rights were challenged during a plenary session in the House of Commons, and it can be argued that the rights relating to the waging of war were not a part of any broad political agenda but were rather the target of individual leftist MPs who were, in Benn’s case, fighting to challenge the whole existing democratic system of the United Kingdom. What the 1980s showed after the Falklands War was that the current constitutional system was beginning to be more and more questioned. The state of the constitution led J.P. W.B. McAuslan and J.F. McEldoumy to argue that the system was indeed in a state of crisis, mostly because of the Government’s execution of power without any apparent backing of parliamentary control.⁵⁶¹ A similar fear had surfaced in the House of Lords in 1978, and the House had called for a strengthening of parliamentary control over the executive.⁵⁶²

In terms of party policies, the Conservative Party’s dominance continued to prevail, and Thatcher’s foreign policy proceeded along the previously adopted path with strong support for close relations with the United States. The Labour Party’s position over the European Community took a quite negative turn in the party election manifesto of 1983, which demanded withdrawal from the Community. In addition, party support for a nuclear-free Britain gave fuel to critics who regarded Labour’s defence policy as unconvincing.⁵⁶³ Failure in the elections led to a policy renewal within the party, with Foot resigning and Neil Kinnock, another leftist MP, being elected to lead the party. By 1987, Labour’s attitude towards Europe had again shifted in a more supportive direction, and the party’s foreign policy was changed in order to win more support from the electorate; an aim further fuelled by the election defeat that year.⁵⁶⁴ In 1989, the Labour Party published a new manifesto describing its changed foreign and defence policy, marking a shift to a more centrist stance. One of the main changes was the end of commitment to unilateral nuclear disarmament.⁵⁶⁵

The SDP existed as an independent party till 1988, when the Social Democrats and the Liberal Party united to form the Liberal Democrats; before that the two parties had already formed an electoral pact called the SDP-Liberal Alli-

⁵⁶⁰ Peter Hennessy and Anstey, Caroline: *Jewel in the constitution? The Queen, Parliament and the Royal Prerogative* (Glasgow: Department of Government, University of Strathclyde, 1992), 3–21.

⁵⁶¹ J.P. W.B. McAuslan and J.F. McEldoumy, “Constitution under crisis” *Parliamentary Affairs*, Vol. 39, Iss. 3 (1986): 496.

⁵⁶² HC Deb 15 May 1978 vol 950 cols 30–110.

⁵⁶³ The Labour Party: *New hope for Britain. Labour’s manifesto 1983* (London and Welshpool: the Labour party, 1983), 34; Vickers, *The Labour Party and the World vol 2*, 131–134.

⁵⁶⁴ Vickers, *The Labour Party and the World vol 2*, 134–137, 141–145.

⁵⁶⁵ The Labour Party: *Meet the Challenge, make the change. A new agenda for Britain* (London: the Labour party, 1989), 84–88; Vickers, *The Labour Party and the World vol 2*, 146–147.

ance in 1981. The SDP's centrist policies competed with Labour's more leftist ones and created further difficulties for Labour. In 1983, the pact had modest success with the Alliance winning 23 seats, 17 of them going to Liberal candidates. However, the number of seats is misleading since the Alliance received over 7.7 million votes. This result put the Alliance only narrowly in third position behind the Labour Party, which suffered a huge loss with only 8.4 million votes compared to the 11.5 million votes it had received in 1979. Even so, the Labour Party obtained 209 seats although it had received only slightly more votes than the SDP-Liberal Alliance.⁵⁶⁶

In 1987, the Conservative Party secured its third consecutive victory in general elections with a slight loss of seats from 397 to 376. The party was still able to control Parliament, as it had done since 1983. However, Labour received over two million more votes than in 1983. The third largest group, the Alliance, received just about the same number of votes as in the previous election, but its overall number of seats was reduced to 22.⁵⁶⁷ The reason for giving the electoral data here is that they quite clearly reveal the problems connected with the third largest party. It was supported in the elections, whether it was a single party in the form of the Liberals alone or an alliance, but it was unable to gain enough seats in the House of Commons to actually influence issues. However, the Alliance was securing votes among people who could also have voted for the Labour Party, and this influenced the Labour Party's examination of its own political agenda. The merging of the SDP and the Liberal Party led to new developments.

The position of the Liberal Democrats on constitutional reform followed the line set by party's predecessors, in other words support for reform.⁵⁶⁸ The Liberal Party had been pressing for constitutional changes such as the devolution of power and the need for electoral reform. In fact, Philip Norton commented in 1984 that the Liberal Party's approach of 1982 was the most radical reformist programme of the time.⁵⁶⁹ The issue of subjecting the Royal Prerogative to closer parliamentary control was one of the matters on the agenda of the party, although its main attention was directed towards the reform of the electoral system. In fact, after 1993 the Liberal Democrats advocated a written constitution that included provisions for placing the ministers under closer parliamentary control.⁵⁷⁰ The SDP's position was clearly similar since the Alliance's

⁵⁶⁶ Anon.: "1983 Election: The Final Score" *The Guardian*, 11 Jun 1983, p. 1; Anon.: "1979 Election: The Final Score" *The Guardian*, 5 May 1979, p. 1.

⁵⁶⁷ James Naughtie: "Parkinson set for return to the Cabinet" *The Guardian*, 13 Jun 1987, p. 1.

⁵⁶⁸ For example, the SDP-Liberal Alliance election manifesto in 1987 set targets for a broad reform of the whole political system, including the reform of Parliament and the election system and the devolution of power. SDP-Liberal Alliance: *Britain United. The Time Has Come* (London: SDP and Hebden Royd Publications, 1987), section: "The Great Reform Charter".

⁵⁶⁹ Norton, *The Constitution in Flux*, 275-279.

⁵⁷⁰ Matt Cole: "Constitutional reform" in *The Political Thought of the Liberals and Liberal Democrats since 1945*, ed. Kevin Hickson (Manchester: Manchester University Press, 2009): 72-75; Liberal Democrats: *Here We Stand. Proposals for Modernising Britain's Democracy* (London: Liberal Democrats, 1993), 26.

election manifestos of 1983 and 1987 set broad targets for changes to the whole system.⁵⁷¹ These aims failed to materialize because the party remained only the third largest.

To sum up, the Liberal Democrats and its predecessors were ready for broad constitutional reforms and were strong advocates of change. This is a key factor for understanding the behaviour of Liberal Democrat MPs and their predecessors in the Liberal and the Social Democratic Parties when it came to their political language in situations in which the constitution was under discussion. However, an examination of their election manifestos reveals an absence of references to the Royal Prerogative in the 1980s; in fact, even in the 1990s the language referred to broader changes and simply the need to improve opportunities to influence and scrutinize the Government by parliamentary means, and above all, to extract more information from the Government.⁵⁷² On the other hand, on one of the most significant issues, the exercise of foreign policy, the political stances adopted by the Alliance and the Liberal Democrats differed much less from the positions of the two largest parties. In the 1980s, the Liberal party was committed to the United Nations, to European co-operation and to disarmament, and this received support within the party and was reflected in its activities in the House of Commons as well. During a plenary sitting in 1986, a group of Liberal MPs including Simon Hughes and Archy Kirkwood, demanded a more internationalist approach to foreign policy, meaning more work for world peace and an effort to place Britain between the two great power blocs in order to enhance peaceful co-operation; furthermore, these MPs demanded more independence for Europe from the United States.⁵⁷³

In general, the role of foreign policy could be considered to form an important part of the parties' positions. According to Rhiannon Vickers, foreign and defence policies emerged as the key issues in the 1983 and 1987 general elections, with the Conservative Party successfully undermining public confidence in Labour's ability to conduct a trustworthy foreign policy. These election battles marked the end of the consensual bipartisan approach to foreign policy, in which both parties had supported warm relations with the United States and membership of NATO, both of which were key issues in British foreign policy.⁵⁷⁴

The existing rights to wage war were generally hardly touched on in the manifestos of the two largest parties. Party manifestos can, here, be considered relevant sources owing to the fact that in the British general election system the

⁵⁷¹ SDP-Liberal Alliance: *Working Together for Britain* (London, SDP-Liberal Alliance: 1983), section: "Transforming the political system"; SDP-Liberal Alliance, *Britain United*, section "Better Government".

⁵⁷² See Liberal Democrats: *Changing Britain for Good. Constitutional Reform and the Five Es* (Dorchester: Liberal Democrat Publications, 1991), 6-11.

⁵⁷³ SDP-Liberal Alliance, *Britain United*, section: "Britain, Europe and the World"; Simon Hughes, Archy Kirkwood and Michael Meadowcroft, Liberal Information Network, National League of Young Liberals and Union of Liberal Students: *Across the Divide. Liberal Values for Defence and Disarmament. A Liberal Party Publication* (Hebden Bridge: Hebden Royd Publications, 1986), 6-10, 36-37.

⁵⁷⁴ Vickers, *The Labour Party and the World* vol 2, 123-125.

first-past-the-post arrangement and the dominion of the two biggest parties mean that voters can be quite sure that they are voting for the next government, and a party's general election manifesto presents the political agenda that it intends to follow in office.⁵⁷⁵ In its manifestos, the Labour Party did not state any major aims to bring about constitutional reform until 1989, when the party's manifesto outlined the key issues resulting from a major review of the party's policies. Until then, Labour's attitude had been fairly conservative with regard to the constitution, although it had sought to change to the role of the House of Lords in the late 1960s.⁵⁷⁶ When Labour reformed its political agenda in 1989 as a result to its policy review process, it made, in Brazier's words, the "fullest commitment ever to constitutional reform by either of the two main British political parties". Some of the issues in its extended agenda had already been raised by the Liberal Democrats.⁵⁷⁷ The exercise of foreign policy was also placed on the political agenda, and for the first time the Labour party adopted a positive stance on placing all Royal Prerogative rights under parliamentary control.⁵⁷⁸ Even this changed official attitude did not satisfy the left wing within the party, who attacked the party programme and proposed, among other matters, the abolition of the Royal Prerogative altogether.⁵⁷⁹ To sum up, on the eve of the Gulf Crisis, the Labour Party had adopted a political agenda that included the idea of giving Parliament more power over the Government in decisions to deploy and commit troops to an armed conflict.

Now the subject of the parties' approaches towards foreign and defence policies and constitutional reform has been discussed. It is important to understand the linkage between ideas about the constitution and those connected with the exercise of foreign policy. What was notable in the parties' political programmes was that although there were demands for a broader role for Parliament in making the Government accountable, there were no actual proposals about how to control the actual exercise of policy more effectively. The general lack of real proposals for somehow controlling the Royal Prerogative powers, essential for the exercise of foreign policy, indicates that the attention of the parties was very much focused on the direction of actual policy in both domestic and foreign affairs with little or no interest to the decision-making processes. However, there were individuals, especially within the Labour left, who considered the parliamentary control of the Royal Prerogative to be a relevant issue.⁵⁸⁰

⁵⁷⁵ See Brazier, *Constitutional Reform*, 77–78 on the probable consequences if the election system were changed.

⁵⁷⁶ The Labour Party, *Meet the challenge, meet the change*, 55–57; Brazier, *Constitutional Reform*, 38–39.

⁵⁷⁷ Brazier, *Constitutional Reform*, 98, 40.

⁵⁷⁸ Labour party, *Meet the challenge, make the change*, 56, 1989.

⁵⁷⁹ Paul Routledge: "Left 'manifesto' attacks Kinnock" *The Observer*, 11 Jun 1989, p. 3.

⁵⁸⁰ For a case study with a more long-term approach, see a study by Jari Muhonen concerning the government of 1924. Jari Muhonen: *Labour-lordit. Ison-Britannian työväenpuolueen edustus maan parlamentin ylähuoneessa vuoden 1924 vähemmistöhallituksen aikana*. Pro Gradu Thesis (University of Jyväskylä. Jyväskylä, 2012).

If the question of going to war is limited to the role of the Royal Prerogative and to the parties' attitudes to this right, the perspective is justifiable but at the same time perhaps limited, since the role of Parliament in going to war is determined not only by the Members' willingness to work against the existing conventions and their interest in redefining the limits of parliamentary control but also by the use of the existing tools, such as procedural moves, budgetary powers and the work done in the committees of the two chambers. These are issues to which we shall return in the sections of the following chapters that will be devoted to the examination of Parliament itself.

After considering the historical context of the 1980s, especially with regard to the Falklands War, it is now time to move on to the second war to be discussed in this dissertation, the Gulf Crisis of 1990–1991. It was a war that took place in a completely different international political context: the end of Cold War was under way, and the Gulf War itself was a broad-scale international conflict that was waged outside the area of British sovereignty.

5 THE GULF CRISIS IN 1990–1991: ATTEMPTS TO REDEFINE THE ROLE OF PARLIAMENT

5.1 The background of the crisis

The examination of this crisis from the parliamentary perspective will be carried out in a similar way to that used in connection with the Falklands War. First, the relevant historical background will be discussed. After that discussion, the focus will be on Parliament with an examination of the discussions in that institution.

The Gulf Crisis⁵⁸¹ began when the Iraqi armed forces invaded Kuwait on 2 August 1990. There had been some preceding signs on the international diplomatic stage, where Iraq's neighbouring countries had expressed their concerns about Iraqi demands and the size of its army.⁵⁸² Even so, the invasion came as a surprise. The Kuwaiti army was not prepared to fight against the invaders, even though the Iraqi army had concentrated large numbers of armed troops in positions near the Kuwaiti border. As a result, the defences of the small country were overwhelmed quickly, and the invasion of Kuwait was effected in a matter of few days.

The international community responded to Iraq's aggression swiftly with demands for an immediate Iraqi withdrawal from Kuwait and the ending of hostilities against the civilian population. Iraq claimed it had legal rights to the Kuwaiti territory and was annexing Kuwait as Iraq's 19th province. As a result, the state of Kuwait was abolished. The ruler, the Emir of Kuwait Jaber Al-Ahmad Al-Jaber Al-Sabah, managed to escape to Saudi Arabia.⁵⁸³

⁵⁸¹ Also called "The Second Persian Gulf War". The term "the Gulf War" also is used to describe the whole crisis, although that war did not start until January 1991. In this dissertation "the Gulf War" is used to describe events after the initiation of hostilities in January 1991.

⁵⁸² The size of the Iraqi army was not reduced after the war with Iran, which had ended almost two years earlier in 1988.

⁵⁸³ Majid Khadduri and Edmund Ghareeb: *War in the Gulf 1990–1991. The Iraq-Kuwait Conflict and Its Implications* (New York: Oxford University Press, 1997), 140; Charles

The Iraqi claims were mainly inspired by economic motives stemming from the country's need for a harbour area on the Persian Gulf. Iraq was not totally landlocked, but it did not have a site suitable for a proper deep-water port. Kuwait had good territory for a deep-water harbour near the Iraqi border, and Saddam Hussein was keen to get hold of this. Iraq was facing serious economic problems after its exhausting war with Iran and was in deep financial debt to Kuwait, from which it had borrowed money to wage the war. After the war, Iraq's domestic oil production was in severe trouble, having suffered heavy damage from bombing, and it was experiencing big difficulties in raising its production significantly. Iraq tried to negotiate with Kuwait to have its debts cancelled because of its inability to repay them, but Kuwait refused. This naturally caused problems in the relationship between the two countries. Iraq was also trying to get OPEC, the Organization of the Petroleum Exporting Countries, to raise the price of oil so that its oil revenues would increase, but this initiative was rejected. In fact, OPEC actually increased oil production in order to reduce the price of oil on world markets on 25 July 1990, which could be regarded as the final blow to the Iraqi regime's plans to handle its economic crisis by relatively peaceful means.⁵⁸⁴

The Iraqi territorial demands⁵⁸⁵ had previously concerned certain oilfields and two islands on the coast of the Persian Gulf, but the Emir of Kuwait refused to comply with these demands. Saddam Hussein, the leader of Iraq, then broadened his aims to include the annexation of the whole country on 1 August 1990, which actually came as a surprise to the Iraqi Revolutionary Command Council, the ultimate decision-making body in Iraq. Saddam Hussein's ambitions seemed to be more far-reaching: he was trying to restore Iraq to its role as a leading country in the Arab world, a role it had briefly occupied before the war with Iran. By invading Kuwait and its busy ports and rich oilfields, he would be able to wield strong influence in the Arab world.⁵⁸⁶ It has also been claimed that the Pan-Arab movement considered that Kuwait was a creation of British colonialism, an area artificially separated from Southern Iraq, and that it therefore it had no right to exist as a separate state. It did not matter that Kuwait had existed as an independent state longer than Iraq and that it had given financial aid both to Iraq and to the Palestinians.⁵⁸⁷

When Iraq started its invasion of Kuwait, the United Nations demanded its immediate withdrawal and swiftly issued a total economic and trade embargo on Iraq in order to force the country to comply. The Arab League also con-

Tripp: *A History of Iraq*. (Cambridge and New York: Cambridge University Press, 2007), 243. Some high-ranking Kuwaiti officials also escaped to Saudi Arabia, where a Government in exile was established. William Ochsenwald and Sydney Nettleton Fisho: *The Middle East. A History*. (Boston, Mass: McGraw-Hill. 6th ed., 2004), 661.

⁵⁸⁴ Khadduri and Ghareeb, *War in the Gulf 1990-1991*, 95-108; Tripp, *A History of Iraq*, 241-242.

⁵⁸⁵ The background to these demands went back to the 1920s, when the state of Kuwait was formed. Khadduri and Ghareeb, *War in the Gulf 1990-1991*, e.g. 73-74.

⁵⁸⁶ Khadduri and Ghareeb, *War in the Gulf 1990-1991*, 121; Tripp, *A History of Iraq*, 243; Ochsenwald and Fisher, *The Middle East*, 660-661.

⁵⁸⁷ Ochsenwald and Fisher, *The Middle East*, 660-661.

demned the invasion. Other neighbouring Arab countries were alarmed by the invasion of Kuwait and feared possible Iraqi aggression. King Hussein of Saudi Arabia formally asked for military aid from the United States and Britain in order to defend his border against the Iraqi threat.⁵⁸⁸ This threat against Saudi Arabia was seen as possible, and Britain deployed its forces to the Gulf in order both to defend the borders of Saudi Arabia and also to maintain the UN embargo.⁵⁸⁹ The United States accepted a request to restore the status quo in the area, and a similar policy lay behind Britain's actions.⁵⁹⁰ This deployment of British troops was the largest since the Falklands War in 1982. It was an outcome of the personal commitment of Prime Minister Thatcher, who had shown right from the beginning of the crisis that she was ready to deploy strong forces if such were needed to restore Kuwaiti sovereignty. Thatcher did not consult the armed forces before making the decision.⁵⁹¹ Britain also had troops already deployed in Oman and Cyprus, from where they could be quickly dispatched to defend the Saudi Arabian frontier.⁵⁹²

There were several reasons behind the British interest in the on-going crisis, and these came to the surface during the parliamentary process. Britain had historical ties with the Gulf region and with both Iraq and Kuwait in particular. In fact, Britain had held the mandate to form both countries and had ruled the region during its colonial time. Therefore, Britain had played an important part in creating the frontier between Iraq and Kuwait – although the border line was neither logical nor a natural expressions of the region's geography. British troops had also remained stationed in the two countries after they obtained independence – and after Britain withdrew its troops from Iraq, it had continued its military presence in Kuwait. The area had been vital for the defence of India, and later it continued to be necessary to maintain a military presence in the area because of Kuwaiti oil resources. All in all, Britain had played a very active role in the formation of the states of the Gulf region and felt at least partially responsible for events that took place in the area thereafter.⁵⁹³

Behind Britain's foreign policy towards the whole Gulf region there also lay a more global aspect, in which trade policy played an important role, as there was significant arms trade between British companies and the states of the

⁵⁸⁸ Because of this, Saddam Hussein criticized King Fahd of Saudi Arabia for being a "puppet" of the United States. One argument used to endorse this accusation was the number of non-Muslim troops arriving in Saudi Arabia. Ochsenswald and Fisher, *The Middle East*, 712–713.

⁵⁸⁹ Secretary of State for Defence, Tom King, HC Deb 07 September 1990 vol. 177 col. 842; Margaret Thatcher writes in her memoirs that she made the decision quite rapidly on how to deal with Iraq in this crisis, which she described as "an act of illegal aggression". Thatcher, *The Downing Street Years*, 816–819.

⁵⁹⁰ Tripp, *A History of Iraq*, 244.

⁵⁹¹ Towle, *Going to War*, 106; Raghid El-Solh: *Britain's Two Wars with Iraq 1941, 1991* (Reading: Ithaca Press, 1996), 216–218.

⁵⁹² Thatcher, *The Downing Street Years*, 826.

⁵⁹³ See, for example, Jerry M. Long: *Saddam's War of Words. Politics, Religion, and the Iraqi Invasion of Kuwait*. (Austin: University of Texas Press, 2004), 8; Khadduri and Ghareeb, *War in the Gulf 1990–1991*, 247; Levey, Zach and Podeh, Elie: *Britain and the Middle East. From Imperial Power to Junior Partner* (Brighton, UK and Portland, USA: Sussex Academic Press, 2008), 268–276.

Gulf region, and Iraq in particular. The arms trade had been used politically to strengthen the British role in the Gulf.⁵⁹⁴

Another important point is that Britain and the United States were the first countries to protest against the invasion of Kuwait, and these two states played a significant role in shaping the policy of the United Nations Security Council (UNSC), especially after the Soviet Union also demanded Iraqi withdrawal from Kuwait. China, another potential breaker of consensus in the UNSC, took a more neutral stance. In Washington, the occupation was seen as a threat to American interests in the Gulf. The United States was establishing its role in a post-Cold War world in which it would be the only superpower. Washington had worked to keep peace in the Gulf, and the Iraqi actions were undermining this effort. Iraq was not cooperating with Washington to resolve the crisis even though the United States had demanded cooperation and a peaceful solution. Washington was also starting to see Iraq's weapons of mass destructions as a threat.⁵⁹⁵

As for the British position in international politics, Britain was a close ally of the United States, which had started to take a leading role in solving the crisis. Importantly for the United States, Mikhail Gorbachev, the leader of the USSR, had easily been persuaded to cooperate with the USA to resolve the crisis although the Soviet Union itself was not prepared to join in any military operation against Iraq. Gorbachev was facing domestic problems, and in order to handle those he needed international support, above all from the USA. Iraq had previously had a close relationship with the USSR, but Saddam Hussein had not discussed the invasion of Kuwait with the Soviet Union before it was launched. In the early days of the crisis, the USSR and the United States issued a joint statement condemning the invasion and declaring it illegal.⁵⁹⁶ Thus the oppositional relations between these two superpowers did not pose a threat to a resolution of the crisis.

Britain had also a domestic reason for taking an active role in handling the crisis. There were many British citizens in Kuwait when the invasion began, and the Iraqi treatment of citizens of Western countries also prompted wide media coverage in Britain.⁵⁹⁷ Moreover, the situation of the British hostages in Kuwait gave rise to a debate in the British Parliament.

Brian Urquhart in the Stockholm International Peace Research Institute (SIPRI) 1991 Yearbook cited the Gulf Crisis as evidence of the positive effect the ending of Cold War had in the United Nations Security Council. The UNSC issued several resolutions connected with the occupation of Kuwait. Resolutions 660–662 and 664–665 condemned the invasion and initiated the use of sanctions against Iraq. The resolutions also declared the annexation of Kuwait into a new province of Iraq to be illegal. The following UNSC resolutions examined other

⁵⁹⁴ Levey and Poteh, *Britain and the Middle East*, 283–285.

⁵⁹⁵ Ochsenwald and Fisher, *The Middle East*, 661.

⁵⁹⁶ Khadduri and Ghareeb, *War in the Gulf 1990–1991*, 122–125; Reference Service, Central Office of Information: *Britain and the Gulf Crisis* (London: HMSO, 1993), 7.

⁵⁹⁷ See, for example, Martin Woollacott & Gareth Perry: "Iraq issues new threat to male hostages" *The Guardian*, 1 Sept 1990, p. 1.

aspects of the crisis and finally the twelfth, Resolution 678, authorized the use of all means necessary to restore peace in the area and to enforce the implementation of previous resolutions.⁵⁹⁸

When Saudi Arabia requested foreign troops in order to strengthen the country's defences against a possible Iraqi threat, the UNSC gave the leadership of the mustering of these defensive troops to the United States. During the early phase in the political process, sanctions were considered the primary means of tackling the crisis. However, the SIPRI Yearbook noted a lessening belief in the efficacy of sanctions when, after a series of deployments to the area, the defensive troops stationed in Saudi Arabia began to be capable of mounting an offensive. Sanctions started to be seen as too slow, and the use of force was considered to be a viable option. November 29 was the turning point in the change of attitude from sanctions towards the use of force: on that day the UNSC issued Resolution 678, which demanded Iraqi withdrawal from Kuwait by 15 January 1991 and authorized the use of force if Iraq did not comply. There is an important difference at stake here: at that time and through this resolution, the international coalition force stationed for defensive purposes in Saudi Arabia became an enforcement body – it had the ability and the authority to take the offensive against Iraqi troops.⁵⁹⁹ Furthermore, there were some significant events relating to the invasion of Kuwait in the United Nations. China, one of the permanent members, abstained from voting on Resolution 678 in the Security Council.⁶⁰⁰ This resolution provided sufficient legal grounds for Allied actions against the Iraqi occupation of Kuwait. The Allies'⁶⁰¹ deployments before Resolution 678 had been carried out on the basis of Article 51 of the United Nations Charter, which gave a country the right of self-defence. And for Saudi Arabia, it was in many respects a matter of self-defence because Iraq was widely believed to be eager to launch an attack on that country after the Kuwaiti invasion.⁶⁰² The Allies had begun deploying and concentrating their troops in the Gulf ever since August, but now these troop detachments were clearly and legitimately aimed at launching a military operation against Iraq. Barry R. Posen saw four different stages in the Allied military mobilization during the Gulf Crisis: the first stage was in August, when the defence capability of Saudi Arabia was quickly reinforced. The second stage, which took place mainly in September, saw extra deployments in order to strengthen the defences and an increase in the offensive air capability. The third stage created a counter-offensive capability, and the fourth, which occurred between 8 November and 16 January,

⁵⁹⁸ Brian Urquhart, "The role of the United Nations in the Iraq-Kuwait conflict in 1990" in *SIPRI Yearbook 1991. World Armaments and Disarmament* (New York: Oxford University Press, 1991), 617–618.

⁵⁹⁹ Urquhart, "The role of the United Nations in the Iraq-Kuwait conflict in 1990", 619–620.

⁶⁰⁰ Tripp, *A History of Iraq*, 244; Khadduri and Ghareeb, *War in the Gulf 1990–1991*, 150.

⁶⁰¹ Also known as the "Coalition".

⁶⁰² White, *Democracy Goes to War*, 91, 104–105.

prepared for the “offensive option”.⁶⁰³ In this way, the growing capability for offensive actions made for an increased threat of war between the Iraqi forces and the Coalition troops.

Between September and December 1991, the Middle East saw a steady flow of Coalition troops into the area and at the same time on-going diplomatic negotiations to try and persuade Iraq to withdraw from Kuwait. After the passing of Resolution 678 in November, it was expected that Iraq would evaluate the situation and finally to comply with the UNSCR’s demands. However, Iraq did not do so, and the war began on 17 January. After weeks of bombing, the Allies launched a ground campaign on 24 February, leading to a fast recapture of Kuwait. For a short period of time, the Allies were also inside Iraq’s borders attacking the Iraqi units stationed there. After four days of fighting, mostly in Iraq, President Bush announced a ceasefire. Iraqi troops had withdrawn from Kuwait two days earlier. All in all, over 500,000 Allied soldiers took part in the campaign.⁶⁰⁴

5.2 The party leaders and the role of Parliament: an attempt to depoliticize the handling of the situation

In the previous case, the Falklands War, the best course was to analyze debates about the use of force, since this was the dominant feature of the crisis, together with discussions about the relationship between diplomacy and warfare. These were discussed in relation to Parliament’s role and its functions. With the Gulf Crisis, however, such an approach would be problematic since the use of force as a political option was determined by the United Nations Security Council, not just the British themselves as in 1982. The events of 1990–1991 gave Parliament more opportunities to evaluate the role of Parliament with regard to the use of force and even more to assess its ability to influence British foreign policy in general. Therefore, it is justified to seek a different way to approach the discussion about the status of Parliament. The party leaders are at the centre of the parties’ decision-making with regard to defence issues, too,⁶⁰⁵ and this section discusses whether they regarded the Gulf Crisis as a chance to evaluate the role of Parliament in the decision-making process related to foreign and defence policies.

The involvement of Parliament in this political process and its participation in the decision to deploy forces with the possibility of engagement in mili-

⁶⁰³ Barry R. Posen, “Military mobilization in the Persian Gulf conflict” in *SIPRI Yearbook 1991. World Armaments and Disarmament* (New York: Oxford University Press, 1991), 641–642.

⁶⁰⁴ House of Commons Defence Committee. Session 1990–91. Tenth report. Preliminary Lessons of Operation Granby. Report, together with the proceedings of the committee relating to the report, minutes of evidence and memoranda. Ordered by the House of Commons to be printed 17 July 1991. HC 287. Proquest, v, para 2.

⁶⁰⁵ Brand, *British Parliamentary Parties*, 300–340.

tary action against the Iraqi army had similar features to those that had applied during the previous conflict in the Falklands. The decision to send troops was made without prior consultation with Parliament, but the latter was expected to have the opportunity to debate the deployment in the near future. Only a few members of Parliament opposed the view that Saddam Hussein was acting in a way that necessitated military force.⁶⁰⁶

From Parliament's point of view, the context of the Gulf Crisis was different from that of the Falklands War. However, there were also similarities. In both conflicts, the decision to deploy troops to the crisis area was carried out without Parliament's prior approval. Both conflicts also resembled each other in the extended period of time that elapsed before the deployed troops engaged in combat. The main differences consist in other features: in particular, the role of the international community was more important in 1990–1991 than in 1982.

However, the most significant difference was the role of Parliament, for example with regard to voting and its willingness to become one of the decision-makers when the course of diplomacy was under consideration. The 1990–1991 crisis provided Parliament with a chance to register its views by voting. On the other hand, in 1982 Parliament, or at least the official Opposition, had been interested in the right to decide in Parliament on the direction of diplomatic negotiations, rather than allowing the Government alone to decide on the direction of the negotiations. From Parliament's point of view, the two conflicts differed in terms of the risk factor involved. In 1982 the deployment of the British task force to the South Atlantic had posed an enormous risk since, as was made known by the British media, the task force was ill-prepared to combat the superior numbers of Argentine aircraft, which were mostly land-based and thus difficult to counter with only carrier-based aircraft. If one carrier had been lost in the Argentine air attacks, the overall strike force would have been greatly damaged.

In 1990–1991, the Iraqi armed forces represented a major threat to the Allied forces, but on the other hand, the British contribution was relatively small compared with that of the United States. Moreover, the role of the Allied air forces would be much greater, especially because of their size and technical sophistication, both advantages that their Iraqi opponents would find hard to match. Furthermore, British sovereignty was not under threat, nor was national pride at stake, as had been the case in 1982.

As was discussed in the background section, Britain was active in the handling of the crisis, and this was visible in Parliament as well. During the period from 6 September 1990 to 1 March 1991, the topic was frequently debated in the Commons.⁶⁰⁷ Between the beginning of the invasion and the commencement of the Allied military action against Iraq, there were five statements, two Prime Ministerial statements and three debates, all on motions to adjourn. During the actual war, there was one debate on a substantive motion and seven

⁶⁰⁶ Matt Lyus and Peter Hennessy: *Tony Blair, Past Prime Ministers, Parliament and the Use of Military Force*. Strathclyde Papers on Government and Politics, no. 113 (1999), 14.

⁶⁰⁷ The hostilities ended on 28 February 1991.

statements in Parliament.⁶⁰⁸ A closer study reveals that, between September 1990 and 1 March 1991, issues relating to the situation in the Gulf were discussed nearly every day, either very briefly or in full-day debates. Other relevant occasions include situations where MPs pressed the Leader of the House of Commons about the following week's agenda,⁶⁰⁹ which provide interesting debates for study from a procedural point of view.⁶¹⁰ Furthermore, the subject was present in various questions, both written and oral. This examination of the parliamentary discussion will concentrate on the pre-war period, although some attention will also be given to events during the war, in particular to the debate and division on a substantive motion that occurred on 21 January 1991, four days after the initiation of the Allies' air offensive against the Iraqi armed forces in Kuwait.

The analysis will show that in the House of Commons there were three major occasions in which the role and functions of Parliament came under consideration in connection with the Gulf Crisis. The first occasion was spread over an extended time period in August when certain Members of Parliament were demanding a recall from the parliamentary recess, a process that culminated in a recall debate in early September. The second occasion was a debate on an adjournment in December, when another recess was approaching in a situation where there had not been any clear developments in the Middle East with the deadline for Iraqi withdrawal only a month away. The third occasion happened on 21 January, when the House of Commons was allowed to vote on a substantive motion to formally give its moral support for the combat troops in the Middle East. These occasions in which the role of Parliament was considered all dealt with similar issues, which influenced both the events and their outcome. As will be discussed on the following pages, the relations between the Conservative Party and the Labour Party profoundly influenced the handling of the issue on each of these occasions. On the Conservative side, the status of the premier conferred considerable influence, but in the Labour Party the party leader's position also strongly determined how Parliament was taken into account and how Parliament's role was defined; the lack of a *pro et contra* debate between the Government and the Labour Party leaders on the actual determination of policy overshadowed anything that the backbench members might seek to do.

⁶⁰⁸ Bowers, *Parliament and the use of force*, 7. This is a widely accepted way of distinguishing different types of debate. Also *The Guardian*, considered that there had been three debates on the Gulf situation from the beginning of the invasion to the end of the UN deadline in January. Michael White & Patrick Wintour: "MPs debate on eve of deadline" *The Guardian*, 11 Jan 1991, p. 3.

⁶⁰⁹ "The Leader is responsible for the arrangement of Government business in the Commons." The Leader also announces every Thursday the following week's agenda to the House of Commons. He or she has an important role in moving and defending motions concerning how the Commons' business is to be dealt with. All in all, the Leader performs an important task relating to procedure and opportunities to debate, and therefore the Leader's Thursday announcements are one key area of information for this study. Cf and rest of the text: Rogers and Walters, *How Parliament Works*, 57.

⁶¹⁰ For example, one brief debate was held on 29 November 1990.

The main approaches to the management of the crisis from the British point of view were formulated in the early days of the invasion. Leftist members began to demand that the use of force against Saddam Hussein should be ruled out. The right, on the other hand, demanded swift action against Iraq and foresaw a potential resemblance to the appeasement policy of Chamberlain in 1938.⁶¹¹ Both sides understood the illegality of Iraq's actions and supported measures against the occupation.⁶¹²

Prime Minister⁶¹³ Margaret Thatcher gave the House of Commons a chance to discuss the on-going crisis in a two-day debate, held as an adjournment debate on 6 and 7 September, over a month after Iraq had launched its invasion of Kuwait. In fact, Parliament had been recalled from its summer recess for the first time after the Falklands War,⁶¹⁴ The recall in 1990 was held after the main Opposition had requested it, a month after the invasion of Kuwait despite the early demands of individual Labour MPs to recall the House of Commons already in August.⁶¹⁵ This two-day debate was the first opportunity for the Government to hear the opinion of the House and also for the House to hear the Government's policy aims and to receive information about how the Government saw the role of Parliament in the crisis. Thus the House had no clear information about the crisis apart from that provided by the media in August and early September. As a result, the two-day debate would also offer a major opportunity to consider Parliament's role in the handling of the crisis. At the end of the debate, left-wing MPs were granted an opportunity to vote on the issue with an adjournment motion but only after negotiation.⁶¹⁶ Prime Minister Thatcher's policy prevailed in the division, but the mere chance to be able to vote could be considered a step towards gaining more power for Parliament in matters relating to foreign policy.

For Margaret Thatcher herself, the question of the role that Parliament should have during the crisis and the associated political process did not involve a revision of Parliament's official position. She believed that Parliament should act as an approver of the policy already initiated by her, which included strong economic pressure on the Iraqi regime through the United Nations economic embargo⁶¹⁷ and the possibility of military action if Iraq failed to with-

⁶¹¹ The chance to avoid a repetition of Munich in 1938 and its consequences seems to have been emphasized especially in the United States. Some comparisons between Hitler and Saddam Hussein were also made in the Coalition leaders' rhetoric. Lawrence Freedman, "The War and the New World Order" in *Iraq, The Gulf Conflict and the World Community*, ed. James Gow (London and New York: Brassey's, 1993), 195.

⁶¹² Editorial: "Time for reflection and diplomacy" *The Daily Telegraph*, 4 Sept 1990, p. 16.

⁶¹³ John Major succeeded Thatcher as Prime Minister of the United Kingdom on 28 November 1990 for reasons unrelated to the Gulf Crisis.

⁶¹⁴ This emphasizes how rare an event the recall of Parliament was. The Falklands War in 1982 was the last war waged before the Gulf crisis, and between these two conflicts there were no events leading to demands for a recall.

⁶¹⁵ See, for example, Alan Travis & Anita Peltonen: "MPs recalled as Thatcher scorns Europe for Iraq stance" *The Guardian*, 31 Aug 1990, p. 1.

⁶¹⁶ George Jones: "Left wing gains Commons vote on the use of force" *The Daily Telegraph*, 6 Sept 1990, p. 1.

⁶¹⁷ George Jones: "Britain turns the economic screw on Iraq" *The Daily Telegraph*, 8 Sept 1990, p. 1.

draw from Kuwait; it had resemblances with her policy during the Falklands War, but her position was much firmer on this matter despite wavering support in her own party – her main source of power – for her policy on European integration. She thanked Parliament for its wish to debate the subject at a convenient moment. Thatcher thought her policy of strong economic pressure was the only way to stop Saddam Hussein from profiting from the situation, and she mounted pressure on the Commons to approve the Government's policy. She argued: "I believe that the House will agree that we cannot be deflected from the determined course of action on which we have embarked, and which alone will ensure that the aggressor is not allowed to benefit from his crime."⁶¹⁸

Thatcher's position was aggressive in terms of her readiness to resort to the use of force against Iraqi forces in Kuwait. However, the opposition leaders in particular preferred the UN route, and Thatcher accepted the idea of giving the UN the major role. The Government used the crisis in the Gulf as an example of how to deal with emerging post-Cold War crises at the international level.⁶¹⁹ Thatcher's speech included references to the character of the Iraqi leader⁶²⁰ and to the nature of his actions. Thatcher described Saddam Hussein as evil and dangerous, thus creating a stereotypical image of the enemy: in 1982 it was a fascist and cruel military regime threatening to oppress the Falkland islanders, in 1990–1991 it was a brutal dictator invading an innocent neighbouring country. This perception had already been widely accepted when Parliament was recalled.⁶²¹

Neil Kinnock, the Labour leader, endorsed the policy that Thatcher had embarked on. He also continued to defend Thatcher's and later John Major's policy on Iraq and did not make any direct references to Parliament's role and functions. The only exceptions were the demand for Parliament's recall and his support for demands for a division at the end of the two-day debate on 6 and 7 September. It was widely suggested that his keenness for a vote was a means of warding off a threat from the Labour Party's left-wing MPs, who sought to undermine his supportive policy by taking advantage of the possibility to use procedural techniques in order to broaden the parliamentary process, i.e. the debates, statements and motions relating to the handling of the crisis in Parliament. On the other hand, it was also acknowledged that the recall debate might give rise to the expression of intense passions that the Labour front-bench

⁶¹⁸ HC Deb 06 September 1990 vol. 177 c741.

⁶¹⁹ For example, the increasingly strong role of the United States made Britain's transatlantic relations important. Most important, however, was the role of the United Nations and its power to take the lead in the management of crises.

⁶²⁰ "...and shows that nothing Saddam Hussein says can be trusted." HC Deb 06 September 1990 vol. 177 col. 735, col. 742.

⁶²¹ This would have been influenced by the press coverage, which described in graphic details the repressive actions that the Iraqi army used against the Kuwaiti people and the future of British citizens inside Kuwait. Martin Wilker & Hella Pick: "Saddam rounds up hostages" *The Guardian*, 20 Aug 1990, p. 1. Please see also Riikka Kuusisto, "Framing the Wars in the Gulf and in Bosnia: The Rhetorical Definitions of the Western Power Leaders in Action" *Journal of Peace Research*, Vol. 35, No. 5 (1998), 603–618.

would not wish to hear.⁶²² The recall was clearly not regarded as particularly important by the Labour leaders since they allowed the recess to continue for nearly five weeks before requesting it. Thus the recall debate constituted a potential threat to the Labour leadership. The tense discussion that had taken place in the emergency debate at the outbreak of the Falklands War was well remembered. In the end, the debate was held and created an opportunity for Kinnock to publicly endorse Thatcher's policy and agree that the aggressor should not benefit by his actions.⁶²³ David Howell (Con, Guildford), the chairman of Parliament's Foreign Affairs Committee since 1987 and the most prominent MP in the public media in August, expressed his approval of the consensus that these two major figures, Margaret Thatcher and Neil Kinnock, had reached.⁶²⁴

The Guardian, a newspaper with a left-leaning stance, condemned the delayed recall of Parliament. The paper argued that the role of Parliament was in decline vis-à-vis the executive branch (the Government and at its core the Cabinet). The Government was acting as the sovereign power in dealing with urgent matters in the sphere of foreign affairs. Furthermore, the newspaper saw that the role of the British Parliament now resembled that of parliaments in other countries.⁶²⁵ According to the newspaper, the general possibility of influencing policy through parliamentary debates had been called in question because of the lack of enthusiasm of the party leaders, especially in the Labour Party, to provide an opportunity for fellow MPs to speak in the plenary session which the recall would offer. It is difficult to see how this rather bleak assessment affected the performance of left-wing MPs. *The Guardian's* lack of faith in Parliament's opportunities to do anything else than accept a policy that had already been decided on was anything but an optimistic assessment of the state of Parliament.⁶²⁶

In general, Kinnock was satisfied with the opportunities for speaking presented during the autumn and winter. Thus attempts to promote the role of Parliament were left to individual MPs with no public support from the party leaders.⁶²⁷ Rather than speaking in support of changes in Parliament's role at

⁶²² George Jones: "Left wing gains Commons vote on use of force" *The Daily Telegraph*, 6 Sept 1990, p. 1; Jon Hibbs: "Labour backs Kinnock over Gulf support" *The Daily Telegraph*, 31 Jan 1991, p. 6; Editorial: "Who goes home? Who comes back?" *The Guardian*, 10 Aug 1990, 18.

⁶²³ Neil Kinnock HC Deb 06 September 1990 vol. 177 cols 743-44.

⁶²⁴ Deb 06 September 1990 vol. 177 cols 757-759. Carstairs and Ware argue that the committee did not have much possibility to influence Parliament's role apart from Howell's visibility during the parliamentary recess and the quality and number of reports that the committee produced. Carstairs and Ware, "Conclusions", 165.

⁶²⁵ Hugo Young: "The decline and recall of Parliament" *The Guardian*, 30 Aug 1990, p. 19.

⁶²⁶ *The Guardian's* editorial described the recall debate as being a risky matter with a lot to lose and little to gain for both the Conservatives and the Labour Parties. Editorial: "Back from the beach" *The Guardian*, 30 Aug 1990, p. 18.

⁶²⁷ The demand for a recall from Parliament's summer recess was the only matter on which Neil Kinnock and party MPs with a strong anti-war stance worked at least partially in unison. The Labour Party leaders and left-wingers both supported the need for UN approval of all military actions against Iraq, but the other means to achieve this were viewed differently.

the national level, Kinnock supported an attempt to change Parliament's role in the handling of international relations when he took part in a discussion about international co-operation and peace work in the post-Cold War era. This approach showed that Kinnock's interest went beyond domestic political matters. In fact, the whole issue of policy on the crisis in Kuwait was depoliticized at the party leader level in order to secure a party-political consensus. Kinnock was supportive of the Government, and Thatcher expressed her appreciation for this in her speeches. For the parliamentary debate to be held on 6 and 7 September, Kinnock also limited the subject to be debated to the means for ending the conflict as soon as possible so as to ensure that the outcome would leave as few open questions as possible, and he made no effort to introduce other topics into the agenda, nor into the actual debate.⁶²⁸ He argued: "I believe that we in the House should not simply recognise these growing feelings – we should lead them by playing a full part in developing a new and practical design for international peace and order."⁶²⁹

In 1982 the willingness of the leaders to depoliticize the handling of the crisis was related in many respects to the nature of the crisis as described in the preceding section: the situation in 1990–1991 did not involve a loss of British self-respect but related more to the general role that Britain would play after the Cold War: the United Nations Security Council was unanimous on the matter and, after decades of Cold War deadlock, was able to act freely. Furthermore, Britain as one of the permanent members of the Security Council had a special responsibility to act.⁶³⁰ The reason for Kinnock's supportive stance can be found in the Labour Party's previous experiences in comparable situations. Some theorists argue that generally the Opposition cannot stop the Government from going to war – and it is especially difficult for the Opposition to oppose a war if it is expected to be successful, as this can result in a great loss of political support.⁶³¹ The possibility of such a loss may be one explanatory factor for the Labour leadership not challenging the Government over the issue of Kuwait. The "Falklands Factor", which contributed to the Conservatives' successive victories in general elections, was fresh in memory, and had already inspired predictions about an "Iraqi factor" in August 1990.⁶³²

Another even more rational reason behind the Labour leadership's stance may simply be that the majority of Labour MPs supported tough actions against Iraq's act of aggression – especially after the discussion of the issue already held in the United Nations Security Council had ended in a clear condemnation of

⁶²⁸ Nikki Knowstub: "UN must lead, says Kinnock" *The Guardian*, 7 Sept 1990, p. 8; HC Deb 06 September 1990 vol. 177 col. 746. Anyway it is acknowledged that any attempts to make changes in the agenda for the debate would most probably have ended in failure.

⁶²⁹ HC Deb 06 September 1990 vol. 177 col. 744.

⁶³⁰ Phythian, *The Labour Party, War and International Relations*, 94; Dan Keohane: *Security in British Politics, 1945–99* (Houndmills and New York: Macmillan Press and St. Martin's Press, 2000), 9.

⁶³¹ Jack S. Levy and William F. Mabe, Jr., "Politically Motivated Opposition to War" *International Studies Review*, Vol. 6, No. 4, (2004), 72–73.

⁶³² Editorial: "The Iraqi factor?" *The Daily Telegraph*, 12 Aug 1990, p. 18.

the Iraqi actions.⁶³³ The crisis in the Gulf was clearly an international one, and the handling of it by “all means necessary” in a way that was internationally acceptable needed the backing of the United Nations Security Council. As the leader of the Labour Party, Neil Kinnock had no real reason to oppose the war if certain preconditions, mainly the role of the United Nations as the source of authorization, could be properly satisfied. John Callaghan, the author of *The Labour Party and Foreign Policy: A History*, explains that after losing three consecutive general elections, Labour had returned to its old bipartisan foreign and defence policy with the Conservatives. During the late 1970s and early 1980s, the Labour Party’s approach to foreign policy had turned in a more radical direction,⁶³⁴ which, in a situation that had seen the loss of election support and the rise of less radical Labour leaders, was now reversed.

Moreover, when a country is at war, both the government and the opposition usually rally behind the flag in order to show unity and to provide moral backing for the troops, although this does not always happen. During the Gulf Crisis, there was a rallying behind the flag in the United Kingdom, as Brian Lai and Dan Reiter noted.⁶³⁵ It was more visible after January 1991 when the war had begun. Before that there were dissident voices in the Labour Party backbenches. Kinnock’s actions were supportive of the Government but an issue that is relevant to the position of Parliament emerged in his attitude to the Party’s political agenda. The Labour Party policy review of 1989 “Meet the Challenge, Make the Change” included some proposals for reviewing the Royal Prerogative system. The deployment of troops was not mentioned specifically, and the target was the Royal Prerogative as a whole. The manifesto called for the identification of particular areas which should be placed under statute law or excluded from the protection of the Royal Prerogative.⁶³⁶ In this matter, Kinnock failed to implement his party’s revised policy after the Gulf Crisis, when the aftermath provided an opportunity to review the issue, especially since there were voices among the left-winger MPs criticizing the dominant role of the Government. On the other hand, the crisis and the experiences it brought perhaps had an influence to the Labour Party’s lack of enthusiasm for policy reform since in 1993 the party had begun to show some readiness to review the Government’s right to declare war alone, among other issues.⁶³⁷

In terms of other international matters and their impact on Parliament, the economic situation was considered more problematic with regard to the sovereignty of Parliament than the Gulf Crisis. At the time of the Gulf Crisis, the discussion on the European Exchange Rate Mechanism (ERM) showed how the

⁶³³ This sentiment was clearly present in the parliamentary debates.

⁶³⁴ This mainly meant demands for unilateral nuclear disarmament and the closure of US military bases in Britain. John Callaghan: *The Labour Party and Foreign Policy. A History* (London and New York: Routledge, 2007), 283.

⁶³⁵ Lai and Reiter, “Rally 'Round the Union Jack? Public Opinion and the Use of Force in the United Kingdom, 1948-2001”, 256.

⁶³⁶ The House of Commons Public Administration Select Committee. Session 2003–04. Fourth report. Taming the Prerogative, 8.

⁶³⁷ Jack Straw, “Abolish the Royal Prerogative” in *Power and the Throne. The Monarchy Debate*, ed. Anthony Barnett (London: Vintage, 1994), 127.

concept of sovereignty was interpreted in the exercise of foreign policy and how British involvement in an armed conflict was considered less significant for the role of Parliament than economic co-operation. Prime Minister Margaret Thatcher opposed Britain joining the ERM. To compare the discussion concerning the ERM with the discussion about the Gulf Crisis, the former together with a common European currency inspired more talk about the sovereignty of Parliament than the concomitant handling of the Iraqi crisis that was being led by the United Nations. With regard to the ERM, Prime Minister Thatcher declared that she would not support a common European currency, as it would mean a diminution of Parliament's sovereignty. Thatcher had voiced this opinion in 1989 during Question Time, saying: "Nothing [...] will persuade me to surrender the sovereignty of this House to the European Parliament."⁶³⁸ Thatcher's position on this matter had already been set in 1975 and was opposed to the stance of one of her predecessors, the Conservative Prime Minister Edward Heath, when Britain was considering entering the EEC. At that time, Heath had said in the House of Commons: "Joining the Community does not entail a loss of national identity or an erosion of essential national sovereignty."⁶³⁹ In the debate in the House of Commons on 30 October 1990, Thatcher restated her rejection of the ERM despite the existence of contrary views in her own Cabinet. Thatcher voiced her famous "No! No! No!" concerning the vision of Jacques Delors, the President of the European Commission, which Thatcher rebutted as follows: "He wanted the European Parliament to be the democratic body of the Community, he wanted the Commission to be the Executive and he wanted the Council of Ministers to be the Senate. No! No! No!"⁶⁴⁰

What Thatcher feared was that the transnational bodies in European economic co-operation would effectively replace the domestic political bodies with regard to their sovereignty and ability to make decisions. As for the Gulf Crisis, Thatcher considered that the European Council had failed in that matter, too, in being unable to free the hostages and creating a viable negotiating position.⁶⁴¹ Thatcher's unyielding position led Geoffrey Howe, the Chancellor of Exchequer, to resign at the beginning of November.

Thatcher's position on European integration forced her to resign in November 1990 as a result of loss of support in her own party. When the party selected a chairperson for the following term, Thatcher was a candidate and willing to continue. However, the rift within the party led to a situation in which she was unable to obtain re-election during the first round, which was a strong indication that she had lost the confidence of the party.⁶⁴² The interesting fact is

⁶³⁸ HC Deb 27 July 1989 vol. 157 col. 1169.

⁶³⁹ Thatcher's speech in 1975 on the EEC referendum, HC Deb 11 March 1975 vol. 888 cols 305-317; Edward Heath HC Deb 24 May 1971 vol. 818 cols 32-33.

⁶⁴⁰ HC Deb 30 October 1990 vol. 178 cols 873.

⁶⁴¹ HC Deb 30 October 1990 vol. 178 col. 869.

⁶⁴² Michael Binyon: "Britain alone as date is set for monetary union" *The Times*, 29 Oct 1990, p. 1; Robin Oakley and Philip Webster: "Howe resigns in protest over Europe" *The Times*, 2 Nov 1990, p. 1. For Thatcher the decline of Parliament's sovereignty had already emerged as an issue in 1975, when she was still the Leader of the Opposition.

that the concept of sovereignty was not even used in relation to the Gulf Crisis, showing the difference between these two major international issues that faced Britain at the time: Britain rejected a supranational economic policy but adopted a totally different approach to the international use of military force abroad.

The depoliticization of the Gulf Crisis at the leadership level was also limited to the handling of this particular crisis, meaning that although Kinnock was not going to challenge the Government's policy on the Gulf as a whole, he was going to continue regular opposition politics in other matters. There were more Government vs. Opposition conflicts in evidence during the Debate on the Queen's Speech in November 1990, when one parliamentary day was reserved for foreign affairs. The matter of European integration was much more politicized than the issue of Kuwait, and the role and the position of Parliament were discussed in relation to the European common market.⁶⁴³ In that debate, it emerged that there existed different interpretations regarding the consensus allegedly reached in the House of Commons on 6 and 7 September: What kind of powers had the Prime Minister and her Cabinet received in the adjournment vote?⁶⁴⁴ As in 1982, the Opposition rejected the Government's wishful thinking that it had been given full freedom to act as it wished. The shadow defence secretary, Martin O'Neill (Lab, Ochil), reminded the Members: "We believe that the Government and the Opposition are largely of one mind on this issue. However, we repeat that our support, although fulsome of our men and of our needs, is not a blank cheque. As the Opposition, we reserve the right to question, to query and to challenge where appropriate."⁶⁴⁵

Here O'Neill, the chief Opposition spokesman on defence, used a language that was very typical of an opposition MP in reminding the House of the rights and hence the *raison d'être* of the Opposition. On the other hand, the Opposition seemed not to be taking a tough stance on the Government's policy during the course of the crisis, although there were a few exceptions among the Members, some of whom expressed demands for further opportunities for debate.

It is evident that there was no real policy debate on the Gulf crisis. Between the September recall debate and the debate on the Queen's Speech, the House of Commons was in recess until 15 October, but there were no major developments in connection with the country's policy on the Gulf. In and after November, the political discussion was influenced by events in the Security Council, especially the resolution that was finally passed at the end of Novem-

See, for example, Thatcher's speech in 1975 on the EEC referendum, HC Deb 11 March 1975 vol. 888 cols 305-317.

⁶⁴³ For example by Sir Russell Johnston and Paddy Ashdown HC Deb 08 November 1990 vol. 180 col. 184.

⁶⁴⁴ This debate had in practice already started in September before the vote took place. See e.g. Alan Osborn: "Benn: MPs' duty is to the people, not the Government" *The Daily Telegraph*, 7 Sept 1990, p. 15.

⁶⁴⁵ HC Deb 08 November 1990 vol 180 col. 219.

ber. That resolution stated clearly what Iraq was expected to do and authorized the use of force if it failed to comply.⁶⁴⁶

One example of Labour's somewhat passive stance towards the war can be found in *The Guardian* in December 1990, when the execution of the Government's policy seemed to be progressing at its own pace, and there was no interest in challenging it. The paper's commentator, Hugo Young, criticized the absence of a peace party in the whole of Britain and compared the situation with that in the United States, where a peace party had surfaced and even grown. Young continued by reminding his readers that the peace proposal presented by US Secretary of State James Baker was at least partly made because of political pressure in the creation of which the peace party had played a significant role. Thus American public opinion against the war had produced, in Young's view, a clear result on the diplomatic stage. In Britain, this kind of peace movement was almost completely lacking, and there was too much scope for the pro-war party, which condemned any efforts to reach a peaceful solution. Young acknowledged the anti-war stance of left-wing Labour MPs, and he was not surprised by it.⁶⁴⁷

Young was not the only one to criticize the current situation. The editorials of *The Guardian* also criticized the lack of debate on the Gulf Crisis and mentioned Tony Benn and few others as the only exceptions. The paper commented that the hawks were playing too strong a role and were pushing Britain towards war. Later, the paper condemned the slow and uncritical Labour policy and criticized its lack of courage in challenging the Government on an issue that could lead to a repeat of the Falkland's Factor in the next general election.⁶⁴⁸ Outside the handling of the crisis, the House of Commons also had to examine the current Armed Forces Bill, which was re-enacted every fifth year. This debate, on 21 November, actually reinforced the belief of the House of Commons that the armed forces were still under the Government's control.⁶⁴⁹

The Iraqi refusal to comply with the UNSCR's resolutions roused the Opposition when the use of force started to look likely. The Labour policy on the Gulf situation changed, at least in certain nuances, during the second half of December and the first half of January. On 11 December there was a vote after the Gulf debate, although it had been mainly desired by the anti-war lobby in the Labour Party. The shadow foreign secretary, Gerald Kaufman (Lab, Manchester Gorton), saw no need for a vote. However, if there was to be a vote, he would vote for the Government: "I want to send a signal to Saddam Hussein that the Labour party is unequivocal in its support of the United Nations."⁶⁵⁰ In the end a division was forced. The result demonstrated the continued support

⁶⁴⁶ "The United Nations Security Council Resolution 678", accessed 26 Feb 2013, <http://www.un.org/en/sc/documents/resolutions/1990.shtml> -> S/RES/678 (1990).

⁶⁴⁷ Hugo Young: "Time to fight the armchair generals" *The Guardian*, 4 Dec 1990, p. 23.

⁶⁴⁸ Editorial: "A sensible matter for real debate" *The Guardian*, 5 Dec 1990, p. 20; Editorial: "While Britain still slumbers" *The Guardian*, 3 Dec 1990, p. 14.

⁶⁴⁹ See Menzies Campbell HC Deb 21 November 1990 vol. 181 col. 364.

⁶⁵⁰ HC Deb 11 December 1990 vol. 182 col. 838.

for the Government's policy as only 42 MPs voted against it, an increase of only four compared with the vote in September.⁶⁵¹ Most of these rebels were Labour MPs, whereas the Labour front bench voted for the Government's policy – although Denis Healey, the former Defence Secretary, demanded at least a year of sanctions before the use of force.⁶⁵²

At the beginning of January, the Labour Party's consensual approach broke down, and its frontbench members began to criticize the Government for its statements that the Gulf crisis would lead to an increase in taxes and cause problems for the British economy. Before this change in the official line, there had been outbursts in the media concerning the large number of Labour MPs who had abstained from the vote in December and the growing dissent towards the current policy, which, it was claimed, would result in widespread rebellion and problems within the party. The biggest problem for Labour was its attitude to what would happen following the expiry of the UN deadline for Iraqi withdrawal on 15 January. The anti-war lobby, especially Dennis Healey, warned the party leaders about what could happen if the party approved military action soon after deadline without allowing a proper time for sanctions to work.⁶⁵³ It is evident that the dissent inside the Labour Party resulted in small changes in the party line in order to maintain at least some degree of internal unity.

As the UN deadline for Iraqi withdrawal on 15 January 1991 loomed closer, Labour spokesmen took ever more opportunities to emphasize the need for a further effort in order to avoid war: they considered that the initiation of hostilities soon after the expiry of the UN deadline would be a wrong decision. Especially Gerald Kaufman, the shadow foreign secretary, was a prominent figure in speaking against the too rapid use of military force.⁶⁵⁴ Even so, when the information about a debate and an adjournment vote to be held on 15 January was released, it was fairly clear that Labour would vote for the Government's policy since failure to do so would mean a complete about-turn in the party's position from that which it had voiced on 11 December. The party leadership resorted to quite strong measures in dealing with the anti-war lobby and rejected their request to have a Parliamentary Labour group meeting before the Commons debate.⁶⁵⁵ This step was taken in order to prevent the anti-war lobby from gaining more support among the backbenchers of the party.

⁶⁵¹ HC Deb 11 December 1990 vol. 182 cols 908–911.

⁶⁵² Philip Webster: "Big Commons vote for use of force against Saddam" *The Times*, 12 Dec 1990, p. 22.

⁶⁵³ Patrick Wintour: "Labour faces revolt on use of force" *The Guardian*, 2 Jan 1991, p. 6; Michael White: "Labour breaks ranks on Gulf" *The Guardian*, 3 Jan 1991, p. 2.

⁶⁵⁴ Alan Travis: "Labour may refuse to back immediate war in the Gulf" *The Guardian*, 7 Jan 1991, p. 1. Kaufman also published a lengthy text in *the Guardian* in which he gave his interpretation of United Nations Security Council Resolution 678; Gerald Kaufman: "The road to the last resort" *The Guardian*, 7 Jan 1991, p. 19. A *Guardian* editorial highlighted this change of policy and was – maybe for the first time during the crisis – happy with Labour's stance. Editorial: "When bluff runs out of hand" *The Guardian*, 7 Jan 1991, p. 18.

⁶⁵⁵ Patrick Wintour: "Debate gag dismays Labour peace party" *The Guardian*, 12 Jan 1991, p. 12.

After the war broke out, it became clear that the general atmosphere in the party was not so divided as the press and the leftist MPs had claimed. For example, in a meeting of the Parliamentary Labour Party in mid-January, Neil Kinnock and his policy won a clear majority. The same happened when Kinnock attended a Labour National Executive Committee meeting in which he received overwhelming support. The question of the party's general view was considered to be very important, because even though there had been public demands for the continuation of economic sanctions, Kinnock supported military action after the UN deadline had expired. However, he defined his stance more precisely to include only the liberation of Kuwait with no approval for plans to implement a regime change in Baghdad. Some "hawks" had demanded the extension of the on-going military operations to include measures inside Iraqi territory, and even the overthrow of the Iraqi regime, which the UN Security Council resolutions had not approved. This idea of limited war aims was quite prominently featured in the leftist press.⁶⁵⁶

With regard to the third largest party, the Liberal Democrats, the party's general ability to influence policy was weak – as indeed had been the case with the Alliance in 1982. Paddy Ashdown's stance reflected the party line, which was supportive of the Government's policy but demanded patience before engaging in military actions. He had also demanded a recall weeks before the actual debate occurred.⁶⁵⁷ Ashdown was much in the public eye owing to his combat experiences in Kuwait in 1961.⁶⁵⁸ He considered that his unequivocal stance was even more supportive of the Government's policy than Kinnock's more nuanced line, and he emphasized the need for the Opposition to find a clear position. However, not all members of the Liberal Democratic Parliamentary Party were happy with party's position, and Ashdown's policy line resulted in a few resignations in the group.⁶⁵⁹

If Labour's support for the use of force after 15 January began to crumble, the Liberal Democrats adopted a different position and endorsed it. Paddy Ashdown's explanation was that giving further time to Saddam and his army would be more risky than to embarking on combat. He considered that the possibility of Iraq obtaining nuclear weapons was more frightening.⁶⁶⁰ Thus the opposition stances adopted by Neil Kinnock and Paddy Ashdown differed from each other. The political editor of *The Guardian* claimed that Kinnock's policy had been adopted in order to avoid as far as possible any trouble within the party. For example, Kinnock did not assemble a shadow war cabinet as Ash-

⁶⁵⁶ Patrick Wintour: "Kinnock and 'rebels' present united front" *The Guardian*, 17 Jan 1991, p. 5; Patrick Wintour: "NEC backs Kinnock limits on war aims" *The Guardian*, 31 Jan 1991, p. 4; Gerald Kaufman: "So far and no further" *The Guardian*, 30 Jan 1991, p. 19.

⁶⁵⁷ HC Deb 06 September 1990 vol. 177 cols 754–757.

⁶⁵⁸ Patrick Wintour, Alan Travis and Nikki Knewstubb: "Give sanctions against Iraq time to work, say MPs" *The Guardian*, 7 Sept 1990, p. 8.

⁶⁵⁹ Paddy Ashdown: *A Fortunate Life. An Autobiography of Paddy Ashdown* (London: Aurum Press, 2009), 253–254.

⁶⁶⁰ Paddy Ashdown: "Why war may still be the least worst option" *The Guardian*, 10 Jan 1991, p. 19.

down had done. Patrick Wintour argued in *The Guardian* that Kinnock's policy was a result of his tactics, which aimed at avoiding any inner party disputes and at the same time at being ready to contest the Prime Minister's seat at the next general election.⁶⁶¹ Kinnock tried to walk a tightrope between different opinions and factions inside the party and to guide it through this conflict as unscathed as possible.

As the crisis was rapidly moving towards escalation, the Conservative frontbench made a pact with its Labour counterpart to minimize any backbencher efforts to criticize the use of force. This message was directed against the Labour left-wingers. The pact included an arrangement whereby the party whips on both sides ensured that frontbench speakers would not be interrupted or embarrassed. This raised strong criticism among the Labour left-wingers. The Labour Party leadership was forced to adopt a stronger line on the Gulf policy by demanding the use of sanctions for a longer period than had previously been anticipated, i.e. beyond the deadline set by the UN. This was a way to avoid further clashes inside the parliamentary party, when it became evident that the debate on the eve of a possible war against Iraq would end in an adjournment vote – it was estimated that there were almost 40 MPs who were ready to rebel against the party leadership, which was a significant number.⁶⁶² The pact was useful since the Gulf War was debated during the course of the war on several occasions, and it ensured that in the first debate after the beginning of the war on 21 January, the atmosphere was calm with dissidents in a very clear minority.⁶⁶³ However, Neil Kinnock limited the pact to dealing with aspects of the policy that had already been approved. The war was on-going, and certain Cabinet members began to suggest that the Labour leadership should approve a broadening of the war aims. This, however, was strongly criticized and rejected by Kinnock.⁶⁶⁴ In general, Kinnock had to work hard to prevent his party from breaking up. He was "furious" when he discovered that many members of his party, among them several frontbench MPs, were secretly convening and creating a group which was trying to change the party's stance on the war.⁶⁶⁵

After the war broke out on 17 January, the Labour front bench suffered only a few resignations: the most important was that of Maria Fyfe (Lab, Glasgow, Maryhill), who made a passionate speech against the war in the debate on 21 January.⁶⁶⁶ Three other resignations followed, and two other front-bench mem-

⁶⁶¹ Patrick Wintour: "Opposition gulf in style" *The Guardian*, 30 Jan 1991, p. 2.

⁶⁶² Sheila Gunn: "Kinnock fears Labour revolt in Gulf debate" *The Times*, 12 Jan 1991, p. 7.

⁶⁶³ Philip Webster and Nicholas Wood: "Left protest at denial of vote to halt war" *The Times*, 22 Jan 1991, p. 5.

⁶⁶⁴ Philip Webster: "Kinnock rebukes Prescott on Gulf" *The Times*, 29 Jan 1991, p. 1.

⁶⁶⁵ Philip Webster: "Kinnock 'furious' over MPs' secret meetings" *The Times*, 7 Feb 1991, p. 1.

⁶⁶⁶ HC Deb 21 January 1991 vol. 184 cols 62–64; Writer unknown: "Halt urged to killing and maiming" *The Times*, 22 Jan 1991, p. 7.

bers were given warnings.⁶⁶⁷ Kinnock was ready for extreme measures if needed, even if it meant sacking prominent party members.⁶⁶⁸

The House of Commons was given the final chance to express its views on 21 January. The Government asked the Commons to give its full support for the troops, who were implementing the United Nations Security Council's resolutions. The Speaker chose the amendment proposed by the Leader of the Opposition, although a counter amendment was proposed by Bob Cryer (Lab, Bradford South) and Dennis Canavan (Lab, Falkirk, West). Even Cryer's and Canavan's more pacifist amendment proposed support for the troops, although at the same time it emphasized the need for a peaceful settlement and the halting of hostilities.⁶⁶⁹ Kinnock's motion simply stressed the need to avoid civilian casualties and to uphold the UN's role in the area after the war.⁶⁷⁰

In this section, the parliamentary discussion at the party leadership level has been examined. There was no fight about the role of Parliament, but there was one about that of the UN; in the Labour Party there was also a struggle to maintain its unity and hence to avoid damage to its public image. The role and functions of Parliament in connection with the decision to send troops to the Middle East received little attention. The discussion on the use of force, on the other hand, gave rise to a much more *pro et contra* style of debate, but with regard to the role that Parliament should have, the views expressed concerning the right to vote, which was an important issue with regard to Parliament's potential role, were fairly neutral, even on the Labour Party frontbench.

5.3 Backbenchers and the role of Parliament: A "feudal anachronism"?

The opinions of the backbenchers and the discussion between the front and back benches provide a broader idea about the role of Parliament than those of the party leaders in their frontbench speeches. In fact, the issue was even politicized by the Labour Party left wing.

An analysis of the discussion between the party leaders indicates that there were two ways by which the position of Parliament might be promoted. The first was by questioning the content of the Government's policy from a party-political point of view, and the second was by affecting the conduct of affairs via the procedural means used in the institutional context. Neil Kinnock used procedural means in demanding the recall of Parliament to debate the Gulf situation, but generally procedural means of this kind were used by backbenchers together with public argumentation – the politics of verbalization, so to speak.

⁶⁶⁷ Philip Webster: "Short fifth casualty as Ruddock and Cook escape" *The Times*, 15 Feb 1991, p. 2.

⁶⁶⁸ Philip Webster: "Kinnock sacks Short" *The Times*, 15 Feb 1991, p. 1.

⁶⁶⁹ John Major HC Deb 21 January 1991 vol. 184 col. 24; Alice Mahon HC Deb 21 January 1991 vol. 184 col. 49.

⁶⁷⁰ HC Deb 21 January 1991 vol. 184 col. 31.

What the backbench members also did was to question the content of the Government's policy, and the role and functions of Parliament were concomitantly brought up by individual members.

On the second day of the recall debate, Martin O'Neill (Lib Dem, Clackmannan) reminded the House of the need for the Government to be accountable to Parliament – but he positioned his party, the Liberal Democrats, firmly behind the Government's line.⁶⁷¹ MP Dennis Canavan (Lab, Falkirk West) raised two issues that touched on the role of Parliament: On what basis would the Government build its mandate to go to war, should it eventually occur? And would the House of Commons now be able to vote on a substantive motion unlike in the recall debate? The desire to display a unanimous stance without a vote on a substantive motion had led to issuing a "virtual blank cheque" for the Government in 1982 – would it occur again?⁶⁷² In answer to the anxiety over whether the Commons would vote for war, Gerald Kaufman, the Labour Party shadow foreign secretary, worded his response so as to indicate that even though the party would be voting for an adjournment, it would not mean *carte blanche* for the Government.⁶⁷³ The need for Parliament to be recalled was pretty clear to everyone; the timing of the recall debate was a different matter since some felt that it should have been done earlier.⁶⁷⁴ Hence the two-day debate in September was considered to be the right context for discussing the use of the procedure. However, in terms of parliamentary procedure, the question of a recall was controlled by the Standing Orders, which gave the Government the power to summon a recall or not to do so.

It is not surprising that the question of accountability was raised when the role of Parliament was considered. Sir Rhodes Boyson (Con, Brent North) reminded the Government of the need for Parliament to be able to cross-examine the Government and thereby make the latter responsible for its actions. The recall debate had finally provided this opportunity.⁶⁷⁵ Boyson, one of the MPs who had asked for a recall in August, also raised the matter of the problematic relationship between the media and Parliament with regard to the question of which was the proper forum for the discussion of policy matters. The following quotation reveals the seemingly constant need to revise Parliament's role in relation to other forums for policy debate.⁶⁷⁶

Parliamentary democracy means that Ministers should be cross-examined by Opposition spokesmen and back-bench members. Similarly, the Government must return to the House to be tested from time to time. That is an essential component of our constitution. There has been a debate throughout the country on the Government's

⁶⁷¹ HC Deb 07 September 1990 vol. 177 col. 848.

⁶⁷² HC Deb 06 September 1990 vol. 177 cols 806–807; Tony Benn "Commentary: Parliament should not give Thatcher a free hand for war" *The Guardian*, 6 Sept 1990, 9. Phythian, *The Labour Party, War and International Relations*, 96.

⁶⁷³ HC Deb 07 September 1990 vol. 177 col. 898.

⁶⁷⁴ David Lambie and Ray Whitney HC Deb 07 September 1990 vol. 177 col. 872, col. 874.

⁶⁷⁵ HC Deb 06 September 1990 vol. 177 col. 821

⁶⁷⁶ Jonas Harvard, "And the Press says? Media References in British Parliamentary Discourse" (Paper presented at the Finnish Conference for Historical Research, University of Jyväskylä, October 21–23, 2010).

policy. If the House does not meet, the debate will be led by the media as if the House is redundant or even non-existent.⁶⁷⁷

What Boyson was saying was that the Government's role depended on the continued support of the House, and this would be given only if the Government presented its case in the House as often as was needed, a question of accountability enshrined in the constitution of a parliamentary democracy. If that practice were to be neglected, the media would conduct the debate instead of Parliament. Boyson's concern that Parliament could lose its place as the leading forum for policy debate was not exaggerated. According to Willcox, the lack of official debate in Parliament meant that the focal point for the policy debate was tending to move to the media.⁶⁷⁸ What became evident in the present analysis was the lack of publicity before the Parliament recall was made. Only a few MPs were actually mentioned in the newspapers, and among these were the most visible anti-war Members. The parliamentary recess and the fact that politicians like Neil Kinnock were on vacation seem to have adversely affected the amount of publicity given to the situation.

When it comes to direct references to the state of the constitution, the recall debate provided a chance for the left-wing figurehead Tony Benn (Lab, Chesterfield) to raise the issue of Parliament's role in relation to the Royal Prerogative rights. However, at this stage Benn linked the idea of a debate to a more basic function of a Member of Parliament, representation, and only touched on the issue of the current Royal Prerogative powers. Even so, these rights could be attacked directly, as Benn did when he argued:

But as Members of Parliament, we have responsibilities which cannot simply be subordinated to the role of the Government. This is not the place to deal with it, but under our constitution, military deployments, acts of war and treaties of peace come under the Crown prerogative. Parliament has no legal or constitutional right whatever to decide the matters that are before us for debate. But we have a duty to represent people. We have a duty to represent – as far as I can make out, some Conservative Members have done it with tremendous energy – British citizens in Iraq and Kuwait.⁶⁷⁹

In this statement, Benn specifically mentioned the Crown (or Royal) prerogative and suggested that these rights should be debated on some other occasion; at this point Benn did not wish to embark on a debate concerning the Royal Prerogative but mainly tried to remind the House that it had the right to raise the issue. It is noteworthy that even Benn, a known opponent of the Royal Prerogative, did not consider the current situation suitable for a constitutional discussion – this showed how the content of speeches was determined by the context. A time of international crisis was not necessarily deemed suitable for discussions about how the political handling of the crisis should reflect the ideas of modern democracy or the state of the constitutional power rights. Benn also referred to the role of the House with regard to the Government receiving prior

⁶⁷⁷ Sir Rhodes Boyson HC Deb 06 September 1990 vol. 177 col. 821.

⁶⁷⁸ Willcox, *Propaganda, the Press and the Conflict*, 42.

⁶⁷⁹ Tony Benn HC Deb 06 September 1990 vol. 177 cols 774–775.

parliamentary approval before engaging in military operations. He claimed that it was not a matter of the people of the UK wanting the war, as the Prime Minister was arguing; rather, he suggested, it was the United States dragging Britain in: "... if we vote in the right hon. Lady's Lobby tomorrow night, she will claim that to be an endorsement of that view. Is that her view? She knows the real anxiety. People think that America may go to war and Britain, which is quite a minor part of the operation, will be dragged into it before the House resumes."⁶⁸⁰

The fear that Britain would be dragged into a war had its origins in similar Labour thinking in 1950, when some members of the party were upset about the country's foreign policy regarding the war in Korea and the influence of the United States on it.⁶⁸¹ Benn publicly reminded the House of the Members' duty to represent their constituencies regardless of Parliament's lack of power in affecting the issue. Benn went on to refer to the plight of the British citizens being held in Kuwait and to Parliament's role as a representative political body.⁶⁸² As we will see, Benn's criticism intensified along with the deterioration of the crisis itself. With regard to the role of Parliament and the right to be recalled, Benn compared the current crisis to those in Suez in 1956 and Czechoslovakia in 1968, on both of which occasions the House of Commons was recalled.⁶⁸³

Benn continued to be a leading figure in the anti-war movement during the following weeks alongside the former Conservative Prime Minister Edward Heath, with demands for a peaceful settlement via diplomatic means. He used the role of Parliament as one of his arguments against the Government's crisis policy, but it was also a part of his opposition to the contemporary constitutional system and in particular the Royal Prerogative. The whole Royal Prerogative system came under discussion at least at some level, as was discussed in the historical review of the previous occasions on which these powers had been challenged in Parliament. Before the Gulf Crisis, Benn had criticized the state of parliamentary democracy and the political system in parliamentary debates in 1988 and again in 1989, as he had also done from time to time in the early 1980s, and he specifically referred to the Royal Prerogative as "feudal".⁶⁸⁴

The discussion about whether Parliament should debate operational details was short. This question was taken up by MPs with military backgrounds. Dennis Healey (Lab, Leads East), who was a former Secretary of State for Defence and had served with distinction in World War II, spoke against the involvement of Parliament. He argued that the discussion of matters which related to waging war should be left to persons with war experience.⁶⁸⁵ In this he

⁶⁸⁰ HC Deb 06 September 1990 vol. 177 col. 737.

⁶⁸¹ Phythian, *The Labour Party, War and International Relations*, 45.

⁶⁸² Benn continued to use the argument of representation on 15 January 1991 by referring to Gallup polls, which did not indicate majority support for military action. Tony Benn HC Deb 15 January 1991 vol. 183 col. 777.

⁶⁸³ Benn and Winstone, *The Benn Diaries*, 626–627.

⁶⁸⁴ For example in HC Deb 07 July 1988 vol. 136 cols 1233–63; HC Deb 17 January 1989 vol. 145 cols 180–238.

⁶⁸⁵ HC Deb 06 September 1990 vol. 177 col. 762.

was speaking for a larger group of such persons, and his stance reflected an older view that did not support the public discussion of operational details, as was mentioned in the chapter on the Falklands War. This means that the previously begun diminution of Parliament's role into being merely a forum for moral debate had further accelerated. Compared to Parliament's behaviour in previous military conflicts, this was a new turn, reflecting a change of generation and attitudes in the House. In terms of the House's ability to discuss operational details, persons like Denis Healey were the last Members who spoke against the potential introduction of this new type of content into debates, but at the same time they raised an interesting question: To what extent should MPs be allowed to debate questions of war? Should it be left to the kind of people Healey described? The response to this seemed to be a rather strong consensus that there would be no turning back, and the comment Healey made was largely treated as having been made in passing.⁶⁸⁶

The next opportunity to debate came in November. The question of the issue of a blank cheque to the Government was raised in the Reply to the Address debate, when Martin O' Neill reminded his audience that the Commons had not given such power to the Government – by now the talks about what the Commons had actually decided on 6 and 7 September had become an issue, and the debate was interpreted in different ways.⁶⁸⁷ The matter was discussed, but it remained open. There were new developments in the United Nations Security Council, and the adoption of Resolution 678 on 29 November was the key event with regard to the role of Parliament in the next Gulf-related full debate in December. In view of the broad legal backing for the use of force that Resolution 678 had now given, the British Government announced that it was planning to commit 30,000 troops to the Middle East in order to ensure that Saddam Hussein should face a “a credible military option”. This matter was revealed to the Commons by Secretary of State for Defence Tom King during oral questions on 4 December. The right to commit the troops was not questioned, nor was the issue of deployment in general, although certain Opposition members drew attention to the casualties that were predicted to occur.⁶⁸⁸ Further deployments to the Gulf had not received much attention in Parliament before this broader commitment;⁶⁸⁹ even the major call-up of army reservists drew little attention.⁶⁹⁰ However, the exhortation of Tam Dalyell, a well-known leftist figure and MP, to the reservists to defy the call-up did receive some attention in the press – an editorial in *The Times* condemned Dalyell for having an appetite for publicity.⁶⁹¹

The former Prime Minister, Edward Heath (Con, Old Bexley and Sidcup), for his part, did not seem to be concerned about the role of Parliament vis-à-vis

⁶⁸⁶ Towle, *Going to War*, 7.

⁶⁸⁷ HC Deb 08 November 1990 vol. 180 col. 219.

⁶⁸⁸ HC Deb 04 December 1990 vol. 182 cols 166–9.

⁶⁸⁹ See, for example, Michael Evans: “UK to double forces deployed in the Gulf” *The Times*, 23 Dec 1990, p. 1.

⁶⁹⁰ HC Deb 17 December 1990 vol 183 cols 7–8W.

⁶⁹¹ Editorial: “Dalyell’s disservice” *The Times*, 31 Dec 1990, p. 13.

the Government. Rather, he was bent on strengthening his own position within the Conservative Party when, for example, he travelled to Baghdad in order to negotiate the release of British hostages taken by Iraq during the invasion of Kuwait. An announcement about the mission was made during the party conference in October.⁶⁹² These travels undertaken by Heath and certain other MPs did not constitute a breakaway from the Government's policy, although their missions had no official support. In fact, a group of relatives of the hostages had contacted Heath and another former Prime Minister, James Callaghan to act on their behalf.⁶⁹³ Such individual undertakings were not new for British MPs.⁶⁹⁴ They were extra-parliamentary in character, though the Iraqi regime did offer some politicians invitations by virtue of their position as Members of Parliament.⁶⁹⁵ Other extra-parliamentary activities to exert pressure on the Iraqi regime were undertaken through NGOs such as "Stop the War in the Gulf".⁶⁹⁶

Certainly, the strongest role that the Government could give the Commons would be to let the chamber have an opportunity to vote prior to the use of military action and give it sufficient opportunities to examine the foreign policy in the form of a debate in a plenary session. In December, the Labour Party leadership gave its clearest sign of how it viewed Parliament's role in this matter. On 11 December, the Labour Party requested a debate on the Gulf Crisis, including discussions on the use of force and its justification. An important issue here was how UNSC Resolutions 660 and 678 were interpreted.⁶⁹⁷ The December debate was arguably a very important one; it defined the current and future role of Parliament since it was treated as the final debate before going to war and it carried the chance to vote, albeit through a technical procedure. Furthermore, it included a discussion in which the role of Parliament and the process of decision-making at the national level were defined by the Opposition leaders and were also commented on by the Foreign Secretary.

When Tony Benn (Lab) asked the Foreign Secretary if the Government would seek legal authority from the UN or from the House of Commons, the Secretary of State for Foreign and Commonwealth Affairs, Geoffrey Hurd (Con), cited UNSC Resolution 678 in his answer. A few moments later, David Lambie (Lab, Cunninghame South) directly asked the shadow foreign secretary, Gerald Kaufman (Lab), whether the Government should receive the authority to use force from the UN or from the House of Commons. Kaufman replied that the UN level would be overriding, and made it clear that the Labour Party was committed to the United Nations.⁶⁹⁸

⁶⁹² Patrick Wintour: "Heath in Iraq mission" *The Guardian*, 12 Oct 1990, p. 1.

⁶⁹³ Ibid.

⁶⁹⁴ Carstairs and Ware, "Introduction", 2.

⁶⁹⁵ Such invitations were issued, for example, to Benn and Withstone, *The Benn Diaries*, 631.

⁶⁹⁶ Alan Travis: "MPs 'will break consensus on Thatcher's Gulf policy'" *The Guardian*, 1 Sept 1990, p. 6.

⁶⁹⁷ See, for example, Edward Heath and Martin O'Neill HC Deb 11 December 1990 vol. 182 col. 840, col. 900.

⁶⁹⁸ Tony Benn and Geoffrey Hurd HC Deb 11 December 1990 vol. 182 col. 824; David Lambie HC Deb 11 December 1990 vol. 182 cols 836-837; Gerald Kaufman HC Deb 11 December 1990 vol. 182 cols 836-837.

Benn continued to press Kaufman by requesting confirmation of the notion that, unlike the United States, where the approval of Congress was required, Britain could go to war “without the explicit consent of the House of Commons”, to which Kaufman replied that in the United States there were different constitutional practices from Britain, and that the Labour Party was satisfied with the opportunities presented to debate the subject. Kaufman continued by stating that Labour had succeeded in pressing the Government on the matter in several debates, and that the situation was, therefore, satisfactory.⁶⁹⁹ It is relevant to note that the constitutional model of the United States and the position of Congress were preferred as positive examples over the politics of continental Europe. In addition to Tony Benn, Ken Livingstone (Lab, Brent East) and an MP representing the Welsh Nationalist Party Plaid Cymry, Dr. Dafydd Elis-Thomas (Meirionnydd Nant Conwy) also suggested that in terms of war powers, the representative chamber of the United States had a more democratic system than the House of Commons – which amounted to a rather strong criticism.⁷⁰⁰ On the other hand, it was by no means unprecedented, indeed it was rather typical, for the United States to be cited in discussing the political system and possible changes to it; it had happened for instance in 1986 in an SDP-Liberal Alliance motion to establish a committee to supervise the security services, with key figures such as David Owen and Douglas Hurd referring to the United States as a model for comparison.⁷⁰¹ In 1985, in relation to a debate about Members’ services in the House of Commons, Bruce George (Lab, Walsall South) emphasized that Congress was perhaps the most powerful of legislatures, indicating that it was logical to take it as a model; in fact, George argued that the British situation was not good even compared with those of Canada or Australia, the two leading Commonwealth countries with similar systems.⁷⁰²

The debate on 11 December was on an adjournment; it had been pushed by Tony Benn and other anti-war MPs.⁷⁰³ In the debate the adjournment division was interpreted as a vote for or against war, and the lack of a substantive motion (with a chance for amendment) received criticism – Harry Ewing (Lab, Falkirk East) stated: “People outside simply do not understand the procedures that the House of Commons adopts on such great occasions. It would have been far better to debate a motion which could have been the subject of an amendment. We would then have known clearly where we stood.”⁷⁰⁴

The obstacles these anti-war MPs faced should be taken into account. Benn’s and his companions’ unsuccessful efforts to obstruct the train of events leading up to war did not necessarily result in failure because of their deficien-

⁶⁹⁹ Tony Benn and Gerald Kaufman HC Deb 11 December 1990 vol. 182 col. 837.

⁷⁰⁰ Tony Benn, Ken Livingstone and Dr. Dafydd Elis Thomas HC Deb 11 December 1990 vol. 182 col. 837, 893, cols 878–879. Heath also mentioned procedures in the US Congress: in the US the public was being told more than in Britain about plans to go to war. HC Deb 11 December 1990 vol. 182 col. 841.

⁷⁰¹ HC Deb 03 December 1986 vol. 106 col. 938, 947.

⁷⁰² HC Deb 12 July 1985 vol. 82 cols 1428–1429.

⁷⁰³ Nikki Knewstubb and Martin Linton: “Big majority back military option, despite Benn plea” *The Guardian*, 12 Dec 1990, p. 6.

⁷⁰⁴ HC Deb 11 December 1990 vol 182 col. 894.

cies or the image of their policy, but because the general atmosphere in December, when the United States proposed negotiations, was still rather bellicose. A few days after the initiation of peace talks and the release of British hostages, Benn rebelled in an adjournment vote in order to obtain a proper vote on a substantive motion. The voting result shows the general bellicose atmosphere in the Commons as 455 MPs voted for the adjournment and only 41 voted with Tony Benn against the adjournment.⁷⁰⁵ The peace initiative by the United States failed, but there were other initiatives for peace before the UN deadline, and Benn, for example, proposed that the matter should be placed in the hands of the General Secretary of the United Nations. An interesting manifestation of Saddam Hussein's policy of dividing his opponents was the fact that Iraq had made direct contact with Tony Benn and officially supported this proposal.⁷⁰⁶

When the deadline for Iraq's withdrawal was at hand, Prime Minister John Major offered the Commons an opportunity for a debate. During this debate, Tony Benn's speech expressed his disappointment with the development of the crisis, and he also used the chance to extend his criticism to the whole British political system. He focused on criticising at the Government's failure to provide information, arguing:

I am talking about the effect of war on the British Parliament. We have seen – and we will see when British forces are sent into action – that it is the Royal Prerogative that allows the Government to go to war. That old feudal anachronism is wheeled out to bypass the House. We note reports in the newspapers to the effect that there will be briefings for Privy Councillors across the Front Benches when war begins. That is the way in which the parliamentary process consolidates knowledge at the top at the expense of others.⁷⁰⁷

In this comment Benn directly attacked the Royal Prerogative, as he had done in September. He did not try to propose any changes to the system, but his strong language indicates that he was attempting to create further discussion on the subject. The statement about the Government's plans to provide information for the Privy Council instead of for Parliament as a whole during the time of war was the main catalyst for Benn's criticism. It was not the first time that he had used the phrase "feudal anachronism", but in this situation he was certainly using it to suggest that the system was again being tested in this crisis and that it had, again, failed to satisfy the criteria of a modern democracy. Benn's activity in the anti-war effort included not only parliamentary actions but also work in a movement that called itself the "Committee to Stop the War in the Gulf". He appeared on several occasions as a supporter of a stronger House of Commons, a House that was less controlled by the Government. Benn was mainly

⁷⁰⁵ HC Deb 11 December 1990 vol. 182 cols 908-911; Nikki Knewstubb and Martin Linton: "Big majority back military option, despite Benn plea" *The Guardian*, 12 Dec 1990, p. 6.

⁷⁰⁶ Simon Tisdall and Patrick Wintour: "US revives Gulf peace mission" *The Guardian*, 2 Jan 1991, p. 1.

⁷⁰⁷ Tony Benn HC Deb 15 January 1991 vol. 183 cols 777-778.

trying to affect the way in which the crisis was being handled, but in doing so he was also pushing for a broader parliamentary process.⁷⁰⁸

As the January deadline drew closer, anxiety began to emerge in the Labour Party. The parliamentary recess between 20 December and 14 January created a period in which Parliament engaged in no official activity. The anxiety emerged before the recess on 11 and 18 December as well as on 15 January – the date of the deadline, when Prime Minister John Major made a statement on Iraq's non-compliance with the UN resolution. The anti-war group in the Commons had been dissatisfied with the actual policy discussion, and this became particularly clear on 15 January. The end of diplomacy meant war, and Britain was now going to use force against Iraq.

Some members thought that the Government should have given the chamber an explanation of its justification for the decision and of its conception of the role of Parliament in connection with it, so that the chamber might be able to function properly. The lack of opportunities to debate the policy before it was implemented reduced the possibilities for debating it when Parliament finally reconvened. Peter Shore (Lab, Bethnal Green and Stepney), a member of the Select Committee on Foreign Affairs, drew attention to the problem of a democracy resorting to war without a proper discussion on policy, although in the same speech he made it clear that he personally was satisfied with the discussion, which had so far produced a general agreement on the main points. However, the sentiment expressed in this contribution was exceptional among the committee members. There was a split in the Labour Party regarding the UN deadline. Shore represented the side that supported the need to maintain UN authority after the deadline had passed.⁷⁰⁹

Democracies do not easily resort to war. Government, Parliament and people have first to be persuaded that the use of force is right and that it has become unavoidable. Although very different views have been expressed in today's debate, that should not subtract from the large area of agreement that exists on both sides of the House. First, we are clear that we are dealing with an act of naked aggression. (...) Secondly, I am persuaded that Hussein means war and wants war.⁷¹⁰

The sentiment expressed in these words is based on an idea originally presented by Immanuel Kant in 1795, who claimed that a majority of the people would never vote to go to war, unless in self-defence.⁷¹¹ Here, the Prime Minister needed to persuade his support base (the Government, Parliament and the people) to approve the reasoning why the war was necessary. The idea was that it was less likely that a democratic state would wage war abroad since this required the support of the people rather the political leader (i.e. a sovereign) acting on his or her own. Shore explained his stance to the House and based his

⁷⁰⁸ Julia Langdon: "Benn to lead revolt in crisis debate" *The Daily Telegraph*, 2 Sep 1990, p. 2.

⁷⁰⁹ Phythian, *The Labour Party, War and International Relations*, 105.

⁷¹⁰ Peter Shore HC Deb 15 January 1991 vol. 183 cols 797–798.

⁷¹¹ Immanuel Kant: *Perpetual Peace and Other Essays on Politics, History and Morals* (Indianapolis: Hackett, 1795, 1983. Translation and introduction by Ted Humphrey), 107–113.

conclusions on the contemporary concept of a just war, pointing out that Saddam Hussein was a clear aggressor whose crime should not be rewarded. Tony Benn and fellow anti-war Labour MPs demanded that the Parliamentary Labour Party should convene and debate the policy before the parliamentary debate on 15 January began. Kinnock turned down the request, and this led to these anti-war MPs holding an unofficial meeting – a step clearly aimed at the press, which duly reported the event. Benn reviewed the situation and used strong words on the subject of the position of Parliament: “This is the first time in the history of this country that British troops have been sent into battle under foreign command using Royal Prerogative on war-making without the House having had an opportunity to express its view on any matter other than the adjournment of the House.”⁷¹²

Benn’s argument about the Gulf Crisis being the first occasion that British troops had served under foreign command without Parliament being allowed to express its view on the matter needs further scrutiny. It is true that in the previous conflicts in 1956 and in 1982 the British troops had not been under foreign command, but that was not the case with the Korean War, which indicates that Benn was perhaps exaggerating. In July 1950, the House of Commons had held its first full debate on Korea, but already on 28 June the Government had placed UK naval forces at the disposal of the United States, which was leading the war effort against the North Korean invaders.⁷¹³ It was the Korean War that led to the formation of NATO’s (established in 1949) structured chain of command with its emphasis on US leadership⁷¹⁴, a model that was very much in use also in 1990–1991. Benn continued in a very similar vein when he spoke to the press outside the parliamentary chamber. Before the debate on 15 January, an editorial in *The Times* noted that the Government’s stance was probably supported by the majority, and it expressed certain expectations about what it thought was the task of the Commons: the paper wanted Parliament to study the principles of the proposed policy in detail. By doing this, Parliament would perform its public duty to the people and to the armed forces even though the majority of members were already prepared to support the Government.⁷¹⁵

The role of Parliament and the level of British democracy were discussed in several speeches. These included comments concerning the opportunities available for making decisions and the lack of real alternatives throughout the crisis. These deficiencies had led to a situation in which the war opponents felt they were unable to effectively oppose the Government’s policy. This was crystallized in the following debate, which also included a chance to vote, although the situation made it difficult to actually oppose the chosen policy. Tony Benn (Lab) voiced concern over the lack of alternatives on 21 January 1991, when the UN deadline for Iraqi withdrawal had ended and military action against Iraqi

⁷¹² HC Deb 14 January 1991 vol 183 col. 616; Philip Webster: “Labour’s left revolt over Gulf debate” *The Times*, 15 Jan 1991, p. n/a.

⁷¹³ White, *Democracy Goes to War*, 97-98.

⁷¹⁴ “A short history of NATO” North Atlantic Treaty Organization, accessed 17 May 2013, <http://www.nato.int/history/nato-history.html>.

⁷¹⁵ Editorial: “Parliament at the brink” *The Times*, 15 Jan 1991, p. 7.

forces had already begun. The debate had a substantive motion for the first time during the crisis, but it left very little room for rejection. The British armed forces were already engaged in battle, and the division again resulted in a clear victory for the Government. The Government's motion was intended to give authority to the warring troops and to their mission. As Benn argued: "We have had three debates on the Adjournment without substance. Today, we are having a debate without choice."⁷¹⁶

Only a few days before the debate on 21 January, Benn had tried to push for a vote on a substantive motion. He used *The Guardian* as one forum for this political move when he published an extract from his letter to Prime Minister John Major. In this letter, Benn condemned the current Royal Prerogative system as an anachronism which limited Parliament's abilities and demanded that John Major provide a real vote on a substantive motion. If Major failed to give Parliament a chance to vote, Benn threatened that he and his supporters would push for such a vote via some other route.⁷¹⁷ If he had succeeded, Benn would have obtained a chance for the House to vote prior to the war. The demand of Benn and his supporters was rejected, and their possibilities of stopping the war in the Commons debate were rather limited once the procedural means had run out. Perhaps the only way in which the proposed amendment might have been overthrown would have been to actually refuse approval to continue with the fighting, but while a vote on a substantive motion might offer a technical right to stop the war, it was considered to be in practice an act of political suicide since it was difficult to suggest not giving the House's approval for the troops' actions when they were already engaged in combat. It was a time when the Members were expected to give their moral backing for the country's troops fighting in the war. Hence the amendment proposed by Bob Cryer (Lab, Bradford South) and Dennis Canavan (Lab, Falkirk, West) did give its support to the troops, although at the same time it emphasized the need for a peaceful settlement and the halting of hostilities.⁷¹⁸

Benn had also tried to change the Labour policy just a few days before the end of the deadline in an initiative that he proposed in a meeting of Labour's International Committee. In this, he tried to push for the prolonged use of sanctions before embarking on any hostilities.⁷¹⁹ One can ask whether such last-minute initiatives were anything more than a publicity trick – it seemed to be quite clear to everybody in the UK that the United States was in charge of the operation. However, ways to avoid the war had been proposed by many institutions (like the Anglican Church) and other countries (like France). France proposed that a new UNSC Resolution could be drafted to authorize the use of force, meaning in practice a prolongation of the peaceful efforts to solve the crisis. In Britain, Prime Minister Major rejected this idea. The idea of obtaining this

⁷¹⁶ HC Deb 21 January 1991 vol. 184 col. 23.

⁷¹⁷ An extract from Tony Benn's letter to the Prime Minister. *The Guardian*, 10 Jan 1991, p. 3.

⁷¹⁸ John Major HC Deb 21 January 1991 vol. 184 col. 24; Alice Mahon HC Deb 21 January 1991 vol. 184 col. 49.

⁷¹⁹ Ruth Gledhill: "Church leaders to make peace appeal to Hurd" *The Times*, 9 Jan 1991, p. 6.

new authorization from a disunited UNSC – of which France was a permanent member – was very similar to the policy that Labour was starting to promote.⁷²⁰

John McAllion (Lab, Dundee East) expressed his strong opinion on the current situation on 21 January 1991 when the House convened again to debate the Gulf War. The phrase “in the name of the House” was seldom employed during parliamentary debates, but in this case it was used to emphasize the fact that Parliament did in fact seem to be playing the role of a moral judge; at this point the war had begun without any need of further authorization, apart from the moral authorization of the House.⁷²¹

The hon. Member for Tayside, North (Mr. Walker) said that no hon. Member is anti-peace. I remind him and other hon. Members tonight we should be debating whether the House is for or against the war which is being waged in the name of the House at this very moment and in which thousands of lives have been lost.⁷²²

In this quotation, Parliament as a whole is seen as an actor, which in fact was a common way of referring to it, rather than as an entity composed of individuals. However, when the Liberal Democrat MP Sir Russell Johnston (Inverness, Nairn and Lochaber) described his relation to the House as subordinate to his relationship with his constituents, it quickly elicited a response from the leader of the party, Paddy Ashdown, who elaborated on Johnston’s speech and told the House that the main emphasis should be on the sovereignty of the people rather than on the sovereignty of Parliament as an institution. References to the French Revolution in the eighteenth century, as has been noted previously, were also used to bring up the idea of the sovereignty of the people in such a situation. The French Revolution had led to a debate on the sovereignty of the people in Britain, too, and the concept received support from individual members.⁷²³ Ashdown’s quick response could be seen as a way to redirect the focus of speaking away from Johnston’s comment in order to avoid being seen as side-tracking the debate from the main topic of discussion, but it nevertheless highlighted the idea of the sovereignty of the people as being the source of Parliament’s power rather than Parliament embodying that power itself.

Tony Benn had previously made a direct reference to the Royal Prerogative in November by reminding the members of its existence and noting that the US Congress had some safeguards against the executive’s arbitrary actions in decisions related to war.⁷²⁴ Benn also referred to the Royal Prerogative on 14 and 15 January when he employed arguments similar to those he had used in 1988.⁷²⁵

⁷²⁰ Robin Oakley: “Major rejects new UN move to approve force” *The Times*, 10 Jan 1991, p. 1.

⁷²¹ According to Nigel D. White, Parliament had had a lot of time to affect the decision-making process because of its summer recess. Even so, there had been no actual vote about war. White, *Democracy Goes to War*, 106–109.

⁷²² John McAllion HC Deb 21 January 1991 vol. 184 col. 57.

⁷²³ Pasi Ihalainen, *Agents of the People*, 346–398.

⁷²⁴ HC Deb 07 November 1990 vol. 180 col. 49.

⁷²⁵ HC Deb 07 July 1988 vol 136 c1242; HC Deb 15 January 1991 vol. 183 cols 777–778.

Benn used the role of Parliament as one of his arguments against the Government's policy, but it was also a part of his opposition to the contemporary constitutional system in which he challenged the entire issue of the Royal Prerogative at least at some level – this question has already been discussed in the historical examination of parliamentary proposals to change the constitutional system.

During the autumn of 1990 and the beginning of 1991, the political situation and attitudes to it changed little. The Government's policy was still widely supported, although Labour backbenchers started to show more unease about the party's stance in January 1991 with the approach and commencement of the hostilities in the Gulf.⁷²⁶ A debate was held in the House of Commons on 15 January ending in a division which, while it saw a significant rebellion in the Labour party, nevertheless produced a clear victory for the Government.⁷²⁷ The next attempts to use the parliamentary chamber as forum for speaking about Parliament's role came later in January and February 1991, when many anti-war MPs demanded a ceasefire.⁷²⁸ The context itself did not offer them an opportunity to really affect the course of events because the policy that had thus far been pursued had now ended, and a new phase, actual war, had started with a need for different language from that which had been used during the autumn. The fact that Parliament was a representative body was used as an argument to oppose the Government's policy, but the opposition was also derived from the MP's normal obligations to their constituencies.

The overall need to transfer such power during a time of crisis is problematic with regard to which body yields political power. The shift of power from Parliament to the Government, the executive branch, is a common consequence of war.⁷²⁹ This transfer of power also explains the role of Parliament in 1982. In 1990–1991, the anti-war lobby in Parliament sought to question the Government's policy especially before the use of force, but in 1982 the overall context was different right from day one, with Argentine and British troops already fighting during the invasion of the islands. This transfer of power, and on the other hand the fear of losing power, was to the fore when Parliament voted in September 1990. Fears about giving *carte blanche* to the Government caused concern and strong demands for clear United Nations approval for military action. A press report stated that the second day of the two-day debate was more intense than the first and that MPs used the opportunity accorded to them to voice their opinions as much as possible. The leftist, and apparently rather pacific, *Guardian* also wrote that the Conservative Government actually feared a

⁷²⁶ Nicholas Wood: "Labour cautious on use of force" *The Times*, 8 Jan 1991, p. 1.

⁷²⁷ George Jones and Suzanne Lowry: "Allies prepared for war as peace efforts collapse" *The Daily Telegraph*, 16 Jan 1991, p. 1–2; Jon Hibbs: "Labour backs Kinnock over Gulf support" *The Daily Telegraph*, 31 Jan 1991, p. 6.

⁷²⁸ See, for example, the speeches of John McAllion and Dennis Canavan in the House of Commons on 31 January 1991 and Dave Nellist on 17 January 1991. These comments included demands for a ceasefire and criticism of the way the war was being conducted. See, for example, Dennis Canavan HC Deb 31 January 1991 vol 184 col. 1120 and Dave Nellist HC Deb 17 January 1991 vol 183 col. 996.

⁷²⁹ Levy and Mabe, "Politically Motivated Opposition to War", 71–72.

possible failure to achieve a consensus because it would stop Britain from going to war for fear of dividing the country.⁷³⁰ At least the political context supported the anti-war MPs, and the process leading to war was taken step by step. The intensity shown in September diminished during the autumn and winter, when the economic sanctions on Iraq were imposed and supervised under UN authority.

Parliament's power over the state's purse strings had already been used in the recall debate in September. In 1982, the question of how the war was to be financed had been excluded from the political agenda, but with the Gulf Crisis, the issue was present from the beginning. Defence Secretary Tom King announced that the costs could be met through the existing budget.⁷³¹ However, John McWilliam (Lab, Blaydon) stated that he aimed to question this estimate during the Defence Committee's sittings since the financing of the operation under the current budget would create an intense strain on the existing funds. In fact, it would be the House's role to determine the further deployment and rotation of the men already sent to the area.⁷³²

Only a few Members of Parliament were active in the discussion concerning the financing of the war, although Parliament as a whole could have been more interested in the topic. Possibly, the issue was not so controversial that it would have required a broader debate. One might also have expected that the matter would arouse broad interest outside Parliament as well in the form of contacts from members of the public and various interested organizations the MPs. whereas the discussions about the country's policy took many months. The researcher and former MP, Philip Norton, states argues that at the time of the crisis, the attempts to influence the course of events and the information from lobby groups and other people rose significantly. However, surprisingly, in the early months of 1991 Norton claims that some MPs, according to their own reports, actually received more letters concerning "the welfare of pigs than they were receiving on the issue of the Gulf War".⁷³³

Nevertheless the Members did receive information and comments about the crisis from different sources. The press reported the crisis and expressed different views concerning it. Some NGOs were very active and prominent during the crisis and kept it in the public eye. There were, of course, several other matters taking place at the same time. There were issues concerning domestic affairs, and there were major international developments, above all in European economic co-operation. The economic troubles which surfaced in the autumn of 1990 and the change of prime minister most likely occupied the attention of MPs, but only some of these preoccupations were visibly expressed in the parliamentary sources.

⁷³⁰ Michael White: "Hurd keeps pressure on Saddam" *The Guardian*, 8 Sept 1990, p. 1.

⁷³¹ HC Deb 07 September 1990 vol. 177 col. 839.

⁷³² HC Deb 07 September 1990 vol. 177 col. 859.

⁷³³ Philip Norton, "Representation of Interests. The Case of the British House of Commons" in *Parliaments in the Modern World. Changing Institutions*, eds. Gary W. Copeland, Samuel Charles Patterson (Ann Arbor: University of Michigan Press, 1994), 18.

The rather short war resulted in some parliamentary activity in Britain, and this was reflected in the actions of the backbenchers as well. The influence that different MPs were able to exert can be observed to some extent in retrospective actions and papers. After the war, Parliament scrutinized the handling of the crisis and the war. The Defence Committee produced a report titled *Preliminary Lessons of Operation Granby*, but this focused only on the military and its activities and paid no attention to the political process itself.⁷³⁴ There were no demands for a further inquiry, as had happened after Britain's previous military engagement against Argentina in 1982, mainly because there were no controversial events like the sinking of the *General Belgrano* that might have tested the limits of the international mandate and hence the legitimization of the means used to resolve the crisis.

In addition to the Defence Committee, the Foreign Affairs Committee produced a report on the crisis. The latter committee consisted of eleven Members of Parliament and placed the inquiry into events in the Middle East on its agenda on 17 October 1990.⁷³⁵ The division of seats in the committee reflects the balance in the Commons: at the time of the Gulf crisis, during the committee's first public hearing, there were seven Conservative and three Labour members. The eleventh member was not present at the time.⁷³⁶ This first public hearing was not held until October, when the Committee heard statements from witnesses on the Gulf crisis. The witness list included Minister Sulaiman Mutawa of the Kuwaiti government-in-exile and an individual Kuwaiti citizen who refused to give her family name. All in all, numerous tragic and graphic descriptions of events in Kuwait were heard during this public hearing. The posed questions included ones about Iraqi policy in Kuwait, the attitudes of Kuwaitis towards Iraqi troops, the formation of a democratic parliament after the occupation ended and the attitude of the Palestinian population in Kuwait to the invasion. Minister Mutawa provided most of the answers, including information about the attitudes of the Kuwaiti people towards the ruling family and the system of government in Kuwait. He also stated that he hoped that the international community would not just push the Iraqis back but also overthrow Saddam Hussein. This brought further questions about the possibility of a diplomatic solution, which Minister Mutawa rejected.⁷³⁷

The Kuwaiti regime in exile was very active in promoting a campaign aimed at forcing the Iraqis out of the country. In order to achieve this, the Kuwaitis hired a PR agency in the United States to build support for the use of force. The agency even set up a kind of committee hearing, closely resembling an official committee hearing in Congress. It was led by certain Congressmen,

⁷³⁴ The House of Commons Defence Committee. Session 1990–91. Tenth report, *Lessons of Operation Granby*, iii.

⁷³⁵ The House of Commons Foreign Affairs Committee. Session 1989–90. *Minutes of Proceedings*. Ordered by the House of Commons to be printed 31 October 1990. HC 681, xv.

⁷³⁶ Rogers and Walters, *How Parliament Works*, 347–348, 359.

⁷³⁷ The House of Commons Foreign Affairs Committee. Session 1989–90. *Gulf Crisis. Minutes of Evidence*, 24 October 1990. Ordered by the House of Commons to be printed 24 October 1990. HC 655-ii. ProQuest, 1–14.

but the witnesses, unlike of a committee of Congress, were not on oath to tell the truth and only the truth. Thus some of the horror stories told about the Iraqis in this hearing were later found to have been strongly exaggerated or even inaccurate.⁷³⁸ Although no such agency was set up in Britain, the flow of information from the Kuwaiti regime was patent. The Foreign Affairs Committee provided a useful channel for examining the crisis and its causes: for example, Iraqi claims to Kuwait were also examined in it.⁷³⁹ The committee's minutes provide only a register of the meetings the committee held, without any transcripts of the discussions in the sittings apart from the extracts that were cited in the reports the Committee published during the autumn of 1990. However, the minutes do show that the committee convened eight times between 15 November and the beginning of the war. The records also provide brief backgrounds of the external experts or officials who were present, which show that these experts had positions that were linked to the Middle East.⁷⁴⁰

The Foreign Affairs Committee in the 1990–91 session issued two reports on the Middle East, one investigating the situation of the war refugees and the second studying the Middle East after the Gulf War: the hearing referred above was held in connection with the latter and was set up to examine UK policy on whole area beginning from July 1990.⁷⁴¹ The Defence Committee convened four times before the war during the 1990–91 session,⁷⁴² and in the end issued a preliminary report on the lessons learned from the war.⁷⁴³

The committee hearings provided a channel of information for the Members of Parliament. Many of the details the MPs were able to use in later debates on the country's policy on the Gulf Crisis in the plenary sittings were provided by witnesses who appeared in the first Foreign Affairs Committee hearing: they told, for example, about the acts perpetrated by Iraqi soldiers against the Kuwaiti people and how the food supplies were running out. It was an official measure which showed the public, and especially the Members of Parliament, that the newspaper stories about torture, rape and repression were based on atrocities that were really taking place in Kuwait. This hearing of witnesses was

⁷³⁸ Eugene Secunda and Terence P. Moran: *Selling War to America. From the Spanish American War to the Global War on Terror* (Westport, Connecticut & London: Praeger Security, 2007), 135–136.

⁷³⁹ House of Commons Foreign Affairs Committee, *Gulf Crisis. Minutes of Evidence*, 24 October 1990, 34.

⁷⁴⁰ The House of Commons Foreign Affairs Committee. Session 1990–91. *Minutes of Proceedings*. Ordered by the House of Commons to be printed 22 October 1991. HC 691, iii–v.

⁷⁴¹ The House of Commons Foreign Affairs Committee. Session 1990–91. Second report. *Aid to Iraqi refugees. Report, together with the proceedings of the committee*. Ordered by the House of Commons to be printed 19 June 1991. HC 528, vii; The House of Commons Foreign Affairs Committee. Session 1990–91. Third report. *The Middle East after the Gulf War. Vol. I. Report, together with the proceedings of the committee*. Ordered by the House of Commons to be printed 9 July 1991. HC 143, v–vi.

⁷⁴² The House of Commons Defence Committee. Session 1990–91. *Minutes of Proceedings*, iii–v.

⁷⁴³ The House of Commons Defence Committee. Session 1990–91. Tenth report. *Preliminary Lessons of the Operation Granby*, vi–ix.

held in October, and the cumulative evidence heard during the autumn strengthened the MPs' adversative stance on Iraq's illegal occupation of Kuwait.

After the war began in January 1991, the press reported that the Foreign Affairs Committee had questioned Foreign Secretary Douglas Hurd on how the war would be waged and about the possible circumstances in which tactical nuclear weapons would be used. Hurd laid out the rules, which basically permitted the use of nuclear weapons only if the forces were threatened with similar weaponry. He was also asked about the aims and the duration of the military operation and the commitment of British troops to the area: Would it require a permanent British presence in the region? Hurd's answer followed the Government's general line: a permanent British presence would be considered if the situation in the region declined and therefore required it.⁷⁴⁴

To conclude this section, the discussion about the role of Parliament was much more involved among the members occupying seats on the backbenches. This discussion was mainly carried on within the Labour Party, although several relevant contributions also came from the other main parties. Thus it can be argued that in connection with the Gulf Crisis there was an on-going discussion in the House of Commons concerning the constitutional role of Parliament; an issue that was much wider-reaching than the mere demands presented in 1982 in the House of Commons that Parliament should have a stronger role in determining foreign policy. The role of supranational decision-making in economic policy was also debated and even led to the replacement of the prime minister. This event showed that the exercise of foreign policy was considered important. It also revealed how it was the strongest party rather than Parliament that wielded power over the Prime Minister. Now we can direct our attention to the upper chamber and its contribution to the discussion.

5.4 The House of Lords' view: strengthening the government

The House of Lords' role in 1990–1991 was similar to that in 1982. The House of Commons was and remained the most important forum which debated the Government's policy – or was simply informed about it. The House of Lords, too, was informed frequently, and that was just about the sum of its functions. Some individual peers were more to the fore, as will be described in this section, but as an entity of its own the House was not in the spotlight.

The House of Lords had an opportunity to debate the crisis several times before the outbreak of hostilities on the morning of 17 January 1991.⁷⁴⁵ All in all,

⁷⁴⁴ Sheila Gunn: "Hurd sets rules for tactical weapons" *The Times*, 17 Jan 1991, p. 4.

⁷⁴⁵ In 1990 there were three full-day debates on 6 September, 13 November and 17 December. In 1991 there were two full-day debates on 15 and 21 January and several statements about the Gulf War. The latter are included in the analysis of this dissertation. The debates in January were debates to take a note on events, as was the debate held on 17 December. The debate on 13 November was an Address in Reply debate, and the first debate, an emergency debate, was a debate to take note on events. The dates of the statements were: 24 October 1990, 28 November 1990, 6 December 1991

103 different peers made at least one speech or question about the Gulf Crisis in the period between 6 September 1990 and 17 January 1991. These included 65 life peers, 34 hereditary peers⁷⁴⁶ and four bishops. As is the case with the other conflicts studied here, the main emphasis in this section will be on the months before the outbreak of hostilities between the Allied forces and the Iraqi army, but some attention will also be given to events during the war. A conspicuous feature of the behaviour of the House of Lords during the crisis is the lack of voting, which is not a total surprise but still noteworthy. The House of Lords was not interested in politicizing the crisis in any respect either with regard to the content of the Government's policy or the House's own role. There was no vote, which underlines the unpoliticized nature of the approach to the crisis in the upper chamber.

Apart from the lack of will, why there was no vote? The answer given by Donald Shell has already been presented above: he claims that the parliamentary practice of the House of Lords emphasized the expression of dissent through speaking, not voting. On the basis of *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, the answer seems to be fairly clear: there was no desire to vote because the House did not want to participate in the decision-making process by resorting to such a strong measure. There were no demands for a vote either in the debates or in the parliamentary questions. The debates on a motion were similar to the debates "to take note". *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament* defines the procedure of the debate on a motion precisely: "This formula enables the House to debate a situation or a document without coming to any positive decision..." It is also appropriate for use by a Minister who wishes to put down a neutral motion: a motion for papers would be in appropriate in this case, since such motions can be laid down only by the Government."⁷⁴⁷ The word "neutral" aptly describes this sort of motion and also the intentions of the peers when they were debating the Gulf Crisis. Debates on a proposal of a question upon a motion are moved by a representative of the Government and end with the simple formula "On Question, Motion agreed to." As the procedure of the "debate to take note" required no positive decision, it did not require the division of the House. By resorting to such technical procedures, the unpoliticized nature of the discussion about the crisis in the Lords was maintained and supported.

and 17 January 1991. The dates of the questions (all starred questions) were: 10 and 16 October 1990, 13, 22 and 27 November 1990 and 5, 11 and 18 December 1990. An Address in Reply debate is a debate on the agenda of the Government in the state opening of Parliament. The debate is divided over several days, and each day's debate has a different topic, such as foreign policy. A starred question relates to a procedure in the House of Lords whereby peers table questions to ministers beforehand; often these are tabled with several weeks' prior notice, but at least 24 hours' notice is required before the desired answer. When a question is addressed to the Government, it is marked on the day's order paper with a star.

⁷⁴⁶ Baroness Strange was the only female hereditary peer who made a speech on the issue. Only six female life peers participated.

⁷⁴⁷ May, *Erskine May's treatise*. 21.ed, 425–426. A motion for papers is a neutral motion in the House of Lords. In the debate that follows the motion, the peers' opinion is expressed in speech without a division.

An emergency debate was held in September to take a note of the event (the emerging crisis with Iraq's weapons of mass destruction). The issue was deliberated, but – as was also the case in the following debates – there was no vote at the end of the debate. Unlike the Commons, the Lords debated this issue for only one day. All in all, 38 peers spoke in this emergency debate, including the former Labour Prime Minister James Callaghan (Lord Callaghan of Cardiff) and several previous foreign ministers.⁷⁴⁸ The high level of the debate was noted several times during the debate, which was apparently not a mere polite exchange of words between fellow peers. The emergency debate was an important event in parliamentary history owing to its exceptional nature. It was, as in the House of Commons, a recall debate. As has been pointed out above, the parliamentary recall took place after the main Opposition party had demanded an opportunity for debate in the lower chamber.⁷⁴⁹ The House of Lords followed the Commons' example and in accordance with established parliamentary practice debated the issue only after the lower chamber had done so.

Three main lines can be found in the peers' contributions. First, they counselled the Government to be patient and to wait for the sanctions targeted against Iraq to work. The peers also advised the executive to seek sufficient legal grounds for any possible actions and to try and achieve as unified an international community as possible – the latter two injunctions were related to Middle East affairs in general and to the role that the United Nations would play. There was a broad consensus in the advice given on how to deal with this issue.

War was not seen as a good solution. The former Conservative foreign secretaries Lord Carrington (Peter Carrington) and Lord Pym (Francis Pym), in particular, demanded the use of peaceful means in the handling of the crisis, and they were backed by the former Chief of the Defence Staff of the British armed forces, Field Marshall Lord Bramall (Edwin Bramall), who had played an important role in the Falklands War.⁷⁵⁰ They regarded the occupation of Kuwait as one just facet of the problems in the Middle East and hence supported means that would not endanger any other on-going political processes in the area. Since they all spoke at the beginning of the debate, their contributions received much attention, and the line they took was followed in many of the following speeches. Bramall gave much consideration to the existing political situation in the Middle East and reminded the House how the Suez Crisis in 1956 proved to be a fiasco. Lord Carrington was especially sceptical about the consequences of military actions, and he argued: "And we have to remember, if we are realistic, that American policy in the Middle East for the past 40 years has been per-

⁷⁴⁸ The debate saw speeches from 26 life peers, 11 hereditary peers (two of them representing the Government) and one bishop.

⁷⁴⁹ See, for example, Alan Travis and Anita Peltonen: "MPs recalled as Thatcher scorns Europe for Iraq stance" *The Guardian*, 31 Aug 1990, p. 1; David Millward: "MPs called back for debate" *The Daily Telegraph*, 31 Aug 1990, p. 1.

⁷⁵⁰ Lord Pym continued to maintain a similar stance in November and also demanded that individuals should not travel to Bagdad anymore in order to seek the release of the hostages. See, for example, Lord Pym HL Deb 13 November 1990 vol. 523 col. 235.

ceived to be anti-Arab and pro-Israel. For all those reasons, if we can possibly do so the use of force should be avoided."⁷⁵¹

There were a few peers who expressed their views on the powers that Parliament held in Britain, but these were mainly limited to ideas about the right to debate issues. These remarks were made in the emergency debate in September. A Labour life peer, Viscount Tonypany⁷⁵² (George Thomas), argued strongly for the right to speak. He referred to Thatcher's reluctance to recall Parliament from its summer recess in order to debate the events in the Gulf and the Government's policy on these events when he argued:

It is right for us to meet. It is equally right that we should meet to strengthen the hands of those who are acting on our behalf. I believe that there will be no entry into military activity without the House having its say. However, I should like Iraq to know that there are no Benches in the high court of Parliament where there will not be support for action if there is no response to sanctions.⁷⁵³

Viscount Tonypany's message was that it was not only the right of Parliament to convene but that the use of the military would be preceded by a debate in Parliament – he referred to Parliament as a whole instead of just one of the two chambers. He used the occasion to remind the Iraqi regime that the House of Lords was unanimous in its readiness to support military action if Iraq failed to respond to the sanctions. The recall debate was an opportunity for the House of Lords not only to have a role in the process by debating but also a chance to obtain more television coverage. A crossbencher peer, Lord Greenhill of Harrow (Denis Greenhill), who had made a distinguished career as a diplomat and had been granted a life peerage after retirement, hoped that the House's impact on issues would be reflected in the television coverage of the speeches made in it. The main justification for this hope was the high quality of the emergency recall debate and the standing of the participants in it. Greenhill argued: "I hope very much that when the time comes to show on television the debates in both Houses a fair period of time will be given to the speeches that were made during the first two hours this afternoon."⁷⁵⁴

Regardless of the House's impact, the right to debate freely was emphasized as the distinguishing factor between the assembly in Iraq and Parliament in Britain. The former Conservative foreign secretary, Lord Carrington, quoted De Tocqueville in describing the situation in Iraq and stated that the sanctions were a good policy but that the use of force should not be ruled out, a fact that should be reinforced in the public debate without resorting to secrecy. He argued:

⁷⁵¹ HL Deb 06 September 1990 vol. 521 col. 1812.

⁷⁵² Viscount Tonypany was a good example of a peer who actually had little experience of the conduct of foreign policy (at least compared to many other peers) but who had significant experience in other fields. He had been an MP for almost 40 years (1945–1983) before retiring and had been the Speaker of the House of Commons. *Who's Who 1990. An Annual Biographical Dictionary. One Hundred and Forty Second Year of Issue* (London: A & C Black, 1990), 1821.

⁷⁵³ Viscount Tonypany HL Deb 06 September 1990 vol. 521 col. 1831.

⁷⁵⁴ HL Deb 06 September 1990 vol. 521 col. 1877.

De Tocqueville once said: "A democracy is unable to regulate the details of an important undertaking, to persevere in a design, and to work out its execution in the face of serious obstacles. It cannot combine its measures with secrecy and it will not await their consequences with patience". That will be the Iraqi hope. De Tocqueville's words should be a warning to us and an imperative to prove him wrong.⁷⁵⁵

The quotation from de Tocqueville was almost exact and was taken from the chapter *Government of the Democracy in America* in his classic work *Democracy in America*, vol. 1.⁷⁵⁶ In this text de Tocqueville analyzed US foreign policy. He seemed to believe that democratic policy-making of the kind used in the domestic environment would not necessarily work in the field of foreign affairs since the democratic system would not necessarily be flexible. Also the requirement of waiting with patience was seen to be problematic. Lord Carrington's main argument seemed to be critical of the lack of secrecy in long-term planning, another question that de Tocqueville saw as difficult for a democracy. However, the former Labour Prime Minister Lord Callaghan replied:

My Lords, I am sure that if de Tocqueville had continued the thought expressed by the noble Lord, Lord Carrington, he would have gone on to add that, in a democracy where people and Members of Parliament are free to speak their minds, a Government can only be strengthened by the kind of debate which is taking place in this and another place this afternoon, and that the expression of our opinion here is bound to strengthen the Government in the policies which they are following. So much then for de Tocqueville.⁷⁵⁷

Lord Callaghan's view was that it Parliament's role to support the Government in its actions against Iraq; that would be a policy carried out in the spirit of de Tocqueville. Callaghan defended the idea of a more democratic foreign policy since Parliament was able to strengthen the Government through expressing its opinions in a free debate – by doing this, the Government could be bound to act in accordance with Parliament's opinion – unlike the undemocratic situation in Iraq. To sum up, the former prime minister wished to underline the role of Parliament as lying in its ability to bind the Government by expressing its opinions and thereby actually guiding the direction of foreign policy.

Callaghan also stated that the House of Lords was not just an advisory chamber but also one that scrutinized the Government's actions. He went on to refer to some highly political issues: for example he spoke about the House of Commons, and especially about its Labour member Tony Benn, who had been a strong figure in the anti-war movement together with the Socialist Campaign Group, a group of left-wing MPs. Callaghan condemned Benn's actions and also declared that a vote in the Commons would not mean a thing. It is interesting to note that this was not the only contribution of this former Prime Minister. Though he had not always taken part in debates, even when they were interest-

⁷⁵⁵ Lord Carrington HL Deb 06 September 1990 vol. 521 col. 1813.

⁷⁵⁶ Alexis de Tocqueville: *Demokratia Amerikassa* (Helsinki: Gaudeamus, 2006. Trans. Sami Jansson), 253; In English: Alexis de Tocqueville: *Democracy in America*, ed. J.P. Mayer (New York: Anchor Books, 1969. Translation George Lawrence), 229.

⁷⁵⁷ Lord Callaghan of Cardiff HL Deb 06 September 1990 vol. 521 col. 1813.

ing ones,⁷⁵⁸ he was now present and ready to speak. In late October during questions, the peers actually demanded that he should speak in order to clarify the Government's aims, and so he did, even though the mere idea of an Opposition peer explaining the policies of the Government was more an example of the Opposition peers' sense of humour.⁷⁵⁹

Most peers rejected the politicization of the crisis, and a large majority of them gave their support to the Government. For example, a Conservative hereditary peer, Viscount Caldecote (Robert Inskip), promised wholehearted support for the Government's action, even in legislative measures if necessary: "If there is any doubt about the adequacy of the Government's powers, I am confident that the whole House would give united support to any action, legislative or otherwise, which the Government feel is necessary to provide those powers."⁷⁶⁰

The quotation reveals that at least this peer was ready to strengthen the Government's hands through legislation, should the need arise. This was quite contrary to the view expressed in rising demands for a stronger role for Parliament with regard to the Royal Prerogative, since the use of those rights had already had a major impact on the course of the decision-making and parliamentary practice. In fact, Caldecote seemed to be suggesting that the Government should only reveal how it could use the Royal Prerogative powers in order to solve the crisis. Such comments were absent in the House of Commons, and this peer was the only one to raise this issue in the House of Lords as well.

The moral discussion surfaced in the House of Lords during the recall debate. It was connected to the situation of the hostages in Kuwait and to the overall Middle East peace process, and in relation to this the position of the House of Lords was considered briefly. The Archbishop of Canterbury (Robert Runcie) made a speech in which he described the release of the hostages as the main moral imperative and emphasized that the House of Lords provided the right place for a religious leader to deliver his moral imperative in a debate. Three weeks before the debate, all British citizens in Kuwait had been taken hostage, and *The Guardian*, for example, demanded that Parliament be recalled and that MPs make a stand before the Government in order to defend their rights as members of a parliament.⁷⁶¹ It was fairly clear that the general public's attention was focused on the House of Commons and its recall from its summer recess. The Archbishop argued: "We must never allow the plight of these people to be relegated to the sidelines. If ever there was a place for a religious leader to sound an unqualified moral imperative in a debate, it is here."⁷⁶²

Runcie was the Primate of the Church of England. He made an effort to consider the war as justified from a Christian perspective but did not reach any

⁷⁵⁸ Shell, "The House of Lords and foreign affairs", 79.

⁷⁵⁹ Lord Callaghan HL Deb 24 October 1990 vol. 522 col. 1354.

⁷⁶⁰ HL Deb 06 September 1990 vol. 521 col. 1879.

⁷⁶¹ Martin Walker and Hella Pick: "Saddam rounds up hostages" *The Guardian*, 20 Aug 1990, p. 1; Editorial: "Why don't they defend their rights?" *The Guardian*, 20 Aug 1990, p. 18; Archbishop of Canterbury HL Deb 06 September 1990 vol. 521 cols 1807-1810.

⁷⁶² HL Deb 06 September 1990 vol. 521 col. 1810.

general conclusion. The speech might have been a response to a small criticism by the *Guardian's* commentator, Hugo Young, but it did not go as far as many might have wished. Two days before the parliamentary debates, Young had criticized the overall absence of any political discussion. He gave the church as one example of this since its representatives had not addressed the question of the right means to handle the crisis. The fact that the Government had sent British forces to the Gulf area and that the possibility of military conflict was increasing had not produced any initiatives from the church.⁷⁶³

The perceived overall need for a moral discussion resulted in a further contribution from the Archbishop of Canterbury and from other clerics in other forums than the parliamentary chamber. This moral dimension seemed to be the major contribution of the House of Lords' debate, resulting from the fact that some of the Lords Spiritual had taken part in it. The Bishop of Oxford (Richard Harries) wrote a letter which was published in *The Independent* on 31 October, in which he defended the authority of the United Nations – before this contribution, some eminent members of the Church of England had expressed concern that the war would not be a just one according to Christian standards.⁷⁶⁴ Later, the Professor of Divinity at Oxford University, Rowan Williams (who would become the Archbishop of Canterbury in 2003), wrote an extensive article in *The Guardian*, in which he defended the position of the United Nations. In this article, Williams also expressed the need for a broader strategy to deal with the whole Middle East region in a longer perspective. Williams further stated his hope that the article would be an answer to those who had demanded more comments from the church.⁷⁶⁵ This “just war” discussion was continued in the Letters to the Editor section of *The Times* and in the statement Archbishop Runcie made to the press assessing the justness of the operation against Iraq. At the end of November, around 100 theologians together opposed the war in the Gulf. They argued that it was an unjust war, in contrast to those views that argued for the just nature of the UN's position and the potential war against Iraq.⁷⁶⁶

The idea of an overall strategy for the Middle East was similar to one some peers had proposed in the parliamentary debate in September. The religious discussion continued in December. Graham Leonard, the Bishop of London, wrote in *The Daily Telegraph* about the use of force and voiced his support for it if it would help to uphold freedom.⁷⁶⁷ All in all, it seems that the demand for a moral discussion stemmed from the fact that the Church of England was ex-

⁷⁶³ Hugo Young: “Time to fight the armchair generals” *The Guardian*, 4 Sept 1990, p. 23.

⁷⁶⁴ Ruth Gledhill and foreign staff: “Church leaders call on prayers for just solution” *The Times*, 22 Oct 1990, p. 10.

⁷⁶⁵ Rowan Williams: “Onward Christian soldiers?” *The Guardian*, 1 Nov 1990, p. 19.

⁷⁶⁶ Ruth Gledhill: “Runcie says war in Gulf could be just” *The Times*, 16 Nov 1990, p. 24; Alice Thomson: “Church leaders unite against war” *The Times*, 27 Nov 1990, p. 13. For an analysis of views of pro et contra in the Church of England, see also Peter Lee, “Military Intervention in the Post-Cold War Era” in *God and War. The Church of England and Armed Conflict in the Twentieth Century*, eds. Stephen G. Parker and Tom Lawson (Farnham and Burlington: Ashgate, 2012), 188–197.

⁷⁶⁷ Graham Leonard (Bishop of London): “The Christian for ... to fight against...” (the title is partially unknown) *The Daily Telegraph*, 18 Dec 1990, p. 14.

pected to express some moral support for a possible military operation. The discussion among the religious leaders was broader than in 1982, but the context was very different as the national aspect was now mostly missing. Now there actually existed a chance for a moral discussion without any fear of its having a negative influence on the national morale, as had perhaps been a concern in 1982.

The Lords Spiritual played a fairly small role in the following parliamentary debates, but some of them were active in extra-parliamentary activities. In the Address in Reply to Her Majesty's Most Gracious Speech at the opening of the parliamentary session on 13 November, only one bishop, the Lord Bishop of Worcester (Philip Goodrich), spoke against the political role of the Church when he talked about the lack of interest among the Lords Spiritual and their refraining from being more combative in their comments. He stated that their position was not related to appeasement of any kind but simply to the need of religious leaders to focus on matters that they considered important. He argued:

I dare to finish with an apologia pro vita nostra for those on these Benches. It is sometimes said that we would be more respected in the country if we took a more combative stance. I hope that in everything I have said I have shown that the word "appeasement" should not be addressed in this direction. However, would anyone respect leaders in the Christian Church who did not speak out about the horrors of modern warfare? Do your Lordships really want a Bench of Bishops who have nothing to say on their own account but only place a sacramental coping-stone on the edifice of present-day society, and that recognised by perhaps only part of our society?⁷⁶⁸

Furthermore, he reminded the House that in general all the bishops were for a peaceful solution and not interested in raising another strident voice at a time that required restraint.⁷⁶⁹ Goodrich had a reputation as a bishop who dared to speak out about issues in the House of Lords. In fact, he had held a conference with highly prestigious participants to speak about Britain's future position, which is an indication of his abilities and interest in speaking about foreign affairs.⁷⁷⁰ The same bishop also gave his view about why bishops should participate in the parliamentary debate in the first place – it meant a closer link with the people. This was an assertive statement. Bishops were significant members of the House, and although they were the leaders of the Church, they also had ceremonial duties and frequent contacts with people in their dioceses. Francis Bown suggests that the Lords Spiritual were in fact the most representative members in the House of Lords since they had regional obligations.⁷⁷¹ This kind of representative speaking also recalls the context and discussions about reforming the House of Lords into a more representative institution with elected membership. The fact that this particular bishop spoke in the debate was not a

⁷⁶⁸ Lord Bishop of Worcester HL Deb 13 November 1990 vol. 523 col. 216.

⁷⁶⁹ HL Deb 13 November 1990 vol. 523 col. 215.

⁷⁷⁰ David Say: "Obituary: The Right Rev Philip Goodrich" *The Independent*, 12 Feb 2001, p. n/a; Anon.: "Obituary: The Right Reverend Philip Goodrich" *The Daily Telegraph*, 29 Jan 2001, p. n/a.

⁷⁷¹ Bown, "Influencing the House of Lords", 116.

coincidence. It is not known whether he had asked to speak, but it is a known fact that the Archbishop's Secretary for Public Affairs – one of whose duties is to ensure that bishops do participate – asked bishops to speak in debates on a particular topic and arranged the reading of prayers that preceded the debates. However, in addition to that minor role in the daily proceedings, interested bishops could also always participate in debates.⁷⁷² The Bishop of Worcester, the bishop assigned to participate in this particular debate, was also the one who read the prayers at the beginning of the sitting.⁷⁷³

In the last full-day debate on 15 January 1991, the Archbishop of Canterbury made a speech in which he accepted the use of military force but went on to emphasize the need for a sufficient application of sanctions before resorting to war. He reminded the House how important it was to try to avoid angering the Muslim minority in Britain if the war started, but he was prepared to use force. He argued:

I wish the choice was a simple, uncomplicated one between continued sanctions and resort to war. I firmly believe that the sanctions must be maintained and that we must continue to support every diplomatic channel that has any reasonable chance of success. But we cannot avoid the fact that it may well be necessary to resort to war in the interest of peace in the longer term. I too reach that conclusion with a very heavy heart indeed.⁷⁷⁴

The Lords Spiritual seemed to feel that their participation in the debate about the criteria of a just war and a sufficient *casus belli* constituted an adequate contribution, although their opinions on these matters differed. According to Tim Cross, an analysis of the crisis using the commonly accepted criteria for a just war supported the view that the use of force was an acceptable means to end the crisis.⁷⁷⁵ The discussion about the criteria of a just war was waged in January, and the bishops participated in the argument, albeit not in the parliamentary chamber.⁷⁷⁶

From the historical point of view, the role of the bishops in the debates shows how their approach towards the Government's policy had changed in the course of time. Previously, the Government had been able to rely on the support of the Lords Spiritual, who felt that their role demanded this support. By the time of the Gulf Crisis, however, the bishops had changed their approach to parliamentary politics and expressed opinions that differed from the Government's view, or then they often stepped aside when they had no contri-

⁷⁷² Bown, "Influencing the House of Lords", 107.

⁷⁷³ HL Deb 13 November 1990 vol. 523 col. 19.

⁷⁷⁴ Archbishop of Canterbury HL Deb 15 January 1991 vol. 524 col. 1098.

⁷⁷⁵ There seemed to be a stronger expectation than usual that the Lords Spiritual, who usually stayed quiet and did not speak at all, should take part in the discussion about a just war. Bown, "Influencing the House of Lords", 106–107; Towle, *Going to War*, 37–39; Tim Cross, "British Military Intervention Since 1990" in *British Foreign Policy and the Anglican Church. Christian Engagement with the Contemporary World*, eds Timothy Blewett, Adrian Hyde-Price & Wyn Rees (Aldershot and Burlington: Ashgate, 2008), 75.

⁷⁷⁶ See, for example, John Exard: "Bishops differ over whether war is justified or just wrong" *The Guardian*, 5 Jan 1991, p. 7.

bution to make on current issues. This kind of attitude had been present in 1982, when Robert Runcie had been quite neutral with regard to giving his support to the Government and after the war had even been critical of it.⁷⁷⁷ The Lord Bishop of Worcester's contribution followed this line. According to Francis Bown, many bishops actually felt that that the Lords Spiritual had been too anti-Government. Bown also notes that the Lords Spiritual were not representing the Church of England but themselves and their regions – the Sovereign had given them like all other members of the House a personal writ of summons.⁷⁷⁸ However, in general, both the public and the other peers in the House could expect them to represent the Church as well.

During the months following the recall debate in September, the possible steps in the Gulf policy were carefully deliberated. The peers regarded it as crucial that the operation be limited to the liberation of Kuwait in order to preserve the relative state of peace in the Middle East and in other areas. One of the main proponents of a suitable policy was the Liberal hereditary peer, Lord Gladwyn (Hubert Gladwyn), who had been the spokesman for defence and foreign affairs on the Liberal bench.⁷⁷⁹ The Leader of the Opposition in the House of Lords, Lord Cledwyn of Penrhos, followed the example of the Labour leadership in the Commons. He supported sanctions against the Iraq, but he demanded that the United Nations should be at the centre of decision-making and that Britain should play its part in supporting the UN. In the debate after the Queen's Speech, Lord Cledwyn seemed to be in line with the Government since the sanctions policy had been implemented and there was no urgent rush to war. He emphasized the authority of the United Nations and accepted the use of military force as a way to proceed – if necessary. He argued:

Let us hope – and I fear that it has to be a faint hope – that Saddam Hussein, or other Iraqi leaders, see sense and withdraw from Kuwait. The United Nations cannot reverse its resolutions, nor can it be humiliated; that could really plunge the world into chaos. That is something we cannot contemplate, and Britain, of all countries, must stand by and be loyal to the United Nations.⁷⁸⁰

The confrontation between the Government and the Opposition was limited and was left to certain individuals who clearly seemed to oppose the Government's policy. The Leader of the Opposition, Lord Cledwyn of Penrhos, had maintained a fairly pro-Government line since September, as had the Labour leadership in the Commons. However, he made it clear that every effort during the process should be made in order to avoid war. He particularly pressed the Government to uphold the authority of the United Nations and to find alternative peaceful ways to solve the crisis. This was his message after the Queen's Speech, and there was no great change in his policy in December or in January.

⁷⁷⁷ Baldwin, "The membership of the House", 58.

⁷⁷⁸ Bown, "Influencing the House of Lords", 106, 116–117.

⁷⁷⁹ His experience included an appointment as Acting United Nations Secretary-General in 1945 – 1946 and an appointment as Britain's Ambassador to the United Nations. *Who's Who 1990*, 685.

⁷⁸⁰ Lord Cledwyn of Penrhos HL Deb 13 November 1990 vol. 523 col. 209.

In his speech on 15 January, two days before the hostilities began, he pressed the Government to try to ascertain whether France's final international diplomatic proposal might help to avoid war.⁷⁸¹

It can be argued that the Labour Party's leaders in the House of Lords were obliged to follow the line that the party leader Neil Kinnock had embarked on. This resulted in rather minor opposition in the Lords as well. The third largest group in the upper House, the Liberal Democrats, usually spoke in the voice of their leader, the life peer Roy Jenkins (Lord Jenkins of Hillhead). Jenkins had been one of the founding members of the small SDP party when it broke away from Labour in the early 1980s. He was a very experienced peer and had been the Chancellor of the Exchequer in James Callaghan's Government and an MP in the Commons for decades before entering the Lords, although he had just been re-elected to the House of Commons on the eve of the Falklands War in March 1982.⁷⁸² Lord Jenkins of Hillhead had been a supporter of the Government's policy right from September 1990, and he remained one in January 1991. He had urged the need to maintain the consensus and backed the use of sanctions, but in January he accepted that the sanctions policy had failed to achieve its goal.⁷⁸³

The Government and its representatives⁷⁸⁴ listened to the advice that the peers gave during the process and promised to look into possible alternatives, although they insisted that all the options had already been considered carefully and that efforts were being made to pressurize Saddam Hussein into withdrawing from Kuwait. As the deadline approached, the Government remained resolute in its policy. The Government's representatives insisted that the international community had waited long enough and put the blame on Saddam Hussein and his manoeuvres to break up the international consensus. After the expiry of the deadline set by the UN, the international community would have to take up the challenge.⁷⁸⁵

On the procedural side, the political process did not in general involve any sort of legislation, and, apart from its legislative function, the House of Lords had only limited means to influence matters at its disposal. The peers' most effective tool was the deliberative work it conducted in full- or part-day debates since the Government was always obliged to provide answers to the questions asked in the House.⁷⁸⁶ The peers used questions both in written and oral formats to extract more information from the Government, and in doing they forced the Government to consider certain aspects of the handling of the crisis.

⁷⁸¹ France proposed a diplomatic meeting, but the USA refused to allow more time. Paul Webster, Martin Walker, Jane Rosen and Hella Pick: "'Mitterand' in last-ditch effort" *The Guardian*, 15 Jan 1991, p. 1; HL Deb 15 January 1991 vol. 524 col. 1094.

⁷⁸² Ian Aitken: "Jenkins takes Hillhead by a clear 2,000" *The Guardian*, 26 Mar 1982, p. 1.

⁷⁸³ See, for example, Lord Jenkins of Hillhead HL Deb 06 September 1990 vol. 521 cols 1804-1807 and HL Deb 15 January 1991 vol. 524 cols 1095-1097.

⁷⁸⁴ Most often the representative of the Government was the hereditary peer the Earl of Caithness (Malcolm Sinclair), who held a position in the Foreign Office. The Lord Privy Seal Lord Waldegrave was another frequent representative of the Government.

⁷⁸⁵ Earl of Caithness HL Deb 15 January 1991 vol. 524 col. 1153.

⁷⁸⁶ Shell, "The House of Lords and foreign affairs", 72-73.

With regard to the status of Parliament, the Lords' role was to examine the provision of information and to uphold the right to debate the issue in the House. The Leader of the Opposition, Lord Cledwyn of Penrhos (Lab, Cledwyn Hughes) demanded more information as soon as any situation arose. In this particular case, the questions concerned the refugee problem in Iraq: the peers brought up the need to help these people more.⁷⁸⁷ Hugh Jenkins (Lab, Lord Jenkins of Putney) also demanded the sufficient provision of information as a means of avoiding a situation where the country went to war without sufficient deliberation. He reminded the members about the dangers of escalation if Parliament was not sufficiently informed. He argued:

My Lords, is the noble Earl aware that there is always the danger that military action may lead to a full-scale war? That is why such action always has to be considered with the utmost care. Perhaps I may reiterate the point made by my noble friend the Leader of the Labour Party about the anxiety, which I am sure is felt throughout the House, that we should be kept fully informed as soon as possible.⁷⁸⁸

On 21 January, the same lord expressed his dissatisfaction with the way the crisis was dealt with in the House of Lords, and he indirectly criticized the procedures in the House of Lords. He described how he had attended the debate in the Commons since there was neither a motion nor a division in the Lords, and therefore all the opinions expressed would be merely individual ones. He criticized Labour Party for its lack of criticism of the Government's policy in the Commons and pointed to the fact that even its amendment proposal was so uncritical that the Government was able to accept it without any problems. He linked his stance with that of the more leftist MPs in the Commons, who had tabled their own amendment.⁷⁸⁹ Lord Jenkins' seemed to be adopting a more political stance than the typical peer during the debates. His close relationship with certain MPs in the Commons and the way he spoke about motions in the Commons reflect his dissatisfaction with the position of the House of Lords. In this debate in January, he continued to argue against the war by stating that there was indeed a minority in the country who opposed the war, and he accused the majority who supported it of trying to silence this minority merely because they held contrary views.⁷⁹⁰

What was exceptional was the fact that when Lord Jenkins in his speech actually attacked the Speaker of the Commons for not allowing a division on the leftist amendment proposal, he was interrupted by the Labour life peer Lord Shackleton (Alexander Shackleton), who rebuked him over a procedural matter.⁷⁹¹ They argued about how the House of Commons should be referred to in the House of Lords. Lord Jenkins argued that direct criticism was justified when one wanted to explain one's reasons for one's disagreement with both the

⁷⁸⁷ For example see Lord Cledwyn of Penrhos HL Deb 10 October 1990 vol. 522 col. 273.

⁷⁸⁸ Lord Jenkins of Putney HL Deb 10 October 1990 vol. 522 col. 274.

⁷⁸⁹ HL Deb 21 January 1991 vol. 525 col. 34.

⁷⁹⁰ HL Deb 21 January 1991 vol. 525 col. 35.

⁷⁹¹ This and the preceding speech of Lord Jenkins of Putney are both interesting examples of how all the members of the Lords ensure that the proper procedures are observed in the daily work of the House.

Government's policy and the procedure in the House of Commons.⁷⁹² This was an indication that the House of Lords' role was considered among the Labour peers to be inadequate; Lord Jenkins believed that the House was a potential forum for showing dissent in the form of a division instead of only debating the issue. In this, his stance was exceptional, since in general the debates strongly suggested that the House of Lords was not interested in having a broader role in the conduct of foreign and defence policies in connection with the Gulf Crisis.

After the war, there was no inquiry similar to the one carried out after the Falklands War to examine the role of the British Government in handling the crisis. For the House of Lords this reduced the possibility of further engagement in the issue, as the members of the committees that conducted such inquiries were often drawn from the upper chamber. The military operation was scrutinized by the Defence Committee in the House of Commons, but no peers were included in it. However, in 1992 one retrospective inquiry that involved the House of Lords was conducted: the Scott Inquiry, led by Lord Scott, scrutinized pre-war arms exports to Iraq. It was led by one of the Law Lords as it concentrated on legal issues. The decision to wage war itself was clearly not considered to be controversial or problematic, and therefore there was no need for further inquiries.

As far as the press coverage is concerned, *The Daily Telegraph* paid more attention to the debates in the House of Lords than *The Guardian*. *The Telegraph* had its own regular pages devoted to parliamentary events, and therefore the Lords received better coverage – which was not very much compared with the attention given to the Commons. The main coverage in stories relating to the upper house and its debates was still devoted to the leaders of the two strongest opposition groups and to the opinions of the Lords Spiritual.

5.5 Conclusions

To conclude this chapter on the Gulf Crisis, we can note that the findings of the analysis showed that the role of Parliament remained much the same as it had been during the Falklands War. However, what did emerge now was a discussion of Parliament's constitutional role.

The position of Parliament and MPs can be characterized by three broad questions: First, how did Parliament support the Government's policy? Second, how did Parliament try to get the Government to limit or redefine its chosen policy? Third, how did individual MPs try to create more opportunities for further debates and to a limited extent also to obtain a vote on a substantive motion prior to the planned use of force? With regard to the constitutional discussion, seven types of participation were identified in the analysis. First, there was discussion about the parliamentary recall and the circumstances in which it

⁷⁹² Lord Jenkins of Putney and Lord Shackleton HL Deb 21 January 1991 vol. 525 cols 35–36.

should occur. Second, the duty of Parliament to make the Government accountable was considered. Third, the current state of the British constitution and the so-called war powers provoked comments. Fourth, the question of whether Parliament should consider operational details emerged. Fifth, decision-making at the supranational level was considered: Would it override the domestic level (Parliament)? Sixth, the scale of activity in Parliament was the subject of criticism: How often was the Commons able to debate the Gulf policy, and would it be able to vote prior to the armed forces engaging in any military action against the Iraqis? Seventh, though it was not strictly a question of parliamentary debating, extra-parliamentary activity also provided an opportunity to address the issue. For Lori F. Damrosch, the Gulf Crisis offered evidence that there was indeed some kind of “parliamentarization” going on in Britain, as was happening in other countries with a Westminster-style parliamentary system: in all the participating countries, the decision to send troops into combat was approved in the representative legislatures before the fighting began or soon after it.⁷⁹³ That was in contrast to the Suez Crisis in 1956 or the Falklands War in 1982, but the context of the latter in particular was different, with a greater need for quick reaction by the political leadership. The Gulf Crisis did, on the other hand, provide an international example of how the decision-making was carried out in other countries that were important to Britain. What was new was the activity outside the parliamentary chamber, with individual MPs travelling to Iraq to negotiate the release of the hostages. On the other hand, it is possible that these travels were also motivated by certain political interests.

In 1982 the speeches in Parliament had addressed the question of inquiries and calling the Government to account after the event. In 1990–1991, such speeches emphasizing the need for inquiries were mostly missing, particularly in the House of Lords. This gives us reason to argue that the inquiry-related discussion was linked to the experiences of the MPs. They considered the handling of the crisis to be adequate, and the Government’s actions gave no reason for the Members to question them before or during the crisis – another feature of the unpoliticized nature of the parliamentary discussions on the crisis. Especially the Opposition front bench would have been in the front line in demanding inquiries if they had considered the situation to require such examinations.

With regard to the potentially relevant key concepts, the Royal Prerogative stood out as a result of its being challenged in the 1980s. It had not been a major topic in connection with the Falklands War, and it had emerged in connection with other constitutional discussions taking place in society; the left wing of the Labour Party sought to redefine the significance of the concept as a clearly outdated political convention that ought to be discussed and reformulated in the future, instead of waiting for a crisis to provide a suitable moment for that redefinition. In the context of 1990–1991, the concept was not broadly claimed to need further examination, nor was the need to strengthen Parlia-

⁷⁹³ Damrosch: “The interface of national constitutional systems with international law and institutions on using military forces: changing trends in executive and legislative powers”, 54.

ment's role. In fact, Parliament's role vis-à-vis the Government was reinforced. Freedom of speech was emphasized as highly important for Parliament as a political body, but the main issue in terms of its sovereignty was its relation to decision-making at the international level. It was a question of the extent to which supranational bodies could override the jurisdiction of domestic organs, and the discussion about the development of economic co-operation proved that Parliament's sovereignty was an issue that was considered important; the handling of the Gulf Crisis through the UN and the placing of British troops under foreign command were not considered to constitute a threat to Parliament's sovereignty.

At this point the debate on the constitutional role of Parliament was linked to the concept and, above all, to the powers that were embedded in the concept of the Royal Prerogative. However, for individuals like Benn, their interest was targeted towards broader issues that were perceived to be problems in the political system. The Royal Prerogative was only one but at the same time highly important matter, since it related to the way Britain would act in the international system and participate in international treaties. Outside the Royal Prerogative, the end of 1980s showed more profound change of attitudes towards the system. The establishment of Charter 88 to pursue political reform underlines this view since it showed how an increasing number of intellectuals and also parliamentarians were beginning to pursue a vision that the political system should be placed under a clearer framework. In their opinion, that could be delivered, for instance, with a codified and written constitution and the reform of the election system and the upper house. In this longing for political reform, the political control of Parliament over the Government was not restricted only to the reform of the Royal Prerogative. However, in the matters of military deployments the Royal Prerogative was the issue that appeared as fundamental for the reform. In the matters of deployment, the critical approach was targeted at the ministerial executive prerogatives. The Queen's prerogatives received criticism in other issues.⁷⁹⁴

The House of Lords remained passive as a whole but raised some interesting issues for discussion, but there were no major efforts to politicize the issue. The different questions it asked and the concerns it voiced were its main contribution since there were no opportunities – or even demands – to vote. This is not surprising as the House of Lords tried to avoid confrontation with the lower chamber. The House of Lords debated the issue, deliberated possible alternatives and scrutinized the Government's policy many times during the crisis, but it did not try to seek any alternative ways of influencing the course of affairs – for example, no peers travelled to Iraq to negotiate the release of the hostages or to conduct unofficial negotiations with the Iraqi president, as some members of the Commons did. On the other hand, some individual peers did also comment on the situation in stronger terms, as in the case of one peer who spoke for the need to have a division in the House of Lords as well concerning the war

⁷⁹⁴ E.g. Harry Barnes HC Deb 10 December 1992 vol 215 col. 1005; Tam Dalyell HC Deb 16 April 1999 vol 329 col. 541.

against Iraq, while a similar strong stance was taken by the Conservative peer who was ready to support the Government even through legislation, if such a need should arise in connection with the Gulf Crisis.

Furthermore, the right of the House of Lords to be informed and heard was considered essential and the importance of this was brought up from time to time. The most important result of the analysis is the observation that there were few contributions which related directly to the role and position of Parliament. Even though the House of Lords played only a minor role, some members were nevertheless, interested in debating matters and they emphasized the importance of the Lords in the British parliamentary system. These included the former Prime Minister James Callaghan, even though he did not focus entirely on this question - no-one did. The speeches and contributions in the upper chamber were rather low-key. There were only a small number of confrontations which involved party politics, but issues were often debated in depth for and against. The peers were able to give advice over a wide range of areas, and these messages were reinforced with parliamentary questions. Therefore it is logical to argue that, while the House of Lords did not play a strong role in the handling of the crisis, it used its opportunities to deliberate the issue and tried to seek more opportunities for further scrutiny of the Government.

To sum up, the Gulf Crisis was an event that sparked discussion concerning Parliament's role, but this was mainly prosecuted by individuals in the Labour Party's left wing. Parliament's role was broadly regarded as viable vis-à-vis the executive, and above all, in relation to UN decision-making, which involved the possibility of foreign command of the British forces if war should eventually break out.

The difference between the context and the circumstances in 1990-1991 when compared to 1982 should be considered: the difference between unilateral and multilateral operations, the changed international climate after the end of the Cold War, the advancing European integration especially in the early 1990s, and the differences between the domestic political situations are all important factors. They do give a reason to consider whether the emerging discussion on the role of Parliament with constitutional terms really was a reflection of a transformation of underlying shifts in ideas. However, the use of British military troops and the way how Parliament would deal with the matter was not depended only on the contexts and circumstances but also on how Members themselves had begun to understand their role. There may have been a more long-term and gradual learning process in the background instead of only a circumstances-oriented position. The consideration of contexts and circumstances definitely helps to understand the limits and the possibilities of parliamentary role but for example in the left of the Labour Party these kinds of attitudes had existed already for years before the Gulf Crisis. Therefore the apparent change in perceptions on the role of Parliament can be explained with fine adjustment of positions. The shift in the understanding of the role of Parliament was, above all, a contingent discursive process that went on in various contexts.

Nevertheless, if the discussion during the Gulf Crisis is used to consider the possible direction of the debate and perhaps also policies concerning Parliament's role, this crisis produced some critical comments on the state of the constitution. A similar trend might have been expected to continue after the war, but the reform of the whole constitutional system, one part of which was the Royal Prerogative, was yet to be manifested in terms of party positions or broader Government programmes.

5.6 After the war in the Middle East: constitutional reform in the 1990s

The Gulf Crisis provides a relevant case for understanding the discussion surrounding the role of Parliament. It was a crisis and an armed conflict in which the existing constitutional arrangements were openly questioned, although this was mainly done by members on the left wing of the Labour Party. Nevertheless, the discussion reveals the existence of contemporary thinking on the issue. After the war, the discussion about the role of Parliament continued and in fact intensified. From the point of view of Parliament, the 1990s was a decade of reform, not only because of the measures taken by the Labour Government but also because of the discussions and initiatives that arose at that time concerning the Royal Prerogative in general.

The first occasion arrived soon after the Gulf War. On 3 July 1991, Simon Hughes (Lib Dem, Southwark and Bermondsey) presented a motion for a bill that would have reformed the Crown's role with regard to the royal succession by giving females the same opportunity to rise to the throne as males. The motion served as the first reading and was passed without a question, but the bill was dropped before its second reading.⁷⁹⁵

Two months earlier on 17 May, a much broader debate took place when another Liberal Democrat, Archy Kirkwood (Lib Dem, Roxburgh and Berwickshire), introduced a Private Member's motion in which the Government was asked to "introduce measures designed to effect an extensive modernization of the United Kingdom's democratic institutions and constitutional provisions".⁷⁹⁶ Kirkwood argued that in a situation in which the economy was in decline, it was necessary to place a stricter check over the Government's actions. The debate was quite wide-ranging, but the only one who actually attacked the current Royal Prerogative powers directly was, again, Tony Benn. He mentioned the right to wage war, but concentrated his criticism on the whole system of Royal Prerogative powers. He even introduced his own draft bill, the Commonwealth of Britain Bill, in which he, among other things, demanded the Government "to make the basing of foreign forces in Britain dependent upon the approval of the House of Commons" and "to end the constitutional status of the Crown and to

⁷⁹⁵ HC Deb 03 July 1991 vol. 194 cols 340–420; HC Deb 03 July 1991 vol. 194 col. 342.

⁷⁹⁶ The motion passed the ballot before entering to the House of Commons.

make certain consequential provision; to abolish the House of Lords and the Privy Council". With regard to war powers, he referred to events that occurred right after World War II: it was at that time when the Government of the day allowed troops from the United States to set up permanent bases to Britain. This decision to let the US troops to establish permanent bases was made under the Royal Prerogative. Parliament, on the other hand, was told that the troops were in Britain only for training purposes.⁷⁹⁷ Thus he had now started to directly attack the Crown's position and thereby the Royal Prerogative powers since they were related to the Crown's function in the political system. The context of the Gulf Crisis had not been considered a suitable moment for debating such changes, but that had now changed with Kirkwood's motion. Instead of abolishing the Royal Prerogative, Benn intended to replace the whole existing parliamentary system and make the House of Commons the supreme organ in many respects. Benn did not receive any broader support for his attempt, but the debate continued after his contribution, and the Royal Prerogative was brought up again. Ivor Stanbrook (Con, Orpington) criticised Benn's proposals and reminded the House about the rights of the US Congress, which often caused problems in decision-making.⁷⁹⁸ Again the United States was serving as a standard of comparison for constitutional reform in Britain.

The parliamentary discussion after 1991 was mostly concerned with the need to create more effective accountability in the British parliamentary system, and this also included the need to examine the Royal Prerogative.⁷⁹⁹ Outside the parliamentary chamber, Jack Straw, an Opposition Labour MP and the future Foreign Secretary, proposed in 1994 that the Royal Prerogative should be abolished altogether.⁸⁰⁰

In the 1990s, the Conservative Party was led by John Major, who was Prime Minister from 1990 to 1997. His foreign policy mainly followed the lines of his predecessor Margaret Thatcher except for his position on Europe, which was more constructive than her policy had been: Major believed that British interests demanded sensible co-operation with Europe.⁸⁰¹ Furthermore, Thatcher's Euro-critical position had encouraged the Labour party since the electorate was more pro-Europe than Thatcher, and Labour was strongly so in 1991.⁸⁰² With regard to the use of armed forces abroad, Major had been a resolute leader during the Gulf War. The crisis in Yugoslavia, for its part, did not lead to major military operations in the Balkans, although British peacekeepers were deployed to the area, and Major showed some interest in sending combat troops to the area.⁸⁰³

⁷⁹⁷ HC Deb 17 May 1991 vol. 191 cols 549–556, col. 561.

⁷⁹⁸ HC Deb 17 May 1991 vol. 191 col. 561.

⁷⁹⁹ See, for example, HC Deb 31 March 1994 vol. 240 cols 1123–26.

⁸⁰⁰ Straw, "Abolish The Royal Prerogative", 125–129.

⁸⁰¹ Hennessy, *The Prime Minister*, 455–456; John Major: *The Autobiography* (London: HarperCollinsPublishers, 1999, 2000), 265.

⁸⁰² Vickers, *The Labour Party and the World* vol. 2, 137.

⁸⁰³ Peter Hennessy, *The Prime Minister*, 443.

This “unwaged” war needs some closer attention in order to illuminate the role of Parliament in a situation in which Britain decided not to go war. The crisis, the Bosnian War, lasted from 1992 to 1995 and ended with the intervention by NATO forces after the massacre at Srebrenica. The fact that the crisis occurred in Europe meant that it could potentially have a serious broader effect on the whole region. There were also ethnic cleansing operations going on. A few years earlier, the British response to the invasion of Kuwait saw critical comments about the atrocities the Iraqi forces were committing, and the Iraqi actions as a whole were condemned. The fact that the Iraqi troops had used weapons of mass destruction against their own citizens and Iranian troops in the 1980s was still fresh in people’s memory. The situation in Bosnia had some similar features, but in this case the crisis was occurring in a mountainous area between several different states, meaning that any effective military intervention could require a massive concentration of troops for a long period of time. Furthermore, the Yugoslavian area had lost its strategic importance at the end of the Cold War, and the United States feared that participation in the crisis would start to bring back somewhat unpalatable memories of the Lebanon War of 1982. Some plans were made in the United States and Britain to intervene in the crisis but the allies failed to arrive at a common understanding.⁸⁰⁴

Brendan Simms has written an account of British policy on the Bosnian War, in which he also studied the role of Parliament using parliamentary debates as his source material. It is worth noting that the British Government chose not to propose any military intervention, and that this stance was reflected in the discussions in Parliament as well, although Britain did send a peace-keeping force to the area in 1992. In fact, Prime Minister John Major practically excluded the crisis from the parliamentary agenda, and the issue was debated only infrequently, unlike the Gulf Crisis of 1990–1991. Parliament tried not to challenge this position.⁸⁰⁵ During the whole crisis, there was only one division in November 1992, which highlighted the fact that the issue did not arouse much interest: the division produced a Government victory with 166 votes against 37, but only 206 MPs out of over 600 participated. There was no strong interest in keeping the crisis under the attention of Parliament. In fact, the Liberal Democrats were only ones to demand a greater effort to halt the crisis and put an end to the atrocities, but they did not try to demand a military intervention.⁸⁰⁶

There were fears that a war might prove to be too difficult and long-lasting, and there was a strong anti-American sentiment even among the Conservatives since the USA showed some interest in intervening. In the parliamentary debates, the MPs also displayed a rather low level of knowledge of the crisis and its history and participants. In fact, Simms argues that there were constant references to World War II because Croatia had been an ally of Nazi Ger-

⁸⁰⁴ Simms, *Unfinest Hour*, 53–56.

⁸⁰⁵ Simms, *Unfinest Hour*, 274.

⁸⁰⁶ Simms, *Unfinest Hour*, 275–278, 295–296.

many.⁸⁰⁷ The Bosnian War produced a short discussion on the role of Parliament when Tony Benn indirectly criticized the Royal Prerogative in 1995 in connection with the war. Benn, who opposed the military intervention, commented in the House of Commons:

What can we do in the House? We have absolutely no power in the matter. In sending troops, the Prime Minister used the Royal Prerogative of war making. We have no vote on that, for he is not consulting the House today. This is a prerogative power that successive Prime Ministers have used to commit our forces to what may be conflicts abroad. We can debate the matter, like the media, and at the end a sort of Jeremy Paxman will bring the debate to a conclusion; or we can express a view in the Lobbies.⁸⁰⁸

Benn thus considered a vote as the proper way to express Parliament's view rather than just debating the issue. Benn went on to emphasize that he did not intend to give "a blank cheque" to the Government and threatened to divide the House if "the opportunity presents itself".⁸⁰⁹ The debate had come about through a recall in May 1995 after NATO launched airstrikes against Serbian forces. As a counter measure, the Serbs took UN soldiers – including British servicemen – as hostages, and Britain responded by sending 6000 more troops to the area.⁸¹⁰ It is interesting that Benn critically commented on the nature of Parliament's procedures and considered a parliamentary division to be the only real way of exerting an influence instead of just debating. As a whole, the House of Commons was strongly divided on whether there should be a military intervention or not.⁸¹¹

All in all, the foreign and defence policy of the 1990s was much less ideologically influenced than in the 1980s, when the two main parties had been clearly divided over foreign policy; no similar rift was present in the 1990s.⁸¹² With regard to policies on constitutional reform, Rodney Brazier argues that both the Labour and the Conservative Parties had an almost bipartisan approach. This consensual attitude lasted until in the end of the 1980s in the Labour party, although there had been some internal dissent over the party's policies.⁸¹³ On the other hand, the position of the two largest parties towards changes to the right to use military force differed. As was stated in the previous chapter, there had been a growing tendency to question the current constitutional situation as a whole at the end of the 1970s, and the question of the Royal Prerogative was also raised by certain individuals, most notably Tony Benn of the Labour Party. The Liberal Democrats had stressed their keenness to introduce a written constitution for Britain with a stronger Parliament, and the La-

⁸⁰⁷ Simms, *Unfinest Hour*, 274–292.

⁸⁰⁸ HC Deb 31 May 1995 vol. 260 cols 1021–1022.

⁸⁰⁹ HC Deb 31 May 1995 vol. 260 col. 1022.

⁸¹⁰ Julian Borger, Ian Black, Patrick Wintour and John Mullin: "Major pledges 6,000 more Bosnia troops" *The Guardian*, 29 May 1995, p. 1.

⁸¹¹ Michael White: "Britain debates aim of intervention as: War divides parties and unites old political foes" *The Guardian*, 31 May 1995, p. 8.

⁸¹² Vickers, *The Labour Party and the World* vol. 2, 148–149.

⁸¹³ Brazier, *Constitutional Reform*, 39–40.

bour Party had also adopted a more radical stance on the British political system.

In the early 1990s, the Liberal Democrats' position on the exercise of foreign policy showed little that was new; the party remained committed to Europe and free trade, and supported enhancing the role of the UN and its peace-keeping efforts. Paddy Ashdown, the party leader, was also ready to accept changes in the membership of the UN Security Council such as reducing the number of seats held by European countries to one in order to give permanent membership to countries coming from new parts of the world.⁸¹⁴ The commitment to Europe continued to be most strong among the Liberal Democrats. This was visible especially in their stance on a single European currency.⁸¹⁵

The general election in 1997 produced a landslide victory for the Labour Party and resulted in major changes in the way Britain conducted its foreign policy. The new Prime Minister, Tony Blair, had stressed the idea of strengthening Britain's position in the world in 1997, and at least certain changes in this respect did occur, although above all Britain continued to stress the importance of its special relationship with the United States. The main change occurred in Britain's attitude to Europe. According to McCourt, Blair's government succeeded in moving Britain closer to the heart of Europe and making Britain a strong player in the European Union – a clear step in a different direction from the Conservative years of resistance to European integration.⁸¹⁶

However, what was most important in connection with the studied conflicts was the way Tony Blair used war in the conduct of foreign policy. Blair engaged in five military conflicts during his time as Prime Minister; together with the United States, British forces bombed Iraq in December 1998 because of its breaches of the United Nations Security Council's resolutions. Britain also waged a war in Kosovo together with NATO in 1999, and in 2000 Britain intervened in the civil war in Sierra Leone. In 2001, the New York terrorist attacks led Britain to wage another war in Afghanistan. To an outside observer, British foreign policy after 1997 seems to have been rather bellicose. The key question is: What kind of ideology lay behind the Government's actions? The answer can be found in the first year of Labour's term in office. The so-called "ethical dimension" of foreign policy that the Labour Government introduced into the British political vocabulary has been broadly studied.⁸¹⁷ In the end, however, the exercise of foreign policy was just one aspect of the Labour party's way of leading the country, albeit an important one.

⁸¹⁴ Michael White: "Lib Dems unveil vision of new world order with stronger UN" *The Guardian*, 30 Jan 1992, p. 2.

⁸¹⁵ Patrick Wintour: "From sow stalls and deckchairs to vetoes and voting, manifestos differ sharply" *The Guardian*, 24 May 1994, p. 6.

⁸¹⁶ David McCourt, "The New Labour Governments and Britain's Role in the World" in *British Foreign Policy. The New Labour Years*, eds. Oliver Daddow and Jamie Gaskarth (Houndmills and New York: Palgrave Macmillan, 2011), 31–40.

⁸¹⁷ See, for example, Tara McCormack, "From 'Ethical Foreign policy' to National Security Strategy: Exporting Domestic Incoherence" in *British Foreign Policy. The New Labour Years*, eds. Oliver Daddow and Jamie Gaskarth (Houndmills and New York: Palgrave Macmillan, 2011), 103–122.

However, the most influential policy change occurred elsewhere. According to Vernon Bogdanor, the Labour Government adopted the most radical programme of constitutional reform since the previous major parliamentary reforms in 1832 and 1911. These changes included, among many other reforms, the devolution of power to Scotland, Wales and Northern Ireland and the reformation of membership of the House of Lords in addition to the enactment of the Human Rights Act.⁸¹⁸ In the 1990s Labour's new constitutional approach took the party closer to the Liberal Democrats, and in 1996 these two parties embarked on a joint effort to find a common position on a policy of constitutional reform, which resulted in the establishment of the Joint Consultative Committee on Constitutional Reform. The committee produced a report that was to provide the base on which the New Labour government's constitutional policies were founded.⁸¹⁹ In the Labour Party's 1997 election manifesto, a review of the Royal Prerogative, proposed in Labour's manifesto in 1989, was rejected, and hence the issue was not on the party's main political agenda.⁸²⁰ The reform of Parliament to provide better and more efficient scrutiny and legislation was nevertheless a broadly discussed matter. In 1997 the Government set up a Select Committee on the Modernisation of the House of Commons to consider how practices and procedures of the House should be modernized. As a result, changes such as programming the passage of legislation and greater pre-legislative scrutiny were made "on an experimental basis". The rights to exercise foreign and defence policies were, however, not examined in this context.⁸²¹

In 1995, the role of Parliament when the country was on the brink of going to war in connection with the Bosnian Civil War was briefly touched on by Graham Allen, a Labour MP behind many other reformist ideas.⁸²² Allan's speech was connected with his pamphlet "Reinventing Democracy"⁸²³, and in fact the Government's representative, Mr. John Horam, who was the Parliamentary Secretary of the Office of Public Service and Science, made several references to the pamphlet in his reply, in which he did not see any problem with the current political system. He argued:

Parliament's power is unlimited. We can take whatever power we want. That is the prerogative of the House. It is what parliamentary sovereignty is all about. We can

⁸¹⁸ Vernon Bogdanor, "Constitutional Reform" in *The Blair Effect. The Blair Government 1997–2001*, ed. Anthony Seldon (London: Little, Brown and Company, 2001), 139, 142–144.

⁸¹⁹ Brazier, *Constitutional Reform*, 44–45.

⁸²⁰ Brazier, *Constitutional Reform*, 52; The Labour Party had discussed the issue in a document titled "A New Agenda for Democracy". This unpublished document was inaccessible despite contacting the People's Museum in Manchester and vigorous searches in different library archives. The relevant issues were cited by Jack Straw in his text. "Abolish the royal prerogative", 126–128; The Labour Party: *New Labour because Britain deserves better* (London: Labour party, 1997), Chapter: "We will clean up the politics".

⁸²¹ Philip Norton, "Parliament" in *The Blair Effect. The Blair Government 1997–2001*, ed. Anthony Seldon (London: Little, Brown and Company, 1997), 45–47.

⁸²² HC Deb 10 May 1995 vol. 259 cols 722–8.

⁸²³ Graham Allen, "Reinventing democracy" *RSA Journal*, Vol. 142, Iss. 5448 (1994): 33–40.

enforce such measures, as far as our writ runs. It is true that small items of the prerogative still exist, but they are subject to the overriding power of Parliament, which we can exercise at any time.⁸²⁴

Horam's point was clear: Parliament had the supreme power in Britain since it had the right to take all the power it wanted to have. Because of this fundamental right, there was no need to examine particular Royal Prerogative powers since Parliament always held the overriding power. This interpretation was the Government's call for a passive attitude: since Parliament had the prerogative of power, it was already in the position which it wanted, at least in Graham Allen's terms, to be in. In addition to the contributions of these individuals from the Labour Party and the Liberal Democrats, there was a broader discussion about the need to reform the existing political system. On 20 February 1997, the Labour Party even debated the constitution during Opposition Day, a day set apart for the Opposition to determine the main topic for debating. In this debate, Tony Blair, the Leader of the Opposition, presented Labour's aims to reform the constitutional system. Tony Newton, the Lord President of the Council and Leader of the House of Commons, forced Blair to accept the convention that constitutional measures had to be dealt in "the Committee of the whole House, on the Floor".⁸²⁵ Labour's agenda in 1997 pledged to reform the constitutional system, but the question of whether this would include the Royal Prerogative, especially those powers relating to the right to send forces abroad or to authorize the use of force, remained open. In this respect, the 1990s provided, in addition to the Gulf Crisis, further opportunities to examine the role of Parliament and the discussion related to this. However, the phase in which the Labour Party set out its constitutional programme did not deal with the Royal Prerogative: for example the debate on 20 February 1997 did not include discussions about the powers related to the armed forces and their use. It is important to understand that this was a different line from the one Labour had declared in 1989, when the reform of the Royal Prerogative was included to the election manifesto, and hence a mandate from the electorate was sought to implement this reform. In 1999, in the middle of the Kosovo War, Tony Benn introduced a motion for the Crown Prerogatives (Parliamentary Control) Bill, but the bill was not debated; the records do not contain a reference to the first reading (which required no debate), but they refer to a second reading. However, no date was assigned for the debate, meaning that the second reading might have been left undebated. Benn argued that the motion had all-party support. If approved, the bill would have placed, among other Royal Prerogative powers, the right to declare war and the use of the armed forces in an armed conflict under parliamentary control.⁸²⁶ That was Benn's last attempt to change the legislation on the Royal Prerogative, since he retired from the House in June 2001.

⁸²⁴ HC Deb 10 May 1995 vol. 259 cols 722–8.

⁸²⁵ Tony Blair and John Newton HC Deb 20 February 1997 vol. 290 col. 1075.

⁸²⁶ HC Deb 13 May 1999 vol. 331 col. 500; HC Deb 23 July 1999 vol. 335 col. 1545; The House of Commons Select Committee on Public Administration. Session 2003–04. Fourth Report. Taming the Prerogative, Appendix 1: "The draft bill", 31.

Before moving on to examine the Iraq War, attention should be paid to the war in Afghanistan in order to see whether it had any influence on the discussions about the role of Parliament. Britain participated in the war in Afghanistan, which began on 8 October 2001, a month after the September 11 terrorist attacks on the United States. From Parliament's perspective, there was little parliamentary participation in the decision to go to war in Afghanistan. After the attacks, talk about war against the Taliban regime in Afghanistan began and quickly intensified, with the British Cabinet convening frequently while Parliament was in recess; during this extended period the pressure for the need to have a broader democratic role for Parliament increased.⁸²⁷

On 4 October, Prime Minister Tony Blair recalled the House of Commons from its recess, for the second time since the attacks on the United States. The debate was intended to provide an opportunity for the Government to present its current view, which involved the identification of Afghanistan as the source of the terrorist attacks and talks about the formation of a coalition against terrorism. There was no vote at the end of debate, and the participants who were called to speak were mainly the party leaders from the Conservatives and the Liberal Democrats. The debate's mood was supportive. It was apparent that the Members of Parliament were expecting military action, but the Prime Minister presented only a rather short briefing about what was happening at the time.⁸²⁸ On 8 October, the House of Commons convened again to learn about the war. Before the debate, Paul Marsden (Lab, Shrewsbury and Atcham) asked the Speaker about a vote and voiced his dissatisfaction with a third parliamentary recall that was again carried out without a chance to vote. Marsden proposed an adjournment vote if it was not possible to have a vote on a substantive motion. The Speaker turned down his request.⁸²⁹ In the actual debate, such critical comments were generally absent, and the Members mostly expressed their support for the troops in combat; the only comment relating to Parliament's role was again made by Paul Marsden, who asked Blair when Britain would be given a written constitution that would require parliamentary authorization for the declaration of war. Here, Marsden was referring to a speech delivered by Blair some time previously at a party conference. Blair avoided the question, stating that the written constitution "is a topic for another day".⁸³⁰

The Afghanistan War provided a somewhat worrying experience for Members like Marsden, since the decision to go to war in Afghanistan was carried out without even an adjournment vote. It began to look as if Parliament was playing a rather small role in decisions relating to the deployment of troops and to the use of force. This interpretation had already been substantiated in

⁸²⁷ Editorial: "Recall parliament: War is being debated everywhere but there" *The Guardian*, 24 Sept 2001, p. 19.

⁸²⁸ Tony Blair, Iain Duncan Smith and Charles Kennedy HC Deb 04 October 2001 vol. 372 cols 671-88.

⁸²⁹ HC Deb 08 October 2001 vol. 372 col. 829.

⁸³⁰ Paul Marsden and Tony Blair HC Deb 08 October 2001 vol. 372 col. 823; Vikram Dodd: "Model of meritocracy that Britain could learn from: America" *The Guardian*, 3 Oct 2001, p. 3.

connection with the previous, smaller military confrontations in which Britain had participated.

Such was the case with the Kosovo War in 1999, when the executive used its powers without parliamentary approval. This had caused some criticism since in the aftermath of that war the Foreign Affairs Committee had even made a recommendation that “the Government should table a substantive motion in the House of Commons at the earliest opportunity after the commitment of troops to armed conflict allowing the House to express its view, and allowing members to table amendments”.⁸³¹ Tam Dalyell (Lab, Linlithgow) later asked the Government whether it would follow the recommendation of the committee and strengthen Parliament’s role, but his question was rejected. Nevertheless, the Parliamentary Secretary to the Privy Council Office, Paddy Tipping (Lab.) stated that he understood the sentiment of Parliament. He confirmed to the House that there existed a cross-party view in the House about this issue, but he emphasized that the Government had given sufficient opportunities for the Members to discuss the war in Kosovo.⁸³² This statement was the first time when a representative of the Government acknowledged that there existed in the House all-party support calling for a motion to strengthen Parliament, but he emphasized that a stronger parliamentary role was not the practice of the House.

The bombing in Iraq in 1998, a few months before the war in Kosovo, provides another glimpse of Parliament’s role. The bombing operation called “Desert Fox” was carried out in December 1998 without a debate or a motion in the Commons, although the House had a chance to vote on a motion giving the Government the right to use all means necessary to implement the UN Security Council resolutions imposed on Iraq in February 1998, ten months earlier. There was now a mandate from the Security Council authorizing the use of force.⁸³³ In relation to this short conflict in Iraq, Tam Dalyell had tried to curtail the ministerial authority to wage war specifically against Iraq but his bill was not able to reach its second reading. This matter led to a question if the Queen’s prerogative power to give her assent to legislation should be reduced.⁸³⁴ Generally, it was still the ministerial executive prerogatives that were challenged.

To conclude, before the Iraq War there existed clear views about the need to reform the role of Parliament with regard to the deployment of troops and the use of military force. These views were a result of the experiences of 1998 and 1999. This discussion conducted in connection with the armed conflicts that Britain had participated in had a history preceding the Gulf Crisis. There were

⁸³¹ The House of Commons Foreign Affairs Committee, Session 1999–2000. Fourth Report. Kosovo. Report and Proceedings of the Committee. Ordered by The House of Commons to be printed 7 June 2000. HC 28-I, para. 166, accessed 19 Aug 2013, <http://www.publications.parliament.uk/pa/cm199900/cmselect/cmcaff/28/2802.htm>.

⁸³² HC Deb 25 July 2000 vol. 354 cols 899–900.

⁸³³ The division ended with 493 supporting the Government and 25 voting against. HC Deb 17 February 1998 vol. 306 cols 899–990.

⁸³⁴ Tam Dalyell HC Deb 26 January 1999 vol 324 cols. 146–7; Tam Dalyell HC Deb 16 April 1999 vol 329 col. 541.

also actual efforts to reform the system, but these efforts were made during peacetime. They were few and far between, but there was a general discussion about the state of the political system and the whole constitution. Henceforth, our attention will focus on the Iraq War and its impact on the future role of Parliament.

6 THE IRAQ WAR 2002–2003: THE MAIN EMPHASIS SHIFTS TO THE ROLE OF PARLIAMENT

6.1 The background of the conflict

If, in the other two conflicts examined here, the role of Parliament was more or less only briefly discussed, the Iraq War provides a context in which the Parliament's share in decision-making was one of the main topics of the whole political process that eventually led to war in 2003. It was neither a question of making the Government accountable for its actions after the decisions were made nor solely a question of the importance of international authorization. After the experiences of 1998–1999 and the conflicts in Iraq and Kosovo, the major issue in 2002–2003 was whether Parliament would have the right to vote. It was a topic that was debated and discussed throughout the process, with only little reference to the role of the UN Security Council's decisions. In 2002–2003, the parliamentary process was about the right to decide before the use of force: basically, it was about Parliament being at the centre as the source of legitimization and the maker of the final decision. Now, after a brief history of the historical events related to the conflict, our attention will be paid to the parliamentary process and events in the legislature.

The background of the Iraq War goes back to the Gulf Crisis of 1990–1991: the war waged in 1991 had brought about no change in the Iraqi regime. This regime, led by President Saddam Hussein and his ruling Ba'ath party, had been left in place by the Coalition forces, although there had been options available for a regime change in Iraq. Soon after the end of the war, the regime was challenged by Shia groups in southern Iraq and by the Kurd population in the north of the country, and revolts broke out in spring 1991 after President George H.W. Bush, in February that year, had publicly called for an internal regime change in Iraq.⁸³⁵ The rebels interpreted Bush's speech as containing a promise of direct

⁸³⁵ Anon./President George H.W. Bush: "Excerpts From 2 Statements by Bush on Iraq's Proposal for Ending Conflict" *New York Times*, 16 Feb 1991, p. 5.

support for the uprisings, but this support failed to materialize. In fact, owing to the lack of international help, the Shia revolt was violently suppressed by the regime and the Kurds also declared a ceasefire after the Shia uprising was crushed.⁸³⁶ In July 1991, Saddam Hussein publically represented himself as the victor of the Gulf War despite the failed occupation of Kuwait. John Keegan argues that this sort of speaking derived from the Arabic rhetorical culture, but it was also an attempt to put the situation in the best light available. The Security Council had not demanded the removal of Saddam Hussein from the leadership of the country, and Iraq's independence had been conserved. Thus for Saddam Hussein, the situation provided enough evidence to be interpreted as a triumph both for himself and for the Iraqi people.⁸³⁷ However, although the behaviour of Saddam Hussein was broadly considered to be problematic and even threatening to the area's future security, international attention was focused on other matters.

At the beginning of the Gulf Crisis, the United Nations Security Council had placed economic sanctions on Iraq through Resolution 661, adopted in August 1990. This resolution called for a full trade embargo if Iraq refused to comply and withdraw from Kuwait. After the Gulf War ended in February 1991, the Security Council adopted Resolution 687 in April 1991. This new resolution reaffirmed the previous resolutions the Security Council had issued in connection with the Iraqi invasion of Kuwait and demanded the full decommissioning of Iraq's weapons of mass destruction: the Security Council's key aim was to make sure that the invasion of Kuwait could not occur again.⁸³⁸ The attention given to the weapons of mass destruction was a result of the established fact that Saddam Hussein's regime had used chemical weapons on several occasions during the 1980s. After the invasion of Kuwait, the country's weapons of mass destruction were considered to be a menace to the area since Saddam had also threatened to use them during the Gulf Crisis. This disarmament was required if Iraq wanted the economic sanctions to be lifted, and that meant close collaboration with the United Nations weapons inspectors.⁸³⁹ A general consensus that Iraq should be disarmed would provide the critical political context for any international action against that country.

In the 1990s, the UN sought the disarmament of Iraq of its weapons of mass destruction through its special organization, the United Nations Special Commission (UNSCOM). Later, in 1999, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) was established to deal with the disarmament process. The United Nations Security Council had prohibited

⁸³⁶ Khadduri and Ghareeb, *War in the Gulf 1990-91*, 189-207; John Keegan: *Iraq War. The Military Offensive, from Victory in 21 Days to the Insurgent Aftermath* (Westminster, MD: Knopf Publishing Group, 2005), 82-83.

⁸³⁷ Keegan, *Iraq War*, 84-85.

⁸³⁸ Tripp, *A History of Iraq*, 250.

⁸³⁹ "The United Nations Security Council Resolution 661", accessed 19 Aug 2013, <http://www.un.org/en/sc/documents/resolutions/1990.shtml> -> S/RES/661 (1990); "The United Nations Security Council Resolution 687", accessed 19 Aug 2013, <http://www.un.org/en/sc/documents/resolutions/1991.shtml> -> S/RES/687 (1991).

Iraq from owning or reacquiring weapons of mass destruction (WMD) after the Gulf War in 1991 and used these organizations to monitor Iraq's activities in the following years. During the 1990s, Iraqi reaction to the Security Council's constraints saw times of both non-compliance and compliance. For a period of seven years, UNSCOM investigated Iraq's armament projects with little help from the Iraqi regime and left the country in 1998, which effectually ended the disarmament process. The reason for the inspectors leaving the country was Iraq's clear refusal to facilitate their work. In fact, Saddam Hussein sought to retain some of Iraq's weapons or at least to intimate that Iraq was still in position of weapons in order to demonstrate that it was still a force to be reckoned with in the Middle East – something that was important for the area's own political culture. What Iraq's behaviour meant was that it was not complying with the resolutions the UNSC had placed on it before and after the Gulf War and was in fact in breach of them. The refusal to co-operate with the weapons inspectors later led to the bombing of Iraq in December 1998 in an operation called Desert Fox. This bombing was mainly carried out by the United States, but Britain also took part in the operation.⁸⁴⁰ The role of the British Parliament in this crisis is discussed in Section 6.7, where it is argued that the role of Parliament was limited. This received criticism from the Labour Party's left wing, one member of whom proposed a bill to place the further use of armed forces against Iraq under parliamentary control.

In the period 1998–2002, the disarmament of Iraq saw no developments since the weapons inspectors had left the country. From the British point of view, the key changes were those that took place within the political elite of the United States. Iraq's misbehaviour with regard to the Security Council resolutions had increased anger especially in the USA since Iraq was becoming one of the key oil producers in the world, a position which allowed it to flout the Security Council's injunctions. Right-wing politicians in the United States were able to pass the Iraq Liberation Act of 1998 in the US Congress, calling for support for movements trying to bring about a regime change in Iraq.⁸⁴¹

The international political context changed suddenly in 2001. The terrorist attacks in the United States on 11 September led to a major re-evaluation of the Iraqi threat in Washington, a year after George W. Bush became President. The Taliban regime in Afghanistan was quickly found to be linked to the al-Qaida terrorist network and was suspected of being a safe haven for al-Qaida and its leaders. The regime refused to arrest the al-Qaida leader, Osama bin Laden, the man suspected of being behind the September 11 terrorist attacks. In October 2001, the Coalition countries launched an attack against Afghanistan's regime. Led, and mostly manned by the United States, the attack was successful. In October, Kabul, the capital city, was in the hands of the Coalition. The last Taliban strongholds were taken in December 2001.⁸⁴² For the United States, the fall of

⁸⁴⁰ Tripp, *A History of Iraq*, 251–254.

⁸⁴¹ Tripp, *A History of Iraq*, 268–270.

⁸⁴² James Meek, Luke Harding & Ewen MacAskill: "Northern Alliance takes control of Kabul as Taliban troops flee" *The Guardian*, 13 Nov 2001, p. 5.

the Taliban regime was not the end since the aim was to reduce the threat of international terrorism worldwide. Soon discussions began concerning Iraq and its potential threat: it was suspected of financing and arming international terrorism. It is difficult to speak about the British decision to go to war against Iraq in 2003 without making reference to President George W. Bush and his administration. After the rapid and successful war in Afghanistan, Bush publicly used the phrase “axis of evil” in January 2002 to describe countries which had connections with international terrorism, and Iraq was named as one of these countries. Bush accused them of helping terrorist organizations and of trying to arm them with weapons of mass destruction (WMDs). Bush further declared his fear that these countries could also help to proliferate WMDs to terrorist organizations like al-Qaida, the organization behind the 9/11 attacks.⁸⁴³ Iraq was now placed in the spotlight.

President Bush made a case against Iraq at a meeting of the UN General Assembly on 12 September 2002 and began his efforts to gain support and allies against Iraq’s regime. One of his aims was to obtain a new resolution from the Security Council. In the United States, this new resolution was expected to state that Iraq was in breach of the previous resolutions the Security Council had issued and that it would authorize the use of force against Iraq in order to implement those resolutions.⁸⁴⁴ However, this hope was vain since the draft resolution the United States proposed was unacceptable to many members of the Security Council. In October 2002, the re-drafting of the resolution continued, and in the end the Security Council passed Resolution 1441 on 8 November 2002. This resolution called for new weapons inspections to be carried out during a period of 30 days and stated that this was the final opportunity for Iraq to comply. It also called for a new meeting of the Security Council when the inspection team presented its report.⁸⁴⁵

Although the Iraqi threat was not considered by many members of the Security Council to be especially serious or dangerous, it was generally agreed that something should be done about Iraq in order to maintain the credibility of the Security Council. Resolution 1441 specifically called for the implementation of the previous resolutions related to Iraq and emphasized that now was the final opportunity for Iraq to comply.⁸⁴⁶ When the weapons inspections began, the United States had already made plans to deploy its forces against Iraq. In fact, the US leaders had ordered the military to revise its plans for an invasion

⁸⁴³ Rick Fawn, “The Iraq War: Unfolding and Unfinished” in *The Iraq War. Causes and Consequences*, ed. Rick Fawn and Raymond Hinnebusch (Boulder & London: Lynne Rienner Publishers, 2006), 2; George W. Bush: “State of the Union Address (excerpt), 29 January 2001” In *The Iraq Papers*, eds John Ehrenberg, J. Patrice McSherry, José Ramón Sánchez & Caroleen Marji Sayej (New York: Oxford University Press, 2010), 59–61.

⁸⁴⁴ Ian Williams, “The role of the United Nations” in *The Iraq War. Causes and Consequences*, eds Rick Fawn and Raymond Hinnebusch (Boulder & London: Lynne Rienner Publishers, 2006), 257–259.

⁸⁴⁵ “The United Nations Security Council Resolution 1441”, 1–5, accessed 7 March 2013, <http://www.un.org/en/sc/documents/resolutions/2002.shtml> -> S/RES/1441 (2002).

⁸⁴⁶ Ibid.

of Iraq, and a regime change in Baghdad was already deliberated in autumn 2001. The final decision to deploy forces to the Middle East was made in December 2002, and the same measure was taken in Britain as well.⁸⁴⁷

For Britain, the activity of the United States created a challenging situation since the US administration even at this early stage was seeking support from its major European ally. It is believed that Blair had already privately committed Britain to the military operation in talks with President Bush at the beginning of 2002. Later these talks were continued in official contexts, and they included the idea of a “regime change” in Iraq – the overthrowing of the Iraqi leader Saddam Hussein.⁸⁴⁸ In July 2002, it was apparent to the British authorities that Bush had already made up his mind on Iraq and a war seemed inevitable. The so-called “Downing Street Memo”, made public in 2005, showed that the key figures in the British Cabinet were sympathetic towards the US policy on Iraq, including its preference for the use of force in order to implement a regime change. It seemed that Prime Minister Tony Blair was already showing support for a war and that he was ready to commit British troops to the operation. In fact, in the meeting which the memorandum records, the Defence Secretary Geoff Hoon advised Blair that he should make the decision about the British commitment as soon as possible. The legal mandate for bringing about a regime change, the clearly desired outcome of the operation for the United States, was also discussed.⁸⁴⁹

There were several reasons for the British Government deciding to enforce the disarmament of Iraq with “all means necessary”. First of all, Britain was seeking a role in world politics. Steven Kettell argues that Blair took an aggressive stance in foreign affairs after Kosovo, when he saw that military interventions carried out for humanitarian ends could work. Kettell also argues that Blair regarded war as a means to bring democracy, freedom and other Western values to other parts of the world.⁸⁵⁰ The scholar Christopher Hill points out the extraordinary basis of Blair’s foreign policy, about which Blair had theorized in a way that was not customary for British Prime Ministers – for example, he had spoken about acting against tyrants even before the Kosovo crisis of 1999.⁸⁵¹

⁸⁴⁷ Michael Gordon and Bernard Trainor: *Cobra II. The Inside Story of the Invasion and Occupation of Iraq* (London: Atlantic Books, 2007), 20–29, 82–83, 109.

⁸⁴⁸ Steven Kettell: *Dirty Politics? New labour, British democracy and the invasion of Iraq* (London and New York: Zed Books, 2006), 58–59; Letter of Ambassador Christopher Meyer to Sir David Manning, titled “Iraq and Afghanistan: Conversation with Paul Wolfowitz”, 18 March 2002 (The letter is part of the so-called “Downing Street Documents” that were leaked to Michael Smith. Smith published the documents, and Christopher Meyer has confirmed their authenticity), points 2–3, accessed 20 Aug 2013, <http://warisacrime.org/downloads/meyer020318.pdf>; Phythian, *The Labour Party, War and International Relations*, 141.

⁸⁴⁹ Philip Webster: “Britain backs US Plan for attack on Iraq” *The Times*, 17 July 2002, p. 4; Matthew Rycorft: “Iraq: Prime Minister’s meeting, 23 July (excerpt)” in *The Iraq Papers*, eds John Ehrenberg, J. Patrice McSherry, José Ramón Sánchez & Caroleen Marji Sayej (New York: Oxford University Press, 2010), 68–69.

⁸⁵⁰ Kettell, *Dirty Politics*, 24. Kettell also described it as “new imperialism”.

⁸⁵¹ Christopher Hill, “Putting the world to rights: Tony Blair’s foreign policy mission” in *The Blair Effect 2001–5*, eds Anthony Seldon and Dennis Kavanagh (Cambridge: Cambridge University Press, 2007), 386–387.

Blair was not alone with his views, and the “New Labour” ideology included aspects of a more global approach to world affairs. However, it is important to understand that the actual formation of the policy took place after the 1997 general election, when Robin Cook started his term as Foreign Secretary and called for the need to take a moral stand on issues such as the arms trade. This was a view that Blair was comfortable with,⁸⁵² and it was evident, for example, in the ideology that military interventions against other countries could be accepted for humanitarian and moral reasons – this stance was visible in previous conflicts in which Britain had participated during Blair’s premiership. With regard to the ideology and its implementation, it is also important to notice the way Blair contributed to a trend described as the “presidentialization” of the United Kingdom. This trend, the concentration of decision-making power in the person of the Prime Minister, had started during Margaret Thatcher’s premiership.⁸⁵³ Power was concentrated in the core of the executive, mainly the Cabinet, and within that in an even smaller group of people. It was also connected with communications: the Labour leadership’s aim was to keep strict control over the flow of information in the media, which meant that the dissemination of information outside the Government departments was directed by the Prime Minister’s Office. As a result, the role of Parliament suffered vis-à-vis the media, since the Government’s media management treated Parliament as just one forum rather than the primary one.⁸⁵⁴ Thus Britain was becoming to a great extent a prime-minister-led country, and its leader was clearly disposed to bring down the regime of Saddam Hussein.

It is also important to see the importance of the transatlantic relationship and the earlier British position on the disarmament of Iraq during the years 1990–2002. Tony Blair emphasized the importance of being the principle ally of the United States, a position that was later described as being too subordinate, whence Blair was disparagingly nicknamed “Bush’s poodle”.⁸⁵⁵ Robin Cook, an important member of Blair’s Cabinet who resigned from his office as Leader of the House of Commons in March 2003 in protest against the Government’s policy on Iraq, later described Blair as man who respected power, and President George W. Bush, in particular, had power.⁸⁵⁶

⁸⁵² Christopher Hill, “Foreign policy” in *The Blair Effect. The Blair Government 1997–2001*, ed. Anthony Seldon (London: Little, Brown & Company, 2001), 331–333.

⁸⁵³ Heffernan and Webb, “The British Prime Minister: Much More Than ‘First Among Equals’”, 26–29.

⁸⁵⁴ Mughan, *Media and the Presidentialization of Parliamentary Elections*, 129; Margaret Scammel, “The Media and Media Management” in *The Blair Effect. The Blair Government 1997–2001*, ed. Anthony Seldon (London: Little, Brown and Company, 1997), 510–511.

⁸⁵⁵ Lewis Baston and Simon Henig, “The Labour Party” in *The Blair Effect 2001–5*, eds Anthony Seldon and Dennis Kavanagh (Cambridge: Cambridge University Press, 2007), 115–116; Andrew Thorpe: *A History of the British Labour Party* (Basingstoke: Palgrave Macmillan, 2001), 233–236; Rosemary Hollis: “The United Kingdom: Fateful Decision, Divided Nation” in *The Iraq War. Causes and Consequences*, eds Rick Fawn and Raymond Hinnebusch (Boulder & London: Lynne Rienner Publishers, 2006), 39.

⁸⁵⁶ Robin Cook: *The Point of Departure* (London: Simon & Schuster, 2003), 104.

Ultimately, the threat posed by Iraq was publicly used as the key argument for Britain's participation in the disarmament process in 2002–2003. British intelligence worked closely with its counterpart in the United States and received information that emphasized the WMD capability that Iraq allegedly still possessed after the weapons inspections of the 1990s. The USA had received the information from the German intelligence service BND, which had interviewed an Iraqi chemical engineer who had escaped from Iraq in the 1990s.⁸⁵⁷ Such scraps of information were interpreted as a solid basis for the American case and later forwarded to the British Parliament and to the United Nations. There were some problems attached to the provenance of this information, as we shall see in the sections analyzing the parliamentary discussion. The significant British part in the Gulf War of 1991 and Britain's role in the UN-led efforts to achieve the disarmament of Iraq between 1991 and 1998 lay behind the British interest in participating in the Iraq operation in 2002–03. The question of Iraq had never disappeared altogether from parliamentary debates in the years 1999–2001. For example, the House of Commons discussed the Middle East situation in 2000 with regard to the potential threat posed by Iraq.⁸⁵⁸

As for other explanations for the British interest in joining the US effort to disarm Iraq, there have been some that referred to Blair's religious motives, but the main reasons for British involvement were unlikely to have been religious. Especially critics of the war have pointed to the economic motives and the role that Iraqi oil played – this point was also used by certain MPs when they argued against the Government's policy.⁸⁵⁹

Britain participated in the plan to undertake a military intervention if this should prove necessary in order to ensure the disarmament of Iraq. Closely connected with this plan was the idea of bringing about a regime change in Iraq, a goal that was advocated by the Prime Minister. The positions of the main political parties on the Government's Iraq policy differed; this was true of the Labour Party just as much as the Conservatives and the Liberal Democrats. The Iraq policy was going to be a difficult issue for Labour. In order to persuade the party to support his stance, Prime Minister Blair told his audience in the party conference in October 2002 that he was going to press for the implementation of the Security Council resolutions concerning Israel; this commitment was made without pre-preparation or discussions with other key figures of the Cabinet. UN authorization was the key factor for the Labour Party, and it supported this course. The implementation of the resolutions relating to Israel would satisfy those Labour MPs who impugning the Government of acting with double standards.⁸⁶⁰ The debates carried on during the autumn and winter showed that

⁸⁵⁷ In 2011 an Iraqi defector admitted that he had lied about Iraq's biological weapon programmes. He wanted to bring the regime down and gave information to the United States. Martin Chulov and Helen Pidd: "Defector admits to WMD lies that triggered Iraq war" *The Guardian*, 15 Feb 2011, p. n/a.

⁸⁵⁸ The House of Commons' debate on Britain's Strategic Interests on 7 June 2000. Iraq was not seen as a major threat at that time. HC Deb 07 June 2000 vol 351 cols 348–95.

⁸⁵⁹ See, for example, HC Deb 24 September 2002 vol 390 col. 82.

⁸⁶⁰ Pythian, *The Labour Party, War and International Relations*, 143.

the party as a whole was not ready to stand behind the Prime Minister. As for the other parties, the Conservative Party was prepared to support the Government's policy,⁸⁶¹ while the Liberal Democrats opposed it; this diversity of opinions was clearly evident in the parliamentary debates.

After the Security Council had issued Resolution 1441, the weapons inspections recommenced quite rapidly. In January, Hans Blix, the leader of the UNMOVIC team that was carrying out the inspections, reported their findings to the Security Council. Blix's key message was that nothing conclusive had been found, and he asked for more time for the inspectors to continue with their work. He described Iraq's co-operation as active. The weapons inspectors' message was contrary to the views of the United States, and this difference in views was underlined by Secretary of State Colin Powell in a speech delivered to the United Nations General Assembly on 5 February 2003, in which he put the case against Iraq. Resolution 1441 had demanded another meeting of the Security Council, a condition required by France, and in this meeting the United States and Britain pushed for a new resolution authorizing the use of force against Iraq because of its the material breach of the Security Council resolutions: Iraq was considered to possess forbidden weapons of mass destruction although a further report from the UNMOVIC team in February provided no conclusive evidence of such an Iraqi breach of the UN resolutions. In the end, it turned out that the United States and Britain lacked support for the new resolution, and no vote was taken. In order to avoid the procedural tool of moving the matter to the General Assembly owing to the deadlock situation, Britain withdrew the resolution.⁸⁶² However, "the Coalition", the group of countries that were willing to use force, was prepared to do so even without an international mandate: the aim was to execute a pre-emptive strike against the alleged threat that Iraq was posing to the Western world in particular. President Bush issued an ultimatum to Iraq on 17 March 2003, calling on Saddam Hussein to leave the country.⁸⁶³ In Britain, Parliament was given a chance to vote on the war on 18 March. Hostilities commenced on 20 March.

The war was a swift one in terms of the combat operations against Iraq's conventional forces. The demoralized Iraqi armed forces, whose resources and weapons were poor as a result of a decade of trade embargos, were quickly defeated. The British had supplied a division of ground forces in addition to units from the navy and the air force for the operation; this contribution was similar in amount to that in 1990, but in 2003 it represented a third of all the troops committed to the operation. The United States contributed much fewer troops than it had in 1990-1991, and of the other Coalition countries only Australia and Poland contributed small quantities of troops to the operation. The objective of the British troops was to capture Basra, the second largest city, located in south-

⁸⁶¹ Tim Bale: *The Conservative Party. From Thatcher to Cameron* (Cambridge: Polity, 2010), 172.

⁸⁶² Williams, "The role of the United Nations", 261-263.

⁸⁶³ Tripp, *A History of Iraq*, 274; George W. Bush, "Ultimatum to Iraq" 17 March 2003 in *The Iraq Papers*, eds John Ehrenberg, J. Patrice McSherry, José Ramón Sánchez and Caroleen Marji Sayej (New York: Oxford University Press, 2010), 110-112.

ern Iraq. On 9 April, Baghdad, the capital, was taken by the American forces, and the war effectively ended.⁸⁶⁴ However, the British presence in Iraq continued up to 2009, when the last troops were withdrawn. The Coalition forces then faced a broad insurgency and fighting between different religious and ethnic groups, and the commitment to Iraq was soon seen as vitiated by failures such as poor planning of the post-war situation.

In terms of the role of Parliament, the run-up to the war proved to be not only a potential presage of a stronger parliamentary role in connection with future combat operations, but it was also an event in which Parliament deliberated its role with regard to decision-making more broadly than before. Both chambers were included to the decision-making process on a similar basis, as had been the case in 1990, but in the House of Commons attention quickly focused on the question of whether the chamber would have the final say over the use of military force or not. It was a discussion fuelled by the visible international disagreement over the right to use force for the disarmament of Iraq, and the same lack of agreement was manifested to a great extent among the public in the United Kingdom. The reason for using force against Iraq was unclear to many, and this lack of a solid argument led to numerous parliamentary debates. In these debates, the Government tried not only to elucidate the developments on the diplomatic front but also to clarify its case before a suspicious House of Commons. The House of Lords also conducted debates about contemporary events. In the end, the question of legitimacy and its definitions, rules and practices emerged as the issue that redefined the role of Parliament.

All in all, the matter was broadly discussed in both chambers, but in many respects the parliamentary discussion was linked to the role of Parliament as the source of authority instead of the traditional procedure of the decisions being made by the Cabinet. From now on our attention will focus on the empirical findings, first by examining how the House of Commons became the source of legitimization for the use of force against Iraq.

6.2 Increasing discussion about Parliament as the source of legitimacy

In Britain, the role of Parliament in decision-making in the early stage of the crisis in September 2002 was rather limited and mainly consisted in both Houses receiving information from the Government about its policy on Iraq and the developments connected with that policy. However, during the autumn of 2002, that role began to change: Parliament's right to have a vote on the use of force was accepted by the Government, but the timing of the vote remained unsettled. In practice, the role of Parliament had been strengthened since it was now treated as the source of legitimacy for the use of military force. This section analyzes

⁸⁶⁴ Keegan, *Iraq War*, 166–203.

the parliamentary process that eventually led to the final vote on 18 March 2003, after which Britain was ready to go to war.

Unlike in the two previous cases of parliamentary discussion on large-scale military conflicts, it was not only the opportunities for Parliament to have a role in the actual decision-making process that were raised but also those of the Cabinet. The key figures in British foreign policy decision-making were already aware of a potential war against Iraq in July 2002. However, two issues emerged: first Blair's reluctance to give the Cabinet a chance to discuss the topic during the last days of the summer and then his similar reluctance to give Parliament a chance to debate it. The Cabinet level will be excluded from the following discussion because Cabinet-level decision-making would actually constitute an entirely different field of study. On the basis of this premise, the executive branch is considered here to have acted as a single unit vis-à-vis Parliament, meaning that the Cabinet and the Government will be treated as a one actor, although if the need arises and the sources permit, differing opinions within the executive branch – especially concerning the role of Parliament – will also be noted.

All in all, between the recall debate on 24 September 2002 and the vote on a substantive motion on 18 March 2003, the House of Commons debated the Iraq policy frequently. The debates on 24 September and 18 March were both full debates, and there were two other full debates and several statement debates as well. The lead-up to the Iraq War differed from the situations preceding the Falklands War and the Gulf Crisis in the number of divisions and especially the existence of opportunities to vote on a substantive motion before the use of force. The recall debate on 24 September was in the end a debate on an adjournment. The first full debate on a substantive motion was held on 25 November, when the House of Commons debated United Nations Security Council Resolution 1441. On 26 February 2003, the House of Commons had another full debate on a substantive motion, and the third and final vote on a substantive motion was held on 18 March. The two latter votes provided major opportunities to exert political influence with regard to Parliament's ability to influence the direction of foreign policy and take a stand on the use of military force. Nor did the Commons lack other chances to discuss, deliberate and question the Government's policy on Iraq: between 24 September and 18 March, the Government provided the Commons with ten statements.⁸⁶⁵ Between 14 and 23 February, the House of Commons was in recess.

The British MPs who advocated a stronger role for Parliament often referred to the rights of Congress in the United States. In 2002–2003 this again emerged as a central topic of debate. The U.S. Congress had already authorized the war against Iraq on 16 October 2002.⁸⁶⁶ This decision was closely connected

⁸⁶⁵ The statement debates were held on 7 November, 18 December, 7 January, 20 and 21 January, 3, 6, 13 and 25 February, and 17 March.

⁸⁶⁶ The U.S. Government Printing Office: "Authorization for Use of Military Force Against Iraq Resolution of 2002" 107th Congress Public Law 243, accessed 7 March 2013, <http://www.gpo.gov/fdsys/pkg/PLAW-107publ243/html/PLAW-107publ243.htm>; see also Antti Laurikainen: *Tavoitteena vapaa ja demokraattinen Irak. Irakin vastainen*

to one made in September 2001 authorizing the President to use military force against all those nations and organizations that were responsible for the September 11 terrorist attacks.⁸⁶⁷ Domestic support for the war against Iraq already existed in the United States, so the request for UN authorization was made mainly to serve British needs.

As with the previous cases, the right to use military force emerged as the yardstick by which the role of Parliament was defined. However, in the Iraq War, the use of force was not the only issue that was related to legitimacy since the discussion came to encompass the role of Parliament in the exercise of foreign policy more broadly, for example, with regard to the conduct of diplomacy and to the country's stance vis-à-vis the United Nations and this institution's influence on national decision-making. The reason for such a broader approach derived from the Government's apparently weak case against Iraq, which led to a need to emphasize the national level. The parliamentary criticism created pressure on the Government by emphasizing its weak case. If in 1990–1991 the arguments for strengthening the role of Parliament had mostly been put forward by left-wing MPs, the situation had now changed. In 2002–2003, those arguments were part of the mainstream parliamentary discourse used by both the Labour Party and the Liberal Democrats. Hence the discussion carried out in relation to Iraq in 2002–2003 featured strong parliamentary language which questioned not only the existing Royal Prerogative powers in relation to military combat operations abroad but also emphasized Parliament's right to be at the centre of the political process.

Moreover, it was the Labour Party which was in power, a party with a tradition of opposition to the use of military force and support for the UN alternative in preference to an aggressive, unilaterally exercised foreign policy. In fact in 2002–2003, the Labour Party dominated Parliament. It had an outright majority of 413 seats out of 659 elected Members, meaning that if united the party would be able to do what it wanted through plenary votes. The main Opposition party, the Conservatives, supported the disarmament of Iraq in general, but for the Prime Minister it was essential to get the decision passed by a Labour majority since, if he lacked the necessary support from his own party, his own standing and hence the right to continue as Prime Minister would be under question. In his study of Labour rebels, Philip Cowley, quotes an anonymous MP who described how the Labour whip lobbied for the Government before the final vote in March 2003: "Do you support regime change in Baghdad or Downing Street?" the whip asked the unknown MP.⁸⁶⁸ The relation between Blair and his party with regard to the policy on Iraq was uncertain, and this influenced the role of Parliament as a whole.

As was the case with the Gulf Crisis in 1990, Parliament was in recess when the international pressure on Iraq began to intensify. Parliament had been

lainsäädäntö Yhdysvaltain kongressin debateissa vuosina 1998 ja 2002. Pro gradu thesis. (Jyväskylä, 2009).

⁸⁶⁷ The U.S. Government Printing Office, "Authorization for Use of Military Force", n/a.

⁸⁶⁸ Cowley, *The Rebels*, 106.

aware of the pressure being wielded by the United States leadership since January 2002, but in Britain the issue only emerged as an urgent topic in the summer. This gave rise to questions about whether Parliament should be recalled. The process of recall again proved to be a major element in the question of parliamentary participation, and it also provided the first chance to make the Government accountable for its policy on Iraq. The recall, which was implemented after a month of wavering, was the event that launched the process of parliamentary participation in decision-making. Here, there was a similarity with August 1990, but at that time the situation was clearer: in 2002 the parliamentary interest in participation in decision making was a result of aggressive comments made especially by the United States leaders and also by Prime Minister Blair.

The recall of the House of Commons witnessed a rather special episode. As was the case with the Gulf Crisis in August 1990, the Commons was not recalled until September, despite demands from individual Members for an earlier recall, after an official request from the Opposition. During the summer of 2002, the British Prime Minister was already using aggressive rhetoric about Iraq. In 2002, the question of a recall had already emerged during the last Prime Minister's Question Time before the recess, on 24 July, when Peter Kilfoyle (Lab, Liverpool, Walton) asked whether Parliament would be recalled before the Prime Minister committed any British troops to military action in the Middle East. Prime Minister Tony Blair avoided the issue of the use of force and referred to the role of Parliament as an institution to be "properly consulted" if it turned out to be necessary to use force.⁸⁶⁹ This exchange led *The Guardian* to express an opinion about the role of Parliament and to emphasize the need for accountability. The newspaper claimed that the opportunity to vote in both Houses about the Iraq policy was part of that accountability.⁸⁷⁰ After Parliament had gone into recess, the language used by the Government against Iraq began to intensify.⁸⁷¹ The news about Iraq's alleged weapons of mass destruction, which was the critical rhetorical argument, the publication of opinions airing concerns over a possible war and in particular a message from the Ministry of Defence about the need to have the decisions "within weeks" created a tense atmosphere in July and August 2002. The Foreign Affairs Committee noted the increasingly bellicose rhetoric against Iraq in summer of 2002 and asked the Government to explain the legal basis for the possible use of force against Iraq and to make sure that international law would be upheld.⁸⁷² However, not all

⁸⁶⁹ Peter Kilfoyle and Tony Blair HC Deb 24 July 2002 vol 389 cols 975.

⁸⁷⁰ Editorial: "Parliament and Iraq: Blair must be accountable not evasive" *The Guardian*, 26 Jul 2002, p. 2. The author behind the comment is unknown. Michael White, a Labour supporter, was the political editor of *The Guardian* at the time.

⁸⁷¹ Editorial: "Regime Change" *The Times*, 12 Aug 2002, p. 17.

⁸⁷² The House of Commons Foreign Affairs Committee. Session 2001–02. Seventh Report. Foreign Policy Aspects of the War Against Terrorism. Report, together with Proceedings of the Committee, Minutes of Evidence and Appendices. Ordered by the House of Commons to be printed 12th June 2002. HC 384 (London: The Stationery Office, 2002), 55, para 224–227, accessed 20 Aug 2013, <http://www.publications.parliament.uk/pa/cm200102/cmselect/cmcaff/384/384.pdf>.

external comments supported the recall of Parliament. For example, *The Times* condemned Tam Dalyell in the beginning of August when he proposed a recall. Dalyell argued that the recall would honour the promise Prime Minister Blair had given in the last Question Time before the recess, but *The Times* saw no need for a recall at this point. The paper also criticized the current state of the recall procedure, in which individual MPs were forced to air their wishes about the recall.⁸⁷³ Nevertheless, a rift within the Labour Party had begun to emerge, with 150 Labour MPs signing a motion cautioning against the war against Iraq.⁸⁷⁴ At the end of August, it appeared that the majority of the party's constituency chairpersons were opposed to the war, which created more pressure on Blair to go public with his plans for Iraq.⁸⁷⁵

Graham Allen, a former Labour cabinet minister, had already established a reputation as a Member who was interested in the development of the political system of Britain through his various questions and statements relating to the role of Parliament.⁸⁷⁶ It was Allen who, back in 1991, had put forward questions relating to the right to declare war and to Parliament's right to control the executive's use of the Royal Prerogative, and although no results had come of these initiatives, he had continued to question the current political system.⁸⁷⁷ In early September 2002, Allen was active on the issue of a recall. In a "cheeky move", as he himself described it, Allen launched an effort to recall the House of Commons in a rump form, for the first time since 1649, when a rump Parliament abolished the House of Lords and the Monarchy.⁸⁷⁸ As the comparison shows, the recall of a rump Commons was a very exceptional step in parliamentary practice and expressed a strong sense of parliamentary anger with the executive. Furthermore, Allen tried to hire the chamber of the House of Commons for a televised debate and was able to persuade Lord Weatherhill, a former Speaker of the House, to act as chairman, but unfortunately for Allen the chamber was not available owing to renovations.⁸⁷⁹ He also invited the Members to

⁸⁷³ Michael Evans and Roland Watson: "MoD needs decision 'within weeks'" *The Times*, 6 August 2002, p. 10; Peter Riddell: "Congress shows the way for Blair to open up the debate" *The Times*, 6 August 2002, p. 10; Editorial: "House call" *The Times*, 6 August 2002, p. 17.

⁸⁷⁴ Philip Webster: "Labour MPs will revolt over Iraq, Kaufman warns" *The Times*, 15 August 2002, p. 2.

⁸⁷⁵ Philip Webster and Melissa Kite: "Labour in open revolt over Iraq" *The Times*, 30 August 2002, p. 1.

⁸⁷⁶ He also published in February 2003 a second edition of his book *The Last Prime Minister*, in which he called for an official "presidentialization" of the Prime Minister's position, making it more like that of the President of the United States, with strong executive rights (including the right to wage war in certain circumstances) but with greater accountability. In fact, in 2001 he had proposed a bill to change the formal status of the Prime Minister. Graham Allen: *The Last Prime Minister. Being Honest about the UK Presidency* (Thorverton & Charlottesville: Imprint Academic, 2003); 45–88; HC Deb 28 November 2001 vol 375 cols 1008–12.

⁸⁷⁷ HC Deb 28 January 1991 vol 184 cols 374–5W; HC Deb 28 January 1991 vol 184 col. 375W.

⁸⁷⁸ See D.L. Keir, *The Constitutional History of Modern Britain*, 221–222.

⁸⁷⁹ David Hencke and Lucy Ward: "MP wants Speaker to overrule Blair" *The Guardian*, 10 Sept 2002, p. 4

participate, and the attendance was expected to be considerable.⁸⁸⁰ It looked as if the debate would go ahead if the Government did not provide an official debate. This development was an expression of the attitude and strength of the Labour Party's internal opposition.

Alongside Graham Allen, many other Members had also asked for a recall because it seemed likely that the military intervention against Iraq would occur soon anyway despite the fact that no large-scale troop deployments to the area had yet been implemented. Even the Conservative Party's leader, Iain Duncan Smith, had reflected on the need for Parliament to lead the public debate although he considered the Iraqi threat to be clear.⁸⁸¹ Allen's effort, combined with the cross-party pressure on the Prime Minister, resulted in the recall of the House of Commons, announced on 12 September. Blair proposed a debate to be held on 24 September, albeit not on a substantive motion. For the debate, the Government would provide a special dossier, in which Iraq's weapons of mass destruction would be discussed.⁸⁸² The recall on that day was accepted. All in all, Allen's manoeuvre to recall a rump Parliament was a very exceptional one. Even so, Philip Cowley regards his move as very typical behaviour on the part of a former minister – after leaving the front bench, former ministers were able to challenge the Government if they so desired since they had regained their political independence.⁸⁸³

Ten days before the debate, Malcolm Savidge (Lab, Aberdeen North) commented in *The Times* on the vote, emphasizing the fact that the most important issue was not the form of the debate but the size of the vote, referring to the reduced majority received by Prime Minister Chamberlain on 8 May 1940 and his subsequent resignation.⁸⁸⁴ In doing this, he was drawing attention to the fact that MPs could declare their dissent without worrying too much about the procedural side.

On 24 September, Tony Blair made a statement presenting the so-called "September dossier", which provided alarming information about Iraq's WMDs.⁸⁸⁵ It was made clear that the Government sought to disarm Iraq "with

⁸⁸⁰ Philip Cowley, *The Rebels*, 107–108.

⁸⁸¹ Lucy Ward: "Pressure for Blair to spell out Iraq policy: Britain Tories up the ante as Labour dissent grows" *The Guardian*, 2 Sept 2002, p. 4; David Charter: "Former Speakers join clamour for Parliament recall" *The Times*, 9 Sept 2002, p. 13.

⁸⁸² Patrick Wintour: "Blair agrees recall of parliament: Downing Street bows to all-party pressure for an emergency debate" *The Guardian*, 12 Sept 2002, p. 2; Nicholas Watt: "Labour MPs fear Middle East threat and urge recall of parliament" *The Guardian*, 5 Sept 2002, p. 5. *The Times* suggested that Blair wanted to avoid a division on a substantive motion in a situation in which the use of military action was not immediately in prospect; otherwise he would face a massive revolt within the Labour Party. Philip Webster: "Anxious Blair rejects Commons vote on war" *The Times*, 13 Sept 2002, p. 1.

⁸⁸³ Cowley, *The Rebels*, 108.

⁸⁸⁴ Malcolm Savidge's letter to editor. *The Times*, 14 Sept 2002, p. 25.

⁸⁸⁵ *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*. 24 September 2002 (The United Kingdom: The Stationery Office Limited, 2002), 4–32, accessed 20 Aug 2013, <http://image.guardian.co.uk/sys-files/Politics/documents/2002/09/24/dossier.pdf>. Later there were some accusations that this dossier had been "sexed up" by the Labour spin doctors, especially by Blair's Director of Communications, Alistair Campbell, and his PR unit, but these accusations seem mainly

all means necessary", and this policy included the possibility of using force as a last resort. The key claim was that Iraq was in fact in breach of UN Security Council Resolution 687. The dossier laid out very interesting information as facts – this included the allegation that Iraq had the capability to launch ballistic missiles with warheads armed with weapons of mass destruction (chemical or biological) in 45 minutes, and that Iraq was arming itself and was actively seeking ways to obtain uranium for nuclear weapons.⁸⁸⁶ According to Blair, the role of the British Parliament was to ensure that Saddam should not prevail in his defiance of the international community.⁸⁸⁷ In this way, Blair acknowledged that Parliament did indeed have an important role in the British political system and that now Parliament would decide whether Saddam Hussein should be allowed to continue his miscreant behaviour.

The dossier's impact was strong since such documents had not been made public before by the Joint Intelligence Committee.⁸⁸⁸ In his speech, Blair emphasized the character of Saddam Hussein. The Prime Minister pictured him as an erratic leader who had told lies to the United Nations many times before and was now doing so again. Blair accused Iraq of having a programme aimed at rebuilding the country's arsenal of weapons of mass destruction despite the fact that it was a clear breach of the previous resolutions issued by the UN Security Council.⁸⁸⁹ Blair was followed by the Foreign Secretary, Jack Straw, who also referred to the character of Saddam Hussein. He argued: "With Saddam Hussein, the diplomatic route has been constantly and consistently obstructed by his intransigence and duplicity."⁸⁹⁰ The Members thus became aware in the recall debate that the Government was indeed of the view that Iraq was a threat and that something should be done about it. The UN route was the logical solution for many of the Members, as the recall debate showed, although there was a suggestion that some of the MPs who supported the UN option believed that the organization would not give its authorization for the war.⁸⁹¹

The Government's argument for intervening in a foreign country was based on humanitarian considerations, an outlook that had been strongly present in Labour's foreign policy ideology since 1997. Robin Cook, the Foreign Secretary at the time of the Kosovo War in 1999 had been a strong proponent of that ideology. However, even Cook was sceptical about the threat that Iraq

to rely on differences between the draft version of the dossier and the final report. There was also a later discovered cover letter that stated that Campbell's unit was the author of the text. For more information, see The Coalition Information Centre: British Government Briefing Paper on Iraq. Version 3 June 2002. Iraq Inquiry Digest, accessed 11 April 2013, http://www.iraqinquirydigest.org/?page_id=9392; Tom Dod: "CIC cover letter of Iraq dossier". Cabinet Office, 6 June 2002. Iraq Inquiry Digest, accessed 11 April 2013, <http://www.iraqinquirydigest.org/wp-content/uploads/2010/09/cover-letter-june-02-cic-draft.pdf>.

⁸⁸⁶ *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 5–6.

⁸⁸⁷ HC Deb 24 September 2002 vol 390 col. 7.

⁸⁸⁸ *Return to an address of the honourable the House of Commons dated 14th July 2004 for the review of intelligence on weapons of mass destruction. Report of a Committee of Privy Counsellors*, para 461.

⁸⁸⁹ HC Deb 24 September 2002 vol 390 cols 1–23.

⁸⁹⁰ HC Deb 24 September 2002 vol 390 col. 28.

⁸⁹¹ Editorial: "The first battle" *The Times*, 8 January 2003, p. 17.

posed, although most of the British public accepted the Prime Minister's arguments. In his study, Mark Phythian has quoted Gerald Kaufman, the Labour shadow foreign secretary in 1990–1991, who claimed that in the years 1997–2003 the party did what Tony Blair wanted it to do simply because he was a winner.⁸⁹² For the Conservatives, the Iraq policy was linked to security policy: if Iraq posed a threat to the nation, it would be logical to act since resorting to the use of force had been a typical policy option of the Conservative Party.⁸⁹³ However, the Conservatives were not united over this matter. Many key figures in the party were critical of the use of force against Iraq at that precise time, and the threat of Iraq to British national security was not easy to establish as a convincing argument for it.⁸⁹⁴

When it came to the role of Parliament, it was not the Leader of the Opposition, Iain Duncan Smith, who brought up the issue of voting but the leader of the Liberal Democrats, Charles Kennedy (Ross, Skye and Inverness, West). Kennedy challenged the Prime Minister by latching onto Blair's promise that Parliament would be kept in touch. Kennedy asked directly whether the House of Commons would have a chance to vote on the use of military force.⁸⁹⁵ In his reply, Blair fell back on parliamentary tradition: the House would have its chance, but he did not state clearly just what this chance would include; on the other hand, he did refer indirectly to the chance to vote when he stated: "In relation to the House of Commons, let me say to Members in all parts of the House – as I said in my statement – that in the cases of Kosovo and of Afghanistan we gave the House ample opportunity not only to debate, but to declare and express its view. I am sure that we will do so again, in accordance with the normal tradition of the House."⁸⁹⁶

The phrase Blair used, "the normal tradition of the House", referred to the need to have parliamentary support for the decision. However, the term was vague as to whether the vote would be held before the use of force or not; the tradition did not dictate that Parliament should necessarily express its view during the build-up phase. As was seen in connection with the other two case studies in this dissertation, the political role of Parliament was often interpreted in terms of its ability to vote. A vote on an adjournment was the most commonly used procedural device during times of crisis. In 1991 in connection with the Gulf War, the approval of Parliament was sought after the start of hostilities through a debate on a substantive motion in the Commons. However, the For-

⁸⁹² Phythian, *Labour Party, War and International Relations*, 127.

⁸⁹³ Iain Duncan Smith HC Deb 24 September 2002 vol 390 col. 8; Keohane, *Security in British Politics 1945–99*, 5–10; Scruton estimates that the matter of national security was the most sensible argument used for justifying the Iraq War. He also stated that it was finally easier to claim that the war resulted from the decisions at the international level rather than the domestic one. Robert Scruton, "National Interest and International Law" in *A Matter of Principle. Humanitarian Arguments for War in Iraq*, ed. Thomas Cushman (Lontoo: University of California Press, 2005), 95–96, 101.

⁸⁹⁴ These included former Conservative foreign secretaries Douglas Hurd and Malcolm Rifkind. Lord Hurd of Westwell HL Deb 24 September 2002 vol 638 cols 914–915; Editorial: "Ideology over Iraq" *The Guardian*, 2 Sept 2002, p. 17.

⁸⁹⁵ Tony Blair and Charles Kennedy HC Deb 24 September 2002 vol 390 cols. 7, 10.

⁸⁹⁶ HC Deb 24 September 2002 vol 390 col. 11.

eign Affairs Committee had recommended in 2000 that in future conflicts Parliament should be consulted as soon as possible.⁸⁹⁷ The issue of a stronger role for Parliament had been discussed in the Commons on several occasions in relation to the Kosovo War in 1999 and the bombing of Iraq in December 1998, and there had even been attempts to introduce legislative changes. This trend continued during the months before the Iraq War.

An interest in obtaining a key role for Parliament was already evident in connection with the recall debate; the Government had given the Commons a chance to register its views with an adjournment vote. Tam Dalyell (Lab, Linlithgow) made points of order before and after the Prime Minister's statement, his key message being that a vote on an adjournment was unsatisfactory. Interestingly however, Dalyell's party colleague, Gerald Kaufman (Lab, Manchester, Gorton), who had been the shadow foreign secretary in 1990–1991, answered Dalyell by reminding him of the history of the use of the adjournment formula and emphasized that it was a device that gave the Members a chance to vote. Kaufman's position in 1990 had been that the House's role was satisfactory, and he continued to maintain that stance.⁸⁹⁸ Dalyell's question was also encouraged by the known position of Robin Cook, the Leader of the House, who had already stated that Parliament should have its say before any possible use of force against Iraq was embarked on; furthermore, Cook had allegedly aroused anger in the Cabinet because of his view that UN authorization was needed for the use of military force against Iraq.⁸⁹⁹ It is relevant to note that these differences of opinion within the Labour Party were not a matter of challenging the party leader, but were rather directed against the differing ideological positions in the Cabinet.

Alex Salmond (SNP, Banff and Buchan), the leader of the Scottish National Party, used this moment in Parliament to ask whether Cook should perhaps issue a statement on the issue since he had indicated sympathy for a substantive motion but had received no response from the Government.⁹⁰⁰ In the actual Iraq debate, Richard Allan (Lib Dem, Sheffield, Hallam) expressed his satisfaction with Graham Allen's previous attempts to "stir up some debate on procedure"; he was basically trying to question the use of the Royal Prerogative and was strongly in favour of having a vote.⁹⁰¹ Menzies Campbell (Fife North East), another Liberal Democrat, also gave his support for a vote on a substantive motion before the use of force,⁹⁰² as did Douglas Hogg (Con, Sleaford and North Hykeham) and Tam Dalyell (Lab, Linlithgow) – to mention just a few.⁹⁰³ This

⁸⁹⁷ The House of Commons Foreign Affairs Committee. Session 1999–2000. Fourth report. Kosovo, para 166.

⁸⁹⁸ Tam Dalyell and Gerald Kaufman HC Deb 24 September 2002 vol 390 cols 24–5.

⁸⁹⁹ Kamal Ahmed: "Robin Cook is criticised for 'unhelpful opinions'" *The Observer*, 22 Sep 2002, p. 4; Cook had been critical of Parliament's role vis-à-vis the executive branch for years and was linked with the Charter 88 movement. Richard Norton-Taylor: "Parliament has 'ceded sovereignty'" *The Guardian*, 16 Jul 1990, p. 5.

⁹⁰⁰ HC Deb 24 September 2002 vol 390 col. 25.

⁹⁰¹ HC Deb 24 September 2002 vol 390 cols 133–134.

⁹⁰² HC Deb 24 September 2002 vol 390 col. 47.

⁹⁰³ Douglas Hogg and Tam Dalyell HC Deb 24 September 2002 vol 390 col. 51.

meant cross-party support for the right of Parliament to vote on a substantive motion if Britain was going to use military force against Iraq. Subsequently, there was an attempt to control the Government in the first public airing of Parliament's concerns over Iraq, in which there were expressions of broad support for the need to have a vote on a substantive motion. It was a demonstration of concern that the Government's use of Royal Prerogative powers would take the country to war without proper consultation with Parliament and that it might perhaps happen in the next few weeks.

Menzies Campbell suggested that a new resolution from the Security Council was needed to implement Resolution 687, which had been issued in connection with the Gulf Crisis and constituted the main legal basis for the current demands made of Iraq.⁹⁰⁴ Campbell said he had no difficulty in challenging the policy the United States was advocating. He relied on the support of the constituencies when it came to parliamentary decision-making: the duty of Parliament was to represent the electorate and its views, and at the moment further actions and information were needed.⁹⁰⁵ A Conservative backbencher, Edward Garnier (Harborough), echoed this view but reminded the Members that the role of Parliament was not only to represent the electorate but also to shape and lead public opinion. Furthermore, if the conditions of parliamentary democracy could be fulfilled in the decision-making, it would show to Iraq that parliamentary democracy mattered. But it was up to the Government to show the importance of the electorate and parliamentary democracy. Garnier also accused the Government of arranging the recall debate too late to influence the policy on Iraq.⁹⁰⁶ He argued:

This is not an argument between Parliament and the Executive, or about the prerogative powers of the Crown in matters of foreign policy. It is a matter of common sense not to allow tempers to remain too hot for too long as elected Members of this House accumulate their frustration and anger at being apparently ignored while events outside the House that concern us continue.⁹⁰⁷

Garnier was by no means alone in possessing this view. Many in the House of Commons agreed with him that Parliament should have had a debate earlier.⁹⁰⁸ In the recall debate, the Chairman of the Foreign Affairs Committee, Donald Anderson (Lab, Swansea, East), voiced his wish that a new dialogue should now begin: "a process involving further debates on the Floor of the House, in committees and elsewhere" to deliberate the policy on Iraq's alleged weapons of mass destruction programme.⁹⁰⁹ Anderson was an independent-minded chairman of the Foreign Affairs Committee, the Committee that had been able to exert important influence on the Foreign Office. In fact, Blair had

⁹⁰⁴ HC Deb 24 September 2002 vol 390 cols 43–44.

⁹⁰⁵ *ibid.*

⁹⁰⁶ HC Deb 24 September 2002 vol 390 cols 96–97.

⁹⁰⁷ Edward Garnier HC Deb 24 September 2002 vol 390 c97.

⁹⁰⁸ These included Nicholas Soames and George Galloway HC Deb 24 September 2002 vol 390 cols 59–60.

⁹⁰⁹ HC Deb 24 September 2002 vol 390 cols 41–42.

tried to remove him from the office in July 2001 but this motion had been rejected in the House of Commons.⁹¹⁰

That was the general message of the recall debate: Britain had to hold further discussions on this subject before any major developments such as the use of military force could occur, and some of the associated discussions should be carried out in Parliament. It was pointed out in Section 2.3 that the Suez Crisis in 1956 had produced a parliamentary discussion that advised the Prime Minister not to use force against Egypt before further deliberations could take place in Parliament. However, Prime Minister Anthony Eden had decided to use force anyway. In the debate on 24 September 2002 there was a similar message. The Government was strongly advised not to use force against Iraq at that stage but to proceed along the UN route. The Government confirmed that this was its position. However, Members who advocated the peaceful route considered that the Government had all the rights it needed to start a war.

The concern over the role of Parliament, expressed not only by the Opposition but also by certain members of the Labour Party, had an effect. On the following day, Foreign Secretary Jack Straw was questioned by the Foreign Affairs Select Committee, and the role of Parliament emerged as the first issue. It was raised by David Chigdey (Lib Dem, Eastleigh). Straw strongly emphasized that the Government had no difficulty in offering an opportunity for a debate on a substantive motion if the situation required the use of military force, but at the same time he was unable to specify any date: in fact, the Government's position was that there were two alternative possibilities for such a vote: first, the vote should not alert the enemy, and thus it could not be announced or held in a way that would compromise the task of the armed forces; second, the vote could be held well before any use of military force occurred. Here Straw was referring to Operation Desert Fox in December 1998, when a substantive motion was passed around ten months before the actual operation.

The role of Parliament was to be informed frequently about any developments in the situation. The main reason for this was that it was vital for the Government to have Parliament's continuing consent for its actions, and the informing of Parliament by the Government was necessary for this.⁹¹¹ The Government's open position on the role of Parliament influenced the behaviour of the Commons: the role of the House was openly discussed, and the Commons was identified as the source of the legitimacy of the Government's actions. This behaviour was also influenced by the same experiences of 1998 that Straw referred to. In February 1998, the Government had allowed the Commons to debate a motion on the need to implement the United Nations Security Council resolutions imposed on Iraq "with all means necessary" – the common formula for the use of force – and the House passed the motion. However, the force was

⁹¹⁰ Cowley, *The Rebels*, 79–82; HC Deb 16 July 2001 vol 372 cols. 77–80; Russell and Benton, *Selective Influence*, 44.

⁹¹¹ The House of Commons Foreign Affairs Committee. Session 2001–02. Uncorrected Evidence, 25 September 2002., Q2–5, accessed 11 March 2013, <http://www.publications.parliament.uk/pa/cm200102/cmselect/cmfaff/uc2509/uc250902.htm>.

used not until December, meaning that the timing of the motion was not necessarily linked to the military action: if the House had a chance to vote on the motion endorsing the use of force, this could be implemented much later.⁹¹²

Donald Anderson, the Chairman of the Foreign Affairs Committee, also pressed the Foreign Secretary in the hearing on 25 September about whether the Government would seek authorization from the Security Council when the inspections, which were most likely going to be approved by the Security Council in the near future, had something to report, and Straw confirmed that this was the scenario that the Government envisaged. When Sir John Stanley (Con, Tonbridge and Malling) directly asked whether there existed a legally valid case for using military force against Iraq, Straw answered: "There might be." This implied that the Government did not yet have a legal case against Iraq.⁹¹³ The Foreign Affairs Committee's activities before September 2002 had included frequent reports that examined the war against terrorism and the foreign policy aspects connected with it, and the committee had emphasized that Britain indeed had the responsibility to act against international terrorism. This was also was a key factor in Parliament's behaviour vis-à-vis Iraq since, if it was acknowledged that Britain had a responsibility to do something at the parliamentary level, then the idea of preventing terrorism as a general policy was no problem, and this had become clearer after the terrorist attacks on 11 September 2001. Furthermore, as the committee emphasized, it had shown strong support for the Government's actions.⁹¹⁴

However, even if the issue was justified as a general idea, the legal grounds for disarming Iraq were another matter, as the Foreign Secretary had already hinted. Was it right to attack Iraq? Would it be morally and legally justified? In the case of the Kosovo War in 1999, the Foreign Affairs Committee had noted that although the war was not legal since it lacked the authorization of the United Nations Security Council, it still had the support of NATO, and, moreover, the operation was considered morally justified.⁹¹⁵ However, during the autumn of 2002 the issue was unclear. In the parliamentary discussions, it was even deliberated whether the Government should create a precedent and publish the guidance it was getting from its legal adviser, the Attorney General Lord Goldsmith (Peter Goldsmith,) in order that Parliament might hear the

⁹¹² HC Deb 17 February 1998 vol 306 cols 899–990.

⁹¹³ The House of Commons Foreign Affairs Committee. Session 2001–02. Uncorrected Evidence, 28 October 2002, Q137–138, 146, 167, 175, 184, accessed 20 Aug 2013, <http://www.publications.parliament.uk/pa/cm200102/cmselect/cmcaff/uc1196-iii/uc119602.htm>.

⁹¹⁴ See, for example, the House of Commons Foreign Affairs Committee. Session 2001–02. Foreign Policy Aspects of the War Against Terrorism, 55, para 26; The House of Commons Foreign Affairs Committee. Session 2002–03. Third Report. Foreign Affairs Committee Annual Report 2002. Report, together with Proceedings of the Committee, Minutes of Evidence and Appendices. Ordered by the House of Commons to be printed 4th February 2003. HC 404 (The United Kingdom: The Stationery Office, 2003), 6, para 4, accessed 21 March 2013, <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmcaff/404/404.pdf>.

⁹¹⁵ The House of Commons Foreign Affairs Committee. Session 1999–2000. Fourth report. Kosovo, para 126–137.

Government's legal justification for a possible war in Iraq. The Opposition was asking for the publication of the Government's legal basis, but the Government had not yet consulted its legal advisers, or at least so it publicly claimed.⁹¹⁶

The Government strongly emphasized the use of other means than military force and merely mentioned the use of force as a last resort. One critical issue for the Opposition was the concept of a pre-emptive strike. If the United States and Britain along with some other countries attacked Iraq in order to stop the alleged threat, it was a pre-emptive strike designed to nullify the threat. However, the legal basis for a pre-emptive strike was highly problematic. On the other hand, if Britain attacked Iraq with the authorization of the United Nations, its action would be legal. Paul Keetch (Lib Dem, Hereford) also added domestic support as a condition of legality: any attack should also have the support of Parliament, and he once again raised the issue of voting. There had not yet been any British troop deployments to the Middle East to deal with Iraq, but Keetch linked the deployment of troops with the actual use of military force, considering that Parliament should be allowed to vote on the matter before troops were actually sent to the Middle East.⁹¹⁷ Keetch, the Liberal Democrat spokesman for defence, was criticized in the House about the general attitude of the Liberal Democrats on the Iraqi issue. However, Keetch reminded the Members that now was the time for the House to express its opinions; British troops could be committed to the Middle East soon. Keetch mentioned the events of 1940 as a clear reminder of the Opposition's position; then, too, the Opposition had not been ready to follow the Prime Minister blindly and had challenged Neville Chamberlain. In fact, Keetch also proposed that the Prime Minister's use of the Royal Prerogative should be abolished, perhaps in the form of a War Powers Act of the kind existing in the United States.⁹¹⁸ This remark received no comments, but it demonstrated the extent of the Liberal Democrats' willingness to challenge the Royal Prerogative system.

As can be seen, recalling the experiences of 1940 was used politically as a rhetorical device in the parliamentary debates on the subject of the role of Parliament. Another similar point of reference was the Suez Crisis of 1956. Thus the politics of memory was used to remind Parliament of the previous important occasions on which its will was tested; both in 1940 and in 1956, Parliament's opposition had led to the resignation of the prime minister. These memories were now, in 2002, used as a reminder of the ability of the House to influence the Government's policy.

The constitutional discussion was conducted in connection with the so-called "war powers". On 21 October, Graham Allen submitted a written question, in which he asked Prime Minister Blair whether he would "bring forward proposals to make it a requirement for Parliament to be consulted on the use of his power under Royal Prerogative to take the country to war".⁹¹⁹ In his reply

⁹¹⁶ Graham Allen, Geoffrey Hoon and Bernard Jenkin HC Deb 17 October 2002 vol 390 cols 495–496.

⁹¹⁷ HC Deb 17 October 2002 vol 390 cols 497, 512.

⁹¹⁸ HC Deb 17 October 2002 vol 390 col. 528.

⁹¹⁹ HC Deb 21 October 2002 vol 391 col. 78W.

Blair refused to make such a formal commitment – he said there was no need since it was already possible for the House to be given opportunities for such debates.⁹²⁰ This led Allen to ask for more details about the words “given opportunities” in Blair’s answer to a written question on 7 November, but he received no clear answer.⁹²¹ On 4 November 2002, Allen had also returned to the matter of the recall of Parliament in a written question, asking whether the Government was planning any changes to Standing Order no. 13, which regulated the recall of Parliament.⁹²² Blair’s answer was in the negative.⁹²³ It would have been possible to change the recall procedure and place it under stronger parliamentary instead of it being controlled mainly by the Government.

With regard to voting, the Leader of the House, Robin Cook, had already spoken about the need for Parliament to have a key role, and a similar idea was broached by other ministers. However, the real development came in November. First, Foreign Secretary Jack Straw announced on 7 November that Parliament would have its vote regarding the UN Security Council resolution, currently in the drafting process.⁹²⁴ This declaration was in line with parliamentary practice, but it contained the possibility that the House would be able to vote on the use of force since it was possible that the wording of the resolution would authorize the use of military force. However, the wording of the resolution in fact contained no mention of this. Two weeks later, Straw confirmed that the House would have also a vote before the employment of military force. However, he placed restrictions on the future steps of the parliamentary process two weeks later. He stated that Parliament would not get the chance to participate in the decision to use force beforehand if it meant that British servicemen and women were liable to be put at risk: in that case, the decision would be made at Cabinet level. There was an historical precedent for this as the House of Commons had given its authority to act against Iraq in February 1998, in other words well before the military action, which did not take place until ten months later. In any case, Straw’s statement contained a promise of a strong role for Parliament, and the fact that it was clearly announced at a time when the military action was still uncertain was exceptional. Straw argued: “... if we can and it is safe to do so, we will propose a resolution seeking the House’s approval of decisions in respect of military action before military action takes place. If, however, it is unsafe to do so because it would place the lives of British servicemen and women at risk, we shall not do so until after the action has taken place.”⁹²⁵

Straw’s comment related to the debate on 25 November, held in order to discuss UN Security Council Resolution 1441 and to express support for its implementation. The draft UNSC resolution presented by the United States and

⁹²⁰ HC Deb 21 October 2002 vol 391 col. 78W.

⁹²¹ HC Deb 07 November 2002 vol 392 col. 452W.

⁹²² Standing Order no. 13 gives the business of the Government precedence in every sitting except on days that are reserved either for the Private Members’ Bills or the Opposition. May, *Erskine May’s treatise*. 21st ed, 259.

⁹²³ HC Deb 04 November 2002 vol 392 col. 41W.

⁹²⁴ HC Deb 07 November 2002 vol 392 cols 435–441.

⁹²⁵ HC Deb 25 November 2002 vol 395 col. 57.

Britain would authorize the use of force against Iraq on account of its breaches of previous resolutions. Resolution 1441 was finally adopted on 8 November 2002. The wording of the resolution was a disappointment to the United States and Britain. On the other hand, the weapons inspectors would recommence their work as a result of the resolution, and that was an important step. In the House of Commons, the question of international authorization was the key issue for many MPs, especially those on the left. Foreign Secretary Jack Straw had told the House on 5 November, as a result of a supplementary oral question by Menzies Campbell, that Britain would uphold the right to go to war if the UN failed to “meet its responsibilities” and that the preservation of international law would demand it.⁹²⁶ This was one of the key arguments used by the Government to defend its policy. It was a well-known fact that the actions of the Security Council had sometimes been restricted by permanent member states’ use of the veto. What the United States and Britain sought to argue was that they were ready to uphold the credibility of this international organization. By adopting this position, the Government presented Iraq as a direct threat not only to Britain’s safety but also to the authority of the international organization that many MPs in the Labour Party and the Liberal Democrats so strongly supported.

However, the wording of the resolution’s caused problems in the Commons. Members were uncertain about whether or not they would now be voting to authorize the use of force. Straw emphasized that this was not the case and pointed out that the wording of the resolution did not contain the term “all means necessary”, which had been used in 1998 in the Government’s motion that had asked for parliamentary approval of the previous resolutions on Iraq. Michael Ancram, the shadow foreign secretary, was supportive, but he also wanted clarification concerning the resolution. He further reminded the House that both the Iraqis and the House of Commons should unequivocally understand the content of the resolution. He argued:

The purpose of today's debate is, first, to show that the House is every bit as resolved as the United Nations Security Council to see an end, one way or another, to Saddam Hussein's weapons of mass destruction and, secondly, to dispel the uncertainties which still, despite the Foreign Secretary's best efforts, cloud parts of the issue. We need to understand clearly the nature and extent of the task ahead and the way in which it is likely to develop. Saddam must finally be disabused of the notion that he still has room to manoeuvre. Our understanding and his understanding of the meaning of the resolution must be unequivocal.⁹²⁷

For Ancram, the Commons needed to show its resolve to see Iraq’s weapons of mass destruction decommissioned. However, Parliament’s ability to vote was under doubt since the resolution for which endorsement was now being sought was unclear. He reminded the Government of the importance of clarity especially when the debate and the vote could lead to war, contrary to what Straw had claimed a few moments previously. Ancram argued:

⁹²⁶ Menzies Campbell and Jack Straw HC Deb 05 November 2002 vol 392 col. 127.

⁹²⁷ Michael Ancram HC Deb 25 November 2002 vol 395 col. 63.

Clarity is needed also because if, for one reason or another, the House cannot debate military action before any decision to deploy British armed forces might have to be made – we heard from the Foreign Secretary tonight the circumstances in which that might happen – it is vital that we know what we are voting for tonight. The motion is a little bland in that respect. It leaves a number of key questions unanswered. The resolution itself is not entirely clear.⁹²⁸

On the other hand, the Liberal Democrats' main speaker, Michael Moore, emphasized the need to bring the motion on the use of military force to the chamber. Moore was the person who had tabled an amendment for a division – the amendment contained a phrase clearly demanding a further resolution from the Security Council before any military action would be taken. The amendment was intended in order to bring clarity to the question but also to show that the Liberal Democrats were ready to politicize the issue and to strengthen the role of Parliament by giving it the right to vote about the commitment of British troops to action – a commitment that should be in accordance with the principles of international law. Moore argued:

The House last debated those issues during the September recall of Parliament, when my right hon. and learned Friend set out the clear principles that should underpin our consideration of these matters: no country should ever exclude the use of military force to protect the safety and security of its citizens, but any military action must be consistent with the principles of international law and be considered only as a last resort. Furthermore, any decision to commit British forces to armed conflict should be subject to a debate in the House on a substantive motion.⁹²⁹

David Heath (Lib Dem, Somerton and Frome), the shadow leader of the House of Commons in the Liberal Democrats, also stated the need to take the issue again to the United Nations Security Council – according to his interpretation, UNSCR 1441 would not constitute the sole authority. Heath addressed the subject of the role of Parliament using the concept 'sovereignty' to defend the Liberal Democrats' amendment against opponents by specifically presenting the reason why Parliament should be the source of authority: the decision to use force would risk the lives of British servicemen and women, and that should be the prerogative of Parliament to decide. He argued:

I do not understand some of the points made in criticism of the amendment. We ask for two things: the first is that the matter be referred back to the Security Council, and the Foreign Secretary agrees with that; the second is that the House decide whether young men and women are sent on behalf of this country to offer their lives in support of the United Nations or the British position. That is a decision for a sovereign Parliament to take. It does not put anyone's life at risk. I hope that even those who have doubts will not take the preposterous position adopted by some and will support us in the Lobby.⁹³⁰

The Liberal Democrat's amendment received broad support, with 85 Members voting for it, among whom were the known anti-war Members from each of the

⁹²⁸ Michael Ancram HC Deb 25 November 2002 vol 395 col. 65.

⁹²⁹ Michael Moore HC Deb 25 November 2002 vol 395 col. 74.

⁹³⁰ David Heath HC Deb 25 November 2002 vol 395 col. 95.

main parties. However, with 452 supporting the motion, the House clearly gave its support for the implementation of the resolution.⁹³¹

The constitutional discussion continued concomitantly with the build-up to war. On 18 November, Graham Allen received an answer to another written question about the Royal Prerogative. This time Allen had asked the Prime Minister about his Royal Prerogative powers and asked for a list to be brought in every year to show what rights had been used. In fact, this question had a similar content to one that Allen had filed in 1991 in relation to the Gulf War.⁹³² Norman Baker (Lewes), a Liberal Democrat MP, continued to press the issue of the Royal Prerogative at the end of November and asked whether the Prime Minister would bring forward a proposal "to make it a requirement for Parliament to be consulted prior to each exercise of the power under Royal Prerogative to take the country to war." It was practically the same question Graham Allen had asked in October with only a slightly different wording. In response, Tony Blair merely referred to his answer in October.⁹³³ The questioning of the Royal Prerogative, officially the residual powers of the Sovereign, might have been linked to Prince Charles's letters to the Government which had been revealed in September. In these letters, Prince Charles had lobbied for agriculture and the conservation of the countryside. In doing so, he displayed more political activeness than had usually come to be expected from a member of the Royal Family. In the reply to the media, the prime minister's office accused organizations that were lobbying for rural issues of being behind the letters.⁹³⁴ However, the existence of a political connection of this type raised questions over the role of the Royal Family in an otherwise democratically oriented political system. In fact, BBC One's poll of 101 Labour MPs in November found that most of them supported the reform of the Monarchy, with only 22 MPs considering that there was no need for reform.⁹³⁵

The Foreign Affairs Select Committee's next report published in December 2002 and dealing with the war against terrorism, commented on the parliamentary dimension: the key message was that Parliament and the public should be kept fully informed about the developments and that the ministers, including the Prime Minister, should have meetings with the select committee on a regular basis. The committee made no recommendations about whether the House should have a vote: this is a relevant point since in 2000 the committee had recommended a stronger role for the House of Commons in the retrospective scrutiny of the war in Kosovo.⁹³⁶ It appears that the committee did not try to rec-

⁹³¹ HC Deb 25 November 2002 vol 395 col. 129.

⁹³² Graham Allen HC Deb 18 November 2002 vol 394 col. 19W; Graham Allen HC Deb 28 January 1991 vol 184 cols 374-5W.

⁹³³ HC Deb 27 November 2002 vol 395 col. 289W.

⁹³⁴ Stephen Bates: "Row over Charles' lobbying letter" *The Guardian*, 23 Sept 2002, p. 4; Stephen Bates and Michael White: "Hunt for source of Charles's leaked letter puts both sides in firing line" *The Guardian*, 26 Sept 2002, p. 7.

⁹³⁵ Anon.: "Reform monarchy, say Labour MPs" *The Times*, 25 November 2002, p. 12.

⁹³⁶ The House of Commons Foreign Affairs Committee. Session 2002-03. Second Report. Foreign Policy Aspects of the War Against Terrorism. Report, together with Proceedings of the Committee, Minutes of Evidence and Appendices. Ordered by the House

commend a stronger role for Parliament in the on-going situation but to follow a more traditional position on the role in Parliament as a result of its preference not to politicize the issue.

6.3 The final effort for the right to decide: The Government cannot go to war without Parliament

At the end of December and the beginning of January, the troop deployments to the Gulf were under way, but the issue had not been debated to the extent the MPs had been expecting. The Government's replies to questions were regarded as inadequate. The decision to call-up reservist forces, announced in December, had drawn attention in the Commons, mainly from known anti-war MPs like Tam Dalyell and Alice Mahon. In fact, it was not only a question of the call-up but also about spending money on the transportation of the troops to the Middle East. However, the Speaker did not require the Government to issue a new statement.⁹³⁷

Rather surprisingly, it was the Conservative leader, Iain Duncan Smith, who came forward to enquire from Prime Minister Blair about the question of Parliament making the actual decision to deploy troops to the Middle East. He did this on 18 December, before the House of Commons disbanded for the Christmas recess. Duncan Smith himself urged the Prime Minister to give the House of Commons a chance to vote on a substantive motion about the troop deployment – even during the recess – but the Prime Minister emphasized that the deployment was a contingent move; it could happen, but it was not certain, and he also hinted that a vote could endanger the troops.⁹³⁸

Eventually, the Government did deploy troops without a vote in Parliament. The announcement was made on the same day by the Secretary of State for Defence, Geoffrey Hoon (Lab).⁹³⁹ This was criticized by Gerald Howarth (Con, Aldershot), who asked why the press had received this information a day before the House Commons. Howarth went on to emphasize the fact that the Commons did not need to know the small details, but it did need to know “the level of military commitment”.⁹⁴⁰ In fact, in the same statement debate, an anti-war MP, Jeremy Corbyn (Lab), suspected that the whole statement was something that “softens us up for war”, that the Government had no intention of seeking either UN or parliamentary approval for war and that the war would

of Commons to be printed 17th December 2002. HC 196 (London: The Stationery Office, 2002), 64, para 252–253, accessed 21 March 2013,

⁹³⁷ <http://www.publications.parliament.uk/pa/cm200203/cmselect/cm/faff/196/196.pdf>. HC Deb 17 December 2002 vol 396 cols 727–8. The idea of sending troops to the Middle East received little attention; in fact, the idea of deploying troops was broadly accepted as a normal measure. For example, Paul Keech (Lib Dem) was of this view HC Deb 17 December 2002 vol 396 cols 718–9W.

⁹³⁸ Iain Duncan Smith and Tony Blair HC Deb 18 December 2002 vol 396 cols 835–836.

⁹³⁹ HC Deb 18 December 2002 vol 396 cols 845–846.

⁹⁴⁰ HC Deb 18 December 2002 vol 396 cols 846–847.

begin soon. Hoon rejected the idea and argued that the Prime Minister was working in the best interests of the country whether troops were being deployed or not.⁹⁴¹ At the end of December, the leadership of the Liberal Democrats published a plea to give the inspectors the human resources and time they needed to conduct a full investigation.⁹⁴² The Liberal Democrats had been against the disarmament of Iraq through the use of force without proper information about the threat, and the situation in December increased their opposition to war.

At the beginning of January, Tam Dalyell made a request for a debate on a substantive motion concerning the Gulf situation before any more deployments of British reservists were made. This was an interesting move since on the 8 January the Government had confirmed that Parliament would be able to vote before any use of the armed forces took place. However, the war opposition was now demanding a debate with a vote about the actual deployments as well. The Speaker rejected Dalyell's plea without explaining why except for the fact that he did not consider its reference to Standing Order No. 24 appropriate, as this standing order related to emergency situations.⁹⁴³ Dalyell was not satisfied with the answer and raised the issue again the following week with a point-of-order question, in which he demanded to know what would make the Speaker give the House the opportunity for a debate before any more military deployments were made to the region.⁹⁴⁴ Dalyell had similarly invoked Standing Order No. 24 in late October in relation to the weapons inspections in Iraq, but that move, too, had failed to produce a new parliamentary debate.⁹⁴⁵

As the steady flow of troops to the Middle East continued in January, the question of the role of Parliament emerged in the Commons from time to time, but it attracted little attention; on the Government side, even Robin Cook, the Leader of the House, who supported the right to have a vote, did not make any distinction between the right to deploy troops and the right to send them into action.⁹⁴⁶

The role of the Speaker, Michael Martin, was difficult in the face of the pressure from the anti-war lobby. During the Christmas recess, British troops began to be deployed to the Gulf. The previous occasion for such a large deployment of British troops had been in September, when almost 600 soldiers had been dispatched to the area.⁹⁴⁷ With regard to the concept of 'democracy', the Speaker was seen as the protector of the legislative assembly's right to represent the electorate. Alice Mahon wanted to know whether the Speaker would be able "to protect democracy in the House and the right of Back Benchers to know whether or not our Government have taken a decision to go to war?"

⁹⁴¹ Jeremy Corbyn and Geoffrey Hoon HC Deb 18 December 2002 vol 396 cols 856–7.

⁹⁴² Charles Kennedy, Shirley Williams, Menzies Campbell and William Wallace's letter to editor. *The Times*, 26 December 2002, p. 19.

⁹⁴³ HC Deb 08 January 2003 vol 397 cols 173–4; May, *Erskine May's treatise*. 24th ed, 342.

⁹⁴⁴ HC Deb 13 January 2003 vol 397 cols 409–10.

⁹⁴⁵ HC Deb 29 October 2002 vol 391 cols 683–5.

⁹⁴⁶ Diane Abbott (Lab., Hackney, North and Stoke Newington) and Robin Cook HC Deb 23 January 2003 vol 398 cols 448–449.

⁹⁴⁷ HC Deb 17 December 2002 vol 396 cols 718–9W.

Mahon was referring to MPs' fears that the Government had not told the House about its decisions concerning the Iraq situation, and she used the concept 'democracy' to reaffirm that it was Parliament's, not the Government's, right to make the decision about going to war. The Speaker replied that he would hold the Foreign Secretary accountable for his words. He avoided the risk of expressing an opinion but urged MPs to take the matter into their own hands by pressing for an adjournment debate and holding the Prime Minister accountable in the next Question Time. This led to another anti-war MP, Ronnie Campbell (Lab, Blyth Valley), pressing the Speaker to remind the Foreign Secretary of his promise to allow a vote in the Commons.⁹⁴⁸ This exchange shows how the Speaker, an official position the occupant of which resigned his or her party allegiance, was indeed expected "to protect democracy": Thus Martin was able to advise the MPs about the procedures whereby they could make the Government accountable, but he was not allowed to provide anything concrete such as a political opinion. Nevertheless, his position was important since he had a role in determining the chamber's agenda.⁹⁴⁹

The appeals to the Speaker showed the MPs' worries over the role of Parliament: Would it have an opportunity to express its opinion before the troops were committed to action? On 13 January, Alan Simpson (Lab) explained his fears of a possible "war creep" - by which he meant that Britain would be gradually dragged into war without a vote in the Commons.⁹⁵⁰ Noteworthy is the fact that Simpson explained this fear to the Speaker during a debate on a point of order and was thus unlikely to receive any actual answer. This was a fairly typical way of bringing up an issue again. Alice Mahon (Lab) and Ronnie Campbell (Lab) followed Alan Simpson's example the next day by urging the Speaker Michael Martin to find out how the Foreign Secretary had talked about the policy in public: Straw had stated that Parliament would be able to debate the issue before troops were sent to the Gulf, and that it would be able to vote before the country actually went to war. The Speaker promised to hold the Foreign Secretary to his word and advised the Members to request adjournment debates, which would force the Government to come to the chamber and be accountable.⁹⁵¹

In January 2003, Graham Allen, a Labour backbencher, submitted two written questions to the President of the Council and the Leader of the House, Robin Cook, asking whether he was changing the arrangements for a parliamentary recall and whether, in a situation where the deployments were ongoing, he would propose enhancements to the current role of Parliament regarding "decisions to deploy British forces in armed conflict overseas". To the latter question, Cook replied that Parliament had been able to debate the issue

⁹⁴⁸ Alice Mahon, Ronnie Campbell, Michael Martin HC Deb 14 January 2003 vol 397 cols 551-2.

⁹⁴⁹ May, *Erskine May's treatise*. 21st ed, 179-184.

⁹⁵⁰ HC Deb 13 January 2003 vol 397 cols 409-10.

⁹⁵¹ Alice Mahon, Ronnie Campbell and Speaker of the House HC Deb 14 January 2003 vol 397 cols 551-2.

on numerous occasions.⁹⁵² Although Cook had strongly signalled his view that Parliament should be in the key position, it was a totally different matter to actually introduce changes to the constitutional system in connection with the use of force against Iraq, despite the fact that there had been growing interest in such a reform within the party since 1989. The comments specifically referring to the right to deploy troops are noteworthy since most of the comments focused on the role of Parliament with regard to the use of force. However, by putting the actual deployment under parliamentary authority, the so-called “war creep” could perhaps be avoided, meaning that the Government would have no authority to build up a concentrated force in a specific place and then argue that force should be used owing to the rigours that the deployed troops were facing in wearing conditions. In this way, the decision on the commitment of troops to warfare could be more easily rejected in Parliament. Measures like Tam Dalyell’s Private Member’s Bill at the beginning of 1999 to force the Government to seek parliamentary support before a war against Iraq were absent in 2002–2003: in 1999 the bill failed to receive the Queen’s consent and did not reach a second reading.⁹⁵³ Nevertheless, in 2002–03 individual MPs eagerly promoted the campaign to strengthen the role of Parliament, and their continuous efforts to ensure that the issue of legislation on the role of Parliament remained up for discussion served to keep the issue in the public limelight. There was a constitutional debate going on in Parliament at the end of January and the beginning of February, with Prime Minister Blair trying to push through the second phase of House of Lords reform, a compromise solution of a fully appointed House instead of a fully or partially elected one, despite serious rifts within the Cabinet over this question.⁹⁵⁴ However, he failed to obtain a satisfactory result in this endeavour. While this constitutional reform process attracted a certain amount of attention, it influenced parliamentary life only briefly.

On 16 January 2003, the Scottish Parliament, too, debated the war. As an institution, it had no say in matters of foreign policy or defence, but nevertheless a debate was held as a result of pressure from the Scottish National Party.⁹⁵⁵ The debate saw a rift in the Labour lines, but in the end the Government was able to introduce an amendment to the SNP’s motion to require the authorization of the UN Security Council before a war against Iraq was initiated. Interestingly, however, one argument MSP John Swinney (SNP, North Tayside) presented in defence of the motion was the “democratic void” in the House of Commons.⁹⁵⁶ Thus Swinney, a former MP, ignoring the Scottish National agen-

⁹⁵² HC Deb 07 January 2003 vol 397 col. 68W; Graham Allen and Robin Cook HC Deb 07 January 2003 vol 397 cols 68–9W.

⁹⁵³ See Tam Dalyell HC Deb 26 January 1999 vol 324 cols 145–7; Tam Dalyell and Michael Lord HC Deb 16 April 1999 vol 329 col. 541.

⁹⁵⁴ Tom Baldwin and Melissa Kite: “Cabinet allies turn against Blair on Lords” *The Times*, 4 February 2003, p. 1.

⁹⁵⁵ According to Scotland Act of 1998, the Scottish Parliament also had the right to debate topics that were not under its jurisdiction.

⁹⁵⁶ The Scottish Parliament. Meeting of the Parliament. Thursday 16 January 2003, cols 14013–14158, accessed 18 March 2013, <http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=4420&mode=pdf>; Kirsty Scott: “Rough ride at Holyrood for Blair’s Iraq line” *The Guardian*, 17 Jan 2003, p. 5.

da, defended the House of Commons' representative right to decide on war and expressed his faith in that chamber as the proper representative channel in the exercise of foreign policy; in other words, he advocated a stronger House of Commons to replace the current constitutional arrangements. By doing this, Swinney gained publicity for the lack of parliamentary power in the Union in a situation in which it was unclear whether the House of Commons would have a chance to decide on the war against Iraq or not. By contrast, MSP Tom McCabe (Lab, Hamilton South) defended the current arrangements and referred to the constitutional settlement that had established the Scottish Parliament and the division of responsibilities. McCabe argued:

Critically, people expressed a desire for a settlement that preserves the United Kingdom and endorses its institutions, including the sovereignty of the Westminster Parliament. They expressed a desire for a settlement that is content with the division of responsibility that comes from certain matters being reserved to Westminster and a very long list of areas being devolved to the Scottish Parliament.⁹⁵⁷

What McCabe meant was that it was the responsibility of the Union to exercise foreign policy, not the responsibility of the Parliament of Scotland, and accused the Scottish National Party of pursuing the issue for its own ends. What McCabe's message also claimed was that, according to existing arrangements, the issue of the war against Iraq belonged to the remit of the Government and Parliament in Westminster and was not connected with a discussion on the settlement of the United Kingdom. Nevertheless, in addition to Swinney, some other individual MSPs also referred to the need to have a vote in the House of Commons over Iraq.⁹⁵⁸ For example, Donald Gorrie (Lib Dem, Central Scotland), another former MP, emphasized that the constitutional settlement between Scotland and England meant that the Parliament in Westminster should have a vote about war before it occurred. If that did not happen, it would undermine democracy. Unlike McCabe, Gorrie even considered that right to be part of the settlement, saying: "That is a clear part of the constitutional settlement. If a war is begun without that, it will be a serious affront to democracy."⁹⁵⁹ Whether the Scottish Parliament had any direct influence on the British Parliament in Westminster on this matter is doubtful because of the lack of foreign policy power vested in the institution in Edinburgh. However, there were persons occupying seats in both parliaments, such as the Labour MPs and MSPs Dennis Caravan (Falkirk West) and John McAllion (Dundee East), who spoke in the debate in Edinburgh and made critical comments about the justification of the war without further international authorization. However, the debate in the Scottish Parliament showed that there was some interest in the Scottish National Party in politicizing the constitutional settlement established in the Scotland Act of 1998

⁹⁵⁷ The Scottish Parliament. Meeting of the Parliament. Thursday 16 January 2003, cols 14013–14158.

⁹⁵⁸ See, for example, The Scottish Parliament. Meeting of the Parliament. Thursday 16 January 2003. Tavish Scott col. 14032, Donald Gorrie col. 14047.

⁹⁵⁹ The Scottish Parliament. Meeting of the Parliament. Thursday 16 January 2003, col. 14047.

if the House of Commons was not given the opportunity to vote: for the party it was an important opportunity to influence the Government, since in the House of Commons the Scottish National Party had only five seats but in the Scottish Parliament it was the second largest party after Labour.

Jack Straw tried to assuage these worries by answering on 21 January that there would be a vote – after the Commons audience had shouted the question: “Will there be a vote?”⁹⁶⁰ However, there was still the question of the timing of the vote: Would it be before or after the use of military force? On the same day, Prime Minister Blair, when giving one of his frequent testimonies to the Liaison Committee, again emphasized the accountability factor as the key issue for the role of Parliament: regardless of its Royal Prerogative powers, the Government was accountable for the war, which it nevertheless had the right to start.⁹⁶¹ Blair stated:

I cannot think of a set of circumstances in which a Government can go to war without the support of Parliament, so I do not think it is real. I think you can get into a great constitutional argument about this, but the reality is that Governments are in the end accountable to Parliament, and they are accountable for any war that they engage in, as they are for anything else.⁹⁶²

Blair considered that although the Royal Prerogative gave the Government the authority to decide in the strict sense, Parliament was still able to control the Government through its right to withdraw its support. Blair argued:

So I think that even though it may be strictly true to say that the Royal Prerogative means you do it and in strict theory Parliament is not the authority, in the end Parliament is the authority for any Government, and I cannot ----- I mean, can you honestly imagine a set of circumstances in which the Government is defeated by Parliament over a conflict and says, ‘Well, I’m just ignoring that’?⁹⁶³

Blair’s comment was simplistic, since it tried to reinforce the belief that Parliament was at the centre of the decision-making process despite the fact that this was only a partial truth. The issue was whether the majority would in fact hand the exercise of foreign policy over the Opposition by withdrawing their support, which was a possible outcome, albeit an unlikely one. Blair’s answers were also related to a question put by Tony Wright, the chairman of the Public Administration Select Committee. Wright wanted to know whether, if the parliamentary sentiment was clearly in favour of a stronger House of Commons, the Government would introduce legislation similar to the War Powers Act in the Unit-

⁹⁶⁰ HC Deb 21 January 2003 vol 398 col. 171.

⁹⁶¹ Nevil Johnson, “What of Parliament’s Future?” in *The Future of Parliament. Issues for New Century*, ed. Philip Giddings (Basingstoke and New York: Palgrave Macmillan 2005), 18; The House of Commons Liaison Committee. Session 2002-03. Minutes of Evidence 21 January 2003, HC 334-i, Q125, accessed 20 Aug 2013, <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmliaisn/334-i/3012101.htm>.

⁹⁶² The House of Commons Liaison Committee. Session 2002–03. Minutes of Evidence 21 Jan. 2003, Q125.

⁹⁶³ The House of Commons Liaison Committee. Session 2002–03. Minutes of Evidence 21 Jan. 2003, Q126.

ed States. Blair rejected the idea on the grounds that the two political systems were different.⁹⁶⁴ But what the answers Prime Minister Blair provided on 21 January 2003 do show is that he was forced to openly state his case on the constitutional system and to explain his view of the role of Parliament, for the first time during the analysis of the conflicts.

Blair was under pressure from the senior ministers as well. In the Cabinet, the keenness of the Prime Minister to disarm Iraq that was apparent on the current evidence was proving difficult to accept; especially when the Cabinet was not able to participate in the discussion. In August, there were voices in the Cabinet demanding publically that the Iraq policy should be discussed in a full Cabinet meeting.⁹⁶⁵ Mark Phythian gives a grim picture of the way the Iraq policy was handled at Cabinet level: basically Tony Blair did not consider the Cabinet to be a place for decision making; the members were informed about the developments, but there was no attempt to put the Cabinet at the centre of the decision-making process.⁹⁶⁶ This was the case both with the policy to disarm Iraq using all means necessary and with the planning of the post-war situation. Jack Fairweather argues that the latter issue was not discussed in a Cabinet meeting until 13 February 2003.⁹⁶⁷ A similar message was heard afterwards from the former Security of State for International Development, Clare Short, who complained that the Defence and Overseas Committee, the Cabinet's body dedicated to handling issues like the Iraq War, did not convene at all prior to the war.⁹⁶⁸

The British Government took note of the development in the inspections and decided to strengthen its case by publishing a new dossier in January 2003. Unfortunately for the Government, the dossier was quickly discovered to have been mostly copied from partly outdated academic articles. This brought criticism and put the Government's policy in a very negative light.⁹⁶⁹ Dr Hans Blix, the leader of the weapons inspectors, later wrote that he had seen a clear change in the language used by the British Government. In autumn 2002, they had spoken about specific amounts and types of Iraqi WMDs. When the inspections did not yield any clear findings, the Government began to claim that the location of the Iraqi WMDs was uncertain.⁹⁷⁰ Steven Kettell argues that this change in ar-

⁹⁶⁴ The House of Commons Liaison Committee. Session 2002-03. Minutes of Evidence 21 Jan. 2003, Q124.

⁹⁶⁵ Michael White: "Blair refuses ministers cabinet debate on Iraq: Requests for discussion of potential attack refused" *The Guardian*, 16 August 2002, p. 1.

⁹⁶⁶ Phythian, *The Labour Party, War and International Relations*, 136-137.

⁹⁶⁷ Jack Fairweather: *A War of Choice. The British in Iraq 2003-9* (London: Jonathan Cape, 2011), 16.

⁹⁶⁸ Towle, *Going to War*, 147; The House of Lords Select Committee on the Constitution. Session 2005-06. Fifteenth report. Waging war, Minutes of Evidence, 23 November 2005, Q2.

⁹⁶⁹ Brian Whitaker and Michael White: "UK war dossier a sham, say experts: 'Intelligence' on Iraq lifted from academic articles" *The Guardian*, 7 Feb 2003, p. 1; Matthew Parris: "Another voice - Blair would have been wiser to rely on blind trust than to have issued that dossier" *The Spectator*, 22 Feb 2002, p. n/a.

⁹⁷⁰ Hans Blix: *Irakin aseriisunta* (Helsinki: Like and Suomen rauhanpuolustajat, 2004. Translation Petri Stenman, Chapters 11 and 12: translation Arvi Tamminen), 19-20.

gument was very much a deliberate ploy by Tony Blair.⁹⁷¹ The new dossier was an attempt to give Parliament and the general public more information about why Iraq should be disarmed, but its provenance called the reliability of the information in question.

Events in January and February marked an intensification in the discussion about the role of Parliament. It was feared that the war might begin without the prior approval of Parliament. The continuous demands from the floor of the House to have a vote created pressure on the Government; it had been emphasized from the beginning that the use of force would be a last resort, and in fact the chance of a war was strongly rejected by the Government until February. This influenced the executive's view about the legitimacy of its actions: if the troop deployments were made for contingent purposes and war was not even considered an option at the end of January, there was no need for authorization from the House of Commons.⁹⁷² This clashed with the views presented by the Scottish Parliament and especially with the practice in the United States, where the authorization had been given months earlier.

On 20 January, Defence Secretary Geoffrey Hoon announced that Britain would deploy 26,000 troops to the Middle East in order to make contingency preparations. Hoon emphasized that Britain was not committed to using force against Iraq, although the troops now being deployed did allow for the military option as well. The demand for a vote came up again. In an answer to a brief comment, Hoon replied that there would be a parliamentary debate, but the timing of the debate must not be of advantage to the enemy.⁹⁷³ Two days later on 22 January, the House of Commons debated a motion titled "Defence of the World". The content of the debate again concentrated on the current Iraq policy at the expense of other topics. At the end of the debate there was an adjournment vote, and 53 MPs voted against the adjournment: this was a show of rebellion against the Government's Iraq policy, since 44 of those who voted against the adjournment were Labour MPs.⁹⁷⁴ British troops were now being transported to the Middle East: Would this mean that the war was going to start any day soon? Tam Dalyell, who had forced the division, reminded the Government: "If the House is not to be demeaned, it should have a vote before any commitment to action. I hope that the House authorities and those who control these things will take that seriously, otherwise the House of Commons will be greatly demeaned."⁹⁷⁵

On 6 February, in relation to a statement about the deployment of air force units to the Middle East, Hoon warned MPs that they might not get to vote before a possible war, since it could endanger the troops. This announcement was met with criticism, and Hoon was accused of having ruled out the possibility of a vote in the House of Commons before a deployment of British troops and now, after the decisions on deployments, the chance to vote was still uncertain.

⁹⁷¹ Kettell, *Dirty Politics?*, 86–89.

⁹⁷² See Tony Blair HC Deb 29 January 2003 vol 398 col. 873.

⁹⁷³ HC Deb 20 January 2003 vol 398 cols 34–35, 41.

⁹⁷⁴ HC Deb 22 January 2003 vol 398 cols 326–406.

⁹⁷⁵ HC Deb 22 January 2003 vol 398 col. 373.

However, Hoon was not ready to change the Government's position; in fact he emphasized that the Government were following "well-established procedures of the House and have clearly set out the arrangements".⁹⁷⁶ In the debate, "deployment" was interpreted to mean the deployment of troops to a theatre of war rather than as a simple contingency measure. What the Government was doing was trying to preserve its existing executive power in the face of backbencher efforts to reduce that power.

In February, a motion was placed on the Order Paper dealing with the coming business of the House. This motion, signed by 143 MPs, called for the introduction of war-making powers, meaning legislation that would give Parliament the power to authorize the use of force. If approved, the motion would give Parliament the right of approval before any British troops were committed to hostilities abroad. Graham Allen was behind this initiative,⁹⁷⁷ which showed the extent of parliamentary opinion supporting the view that Parliament should be the final decision-maker and the source of legitimacy. The motion was linked to the fact that in January 2003 it had become clear that the weapons inspectors in Iraq were not providing sufficient evidence that Iraq possessed an arsenal of weapons of mass destruction. Tony Wright, a Labour MP and chairman of the Public Administration Committee, announced on 6 February, the same day when Hoon hinted that there might not be a vote, that the committee would conduct an inquiry into the Royal Prerogative and argued that it was long overdue.⁹⁷⁸ Furthermore, Gordon Prentice, a Labour backbencher, warned Robin Cook on 13 February that a war authorized through the use of the Royal Prerogative rather than a vote in the House of Commons would end the Labour Government.⁹⁷⁹ In the Conservatives there had been opposition to Iain Duncan Smith on other issues, but there were also rifts concerning the Iraq policy: John Major, the former leader and Prime Minister, warned about the war's consequences at the end of February,⁹⁸⁰ and Kenneth Clarke, a former Chancellor of the Exchequer, supported this view in the House of Commons.⁹⁸¹ Duncan Smith, on the other hand, used the threat of war in an attempt to unite the party ahead of the crucial debate in February.⁹⁸²

There were large anti-war demonstrations in many countries, and on 19 February London, too, saw a huge demonstration that comprised, according to

⁹⁷⁶ Geoffrey Hoon and Jeremy Corbyn HC Deb 6 February 2003 vol 399 ols c459-461; Tom Baldwin: "Hoon says MPs may be denied chance of debate" *The Times*, 7 Feb 2003, p. 18.

⁹⁷⁷ Bowers, *Parliament and the use of force*, 4-11.

⁹⁷⁸ Peter Riddell: "MPs have rights on making love, not war" *The Times*, 14 Feb 2003, p. 16; The House of Commons Public Administration Committee. Session 2002-03. Minutes of Proceedings. Thursday 6 February 2003. <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmpubadm/1316/131603.htm#10>, accessed 26 April 2013.

⁹⁷⁹ HC Deb 13 February 2003 vol 399 col. 1045.

⁹⁸⁰ Greg Hurst: "Major warns of postwar perils in Iraq" *The Times*, 22 Feb 2003, p. 16.

⁹⁸¹ HC Deb 26 February 2003 vol 400 cols 293-295.

⁹⁸² Rosemary Bennett: "Duncan Smith calls for truce ahead of war" *The Times*, 25 Feb 2002, p. 10.

some sources, a million participants.⁹⁸³ The war against Iraq was considered to be controversial at this point because of the lack of an international consensus and of justification for the war. On 24 February 2003, it was announced that Parliament would discuss the Iraq policy in a full-day debate on 26 February and that, furthermore, the debate would include a Government motion. The House expressed suspicion over the motion. Would the House be voting about the war? Would the support for the Government lead to an authorization of the use of force against Iraq? Robin Cook, the Leader of the House, announced that the motion was not intended to provide legitimization for the use of force. Cook promised the House that, if such an occasion that required the use of force against Iraq should arise, the House would have another chance to vote. Cook confirmed that he personally required a further authorization from the Security Council in addition to the voted approval of the House of Commons. However, with regard to the vote in the House of Commons, there still existed the precondition that it should not put the British troops to risk.⁹⁸⁴ Glenda Jackson (Lab, Hampstead and Highgate) argued that if the vote dealt with the general issue of the deployment of British troops without references, for example, to timing, there should be no problem, but Cook supported the Government's stance. As mentioned above, Foreign Secretary Straw had previously announced in the Commons that there would be no vote if it placed the troops at risk.⁹⁸⁵

The vote on 26 February was linked to the draft resolution that the United States and Britain had submitted to the Security Council on 24 February. It was an effort to gain support from the Security Council, but it was also interpreted in Britain as an effort to show the Labour Party backbenchers that they had a say in the conduct of affairs and thereby avoid a broad rebellion over the Government's policy. It was beginning to look as if the vote on 26 February could be the final chance to vote about the policy before the war broke out.⁹⁸⁶ On 22 January, 44 Labour MPs had rebelled against the Government, which showed that there was a clear rift evolving within the Government's own party. It was now becoming a question of the Government's policy being legitimized by the Prime Minister's own party as well as by Parliament in general; in fact, it was essential for the Prime Minister to prevent the rift within the party from widening since it was becoming a question of Parliament's confidence in the whole Government.

In the debate, the Government's motion was intended simply to gain support for the current policy, which sought to disarm Iraq of its suspected weapons of mass destruction. Foreign Secretary Jack Straw explicitly emphasized the fact that the motion was not an "endorsement of military action".⁹⁸⁷ Two amendment proposals were put forward; the Liberal Democrats' proposal ar-

⁹⁸³ Anon.: "Anti-war rally makes its mark" BBC News, 19 February 2003, accessed 21 Aug 2013, http://news.bbc.co.uk/2/hi/uk_news/2767761.stm.

⁹⁸⁴ HC Deb 24 February 2003 vol 400 cols 21-23.

⁹⁸⁵ Glenda Jackson and Robin Cook HC Deb 24 February 2003 vol 400 col. 24.

⁹⁸⁶ Patrick Wintour, Jonathan Steele and Matthew England: "Blair tries to head off Iraq revolt" *The Guardian*, 24 Feb 2003, p. 1

⁹⁸⁷ HC Deb 26 February 2003 vol 400 col. 265.

gued that the diplomatic channels had not yet been exhausted, and the other, signed by 115 MPs from both the Labour and the Conservative Parties, emphasized that the case for war was still unproven. In the end, the Speaker chose the latter.⁹⁸⁸ By now it was certain that the House of Commons' role was to be the organ that legitimized the possible use of force against Iraq and that this conferment of legitimacy would be carried out in the form of a vote. However, the timing of the vote still remained open.

Prime Minister Tony Blair had made his statement on the Iraq policy the day before, on 25 February, and did not speak on 26 February. Blair's statement dealt with the same matters as Straw's speech: the policy aimed at disarming Iraq was on-going and the search for support from the Security Council continued: now the Security Council could discuss the draft resolution submitted by Britain and the United States. Furthermore, Blair emphasized the unreliable character of Saddam Hussein and reminded the House about the history of his deceptions. Iain Duncan Smith and Charles Kennedy, the leaders of the two other main parties, also made speeches. Kennedy in particular was sceptical about the possibility of avoiding war.⁹⁸⁹

On 26 February, the backbenchers, too, were able to deliver speeches. In general, the language of the anti-war lobby endorsed the view that now was the time to reject the Government's Iraq policy and to avoid war. Despite numerous statements from the Government benches during the previous months, the Members were uncertain whether they really would have a chance to vote prior to military action. It was well known that at the international level the support for the use of force against Iraq was meagre and that France in particular could use its veto in the Security Council to reject any resolution authorizing the use of force against Iraq.⁹⁹⁰ Hence the anti-war lobby took its chance and voted according to their convictions, which, in fact, were shared by many MPs, who did not know whether to support the Government or not. Bruce George, a Labour MP and a member of the Defence Committee summed up the issue thus:

The approach to war is dangerous for combatants and non-combatants, and poses enormous problems for ordinary Members of Parliament. We are buffeted by pressure and arguments on all sides but, at the end of the day, we are impelled to make a rational decision. I have looked at the resolution, and shall vote on it, and not one that may be made in future. There is nothing exceptional about that – I do not feel prejudiced, nor is my conscience undermined by decision to go into the Lobby with the Government and the official Opposition.⁹⁹¹

The debate ended with the biggest rebellion in the history of the Labour Party and made Blair realize that the support of his own party could not be taken for

⁹⁸⁸ Michael White, Patrick Wintour and Julian Borger: "War rebels challenge Blair: Frantic efforts to win support for vote in Commons" *The Guardian*, 26 Feb 2003, p. 1.

⁹⁸⁹ Tony Blair and Charles Kennedy HC Deb 25 February 2003 vol 400 cols 123–40.

⁹⁹⁰ See Mikko Mäkinen: 'Meidän taistomme käydään rauhan puolesta'. *Irakin kriisi ja sodanuhka Ranskan parlamentin debateissa vuosina 2002–03*. Pro gradu thesis (Jyväskylä, 2010).

⁹⁹¹ Bruce George HC Deb 26 February 2003 vol 400 col. 304.

granted.⁹⁹² Of the Labour MPs, 120 supported an amendment proposal, which stated: "... but finds the case for military action against Iraq as yet unproven." Philip Cowley described the vote as a kind of a test vote, and it resulted in the message that sufficient support within the Labour Party for endorsement of the Government's policy was by no means certain.⁹⁹³ For the Government, the outcome was difficult and revealing, and it showed that the Government needed to uphold the Commons' role as the source of legitimacy simply in order to keep the Labour Party as united as possible.⁹⁹⁴ The International Development Select Committee, too, issued a report during the last weeks of the build-up phase, published on 12 March 2003. This committee was linked to the Department of International Development, which had been set up by the Labour Government in 1997. The select committee examined the probable consequences of a war in Iraq because of concerns over the lack of proper planning of the post-war situation: If the war against Iraq should break out, would Britain be ready to deal with the post-war crisis that would most likely follow the war? The committee's report came to the conclusion that it was not convinced that the Government had created a viable plan to deal with the humanitarian consequences of the war.⁹⁹⁵

In this situation, a week before 18 March, it was not clear whether Blair would offer another vote to the Commons or not: the members of the anti-war lobby frequently asked about the vote, and the Prime Minister endorsed the House's role but gave no answer about whether the vote would be prior to the military action or not. There were demands in *The Guardian* about the need to have a vote in the House of Commons as soon as the Security Council convened. The paper was cautious about the use of force against Iraq at that point. Especially the fear of participating in a unilateral attack against Iraq seemed to be substantial since it was practically certain the war would soon begin.⁹⁹⁶ The diplomatic course ended in 16 March after the French stated that they might use their right of veto if any attempt was made to bring a draft resolution approving the disarmament of Iraq before the Security Council.⁹⁹⁷ As a result, the Government announced that there would be a debate in the Commons on a substantive motion, a clear consequence of the lack of international support for the use of force against Iraq but also evidence that the Government was keeping to the promise it had given the Commons in November. Robin Cook, the Leader of the House, resigned, delivering his resignation speech on 17 March. In it, he condemned the war against Iraq as taking place without allies and without

⁹⁹² HC Deb 26 February 2003 vol 400 cols 363–371; George Jones, Political Editor, Toby Helm and Robin Gedy: "Blair rocked by biggest revolt over war on Iraq" *The Daily Telegraph*, 27 Feb 2003, p. n/a.

⁹⁹³ Cowley, *The Rebels*, 114–117.

⁹⁹⁴ Robin Cook HC Deb 06 March 2003 vol 400 col. 970.

⁹⁹⁵ The House of Commons International Development Committee. Session 2002–03. Fourth Report. Preparing for the Humanitarian Consequences of Possible Military Action against Iraq, 28, para 41.

⁹⁹⁶ Editorial: "Clare Short's challenge" *The Guardian*, 10 March 2003, p. 21.

⁹⁹⁷ Kamal Ahmed, Gaby Hinsliff, Ed Vulliamy and Paul Webster: "Final play in Blair's diplomatic gamble" *The Guardian*, 16 March 2003, p. 16.

proper weapons inspections. The speech ended to a standing ovation in the House of Commons, a rare event in the chamber. In his speech, Cook reminded the MPs about his position on the right to vote in the House of Commons. He now called on MPs to show to the “commentators” that the House was still at the centre of the British political system by rejecting the commitment to war. Cook argued:

From the start of the present crisis, I have insisted, as Leader of the House, on the right of this place to vote on whether Britain should go to war. It has been a favourite theme of commentators that this House no longer occupies a central role in British politics. Nothing could better demonstrate that they are wrong than for this House to stop the commitment of troops in a war that has neither international agreement nor domestic support. I intend to join those tomorrow night who will vote against military action now. It is for that reason, and for that reason alone, and with a heavy heart, that I resign from the Government.⁹⁹⁸

The International Development Committee’s report served as a basis for the Government’s promised debate. Since Parliament had already been established as the source of legitimisation before the debate, it stated that the attention of the House should be directed to the overall decision to go to war against Iraq and to evaluating the role of the House of Commons in terms of the facts and information it was relying on. The committee’s report showed that the war would result in a major humanitarian crisis, but this did not persuade the majority of MPs to vote against the Government. The threat assessment carried out by the executive encouraged them to vote for the Government and to ignore the report of the International Development Committee. This again emphasized the apparent information gap between the Government and Parliament, but it was also a question of confidence in the Government’s ability to make the proper decisions.

The debate on 18 March did not include so many references to the role of Parliament. It was clear at this point that the United States would soon launch an attack against the Iraqi regime, and thus it is not surprising that the role of Parliament drew little attention since it had already obtained the role that many members wanted it to have: to be the place where the decision either to endorse or reject the use of force would be made. The Reverend Ian Paisley (North Antrim), the leader of the Democratic Unionist Party – a small group from Northern Ireland – considered the debate to be the moment in which the House “redeemed” itself, a reference to comments concerning the decline of Parliament. Paisley, who supported decision-making at the national rather than the international level, considered that the House of Commons was a better place for such a decision than the United Nations. Paisley expressed his views thus:

Today, the House has redeemed itself before the whole nation: this is the place where the issue should be settled and decided on. It will strengthen Parliament. I welcome the fact that the Government decided to have this debate and to keep their promise that the debate would take place. It is healthy to have this debate. I prefer this House to make the decision and not the UN. This House should say to the British service-

⁹⁹⁸ HC Deb 17 March 2003 vol 401 cols 726–8.

men whether they are to go to war or not, and not someone else who does not know the ins and outs of the situation.⁹⁹⁹

The argument itself can be crystallized into the question of whether Iraq posed a threat to the world or not – the interpretation of the legality of the war was based on this main question. Although the Commons debate in February had already provided a forum in which MPs presented their views, the chamber saw another passionate and fierce debate on this occasion too. Prime Minister Tony Blair delivered a strong speech, putting the Government's case and urging the Members to express their support for it. In the end, there was a vote on a substantive motion, which included the phrase "all means necessary". The amendment chosen by Michael Martin, the Speaker, emphasized that "the case for war against Iraq has not yet been established", but at the same time gave its support to the troops already stationed in the Middle East. Thus it was a clear attempt not only to show that even the anti-war lobby did not want to undermine the soldiers' morale but at the same time was also striving to prevent the war from taking place, or at least to end the British commitment to it as it was clear that the United States would go to war with or without the British. Now the question was whether Britain should follow the USA or not. In the end, the Government's motion won. The Labour whips were able to secure sufficient support, and the division ended with 396 Members supporting the Government and 217 against; 139 Labour MPs voted against their own Government.¹⁰⁰⁰ What the parliamentary process culminating in the vote on 18 March 2003 showed was that the House of Commons had a clear role in legitimizing the use of force against Iraq. In 2004, a former Conservative Party leader, William Hague, described the vote on 18 March 2003 as "a kind of act of generosity by the Government for which we had to be grateful at the time".¹⁰⁰¹ Furthermore, the rebellion in the House of Commons was, as Philip Cowley argues, "the largest rebellion by government backbenchers since the beginning of modern British party politics." The size of the rebellion shattered the previous records of rebellions, first of them occurring in 1886 when Gladstone proposed a Home Rule for Ireland. The rebellion could have been even larger but the fact that the vote was portrayed as a vote of confidence to Tony Blair helped to reduce its size.¹⁰⁰² Nevertheless, this was the occasion in which the weakening party discipline influenced the outcome of a major vote in the exercise of foreign policy, although terrorism in general had provoked rebellions in the House of Commons since the September 11 terrorist attacks.¹⁰⁰³ On 18 March 2003, 63 Labour

⁹⁹⁹ Ian Paisley HC Deb 18 March 2003 vol 401 col. 861.

¹⁰⁰⁰ Michael White: "Blair battles on after record rebellion: 139 Labour MPs vote against government" *The Guardian*, 19 Mar 2003, p. 1

¹⁰⁰¹ The House of Commons Select Committee on Public Administration. Session 2002–03. Minutes of Evidence, 10 April 2003, Q2 accessed 20 March 2013, <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmpubadm/642/3041003.htm>.

¹⁰⁰² Cowley, *The Rebels*, ct. 106, 126–128.

¹⁰⁰³ Cowley, *The Rebels*, 87.

Party MPs rebelled for the first time against the Government during Parliament elected in 2001.¹⁰⁰⁴

This rebellion was linked to the concern over the policy and was aimed at strengthening the alternative policies such as the continuation of disarmament by peaceful means. In the other conflicts the anti-war opposition was smaller due to the different contexts and circumstances. But even though many politicians wanted to reject the war against Iraq as a unilateral policy, the broad discussion on the role of Parliament can be explained only partly with the desire to reject the policy of the Government. This is evident in a situation where the discussion dealt directly with the constitution and Parliament had already been promised a vote.

To conclude, the House of Commons in 2002–03 had a considerable role as the source of legitimacy for the war. This section has analyzed the parliamentary discussion examining the role of Parliament in the legitimisation of the deployment of military troops and also of the decision to use force. It has shown that there was a strong cross-party understanding in the House of the need to have parliamentary authorization for the use of force.

The House's wish to proceed along the UN route was implemented, although it brought no results. The House of Commons commented on the Government's policy and its potential consequences, but the Government failed to follow the advice of Parliament on many matters, such as planning for the post-war situation, the preparations for which were carried out badly despite the debate on the issue in the Commons. After months of wavering, Clare Short, the Secretary of International Development, resigned in May.¹⁰⁰⁵ Several other Government members resigned over Iraq, but Robin Cook and Clare Short were the most prominent ones. The decision to go to war with Iraq shows how the House of Commons was given a chance to decide on the direction of foreign policy as a whole, which included not only the fate of Iraq but also relations with the United States, the rest of Europe and the United Nations. It is also noteworthy that the constitutional basis was also challenged during the plenary sessions in a depth unprecedented in the other examined conflicts, even if these challenges came, again, only from individual MPs. However, the radical nature of the change lay in the broad cross-party support for a stronger Parliament as the organ that legitimized the use of force, even before the UN Security Council deliberated the issue or before the weapons inspectors began their work.

¹⁰⁰⁴ Jeff Ennis and John Grogan: "Jeff Ennis and John Grogan" in *The Rebels. How Blair Mislaid his Majority* by Philip Cowley (London: Politico's, 2005)

¹⁰⁰⁵ See Fairweather, *A War of Choice*, 37–50; Clare Short: *An Honourable Deception? New Labour, Iraq and the Misuse of Power* (London: Free Press, 2004), 193–211.

6.4 The House of Lords and the Iraq War

If in 2002–03 the House of Commons' role proved to be stronger than it had been in the conflicts of the last few decades, that of the House of Lords during the build-up to the Iraq War differed little from what it had been in the other conflicts examined here. In general, the relevant contributions came from certain individuals who actively questioned the Government's Iraq policy. On the other hand, the House, although it had a Conservative majority, still included some ministers from the Labour Government and thus did not as a whole challenge the policy. When the media debate about the Iraq policy began during the summer of 2002, one of the first persons to comment on it was to be found in the House of Lords: Lord Bramall published a letter in *The Times* at the end of July deliberating the outcome of war in Iraq.¹⁰⁰⁶ Furthermore, Rowan Williams, the incumbent Archbishop of Canterbury, actually signed a petition to demand a recall in August 2002.¹⁰⁰⁷ It also appeared that the House of Lords was ready to express its opinions in the chamber as well; Lord Bramall, Rowan Williams and another influential peer, Lord Hurd of Westwell (Douglas Hurd, a former foreign secretary), all figures whose opinions were respected, made speeches on the issue.¹⁰⁰⁸

The House of Lords was, naturally enough, also a part of the parliamentary process. The House was frequently informed about developments, and some of its members also took part in the extra-parliamentary discussion about the legal and moral limits of the use of force. The discussions about the Iraq policy took place in the Lords in response to the same statements that were debated in the Commons. As in the other cases, the Prime Minister was questioned orally in the Commons, but not in the Lords. The same applied to other key ministers such as the Secretary for Defence and the Foreign Secretary. This was also the case in the earlier conflicts, except for the first days of the Falklands War in 1982, when Lord Carrington, the Foreign Secretary, was a member of the House of Lords. However, the upper chamber did not lack opportunities to discuss the Government's policy. The Government provided 11 statements before the outbreak of hostilities and four full debates to take note.¹⁰⁰⁹ On 14 November, the House of Lords debated the Address in Reply after the opening of the parliamentary session, a debate that was devoted to foreign affairs. In it, the Government's policy on Iraq was also discussed. In addition to the debates, several questions were asked in the House of Lords, either orally or in written

¹⁰⁰⁶ Lord Bramall's letter to the editor. *The Times*, 29 July 2002, p. 17; Hollis, "The United Kingdom: Fateful Decision, Divided Nation", 40.

¹⁰⁰⁷ David McKie: "Seven days: Bishops oppose war on Iraq" *The Guardian*, 10 Aug 2002, p. H2.

¹⁰⁰⁸ Roland Watson, Tom Baldwin and Andrew Norfolk: "Sceptics unite over US action against Iraq" *The Times*, 6 August 2002, p. 1.

¹⁰⁰⁹ Statement debates were held on 24 September, 7 November and 18 December 2002; 7, 20 and 21 January; 3, 6, 13, 25 February; and 17 March 2003. Full debates were held on 24 September (after the Government statement) and on 28 November 2002 and 26 February and 18 March 2003.

format, about details of the Iraq policy. Generally speaking, the crisis was debated in the upper chamber quite extensively. When the diplomatic stage started to move closer to war, it was a member of the House of Lords who attracted widespread attention as the interpreter of whether the war against Iraq would be legal or not. Lord Goldsmith, whose supportive opinion about the legitimacy of the war was vital for the Government, made his views known both to the public and to the House of Lords, which debated the legal aspects of his statements. However, apart from debating the issue, it was not politicized in a way that would have led to a broad rejection of the Government's policies, and this behaviour continued to characterize the role of the House of Lords in the coming months.

The House of Lords re-convened from its summer recess to debate Iraq on the same day as the Commons, 24 September 2002. This marked the beginning of the parliamentary process in the upper chamber, a process that culminated in the final debate on 18 March. In the recall debate, which was conducted according to the take-note formula, the Government's representative made a similar speech to that which Prime Minister Tony Blair delivered in "another place" (i.e. the Commons) and described the Government's developing case against Iraq's weapons of mass destruction programme. The Liberal Democrat's spokesperson, Baroness Williams of Crosby (Shirley Williams), called for proper inspections to be carried out and asked whether, in addition to the Commons, the House of Lords would also be consulted if the inspectors found evidence of weapons of mass destruction, but the Government's representative, Lord Williams of Mostyn (Gareth Williams), was not able to give any assurances on that matter.¹⁰¹⁰

The Lords advised the Government to build as strong a case as possible against Iraq, but understood that the Iraq situation was potentially alarming. The issue of a possible regime change in Iraq received broad attention. Lord Craig of Radley (David Craig, cross-bench), a former soldier who had been the Chief of the Defence Staff in 1991, emphasized the need to concentrate on creating a workable regime to Iraq instead of aiming only at a change. He also said that the whole issue of using military force should only be the last resort.¹⁰¹¹ Another former high-ranking soldier, Lord Bramall (Edwin Bramall, cross-bench), also spoke in the debate. He was strongly against the use of military force in the existing situation.¹⁰¹²

Interestingly, five Lords Spiritual spoke in the debate, raising the question of a just war and warning against using force against Iraq without proper legal and moral grounds. The Lord Bishop of Southwark (Tom Butler) emphasized that something should be done about Iraq, but maintained that the use of force now was not an option. In general, the contributions of the bishops were fairly

¹⁰¹⁰ HL Deb 24 September 2002 vol 638 cols 867–868.

¹⁰¹¹ HL Deb 24 September 2002 vol 638 cols 883–885.

¹⁰¹² HL Deb 24 September 2002 vol 638 cols 981–983.

pacifist.¹⁰¹³ According to Jan Faber Mient, the Kosovo War in 1999 had influenced the Anglican Church strongly by creating fairly unanimous support for a war waged for humanitarian reasons. In the case of Iraq, however, such a condition was difficult to satisfy precisely.¹⁰¹⁴ A similar position was shared by all the other main religious groups in Britain: a war against Iraq would be wrong.¹⁰¹⁵ In the House of Lords, the only Muslim woman peer was Baroness Uddin, who strongly rejected the idea of going to war against Iraq because there was not enough evidence to justify doing so.¹⁰¹⁶ Philip Towle argues that the bishops' contributions were useful since they linked moral questions with political considerations: after all, it was the political leaders who had first started to use moral arguments to justify the actions against Iraq. The bishops together with other religious leaders in British society began to remind the political leaders about the need to explain better the moral arguments that they were using to justify the use of force. This, they claimed, was especially important since the political leaders were attaching moral aims to their policy.¹⁰¹⁷ It was on 22 July when the Prime Minister appointed Rowan Williams to be the successor of George Carey as Archbishop of Canterbury. He was to take up the post later in the year, but immediately after his nomination Williams warned that he would support war against Iraq only if it was clearly authorized by the United Nations.¹⁰¹⁸

After the recall debate, parliamentary activity ended for the rest of the recess in the House of Lords, too. The question of whether the Government was going to publish its legal advice also arose in the Lords at the end of October 2002, when a life-peer, Lord Williams of Elvel (Lab, Charles Williams), asked about the issue. The Government's response was clear: it was a long-standing policy not to disclose legal advice, and anyway there had been no decision to launch a military strike against Iraq.¹⁰¹⁹ The bishops of the Church of England together submitted a memorandum to the Foreign Affairs Committee in connection with its inquiry into the foreign affairs aspects of the war against terrorism, and in this message they rejected the war against Iraq in the current situation.¹⁰²⁰

The diplomatic efforts being made in the UN led to more activity in the Lords as well. On 7 November, the Government's representative issued a statement informing the House about developments in the Security Council and

¹⁰¹³ The Lord Bishop of London, the Lord Bishop of Oxford, the Lord Bishop of Southwark, the Lord Bishop of Chester, the Lord Bishop of Chelmsford HL Deb 24 September 2002 vol 638 cols 885–888, 896–898, 910–912, 924–925, 940–941.

¹⁰¹⁴ Jan Faber Mient, "Peace, Human Rights, and the Moral Choices of the Churches". In *A Matter of Principle. Humanitarian Arguments for War in Iraq*, ed. Thomas Cushman (Lontoo: University of California Press, 2005), 160, 162–163, 165.

¹⁰¹⁵ Ibid.

¹⁰¹⁶ HL Deb 24 September 2002 vol 638 col. 899–901.

¹⁰¹⁷ Towle, *Going to War*, 38–39.

¹⁰¹⁸ Ruth Gledhill: "Archbishop will not give blessing for war on Iraq" *The Times*, 23 July 2002, p. 1.

¹⁰¹⁹ HL Deb 31 October 2002 vol 640 cols 42–3WA.

¹⁰²⁰ The House of Commons Foreign Affairs Committee. Session 2002–03. Second Report. Foreign Policy Aspects of the War Against Terrorism, ev80–97.

described the draft resolution now under discussion. Lord Howell of Guildford (Con, David Howell), the former chairman of the Foreign Affairs Committee (1987–1997) and the Opposition spokesman for foreign affairs in the House of Lords, emphasized the need to be prepared for different options, including the use of force. Furthermore, it was important to make sure that the planning for the post-war situation was ready if the war came.¹⁰²¹ The House considered the situation carefully, and the opinions showed that the general feeling in the chamber was pessimistic about the outcome. The Lord Bishop of Oxford (Richard Harries) commented on the draft resolution thus: “However, when I read the draft resolution this morning, the words that came into my mind were quite simply: this means war. It is a very tough resolution. I cannot conceive of how Saddam Hussein could comply with it. It means total, total humiliation.”¹⁰²²

The dominant view in the Lords’ was to continue along the UN route. The Security Council’s Resolution 1441 was less tough than the Bishop of Oxford had suggested. The House of Lords debated the resolution on 28 November. Now the question of how the disarmament of Iraq would be handled in the political process seemed to be a bit clearer since there was now a resolution authorizing the resumption of weapons inspections in Iraq and stating the need for the Security Council to evaluate the results of the inspections. There was discussion about the role of Parliament as well as comments that clearer information about the Government’s policy on Iraq would be welcome. The debate that followed the information about the Security Council resolution was a chance to remind the Government that the decision-making and consequently the role of Parliament in that decision-making was not over yet. Lord Howell of Guildford, the Conservative spokesperson for foreign affairs, suggested that Parliament could perhaps be the source of authority for measures taken by the Government. He emphasized that both Houses should have a further chance to discuss the policy in the future, before any major decision was made.¹⁰²³ Earl Attlee (John Attlee), a Conservative hereditary peer, also pointed to the necessity of making the House of Lords part of the political process, although the primary source of authorization would be the Commons.¹⁰²⁴ Earl Attlee also criticized the Government’s failure to provide the House with sufficient information. He raised this issue on 28 November, and on 18 December he brought up the matter again, demanding that the Government provide information about its policy on Iraq to the House before it informed the media.¹⁰²⁵

The idea of Parliament as the source of authorization for the Government’s measures did receive some support in the House of Lords, although there were not many speeches in favour of it. In December, Lord Redesdale (Lib Dem, Rupert Mitford), a life peer, expressed his hope that the House of Commons would be the source of authorization through debating and voting.¹⁰²⁶ The

¹⁰²¹ HL Deb 07 November 2002 vol 640 cols 921–922.

¹⁰²² HL Deb 07 November 2002 vol 640 col. 927.

¹⁰²³ HL Deb 28 November 2002 vol 641 cols 867–868.

¹⁰²⁴ HL Deb 28 November 2002 vol 641 col. 947.

¹⁰²⁵ HL Deb 18 December 2002 vol 642 col. 709.

¹⁰²⁶ HL Deb 18 December 2002 vol 642 col. 711.

Government did not usually comment on the question of voting in the House of Commons during the debates in the House of Lords, as Lord Bach (Lab, William Bach), the Parliamentary Under-Secretary of State for Defence Procurement, did in January, when the Government announced a major deployment of troops to the Middle East. In his statement, he assured both Houses that they would have a chance to debate the issue, but he made no reference to the right to vote.¹⁰²⁷ As far as the House of Lords was concerned, this was not surprising since the upper chamber had no tradition of voting on such topics.

In January, Lord Howell of Guildford emphasized that the Government's case against Iraq still lacked vital elements, and he was supported in this by the Lord Bishop of Guildford (John Gladwin).¹⁰²⁸ The message of the House was that the diplomatic option had not yet been exhausted. The House continued to be pessimistic, and one peer even asked what plans the Government had made for ending a possible war against Iraq, referring to the overall aims of the potential military action and to the state of the planning for the post-war situation, an issue that had been brought up earlier in September. The position outlined by the Government was similar to the answer given in the Commons: since there was no decision about going to war, there was no need to develop an exit-strategy for the war.¹⁰²⁹

When the Government eventually published the new dossier describing Iraq's weapons of mass destruction, it initially strengthened the Government's case. However, the Government's argument started to look weak again after it was found out that the dossier had been mostly plagiarized from partly outdated academic articles. The strengthening of the Government's case was noted in the House of Lords, and alongside criticism of the lack of prior notification to the House about the dossier, attention focused on the timing of the House's debates. Lord Howell of Guildford put forward his view that the debate in the Lords should, for reasons of media visibility, be arranged on another day than in the Commons; otherwise the contribution of the upper House might be lost. He argued:

This House has an enormously powerful input to make to the broader scene, to defence issues and to geographical and geopolitical issues, which may not get a proper airing in the Commons. If we have our debate on the same day as the Commons, it will be lost completely in the media; if we have it on another day, we could make a genuine contribution that matches what this House can give to such debates.¹⁰³⁰

The Government's representative, Lord Williams of Mostyn (Gareth Williams), who was the Leader of the House of Lords, supported this view. When, on 6 February, it was announced that more troops would be deployed to the Middle East, it led to a request to have a full debate in the House. Baroness Crawley (Christine Crawley), a junior member of the Government, reiterated that the

¹⁰²⁷ HL Deb 20 January 2003 vol 643 col. 498.

¹⁰²⁸ Lord Howell of Guildford and The Lord Bishop of Guildford HL Deb 21 January 2003 vol 643 cols 566–567, 570–571.

¹⁰²⁹ Lord Roberts of Conway HL Deb 22 January 2003 vol 643 cols 689–91.

¹⁰³⁰ Lord Howell of Guildford HL Deb 03 February 2003 vol 644 col. 31.

timing of the debate depended on the execution of any military action; if possible, the debate would be arranged before the action, but only if it did not put the troops at risk.¹⁰³¹ The Government's statement persuaded both Lord Bramall (Edwin Bramall, Cross-bench) and Lord Judd (Frank Judd, Lab) that the war was now inevitable; on the other hand, the Government's planning for the post-war situation was in serious doubt.¹⁰³² It is noteworthy that the political context now supported more freedom in the upper chamber: after years of waiting to see how the House of Lords reform would continue, on 4 February both Houses rejected a major motion to change the House of Lords into a fully elected institution; here there was a clash of wills between Robin Cook and Tony Blair, both of whom had made different proposals concerning the reform.¹⁰³³ The motion was, as Prime Minister Blair had stated, an attempt to make the House of Lords into a rival chamber to the House of Commons.¹⁰³⁴ However, in the end it was Blair who turned out to be constitutionally conservative since he rejected all the other proposals to reform the Lords after losing the vote on his proposal for a fully appointed chamber. The explanation for this lay in Blair's desire to keep the House of Lords as weak as possible vis-à-vis the executive.¹⁰³⁵

The constitutional arrangements for waging war were widely discussed in the House of Commons, but in the Lords this subject was broached very rarely. Lord Brennan (Daniel Brennan, Lab), a legal expert hinted in the Address in Reply debate in November that it was the Government's constitutional duty to ascertain the will of Parliament before the use of force, but this elicited no response from the other peers.¹⁰³⁶ Some months later, in a much clearer situation, Lord Hooson (Emlyn Hooson, Lib Dem), a peer who was regarded as anti-imperialistic owing to his Opposition to the Falklands War in 1982,¹⁰³⁷ asked about the right to declare war and received a reply from Lord Goldsmith (Peter Goldsmith), the Attorney-General, stating that the Royal Prerogative gave the Government the legal right to decide about the war. In a supplementary question, Lord Hooson attacked the Royal Prerogative, describing it as archaic in the modern age. He asked Lord Goldsmith whether he, on behalf of the Government, would promise that the Prime Minister would consult Parliament before the use of force and would also be bound by Parliament's decision. Moreover, with reference to this specific Royal Prerogative power, the right to declare war, Lord Hooson required that the decision to do so should pass through Parliament as a prerequisite of democratic legitimacy. Lord Hooson's speech was made immediately after continuous demands in the House of Commons to have a vote to authorize the use of force and after a discussion about whether

¹⁰³¹ Lord Vivian and Baroness Crawley HL Deb 06 February 2003 vol 644 cols 377–378.

¹⁰³² Lord Bramall and Lord Judd HL Deb 06 February 2003 vol 644 cols 380–381.

¹⁰³³ HL Deb 04 February 2003 vol 644 cols 115–39; Melissa Kite, Philip Webster and Greg Hurst: "Blair gets his way as MPs reject elected House" *The Times*, 5 Feb 2003, p. 1; HC Deb 04 February 2003 vol 399 cols 221–242.

¹⁰³⁴ HC Deb 29 January 2003 vol 398 col. 877.

¹⁰³⁵ Editorial: "House of ill-repute" *The Times*, 5 February 2003, p. 19.

¹⁰³⁶ HL Deb 14 November 2002 vol 641 col. 62.

¹⁰³⁷ Andrew Roth: "Lord Hooson obituary" *The Guardian*, 26 Feb 2012, p. n/a, accessed 21 Aug 2013, <http://www.theguardian.co.uk/politics/2012/feb/26/lord-hooson>.

the constitutional system should be changed in order to strengthen Parliament. Lord Hooson argued:

Does he agree that Royal Prerogatives are archaic? They belong to an era when there was an absolute monarchy and depended on the doctrine of the divine right of kings. In the modern age, is it not absolutely essential – in the unhappy event of a declaration of war being required – that the democratic legitimacy for that declaration can come only from a decision of the Prime Minister in Parliament, which is approved by Parliament? Does he give an undertaking on behalf of the Government that if that situation arises not only will the Prime Minister consult Parliament but also that he will be bound by its approval?¹⁰³⁸

Lord Goldsmith reminded Lord Hooson that the Prime Minister had already made a significant concession to Parliament, and he was unable to give the kind of undertaking that Lord Hooson was asking for. He underlined the fact that constitutional practice gave the Government the right to use the Royal Prerogative and that “having the support of Parliament is a matter of political practice”.¹⁰³⁹ This showed that the Government was, above all, keen to preserve the current situation, in which Parliament already had a role: that of providing support for the Government. Next, the Earl of Onslow (Michael Onslow, Con), a hereditary peer, encouraged Labour Members to vote against their own Government, and a life peer, Lord Wallace of Saltaire (William Wallace, Lib Dem), an academic with notable research experience in foreign policy who had been the Liberal Party’s vice chairman in 1980s,¹⁰⁴⁰ encouraged the Labour Party to continue pursuing its agenda to reform the Royal Prerogative.¹⁰⁴¹ Lord Wallace did not receive an answer, but this was the only time the Labour reform programme was mentioned in the Iraq-related debates in the period studied here. By this time, however, as has been stated above, the Labour Party had dropped the reform of the Royal Prerogative from its political agenda.

On 25 February, the Government issued another statement in the House of Lords about the situation in the Security Council. It was now known that there would be a full debate on the following day, Lord Strathclyde (Thomas Galbraith, Con), the Leader of the Opposition in the House of Lords, expressed his gratitude for this. However, he pointed out that the debate was being held thanks to an initiative made by the backbenchers on Back-Bench Day. He argued that in future the Government should in connection with a potential armed conflict seek time for a parliamentary debate without the Opposition first having to request one.¹⁰⁴² The situation in the Security Council was linked to the new draft resolution that Britain and the United States had introduced. The statement, the same one Prime Minister Blair delivered in the House of

¹⁰³⁸ Lord Hooson HL Deb 19 February 2003 vol 644 cc1138.

¹⁰³⁹ HL Deb 19 February 2003 vol 644 cols 1138–1139.

¹⁰⁴⁰ *Who's Who 2003. An Annual Biographical Dictionary. One Hundred and Fifty-fifth Year of Issue* (London: A & C Black, 2003), 2247.

¹⁰⁴¹ Earl of Onslow and Lord Wallace of Saltaire HL Deb 19 February 2003 vol 644 cols 1139–1140.

¹⁰⁴² HL Deb 25 February 2003 vol 645 cols 131–132.

Commons, called on Iraq to comply with the UN demands. If it would do so, Blair was ready to allow more time for the inspections.¹⁰⁴³

On the following day, the Lords held a full debate. It was conducted according to the take-note formula and allowed the peers to air their views about the direction of the Iraq policy. The Liberal Democrats, along with other anti-war peers, spoke about the need to give more time to the weapons inspections.¹⁰⁴⁴ In general, the atmosphere in the House was more dispassionate than in the House of Commons. For example, the leader of the cross-benchers, Lord Craig of Radley, saw that there was no turning back in the current strategy, a position shared by Lord Bramall. However, he advised the Government to clarify its aims so that the military should know the purpose of the war.¹⁰⁴⁵ It was a message that had been heard on many occasions before during the political process, as was the request for careful post-war planning.¹⁰⁴⁶ Lord Wright of Richmond, a former head of the Foreign Office and former ambassador to Syria, spoke explicitly about the need to avoid war, which the rest of the Islamic world would see as an invasion. Might it not, he asked, further incite the terrorism that the Government sought to restrain?¹⁰⁴⁷ Lord Brennan, a Labour peer, made an especially strong plea for consideration of the consequences and for proper planning of the post-war situation. Moreover, he claimed that the Government's policy risked destroying the authority of the United Nations:

So, the will is there, the timing not yet decided, the judgment ready to be made. Underneath that judgment is the underpinning value that at the beginning of this century I, for one, do not want politicians, no matter how well intentioned, as our Prime Minister very clearly is, to make decisions about Iraq which destroy the international authority of the United Nations, returning us to the very chaos we fought to avoid only 50 years ago. There is a simple saying which the noble and learned Lord, Lord Howe of Aberavon, captured in his remarks: wisdom is the anticipation of consequences. If we are to make a wise decision about this war, let us consider all the consequences before we make it.¹⁰⁴⁸

Three bishops made speeches, all of them arguing against the war. They claimed that it would be a war that did not satisfy the criteria of a just war, a war waged on wrong grounds and probably leading to the creation of more evil in the world. Furthermore, according to the fairly liberal Bishop of Salisbury (David Stancliffe), the war against Iraq might provide a terrible example of a dangerous doctrine.¹⁰⁴⁹ In the opening speech of the debate on 26 February,

¹⁰⁴³ E.g. Lord Williams of Mostyn HL Deb 25 February 2003 vol 645 cols 127–131.

¹⁰⁴⁴ Baroness Williams of Crosby HL Deb 26 February 2003 vol 645 cols 254–258.

¹⁰⁴⁵ Lord Craig of Radley and Lord Bramall HL Deb 26 February 2003 vol 645 cols 260, 269–271.

¹⁰⁴⁶ See, for example, Lord Howe of Aberavon, Lord Rea, Lord Morgan HL Deb 26 February 2003 vol 645 cols 265–266, 308–310, 330–332.

¹⁰⁴⁷ HL Deb 26 February 2003 vol 645 cols 278–279. Wright's warning had already been issued in August 2002 with a similar message. Lord Wright of Richmond's letter to the editor. *The Times*, 19 Aug 2002, p. 17; Mary Warnock: "Any war" *The Observer*; 2 Mar 2003, p. 16–17.

¹⁰⁴⁸ Lord Brennan HL Deb 26 February 2003 vol 645 col. 282.

¹⁰⁴⁹ Lord Bishop of Oxford, Lord Bishop of Guildford and Lord Bishop of Salisbury HL Deb 26 February 2003 vol 645 cols 261–262, 298–299, 322–324; (Anon.): "Leading Conservative and Liberal bishops" *The Daily Telegraph*, 21 June 2008, p. n/a.

Baroness Symons of Vernham Dean had talked about the role of Parliament and reminded the House that the vote in the Commons had not been about authorizing a war against Iraq; if the use of force was required, Parliament would have another say.¹⁰⁵⁰ The role of the House of Lords or Parliament as a whole was not discussed and the issue of voting arose only at the end of the debate, after the House had learned about the result in the Commons, thus allowing no chance for the House to actually discuss the issue: Lord King of Bridgwater simply stated that the Government indeed needed to clarify its position and to seek broader support.¹⁰⁵¹ After this debate, events at the international level dictated developments in Britain after the Anglo-American search for the Security Council's authorization for war in Iraq ended in defeat. At that stage, the House of Lords' role was seen to be that of a moral mentor; the peers spoke about the Iraq policy with profound knowledge and experience and contributed a moral dimension to the discussion.¹⁰⁵²

The next major event in the House of Lords was the debate on 17 March, a day before the final full debate. This debate was on a subject that the Commons did not have an opportunity to discuss since it dealt with the legal advice given to the executive by the Attorney-General, Lord Goldsmith, the Government's main legal adviser, whose role had become highly important.¹⁰⁵³ The Lords debate was linked to a written question presented by Baroness Ramsay of Cartvale, the Deputy Speaker of the House of Lords, asking about the legal basis of the war. Lord Goldsmith, like the rest of the Government, had rejected pleas to publish the advice only a couple of days earlier, a move which surprised everyone.¹⁰⁵⁴ The advice was not published in the House of Lords on 17 March, but had been made public a day before, and the Lords now had a chance to discuss it: Lord Goldsmith addressed the House: his verdict was that the war would be legal according to international law. Lord Goldsmith's role, in a way, was to authorize the war against Iraq since the international level had failed to do so. Lord Goodhart, the Liberal Democrats' legal affairs spokesman, in contrast, rejected the advice and condemned the war as illegal.¹⁰⁵⁵

Lord Goodhart was the proposer of the debate, and his "motion for papers" questioned Britain's position with respect to the international law. This procedure, a neutral motion, gave Lord Goodhart the right to reply in the debate, and at the same time the motion was expected to be withdrawn without a vote, as also happened.¹⁰⁵⁶ The debate witnessed a *pro et contra* discussion about the advice. A significant feature of the debate was the lack of comments about the role

¹⁰⁵⁰ HL Deb 26 February 2003 vol 645 col. 248.

¹⁰⁵¹ HL Deb 26 February 2003 vol 645 col. 366.

¹⁰⁵² Mary Warnock: "Any war" *The Observer*, 2 Mar 2003, p. 16-17.

¹⁰⁵³ Fairweather, *A War of Choice*, 18-19.

¹⁰⁵⁴ Michael White: "Publish advice on legality of war, opposition urges No 10" *The Guardian*, 13 Mar 2003, p. 4; Gaby Hinsliff: "Goldsmith backs Blair: Attorney General goes public to quell claims that invasion would be illegal" *The Observer*, 16 Mar 2003, p. 5

¹⁰⁵⁵ Patrick Wintour: "Attorney general declares attack is lawful" *The Guardian*, 18 Mar 2003, p. 9

¹⁰⁵⁶ *Companion to the Standing Orders and Guide to the Proceedings of the House of Lords*, 83; May, *Erskine May's treatise*. 24th ed, 425; HL Deb 17 March 2003 vol 646 col. 124.

of Parliament, since now the House's attention focused on the legal aspect of the war. However, the timing of the debate allowed no actual scope for argument about the question of legality; the troops were already in the Middle East and the war was about to start. Lord Howell of Guildford reminded the Members that the question of legality was always open for discussion and the expression of contrary views but that the situation would not change as a result of these.¹⁰⁵⁷ In the middle of the legal debate, the Government issued another statement about Iraq, now stating that the possibilities for a diplomatic solution had been exhausted and that military action against Iraq would now be an option. In the short debate that followed this statement, Lord Burnham (Hugh Lawson, Con) asked whether there would be a vote in the Lords, and Baroness Symons of Vernham Dean replied that there was no such intention. Other comments were made, but the House of Lords seemed to be happy with its position and the lack of voting.¹⁰⁵⁸ The debate on 17 March 2003 was important not only because it gave the general public a chance evaluate the Government's legal justification for the war, but also because it was the first time that Parliament had had an opportunity to discuss this aspect of the war.¹⁰⁵⁹

On the following day, the discussion in the Lords saw the war as inevitable. The major contribution and most significant advice offered by the peers consisted in their insistence on the need for proper planning of the post-war situation. Despite the lack of a vote, the debate was seen as important. The Government's representative, Lord Williams of Mostyn, reminded the House that they were in the chamber as free people and that their decision would be made with "grave responsibility". He argued: "On our decisions in this Parliament of free people, to which we pay a full contribution in this House, although I appreciate that we shall not have a vote, hangs the fate of many things and many people. No one who has to deal with those decisions misunderstands that grave responsibility."¹⁰⁶⁰

The idea that the House of Lords should be a part of the decision-making process was supported by Lord Strathclyde.¹⁰⁶¹ Interestingly, Lord Williams presented his gratitude for the fact that there was no vote in the House of Lords, meaning that the House was not trying to challenge the Government or the House of Commons over the case despite the peers' extensive expression of critical views on the war. The position of the House and the role of Parliament were not broadly discussed, since the comments were mainly only expressions of gratitude for the opportunity to hold the debate; in other words, fairly typical polite parliamentary discourse.

The Lords gave the Government seven broad types of advice. They concerned: emphasis on the post-war planning and the exit strategy; the provision of a better explanation of the threat since the nation was divided on the matter

¹⁰⁵⁷ HL Deb 17 March 2003 vol 646 cols 114–115.

¹⁰⁵⁸ Lord Burnham and Baroness Symons of Vernham Dean HL Deb 17 March 2003 vol 646 cols 97, 105.

¹⁰⁵⁹ Towle, *Going to War*, 8.

¹⁰⁶⁰ HL Deb 18 March 2003 vol 646 col. 143.

¹⁰⁶¹ *Ibid.*

and clarification of the legal basis for the war; clarification of the limits of warfare in Iraq (for example, would it include the use of cluster bombs?); the issue of Turkey's borders with Iraq; the Kurdish population's ambitions to establish a Kurd state (a key issue for avoiding an escalation of the conflict); the prevention of disintegration in Europe; and the need to address Britain's role at the international level with regard to its allies, Europe and the international political system. The second area of advice, the provision of more information by the Government, was connected with the fear of many peers, such as Baroness Williams of Crosby, Lord Bramall and Lord Wright of Richmond (Patrick Wright, Crossbench), a former diplomat, that the situation resembled the Suez Crisis in 1956.¹⁰⁶² The last area of advice concerning Britain's international position was connected with the fact that Britain was fully committed to its relation with the United States and, while rhetorically supporting the United Nations, it was acting without the Security Council's authorization and furthermore was engaged in a bitter exchange of words with other European countries, especially France.¹⁰⁶³

The role of the House of Lords was thus to provide another forum for deliberation about the Government's Iraq policy, but here the House of Commons had much more political clout. The Lords did not try to challenge the lower chamber or the Government, but they did frequently emphasize the House's right to be informed and to be a part of the process. The failure of the House of Lords reform in February did not provoke the peers into rebelling against the Government with regard to Iraq, but it was a timely reminder that the House of Lords was fully aware of its own role in the system. In the case of Iraq, the peers provided important advice for the Government, although the war and its aftermath showed that this advice was not always taken, especially with regard to the proper planning of the post-war situation and the exit strategy, which actually constituted the most important counsel proffered by the House.

6.5 Conclusions

It can be argued that developments in the international sphere and the lack of authorization for war at that level influenced the role of Parliament. However, this role was strongly present in the parliamentary discussions from the very first days of the crisis, when the process called "the UN route" was just about to start. The early days witnessed language that emphasized the role of Parliament in addition to the need for UN authorization; it was also considered important for the legislature to be able to give its opinion on the use of military force. Furthermore, all-party opinion in the House of Commons preferred Parliament as the source of legitimacy for any operations against Iraq, with or without UN

¹⁰⁶² Baroness Williams of Crosby, Lord Bramall and Lord Wright of Richmond HL Deb 18 March 2003 vol 646 cols 148, 151, 157.

¹⁰⁶³ Lord Howell of Guildford and Lord Jopling HL Deb 18 March 2003 vol 646 cols 169, 218–223.

support. What this shows is that, whereas in 1990 even the shadow foreign secretary Gerald Kaufman had considered that the UN should prevail over the House of Commons, now right from the beginning of the crisis, before any major developments had taken place despite the apparent desire of the United States to attack Iraq, the opinion of Parliament had turned around. As far as the United States was concerned, the parliamentary discussion was not only interested in the direction of US foreign policy but also in the model of its political system. The War Powers Act of 1973 in the United States gave Congress significant powers with regard to combat operations, and the authorization given by Congress in 2002 to use force against Iraq, if necessary, provided a further catalyst for the debate on the role of Parliament in the UK: if the United States allowed the legislative organ to authorize a possible operation, why should Britain do otherwise? Another model for the political discussion relating to the role of Parliament was provided by historical examples of how Parliament had controlled previous prime ministers.

As for the international level, the perceptions on the position of the national parliament in relation to the UN give reason to ask if the political culture in the UK Parliament in the early twenty-first century is approaching the political culture of the US Congress in the critical attitude towards international authorization over the use of force. The study does not, however, demonstrate the existence of such a tendency. The UN authorization for the use of force was broadly supported and desired since it would prove the Members that the military operation would not be unilateral. For the Government the UN authorization would provide useful legal support and it would have helped to overcome the rebellion among Labour Party backbenchers.

Hence the Iraq War is clearly a conflict in which circumstances and contexts can be used to explain the apparent shift in the idea of emphasizing the role of Parliament. However, the role of Parliament was stressed already *before* the context and the circumstances were known in Parliament (and in the Government as well as in the wider world) to the full extent. The influence of the committee system had strengthened, especially the influence of the Foreign Affairs Committee, but the overt role of the Committees emerged mainly in three occasions in 2002–03: the readiness of the Foreign Affairs Committee to uphold the discussion in autumn 2002, the role of the International Development Committee in publicizing the grim predictions concerning the consequences of potential war and finally the role of the Liaison Committee in which Blair, the Prime Minister, was forced to discuss the constitutional role of Parliament in foreign policy. The plenary sittings in general provided the main forum in which the role of Parliament was directly stressed.

Not all commentators on the House of Commons regard its key role in 2003 as necessarily an indicator of the strengthening of parliamentary power, and Graham Allen, for one, rejects this idea.¹⁰⁶⁴ As Philip Towle notes, the debate on 18 March 2003 was very wide-ranging and deep in terms of its content. The decision to go to war was not only a result of the Prime Minister's persua-

¹⁰⁶⁴ Allen, *The Last Prime Minister*, 2.

sion, and other factors were also involved. The Members were not ready “either to trust their own judgement, to let down their party and the armed forces or to follow public opinion”.¹⁰⁶⁵ Even though the polls indicated that going to war was not very popular, parliamentary practice, which emphasized the role of the parties, confidence in the armed forces and, above all, the decision-making process and access to information provided by the Prime Minister all had a significant impact on the way Parliament used its powers. Furthermore, as Towle argues, the war showed that the Government could go to war regardless of public opinion: during the war, the people would unite behind the country anyway, as the Iraq War in fact showed once again.¹⁰⁶⁶ Peter Hennessy also reminds us that that the Members needed reliable intelligence information in order to be able to scrutinize the Government's actions effectively. Since this was lacking, the vote on 18 March addressed only one issue and left much deeper problems unresolved, as the committee inquiries were to show in the retrospective investigation of the decision to go to war.¹⁰⁶⁷

With regard to the House of Lords, the role of the chamber did not change from that which it had played in previous conflicts, but its members provided some important contributions such as Lord Goldsmith's explication of the legal aspect of going to war. The Lords Spiritual, for their part, participated extensively in the discussion about the legal and moral factors connected with a possible war.

From the point of view of party politics, the political debate was characterized by the confrontation between the Liberal Democrats and the two larger parties. Unlike in the other cases examined here, that was no strong Opposition to challenge the Government's plans. However, the extent of the dissent in the Labour Party together with the loud opposition of the Liberal Democrats provided a more *pro et contra* debate on the question of military intervention, a feature that also characterized the way the role of Parliament was discussed in the plenary sittings. With regard to political concepts, the contributions made by the backbenchers frequently used the concept ‘democracy’ with reference to the current situation. They did not consider that the existing system considered corresponded to the concept of parliamentary democracy. Prime Minister Blair rejected the need for a constitutional debate and explained his stance by appealing to the concept ‘accountability’. For Blair, this constituted the foundation of parliamentary democracy with regard to the exercise of the Royal Prerogative as well. However, while he also accepted the dominant position of Parliament vis-à-vis the Government, Blair regarded the existing system as satisfactory. In adopting this stance, he reinforced the view of previous Prime Ministers that it was Parliament's role to provide *post hoc* legitimization.

The discussions in 2002–03 during the build up to the war against Iraq showed that the call for a stronger role for the House of Commons in decisions

¹⁰⁶⁵ Towle, *Going to War*, 149.

¹⁰⁶⁶ Towle, *Going to War*, 9.

¹⁰⁶⁷ Hennessy, “Informality and Circumscription: The Blair Style of Government in War and Peace”, 9.

to commit troops to an armed conflict abroad was becoming a general sentiment, and it was believed that the vote on 18 March might provide a precedent for that could be applied with regard to future combat operations. Furthermore, the opinion of the Chairman of the Public Administration Select Committee gave reason to expect further attention to the topic when the committee launched its inquiry into the use of the Royal Prerogative. Would the committee-level inquiry and the subsequent parliamentary discussion produce more radical changes either in the way the parliamentary discussion of the role of Parliament was conducted, or possibly in legislation connected with it?

6.6 After the invasion: The role of Parliament in retrospective studies, 2003–2006

The role of Parliament as the source of legitimisation was a key issue during the build-up phase to the Iraq War. One of the major consequences of that war was the way the experiences and aftermath led to discussions about Parliament's constitutional role. The Government's case had been that Iraq possessed weapons of mass destruction and that the weapons inspectors could not do their job owing to the notorious character of the Iraqi regime. After the war, it was quickly discovered that Iraq had not possessed weapons of mass destruction. This finding led to a suspicion that the Government had misled Parliament. After the invasion of Iraq, which lasted until April 2003, the role of Parliament became a relatively irrelevant issue.¹⁰⁶⁸

In July 2003, the Foreign Affairs Committee looked back at the decision to use military force against Iraq. Much of the committee's interest focused on the international events that had preceded the war and especially the split in opinions in the Security Council. The role of Parliament was not referred to: the vote in the House of Commons on 18 March was noted, but no major conclusions about the influence of the vote with regard to the role of Parliament were drawn. The legality of the war was also assessed, and the committee considered the legal basis to be lacking key elements such as conclusive evidence that Iraq possessed WMDs, enough time for the weapons inspectors to complete their work and further authorization from the Security Council.¹⁰⁶⁹ The committee also examined the whole decision to go to war in Iraq: this was a very notable measure, since no such inquiries were conducted in connection with the conflicts previously studied here. The resulting report acknowledged the vote on a substantive motion in the House of Commons before the use of force as a good

¹⁰⁶⁸ Towle, *Going to War*, 127

¹⁰⁶⁹ The House of Commons Foreign Affairs Committee. Session 2002–03. Tenth Report. Foreign Policy Aspects of the War against Terrorism. Report, together with formal minutes, oral and written evidence. Ordered by the House of Commons to be printed 15 July 2003. HC 405 (London: The Stationery Office Limited), para 49, 55, 75, 79–91, accessed 21 Aug 2013, <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmfaff/405/405.pdf>.

development, but the report's main interest focused on the provision of information: Had Parliament been intentionally misinformed? The report complained that the Government had refused to allow the committee access to certain intelligence information, and it recommended that in the future the Government should allow the committee members access to intelligence information, as this which would permit Parliament to hold the Government accountable more effectively.¹⁰⁷⁰

The report also concluded that the Government had not misled Parliament; in fact, it even found that the so-called "dodgy dossier", published in February, contained important information despite its treatment in the media.¹⁰⁷¹ However, the committee was not unanimous in concluding that the Government had not misled Parliament: David Chidgkey (Lib Dem, Eastleigh) had proposed during the committee proceedings an amendment to the report that claimed that the Ministers had misrepresented the facts. This amendment failed to obtain the required support in the vote and was not included in the report.¹⁰⁷² One interesting feature in the report was a recommendation to make the Intelligence and Security Committee a select committee of the House of Commons. This would mean a total transformation in the provision of intelligence information. The discovery that after all Iraq had no weapons of mass destruction had caused criticism. The Intelligence and Security Committee, which worked under the Prime Minister, supervised the different intelligence agencies and provided information to Parliament through the Prime Minister. This filtering of information meant that the Members of Parliament had ultimately been dependent on the information that the Prime Minister gave about Iraq's alleged weapons of mass destruction. However, the Government saw no reason to change the arrangement.¹⁰⁷³ The lack of ministerial co-operation in connection with the Foreign Affairs Committee's inquiry led to a further report of a special inquiry in the Foreign Affairs Committee in 2004. This inquiry resulted in an invitation to the whole House of Commons to consider whether the intelligence services' relation to Parliament should be re-thought since currently there was a risk that Parliament might not obtain the information it needed.¹⁰⁷⁴

¹⁰⁷⁰ The House of Commons Foreign Affairs Committee. Session 2002-03. Ninth Report. The Decision to go to War in Iraq, para 1-4, 168-169.

¹⁰⁷¹ The House of Commons Foreign Affairs Committee. Session 2002-03. Ninth Report. The Decision to go to War in Iraq, para 185-188.

¹⁰⁷² The House of Commons Foreign Affairs Committee. Session 2002-03. Ninth Report. The Decision to go to War in Iraq, 102.

¹⁰⁷³ The House of Commons Foreign Affairs Committee. Session 2002-03. Ninth Report. The Decision to go to War in Iraq, para 167; The Secretary of State for Foreign and Commonwealth Affairs: Ninth Report of the Foreign Affairs Committee. Session 2002-03. The Decision to go to war in Iraq. Response of the Secretary of State for Foreign and Commonwealth Affairs. Presented to Parliament by the Secretary of State for Foreign and Commonwealth Affairs by Command of Her Majesty November 2003. Cm 6062 (The United Kingdom: The Stationery Office Limited), para 28, accessed 21 Aug 2013, <http://www.official-documents.gov.uk/document/cm60/6062/6062.pdf>.

¹⁰⁷⁴ The House of Commons Foreign Affairs Committee. Session 2003-04. First Special Report. Implications for the Work of the House and its Committees of the Government's Lack of Co-operation with the Foreign Affairs Committee's Inquiry into The

With regard to the accusations that the Government had misled Parliament and provided false information, Prime Minister Blair announced in 2004 that he would set up a committee to inquire into the intelligence information on weapons of mass destruction and in particular those allegedly possessed by Iraq before the invasion. This committee, which was composed of Privy Counsellors, stated that there had been problems in the sharing of information as well as in the way it was used in the public debate. Furthermore, there had been problems connected with the Government's informal handling of the policy-making process; this was especially present in the lack of documentation in frequent unscripted Cabinet meetings. This issue reduced the abilities of the ministers to participate to the decision-making.¹⁰⁷⁵ The inquiry gave reason to suggest that the sharing of intelligence information should be carried differently in the future, and it had a visible impact on further discussions about the relationship between the executive branch and Parliament in the inquiries that followed. Another problem that the inquiry revealed was connected with the fact that one individual, the Prime Minister, had held the ultimate decision-making power despite the existence of the Cabinet and the vote on 18 March 2003 in the House of Commons; it was a problematic that one individual should possess such a constitutional right to wage war. Lord Morgan (Kenneth O. Morgan, Lab), who was a historian and been made a life peer in 2000, used the United States as a point of comparison on the need to have the approval of the legislature. Speaking in the House of Lords, he argued: "But simply leaving it to one individual, particularly in the way in which the Butler inquiry showed that that decision was reached and with all the misrepresentation attached to it, means that we should go towards the American system of having parliamentary approval and should draw a great distinction between it and the fiction of the prerogative."¹⁰⁷⁶

Again the United States served as a point of comparison despite the fact that it was a presidential system. Anyway, argued both Lord Morgan and Lord Hooson, the time had come for the Royal Prerogative powers to be abolished in their current form.¹⁰⁷⁷ There had been no similar strong sentiments expressed in the examined debates in connection with the build-up phases to the other conflicts, which indicates that the outcome of the invasion of Iraq inspired a more critical attitude to the system. When Lord Morgan commented on the Royal Prerogative in September 2004, the Public Administration Committee had already reviewed the Royal Prerogative rights and recommended stronger parliamentary control. The committee's report meant that there were stronger arguments in favour of strengthening parliamentary control as it had the support of the select committee.

Decision to go to War in Iraq. Ordered by the House of Commons to be printed 16 March 2004. HC 440 (London: The Stationery Office), 8.

¹⁰⁷⁵ *Return to an address of the honourable the House of Commons dated 14th July 2004 for the review of intelligence on weapons of mass destruction*, 1, 151–160.

¹⁰⁷⁶ HL Deb 15 September 2004 vol 664 col. 1245.

¹⁰⁷⁷ Lord Morgan, *ibid.* Lord Hooson HL Deb 15 September 2004 vol 664 cols 1249–1250.

With regard to other committees, it is a surprising fact that the Defence Committee conducted no direct inquiry relating to Iraq during the build-up phase. However, the committee did conduct an examination of the lessons of the war afterwards, as it had done in connection with the Gulf War. In this inquiry, the committee took a clear stance on the role of Parliament in connection with future combat operations: the decision to commit forces had been made after resolutions in both Houses of Parliament, and this, according to the committee, should be the model in the future as well. The report made no comment about voting on a substantive motion and simply called for an endorsement from both Houses. The main argument for this was the fact that a decision to go to war could lead to the deaths of British service personnel and hence it should have the support of the whole of Parliament before it was made.¹⁰⁷⁸ In their response, the Government did not consider that this instance, the decision to go to war in Iraq, constituted a precedent for future combat operations but gave no further explanation for that position.¹⁰⁷⁹ This meant that there was actually no change in the parliamentary practice in connection with decisions to deploy troops abroad as a prerequisite for combat operations. On the other hand, the Defence Committee argued that the political process created constraints on the efficient planning of the post-war situation because of the Government's keenness to maintain a particular public image¹⁰⁸⁰ In addition to its recommendation on the role of Parliament, the Defence Committee wanted the Government to assess the cost of the war as soon as possible and to report this to Parliament.¹⁰⁸¹ During the build-up phase, the budgetary power of Parliament had hardly been touched on at all since the Government was financing the war through the Special Reserve emergency fund.¹⁰⁸²

In his pamphlet, *Mr Blair's Poodle: An Agenda for Reviving the House of Commons*, Andrew Tyrie, a Conservative MP, considered that the activities of

¹⁰⁷⁸ The House of Commons Defence Committee. Session 2003–04. Third Report. Lessons of Iraq. Volume I: Report, together with formal minutes. Ordered by the House of Commons to be printed 3 March 2004. HC 57-I (London: The Stationery Office), 193–194, para 503–504, accessed 21 March 2013, <http://www.publications.parliament.uk/pa/cm200304/cmselect/cmdfence/57/57.pdf>.

¹⁰⁷⁹ The House of Commons Defence Committee. Session 2003–04. First special report. Lessons of Iraq: Government Response to the Committee's Third report of Session 2003–04. First Special Report of Session 2003–04. Ordered by the House of Commons to be printed 26 May 2004. HC 635 (London: The Stationery Office), 52, para 221, accessed 21 March 2013, <http://www.publications.parliament.uk/pa/cm200304/cmselect/cmdfence/635/635.pdf>.

¹⁰⁸⁰ The House of Commons Defence Committee. Session 2003–04. Third Report. Lessons of Iraq, 140, para 356–358.

¹⁰⁸¹ The House of Commons Defence Committee. Session 2003–04. Third Report. Lessons of Iraq, 140, para 339.

¹⁰⁸² One billion pounds of extra money was transferred to Special Reserve Fund in December 2002 but with little discussion. It was meant to be used to combat the global war on terror without any clear explication that the money would be used to finance the deployments to Iraq. HC Deb 03 December 2002 vol 395 cols 6912W; HC Deb 12 December 2002 vol 396 col. 469W. After the war had started, the Special Reserve was further increased by 1,25 billion pounds. HC Deb 27 March 2003 vol 402 cols 435–6.

the Defence and Foreign Affairs Committees before the outbreak of hostilities were not entirely satisfactory: they had been unable to force the Government to explain the objectives behind the war, although on some occasions important information had been received.¹⁰⁸³

The work of the Foreign Affairs and Defence Committees was similar to their activities in connection with the previous conflicts, but one difference concerned the parliamentary aspect: the role of Parliament was clearly endorsed, and, as the Defence Committee even hinted, the Iraq War had created a new precedent for parliamentary participation, although this was denied by the Government. After the invasion of Iraq, two important retrospective inquiries took place that strongly affected the discussions about Parliament's rights with regard to the exercise of foreign policy. In the first of these inquiries, launched in spring 2003, the Public Administration Committee examined the Royal Prerogative. In May 2003, the committee issued a press statement informing about the inquiry and calling for comments from the public. The committee's main attention focused on the honours system, which was controlled through the Royal Prerogative, but it also addressed the whole prerogative system. The committee asked the public whether the existing system worked in a modern parliamentary democracy, and if it did not, how these executive powers should be controlled. The press statement also asked directly whether the committee's suggestion to introduce legislation placing the prerogative powers under parliamentary control would be the right thing to do or not.¹⁰⁸⁴

The Royal Prerogative rights relating to war were strongly prominent in the committee inquiry and in the subsequent report. In the committee hearings, Tony Benn, by then retired, and William Hague (Con, Richmond, Yorks) commented on the situation. Benn briefly explained the history of the Royal Prerogative, dating its existence back to the crowning of William the Conqueror in 1066. Benn argued that the whole historical development since then had been about developing Parliament and limiting the Crown's prerogatives. Benn's main accusation was that the Government was using its Royal Prerogative powers to avoid its accountability to Parliament and hence these rights should be placed under parliamentary control. Hague also recommended a stronger role for Parliament.¹⁰⁸⁵ Lord Hurd of Westwall (the Foreign Secretary during the Gulf Crisis) saw the parliamentary vote on the Iraq War as evidence of how the role of Parliament would work vis-à-vis the international level: if authorization could not be obtained from the United Nations Security Council, the House of Commons (not the House of Lords) would provide the necessary authority

¹⁰⁸³ Andrew Tyrie: *Mr Blair's Poodle goes to War. The House of Commons, Congress and Iraq* (London: Centre for Policy Studies, 2004), 18.

¹⁰⁸⁴ "Press Notice No.12. PASC Urges debate on new law to make sure ministers listen to Parliament" The House of Commons Public Administration Select Committee, 20 May 2003, accessed 22 March 2013, <http://www.parliament.uk/business/committees/committees-archive/public-administration-select-committee/pasc-no-12/>.

¹⁰⁸⁵ The House of Commons Select Committee on Public Administration. Session 2002-03. Minutes of Evidence, 10 April 2003, Q1-2, Q23; Michael White: "Benn and Hague attack abuse of Royal Prerogative" *The Guardian*, Apr 11, 2003, p. 14

after a debate and a vote.¹⁰⁸⁶ That showed that the authorization for the use of force from the international level was considered important in the future as well: the national parliament would work as the secondary route for authorization. Interestingly, however, not as similarly important route as the United Nations. In the end, the committee recommended that the Government should introduce legislation “to provide greater parliamentary control over all the executive powers enjoyed by Ministers under the Royal Prerogative”. The need for full parliamentary control of the decisions on armed conflict was explicitly stated as was the need to have the approval of Parliament either before or shortly after any future military action.¹⁰⁸⁷ This was a radical change since now the constitutional discussion had a clear recommendation from a parliamentary committee proposing a fundamental change in the way the executive used the Royal Prerogative; the committee was of the opinion that Parliament should be made central in the execution of these powers in the decision-making process.

The committee’s mission was highly political since it sought to challenge the executive branch’s key powers. In fact, the committee’s chairman, Tony Wright (Lab, Cannock Chase), was a keen supporter of parliamentary reform and wished to see Parliament take the Royal Prerogative powers under its control, an aspiration that he declared during a hearing of evidence.¹⁰⁸⁸ The recommendation by the Public Administration Committee for legislation to be introduced was the first of its kind. Later the House of Lords Constitutional Committee specifically examined the right to wage war and highlighted the discussion that had emerged in connection with the recommendation from the Public Administration Committee as the main catalyst of this examination. Another catalyst had been provided by three Private Members’ Bills in the House of Commons seeking to give Parliament more power over the Royal Prerogative rights.¹⁰⁸⁹ Clare Short’s Armed Forces (Parliamentary Approval for Participation in Armed Conflict) Bill was introduced in the House of Commons on 22 June 2005,¹⁰⁹⁰ and the second reading followed a few months later. The debate focused not only on the constitutional arrangements but also the Iraq War, and this aroused suspicion among some Members. David Burrowes (Con, Enfield, Southgate) asked Short: “Although I respect the right hon. Lady’s concerns about parliamentary approval and proper scrutiny, is there not a concern that this Bill and this debate will become a Trojan horse for voicing disapproval

¹⁰⁸⁶ The House of Commons Public Administration Committee. Session 2002-03. Minutes of Evidence for Thursday 8 May 2003, HC 642-ii, Q54, accessed 22 March 2013, <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmpubadm/642/3050801.htm>.

¹⁰⁸⁷ The House of Commons Public Administration Committee. Session 2003-04. Fourth Report. Taming the Prerogative, 17, para 60; 16, para 57.

¹⁰⁸⁸ See Tony Wright: *Citizens & Subjects. An Essay on British Politics* (London & New York: Routledge, 1994), 103; The House of Commons Select Committee on Public Administration. Session 2002-03. Minutes of Evidence 8 May 2003, Q50.

¹⁰⁸⁹ The House of Lords Select Committee on the Constitution. Session 2005-06. Waging War, 5.

¹⁰⁹⁰ Hansard Debates. 22 Jun 2005. vol 435 part no. 91 col. 815, accessed 25 March 2013, <http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo050622/debindex/50622-x.htm>.

about going to war in Iraq? The real problem is not the current constitutional powers, but how the Prime Minister applies them and abuses them."¹⁰⁹¹

Short denied that the Bill had the motivation suggested by Burrowes. The discussion took too long, and when the time limit for the debate was approaching, Short herself moved for a division, but the motion received only 91 votes, too few for it to be passed. After the division, the debate continued until the Speaker adjourned it.¹⁰⁹² Short's bill was similar to the one Neil Gerrard, another Labour MP, had introduced in the 2004–05 session; however, his bill was withdrawn before its second reading.¹⁰⁹³ In addition to these two Private Members' Bills, a third one was introduced in the 2006–07 session by Michael Meacher (Lab, Oldham West and Royton), but it, too, was dropped before its second reading.¹⁰⁹⁴

When the Select Committee on the Constitution set out to examine the issue of the Royal Prerogative, it produced a report broadly discussing on a *pro et contra* basis potential alternatives relating to the rights to wage war. Especially the different factors related to introducing legislation were discussed. The main reasons for a possible change were the developments in the domestic political context together with a shift in the nature of war; both changes that needed to be taken account of in rethinking the existing decision-making process in Britain. The committee concluded by describing the Royal Prerogative as outdated and recommended that changes connected with the right to wage war should be introduced. The committee recommended that a convention – not a law as the Public Administration Committee had recommended – that would determine the role of Parliament in connection with future military operations should be created and that Parliament should be the organ that gave approval for deployments abroad "into actual or potential armed conflicts". The committee emphasized the will of the House of Commons as the most significant factor, but emphasized that the House of Lords should also have the right to debate such issues. On the question of a vote in the upper chamber, the opinions heard from the witnesses were divided. In its conclusions, the report mentioned the possibility of a motion to take note in the upper House.¹⁰⁹⁵

In its response, the Government saw no need to change the existing system and argued that it remained important for the ministers to keep the rights that were currently at their disposal. In the committee's follow-up report, published after the Government's response, the committee emphasized the cross-party support for its view and hoped that attention would be paid to its recommendations.¹⁰⁹⁶

¹⁰⁹¹ Hansard Debates. 21 Oct 2005 vol 437 col. 1092.

¹⁰⁹² Hansard Debates. 21 Oct 2005 vol 437. cols 1156–1157.

¹⁰⁹³ See Taylor and Kelly, "Parliamentary Approval for Deploying the Armed Forces: An Introduction to the Issues", 15.

¹⁰⁹⁴ *Ibid.*

¹⁰⁹⁵ The House of Lords Select Committee on the Constitution. Session 2005–06. *Waging War*, 36, para 88; 41–44, para 103, 107–110.

¹⁰⁹⁶ The House of Lords Select Committee on the Constitution. Session 2006–07. Third report. *Waging war: Parliament's role and responsibility*. Follow-up Report. Ordered

After the invasion in 2003, the insurgency movement in Iraq quickly began to create problems for the Coalition forces. The struggle between different ethnic and religious groups resulted in a series of attacks on the Coalition troops. Britain withdrew its forces from Iraq in 2009, after six years of warfare. In 2009, an inquiry of Privy Councillors, chaired by Lord John Chilcot, was set up to examine the run-up to the Iraq War in the period between 2001 and 2009. Among other issues, the inquiry was to examine the decision-making process.¹⁰⁹⁷ Between 2009 and 2011, the inquiry gathered evidence from various politicians, government officials and army personnel. In terms of how the role of Parliament was viewed, the witnesses commented on the decision-making process but only referred to the role of Parliament to a limited extent, usually with regard to the role of Parliament vis-à-vis the Cabinet's decision-making powers and its position in relation to other sources of information, such as non-governmental organizations, that addressed comments to the Cabinet.¹⁰⁹⁸

The role of Parliament was the subject of wide-ranging discussions, especially so because of the committees' recommendations and the Private Members' Bills. With the publication of two reports reviewing Parliament's constitutional role in relation to so-called "war powers", the Iraq War can be described as marking a major step in the discussions about the role of Parliament in connection with going to war. However, it is important to consider the history of the long-term parliamentary discussion that had taken place during the previous decades. The decision to go to war in Iraq led not only to the reinforcement of an all-party agreement about the need to strengthen the role of Parliament but also recommendations from two select committees that the system should indeed be altered so as to give Parliament a greater say in connection with future combat operations. That was indeed a new development, which became especially significant when Prime Minister Gordon Brown spoke in 2007 about his willingness to enhance the role of Parliament in the exercise of foreign policy by placing certain Royal Prerogative powers, such as the right to deploy forces abroad, under parliamentary control.¹⁰⁹⁹ Brown reaffirmed his view in 2010 during a hearing on the Iraq Inquiry.¹¹⁰⁰ This marked a radical change from the position of the previous Prime Minister, Tony Blair. The desire to place decisions to commit troops to armed conflict under parliamentary control had become the general sentiment of Parliament, and the select committees had made important recommendations on how the matter should be formally handled. However, no such formal changes ever took place, and the role of Parliament in

to be printed 7 February 2007 and published 20 February 2007. HL Paper 51 (London: The Stationery Office), para 5-9, 3-5, accessed 22 Aug 2013,

¹⁰⁹⁷ <http://www.publications.parliament.uk/pa/ld200607/ldselect/ldconst/51/51.pdf>.

¹⁰⁹⁸ Prime Minister Gordon Brown Hansard Debates. 15 June 2009 vol 494 cols 21-24.

¹⁰⁸⁸ For example, former Foreign Secretary Jack Straw deliberated this issue in the hearing. The Iraq Inquiry. Oral Evidence, 8 Feb 2010. Jack Straw, p. 64-66, accessed 22 Aug 2013, <http://www.iraqinquiry.org.uk/media/49448/20100802-straw-final.pdf>.

¹⁰⁹⁹ The Governance of Britain, 18, para 25.

¹¹⁰⁰ The Iraq Inquiry. Oral Evidence, 5 March 2010. Gordon Brown, p. 56-58, accessed 22 Aug 2013, <http://www.iraqinquiry.org.uk/media/45558/100305-brown-final.pdf>.

connection with future armed conflicts was not to be changed as a result of new legislation.

As an epilogue to the developments since the beginning of the Iraq War, the civil wars first in Libya in 2011 and in Syria in 2013 provide new evidence to evaluate the role of Parliament. It can be argued that the role of Parliament as the source of authorization prior the use of force has started to gain an almost permanent nature: in 2011 Conservative Prime Minister David Cameron deployed units to establish the no-fly zone over Libya without prior parliamentary approval, but Cameron insisted that he had sought for parliamentary approval in beforehand if the situation in the field would have not been so urgent.¹¹⁰¹ However, the main reason to see the role of Parliament as strong emerged two years later. In August 2013 Cameron decided to recall Parliament to debate the Government's motion authorizing the use of military force against the Government of Syria. This was done in a controversial international situation in which from the Western countries the United States and France in addition with the British Government was supporting the use of force in Syria because of allegations concerning the use of chemical weapons. Surprisingly in Britain the House of Commons rejected both the amendment of the Opposition and the motion of the Government resulting to a situation in which the House of Commons defeated the Government over foreign policy by votes 272 for and 285 against. As a result, the Government decided not to embark to a military operation.¹¹⁰² It has now becoming to look like that Parliament has gained a role in the centre of the decision-making in the decisions to deploy and commit troops to an armed conflict and is ready to use that position as well.

¹¹⁰¹ Hansard Debates. 18 Mar 2011. Volume No. 525, Part No. 135. Cols 612–613.

¹¹⁰² Hansard Debates. 29 Aug 2013. Volume No. 566, Part No. 40. Cols 1548–1555; Nicholas Watt, Rowena Mason and Nick Hopkins: "Blow to Cameron's authority as MPs rule out British assault on Syria" *The Guardian*, 30 Aug 2013, <http://www.theguardian.com/politics/2013/aug/30/cameron-mps-syria>.

7 CONCLUSION

It is not surprising that Parliament in Britain has been interested in how the Government uses military power and how it relates to the exercise of foreign and defence policies. However, this interest has occasionally clashed with the provisions of the national constitution, which reduces the possibilities of the elected and legislative body to influence the course of affairs. Parliament's awareness of these limits has led to a discussion of its role in modern times, and as a result it has turned from generally accepting the traditional practice of decision-making to a new position in which it has re-assessed its own role as a part of the decision-making process.

What this study has examined is, above all, the discursive process concerning the *de facto* parliamentarization of foreign and defence policy with regard to military conflicts through an analysis of related parliamentary debate in the period 1982–2003. The study reveals that during the analyzed period the parliamentary discussion calling for a stronger parliamentary role in decisions to deploy and commit troops to an armed conflict increased and became the predominant sentiment in Parliament, shared by all parties. Furthermore, after 2000 committees proposed recommendations for strengthening the role of Parliament as a result of the experiences of two armed conflicts that Britain had participated in: the war in Kosovo and, above all, the Iraq War. This view was later supported by Prime Minister George Brown, which shows how the clear distinction between the role of the executive power and the role of Parliament could be challenged and redefined through parliamentary debate.

As a starting point for the analysis, the Falklands War provided no discussions on whether the constitutional system should be changed; rather the discussions relating to the role of Parliament derived from the discussions about policy: the opposition wanted Parliament to have a larger share in the conduct of foreign policy. However, Prime Minister Thatcher rejected this idea and maintained the view that Parliament should be the source of *post factum* judgment. A similar instance of the Government by-passing parliamentary opinion had occurred in 1956, when the Government resorted to the use of force against Egypt against the wishes of Parliament, and the Opposition in the

House of Commons wanted to have a new debate before any engagement in hostilities took place. In 1982 the consequences were, from a retrospective point of view, less dramatic for the British political climate, although Thatcher's stance towards Parliament followed the traditional way of thinking.

From this point in the early 1980s, the parliamentary debates began to include more references to the relationship between Parliament, the Government and, to some extent, international organizations. These references included constitutional considerations about whether the use of the Royal Prerogative powers was reconcilable with how the concept of 'parliamentary democracy' was understood in the changing circumstances. Furthermore, although the conflicts led to situations in which the Royal Prerogative was used, these moments were not necessarily considered suitable for a constitutional discussion. However, this issue, the question of suitable timing, had radically changed by the beginning of the Iraq War since the decision-making process in that crisis from the very outset featured a strong parliamentary element in which the constitutional situation also began to receive increased emphasis. In fact, the period between the Falklands War and the Iraq War had not been a static one either. It had seen a long-term development in the way in which the role of Parliament was to be viewed in that body. There were also discussions on the role of Parliament in connection with other armed conflicts than those dealt with here and also at times when Britain was not participating in any armed conflict: A process in which the role of Parliament was increasingly discussed developed slowly over a longer period of time. As a result, it seems evident that potential for the further parliamentarization of foreign and defence policies existed but the change was a gradual and context-bound phenomenon, part of an on-going discursive process. The discourse on the role of Parliament had in the 1980s focused on the right to know and, on limited occasions, on the challenging of the traditional role of giving afterward judgment, whereas the 1990s saw gradually more direct challenging of that role as it also included the right to vote. The case of 2002–3 followed those of the 1990s in that respect: the right to vote with a substantive motion was the main framework for evaluations of the role of Parliament. All in all, this was different use of language compared to the 1980s.

The change in the content of parliamentary discourse was related to Britain's view of its role in the world. After 1990 it often became a question of whether Britain should deploy troops abroad to participate in multilateral operations in different places, usually on humanitarian grounds. This international aspect was visible in Parliament, and it is no wonder that the MPs and peers should pay attention to this development.

To turn our attention first to individual parliamentarians as well as to political parties and their opinions concerning the role of Parliament, the individual views that were presented, especially those relating to Parliament's constitutional position, were often critical of the existing system. It can be argued that the direct challenging of the Royal Prerogative concerned three powers, the right to deploy troops abroad, the right to commit them to an armed conflict (in the debates, this right was often included to the right to deploy troops although

occasionally these two rights were distinguished) and the right to declare war. In general, the attention was focused on the ministerial executive prerogatives instead of the prerogatives of the Queen although direct reference was often missing. However, it is important to acknowledge that individuals who criticized the constitutional situation with regard to the Royal Prerogative power to deploy troops were often referring to the whole system, the whole set of powers that were considered to be outside the jurisdiction of Parliament. The successive governments rejected the idea of reforming the Royal Prerogative as a whole, and no clear endorsement by a prime minister for the reform of these powers was heard until Gordon Brown followed Tony Blair in that office.

The actions of individuals were connected with the broader policies of the parties they represented, and often the most reformist-minded MPs did not follow party policies. The party's programmes to reform the constitution differed. The Conservative Party remained a supporter of the existing arrangements, but already in 1980s the Liberal Democrats' programme spoke for the need to have a written constitution in the country. Later, the desire to place the Royal Prerogative powers in the exercise of foreign policy under broader political control led to the inclusion of this aim in the party's reformist programme. However, the Liberal Democrats' situation as the third strongest party weakened their possibilities to exert any major influence. A similar stance was adopted by the Labour Party, which in 1989 began to change its position towards the political system. As a result of this change, the party initially included the need to reform the Royal Prerogative in its manifesto but subsequently dropped it from the party's otherwise reformist programme after gaining an election victory in 1997.

When it comes to the debates the opinions of Labour and Conservative Members differed in certain aspects. The Members of the Labour Party were more active in commenting on the role of Parliament as they evaluated the role of Parliament in international affairs to a great extent through the UN. The Liberal Democrats were active as well, both in the 1990s and in 2002–2003. In fact, in their party it was also the leadership who took part in the discussion, not only the backbenchers. Unlike individuals in the Labour and the Liberal Democrats, the Conservatives were not generally discussing the constitutional situation; the role as the largest party until 1997 affected the way the executive powers were viewed. When in the Government, the Labour Party leadership was ready to changes in many fields of political life but this supportive attitude did not concern foreign and defence policies. As far as foreign policy was concerned, all the parties were discussing the transatlantic relationship and the role of Britain in the security of the world. The relationships with continental Europe and with the Middle East in particular were other important topics. All the parties shared a view that Britain should continue to have an important role in the security of the world – only understandings of the proper means to achieve that role varied.

Nevertheless, the combined views of individual MPs and the ideas that the parties began to address influenced the general understanding of how the

British Parliament would, or should, be a part of the decision-making process. The critical evaluation of the British constitutional set-up came to be a major topic of parliamentary debate; a situation different from that which prevailed at the beginning of the 1980s or before. These new outlooks led to major changes in the political system after the Labour Party's 1997 election victory, involving, among other things, the reform of the House of Lords and the devolution of power that led to the creation of separate parliaments for Scotland, Wales and Northern Ireland. A similar change of attitude began to be visible with regard to the exercise of foreign and defence policies. Parliamentary powers of scrutiny have been under reform since 1997 and it appears that the challenging of the established parliamentary powers in the exercise of foreign and defence policies benefitted from the climate of modernisation, despite the fact that the prerogative powers were not included to the modernisation agenda of the Labour Government. This change of attitude towards the existing situation was fuelled by the increasing British participation in international crises such as that in Kosovo and in wars that were initiated in connection with the US-led war on terrorism. As a result, parliamentary discourse started to emphasize more and more the role of Parliament as the decision-maker on defence and foreign policy within the framework of its constitutional position, but there were no actual changes with regard to decisions to deploy forces abroad.

The efforts of individual Members to obtain a more prominent role for Parliament were rather uncoordinated. For example, in January 1999 after the bombings in December, the Labour MP Tam Dalyell introduced a Private Member's Bill in an attempt to avoid the war in Iraq, but there was no such effort in 2002 and 2003. It remains a task for future research to examine how the Labour leadership tried to silence its MPs, but the situation in 1999 was not so very different from that in 2002 – although Labour had won a second election in a row – a remarkable achievement and certainly something that guaranteed more support for the Prime Minister in his own party.

A change can also be seen to have taken place in the parliamentary hierarchy, which was characterized by a difference between the influence of backbenchers and front-bench members. The role of Parliament was emphasized throughout the studied period by individual backbenchers, and both the Labour and Liberal Democrat front benches also began to show some interest in the matter, while the front-bench Conservatives showed only slight changes in their stance. Under the different governments and prime ministers, the view of the executive that the role of Parliament was to deliver a retrospective judgment on the Government's actions remained relatively unchanged. Prime Minister Thatcher adopted this position, while her successor, John Major, did not comment on the role of Parliament at all during the studied conflicts.

Labour's front-bench views were perhaps influenced by the party's official position, which generally supported parliamentary control of the Royal Prerogative in the early 1990s and also by the fact that a broad public discussion had emerged, fuelled by mainly extra-parliamentary groups such as Charter 88 (although these groups often had MPs among their members). Furthermore, the

new Labour ideology in the latter part of the 1990s, although strongly emphasizing the importance of central leadership, advocated a change and also the inclusion of an ethical element in the conduct of foreign policy. As a result, Britain would go to war for humanitarian reasons, which entailed the question of which bodies had the right to make decisions and set the limits to these rights: Robin Cook, the leading advocate of an ethical foreign policy, strongly supported the right of Parliament to be the source of authorization if a war against Iraq should occur. This growing saliency of the issue of the role of Parliament was manifested in the growing number of parliamentarians who took part in the discussion and in the participation of the parties in it. If, in 1990 and 1991, the majority of Members had listened passively to isolated comments about the constitutional right to wage war, or took part in a limited way in the rare discussions on the subject, during the examined period the MPs in the House of Commons became more active in speaking and, for example, in signing motions addressing the state of parliamentary means to limit the power of the executive to wage war. This provides a strong reason for examining the gradual long-term shift in the way issues were discussed and how this discussion developed from one carried out by single individuals into a debate that was conducted on a broad cross-party basis. By 1998, the issue of the re-evaluation of the Royal Prerogative powers was hardly radical anymore since it was referred to so frequently: the general view was that Parliament should have a stronger control over the executive. It was above all a question of defence policy, but since the issue dealt with the Royal Prerogative generally, it was at the same time a situation in which the relationship between the Monarch, the executive branch and Parliament was being addressed, although there was little interest in changing the role of the Monarch in the system. The discussion reached a point where Prime Minister Tony Blair in 2003 openly faced a question about whether the constitution should be altered in order to allow parliamentary control over a decision to commit troops to action; this happened in a discussion conducted by the chairmen of the select committees in a public hearing of the Liaison Committee. Blair rejected the need to change the situation.

Parliament is a forum for action through speaking. However, in addition to speaking, there were other means available to MPs. Certain Members like Tony Benn, Tam Dalyell and Graham Allen, all members of the Labour Party and all persons with front-bench experience in the House of Commons, used these means. They tabled motions, drafted Bills and even resorted to extra-parliamentary activities such as to travelling to Iraq in order to negotiate certain matters connected with of the crisis. In Benn's case, the idea of Parliament having a stronger role gradually assumed greater prominence, and his ideas began to receive support even during plenary sittings. He started in 1980 by presenting his views on the political system, discussed the issue several times during the 1980s, produced a draft bill to address what he saw as the problems, began to directly attack a particular set of Royal Prerogative powers in 1991, and thereafter continued to pursue this agenda. After the beginning of the war in Iraq, Benn, now a former MP, was invited to testify in committee hearings insti-

tuted to specifically address the question of the Royal Prerogative. What Benn's case reveals is that the gradual development of the notion of a stronger Parliament among MPs generally came about in connection with the political ideas of one particular MP. However, Benn was not alone in viewing Parliament in terms of its constitutional role; other MPs also addressed this matter. Parliamentary politics is based on the use of language and on the consequences that follow from that use: for example, members of the Government or the officials in Parliament do take note of the comments made about certain topics in the plenary sessions, and this information influences the policy-making processes. If the proposal of motions to limit or strengthen the executive's policy, efforts to change the parliamentary calendar or the daily agenda or, for example, Private Member's Bills addressing the whole constitutional system can be regarded as actions, then such actions were taken in connection with parliamentary speaking: speaking was the means that Parliament used to implement actions. In addition to these means, committee hearings provided particularly suitable channels for commentary. This commentary was present in the committees' reports and in their recommendations, but it was also present in the committee hearings themselves. Some of the relevant comments made in the hearings, usually relating to the House of Commons and less often to the House of Lords, were not included in the reports.

Certainly, there was no lack of actual legislative initiatives to change the system. On the contrary, several individual MPs proposed Private Member's Bills aiming at limiting the executive's rights to use military force or to declare war. Some of these motions targeted the constitutional system as a whole, some of them were aimed only at specific rights. The tabling of such motions began in the late 1980s and continued all the way to the Iraq War and beyond. Surprisingly, only one such motion to actually limit the powers of the executive during a crisis was tabled in early 1999. The motion was connected with the crisis in Iraq that occurred in 1998, at a time when the on-going crisis in Kosovo was also occupying the thoughts of the MPs. One other attempt, perhaps more an expression of dissent, was tabled in early 2003, calling for a War Powers Act. Most of these motions were tabled during so-called "peace time", although during the whole period there was no single moment when British forces were not deployed in foreign lands. Parliamentary practice and conventions certainly provided the Members of the House of Commons with opportunities to challenge the system both through formal motions addressing legislative issues and through debate; questioning the Government about its actions and holding it accountable. The Government, according to parliamentary convention, had to answer the questions put to it in Parliament, and by presenting them the parliamentarians in both chambers were able to extract information and details about the policy of the Government. However, the parliamentary conventions and practices also imposed limits: in the House of Commons, the Government set the political agenda and, Opposition Days excluded, decided on when and in which procedural format the debates would be conducted. Furthermore, the execution of the recall procedure, which was also in the remit of the govern-

ment, came in for criticism in two of the studied conflicts, with MPs demanding more freedom for the Commons to decide the timing of the recall. For the Government, the recall of Parliament was a procedural tool that allowed it to observe the development of the crisis and to make an initial response without parliamentary debate, although debates were finally provided both in 1990 and in 2002.

As was mentioned earlier, Tony Blair reaffirmed the view that Parliament was at the centre of the political system and that the Government depended on parliamentary support. It was a view based on an electoral system in which the two largest parties (usually) have vied with each other to win a majority in Parliament, on the basis of which one of them has been able to form the Government. Tony Blair was criticized for his publicity policy of giving information to the media before Parliament since the provision of information was one of the key elements that determined the role of Parliament. In 2002 and 2003, the Government succeeded in obtaining a mandate from Parliament through the provision of partly misleading information, and the Members and peers at that time had to rely on the Government's assessment of the threat posed by Iraq. That was another case of the hierarchical relationship between the Government and Parliament that influenced the role of the latter: the Government had the benefit of more direct information about what was happening in Iraq. The two other major conflicts studied here offer less reason to analyze the significance of the provision of information, but in 1982 the Government's exclusive access to information was an issue in the retrospective scrutinizing process: it was evident that state secrets existed and that was a fact that continued throughout the studied period and influenced the way the members of the Privy Council tended to conduct their inquiries. However, it is important to see the period as one in which there was a gradual change in the way state secrets were treated. The MPs began to require more and more details and the publishing of sensitive information. In doing so, they were in practice challenging the foundation on which the decision-making was based: access to the information needed to make good decisions. It was acknowledged that there was still a need for secrets because they were necessary for the effective exercise of foreign and defence policy, but the notion of secrecy and its boundaries were being redefined.

The role of Parliament and its ability to act were related to the availability and division of parliamentary time: requests for new debates or even votes were connected with the fear that time was running out without Parliament being able to fulfil its desired role. An international crisis created a context that was not necessarily predictable, and that had an effect on the Members. At least, those who were most critical of the use of force sought to gain new opportunities for parliamentary activity.

Certain key concepts were used in the discourse, and these often differed according to the crisis being debated. In 1982 the concept 'sovereignty' was used with reference to the future of the Falkland Islands and the question of whether the government was aiming to reassert British sovereignty over the Islands or to transfer that sovereignty either to Argentina or to a third party,

such as the United Nations. Parliament was considered to be the forum in which the limits of British sovereignty were to be decided, and the Government was instructed not to yield on this issue. The islands were regarded as being under British sovereignty, and the government was expected to formulate its policy accordingly. The use of the concept did not refer to the sovereignty of Parliament. The term "the Royal Prerogative" was not so widely used as might have been expected: it only surfaced in relation to the Gulf War in 1990, indicating perhaps that there was less interest in changing the constitutional framework than in seeking a broader role for Parliament in practice: such a role could also be obtained with more chances to evaluate and discuss the direction of foreign policy regarding, for example, the state of diplomatic negotiations before a decision was taken. Such a role could also be obtained through an opportunity to vote before an embarking on a conflict. It was typical of parliamentary language that there was not so much *pro et contra* argument about whether the constitution or the law should be altered in favour of Parliament but rather debate about the limits of the executive's authority in relation to Parliament; this concerned not just details but major issues as well. In the parliamentary debate on the role of Parliament in 2002 and 2003, the main focus of interest was in the actual right to vote before the implementation of the use of force rather than challenging the Royal Prerogative powers directly. However, the concept and its interpretation as a part of the British political system was challenged after 1990, and one of the topics for discussion and debate in 2002 and 2003 was about who had the right to use these powers. It can be argued that the understanding of the concept was under redefinition in debates even if the concept itself did not completely change. In this redefinition, the concept began to contain more negative aspects compared to previous decades.

The Royal Prerogative was reflected in another key concept, 'parliamentary democracy', which was used to express views on how the governance of the state should ideally be carried out and how representative functions should be a part of that governance. In this context, the concept 'representation' also came up. It was used in the speeches of individual parliamentarians who considered the Members of Parliament, the chosen representatives of the people, to be the right persons to decide whether British soldiers should go to war or not. Seen together, the use of these concepts in the parliamentary debates gives reasons to argue that these concepts did play an important role in the debate. The aspects of the political system that appeared as outdated or inadequate in the contemporary perceptions were discussed with such central concepts that underlined the relevance of the theme.

After the evaluation of the question if there were changes or major shifts in the way the concepts were used, the findings do not provide evidence for dramatic changes. If Tony Benn addressed the Royal Prerogative as an outdated institution of feudal ages, it was not necessarily a very radical way of defining that particular concept. In fact, it was rather a means to describe the perceived weakness of the political system with well-known terms such as outdated and obsolete.

The key issue that aroused interest in Parliament was its role as the source of legitimacy for the use of force: Would Parliament be the body that authorized this? This interest, which did not extend to demanding the right to vote prior to the use of force in every one of the studied conflicts, rested on the assumption that Parliament would mainly play its part in the exercise of foreign and defence policies within the limits that the constitution and parliamentary conventions and practices permitted; that is, through debate, on the basis of which the Government had to assess the level of support for its policies.

The model of dividing the war powers between the executive and the legislative for these discussions came essentially from the United States. The War Powers Act of 1973 provided the framework within which the comparisons were made, despite the fact that the political system in the United States is presidential, unlike the system in Britain. The use of the United States as an example of how parliamentary control of the armed forces is provided for in the constitution is relevant for an understanding of British ideas on the role of Parliament since it offered an instance of what was seen to be an ideal constitutional situation. In the United States, the system provides strong executive power to deploy troops, but that power is under the political control of Congress up to a certain limit; and that is the issue that troubled the Members in the House of Commons: How could the parliamentary control of war powers be realized in the current constitutional setting, and if it was realized, how could it be maintained?

It is significant that examples from continental Europe or from elsewhere were not used. The rest of Europe was more important with regard to decision-making in the Security Council or as allies as co-member states the European Common Market: in 1982 the EEC support for economic sanctions against Argentina provided important moral backing. Moreover, the Members of both Houses generally understood the limits of the British capability: it was important to work as member of a wider coalition, not just uni- or bilaterally with the USA. This related to both combat effectiveness and also to the post-war situation, which was always uncertain. It was also a question of sharing the economic burden, although that aspect received very little attention in Parliament generally.

This leads us to ask whether the prime minister as the leader of the government was regarded rather as a presidential actor in the exercise of foreign and defence policies, or whether the reason why the United States provided a model for legislation concerning war powers was simply based on the idea that the War Powers Act of 1973 offered an ideal model. The discussion about the war powers model in 2002 and 2003 further emphasized the fact that, unlike the British Parliament, the United States Congress had authorized the use of force against Iraq at an early stage in the crisis. The United States was an ally of Britain in two of the studied major conflicts, which meant that the political process there was closely observed in the British Parliament. The War Powers Act of 1973 provided the executive with the right to commit troops to a combat operation, but it also stipulated that Congress should be kept informed and that in

certain circumstances the operation would be authorized by Congress. That seemed to serve as a good solution for the British system as well. The direct comparisons between Britain and the United States were not favoured by the left of the Labour Party only: also individual Liberal Democrat MPs were active in the matter. Centrist Labour Party Members commented issues relating to the matter but direct comparisons were absent.

This idea of a war powers model was linked to past experiences of how Parliament had used its power in previous conflicts – for example, in 1940 in relation to Prime Minister Neville Chamberlain – and to how these experiences were also related to the current situation. The reassessment of the Royal Prerogative as an anachronistic feature unsuited to the contemporary concept of a modern parliamentary democracy, as was suggested by some individual MPs, was also linked to the issue of how the role of Parliament should be constructed in relation to the Government. After understanding this discussion as a part of a broader effort to improve the state of Parliament's war powers, it can be affirmed that through debate Parliament can play a broader role by indicating to the government that it does not have the support needed for it to implement its policy and that this does not necessarily involve constitutional changes. If there is a broad discussion arguing for the need for Parliament to be at the centre of the decision-making process and to be the source of the final decision, that is something any government – not only the British one – must take into account in order to preserve its support during a time of crisis. In Britain, the question of having the Westminster Parliament at the centre of the decision-making process even surfaced in the Scottish Parliament in 2003 since for some MSPs it was related to the constitutional settlement between England and Scotland.

Generally, then, there were changes in the content of the parliamentary debate about the role of Parliament in decisions to use military force, and those changes were related to the increasing demands for a stronger role for Parliament. As far as debate on the role of Parliament in decisions to deploy troops abroad with no regard to the use of force is concerned, it is more difficult to discern any such change, and – despite some comments by individual MPs – this topic can be considered to have been absent from the discussions: the key issue was the commitment of troops to an armed conflict, which was related to the political decision to use force. This applies to the House of Commons but is less applicable to the House of Lords.

As for the relationship between Parliament and the media, the role of the media surfaced during the Falklands War and the Gulf Crisis. In 1982 the media were even considered to constitute a hazard for the military operations owing to the rise of so-called "armchair strategists", members of the public who on the basis of their experience as former soldiers or other knowledge were now publicly, and especially in the media, commenting on the military operations. Furthermore, the media were keenly trying to predict the timing and location of the military operations, a practice that was later criticized for putting the troops in jeopardy. In 1990 the delayed recall of Parliament led to a situation in which the debate of policy was conducted in the media instead of in Parliament, and

this led to fears that, if Parliament did not convene, the media would supplant it as the primary forum for debate on the issue. In 2003 and 2003, the media did, in fact, turn into a competitor of Parliament, mainly because of the keenness of the Labour Government to feed the media with information, which sometimes reached them before it did Parliament. However, the main recipient of information about policy developments and legal and moral justification for action continued to be Parliament. In fact, both the House of Commons and the House of Lords played a key role in discussing the information they received, although a moral discussion was also carried out in the letters to the editor sections of the main newspapers by individuals and especially representatives of different religious groups.

As far as the upper chamber is concerned, the parliamentary discussion showed that some individual peers in the House of Lords considered that the role of the House was essentially manifested through its visibility in the media: the House of Commons was considered to be the more important chamber, but if the media provided more visibility for the upper chamber, the expertise of the House would reach a broader audience. It remained, however, unclear what this increased visibility would mean for the House: it was, perhaps, only a way to promote the role of the House in society. In the lower chamber, the role of the Commons was, at least in connection with the last conflict, conceived through the idea of parliamentary sovereignty, in which the House would wield the sovereign power to decide on peace and war. In the House of Lords, on the other hand, there was no such conception, and the role of the House in foreign policy decision-making was justified by the experience and expertise it offered. If the House of Lords was ignored, that experience and expertise would go unnoticed. Thus the amount of attention received by the upper house seemed to be linked to its visibility in the media.

The role of the House of Lords in the political process, in fact, consisted merely in being informed, although there were also some peers who played a role in the decision-making process or had a part in scrutinizing the process afterwards. Lord Carrington's role as Foreign Secretary in the early days of the Falklands War offers one example of a peer who played a leading role, although he subsequently resigned from the position. Another example is the role played by Lord Goldsmith in 2003. This analysis has demonstrated the role of the House of Lords as an advisory chamber: topics were debated, discussed and deliberated but not voted on or thereby politicized in a way that was possible in the House of Commons, which was a clearly political forum. If the House of Lords can be considered an advisory chamber, it is difficult to ascertain whether the advice had any influence over the actions of the Government. The House of Lords did discuss the role of Parliament, and it reaffirmed the need for both Houses to be involved in the decision-making process. Some individuals in the Lords suggested that the House of Commons should be given a stronger role through a vote on a substantive motion before the use of force, but such comments were rare.

The House of Lords Act of 1999 did not change the role of the House that much: life peers were the main speakers in all the examined conflicts. The contributions of one specific group in the House, the Lords Spiritual, demonstrated how religious leaders were expected to take part in the discussion about whether the use of force was morally justified or not. In 1982 these contributions had been less visible than in 1990-1991, whereas the build-up in 2002-2003 to the Iraq War showed the Lords Spiritual as more politicized figures who were ready to challenge the policy of the Government.

In this dissertation I have shown that the shift in the content of the parliamentary discourse, meaning the comments relating to the role of Parliament in decisions to deploy and commit troops to an armed conflict abroad, led to more prominent debate about the issue and was a result of a broadening interest in it that transcended party lines and extended to the front-bench members (for example, at the committee level). This broadening interest in a controversial topic led the Government to provide a stronger role for Parliament in specific contexts, but at the same time it continued to resist any more radical change in parliamentary practice and conventions. However, it also became apparent that the role of Parliament depended on other issues than the actual performance of the two Houses or individual Members of Parliament. Decision-making at the international level superseded decisions made at the national level, although domestic decision-making was considered to be nearly as important as the decisions made in the international organizations. Furthermore, in the case of parliamentary war powers, I argue that parliamentary debates can be used to examine the use of these powers and furthermore that an analysis of the debates is essential for such an examination. These rights were used within the existing constitutional framework, which the British Parliament can fairly easily change.

In a parliamentary democracy in which the Government is the key decision-making organ in foreign and defence policies, Parliament lies at the centre of the political system and serves as the watchdog of the Government. That scrutiny can be an on-going process rather than just the passing of *post factum* judgment. The role of Parliament lies in the supervision of the right to commit troops to an armed conflict, and in Britain, through its function of debating, Parliament holds the ultimate power in the decision-making process: if it withdraws its support, the Government is forced to change its policy. As a final observation, the view that through debating Parliament is the ultimate arbiter was reinforced in 2013 when the House of Commons rejected the Government's motion on the use of force against the Syrian Government. This event, involving the right to debate and to vote prior to the use of military action, showed that the British Government has begun to consider the endorsement of Parliament to be an important step in the process of deciding to use force, and it appears to look as if a permanent change in parliamentary convention is perhaps occurring.

FINNISH SUMMARY

Yhteenveto

Kuninkaalliset erillisoikeudet uudelleenmäärittelyssä. Parlamentaarin debatti Britannian parlamentin roolista laajamittaisissa sotilaallisissa konflikteissa, 1982–2003

Aihe ja tehtävänasettelu

Britanniassa, kuten useimmissa parlamentaarisisissa demokratioissa, ulko- ja turvallisuuspolitiikan hoito on perinteisesti ollut toimeenpanovallan toimialaa, jossa lakiasäättävällä elimellä on ollut pieni rooli. Irakin sodan ja sitä seuranneiden konfliktien kokemukset ovat kuitenkin antaneet syytä kysyä, onko toimeenpanovallan ja lakiasäättävän vallan välinen suhde kokenut muutoksia. Tämä tutkimus tarkastelee Britannian parlamentin roolia sotaan lähtöä koskevassa päätöksenteossa kolmen laajamittaisen sotilaallisen konfliktin ja niitä koskeneen keskustelun kautta. Tutkittava ajanjakso alkaa vuonna 1982 käydystä Falklandin sodasta, etenee vuosina 1990–1991 tapahtuneeseen Persianlahden kriisiin ja siitä vuoden 2001 syyskuun terrori-iskujen jälkeen alkunsa saaneeseen sotaan Irakissa vuonna 2003.

Tutkimuksessa pyritään selvittämään, oliko poliittisen järjestelmän ja ennen kaikkea parlamentin roolin kehityksessä pitkän aikavälin parlamentarisoitumisen piirteitä, missä määrin kansainvälinen ja kansallinen konteksti vaikuttivat parlamentin roolin muuttumiseen, ja millä tavoin parlamentin jäsenet arvioivat parlamentin roolia tai hyödynsivät parlamentaarisia käytänteitä mielipiteidensä edistämiseksi. Kysymyksenasettelussa kohdistetaan huomio nimenomaan parlamentaariseen diskursiiviseen prosessiin ja sen historiaan, joiden myötä parlamentissa saatettiin haastaa ja pyrkiä muuttamaan olemassa olevaa järjestelmää. Tutkimuksen taustalla on Britannian poliittinen järjestelmä, jossa kirjoittamaton perustuslaki koostuu useista lähteistä kuten tutkimuksen kannalta keskeisistä kuninkaallisista erillisoikeuksista. Nämä erillisoikeudet ovat perinteisesti olleet monarkin valtaoikeuksia, mutta käytännössä niitä käyttää maan hallitus. Näitä valtaoikeuksia on muun muassa oikeus lähettää asevoimia taistelu-tehtäviin ulkomaille. Britanniassa parlamentti valvoo hallituksen toimintaa myös näiden erillisoikeuksien käytön osalta ja voi muuttaa erillisoikeuksia tavanomaisen lainsäädännöllisen prosessin kautta.

Analysissä käytettiin poliittisen historian tutkimuksen menetelmiä, joihin yhdistettiin kielellisesti orientoitunutta lähestymistapaa. Kielellisesti orientoituneella tutkimusotteella otettiin erityisen huomion kohteeksi parlamentin roolia koskevat kommentit ja erityisesti tiettyihin avainkäsitteisiin – kuten parlamenttiin, perustuslakiin, oikeutukseen ja suvereenisuuteen – liittyvät argumentit. Lähteitä tarkasteltiin poliittisen puheen tuotteina, joiden syntyhetken ja muotoon ovat vaikuttaneet erilaiset kontekstit kuten parlamentin tapakäytännöt ja konventiot, parlamentin rooli institutionaalisisena puheforumina sekä

historiallinen kokemus. Parlamentin roolia puheforumina tarkasteltiin näkemysten vastakkainasettelun kautta, sillä tähän keskittyy myös Britannian parlamentin toimintakulttuuri. Tavoitteena oli siis rekonstruoida puheen analyysin kautta parlamentin jäsenten näkemys parlamentin roolista sekä sen parlamentaarisen diskursiivisen prosessin historia, jonka myötä parlamentin roolia määriteltiin uudelleen muun muassa parlamentaaristen toimintatapojen, käytänteiden, käsitteiden ja konventioiden hyödyntämisellä ja haastamisella. Lisäksi tavoitteena oli pohtia parlamentin roolia sodan-käynnistä päätettäessä pelkän lainsäädännön viitekehysten ulkopuolella ennen kaikkea parlamentaariseen puheeseen liittyvänä toimintana.

Toistaiseksi Britannian parlamentin ulko- ja turvallisuuspoliittista roolia koskeva tutkimus on ollut suhteellisen vähäistä, ja siinä on keskitytty enemmän tapahtumahistoriaan parlamentaarisen puheen sijasta. Tutkimuksen lähteinä käytettiin parlamentin tuottamia asiakirjoja, joista tärkeimpiä olivat parlamenttikeskusteluista tallennetut pöytäkirjat. Muita keskeisimpiä primäärilähteitä olivat parlamentin komiteoiden tuottamat asiakirjat. Kontekstoinnissa käytettiin hyväksi muita primäärilähteitä kuten puolueiden vaaliohjelmiä. Näiden lisäksi sanomalehtiaineisto antoi välineitä tarkastella parlamentin tapahtumia ja sen roolin kehittymistä. Tutkimuksessa tarkasteltiin kontekstointitarkoituksessa kolmea keskeistä laajalevikkeistä sanoma-lehteä, *The Timesia*, *The Guardiania* ja *The Daily Telegraphia*. Kontekstoinnissa kiinnitettiin huomiota laajempiin keskusteluihin ja näkemyksiin aina vuoteen 1956 saakka. Tuolloin tapahtunut sotilaallinen konflikti Suezin kanavalla jätti Britannian poliittiseen toimintaan pitkään vaikuttaneen negatiivisen kokemuksen, johon liittyi epäonnistunut ulkopoliittikka ja siihen liittynyt päätöksentekoprosessi.

Falklandin sota: hallitus tekee päätökset

Falklandin sota käynnistyi, kun Argentiina miehitti Falklandin saaret 2. huhtikuuta 1982. Saaret kuuluivat Britannian alaisuuteen, mutta niiden hallinnasta oli käyty diplomaattisia kiistoja Argentiinan ja Britannian välillä jo vuosikymmeniä. Samalla Argentiina miehitti myös Etelä-Georgian saaret, jotka sijaitsivat kauempana Etelä-Atlantilla.

Britanniassa saarten miehitys aiheutti laajaa julkisuutta. Miehityksen katsottiin kyseenalaistaneen Britannian kyvyn puolustaa saaria. Toisaalta ymmärrettiin, että saarelaisten tulevaisuus Argentiinassa vallassa olleen oikeistolaisen juntan hallinnassa saattaisi olla heikko. Hallitus reagoi tilanteeseen nopeasti. Pääministeri Margaret Thatcher (konservatiivit, kons.) pohti tilannetta kabinetinsa kanssa ja päätti koota laivasto-osaston. Laivasto-osaston tarkoitus oli purjehtia Etelä-Atlantille ja ottaa saaret takaisin Britannian hallintaan. Samalla aloitettiin diplomaattinen toiminta. Sen avulla saatiin YK:n turvallisuusneuvoston tuki Britannian vaatimukselle, jonka mukaan Argentiinan tuli välittömästi vetäytyä saarilta. Vahva laivasto-osasto saatiin lähetettyä kohti määränpäättään muutaman päivän kuluessa. Argentiinan sotilaallisen ja diplomaattisen painostukseen yhdistettiin kauppasaarron avulla myös taloudellinen painostus; tähän

osallistui myös EEC. Britannian tavoite oli miehityksen lopettaminen ja status quon palauttaminen alueelle. Samalla haluttiin myös antaa signaali, ettei aggressiivista ulko-politiikkaa saisi kannustaa. Jos Britannia antaisi Falklandin noin vain Argentiinalle, olisi kahden muun alueen, Gibraltarin ja Hong Kongin, tulevaisuus potentiaalisesti vaarassa.

Parlamentti tuki varauksellisesti hallituksen politiikkaa lähettää laivasto-osasto. Hallituksen katsottiin epäonnistuneen alueen puolustuksessa siitäkkin huolimatta, että edellisetkään hallitukset eivät olleet juuri panostaneet alueen puolustusjärjestelyihin. Ilmoitus laivasto-osaston kokoamisesta riitti siihen, ettei pääministerin asemaa ei ryhdytty toden teolla haastamaan. Asiassa auttoi myös Thatcherin henkilökohtainen asenne. Merkittävistä kabinetin jäsenistä ulkoministeri lordi Carrington painostettiin eroamaan. Thatcher kokosi hallinnon avainhenkilöistä erityisen "sotakabinetin", jonka tehtävä oli johtaa kriisin ratkaisemista ja siten myös antaa laivasto-osastolle sen tarvitsema poliittinen ohjaus.

Parlamentin sisällä oppositiojohto asettui tukemaan Thatcherin politiikkaa, ja yleensä ottaen parlamentti olikin tässä vaiheessa valmis tukemaan erilaisia keinoja tilanteen ratkaisemiseksi. Yksittäisten sotakriitikkojen - he löytyivät työväenpuolueen vasemmalta laidalta - mielipide alkoi nousta esiin vasta, kun sotilaallisen voiman käyttö alkoi näyttää yhä todennäköisemmältä. Laivasto-osaston eteneminen saarille kesti useita viikkoja pitkän etäisyyden vuoksi, joten diplomatialle ja talouspakotteiden toimimiselle oli runsaasti aikaa. Muun muassa Yhdysvallat pyrki sovitteluun kriisiä diplomatian välityksellä, mutta ilman menestystä. Britannian hallitus oli valmis tinkimään jonkin verran kannastaan, mutta Argentiinan hallitus osoittautui hankalaksi neuvottelijaksi, eikä mitään ratkaisua näin ollen saatu aikaan ennen kriisin eskaloitumista. Itse kriisin eskaloitumisessa voidaan nähdä kolme erillistä vaihetta, jotka kaikki vaikuttivat diplomatian menestysmahdollisuuksiin. Ensimmäisessä näistä vaiheista Britannian laivasto-osasto valtasi takaisin Etelä-Georgian saaret Argentiinalta huhtikuun lopussa. Takaisinvaltaus toteutettiin nopeasti, ja henkilötappiot molemmilla puolilla olivat erittäin vähäiset. Britit onnistuivat myös upottamaan yhden Argentiinan sukellusveneen.

Parlamentissa työväenpuolueen johtaja Michael Foot osoittautui tinkivän aiemmista melko pasifistisista asenteistaan, mikä helpotti hallituksen kantaa. Hän olisi voinut saada aikaan parlamenttiäänestyksen hallituksen politiikasta kriisin alkupäivinä muttei ryhtynyt siihen ja säästi siten hallituksen potentiaaliselta epäluottamuksen osoitukselta. Oppositiossa Dennis Healey, opposition ns. varjoulkoministeri, oli Footia aktiivisempi hallituksen kritisoija. Healeyn kanta - sama joka oli parlamentin kolmanneksi suurimman puolueen SDP:n johtajalla David Owenilla - oli se, että hallitus kyllä saattoi toteuttaa politiikkaansa kriisissä mutta että parlamentin alahuoneella tuli silti olla oikeus hyväksyä hallituksen toiminta. Tämä päti erityisesti operatiivisiin asioihin. Kun tieto Etelä-Georgian saarten takaisinvaltauksesta saavutti parlamentin, heräsi oppositiossa pelko poliittisen kontrollin lipsumisesta. Tätä lisäsi myös tieto siitä, että brittien pitkän kantaman pommikoneet olivat käyneet Falklandin saarilla pommitta-

massa Argentiinan joukkoja. Thatcher korosti, että Etelä-Georgian operaatiosta huolimatta kriisi yritettiin edelleen ratkaista diplomatialla, ilman aseidenkäyttöä. Tässä tilanteessa kiteytyi parlamentin rooli Falklandin sodan aikana: sen tuli tasapainoilla sen suhteen, missä määrin se tukisi ja missä määrin kriittisesti valvoisi hallituksen toimintaa.

Toinen, selkeästi enemmän kansainvälistä huomiota herättänyt eskalaatiovaihe tapahtui toukokuun alussa. Huolimatta rauhanomaista ratkaisua korostavasta retoriikasta hallitus antoi alueella olleelle sukellusveneelle luvan upottaa argentiinalainen kevyt risteilijä *ARA General Belgrano*, jonka katsottiin uhanneen saaria lähestyvää laivasto-osastoa. Alus upotettiin, vaikka se liikkui Britannian hallituksen julkisesti asettaman kieltovyöhykkeen ulkopuolella ja vaikutti näennäisesti sivussa olevalta kohteelta. Upotuksessa menehtyi yli 300 argentiinalaista, ja tapaus aiheutti vastalauseita niin ulkomailla kuin Britanniassa; muun muassa Argentiinan taloussaartoon osallistuneita maita alkoi vetäytyä saarrosta. Upotuksen myötä Argentiinan ilmavoimat ryhtyivät aiempaa aktiivisemmin hyökkäämään brittien laivasto-osastoa vastaan ja britit menettivät hävittäjäalus *HMS Sheffieldin* ja sen mukana 20 merimiestä. Parlamentin alahuoneessa erityisesti *Belgranon* upotus aiheutti hämmennystä, joka *Sheffieldin* myötä purkautui opposition kritiikkinä: mikä oikein oli hallituksen rooli tilanteessa ja mikä oli poliittinen kontrollin taso? Miten *Belgranon* upotus liittyi diplomaattisiin yrityksiin ratkaista kriisi? Tapahtumien myötä diplomatia alkoi asettua taka-alalle, ja sekä Argentiina että Britannia alkoivat pitää kriisiä sotilaallisena konfliktina.

Eskaloitumisen myötä muuttunut tilanne vaikutti siihen, että parlamentin alahuoneessa alettiin nyt käyttää puheenvuoroja laajemman parlamentaarisen roolin puolesta. Michael Foot puhui tarpeesta saada parlamentille rooli ennen päätösten tekemistä, mikä olisi laajentanut parlamentin roolia enemmän jälkikäteen arvionsa antavasta vallasta päätöksentekovallan suuntaan. Hallitus ei lämmennyt ehdotukselle: Thatcherin näkökulma asiaan oli, että sotilaallisen operaation johtaminen vaatii varovaisuutta, ja parlamentin keskustelu jo päätöksenteko-vaiheessa saattaisi vaarantaa brittisotilaiden turvallisuuden. Debatin äänestys osoitti, että hallituksella oli edelleen tuki puolellaan. Parlamentin rooli Falklandin sodan aikana kulminoituikin käsitykseen, että hallituksen vastuu ja samalla oikeus oli edelleen tehdä päätöksiä ja informoida parlamenttia päätöksistään. Tällöin parlamentti voisi valvoa hallituksen toimintaa ja hallitus vastaavasti puolustaisi päätöksiään. Keskeistä oli, että parlamenttidebateissa esiintyi hyvin vähän toiveita saada äänestettäviä varsinaisia esityksiä hallituksen politiikasta erilaisten teknisten äänestysten lisäksi, mutta sen sijaan parlamentin roolia pohdittiin debatointimahdollisuuksien kautta. Hyvä esimerkki tästä oli diplomatia, joka koettiin aikaansaamattomaksi: tulisiko parlamentilla esimerkiksi olla sanansa sanottavana diplomaattisissa neuvotteluissa, jolloin Britannialta voisi tulla aikaisempaa kehittävämpiä rauhanavauksia? Entä missä määrin hallituksen tulisi kuunnella parlamentin alahuoneen kantoja? Parlamentin rooli hallitusta valvovana elimenä tuli esiin myös siinä, missä määrin kriisin

taustaa päätettiin analysoida: opposition näkemys oli vahvasti komiteatutkimusta puoltava, ja tällainen tutkimus toteutettiin sodan jälkeen.

Ylähuoneen osalta Falklandin sota ei aiheuttanut muutoksia vakiintuneisiin toimintamalleihin. Ylähuone käsitteli kriisiä alahuonetta harvemmin mutta tuki hallituksen toimintaa. Parlamentin roolin käsittely jäi käytännössä olemattomaksi.

Kriisin kolmas eskalaatiovaihe tapahtui brittien noustessa maihin Falklandin saarilla 21. toukokuuta. Tämä käytännössä lopetti diplomaattiset ponnistelut kriisin ratkaisemiseksi. Veriset maataistelut päättyivät lopulta Argentiinan joukkojen antautumiseen 14. kesäkuuta. Kokoavasti voi todeta, että Falklandin sodan aikana parlamentin perustuslaillinen rooli noudatti perinteistä linjaa: hallitus sai pitkälti toteuttaa haluamaansa politiikkaa. Parlamentin rooli keskittyi hallituksen toiminnan valvomiseen ja arvioimiseen, ja tätä perustuslaillista asetelmaa ei lähdetty suoraan problematisoimaan.

Persianlahden sota 1990–1991: yrityksiä hienosäätää parlamentin roolia

1980-luvulla Britanniassa alkoi yleistyä näkemys, että parlamentin rooli poliittisessa järjestelmässä oli heikentynyt ja että järjestelmää tulisi modernisoida. Mitä tuli kuninkaallisiin erillisoikeuksiin, niitä pidettiin jossain määrin osana poliittisen järjestelmän ongelmia, mutta keskeiset poliittiset puolueet kuten työväenpuolue tai konservatiivit eivät vielä tähdänneet näiden erillisoikeuksien reformiin. Kansainvälinen tilanne koki kuitenkin kylmän sodan päättymisen myötä merkittävän käänteen.

Persianlahdella kehittynyt kriisi osui tähän tilanteeseen. Presidentti Saddam Husseinin johtaman Irakin asevoimat miehitti Kuwaitin elokuun alussa vuonna 1990. Miehitys sai aikaan voimakkaan kansainvälisen reaktion, ja sekä Yhdysvaltojen presidentti George W. H. Bush että Britannian pääministeri Thatcher tuomitsivat miehityksen. YK:n turvallisuusneuvosto toimi nopeasti ja yhtenäisesti ja sai aikaan miehityksen tuomitsevan päätöslauselman.

Britanniassa parlamentti oli siirtynyt tauolle heinäkuun lopussa. Elokuun aikana pääministeri Thatcher toimi määrätietoisesti ilman parlamentin mielipidettä, ja brittijoukkoja alettiin lähettää Saudi-Arabiaan suojelemaan maata rajan takana ryhmittäviä irakilaisia vastaan. Kysymys kuuluikin, missä vaiheessa parlamenttia informoitaisiin tapahtuneesta. Erityisesti työväenpuolueen pasifististen parlamentinjäsenten keskuudessa oltiin sitä mieltä, että parlamentti tuli kutsua koolle mitä pikimmiten. Pikku hiljaa lisääntynyt paine niin jäsenten kuin lehdistönkin keskuudessa johti siihen, että parlamentti kutsuttiin lopulta koolle hätäistuntoon syyskuun alussa, reilu kuukausi kriisin alkamisen jälkeen.

Tästä alkoi ajanjakso, joka jatkui vuoden 1991 puolelle saakka. Ajanjaksoa tahditti YK:n turvallisuusneuvosto, joka uusilla päätöslauselmilla tarkensi Irakilta odotettua toimintaa ja asetti Kuwaitista vetäytymiselle aikarajan. Irak ei hyväksynyt turvallisuusneuvoston vaatimuksia, ja tammikuun puolivälissä kansainvälinen kriisi laajentuikin sodaksi. Britannian ulko- ja turvallisuuspoliittinen päätöksenteko pyrittiin tietoisesti käsittelemään kansakuntaa yhdistävänä

kriisinä, jossa ei ollut sijaa puoluepolitiikoinnille. Siten lähestyttiin sotaan liittyvää poliittista traditiota, puoluepolitiikan välttämistä ja keskittymistä yhteiseen toimintaan. Britannian tavoite oli pakottaa Irak vetäytymään, ja maa olikin tarvittaessa valmis aseiden käyttöön. Britannian parlamentissa oppositiossa olleen työväenpuolueen johto hyväksyi hallituksen politiikan mutta korosti YK-reitin merkitystä: Irak-vastaisella toiminnalla tuli olla turvallisuusneuvoston tuki. Myös parlamentaarisen toiminnan konteksti oli erilainen verrattuna vuoteen 1982, sillä nyt sotilaallisen voiman käyttöä edeltäisi pitkä ajanjakso.

Parlamentin alahuoneessa työväenpuolueen vasemmistosiipi ei hyväksynyt hallituksen aggressiivista ulkopoliittikkaa mukisematta, ja tämän ryhmittymän kannanotot muodostivat merkittävän osan parlamentin roolia koskevista puheenvuoroista. Parlamentin rooli oli vuonna 1982 ymmärretty ennen kaikkea tiedonsaannin ja jälkikäteisroolin kautta; tätä perinteistä roolia oli pyritty haastamaan vain olosuhteiden pakosta. Vuosina 1990–1991 parlamentin roolia pohdittiin astetta laajemman viitekehyksen kautta. Poliitiikan vaihtoehtoja käsitellyt debatti oli vähäistä, koska politisoimista pyrittiin välttämään. Toisaalta parlamentin alahuone saattoi käytänteiden kautta saada merkittävämpää vaikutusvaltaa, ja erityisesti aseidenkäyttöä vastustaneet parlamentinjäsenet pyrkivät haastamaan asiaa parlamentaariseen äänestykseen, jota perustuslaillisen asetelman mukaan ei siis ollut tarvetta järjestää. Parlamentin alahuone sai mahdollisuuden äänestää hyväksynnästäan taistelutoimille vasta niiden jo alettua, tammikuun 21. päivä.

Parlamentin roolia koskenut viitekehys vaikutti myös Britannian osallistumiseen multilateraaliin sotilasoperaatioon. Joulukuussa oppositio, huomatesaan sodan oikeasti olevan lähestymässä, sai painostuksellaan aikaan parlamenttidebatin hallituksen Kuwait-politiikasta, ja tässä debatissa työväenpuolueen vasemmistosiipi kysyi omalta puoluejohtoltaan suoraan, kummalla oli tärkeämpi asema, YK:n turvallisuusneuvostolla vai Britannian parlamentin alahuoneella. Vastauksessaan työväenpuolueen varjoulkoministeri Gerald Kaufman korosti YK:n merkitystä ohi kansallisen parlamentaarisen päätöksenteon.

Ulko- ja turvallisuuspolitiikan hallituskeskeisyys sai osakseen kriittisiä äänenpainoja, ja johtava vasemmistolaiskriitikko Tony Benn julisti kuninkaalliset erillisoikeudet feodaalisiksi anakronismiksi ilmaistessaan pettymystään siitä, että alahuone ei saanut sille kuuluvaa asemaa hyväksyä taistelutoimet ennen niiden alkamista. Perustuslain aiempaa selvempi haastaminen ulko- ja turvallisuuspolitiikan saralla oli nyt alkanut.

Persianlahden sodassa keskeistä on, että parlamentin asema oli loppujen lopuksi pieni sivujuonne. Erityisesti mediassa yleinen huomio ulkopoliitiikan osalta kohdistui huomattavan paljon Britannian Eurooppa-politiikkaan, jossa Thatcherin kansallisvaltion roolia korostava asenne johti yhteentörmäykseen konservatiivisen puolueen sisällä ja lopulta pääministerin eroon.

Ylähuoneen rooli oli esimerkiksi 1800-luvulla ollut merkittävä, mutta Falklandin ja Persianlahden sodan aikoihin ylähuoneen ulkopoliittinen rooli jäi vähäiseksi. Sen tehtävä oli neuvoa hallitusta ja valvoa sen toimintaa, eikä ulkopoliitiikan hoidon politisoimista sopinut tähän. Ylähuone vahvisti debatoinnillaan

hallituksen politiikkaa, mikä oli traditionaalinen tapa kamarin päätöksentekorooliin. Aivan kuten vuonna 1982, ylähuoneessa ei ollut äänestysahaluja.

Myös 1990-luvun parlamentin jäsenten asenteet kuninkaallisia erillisoikeuksia kohtaan poikkesivat 1980-luvun alkuvaiheen tilanteesta, jossa mielipiteitä oli melko vähän esillä. Julkisessa keskustelussa ja eri puolueissa yleistynyt tuki poliittisen järjestelmän reformia kohtaan näkyi myös ulko- ja turvallisuuspolitiikasta keskusteltaessa, ja vuonna 1997 valtaan noussut työväenpuolue puheenjohtajansa Tony Blairin johdolla ei ainoastaan lähtenyt liikkeelle eräällä Britannian lähihistorian kunnianhimoisimmista perustuslakia uudistavista ohjelmista vaan otti ulkopoliitikassa käyttöön ns. eettisen ulottuvuuden, jossa ulkopoliittisia ratkaisuja tehtiin korostetun eettisin lähtökohdin. Kuninkaallisten erillisoikeuksien uudistaminen jäi silti vielä uupumaan. Vuoden 1998 lyhyt pommitus Irakissa ja ennen kaikkea vuoden 1999 Kosovossa käyty Naton johtama sota ilman YK:n turvallisuusneuvoston hyväksyntää nosti esiin parlamentin roolin. Työväenpuolueen vasemmistosiiven lisäksi myös poliittisessa keskustassa olevassa liberaalidemokraattien ryhmässä haastettiin nyt perustuslailista asetelmaa. Tutkittuaan Kosovon sotaa alahuoneen ulkoasiankomitea päätyi vuonna 2000 arvioimaan, että vastaisuudessa alahuoneen tulisi saada äänestää taistelutoimista; tätä mahdollisuutta kun ei ollut annettu vuonna 1999, toisin kuin vuonna 1991.

Parlamentin alahuoneen roolin keskeinen viitekehys alkoi siis yhä enemmän nivoutua mahdollisuuteen äänestää varsinaisella esityksellä ja siten joko hyväksyä tai hylätä taistelutoimien mahdollisuus. Kuninkaallista erillisoikeutta lähettää asevoimia ulkomaille ei haastettu, vaan kaikki kritiikki nivoutui nimenomaan siihen, kuka hyväksyy taisteluooperaatioiden aloittamisen. Siten keskeisiä erillisoikeuksia pyrittiin hienosäätämään parlamentaaristen kannanottojen kautta. Kansallisen parlamentin roolia ryhdyttiin uudelleen arvioimaan olosuhteiden johdosta. Konteksti, jossa Britannia oli osallistumassa multilateraaliin ja YK:n turvallisuusneuvoston hyväksymään sotilasoperaatioon, vaikutti voimakkaasti taustalla. Parlamentaarinen debatti muuttui kriisin mukana tulneiden kokemusten sekä jo aiemmin heränneen julkisen keskustelun myötä monipuolisemmaksi parlamentin roolin tarkasteluksi. Parlamentista oli nyt alkanut kuulua mielipiteitä, että sen perinteinen rooli hallituksen toiminnan tarkastelijana ei enää riittänyt.

Irakin sota 2002–2003: parlamentin rooli on keskiössä

Irakin sota osui tähän tilanteeseen. Irak oli ollut pitkin 1990-lukua kansainvälisen yhteisön silmätikkuna, ja presidentti Saddam Hussein jatkoi uhmakkaita eleitä YK:n turvallisuusneuvoston päätöslauselmia vastaan. Syyskuun 11. päivä vuonna 2001 muutti tilanteen. Yhdysvalloissa tapahtuneet terroriteot johtivat lokakuussa alkaneeseen sotaan Afganistanissa, ja vuoden 2002 alussa presidentti George Bush nimesi Irakin valtioksi, joka tuki terrorismia. Sota terrorismia vastaan oli alkanut – ja Irak oli joutunut silmätikuksi.

Britannian eri hallitusten ulkopoliitikalle suhde Yhdysvaltoihin oli ollut keskeinen, ja sama jatkui Tony Blairin aikaan. Kosovon sota oli käyty presidentti Bill Clintonin liittolaisena ja jopa aktiivisena painostajana sotaan, ja sodassa terrorismia vastaan Britannian hallitus otti jälleen aktiivisen roolin. Monen muun tavoin Britannia osallistui Afganistanin sotaan, ja maan hallitus sitoutui mahdollisiin taistelutoimiin Irakia vastaan jo vuoden 2002 alkupuoliskolla. Kun Yhdysvaltojen ja Britannian johdon poliittinen retoriikka Irakia vastaan kesällä 2002 kiihtyi, tauolla ollut parlamentti kutsuttiin syyskuussa hätäistuntoon. Irakilla epäiltiin olevan siltä kiellettyjä joukkotuhoaseita, ja tarkoitus oli ryhtyä riisumaan Irakia näistä väitetyistä aseista.

Irakin sota alkoi lopulta maaliskuussa 2003. Sitä ennen oli kuitenkin nähty parlamentin roolin kehityksen kannalta keskeinen ajanjakso, joka huipentui lopulta äänestykseen varsinaisesta esityksestä 18.3.2003. Äänestyksessä parlamentin alahuone hyväksyi hallituksen politiikan riisua Irak sen väitetyistä joukkotuhoaseista kaikin mahdollisin keinoin.

Toisin kuin aiemmin tutkitulla ajanjaksolla ja esimerkiksi Afganistanin sodan kohdalla, vaatimus äänestää sotilaallisen voiman käytöstä oli eräs keskeisiä teemoja koko poliittisessa prosessissa. Osasyynä tähän oli kansainvälisellä kontekstilla, jossa sotilaallinen voimankäyttö Irakin aseriisunnan varmistamiseksi ei saanut kannatusta. Myöskään YK:n turvallisuusneuvosto ei kyennyt päättämään muusta kuin siitä, että jo 1990-luvun puolella keskeytyneitä asetarkastuksia voitaisiin jatkaa. Kansallisessa kontekstissa aggressiiviseen Irakipolitiikkaan suhtauduttiin epäröiden, mikä ilmapiirissä tapahtuneen perustavanlaatuisemman muutoksen myötä johti siihen, että parlamentin traditionaalista roolia haastettiin toden teolla parlamentaarisen debatin keinoin. Oikeus äänestää mahdollisesta sodasta oli toistuvien vaatimusten kohteena, ja vaatimuksilla oli laaja tuki parlamentin rivijäsenten keskuudessa. Vastaavasta äänestyksen vaatimisesta oli ollut viitteitä jo vuonna 1999, mutta nyt asia oli toden teolla pöydällä alusta alkaen. Myös perustuslaillista asetelmaa haastettiin. Persianlahden sodan ja Kosovon sodan yhteydessä oli koettu, että Yhdysvalloissa kongressilla oli päätäntävaltaa sotaa koskevissa kysymyksissä. Britannian poliittiseen keskusteluun haettiin mallia Yhdysvaltojen lainsäädännöstä, ja perustuslaillista tilannetta pyrittiin haastamaan.

Pääministeri Blair joutui ottamaan kantaa perustuslailliseen tilanteeseen: jos parlamentin asema joka tapauksessa tultaisiin arvioimaan äänestysmahdollisuuden näkökulmasta – äänestyksen, johon hallitus oli myöntynyt painostuksen alla syksyllä 2002 – pitäisikö mahdollisuus äänestykseen myös liittää osaksi perustuslakia? Blairin kanta myötäili hallitusten perinteistä linjaa, jonka mukaan erillisoikeuksiin ei ollut syytä tarttua: olihan hallitus jo vanhastaan vastuullinen parlamentille kaikesta toiminnastaan.

Mitä tuli parlamentin toiseen kamariin, vuonna 1999 uudistetun ylähuoneen rooli asetettiin jatkamaan vanhastaan totuttua linjaa, eikä se ryhtynyt kyseenalaistamaan omaa rooliaan. Sen tehtävä oli neuvoa ja arvioida, ja sitä se teki ilman asian politisoimista esimerkiksi äänestysyrityksellä. Merkille pantavaa oli anglikaanisten piispojen aktiivinen rooli sodan oikeutusta ja moraalia koske-

vassa keskustelussa sekä se, että hallituksen päälainopillinen neuvonantaja lordi Goldsmith oli ylähuoneen jäsen. Siten ylähuone tuli paikaksi, jossa aseiden käytön laillisuutta loppujen lopuksi arvioitiin.

Parlamentin roolia määriteltiin myös sodan jälkeen. Joukkotuhoaseita ei ollut löydetty, ja sotaan johtanut tilanne aiheutti parlamentaaristen komiteoiden selvityksiä – erityisesti, kun Irakissa ajaututtiin eri ryhmittymien väliseen pitkittyneeseen väkivallan kierteeseen. Komiteatutkimukset tarttuivat myös kuninkaallisiin erillisoikeuksiin, ja toisessa näistä tutkimuksista keskityttiin nimenomaan sodankäyntiin liittyviin oikeuksiin. Parlamentissa käsiteltiin useita parlamentin jäsenten aloittamia lakiesityksiä lainsäädännön muuttamiseksi. Uusi pääministeri Gordon Brown ja hänen seuraajansa David Cameron hyväksyivät tarpeen asettaa sotilaallisen voiman käyttöä paremman parlamentaarisen kontrollin alle. Siten Irakin sota ja sitä edeltänyt kehitys olivat johtaneet tilanteeseen, jossa käsitykset ja sitä myötä parlamentaarinen käytännö muuttuivat. Vaikka lainsäädäntöä ei muutettu alahuoneen julkisen hallinnon komitean suosituksesta huolimatta, parlamentaarisen konvention muutos johti siihen, että parlamentti sai äänestää sotilaallisesta interventioista Syyriaan vuonna 2013. Tällöin alahuone käytti valtaansa ja esti sotilaallisen intervention.

Kokoavasti voi todeta, että kontekstit ja olosuhteet vaikuttivat parlamentaariseen diskursiiviseen prosessiin parlamentin roolista, ja ajanjakson aikana tässä prosessissa asteittain korostui parlamentin roolin vahvistuminen. Parlamentin roolia ei refleктоitu esimerkiksi rahankäytön päättämisen kautta, vaan sen merkitys nähtiin nimenomaan siinä, missä määrin ja milloin parlamentilla oli oikeus tulla informoiduksi tapahtumista ja millä tavoin sekä ennen kaikkea missä vaiheessa parlamentti osallistettaisiin päätökseen niin keskustelun kuin myös äänestyksellä tapahtuvan tuen antamisen kautta. Parlamentin rooliin pyrittiin vaikuttamaan keskusteluilla asialistasta, ajankäytöstä, toimintatapojen muuttamisesta, yksittäisillä esityksillä ja lakialoiteilla, parlamentaarisilla kysymyksillä ja äänestyksen reflektoinnilla. Poliittisena käsitteenä kuninkaalliset erillisoikeudet nähtiin vanhentuneeksi modernin parlamentaarisen demokratian funktioiden kannalta, vaikkakin tämä käsitys alkoi selvästi yleistyä vasta 1990-luvun lopussa, kun muuttuva konteksti ja erityisesti transatlanttinen parlamentaarisen roolin malli osuivat yhteen 1990-luvun reformistisen ilmapiirin kanssa. Parlamentaarisen puheen vastakkainasettelun piirteet keskittyivät puolueiden välisessä vastakkainasettelussa varsinaisen ulkopoliittikan vaihtoehtoihin, ja parlamentin roolia esimerkiksi perustuslaillisten käsitteiden kautta debatoitiin vain vähän vastakkainasettelussa. Komiteatason mietinnöt auttoivat valtavirtaistamaan käsitystä parlamentin roolin vahvistamisen tärkeydestä, sillä ne lisäsivät keskusteluun omat mielipiteensä. Komiteoillahan oli ennen kaikkea oikeus antaa suosituksia, ja asioita esiin nostamalla ne saattoivat laajentaa tätä järjestelmän antamaa vallankäytön roolia. Parlamentin roolin kohentaminen ulko- ja turvallisuuspolitiikan hoidossa alkoi myös saada yleistä hyväksyntää, mikä johti parlamentaarisen konvention muuttumiseen.

Kaiken kaikkiaan tutkimus antaa syytä esittää, että Britanniassa parlamentin vaikutus ulko- ja turvallisuuspoliittiseen päätöksentekoon pohjautuu mer-

kittävässä määrin parlamentaarisen puheen vaikutukseen ja että diskursiivinen prosessi voi osaltaan johtaa myös parlamentin perustuslaillisen aseman muutoksiin. Tutkimus avaakin siten uusia ulottuvuuksia parlamentin ja toimeenpanovallan väliseen suhteeseen ja sen tutkimukseen.

REFERENCES

Primary sources

Governmental printed publications

- Bowers, Paul and International Affairs and Defence Section. "Parliament and the use of force". The House of Commons Library, SN/IA/1218. 23 February 2003. Accessed 11 April 2013.
<http://www.parliament.uk/documents/documents/upload/sn-ia-01218.pdf>.
- Companion to the Standing Orders and Guide to the Proceedings of the House of Lords; laid on the table by the Clerk of the Parliaments. London: Stationery Office, 2000.
- Defending our future. Statement on the defence estimates 1993. Presented to Parliament by the Secretary of State for Defence by Command of Her Majesty July 1993. Session 1992-93. Cm 2270. ProQuest House of Commons Parliamentary Papers. <http://parlipapers.chadwyck.co.uk>. (All ProQuest materials are accessed between January 2011 and September 2013.)
- Durkin, Mary and Gay, Oonagh: "Her Majesty's Opposition". The House of Commons Library SN/PC/3910. 21 June 2006.
<http://www.parliament.uk/documents/commons/lib/research/briefings/snpc-03910.pdf>, retrieved 10 April 2013.
- Iraq's Weapons of Mass Destruction. Assessment of the British Government. The United Kingdom: The Stationery Office Limited, 2002. Accessed 11 April 2013. <http://image.guardian.co.uk/sys-files/Politics/documents/2002/09/24/dossier.pdf>.
- Joint Select Committee of the House of Lords and the House of Commons: On the cost and method of the publication of the debates and proceedings in parliament. Together with the Proceedings of the Committee, Minutes of Evidence and the Appendix. Ordered, by the House of Commons, to be printed 17 July 1888. London: Eyre and Spottiswoode, Adam and Charles Black and Hodges, Figgis and Co, 1888. ProQuest House of Commons Parliamentary Papers.
- Leader of the House of Commons and Lord Privy Seal. "The House of Lords: Reform". Cm 7027. London: The Stationery Office, 2007.
<http://www.official-documents.gov.uk/document/cm70/7027/7027.pdf>, retrieved on 14 Jan 2013.
- Lord Franks et al. *The Franks Report. Falkland Islands Review*, with an introduction by Alex Danchev. London: Pimlico, 1983, 1993.
- McGuiness, Feargal. "Social background of MPs" House of Commons Library. SN/SG/1528 (2010). Accessed 9 Aug 2013.
<http://www.parliament.uk/briefing-papers/SN01528.pdf>.

- Taylor, Claire and Kelly, Richard. "Parliamentary Approval for Deploying the Armed Forces: An Introduction to the Issues". House of Commons Library Research Paper 08/88. Accessed 11 April 2013.
<http://www.parliament.uk/documents/commons/lib/research/rp2008/rp08-088.pdf>.
- Return to an address of the honourable the House of Commons dated 14th July 2004 for the review of intelligence on weapons of mass destruction. Report of a Committee of Privy Counsellors. Session 2003-04. HC 898. Ordered by the House of Commons to be printed 14th July 2004. ProQuest House of Commons Parliamentary Papers.
- Select Committee on Parliamentary Debates. Report. Parliamentary Debates. Report, together with the proceedings of the committee, minutes of evidence, appendix and index. Ordered, by the House of Commons, to be printed, 12 May 1893. London: Printed for Her Majesty's Stationery Office by Eyre and Spottiswoode, 1893. ProQuest House of Commons Parliamentary Papers.
- Statement on the defence estimates 1986. Presented to Parliament by the Secretary of State for Defence by Command of Her Majesty 1986. Session 1985-86. Cmnd. 9762-II. ProQuest House of Commons Parliamentary Papers.
- Statement on the defence estimates. Britain's defence for the 90s. Presented to Parliament by the Secretary of State for Defence by Command of Her Majesty July 1991. Volume I. Session 1990-91. Cm 1559-I. ProQuest House of Commons Parliamentary Papers.
- Statement on the defence estimates 1996. Presented to Parliament by the Secretary of State for Defence by Command of Her Majesty. May 1996. Session 1995-96. Cm 3223. ProQuest House of Commons Parliamentary Papers.
- The Falklands Campaign. The Lessons. Presented to Parliament by the Secretary of State for Defence by Command of Her Majesty, December 1982. Cmnd. 8758. ProQuest House of Commons Parliamentary Papers.
- The House of Commons Select Committee on the Armed Forces Bill. Session 1985-86. Special Report. Together with the Proceedings of the Committee and the Minutes of Evidence, with Appendices. Ordered by the House of Commons to be printed 24 March 1986. ProQuest House of Commons Parliamentary Papers.
- The House of Commons Defence Committee. First Report. Session 1982-83. The Handling of Press and Public Information during the Falklands Conflict. Together with the Minutes of Proceedings of the Committee relating to the Report; and the Minutes of Evidence taken before the Committee on 21st, 22nd, 27th and 28th July, 20th and 27th October, and 9th and 10th November 1982. Volume 1. Report and Proceedings. Ordered by the House of Commons to be printed 8 December 1982. ProQuest House of Commons Parliamentary Papers.

- The House of Commons Defence Committee. Session 1982-83. Third report. The future defence of the Falkland Islands. Together with the Minutes of Proceedings of the Committee relating to the Report; and part of the Minutes of Evidence taken before the Committee on 19 January, 2, 6, 17, 18 and 23 February and 1, 23, 29 March 1983, with Appendices. HC-154. Ordered by the House of Commons to be printed 12 May 1983. ProQuest House of Commons Parliamentary Papers.
- The House of Commons Defence Committee. Session 1990-91. Tenth report. Preliminary Lessons of the Operation Granby. Report, together with the Proceedings of the Committee relating to the Report, Minutes of Evidence and Memoranda. HC 287. Ordered by the House of Commons to be printed 17 July 1991. ProQuest House of Commons Parliamentary Papers.
- The House of Commons Defence Committee. Session 1990-91. Minutes of proceedings. HC 691. Ordered by the House of Commons to be printed 22 October 1991. ProQuest House of Commons Parliamentary Papers.
- The House of Commons Defence Committee. Session 2003-04. Third Report. Lessons of Iraq. Volume I: Report. HC 57-I. London: The Stationery Office, 2004.
<http://www.publications.parliament.uk/pa/cm200304/cmselect/cmdfence/57/57.pdf>, retrieved on 21 March 2013.
- The House of Commons Defence Committee: Lessons of Iraq: Government Response to the Committee's Third report of Session 2003-04. First Special Report of Session 2003-04. London: The Stationery Office, 2004.
<http://www.publications.parliament.uk/pa/cm200304/cmselect/cmdfence/635/635.pdf>, retrieved on 21 March 2013.
- The House of Commons Foreign Affairs Committee. Fifth report. Session 1983-84. Falkland Islands. Report with annexes; together with the proceedings of the committee, minutes of evidence and appendices. Volume I. Report and minutes of proceedings. Ordered by the House of Commons to be printed 25 October 1984. ProQuest House of Commons Parliamentary Papers.
- The House of Commons Foreign Affairs Committee. Session 1984-85. Third Report. Events surrounding the weekend of 1-2 May 1982. Report, together with the Proceedings. HC 11. Ordered by the House of Commons to be printed 22 July 1985. ProQuest House of Commons Parliamentary Papers.
- The House of Commons Foreign Affairs Committee. Session 1989-90. Gulf Crisis. Minutes of Evidence, Wednesday 24 October 1990. HC 655-I and HC 655-ii. Ordered by the House of Commons to be printed 24 October 1990. ProQuest House of Commons Parliamentary Papers.
- The House of Commons Foreign Affairs Committee. Session 1989-90. Minutes of Proceedings. HC 681. Ordered by the House of Commons to be printed 31 October 1990. ProQuest House of Commons Parliamentary Papers.
- The House of Commons Foreign Affairs Committee. Session 1990-91. Second report. Aid to Iraqi refugees. Report, together with the proceedings of the

- committee. HC 528. Ordered by the House of Commons to be printed 19 June 1991.
- The House of Commons Foreign Affairs Committee. Session 1990–91. Third report. The Middle East after the Gulf War. Volume I. Report, together with the proceedings of the committee. HC 143. Ordered by the House of Commons to be printed 9 July 1991. ProQuest House of Commons Parliamentary Papers.
- The House of Commons Foreign Affairs Committee. Session 1990–91. Minutes of Proceedings. HC 686. Ordered by the House of Commons to be printed 22 October 1991. ProQuest House of Commons Parliamentary Papers.
- The House of Commons Foreign Affairs Committee. Session 1999–2000. Fourth Report. Kosovo. Report and Proceedings of the Committee. HC 28-I. Ordered by the House of Commons to be printed 23 May 2000. London: The Stationery Office, 2000. Accessed 10 April 2013.
<http://www.publications.parliament.uk/pa/cm199900/cmselect/cmcaff/28/2802.htm>.
- The House of Commons Foreign Affairs Committee. Session 2001–02. Uncorrected Evidence, 25 September 2002. Accessed 11 March 2013.
<http://www.publications.parliament.uk/pa/cm200102/cmselect/cmcaff/uc2509/uc250902.htm>.
- The House of Commons Foreign Affairs Committee. Session 2001–02. Uncorrected Evidence. 28 October 2002. HC 1196-iii. Accessed 10 April 2013.
<http://www.publications.parliament.uk/pa/cm200102/cmselect/cmcaff/cmcaff.htm#uncorr>.
- The House of Commons Foreign Affairs Committee. Session 2001–02. Seventh Report. Foreign Policy Aspects of the War Against Terrorism. HC 384. Report, together with Proceedings of the Committee, Minutes of Evidence and Appendices. Ordered by the House of Commons to be printed 12th June 2002. London: The Stationery Office, 2002. Accessed 21 March 2013.
<http://www.publications.parliament.uk/pa/cm200102/cmselect/cmcaff/384/38409.htm#a43>.
- The House of Commons Foreign Affairs Committee. Session 2002–03. Second Report. Foreign Policy Aspects of the War Against Terrorism. HC 196. Report, together with the Proceedings of the Committee, Minutes of Evidence and Appendices. Ordered by the House of Commons to be printed 17th December 2002. London: The Stationery Office Limited, 2004. Accessed 21 March 2013.
<http://www.publications.parliament.uk/pa/cm200203/cmselect/cmcaff/196/196.pdf>.
- The House of Commons Foreign Affairs Committee. Session 2002–03. Third Report. Foreign Affairs Committee Annual Report 2002. Report, together with Proceedings of the Committee, Minutes of Evidence and Appendices. HC 404. Ordered by the House of Commons to be printed 4th February 2003. London: The Stationery Office, 2003. Accessed 21 March 2013.

<http://www.publications.parliament.uk/pa/cm200203/cmselect/cmffaff/404/404.pdf>.

The House of Commons Foreign Affairs Committee. Session 2002-03. Ninth Report. The Decision to go to War in Iraq. Report, together with formal minutes. HC 813-I. Ordered by The House of Commons to be printed 3 July 2003. London: The Stationery Office Limited, 2003. Accessed 21 March 2013.

<http://www.publications.parliament.uk/pa/cm200203/cmselect/cmffaff/813/813.pdf>.

The Secretary of State for Foreign and Commonwealth Affairs: Ninth Report of the Foreign Affairs Committee. Session 2002-03. The Decision to go to war in Iraq. Response of the Secretary of State for Foreign and Commonwealth Affairs. Presented to Parliament by the Secretary of State for Foreign and Commonwealth Affairs By Command of Her Majesty November 2003. Cm 6062. The Stationery Office, 2003. Accessed 21 March 2013.

<http://www.official-documents.gov.uk/document/cm60/6062/6062.pdf>.

The House of Commons Foreign Affairs Committee. Session 2002-03. Tenth Report. Foreign Policy Aspects of the War against Terrorism. Report, together with the formal minutes and evidence. HC 405. Ordered by The House of Commons to be printed 15 July 2003. London: The Stationery Office Limited, 2003. Accessed 17 September 2013.

<http://www.publications.parliament.uk/pa/cm200203/cmselect/cmffaff/405/405.pdf>.

The House of Commons Foreign Affairs Committee. Session 2003-04. First Special Report. Implications for the Work of the House and its Committees of the Government's Lack of Co-operation with the Foreign Affairs Committee's Inquiry into The Decision to go to War in Iraq. London: The Stationery Office, 2004. Accessed 17 September 2013.

<http://www.publications.parliament.uk/pa/cm200304/cmselect/cmffaff/440/440.pdf>.

The House of Commons International Development Committee. Session 2002-03. Fourth Report. Preparing for the Humanitarian Consequences of Possible Military Action against Iraq. Volume I. Report and Proceedings of the Committee. HC 444-I. Ordered by The House of Commons to be printed 10 March 2003. London: The Stationery Office Limited, 2003. Accessed 9 April 2013.

<http://www.publications.parliament.uk/pa/cm200203/cmselect/cmintdev/444/444.pdf>.

The House of Commons Liaison Committee. Session 2002-03. Minutes of Evidence 21 January 2003. HC 334-i. Ordered by the House of Commons to be printed 8 July 2003. Accessed 10 April 2013.

<http://www.publications.parliament.uk/pa/cm200203/cmselect/cmliaisn/334-ii/3070801.htm>.

The House of Commons Public Administration Committee. Fourth Report. Session 2003-04. Taming the Prerogative: Strengthening Ministerial

- Accountability to Parliament. Report, together with formal minutes and appendices. Ordered by The House of Commons to be printed 4 March 2004. London: The Stationery Office, 2004. Accessed 11 March 2013. <http://www.publications.parliament.uk/pa/cm200304/cmselect/cmpubadm/422/422.pdf>.
- The House of Commons Public Administration Committee. Session 2002–03. Minutes of Proceedings. Thursday 6 February 2003. HC 1316. Ordered by the House of Commons to be printed 30 November 2002. Accessed 26 April 2013. <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmpubadm/1316/131603.htm#10>.
- The House of Commons Public Administration Select Committee. Session 2002–03. Minutes of Evidence, 10 April 2003. HC 642-i. Ordered by the House of Commons to be printed 10 April 2003. Accessed 20 March 2013. <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmpubadm/642/3041003.htm>.
- The House of Commons Public Administration Select Committee. Session 2002–03. Minutes of Evidence for Thursday 8 May 2003. HC 642-ii. Ordered by the House of Commons to be printed 8 May 2003. Accessed 22 March 2013. <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmpubadm/642/3050801.htm>.
- The House of Commons Public Administration Select Committee. Press Notice No.12: “PASC Urges debate on new law to make sure ministers listen to Parliament”. 20 May 2003. <http://www.parliament.uk/business/committees/committees-archive/public-administration-select-committee/pasc-no-12/>, retrieved on 22 March 2013.
- The House of Commons Treasury and Civil Service Committee. Session 1990–91. Cost and Economic Consequences of the Gulf War. Minutes of Evidence, 6 February 1991. 213-i. Ordered by the House of Commons to be printed 6 February 1991. ProQuest House of Commons Parliamentary Papers.
- The House of Lords Select Committee on the Constitution. Session 2005–06. 15th Report. Waging War: Parliament’s role and responsibility. Volume I: Report. HL Paper 236-I. Ordered to be printed 19 July and published 27 July 2006. London: The Stationery Office, 2006. Accessed 25 March 2013. <http://www.publications.parliament.uk/pa/ld200506/ldselect/ldconst/236/236i.pdf>.
- The House of Lords Select Committee on the Constitution. Session 2006–07. Third report. Waging war: Parliament’s role and responsibility. Follow-up. Report. HL Paper 51. Ordered to be printed 7 February 2007 and published 20 February 2007. London: The Stationery Office, 2007. Accessed 10 April 2013. <http://www.publications.parliament.uk/pa/ld200607/ldselect/ldconst/51/51.pdf>.

- The House of Lords Select Committee on the Constitution. Examination of Witnesses, 29 March 2005. Ordered by the House of Lords to be printed 19 July 2006. Accessed 7 Feb 2013.
<http://www.publications.parliament.uk/pa/ld200506/ldselect/ldconst/236/6032902.htm>.
- The Official Record. Historical Hansard 1803-2005. Accessed between September 2009 and September 2013.
<http://hansard.millbanksystems.com/>. (HC Deb or HL Deb)
- The Official Record. Hansard Debates. Accessed between January 2013 and September 2013.
<http://www.parliament.uk/business/publications/hansard/>. (Hansard Debates)
- The Secretary of State for Justice and Lord Chancellor: The Governance of Britain. CM 7170. London: The Stationery Office, 2007. Accessed 19 Sept 2013.
<http://www.official-documents.gov.uk/document/cm71/7170/7170.pdf>. (The Governance of Britain Green Paper)
- The Scottish Parliament. Meeting of the Parliament. Thursday 16 January 2003. Accessed 18 March 2013.
<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=4420&mode=pdf>.
- The U.S. Government Printing Office. "Authorization for Use of Military Force Against Iraq Resolution of 2002" 107th Congress Public Law 243. Accessed 7 March 2013.
<http://www.gpo.gov/fdsys/pkg/PLAW-107publ243/html/PLAW-107publ243.htm>.
- The United Kingdom Parliament. The Iraq Inquiry. Oral Evidence, 8 Feb 2010. Jack Straw. Accessed 22 Aug 2013.
<http://www.iraqinquiry.org.uk/media/49448/20100802-straw-final.pdf>.
- The United Kingdom Parliament. The Iraq Inquiry. Oral Evidence, 5 March 2010. Gordon Brown. Accessed 22 Aug 2013.
<http://www.iraqinquiry.org.uk/media/45558/100305-brown-final.pdf>.
- The United Nations Security Council. "The United Nations Security Council Resolution 502". 3 April 1982. Accessed 1 Aug 2013. [http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/435/26/IMG/NR043526.pdf?](http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/435/26/IMG/NR043526.pdf?OpenElement) OpenElement OR www.un.org -> Peace and Security -> Security Council -> Resolutions -> 1946 to present -> 1982 -> Resolution 502.
- The United Nations Security Council. "The United Nations Security Council Resolution 678". 29 November 1990. Accessed 26 February 2013. <http://www.un.org/en/sc/documents/resolutions/1990.shtml> -> S/RES/678 (1990).
- The United Nations Security Council. "The United Nations Security Council Resolution 661". 6 August 1990. Accessed 19 Aug 2013. <http://www.un.org/en/sc/documents/resolutions/1990.shtml> -> S/RES/661 (1990).

- The United Nations Security Council. "The United Nations Security Council Resolution 687". 3 April 1991. Accessed 19 Aug 2013. <http://www.un.org/en/sc/documents/resolutions/1991.shtml> -> S/RES/687 (1991).
- The United Nations Security Council. "The United Nations Security Council Resolution 1441". 8 November 2002. Accessed 7 March 2013. <http://www.un.org/en/sc/documents/resolutions/2002.shtml> -> S/RES/1441 (2002).

Print media

- "Anti-war rally makes its mark" *BBC News*, 19 February 2003. Accessed 21 Aug 2013. http://news.bbc.co.uk/2/hi/uk_news/2767761.stm.
- The Daily Telegraph 1982–2003 (Sunday Telegraph is included). London. Microfilm: 12 Lunar Drive/Drawer, Woodbridge, CT.
- The Guardian 1963, 1979, 1982–2003 (The Observer is included). London. ProQuest Historical Newspapers. Accessed between June 2010 and September 2013. <http://www.proquest.com/en-US/catalogs/databases/detail/pq-hist-news.shtml>.
- "Parliament 'war powers' must be law by 2015, say MPs". *BBC News*, 6 Dec 2011. Accessed 13 Nov 2012. <http://www.bbc.co.uk/news/uk-politics-16050574>.
- Parris, Matthew. "Another voice – Blair would have been wiser to rely on blind trust than to have issued that dossier" *The Spectator*, 22 Feb 2002, n/a.
- "The politics of UK newspapers". *BBC News*, 30 Sept 2009. Accessed 17 June 2013. http://news.bbc.co.uk/2/hi/uk_news/politics/8282189.stm.
- The Times 1982–2003 (Sunday Times is included). London. Microfilm: 12 Lunar Drive/Drawer, Woodbridge, CT.

Other printed publications and documents

- Allen, Graham. "Reinventing Democracy" *RSA Journal*, Vol. 142, No. 5448 (1994), 33–40.
- Allen, Graham. *The Last Prime Minister. Being Honest about the UK Presidency*. Thorverton & Charlottesville: Imprint Academic, 2003.
- Ashdown, Paddy. *A Fortunate Life. An Autobiography of Paddy Ashdown*. London: Aurum Press, 2009.
- Benn, Tony. "The Case for Constitutional Premiership" *Parliamentary Affairs*, Vol 33, Iss. 1 (1980), 7–22.
- Benn, Tony and Winstone, Ruth. *The Benn Diaries*. Guernsey: The Guernsey Press, 1996.
- Blix, Hans. *Irakin aseriisunta*. Keuruu: Like, 2004. Translation Petri Stenman. Translation of chapters 11 and 12 Arvi Tamminen.

- Bush, George W. "State of the Union Address (excerpt), 29 January 2001" In *The Iraq Papers*, edited by John Ehrenberg, J. Patrice McSherry, José Ramón Sánchez and Caroleen Marji Sayej, 59–61. New York: Oxford University Press, 2010.
- Bush, George W. "Ultimatum to Iraq, 17 March 2003" In *The Iraq Papers*, edited by John Ehrenberg, J. Patrice McSherry, José Ramón Sánchez and Caroleen Marji Sayej, 110–113. New York: Oxford University Press, 2010.
- The Coalition Information Centre. *British Government Briefing Paper on Iraq*. Version 3 June 2002. Iraq Inquiry Digest. Accessed 11 April 2013. http://www.iraqinquirydigest.org/?page_id=9392.
- Von Clausewitz, Carl. *On War*. The Project Gutenberg EBook. Translation J.J. Graham in 1874, 1909. Accessed 27 Aug 2013, <http://www.gutenberg.org/files/1946/1946-h/1946-h.htm#link2HCH0001>.
- Cook, Robin. *The Point of Departure*. London: Simon & Schuster, 2003.
- Dalyell, Tam. *One Man's Falklands...* London: Cecil Woolf, 1982.
- Dalyell, Tam. *Thatcher's Torpedo*, Introduction by Paul Rogers. London: Cecil Woolf, 1983.
- Dod, Tom: "CIC cover letter of Iraq dossier". Cabinet Office, 6 June 2002. Iraq Inquiry Digest. Accessed 11 April 2013. <http://www.iraqinquirydigest.org/wp-content/uploads/2010/09/cover-letter-june-02-cic-draft.pdf>.
- May, Thomas Erskine: *Erskine May's Treatise on the law, privileges, proceedings and usage of Parliament*, edited by C. J. Boulton. London: Butterworths, 1989, 21st ed.
- May, Thomas Erskine: *Erskine May's treatise on the law, privileges, proceedings and usage of Parliament*. Editor Malcolm Jack. London: LexisNexis, cop., 2011, 24 ed.
- Hughes, Simon; Kirkwood, Archy; Meadowcroft, Michael; Liberal Information Network; National League of Young Liberals and Union of Liberal Students. *Across the Divide. Liberal Values for Defence and Disarmament*. A Liberal Party Publication. Hebden Bridge: Hebden Royd Publications, 1986.
- Kant, Immanuel. *Perpetual Peace and Other Essays on Politics, History and Moral*. Indianapolis: Hackett, 1795, 1983. Translation and introduction Ted Humphrey.
- Letter of Ambassador Christopher Meyer to Sir David Manning. "Iraq and Afghanistan: Conversation with Paul Wolfowitz". 18 March 2002. Accessed 20 Aug 2013. <http://warisacrime.org/downloads/meyer020318.pdf>.
- Liberal Democrat. *Changing Britain for Good. Constitutional Reform and the Five Es*. Dorchester: Liberal Democrat Publications, 1991.
- Liberal Democrats. *Here We Stand. Proposals for Modernising Britain's Democracy*. London: Liberal Democrats, 1993.

- Nott, John. *Here Today, Gone Tomorrow. Recollections of an Errant Politician*. London: Politico's Publishing, 2002.
- Owen, David. *Time to Declare*. London: Penguin Books, 1992.
- Rycroft, Matthew: "Iraq: Prime Minister's meeting, 23 July (excerpt)" In *The Iraq Papers*, edited by John Ehrenberg, J. Patrice McSherry, José Ramón Sánchez and Caroleen Marji Sayej, 68–69. New York: Oxford University Press, 2010.
- SDP-Liberal Alliance. *Britain United. The Time Has Come*. London: SDP & Hebden Royd Publications, 1987.
- SDP-Liberal Alliance. *Working Together for Britain*. London, SDP-Liberal Alliance: 1983.
- Short, Clare. *An Honourable Deception? New Labour, Iraq and the Misuse of Power*. London: Free Press, 2004.
- Straw, Jack. "Abolish the Royal Prerogative" in *Power and the Throne. The Monarchy Debate*, edited by Anthony Barnett, 125–129. London: Vintage, 1994.
- Thatcher, Margaret. *The Downing Street Years*. London: HarperCollins, 1995.
- The Labour Party. *A Socialist Foreign Policy. A Labour Party Discussion Document*. London: Labour party, 1981.
- The Labour Party. *New hope for Britain. Labour's manifesto 1983*. London and Welshpool: the Labour Party, 1983.
- The Labour Party: *Meet the challenge, meet the change*. London: Labour party, 1989.
- The Labour Party. *New Labour because Britain deserves better*. London: Labour party, 1997.
- Tocqueville, Alexis de. *Democracy in America*, edited by J.P. Mayer. New York: Anchor Books, 1969. Translation George Lawrence.
- Tocqueville, Alexis de. *Demokratia Amerikassa*. Helsinki: Gaudeamus, 2006. Translation Sami Jansson.
- Tyrie, Andrew. *Mr Blair's Poodle goes to War. The House of Commons, Congress and Iraq*. London: Centre for Policy Studies, 2004.
- Who's Who 1982. An Annual Biographical Dictionary*. London: Adam and Charles Black, 1982.
- Who's Who 1990. An Annual Biographical Dictionary. One Hundred and Forty Second Year of Issue*. London: A & C Black, 1990.
- Who's Who 2003. An Annual Biographical Dictionary. One Hundred and Fifty-fifth Year of Issue*. London: A & C Black, 2003.
- Wright, Tony. *Citizens & Subjects. An Essay on British Politics*. London & New York: Routledge, 1994.

Secondary sources

Literature

- Bagehot, Walter. *The English Constitution*. Kitchener, Canada: Batoche Books, 1873, 2000. Ebrary.

- Baldwin, Nicholas J. D. "The membership of the House" In *House of Lords at work: a study based on the 1988–1989 session*, edited by Donald Shell, 33–60. Oxford: Clarendon Press, 1993.
- Baldwin, Nicholas. "The membership and work of the House of Lords" In *The House of Lords. Its parliamentary and juridical roles*, edited by Paul Carmichael and Brice Dickson, 29–52. Oxford: Hart, 1999.
- Bale, Tim. *Conservative Party. From Thatcher to Cameron*. Cambridge & Malden: Polity, 2010.
- Ball, Terence and Pocock, J.G.A. "Introduction" In *Conceptual Change and the Constitution*, edited by Terence Ball and J.G.A. Pocock, 1–12. Lawrence: University Press of Kansas, 1988.
- Baranger, Denis. "Parliamentary Law and Parliamentary Government in Britain: Some Historical Remarks" In *Constitutionalism and Role of Parliaments*, edited by Katja S. Ziegler, Denis Baranger and Anthony W. Bradley, 15–46. Oxford and Portland, Oregon: Hart Publishing, 2007.
- Barnett, Hilaire. *Constitutional & Administrative Law*. London: Cavendish Publishing, 2004.
- Barnett, Anthony. *Iron Britannia*. London: Allison and Busby, 1982.
- Baroness Boothroyd. "The role of the Speaker in the 20th Century" *Parliamentary History*, Vol. 29, Iss. 1 (2010), 136–144.
- Baston, Lewis and Henig, Simon. "The Labour Party" In *The Blair Effect 2001–5*, edited by Seldon, Anthony and Kavanagh, Dennis, 112–130. Cambridge: Cambridge University Press, 2007.
- Black, Jeremy. *Parliament and Foreign Policy in the Eighteenth Century*. Cambridge: Cambridge University Press, 2004.
- Black, Jeremy. *Debating Foreign Policy in Eighteenth Century Britain*. Farnham and Burlington: Ashgate, 2011.
- Blackburn, Robert. "The Dissolution of Parliament. The Crown Prerogatives (House of Commons Control) Bill 1988" *The Modern Law Review*, Vol. 52, Iss. 6 (1989), 837–840.
- Blick, Andrew. *How to go to War. A Handbook for Democratic Leaders. With a Foreword by Peter Hennessy*. London: Politico's, 2005.
- Bogdanor, Vernor. "Constitutional Reform" In *The Blair Effect. The Blair Government 1997–2001*, edited by Anthony Seldon, 139–156. London: Little, Brown and Company, 2001.
- Borthwick, R.L. "The Defence Committee" In *The New Select Committees. A Study of the 1979 Reform*, edited by Gavin Drewry, 72–87. Oxford: Clarendon Press, 1989, 2nd edition.
- Borthwick, R.L. "On the Floor of the House" In *Parliamentary Questions*, edited by Mark Franklin and Philip Norton, 73–103. Oxford: Clarendon Press, 1993.
- Bosch, Frank. "Parlamente und Medien. Deutschland und Großbritannien seit dem späten 19. Jahrhundert" In *Das Parlament als Kommunikationsraum*, edited by Andreas Schulz and Andreas Wirsching, 371–386. Düsseldorf: Droste Verlag, 2012.

- Bown, Francis. "Influencing the House of Lords: the Role of the Lords Spiritual 1979-1987" *Political Studies*, Vol 42, Iss, 1 (1994), 106-119.
- Brand, Jack. *British Parliamentary Parties. Policy and Power*. Oxford: Clarendon Press, 1992.
- Brazier, Rodney. *Constitutional Reform*. Oxford: Oxford University Press, 1998.
- Burke, Peter. "Context in Context" *Common Knowledge*, Vol. 8, Iss. 1 (2002), 152-177.
- Byrd, Peter. *British Foreign Policy Under Thatcher*. Oxford: Philip Allan/St Martin's Press, 1988.
- Callaghan, John. *The Labour Party and Foreign Policy. A History*. London and New York: Routledge, 2007.
- Campbell, John. *Margaret Thatcher. Volume Two: The Iron Lady*. London: Vintage, 2008.
- Carpenter, Humphrey. *Robert Runcie. The Reluctant Archbishop*. London: Hodder & Stoughton, 1996.
- Carstairs, C.Y. "The Foreign Affairs Committee" In *The New Select Committees. A Study of the 1979 Reform*, edited by Gavin Drewry, 165-181. Oxford: Clarendon Press, 1989, 2nd edition.
- Carstairs, Charles and Ware, Richard. "Introduction" In *Parliament and international relations*, edited by Charles Carstairs and Richard Ware, 1-7. Milton Keynes: Open University Press, 1991.
- Carstairs, Charles and Ware, Richard. "Conclusions" In *Parliament and International Relations*, edited by Charles Carstairs and Richard Ware, 160-177. Milton Keynes: Open University Press, 1991.
- Cole, Matt. "Constitutional reform" In *The Political Thought of the Liberals and Liberal Democrats since 1945*, edited by Kevin Hickson, 67-83. Manchester: Manchester University Press, 2009.
- Colley, Linda. *Captives, Britain, Empire and the World, 1600-1850*. New York: Anchor Books, 2004. Ebrary
- Cowley, Philip. *The Rebels. How Blair Misled his Majority*. London: Politico's, 2005.
- Cowley, Philip and Stuart, Mark. "Parliament" In *The Blair Effect 2001-5*, edited by Anthony Seldon and Dennis Kavanagh, 20-42. Cambridge & New York: Cambridge University Press, 2007.
- Crewe, Emma. *Lords of Parliament. Manners, Rituals and Politics*. Manchester and New York: Manchester University Press, 2005.
- Cross, Tim. "British Military Intervention Since 1990" In *British Foreign Policy and the Anglican Church. Christian Engagement with the Contemporary World*, edited by Timothy Blewett, Adrian Hyde-Price and Wyn Rees, 73-87. Aldershot & Burlington: Ashgate, 2008.
- Damrosch, Lori F. "The interface of national constitutional systems with international law and institutions on using military forces: changing trends in executive and legislative powers" In *Democratic Accountability and the Use of Force in International Law*, edited by Charlotte Ku and Harold K. Jacobson, 39-60. Cambridge: Cambridge University Press, 2003.

- Dibattista, Denise. "Legitimising and informative discourse in the Kosovo debates in the British House of Commons and the Italian Chamber of Deputies" In *Cross-Cultural Perspectives on Parliamentary Discourse*, edited by Paul Bayley, 151-181. Amsterdam and Philadelphia: John Benjamins, 2004.
- Dicey, A.V. *Introduction to the Study of the Law of the Constitution*. London and New York: Macmillan and Co, 1885, 1897. Fifth edition. Accessed 9 December 2013. http://files.libertyfund.org/files/1684/Dicey_1316.pdf.
- Dieterich, Sandra, Hummel, Hartwig and Marschall, Stefan. "Parliamentary War Powers. Survey of 25 European Parliaments" Geneva Centre for the Democratic Control of Armed Forces. Occasional Paper No. 21. (2010). Accessed 9 Aug 2013. http://www.dcaf.ch/content/download/35827/526871/file/OP21_FINAL.pdf.
- Dillon, G.M. *The Falklands, Politics and War*. Houndmills and London: Macmillan Press, 1989.
- Dinstein, Yoram. *War, Aggression and Self-Defence*. Cambridge: Cambridge University Press, 2005.
- Dorman, Andrew. *Blair's Successful War. The British Military intervention in Sierra Leone*. Farnham and Burlington: Ashgate, 2009.
- Downs, Stephen J. "Structural changes" In *Parliament in the 1980s*, edited by Philip Norton, 48-68. Oxford and New York: Basil Blackstone, 1985.
- El-Solh, Raghid. *Britain's Two Wars with Iraq 1941, 1991*. Reading: Ithaca Press, 1996.
- Ennis, Jeff and Grogan, John. "Jeff Ennis and John Grogan" In *The Rebels. How Blair Misled his Majority* by Philip Cowley, 129-134. London: Politico's, 2005.
- Fairweather, Jack. *A War of Choice. The British in Iraq 2003-9*. London: Jonathan Cape, 2011.
- Farr, James. "Conceptual Change and Conceptual Innovation" In *Conceptual Change and the Constitution*, edited by Terence Ball and J.G.A. Pocock, 13-34. Lawrence: University Press of Kansas, 1988.
- Fawn, Rick. "The Iraq War: Unfolding and Unfinished" In *The Iraq War. Causes and Consequences*, edited by Rick Fawn and Raymond Hinnebusch, 1-18. Boulder & London: Lynne Rienner Publishers, 2006.
- Flournoy, Francis Rosebro. *Parliament and War. The Relation of the British Parliament to the Administration of Foreign Policy in Connection with the Initiation of War*. London: P.S. King & Son, 1927.
- Freedman, Lawrence. "The War and the New World Order" In *Iraq, The Gulf Conflict and the World Community*, edited by Gow, James, 183-200. London and New York: Brassey's, 1993.
- Freedman, Sir Lawrence. *The Official History of the Falklands Campaign. Volume 1: The Origins of War*. London & New York: Routledge, 2005.
- Freedman, Sir Lawrence. *The Official History of the Falklands Campaign. Volume II: War and Diplomacy*. London and New York: Routledge, 2005.

- Geneva Centre for the Democratic Control of Armed Forces. "Sending Troops Abroad". DCAF backgrounder, 10/2006. Accessed 11 April 2013. http://www.dcaf.ch/content/download/35300/525817/file/bg_troops_abroad.pdf.
- Gibran, Daniel K. *The Falklands War. Britain Versus the Past in the South Atlantic*. Jefferson, North Carolina and London: McFarland & Company, 1998.
- Giddings, Philip and Irwin, Helen. "Objects and Questions" In *The Future of Parliament. Issues for New Century*, edited by Philip Giddings, 67-77. Basingstoke and New York: Palgrave Macmillan, 2005.
- Goldsworthy, Jeffrey. *The Sovereignty of Parliament. History and philosophy*. Oxford: Clarendon Press, 1999.
- Gordon, Michael and Trainor, Bernard. *Cobra II. The Inside Story of the Invasion and Occupation of Iraq*. London: Atlantic Books, 2007.
- Greaves, H.G. "Parliament in War-Time" *Political Quarterly*, Vol 13, Iss. 1 (1942), 202-213.
- Haapala, Taru. "That in the opinion of this House". *The parliamentary culture of debate in the nineteenth-century Cambridge and Oxford Union Societies*. Jyväskylä studies in education, psychology and social research. Jyväskylä: University of Jyväskylä, 2012.
- Harvard, Jonas. "And the Press says? Media References in British Parliamentary Discourse". Paper presented at the Finnish Conference for Historical Research, University of Jyväskylä, October 21-23, 2010.
- Harvard, Jonas: "Parliamentary Speaking and Media Narratives on the Falklands War. The Concept of 'world opinion'". Paper presented at workshop "Parliamentary Means of Conflict Resolution in a Comparative Perspective" at the Freiburg Institute for Advanced Studies, 16-17 March 2012.
- Hill, Christopher. "Foreign policy" In *The Blair Effect. The Blair Government 1997-2001*, edited by Anthony Seldon, 331-353. London: Little, Brown & Company, 2001.
- Hill, Christopher. "Putting the world to rights: Tony Blair's foreign policy mission" In *The Blair Effect 2001-5*, edited by Anthony Seldon and Dennis Kavanagh, 384-409. Cambridge: Cambridge University Press, 2007.
- Heffernan, Richard and Webb, Paul. "The British Prime Minister: Much More Than 'First Among Equals'" In *The Presidentialization of Politics. A Comparative Study of Modern Democracies*, edited by Thomas Poguntke and Paul Webb, 26-55. Oxford & New York: Oxford University Press, 2005.
- Hennessy, Peter and Anstey, Caroline. *Jewel in the constitution? The Queen, Parliament and the Royal Prerogative*. Glasgow: Department of Government, University of Strathclyde, 1992.
- Hennessy, Peter. *The Prime Minister. The Office and its Holders since 1945*. London: Penguin Books, 2000.
- Hennessy, Peter. "Informality and Circumscription. The Blair Style of Government in War and Peace" *The Political Quarterly*. Vol. 76, Iss. 1, (2005), 3-11.

- Hollis, Rosemary. "The United Kingdom: Fateful Decision, Divided Nation" In *The Iraq War. Causes and Consequences*, edited by Rick Fawn and Raymond Hinnebusch, 37–47. Boulder & London: Lynne Rienner Publishers, 2006.
- Hummel, Hartwig and Marschall, Stefan. "How to Measure Parliamentary War Powers" Paks working paper 3. *Parlamentarische Kontrolle von Sicherheitspolitik* (2007). Accessed 8 Aug 2013. http://paks.uni-duesseldorf.de/Dokumente/paks_working_paper_3.pdf.
- Hyrkkänen, Markku. *Aatehistorian mieli*. Tampere: Vastapaino, 2002.
- Hänggi, Heiner. "The Use of Force Under International Auspices: Parliamentary Accountability and 'Democratic Deficits'" In *The 'Double Democratic Deficit'. Parliamentary Accountability and the Use of Force Under International Auspices*, edited by Hans Born and Heiner Hänggi, 3–16. Geneva Centre for the Democratic Control of Armed Forces. Aldershot and Burlington: Ashgate, 2004.
- Ihalainen, Pasi. "Between historical semantics and pragmatics. Reconstructing past political thought through conceptual history" *Journal of Historical Pragmatics*, Vol. 7, No. 1 (2006), 115–143.
- Ihalainen, Pasi. *Agents of the People. Democracy and popular sovereignty in British and Swedish parliamentary and public debates, 1734–1800*. Leiden: Brill, 2010.
- Ilie, Cornelia. "Unparliamentary language: Insults as cognitive forms of confrontation" In *Language and Ideology, Vol. II: Descriptive Cognitive Approaches*, edited by R. Dirven, R. Frank and C. Ilie, 235–263. Amsterdam: John Benjamins, 2001.
- Irwin, Helen, Andrew Kennon, David Natzler and Robert Rogers. "Evolving rules" In *Parliamentary questions*, edited by Mark Franklin and Philip Norton, 23–72. Oxford: Clarendon Press, 1993.
- Jennings, Ivor W. "Parliament in Wartime I" *Political Quarterly*, Vol 11, Iss. 3 (1940a), 183–195.
- Jennings, Ivor W. "Parliament in Wartime II" *Political Quarterly*, Vol 11, Iss. 3 (1940b), 232–247.
- Jennings, Ivor W. "Parliament in Wartime III" *Political Quarterly*, Vol 11, Iss. 4 (1940c), 351–367.
- Jennings, Ivor W. "Parliament in Wartime IV" *Political Quarterly*, Vol 12, Iss. 1 (1941), 53–65.
- Jogerst, Michael. *Reform in the House of Commons. The Select Committee System*. Lexington: University Press of Kentucky, 1993.
- Johnson, Nevil. "What of Parliament's Future?" In *The Future of Parliament. Issues for New Century*, edited by Philip Giddings, 12–24. Basingstoke and New York: Palgrave Macmillan, 2005.
- Jupp, Peter. *The Governing of Britain 1688–1848. The Executive, Parliament and the People*. London and New York: Routledge, 2006.
- Kavanagh, Dennis. "The Blair Premiership" In *The Blair Effect 2001–5*, edited by Anthony Seldon and Dennis Kavanagh, 3–19. Cambridge: Cambridge University Press, 2007.

- Keegan, John. *Iraq War. The Military Offensive, from Victory in 21 Days to the Insurgent Aftermath*. Westminster, MD, USA: Knopf Publishing Group, 2005.
- Keir, D.L. *The Constitutional History of Modern Britain 1485–1951*. London: Adam and Charles Black, 1961, 6th ed.
- Kelso, Alexandra. *Parliamentary Reform at Westminster*. Manchester and New York: Manchester University Press, 2009.
- Keohane, Dan. *Security in British Politics, 1945–99*. Houndmills and New York: Macmillan Press & St. Martin's Press Ltd, 2000.
- Kettell, Steven. *Dirty Politics? New Labour, British democracy and the invasion of Iraq*. London and New York: Zed Books, 2006.
- Khadduri, Majid and Ghareeb, Edmund. *War in the Gulf 1990–1991. The Iraq-Kuwait Conflict and Its Implications*. New York: Oxford University Press, 1997.
- Kohn, Richard H. "An Essay on Civilian Control of the Military" *American Diplomacy* (March 1997). Accessed 8 May 2013.
http://www.unc.edu/depts/diplomat/AD_Issues/amdipl_3/kohn.html.
- Koselleck, Reinhart (1972–97). "Crisis" *Journal of the History of Ideas*, Vol. 67, No. 2 (2006), 357–400. Translation Michael W. Richter 2006. Originally published in: Koselleck, Reinhart. "Krise" In *Geschichtliche Grundbegriffe. Historisches Lexicon zur politisch-sozialen Sprache in Deutschland*. 3rd Volume, edited by Otto Brunner, Werner Konze, and Reinhart Koselleck, 617–50. Stuttgart: Klett-Cotta, 1972–97.
- Kuusisto, Riikka. "Framing the Wars in the Gulf and in Bosnia. The Rhetorical Definitions of the Western Power Leaders in Action" *Journal of Peace Research*, Vol. 35, No. 5 (1998), 603–620.
- Kyle, Keith. *Suez. Britain's End of Empire in the Middle East*. London and New York: I.B. Tauris, 2011.
- Lai, Brian and Reiter, Dan. "Rally 'Round the Union Jack? Public Opinion and the Use of Force in the United Kingdom, 1948–2001" *International Studies Quarterly*, Vol. 49, No. 2 (Jun 2005), 255–272.
- Laurikainen, Antti. *Tavoitteena vapaa ja demokraattinen Irak. Irakin vastainen lainsäädäntö Yhdysvaltain kongressin debateissa vuosina 1998 ja 2002*. Pro gradu thesis. Jyväskylä, 2009.
- Lee, Peter. "Military Intervention in the Post-Cold War Era" In *God and War. The Church of England and Armed Conflict in the Twentieth Century*, edited by Stephen G. Parker and Tom Lawson, 187–205. Farnham and Burlington: Ashgate, 2012.
- Levey, Zach and Podeh, Elie. *Britain and the Middle East. From Imperial Power to Junior Partner*. Brighton, UK and Portland, USA: Sussex Academic Press, 2008.
- Levy, Jack S. and Mabe, William F. Jr. "Politically Motivated Opposition to War" In *International Studies Review*, Vol. 6, No. 4 (2004), 65–83.
- Long, Jerry M. *Saddam's War of Words. Politics, religion, and the Iraqi invasion of Kuwait*. Austin: University of Texas Press, 2004.

- Lys, Matt and Hennessy, Peter. *Tony Blair, Past Prime Ministers, Parliament and the Use of Military Force*. Strathclyde Papers on Government and Politics, no. 113 (1999).
- Mackintosh, Alexander. *From Gladstone to Lloyd George. Parliament in peace and war*. London: Hodder and Stoughton, 1921.
- Major, John. *The Autobiography*. Lontoo: HarperCollins, 2000, 2nd ed.
- Marshall, Geoffrey. *Constitutional Conventions. The Rules and Forms of Political Accountability*. Oxford: Clarendon Press, 1986.
- McAuslan, J.P. W.B. and McEldoumy, J.F. "Constitution under crisis" *Parliamentary Affairs*, Vol. 39, Iss. 4 (1986), 496-516.
- McCormack, Tara. "From 'Ethical Foreign policy' to National Security Strategy: Exporting Domestic Incoherence" In *British Foreign Policy. The New Labour Years*, edited by Oliver Daddow and Jamie Gaskarth, 103-122. Houndmills and New York: Palgrave Macmillan, 2011.
- McCourt, David. "The New Labour Governments and Britain's Role in the World" In *British Foreign Policy. The New Labour Years*, edited by Oliver Daddow and Jamie Gaskarth, 31-47. Houndmills and New York: Palgrave Macmillan, 2011.
- Mient, Jan Faber. "Peace, Human Rights, and the Moral Choices of the Churches" In *A Matter of Principle. Humanitarian Arguments for War in Iraq*, edited by Thomas Cushman, 160-179. Lontoo: University of California Press, 2005.
- Mingst, Karen. "Domestic political factors and decisions to use military forces" In *Democratic Accountability and the Use of Force in International Law*, edited by Charlotte Ku and Harold K. Jacobson, 61-80. Cambridge: Cambridge University Press, 2003.
- Mughan, Antony. *Media and the Presidentialization of Parliamentary Elections*. Gordonsville: Palgrave Macmillan, 2001. Ebrary.
- Muhonen, Jari. *Labour-lordit. Ison-Britannian työväenpuolueen edustus maan parlamentin ylähuoneessa vuoden 1924 vähemmistöhallituksen aikana*. Pro Gradu Thesis. University of Jyväskylä. Jyväskylä, 2012.
- Mäkinen, Mikko. *'Meidän taistomme käydään rauhan puolesta'*. Irakin kriisi ja sodanuhka Ranskan parlamentin debateissa vuosina 2002-03. Pro gradu thesis. Jyväskylä, 2010.
- Negrine, Ralph and Seymore-Ure, Colin. "The Challenge of Adaptation" In *The Future of Parliament. Issues for New Century* edited by Philip Giddings, 231-241. Basingstoke and New York: Palgrave Macmillan, 2005.
- Norton, Philip. "Introduction: Parliament in Perspective" In *Parliament in the 1980s*, edited by Philip Norton, 1-19. Oxford and New York: Basil Blackwell, 1985.
- Norton, Philip. *The Constitution in Flux*. Oxford and Cambridge: Basil Blackwell, 1984, 1989.
- Norton, Philip. "Introduction: Parliament since 1960s" In *Parliamentary Questions*, edited by Mark Franklin and Philip Norton, 1-22. Oxford: Clarendon Press, 1993.

- Norton, Philip. "Representation of Interests. The Case of the British House of Commons" In *Parliaments in the Modern World. Changing Institutions*, edited by Gary W. Copeland, Samuel Charles Patterson, 13–28. Ann Arbor: University of Michigan Press, 1994.
- Norton, Philip. "Parliament" In *The Blair Effect. The Blair Government 1997–2001*, edited by Anthony Seldon, 43–64. London: Little, Brown and Company, 1997.
- Norton, Philip. *Parliament in British Politics*. Houndmills: Palgrave Macmillan, 2005.
- Norton, Philip. "Introduction: A Century of Change" *Parliamentary History*, Vol. 30. Iss. 1 (2011), 1–18.
- Ochsenwald, William and Fisher, Sydney Nettleton. *The Middle East. A History*. Boston, Mass: McGraw-Hill. 6th ed, 2004.
- Omond, John Stuart. *Parliament and the Army 1642-1904*. Cambridge: Cambridge University Press, 1933, 2009.
- Palonen, Kari. *Tekstistä politiikkaan. Esimerkkejä politiikan luennasta*. Jyväskylä: Jyväskylän yliopisto, 1997.
- Palonen, Kari. *Kootut retoriikat*. Jyväskylä: Jyväskylän yliopistopaino, 1997.
- Palonen, Kari. "Speaking pro et contra: the rhetorical intelligibility of parliamentary politics and the political intelligibility of parliamentary rhetoric" In *The parliamentary style of politics*, edited by Suvi Soinen and Tapani Turkka, 82–105. Helsinki: The Finnish Political Science Association, 2008.
- Palonen, Kari. "Fair Play with Parliamentary Times". Paper presented at the Finnish Conference for Historical Research, Jyväskylä, 21–23 October 2010.
- Palonen, Kari. *Parlamentarismi retorisena politiikkana*. Tampere: Vastapaino, 2012.
- Peters, Dirk and Wagner, Wolfgang. "Between Military Efficiency and Democratic Legitimacy: Mapping Parliamentary War Powers in Contemporary Democracies, 1989–2004" *Parliamentary Affairs*, Vol. 64, No. 1 (2011), 175–192.
- Phythian, Mark. *The Labour Party, War and International Relations, 1945–2006*. London and New York, 2007.
- Pocock, J.G.A. "Verbalizing a Political Act. Toward a Politics of Speech" In *Political Theory*, vol. 1, No. 1 (1973), 27–45.
- Posen, Barry R. "Military mobilization in the Persian Gulf conflict" In *SIPRI Yearbook 1991. World Armaments and Disarmament*, 639–654. New York: Oxford University Press, 1991.
- Poyser, Crispin. "Proceedings on the record: the floor of the House, the Foreign Affairs Committee and other committees" In *Parliament and International Relations*, edited by Charles Carstairs and Richard Ware, 8–36. Milton Keynes and Philadelphia: Open University Press, 1991.
- Reference Service, Central Office of Information. *Britain and the Gulf Crisis*. London: HMSO, 1993.
- Richards, Peter G. *Parliament and Foreign Affairs*. London: George Allen & Unwin, 1967.

- Riddell, Peter. *Honest Opportunism. How We Get the Politicians We Deserve*. London: Indigo, 1996.
- Rogers, Robert and Walters, Rhodri. *How Parliament Works*. Edinburgh: Pearson, 2006, 6th ed.
- Rush, Michael. "The House of Lords: the political context" In *The House of Lords. Its parliamentary and juridical roles*, edited by Paul Carmichael and Brice Dickson, 7–28. Oxford: Hart, 1999.
- Russell, Meg and Benton, Meghan. *Selective Influence. The Policy Impact of House of Commons Select Committee*. London: The Constitution Unit, Department of Political Science, University College London, 2011. Accessed 9 Aug 2013. <http://www.ucl.ac.uk/constitution-unit/publications/tabs/unit-publications/153.pdf>.
- Scammell, Margaret. "The Media and Media Management" In *The Blair Effect. The Blair Government 1997–2001*, edited by Anthony Seldon, 509–533. London: Little, Brown and Company, 1997.
- Scruton, Robert. "National Interest and International Law" In *A Matter of Principle. Humanitarian Arguments for War in Iraq*, edited by Thomas Cushman, 95–106. Lontoo: University of California Press, 2005.
- Seaward, Paul and Ihalainen, Pasi. "Key Concepts for Parliament in Britain, 1640 to 1800" In *Parliament and Parliamentarism. A Comparative History of Disputes on a European Concept*, edited by Kari Palonen, Cornelia Ilie and Pasi Ihalainen. Berghahn Books: Forthcoming in 2014.
- Secunda, Eugene and Moran, Terence P. *Selling War to America. From the Spanish American War to the Global War on Terror*. Westport, Connecticut and London: Praeger Security, 2007.
- Seymour-Ure, Colin. "British 'War Cabinets' in Limited Wars: Korea, Suez and the Falklands". Discussion paper for Freiburg-im-Breisgau: European Consortium for Political Research Workshops, March 1983.
- Shell, Donald. *House of Lords*. Oxford & New York: Philip Allan / Barned & Noble Books, 1988.
- Shell, Donald. "The House of Lords and foreign affairs" In *Parliament and International Relations*, edited by Charles Carstairs and Richard Ware, 72–91. Milton Keynes & Philadelphia: Open University Press, 1991.
- Shell, Donald. "The House of Lords in context" In *House of Lords at work: a study based on the 1988–1989 session*, edited by Donald Shell, 1–32. Oxford: Clarendon Press, 1993.
- Shell, Donald. "The House of Lords: A Chamber of Scrutiny?" In *The Future of Parliament. Issues for a New Century*, edited by Philip Giddings, 107–114. Basingstoke and New York: Palgrave Macmillan, 2005.
- Sharp, Paul. "British Foreign Policy under Margaret Thatcher" In *The Makers of British Foreign Policy. From Pitt to Thatcher*, edited by T.G. Otte, 261–285. Houndmills: Palgrave, 2002.
- Simms, Brendan. *Unfinest Hour. Britain and Destruction of Bosnia*. Allen Lane: Penguin Press, 2001.

- Skinner, Quentin. "A Reply to My Critics" In *Meaning and Context. Quentin Skinner and his Critics*, edited by James Tully, 231–288. London: Polity, 1988.
- Skinner, Quentin. "Rhetoric and Conceptual Change" *Finnish Yearbook of Political Thought*, vol 3 (1999), 60–73.
- Skinner, Quentin. "Interpretation and the understanding of speech acts" In *Visions of Politics I: Regarding method*, 103–127. Cambridge: Cambridge University Press, 2002.
- Smart, Nick. "Four Days in May: The Norway Debate and the Downfall of Neville Chamberlain" *Parliamentary History*. Vol. 17, Iss. 2 (1998), 215–243.
- Thorpe, Andrew. *A history of the British Labour Party*. Palgrave Macmillan, 2001.
- Towle, Philip. *Going to War: British Debates from Wilberforce to Blair*. New York: Palgrave Macmillan, 2009.
- Tripp, Charles. *A History of Iraq*. Cambridge and New York: Cambridge University Press, 2007.
- Urquhart, Brian. "The role of the United Nations in the Iraq-Kuwait conflict in 1990" In *SIPRI Yearbook 1991. World Armaments and Disarmament*, 617–637. New York: Oxford University Press, 1991.
- Van Evera, Stephen. *Causes of war. Power and the roots of conflict*. Ithaca: Cornell University Press, 1999.
- Van Dijk, Teun A. "Knowledge in parliamentary debates" *Journal of Language and Politics*, Vol. 2, No. 1 (2003), 93–129.
- Vickers, Rhiannon. *The Labour Party and the World. Volume 2. Labour's Foreign Policy since 1951*. Manchester: Manchester University Press, 2011.
- White, Nigel D. "The United Kingdom: increasing commitment requires greater parliamentary involvement" In *Democratic Accountability and the Use of Force in International Law*, edited by Charlotte Ku and Harold K. Jacobson, 300–322. Cambridge: Cambridge University Press, 2003.
- White, Nigel D. *Democracy Goes to War. British Military Deployments under International Law*. Oxford: Oxford University Press, 2009.
- Willcox, David R. *Propaganda, the Press and the Conflict. The Gulf War and Kosovo*. London and New York: Routledge, 2005.
- Williams, Ian. "The role of the United Nations" In *The Iraq War. Causes and Consequences*, edited by Rick Fawn and Raymond Hinnebusch, 257–268. Boulder & London: Lynne Rienner Publishers, 2006.

Other sources

- Beamish, David: "United Kingdom peerage creations 1801 to 2013". <http://www.peerages.info/admintable.htm>.
- North Atlantic Treaty Organization. "A short history of NATO". Accessed 17 May 2013, <http://www.nato.int/history/nato-history.html>.
- The United Kingdom Parliament. "Debate". Accessed 9 Aug 2013. <http://www.parliament.uk/about/how/role/debate/>.

- The United Kingdom Parliament. Glossary: "Hung parliament". Accessed 9 April 2013. <http://www.parliament.uk/site-information/glossary/hung-parliament/>.
- The United Kingdom Parliament. "Heraldic shields to MPs, First World War". Accessed 24 June 2013. <http://www.parliament.uk/about/living-heritage/building/cultural-collections/memorials/in-the-collection/world-war-i/wars-heraldic-shields/>.
- The United Kingdom Parliament. "Hereditary Peers removed". Accessed 25 July 2013. <http://www.parliament.uk/about/living-heritage/evolutionofparliament/houseoflords/house-of-lords-reform/overview/hereditarypeersremoved/>.