

# Modernisation Governing Myths

**At the root of Britain's problems are its inherited myths about how to govern. Frank Vibert argues that it's time to go ahead and draft a modern constitution**

**B**ritain's antiquated constitutional culture is sustained by myth. It is a mythology that obscures the sources of failure in our system of government; corrodes the role of parliament; inhibits the growth of new channels of individual protection and redress, and makes us singularly poorly equipped to play a full and constructive role in the vital discussions on Europe's constitutional future currently underway.

The first myth is that our present constitutional arrangements provide us with good government. The facts suggest otherwise. Britain's postwar history has been one of relative decline. Part, no doubt, has been inevitable. But one source has been the failings in our system of government. Does not any part of the failure to attain a stable path of economic growth with low inflation lie with the politicisation of day to day monetary management and the influence of discretionary electoral calendars? Cannot any part of the failure to come to grips with the shortcomings of our education and training systems and other key areas of public policy be attributed to the frequent turnaround of ministers in important government departments? Is not part of the failure of political leadership in Britain to be traced to that shallow pool of insular talent provided by the House of Commons from which, under current practices, our key government members must be drawn? Does not part of the failure to test out and benefit from competing approaches to public policy rest with the weakness of our system of local government, dependent as it is on financial re-allocations from central government? What other democratic governments allow the potential contributions of their second chamber to be vitiated by the confusion of the decorative element in society with functional

responsibilities?

The myth of good government shields our institutions and political practices from examination as to their role in Britain's relative performance in the postwar world. It is a self-deluding myth as well as self-damaging. There is no agreed methodology for quantifying the costs of systemic failure in the institutions and practices of government. However, a recent report analysing the causes of Germany's higher output per head since the late 1960s pointed out that, 'The methods of achieving competitive success... can only be fully effective in a situation of long term stability'. It is precisely that framework for sustainable growth without inflation that the British machinery of government has been signally unable to provide in the postwar world. If we are to achieve a consistent pace of renewal in future we must be prepared to address the systemic origins of government failure in the past.

**T**he second myth is that the doctrine of parliamentary sovereignty allows us to combine the virtues of strong government with the protection of our vital right to open and accountable government. It is true that our electoral system generally produces clear winners, able to govern firmly, capable of introducing radical reform and at the same time gives us a loyal opposition that can debate, question and help pinpoint the responsibility of the government of the day. Yet the investigative role of the House of Commons is a stunted one.

A weak Parliamentary investigative role has a wider economic and political cost than a simple failure to hold a government to account. Lack of open government cuts off one of the most important sources for generating reform ideas, for ventilating competing

approaches to policy and for sustaining continuity in reform efforts.

A simple illustration of the impotence of the investigative role of the House of Commons is provided by its approach to the issues involved in the two inter-governmental conferences on European Economic and Monetary Union and European Political Union. By any measure the issues are of fundamental importance. Up to the midway point in the negotiations, the House of Commons had spent all of six hours in debating them.<sup>2</sup> The reason is that neither of the major parties wishes to reveal internal differences of opinion. MPs with ambition on either side of the House have no wish to jeopardise their careers with party managers by rocking the boat (unless they are leaving the House anyway). Faced with issues of similar importance, no one can doubt that the each of the relevant committees in the US Congress would be in the middle of fully-fledged inquiries.

Part of the weakness in parliament's investigative role is because government secrecy extends far beyond that necessary for national security reasons. However, at the root of parliament's reticence and timidity is the incentive structure for individual MPs. Most enter parliament with the aspiration for government office. About one third of the members of the governing party are in fact tied to government office. Similar incentives are at play for the government in waiting - the opposition party. Patronage stifles dissent and enquiry. By contrast, in the Congress of the United States, membership in the House or Senate is an end in itself and key positions in the investigative committee structure the focus of ambition.

Changing the way in which the House of Commons performs its investigative function involves changing the incentive structure. Breaking the link between government office and House of Commons membership would both enlarge the pool of talent that can be selected for government office, and encourage MPs to focus on House of Commons functions while reducing the leverage of party whips. Associating the first readings of government legislation with a mandatory committee investigation report would strengthen the role of MPs and reduce the role of Whitehall in the pre-legislative process.

A further change which might produce a more robust House of Commons would be to limit MPs to a maximum of three full parliamentary terms. Limits on periods of elective office (as in the case of the US Presidency or state governors) are usually conceived as means to guard against the accretion of personal power. British MPs have little power and the objectives would be different. Membership of the Commons would not be thought of as a potential lifetime career, but as a period of service between other careers or sources of experience. It would thus widen membership with experience outside politics. It would be an additional

source of renewal since even MPs in safe seats would step down in due course. The constituency reselection process would be aided. Particularly in respect of MPs in their final term, the influence of party whips would be reduced. Motivation to make an early impact would be strengthened, and performance on investigative committees would become perhaps the most important means to achieve impact and recognition. It would help dispel the deadening penumbra of House of Commons tradition, even with improved incentives for the House of Commons to hold government and Whitehall to account, it would be foolish for a modern citizenry to put all their eggs in one basket and rely solely on parliament for protection against the risks of overweening government. Modern portfolio theory, applicable no less to government than to investment managers, teaches that the overall risk characteristics of a situation are improved by diversification. When it comes down to the protection of rights, the ability to obtain redress and the need to ensure that government limits its function to providing services rather than dispensing a higher wisdom, it makes sense to have more than one channel to uphold the habits and practices of a free society. The entrenchment of justiciable rights, the extension of the role of contract, as well as other means to expand the role of law such as a Freedom of Information Act, all provide additional

**'Written constitutions have many drawbacks. But they can serve a useful role in articulating durable values. We have need of one at this time'**



instruments for achieving open government. They are not guarantees, but they have a role in guarding against the risks attached to reliance on one channel.

The third myth is that the magic of our political inheritance leaves us better off without a written constitution. Of course, we have every reason to be grateful for our evolutionary political past, the absence of political upheavals that usually trigger written constitutional settlements and the unbroken ribbon of our democratic development. However, like it or not, we are in passage of receiving a written constitution in the process of European integration. The question is no longer whether we should or should not have a written constitution. It is a question of whether domestic entrenchment of values and institutions will help us to protect and project what we consider important to uphold in the wider European constitutional settlement now underway. There have been previous moments of constitutional tension in our history when it has been judged desirable to encapsulate values in written form. A similar entrenchment is desirable now.

As European integration moves into a critical stage of constitution building, it is vital for our political values and for our economic freedoms that Britain plays a leading role in Europe's constitutional debate. There are many pressures to build centralised and expansive government structures in Europe. In arguing the case for decentralised

and limited government and in promoting arrangements that would help achieve these objectives, we are inhibited, not least by the long dormancy of the language and syntax of constitutional discussion within our domestic framework. Written constitutions have many drawbacks. But they can serve a useful role in articulating durable values. We have need of one at this time.

These three myths imbedded in our constitutional culture are paraded together to show that the good luck of our political inheritance, together with the goodwill of parliament, combine to provide us with good governance. They are myths with a vanishing resonance. The 1980s saw the triumph of market liberalism as the organising principle for economic activity. The 1990s is witnessing an increasing preoccupation with institutional and constitutional issues. It is no time to worship at the totems of our past. By virtue of Britain's membership in the European Community and by virtue of our domestic imperatives, constitutional issues will be at the centre of our preoccupations in the coming decade. Let us welcome it. Let us get on with it.

1 National Economic Development Council: 'Partners for the Long Term: Lessons from the Success of Germany and Japan.' NEDC (91) 16, dated 19 June 1991.

2 Hansard June 26 1991 noted that the adjournment motion was made at 4:12 pm and the division called at 10:00 pm.

Frank Vibert is deputy director of the Institute of Economic Affairs.

**THE TROLLEY STOP**  
28 STAMFORD ROAD, HACKNEY N1 071-241 0581  
accommodators of the happening groove LIVE and FREE,  
designed to please

- 12 The John Blackwell Trio-modern guitar takes standards into ECM
- 13 End of Culture-popular rock/reggae
- 16 Off the Map-African jazz/rock/reggae
- 17 The Steve Grocott & Michael White-storytellers with a difference

**OPEN TILL MIDNIGHT DURING WEEK, 1am WEEKENDS**

*The trolley*

**ETHICAL INVESTMENT**

**NOW YOU HAVE A REAL CHOICE**

We offer an excellent selection of investment funds to those who want good financial returns but are unwilling to sacrifice principle.

**YOU DON'T HAVE TO COMPROMISE**

You CAN avoid your money going into armaments, alcohol, tobacco, gambling, nuclear weapons, the exploitation of animals, South Africa... and you CAN positively support pollution control, conservation of the environment and recycling of resources.

Socially responsible investment can now be geared to:-

- PENSIONS (For individuals, co-operatives, companies)
- LUMP SUM INVESTMENTS
- MORTGAGES ● MONTHLY SAVINGS PLANS

Contact Mark Cherrill or John Glavey

**CHERRILL GLAVEY**  
INDEPENDENT FINANCIAL ADVISERS

IN THE FOREFRONT OF SOCIALLY RESPONSIBLE INVESTMENT

22, St. Mary's Street, Wallingford, Oxon. Tel 0491 32278