

# CSD Interview

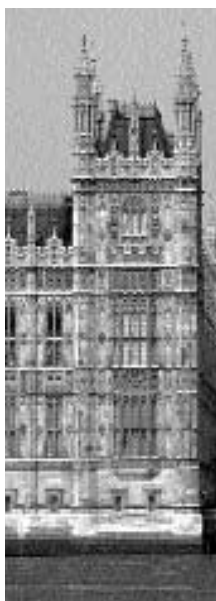
## **Bhikhu Parekh** *talks to John Keane about the Westminster model, reform of the Lords, and what he has learnt since becoming a peer*

**Since the nineteenth century Westminster, the ‘mother of parliaments’, has commanded wide respect in Britain and elsewhere. Why do you think this has been so?**

Three factors have played a part. First, the Westminster model was popular in those countries that were part of the British Empire; people looked to the metropolitan power for guidance and models. Secondly, in the nineteenth century Britain was the most industrialized country in the world and exuded an enormous amount of prosperity and power - with which the Westminster model came to be identified. Thirdly, Britain was widely admired for its respect for individual liberty; in the colonies, struggling for independence, this mattered a great deal.

It’s worth bearing in mind, though, that the Westminster model had no appeal outside the Empire. The United States self-consciously tried to break with it; the French - who admired British liberty from Montesquieu onwards - were never fascinated by it; nor were the Germans, the Swiss, or anyone else in Europe. The fact that its appeal was limited in this way is very suggestive.

**What were your emotional and political reactions to Westminster before you became part of it?**



Growing up in India one was enormously fascinated by the Palace of Westminster. Here was a place from where we were ruled, sometimes wisely, often unwisely; where many of our leaders, as supplicants, queued up to seek appointments with ministers and MPs. Having seen it function from within the country, my views changed: I thought several things about it needed to be set right. When I entered the House of Lords in April 2000, my views became clearer. In my maiden speech, I said I felt somewhat out of place in it. I could hear or see the

ghosts of those viceroys and governor generals who had made a mess of India - especially Mountbatten, who had been responsible for the chaos surrounding the partition of the country, during which about half a million people became refugees, and thousands died. I occasionally said to myself, ‘what am I doing here? As a

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lifelong socialist, why am I allowing myself to be called a Lord?’ There was a small anomaly in my being there; but I think over time I began to feel reasonably comfortable. The Lords is a

seductive place! It is also a wonderfully generous and self-critical place.

**One of the main claims made in defence of the Westminster model is that, driven by a cabinet system anchored in parliamentary procedure, it provides efficiency in decision-making: it allows decisions to be made quickly, without the process being blocked by other institutional powers; it allows for voters to be presented with clear alternatives. Has this efficiency argument ever impressed you?**

Walter Bagehot summed up the essence of parliamentary democracy when he said that it was characterized by ‘singleness and unity’. What this really means is that the Westminster model has five features. First, centralization of power: all power relating to the British state is concentrated in one institution, namely parliament. Secondly, sovereignty of the legislative branch. The judiciary has little independent power; it functions within the framework of the laws laid down by parliament. Thirdly, with the rise of the universal franchise - and, accompanying this, of political parties - the domination of the legislature by the executive. This is not inherent in the parliamentary system but it has come to be the case. Fourthly, parliamentary democracy entails representative government (government by representatives) but not representative democracy (government by the people through their representatives). We elect people and leave them more or less to do as they please. Finally, political power does not correspond to electoral strength. In the elections of 1983, 1987, 1997 and 2001, the government had a huge majority but its percentage share of vote was in the low 40s.

While this system might produce a stronger form of government than in countries with proportional representation - Germany and Italy, for example - it also has its disadvantages; such as the domination of political parties, and within them increasing centralization of power and the prime minister’s dominance.

**A certain Napoleonic style of government?**

Yes, we often have plebiscites between two prime ministers rather than choices between two parties. The disadvantages of this have become more obvious in recent years. This is partly because the system functions well only as long as society is composed in a certain way and certain unspoken conventions are observed. Once the social structure begins to change and the conventions are ignored, the disadvantages begin to outweigh the advantages.

**In 2000, the Wakeham Commission made a number of proposals for dealing with the Lords: for example, no major extensions of the Lords's powers; the end of Prime Minister's patronage; the introduction of quotas for women; and the recommendation that some portion of the Lords be directly elected - for instance, on a regional basis at the same time as European elections. What is your opinion of these proposals?**

While the Wakeham Commission has been a great success intellectually - it produced many interesting ideas which continue to inform public debate on the nature and composition of the House of Lords - it has not been so politically. And this for the simple reason that how its recommendations are implemented depends on cross party consensus and ultimately on the government of the day.

**But should the House of Lords be reformed?**

There are several ways of taking some of the Wakeham Commission's ideas further. I would rationalize the vocabulary of the House of Lords. I wouldn't call it the House of Lords, or its members Lords. I have always felt uncomfortable being called a Lord, as have many other Peers. Once you enter the Lords you are in a totally artificial environment. You are constantly called 'my Lord' by doormen, receptionists, chamber attendants, even in restaurant; and this can be an

extremely corrupting experience. You begin to think you belong to a different, privileged, species. The fact that you carry this title with you to your grave, and have access to the best club in the country, which others covet and where you can entertain friends and exercise patronage, tends to breed a certain sense of distance and superiority.

Also, it's not widely known that when addressing one's fellow peers one says 'My Lords', yet 25 to 30 per cent of members are women. I'm surprised that women Peers don't seem to mind being called 'Lord'. When I raised this question with senior members, I was told that 'Lord' is gender-neutral and includes ladies. This cannot be right because lady Peers then wouldn't need to call themselves Baronesses. There's a lot of confusion about all this.

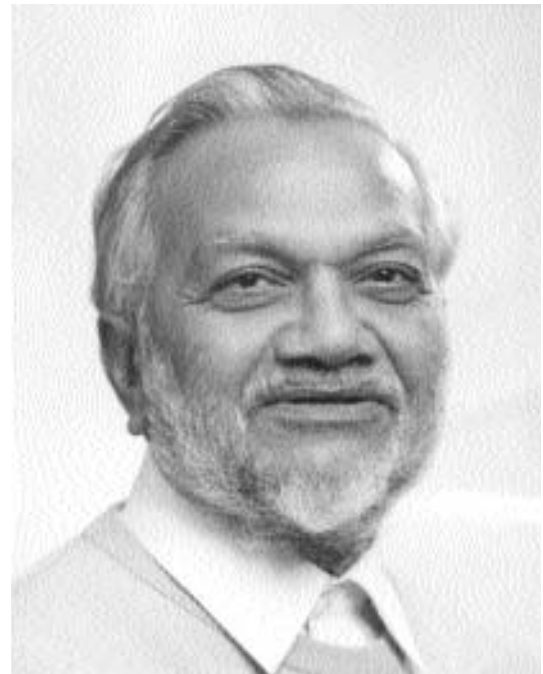
Moreover, although the House of Lords is the upper house of Parliament, the title 'Member of Parliament' is confined to members of the House of Commons! I also do not see the point of referring to the House of

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Commons as 'another' (often corrupted as 'the other') place. At a different level it might be a good idea for the state opening of Parliament to take place in the Westminster Hall rather than the heavily overcrowded chamber of the Lords.

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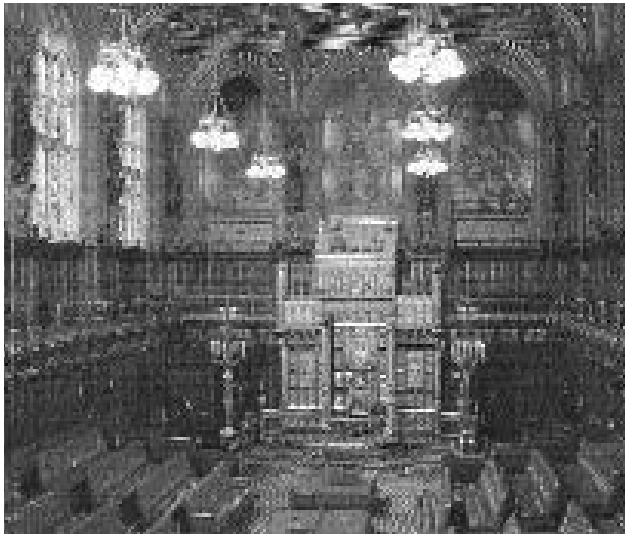
In my view, 550 is too large. The total membership of the various scrutinizing committees that do much of the House's vital work does not exceed 200, which is also just about the right number for a vigorous debate. Since not all members can attend



regularly, I'd prefer a membership of about 300. The US Senate does its job with 100 members, and upper houses in many other European countries are only just a little larger. Smaller membership enhances a sense of individual responsibility and should encourage attendance and participation.

The Wakeham Commission assumes the 'pre-eminence' of the House of Commons on the ground that it is the 'primary democratic forum'. This was fine as long as the House of Lords consisted of hereditary Peers. Once we elect all or most of its members or appoint them

on the basis of their ability to represent vocational, ethnic, professional, cultural and religious views and interests, I do not see how the House of Commons alone can be seen as a primary democratic forum and enjoy pre-eminence. Democracy is about representing people by including the full diversity of their views, interests and identities. Although of the greatest importance, election is only one way of ensuring this, and it does not always have a fully representative outcome. It would be strange to say that a government elected on a 36 per cent of votes cast in an election where only 61 per cent of the electorate voted, and thus representing barely a quarter of the electorate, is fully representative of



the British people. Since this is unavoidable in a modern society, we need to find other forms of representation to supplement it. If the House of Lords can ensure this then it, too, becomes a 'democratic forum', and enjoys as much legitimacy as the House of Commons. This would obviously entail important changes. The House of Lords will have what Wakeham calls the 'authority and confidence' to exercise its powers effectively. Over time we might even introduce the practice of secretaries of state coming to the Lords to participate in its debates and answer questions, as they do in some other European and Commonwealth countries. All this will no doubt significantly change our constitution, but it is changing anyway in important ways, and it would do no harm to take a clear and comprehensive view of these changes.

### **With what would you replace the name 'House of Lords'?**

It's not difficult to think of an alternative name: the Upper House; or the Senate; or, if one was elected to the second chamber by regions, local authorities, constituent national units, the Federal House. Once the name changes, one would become a member of the Upper House: say, an MUP, or a Senator.

The powers of the Lords are very important. It is increasingly clear that the House of Commons is heavily committed to enacting legislation rather than staging big debates or holding the executive fully accountable. Since Labour came to

power, the amount of legislation that we get through in each session has increased by between 10 and 20 per cent. The bills are also bulkier and far too detailed. Yet these bills are not carefully scrutinized in the Commons. The House of Lords thus has to do the detailed business of

scrutinizing itself. I have been struck since I arrived how often elementary mistakes are made in the legislative drafts that come from the Commons. Since well-crafted legislation is so important, the House of Lords has a very important scrutinizing function, and that must affect its composition.

Equally importantly, the House of Lords is a place for great debates. The House of Commons does have big debates, but they are limited by virtue of the kinds of people who get into the House of Commons, party discipline, constraints of time, etc. The House of Lords is unique. I can't think of any chamber in the world where there might be three or four ex-prime ministers, as many ex-foreign secretaries and ex-chancellors of the exchequer, senior civil servants who have run great departments, retired officers of the armed forces, distinguished professors, scientists, and so on. With such a concentrated expertise, the quality of debate can be enormously high. It can be high also because the Lords is no longer dominated by a single political party: today, the Conservatives and Labour each have around 200 members, the Liberal Democrats 69, and cross-benchers about 185. This means that no legislation can get through unless it commands cross-party support; so the government is often forced to compromise. Likewise, when debates take place one cannot hope to

persuade one's fellow Peers unless one talks in a language they share and which appeals to a broadly shared body of ideas. I would like the Lords to be a reflective body where big issues with long term implications for our society are vigorously debated, and whose deliberations are widely circulated and discussed.

### **But by what entitlement would a reformed Lords revise legislation?**

It must enjoy legitimacy. The legitimacy of the House of Lords can come from several sources, such as indirect elections, regional representation, the inclusion of marginalized groups, and professional expertise. There are several important groups and areas of life which are inadequately represented in the House of Commons. For example, it had no Hindus until recently, and they are clearly an important and highly successful minority. It had no or very few businessmen, industrialists, professors, scientists, and artists. If these groups and professionals can't be in the Commons, they should be in the House of Lords. We might, for example, introduce a system so that, say, presidents of the British Medical Association, the National Union of Students, the Association of University Teachers, etc. are appointed to the House of Lords by

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virtue of their office.

Similarly we might appoint members of ethnic, religious and other minorities. These individuals enjoy legitimacy because of where they come from. Elections cannot secure their presence, and hence the House of Lords must retain an appointed element. Election is not the only way to make a place representative.

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**An unelected form of the functional representation that G.D.H. Cole and others had in mind?**

No. I am thinking of major organizations or sectors of our society, which may or may not be based on functions. For example, the National Union of Students does not represent a function. Regional or local authority representation is not functional either. Since Britain is a parliamentary democracy, there is a constant tendency to concentrate power in parliament; as a result, unlike Germany, the United States and several other countries we have not allowed local identities to grow, and local government has increasingly become an extension of central government. Local democracy is important because democracy is about what happens not just at the centre, but also at the local level. I would like to revitalize local democracy by giving it a role in composing the House of Lords.

**When James Bryce, in the early twentieth century, looked at the defects of the Westminster model, he thought that nothing could happen to remove these unless public opinion put pressure on politicians and government. Do you see any prospect of this? Without such pressure surely the reforms proposed in the Wakeham report don't stand a chance?**

Popular pressure can work. There was a time when proportional representation was a taboo subject in the Labour Party; now it is being talked about. There is growing intellectual, moral and political pressure for changes in the House of Lords. Such pressure does not automatically translate into government policies; but it does force government to think. Although political parties generally accept changes only when these are in their interest, they dare not oppose



them if they fear that by doing so they would alienate public opinion or appear selfish.

**Do you see signs of another scenario: a slow-developing sclerosis of this Westminster model? Can you imagine its gradual loss of legitimacy and permanent outflanking by other processes - such as the Europeanization of parliamentary life, American power, devolutionary pressures, or big business media jostling for the attention of citizens whom they claim to 'represent'?**

I agree that during the past three decades, several new institutions and practices have sprung up that have profoundly altered the character of our parliamentary democracy and require the Parliament to redefine its role.

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Devolution is one, as a result of which Parliament in Westminster is no longer the sole focus of national politics and identity. An increasing proportion of our legislation comes from the European Union, and Parliament is no longer the sole law-

making body.

We in Britain had long argued that the principle of parliamentary sovereignty implies that people periodically alienate their sovereignty to Parliament, that 'the people' as such have no constitutional status. This is why we ruled out the referendum - it was as a threat to parliamentary supremacy. This changed in the 1970s when we allowed a referendum on Europe. Since then, the referendum has become an integral part of our constitution on all matters affecting the character of the British polity.

There is also another profound change at work. Parliamentary democracy is based on the supremacy of the legislature, and the judiciary plays a subordinate role. The relationship between Parliament and the judiciary is changing. During Margaret Thatcher's administration, the judiciary felt that neither the Parliament nor the executive could be trusted to respect the civil liberties of the British people, or to observe the unspoken conventions regulating their relations.

The judiciary therefore became quite active, and had the full support of the British people. The incorporation of the European Convention on Human Rights into the domestic jurisdiction has increased the role and powers of the judiciary yet further; and we will soon

have the supreme court. For centuries, ours has been a culture of liberty; it is now being replaced by a culture of rights. Unlike liberty, which signifies the silence of the law and a common law tradition, rights are created by the law and form the basis of constitutionally protected citizenship. The difference between the two is not verbal but substantive.

In the light of all this, the old idea of parliamentary sovereignty does not capture our constitutional reality. Parliament still occupies a privileged place in our political life, but it is no longer its centre. As in many other countries, the sovereignty of the British state has moved downward, upward and sideways, making Britain a highly complex polity. If the Westminster model is not revised to take account of these changes, it could atrophy.

**How would you sum up what you have learnt since your appointment to the House of Lords? How has your political philosophy altered?**

I see better than before that political power consists in shaping people's political imagination, that is, their understanding of what is politically realistic and possible. After all, all political decisions are informed by what their agents consider possible, and those who influence their perception of the range of possibility exert the greatest power over them. This is why the media wield disproportionate power. They mediate the popular, including politicians', perception of political reality, structure their political common sense, and rule out a host of radical ideas by ignoring, marginalizing or ridiculing them. I wonder how we can open up political space and expand the popular political imagination. One also



therefore naturally worries about our 'free press'. Since most of it is privately owned, proprietors of newspapers exercise enormous influence for which they are accountable to no one. They dictate government policies and priorities and are assiduously courted by politicians. Such a mediocracy undermines democracy - and one wonders how to tackle it without curtailing free speech.

Deliberative democracy, the favourite theme of many a liberal thinker and to which I've long been

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drawn, seems to offer an unrealistic account of political life. Political decisions are seldom based on a calm and dispassionate exchange of views with a view to arriving at the best course of action. Much of politics is pragmatic, concerned to balance competing interests, win elections, curry popularity, and to avoid necessary but tough decisions. Rational deliberation does occur, but within strict limits. Certain points of view are never considered and arguments are often little more than rhetorical devices to justify decisions taken on other grounds. Examples of this are the war on Iraq, and the ignoring of growing inequality.

**And your political philosophy?**

My political experience has led me to rethink my view of political philosophy and its political relevance. Political philosophy has two dimensions, analytical and normative. It carefully analyses, clarifies and distinguishes concepts, but this has little relevance to the practice of politics, where language is necessarily fluid, messy, and used for rhetorical purposes. Political philosophy, further, reflects on the human condition and offers a

normative framework, but this is too general and indeterminate to be of much practical help. I sat on the Select Committee on Human Rights for nearly two years. In one of our early meetings, I raised some questions about the meaning of the term 'human rights', their cultural basis, their inflationary expansion, and so on. My increasingly impatient colleagues found this 'little tutorial' irrelevant and somewhat self-indulgent. After all, 'everyone' knew that we needed human rights, that Britain had incorporated the European Convention

into domestic jurisdiction, and that our job was to get on with the task of implementing rights! Political philosophers problematize what politics takes for granted. They stand at a distance from what is going on, and deals

with it at a certain level of abstraction. This inevitably limits their political relevance.

Political philosophy does, of course, have a public role, but it is elucidatory and critical rather than prescriptive. And it cannot play this role unless it is more closely embedded in political life than is generally the case. If it is to be politically relevant, political philosophy needs to derive its problems from within political life, and theorize them at a level that does not lose touch with political reality.

*This interview was conducted on 26 April 2005. Professor Lord Bhikhu Parekh is a member of CSD.*