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# Cousins Across the Pond: Crises in Westminster and the Parliamentary Model's Usefulness for Reform of the U.S. Model

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# Cousins Across the Pond: Crises in Westminster and the Parliamentary Model's Usefulness for Reform of the U.S. Model

**Keywords**

UK, England, Britain, Parliament, Westminster, Crisis, Social Sciences, Political Science, John DiIulio, Dilulio, John

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# Cousins Across the Pond:

*Crises in Westminster and the Parliamentary Model's  
Usefulness for Reform of the U.S. Model*

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Robert A. Fox Leadership Program

April 8<sup>th</sup>, 2011

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I hear the Oscars music—it's time to wrap up. Let's get on with it then, shall we...

—Cory Krasnoff  
*April, 2011*

## Table of Contents

<b>Introduction .....</b>	<b>1</b>
<b>Background.....</b>	<b>7</b>
<b>The American System .....</b>	<b>7</b>
<b>How Should the U.S. Reform Its System? .....</b>	<b>10</b>
<b>The Argument for Parliamentary Reforms .....</b>	<b>11</b>
<b>Manifestation of Reforms.....</b>	<b>13</b>
Longer Term Lengths.....	13
Broader Use of Impeachment.....	14
Interlocking of Branches.....	15
Overriding Checks & Balances .....	15
<b>The Expenses Scandal .....</b>	<b>17</b>
<b>Background of the Parliamentary Expense System .....</b>	<b>19</b>
<b>The Fight Over Expense Publication.....</b>	<b>20</b>
<b>The Scandal .....</b>	<b>24</b>
<b>The Response .....</b>	<b>27</b>
<b>Analyzing the Response.....</b>	<b>33</b>
<b>Speed .....</b>	<b>34</b>
<b>Did the Scandal Expose a Need for Reform? .....</b>	<b>37</b>
<b>Speed Redux .....</b>	<b>41</b>
<b>Summary.....</b>	<b>44</b>
<b>The Budget Crisis .....</b>	<b>46</b>
<b>Regional, Sectoral, and Class Impact .....</b>	<b>49</b>
<b>Speed .....</b>	<b>52</b>
First Level.....	53
Second Level .....	55
<b>Perception .....</b>	<b>57</b>
<b>Where the UK Stands Now .....</b>	<b>61</b>
<b>Summary.....</b>	<b>62</b>
<b>Conclusion: Takeaway for the U.S.....</b>	<b>64</b>
<b>Bibliography.....</b>	<b>69</b>

## Introduction

From unfathomable acts of terrorism, to natural disasters, to popular uprisings, the past decade has seen democratic nations placed in precarious situations that at times threaten the very underpinnings of governmental processes, societies, and economies. Unprecedentedly rapid globalization of the planet has certainly exacerbated this situation, in which information cannot be contained (outside of China and in countries like Libya where, in the midst of a political and civil meltdown, Cisco has reported a complete halt in Internet traffic moving in and out of Libyan territory).

Even fairly open societies like the U.S. and Great Britain have not been immune to such threatening situations. Perhaps because the ideological democracy that underpins bastions of freedom like the U.S. and the UK promotes citizens' abilities to denounce government, take issue with its policies, and exercise their opinions at the ballot box, these countries may be said to be in more difficult positions than countries like China and Libya with regard to situations that would threaten governmental instability. Though more stable than governments that can simply turn off civil rights and freedoms whenever they feel the need, there is consequently a greater need to be responsible, to maintain a level of accountability, and to perpetuate trust in government.

To be sure, these are quite vague notions. Nevertheless, severe crisis situations have rattled both countries in recent years and called public confidence into question. In the U.S., the 2008 economic meltdown exposed a significant amount of greed in America's private sector while also calling into question Congress' ability to govern. Striking to the heart of much of the ideological difference between Democrats and Republicans, the policy response to economic

issues exposed much of the deadlock in Washington, against which so many politicians campaign on a platform denouncing ‘politics as usual’ and a Washington described as fundamentally ‘broken.’ The Democrats are all for taking more control, passing stimulus budgets that pump more money into the economy with stricter federal government regulation of the financial sector. The Republicans are all for laissez-faire economics combined with reduced federal government powers, giving power back to businesses and individuals to initiate an economic trickle-down effect. Putting aside political biases and points of view that lead Americans to argue opinion as if it were fact (no one is innocent of this), on a purely ideological level these differences are valid; there is no absolute right or wrong.

What is problematic about these differences is that legislators so steadfastly believe their opinions to be right and their opponents’ wrong that they will oppose all efforts from across the aisle that would pass into law a plan ideologically out of step with their beliefs. The American system of governance enables such gridlock: a system predisposed to status quo (and for good reason), it allows as few as one legislator in the minority party to block legislation or as little as the president’s refusal to sign a bill to stymie a year’s worth of legislative effort. In response, the mechanism to overturn blocked legislation requires such a level of agreement as to make it increasingly difficult to achieve. Compromise then becomes the word of the day: compromise between legislators to get *something* done, and compromised legislation that results.

The UK has also faced many significant crises, oftentimes of the same nature as those that have taken their toll on America. From concern over effectiveness of the *National Health Service*—the UK’s socialized and nationalized health system—to economic woes following the 2008 global economic downturn, the British legislature has had to respond to significant

problems, with citizens looking to Parliament for answers and expecting answers of the world-class caliber that the Westminster government is supposed to provide.

Though the crises affecting cousins across the pond are oftentimes similar, the legislative and policy responses are quite different. As the Brits look to tighten their belt, making cuts to public services and increasing taxes, the U.S. chooses to extend the Bush tax cuts that were expected to sunset at the end of 2010. Those familiar with the parliamentary style of legislating (which from an outside perspective seems inordinately complex—perhaps the only thing more difficult for an American to understand than the Westminster government and the electoral process that enables it is Cockney rhyme slang: check Wikipedia to find out what the phrase ‘to tell a porkie’ has to with telling a lie) will not be surprised by such a distinction. The disparity lies buried beneath the greatest difference between the Westminster parliamentary model and the American presidential model: where the U.S. system is status quo based, the party in power in the UK can, with limits, pass through whatever legislation it likes, regardless of the dismay that legislation may cause to minority parties in opposition.

This distinction underscores a longstanding dialogue within American Political Science in an attempt to address why the American government is so unable to respond with policy, either in normal or extreme circumstances. Much brainpower has been expended by the likes of significant political scientists to come to the conclusion that the fault is not cultural but structural. The notion that Washington is broken is a recent one, yet at every significant point in American politics over the past fifty years there has been an outcry that the American system of government is ineffective. Outcries have existed in spite of the fact that the degree of inter-party



animosity in D.C. has not always been so—indeed animosity has increased steadily over time.<sup>1</sup> Nonetheless, there is significant muscle behind the structural argument: the American government’s inability to ‘get things done,’ both in times of normalcy and crisis, is the legacy of a unique system of checks and balances, separation of powers, and constitutional provisions that, by design, make change hard to come by.

Critics such as James Sundquist (via the Brookings Institute), David Samuels of the University of Minnesota, and Matthew Shugart of UCSD take a keen interest in the Westminster model’s fluidity of response and relative ease of enacting legislation. Sundquist argues for constitutional and structural changes to enable a parliamentary system, and Samuels and Shugart scrutinize the virtues and vices of presidential, semi-presidential, and parliamentary systems (the virtues heavily on the side of the parliamentary model as they discuss the inherent inferiority of presidential and semi-presidential systems). Acknowledging that an overall switch to a parliamentary model—if America even desired to adopt such a system, which it does not—will not happen, they nevertheless highlight several areas upon which the U.S. could evolve and improve. At least as far as Sundquist is concerned, those reforms are straight out of the parliamentary model textbook.

Their respective arguments, interesting as they may be, lack the credibility to be considered seriously. The analysis is topical; if America is the tortoise, Britain is the hare. The tortoise moves too slowly. Therefore, the hare is what we need. On the surface, and in comparison to the tortoise, the hare may appear perfectly suited to solve the problem, but the argument does not dissect the hare to discover any innate issues residing underneath the surface that may make the hare undesirable.

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<sup>1</sup> For more on inter-party animosity, a colleague has addressed the diminution of collegiality among Members of Congress. See Evan Philipson’s “Bringing Down the House: The Causes and Effects of the Decline of Personal Relationships in the U.S. House of Representatives.” Available online via CUREJ.

Just as the U.S. has experienced serious challenges to its system of government in even the past presidential term, so too have there been catastrophic events in and around Westminster in recent years. Looking as recently as two years back, this treatise looks to the constitutional reform effort and package that was put forth in 2009 in response to a devastating scandal whereby it was revealed that dishonesty and cheating ran rampant among the expense accounts of members of the House of Commons. Secondly, this research looks at the currently evolving British response to the 2008 financial downturn, which is taking shape in a hard-hitting austerity plan of cutbacks in public services and tax increases codenamed “*The Big Society*” and from which few Britons can escape completely. The current Coalition government has pushed through benefit cuts and tax increases through a more or less across the board 19% budget cut to government departments, and an increase in the VAT to 20% effective January 4<sup>th</sup>, 2011 (VAT had been temporarily set at 15% from December 2008, returning to 17.5% in January 2010).<sup>1</sup>

There is no argument to be made here with regard to which system is patently superior. They are both flawed (oftentimes for different, but sometimes for the same, reasons); that Sundquist, Samuels and Shugart nevertheless believe the Westminster model is superior damages their arguments from the outset. Pros and cons abound in both, and upon inspection the oft-referred to Churchill quote that ‘democracy is the worst form of government... except for all the rest’ comes to mind. Rather, the following pages serve to understand and question the way that Parliament has dealt with stressful situations. The more its method of response and the remedies on which it has settled are examined, the clearer it becomes that the UK is not necessarily the best place to turn to deal with American procedural woes. Though the comparison between the

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<sup>1</sup> Unknown. “HM Revenue & Customs: Accounting for VAT When the Standard Rate of VAT Returned to 17.5 Per Cent.” *hmrc.gov.uk*. HM Revenue & Customs, n.d. Web. 1 March 2011. <<http://www.hmrc.gov.uk/vat/forms-rates/rates/rate-changes.htm>>.

U.S. and the UK does not vet all the possible governmental models, the evidence against using parliamentary reform to solve stateside issues is strong enough to question whether in fact we should be turning to other governments to look for how to amend our own.

The following essay will argue that instead of continuing to suggest that the U.S. government is inherently flawed and inferior to other governmental models, analysis of the American system must recognize that its system presents unique challenges like any other. The essay is comprised of extensive archival research and field research conducted in London. By spending time in and around Westminster and interviewing politicians, economists, journalists, and academics, this work attempts to back up the opinions here presented with a complete and differentiated suite of expert analysis. Ultimately, the conclusion is that instead of searching for a way to abandon the American system of government, the time and energy of America's political scientists would be better spent learning how to repair, sidestep, inoculate, or eradicate the issues caused by the American system of governance; the suggestions put forth by such an analysis would at least have the potential to translate into reforms that could in fact be effected.

## Background

### *The American System*

To placate both Federalists and anti-Federalists, the framers of the U.S. Constitution were forced to compromise to reach an agreement that both protected states' rights and vested supervisory power in a national government. Both because the system was based upon compromise and because the form of democracy was a great experiment, former President of the Brookings Institute Bruce MacLaury acknowledges that “the framers themselves, when they adjourned after that hot summer in Philadelphia, were the first to acknowledge that their handiwork was less than perfect and that, as the nation gained experience under the Constitution, it would have to reexamine its provisions and, as necessary, modify them.”<sup>1</sup> If the framers intended the Constitution to be amended, they certainly did not make it an easy feat to accomplish. To do so, either 2/3 of both houses of Congress must propose an amendment or 2/3 of state legislatures must call upon Congress, via a national convention, to propose an amendment. Subsequently, 3/4 of state legislatures, or conventions in 3/4 of the states, must approve the amendment. Thus, as time goes on and America and Americans become more and more content with the Constitution by precedent, the process renders amendments possible only in cases of unusual unanimity.

It is unsurprising that of the Constitution's twenty-seven amendments, only two have affected the nature of governmental institutions. Still, as Sundquist points out, neither of those

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<sup>1</sup> Sundquist, James L. *Constitutional Reform and Effective Governance*. Washington, D.C.: The Brookings Institution, 1992. Page v.

two adjusted the distribution of power among the branches of government and its institutions.<sup>1</sup> The Seventeenth amendment addressed the manner in which Senators would be elected, providing that they be directly elected by the populace rather than appointed by state legislatures, and the Twenty-second amendment limited a president to two terms in office. While these amendments did have an important impact on governance and politics, they did not alter the structures of government or how those structures interoperate.

That amendments addressing the structural design of the American government have been few and far between is not only a symptom of the process required to amend the Constitution; polarization vis-à-vis party politics has also played a role in preventing amendments. As the directive under which the government operates, the Constitution exists circumscribed within a continually evolving nation. Since ratification, the political landscape has been increasingly characterized by a degree of polarization (fueled by the two-party system) that the founders neither intended nor welcomed; warnings against factions are to be found in Madison's Federalist No. 51 and in George Washington's farewell address as President. Coupled by separation of powers, party organization is uniquely complicated in a presidential system (relative to a parliamentary system). Parties "are presidentialized because the executive election rather than factors specific to legislative elections drive legislative party success."<sup>2</sup>

Additionally,

*"under parliamentarism's fusion of executive and legislative authority, parties organize to win legislative seats, and retain maximum accountability over their prime-ministerial agents. Yet under the separation of origin and/or survival, parties face different organizational and behavioral incentives. When voters have two agents—the legislative party and a president—parties face more complex intraparty delegation and accountability problems.*

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<sup>1</sup> Sundquist, James L. *Constitutional Reform and Effective Governance*. Washington, D.C.: The Brookings Institution, 1992. Page 3.

<sup>2</sup> Samuels, David J. and Matthew S. Shugart. *Presidents, Parties, and Prime Ministers: How the Separation of Powers Affects Party Organization and Behavior*. New York: Cambridge University Press, 2010. Page 127.

*Moreover, when winning the executive branch directly—rather than winning legislative seats—becomes parties’ driving goal, parties must favor ‘vote-seeking’ incentives in election campaigns.”<sup>1</sup>*

It is this level of polarization that has so often proved an impediment to Congress’ ability to act. Any bills that address issues outside of minutia or that are in any way controversial have a propensity to be held hostage by the parties, used as pawns in the perpetual chess game between the Democrats and Republicans. The ability to obstruct legislation from progressing through Congress is certainly enabled by the design of the American government. There is a time and place where deference to the status quo is useful, e.g. where popular opinion overrides logic or the well-being of certain demographics. This power is increasingly abused, to say nothing of situations where the status quo is wrong, e.g. laws hampering the extension of civil rights to African Americans in the 1950’s and ‘60’s.

‘*Obamacare*’ is a useful example. The status quo must be overcome, as the current state of healthcare in the U.S. is dire to say the least. Legitimate differences in opinion regarding how to alleviate the problems notwithstanding, abuse of the structures and procedures of American government led to the bill being so compromised as to render the package dysfunctional the day it was signed into law. Exploitation of the separation of powers between the president and the legislature and the difficulty associated with mustering a sixty-senator majority to prevent a Republican filibuster from occurring caused President Obama and Democratic Congressional leadership to trade ideology for action. In making such a trade, the effort risks being reduced to a political stunt—a bullet in the chamber to showcase success in future election campaigns—and nothing more.

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<sup>1</sup> Samuels, David J. and Matthew S. Shugart. *Presidents, Parties, and Prime Ministers: How the Separation of Powers Affects Party Organization and Behavior*. New York: Cambridge University Press, 2010. Page 162.

## *How Should the U.S. Reform Its System?*

One can certainly understand the great deal of research put into analyzing and trying to find solutions for a system that appears to be broken. To wit, the cry against ‘politics as usual’ has become ‘politics as usual.’ Under the leadership of Douglas Dillon, a committee was put together to find a solution. The *Committee on the Constitutional System* (CCS), formed in 1981, concluded that the problem lies “with a system which promotes divisiveness and makes it difficult, if not impossible, to develop truly national policies.”<sup>1</sup> Specifically, CCS’ efforts examined five questions highlighted by Sundquist:

1. “*Would an electoral system that encouraged unified party control of the three centers of decisionmaking—presidency, Senate, and House—make for more effective, responsible, and accountable government?*”
2. *Would longer terms for the president or for legislators, and a longer span between elections, enable leaders to rise to a higher level of statesmanship in confronting crucial issues, permit the resolution of issues that now go unresolved because of the short two-year life of each successive Congress, and allow greater deliberation and care in the legislative process?*
3. *Can a better solution be devised to deal with the immobility of government brought about by leadership failure, or deadlock and quarreling between the president and the Congress, than simply waiting around helplessly until the next presidential election comes around?*
4. *Can harmonious collaboration between the executive and legislative branches be introduced through formal interlocking of the branches or through the political parties that are the web that binds administrators and legislators to a common purpose?*
5. *Should any of the constitutional checks and balances by which the executive and legislative branches are enabled to thwart each other be modified to permit one or the other branch to prevail more readily and thus facilitate decisions?”*<sup>2</sup>

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<sup>1</sup> Sundquist, James L. *Constitutional Reform and Effective Governance*. Washington, D.C.: The Brookings Institution, 1992. Page 11.

<sup>2</sup> Sundquist, James L. *Constitutional Reform and Effective Governance*. Washington, D.C.: The Brookings Institution, 1992. Pages 10-11.

## *The Argument for Parliamentary Reforms*

What would be expected from a system that unifies party control over the executive and legislative branches, interlocks said branches, increases the amount of time between elections for legislators, provides a mechanism to abandon an ineffective government, and provides for the dominant position of a particular branch? No scholar of models of democracy will be surprised to learn that the CSS was quite enamored with the parliamentary model. Dillon “has suggested that the answer to this country’s governmental stalemate ‘could well be some form of parliamentary democracy.’”<sup>1</sup> Former Senator and chairman of the Senate Foreign Relations committee J. William Fulbright commended “the parliamentary system, with its unification of the executive and legislature, as in many ways ‘a superior form of democracy.’”<sup>2</sup> The hallmarks of the parliamentary model are as follows:

*“In parliamentary democracy the voters elect a legislature. The members of the legislature, in turn, elect the executive.<sup>3</sup> Executive authority, vested in a cabinet headed by a prime minister, derives from the results of parliamentary elections, and not directly from the voice of the people. Moreover, the prime minister and the cabinet are agents of the parliamentary majority, to whom they are accountable: that is, the executive serves at the pleasure of the legislative majority.”<sup>4</sup>*

In the parliamentary model, a “legislative majority is [therefore] sovereign, and a committee of that majority—the cabinet—both leads the legislature and directs the executive branch. Strong

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<sup>1</sup> Tufts University address, May 30, 1982, in Sundquist, James L. *Constitutional Reform and Effective Governance*. Washington, D.C.: The Brookings Institution, 1992. Page 19.

<sup>2</sup> J. William Fulbright with Seth P. Tillman, *The Price of an Empire* (Pantheon Books, 1989), p. 45, in Sundquist, James L. *Constitutional Reform and Effective Governance*. Washington, D.C.: The Brookings Institution, 1992. Page 19.

<sup>3</sup> Footnote from *Samuels & Shugart*: “For present purposes it does not matter if the legislature is unicameral or bicameral.”

<sup>4</sup> Samuels, David J. and Matthew S. Shugart. *Presidents, Parties, and Prime Ministers: How the Separation of Powers Affects Party Organization and Behavior*. New York: Cambridge University Press, 2010. Page 26.



party discipline assures prime ministers and their cabinets that they normally can act quickly and decisively without fear of being repudiated by their legislatures.”<sup>1</sup>

These are fairly convincing arguments. As aforementioned, however, a wholesale switch to a parliamentary system will never happen. The process for amending the Constitution is too difficult. Additionally, even if our governmental model could be changed, Americans would not want to. We are proud of our system, broken as it may be. We are proud of the constitutional ideals that underpin the system. And we are proud of our independence. In the eyes of some, if not those of many, to go back to a parliamentary system would be to admit failure of the principles on which the U.S. was founded and the superiority of a system of government from which we tried so hard to break away.

At least one significant member of the CCS shared this view. Co-chair Lloyd Cutler pulled back to more practical solutions by suggesting that ““the most one can hope for is a set of modest changes that would make our structure work somewhat more in the manner of a parliamentary system, with somewhat less separation between the executive and the legislature than now exists.””<sup>2</sup>

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<sup>1</sup> Sundquist, James L. *Constitutional Reform and Effective Governance*. Washington, D.C.: The Brookings Institution, 1992. Page 18.

<sup>2</sup> “To Form a Government,” p. 139, in Sundquist, James L. *Constitutional Reform and Effective Governance*. Washington, D.C.: The Brookings Institution, 1992. Page 19.

## *Manifestation of Reforms*

### Longer Term Lengths

If the U.S. were to alter its system in accordance with Cutler's recommendations, what would reform look like? As to term length, concern has been voiced that the 2-6-4-year term lengths for House members, senators, and presidents, respectively, hurts politicians' ability to focus on policy. Short term lengths require politicians to spend a significant amount of their time campaigning. Additionally, Sundquist suggests that shorter term lengths reduce the honeymoon period when Congress and the White House are likely to work together towards accomplishing agenda points.<sup>1</sup> CCS suggests a 4-8-4 schedule, more in line with the Westminster model, in which a government lasts five years and the prime minister is free to set a General Election whenever (s)he chooses.<sup>2,3</sup> Though this would not eliminate the issues associated with term lengths, it would shorten the period when the legislative process is stymied by campaign concerns.

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<sup>1</sup> Sundquist, James L. *Constitutional Reform and Effective Governance*. Washington, D.C.: The Brookings Institution, 1992. Page 145.

<sup>2</sup> Ironically, the Coalition government has currently put forth a Bill (the *Fixed-Term Parliaments Bill 2010-11*) that, if passed, would fix the length of Parliament at five years from the date of first sitting. Elections would be held on the first Thursday in May. At present, the bill is in committee stage in the Lords.

<sup>3</sup> Sundquist, James L. *Constitutional Reform and Effective Governance*. Washington, D.C.: The Brookings Institution, 1992. Page 159.

## Broader Use of Impeachment

In situations where leadership fails, Sundquist argues for an expansion of the impeachment clause.<sup>1</sup> It should grow, he posits, to include failures of “maladministration.”<sup>2</sup> Given broader utility, impeachment would function similarly to a parliamentary *vote of no confidence*. In the Westminster model, if a majority of the House of Commons loses faith in a government, a vote of no confidence requires either that the government resigns and a new government be created, or that the sovereign dissolves Parliament and call a General Election. Similarity notwithstanding, broader impeachment and votes of no confidence remain disparate: an impeachment conviction merely removes the official in question and reaches down the chain of command to replace him/her, rather than removing the entire government. Thus, even if failures of maladministration were impeachable, the procedure still would not address overall governmental failure. On the other hand, one could argue that separation of powers leads to a compartmentalization of power in which it might be more useful to simply dispose of one bad compartment rather than shutting down the entire operation. The *intended* operation of the Titanic is a useful analogy: if one section of the hull became compromised and took on water, it would be sealed off from the rest of the boat, sacrificing that section and those in it at the time to ensure survival of the rest. It is not certain that expanded use of impeachment could address stalemate in government. Still, such reform would cause the U.S. to operate more like a parliament.

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<sup>1</sup> Sundquist, James L. *Constitutional Reform and Effective Governance*. Washington, D.C.: The Brookings Institution, 1992. Page 204.

<sup>2</sup> Sundquist, James L. *Constitutional Reform and Effective Governance*. Washington, D.C.: The Brookings Institution, 1992. Page p. 204.

## Interlocking of Branches

An interlocking of government branches and the more unified party control that would result would cause the U.S. to move away from separation of powers. This is one of the biggest structural differences between the American and British systems of government. Such a reform considers “either putting legislators in the executive branch or putting officials of that branch—usually cabinet members—in the legislature.”<sup>1</sup> Termed ‘dual officeholding,’ CSS has suggested that “repeal of the clause would ‘broaden both the range of talent available to a President in forming his administration and the base of political leadership in the executive branch,’ and appointment of leading legislators to cabinet positions ‘might encourage closer collaboration’ between the branches and ‘help to prevent stalemates.’”<sup>2</sup>

## Overriding Checks & Balances

Lastly, Sundquist proposes providing situational ability of one branch of the federal government to override the checks and balances the others may place on it. He sees the potential for this to occur in context of “the weakening of one or more of the veto powers.”<sup>3</sup> Yet, just as quickly as he proposes such reform, he acknowledges that empowering one branch over the others would not reduce the “disharmony that now so often saps the effectiveness of

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<sup>1</sup> Stephen Horn, *The Cabinet and Congress* (Columbia University Press, 1960), page 211 in Sundquist, James L. *Constitutional Reform and Effective Governance*. Washington, D.C.: The Brookings Institution, 1992. Page 232.

<sup>2</sup> Committee on the Constitutional System, “A Bicentennial Analysis of the American Political Structure” (Washington, January 1987), pages 11-12 in Sundquist, James L. *Constitutional Reform and Effective Governance*. Washington, D.C.: The Brookings Institution, 1992. Page 233.

<sup>3</sup> Sundquist, James L. *Constitutional Reform and Effective Governance*. Washington, D.C.: The Brookings Institution, 1992. Page 279.

government;” such an empowerment merely sidesteps the issue.<sup>1</sup> Because separation of powers would remain in place, the relationship between such a reform and the parliamentary model is tenuous. Nonetheless, such reform is in the spirit of the unified control and decision-making that are to be found in Westminster.

In light of the suggestions proposed, should the U.S. enact reforms toward emulating the Westminster governmental model? Put aside for the length of this work that the abovementioned reforms will not be enacted, and just think about whether they should happen.

The British government enjoys significant, albeit relative, ease of responsiveness and ability to act. But how truly easy is that ease of responsiveness? Moreover, is ease of responsiveness what is needed?

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<sup>1</sup> Sundquist, James L. *Constitutional Reform and Effective Governance*. Washington, D.C.: The Brookings Institution, 1992. Page 279.

## The Expenses Scandal

There is currently an exhibit at the British Library in London showcasing the evolution of the English language. From its roots in the single-digit centuries A.D., the exhibit chronicles evolution of syntax, grammar, word choice, and dialect. A few miles away in the House of Lords chamber, a word has recently surfaced with increasing regularity that might very well be on display in the British Library as patently American and emblematic of the stalemate that has become the norm in American politics. This word is foreign to the British.

The word is *filibuster*. A concept no American could avoid even if only tuning into CNN while channel surfing, the filibuster is a hallmark of American democracy. Though the majority party in the Senate is always quick to complain about the filibuster's all too frequent exploitation by those across the aisle to block legislation, they will use it to their advantage the next time party control shifts. The potency of a filibuster is not restricted to its use: the mere threat of it requires compromise on legislation that can severely affect the policy output.

The environment in the House of Lords is a different beast altogether. A vestige of the respect and courtesy that members of the British upper class are meant to exhibit when engaging with one another, the thought of killing legislation by holding it hostage because one does not agree with it is justifiably alien. Many Tory peers have nevertheless suggested that is exactly what Labour was trying to do to the *Parliamentary Voting System and Constituencies Bill*. The bill calls a referendum on May 5<sup>th</sup>, 2011, whereby the electorate will decide whether to abandon the *First Past the Post* electoral system in favor of an *Alternative Vote* system. *First Past the Post* is a winner-take-all system where the candidate who wins a plurality of votes (not necessarily a majority) wins the seat; *AV* entails a ranking system—voters rank candidates and

first choice rankings are tallied. If no candidate receives a majority, the candidate with the lowest votes is eliminated and those votes are redistributed to the candidate ranked second on the ballot. This process is carried out until a candidate receives a majority.

What really concerns Labour about the bill is a provision that would eliminate and redistrict fifty seats in the House of Commons. Anxious that the government will target redistricting to Labour's disadvantage, Labour politicians worry that it will become much more difficult for them to win future elections. Jon Cruddas, MP for Dagenham and Rainham, goes so far as to opine that the bill is part of a comprehensive Tory effort to enforce its electoral majority by systematically disenfranchising the Labour electorate.<sup>1</sup> Tories argue that Labour has been unfairly privileged by the election process to date, and that they simply want to even the playing field.<sup>2</sup>

The bill is clearly politically charged and laden with partisan interests. As part of the Lords' function to review and scrutinize the legislative efforts of the Commons, it could delay the bill for up to a year (which, politically, could be a crucially important amount of time); to do so would, however, be out of fashion for the Lords. That the Lords debated the bill in committee for seventeen days (on certain days sitting all night in discussion) is reflective of the tense environment. This mood has also been present at two other times: during responses to the expenses scandal in 2009 and in the current austerity plan debate. I know because I was there, inside Westminster, on both occasions.

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<sup>1</sup> Cruddas, Jon, MP for Dagenham and Rainham. Personal Interview. 2 Feb. 2011.

<sup>2</sup> O'Brien, Neil. Personal Interview. 3 Feb. 2011.

## *Background of the Parliamentary Expense System*

Self-regulation is a prominent feature of the British political system. This has come about in a conscious attempt to insulate Parliament from the influence of the Crown. Hugh Tomlinson QC, a barrister involved in exposing the expenses scandal, suggests that public life and politics in Britain have therefore become conceptually opaque and closed off from public scrutiny. A legacy of this opacity has been that MPs have not felt the need to publicly justify their use of expenses to the public. Then-head of the House of Commons Fees Office, Andrew Walker, has been quoted as saying that “MPs should be allowed to carry on their duties free from interference” and that “transparency will damage democracy.”<sup>1</sup> In hindsight this disinterest in revealing expenses may have resulted from the knowledge that many MPs were wildly abusing the privilege; on an individual level, however, it does not seem entirely illegitimate that MPs would not share with the public what kind of tea they prefer via receipts from train rides from constituency to London. Theoretically, where no malfeasance is involved, the legacy of self-regulation and opacity seems justifiable.

In August, 1911, MPs began to receive a yearly salary, set at £400. That number has steadily increased over the past century. As of April 1<sup>st</sup>, 2010, it was set at £65,738.<sup>2</sup> This is in contrast with a national salary average of £25,000, which is currently increasing yearly by less than inflation.<sup>3</sup> The politics of wages and finances are made more complicated by the current

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<sup>1</sup> Brooke, Heather. “Unsung Hero.” *Guardian.co.uk*. The Guardian, 15 May 2009. Web. 1 March 2011. <<http://www.guardian.co.uk/politics/2009/may/15/mps-expenses-heather-brooke-foi>>.

<sup>2</sup> Parliament. “Frequently Asked Questions: MPs.” *www.parliament.uk*. UK Parliament, n.d. Web. 1 March 2011. <<http://www.parliament.uk/about/faqs/house-of-commons-faqs/members-faq-page2/>>.

<sup>3</sup> Unknown. “UK unemployment total rises again.” *www.bbc.co.uk*. The British Broadcast Corporation, 16 Feb. 2011. Web. 1 March 2011. <<http://www.bbc.co.uk/news/business-12477563>>. , Woods, David. “Any salary increases in 2011 are expected to be below the rate of inflation.” *www.hrmagazine.co.uk*. HR Magazine, 26 Oct. 2010. Web. 1 March 2011. <<http://www.hrmagazine.co.uk/news/1037043/salary-increases-2011-expected-below-rate-inflation/>>.



economic climate, with unemployment on the rise at 7.9% nationally and 20.5% for 16 to 24 year-olds.<sup>1</sup>

With expenses exempt by precedent from the public domain, increases in the overall amount of money MPs receive have been steered towards expenses. In the 1980's the Commons debated increasing MPs salaries. Ultimately it opted instead to increase expenses, which Lord Jenkin of Roding described as being “politically easier.”<sup>2</sup> Whether or not this was the first time that a stealthy increase in MPs finances occurred, it nevertheless sent the message to MPs that being less than forthright about compensation is acceptable.

### *The Fight Over Expense Publication*

This background set the stage for a battle between journalists Heather Brooke, Ben Leapman of the *Daily Telegraph*, Jon Ungoed-Thomas of the *Sunday Times*, and the Commons. Ironically, the impetus for the clash was instigated by the Commons in an effort to *add* a degree of transparency to British politics. In 2000 Parliament passed the *Freedom of Information Act 2000* (FOI).<sup>3</sup> The act's preamble does justice to its intent: FOI serves to “make provision for the disclosure of information held by public authorities or by persons providing services for them.”<sup>4</sup>

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<sup>1</sup> Unknown. “UK unemployment total rises again.” *www.bbc.co.uk*. The British Broadcast Corporation, 16 Feb. 2011. Web. 1 March 2011. <<http://www.bbc.co.uk/news/business-12477563>>. , Woods, David. “Any salary increases in 2011 are expected to be below the rate of inflation.” *www.hrmagazine.co.uk*. HR Magazine, 26 Oct. 2010. Web. 1 March 2011. <<http://www.hrmagazine.co.uk/news/1037043/salary-increases-2011-expected-below-rate-inflation/>>.

<sup>2</sup> House of Lords Hansard, 8 July 2009.

<sup>3</sup> For those interested in perusing the language of the act, it may be viewed online at: <http://www.legislation.gov.uk/ukpga/2000/36/contents>

<sup>4</sup> Houses of Parliament. “Freedom of Information Act 2000.” *www.legislation.gov.uk*. legislation.gov.uk, n.d. Web. 1 March 2011. <<http://www.legislation.gov.uk/ukpga/2000/36/introduction>>.

Though FOI achieved Royal Assent in 2000, the act would not come into effect until 2005. Brooke, Leapman, and Ungood-Thomas were initially interested in testing FOI's utility. Brooke was conducting research for an upcoming book entitled Your Right to Know, and Leapman and Ungood-Thomas were interested (respectively) in testing FOI's efficacy.<sup>1</sup> As the act mandates, every entity with information to be requested under FOI provisions must have an officer to carry out these requests. As anyone who has ever waited in line at the DMV knows, government bureaucracy is a nightmare. It is, therefore, less than shocking that Brooke had difficulty navigating the Parliament switchboard to find said officer.<sup>2</sup>

Eventually locating the FOI officer, Brooke's request, along with Leapman's and Ungood-Thomas' requests, was rejected. FOI permits information to be exempted "for the purpose of avoiding an infringement of the privileges of either House of Parliament."<sup>3</sup> Not only is the rejection justified by potential security risks (keeping in mind that in the Westminster model, members of the executive branch are first and foremost members of the legislature, and so potentially sensitive information related to money spent by the Prime Minister and his/her team must be carefully guarded), but the opacity element all but guaranteed that Westminster would not release the information. Whitehall probably did not expect the decision to be appealed; the need for government privilege and privacy makes sense.

The journalists did appeal. The next step in the process was for them to appeal to Information Commissioner (an office established by FOI) Richard Thomas, the UK's

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<sup>1</sup> Leapman, Ben. "Ben Leapman: My four-year battle for the truth over MPs' expenses." *www.telegraph.co.uk*. The Telegraph, 10 May 2009. Web. 1 March 2011. <<http://www.telegraph.co.uk/news/newsttopics/mps-expenses/5301739/Ben-Leapman-My-four-year-battle-for-the-truth-over-MPs-expenses.html>>. , Brooke, Heather. "Unsung Hero." *Guardian.co.uk*. The Guardian, 15 May 2009. Web. 1 March 2011. <<http://www.guardian.co.uk/politics/2009/may/15/mps-expenses-heather-brooke-foi>>.

<sup>2</sup> Brooke, Heather. "Unsung Hero." *Guardian.co.uk*. The Guardian, 15 May 2009. Web. 1 March 2011. <<http://www.guardian.co.uk/politics/2009/may/15/mps-expenses-heather-brooke-foi>>.

<sup>3</sup> Houses of Parliament. "Freedom of Information Act 2000." *www.legislation.gov.uk*. legislation.gov.uk, n.d. Web. 1 March 2011. <<http://www.legislation.gov.uk/ukpga/2000/36/section/34>>.

“independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.”<sup>1</sup> The appeals were filed in 2005 and 2006, and Brooke mentions that it is not uncommon for requests to go unanswered for upwards of a year.<sup>2</sup> In June, 2007, Thomas bundled the journalists’ appeals into one decision, with which no one was pleased. Thomas agreed that the more detailed analysis of MPs’ expenses for which the journalists called needed to be made available. However, his opinion and decision was that this analysis would best take shape by narrower categorization of expense claims.<sup>3</sup> Affirming FOI’s exemption for parliamentary privilege, the request for publication of the raw data was rejected.<sup>4</sup> Brooke retorted in response that neither would that give her the detail she needed nor was the Commons interested in complying with narrower categories; to do so would have caused Westminster more work than publishing the raw data outright.<sup>5</sup>

As expected, the Commons appealed Thomas’ decision. Likewise, the journalists counter-appealed. The case was sent to an Information Tribunal in February, 2008.<sup>6</sup> The decision reached on February 26<sup>th</sup> dealt a critical blow to the Commons. The Commons appeal was rejected, and the tribunal agreed with the counter-appeal that the full details of MPs’ expenses, receipts included, should be published. Had Parliament ended its battle here and

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<sup>1</sup> Unknown. “Data Protection and Freedom of Information Advice – ICO.” *www.ico.gov.uk*. Information Commissioner’s Office, n.d. Web. 1 March 2011. <<http://www.ico.gov.uk>>.

<sup>2</sup> Brooke, Heather. “Unsung Hero.” *Guardian.co.uk*. The Guardian, 15 May 2009. Web. 1 March 2011. <<http://www.guardian.co.uk/politics/2009/may/15/mps-expenses-heather-brooke-foi>>.

<sup>3</sup> Brooke, Heather. “Unsung Hero.” *Guardian.co.uk*. The Guardian, 15 May 2009. Web. 1 March 2011. <<http://www.guardian.co.uk/politics/2009/may/15/mps-expenses-heather-brooke-foi>>.

<sup>4</sup> Unknown. “MPs’ expenses scandal: the timeline.” *www.independent.co.uk*. The Independent UK and the Press Association, 3 February 2010. Web. 1 March 2011. <<http://www.independent.co.uk/news/uk/politics/mps-expenses-scandal-the-timeline-1888349.html>>.

<sup>5</sup> Brooke, Heather. “Unsung Hero.” *Guardian.co.uk*. The Guardian, 15 May 2009. Web. 1 March 2011. <<http://www.guardian.co.uk/politics/2009/may/15/mps-expenses-heather-brooke-foi>>.

<sup>6</sup> Unknown. “MPs’ expenses scandal: the timeline.” *www.independent.co.uk*. The Independent UK and the Press Association, 3 February 2010. Web. 1 March 2011. <<http://www.independent.co.uk/news/uk/politics/mps-expenses-scandal-the-timeline-1888349.html>>.

complied, public opinion may have been content with the conclusion that the Commons fought back simply because of the great amount of work Thomas' remedy would have caused its staff.

Parliament remained discontent, and yet again appealed. At this point one starts to wonder what the Commons was trying to hide. Brooke stated during an interview with the *Guardian* that for the Commons to press further was ill-advised: "either way they look foolish, incompetent and so wedded to secrecy they throw money away or there is some incredible scandal they are trying to hide."<sup>1</sup>

Brooke was wrong. The Commons did not look incompetent or as though it was trying to hide from scandal. The Commons looked both incompetent *and* as though it was trying to hide from scandal. Under the leadership of the Speaker of the House at the time, Rt. Hon. Michael Martin MP, the Commons appealed the Tribunal's decision at the end of March, 2008. In the effort, Martin's legal team ran up fees of £150,000.<sup>2</sup> On May 16<sup>th</sup> the High Court (one of the highest courts of England and Wales) ruled against the appeal, upholding the decision of the Tribunal. In the decision, the judges stated: "we are not here dealing with idle gossip, or public curiosity about what in truth are trivialities. The expenditure of public money through the payment of MPs' salaries and allowances is a matter of direct and reasonable interest to the taxpayer."<sup>3</sup>

Though the Commons did not publicly pursue the matter further, within Westminster the wheels began turning to bypass the Court's authority. After announcing that the House would

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<sup>1</sup> Brooke, Heather. "Unsung Hero." *Guardian.co.uk*. The Guardian, 15 May 2009. Web. 1 March 2011. <<http://www.guardian.co.uk/politics/2009/may/15/mps-expenses-heather-brooke-foi>>.

<sup>2</sup> Leapman, Ben. "Ben Leapman: My four-year battle for the truth over MPs' expenses." *www.telegraph.co.uk*. The Telegraph, 10 May 2009. Web. 1 March 2011. <<http://www.telegraph.co.uk/news/newsttopics/mps-expenses/5301739/Ben-Leapman-My-four-year-battle-for-the-truth-over-MPs-expenses.html>>.

<sup>3</sup> Leapman, Ben. "Ben Leapman: My four-year battle for the truth over MPs' expenses." *www.telegraph.co.uk*. The Telegraph, 10 May 2009. Web. 1 March 2011. <<http://www.telegraph.co.uk/news/newsttopics/mps-expenses/5301739/Ben-Leapman-My-four-year-battle-for-the-truth-over-MPs-expenses.html>>.

publish all receipts in October, 2008, Julian Lewis, MP for New Forest East, successfully led a movement to exempt MPs' addresses from FOI jurisdiction, passed by an order in July, 2008.<sup>1</sup> The October deadline passed. Westminster pushed the deadline to December, and again this deadline passed.

It is likely that the Commons intended to delay publishing expenses until it could successfully exempt itself completely from FOI. Upon returning from Christmas recess in January, 2009, the Leader of the House of Commons, Rt. Hon. Harriet Harman MP, led a motion that would have achieved just that.<sup>2</sup> The motion was defeated, and July, 2009 was set as the new release date for receipts.<sup>3</sup>

### *The Scandal*

The public could not have expected what was to come. After half a decade of legal battles and passed deadlines, it is likely the public did not much care anymore (if it ever did). After all the journalists' hard work, none of Brooke's, Leapman's, Ungood-Thomas', or their legal teams' efforts directly mattered. In March, 2009, a disk was stolen from the Parliamentary Fees Office that contained the full details of MPs expense claims. The *Daily Telegraph* later acquired that disk, and on May 8<sup>th</sup>, 2009, the paper published the information.<sup>4</sup> Some of the more egregious offenses include: £25,000 claimed by Rt. Hon. Barbara Follett MP for private

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<sup>1</sup> Leapman, Ben. "Ben Leapman: My four-year battle for the truth over MPs' expenses." *www.telegraph.co.uk*. The Telegraph, 10 May 2009. Web. 1 March 2011. <<http://www.telegraph.co.uk/news/newsttopics/mps-expenses/5301739/Ben-Leapman-My-four-year-battle-for-the-truth-over-MPs-expenses.html>>.

<sup>2</sup> Leapman, Ben. "Ben Leapman: My four-year battle for the truth over MPs' expenses." *www.telegraph.co.uk*. The Telegraph, 10 May 2009. Web. 1 March 2011. <<http://www.telegraph.co.uk/news/newsttopics/mps-expenses/5301739/Ben-Leapman-My-four-year-battle-for-the-truth-over-MPs-expenses.html>>.

<sup>3</sup> Brooke, Heather. "Unsung Hero." *Guardian.co.uk*. The Guardian, 15 May 2009. Web. 1 March 2011. <<http://www.guardian.co.uk/politics/2009/may/15/mps-expenses-heather-brooke-foi>>.

<sup>4</sup> Unknown. "MPs' expenses scandal: the timeline." *www.independent.co.uk*. The Independent UK and the Press Association, 3 February 2010. Web. 1 March 2011. <<http://www.independent.co.uk/news/uk/politics/mps-expenses-scandal-the-timeline-1888349.html>>.

security patrols outside her home, £125,000 claimed by Rt. Hon. Stephen Byers MP for repairs and maintenance on a London home owned by his partner and where he lives rent-free, and £125,000 claimed by Andrew Rosindell MP for a second home in London while he claimed his childhood home—where his mother continued to live 17mi. away—as his primary residence. Some, while not egregious, might raise eyebrows: Rt. Hon. the Lord Reid of Cardowan, during his time as an MP, claimed expenses for slotted spoons, an ironing board, and a “glittery loo seat;” Mike Penning MP claimed £2.99 for a stainless steel dog bowl; Bob Laxton MP claimed £1,049 for a television because, as the *Telegraph* quotes, he was too busy to shop around.<sup>1</sup>

The general public was angry. Their hard-earned tax money was being spent on glittery toilet seats and unnecessarily nice TVs. This dishonesty (or fraud, or criminal behavior, depending on how one chooses to look at it) could not have been revealed at a worse a time: a worldwide economic meltdown had just occurred months earlier on a scale not seen since the Great Depression. Opinion at the time ranged from furious to disappointed. For some the abuse was a slap in the face; for others it merely confirmed that politicians are sleazy and dishonest, fueling disillusionment with politics.

As is typical of a major crisis, the media and the public looked for someone to blame. The fiasco occurred on Labour’s watch—they seemed a good place to start. What’s more, efforts by Labour leadership from Martin (who, as the Speaker, was *supposed* to be party-neutral) to Harman to shield expenses from public scrutiny seemed all the more devious in light of this new information. Martin’s involvement in the scandal, which had been alleged for many years, was confirmed; the *Guardian* quite viciously reported that “the speaker [sic] and Mrs.

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<sup>1</sup> These figures were obtained from, and the full list of those investigated by the *Daily Telegraph* can be found at: Unknown. “MPs’ expenses: Full list of MPs investigated by the Telegraph.” *www.telegraph.co.uk*. The Telegraph, 8 May 2009. Web. 1 March 2011. <<http://www.telegraph.co.uk/news/newsttopics/mps-expenses/5297606/MPs-expenses-Full-list-of-MPs-investigated-by-the-Telegraph.html>>.

Martin have been plundering the public purse for an almost grotesque array of personal perks and foreign junkets.”<sup>1</sup> Further troublesome for Labour was the fast-approaching end of the government term, with an election to follow by May, 2010. Even though Tories and Lib Dems were caught with their hands in the cookie jar as well, in-charge Labour had the biggest target painted on its back.

The severity of media and public displeasure should not be underestimated. Hugh Tomlinson describes the scandal explosion as a crucial moment when, had the election happened at that time, the potential existed for an entire generation of politicians to be swept out as the electorate vented its frustrations at the ballot box.<sup>2</sup> As such, it became difficult even for honest MPs to escape the witch-hunt. The Prime Minister, Rt. Hon. David Cameron MP, at the time the Leader of the Opposition, was targeted for claiming expenses on candy bars, even though they were being claimed as part of his staff members’ lunches (a fairly innocuous expense).<sup>3</sup> Andrew Anthony, a journalist for the *Guardian*, reported that by the end of May MPs were speaking “of a suicidal atmosphere in Parliament.”<sup>4</sup> The likelihood of a total slate cleaning aside, the potential for such an upheaval highlights a significant difference between British and American politics: in the American system, the staggering of elections and separation of elections for congressmen, senators, and the president prevents a crisis from wiping out an entire political incumbency.

Tomlinson makes a further interesting point on the public response apropos of the nature of the parties. He suggests that precisely because the crisis happened on Labour’s watch, the

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<sup>1</sup> Unknown. “Gordon Brown must rediscover his moral compass.” *www.guardian.co.uk*. The Guardian: The Observer, 19 April 2009. Web. 1 March 2011. <<http://www.guardian.co.uk/commentisfree/2009/apr/19/gordon-brown-damian-macbride-draper>>.

<sup>2</sup> Tomlinson QC, Hugh. Personal Interview. 31 Jan. 2011.

<sup>3</sup> Tomlinson QC, Hugh. Personal Interview. 31 Jan. 2011.

<sup>4</sup> Anthony, Andrew. “Will Lewis: the man with an expense account.” *www.guardian.co.uk*. The Guardian: The Observer, 24 May 2009. Web. 1 March 2011. <<http://www.guardian.co.uk/media/2009/may/24/will-lewis-daily-telegraph-profile>>.

response was more venomous. As the name suggests, Labour's left-wing and 'of the people' heritage suggests that concern for the working middle and lower class of Britain motivates all that Labour politicians do. In that way they might be considered akin to the Democrats. Conversely, the Conservative party, on the right of the ideological spectrum, is the promoter of business and a smaller national government with powers devolved to localities—akin to the Republicans. Since Labour is seen as the protector of the working-class, it seems all the more shocking that the theft and expenditure of constituents' tax money was allowed to occur on their watch. The implication is that it would have been less shocking if the Tories, as stereotypically interested in protecting businesses and wealthier Britons, were the ones abusing expense privileges. From a popular opinion standpoint, there may be some truth to Tomlinson's hypothesis. On the other hand, point of view undermines the usefulness of the argument: a Labour supporter might rationalize the scandal had it occurred during a Tory government by saying 'that figures, the Tories are cheats and liars.' Now flip the situation: a Tory supporter could just as easily rationalize the scandal occurring under Labour by saying 'that figures, Labour are liars and cheats.' The situation can easily be perceived as shocking or unsurprising depending on the combination of who was in charge and the partisan bias of the person making the comment.

### *The Response*

If there was any chance for Labour to turn the situation around and stave off imminent election defeat in 2010, No. 10 and the Front Bench would have to come up with a good solution, and fast. For Gordon Brown, the silver lining may have been that if the government



was able to come back with a good response and frame it properly, Labour might be able to look at least reactively responsible for dealing with a situation in which the whole House was involved irrespective of party affiliation. It was an opportunity for Brown to push a constitutional reform agenda, one in which he had always been interested.

During Tony Blair's premiership, Blair seems not to have been particularly interested in constitutional reform, evidenced by his lack of stewardship over the reform efforts put forth during his time in No. 10. In Tony Blair and the Constitution, Professor the Lord Norton of Louth charges that "under Tony Blair's leadership, the British constitution has undergone extensive change, unparalleled in recent British history, but without the Prime Minister having a developed view of what form of constitution is desirable for the United Kingdom."<sup>1</sup> In *The Political Quarterly* from Winter, 2010, Matthew Flinders categorizes the loss of interest between 1997-2007 by epithet. He terms the period from 1997-2001 "activity," when reforms included: devolution to Scotland, England, Wales and London, independent operation of the Bank of England, and the introduction of FOI. 2001-2005 is titled "fatigue," characterized by less aggressive reforms that, through the *Constitutional Reform Act of 2005*, included the creation of the Supreme Court of the United Kingdom—which transferred appellate judicial power away from the 'Law Lords,' the judicial body of the House of Lords that had previously served that role—and amended the role of the Lord Chancellor by reducing the position's power (the Lord Chancellor had previously been the head officer of the House of Lords and the judiciary). The

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<sup>1</sup> Professor the Lord Norton of Louth. "British Politics – Abstract of article: Tony Blair and the Constitution." *www.palgrave-journals.com*. Palgrave Macmillan, n.d. Web. 1 March 2011. <<http://www.palgrave-journals.com/bp/journal/v2/n2/abs/4200060a.html>>.

last period is “anomie,” with “no significant measures or leadership concerning the future agenda, direction of constitutional travel or ‘unfinished business.’”<sup>1</sup>

By contrast, Gordon Brown, even as Blair’s Chancellor, had always been more interested in constitutional reform. As Chancellor, Flinders chronicles that “Brown had always been more sensitive to the existence and implications of constitutional anomie, and during the government’s second term (2001-2005) he signaled his anxieties in a number of speeches and statements in which he called for a ‘new constitutional settlement.’”<sup>2</sup> Perhaps much of the difficulty Brown found in pushing through such an agenda stemmed from the fact that, as Lord Norton describes, Blair “generated a set of constitutional changes that do not hang together, and he bequeaths to his successor an absence of any coherent view of what type of constitution is appropriate.”<sup>3</sup>

In spite of the difficulties, Brown hit the ground running when he moved from No. 11 to No. 10. Almost immediately after taking office at the end of June, 2007, the government published a green paper entitled *The Governance of Britain* (Cm.7170). Focused on “constitutional renewal,” the document was broken down by broad categories: limiting the powers of the executive, making the executive more accountable, re-invigorating British democracy, and strengthening the link between the citizen and the state.<sup>4</sup> From the very beginning of the document, the paper highlights Brown’s interest in the connection between citizens and the government, using language such as: “strong bond between people and

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<sup>1</sup> Flinders, Matthew. “Bagehot Smiling: Gordon Brown’s ‘New Constitution’ and the Revolution that Did Not Happen.” *The Political Quarterly* 81.1 (2010): page 66. Print.

<sup>2</sup> Flinders, Matthew. “Bagehot Smiling: Gordon Brown’s ‘New Constitution’ and the Revolution that Did Not Happen.” *The Political Quarterly* 81.1 (2010): page 65. Print.

<sup>3</sup> Professor the Lord Norton of Louth, ‘Tony Blair and the Constitution,’ page 269, in Flinders, Matthew. “Bagehot Smiling: Gordon Brown’s ‘New Constitution’ and the Revolution that Did Not Happen.” *The Political Quarterly* 81.1 (2010): page 65. Print.

<sup>4</sup> Rt. Hon. Jack Straw MP, Secretary of State for Justice and Lord Chancellor. “Cm.7170: The Governance of Britain.” [www.official-documents.gov.uk](http://www.official-documents.gov.uk). TSO: Information and Publishing Solutions, July 2007. Web. 1 March 2011. <[www.official-documents.gov.uk/document/cm71/7170/7170.pdf](http://www.official-documents.gov.uk/document/cm71/7170/7170.pdf)>.

government” and “forge a new relationship between government and citizen.”<sup>1</sup> If the effort was a high priority, Brown should be faulted for letting it stall. Following a report from Summer 2008 (the *Joint Committee on the Draft Constitutional Renewal Bill First Report*)<sup>2</sup> indicating what should be done in the constitutional reform context, the *Constitutional Reform and Governance Bill* (CRAG) that dealt with these issues was not first read in the House of Commons until July 20<sup>th</sup>, 2009, after the expenses scandal hit.<sup>3</sup>

The public seems not to have cared. When Blair moved to Downing St. in 1997, an Ipsos MORI poll on the issues of importance to the public ranked constitutional reform last among fourteen issues.<sup>4</sup> At the end of Blair’s first term in 2001 (which coincides with Flinder’s “active” period), subsequent polling revealed that only 5% of the electorate felt that the constitution was a vote-driving factor.<sup>5</sup> Fast forward to expenses scandal aftermath: an Ipsos MORI issues index poll from June, 2009 recorded that fewer than 1% of the public felt constitutional reform was the most important issue facing Britain.<sup>6</sup>

The public may not have cared about constitutional reform, but something had to be done. Professor Philip Cowley points out that an existential crisis developed.<sup>7</sup> Put simply, the public was fed up with Parliament. What it wanted in response to the scandal, however, was abstract. It wanted honest MPs who worked for constituents and did not steal from them. It

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<sup>1</sup> Rt. Hon. Jack Straw MP, Secretary of State for Justice and Lord Chancellor. “Cm.7170: The Governance of Britain.” *www.official-documents.gov.uk*. TSO: Information and Publishing Solutions, July 2007. Web. 1 March 2011. <[www.official-documents.gov.uk/document/cm71/7170/7170.pdf](http://www.official-documents.gov.uk/document/cm71/7170/7170.pdf)>.

<sup>2</sup> Full text of the report is located at:  
<http://www.publications.parliament.uk/pa/jt200708/jtselect/jtconren/166/16602.htm>

Text specific to constitutional reform may be found at:  
<http://www.publications.parliament.uk/pa/jt200708/jtselect/jtconren/166/16602.htm>

<sup>3</sup> Professor the Lord Norton of Louth. Personal Interview. 3 Feb. 2011.

<sup>4</sup> Bogdanor, Vernon. *The New British Constitution*. Oxford: Hart Publishing, 2009. Page 6.

<sup>5</sup> Bogdanor, Vernon. *The New British Constitution*. Oxford: Hart Publishing, 2009. Page 6.

<sup>6</sup> Unknown. “Issues Index June 2009.” *www.ipsos-mori.com*. Ipsos MORI, 4 July 2009. Web. 1 March 2011. <<http://www.ipsos-mori.com/researchpublications/researcharchive/poll.aspx?oItemId=2393>>.

<sup>7</sup> Professor Cowley, Philip. Personal Interview. 31 Jan. 2011.

wanted MPs to listen and respond to its concerns. How was the government supposed to translate these notions into action? With only a short time before Parliament went on Summer recess at the end of June, a remedy needed to be put forward quickly. So the government hastily attempted to push CRAG through. If MPs could run back to their constituents during the Summer recess with their heads held high and CRAG in hand to evidence action (albeit reaction), the hope was that the electoral fallout for Labour, though inevitable, might be mitigated. What is important in contrast to the American legislative process is that the government could respond as it saw fit. As the Westminster model operates, if the government could rally its back benches and Labour Peers behind CRAG, it could shove CRAG through regardless of what the Tories or Lib Dems had to say about the bill.

Despite the effort made to connect CRAG to the underlying flaws in governance exposed by the scandal, it was an ideologically wide-ranging bill, as evidenced by the several categories of governance that it affected. Responding to *The Governance of Britain*, CRAG “establishes a statutory basis for management of the civil service; introduces a new parliamentary process for the ratification of treaties; provides for the end of by-election for hereditary peers; makes provisions to allow for the suspension, resignation and expulsion of Members of the Lords; introduces new rules on time limits for human rights actions against devolved administrations; makes various provisions relating to judicial office holders, including the removal of the Prime Minister’s role in the process of appointing Supreme Court judges; establishes a new corporate structure for the National Audit Office and a limit to the term of appointment to the office of

Comptroller and Auditor General; and introduces measures designed to increase the transparency of financial reporting to Parliament.”<sup>1</sup>

Since CRAG was largely tangential to the issues exposed by the expenses scandal, a more direct response was also necessary. In June, 2009, the government presented to Parliament a paper entitled *Building Britain’s Future* (Cm.7654) outlining the government’s overall response at a “moment of profound change in our country driven by the global economic downturn and the crisis of trust in our political system.”<sup>2</sup> Though broad in the number of issues on which it touches, Brown’s introduction states that the government’s “first and most urgent priority as [it] fight[s] for the interests of the British people is to clean up [its politics]. Britain’s future cannot be built when [its] politics [are] still governed by the rules of a Victorian past.”<sup>3</sup> To that end, the paper highlights forthcoming legislation to deal with MPs’ expenses, which would become the *Parliamentary Standards Act* (PSA) introduced in the Commons on June 23<sup>rd</sup>, 2009, and achieving Royal Assent on July 21<sup>st</sup>, 2009.<sup>4</sup> Though PSA and CRAG were quite distinct in their aims, the two should be thought of as the two centerpieces of the comprehensive response to the expenses scandal. This point is emphasized in Brown’s introduction to *Building Britain’s Future*:

*“We stand for a decent, honest politics in this country in which politicians are dedicated to serving the public, not themselves. We are introducing legislation to create an independent regulator for Parliamentary standards, and a tough, legally binding Code of Conduct for MPs. Every claim made by MPs over the last four years will be audited: those who have broken the rules will be held to*

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<sup>1</sup> Unknown. “Constitutional Reform and Governance Bill 2008-09 to 2009-10.” *www.parliament.uk*. Parliament UK, n.d. Web. 1 March, 2011. <<http://services.parliament.uk/bills/2009-10/constitutionalreformandgovernance.html>>.

<sup>2</sup> The Prime Minister, Rt. Hon. Gordon Brown MP. “Cm.7654: Building Britain’s Future.” *www.official-documents.gov.uk*. TSO: Information and Publishing Solutions, June 2009. Web. 1 March 2011. <[www.official-documents.gov.uk/document/cm76/7654/7654.pdf](http://www.official-documents.gov.uk/document/cm76/7654/7654.pdf)>.

<sup>3</sup> The Prime Minister, Rt. Hon. Gordon Brown MP. “Cm.7654: Building Britain’s Future.” *www.official-documents.gov.uk*. TSO: Information and Publishing Solutions, June 2009. Web. 1 March 2011. <[www.official-documents.gov.uk/document/cm76/7654/7654.pdf](http://www.official-documents.gov.uk/document/cm76/7654/7654.pdf)>.

<sup>4</sup> For the full text of the *Parliamentary Standards Act 2009*, navigate to: <http://www.legislation.gov.uk/ukpga/2009/13/contents>

*account. But we need to go further in responding to the crisis of trust in the political system, opening up our constitution and Britain's political institutions to reconnect citizens with our representative democracy. The task of modernising the British constitutional settlement is not yet complete: we must be prepared to give power away, reforming Parliament and devolving and decentralising power even further throughout our country.”<sup>1</sup>*

The legislation that resulted fit this description to a tee. PSA created an independent body known as the ‘Independent Parliamentary Standards Authority’ (IPSA) to handle Commons finances, directed IPSA to create a Code of Conduct related to MPs financial interests, and created an officer called the ‘Commissioner for Parliamentary Investigations’ to investigate alleged misconduct.<sup>2</sup>

### *Analyzing the Response*

Cowley has suggested that the expenses scandal is an atypical example of a crisis situation and response with regard to the applicability of the Westminster model in dealing with problems in the American model.<sup>3</sup> Unlike most crises, the expenses scandal was an internal issue (in contrast to events such as the worldwide economic meltdown in Fall, 2008). Though there was external involvement, e.g. the three journalists’ efforts and *Telegraph* leaks, it was solely internal misconduct that caused the crisis. For this reason, Cowley argues, the scandal led to an unusual existential crisis in Parliament, with MPs in crisis mode preoccupied with a frantic effort to find a solution before the House rose for Summer recess. Precisely because this situation is atypical of a crisis, it provides a unique opportunity to analyze the Westminster model and the way that it deals legislatively with crises. It presents a raw perspective, as MPs

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<sup>1</sup> The Prime Minister, Rt. Hon. Gordon Brown MP. “Cm.7654: Building Britain’s Future.” *www.official-documents.gov.uk*. TSO: Information and Publishing Solutions, June 2009. Web. 1 March 2011. <[www.official-documents.gov.uk/document/cm76/7654/7654.pdf](http://www.official-documents.gov.uk/document/cm76/7654/7654.pdf)>.

<sup>2</sup> Unknown. “Parliamentary Standards Act 2009.” *www.legislation.gov.uk*. *legislation.gov.uk*, n.d. Web. 1 March 2011. <<http://www.legislation.gov.uk/ukpga/2009/13/contents>>.

<sup>3</sup> Professor Cowley, Philip. Personal Interview. 31 Jan. 2011.

had no previous experiences to condition their responses, and reveals how Parliament acts when it is not sure what to do.

In an analysis of Parliament's response to the expenses scandal, there are several questions that should be asked. The first concerns speed. Second, did the scandal expose a need for the reforms covered by CRAG and PSA? Third, did the reforms put in place by CRAG and PSA actually signify major policy departure or ideological shifts in the nature of parliamentary governance vis-à-vis the Westminster model and its Constitution? Fourth, what can be said overall about the appropriateness of the response politically, given the speed with which the legislation was pushed to Royal Assent?

### *Speed*

Considering the turnaround time from the first *Telegraph* leaks in early May, 2009 to Royal Assent of PSA on July 21<sup>st</sup>, 2009, the response was rushed.<sup>1</sup> Introducing the bill to committee as the First Deputy Chairman of Ways and Means, Rt. Hon. Sylvia Heal MP referenced “the speed with which the House is being asked to proceed with this bill.”<sup>2</sup> This speed was objected to by the Tories throughout committee debate. As an expert on Parliamentary voting patterns, Cowley asserts that most MPs remain loyal to the party label and obey their whips at division. Thus, a partisan divide was clearly present. Objection ranged from respectful disagreement to diatribe. John Redwood (Con.), MP for Wokingham, “strongly object[ed] to the time limit on the Bill.”<sup>3</sup> Sir Patrick Cormack (Con.), MP for South

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<sup>1</sup> Put aside CRAG for the moment, as PSA was the direct response.

<sup>2</sup> House of Commons Hansard, 30 June 2009.

<sup>3</sup> House of Commons Hansard, 30 June 2009.

Staffordshire, at first voiced his displeasure over “the serious nature of the Government taking a Bill of constitutional significance through the House at a gallop and without time to consider and reflect.”<sup>1</sup> His tone later took a dramatically negative turn: “we are here today because of the Prime Minister, who, in a fit of pique and panic, has introduced an extremely bad Bill to Parliament... This very bad bill has been foisted on us by the Prime Minister in a spirit of vindictiveness, malice and uncharitableness. He is a Prime Minister who wishes to tear down some of the institutions of this country.”<sup>2</sup>

When the bill moved to the Lords, speed caused similarly opinionated responses (though obviously less venomous). Keep in mind that PSA’s remedies would not affect the Lords. Rt. Hon. the Baroness Royall, Chancellor of the Duchy of Lancaster and Leader of the House of Lords, opened the second reading of the Bill on July 8<sup>th</sup>, 2009 by making this point clear: “nothing in this Bill will affect this House. Nothing in this Bill will impact upon this House. Nothing in this Bill will change what we in this House do and how we in this House do it.”<sup>3</sup> Lord MacGregor of Pulham Market (Con.) puts opposition to the Bill quite eloquently:

*“the handling of this matter is little short of disgraceful. It bears all the hallmarks of a knee-jerk response by a beleaguered Prime Minister in a bunker making legislation on the hoof in response to newspaper headlines and announcing his quick thought for the day on YouTube. It flies in the face of all the Government’s own rules for public consultation—I stress public consultation, as distinct from secret cross-party talks—and adequate time for scrutiny of legislation. It raises serious constitutional issues as a result of the thoughtless haste with which the Government did the drafting. We see evidence of that in the continuing response by the Government in making changes and even promising some—if I heard it right—in the next Parliament.”<sup>4</sup>*

Even Labour Peers were not unanimously on board with rubber-stamping PSA. Lord Peston (Lab) suggested that “all the problems can be solved by a simple statement from my noble friend the Leader of the House [Baroness Royall]. All she has to do is to say that there will be no

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<sup>1</sup> House of Commons Hansard, 30 June 2009.

<sup>2</sup> House of Commons Hansard, 30 June 2009.

<sup>3</sup> House of Lords Hansard, 8 July 2009.

<sup>4</sup> House of Lords Hansard, 8 July 2009.



accelerated timetable, and then the Government will have their legislation in October. That is all she has to do.”<sup>1</sup>

Rushing reform was also problematic from a procedural standpoint. Cowley rightly points out that debate over the two bills differed from discussions on other issues because of the subject matter involved. When parliamentary debates occur on any range of topics, e.g. healthcare, economics, or education, only a certain number of MPs and Lords will be well versed on the subject.<sup>2</sup> Though many others without such expertise may involve themselves in the conversation from a political or policy standpoint, they would not be experts in the matter and would be expected to defer to the experts in debate. However, with regard to expenses and parliamentary procedure, every MP should be well versed. As such, MPs were clearly interested in speaking their minds; Chairman Heal had to ask for a “measure of restraint” in the time and scope of MPs speeches so that as much as possible could be discussed in the allotted time.<sup>3</sup> The stifling of debate certainly ruffled many feathers, making the brevity of scrutiny over the bill all the more noticeable.

It has been made clear that the response was rushed. Before passing judgment on the negative implications of the rushed effort, the other questions will be first addressed. Speed will therefore be discussed again shortly.

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<sup>1</sup> House of Lords Hansard, 8 July 2009.

<sup>2</sup> Professor Cowley, Philip. Personal Interview. 31 Jan. 2011.

<sup>3</sup> House of Commons Hansard, 30 June 2009.

## *Did the Scandal Expose a Need for Reform?*

As the recent Middle East political crises have exposed, a government can only be effective if it commands the respect of its citizens. That is not to say that the public has to like the job the government does or like its public servants; there will certainly be many in any democracy who disapprove of the job the government does. Nevertheless, whether it is labeled appreciation, respect, or reverence, Americans and Britons by and large accept the necessity of a government, and are willing to abide living under democratic rule.

The expenses scandal had the potential to seriously undermine the public's respect for its government and willingness to be governed by its elected officials. Action needed to be taken, and CRAG and PSA were the solutions. Recalling the provisions of CRAG abovementioned, only two were even remotely related to the expenses scandal. The question is whether the scandal exposed deeper and broader issues, thus requiring the wide-ranging reforms proffered by CRAG. Ruth Fox of the *Hansard Society* argues that “many politicians and commentators alike concluded that a link could be drawn between the visible affliction of the expenses debacle and the deep-rooted political infirmities that manifested themselves in other areas of our democracy.”<sup>1</sup>

Lord Norton disagrees with those cited by Fox. He believes that CRAG and the issues it attempted to resolve were not salient outside of Parliament.<sup>2</sup> Previously mentioned Ipsos MORI

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<sup>1</sup> Fox, Ruth. “Engagement and Participation: What the Public Want and How our Politicians Need to Respond.” *Parliamentary Affairs* 62.4 (2009): page 1. Print.

<sup>2</sup> Professor the Lord Norton of Louth. Personal Interview. 3 Feb. 2011.

polling regarding public disinterest in constitutional reform confirms Norton's point of view. Even further, he sees the effort by Labour to push CRAG through as an attempt to mitigate public anger towards a Labour government by deflecting blame away from MPs and towards structural issues (reminiscent of the Sundquist, Samuels and Shugart arguments). Did the public agree with this assessment? *Hansard Society* polling shows that in 2008 "only 19% of the public thought Parliament was 'working for them.'"<sup>1</sup> A survey from 2007 "found that only 34% of the UK public trusted Parliament."<sup>2</sup> *Hansard Society* focus group research from 2005 "found that politics was viewed by the public as 'the pursuit of an exclusive and disreputable elite of hypocrites and liars.'"<sup>3</sup>

There are two ways to interpret this polling data. On the one hand, one could read these numbers to suggest that the public had been overwhelmingly disillusioned with politics for a long time. Within that framework, it would be reasonable to suggest that the scandal brought that disillusionment to a critical mass, turning unhappiness into a demand for action. On the other hand, the numbers could be read to suggest that the expenses scandal did not reveal anything new.

If the scandal did reveal a degree of latent discontent with Parliament, the remedy did not match the ailment. University College, London's *Constitution Unit* perhaps stated this disconnect most boldly in its *Monitor* newsletter when referring to Brown's efforts to use the scandal to push CRAG-type reforms: "the bad judgment came in over-reacting to the scandal,

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<sup>1</sup> S. Kalitowski, *Parliament and the Public: Knowledge, Interest and Perceptions*, Hansard Society, 2008, p. 3, in Fox, Ruth. "Engagement and Participation: What the Public Want and How our Politicians Need to Respond." *Parliamentary Affairs* 62.4 (2009): page 3. Print.

<sup>2</sup> *Eurobarometer 67: Public Opinion in the European Union: United Kingdom National Report Executive Summary*, European Commission, Spring 2007, p.5, in Fox, Ruth. "Engagement and Participation: What the Public Want and How our Politicians Need to Respond." *Parliamentary Affairs* 62.4 (2009): page 3. Print.

<sup>3</sup> V. Ram, 'Public Attitudes to Politics, Politicians and Parliament,' *Parliamentary Affairs*, 59, 2006, p. 190, in Fox, Ruth. "Engagement and Participation: What the Public Want and How our Politicians Need to Respond." *Parliamentary Affairs* 62.4 (2009): page 3. Print.

promising wide ranging reforms which have nothing to do with the original mischief, and which have limited hope of being delivered in the remainder of this Parliament.”<sup>1</sup> In fact CRAG did pass, achieving Royal Assent on April 8<sup>th</sup>, 2010, over a month before the election that would send David Cameron to Downing St. Professor Cowley aptly describes the reform effort as akin to hanging ornaments on a Christmas tree.<sup>2</sup> The situation was so bad for Labour that they had to be seen doing anything and everything they could; if the government could make the argument that a particular reform would in some way deal with the issues at hand (at best) or even that it would simply aid governance in some way, that reform could be hung on the tree. This is evidenced by the “inchoate range of options” discussed post-scandal to remedy the situation: “everything from House of Commons business committee and select committee reform, to a bill of rights and a written constitution, from electoral reform and an elected second chamber, to reduction in the voting age and a smaller House of Commons” was proposed.<sup>3</sup> By throwing everything up against the wall, the government hoped at least something would stick.

If what was discussed and ultimately put forward by CRAG seemed to have little to do with the issues revealed by the expenses scandal, then how could the scandal have exposed a need for constitutional reform? CRAG’s irrelevance to the scandal would lend credence to the argument that the response was born out of a political and electoral desire to contain the damage as much as possible before an upcoming election. Politics is about winning elections, and an expenses scandal in the wake of an economic meltdown was likely to be the nail in the coffin for New Labour. What’s more, even though Brown was always more interested in constitutional reform than Blair, Professor Cowley points out that Brown was not as dedicated to constitutional

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<sup>1</sup> Unknown. “Labour’s Last Fling on Constitutional Reform.” *Monitor: The Constitution Unit Newsletter* 43 (2009): page 1. Print.

<sup>2</sup> Professor Cowley, Philip. Personal Interview. 31 Jan. 2011.

<sup>3</sup> Fox, Ruth. “Engagement and Participation: What the Public Want and How our Politicians Need to Respond.” *Parliamentary Affairs* 62.4 (2009): pages 1-2. Print.

reform post-expenses scandal as he had been previously, making it more difficult to enforce a top down push of the legislation through Parliament.

However, CRAG was never intended to stand on its own as the sole response to the scandal. Where CRAG faced difficulties of salience, PSA could be easily understood: it aimed to revamp the processes by which MPs claimed expenses and by which those expenses were vetted. Did the expenses scandal expose a need for the reform provided by PSA? A preliminary question is in order: did the shift from self-regulation to independent oversight mark a significant policy departure for the British government? On the one hand, recall Hugh Tomlinson's argument that Westminster had long operated in an environment of self-regulation. To take that power away from Parliament and put it in the hands of a semi-independent bureaucracy is, in his opinion, a major constitutional shift for the UK (keep in mind that the term constitutional is used more vaguely when applied to the UK, as the British government operates under a constitution that is decentralized and based on legal precedent).<sup>1</sup>

There is, however, an opposing argument to consider. Self-regulation works as long as those entrusted with said responsibility do not abuse it. The system of expense and finance regulation had broken down long before PSA was enacted. While it may present a major policy departure on paper, PSA shifts merely to providing the watchdog required by the misconduct. It cannot be viewed as a major departure in contrast to self-regulation because Parliament had disposed of self-regulation long before 2009.

While Tomlinson looks at PSA from an ideological point of view, Lord Norton takes a more pragmatic stance. He questions what will truly change under IPSA control.<sup>2</sup> For him, IPSA is merely another government body investigating MPs' finances; nothing about what is

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<sup>1</sup> Tomlinson QC, Hugh. Personal Interview. 31 Jan. 2011.

<sup>2</sup> Professor the Lord Norton of Louth. Personal Interview. 3 Feb. 2011.

claimed or how it is claimed changes. Of course independent regulation would serve as a barrier to dishonest expense claims by providing another layer of scrutiny that MPs will not want to challenge. On the other hand, are MPs who claim for glittery toilet seats and £1,000 television sets really going to change their behavior because there is a different person looking over their finances, or are they simply going to find another way around the new obstacle? PSA might not change very much. Perhaps this was intentional: Parliament gives up some independence to provide something tangible to showcase to constituents.

Back then to the question of whether the expenses scandal exposed a need for the kind of reform provided by PSA. The answer to this question depends on whether you agree with Tomlinson or Norton. It seems clear that while Tomlinson certainly makes an interesting point, the fact that the Commons itself instigated ideological change by ceasing to care about its own rules created an environment where regulation was necessary. Thus, IPSA merely put a body in place to support the environment that the Commons demonstrated it needed to deal appropriately with the money it doles out to MPs.

### *Speed Redux*

In light of the fact that the reforms put in place by CRAG were in large part tangential to the expenses scandal and that PSA did not change much of anything, was the speed with which the government attempted to push these reforms through appropriate? Additionally, was it appropriate that the government attempted to suggest to the public that the remedies offered in CRAG and PSA were immediately necessary?

Among all of the testimony presented, there is no dearth of evidence suggesting that the response was rushed. Tomlinson, Lord Norton, and Cowley all agree. Not only do they believe the response was rushed, but also that the response was inappropriate. Tomlinson stated that the expenses scandal exposed an “inability to react sensibly to popular fuming.”<sup>1</sup> As aforementioned, Cowley posits that there was no proper discussion of how to remedy the situation because MPs were running around in crisis mode, with which Lord Norton agreed given his previously cited testimony from Lords debate.

The rush and inappropriateness of the response suggests that it was both political and electoral. It was political in that the expenses scandal was used as a way to kick CRAG into motion. The scandal provided a unique opportunity to make the case to both the public and the media that these kinds of reforms were not just salutary, but necessary with regard to the shortcomings in the British system of governance exposed by the expenses scandal. The opportunity would not, however, be properly exploited: as aptly stated by the *Hansard Society*, “in prescribing such a wide variety of reform remedies—many of which will simply not be realised, at least in the short and medium term, due to a lack of policy consensus, political capital and legislative time—the party leaders risk making the cure worse than the disease.”<sup>2</sup>

In light of the impending election set to happen anytime before the end of May, 2010—and which Brown understandably put off as long as possible—the response was also electoral. Labour had to do whatever possible to avoid being brutally demolished at the ballot box. Ultimately, the result turned out not to be as bad as it could have been: though Cameron did move into No. 10, he fell short of an outright majority, and Nick Clegg and the Liberal Democrats crashed and burned in a matter of weeks in the run-up to the election, despite talk

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<sup>1</sup> Tomlinson QC, Hugh. Personal Interview. 31 Jan. 2011.

<sup>2</sup> Fox, Ruth. “Engagement and Participation: What the Public Want and How our Politicians Need to Respond.” *Parliamentary Affairs* 62.4 (2009): page 2. Print.

during the campaign of a potential outright Lib Dem majority. In retrospect it then becomes tempting to retort that while the response to the expenses scandal may have been politically and electorally engineered by Labour leadership, their response worked! This paper is not concerned with the partisan implications of the outcome. As a matter of public policy, the focus is on the appropriateness and the level of partisan politicization involved in the legislative process and the potential effect on policy when legislation can be pushed through.

CRAG and PSA did not restore levels of public confidence in Parliament. Ipsos MORI polling shows that levels of public dissatisfaction with government (outside of the obvious spike in the summer of 2009 when dissatisfaction climbed to around 80%) was both pre- and post-expenses scandal at around 2/3 of those polled.<sup>1</sup> That figure is generally consistent with dissatisfaction ratings dating back to 2003.<sup>2</sup> Looking at CRAG and PSA from a policy perspective, with the legislation supposedly intending to deal with broader flaws in the Westminster model and a breakdown of public confidence in government, the government's response did not work; public opinion regarding dissatisfaction with Parliament did not shift.

A perennial question in Political Science is whether the general public should be considered politically knowledgeable. If so, where are they getting their information and cues? Following the expenses scandal, the government received so much negative publicity that it would arguably have been more difficult for members of the general public to stay out of the know than in. If they read newspapers, watched television, or browsed the Internet, they heard about pervasive dishonesty in Westminster and a botched response. Researching the issue, I

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<sup>1</sup> Unknown. "Political Monitor: Satisfaction Ratings 1997-Present." *www.ipsos-mori.com*. Ipsos Mori, 6 May 2010. Web. 1 March 2011. <<http://www.ipsos-mori.com/researchpublications/researcharchive/88/Political-Monitor-Satisfaction-Ratings-1997Present.aspx?view=wide>>.

<sup>2</sup> This average was calculated imprecisely. For a more precise measure, or to see fluctuations at any point intra- or inter-year from New Labour (1997) onward, navigate to: <http://www.ipsos-mori.com/researchpublications/researcharchive/88/Political-Monitor-Satisfaction-Ratings-1997Present.aspx?view=wide>



have always wondered whether a political and electoral response to the crisis was doomed from the start by being appreciated as just that. Instead, perhaps the government would have been better off to respond publicly by saying that it understood the situation was bad and there was a breakdown in accountability and public trust in Parliament, but that it was not going to rush a response. If the government had acknowledged that there was an upcoming election yet stated that it would not try to fit a response in an electoral timeframe, instead opting to appropriately consider the necessary response to the situation, perhaps the public would have responded to the honesty. By putting the public above its interest in being re-elected, Labour might have ultimately been rewarded.

Professor Cowley responds that this was not a viable option. He hypothesizes that the media and opposition parties would have crucified Labour for its inaction. Nevertheless, opposition politicians disapproved of the rushed legislative effort and wished instead to see more time made available for proper discussion. If the more upfront and honest route I have suggested had been taken, it would have allowed Labour to proclaim publicly that it wanted to pursue a bipartisan response. The Tories and Lib Dems could not have turned down a public offer; if they did, Labour could have responded that its opponents were not interested in participating to fix the problem. Working together would have gone a long way to neutralize the issue as an election hot topic and insulated Labour from total responsibility for the situation.

### *Summary*

Though the ramifications of the expenses scandal aftermath on the argument for adoption of a parliamentary system in the U.S. will later be discussed in detail, what should be said at this

point about the expenses scandal? Parliament can move quickly, and in this situation did. The detail of the story suggests that speed was not useful in this situation. Labour leadership became so wrapped up in trying to deal with the situation in an electoral timeframe and out of consideration for party politics that they seem not to have stopped to consider whether the agenda they were pushing through was appropriate. Appropriateness refers both to whether the reforms properly dealt with the flaws in Westminster, and whether the reforms and the speed with which they were passed were, from a policy perspective, in the best interest of the nation.

The ability to act quickly may appear beneficial at first glance. Without detailed knowledge of the response, one might reasonably believe that the government's ability to bring its agenda to bear on the British people without being derailed by opposition parties should have allowed the government to focus on the policy free from partisan and electoral influence. From a partisan and electoral standpoint the solution arguably worked—Labour could have fared much worse in the election. But this serves as evidence that a parliamentary model of democracy does not necessarily occupy the moral high ground vis-à-vis the American Federal system.

## The Budget Crisis

In the Fall of 2008, the world faced an economic meltdown spurred by U.S. economic troubles. The UK was certainly not immune, and found itself with a budget deficit of £160bn. Compounding the situation, the economy had been sluggish even before global downturn: by the second quarter of 2008, growth moved into negative territory, becoming worst in Q4 2008 and Q1 2009.<sup>1</sup> On November 3<sup>rd</sup>, 2008, the European Commission released forecasts for 2009 in which it indicated that the British economy would contract by 1% while the Eurozone (those countries of the European Union that use the Euro currency) would avoid recession. Growth would ultimately move back into positive territory in Q4 2009. In response to the meltdown, Chancellor Darling announced a stimulus agenda, increasing government borrowing to prop up the economy—specifically prioritizing housing, energy, and small business.<sup>2</sup> The Chancellor planned to pump a £20bn stimulus into the economy between December, 2008, and April, 2010, and reduced VAT from 17.5% to 15% from December 1<sup>st</sup>, 2008 through the end of 2009. Additionally, tax breaks were targeted to help those on “modest, low, and middle incomes.”<sup>3</sup>

The crisis would precede the expenses scandal, but was another example of the financial woes that hit during a Labour-led government. This is not to suggest that Labour caused the financial meltdown in the UK or globally, but later evidence will suggest that Labour policies and actions may have exacerbated the negative consequences that the crisis would have on the

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<sup>1</sup> Blanchflower, David. “Welcome back to 1930s Britain.” *New Statesman* 1 Nov. 2010. Page 19. Print.

<sup>2</sup> Hennessy, Patrick & Mark Kleinman. “Financial crisis: Alistair Darling will spend his way out of recession.” *www.telegraph.co.uk*. The Telegraph, 18 Oct. 2008. Web. 1 March 2011. <<http://www.telegraph.co.uk/finance/financialcrisis/3224890/Financial-crisis-Alistair-Darling-will-spend-his-way-out-of-recession.html>>.

<sup>3</sup> House of Commons Hansard, 24 Nov. 2008.

British public. As far as the public is concerned, they expect government to deal with these issues and, therefore, they fault whoever is in charge at the time when things do not go well. In the U.S., the meltdown solidified anger against the Republican Party and increased support for presidential hopeful Barack Obama. Obama's lead was aided by the fact that John McCain did not appear extremely knowledgeable on economic issues.

Similar issues existed in British politics. Following the Coalition takeover the government wanted to distance itself from the big government, high spending environment of the previous Labour government. In doing so it hoped to excuse itself from responsibility for the state of the UK's economy, portraying itself as responsible not for the mess but for the cleanup effort.

Even in the absence of a financial crisis, Conservative and Labour economic perspectives differ dramatically. Add to that a massive budget deficit, and the conversation gets significantly more heated. Despite the fact that "the figures show that Alistair Darling's strategy was working well," the Coalition shifted gears upon taking power in order to pursue a more aggressive approach.<sup>1</sup> Though the Tories and Lib Dems joined forces to create a government after neither could win an outright majority, the Tories (as the significantly larger party) are the true driving force behind the Coalition agenda. In October, 2010, Coalition Chancellor Rt. Hon. George Osborne MP put out the *Spending Review 2010* (Cm.7942), where he laid out the Coalition plan to reduce the deficit and set the British economy back on track. The Review, in addition to using general Coalition rhetoric, accepts that the necessary cuts will certainly be difficult and will sting for many, but that they are nonetheless necessary; the alternative would be the British Isles sinking into the North Sea. Osborne highlights that in "2009 Britain's deficit was the largest in

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<sup>1</sup> Blanchflower, David. "Welcome back to 1930s Britain." *New Statesman* 1 Nov. 2010. Page 19. Print.

its peacetime history—the state borrowed one pound for every four it spent.”<sup>1</sup> To deal with the deficit the government cut departmental budgets of public spending “other than health and overseas aid...by an average of 19 per cent over four years.”<sup>2</sup> In addition to the cuts, part of the long-term austerity plan entailed devolving power away from Westminster to localities, increasing the VAT from 17.5% to 20%, and encouraging the stimulation of the private sector to recoup losses in the public sector.

The argument does not stop there. Jumping on the bandwagon with the public (or perhaps partly responsible for creating that bandwagon), the Coalition placed blame for the situation and the necessity of the cuts squarely on Labour’s shoulders. As the back and forth between the parties degenerated into childish arguments of ‘yes you did, ‘no we didn’t,’ it became increasingly difficult to have a mature discussion over the issue at hand and how to solve it. Ask five politicians whether Labour was to blame for the economic and budget crisis and you will get seven answers. Ask five politicians anything and you will get seven answers. To avoid this paper being drawn into such gibing, it is perhaps best to turn to an analysis that appears even-handed if not correct. The *New Statesman* puts forth:

*“few doubt that the country’s £155bn Budget deficit must be addressed urgently and that Labour cannot and should not evade responsibility for the depth of the crisis. But there is room for reasonable disagreement about the pace and severity of fiscal retrenchment and about the balance of tax rises to spending cuts. The coalition’s refusal to recognise any alternative course and its dismissal of its critics as ‘deficit deniers’ is intellectually dishonest.”*<sup>3</sup>

What has been involved in urgently addressing the deficit and refusing to recognize alternative courses of action?

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<sup>1</sup> Rt. Hon. George Osborne MP, Chancellor of the Exchequer. “Cm.7942: Spending Review 2010.” *www.official-documents.gov.uk*. TSO: Information and Publishing Solutions, October 2010. Web. 1 March 2011. <[www.official-documents.gov.uk/document/cm79/7942/7942.pdf](http://www.official-documents.gov.uk/document/cm79/7942/7942.pdf)>.

<sup>2</sup> Rt. Hon. George Osborne MP, Chancellor of the Exchequer. “Cm.7942: Spending Review 2010.” *www.official-documents.gov.uk*. TSO: Information and Publishing Solutions, October 2010. Web. 1 March 2011. <[www.official-documents.gov.uk/document/cm79/7942/7942.pdf](http://www.official-documents.gov.uk/document/cm79/7942/7942.pdf)>.

<sup>3</sup> Unknown. “Feel the pain as Osborne swings his axe.” *New Statesman* 25 Oct. 2010. Page 5. Print.

## *Regional, Sectoral, and Class Impact*

How hard hitting are the reforms? Is there any rhyme or reason to who feels the brunt of the cuts? According to PriceWaterhouseCooper's Nick Jones and John Hawksworth, "total discretionary consolidation is forecast to be approximately £113 bn p.a. by 2014-15 (around 6.3% of GDP in that year), of which around £84 bn p.a. (73%) comes from spending reduction and £29 bn p.a. (27%) from net tax increases, the latter being more heavily front loaded over the five year period."<sup>1</sup> Based on these figures and those from the Office for Budget Responsibility (OBR), Jones and Hawksworth expect a loss of 500,000 public sector jobs.<sup>2</sup> Combined with expected private sector losses of around 450,000 during that period, the government will have been responsible for putting one million people out of work. The Coalition will of course dispute that, saying that Labour caused the losses. Placing blame for Britain's economic climate and its impact on the labor force is not within the purview of this work; assessing the legislative response is the objective. The fact that there is such dispute and blame throwing between the parties is significant in what it says about the relative ease of legislating in the UK compared to the U.S. More on this to come later.

If the Coalition is attempting to be even-handed in how the effects of the austerity plan will be distributed, they are not doing a very good job of it. PwC finds heavy regional and sectoral disparity with regard to where those losses will be found. Regionally, Northern Ireland,

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<sup>1</sup> Hawksworth, John & Nick C Jones. "Sectoral and regional impact of the fiscal squeeze." *www.ukmediacentre.pwc.com*. PricewaterhouseCoopers, 12 Oct. 2010. Web. 1 March 2011. <<http://www.ukmediacentre.pwc.com/Media-Library/Sectoral-and-regional-impact-of-the-fiscal-squeeze-Full-report-70a.aspx>>.

<sup>2</sup> Hawksworth, John & Nick C Jones. "Sectoral and regional impact of the fiscal squeeze." *www.ukmediacentre.pwc.com*. PricewaterhouseCoopers, 12 Oct. 2010. Web. 1 March 2011. <<http://www.ukmediacentre.pwc.com/Media-Library/Sectoral-and-regional-impact-of-the-fiscal-squeeze-Full-report-70a.aspx>>.

Scotland, Wales, and Northeast England will fare the worst by far.<sup>1</sup> Sectoral analysis shows that social work, public administration, and defense—all of which are heavily publicly funded—will take the biggest hits, with more detailed loss predictions showing that office machinery, computers, and weapons and ammunition will see the biggest loss as a percent of sector gross output.<sup>2</sup> To make matters worse, though part of the government’s long-term plan is to devolve power away from Westminster to localities, a report by the *Centre for Cities* from January 24<sup>th</sup>, 2011 argues that struggling localities will “need extra support from central government.”<sup>3</sup> The end result is that by increasing autonomy to localities, they will depend on Westminster further. For Parliament, the financial implications of outsourcing power to localities yet nevertheless increasing support for those localities may be greater than they would have been if Parliament had held onto power. While devolution of power will be ideologically in step for the Tories, such a power shift would have been easier once stability has returned to the British economy.

There is also evidence for socioeconomic and income class disparity of distribution. The VAT increase to 20% will have a greatest impact on those for whom expenditure is highest relative to income—the poorest.<sup>4</sup> James Browne of the Institute for Fiscal Studies (IFS) cites that the poorest income decile will see a loss of 2.5% as a proportion of income from the VAT

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<sup>1</sup> Hawksworth, John & Nick C Jones. “Sectoral and regional impact of the fiscal squeeze.” *www.ukmediacentre.pwc.com*. PricewaterhouseCoopers, 12 Oct. 2010. Web. 1 March 2011. <<http://www.ukmediacentre.pwc.com/Media-Library/Sectoral-and-regional-impact-of-the-fiscal-squeeze-Full-report-70a.aspx>>.

<sup>2</sup> Hawksworth, John & Nick C Jones. “Sectoral and regional impact of the fiscal squeeze.” *www.ukmediacentre.pwc.com*. PricewaterhouseCoopers, 12 Oct. 2010. Web. 1 March 2011. <<http://www.ukmediacentre.pwc.com/Media-Library/Sectoral-and-regional-impact-of-the-fiscal-squeeze-Full-report-70a.aspx>>.

<sup>3</sup> Groom, Brian. “Growth cities face severe test as cuts kick in.” *Financial Times* 24 January 2011: National news page 4. Print.

<sup>4</sup> Browne, James. “Personal taxes and distributional impact of budget measures.” *www.ifs.org.uk*. The Institute for Fiscal Studies, June 2010. Web. 1 March 2011. Access to the document has been removed.

hike.<sup>1</sup> Beyond tax rises, cuts to governmental departments—reducing the support they can provide—will hit hardest those who rely on public support.

In contrast to the U.S., in Europe there is a rich post-WWII era history of the welfare state. Citizens of many European countries expect certain services to be provided to them by the government, e.g. healthcare. This is the case both in the UK and in countries like France. It is important to keep in mind that the government will be reducing the efficacy of programs on which Britons have come to rely, e.g. the NHS. The *Los Angeles Times* recounts the story of one British pensioner, Festus Grant, a retired subway driver. Grant suffered a debilitating stroke in early 2010, spending three months in the hospital. Following his return home, support from the *Stroke Association* helped him tremendously. They assigned him a social worker, whose routine visits helped to get him acclimated to his new lifestyle and assisted him with errands, marketing, and the like. At the time of publication, support from the Stroke Association was set to be removed by the end of 2010. Beyond the difficulties Grant would face without such help, he worried about a secondary threat if the government included his home as it considered “allowing some public housing rents to rise closer to market rates.”<sup>2</sup> In response, Grant says that ““if they take more from me... I won’t be able to survive.””<sup>3</sup>

What does it mean that expert analysis and stories of pensioners like Grant seem to be falling on deaf ears? The government either has not or will not consider the unevenness of the consequences its plan will have on the British public. Browne believes that this negligence is part of the problem. When asked to assess the degree to which the government has considered his findings, he replied that they mostly brush them off or try to discredit them. This is not an

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<sup>1</sup> Browne, James. “Personal taxes and distributional impact of budget measures.” *www.ifs.org.uk*. The Institute for Fiscal Studies, June 2010. Web. 1 March 2011. Access to the document has been removed.

<sup>2</sup> Chu, Henry. “British tea and parsimony.” *The Los Angeles Times* 26 Nov 2010: page A10-11. Print.

<sup>3</sup> Chu, Henry. “British tea and parsimony.” *The Los Angeles Times* 26 Nov 2010: page A11. Print.



isolated incident: he finds that Parliament tends to ignore independent findings that do not support the government's agenda.<sup>1</sup> This is all the more ironic as the government appointed IFS Director Robert Chote to head up the OBR (an office created by the Coalition government). Why will the government not listen? It is easy enough to blame Labour for having created the situation, but, moving forward, the Coalition cannot blame its own unwillingness to consider outside information on Labour. The Coalition does not want to listen, perpetuating the feeling that it is all just politics to them. Watch any PMQs between Cameron and Miliband; Labour repeatedly says the cuts are going "too far, too fast." Cameron responds by making a joke about Miliband's leadership naïveté and points the finger back and says it is Labour's fault that the Coalition has to take such a course of action. But again and again this response sees Cameron avoid dealing with questions concerning the depth and speed of the cuts—all he has done is engineered an inflammatory sound bite for the 6 o'clock news.

By failing to listen and take outside perspectives into account, sound bites ignore the fact that many Britons like Festus Grant will not have the ability to weather the storm. As far as Labour is concerned, the Coalition appears to be mistakenly taking this ability for granted. Whereas the government's response to the expenses scandal exhibited timidity, its response to the financial crisis exhibits wild aggressiveness. Let us look again to the speed with which this response has been implemented.

### *Speed*

Speed operates here on two levels. The first level references how quickly the government came up with its plan and implemented it, which is especially important given the

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<sup>1</sup> Browne, James. Personal Interview. 24 Jan. 2011.

controversial nature of the plan. On the second level there is the question of how quickly the government aims to set the economy back on track, and how it strategizes for the short-, medium-, and long-terms.

### First Level

Labour believes the austerity plan goes too far, too fast; the Coalition believes that Labour left it a situation in which emergency action was needed. Lord Skidelsky (a former Tory Peer, now a Crossbencher) posits that “if a government is felt to have lost all control, if the size of the debt is so vast that it threatens immediate default, then a decisive change of policy can have a decisive effect. Britain was hardly in this position last April [2010], despite all the efforts of Conservative spokesmen to play up the imminence of the danger facing the country under Labour rule.”<sup>1</sup> He thinks the panic stirred up by politicians was engineered. If one agrees with the *New Statesman* perspective that Chancellor Darling’s plan was working, then engineering through rhetoric seems all the more likely. Consider again the distinction between this response and the most recent American one—the extension of the Bush tax cuts for all. The U.S. faced a similarly dire economic crash. Rhetoric has not been so concerned with Armageddon in the U.S., nor have the actions America has taken been so dramatic in the sense of having negative effects on Americans. One could respond that this difference is explained by Congress’ having been led by the Democrats in both the House and Senate at the time of response (whereas the Conservatives are in charge in Britain and therefore less likely to respond with big government stimuli). Do not forget, however, that the U.S. stimulus package that likely saved the country from an even bigger problem was a product of the Bush White House.

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<sup>1</sup> Lord Skidelsky. “When confidence is shattered.” *New Statesman* 25 Oct. 2010: page 27. Print.

James Browne targets a key distinction between the U.S. and UK that legitimizes the difference in response. There is a sizable difference between the percent of foreign exchange reserves held in USD (\$) vs. GBP (£), 62.2% to 4.3% in 2009, respectively, rendering the dollar more stable than the pound.<sup>1</sup> There was therefore a realistic concern that if the UK did not deal with the situation in due haste, it might not be able to finance its debt and could have become the next Greece.<sup>2</sup> That may have been the case in October, 2008, but again attention should be pointed to Darling's plan supposedly working before Osborne moved to No. 11. Even in October, 2008 the situation may not have been as dire as Tories like to portray it: David Blanchflower writes for the *New Statesman* that "according to the Chancellor, George Osborne, the country had run out of money and was close to bankruptcy, and the cuts of over £80bn were fair. This was all spin. We were never close to bankruptcy; the country has not run out of money and the cuts are unfair."<sup>3</sup>

Clearly, the speed of the recovery was not absolutely necessary (at least based on testimony that does not unanimously suggest it was). If the Coalition was able to convince the public that the speed was necessary to stave off impending doom, then it makes sense that they did not have time to consider outside analysis and those in positions similar to Festus Grant: the situation needed to be dealt with immediately, and the government had already done its analysis and decided its plan was in the best interest of the country. If the situation was not in reality as bad as the Coalition made it seem, a fuller discussion could at the very least have given Parliament more time to analyze the situation and consider the short- and long-term implications of the austerity plan ultimately enacted.

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<sup>1</sup> Unknown. "Currency Composition of Official Foreign Exchange Reserves (COFER)." *www.imf.org*. IMF: International Monetary Fund, n.d. Web. 1 March 2011. <<http://www.imf.org/external/np/sta/cofer/eng/cofer.pdf>>.

<sup>2</sup> Browne, James. Personal Interview. 24 Jan. 2011.

<sup>3</sup> Blanchflower, David. "Welcome back to 1930s Britain." *New Statesman* 1 Nov. 2010: page 19. Print.

## Second Level

What can be said of the speed with which the budget cuts and tax increases would hit as part of the Coalition effort to fast track the recovery process? Browne notes that the respective Labour and Tory plans and rhetoric for recovery are not all that different; the biggest distinction between them is not over what they would change to reduce the deficit but over the pace of their plans. Troublesome for the Coalition's more aggressive timeline is what Nick Jones has commented as the "lack of concrete planning at the time of the [2010] Spending Review announcement on how to effect transition in the short-term and the implications for rebalancing the economy sectorally and regionally."<sup>1</sup> If the austerity plan is successful, regained stability will not be realized for some time. This seems a risky political move for the coalition. Whereas staggering of elections in the U.S. prevents tides from sweeping out a political incumbency as Hugh Tomlinson hypothesized could have happened post-expenses scandal, British politics has no such insulation. If the time horizon for the Coalition plan is more than five years, it risks being kicked out for failing to deliver on its promises by the next election.

Tory and Lib Dem control is even more precarious in light of the great deal of controversy surrounding their fiscal plans. A majority of the British public is to be found in middle- and low-income classes and is most vulnerable to the impact of the austerity plan. These people are actively being pushed away from the Conservative and Lib Dem parties; if things have not gotten better for them by 2015 it would not be unreasonable to expect them to reflect their discontent at the ballot box. This is especially true for the Lib Dems: Tony Benn warns that

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<sup>1</sup> Jones, Nick. Personal Interview. 19 Jan. 2011.

coalitions are always more damaging to the more progressive of the two parties.<sup>1</sup> Couple this with the fact that the Lib Dems have reneged on significant (and easy to comprehend) campaign platform promises, e.g. not raising student tuition fees, and their footing may be highly unstable. Consequently, Will Straw of the *Institute for Public Policy Research* (IPPR) believes the government is making a “strategic mistake,” and expects that “the coalition [sic] will take a hit at each subsequent set of local elections (which take place every May) as well as in the Welsh and Scottish elections in May 2011 and the European elections in May 2014.”<sup>2</sup>

The fact that these considerations have not been the first priority for the government supports the Coalition argument that their plan is not politically motivated. Certainly the Coalition is doing what it truly feels is right, and does not want Labour or outside opinion to undermine its mandate to rule and handle the crisis. Neil O’Brien of *Policy Exchange* agrees. He asserts that precisely because the government *can* pass what it likes through Parliament, it would be easy enough for it to pass a cut package that leaves poor people (who are less likely to vote) to fend for themselves while simultaneously beefing up electoral support by enacting electoral reform to help ensure future election wins.<sup>3</sup> He believes one could look to any number of examples where the executive used the legislature and parliamentary procedure to win seats (e.g. cutting funding to hospitals in safe opposition constituencies rather than in contested ones).

Jon Cruddas believes that, on the contrary, the Coalition is doing exactly what O’Brien says it is not, using political procedure to disenfranchise the poor and secure its continued electoral success. He sees the austerity plan as consciously intending to dismantle safety nets for the poor as part of an overall Tory effort to redefine electoral politics. By systematically

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<sup>1</sup> Benn, Tony. Personal Interview. 27 Jan. 2011.

<sup>2</sup> Straw, Will. Personal Interview. 15 Feb. 2011.

<sup>3</sup> O’Brien, Neil. Personal Interview. 3 Feb. 2011.

targeting and disenfranchising Britain's poorer citizens, eliminating and redistricting fifty Commons' constituencies, standardizing the size of constituencies, and abandoning *First Past the Post* for *AV*, the Tories are using their legislative power to effect long-lasting changes to secure their governmental control and offset potential retrospective voting against the austerity plan in 2015 and beyond.

If Cruddas is right in his appraisal of the situation, it would make sense that there is not a lot of room for bipartisan discussion on the matter. The Coalition will push its fiscal agenda through to the dismay of Labour. On the other hand, what if Cruddas is off base (certainly a possibility given that his opinion is fairly dramatic)? What if, as O'Brien says, the Coalition is, and has gone to great lengths to be, even-handed in its distribution of austerity plan pain? If the Coalition was truly interested in being even-handed, it would at least consider outside experts. Even if Labour is fully to blame for the fiscal crisis, there is a disconnect between wanting to do what is best for the country and the spiteful rhetoric that flies across the despatch boxes.

### *Perception*

Despite what the Coalition, Opposition, and experts within and outside of Westminster are saying, does it really matter what the Coalition plan is? How many members of the public keep up to date with statistically detailed reports from PwC or IFS' PowerPoints? Not likely very many. However, most people watch television, and the media can digest the information and spit it out in laymen's terms for the public. Benn is confident that the most important factors

in motivating how a government is received are public and media opinion.<sup>1</sup> The two are surely linked. O'Brien points out that perception has the power to shape policy, a prime example being the Tory decision to replace Margaret Thatcher in 1990 in response to unpopular policies such as the Poll Tax to support local governments and dissent within her administration over views on integration of the UK into the European Community.<sup>2</sup>

How, then, has public perception crystallized around the austerity plan? Browne takes a pragmatic view, stating rather bluntly that “the Coalition will be unpopular in the next few years. They’ll have to show that they’ve got us through the whole crisis.”<sup>3</sup> He is willing to give the Coalition the time to prove itself—or at least believes that they will have until the next election to do so. Despite the thought that a majority of the public might rally against the Coalition, *Economist* polling from October 18th, 2010 shows that popular opinion “is not overwhelmingly negative... 60% of voters regard the cuts as unavoidable, and 48% blame Labour for them. They also seem braced for the impact: 49% expect public services to get a little worse as a result of the cuts, and 35% expect them to get much worse.”<sup>4</sup> Of course, there will be many demographics that do not share those ‘average’ opinions found by such polling. Trade unions have held rallies against the plans, senior military officials are angry about the cutbacks forced upon them, and local governments are vocal against cuts to their budgets.<sup>5</sup>

With public opinion varied, it would make sense that much of public and media perception depends on the extent to which a negative assessment of Coalition policy is successfully presented by Labour. Perhaps this is why the parties have not worked together. For

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<sup>1</sup> Benn, Tony. Personal Interview. 27 Jan. 2011.

<sup>2</sup> O'Brien, Neil. Personal Interview. 3 Feb. 2011.

<sup>3</sup> Browne, James. Personal Interview. 24 Jan. 2011.

<sup>4</sup> Unknown. “Coalition of the unwilling.” *Economist* 397.8705 (2010): page 69. Print.

<sup>5</sup> Unknown. “Coalition of the unwilling.” *Economist* 397.8705 (2010): page 69. Print.

as much as it makes the Coalition's job easier to blame its actions on past Labour missteps, it is in Labour's interest to stand on the sidelines if the plan does not work (as it thinks it will not) to avoid blame and be ready to receive angry members of the public into the Labour party.

Standing apart and refusing to cooperate with one another is crucially important for the parties: if the public is to take its cues from the media and decide with which point of view they agree, venomous bickering at sound bite levels will be most easily comprehended. The back and forth across the despatch boxes and in the media of 'we're right, you're wrong, stick with us!' will thus continue to be the dominant form of inter-party rhetoric. As the plan unfolds, however, Will Straw feels that shifting popular support may encourage the Coalition "to change course and adopt more of Labour's policies."<sup>1</sup>

How has Labour fared? Recent Ipsos MORI polling shows Labour as the most liked of the three major parties: 45% of respondents are pleased with Labour, compared to 37% and 40% for the Tories and Lib Dems, respectively.<sup>2</sup> On leadership, however, the situation is reversed: the same poll ranked Ed Miliband least liked of the three party leaders, trailing Cameron's 47% and Clegg's 40% with 36%.<sup>3</sup> Labour's negative but ineffective response to the tripling of student tuition fees suggests that public response seems to be more in line with polling of the party leaders (where Ed Miliband is regarded least highly) than with polling of the parties themselves (where Labour is regarded most highly). Clegg warned during the election campaign that there would be "'Greek-style unrest' if the Conservatives pushed through savage spending

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<sup>1</sup> Straw, Will. Personal Interview. 15 Feb. 2011.

<sup>2</sup> Benson, Calum. "Labour—'Could they be further ahead with a better known leader?'" *www.totalpolitics.com*. Total Politics, 27 Jan. 2011. Web. 1 March 2011. <<http://www.totalpolitics.com/blog/45443/labour-could-they-be-further-ahead-with-.html>>.

<sup>3</sup> Benson, Calum. "Labour—'Could they be further ahead with a better known leader?'" *www.totalpolitics.com*. Total Politics, 27 Jan. 2011. Web. 1 March 2011. <<http://www.totalpolitics.com/blog/45443/labour-could-they-be-further-ahead-with-.html>>.



cuts on the back of a slim electoral mandate.”<sup>1</sup> This was a motivating factor in the youth support that the Lib Dems enjoyed during the campaign. After the Lib Dems voted for the trebling, students justifiably felt betrayed, taking to the streets in a series of events ranging from protests to riots. Many students have subsequently disowned the Lib Dems; they are not likely to be so keen on the Tories, either. The *New Statesman* has described Labour’s inability to capitalize on the situation: “during his campaign for the Labour leadership, Ed Miliband spoke frequently of his desire to reach out to grass-roots activists and to lead a movement rather than a party. “But since the protests began, Labour has missed countless opportunities to act as a receptacle for a new generation of activists.”<sup>2</sup> Action could have resonated beyond students: “a YouGov poll published on 5 December [2010] showed that 49% of voters are opposed to the coalition’s tuition fees policy, with just 38% in favour.”<sup>3</sup> If Labour cannot latch on to popular opinion against an unpopular Coalition policy that has received a heavy amount of press, the prospect for their rallying public support more generally is fairly grim.

Even if Labour was doing a better job rallying the public, would its efforts really resonate? Keep in mind that Labour’s credibility took a pounding in the summer of 2009. It is possible that the public is not yet ready to accept Labour as the protector of the taxpayer’s wallet because the image of Labour’s hands in their wallets is so fresh in memory. That Labour has polled most liked of the parties could simply signify expected higher public discontent with the in-power parties—the Tories and Lib Dems. In discussion of the matter, Lord Norton posits that there is certainly carryover in public discontent with Parliament from the expenses scandal,

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<sup>1</sup> Unknown. “Labour cannot afford to be left behind by today’s protesters.” *New Statesman* 13 Dec. 2010: page 5. Print.

<sup>2</sup> Unknown. “Labour cannot afford to be left behind by today’s protesters.” *New Statesman* 13 Dec. 2010: page 5. Print.

<sup>3</sup> Unknown. “Labour cannot afford to be left behind by today’s protesters.” *New Statesman* 13 Dec. 2010: page 5. Print.

compounded by budget cuts and tax increases.<sup>1</sup> Thus, a large part of Labour's ability to transform discontent with the Coalition into Labour support may depend on the extent to which, and for how long, any discontent remains targeted at Labour.

### *Where the UK Stands Now*

Roger Bootle of *The Telegraph* is of the mind that it is simply too early to analyze whether or not Cameron, Osborne, and their team have handled the mess appropriately.<sup>2</sup> At the time of this writing the majority of the budget cuts have not yet come into effect; with cuts scheduled to take effect in a matter of weeks following the recent March 23<sup>rd</sup>, 2011 budget, many are currently holding their tongues and keyboards. Causing further anxiety is the fact that UK "GDP contracted by 0.6% in the final three months of last year [2010]."<sup>3</sup> Osborne is fond of pointing out that the UK had an unusually nasty winter, with snow bringing the country to a halt for several days and negatively affecting the economy.<sup>4</sup> When the cuts do come into effect, will they cause a rebound in the economy or a further contraction? External factors such as instability in the Middle East and the ensuing effect on oil prices add to the uncertainty.

Having released his new budget on March 23<sup>rd</sup>, 2011, not much seems to have changed in the Chancellor's point of view. This serves to further cement that the Coalition's plan—both

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<sup>1</sup> Professor the Lord Norton of Louth. Personal Interview. 3 Feb. 2011.

<sup>2</sup> Bootle, Roger. "Chancellor Osborne can cement his reputation if he avoids a double dip." *www.telegraph.co.uk. The Telegraph*, 13 March 2011. Web. 15 March 2011. <<http://www.telegraph.co.uk/finance/comment/rogerbootle/8379354/Chancellor-Osborne-can-cement-his-reputation-if-he-avoids-a-double-dip.html>>.

<sup>3</sup> Stewart, Heather & Andrew Clark. "A budget for growth, chancellor? Perhaps you could try this..." *www.guardian.co.uk. The Guardian: The Observer*, 13 March 2011. Web. 15 March 2011. <<http://www.guardian.co.uk/business/2011/mar/13/budget-for-growth-chancellor-try-this>>.

<sup>4</sup> To appreciate how bad the situation was, the drive from London to Suffolk (eastern England) for a wedding in the middle of December following a major snowstorm took ten hours; the drive usually takes two.

good and bad—was not merely a rushed blip, but a long-term plan that will not change. Shamik Das of *Left Foot Forward* (LFF) highlights that the new budget delivers “little cheer for students, the poor, those on low-to-middle incomes, people in a job, people without a job... basically everyone, save for big businesses who will benefit from the chancellor’s [sic] slashing of corporation tax—depriving the Treasury of £11.2bn over the next four years.”<sup>1</sup> As the name implies, LFF carries a left-wing bias. To validate its opinions, the *Independent’s* Johann Hari argues that “this was a budget that abandoned everything we have learned about economics since the Great Depression of the 1930s. We discovered then that in a recession, consumers—quite rightly—cut their spending and save more. But if the Government does the same thing at the same time then nobody is spending and the recession gets worse... John Maynard Keynes [is] spinning and howling in his grave.”<sup>2</sup>

### *Summary*

In contrast to the expenses scandal, analysis of the austerity plan benefits neither from hindsight nor from being devoid of external influence. In terms of the financial crisis, it is more difficult to analyze the plan and its potential long-term effects, as future external geopolitical and economic events will impact the British economy in ways that cannot be predicted. From a purely policy and legislative perspective, however, the response to the crisis again highlights a less than ideal response from Westminster to address a crisis situation. There are question marks regarding whether the austerity plan is the best course of action and whether the short-term hurt

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<sup>1</sup> Das, Shamik. “Look Left—Osborne fails to learn the lessons of history.” *www.leftfootforward.org*. Left Foot Forward, 25 March 2011. Web. 25 March 2011. <<http://www.leftfootforward.org/2011/03/look-left-2-03-11/>>.

<sup>2</sup> Das, Shamik. “Look Left—Osborne fails to learn the lessons of history.” *www.leftfootforward.org*. Left Foot Forward, 25 March 2011. Web. 25 March 2011. <<http://www.leftfootforward.org/2011/03/look-left-2-03-11/>>.

will be fully offset if long-term planning pans out as the Coalition expects. One thing is certain: in the face of uncertain and complicated economic conditions, considering opposing points of view (if not compromising on the plan) would have been beneficial. The ramifications are simply too important to leverage an entire citizenry's well-being on measures inspired by hubris.

## Conclusion: Takeaway for the U.S.

*“The handling of this matter is little short of disgraceful. It bears all the hallmarks of a knee-jerk response by a beleaguered Prime Minister in a bunker making legislation on the hoof in response to newspaper headlines and announcing his quick thought for the day on YouTube. It flies in the face of all the Government’s own rules for public consultation—I stress public consultation, as distinct from secret cross-party talks—and adequate time for scrutiny of legislation. It raises serious constitutional issues as a result of the thoughtless haste with which the Government did the drafting. We see evidence of that in the continuing response by the Government in making changes and even promising some—if I heard it right—in the next Parliament.”*

*– Lord MacGregor of Pulham Market in House of Lords debate, July 8<sup>th</sup>, 2009*

Though the above was spoken with regard to the expenses scandal, it could just as easily be discussing the response to the budget crisis. It is of note because, among all the expert testimony presented within these pages, it is the most eloquent criticism of Westminster’s less than honorable handling of crisis situations. Further, it serves as prime evidence as to why the U.S. would not necessarily be better off for having enacted parliamentary-style reforms.

Tony Benn believes that in spite of structural governmental differences between the U.S. and the UK, the two systems are not all that different. Pondering the disparities between the two nations, Lord Norton sees no reason why the U.S. could not operate under a parliamentary model;<sup>1</sup> described by the UK’s *Political Studies Association* as the ““greatest living expert on Parliament,”” and having spent time in the U.S.—where he received an M.A. degree from the University of Pennsylvania—his conclusion must be accepted as valid.<sup>2</sup> The basis for comparison therefore exists to validate the potential described by Sundquist in the opening pages of this chronicle that the U.S. could, absent constitutional impediments, adopt reforms to see it

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<sup>1</sup> Professor the Lord Norton of Louth. Personal Interview. 3 Feb. 2011.

<sup>2</sup> Unknown. “PSA Awards 2008.” *www.psa.ac.uk*. Political Studies Association, n.d. Web. 1 March 2011. <<http://www.psa.ac.uk/Content.aspx?ParentID=2&SearchID=1002008>>.

operate more like a parliamentary system. Having since described Parliament's legislative response to two crises, the original question may now be posed once again: would the U.S. truly be better off if its government operated more like a Parliament?

A crucial point to keep in mind is that the question does not imply a binary response, though Sundquist, Samuels, and Shugart may believe it does. It is not as simple as saying one system is right and the other is wrong, either holistically or at the facet level. However, as if strolling down the lane of a supermarket and placing listed items in the basket, the authors pick and choose pieces of the parliamentary system from which they believe the U.S. would, from governmental and public policy angles, benefit. By falsely assuming that the issues associated with governance in America are symptoms of structural rather than cultural deficiencies, they fail to notice the similar influence of partisan and electoral consideration that negatively impacts the legislative process and policy output in the UK. That British politics likewise suffers from the same two of the biggest obstacles to providing good policy and governance, that those obstacles have become more problematic in recent history, and that those obstacles exist in both the U.S. and UK despite the structural differences that enable them, should evidence the fact that the underlying problems on both sides of the pond are more cultural than structural. For Washington to nevertheless benefit from a closer structural resemblance to Westminster, America would have to find itself in a position where the pros and cons associated with a relative inability to progress and evolve are fundamentally outweighed by the pros and cons associated with the ability to act swiftly and decisively.

Do the British pros and cons outweigh the American ones? As aforementioned, abuse of legislative procedure such as the filibuster (which is, ironically, constitutionally unprotected though many Senators embrace it with incredible fervor) and a loss of collegiality in Congress in

recent years suggest that we have indeed reached this point. Would we be better off if our system of government did not enable status quo to a fault? Most likely. In that case, would the U.S. not benefit from at least getting *something* done? This argument presupposes that flawed action is superior to inaction or delayed action. As Whitehall's responses to the expenses scandal and financial crisis demonstrate, this presupposition is false. The expenses scandal was followed by an irrelevant (Crag) and insignificant (PSA) response that revealed a degree of consideration for partisan and electoral ramifications and, as evidenced by polling, did not address the public's discontent with Parliament. The response to the financial crisis showcases a response that sacrificed expert analysis and balanced ideology in favor of continued vitriol from opposing benches. In both situations a more thoughtful and ideologically balanced response would have been preferable.

From the party perspective, while stagnation promotes discontent among members of Congress who are apt to blame the other party for their inability to legislate, swiftness and speed promote similarly venomous inter-party animosity in Britain and lead to a great deal of finger pointing. Because of unified party control of the branches of government in the UK, it is easier to place blame on one identifiable entity (the party). As finger pointing during expenses scandal and financial crisis responses demonstrates, a fine line is easily crossed in such a system where, among the brouhaha of "he said, she said" and "I'm right, you're wrong," everything gets wrapped up in these black and white portrayals of events. David Cameron's new year's message at the end of 2008 while he was Leader of the Opposition (following the financial meltdown) provides a typical example:

*"That is how we will rebuild our broken economy and our broken society—business by business, family by family, community by community. Not through imposing some kind of state blueprint from above, like Gordon Brown wants to do, but by allowing the talent and effort and incredible character of British people to shine. That is the greatest source of hope we have. That is why I'm optimistic"*

*about our country's future. And that is why we need change now.*"<sup>1</sup>

For context, this paragraph was bookended by an opening paragraph referring to Emperor Hadrian of Rome who suggested that Rome would be rebuilt after a devastating fire brick by brick and a subsequent paragraph that goes into a diatribe against Labour. Never mind the fact that a state blueprint with absolute notions of what must be done is exactly what Chancellor Osborne has put forward; so, what is Cameron actually saying here? If the sophomoric paraphrasing may be pardoned—if only to highlight the paragraph with humor: ‘we’ll fix the British economy by caring about each person. Labour is bad, they think they have all the answers. Don’t forget what your mother told you—you are special! Because you’re special, we’ll get out of this mess. Because you’re special and that’s why we’ll get out of this mess, that’s why we need to ditch Labour. Labour is evil. Did I mention Labour is bad news?’

This style works in a parliamentary system. Not only do the two sides not have to get along, but if the opposition is going to be left out by controversial policies that they cannot stop, at least they can kick and scream and draw attention to themselves. Is this really the kind of system with which America would be better off? Are things not bad enough already with our state of politics that we should risk *heightening* partisan animosity?

By many yardsticks both U.S. and UK systems of government appear to have become morally bankrupt. That is not to say that democracy does not work. I am an optimist, and I remain confident that it only takes a new generation of politicians to break out of the system to fix it. Perhaps the leaks in the boat will never be plugged, but they could be. To all the pessimists sitting in the boat shaking their heads while it sinks and saying “I told you so,” I would retort that there are too many problems on this planet to make the fall of democracy a self-

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<sup>1</sup> Rt. Hon. David Cameron MP, Leader of the Opposition. “Cameron: Labour’s debt crisis is the past.” *www.politics.co.uk*. politics.co.uk, 30 Dec. 2008. Web. 1 March, 2011. <[http://www.politics.co.uk/speakers-corner/issue-of-the-day/cameron-labour-s-debt-crisis-the-past-\\$1257649\\$1257647.htm](http://www.politics.co.uk/speakers-corner/issue-of-the-day/cameron-labour-s-debt-crisis-the-past-$1257649$1257647.htm)>.



fulfilling prophecy.

At the same time, I'm also a pragmatist. Perhaps the final word is that despite all of the reasons why the U.S. would not necessarily be better off operating more like a parliament, pragmatism, backed by all of the evidence provided herein, should immediately tell us that parliamentary-style reforms are not worth our consideration. Something needs to be done, and our efforts need to be focused where they can make a difference.

America should not be wasting time with suggestions that do not help. With a greater degree of resemblance to Westminster, all the U.S. will have done is replaced some familiar problems with unfamiliar ones. Further, the argument towards deficiencies being structural in nature is, despite best intentions, counter-productive. By ignoring cultural deficiencies or suggesting that they are not the true problem, politicians are not being held accountable for abusing powers that, while intended to protect the U.S., are in fact hurting it. To say that the system is broken and should be replaced seems a cop-out.

Lastly, the argument in favor of parliamentary reforms gets America nowhere. The American federal system will not change, and should not—at least not to a parliamentary model. American Political Science, and all Americans, would benefit from experts spending less time searching for answers to why the state of political affairs is so bad and spending more time searching for plausible ways to improve the situation. Instead of moving the goal posts, let us figure out how to work within the boundaries we have.

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