
Taking the
PARTY



out of
POLITICS

HOW IT'S SUPPOSED TO WORK
- WHY IT ISN'T WORKING -
AND HOW TO FIX IT.

Hello and Welcome to *Taking the Party out of Politics!*

This is a podcast about understanding how politics is supposed to work, ...
... why it isn't working as well as it could be working, ...
... and what we might be able to do about it.

Because:

by understanding a little bit more clearly *how* things are supposed to work,
and *why* they are a bit messed up,
we *might* be able to get things to work a *bit better*. Perhaps even a *lot better*.

This is a little journey we are taking together, about the systems and functioning of Politics:
systems which we should all understand, because those systems affect all of our lives, all of
the time.

And this podcast is about how we might be able to make those systems work a bit better.

In Season 1, we took a look at how government is supposed to work, from the perspective of
us – the voters.

This is Season 2, in which we are trying to look at how government is supposed to work,
from the perspective of someone trying to get elected, and then trying to do a good job.
Looking ahead, in Season 3, we will be looking at what we might be able to do, to make
things work a bit better. Importantly, when we get to Season 3, we will be sharing our ideas,
but also sharing some of the best of YOUR ideas, about how to make things work a bit
better.

Today we're going to have a closer look at something we touched on in some earlier
episodes. It's called **The Separation of Powers**, but we're also going to look at **The
Conflicting Pressures** which this separation of powers put on **Being an MP**.

So far already, the whole process isn't working properly for our elected representatives – our
MPs. In Season 1, we looked at how hard it is for voters to make the electoral system work
properly: so that the people whom we elect are likely to be good representatives –
representing us, and representing our needs and preferences. So far in Season 2, we have
looked at how hard it is for a new MP to get elected; how hard it is for a new MP to work out
how to be effective once they *are* elected; and then how the systems within Parliament mean
that much of their work is then controlled by party whips, or bullied into line by Ministers, or
simply by-passed ... by having secondary legislation slipped into bills at the last minute.
It's difficult to get elected, and then once you are elected it is difficult to achieve much, you're
overworked, and you're expected to just go with the flow – all whilst managing an onslaught
of media attention.

Our MPs – if they had any idealism about them at all, when they first got into politics – well,
they probably wanted to make the world a better place. They wanted to deal with the
Wicked Issues. But then our MPs find that the system not only doesn't make it easy for
them to do a good job, to deal with the Wicked Issues, and to make the world a better place
... in fact, the system actually tears our MPs in two opposing directions, making it nearly
impossible for them to do the job which we think that they are there to do.

Separation of Powers: How it's supposed to work and how it actually works



So, we have been looking at Government from the perspective of an individual MP.

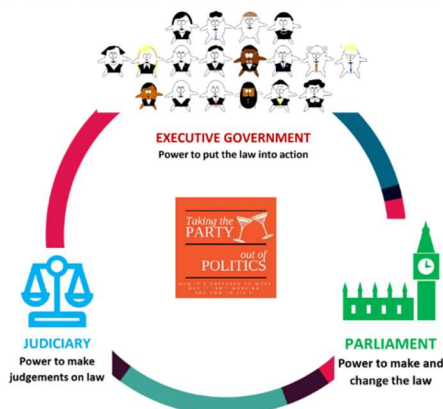
And we have also been looking at Government from the perspective of the systems which are supposed to make Parliament and Government work.

Let's take a further step back, and look at Government from the perspective of the theory of how Parliament and Government are supposed to work together.

And, at this stage, we also need to throw in a third group. The Judiciary.



Separation of Powers



... and the conflicting pressures on MPs

A government protects political liberty by dividing its powers. This prevents a concentration of authority; a concentration which otherwise might lead to infringements on freedom¹.

In other words, we don't want anyone to be too much of a dictator.

Too much power in one set of hands runs the risk that all that power might run away with itself, rather than being used for the general good. A really good way of ensuring that there isn't too much power in one set of hands, is to divide things up, with different areas of power keeping the other areas of power in check.

¹ Charles-Louis de Secondat, Baron de Montesquieu (1689-1755) *Defense de l'Esprit des lois* (1748)

This is called the “Separation of powers”: three different branches of government, each with their own function: legislative, executive, judiciary.

- The legislative branch creates laws and provides for funding (taxation)
- The executive branch implements the government’s policies
- The judicial branch presides over conflicts (between the executive and the legislative) and checks if new laws are constitutional.

If something which the legislative or the executive does makes us unhappy, then we don’t have to take up our pitchforks and storm the Bastille. We take the government to court.

We saw this in action in 2019, for example, when the government tried to stop Parliament from scrutinising the government’s plans for Brexit. A campaigner called Gina Miller² challenged this in the Supreme Court, and won. “Judges said it was wrong to stop MPs carrying out duties in the run-up to the Brexit deadline on 31 October.”

The legislature makes the laws; the judiciary interprets the laws; the executive applies the laws. Each should have the ability to call the others to account.

This separation exists in many political systems, such as in the United States, where the Legislative (Congress: the Senate + the House of Representatives) is supposed to scrutinize the policy-making of the Executive (the White House), with the Judiciary (the Supreme Court) refereeing between the two. However, given that both the Legislative and the Executive are elected, through a party-skewed electoral system, this regularly leads either to deadlock (with a Democrat controlled Congress frustrating a Republican White House, or vice versa) or to a system of inadequate scrutiny, where ‘yes-men’ vote through policies with insufficient scrutiny.

Although this example doesn’t actually apply to a particular policy initiative a clear example of this was the recent attempt by Congress to impeach the President. A Democrat-controlled House of Representatives was able to start impeachment proceedings, but a Republican-controlled Senate was able to stonewall those same proceedings, in what simply became an unedifying process of mudslinging and posturing for future electoral advantage.

² <https://www.bbc.com/news/uk-politics-49810261>

In the UK (as in many other countries), this division (the separation of powers) is muddled, by the spread of political parties and political allegiances across and through the different branches of government.

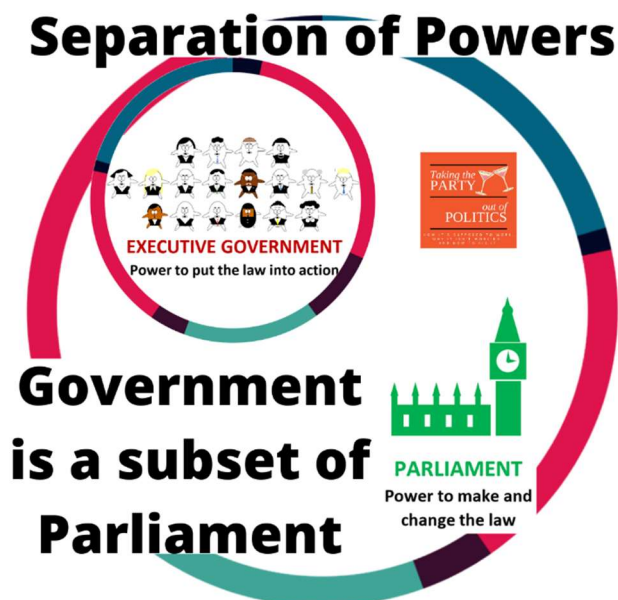
- The judicial branch is the judiciary - such as the Supreme Court, or the Court of Appeal
- The legislative branch is the Houses of Parliament
- The executive branch is the Government, supported by the Civil Service

The executive branch of government consists of leaders of offices, with the top leadership roles including

- *the 'Head of State' (the Queen in the UK, a ceremonial position),*
- *the 'Head of Government' (the Prime Minister in the UK, and the de facto leader),*
- in addition to*
- *a defence minister,*
- *an interior minister (the Home Secretary in the UK),*
- *a foreign minister,*
- *a finance minister (the Chancellor of the Exchequer in the UK),*
- and*
- *a justice minister³.*

The executive branch of government has the authority and responsibility for the day-to-day administration of the state. The executive puts the law into practice.

The executive branch can be the source of certain types of law and regulations.



³ <https://www.tutor2u.net/politics/reference/executive-branch-uk-politics>

Leading the Civil Service, the Government (the Executive) takes the lead on establishing most policies and laws.

However, the Government is also a subset of the Houses of Parliament.

The Government (the Prime Minister and the Ministers – normally about 26 of the 650 MPs in the Houses of Parliament), should be held to account by the (rest of the) Legislative (the Houses of Parliament).

This is logical. However ...

Separation of Powers Separation of Powers

Legislative:
Party A



Executive:
Party B

Result = Log Jam



Legislative:
Party A



Executive:
Party A

Result = No Checks



At the moment in the UK (and in many other countries), the legislative and the executive are both dominated by party politics, as we have already seen. This either leads to

1. a log jam (with no action, because – as in the example of the attempts to impeach a Republican President by a Democratic-Party-controlled House of Representatives not being able to achieve anything more than a bit of media grandstanding, because they were blocked by the Republican-Party-controlled Senate)
- or
2. too much unrestrained power (where the government and ministers are able to push through new laws and plans without proper reflection and consultation, without full and extensive engagement, and without any real scrutiny).

What is the effect of this muddying between the Executive and the Legislative?

Well, as we have already seen, there is a serious conflict created for individual MPs.

And, as we will discuss in the next episode, the unrestrained power which can result from this muddying and from the conflict for MPs, can also lead to some big problems for the country.

First, though, let's look again at the effects on individual MPs.

We have already touched on most of this, but let's review it briefly, in the light of our added understanding of the idea of the separation of powers.

Or, rather, in the light of our understanding of the *inadequate* separation of powers.

The conflicting pressures of being an MP

An MP is expected to be at least three things, and the system encourages them to become a fourth thing.

An MP is expected to be:

- a. **A local representative** - present in the constituency and available to the constituents;
- b. A representative of their electorate in **calling the Executive to account**;
- c. A representative of their electorate in **scrutinizing legislation**;

and an MP also ends up being:

- d. A member (or at least a supporter) of the executive - to become a Minister, to make policy, to be in the media, to be noticed. Or, if they are a member of an opposition party, then a member (or at least a supporter) of the opposition's leadership team (what is sometimes called the Shadow Cabinet). That support and loyalty from the MPs is what is going to help with re-election.



Let's look at each of those roles, in a little more detail.

An MP is expected to be ...

a. ... **A local representative.**

For example, an MP is supposed to stand up for the interests of the people who live in their constituency, for the businesses in their constituency, for the environment in their constituency, and so on.

The MP might keep in touch with what local people want by holding what are called local *surgeries*. This is where members of the public can go to talk to their MP, to explain why such-and-such is a problem, or perhaps to ask for help on a certain issue.

It is absolutely clear that many members of the public place enormous value on this role of their MP. To be able to go to speak directly to someone who is one of the 650 people who are part of the system which is running the country. That's real access to power.

It might be that this local connection with constituents means that an MP is made aware of an issue which needs to be taken up in Parliament. Many MPs have started campaigns – even if they are not directly part of the government, but just a backbench, opposition MP – which have (eventually) led to changes in government policy.

A lot of the time, though, it might just be that the profile or connections which an MP has means that they are able to help with small local problems – for example, an MP might be able to direct one of their constituents to the local services which can help them with their housing problem, or a problem with their school.

It is not clear that this latter bit is actually a role which absolutely has to be done by MPs.

This could be achieved by elected representatives at other levels (e.g., County or City/District Councillors). Very often, for example, the MP is merely pointing their constituents in the direction of the local services to which the constituent should really have gone to in the first place. In some instances, MPs are aware of this, and sometimes have surgeries alongside their County Council or District Council colleagues. Sometimes, even with representatives of the most in-demand local civil servants, as well.

However, MPs generally do this sort of local surgery quite well.

And it really is important for them to be in touch with their constituents on a regular basis, to be clear about what their constituents think and care about.

Even if a Saturday morning surgery, in the café at the local supermarket, doesn't appear to have brought up any issues which need to be raised by the MP on a national stage, it's probably really good for both MPs and constituents that this contact is there. And that it is seen to be there. Maintaining the contact between representative and those people who are represented.

An MP is also expected to be ...

b. **... Calling the Executive to account.**

This is incredibly important.

The Select Committee process is working sometimes, and MPs are engaged in this process. However, as we have seen before, party politics gets in the way here, and limits and shapes what MPs do. If a minister from your party is pushing through a new bit of legislation, then you might not be too popular with your party if you challenge it too much, and make the minister look a bit silly. And if you are from the opposition party, then everything you say might be dismissed as being negative for the sake of being negative – even if you were trying to be constructive.

Too often, it is merely going through the motions, not going through the detail.

An MP is also expected to be involved in the ...

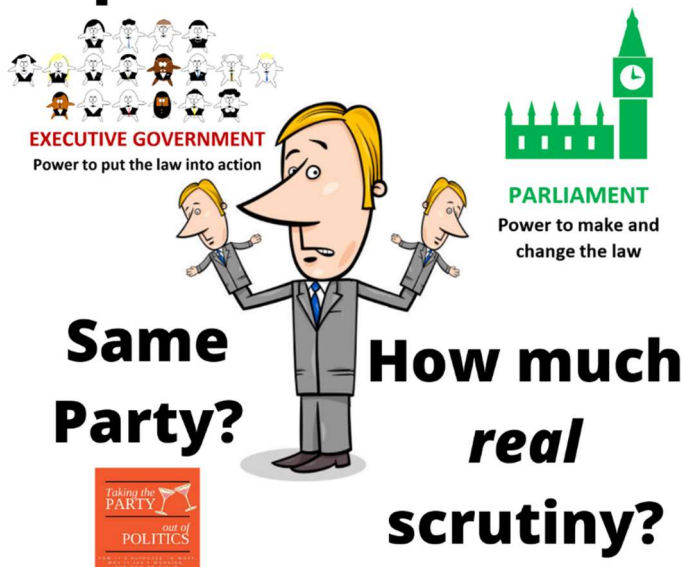
c. **... Scrutiny of Legislation**

This is also incredibly important.

Better scrutiny could lead to better laws being better implemented to achieve better results. However, the quality of legislative scrutiny is the one thing for which there is the least structural and cultural encouragement within the Westminster bubble.

Why? Because potential scrutineers are members of political parties, and are either required to be Yes-Men (bullied by Whips), or aspire to impress the Executive (in the hope of being promoted to being part of the Executive – as a Minister)⁴.

Separation of Powers



In practice, the initiative for establishing laws and regulations starts with the government.

It could be argued that this is correct.

⁴ Getting On: *Why we get the wrong politicians*

The government is formed from the largest political group, following a general election. In theory, this political group has been chosen by the voters because the voters want the policies which were in the political manifesto of that political group. It might seem to be right, then, that the government which has in effect been chosen by the voters should be setting the initiative for establishing new laws and regulations. It might seem to be right that that government should be looking at making changes and adjustments to existing laws and regulations, and to the ways in which those laws and regulations are applied.

[In fact, there are many reasons why a party wins an election, and why a voter votes for a particular candidate. It is unlikely that anyone votes for a candidate because they want every single thing in the manifesto. To claim a 'popular mandate' for every policy in the manifesto can often be just political sleight of hand].

However, if the government (the Executive) can push (rush?) through legislation with inadequate scrutiny (because they can rely on their backbenchers, who have a majority of the votes either in the scrutiny committees or in the House of Commons), then we can far too easily end up with poorly constructed legislation, which has not been considered from all perspectives – and which is then very likely to have consequences which were not foreseen but which could have been foreseen.

If the Executive were more clearly separated from the Legislative, then the Legislative could (in theory, at least) focus on providing proper scrutiny of what the Executive does (or aims to do, and how they aim to achieve it).

We might think that one way of separating the Executive from the Legislative would be to require Ministers to resign their seats as Members of Parliament, or to elect the Executive (the government) directly, rather than electing MPs to Parliament, and then allowing them to decide who is in the government. At first glance, that sounds plausible. However, this would not remove the thread of Party Politics which links the two. Ministers would still be members of the Party which had a majority in Parliament. MPs would still be members of the Party which was running the Government, the Executive.

We can see this clearly in the system in the United States.

Although the President is directly elected (he or she is not just there because the largest political group in Congress decided to put him or her there) the President is still a member of a political party – and other members of that political party are in Congress.

There would also be many other knock-on implications: by-elections to replace them as elected representatives; difficulties in conducting cabinet reshuffles. It would make it a much bigger leap from MP to junior Minister, and so there would be less opportunities – and MPs are not going to welcome that.

No. If we are going to make it possible to have a better-functioning Separation of Powers, then we will need to find a more subtle way of Taking some of the Party out of Politics.

Unless, of course, you have some different ideas. Some suggestions as to how things could be different. Perhaps about how we could use our systems differently, or about how we could tweak them so that they worked better, in all of our interests.

If you have any ideas, we would love to hear from you. In Season Three of *Taking the Party out of Politics*, we will be exploring various ideas about how we could make things better. And we would love to hear from you. Just email us with your ideas, on info@talktogether.info. If your ideas are good – or if they help us to understand things more clearly – then we will include them in Season Three. We might even contact you, to interview you about your suggestions! We look forward to hearing *your* thoughts.

* * *

Next time, we're going to look a bit more at **Government Blunders**.

This is partly the result of an ineffective **Separation of Powers**, and of our MPs being placed under **Conflicting Pressures**. If government plans can just be rushed through, without needing to consult fully, without needing to take into account the opinions and needs of everyone who will be affected by new laws, or by changes in the laws, then very often those new, changed laws can end up being a bit of a mess. To say the least.

Like not taking enough time to put two coats of paint on, when you are decorating a room at home, or like not frying the onions slowly enough, and ending up burning them – or simply like not checking whether everyone actually likes fried onions – rushed legislation can end up being a bit of a dog's dinner. A dog's dinner which often doesn't achieve what it was supposed to achieve, costs a lot of (our!) money, and which far too often can actually have the *opposite* effect to that which was intended.

And the point about not having taken sufficient time, not having consulted, not having built consensus – the point is that these are not just things which went wrong because the situation changed. **Government Blunders** are things which could have been avoided, because there were people around who could have helped to make the new, changed laws work more effectively. But no one stopped to check properly.

Well, next time we're going to have a look at all of that.

For now, thank you for listening.

If you would like to have a look at transcripts of the podcast, including links to all of our sources and references, please go to www.talktogether.info, and follow the links to the Podcast from there. And, of course, if you would like to contact us – not least if you would like to share any ideas which you have about how we could make things better, or if there are any areas of how Politics is supposed to work, but why it isn't working – then please email us at any time on info@talktogether.info.

If you have enjoyed this podcast, then I hope that you will take the time to tell your friends. And perhaps you could also take a moment to give us a rating wherever you found us – that not only helps other people to find us; it also just really makes us feel appreciated. ☺

That would be great. Thank you.