The Policy Power of the Westminster Parliament: The "Parliamentary State" and the Empirical Evidence

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Drawing on several large research projects, and using both quantitative and qualitative evidence, this article assesses the policy influence of the Westminster parliament. Frequently dismissed as powerless in both academic and more popular accounts, we instead show evidence of an institution with significant policy influence, at successive stages of the policy process. Conventional accounts have focused too much on the decision-making stage, to the exclusion of parliament's role at earlier and later policy stages. Critics have also focused disproportionately on visible influence, overlooking behind-the-scenes negotiations and the role of anticipated reactions. Based on analysis of over 6,000 parliamentary votes, 4,000 legislative amendments, 1,000 committee recommendations, and 500 interviews, we conclude that Westminster's influence is both substantial and probably rising.

Introduction

In the study of public policy, legislatures in parliamentary systems tend to be viewed as relatively weak. The "fusion" of the executive and legislative branch and dependence by ministers on legislative confidence lead to concerns that while the legislature notionally controls the executive, the relationship often in practice works the other way around (Olson 1994, 77). The British Westminster parliament is particularly subject to such claims. The classic comparative view, maintained in many contemporary analyses, is that "the U.S. Congress and the British Parliament serve as the emblematic examples of a strong Congress and weak parliament respectively" (Kreppel 2014). In common parlance, the term "Westminster model" is widely associated with centralized executive power and an acquiescent legislature (e.g., Lijphart 2012).

Assumptions of Westminster's weakness are not confined to comparative scholars, but are equally commonplace in the British politics literature. In a recent article charting the "parliamentary decline thesis," Flinders and Kelso (2011) traced gloom-laden statements about Westminster's powerlessness back over a century and more. Since Richardson and Jordan's (1979) memorable characterization of Britain as a "post-parliamentary democracy," such understandings have been particularly pervasive among public policy scholars—notwithstanding some counterclaims that the United Kingdom remained a "parliamentary state" (Judge 1993).

Yet more recent British scholarship, as Flinders and Kelso (2011) highlighted, has begun to demonstrate that Westminster is more influential than is widely believed. Various studies have charted policymaking in both the House of Commons and House

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of Lords, in plenary and specialist committees, through legislative and executive scrutiny, and using both quantitative and qualitative approaches. Their findings, however, remain disparate and have not yet been drawn together into a whole-institution analysis. This article bridges that gap, suggesting that on various counts, the Westminster parliament is far more influential than commonly assumed. We adopt a public policy lens, asking which parliamentary actors and processes exert influence, and at what policy stage(s). In doing so, we provide clear indications of the "parliamentary state" at work. This in turn casts doubt on broader assumptions of lack of legislative influence in parliamentary systems of government.

The remainder of the article comprises seven main sections. The first summarizes dominant academic views of Westminster and the policy process. The second briefly summarizes the methods and data that we draw upon. Four sections then address different mechanisms for potential parliamentary influence. We conclude with a discussion of the collected evidence.

Academic Views on Parliament and the Policy Process

Westminster may be emblematic of British democracy, but it has long been dismissed as lacking de facto power. Nelson Polsby's (1975) classic characterization of "transformative" versus "arena" legislatures presented Britain as a key example of the latter: fundamentally a talking shop rather than a policymaking machine, in part due to the dominance of political parties. Likewise, Mezey (1979) classed the U.S. Congress as an "active" legislature, but most legislatures in parliamentary systems—including the United Kingdom—as merely "reactive."

Comparativists considering Britain were surely influenced by domestic rhetoric, which has long lamented "parliamentary decline" (Flinders and Kelso 2011). More than a century ago, Low (1904, 80) lamented that the "House of Commons no longer controls the Executive; on the contrary, the Executive controls the House of Commons." Five decades later Hollis (1950, 64) described British Members of Parliament (MPs) as mere "obedient servant[s] of the party machine." The sense was always that the heart of decision making had moved elsewhere—toward Whitehall, the political parties, or (latterly) external pressure groups. Richardson and Jordan's (1979) conception of the "post-parliamentary state" was a new milestone, shifting the emphasis away from traditional, formal institutions and toward informal "policy networks." Such analyses, which helped to build the new academic discipline of public policy, viewed parliaments as relatively peripheral actors, tasked with approving policies largely negotiated elsewhere. Attempts by some British scholars of parliament to hit back had limited impact. Judge (1993) argued that Britain remained fundamentally a "parliamentary state," while Norton (1993) asked, "Does parliament matter?" Both authors emphasized Westminster's broad legitimating role and its central functions in determining the executive and acting as an arena for dissent, rather than documenting specific policy influence. Norton's careful answer to his own question was, "Yes certainly. But . . ." (201), which lacked the bold simplicity, and hence the impact, of parliament's detractors.

Most public policy scholars thus continue to view parliaments—and Westminster in particular—as fairly toothless. As Knill and Tosun (2012, 139) put it, "Despite the name 'parliamentary democracy', the parliament plays only a limited role in decision-making in the British Westminster model." Attention has shifted away from discrete institutions and toward broader processes and the spread of policy ideas. A common, though oft-disputed, approach has been to present policymaking in terms of distinct phases or stages: such as agenda setting, policy formulation, decision making, implementation, and evaluation. While critics argue that "the stages idea confuses more than it

illuminates," they acknowledge that "[p]olitical expectations and institutional arrangements create, in semblance at least, a version of sequential decision-making" (John 2012, 28, 18). This framework hence structures many general public policy texts. But such approaches are largely divorced from the separate discipline of legislative studies. One rare exception was a volume edited by Olson and Mezey (1991), tracing economic decision making in three legislatures, including the United Kingdom. They noted that legislative input may occur at all stages, but might be greatest post-decision making—largely thanks to the work of committees—and most limited at the agenda-setting stage.

There are significant challenges in assessing parliamentary influence on the policy process. One stems from the diverse functions of legislatures, not all of which are targeted at immediate policy change. These multiple roles, for example, as forums of national debate and as scrutineers (rather than decision makers), are routinely acknowledged by legislative studies scholars (e.g., Loewenberg and Patterson 1979; Norton 1993). Another widely noted problem is the likelihood that legislatures' greatest influence comes through "anticipated reactions"; as Mayhew (1974, 107) noted in his classic work on the U.S. Congress, "[P]residents, bureaucrats and judges, anticipating trouble with Congress, take action to avoid it." Such effects are by their nature difficult to measure, though Manow and Burkhart (2007), for example, show that governments faced with hostile second chamber majorities exercise greater legislative self-restraint. The self-restraint with respect to the first chamber, which wields the potential confidence vote, is always likely to be greater—but even harder to detect. As Mezey (1979, 26) pointed out, "[G]overnment proposals [may] appear to pass the legislature unopposed and unamended simply because the government avoids introducing those things which may provoke legislative resistance, or because it has acceded to changes privately." Researchers interested in detecting legislative influence must thus explore behind-the-scenes negotiations and engage with the executive as well as parliament.

Recent British scholars have done exactly this, and their findings suggest significant influence by Westminster. This may result in part from changes in parliamentary structures and behavior, such as the establishment of specialist Commons "select committees" from the 1970s, significant Lords reform in 1999, and growing signs of independence among members of both chambers. But these new conclusions also benefit from recent more exhaustive research approaches. In drawing together the results of this research, as we do here, a public policy lens—and specifically an emphasis on policy stages—can help. We argue that parliamentary critics make two key mistakes: First, they concentrate largely on the decision-making stage; second, they focus almost exclusively on visible impact, such as government defeats on legislation, which may be rare. We thus broaden the focus to consider the Westminster parliament's impact predecision (in terms of agenda setting and policy formulation) and postdecision (in terms of implementation and evaluation) as well as at the decision stage. We trace both visible and less visible impact, with a particular interest in anticipated reactions. Our central question is thus: "What evidence is there of parliamentary influence on government policy?" Our secondary questions include at what policy stage(s) this influence is felt, as a result of which processes and/or actors in parliament, and how this influence is distributed between visible influence on the record and that occurring behind the scenes.

Our conclusions clearly have most immediate application to the United Kingdom. But given Westminster's frequent presentation as lying at one end of a spectrum, from influential to noninfluential legislatures, our conclusions have wider implications. If Westminster is in fact significantly more influential on policy than commonly thought, this suggests important things about policy dynamics in parliamentary systems more broadly.

Methods and Data

This article draws on data collected by the authors and their associates over more than 15 years, covering various interrelated aspects of the Westminster policy process. The sections that follow are structured using these (largely) distinct data sets, but draw connections between them. Both the time periods of data collection and the research methods used were fairly uniform. Each combined close quantitative analysis of the parliamentary record and numerous semistructured interviews with the main protagonists—including those from the executive.

The quantitative data cover four areas, as discussed in the next four sections of the article:

1. Analysis of all 4,864 divisions (i.e., recorded votes) on the floor of the House of Commons from election of Tony Blair's first Labour government in May 1997 until the end of the 2013–2014 session. This data set focuses particularly on dissenting ("rebel") votes cast on the government side.
2. Analysis of all 1,649 divisions in the House of Lords between the Blair government's reform in 1999, which removed the majority of hereditary peers, and the end of the 2010–2012 session. This data set focuses particularly on the many government defeats in the period, all of which were traced for their ultimate outcome, in terms of the extent to which they were overturned by the House of Commons.
3. A more in-depth study of the passage of 12 government bills through both chambers of parliament 2005–2012. All 4,361 proposed amendments were coded, including tracking influence by nongovernment amendments on subsequent government amendments.
4. An analysis of House of Commons select committees under Labour 1997–2010, using sample of seven departmental select committees, which produced 695 reports containing 13,216 conclusions and recommendations. A subsample of 1,334 recommendations aimed at central government was traced for implementation.

Each of these quantitative data sets was complemented by interviews with key protagonists, primarily parliamentarians from all parties in both chambers (including ministers), plus parliamentary clerks, civil servants, and pressure group representatives. These amount to more than 500 interviews in total.

There are several other processes at Westminster with the potential to influence government policy, such as parliamentary questions, early day motions, and non-legislative debates, which are far less studied. We reflect briefly on these at the end of the article. But our primary focus is on mechanisms that are acknowledged as central at Westminster, beginning with intraparty dynamics, then the core business of the legislative process, and finally the growing work of select committees.

Backbench Rebellions

We start with government backbenchers in the Commons, the group that King (1976) pointed out most obviously holds the key to influence at Westminster, as government needs their votes to retain its parliamentary majority. Government backbenchers are therefore what Krehbiel (1998) termed "pivotal voters" at Westminster. Defeats in the

Lords may—or may not (as explained below)—be subsequently overturned, but a Commons defeat represents an absolute veto.

Cohesive political parties were one of the key factors underlying Polsby's (1975) original classification of Westminster as an "arena" legislature. Since he wrote, research on backbench behavior has become well established, and a trend toward increasing independence is clear. As Norton (1975, 1980) revealed, in the first four postwar parliaments, no more than 10% of divisions saw dissenting votes cast against the whip by government backbench MPs, and during two sessions in the 1950s, not even one such revolt occurred. Rebellion then increased noticeably during the 1970s, dropping slightly during the Conservative premierships of Margaret Thatcher and John Major (Cowley and Norton 1999). After 1997, it again increased significantly, from rebellions in 8% of divisions in 1997–2001 to a postwar record of 28% in 2005–2010 (Cowley 2005; Cowley and Stuart 2014b), subsequently surpassed by a new record of 39% under the Conservative/Liberal Democrat coalition government 2010–2014 (Cowley and Stuart 2014a). Although most such rebellions are small scale, some recent ones have been very sizable. The biggest rebellions over the Iraq war—one of which saw 139 Labour MPs vote against their whip in March 2003—exceeded those by MPs of any governing party on any type of policy since modern British party politics began (Cowley 2005). The coalition elected in 2010 has also seen several record-breaking rebellions, including the largest postwar revolt at a bill's second reading (over House of Lords reform) and the largest rebellion on European Union (EU) policy (over calls for a referendum on EU membership).

The visible effect of such behavior has also increased. Until the Edward Heath government (1970–1974), no postwar British administration was defeated as a result of its own MPs voting with the opposition.[1] But since then, every prime minister has suffered at least one Commons defeat thanks to rebellion on the government side. While some of these were on relatively minor matters, others concerned significant areas of policy. Tony Blair's government was defeated over high-profile plans for 90-day precharge detention of terrorist suspects in 2005 and over proposals for a new offense of religious hatred in 2006. Prime Minister David Cameron was defeated over European funding in 2012. His subsequent defeat on proposed military intervention in Syria in 2013 was unprecedented in at least the last 100 years.[2]

Commons defeats remain relatively rare, however, feeding allegations that greater backbench independence creates more heat than light. Hence, Dunleavy (2006) suggests that "Westminster-model authors focusing on Parliament have always talked up the importance of majority-party dissidents in influencing the policy process. In fact it took eight years for the Blair government to suffer a *single actual defeat* in the Commons" (325, emphasis in original). But this discounts the impact of new levels of rebelliousness on parliamentary anticipated reactions. Studies have long documented the extent to which governments are willing to do deals with their backbenchers. They obviously do so to avoid defeat, but also in order to minimize backbench discontent even when ministers know they can win a vote. Some negotiation takes place through the parties' formal structures—such as the Parliamentary Labour Party and the Conservatives' 1922 committee—but much also occurs through informal ad hoc contact. Tracing this type of influence relies on case studies, making systematic comparison over time difficult.[3] But two substantive conclusions can safely be drawn: First, the impact of retreats is significantly greater than the impact of defeats, and second, the collective impact of defeats and retreats is almost certainly increasing.

Retreats, when they occur, can take at least three forms. The first is the formal withdrawal of legislation. For example, the coalition's House of Lords Reform Bill was withdrawn in 2012 without ever being defeated, because the rebellion at its second

reading indicated the scale of backbench opposition. Second reading was comfortably secured with Labour (opposition) support, but ministers faced almost certain defeat on the bill's program motion, and so withdrew this. In the absence of an agreed timetable, proceeding with the bill was politically impossible, and it was formally abandoned a month later. The Gordon Brown government likewise withdrew proposals to privatize Royal Mail in the face of uncertain backbench support (Cowley and Stuart 2014b); other similar examples can be found during all recent governments.

Such all-out retreats remain fairly rare; much more commonly, governments amend legislation in response to backbench pressure. Despite enjoying huge partisan majorities in the House of Commons 1997–2005, Blair's government did this repeatedly—for example, on welfare reform, asylum legislation, higher education funding, and health service policy (see Cowley 2002, 2005). Occasionally, a policy's very nature does not easily allow for compromise with backbenchers—the renewal of the Trident nuclear deterrent in 2007, for example—but on many issues, governments routinely do deals to minimize the scale of dissent. And such concessions can be significant; those to placate MPs threatening to vote against the 2008 Finance Bill, for example, were estimated to cost £2.7bn (Cowley and Stuart 2014b).

A third way to avoid conflict is making an issue subject to a "free vote," where government does not take an official stance. These usually apply to so-called conscience issues—such as homosexuality or abortion—but can also be a government tactic when votes look difficult. Blair applied free votes, for example, to Lords reform in 2003 and to introducing a smoking ban in public places in 2005 (discussed further below). In both cases, the result of the vote was to reject the government's original position, but because no official "defeat" took place, the government was able to limit both political embarrassment and media attention. Faced with widespread backbench rebellion, the Coalition government elected in 2010 has resorted to this tactic increasingly, even extending it to a vote in 2013 on the government's overall legislative program (Cowley 2015).

By definition, the most visible effects of backbench rebelliousness occur at the decision-making stage, including in terms of occasional defeats. But the less visible effects are certainly far greater. By their very nature, it is difficult to quantify government retreats (although see further discussion below), but it seems clear that their extent is growing. In turn, this need for responsiveness to parliament at the decision stage increases parliament's influence through "anticipated reactions" during the earlier stages of the policy cycle—requiring backbench opinion to be taken into greater account during policy formulation. Such early influence has always existed, but it is enhanced by a more rebellious backbench culture.

Lords Defeats

A second substantial body of research has focused on the lasting policy impacts of defeats in the House of Lords. The House of Lords Act 1999 removed all but 92 of the hereditary peers who had previously been a majority in the chamber. Among those with a party affiliation, the departing hereditaries were overwhelmingly Conservative—so this reform by Labour could be seen as long-awaited modernization, but also politically motivated. The postreform chamber was far more politically balanced, with roughly equal numbers of Labour and Conservative peers, and the balance of power held by Liberal Democrats and a large group of independent "Crossbenchers" (Russell 2013).

Prior to 1999, the Lords had largely been dismissed as uninfluential. The dominance of members who had inherited their seats and the Conservative preponderance both

invited claims of illegitimacy. Although the chamber had been somewhat revived by a reform in 1958 that created life (rather than hereditary) peerages, a study analyzing its policy contribution in the 1980s concluded that it was "reasonably diligent and generally dull, with a whiff of expertise but no real boldness . . . a little public profile but no actual power" (Shell 1993, 334).

The obvious question was how the chamber's behavior and impact would change after the 1999 reform. Some (probably including ministers) predicted that evicting the hereditaries would strengthen the government (see, e.g., Russell 2010, 867–868). But this did not prove correct. The chamber's new "no overall control" nature meant various majorities could form against the government—empowering new pivotal voters (Krehbiel 1998), albeit who lacked a final veto on most bills. It also bolstered the Lords' previously absent "boldness." By 2005, 78% of peers considered the post-1999 chamber "more legitimate" than its predecessor, and Liberal Democrats became particularly outspoken in defending its right to challenge government policy.[4] During 1999–2010, the Labour government suffered 458 defeats in the Lords, with Liberal Democrat peers usually being pivotal. Although the Liberal Democrats joined the Conservative-led coalition in 2010, that government had suffered 88 defeats by May 2014, remaining vulnerable if the Labour opposition joined forces with sufficient government rebels or Crossbenchers.

As the House of Commons can overturn Lords defeats on legislation, and ultimately enforce its will (under the Parliament Acts 1911 and 1949), they might—like Commons rebellions—be instinctively dismissed as ineffective. But the Lords can also overturn Commons' objections repeated times (in the process colloquially known as "ping-pong"), and the Parliament Acts require a delay of approximately a year.[5] The post-1999 Lords became far less inclined to back down during conflicts, and detailed tracking of the 406 unique legislative defeats over the period 1999–2012 found that 44% resulted in a Lords policy "win," or at least a draw.[6] The Lords by convention does not normally reject whole bills, so most defeats are on amendments, but the "wins" included significant policy reversals, for example, time-limiting antiterrorism legislation and subjecting it to greater judicial oversight, rejecting a proposed new offense of "religious hatred," repeatedly rejecting planned restrictions on jury trials, and outlawing caste discrimination.

An analysis of what is associated with defeats resulting in an ultimate Lords "win" reveals that, perhaps surprisingly, the substantiveness of the policy concerned is not a statistically significant factor (Russell 2013). Neither is the size of the majority against the government or whether the bill started its passage in the Commons or the Lords (potentially important, as the Parliament Acts do not apply to the latter). There is also no clear statistical difference between defeats under Labour and under the coalition, though the coalition is certainly numerically stronger in the Lords—giving the Labour opposition less negotiating strength than its Conservative/Liberal Democrat predecessors. The single consistently significant factor in explaining "wins" is the number of government rebels participating in a Lords defeat; that is, the presence of rebels makes it more likely that government will back down. In interviews, peers often pointed out that ministers will more readily compromise when faced with disquiet on their own side.

As in the Commons, ministers, of course, depend on their own members to get legislation through the Lords, and must clearly maintain backbenchers' goodwill. But large-scale rebellions in the Lords are actually less common (many more peers abstain if unhappy with their party line), and rebels are far less often pivotal. Under Labour, just 3% of Lords defeats depended on rebel votes, while 91% would have been averted had Liberal Democrats voted differently (Russell 2013). But backbench dissent, more

importantly, signals feelings in the wider party. When considering whether to overturn a Lords defeat, ministers must thus consider the risks of stoking dissent among Commons backbenchers. In extremis, as occurred over the aforementioned defeat on religious hatred, misreading the mood among MPs can even result in Commons defeat—which happened on this occasion when MPs chose to back the Lords' position. More commonly, as for example when the Lords defeated Brown's plan to extend maximum detention without trial for terrorist suspects from 28 to 42 days (following Blair's failed proposal of 90 days), ministers back down rather than returning contentious policies to the Commons. This demonstrates how the new more assertive "no overall control" Lords has substantially increased the negotiating power of opposition parties and Crossbenchers, but also importantly, the power of government backbench MPs.

As with Commons rebellions, Lords defeats are highly visible and measurable, and take place at the decision-making stage—but the fact that they can happen means most policy change wrought by the Lords (as further discussed below) occurs less visibly behind the scenes. As one peer put it, "[T]he threat of a vote is always a useful ingredient in exerting influence . . . but if government believes that the numbers may be stacking up against them then they're much more likely to settle the matter outside."

"Anticipated reactions" thus play an important role at the decision-making stage; but the same is true during policy formulation. As indicated above, existing findings suggest that governments faced with hostile second chamber majorities will exercise legislative self restraint (Manow and Burkhart 2007), and the same might now be expected at Westminster. Following an initial spike in Lords defeats after 1999, their number indeed gradually reduced (from 88 in 2002–2003 to 25 in Labour's final year-long session 2008–2009). This almost certainly reflected not a growing timidity by peers, but more effective adjustment by government to what the Lords would bear. Labour adopted a new system of formal "Lords handling strategies"—documents that government departments were required to submit to the Cabinet committee responsible for agreeing bills for introduction. No equivalent had existed when Labour was last in government in the 1970s, despite the overwhelmingly Conservative nature of the Lords (Russell 2010). These handling strategies became increasingly elaborate and formalized over time (as further discussed below). The unpredictable multiparty (and independent) environment in the post-1999 Lords thus built on growing Commons independence, to create significant new policy constraints on government; in doing so, it further boosted backbench power.

Bill Amendments and the Legislative Process

Both of the previous two studies were largely concerned with the legislative process, but addressed just one kind of (relatively conflictual) behavior. Both judged these behaviors to be important, but found that government action to avoid conflict can be as important as the direct effects of the conflict itself. Our third study addressed this point further, by analyzing the passage of 12 government bills through both chambers of parliament in depth, including all debates and amendments.

A groundbreaking early study by Griffith (1974) collected amendment data on numerous bills at Westminster, though he lacked modern computing power, and also did not systematically trace links between Commons and Lords amendments. Since then, similar amendment analyses have been conducted in some other settings—particularly the European Parliament—showing similar dynamics at play (e.g., Häge and Kaeding 2007; Kreppel 1999; Shephard and Cairney 2005). Griffith demonstrated

that the official provenance of amendments can give a misleading impression of Westminster's (lack of) influence, as while the clear majority of amendments agreed come from ministers, ministerial amendments often respond to those proposed earlier by nongovernment parliamentarians. That is, ministers make policy concessions to opposition or backbench members in order to secure smooth passage of their bills. But Griffith (1974, 256) concluded that while parliamentary policy impact was "by no means negligible," ministers gave concessions "very largely on their own terms."

However, much at Westminster has subsequently changed—not only in terms of MPs' rebelliousness and the composition of the Lords, but also mechanisms inside the Commons. These include the specialist select committee system (as discussed below) and a long-awaited reform in 2006 to introduce evidence gathering from outside groups to the (nonspecialist) "public bill committees" responsible for the committee stage of legislation (Levy 2010; Russell, Morris, and Larkin 2013). Both these developments should result in a better informed and more rational process. Subsequent studies have shown some signs of this, but have been limited in scope. Thompson (2013) found evidence of ministers responding positively to nongovernment amendments from public bill committees (though seemingly no more often than in Griffith's day). Brazier, Kalitowski, and Rosenblatt (2008, 175) studied passage of five bills, finding that various changes were made, but did not quantify these systematically; they nonetheless concluded that parliament's "most potent tool" was the power to keep issues off the agenda, via anticipated reactions.

Our study went further, tracking all 4,361 amendments proposed to 12 bills at every stage of the legislative process (Russell, Gover, and Wollter forthcoming; Russell et al. forthcoming). It is notable that the bills were subject to relatively few Commons rebellions or Lords defeats. Only one large-scale rebellion took place, on the Employment Bill (2007–2008), when 45 Labour MPs supported changes to strike balloting arrangements.[7] But this was a largely symbolic protest, easily defeated when the opposition backed the government's position. The 23 Lords defeats, often linked to lower level backbench disquiet in the Commons, had greater success. On the Identity Cards Bill (2005–2006), the Lords effectively insisted on a voluntary scheme, succeeding partly because this had been implied by Labour's 2005 manifesto. On the Corporate Manslaughter and Corporate Homicide Bill (2005–2007), a major climb-down occurred over extending the new corporate manslaughter offense to deaths in custody, following Lords defeats that echoed previous government backbench Commons amendments. The coalition likewise backed down over three major defeats on the Public Bodies Bill (2010–2012), but defeats on the Welfare Reform Bill (2010–2012) were largely overturned.

But a key finding of this research was that most government concessions occur far more consensually. Government amendments accounted for 886 of the total, with the remainder coming from nongovernment parliamentarians. Of the former, 95% were agreed, while the same applied to just 4% of the latter, creating a clear impression of executive domination. Indeed, if amendments overturned later in the process (e.g., due to Commons' responses to Lords defeats) are discounted, fewer than 0.1% of nongovernment amendments were agreed. Yet closer examination found that nearly three-quarters of government amendments had little policy substance—being purely technical, clarificatory, or "consequential" on other amendments.[8] Of those government amendments with substance that actually changed any of the bills, over 60%—117 in total—were traceable to influence from nongovernment parliamentarians, usually through prior amendments withdrawn when ministers promised to reconsider. In most cases, there was no defeat involved, but some changes were substantial. They included changes to trade union membership rules in Labour's Employment

Bill and deletion of a schedule of 150 bodies facing potential abolition in the coalition's Public Bodies Bill. There was also practically no evidence of ministers making substantive changes to their own bills because of lack of policy preparedness preintroduction. In fact, even those government amendments not traceable to parliamentary influence often responded to external events—for example, in several cases, to the outcome of a referendum on devolution in Wales.

From a public policy perspective, it is notable that external pressure groups were active in encouraging many government and nongovernment amendments. For example, higher education umbrella organization Universities UK supported nongovernment peers in extracting changes to the Further Education and Training Bill (2006–2007); voluntary organization Carers UK gained extension of the scheme in the Saving Gateway Accounts Bill (2008–2009) to carers, working with a backbench Labour MP; and a noisy campaign by various groups, coupled with nongovernment Lords amendments, led ministers to drop proposals to privatize forestry land in the Public Bodies Bill. All of these suggest that parliament is now an important site of influence for pressure groups. As one such interviewee noted, "[C]ampaigners very much see parliament as part of the campaigning process," because it is a public forum "that ministers have to respond to and civil servants have to respond to."

Like those above, this section has necessarily mostly focused on the policy decision-making stage. But our case studies, and particularly interviews, also demonstrated clear parliamentary influence at earlier and later stages. Government "handling strategies" began for the Lords post-1997, but were subsequently extended to both chambers of parliament. The document prepared by any department sponsoring a bill must "[s]et out which areas are likely to be contentious," and "[i]dentify those MPs / peers likely to take a particular interest and what engagement with them is planned" as well as "[p]ossible concessions and fallback positions" (Cabinet Office 2013, 128–129). This process shapes what goes on in parliament during passage of the bill, but crucially also what appears in legislation in the first place. As a former minister put it, "[T]he Commons is able to set the parameters for a bill quite closely," and "the government can get a sense of what will and will not be acceptable." In terms of defeats, the immediate site of concern is the Lords, but it is ultimately the Commons—and government backbenchers in particular—that matter most. Hence, we were told, for example, that backbench Liberal Democrat resistance led to proposals that were previously in the coalition's policy program being omitted from the Welfare Reform Bill. But parliamentary pressure can also act as a positive trigger for legislation: Senior government figures admitted that the Corporate Manslaughter and Corporate Homicide Bill was introduced primarily because of long-standing demands from Labour backbenchers, despite their own reservations. Parliament can thus be key to policy formulation.

At the other end of the process, parliament also has increasing oversight of policy implementation. The 12 bills included numerous provisions for parliamentary oversight of future regulations (setting out detailed implementation) and future reports to parliament on policy progress. Over 50 amendments were made explicitly to strengthen these forms of oversight. Much additional control over the later policy stages occurs through select committees, to which we turn next.

Select Committees

The select committee system is a relatively new development at Westminster—the key reform being creation of the system of Commons departmental committees in the same year that Richardson and Jordan's (1979) book appeared. These committees are now

well established, and others have since been added—including the Delegated Powers and Regulatory Reform Committee (DPRRC, 1992), Constitution Committee (2001), and Secondary Legislation Scrutiny Committee (2004) all in the Lords, and the Joint Committee on Human Rights (JCHR, 2001) combining members of both chambers.

Westminster committees have conventionally been seen as weak, given that they do not take the formal committee stage of legislation (which as indicated above is instead taken in Commons public bill committees). Some comparative studies effectively disregard the select committees altogether (e.g., Mattson and Strøm 1995), and assessments of the impact of nonlegislative committees are hard to find. But although select committees' formal input into legislation is limited, this has enabled them to develop relatively free from partisan control. They set their own agendas (which largely comprise executive oversight and investigations), face little meddling in their day-to-day business by party whips, and usually produce unanimous reports on a cross-party basis. Controversy over the involvement of whips in choosing committee members ended in the Commons in 2010, when a secret ballot system was introduced (Russell 2011). Chairs of most such committees are now elected by the whole chamber on a cross-party basis.

Despite lacking formal legislative decision-making power, the previous study found significant select committee influence on government bills. Debates on the 12 bills studied included over 1,700 references to these committees, with members (on all sides) often citing committee conclusions, or evidence sessions, to legitimate particular policy positions. Of the 117 substantive government amendments responding to parliamentary pressure, 50 were at least partly traceable to a select committee recommendation (often, but not always, pursued through nongovernment amendments). A particularly high-profile example was the switch from a partial to a full ban on smoking in public places in Labour's Health Bill (2005–2006), following pressure from the Commons Health Committee. As mentioned earlier, government averted a Commons rebellion (and possible Lords defeat) on this issue by allowing a free vote. This occurred on a position advocated by the committee, tabled by committee members in the form of a cross-party amendment at the Commons report stage. Faced with this resistance, government effectively backed down. Numerous changes to other bills followed recommendations of the DPRRC, JCHR, and Lords Constitution Committee, which all regularly report on legislation. But the select committees had also influenced earlier stages of the process. The Health Bill included a reform of the National Health Service Appointments Commission recommended by the Commons Public Administration Select Committee (PASC) 2 years earlier, and the Budget Responsibility and National Audit Bill (2010–2012) was strongly influenced by a prior report from the Commons Treasury Committee.

Our main study of select committee influence went well beyond the legislative process, and beyond the decision-making stage. The committees' main influence might be expected to be at the two ends of the policy process: agenda setting and formulation on the one hand, and—as Olson and Mezey (1991) suggested—implementation and evaluation on the other. They are also interesting because their evidence taking has, since the outset, provided an important means of parliamentary engagement by pressure groups and government bureaucrats, as well as ministers. Committees therefore draw in the key actors whose influence is often emphasized by public policy scholars.

The detailed study of 7 of the 19 Commons departmental committees was the largest to date, and began by cataloguing the nature of their activity. During 1997–2010, the 7 committees produced a total of 695 reports—of which 505 reported an inquiry into a chosen policy topic within the department's sphere of responsibility, and far smaller numbers fulfilled other functions (Benton and Russell 2012).[9] Inquiry reports were

then examined for the point in the policy process at which they were produced. Just 8% were judged to be agenda setting, that is, seeking to bring new policy proposals or themes to the government's attention. One key example was PASC's repeated demands that government should put the core civil service values of integrity, honesty, objectivity, and impartiality onto a statutory basis. The Brown government eventually did so in 2010. But most committee reports were reactive, and contributed to later policy stages. A minority (22%) responded to new government proposals—thus having some potential to influence decision making—while 42% reviewed progress in implementation, and 15% responded to perceived policy failures.

A total of 1,831 committee recommendations aimed at central government, drawn from a sample of inquiry reports, were analyzed for the level of acceptance in the government's response: 40% were found to have been fully or partially accepted. Likewise, the 1,334 recommendations in the sample judged "measurable" were analyzed for actual implementation—for example, by reading departmental reports and press releases: 44% were judged as implemented, in full or substantial part. If the sample reports were representative, and the seven committees representative of the whole, this implied that around 450 Commons departmental select committee recommendations were being implemented by government every year, of which 200 demanded a medium or large change to policy.

This already demonstrates impressive influence (and excludes the Lords and joint committees). But the qualitative part of the analysis suggested that implementation of recommendations was not necessarily select committees' primary form of power. In line with our findings on rebel backbenchers, and on legislation, ministers and civil servants interviewed emphasized the deterrent effect of the committees and their influence on behind-the-scenes discussions—particularly during policy formulation and implementation. Committees provide important parliamentary accountability, exposing both ministers and senior officials to public questioning. Hence, one official commented that the biggest "influence is the fear of having to appear in front of them"; another that when considering policy options, "you've always got to think, how would I explain that to the committee?" These powers were not just negative, but also encouraged positive policy choices: One official suggested that "if [the committee] had said we should do it, it was a very powerful argument to ministers." Such effects are also not restricted to exposing or influencing government action: The select committees have become a very public platform for questioning even for private sector figures. High-profile recent sessions have included those with bankers on the financial crisis, major corporations on tax avoidance, and the Murdochs on the News International phone hacking scandal. Media coverage of select committees has substantially increased (Kubala 2011) and may now even exceed that of the Commons chamber.

Discussion and Conclusion

In a recent book on policy failures in British government, two well-respected political scientists claimed that as a legislative assembly, "the parliament of the United Kingdom is, much of the time, either peripheral or totally irrelevant. It might as well not exist" (King and Crewe 2013, 361). This may be in line with the conventional "parliamentary decline thesis" and comparative views of Westminster, but is inconsistent with the empirical evidence. The data that we have presented make clear that the British parliament has significant influence, at all stages of the policy process.[10]

We have reviewed influence through some of Westminster's most central mechanisms—intraparty negotiation on the government side, intercameral negotiation between Commons and Lords, the legislative process, and select committees. Our

coverage is nonetheless not exhaustive, and other potential mechanisms of influence exist. These include parliamentary questions (where ministers must explain themselves publicly), Private Members' Bills (which rarely pass, but have at least some agenda-setting capacity), and nonlegislative debates (which can do the same, and also—as indicated below—sometimes force decisions). These mechanisms have been subjected to relatively less empirical study—in part because of assumptions of their powerlessness, and in part because of measurement problems—but may well have additional effects.

Our analysis has demonstrated that there are two primary weaknesses in the arguments of parliamentary detractors, which insights from the public policy and the legislative studies literature can respectively help to address. The first is that detractors tend to focus on the policy decision-making stage, to the exclusion of parliament's role at the earlier and later stages widely recognized in the public policy literature (e.g., John 2012). The second weakness is that detractors focus on visible and measurable influence, overlooking the behind-the-scenes negotiations and "anticipated reactions" that legislative studies scholars have long deemed important (e.g., Mezey 1979). Our research demonstrates that parliament is powerful at the decision-making stage, but that much of that power is exercised through anticipated reactions, in terms of ministers facilitating last-minute negotiations to avert rebellions and defeats. This anticipated reactions function is also important in shaping policy formulation. Meanwhile, executive accountability mechanisms—particularly the select committees—contribute throughout the other stages of the process, influencing government agenda setting, policy formulation, implementation, and evaluation. Select committees also provide a key site of influence for external pressure groups. That is, at the very point when Richardson and Jordan (1979) claimed policy networks had sidelined parliament, a reform took place that led to far greater interest group involvement with parliament.

In parliamentary systems such as that in Britain, less visible influence is always likely to be the norm. Indeed, examination of some visible reversals readily illustrates how these represent the system failing to work as it should. Governments take constant account of parliamentary opinion, and in normal circumstances, do not put proposals to parliament that it will not accept. Commons defeats are rare and generally a sign that party managers have misjudged the situation. A recent high-profile example was Prime Minister David Cameron's defeat over proposed military action in Syria, following a nonlegislative debate in August 2013. Parliament had been recalled from its summer recess, and so whips lacked their usual day-to-day contact with members. The defeat was unexpected and embarrassing to government. In contrast, most policy is made in a more planned manner, where procedures to consider likely parliamentary responses are well developed, and compromise is preferred.[11]

Hence, if conflict within a parliament is limited, and defeats unusual, this does not necessarily indicate the institution's weakness—but instead potentially its strength. Here, there is a parallel with the exercise of power in international relations, where the language of "hard" and "soft" power is often used. As Cooper (2004, 179) put it, "[B]ehind every law there stands a policeman, willing in the end to use force . . . soft power is the velvet glove but behind it there is always the iron fist." In a developed democracy, if a parliamentary chamber such as the House of Commons possesses an iron fist, it should not ideally need to use it. In the terms of principal–agent theory, now fashionable in legislative studies (e.g., Strøm 2003), if the agent (government) does as the principal (parliament) desires, the system will work without visible conflict. The downside, however, is that this form of influence demonstrates few outward signs that citizens' elected representatives are doing an effective job.

Responding to the claims of a "post-parliamentary democracy" in Britain, Judge (1993, 125–126) observed that "if the core of policy-making is policy communities comprised of government departments and institutionalised interest groups, it is surrounded, encompassed and ultimately delimited by the legitimating frame of the parliamentary system itself." This is true, but understates the case. Parliaments are not just legitimating frames, providing democratic cover for governments to act as they wish; they must also approve government decisions, and—in parliamentary systems—the government's continued existence itself. Ministers' dependence on parliamentary confidence in Britain means that they take backbenchers' views into account on both policy direction and detail, and while the Lords does not enjoy the same kind of confidence relationship with the executive, it provides an uncertain multiparty environment where ministers will struggle if policy is not adequately explained. Importantly, defeats in the Lords force ministers to choose between risking explicitly presenting the Commons with controversial policies or abandoning them. This empowers nongovernment peers, as well as the government's own Commons supporters. Looking beyond Westminster, other parliamentary systems clearly have differing structures and cultures, but all share the same executive dependence on parliament, meaning similar pressures will always be at play.

In their analysis of the "parliamentary decline thesis," which the authors acknowledged afflicts other systems well beyond the United Kingdom, Flinders and Kelso (2011, 249) argued that:

> . . . the dominant public, media and academic perception of an eviscerated and sidelined parliament provides a misleading caricature of a more complex institution. Moreover the constant promotion and reinforcement of this caricature by scholars arguably perpetuates and fuels public disengagement and disillusionment with politics.

Flinders and Kelso (2011, 265) suggested that "[s]cholars have a public duty to correct rather than propagate the myths that surround their chosen subject matter." We have sought to do so for the Westminster parliament, using extensive evidence to demonstrate that it is in fact extremely influential. Changes in parliamentary organization, behavior, and resources mean that its influence has almost certainly increased over the past half-century rather than declined, though this inference cannot, of course, be absolutely reliably made without comparable historic data—which (e.g., in terms of interviews with officials) is now impossible to obtain. Flinders and Kelso's final claim above is likewise difficult to prove, but instinctively credible. Should our analysis contribute in some small way to reviving faith in democratic politics—in the United Kingdom and parliamentary systems more broadly—this would clearly be a bonus.

Acknowledgments

Notes

1. Any defeats were accidents, resulting from poor organization by government whips or opposition ambushes (Norton 1978).
2. Precise comparison is difficult, but the only comparable votes involve Lord Palmerston (Prime Minister: 1855–1858, 1859–1865), Lord Aberdeen (1852–1855), and even Lord North (1770–1782)—hence demonstrating how far back you have to search.

3. An added complication is that often policy change can be effected on one issue in order to win over an MP on another unrelated issue: "I'll support you on X, but you need to change Y." Case studies of the extent to which X is changed thus miss the subsequent change to Y.

4. Postal questionnaire survey of peers, $n = 374$ (57% response rate). For quotations from Liberal Democrats, see Russell (2013, 83, 233–234).

5. The actual delay depends on the timing of the defeat within the session, as the Parliament Acts specify this in terms of sessions.

6. The analysis necessarily excludes nonlegislative defeats and also repeated defeats on the same point during ping-pong, hence, the term "unique." For full details of coding, see Russell (2013) and Russell and Sciara (2008).

7. There were also several rebellions of around 20 MPs on the Identity Cards Bill.

8. For more details of codes, see Russell, Gover, and Wollter (forthcoming).

9. These were general departmental reviews (22), other regular monitoring—for example, of arms-length bodies (63), scrutiny of bills published in an early draft form (33), or of ministerial appointments (31).

10. Curiously, some of the policy choices that King and Crewe's (2013) book celebrate as policy successes would not have been made were it not for parliament. They cite, for example, the complete ban on smoking in public places introduced through Labour's Health Bill approvingly as one of "the Blair government's enduring accomplishments" (18), but it was extracted from government only after a careful select committee inquiry and a free vote in the House of Commons, the latter forced on the government in the face of a threatened backbench revolt. The abandonment of the compulsory identity cards scheme, to which they devote a chapter, was likewise forced by a combination of Commons backbench disquiet and Lords defeats. They may well be right therefore to see the introduction of ID cards as a government error, but if so it is one that demonstrates not the irrelevance but the indispensability of parliament. Parliament subjected government's plans to daylight, required ministers to explain themselves, allowed outside group opinions to be heard, and ultimately found government to be wanting.

11. Occasionally, ministers, for some reason, decide that it is better to risk losing than to compromise. This at least in part explains Blair's 2005 defeats over antiterrorism legislation, where it was felt politically preferable to be defeated than seen to give way.

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