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## CONTROL AS THE FUNCTION OF THE LEGISLATURE QUESTION HOUR IN THE BRITISH HOUSE OF COMMONS

ROBERT W. McCULLOCH, Oklahoma A. and M. College, Stillwater

The law-making body is responsible not only for legislation, but also for control of the government. This involves financial control and expression of opinion on executive action (Campion 1929). The United States Congress may seek information officially by use of the committee of investigation. Misguided critics of Congress carp. They say it puts its figurative nose where it does not belong. It should be making laws according to them. The press conferences of the President and of Departments serve as means by which information can be extracted from the Government, not by official representatives of the citizenry, but by journalists—legally responsible only to their employers. In my own view, our Congress does not have "adequate methods for getting information from the executive branch" (Luce 1935). The individual member of Congress is well aware of his position. He knows how easily his bills can be disposed of in standing committee.

Under the parliamentary system of government as it has evolved in Europe, the primary function of the legislative body is control of the government. In Britain, the home of this system, the private member has found his role in Parliament circumscribed by the increasing Government

monopoly of the time of the House of Commons. His last line of defense is question hour (H. C. 161 of 1931). This is the period from approximately three until three forty-five P. M. Monday through Thursday when official members of the House of Commons answer questions of private members (S. O. 1938). It attracts a full house and a good press. Supplementary questions, which defy exact controls by the Speaker and officers of the House, contribute toward making this the most interesting part of the activities of the House of Commons. It is this means of getting information from the Government which distinguishes the British House of Commons from other legislative bodies.

Tradition places the origin of the practice in the House of Lords, on February 9, 1721 (Timberland 1742-3). Because of the inaccurate nature of the records of the debates of the House of Commons in the eighteenth century, we can only cite the conversation of May 27, 1778, as a probable ancestor of the parliamentary question of today (Morning Post 1778, Parl. Hist. 1778). By the early nineteenth century questions were an accepted part of the procedure of the House of Commons (Parl. Deb. 1 s. 1808). *Palmer's Index to the Times* (London) assigned a regular place for questions in 1825. At this time it was customary to give oral notice of questions (Mirror 1828). Written notice of questions appeared infrequently, beginning in 1835 (Votes 1835, Mirror 1835), but oral notice remained for some time the accepted procedure of letting an official know he was to answer a question. Since 1847 questions have been the first important business of each regular legislative day.

Questions increased from 451 in 1857 to 1343 in 1877 (Palgrave 1878, Lucy 1880). They were first regulated by the Standing Orders on March 7, 1888 (C. J. 1888, Parl. Deb. 3 s. 1888, Times Deb. 1888). The distinction between starred (oral-answer) and unstarred (written-answer) questions came into effect on May 5, 1902 (Notices 1902). It was hoped that the use of the written answer would free the House of Commons from considering unimportant questions. The new plan worked for the remainder of 1902, but soon thereafter the number of starred questions alone was more than the number of questions before 1902. It reached ten thousand in 1908 (Taylor 1913). Until 1909 each member was free to ask as many questions as he might desire. The increase of questions made inevitable the daily limit of eight questions for each member. This was put in effect in 1909 by the Speaker with the support of the House of Commons (H. C. Deb. 5 s. 1909). There were sixteen thousand questions in 1917 and again in 1919 (Clerk 1930). War closed normal channels to private members and enhanced the importance of question hour. In 1919 the daily limit was reduced to four and in 1920 the present daily limit of three questions for oral answer became effective (H. C. Deb. 5 s. 1919, 1920). In the session of 1938-39 the number of questions for oral answer was fifteen thousand, but it had remained below that level between 1919 and 1938.

Questions serve a variety of purposes. They may be put by back-benchers of the Government party to permit a minister to make a statement about his department. Such a question would probably be drafted by the department concerned. Members of the Government party sometimes ask questions for personal reasons or to mollify some constituent. Although questions are primarily intended to secure information, some members, like Labor members Kenworthy and Day, ask questions just to be asking—they belong to the circle of champion questioners, a most exclusive society (Jennings 1940). Most of all, question hour serves to make parliamentary control over the Government a reality. The Opposition party should use question hour for purposes of criticism and control. Such political questions are most effective when some central party organization has the responsibility for planning them and arranging for the most suitable member to put them. Planning is also required to make the most effective use of supplementary questions. The Labor party was criticized

for not making full use of its opportunities in the early thirties (Times 1937, Jennings 1940). It should have made every possible use of questions since in the reduced state of the party, they were its most available and effective weapon against the Government party.

Lack of planning rather than lack of questions should be charged against the Labor party. In May and June, 1932, fifty-three Labor members asked 264 questions. During the same period, the Conservative members, representing seventy-five percent of the membership of the House of Commons asked 339 questions. Because the Labor rump asked more than its share of the supplementary questions, it asked forty-three percent of all questions answered orally compared to the forty-eight percent of all such questions put by Conservative members (Lucas 1932). In the 1929-30 session of the House of Commons the Conservatives (Opposition) asked 4882 starred (oral-answer) questions—representing fifty-three percent of all starred questions (McCulloch 1933). During this time the Laborites (Government) asked 3246 questions—thirty-five percent of starred questions. The Conservatives, however, put sixty percent of all supplementary questions compared to the twenty-nine percent asked by the Laborites.

When a minister rises in the House of Commons to read his carefully worded reply to a question of which he has been given notice, he gives the impression of omniscience. He reads from a carefully drafted reply framed by the experts in his department. For his guidance there are notes supplementary to the text of the reply. The minister is representing his staff. He uses their words to justify their actions. That the British Civil Service can produce answers each day for 100 to 200 questions is testimony to the effectiveness and efficiency of this group of career men. Each department delegates to a clerk the task of scrutinizing the *Notice Paper* each day. He brings to the attention of each division the questions which fall within its competency. Here it is brought to the attention of the clerk or official responsible for the subject. He digs out the information, drafts the answer, and includes notes for the information of his superiors. He gives this work to the principal (head of the division or service) who reviews the answer and notes and makes changes he thinks necessary. The assistant secretary (Civil Service) responsible for the subject has already been notified of the question by the clerk who first dealt with the question. He puts the answer in final form—usually the same form approved by the principal. Now the answer goes to the permanent under secretary (ranking permanent official). He may glance over the answer to see that it is in good form and then pass it along to the minister or Parliamentary secretary responsible for the matter. If it involves matters with which the minister is not familiar or is of unusual importance, the minister may consult the responsible officials in his department before he goes into the House of Commons.

In the Statistical Office of Customs and Excises there is a special procedure. Although the Office is not responsible to Parliament, a clerk in the Bill of Entry Section scrutinizes the *Notice Paper* each day for questions that would require answers from the Office. He makes contact with the department to which the question was addressed. If the department needs information from the Statistical Office, it is secured and transmitted to it by telephone or messenger.

The officials who prepare the answers to questions are sure that half or more of all questions are useless, a waste of time and money, and a handicap to the efficiency of the service—in short a nuisance. They admit that there are useful questions and that the whole procedure is a good thing for the honesty, efficiency, and effectiveness of the Civil Service. Lowell (1936) says question hour prevents the growth of the "bureaucratic spirit." It is true, on the contrary, that question hour jams the channels of important departments at times of crisis. Such was the case in the

War Office during the Boer War. In the thirties lights burned late at London and Moscow because members of the Conservative party inquired minutely into Soviet affairs.<sup>1</sup>

An important permanent official in London made the suggestion to me that details of service in departments like the Post Office should be removed from the responsibility of the minister at question hour. He would be held only for general policy and effective conduct of his department. It was his thought that this would save time in Parliament and the department and yet leave Parliament in control of the aims of administration. Since, however, one of the most important functions of question hour is to keep the public official in touch with "lay opinion" (Laski 1938), to remove matters of routine from the control of Parliament would reduce the effectiveness of question hour and make it more difficult for the department to keep in touch with public opinion (Jennings 1940). One civil servant saw questions as a means of avoiding injustice and as a bulwark against tyranny, caprice, and injustice (Elliott 1934). Often a minister learns how his department works by the inquiries he answers (H. C. 161 of 1931). Private members can use questions to call to the attention of ministers activities of which they may not be aware. Many questions are of little importance in themselves, but a few are of incalculable importance.

Question hour offers an adequate and effective way in which Parliament may exercise its most important function of control—"the grand inquest of the nation" as Professor Lowell called it. The machinery is often abused, not always devoted to proper ends, but when it is properly employed it is a satisfactory means of control over both Government and permanent official—in truth it is almost the only effective control left to Parliament. The difference in point of view between some civil servants and back-bench members of Parliament is aptly indicated by Harold Nicolson (1939), when he says: "When I was a civil servant I used to regard Parliamentary Questions as a method by which, at the expense of public time and money, the pushing politician was able to advertise himself. Since entering the House of Commons my views on the subject have undergone a remarkable change, I no longer regard Parliamentary Questions as a public nuisance; I regard them as the shield and spearhead of our liberties."

Question hour is the most effective defense against bureaucracy and authoritarianism. Thus can Parliament fulfill its function of "extraction of information, ventilation of grievance and criticism of administrative processes" (Laski 1938). Likewise it is the last stand of the private member against oblivion. Since the substantive powers of the legislature are being concentrated in the hands of the Government (i. e., the Cabinet), the future of parliamentary government more and more lies in the perfection of instruments of control. We can make use of English experience for guidance in moulding governmental institutions to the tremendous increase in the power of the President of the United States. Although we lack the British tradition of Parliamentary control over the Government, the right to ask questions is still the essence of democracy. That right in our country depends on the good will and sense of fair play of the administrator. Can we learn from the English how to preserve freedom of discussion and at the same time secure effective and efficient administration; how to have both freedom and authority?

<sup>1</sup> There were 543 starred (oral-answer) questions on Russian affairs and 289 supplementary questions for a total of 1435 questions on this subject in the 1929-30 session of the House of Commons (McCulloch 1933).

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