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On legislatures and societal change: The Netherlands and the United Kingdom

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derzoeken, die uit een oogpunt van algemeen belang schadelijke gevolgen kunnen hebben. Met name zal deze commissie de invloed van deze multinationale ondernemingen op economische concentraties, mededinging, investeringsbeleid en werkgelegenheid, fiscale verplichtingen en monetaire en financiële ontwikkelingen moeten bestuderen.

Opmerkingen: de regering had al enig werk op dit terrein verricht: op 17-12-1976 werd de Tweede Kamer een interimrapport van de interdepartementale werkgroep voor multinationale ondernemingen aangeboden; ook werd een enquête onder een aantal multinationale ondernemingen met hoofdvestiging in Nederland aangeboden (Kamerstuk 14.203). De Tweede Kamer verwierp het voorstel op 24-4-1980.

160. 28-04-1977; nr. 14.468; ind. Coppes en Van Winkel, P.P.R. (socialistisch) in regering; resultaat: nog in behandeling.

Onderw.: juridisch-technisch voorstel (3): de dierenbeschermingsbepalingen in het Wetboek van Strafrecht en Wetboek van Strafvordering.

Strekking: de op de dieren betrekking hebbende artikel 254 en 455 van het Wetboek van Strafrecht op te nemen onder afzonderlijke titels in plaats van onder de titel 'zedendelicten', opdat daarmee de bedoeling van die artikelen wordt uitgedrukt; namelijk het dier te beschermen omwille van het dier zelf en niet in de eerste plaats omdat het aanstootgevend voor mensen zou zijn.

Opmerkingen: in het ook overigens kritische voorlopige verslag werd de vraag geopperd, hoe dit voorstel zich verhield tot andere wetten of voorgestelde wetswijzigingen op dit terrein: de regering had bijvoorbeeld onlangs een voorstel tot wijziging van de Jachtwet ingediend (nr. 13.188) en een Nota intensieve veehouderij uitgebracht. Men is niet verder gekomen dan een voorlopig verslag, dat op 21-12-1977 uitkwam.

161. 10-05-1977; nr. 14.483; ind. Waltmans, P.P.R. (socialistisch) in regering; resultaat: ingetrokken op 8-10-1979.

Onderw.: kiesrecht (7): de Kieswet, voorzover betreft de mogelijkheid van lijstverbinding bij verkiezingen van gemeenteraden in gemeenten met 19 of meer dan 19 gemeenteraadsleden.

Strekking: zoals leden van verschillende politieke partijen in het voorlopig verslag op het initiatiefontwerp te kennen gaven, ontbrak iedere motivering van het voorstel. Waarschijnlijk beoogde de indiener een hechtere samenwerking tussen partijen en daarmee grotere politieke duidelijkheid.

Opmerkingen: wetsontwerp 11.077 maakte lijstverbinding binnen eenzelfde kieskring mogelijk bij verkiezingen voor de Tweede Kamer. De Kiesraad stelde voor deze lijstverbinding ook bij verkiezingen voor de Provinciale Staten en voor de gemeenteraden mogelijk te maken. Amendementen van Veerman en Jurgens maakten dit voor de Provinciale Staten-verkiezingen mogelijk. De indiener van dit initiatiefvoorstel tracht nu lijstverbinding ook voor de gemeenteraadsverkiezing mogelijk te maken. In maart 1973 stelde de toenmalige minister van Binnenlandse Zaken over deze kwestie geen duidelijk oordeel te hebben. Het voorlopig verslag op dit initiatiefontwerp was overwegend kritisch: de kritiek van de P.v.d.A.-leden gold voornamelijk de gebrekkige motivering; de confessionele leden vroegen zich af of dit ontwerp nu wel nodig was; de V.V.D.-leden waren falikant tegen, zoals zij ook fel tegen w.o. 11.077 en tegen de amendementen van Veerman en Jurgens gekant waren geweest.

On legislatures and societal change: the Netherlands and the United Kingdom

by M. P. C. M. van Schendelen and Valentine Herman

The Public Sector Boom

Since the second World War, there has been a remarkable growth in the public sector of all modern, Western societies. *Table I* gives some comparative data on the Netherlands and the United Kingdom concerning this macro-political process. Impressive rates of growth apply, among other things, to the amount of government expenditure (both as a percentage of national income and in absolute terms); the number of people employed in the public sector; and expenditure for the collective well-being.¹

This rapid growth of the public sector has many different causes and effects. It can be explained partly in terms of macro-societal processes, such as the growth of population, industrialisation, urbanisation, increasing education and the changing composition of the national population, and partly in terms of the growing economy itself which demands more governmental action. Many of the problems which such processes of change posed to society could no longer be solved only through the policy-making mechanisms of private organisations. Efforts were made to solve these problems through collective action, in which the government adopted many different roles: as a broker, acting between private organisations as a negotiator; as an organizer of collective action; as a banker for expensive policies; as a powerful protector of collective agreements, etcetera. In addition to these macro-societal forces which partly explain the rapid growth of the public sector, there was also, within the public sector, some willingness to grow. Many powerful private organisations and pressure groups are affiliated with particular political parties which, within the political system, have some control over strategic political positions and over policy-making processes. In their electoral campaigns, parties can, in addition, underline their policy preferences, especially their attitudes towards the growth of the public sector.²

As well as the 'autonomous force' and the Downsian explanation of the public sector growth, there is a third explanation which is related to the behaviour of bureaucrats.³ The reasoning goes that public servants themselves

Table I. Index-figures for development in the collective sector in the Netherlands and the United Kingdom

	The Netherlands					United Kingdom						
	1950	1955	1960	1965	1970	1975	1950	1955	1960	1965	1970	1975
1. Share of Central Government in Nat. Inc.	16,9	18,7	13,5	12,9	14,1	16,8 %	•	•	•	•	•	•
2. (1) + Social Insurance	27,2	30,2	27,2	28,8	31,8	38,3 %	•	•	•	•	•	•
3. Share of total Government in N.I.	32,4	36,0	36,3	41,8	48,3	60,8 %	•	•	•	•	•	•
4. (3) + Social Insurance	89	99	100	115	133	167	34,7	33,4	31,6	32,5	36,1	45,3 %
5. Index for (4) ('60=100)	100	110	100	106	117	141	•	•	•	•	•	•
6. Index for (3) ('50=100)	•	•	•	•	•	•	•	•	•	•	•	•
7. Index for (2) ('50=100)	100	111	80	76	83	99	•	•	•	•	•	•
8. Index for (1) ('50=100)	•	•	•	•	•	•	•	•	•	•	•	•
9. Working population (w.p.) Index ('55=100)	•	100	104	108	113	115	96	100	107	111	108	110
10. Share of Central Government workers in total working population (without Defence and Gov. firms)	•	2,6	2,6	2,8	3,1	3,4	2,7	2,4	2,1	2,2	2,3	2,5
11. Administration of Total Government: share in w.p.	•	10,8	11,2	11,4	11,9	12,9	5,9	5,4	5,1	5,1	5,8	6,4
12. Index for (10) ('55=100)	•	100	100	108	119	130	113	100	87	92	96	104
13. Index for (11) ('55=100)	•	100	104	106	110	119	109	100	94	94	107	119

Sources: - C.S.O.: Annual abstracts of Statistics

National income and expenditures

- C.B.S.: Statistisch zakboek

- Miljoenennota 1965 en 1977

strive for expansion of the public sector, not only for their personal satisfaction but also to improve their control over their task-environment. Whether or not politicians like this process and try to gain public support for their own standpoint (as is described by Downs), according to the third theory they are usually ineffective in resisting the bureaucrats' strategies.

Leaving aside the question of how to explain public sector growth in a particular country at a particular time and under particular conditions, we wish to examine a second question, namely, *what are the effects on and implications of the rapid growth of the public sector for the structure and functioning of legislatures?*

A growth in legislation?

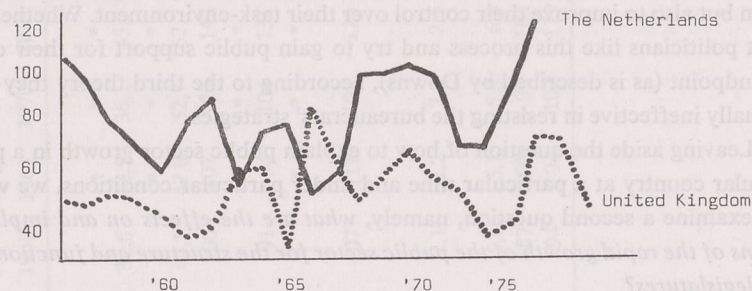
One might expect that, where the public sector is rapidly growing, there would also be an increase in the number of public laws, because law-making is expected to have, as an important function, the codification of collective (political) agreements.⁴ The larger and the more dynamic the public sector is, the greater is the need for formal regulations in which political actors lay down their agreements and their rights or obligations.

Although not all such agreements need the form of a public law or public statute, many do have these because the governmental element provides an extra sanction, both to the 'contracting parties' and to outsiders. Besides, where a large part of the public sector's growth is stimulated from inside the political system by politicians and by bureaucrats, these actors also have a preference for laying down their policy-options in the juridical form of a public law. For them, lawmaking has the specific function of affording them - at least for the time it usually takes to change the law - with privileged positions in terms of policies, support, budget or some other valued good.

Table II gives information about the number of government bills in parliament for the Netherlands and the United Kingdom over a long time-period.⁵ The preliminary conclusion one has to infer from the table, is that there is hardly any increase, not even a significant alteration, in the number of bills; there is no (effective) source of law-making apart from the government. Although in the House of Commons many more Private Members' Bills are introduced than are introduced in the Second Chamber, hardly any Private Member Bill is successful: in contrast to this, nearly all government bills are passed. Therefore, in terms of volume, there is not a significant increase in the number of public laws, comparable to the increase in the public sector.

In three respects, however, this conclusion needs some modification. Firstly, a constant stream of new legislation can have a genuine *accumulative effect*: new bills are not substitutes for old ones, but are added to them. Such

Table II: Number of Government bills introduced



Source: - CBS Statistics;
 - D. Butler and A. Sloman: British political facts 1900-1975;
 - I. Burton and G. Drewry, 1970 and after.

an accumulation should imply a real growth of the amount of legislation in society. In spite of the absence of reliable research-data, our impression is that many a new bill covers policy-points which were not covered by previous legislation. In almost any policy-field, one can find numerous examples of legislative accumulation; e.g. in the fields of environment policy, public order, income and fiscal policy, and education.

Secondly, many bills contain provisions for so-called *delegated legislation*. This means that the main legislator, i.e. parliament and the Crown, abstains from giving all the detailed regulations: instead, it delegates the authority to legislate further to some other political body. How important this phenomenon of delegated legislation is, can be shown from Dutch area. Of all laws made in the period 1965-1974, 42% contained one or more delegations of law-making powers to the government, a minister, a civil servant or some other political body.⁶ Although there is a wide range of differences around this mean percentage, in fact in any given year, an important proportion of laws provides powers of delegated legislation to others; so, here too, there is some accumulative effect.

Thirdly, there is the phenomenon of so-called '*pseudo-legislation*' (according to some, 'symbolic legislation' too). This means that the government formulates general rules through other techniques than formal laws, for example through peculiar public statements, reports to the parliament, 'green-papers', official promises, etcetera.⁷ A large part of this pseudo-legislation passes Parliament, not in the formal sense through the process of legislation (although occasionally it might), but in the sense in that it is presented to, and debated in Parliament.

So, our preliminary conclusion that there is not a noticeable increase in public legislation, comparable to the growth of the public sector, has now

undergone important modification. Through the accumulation-effect, the volume of legislation in society can greatly increase. The contents of bills, especially the provisions for delegated legislation, will have the same effect. In addition, there is the phenomenon of voluminous pseudo-legislation. From this we conclude that there is a real increase in legislation in the Dutch and British societies, although it is not directly observable and can not be equated with the number of formal bills.

Parliament is concerned in all these types of legislation: formal legislation, delegated legislation, and pseudo-legislation. Although there are other forms of law-making, especially in the British system, by jurisprudence, we shall limit ourselves to these forms where the Parliament plays a direct and major role: both formal and delegated legislation has to be provided by Parliament and both delegated and pseudo-legislation can be debated.

Our central question now is *how the two parliaments have adjusted themselves to the increasing and varied bulk of legislation with which they are concerned* and which may be viewed as an expression of the growth of the public sector and thus of a more politicised society.

The Second Chamber's adaptation to societal change

Sections - Since the Second World War, the legislative structures and processes in the Dutch Second Chamber have undergone some important changes. The initial system of legislative processing was that any incoming bill was sent to the five 'sections' of the Chamber in order to prepare the readings for the floor; these sections were unspecialised committees. A bill was prepared in each section and, when the preparation was considered to be sufficient, was reported on to the full Chamber by five rapporteurs, one from each section. Sometimes there were, within a section, substantial debates, but, in many cases, the random assignment of section-membership led to very general or merely procedural discussions.

This system of collective decision-making was very expensive in terms of individual information-costs, because everybody was expected to be informed about everything. The truth is that it was always the case that only a few MPs were well informed on each issue under debate, dependent upon the MPs' particular interests: generalism was the rule.

This almost Madisonian way of legislative decision-making came under pressure when the Parliament's workload increased.⁸ In fact, generalism is only possible when the workload is low; when there is a low volume-input; when overruling political leaders order the voting behaviour; or when there is an other work-reducing mechanism.

Committees – From 1953 on, the already-existing specialised standing committees came into fuller use and were extended to the present number of 30 to act as a substitute for the section system.⁹ Several times, especially in 1966, the Rules of the Chamber were changed in order to remove impediments to the further development of this committee-system or to codify it. More personal and other resources were allocated. Assignment of membership was brought under control of the Chamber's Presidium. Strict rules were drawn up concerning the accessibility and confidentiality of the committee-meetings.

Because many more policy-processes had inter-departmental implications which needed coordination – and, because of this, the related formal bills as well¹⁰ – many specialised ad-hoc committees came into existence, up to a number of between 50 and 60. As an effect of this development, segmented specialism became the main characteristic of the Chamber's legislative process. On any given issue, a few MPs, belonging to the same committee, have a superior knowledge of the subject; all other MPs, the real majority, are scarcely or not at all informed.¹¹ Because membership of any committee (leaving aside some exceptional cases) is carefully distributed over all the different parties in the Chamber, any party has at least one specialist on each subject. These specialists, often for many years familiar with the same policy-field, act as trustees for their party: they provide voting-cues, which usually are taken up. Through this cue-mechanism, political majorities are formed. Because the cue-givers of the government parties are expected to consult each other, these majorities usually parallel the governmental majority.

The cue-system is a work-reducing system. Without cue-taking, MPs, in a short space of time and with relatively limited informational resources, would have to make a *large* number of decisions regarding many *complicated* bills in widely *diverging* areas. Without cue-taking, these decisions would be based on a low level of information with a high risk of error. With cue-taking, MPs can at least reduce the risk of error: one takes the lead from an informed MP.

The role of parties in this system of work-processing, was rather limited and passive in their dependence on their trusted specialists. The parties hardly had any alternative because, in the Second Chamber, with, at first, 100 members, and, from 1956 on, 150 members, and with usually ten to fifteen different parties, the size of most parties did not allow them to hold informative full party meetings on any issue, let alone to develop within the party a committee system. Thus there seemed to be here another example of proof of Jewell and Patterson's thesis of 'an inherent contradiction between party and committee leadership'.¹²

Party-committees – However, this situation changed in the seventies when, as a result of increasing electoral instability since 1967, politicization within

Parliament also increased.¹³ Ideological competition between the parties became much sharper: the rather 'quiet' and closed committee system was not very suitable for this. Uncertain electoral success made the parties and their inside-factions highly insecure and led to a high turnover of MPs (30-40% each election)¹⁴: the many new Members could not be left unguided and, without experience, immediately be treated as trusted specialists; they needed some control from the party. In the 1977 elections, the larger parties became larger and the smaller ones lost seats: the two large parties now each had the opportunity to develop a committee-system within the party. They took that opportunity and institutionalised, in so-doing, the ideological proliferation of their party and the party's control over the individual MP.

In fact, there is now some shift of the legislative process from the formal Chamber's committees to the more informal parties' committees, at least with reference to the two larger parties. These party-committees have a more-or-less standing character and are, just as are the Chamber's committees, focussed on particular policy-fields. They are formed around the experienced, in any case, trusted specialists of the party and often function rather informally; for example, during lunchtime. They prepare for the party voting-cues which are usually taken.

The Chamber's committees have lost, because of this, some of their functions. They are still useful in the exploration of the political relationships and attitudes between the parties and, of course, for the formal meetings with the members of the Cabinet and their accompanying top civil servants, but as a decision-making structure they have lost most of their political importance.¹⁵

Therefore, in essence, the type of adaptation of the increased workload has remained the same: division of labour, specialisation, and transferal of cues. Under pressures and opportunities provided by societal change, the main structure, however, shifted somewhat from the Chamber's committees to those of the largest parties and, because of the majority-rule, to the governmental parties in particular.

Parliamentary activities and resources – The situation described above especially relates to so-called formal legislation. The delegated legislation and pseudo-legislation, as far as the Parliament is concerned in these, are usually clarified in debate on the floor in Parliament, although, since 1974, many Government Papers are also processed through the committee-system.¹⁶

Whatever type of legislation is involved, however, on the floor, once again, the division of labour reigns supreme. Depending on the contents of an issue, the specialists of each party debate with each other; in former days, they were the rapporteurs and the most interested members. Generally, only these specialists attend and participate in the debates. Here, on the floor, their cue-

giving power is tested and, in most cases, with success, as is indicated by the highly cohesive voting-behaviour of each party and, in general, of the Government Parties.

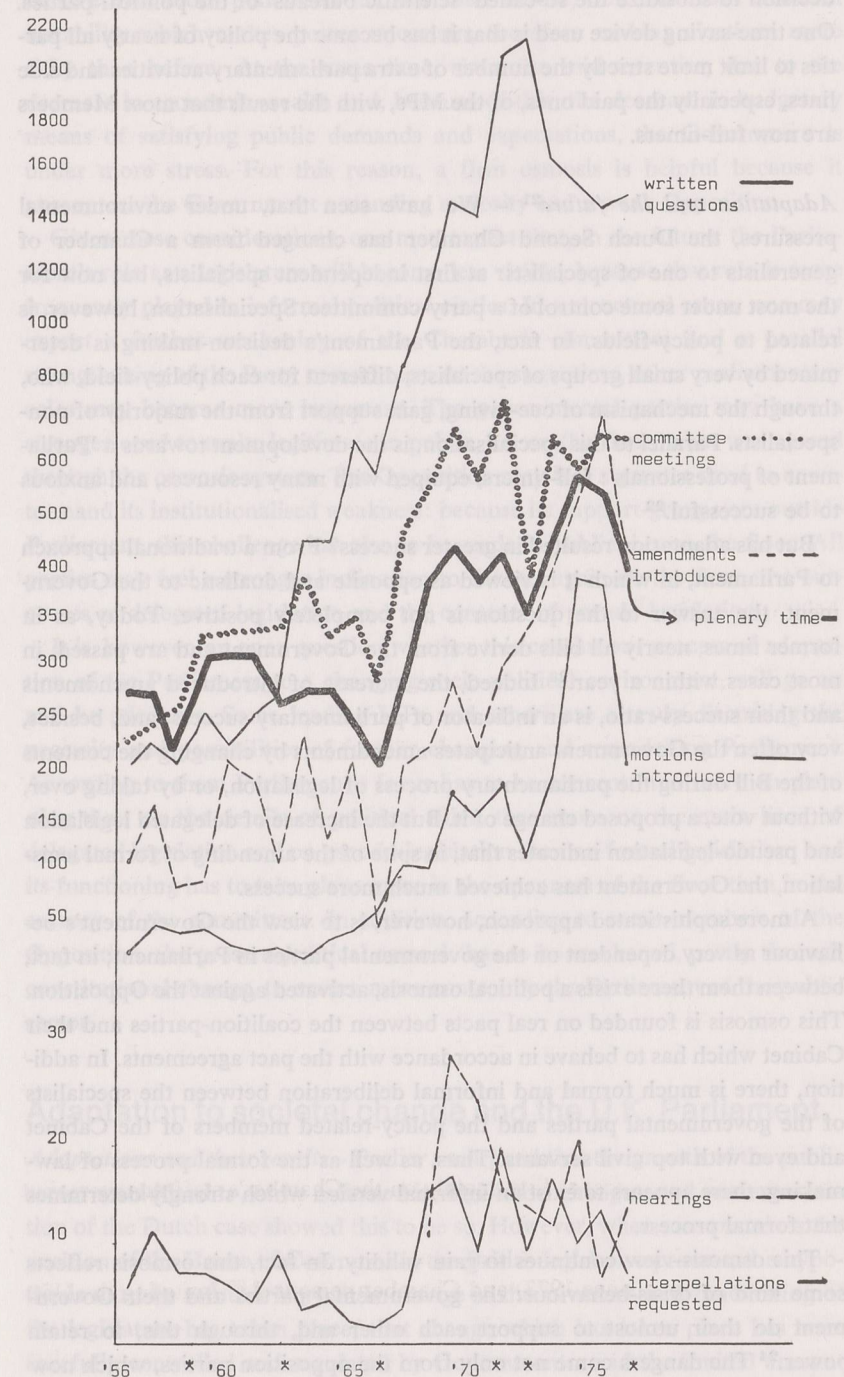
Not only the growth in legislation, which is related to the expansion of the public sector, has had a strong effect on the workings of Parliament in the direction of specialisation, but also the politicization of the Parliament, which was a result of societal change and of increased electoral instability since 1967 and which has had many remarkable effects on the functioning of the Second Chamber as a legislature.

As *Table III* indicates, more amendments on bills are introduced; many more motions (strong requests to the Government) are introduced; many more interpellations (some kind of investigation) are requested; many more written questions are posed; and much more plenary time (indicated by the number of pages of the Proceedings, divided by ten) is spent on the debates.¹⁷ The debates have also acquired a more hectic character. By sampling-method, we can count, for the fifties, a mean of 0.21 interruptions per page of the Proceedings; for the sixties, 1.70; and for the seventies, 2.30.¹⁸

The Chamber's committee-system underwent some parallel changes. To help with the handling of issues of delegated legislation and pseudo-legislation, the Parliament multiplied its committee-meetings, organised public committee meetings and tried out the novelty of hearings: *table III* provides some data about these. The committees also lost some of their apolitical character through the Chamber's decision to allow the mentioning in the reports of the names of MPs and parties. An increasingly important source of inspiration for these activities on the floor or in committee, was not situated within Parliament or within the Government, but came from outside: mass media, protest groups, and so on became important agenda-builders of the Parliament. Issues-of-the-day, often related to matters of delegated legislation or pseudo-legislation, successfully competed with formal bills for parliamentary attention.

In addition to these structural and procedural adaptations to important changes of its environment, the Parliament substantially increased its material resources. The Second Chamber's budget grew from about 1,5 million guilders in 1950, to about 4 million in 1960, up to about 14 million for the year 1970, and to about 53 million for 1978.¹⁹ A large part of the budget increase was spent on staff-members; at first, mainly on the Chamber's staff-members, but since the mid-sixties, when the parties acted in a more politicised manner, mainly on staff-members for the parties and partly on both part-time individual assistants (since 1973) and Chamber personnel.²⁰ Imitating the USA Congress and the FRG Bundestag, a computerised information-system was developed. A more indirect mechanism of resource-enlargement was the 1971

Table III: Parliamentary activities in the Second Chamber between 1956 and 1976



*) Elections

Source: CBS; author

decision to subsidize the so-called 'scientific bureaus' of the political parties. One time-saving device used is that it has become the policy of nearly all parties to limit more strictly the number of extra parliamentary activities and side lines, especially the paid ones, of the MPs, with the result that most Members are now full-timers.

*Adaptation and the future*²¹ – We have seen that, under environmental pressures, the Dutch Second Chamber has changed from a Chamber of generalists to one of specialists: at first independent specialists, but now for the most under some control of a party-committee. Specialisation, however, is related to policy-fields. In fact, the Parliament's decision-making is determined by very small groups of specialists, different for each policy-field, who, through the mechanism of cue-giving, gain support from the majority of non-specialists. Parallel to this specialisation, is the development towards a 'Parliament of professionals': full-timers, equipped with many resources, and anxious to be successful.²²

But has adaptation resulted in greater success? From a traditional approach to Parliament, in which it is viewed as opposite and dualistic to the Government, the answer to the question is not completely positive. Today, as in former times, nearly all bills derive from the Government and are passed, in most cases within a year.²³ Indeed, the increase of introduced amendments and their success-ratio, is an indicator of parliamentary success; and, besides, very often the Government anticipates amendments by changing the contents of the Bill during the parliamentary process of legislation, or by taking over, without vote, a proposed change of it. But the increase of delegated legislation and pseudo-legislation indicates that, in spite of the amending of formal legislation, the Government has achieved much more success.

A more sophisticated approach, however, is to view the Government's behaviour as very dependent on the governmental parties in Parliament; in fact, between them there exists a political osmosis, activated against the Opposition. This osmosis is founded on real pacts between the coalition-parties and their Cabinet which has to behave in accordance with the pact agreements. In addition, there is much formal and informal deliberation between the specialists of the governmental parties and the policy-related members of the Cabinet and even with top civil servants. Thus, as well as the formal process of law-making, there appears to exist an informal version which strongly determines that formal process.

This osmosis-view continues to gain validity. In fact, this osmosis reflects some kind of crisis-behaviour: the governmental parties and their Government do their utmost to support each other and, through this, to retain power.²⁴ The dangers come not only from the opposition parties, which now

behave in a more politicised manner than before, but also from electoral instability which makes power uncertain, therefore making elections more risky than before. At the same time, since the mid-seventies, due to the decrease in economic wealth and, because of this, the decrease in budgetary means of satisfying public demands and expectations, the Government is under more stress. For this reason, a firm osmosis is helpful because it guarantees the Government a standing majority and a weak Opposition.

Given these considerations, one may expect that, in the future, the Parliament's role as a legislature will become less visible, because that role is more frequently played in informal political circles. In a structural sense, one may expect a further weakening of the Chamber's committees and a parallel strengthening of the Party committees. At the same time, other parliamentary roles may become more important. The governmental parties may have a stronger need to make legitimate in public, i.e. on the floor, what was agreed through the osmosis-system. The Opposition may feel a greater need to countermand its institutionalised weakness: because its support-groups are outside Parliament, this challenge has also to be made in public, i.e. on the floor. All parties may feel a stronger inclination to debate, again on the floor, the outcomes of delegated legislation and the contents of pseudo-legislation.

It is, however, an open question whether this continuous process of adaptation of the Parliament to a changing socio-political environment, will go on and be adequate. Some leading MPs and others are already discussing the necessity and possibilities of further changing and remodelling Parliament. According to them Parliament's focus has to be concentrated more on planning than on the details of political rules, thus more on the main lines of delegated legislation and on pseudo-legislation than on formal legislation: and its functioning has to take place more in the openness of the floor than in the secrecy of the committees. In addition, according to some members of the Opposition, the present political osmosis has to be weakened, partly through constitutional change, to ensure more control by the Parliament of the public sector.

Adaptation to societal change and the U.K. Parliament

Adaptations and their results – Earlier we argued that the growth of the public sector would lead to, or be reflected in, legislative changes, and our examination of the Dutch case showed this to be so. However, when one examines the position of the House of Commons in the British legislative process, the hypothesis must be refuted. Very little change in the structure and functioning of the legislature has taken place; that change which has taken place has been carefully controlled and regulated by Governments; and the limited amount

Table IV: Indications of Parliamentary, Government and Legislative Change, 1900-1970/71

	1900/ 01	1910	1920	1930/ 31	1940/ 41	1950	1960/ 61	1970/ 71
Total no. of days sittings	121	103	167	187	113	105	168	206
Average no. of sitting hours/day	9 hrs. 5 min.	6 hrs. 36 min.	8 hrs. 20 min.	7 hrs. 47 min.	5 hrs. 50 min.	7 hrs. 50 min.	8 hrs. 30 min.	8 hrs. 16 min.
Questions to ministers	6448	8201	18652	14373	10825	9861	13778	17461
Total paid Government posts	60	62	81	58	74	81	82	102
No. el. general stability instruments	174	218	910	391	1626	1211	733	1040

Source: David Butler and Anne Sloman, *British Political Facts 1900-1975* (Macmillan, London; 5th ed. 1975)

of legislative change permitted by Governments has by no means been commensurate with wider societal changes.

Post World War Two adaptations in the British legislature have been quantitatively fewer and qualitatively different from those that have taken place in the Netherlands. Indeed, the House of Commons has not adapted to societal change in comparable ways to the Second Chamber. Insofar as the present British Parliament is structured and functions in ways very similar to its counterpart in the first quarter of the twentieth century, one could well argue that it has hardly adapted at all to the macro-societal forces described earlier.

Table II has already revealed that the parliamentary response to societal change has not been paralleled by a commensurate increase in Government legislation either introduced or enacted. *Table IV* reveals that between 1900 and 1970, the number of days that the House of Commons sat per year increased by some 70%, although there was no significant increase in the number of hours per day that the House sat. During this period, the size of the Government – as measured by the total number of paid Government posts in existence – increased by two-thirds, and there was a six-fold increase in the number of general statutory instruments (items of delegated legislation) enacted.²⁵

Given the increase in the size of the public sector, the size of the Government, and the scope of its activities, questions arise as to why there has been so little legislative adaptation in the British context this century, and why, especially, this adaptation has been particularly stunted since the end of the Second World War? The most satisfactory answers to these questions can be found in the attitudes that successive Governments have had towards legislative adaptation. With a single exception – the 'Crossman reforms' (so named after the then Leader of the House of Commons) between 1966 and 1968 – the overwhelming attitude of British Governments has been to resist any and all changes in the structure and functioning of Parliament which would have the effects of increasing the power or influence of the Parliament at their own expense. The control that Governments have exerted over Parliaments in the post-war years has been almost absolute as revealed by the percentage of their legislative proposals enacted by Parliament relative to that of MPs (*table V*). It can be seen that, with few exceptions, Bills introduced by the Government become laws: Bills introduced by backbench MPs of the Government's own party, or by the Opposition parties, have almost no chance of ending up on the Statute Book (unless with the explicit consent of the Government).²⁶ The same measure of Government control can be seen in the amending of legislation (*Table VI*). All Government amendments to Bills are accepted; very few amendments are accepted from its own backbenchers, and almost none

Table V: Success Rates Of Government and MPs Legislation

Session	Government Legislation			MPs Legislation		
	No. Introduced	No. Enacted	% Enacted	No. Introduced	No. Enacted	% Enacted
1968/69	55	51	92.7%	113	12	10.6%
1969/70*	63	38	60.3	98	15	15.3
1970/71	77	76	98.7	82	13	15.9
1971/72	61	59	96.8	92	17	18.5
1972/73	57	57	100.0	93	15	16.1
1973/74*	38	15	39.5	54	0	0
1974*	43	35	81.4	50	7	14.0
1974/75	79	73	92.4	100	10	10.0
1975/76	77	72	93.5	109	16	15.0
1976/77	50	48	96	107	11	10.0

Source: adapted from the series of 9 articles by Ivor F. Burton and Gavin Drewry on 'Public Legislation' that have appeared regularly in *Parliamentary Affairs* since 1970.

* = premature dissolution of Parliament for a General Election.

Table VI: Fate of Amendments To Government Bills

Session	Stage		Committees of the Whole Home			Report	
	Agreed	Withdrawn	Withdrawn	Defected	Agreed	Withdrawn	Defected
1967/8	Govt.	439	—	—	378	1	—
	Govt. MPs	15	160	55	5	15	22
	Oppos.	49	765	678	14	79	158
1968/9	Govt.	287	—	1	249	—	—
	Govt. MPs	11	45	23	3	—	7
	Oppos.	43	420	426	6	58	143
1970/1	Govt.	180	—	—	237	—	—
	Oppos.	14	89	23	2	26	9
	Govt. MPs	39	318	336	9	30	102

Source: J. A. G. Griffiths: *Parliamentary Scrutiny of Governments Bills* (Aller & Unwin, London; 1974, pp. 93 and 159).

from Oppositions MPs.²⁷

A Government's success in the legislative process is dependent upon its majority in the House of Commons: such a majority has existed for approximately thirty-one of the thirty-four post-War years.²⁸ Governments have not only used their majorities to ensure the unhindered passage of their legislation, but have also used them to resist procedural changes. Ultimately, all procedural reforms are dependent upon a Government both willing to let Parliament play a greater part in the governing of the country, and willing to accept the consequences of a reduction in its own powers.²⁹ In practice, those reforms which have taken place have neither achieved this nor affected the traditional relationship between the Government and the House of Commons.

The most widely championed change over the last two decades has been for the introduction of a series of specialised parliamentary committees which would parallel the structure and closely monitor the activities of Government Departments, and be established along the lines of similar committees in the Second Chamber and the Bundestag.³⁰ However, vital elements of the European experience – such as the multi-party legislature, and a coalition government necessitating accommodation and collaboration between the legislature and the executive – are absent in the British case where the parliamentary majority effectively guarantees that Governments can govern largely free of parliamentary constraints. Only for a short period in the late 1960's was such a committee system introduced, and then only on a limited basis and for a limited time. The Common's experiment with specialist Select Committees from 1966 onwards had mixed results: the three 'subject' committees on Science and Technology³¹, Race Relations and Immigration, and Scottish Affairs, became institutionalised and a permanent part of the parliamentary landscape; the 'departmental' committees on Agriculture, Education, and Overseas Aid were evanescent and were wound up by 1971. Although there has been a net increase in the number of Select Committees in the House since 1966, Parliament's relationships with the Government, civil service, interest groups and the public at large has remained unchanged.³²

Notwithstanding the limited success of the initial experiments with these Select Committees, enthusiasm for a comprehensive system of such Committees has not waned. In its report of the 1977-78 session, the Select Committee on Procedure proposed a new system of Select Committees based upon Departments: Agriculture, Defence, Education, Science and the Arts, Energy, Environment, Foreign Affairs, Home Affairs, Industry and Employment, Social Services, Trade and Consumer Affairs, and Treasure. Existing Committees of Public Accounts, Statutory Instruments, and European Secondary Legislation would be continued, but others on Expenditure, Nationalised Industries, Science and Technology, and the Parliamentary Commissioner for

the Administration (Ombudsman) would be reshaped along departmental committee lines. The Procedure Committee also proposed that each of the new Committees would consider departmental estimates (finances); be able to enquire into Departments and the quasi-autonomous non-governmental organisations (quangos) operating within their orbit; and be able to demand an immediate and full-scale parliamentary debate if the Government refused to provide information to a Committee.³³ While both the Labour and Conservative 1978 Party Conferences supported the strengthening of the Select Committee System along the lines advocated by the Procedure Committee, Parliament did not have chance to decide on the matter before its premature dissolution in April, 1979.

Since 1945 the problem for reformers of Parliament has not been a paucity of schemes such as those put forward by the Procedure Committee in 1977-78, but rather in persuading a Government to adopt such a scheme. Successive Governments have resisted attempts to introduce specialist Select Committees on a comprehensive basis, and even refused to cooperate (by refusing to permit Ministers to appear before them or give evidence) with those established along more modest lines and with more limited powers.³⁴ Also, it has increasingly come to be questioned as to exactly what the establishment of a system of specialist committees might achieve. Advocates of a specialist Select Committee system argue that the Committees would allow Parliament to monitor, and ultimately control, the activities of the Government and the civil service.³⁵

Those less enthusiastic about them, argue that it is unrealistic to expect a Committee of 25-50 legislators to scrutinise the workings of an immense Department of State, and that Parliament should devote its energies to other matters. It is also argued that there is a limit to the type and nature of political control that a legislature can exert over a Government ultimately dependent upon majority support in the Parliament. Miller, for example, asks, 'Is there any escape from the paradox for specialist committees; are they to be agents of criticism, but not critical? issue partisan but not party partisan? the voice of the backbencher, but at the mercy of the Government? Can they be both slaves and masters? . . . I think not'.³⁶

In addition to Select Committees, the House of Commons has also been permitted to engage in half-hearted flirtations with other procedural adaptations. During the 1967-68 session, it experimented with morning sittings on Mondays and Wednesdays. (Standing Committees, which deal with legislation, meet on Tuesday and Thursday mornings.) No voting took place during these morning sittings, and divisions called in the morning were held over until the afternoon. While Labour MPs supported this experiment, most Conservatives – who had part-time professions which they pursued in the morning – opposed them.

The sittings were badly attended, and in the absence of divisions 'had a certain air of unreality and lack of purpose'.³⁷ The experiment with morning sittings lasted for a single session, as did a second procedural experiment (also in 1967-68) under which the Committee stage of the Finance Bill was held in Standing Committee rather than on the floor of the House. Again the Conservatives were opposed to this, and it was not repeated although subsequently the more technical aspects of taxation have been sent to a Standing Committee, while the more important items of the Finance Bill have been discussed on the floor. One reform that was finally accepted after a lengthy parliamentary struggle concerned the broadcasting of the proceedings of the House. Although proposals for televising Parliament were first debated in 1972, it was not until 1978 that radio broadcasts of Parliament were begun, and then only on a limited scale.

To return for a moment to parliamentary committees: immediately after World War II, the Atlee Government reformed the legislative process so that the Committee stage of all major Bills – except constitutional Bills – was to take place in Standing Committee. This allowed Parliament to legislate on more items than previously, without significantly reducing the effectiveness of parliamentary scrutiny. However, as a form of horizontal specialisation, the device of the Standing Committee is peculiar. These Committees do not 'stand' in the sense that they are permanent and/or specialised; rather they are appointed for each particular Bill, and are comparable to those 'sections' of the Second Chamber that existed until 1953. Consequently their membership is continually in flux: MPs do not have the chance to build up expertise by considering, say, all education or transport Bills enacted in a Parliament; accordingly they do not become cue-givers; and there is no guarantee that a Standing Committee will consist of MPs with specialist knowledge of the subject under consideration.³⁸

Both major parties have a system of specialist committees, but these have almost no part to play in the House of Commons and do little more than provide a forum for the unofficial expression of views. When a party forms the Government, its committees can obtain information from and put pressure on Ministers, but the latter are under no obligation to provide the information and can resist the pressure. When a party is in opposition, its specialist committees are even more ineffective as they are many steps removed from the locus of the policy-making process. Both the Government's and the Opposition's specialist party committees tend to operate in a vacuum in the absence of a developed system of specialised Select Committee which would closely monitor departmental activities and subject their legislative proposals to close scrutiny. In many policy areas (those not covered by Select Committees) there are few or no cue-givers. Neither party nor Standing Com-

mittees provide the setting for the development of an effective system of cue-giving similar to that found in the Second Chamber, and in a Parliament with over four times as many MPs as its Dutch counterpart, the effects of this on legislative decision-making and executive scrutiny are serious.

Alternative adaptations – Let us next consider the various ways in which a legislature could respond to societal changes on the scale and magnitude of the public sector experienced by the United Kingdom this century. Four such responses warrant examination. The first involves increasing the number of MPs: however, the House of Commons – with, at present, 630 Members – has always been amongst the largest legislative bodies in the Western world, and has a comparatively low ratio of MPs/citizens.³⁹ Furthermore, the disadvantages of increasing the Commons' membership to 650 or more probably outweighs its advantages, especially in view of the fact that the House conducts most of its business in plenary session. A second way one could imagine a legislature responding to growth in the public sector would be for it to increase the amount of time that it meets. However, as the Commons is in almost full-time session – and already meets for more than twice as long as any other Western legislature – this precludes it meeting for more days per year, or more hours per day, or both.⁴⁰ A third method concerns a horizontal division of labour through the mechanism of specialist committees, via the establishment of a series of 'mini-legislatures' each with their own narrowly defined areas of competence. As we have already discussed, Governments have not opened up this road to the British Parliament, and the single 'macro' and unspecialised legislature has been forced to contend with an ever-increasing volume of specialist and complex matters. A final way that a legislature could respond to societal change involves a vertical division of labour, which would involve legislative functions being devolved to, or shared with, bodies other than the legislature. There is evidence to show that this has indeed been taking place in the United Kingdom, as witnessed by the growth of quangos, the devolution of central government powers to local and regional authorities, and the increased recourse of Governments to statutory instruments.⁴¹

Implications of non-adaptations – We have shown that the United Kingdom's Parliament's adaptations have been minimal. What are the consequences of this? At the outset it can be argued that the nature and role of legislation in Britain has changed over the last seventy-five years, and that it has become more complex, technical and specialised. At the turn of the century, all major Government 'outputs' took the form of Acts of Parliament, and space should be found in Parliament's timetable for all necessary legislative items.⁴² Now it is the case that the Act of Parliament is only one of several types of legislative

output available to a Government, and one used increasingly rarely. Other outputs include public statements, official documents, administrative circulars, international commitments, as well as a panoply of symbolic devices: in other words, pseudo-legislation. Furthermore, parliamentary time is one of the scarcest resources that a Government with legislative ambitions has to contend with, and the Act of Parliament is a relatively 'costly' activity (in terms of time, man-hours invested in it, visibility, etc.) for it to engage in. Whereas the nature of legislation and the characteristics of the legislative process have undergone considerable change, the legislature has not. This is especially apparent when one takes into account the large-scale changes in executive government that have taken place over this period. While Cabinets and the civil service have increased in size; been subjected to a series of reviews, restructurings and reforms; and experienced both horizontal and vertical divisions of labour, the House of Commons and its structures and functioning have remained virtually unchanged. As a consequence of this, Mackintosh's argument is convincing: 'Parliament now plays a much smaller part in the legislative process than it did a century ago and a smaller part than legislatures such as the Bundestag or Congress. Policy-making is often done by the party organisations, or by consultations between the Government and outside pressuregroups which happens both in Government and in opposition'.⁴³

Given that the British Parliament has evolved markedly different from its Dutch counterpart, has its performance in the legislative arena also been different? We are inclined to think not, as the similarities between the experiences of the Dutch and British Governments in their respective legislative processes are more noticeable than their differences: both Governments succeed in getting the bulk of their legislation passed; control the flow of legislation and legislative amendments from their own MPs and non-governmental parties; and have increasing recourse to delegated and pseudo-legislation. However, similarities between the two governments are most evident when a British Government lacks a majority, or when its own backbenchers challenge this majority; when it has to form alliances with other parties and MPs; and when its usually combative style has to be replaced by one emphasising accommodation and collaboration.

At the end of our analysis of legislative adaptation in the United Kingdom one must confront a series of questions. If, as we have argued, the House of Commons is a legislature more attuned to the beginning than the end of the twentieth century, how has it continued to play a part – however minimal – in the legislative process? If the House of Commons is an atrophied part of the British body politic, why has it not withered away? If basic changes to the House of Commons have been avoided for so long, and both it and the

political system as a whole continue to perform reasonably well, is it desirable to introduce changes to the structure and functioning of the Parliament so late in the day? Or might such changes have unforeseen and undesirable effects on the whole political system, especially the balance of legislative-executive relations in an era marked by electoral volatility, minority administrations, and the break-up of the two-party system?

Comprehensive answers to these questions would take us away outside the scope of this article. However, it is necessary to pose the questions in this way, and worthwhile to contemplate the answers to them in a comparative context to further our understanding of the relationship between legislatures and society. It is to these matters that we finally turn.

Comparable stimuli-why different responses?

The main conclusion to be drawn from the foregoing sections on the Dutch and the British Parliaments, is that comparable environmental stimuli do not necessarily result in comparable responses.

Since the Second World War the two parliaments have experienced similar developments in their socio-political environments: social processes of growth, urbanisation, shifts in employment, education, etcetera; a rising public sector; a constant stream of formal legislation; and, as a newly familiar phenomenon, more delegated and pseudo legislation. The Dutch Parliament has constantly tried to adapt itself to these environmental stimuli by changing its internal structures and processes; the British Parliament has tried much less to do so. We have to conclude that the Dutch Second Chamber is now very different from that of twenty or thirty years ago, while the British House of Commons is still basically the same.

How can we explain these different reactions to similar environmental stimuli? What intermediate factors are instrumental between environment and the Parliament? Our analysis leads us to advance four main explanations for these differences of adaptation.

Firstly, we have to underline the somewhat trivial observation that, even from the earliest period with which our analysis is concerned, the two parliaments were different from each other. The similar environmental stimuli we noticed, did not reach two identical parliaments. The Second Chamber and the House of Commons had, from shortly after the Second World War, a different history, different traditions and rules, a different position within the constitution and the political system, and different legislative structures and processes. Therefore, *historical* factors can help to explain the difference of adaptation to environmental change.

This applies not only to history, but also to other events which took place

during the period under study. Britain experienced the rise and fall of her Commonwealth – the Netherlands only its Commonwealth's fall. Britain was orientated mainly towards her Commonwealth and towards the Atlantic Powers; the Netherlands partly towards the Atlantic and partly towards Europe. These and many other different 'events' may have had intermediate effects on the relationship between environmental stimuli and parliamentary responses.

A second explanation is partly related to the former, but is much more *cultural* in bias. In the British political system there has always been a trend towards generalism rather than specialism, and this is in marked contrast to the Dutch system. Proof for this is provided in the examination of recruitment for top positions in the Civil Service and the Cabinet as well as that for parliamentary committees, as we have previously described. The British political culture is not a very favourable environment for the Dutch type of specialist parliamentary adaptation. The contrary applies to the Dutch political culture which, traditionally has a preference for specialism in all kinds of political positions.

Our third explanation is mainly *structural* and refers to the relationship between the government and the parliament. This relationship is different for the two countries. Our conclusion is that, because the House of Commons is under much more political control of the Government than is the Second Chamber, the British Parliament has much less freedom for adaptation than has the Dutch Parliament. The assumptions behind this are that adaptation increases the Parliament's political influence – at least, does not decrease it – and that a Government prefers to control Parliament, rather than be controlled by it.

The British Government has much more control over the Parliament than has the Dutch Government. One reason for this is that Britain has basically a two party system, while the Netherlands has always had a multi-party system (between 10 and 15 parties in Parliament, none having a majority of seats). This situation affects the process of government-formation. In Britain the Government is directly determined by the election results. In the Netherlands, it is determined after the elections through negotiations between the leaders of the different parties. In fact, thanks to this parliamentary process of Cabinet formation, in contrast to the British election process, the Dutch parties-in-coalition can exert much more influence on the Government. The dimensions of this influence are laid down in a genuine 'pact' between the coalition parties and between these parties and their Cabinet.

Even when the Cabinet does try to control the Parliament, it has fewer political resources to do so than has the British Cabinet. In the Netherlands, the members of the Cabinet are not allowed to be Members of Parliament, in

contrast to the British situation: there is no overlapping membership between the Cabinet and the frontbench-positions in the Dutch Parliament.

In addition, the difference between frontbencher and backbencher is much less in the Netherlands than in the United Kingdom. In the Second Chamber the most relevant difference is that between specialists (the few) and non-specialists (the many); partly leadership, normally, is weak. Thus, for the Dutch Cabinet, there is no fixed elite in Parliament through which it can control the Chamber, as is the case in the House of Commons.

In summary, the British Government, usually, has a clear and guaranteed majority in Parliament, and has influential frontbench-positions. The Dutch Government has neither a comparable majority nor institutional frontbench-positions, but has to negotiate and compromise, again and again, with the specialists of the coalition-parties. Because of this, the Second Chamber has much more freedom than has the House of Commons to adapt itself to a changing political environment. In the Netherlands, more than is the case in the United Kingdom, political power is divided between the Government and the Parliament, i.e. the Coalition in Parliament.

A fourth explanation for the difference of adaptation is *procedural*. In the House of Commons, a Bill must be passed within the parliamentary session in which it is introduced: otherwise, it is 'lost', and has to be re-introduced in the next session. In the Second Chamber, a bill can last for ever; a recently-passed bill was a top-scoring fifteen years before Parliament.⁴⁴ The most time-consuming phase in the Dutch process of legislation is the Committee-phase.

In the House of Commons, therefore, much more control is needed to pass a Bill on time. Frontbench-leadership, including the whip-system, satisfies this need. A strong committee-system would hamper this control, because it would stimulate the development of committee-elites, in addition to party-elites.

All these explanations apply to the period under study. We noticed, however, that the two Parliaments, especially the Dutch, are not static but are dynamic structures. The direction of these dynamics is such that the two Parliaments seem to be growing somewhat closer to each other.

In the United Kingdom, until the election of May, 1979, there was a slight development in the direction of a Coalition-Cabinet, at least in the last few years. The size of Government majorities decreased, and as party discipline grew weaker and minor parties won by-election seats at the expense of the Government, these majorities became minorities. Accordingly, groups in the House of Commons gained more negotiation-power.⁴⁵ In addition, a few attempts were made to develop a system of Standing Committees.

In the Netherlands there is the 'osmosis'-trend in which the Cabinet and the Coalition in Parliament try to form a united front against the Opposition. The

shift from the Chamber-Committee system to the Party-Committee system brings specialists under more control of their parties. In addition, there is the increasing importance of the floor, which in the House of Commons is already the main legislative structure.

Notes

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1. See, for similar trends, H. Wilensky: *The Welfare State and Equality* (University of California, Berkeley, 1975) and R. Freeman: *The Growth of American Government* (Hoover Institution, Stanford, 1975).

2. A. Downs: *An Economic Theory of Democracy*, (Harper and Row, New York, 1957).

3. W. A. Niskanen: *Bureaucracy and Representative Government*, (Aldine, Chicago, 1971).

4. Compare A. Kornberg, D. Falcone and W. T. Mishler III: *Legislatures and Societal Change: the case of Canada* (Sage, London, 1973); J. Grumm: 'Structural Determinants of legislative output', in A. Kornberg and L. Musolf (eds.): *Legislatures in developmental perspective* (Duke University, Durham, 1970, p. 429-459); and A. Rosenthal and R. Forth: 'The Assembly Line: Law production in the American States', in *Legislative Studies Quarterly*, May 1978, p. 265-292.

5. Only Government Bills concerning Home Government (hence Treaties, Private Member Bills and, for the Netherlands, Naturalisation Bills are excluded). The Dutch Central Bureau of Statistics' data are not 100% accurate but this does not affect our observations and conclusions.

6. See M. P. C. M. van Schendelen: *Terugtrek van de Wetgever*, (Tjeenk Willink, Alphen a/d Rijn, 1976).

7. See *Beleid en Maatschappij*, March-April 1976, p. 61-100 (special issue on 'Government by Green-paper').

8. See *The Federalist Papers*, especially the numbers 52-59.

9. See L. van Waasbergen: *De vaste commissies van de Tweede Kamer* (private publication, Amstelveen, 1972).

10. A good indicator for this is the increasing number of co-signing Cabinet members when bills are introduced into Parliament. See M. P. C. M. van Schendelen and H. T. J. F. van Maarseveen: *Proces van Wetgeving*, (Tjeenk Willink, Alphen a/d Rijn, 1976). A large part of this coordination is not successful as is indicated by the existence of 'fourteen departmental law-families'; see S. O. van Poelje a.o.: *De 14 Wetsfamilies*, (VNG, Den Haag, 1977).

11. See M. P. C. M. van Schendelen, *Parlementaire informatie, besluitvorming en vertegenwoordiging*, (Universitaire Pers, Rotterdam, 1975, esp. chapter 4-5) and M. P. C. M. van Schendelen: 'Information and Decisionmaking in the Dutch Parliament', in *Legislative Studies Quarterly*, May 1976, p. 231-250.

12. See M. Jewell and S. Patterson: *The Legislative Process in the United States*, (Random House, New York, 1966, p. 203).

13. See for data M. P. C. M. van Schendelen: The Dutch Second Chamber as a career channel, *British Political Science Association*, paper, March 1978 and M. P. C. M. van Schendelen: 'Verzuiling en restauratie in de Nederlandse politiek', in *Beleid en Maatschappij*, February, 1978, p. 42-54. Two other indicators are that since the Second World War only one Cabinet lasted the full four-year period and that the time needed to form a Government-coalition increased from 69 days in 1971, to 163 days in 1973 and even 208 days in 1977.

14. Plus a 10-20% turnover between the elections: Compare with J. Blondel: *Comparative Legislatures*, (Prentice Hall, Englewood Cliffs, 1973, p. 160).

15. Mr. Van Thijn, one of the leaders of the largest Socialist Opposition Party, has based part of this recent 'proposals for a new Parliament' on this observation.

16. See Kamerstuk 14.041.

17. Because of the campaign activities the election years (marked in the table) are not very representative for the normal situation. See also M. P. C. M. van Schendelen: The activism of the Dutch Second Chamber, *European Consortium for Political Research*, paper, 1976.

18. According to a staff-member of the Parliament this is less an indicator of 'politicisation' of the Parliament than of 'vulgarisation' of MP's' behaviour.

19. Source: *Miljoenennota* (The Government's Budget Proposals).

20. The expenses for the Chamber's staff increased from about 0,1 million guilders in 1950 to 0,8 million in 1965 and 6,3 million in 1975. The expenses for the Parties' staffmembers grew from 0,03 in 1965 to 5,0 million guilders in 1975 and 8,9 million in 1978; present plans foresee a further increase with 64% up to 1983.

21. See R. Davidson and W. Oleszek: Adaptations and Consolidation, structural innovation in the US House of Representatives, in *Legislative Studies Quarterly*, February 1976, p. 37-66.

22. See A. Ruch: *Das Berufsparlament*, (Helbing und Lichtenhahn, Basel, 1976).

23. See note 10, *Proces van Wetgeving*.

24. 'Crisis' in its general meaning of 'perception of a rather sudden and unexpected disturbance of the usual processes within the political system, which disturbance is considered as harmful for the system's self-maintenance and, therefore, requires an early intervention by the power-holders'. See M. P. C. M. van Schendelen: *Regering en Parlement in Crisistijd*, (Tjeenk Willink, Alphen a/d Rijn, 1979, esp. p. 16-18).

25. A wide variety of items concerning the development of the British political system in the twentieth century can be found in David Butler and Anne Sloman, eds.: *British Political Facts: 1900-75*, (Macmillan, London; 5th ed. 1975).

26. See Valentine Herman: 'What Governments Say and What Governments Do: An Analysis of Post-War Queen's Speeches', *Parliamentary Affairs*, Vol. 28, 1975.

27. See J. A. G. Griffiths: *Parliamentary Scrutiny of Government Bills*, (Allen and Unwin, London; 1974) and Valentine Herman 'Backbench and Opposition Amendments to Government Legislation: in Dick Leonard and Valentine Herman, eds.: *The Backbencher and Parliament*, (Macmillan, London; 1972) pp. 141-56.

28. The working of Britain's first post-World War II minority administration between the February and October, 1974, elections are described in Valentine Herman and David McKay 'The British Experience of Minority Government in 1974', E.C.P.R. paper, London, 1975.

29. See Bernard Crick: *The Reform of Parliament*, (Weiderfeld, London; 2nd ed., 1968).

30. For a comparative perspective on legislative committees see Valentine Herman, *Parliaments of The World: A Reference Compendium*, (Macmillan, London; 1976) chs. 37 and 51.

31. See Arthur Palmer, 'The Select Committee on Science and Technology', in Leonard and Herman, eds., *op. cit.*, pp. 156-70.

32. This point is argued in Harris N. Miller, 'Future Research on Parliament', in Dennis Kavanagh and Richard Rose, eds., *New Trends in British Government*, (Sage, London; 1977), pp. 123-40.

33. Bill Jones and Dennis Kavanagh (eds.), *British Politics Today* (Manchester U.P. 1979), pp. 78-9.

34. Nevil Johnson, 'Select Committees on Tools of Parliamentary Reform: Some Further Reflections', in S. A. Walkland and Michael Ryle, eds., *The Commons in The Seventies*, (Fortana, London; 1977), pp. 175-201.

35. See S. A. Walkland, 'The Politics of Parliamentary Reform', in John P. Mackintosh, eds., *The Commons in The Seventies*, (Saxon House, Farnborough; 1978), pp. 184-96.

36. Miller, *op. cit.*, p. 126.

37. Frank Stacey, *British Government 1966-75: The Years of Reform*, (Oxford U.P. 1975), p. 40.

38. R. M. Punnett, *British Government and Politics*, (Heinemann, London; 3rd ed. 1976), pp. 239-45.

39. In the twentieth century the size of the House of Commons has been as follows 1900-1918, 670 MPs; 1918-22, 707 MPs; 1922-48, 615 MPs; 1945-50, 640 MPs; 1950-55, 625 MPs; 1955-1979, 630 MPs.

40. See Herman, *Parliaments of the World*, *op. cit.*, ch. 24.

41. Stacey, *op. cit.*

42. See Butler and Sloman, *op. cit.*, pp. 156-8.

43. John P. Mackintosh, 'Possible Reform of Parliament', in Mackintosh, ed., *People and Parliament*, *op. cit.*, pp. 171-83, cir. p. 173.

44. See note 10, *Proces van Wetgeving*, p. 98.

45. See R. J. Jackson, *Rebels and Whips*, (Macmillan, London, 1968).

Het wettig gezag gesteund?

Enkele aantekeningen over achtergronden, ontstaan en verloop van het Nationaal Instituut Steun Wettig Gezag 1948-1958

door M. D. Bogaarts

Inleiding

Op 3 mei 1948 kondigde de Nederlandse minister van Binnenlandse Zaken, mr. P. J. Witteman (KVP), over de radio aan dat gebeurtenissen in het buitenland de regering hadden genoodzaakt maatregelen te nemen ter versterking van het gezagsapparaat om de grondwettige regeringsvorm tegen aanslagen van buitenaf en van binnenuit te beschermen. Zij had reserveformaties bij de politie en het leger ingesteld, waardoor beroeps politie kon worden vrijgemaakt voor het beteugelen van mogelijk oproer. Er zou medewerking worden gegeven door groepen uit de bevolking, 'die zich op het gebied van steunverlening aan het wettig gezag bewegen of bewogen hebben of aan wie deze steunverlening ter harte gaat. Deze medewerking komt tot uiting in het Nationaal Instituut Steun Wettig Gezag'.¹

De Nederlandse regering had reden tot ongerustheid. De conferenties tussen de Grote Vier over het Duitse vraagstuk waren mislukt; er was een Oost-blok van landen, overheerst door de USSR via door communisten geleide regeringen, ontstaan, dat geen gebruik mocht maken van de Marshall-hulp; de communistische partijen van Oost en West leken een gezamenlijk anti-kapitalistisch offensief te zijn begonnen door de oprichting van de Kominform in september 1947. In Italië en Frankrijk waren eind 1947 hevige onlusten uitgebroken, nadat de communisten uit de regering waren gezet (mei 1947) en beide landen de Marshall-hulp hadden aanvaard. Tenslotte hadden de communisten in Tsjechoslowakije (met 38% van het electoraat) de macht in februari 1948 geheel overgenomen en het land bij het Oost-blok aangesloten. In Nederland had de CPN in 1946 slechts 10% van de stemmen behaald, maar de regering achtte het internationale klimaat zo gespannen, dat bescherming van het wettig gezag geboden was. Naast de maaregelen die al genomen waren ter verhoging van de externe veiligheid - door afsluiting van een defensiepact met Engeland, Frankrijk, België en Luxemburg op 17 maart 1948 te Brussel -, moest ook de interne veiligheid worden verzekerd. Zo althans de uiterlijke feiten.²