Thinking faith
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The Unjust Judge: how the media wrongly convicted David Laws

Joe Egerton

Joe Egerton argues that the treatment of David Laws calls for unequivocal condemnation by Christians and urges the Prime Minister and Cabinet to put plans in place to frustrate the next attempt by the media to hijack the government.

Politics, observed the late Alan Watkins, is a rough old trade. John Biffen put it more elegantly: 'there is no natural justice in politics.' Disraeli was even more direct: 'There is no act of treachery or meanness of which a political party is not capable; for in politics there is no honour.'[1] It is this lack of honour, of good conduct, of integrity, that caused the huge divide between the people and the political institutions that was so marked a feature of the last Parliament.[2] The rejection of all three parties as deserving of a majority in the Commons was a consequence of a widespread demand for change – a demand common to the majority of supporters of the main parties as well as those who did not vote.[3] Both the formation of the Coalition and the emergence of serious arguments over the future direction of Labour in its leadership election show that many of our elected politicians are listening. Alas, the forced resignation of David Laws suggests that the Old Politics is alive and kicking in the print media.


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The media take-over

The story started with a front page spread in the *Daily Telegraph*: 'MPs' Expenses: Treasury chief David Laws, his secret lover and a £40,000 claim'.[4] Just so nobody was left in any doubt, the opening line was: 'The Cabinet minister charged with rescuing the Government's finances has used taxpayers' money to pay more than £40,000 to his long-term partner, The Daily Telegraph can disclose.'

On the BBC's *Question Time* on 3 June, Matthew Parris – who had condemned the media's conduct in Monday's *Times* as 'foul hypocrisy'[5] – argued that David Laws was wrong to resign and those in the media who pushed him were wrong to do it. He went on to list a number of *Telegraph* boxes that the Laws story ticked: the Telegraph does 'not like the Coalition, does not like Cameron conservatism, is not wild about gays and achieved a huge circulation boost through MPs' expenses.'[6]

He added that the Telegraph may well now consider that it had made a bad judgement. On Monday 31 May, the *Daily Telegraph*'s leader indeed expressed some sadness – its title was 'Sadly, Mr Laws has done the right thing'. However, the content invites the response the late, great Sir John Junor[7] gave to sanctimonious twaddle – 'pass the sick bag, Alice':

> David Cameron and Nick Clegg no doubt wish that they could have saved Mr Laws. So do we. Yet the nature of the job made it impossible for him to remain in post. He would have been overseeing cuts in public expenditure which were bound to lead to at least some people losing their jobs. As Matthew d'Ancona puts it trenchantly: 'How could Mr Laws have begun to explain to a public sector employee paid £40,000 per annum – the sum he claimed improperly – that she had to lose her job as part of the cuts process, while he kept his?' If he was to continue as Chief Secretary, Mr Laws had to find a way to answer that question, and to answer it convincingly. That it was not possible was a tragedy both for Mr Laws's career, and for the nation's politics.

Did David Laws break any rule governing expenses?

No. It has been suggested that David Laws broke a rule, introduced in 2006, that prohibited claiming for rent paid to, among others, partners. There are good reasons for rejecting that allegation.

The arguments for and against were put on *Question Time*. Matthew Parris nearly caused fellow panellist Kelvin Mackenzie to have apoplexy by arguing that the case made by David Laws, namely that the person to whom he paid rent was not properly described as a partner, was stronger than was generally allowed. His argument was that 'partner' involved a greater degree of sharing of life than had taken place. Kelvin Mackenzie brutally alleged that David Laws was a hypocrite. Diane Abbot observed that the rules for claiming welfare benefit were very tight and any hint of co-habitation led to withdrawal of benefit and even prosecution.

But all this misses a point that strengthens Matthew Parris's argument. 'Partner' is defined in the Commons rules quite narrowly, no doubt to avoid including every MP who gets up to a bit of hanky-panky with their secretary: '"Partner" means one of a couple, whether of the same sex or of the opposite sex (the other being a Member) who although not married to each other or civil partners are living together *and treat each other as spouses*'[8] (Emphasis added). The force of 'and treat each other a spouses' is that being a partner involves something significantly more than sharing a roof (or a bed). When we look at the rule, and have regard to a principle called 'probabilism' that states that a course of action is licit if there is a probable opinion that holds it to conform to the moral law even if there are stronger arguments going the other way,[9] then we have compelling reasons to agree with Matthew Parris: David Laws made a reasonable and defensible interpretation of the rules. He certainly did not intentionally break the rule.

Did David Laws charge more than he was entitled to?

No. His constituency – Yeovil – is too far from London for him to have commuted. If we expect MPs to spend long periods both in their constituencies and in London they have to have two homes. The expenses system recognises this. By renting space in a house David Laws spent a fraction of the cost of renting his own flat – and less than the Independent Parliamentary Standards Authority allows under the new, 'clean' system.

The suggestion that he was fiddling claims for utilities etc. is mistaken – when the rules changed and receipts were required, his rent was increased. Costs he had paid directly were simply included in the rent. Anyone familiar with flat sharing knows that some agreements include and others exclude items, and that they change from time to time. Bills paid separately can be compounded in one rent payment.

The fact that David Laws made arrangements that minimised his claims for accommodation is significant given the verdicts of Sir Paul Kennedy, the judge who made the final decisions during the Legg review of MPs' expenses. As the published reasons show, Sir Paul gave huge weight in considering what was fair and reasonable to the costs that an MP's decisions had imposed.[10] If David Laws had declared the person under whose roof he lived to be his partner, while he could not have paid him rent, with a little ingenuity he could have lawfully charged a great deal more than he did, for instance by transferring the ownership of the house and taking out a mortgage, and by claiming rail and other expenses.[11]

Did David Laws have a wrong intention?

No. As David Willetts said on *Question Time* – and Diane Abbot seemed to agree – David Laws was telling the truth when he said he was seeking to protect his privacy. He had every reason to do this. He was selected to fight Yeovil, a Somerset seat, for the 2001 election. During the selection for another Somerset seat, an exceptionally able applicant admitted that he was gay at an early stage of the process – and the association officers decided that he should be excluded from the short list. The sexuality of a candidate may also have played a part in a more recent Somerset selection. In both cases, the body of the membership was not allowed to choose a candidate who happened to be gay. And many of them – including devout Christians – are angry at how discrimination arrogantly denied them the opportunity to select a candidate who promised to be a first class MP.

Excluding candidates because of their sexuality is simply wrong, just as excluding candidates because of the colour of their skin or their religious beliefs is wrong. The Catechism of the Catholic Church expressly warns that every sign of unjust discrimination on the grounds of sexuality is to be avoided.[12] But it happens.

The Catechism is also quite clear that repeating what has gone on between consenting adults in private is a grave sin.[13] This restates the unequivocal condemnation of detraction deeply embedded in the Christian tradition, expressed by St Bernard of Clairvaux, St Thomas Aquinas and St Ignatius of Loyola, and grounded both in natural reason and in God's self-revelation to Israel. The Catechism extends the prohibition on detraction to the media. The right to privacy of those engaged in political or public life is to be respected unless the common good requires otherwise.[14] If David Laws had been strongly criticised by a properly constituted and authorised tribunal then the common good might well require that this be reported. But there has been no impartial investigation of the allegations against him. He has been condemned without trial, by people who have no authority to judge him, and that is a grave sin against justice.

The *Telegraph* appears to deny detraction as it claims that it only revealed David Laws's sexuality when he made a statement disclosing it after the *Telegraph* told him it was going to run a story on expenses; but one must ask how it would have been possible to run a front page story without revealing such details, as well as asking what benefit to the common good could justify publishing what David Laws had been compelled to disclose.

What has happened is gravely wrong

St Thomas Aquinas treats an action as gravely wrong when it harms another, for this breaks the second of the great commandments on which the whole of the law is based – to love one's neighbour as oneself. Nobody can doubt that David Laws has been harmed, and badly harmed.

We have also been harmed. The media,not our elected representatives, have determined the composition of our government. It is for the Prime Minister to require the resignation of a minister or for the Commons to demand it on our behalf; in this case the media have illegitimately usurped a power that belongs to us and is only to be exercised by our representatives. A former Prime Minister, Stanley Baldwin, understood this very well when, under attack from the *Express* and *Mail*, he rounded on the press lords Beaverbrook and Rothermere: 'What the proprietorship of these papers is aiming at is power, and power without responsibility — the prerogative of the harlot through the ages.'[15] In their wielding of power in the state, the *Daily Telegraph* and those who joined in its hounding of David Laws from office, against the wishes of the Prime Minister and the cabinet and to the anger of many in the Commons, are as grievously at fault as those dictators whose conduct is condemned in the Catechism: 'Moral judgment must condemn the plague of totalitarian states which systematically falsify the truth, exercise political control of opinion ... and imagine that they secure their tyranny by strangling and repressing everything they consider "thought crimes."'[16]

What is to be done?

The Prime Minister and Cabinet need to regain control of events when a minister comes under fire, and not allow secret communications between editors and their proprietors to decide who is to serve in government. The Cabinet could meet, or at least be consulted by phone, to determine whether the minister should stay or go. There is a precedent: Edward Heath consulted his shadow cabinet before dismissing Enoch Powell after the 'rivers of blood' speech. If the Prime Minister concludes that the minister has the support of the Cabinet then collective responsibility would apply – and any minister caught undermining the collective decision must go at once. Without lobby briefings the storm may subside quite quickly. If the media frenzy continues despite a statement from the Prime Minister that the minister enjoys the support of the Cabinet, the Prime Minister can ask the Commons for an immediate vote to approve the decision of the Cabinet. It might be appropriate for the Commons to vote by secret ballot.

A minister may, as David Laws did, actively seek to resign. Admiral Lord Fisher resigned as First Sea Lord in 1915. King George V, with the support of the Prime Minister, ordered him back to his post. The Prime Minister should tell a minister who enjoys the

support of the Cabinet to get back to work and leave the media to his colleagues. So if the minister is reluctant to obey, the Prime Minister should ask the Queen to follow the precedent set by her grandfather. Private misery has to give way to public duty.

Defying the media in this way is only possible in a democracy if the Prime Minister and Cabinet and indeed the House of Commons are confident of the support of the people. Christians are not alone in believing that justice and charity matter, that individuals are entitled to live their own lives, answerable for their moral choices to God not newspaper editors, and that able ministers should not be hounded from office to boost the profits of non-dom proprietors. But we do believe these things and we need to be willing to stand up for our beliefs and to argue them in the public forum. If we do state our beliefs, we may be surprised – although we should not be[17] – at how much support we receive.

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[1] Vivian Grey (1826)

[2] The idea that the legitimacy of government is closely linked to the morality or otherwise of choices made by politicians in their public capacity as articulated by Edith Stein (St Teresa Benedicta a Cruce, Discalced Carmelite) is summarised in a May article in Thinking Faith, Reform, Morality and the Coalition.

[3] When in my blog I criticised backbench Conservative MPs going onto the airwaves to express dissent, I received what IT experts tell me was a surprising level of supportive comment from those who had worked for Conservative candidates in marginal seats.

[4] Daily Telegraph, Saturday 29th May 2010 – story published in internet edition Friday 28th and TV/Radio briefed for 10 o'clock news

[5] 'No, he did not have to go. No, it was not "always inevitable". No, Mr Laws was not right "to jump with dignity before he was pushed." And who, pray, would have done the pushing? We, the media. What stinking hypocrisy, then, to call the fall inevitable and then wring our hands in pious lament about what a tragedy this is for the individual and the nation, as though we were helpless witnesses to some kind of extreme weather event. We in the media have been the instruments, not just the chroniclers, of the fall of a good man.' Times, 31 May 2010.

[6] www.bbc.co.uk/iplayer/episode/b00sppd9/Question_Time_03_06_2010/

[7] Sir John Donald Brown Junor (15 January 1919 – 3 May 1997) was a Scottish journalist and editor-in-chief of the *Sunday Express*. He stood three times as a Liberal candidate.

[8] http://www.parliament.the-stationery-office.co.uk/pa/cm200809/cmselect/cmmemest/142/14216.htm

[9] See *Day of Wrath* for a more detailed discussion of probabilism in the context of MPs' expenses.

[10] See Annex (Individual Decisions) to Appendix 2 to the Review of Past ACA Payments

[11] If an individual is declared by an MP to be that MP's partner then the partner may claim as if they were a spouse for a certain amount of free travel.

[12] Paragraph 2358

[13] Paragraph 2477

[14] Catechism Paragraph 2492

[15] 17 March 1931; the audience included Harold Macmillan, who muttered to his neighbour: 'There goes the tarts' vote'.

[16] Paragraph 2499

[17] We too easily ignore Karl Rahner's suggestion that many who do not attend religious worship or profess belief are 'anonymous Christians', that is to say through the working of Grace and God's redeeming love in the world share a common understanding of what constitutes right conduct.