

Put to the test

Joe Egerton

What has been the impact so far of the reforms that came into effect in the House of Commons last year as a result of the recommendations of the Reform Committee? Joe Egerton argues that a current debate in Parliament regarding pensions and investments is testing whether Robert Parsons was correct to believe that a reformed Commons, in charge of its own agenda, would be a witness for justice and truth.

Politics and Catholic thought

The Catholic Church does not support any particular political party or system. It does not support any particular theory of economics. It refuses to adopt any singular philosophical system; indeed it maintains that to claim a monopoly of truth and wisdom for any one system is philosophical pride.¹ The Church carries out its task of proclaiming the gospel and teaching what God has revealed by emphasising the importance of certain values and virtues and their relevance to political decisions. These include the cardinal virtue of justice, the virtue of truthfulness and the virtue of *miseriordia*, the disposition to come to the aid of any human being in distress as the Samaritan came to the aid of the injured traveller on the road between Jericho and Jerusalem.²

These virtues are not exclusive to those who have faith. Although St Thomas Aquinas maintains that it is through the grace of God that humans are able to act virtuously, and that all the virtues owe their directedness to Charity – that is, the redeeming love of the Father and Son working through the office of the Holy Spirit – both he and his later followers have been careful to emphasise that any individual who honestly follows their conscience will find these virtues.³ This is something we need to keep in mind as two out of the three leaders of the major political parties in the UK have stated that they do not share the Christian faith.



Photo by Florin Draghic at flickr.com

A further feature of Catholic thinking is an insistence on consent to law. St Isidore of Seville expressly defined [human] law as made by the consent of the people. His definition was reaffirmed and carried forward by St Thomas Aquinas.⁴ The mechanisms for giving consent will necessarily vary over time and between societies – we can see this in the differences between the democratic forms of government in the UK, the USA, France, Germany, India and many other places. The Church does not say any one system is the right system – what the Church *does* say is that political systems must respect the dignity of every human being, as made in the image of God, and that requires arrangements for consent to the secular state and its laws.

Choices between goods

These considerations can on occasion give rise to fairly precise prescriptions. In *Caritas in Veritate*, for instance, micro-finance is praised. This is a secular matter to be taken forward by governments – Mr Mark Field, the MP who represents the City of London, has promoted debate on micro-finance in Parliament.⁵ But what authority does Benedict XVI, heir of St Peter, have to pronounce on an economic question? If the Pope had decreed that micro-finance initiatives be implemented, he would indeed have been acting outside his authority. But that is not what he did. Micro-finance is presented as an *illustration* of something that can meet the objective of giving every

human being an opportunity to enjoy the good in creation. It is always open to politicians and economists to argue for other policies to achieve this purpose.

There are often choices to be made between goods, and choices to be made between ways of achieving goods. Everyone in the House of Commons agrees that it is vitally important that every child has a good education, but there are vigorous arguments both over what 'good' means in detail and over how to achieve improved standards.

The Catholic tradition has developed important ideas that are relevant to democratic debate. The idea that there can be several licit choices for an individual faced with a question such as, 'should I take this job?' is implicit in St Thomas Aquinas. The process of making such a choice, when there could be several good things one might do, is explicitly addressed by St Ignatius of Loyola in his *Spiritual Exercises*, his notes handed on to those who give guidance to others seeking to make good choices.⁶ St Ignatius begins the Exercises with a strict injunction always to be more eager to put a good interpretation on a neighbour's statement than to condemn it⁷, which implies that there may be different but equally permissible views on any subject. In 1577, a Dominican, Bartholomew Medina published presented a doctrine he called probabilism⁸ which explicitly upholds the proposition that, faced with a number of choices, it is permissible to make any which is supported by a respectable argument, even if another appears to be supported by a stronger argument. This is not a licence to do evil things – a bad choice is still prohibited. Probabilism makes political debate over means not just legitimate but, as Robert Parsons would see, essential to good government.

Another important feature of Catholic thinking is what we commonly call 'the preferential option for the poor.' The idea that there is a minimum share of the good things of creation to which every human being is entitled is the basis of what is called Catholic Social Teaching, but is actually the proclamation of what is revealed to us in the Old and New Testaments about how we should treat one another.⁹

Robert Parsons applies this to England

While in exile in Rome in the 1590s, a former fellow of Balliol College, Oxford, who had become a Jesuit, drew together Catholic thinking as it had then developed and applied it to the conditions of late sixteenth century England: the prosperity of half the country was at the expense of the other half; good education was only provided for a minority; enforcement of the law was problematic; the public finances were in disarray. Against this background, which we may find disturbing familiar, Robert Parsons set down his thoughts for the perfect reformation of England. He shared his manuscript with his contemporaries and it was eventually published eighty years after his death. This work, known as *The Memorial*, is best understood as the first manifesto.

A central proposition was that, in England, consent was to be obtained through a free Parliament:

For that the English Parliament, by old received custom of the Realm, is the Fountain, as it were, of all publick Laws, and settled Orders within the Land, one principal care is to be had that the high Court and Tribunal be well reformed...

The Tudor parliament was not a free parliament. Robert Parsons proposed reforms to make it once again a representative body, able to deliberate freely. One proposal was to give the House control of its own agenda. In an earlier article, '[Commons Reform: from Robert Parsons to Tony Wright](#)', I described how Parsons' idea had come to be the centrepiece of proposals put forward by the Reform Committee set up in July 2009, chaired by Dr Tony Wright MP.

In February 2010 the Commons approved in principle the main proposals of the Wright Report, including the idea that a large part of its time should be allocated by a Committee elected by and from the members of the Commons itself; but, as Tony Wright revealed to the House, owing to amendments organised by the Government Whips' Office¹⁰, the standing orders needed to implement the change were not carried in the expectation that they would die with the Parliament. However, the Conservative Party's spokesman, Sir George Young, unequivocally undertook to

bring the Standing Order changes forward if the Conservatives won the election. This was treated at the time with some cynicism, but Sir George Young showed himself to be what Enoch Powell had once described as ‘that rarest thing in politics – a politician on whose word one can rely’, and on 15 June 2010 the House changed the Standing Orders.¹¹ At the first debate organised under the new system, on 20 July 2010, both Sir George, as Leader of the House, and Greg Knight,¹² the chair of the Commons Procedure Committee, paid generous tribute to Robert Parsons.

The Commons put to the test

The Commons elected to the chair of the Backbench Business Committee a candidate known for tough minded independence, Natasha Engel, and a committee comprised of MPs noted for a robust approach to the rights of the Commons. The Committee rapidly showed that it meant to allow the house to debate controversial issues and arranged a full debate, with a votable motion, on Afghanistan, something that had not occurred before.

The Backbench Business Committee is also making it clear that it will not allow Ministers to avoid giving proper replies to MPs carrying out their historic role of raising grievances. By applying this principle to one area in particular, the Committee is putting to the test Parsons’ belief that a Commons able to decide how it used its time would be effective in controlling the executive, that is to say, effective in insisting on truth and justice in the face of power.

The area in question is that of the proposals from the Financial Services Authority (FSA) to re-organise the way in which pensions and investments are promoted and sold. Under legislation passed in 2000, the FSA can make rules that have the force of law without the consent of Parliament, providing that it conducts a consultation. The problem with consultation is that the rich and powerful are often able to exercise undue influence to secure not the common good but an outcome that suits their own interests. The consultation over the FSA’s proposals on pensions and investment resulted in a number of submissions that would have the effect of increasing the market share or the profits of those making the submissions. The FSA – which of course itself is made up of individuals

who have their own interests – pressed ahead with proposals that will unquestionably alter the whole way that pensions and investments are distributed. The fact that everyone who is contributing to this debate is doing so with an interest (whether financial or reputational) does not of course invalidate their input and many insights are very valuable; but such is the frailty of human nature we need somebody to evaluate arguments and eliminate errors. In our system, that role must fall to Parliament and in particular to Select Committees. We also need a high level of transparency so that data and research methods can be assessed by commentators.

A consequence of the FSA approach is that a number of independent financial advisers (IFAs) will find it very difficult or even impossible to continue their work, and others will be subjected to some quite heavy burdens. This is one of the main reasons why other players in the market will benefit. A large number of IFAs went to their MPs and asked them to take this matter up, arguing that the FSA plans would be bad not just for IFAs but for consumers. There was a short debate in Westminster Hall (a forum where all MPs can speak and there are short debates on a large number of issues), during which the Financial Secretary to the Treasury gave a reply that many MPs regarded as unsatisfactory – and unwisely and provocatively equated the qualifications of IFAs to those of some employees of McDonalds.¹³ This produced a flood of letters. The Backbench Business Committee was persuaded that the level of interest among MPs warranted a full debate in the Chamber¹⁴ and that took place on 29 November 2010. A large number of MPs attended, and [Hansard](#)¹⁵ records arguments from MPs of all parties that, if correct, would imply that the FSA proposals are seriously flawed. A number of MPs raised the question of whether it was right that the FSA should be able to legislate without any Parliamentary process – the question of a democratic deficit. Among these were George Mudie¹⁶, a long serving Labour MP, and Neil Carmichael¹⁷, a newly elected Conservative MP who had first stood for Parliament against George Mudie in 1992. This is a powerful illustration of the cross-party commitment to restoring the ability of the Commons to force the Executive to listen to the grievances that their constituents ask them to take up.

The MP for Middlesbrough South and East Cleveland, Tom Blenkinsop presented an argument that very sharply raises the preferential option for the poor:

As a Co-operative Member, I represent the interests of some people on low incomes who have been denied access to financial advice and products provided by friendly societies and mutuals as a result of the qualification requirements contained in the retail distribution review...The Kensington has 10,000 members throughout the Teesside postcode area. It provides savings and insurance products to those members for as little as £1 per week and a maximum of £5.70 per week. It provides opportunities for its members to obtain basic financial products. Without this provision, members of the society would largely be excluded from financial services and have to go to more expensive services, namely the banks, or to loan sharks.¹⁸

The matter is now being considered in depth by the Treasury Committee. This is a Committee established by the House to examine (take evidence and report on) the policies of, among others, the FSA.¹⁹ It is a powerful Committee, chaired by an MP who has taken a great interest in Commons reform, Andrew Tyrie. In previous hearings, the Committee has become very unhappy that it is not being given the full range of objections to the FSA's proposals. At the conclusion of a hearing on 19 October 2010, Andrew Tyrie told the witnesses from the chair:

You've sensed some frustration round the table, that we haven't had it quite as forcefully as we would like. Maybe we need more regulation, maybe we need less, but what we need with regulation in flux is very clear advice, from the people you represent, on what has been wrong with the system. We've all heard it ourselves, time and again, from the people you represent. They moan incessantly about the FSA. It seems as if a long shadow of the FSA is cast over here, muting your concerns and criticisms.²⁰

The Treasury Committee has called for written evidence and will have a challenging task ahead given the number of responses that it has received. Normally, the Committee would hold hearings at which witnesses were questioned; but that will be inadequate if the trade associations are not faithfully repeating the views of their members. One innovative

move might be to publish the evidence submitted by the first deadline and call for written comment on that, to identify the most contentious areas.

A vindication of Parsons - but not yet a complete one

The arrangements for promotion and sale of pensions and investments are very important to us all. We all need to be given truthful advice by people who are acting justly towards us, people who recognise that what is due to us is advice to secure our well-being. We equally have to act justly to that adviser and pay him or her for their work. The current debate in Parliament is about the legal framework in which these objectives should be secured by advisers and salesmen. It is an important debate for all of us.

Robert Parsons' belief that a Commons able to determine its own agenda would look to secure justice for the people of this country has been vindicated. The Backbench Business Committee has provided the House with an opportunity to debate what the common good and justice demands in respect of arrangements for the sale of pensions and investments. If the Commons' agenda had been controlled by the government, there would almost certainly have been no debate – demands for time on the floor of the House would have been met with 'this is a matter for the FSA to decide.'²¹ A large number of MPs made thoughtful contributions to that debate. This is a vindication of Parsons' belief that the Commons, if allowed to operate freely, would address important issues seriously.

The matter has now gone to an expert Committee. A great deal now depends on how the Treasury Committee takes things forward. Many of the submissions will have been self-serving, and none will have come from disinterested parties. The FSA – as its website shows – is totally committed to its proposals and it is a matter of pride to the FSA to see them through. They may be pursuing a good aim, but every human institution is vulnerable to error and every human being can become obsessed with one good to a point that we do harm to others and ourselves by ignoring other goods that we should seek. In this case there is – as was powerfully identified by Mr Tom Blenkinsop MP – a real danger that a policy well designed to improve standards of advice to the better off may devastate the availability

of advice to those most in need of it. The Committee has the heavy responsibility of sifting out the truth and determining the right thing to do in order to secure the common good.

In our constitutional system, only the Commons, in the Chamber and in its Committees, is in a position to sit in judgment over the various contending arguments. We have to await the Treasury Committee's report and any debate in the Chamber before we can

know whether Parsons was right, not just in believing that a free Commons would ensure that arguments were ventilated – on that he has been proved right – but that the Commons would be able to constrain the powerful to act in the interests of the common good.

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¹ This is a central proposition of Pope John Paul II's encyclical letter redefining the Catholic philosophical project, *Fides et Ratio*: 'Yet often enough in history this has brought with it the temptation to identify one single stream with the whole of philosophy. In such cases, we are clearly dealing with a "philosophical pride" which seeks to present its own partial and imperfect view as the complete reading of all reality.' (Paragraph 4)

² Luke 10:25-37

³ Notably in Karl Rahner's development of the concept of Grace and in particular his idea of the 'anonymous Christian.' On the ability of all human beings to find *misericordia*, which is treated in the *Summa Theologiae* as a theological virtue in the secular world, see Alasdair MacIntyre, *Dependent Rational Animals; Why Humans need the Virtues*

⁴ [ST Ia IIae Q90 Art 3](#)

⁵ See, for instance, [Hansard 26 January 2010 Col WH189](#) - a debate initiated by Mark Field to which Andrew Mitchell, now Secretary of State for International Development replied from the Opposition Front bench:

⁶ See specifically EXX 169 - 184. In EXX 169, the two choices that St Ignatius offers by way of illustration are becoming a priest or becoming married; although they are exclusive they are both also good ways of life.

⁷ EXX 22 Presupposition

⁸ There is a lucid - and good humoured - discussion of probabilism in the concluding paragraphs of Prof. Alexander Broadie's article 'Thomism' in the *Oxford Companion to Philosophy* (page 918). The doctrine was used and developed by Jesuits in the seventeenth century. There is a lively account of 17th century controversies in William Bangert SJ's *History of the Society of Jesus*, pages 274 -279

⁹ See, for instance, Matthew 25:31-36; Luke 1:45 -56; Luke 16:19-31; Epistle of St James 5

¹⁰ When I returned to my office a few minutes ago, however-I had not intended to return to the Chamber-I found a note that had been relayed to me by the office of my right hon. Friend the Member for North-West Durham (Hilary Armstrong), who is one of the amenders and, of course, a former Chief Whip. The note says:

"She has received your email. She has forwarded it to the whips office. There is nothing she can do about it. She is currently away." After I read that note, I ceased to be benign and generous. This is outrageous on a number of grounds. It is outrageous that the express will of the House is being treated with contempt-I do not say by the Whips Office, but I do say by someone in the Whips Office. I had already been told that the amendments came from a single source, but we now know that to be the case.' Dr Tony Wright, House of Commons, 1.41PM 7 April 2010

[Hansard 7 April 2010 Col 993](#)

¹¹ [Hansard 15 June 2010 Col 788](#)

¹² [Hansard 20 July 2010 Cols 262 and 259 respectively](#)

¹³ [See Hansard for Westminster Hall, 20 Oct 2010 : Column 275WH:](#)

¹⁴ The Backbench Business Committee invites MPs to come to its weekly meetings and make their case for time in the Chamber and Westminster Hall. A transcript is made, The case for the debate on 29 November was made on 8 November:

<http://www.publications.parliament.uk/pa/cm201011/cms/elect/cmbbackben/cbbc0811/cbbc01.htm>

The Committee has a wide range of requests and explains the reasons for its choice on its website; if any of them visit St Chad's in Birmingham and hears quiet applause, it will be the ghost of Archbishop Dwyer applauding the choice of topics for three hour debates on 20 January 2010 - the financing of horse racing, which he greatly enjoyed; and a debate on Frank Field's report on improving life chances for disadvantaged children.

[http://www.parliament.uk/business/committees/committees-a-z/commons-select/backbench-business-](http://www.parliament.uk/business/committees/committees-a-z/commons-select/backbench-business-committee/news/subjects-for-debate-on-20-january/)

[committee/news/subjects-for-debate-on-20-january/](http://www.parliament.uk/business/committees/committees-a-z/commons-select/backbench-business-committee/news/subjects-for-debate-on-20-january/)

¹⁵ [29 November 2010](#): starts at Col 599, scroll down page to Col 599, headed Independent Financial Advisers

(Regulation)

¹⁶ MP for Leeds East: see Col 606/7

¹⁷ MP for Stroud since 2010 Col 627

¹⁸ Col 613

¹⁹ Under Standing Order 152. Its chair and its members are, following the implementation of the Wright Report, elected by the House. The Committee has a wide remit and is currently pursuing a number of important inquiries. It is supported by a small staff - very small by American standards - whose invariable courtesy and helpfulness to members of the public is quite exemplary.

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<http://www.publications.parliament.uk/pa/cm201011/cms/elect/cmtreasy/c430-v/c43001.htm>

²¹ As indeed the Financial Secretary to the Treasury told the House on 29th November 2010 when replying to demands from Labour and Conservative MPs for the House to be able to exercise control over the FSA: 'I counsel caution, however. It is all very well to think that we should engage in the regulatory regime when we think we are going to help one group or another, but there are times when regulators make difficult decisions on behalf of Parliament and our constituents, so we need to think very carefully about where the balance is struck. It might be very attractive in the context of this debate for Parliament to take more responsibility, but hon. Members might feel it less appropriate at other times.' [Hansard 29 Nov 2010 Col 634](#)