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The 1964-70 Wilson Government and the British constitution

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After thirteen years in opposition, many of the incoming Labour ministers in 1964 were slightly surprised by the formalities and protocols of government when they first took office. New Cabinet ministers had to be sworn in as Privy Counsellors and needed a tutorial on how to kneel on one knee on a cushion, raise the right hand with the Bible in it, advance three paces towards the Queen, take the monarch's hand and kiss it, bow and then move back ten paces without falling over the stools placed behind them. Tony Benn complained in his diary that he found the 'tribal magic' of this ceremony 'degrading' but recognised that he had to do it to be allowed to receive secret Cabinet papers. As they settled behind their ministerial desks in their Whitehall departments, some Labour politicians took time to get used to the nanny-like attentions of the civil service – listening-in to their phone calls and keeping track of all their appointments and comings and goings. If you put all the official paperwork in your 'in-tray' into your 'out-tray' without a mark on it, his private secretary smoothly told Richard Crossman, we will deal with it and you need never see it again.

Here was the embrace of the famous British 'Establishment' – the beguiling mysteries, rituals and secrets of the inner circle and of the hierarchies of Westminster, Whitehall and Buckingham Palace. The 'what's wrong with Britain' debate of the early 1960s had identified archaic institutions (including

parliament, the civil service and local government) as among the key obstacles to social and economic 'modernisation'. But for all the talk of change and reform, Labour under Harold Wilson largely accepted after 1964 the fundamentals of the political and governmental system. There were some discordant voices, mavericks and would-be radical reformers but constitutional orthodoxy was the Labour Party norm – as it had long been.

The tone was set at the top, for Wilson himself was a constitutional traditionalist, a stickler for the constitutional proprieties and a staunch defender of most British institutions, including the monarchy and the civil service. He got on well with the Queen and was a strong and sentimental monarchist (much to the disgust of Labour's republicans), believing that the monarchy was 'essential to democracy as we know it'. When Benn, as Postmaster-General, came up with a plan to issue pictorial commemorative postage stamps without the Queen's head on them, the prime minister sided with a horrified Palace and blocked any idea of even symbolically edging the monarchy away from its central place in British public life.

Always at home in Whitehall (he had been a wartime temporary civil servant), Wilson generally worked well with civil servants and regarded them highly, rejecting left-wing allegations of bureaucratic sabotage and political bias. He was not an uncritical admirer of the Whitehall machine, however, being suspicious of the power of the Treasury and feeling the top mandarin class lacked drive and specialist expertise. The first of what were later called special advisers (often labelled the 'irregulars' in the 1964-70 government) appeared in small numbers in Downing Street and some ministries – politically-appointed expert advisers and political aides brought in from outside the civil service.

Wilson set up the landmark Fulton Committee, whose report in 1968 sounded more radical than it really was and allowed him to pose as a Whitehall reformer, but in fact it largely served to assist, encourage and accelerate developments already underway or in the pipeline in terms of civil service organisation, management, recruitment and training. He soon lost interest in the detailed issues while bigger reforms that might have called into question the conventions of ministerial responsibility and of a permanent career civil service were never on the agenda.

The traditions of closed government and official secrecy were preserved – Labour ministers would not countenance any idea of 'freedom of information' reform – save for the opening up of government records after thirty years rather than fifty. Wilson also tinkered endlessly with the machinery of government – creating new government departments and merging or renaming old ones – but his approach was ad hoc and very political (concerned with short-term headlines and with reshuffling, balancing or playing-off against each other the personalities round the Cabinet table), showing little evidence of strategic purpose or design.

The two previous non-Tory majority governments (Attlee's Labour government in the late 1940s and Asquith's Liberals before the First Word War) had passed measures to reform the House of Lords. Wilson's government failed in the 1960s. Partly, this was because there was little enthusiasm in the Cabinet: the main impetus behind the abortive reform scheme of 1968-69 came from Richard Crossman, while other powerful ministers had doubts and reservations. Wilson's own personal commitment to a full-scale reform was never unwavering – he was always more interested in reducing the Lords' delaying powers than in overhauling its composition. Then – fatally – the government took time to work

out its proposals and to consult in all-party talks (1968), which eventually were broken-off, before it introduced (in 1969) a bill to create a two-tier second chamber with voting and non-voting peers (which would eventually phase out the hereditary peers) with a six-month delaying power. This got bogged down in the Commons and fell victim to the guerrilla tactics of an improbable cross-party coalition of backbench rebels and opponents who either wanted, on the left, stronger meat (preferably abolition of the Lords) or, on the right, to prevent any change to the Lords at all.

Labour can claim credit for the creation of the Parliamentary Commissioner for Administration (or ombudsman) but that was only a modest step in terms of citizen rights and protections against state bureaucracy. Other attempts at parliamentary reform – experiments with changed parliamentary hours and with specialist select committees – were pretty half-hearted and made little headway. Richard Crossman was the main enthusiast as Leader of the House of Commons (1966-68) but Wilson seemed mainly interested in diverting the energies of potentially troublesome backbench MPs. When one minister argued that 'our backbenchers should be grateful that as a socialist government we want to keep the Executive strong, not to strengthen parliamentary control', he was actually applauded by others around the Cabinet table.

Harold Wilson once said that Royal Commissions 'take minutes and waste years' but he (like other PMs) found them useful devices for defusing issues and postponing awkward decisions. He set up no fewer than three in the 1960s on sub-central government: one on local government in England and Wales, one on local government in Scotland, and a third on devolution and the regions and nations of the UK. The first two reported in 1969 (but Labour was unable to take

action on them before it left office) and the latter reported in 1973, when the Conservatives were in power, and it was promptly shelved. It was clear, however, that Labour did not envisage a territorial dispersal of power to levels of government away from Westminster and Whitehall. It wanted bigger units of local government to plan and deliver service more efficiently rather than giving town halls more freedom from central controls, greater powers or financial autonomy. The 'gentleman in Whitehall knows best' was still the dominant Labour approach.

Wilson created a separate Welsh Office, with a Secretary of State in the Cabinet, in 1964. But powerful figures in the Labour party and government were strongly opposed to any idea of devolved legislative powers for Scotland and Wales. Willie Ross, the Scottish Secretary, prided himself on his nickname, the 'Hammer of the Nats [Scottish Nationalists]'. Electoral advances by the Scottish and Welsh nationalists in the 1960s, however, and some dramatic victories by them over Labour in a couple of parliamentary by-elections, showed that the tectonic plates of the UK were starting to shift. The old argument that the economic and social problems of Scotland and Wales could only be solved by central solutions implemented by a socialist government using all the powers of the central British state was starting to have less purchase in the 1960s. Wilson bought some time with his Royal Commission on the Constitution (1969-73) – he always personally found devolution a boring subject and was opposed to the idea of a federal system - but cracks in the traditional constitutional order of the UK were starting to appear.

In conclusion, looking back at the Wilson years in the 1960s, we can see that the established institutions and orthodoxies of the 'Westminster model'

remained entrenched. Wilson and his Cabinet colleagues were, for the most part, strongly attached to the fundamentals of an executive-dominated, centralised, parliamentary regime and constitution. Major reform of the civil service came later, starting under Thatcher, rather than under Wilson, a man of whom it was once said he would be 'most upset if he ever thought he had caused serious offence to a permanent secretary.' Wilson had long left the scene and was dead before the Blair government pushed through a whole series of constitutional reforms after 1997, dealing with some of the issues he had faced in the 1960s such as Lords reform and devolution - but one strongly suspects that he would not have been enthusiastic about them.