

# THE IMPARTIALITY OF THE SPEAKER OF THE HOUSE OF COMMONS

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THE neutrality and isolation which characterize the office of the Speaker of the House of Commons contrast sharply with the partisanship of the Speaker of our own national House of Representatives, who, it has been said, is second only to the President in his ability to influence legislation.<sup>1</sup> The basic reason for the enormous difference between these two offices is historical. The traditions of the American Speaker stem from those of the Speakers of the colonial legislatures and, thus, ultimately from the customs of the English Speaker of the sixteenth and seventeenth centuries.<sup>2</sup> In the intervening centuries the American office has become increasingly powerful politically while the British office has finally reached a position of absolute political neutrality.

The evolution of a non-partisan Speaker in Parliament has been a long and slow process. During the first two and a half centuries of the office, from the time it was first established as such in 1377, it was overshadowed by the Crown; in general, the Speaker was more a King's man than he was a Commons's man. The development of the office, as we know it today, may be said to have begun in the opening years of the seventeenth century when, according to Professor Notestein, the growth of the "Committee of the Whole House in its various forms and with its important and small subcommittees reduced the power of the Speaker. . . ."<sup>3</sup>

Significantly, it has only been in the last century that descriptions of the qualifications required for the office of the Speaker have uni-

<sup>1</sup> Henry George, Jr., "The Speaker in England and America," *Arena*, v (1892), 569.

<sup>2</sup> Mary Parker Follett, *The Speaker of the House of Representatives* (New York, 1896), p. 12.

<sup>3</sup> Wallace Notestein, "The Winning of the Initiative by the House of Commons," *Proceedings of the British Academy*, xi (1924), 26.

formly stressed the importance of his impartiality. In protesting his inadequacies upon his election to the Chair in 1597, Speaker Yelverton is reported to have said, "Your Speaker ought to be a man big and comely, stately and well-spoken, his voice great, his carriage majestic, his nature haughty, and his purse plentiful."<sup>4</sup> As late as 1818, an anonymous critic of the House summarized the characteristics of the Speaker as follows:

The Speaker of the House of Commons should have a large acquaintance with the whole frame of our government—and be thoroughly conversant with the forms and precedents of Parliament. His knowledge, in fact, ought to be so deep and various as to require, in order that it may be rightly balanced and safely directed, —a mind of an higher cast than even our higher gownsmen and highest benchmen, —a penetration that can assist him in difficult investigations, —and a ready self-possession that can put on, almost insensibly, the armour of prudence on instantaneous emergencies, —and a temper not to be hurt in "the strife of little tongues," —a temper more bland than facile, but rather easily pliant than obstinately firm, —with enough of the respectable quality of firmness to make its exertions regarded, and its sacrifices valued.<sup>5</sup>

In 1859, an unidentified writer in *Leisure Hour* put the matter more economically and added a new element; he said the Speaker should have businesslike habits, knowledge of parliamentary usage, easy elocution, command of temper, strict impartiality, firmness and suavity, a quick eye and a sonorous voice, and "a respectable amount of bone, flesh, and sinew, symmetrically developed so as to form a commanding presence."<sup>6</sup> The chief difference between this account and the preceding descriptions is the requirement of strict impartiality. Recent writers have given it a place of central importance. Michael MacDonagh, whose volume, *The Speaker of the House* (London, 1914), is a most valuable account of the history of the office, puts the quality of impartiality above any other: "Above all, Mr. Speaker must be scrupulously fair, absolutely just in rulings which affect any of the political actions of the Assembly, for the most precious attribute of the Chair of the House of Commons is impartiality."<sup>7</sup> In the most recent edition of Strathearn Gordon's very in-

<sup>4</sup> Arthur Dasent, *The Speakers of the House of Commons* (New York, 1911), p. 158. This is one of the many excellent sources of material on this topic in the Rutgers University Library.

<sup>5</sup> H. A., *Blackwood's Magazine*, III (1818), 146.

<sup>6</sup> "Mr. Speaker—His Trials and Scrapes," *Leisure Hour*, xxx (1859), 377.

<sup>7</sup> Michael MacDonagh, "Mr. Speaker," *Living Age*, CCXXXVI (1905), 835.

formative volume, *Our Parliament*, he also stresses this characteristic when he specifies "good temper, common sense and scrupulous fairness, irrespective of the party to which he once belonged."<sup>8</sup>

Impartiality of judgment seems now, by universal agreement, to be the touchstone of the Speaker's success in Parliament. While it is no easy task for a member of Commons, openly identified with a political party, to begin to think and act in a non-partisan manner after his election to the magnificent isolation of the Chair, there are many traditions and conditions affecting the office which enable him to establish and maintain his neutrality.

Of first importance is the tradition that upon election he abandons all ties with his party. Even when he stands for re-election to Parliament, he does not campaign with his colleagues in his own or any other constituency. In addition, he is expected to give over his right to vote in the House. When Parliament is sitting as a Committee of the Whole House, he withdraws and his place is taken by the Deputy Speaker. Only in case of a tie vote is he expected to cast his vote and even then he does so in such a manner as to continue debate.

The respect of the House for the Chair and its traditions also aids in promoting the independence of the Speaker. The ritual with which he opens each day's session has not varied for centuries. His costume, consisting of wig, robe, and tricorne hat, and the mace borne before him to the table of the House by the Sergeant-at-Arms mark him as the chief officer of Parliament and the "first Commoner of the Realm."

Very rarely are his decisions openly challenged even though some members may disagree violently with his judgment. If his rulings were questioned frequently, a situation would be created which, in the view of one writer, would "scandalize all England."

The isolation of the Speaker may be seen, too, in the fact that he occupies a magnificent residence in Westminster Palace itself. On state occasions he has for his use a gilt carriage which is "older than the Royal State Coach or that of the Lord Mayor."<sup>10</sup> Furthermore, he is the only subject who may hold levees at which court dress is worn. Within the precincts of Parliament, the Speaker is careful to

<sup>8</sup> Strathearn Gordon, *Our Parliament*, The Hansard Society for Parliamentary Government (London, 1958), p. 77.

<sup>9</sup> George, *op. cit.*, 568.

<sup>10</sup> Gordon, *op. cit.*, p. 76.

avoid all ordinary social contacts with his fellow members of the House. He is paid a salary of £5000 a year; on retirement he receives a pension of £4000 annually and is offered a peerage as well. Significantly, the salary of the Speaker is paid from the Consolidated Funds and is thus not subject to an annual vote of Parliament. Each of these privileges, benefits, and prerogatives helps to set the Speaker apart, helps to make him free of House politics in the exercise of his judgment as Chairman of its debates.

So special an office as that occupied by the Speaker inevitably involves some interesting paradoxes. The best known of these is that though he was at one time the only member of Commons who could not speak in Parliament, he is now the only member of Parliament who cannot speak in debate in Commons.<sup>11</sup> For centuries, though often eager to accept office, he was expected to protest his complete incompetence in abject language and even to engage in a mock display of physical resistance while being "dragged" to the Chair as Speaker-elect. His Sergeant-at-Arms, the official through whom he controls any disorder in the House, is an office in the gift of the sovereign, although after his appointment this officer is considered a servant of the House.<sup>12</sup> Though the Speaker holds an elective position he is usually re-elected to the Chair no matter which party is in office. According to MacDonagh, the principle of the continuity of the office was violated only once in the nineteenth century.<sup>13</sup> This continuity also contributes to the neutrality of the Speaker and, therefore, to his impartiality.

Lord Rosebery is said to have observed that "All Speakers become good Speakers."<sup>14</sup> There is much truth in Rosebery's statement. In one way, the Speaker may be viewed as merely the presiding officer of the House. In another, he is the symbol and the guardian of the parliamentary system itself. As Sir Bryan Fell has written: "The Government of the day can usually count so much on the subservience

<sup>11</sup> The Lord Chancellor, who presides in the House of Lords, may speak in debate by the simple expedient of "rising and taking one step to the left." Rt. Hon. Lord Pethick-Lawrence, "Legislative and Deliberative Functions," in Sydney D. Bailey, ed., *The House of Lords* (New York, 1954), p. 71.

<sup>12</sup> Lord Campion and T. G. B. Cocks, eds., *Sir Thomas Erskine May's Treatise on the Law, Privileges Proceedings and Usage of Parliament* (London, 1959), p. 241.

<sup>13</sup> Michael MacDonagh, *The Speaker of the House* (London, 1914), p. 20.

<sup>14</sup> Gordon, *op. cit.*, p. 77.

of its back benchers that the Speaker stands almost alone as the protector of the House's rights—sometimes, it would seem, almost in spite of the House itself.”<sup>15</sup> To become a good Speaker, therefore, does not involve any particular genius or a capacity for innovation, but rather the ability to conform to the customs and usages of Parliament and, in particular, the capacity to win for the man, through the objectivity and impartiality of his conduct, the respect which the House gives to the office.

<sup>15</sup> Sir Bryan Fell, “The Working of the House of Commons,” *Nineteenth Century*, CXVIII (1935), 131.