

# English Votes for English Laws is a constitutional issue which has become intensely political

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12/16/2014

*Hours after the Scottish independence referendum results were in, David Cameron announced that any further devolution to Scotland would be linked to a resolution of the 'West Lothian question', whereby Scottish MPs are able to vote for legislation in Westminster that affects England but not their own constituencies. William Hague was tasked with leading a consultation process on the issue of English Votes for English Laws and has just outlined a set of options corresponding to the positions of the major political parties. [Craig McAngus](#) finds that each of the three parties have clearly attempted to use and exploit this constitutional situation in order to defend their party interest or to gain partisan advantage.*



On the morning of the 19th September, David Cameron announced that the 'No' vote in the independence referendum would not only trigger what would become the [Smith Commission](#), but that the issue of English Votes for English Laws (EVEL) would be explored and a decisive answer to the West Lothian Question found. This process was led by William Hague who made a statement on Tuesday afternoon based on the consultation process he led. This process consulted the coalition parties (Conservatives and Liberal Democrats) only due to the fact that Labour refused to take part. Aside from the fact that this process has not come up with a firm and definitive answer to the West Lothian Question, the statement from Hague and Sadiq Kahn's resulting response showed that this was less a route to a serious and lasting constitutional solution and more an exercise in party politics.

Rather than providing an answer to the question of EVEL, Hague's statement outlined a number of potential options. He listed the options that the Liberal Democrats preferred, followed by the options that the Conservatives would like to consider. Despite Labour not taking part, Kahn articulated Labour's thoughts in his response to Hague's statement. Despite a multitude of statements recently in the media claiming that EVEL was not an issue coloured by party competition, all three parties' solutions to the problem are outward manifestations of party interest that are bound in constitutional concerns and policy positions that they have advocated in the past.

The Liberal Democrats agreed with the principle that English MPs (and English and Welsh MPs, where this applies) should have a stronger voice over English-only (or English and Welsh) issues. Their preferred method for doing this is to use the Single Transferrable Vote system for general elections. Accepting that this is unrealistic at the moment, the Liberal Democrats support the idea of an English Grand Committee that would be elected on a proportional basis in order to reflect English votes. The Liberal Democrats have historically supported reform of the UK's electoral system to a proportional representation system, and have clearly used the EVEL issue to bring attention to this.

The Conservatives are the most hardline on EVEL, advocating options ranging from barring non-English MPs from the entirety of the legislative process to having committees made-up of only English MPs and providing these committee members with various veto positions in order to make sure that the resulting legislation is as free from non-English interference as possible. Indeed, their proposals go further than those recommended in the MacKay Commission. Despite the underlying principle of these proposals being broadly similar, they are constitutionally quite different which suggests the difficulty Hague has had in meeting the ambitions of some Conservative backbenchers and finding consensus in his party. In sum, and despite the differences in the details, the overall aim is to hamstring future Labour governments given that there is no guarantee that Labour can command a majority of English MPs. The Conservatives also have one eye on UKIP here who are, effectively, taking up the mantle as England's 'national' party and would likely try and profit from perceptions that the Conservatives were not 'standing up' for England. The willingness of the Conservatives to pretty much ignore the findings of the MacKay Commission proves that they are determined to find a solution that benefits them first and foremost.

Sadiq Kahn's response was also telling of Labour's thinking. Essentially, Labour's problem is the opposite from the Conservatives given that its non-English MPs may well provide it with an overall majority. Although it is false to assert that recent Labour governments have relied on their Scottish MPs for a majority, the likely outcome of the 2015 general election is a hung parliament or, at the very most, a slim Labour majority. Labour therefore has a lot to lose from an EVEL settlement which effectively relegates their Scottish MPs to second-class status. However, Labour has given some ground on the issue, supporting a solution similar to the Liberal Democrats' but without the proportional representation element. Indeed, this was the recommendation proposed by the McKay Commission. Kahn also mentioned the idea of refashioning the House of Lords into some sort of UK senate. Assuming the make-up of such a chamber was designed in such a way that it countered English domination in the lower house, this could provide an institutionalised counteraction effect, although this is of course hypothetical. In any case, Labour is terrified of losing the influence of its Scottish MPs through an EVEL settlement that benefits the Conservatives, although the fact that it is lagging considerably behind the SNP according to Scottish opinion polling is of more immediate concern. At the same time however, the party also needs to show that it cares about and stands up for English concerns and doing nothing on EVEL is also not an option.

The UK has a constitution of some description, but it does not have a constitution in the sense that the notion of supreme law acts outwith and above the will of parliament. This effectively means that the line between constitutional concerns and party politics becomes heavily blurred. In the case of EVEL, they are effectively the same thing as each of the three parties' attempts to use and exploit this constitutional situation in order to defend their party interest or to gain partisan advantage. There is a solution, however: Labour's idea to have a constitutional convention is, assuming the engagement process is not biased in their favour, the only way to truly ensure that the settlement of the English Question is a full civic process and not a party political one. That way, any solution to the English Question is less likely to become a political football.

*Note: This article gives the views of the author, and not the position of the British Politics and Policy blog, nor of the London School of Economics. Please read our [comments policy](#) before posting. Featured image credit: [UK Foreign and Commonwealth Office](#) CC BY 2.0*

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