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## Parliamentary standards under attack:

an interdisciplinary approach to understanding the Westminster Parliament

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### Abstract

Healthy democracies require ethical leadership and respect for rules, but since the 2000s we have witnessed serious attacks on standards in the UK Parliament. Two narratives about scandals will reveal cultural and social aspects that are often ignored by the public, journalists and parliamentary scholars. A slow development of conditions led to a scandal over misuse of expenses in 2009, while rule-breaking in Parliament during Prime Minister Johnson's term in office emerged more suddenly, in part out of the rupture of Brexit. Making sense of these cases about standards, and the connections between them, requires a theoretical approach that goes beyond looking at the bad behaviour of individuals or rotten cultures within a malfunctioning system. In the gap between the two, you find relationships. I make an argument for a relational, cultural and historical approach within which people act in complex configurations of interdependence as both individuals and socialised actors.

## Introduction

On 7 July 2022 Boris Johnson, the UK Prime Minister, was forced to resign his premiership. For the first time in the UK's history a Prime Minister was found by the police to have broken the law. He “presided over a culture of casual law-breaking at 10 Downing Street in relation to Covid”, according to former Treasury Minister Jesse Norman,<sup>1</sup> he allegedly lied to parliament on many occasions, and he was referred to the Committee on Privileges in April 2022. The following year the Committee concluded he ‘committed a serious contempt of the House’ (House of Commons 2023, p. 6). In June 2023 he was given a preview of the Committee of Privileges and in response he resigned as an MP stating: ‘The Privileges Committee is there to protect the privileges of parliament. That is a very important job. They should not be using their powers – which have only been very recently designed – to mount what is plainly a political hitjob on someone they oppose.’ He would have been suspended for 90 days for deliberately misleading the House and the disrespect he showed the Committee, but he resigned before they published the report. If no action was taken, the Chair of the Committee Harriet Harman (MP) explained during debate on the report, it would have contaminated government and eroded the standards that are essential to democracy.<sup>2</sup> 354 MPs voted in favour of the finding of contempt, while 7 voted against.

Johnson's contempt of parliament follows a long career of rule-breaking. The historian Seth Thévoz identified 18 rules that he broke and seemed to get away during his career until he

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<sup>1</sup> <https://www.theguardian.com/politics/2022/jun/06/boris-johnson-wins-no-confidence-vote-despite-unexpectedly-large-rebellion>, 18 August 2022.

<sup>2</sup> <https://parliamentlive.tv/Event/Index/3df2f5d0-f842-4ad5-bbb4-1706499f1e1f>, accessed 22 June 2023.

resigned.<sup>3</sup> His wrongdoing in parliament has been even more comprehensively surveyed by Hannah White in her book *Held in Contempt* (2022). While tempting to portray this catalogue of rule breaking as merely the actions of a badly-behaved disruptor, Johnson's disregard for rules is far more revealing if seen through a more complex sociological and historical lens. A configuration of various other politicians, officials, journalists and citizens were involved in Johnson's rise and fall: to understand his rule-breaking in parliament and government, looking at the roles that they played is an important part of piecing together this history. After all, the final straw was a lie about an MP who was close to him. Johnson claimed he did not know about allegations of sexual misconduct against this MP when he appointed him as Deputy Chief Whip, with the result that various Ministers found themselves lying for him. Their resentment at having to damage their own reputations was partly what led to his downfall. The tendency in scholarship and reports on standards in parliaments is: (a) to focus on individualism (i.e., find the culprits and punish them or not); (b) to look at the whole/system/culture (e.g., to identify faults with it, reform and enforce the rules). I will argue that this dual approach to understanding and managing rule-breaking is incomplete. I will critique it, propose a different theory of human action and suggest that to understand rule-breaking you have to look at what rules mean in everyday practice and the interaction between all of those involved.

In making this argument I need to go back to an earlier scandal – the misuse of allowances revealed in 2009 – in part because it helps to explain how and why Johnson became Prime Minister despite a reputation for lying. The reputation of MPs was hugely damaged by the exposure by the press of over-generous, and in a few cases fraudulent, claims for allowances. Some of the coverage damned all politicians as venal and lying, so a large proportion of the

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<sup>3</sup> <https://www.opendemocracy.net/en/opendemocracyuk/boris-johnson-broke-rules-no-punishment/>, accessed 28 April 2022.

population adopted a profound cynicism towards all UK MPs. If lying had become the norm, then a Prime Minister who lies is no longer as shocking as it once was. This may be partly why Mr Johnson polled well with the public, especially with older Conservative supporters, despite his reputation for disregarding rules. But I will begin the story of rule-breaking with the 2009 expenses scandal for another reason too. This piece of history offers further evidence for my argument that explaining scandals in terms of flawed individuals is theoretically insufficient. Here too we need to look at wider relationships and processes to make sense of patterns of actual and perceived wrongdoing. So, this article is about politicians breaking laws, norms and rules in the House of Commons and what this tells us about researching standards in political institutions.

### Theories about rule-breaking

To direct the inevitable power struggles within parliaments into processes of orderly debate rather than physical violence, rituals with plentiful rules are needed to constrain the key protagonists, especially when they are on public view. Rules govern what happens in constituencies, in the Palace and outbuildings, in debating chambers, committee rooms, on documents, in digital encounters and in all the spaces in between. As an indicator of their importance, all MPs, officials and staff, some new independent bodies, and even citizens play some role in policing the rules in the House of Commons. Different groups police different rules. The Speaker of the House of Commons and deputies are in charge especially when presiding in the debating Chamber; the clerks advise on rules as keepers of the sacred texts of procedure from the Table of the Commons or in various offices dotted around the Palace; doorkeepers, security officers and the police manage, check and constrain the movement of bodies throughout the parliamentary space; the statutory Independent Parliamentary Standards Authority (IPSA) devises, advises and enforces rules on salaries and expenses; the Parliamentary Commissioner for Standards and the Registrar of Members' Interests' do the same in relation to

transparency over outside earnings; and, most recently, the Independent Complaints and Grievances Scheme (ICGS) oversees the new Parliamentary Behaviour Code applying to the whole ‘parliamentary community’ of members, staff, contractors and visitors across both Houses. And all the while, the media and many specialist civil society groups (e.g., the Taxpayers Alliance and Institute for Government) watch politicians’ and parties’, expenditure, conduct and impact, and so on. But we are all involved in subtler ways, as I will explain in relation to specific examples of rule-breaking, because Parliament is embedded within society even if some insiders act at times as if it is in a sealed bubble in actual instead of just procedural terms.

We are all profoundly affected by disobedience by politicians. If the rule of law is weakened then the whole constitution is tested because in the UK it relies not on a single codified and documented set of principles and rules, but on a distributed matrix of texts loosely woven together by custom, precedent and practice. Rule-breaking sets fresh precedents; tolerance of rule-breaking creates the possibility that it will become a new custom and the pervasive fear is that rule-breaking by MPs could contaminate wider society. If lawmakers ignore their own laws, then how can they demand that citizens not do so? Parliamentary scholars, predominantly political scientists, tend to underplay this and many other entanglements. They reflect a Euro-American way of conceiving of institutions as composed of individuals, on the one hand, and/or wholes (whether institutions, structures or systems), on the other. When politicians break rules, it is usually viewed in most social sciences as either, (a) moral deficiency in individuals or (b) a systems/culture failure, in both cases relying on the idea of weakness or corruption. Either politicians are bad – greedy, venal, power-hungry, or stupid – or the system/culture (i.e., mostly rules and norms) has become weak, diluted, fossilised and inflexible. The problem with these assumptions is that they can easily be tautologous (politicians are bad because they are bad) or unsubstantiated (culture = rules and rules are broken, so institution = broken). When a parliamentary candidate referred to an MP who had been found guilty of sexual assault as ‘one

bad apple<sup>4</sup>, as if he was the exception that proves the rest of them are blameless, he conveniently overlooked the original meaning of the phrase ('one bad apple spoils the barrel'). Critiques of theories of rule-breaking that resort to this polarised choice between individualism or reifying a structural whole as an abstraction, are long-standing (e.g., Bourdieu and Waquant 1992, Elias 1994, Olivier de Sardan 2005). But the critics do not entirely agree with each other. Bourdieu complains that Elias ignored the domination wielded through the state (ibid: p. 93), but equally it could be argued that Bourdieu downplayed the role of individuals. It is always a struggle to keep in view both structures and individuals at the same time and even great theorists tend to default by habit and with regularity to one or the other.

Nonetheless, Elias addresses this tension directly. He pointed out that what he calls the 'civilising process' is facilitated by individuals experiencing shame as an *internal* process – a conscience – rather than just a response to the fear of external constraint, such as that created by the threat of physical punishment (1994 [1939], p. 415). He corrects the problem of conceiving of people as either acting as individuals or in systems (which in sociology goes back to Talcott Parsons and Durkheim before him), by explaining that individuality and belonging to society are not separable but inseparable aspects of the same human beings. Both are continually changing, developing entities (ibid: p. 455), acting simultaneously and interactively. To fully explain societies, we need to emancipate theories from pre-conceived notions about solutions to problems and prioritise 'the investigation of what is' (ibid: p. 460). Only by giving enough attention to *what is*, can we give a central place to investigating long-term processes and sustainable shifts in action. We have to bear in mind the unpredictability of social change

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<sup>4</sup> <https://www.yorkshireeveningpost.co.uk/news/politics/council/disgraced-mp-imran-ahmad-khan-was-one-bad-apple-says-wakefield-candidate-calling-on-voters-to-trust-the-tories-3734971>, accessed 18 August 2022.

– including in rulemaking, obeying and breaking – because, as Elias clarifies, agency it is both individual and social:

*‘only an awareness of the relative autonomy of the intertwining of individual plans and actions, of the way the individual is bound by his social life with others, permits a better understanding of the very fact of individuality itself. The coexistence of people, the intertwining of their intentions and plans, the bonds they place on each other, all these, far from destroying individuality, provide the medium in which it can develop. They set the individual limits, but at the same time give him greater or lesser scope. The social fabric in this sense forms the substratum from which and into which the individual constantly spins and weaves his purposes. But this fabric and actual course of its historical change as a whole, is intended and planned by no-one’ (ibid: p. 543).*

So, it is individuals who make, obey or break rules but only in ways that are inter-dependent, intertwined and often in conflict with others. It is the differences between people, and their inevitable clashing interests and desires and, therefore relationships, between each other that generates both change and unpredictability.

To inquire into heterogenous interests, we need to consider how the histories of social actors develop. Bourdieu developed the idea of habitus to portray socialized subjectivity within which people act as both individual subjects and social beings constrained by objectifying structures (Bourdieu and Waquant 1992: pp. 120, 126). He clarifies, ‘human action is not the instantaneous reaction to immediate stimuli, and the slightest “reaction” of an individual to another is pregnant with the whole history of these persons and of their relationship’ (ibid: p. 124). In the logic of a field – or configuration of people who relate to each other – he was as interested in implicit, uncoded patterns as he was in explicit rules (ibid: p. 98). While he sees structuring processes in terms of power and domination, mediated by various forms of capital, I would argue we need to

retain more expansive multidisciplinary in exploring how our subjectivity is socialised. For example, Andrew Beatty is more open-minded in his inquiry into how interests, emotions and desires vary across and within cultures (2019). Social psychology and psychoanalysis have provided rich accounts too about how, when and why people conform or disrupt rules that deserves to be part of the analysis. My argument is that we always need, or at least benefit from, a multidisciplinary theory for the more complex inquiries into why people follow, break or ignore rules.

Many anthropologists, and some sociologists and politics theorists, have made similar or related arguments, notably Shirin Rai (2014), Marc Geddes and R. A. W. Rhodes (2018), and Mark Bevir (2013). For example, Bevir points out that much social science is naïve about philosophy, missing its exploration of holism which is theoretically significant because it:

*'challenges both the reifications associated with a naïvely realist social ontology and the classifications, correlations, and models that are constitutive of formal social explanations. Meaning holism leads, instead, to a humanist concern with the ways in which people forge webs of belief, and to a historicist concern with the ways in which these webs of belief reflect contingent historical circumstances' (2013, p. 4).*

He makes the case that there is a tendency to reify norms, and treat them as deterministic of behaviour, without looking at beliefs, contingency and contestation. We need to explain how and why people's beliefs change, although anthropologists prefer the more neutral concept of 'knowledge' to belief, in the sense of what we think we know about the world. The implication is that 'belief' is something someone has; knowledge production is a process we are all engaged in. I realise 'knowledge' raises another problem: if contested and plural then how can different kinds of knowledge co-exist and how does the knowledge of the researcher impact the inquiry? As this question is more persuasively addressed in relation to real examples, I will turn to an historical



scandal within which knowledge was furiously contested including by those who have written about it. As I have argued above, to understand our current decline in standards, we need to consider the unfolding and impact of an earlier crisis: the Westminster expenses scandal. Making common cause with those politics scholars who understand the need for history – ‘social scientists should explain governance through historical narratives’ (Bevir 2013, p. 129) – means having greater potential capacity to inquire into the present and anticipate the future as well. Once I have explained the expenses scandal, I will then be able to make an argument about how and why Johnson’s rule-breaking was tolerated and then the cause of his downfall.

### The expenses scandal 2009

In 2015 David Natzler, the then Clerk and CEO of the House of Commons, asked whether I would consider collaborating in a project to learn the lessons of the 2009 expenses scandal with the official who had been in charge of the office responsible for processing claims, Andrew Walker. I was torn. I knew it would be horrendously complicated to piece together a narrative. Whatever we produced about the expenses scandal, even if rigorously researched and honest, might be unpopular: the public would not want to be told that they swallowed a simplistic version; journalists and officials might bristle at criticism; and politicians just wanted the whole episode to be forgotten. But I also had a sense that this remained a piece of history of huge significance, which had scarcely been written about by researchers (with a few exceptions, Kelso 2009, Allington and Peele 2010, Chang and Glynos 2011, Little and Stopforth 2013), even if its aftermath had been analysed rather more.

We faced three main methodological problems: (a) a massive volume of data containing multiple and often conflicting perspectives, (b) identifying which were critical events, (c) accounting for our own partiality. Our ‘data’ consisted of a mountain of documents, interview transcripts of the

various key protagonists (MPs, former MPs, officials and journalists) and our own notes on past projects. Our experience in Parliament – Andrew as former Director of Finance and Administration and I as a researcher looking at culture, social relations and power – stretched back to 1997. The Fees Office was within Andrew’s domain; his observations and reflections on expenses could have filled many volumes. In my formal interviews with Westminster politicians (187 at last count) and others in the bubble (169), and informal conversations with 100s more, the expenses scandal was repeatedly mentioned. How did we make sense of this incredible volume of material? We did it collaboratively – between us achieving what Elias called involved detachment (1987) by getting up close to the material and studying it with meticulous care but also periodically gaining some distance from it by asking: Why is he/she saying x? What sense can we make of y contradiction? Why did that person change their account? What evidence is there of that assertion? What/who influenced what, given the multiple variables and sites? And so on. During our research process (2017 to 2019), we interviewed those who had a ring-side seat in the saga, either because they were affected themselves, involved in running the House of Commons or campaigned for more or less transparency. We focused our attention on key events as soon as we felt we had enough evidence, but we kept checking and returning to important documents and/or to the same questions with different protagonists. Finally, we needed to take account of our own participation and presuppositions: Andrew was not just responsible for the Fees Office and had an interest in arguing that he did his best in that job, but he used to work for the Inland Revenue. I had been studying politicians for years (summarised in Crewe 2021) and like many scholars trying to understand their worldview, had great respect for the difficult job they were doing. It was helpful that our presuppositions pulled us in different directions because it forced endless conversations about what influence they could have. With a mixture of selectivity and accountability to each other about the decisions we made about what to include and what sense to make of it, we aimed for a rigorous and persuasive account.

In our study of the expenses scandal, we concluded that the failure of leadership in Parliament was not so much about tolerating financial corruption as secrecy to cover over a sense of entitlement (Crewe and Walker 2019). What happened? Pre-2009, everyone in the Westminster ‘bubble’ (MPs, officials, journalists, scholars, lobbyists etc) knew that the official body (the Senior Salaries Review Body) recommending how much MPs should be paid had been ignored on the grounds that successive governments thought it would make them unpopular with the public if they were given pay rises. The whips told MPs this unfairness would be effectively compensated by generous pensions and allowances for running a second office and home in their constituency. Over some years a generous regime emerged in the House of Commons under the direction of MPs, which even allowed them to claim mortgage interest and then keep their second home. This was cheaper for Parliament than paying their rent in London, but MPs knew that the public might not understand this or why they had to have two homes and offices for work. After the Freedom of Information Act came into force in 2005, and journalists started requesting information about expenses, MPs tried to argue they had no obligation to share this because it would have revealed personal data (such as home addresses). This attempt at concealment, led by Speaker Martin, failed when the courts insisted the information must be published. The House of Commons began preparing the information, redacting personal information, but far too slowly. The expenses claims – more than a million documents – were leaked via an external hard drive to the Telegraph newspaper and were featured endlessly in long frontpage reports of wrongdoing.

Five MPs were found guilty of fraud, four of whom went to prison; but far more were accused of being greedy and concealing their generosity to themselves. The claims were both too extraordinary to tolerate – renovating a stable, buying a duck house for a pond, cleaning a moat – or too ordinary to make sense to news journalists and the public – buying toilet paper or a plug for a bath. MPs failed to explain why they needed these ordinary and extraordinary items in

theory, e.g., to respond to constituents' demands to be present in two offices/homes. In the case of one of the most famous receipts – the duck house – it was not even made as a claim: it was merely one of a large collection of receipts that one MP asked the Fees Office to sort out. In this case it was not corruption that was his wrongdoing but his self-importance in assuming that parliamentary staff had nothing better to do than sieve the minutiae of his spending. Secrecy was sought not to conceal theft but a sense of entitlement. An example of how a minority of MPs took their cosseting for granted and failing to appreciate how this would be perceived by others, was expressed by one MP very concisely: “I’ve done nothing criminal, that’s the most awful thing, and do you know what it’s about? Jealousy. I’ve got a very, very large house... What right does the public have to interfere with my private life” (Crewe and Walker, 2019, pp. 189-190). The MP reminds us that the scandal was not about rule-breaking in the main. Journalists at the Telegraph, and then other newspapers, mostly attacked MPs for *rule-following* about second homes. They were allowed to claim for a wide spectrum of spending (mortgage interest, soap, furniture...) and they did. And perhaps most controversially they could keep some gains (i.e. their second homes) once they had left parliament.

MPs' expenses were radically reformed with the creation by statute of the Independent Parliamentary Standards Authority (IPSA), alongside other changes to parliamentary procedure and processes, in a bid to restore their reputation. All the steps taken reveal the way in which the scandal was diagnosed as a moral problem of a particular kind (or, to be more precise, three kinds). The solutions to the problem were *individual* (MPs had to pay back money or, if criminal charges were brought, then they went to jail) or *institutional* (with self-regulation abandoned in favour of an external and independent approach on a statutory basis) or more or less *constitutional* with a range of reforms designed to increase the powers and influence of backbenchers (i.e., the election of most select committee chairs by secret ballot across the whole House, establishment of the Backbench Business Committee, and the explicit use of the ‘Urgent Question’– and other

backbench championing – promised and subsequently delivered by new Speaker, John Bercow, Russell 2011). The implicit assumptions were that: MPs needed to be punished; the institution couldn't be trusted to scrutinise MPs' behaviour because those ultimately in charge of its administration were either MPs or officials who were too deferential to them; and more influence for backbenchers, and less for parties' whips, would look as if the House was reforming the system.

In short, MPs, officials, journalists, and public commentators applied a mix of individualism (assuming that MPs will steal unless deterred by threats of public exposure and punishment) and systems thinking (the rules need to be changed to fix the system and put in the hands of objective outsiders). The result was a new system (i.e., IPSA) that took years to fathom MPs' work sufficiently in order to set fair policies, a teething process that drove many MPs, including new ones who had had nothing to do with the scandal, into debt (Crewe and Walker 2019, pp. 143-145); and increased transparency with all receipts uploaded onto the new IPSA website and consequently put in the public domain. This has the advantage that it means that any journalist or citizen can check what MPs have been spending taxpayers' money on. But it has had two disadvantages. Firstly, some continue to attack MPs for perfectly legitimate expenditure. Perhaps there is nothing that can be done about this, as full transparency has become politically necessary. But secondly, the existence of IPSA implies that Parliament as an institution cannot run an honest system. The assumed dishonesty of MPs as individuals, and Parliament as an institution, set the scene for the more recent scandal created by a series of allegations against former Prime Minister Boris Johnson for rule-breaking during and after the Covid pandemic. Once again, the Johnson story is in part about confusion about what was true, raising questions about how knowledge is produced as history unfolds, but also who was to blame for wrongdoing.

## Ruptures in UK politics: Austerity, Brexit, and Covid

To understand how and why chronic rule-breaker Boris Johnson became the Prime Minister of the UK, and how he got away with endless breaches for so long, I need to explain what happened between the expenses scandal and allegations about rule-breaking in No 10. The expenses scandal severely damaged the already poor reputation of UK MPs; post-2009 they were seen as greedy, even thieving, liars by many. The coalition government of 2010-2015 oversaw a period of relative calm until the UK held a referendum on 23 June 2016 about whether or not to leave the European Union. The Brexit campaign, led by Boris Johnson MP, highlighted the goal to ‘take back control’ and a pledge on a red bus to spend the money saved by Brexit on the National Health Service. This had a particular resonance at a time of austerity during which the government cut public expenditure and substantially reduced the size of the state. Even when people pointed out that the amount of money estimated to be saved by Brexit – £350m a week – was false, this was never corrected. For those who won the vote, democracy had triumphed; for many of those who lost, the referendum was a form of trickery built on a lie displayed on a red bus.

When the parliamentary officials gave advice about putting the referendum into law, they told the government that it was advisory so a simple majority of over 50% was appropriate. But as soon as ‘the will of the people’ had been symbolically expressed, no politician in government dared to emphasise the advisory nature of the result. They were already distrusted as liars, and they knew it might sound dishonest. The most important constitutional decision for a generation was made on the basis of a narrow majority of public support for Brexit, even though the majority of MPs were for remaining in the EU. The referendum created two ruptures: it pitted the UK Parliament against ‘the people’ and led to Boris Johnson taking over as PM in an almost coup-like fashion. Crucially, the pro-leave referendum campaign was conducted almost as if it

was a general election, with promises about what would happen if you voted ‘yes’. However, this ‘manifesto’ had nobody accountable for delivering its promises and commitments. It was obviously extremely difficult for the then actual PM – Theresa May (MP) – to implement the decision. She could not get the required votes in the Commons to get approval to any version of a leave agreement that she proposed because her majority was so tiny and plenty of her own side voted against her—so she resigned. Boris Johnson won the consequent Conservative Party leadership contest (becoming PM) and tried unilaterally to prorogue Parliament to prevent scrutiny, which was judged to be unlawful by the Supreme Court. So, he called an election and secured an 80-seat majority, which was then seen as a mandate to ‘get Brexit done’. He installed a controversial former Special Advisor, Dominic Cummings, who had been Director of the Vote Leave campaign (an organisation credited with winning the 2016 referendum), as his ‘Chief Advisor’ (July 2019 to November 2020).

Arguably aided at points by the cloak of Covid, and freed up by Brexit, the government gave itself new powers to pass regulations with far less scrutiny that is normally needed for primary legislation (White 2022, pp. 23-26 and pp. 33-52, Hansard 2022, p. 6). This went unnoticed by the vast majority of the public. What did consume people’s interest once Covid rules were over – and was much more accessible as a form of wrongdoing – was what became known as ‘Partygate’. Partygate arose because during Covid lockdowns the constraints on movement and gatherings in the UK were strict but were not always observed in No. 10 Downing Street at least. Rumours began circulating in 2021 that these rules had been broken at the heart of government. When asked about this in Parliament in December 2021 the Prime Minister, Boris Johnson, stated: “all guidance was followed completely in No 10.”<sup>5</sup> He repeated this claim at least seven

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<sup>5</sup> Boris Johnson MP, HC Debates, 1 December 2021, vol. 704, col. 908.

times, often adding that these were work events, the opposition were asking frivolous questions and the government were ‘getting on with delivering on the people’s priorities’.<sup>6</sup> When the police subsequently found he and others in No 10 had broken the law, making him the first PM to do so in office in UK history, he denied that he was aware of this at the time. On 19 April 2022, he apologised to parliament as follows:

*“Let me also say—not by way of mitigation or excuse, but purely because it explains my previous words in this House—that it did not occur to me, then or subsequently, that a gathering in the Cabinet Room just before a vital meeting on covid strategy could amount to a breach of the rules. I repeat: that was my mistake and I apologise for it unreservedly. I respect the outcome of the police’s investigation, which is still under way. I can only say that I will respect their decision making...”*<sup>7</sup>

The logic of this, then, is that he thought he was within the law – legislation which his own government had introduced – and either thought the police were wrong, but couldn’t say so politically, or that he had made merely a minor error. Either way, the important point (in his view) was to move on to more important issues, such as dealing with the Russian invasion of Ukraine.<sup>8</sup> Whether or not PM Johnson had misled Parliament became just as important as whether he broke the law. The Ministerial code, the spinal cord of the constitution according to Peter Hennessy, states: ‘Ministers who knowingly mislead Parliament will be expected to offer their resignation’ to the Prime Minister, who decides whether the code has been breached. However, when the government ethics advisor recommended to the PM in 2020 that a Minister,

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<sup>6</sup> <https://www.theguardian.com/world/2022/jan/11/seven-occasions-when-boris-johnson-denied-no-10-broke-covid-rules>, accessed 23 April 2022.

<sup>7</sup> Boris Johnson MP, HC Debates, 19 April 2022, vol. 712, col. 48.

<sup>8</sup> Ibid, col. 51.



in this case Home Secretary Priti Patel (MP), breached the code by bullying her staff, he did not take the advice. He decided the code hadn't been broken so the ethics advisor resigned, questioning whether the public would still have confidence in the code, as Ros Atkins reported in one of his political explainers.<sup>9</sup> So the code was had already been stretched (some would say snapped) before 'Partygate'. In fact, the breaking of rules in the House of Commons became so commonplace after the exit of the UK from the European Union that historians and journalists were beginning to talk about the country entering a constitutional crisis by early 2022.<sup>10</sup>

By summer 2022 it was becoming obvious that it was not the findings of the Sue Gray investigation into No 10 breaking rules, or the police inquiries into breaches in law, or the Committee of Privileges looking at whether he broke the Ministerial code, that would decide the fate of Johnson's role as Prime Minister. It was the MPs in his party, looking partly at the polls and local elections results, and more specifically Ministers and whips, who eventually made it plain that the PM could not remain. Until then, MPs seemed to be inclined towards what Alisha Holland calls 'forbearance'. She wrote about how in the context of Latin America politicians often withhold sanctions to maximise votes (2016); maybe in the case of Partygate, the UK Conservative politicians were doing it to their own leader too? Maybe this explains why Mr Johnson narrowly won a no-confidence vote in June 2022 despite public fury about the hypocrisy of Partygate. But this shifted until one month after the no-confidence vote support for him drained and there were even Conservatives who said publicly that they would have preferred to lose the election than have Boris Johnson remain as Prime Minister.

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<sup>9</sup> Ros Atkins, <https://twitter.com/bbcrosatkins/status/1517384162533158940?s=27&t=II6S5xpYpyaygxK3FzRs->  
[w](#), accessed 23 April 2022.

<sup>10</sup> Peter Hennessy, <https://www.bbc.co.uk/news/uk-politics-61134002>, accessed 26 April 2022; Daniel Finkelstein, <https://www.thetimes.co.uk/article/how-we-can-fix-our-constitutional-crisis-2f5s2r95t>, accessed 26 April 2022.

These shifts in support in the first half of 2022 appeared to move in small leaps. On 19 April 2022 with a handful of exceptions, Tory MPs spoke in defence of their leader. A few days later, once he was far away visiting India, the mood changed, as was in evidence during a parliamentary debate held on 21 April 2022 about whether to refer the Prime Minister to the Privileges Committee. Far fewer Tories defended the PM on this occasion. They were influenced by the fury of their constituents, particularly those who stuck to the rules and failed to hold the hands of their dying relatives during Covid only to hear that the PM was breaking them to celebrate his birthday, and freer to express this in his absence. William Wragg (MP) was one of the few to draw attention to the impact on relationships in the party: “We have been working in a toxic atmosphere. The parliamentary party bears the scars of misjudgements of leadership. There can be few colleagues on this side of the House who are truly enjoying being Members of Parliament at the moment. It is utterly depressing to be asked to defend the indefensible. Each time, part of us withers.”<sup>11</sup> The impression given was that the leeway leaders require to make a few mistakes was fast evaporating. As revealing was Steve Baker’s intervention about why he changed his mind about Johnson between 19 and 21 April, even though he was one of the MPs who campaigned to get him into highest office:

*“When I sat here and listened to the Prime Minister’s words, I was deeply moved. For all that I have said that if he broke the law, acquiesced in breaking the law or lied at the Dispatch Box, he must go, I still felt moved to forgive. But I want to be honest to the House, and to my voters, and say that that spirit of earnest willingness to forgive lasted about 90 seconds of the 1922 Committee meeting, which I am sorry to say was its usual orgy of adulation. It was a great festival of bombast, and I am afraid that I cannot bear*

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<sup>11</sup> William Wragg MP, HC Debates, vol. 712, col. 364.

*such things. This level of transgression and this level of demand for forgiveness requires more than an apology in order to draw a line under it and move on in the way that the Prime Minister sought to do overnight with his interviews.”<sup>12</sup>*

The diagnosis of wrongdoing, and the solutions to mend the crisis, were once again either individual or systemic. Either Boris Johnson’s character was to blame or the Tory party, No 10, or the House of Commons was becoming toxic in general. When a Tory MP was reported for watching porn on his mobile in the sacred-like space of the House of Commons chamber towards the end of April, resigning shortly after, it provoked speculation that the Tory party as a whole was becoming casual and disrespectful in its attitudes towards others. The process of accountability requires that individuals are punished, often with banishment, while reform and prevention usually mean new rules, codes and training to improve the culture. What is missing in this combination of individualism and systemic thinking is a neglect of relationships.

### A relational theory of wrongdoing among politicians

If you were wedded to individualistic and systemic theories to explain wrongdoing in political institutions, and you contrasted the rule-following of the expenses scandal and the rule-breaking within the Johnson administration since the 2016 referendum, you might be tempted to emphasize institutionalism in the former case and rational choice theory in the latter. But why would you reduce these complex patterns of wrongdoing to singular or bipolar theories? On what grounds would you dismiss the other factors that entice them to ignore both rules and interests? When you acknowledge that Parliament is not separable from the rest of society, the privileging of rules and interests becomes illogical. In an entangled, or ‘decentred theory’ of

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<sup>12</sup> Steve Baker MP, HC Debates, vol. 712. col. 376,

governance, the boundary between state and society is conceptual not tangible and even the concept is a simplification. In practice the interaction between state actors and those outside the state is continual and many transgress these boundaries whether involved in debate, creating narratives or collaborating. As Bevir explains in his theory of governance that goes beyond rational choice and institutionalism,

*'decentered theory encourages social scientists to examine the ways in which governance is created, sustained, and modified by individuals acting on beliefs that are neither given by an objective self-interest nor by an institution, but rather arise from a process in which the individuals modify traditions in response to dilemmas... Because actions and practices often depend on the reasoned choices of people, they are the products of conscious or subconscious decisions rather than the determined outcomes of laws or processes; after all, choices would not be choices if causal laws fixed their content' (2013, pp. 50, 77).*

In that case we need to look closely at how choices are influenced by not only rules and interests but also emotions, values and knowledge.

Let's revisit the history of rule-breaking to probe the link between emotion, values and knowledge through the lens of a critical event in each: exposing wrongdoing. One critical event in the expenses scandal was the leak of data that revealed the expenses. If this had not taken place, then MPs would have revealed far less incriminating information with much of the colourful data (such as relating to duck ponds and moats) redacted. The details of the leakers inside parliament were never revealed but involved temporarily employed former soldiers taken on by the Stationary Office. It is said that they were incensed by MPs' generosity towards themselves after defence cuts that meant soldiers serving in Afghanistan had to suffer lack of equipment (Walker and Crewe 2019, p. 102). By the by, the upshot of the form and timing of the leak was that, not only was the material unredacted, but apparently concerns, risks and oddities

had been highlighted for review thus providing, in effect, an index of impropriety for journalists. But the key point here is that scandals are not produced merely by individuals or culture, but by people reacting to other people politically, socially and emotionally – in this example the leakers angered by cuts. It is revealing that the journalists who compiled the evidence of the scandal and then reported on MPs' expenses were not those in the Parliamentary lobby but news journalists who hardly knew MPs. Lobby journalists were relatively sympathetic to MPs, seeing close up how hard most work and what pressures they face, and even sometimes their political allies, but also dependent on them for stories. News journalists viewed them from a distance with more detachment but also from a less knowledgeable position.

Knowledge about the Partygate wrongdoing also came about due to leaks and allegations. Former Chief Advisor Dominic Cummings detailed the rule-breaking about his former boss and his wife Carrie Johnson via his blog and Twitter. Press reports regularly alluded to the difficult relationship between Mr Cummings and Mr Johnson's wife:

*Mrs Johnson reportedly hosted parties in the official flat over No 11 where she and her husband live, including one event on November 13, the night of Dominic Cummings' acrimonious departure...Mr Cummings, former de facto chief-of-staff at No 10, has alleged there are photographs of parties held at the flat during lockdown and said he has spoken to people who heard music coming from the Johnsons' accommodation on the night he left Downing Street.<sup>13</sup>*

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<sup>13</sup> <https://inews.co.uk/news/politics/partygate-scandal-what-timeline-downing-street-lockdown-parties-boris-johnson-fined-1571226>, accessed 29 April 2022.

The difficulties between Mrs Johnson and Cummings are explained in his blog – he claims that the Prime Minister’s capacity to govern nosedived after he came under her influence.<sup>14</sup>

Cummings did not just reveal wrongdoing, once he left Downing Street, he regularly tweeted advice about how to force Johnson out. On 27 April he both conveyed the misogyny of the man and advised the Opposition how to get rid of him: ‘As one woman who knows Boris Johnson extremely well and has worked very close with him said to me last year, “he can’t take women seriously, he can’t help staring at tits and talking like we’re idiots. He will massively struggle with a woman opponent...’<sup>15</sup> The evidence of enmity between Cummings and Carrie Johnson, and Boris Johnson post Cummings’ departure, is overwhelming and the role of the former in stoking the fire of criticism against the Prime Minister, with the assistance of both the opposition and the media, is clear. So, to explain this scandal, it is essential to investigate not only the individual of the Prime Minister, but his relationships with his wife, various friends, officials in No 10, his party, opposition MPs and the consumers of politics as entertainment, their clashing interests and values but also their emotions. If it was not for the uncontrollable fury that developed between Carrie Johnson and Dominic Cummings, Partygate would not have become public. But also note the impact of Boris Johnson’s performance at the 1922 committee on one of his backbenchers, Steve Baker, who wanted to witness a genuine apology not an orgy of adulation and delivered his attack just before a local election. Relationships and emotions matter in politics as much as interests and norms.

Is this more relational approach to understanding rule-breaking, and whether or not it turns into a scandal, useful in the recent examples? In the 18 rules that historian Seth Thévoz identified that

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<sup>14</sup> For example, <https://dominiccummings.substack.com/p/parties-photos-trolleys-variants?s=r>, accessed 29 April 2022.

<sup>15</sup> Dominic Cummings, Tweet, 27 April 2022, 12:37, accessed 29 April 2022.

Boris Johnson broke and seemed to get away during his career as a politician so far, most involved his friends and allies.<sup>16</sup> Giving public funds to an American entrepreneur who claims she had an affair with him, doing a secret deal to get a loan to refurbish his flat, trying to scrap the ethics system in parliament to protect his friend Owen Patterson when he got into trouble, receiving a discount on luxury food which was undeclared, a ‘cash for peerages’ scandal where 22 Tory donors were ennobled, ignoring the House of Lords Appointments Commission when they tried to block one of those peerages, overruling the ethics adviser who found Priti Patel had broken the Ministerial Code, and trying to appoint a former newspaper editor who backed his election to run the Arts Council even though she was not qualified, were all about transactions and assistance within friendship or political alliances. It doesn’t stop there. He appointed a friend as Chair of the BBC after he facilitated a loan. When rewarding allies with peerages after resigning as PM in June 2023, the House of Lords Appointment Commission rejected over 50% on grounds of impropriety.<sup>17</sup> All those friends and political allies are involved, but so are the Tory MPs (who had a majority in the House of Commons at the time of Partygate), who tolerate Mr Johnson’s transgressions. When Johnson made his claim, as he often did, that he had done nothing wrong, they chose to either believe him or pretended that they did. In an ever-expanding circle, if the Tory MPs thought that he remained an electoral asset, then it is because they judged that the public too would have put up with the wrongdoing. When polls consistently found that

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<sup>16</sup> <https://www.opendemocracy.net/en/opendemocracyuk/boris-johnson-broke-rules-no-punishment/>, accessed 28 April 2022.

<sup>17</sup> <https://www.instituteforgovernment.org.uk/comment/boris-johnsons-resignations-honours>, accessed 11 June 2023.

the vast majority deemed Johnson as ‘untrustworthy’ in early 2022,<sup>18</sup> (even though his handling of the invasion of Ukraine by Russia gave him a small revival in popularity), this dented the majority of his colleagues’ tolerance for his rule-breaking. Just as the expenses scandal developed norms that were sustained by relationships between people, so too Boris Johnson’s attempts to get away with transgressions relied on friendships and political alliances.

It is important to look carefully at the role of relationships in wrongdoing – whether enmities or alliances – partly to understand them but also if trying to restore higher standards. One of the responses to Partygate was a rise in public appetite for punishing MPs who lie: the journalist Liz Roberts suggested: ‘With 73 per cent of the public in favour of a Bill that would criminalise politicians who willingly lie to the British public, Members from all benches need to come together to deliver for our democracy.’<sup>19</sup> Others argued for a change to the system. For example, an Institute of Government report recommends that the solutions to reinforce ethical standards in government are systemic: introducing legislation (on the Ministerial Code, independent adviser, business and public appointments, and a code of conduct for board members of public bodies); organisational change (updating the Ministerial Code and making departments more transparent); and cultural change (leading from the top, encouraging compliance, ethics training, and more routes for whistle-blowing) (Durrant and Haddon 2022). They were influenced by the 2021 Boardman review, commissioned by the government to investigate procurement as the government was accused of giving contracts to friends, which similarly recommended systemic

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<sup>18</sup> <https://yougov.co.uk/topics/politics/articles-reports/2022/02/22/public-opinion-boris-johnsons-competence-and-trust>, <https://www.independent.co.uk/news/uk/politics/boris-johnson-liar-poll-b2060046.html>, <https://www.indy100.com/news/boris-johnson-liar-poll-word>, 28 April 2022.

<sup>19</sup> Liz Saville Roberts, <https://www.politicshome.com/thehouse/article/its-high-time-we-make-wilful-lying-by-politicians-a-criminal-offence>, accessed 27 April 2022.



solutions.<sup>20</sup> But the favoured solutions – punishing individuals or reforming the system – ignore the importance of also addressing the processes that are embedded in relationships whether engaging in patronage, collusion or leaking.

Individualism and systemic theories can be traced in Western European thought back to the Enlightenment, so they are not easily shaken off. They circulate in what Fleck once called thought collectives, or networks of people influencing each other, so are culturally reproduced (1979[1935]). Cultural reproduction does not happen in the abstract, it is another process that takes place in relationships. But even if the reality we experience is relational, we are continually told to think of ourselves as individuals or part of systems, so we don't notice the culture we take for granted, whether our ideological assumptions or the social patterns that emerge between people. We often fail to see our own collusion with wrongdoing, for example.

With detachment the collusion between agents and groups can be more easily identified by onlookers, whether journalists or scholars, but a subtler process that deserves further research is one that is common in situations of wrongdoing: scapegoating. Girard alerts us to the possibility of persecution and scapegoating being more likely at times of crisis. He refers to sources going back to the seventeenth century, writing about plagues as being times of extreme confusion, when laws are no longer obeyed, people lose courage and encounter fear and contradictions at every step (Fco de Santa Maria quoted by Girard 1986, p. 13). In times of plague culture becomes eclipsed as people become less differentiated, people feel powerless by the immensity of disaster, and they withdraw into themselves. But 'rather than blame themselves, people

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/981939/Boardman\\_Review\\_of\\_Government\\_COVID-19\\_Procurement\\_final\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/981939/Boardman_Review_of_Government_COVID-19_Procurement_final_report.pdf), accessed 29 April 2022.

inevitably blame either society as a whole, which costs them nothing, or other people who seem particularly harmful for easily identifiable reasons’ (ibid: p. 14). Who are these other people? They tend to be either most or least powerful in society. A rich and powerful person is reminiscent of the eye of the hurricane and has enjoyed privileges that others don’t have (ibid, pp. 18-19). It is perhaps no coincidence, then, that the expenses scandal and Partygate followed the financial crisis of 2008 and the Covid 19 pandemic, both precipitating periods of turbulence, deprivation and worry.

The narratives relayed about those who were identified as wicked do not include the perspective of the perpetrator because the function of scapegoating would be compromised by recognising that they may be victims too. Straightforward, simple villains are needed for scapegoating to work as a mechanism for creating some shared sense of indignation. The problem with this from the point of view of justice and ethics is that it entirely ignores the complex relationships involved in wrongdoing, as explained above. But it also means that we get entirely distracted in processes of identifying politicians as either villains or heroes, whereas we *also* need to decide whether they are good or bad at governing, and whether or not we have been fools for voting for them. So as not to be misunderstood, I stress that those politicians found guilty of acts of fraud, lying or breaking the law should be held accountable and sacked subject to the rule of law – they deserve harsher penalties than the rest of us; as leaders who should be setting an example. Even more so if they undermine democracy, parliamentary process or the rule of law itself, then they should face consequences. When former PM Johnson was asked on 22 March 2023 whether he respected the Committee of Privileges that was investigating if he was in contempt of Parliament, he said that it depended on their findings – if they found him guilty of misleading them, it would be unfair and wrong, he claimed.<sup>21</sup> As one of the committee members implied, he

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<sup>21</sup> <https://www.parliamentlive.tv/Event/Index/24310819-649e-4cab-b212-97f0ba549535>, accessed 22 March 2023.

had already made it plain that he would respect them only if he liked the result. True to his word in this case, he called them a kangaroo court when they reported he had deliberately misled Parliament. He complained he'd been forced out, anti-democratically, by a biased committee chair, thereby attacking the honour of its members (House of Commons 2023, pp. 62-4). By doing this before the publication of the report he committed a further contempt of Parliament. His attack on standards, and a Parliamentary Committee, were an attack on Parliament itself.

Standards in democracies only work when we respect our opponents, or those with decision-making power over us, even when we don't like the result. This has echoes of his teacher, writing about Mr Johnson aged 17, "Boris sometimes seems affronted when criticised for what amounts to a gross failure of responsibility. I think he honestly believes it is churlish of us not to regard him as an exception, one who should be free of the network of obligation which binds everyone else."<sup>22</sup> He did respond to a specific network of obligation – rewarding friends he deemed loyal because it was useful to them and him – but failed key aspects of ethical leadership: impartiality and rule-bound reciprocity. His teacher understood that we should hold each other to account for maintaining standards within relationships rather than merely blaming villains or 'the system'.

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<sup>22</sup> <https://www.bbc.com/news/uk-politics-59966249>, accessed 23 March 2023.

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