

Ethnographies of parliament: culture and uncertainty in shallow democracies

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Abstract

Purpose – The purpose of this paper is to consider the challenges, advantages and limits of ethnographical approaches to the study of parliament. Challenges in the study of political institutions emerge because they can be fast-changing, difficult to gain access to, have starkly contrasting public and private faces and, in the case of national parliaments, are intimately connected to rest of the nation.

Design/methodology/approach – Ethnography usually tends to be difficult to plan in advance, but especially so when parliament is the focus.

Findings – Research in parliament requires clear questions but an emergent approach for answering them – working out your assumptions, deciding on the most appropriate methods depending on what wish to find out, and continually reviewing progress. Its great strengths are flexibility, ability to encompass wider historical and cultural practices into the study, getting under the surface and achieving philosophical rigour. Rigour is partly achieved through reflexivity.

Research limitations/implications – One implication of this is that not only will each study of parliament be different, because each is embedded in different histories, cultures, and politics, but the study of the same parliament will contain variations if a team is involved.

Originality/value – Ethnographical research is a social and political process of relating; interpreting texts, events and conversations; and representing the “other” as seen by observers.

Keywords Democracy, Ethnography, Law making, Parliament, Westminster

Paper type Research paper

Introducing ethnographies of parliament

Anthropologists have traditionally put ethnography at the centre of their research practice. Ethnography is a methodological and theoretical approach to studying social worlds as well as the written products that contains the ethnographer’s discoveries (Crewe, 2017a, b). The boundaries of the social world are ideally defined by its own members, rather than the anthropologist, in terms of geography, culture, ethnicity or organisation or a combination of these. Undertaking an ethnography does not require particular research techniques but is rather a process of “fieldwork”, that is, prolonged engagement with a specific group of people to find out how they act, think, talk and relate with and to each other, and then writing about them. Most ethnographers rely primarily on a mixture of qualitative research techniques, including participant-observation, although quantitative methods are often employed as well. When ethnography by anthropologists was predominantly the study of foreign cultures (until the 1970s), the researcher was stepping into and out of what they would have assumed was a different culture from their own. Since ethnographers have turned their gaze to cultures, groups or organisations “at home”, and boundaries between groups have blurred with globalisation, so the geopolitics of ethnography has been reconceptualised. Despite these changes, it remains the case that what anthropologists find



most significant may be taken for granted by the people they study, the traditions that seem so natural that they are scarcely noticed by those recreating them.

During fieldwork ethnographers are drawn to narratives that explain the puzzles, silences, disconnections and messiness of everyday realities. But, as Tim Ingold (2014) points out, ethnography is not just fieldwork, it involves writing about people evocatively:

In thickening our descriptions, and allowing a real historical agency to the people who figure in them, we might want to qualify the sense in which these accounts could be considered to be scientific. Ethnographic description, we might well say, is more an art than a science, but no less accurate or truthful for that. Like the Dutch painters of the seventeenth century, the European and American ethnographers of the twentieth could be said to have practiced an “art of describing” (Alpers, 1983), albeit predominantly in words rather than in line and color. Theirs is still a standard against which we measure contemporary work (p. 385).

Ethnographies of parliament remain relatively rare. The first ethnography of parliamentarians, *Home Style* by US political scientist Richard Fenno (1978), is an innovative study of the relationship between elected representatives and their constituents. Departing from the traditions of political science, he embarked on his fieldwork with an anthropological question, “What does an elected representative see when he or she sees a constituency” and he dived into it in an ethnographic way – looking over the shoulders of politicians in their constituencies, rather than from a distance (Richard Fenno, 1978, p. xiii). In their dealings with constituents US representatives told him that trust is the magic ingredient: “If people like you and trust you as an individual, they will vote for you” (Richard Fenno, 1978, p. 56). Politicians win trust among constituents by establishing a connection rather than necessarily sharing views. *Home Style* raises questions about symbolic representation that seem even more relevant to contemporary US politics than the time he was researching.

The only anthropologist to undertake an ethnography of Congress in Washington, Jack Weatherford, also wrote mainly about relationships rather than the traditional political science focus on outputs or individual behaviour. He was amazed by the extent of kinship relations between politicians, hence the jibe in his title about them being *Tribes on the Hill*, and he describes the extensive patron-client relations to parody the way people in Africa and Asia are portrayed in ethnographies. He contends that the greatest deliberative body in the world has become the greatest ceremonial body in the world and ritual serves to prevent interaction (Weatherford, 1981, pp. 195, 266). This is in marked contrast to the work of the French anthropologist Marc Abélès (2000, 2006) who researched both the European Parliament and the French National Assembly. He rejects the kind of “power functionalism” that Weatherford indulges in to explain behaviour and argues that in France words, acts and objects are manipulated through ritual to allow the confrontation of different elements of society. This is not mere theatre; moral battles are fought within parliament about, as examples, homosexuality or state intervention. He distinguishes between the semiotic contest in debates and the theatricalisation of conflict, which taken together constitute a ritual struggle or “an effective and sometimes violent confrontation of people who incarnate intellectually and physically different elements of civil society” (Abélès, 2006, p. 30). The protocols of this struggle symbolise significant aspects of relationships – separation between executive and legislative power for example – but also fortify feelings such as belonging to one side or another.

Also following this anti-functional tradition, in my own fieldwork in the House of Lords (1998-2001) I found the UK parliamentary debates more like France than the USA – contests that became more controversial the more they encompassed cosmological relationships about sex, animals and the constitution (2005). The rituals served many purposes for different protagonists. In the Lords the ritualised debates both masked but also quietly enabled the continuity of hierarchies, especially the pre-eminent position of the

“usual channels” or party leaders, who agree the outcome of votes despite the ethos of independent thought and egalitarian decision-making. I continued Abélès’ challenge to rational choice theory by writing about relationships between groups in parliament, rather than fracturing them into units of individualised interest. By portraying the caste-like relations between priestly parliamentary clerks, kingly politicians, servant doorkeepers and unseen cleaners, and analysing titles as symbolic capital to compensate for peers’ relative lack of power, my book on the House of Lords comes over as a rather conventional ethnography in keeping with the image of a political institution that guards its traditions with enthusiasm.

In a similar post-structuralist vein, both the linguist Ruth Wodak (2003) and anthropologist Amy Busby have undertaken ethnographic work on the European Parliament. Wodak points to how language both reveals social structures and reinforces social power. Adopting a discourse-historical approach, she studied the identity of parliamentarians in the late 1990s beginning with the premise that identity is not something you have or are, it is an orientation or resource to be used during interaction with others (Wodak, 2003, pp. 674-675). Particular aspects of identities, or combinations of them, emerge through discourse in different contexts (public and private); as a result, identities are dynamic, fragmented and ambivalent (Wodak, 2003, p. 678). In her doctoral research on the European Parliament Busby (2013a) is interested in how MEP practice politics as an everyday activity. She immersed herself in the European Parliament bubble in Brussels working as an intern for a politician (p. 96) to understand informal practices, symbolic representations and power relations. Following Abélès’ concern with the order underlying the apparent chaos and comings and goings, she aims to find the patterns that reveal the nature of political work and interaction. She draws on Bourdieu’s post-structural theory to describe how politicians are playing political games backstage partly by accumulating different kinds of capital – securing formal offices or reputations, as examples – despite their claims that the parliament is co-operative and egalitarian (Busby, 2013b, p. 222). William Schumann (2009) paints a picture of political transformations in Wales seen through a study of the Welsh National Assembly in the 2000s. He worked as an intern for the Liberal Democrats which allowed him to research beyond the formal organisation, to the informal codes of behaviour especially found within his political party. For example, party loyalty is important but fraternisation across political parties is encouraged: political staffers from different parties meet socially partly to lay the social groundwork for asking favours and passing on information. Within parties the informal communication extends beyond Wales in ways that usually go unseen. The traditional approaches to the study of parliament, relying heavily on structured surveys as they do, could not have uncovered the partially hidden processes that these anthropologists found.

Only a few years later, my ethnography of the House of Commons also aimed to challenge the public image of politicians and act as a provocation to political science (Crewe, 2015). Parliament is often portrayed as a system or a rule-bound institution, most frequently under the theoretical umbrella of new institutionalism, in a similar vein to the structuralism that anthropologists seemed wedded to during the 1970s and 1980s. This may be an advance on rational choice theory, in the sense that at least some account is taken of patterns created by groups beyond the motives and interests of individuals. But *The House of Commons: An Anthropology of MPs at Work* was an attempt to offer an alternative to this polarised duality between structure and individual. MPs are both individuals, with complex relationships created by their claim to represent thousands within their constituency, but also continually shifting their attachments to a range of social groups and political configurations, even within one day. Individual freedom and social constraint are paradoxically simultaneous. My research was based on embedded participant-observation within the Commons at a particular time – in the middle of the Coalition Government of

2010-2015 – and some of the findings were out of date as soon as the book was published. This ephemeral quality was exacerbated by pointing to dramatic power shifts between whips and backbenchers, and government and parliament, as well in changes brought about by the explosion of social media and 24 hour news. Rather than change undermining my analysis, this book also offers a different way of understanding those political shifts: messier, contradictory, uncertain and ambivalent, in line with recent anthropological thinking on history, knowledge and performance (e.g. Spencer, 2007; Latour, 2010) but also complexity theory, as I will go on to explain.

Zahir Ahmed (2017) has followed in the footsteps of Fenno by studying constituencies in Bangladesh and challenging pervasive assumptions about how acting as a representative is about the fulfilment of a role[1]. Taking up my point that representation has to be performed in contradictory ways within relationships with diverse groups of constituents (Crewe, 2014b), Ahmed looks at how MPs are involved in endless shape-shifting to build up their reputation. They do so selectively, influenced by operating within conflictual and distrustful contemporary Bangladeshi political world. When a particular MP colluded with a group of his own constituents to humiliate a religious minority teacher, an act that amounts to a violent abuse of power, does the performance of representation break down? It is certainly clear that the process of “representation” cannot be taken for granted. It is a complex, messy and dynamic process of relating, which can only be explained by thickly describing the history, politics, and social world of each place and seeing how it is different from other worlds.

Political scholars have taken up ethnographic method and theory in the last decade (e.g. Rai, 2010; Rhodes, 2011). Rhodes has defined it more broadly than is typical for anthropologists as the study of everyday lives to understand meaning behind people’s actions (Rhodes and Tiernan, 2015, p. 209). In contrast, Shirin Rai directed a research coalition that put anthropological concerns at the centre of her research into gendered ceremony and ritual in the Indian, South African and UK parliaments[2]. Her edited volumes have shaken up well-trodden political science orthodoxies in various ways (Rai, 2010; Rai and Johnson, 2014). The first is geopolitical. The majority of parliamentary studies by European, US and Australian academics tend to focus on their own regions, portraying them as relatively “developed” democracies. Global generalisations are even made on the basis of these studies, as if oblivious to historical diversity and postcolonial international power relations. The absence of theorising about democratic politics across the Global West/North and East/South implies that the differences are too huge to be accommodated. But are they? When encouraging scholars to compare politics in India, South Africa and the UK, Rai’s colleagues have produced rich observations about disruption, for example. Disruptions reveal the rules and norms of an institution, and who polices them, but also how representatives relate to their speaker, their party and wider politics in society (Spary *et al.*, 2014). In all three cases you could either claim disruptions are a lively challenge to the dominance of the executive or the fragmentation of party and decline of parliament – so some kind of power struggle must be involved (Spary *et al.*, 2014, p. 196), but a persuasive theory can only emerge out of the specific history of each case. The second shake-up that Rai (2014) inspired was by breaking away from the previous fixation on outputs and individual strategies, with her interest in history, performance and symbolism – that is, taking socio-political and cultural approaches to the study of politics. She has developed a framework for comparing political performance more systematically. One axis considers how performance is embodied, staged, scripted and laboured while the other looks at the political effects. Is the performance viewed as authentic and meaningful, for example? This offers a structured way of researching the performative relationships between politicians and others that suggests more meaningful categories of social action, meaning and process across them. These social approaches constitute innovation for political science theory but also feminist research, encompassing as they do

both feminist institutionalism, with its focus on rules and norms, and Rai's interest in power, performativity and post-structuralism. So Rai's third theoretical innovation was to pluralise feminist scholarship on political institutions, complementing the sizeable and valuable research that is driven directly by an agenda for change (e.g. Childs, 2004) – unsurprisingly given the chronic under-representation of women in the vast majority of parliaments around the world.

In the last few years political scientists have begun to argue for innovation in methodology (Geddes and Rhodes, 2018). The political scientists R.A.W. Rhodes and Marc Geddes have proposed an interpretive approach to the study of legislatures influenced by their own experimentation with ethnographic methods in addition to my work in parliament (Crewe, 2005, 2015), and that of Shirin Rai (2010) and Leston-Bandeira (2016). Recognising that their colleagues are poised to burst out of the twin straitjackets of rational choice theory and new institutionalism (or combinations of the two), they invite scholars of parliament to turn their attention to beliefs, practices and traditions. In the spirit of collaboration in this article I aim to return the compliment by responding to their invitation to explain my view of what kind of ethnographic research is needed. It is my contention that ethnographies of parliament have to take account of culture, history, and reflexivity in order to offer thick interpretation and achieve strong ethics, rigour and reliability.

Ethnographic research as the navigation of culture

To probe in depth ethnography usually demands a mixture of observation, participation and talking to different configurations of people about what you are seeing, hearing and sensing. The particular methodological challenge of studying politicians is getting access. They will only talk to you about what is going on behind the scenes if they think you are trustworthy and they trust very few. Most will only trust you if they think you are “on their side”, possibly sympathetic to their party (or their faction), and yet you are expected to be apolitical to avoid accusations of partiality and bias. Establishing trust usually takes time, but for politicians time tends to be in chronically short supply. If you rely on chance encounters for informal conversations – often an excellent way to get more candid explanations than formal interviews – then you may only have a few minutes to convince them you can be trusted not only to keep secrets but to recognise what a secret is in the first place. As a researcher you have to reveal yourself to politicians fast and convincingly so that they will then reveal themselves to you.

Distrust is not the only cultural characteristic that appears to be accentuated in political worlds; esteem and status are often especially important to elected politicians. A former Government Chief Whip advised me: “Never underestimate the capacity for politicians to absorb flattery. But you have to mean it.” That may be true of anyone but politicians are a concentrated form of human in specific ways, even a caricature at times, because the heart of their work is winning support. So I dispensed with writing letters cold to potential informants and gradually relied more and more heavily on introductions or accosting them myself. I would watch them performing in a debate or select committee, look them up on my iPhone to find out crucial details about their achievements, and then approach them as they came out. I might say, “Ms so-and-so, the way you handled that exchange with the opposition was so deft. Obviously this is an important issue in your constituency. So were you expecting that question? [...]” Once I had got their attention then I had explain the research and ask for an interview.

To immerse myself in the culture of Westminster I have employed a wide range of “methods” including:

- Interviews: formal semi-structured and unstructured interviews in the Lords with 121 peers, 67 parliamentary staff or former staff, and 16 others (special advisers,

journalists, spouses and MPs) and in the Commons with 45 MPs, 24 former MPs (19 of these were peers interviewed during the Lords project), 15 staff and 28 others (special advisers, peers, parliamentary candidates, MPs' staff, civil servants, journalists, civil society representatives). The peers and MPs were chosen to be roughly representative in terms of gender, length of service, party and position.

- Observation: I regularly observed debates in the chambers and committees, and both formal and informal and public and private meetings, ceremonies and parliamentary videos, TV and media interview and reports in both Houses over several years. I watched weekly Cross-bench meetings in the House of Lords, during which they discussed upcoming business, and meetings between the Lords' Staff Advisor and staff. In the Commons I watched interactions between MPs and Clerks in the Table Office and sat in on meetings of Clerks (including a "Hurroosh" in the Table Office and a "Reading" in the Journal Office). I observed a "conference" between the Speaker, Deputy Speaker and top Clerks to discuss the day's anticipated parliamentary business.
- Texts: I reviewed literature on parliament, documents produced by parliament and politicians, and articles, stories, blogs or tweets on both conventional and social media. I read transcripts of parliamentary proceedings, committee reports and policy statements, notices from whips and letters to both peers and MPs from citizens or constituents as well as academic work mainly by political scientists, biographies and diaries of politicians.
- Participation: informal interaction with MPs, peers, constituents, party workers, civil servants, staff, journalists, and visitors in offices, meeting rooms, corridors, eating places and at functions took the form of discussion, gossip and talking about current issues. Gossip is far from trivial in organisations – often it is when people talk about what is really going on, rather than what is supposed to be happening in the idealised version of politics. I also engaged in various initiatives on a pro-bono basis: assisting a Clerk in the House of Lords in registering candidates for electing the hereditary peers who were to remain in the House after 90 per cent were removed, sitting on the Independent Parliamentary Standards Authority as an external expert advising on MPs' pay, pensions and allowances, giving advice about conducting research within the House of Commons (e.g. to elicit MPs' views about the quality of services provided by within parliament), giving oral evidence to various committees, discussing parliament with officials, academics at the Study of Parliament Group and with journalists at the Pebble Club.
- Compiling mini-histories: I compiled narratives to get into more depth on specific encounters between peers/MPs and others. In the House of Lords I followed all the stages and interviewed various protagonists about the House of Lords Reform Act 1999, the piece of legislation that removed the right of peers to sit in the Lords on the basis of hereditary privileges. In the Commons I followed Clause (later Section) 11 in the Children and Families Bill 2014 before and as it travelled through both Houses (see below). I tracked one parliamentary candidate in her bid to get selected and campaigned with the three main parties at the Eastleigh by-election. Finally, I visited seven constituencies in England, Scotland and Wales, watching various meetings held with MPs in public, private and charitable organisations and 32 "surgery" meetings with constituents.
- Recording and publishing: I recorded notes on all of the above, with verbatim quotes and analysis of what I heard and saw, as well as logs (or diaries) amounting to 416 typed pages in total. Whenever I drafted any book or article, I sought permission

to name informants, requested checks for accuracy and confidentiality, and solicited comments from key informants. Increasingly I realised that this was no mere check but a valuable way to elicit responses and learn more about different informants perspectives.

But the methods of ethnography in the sense of activities reveal rather little about what is involved. Critically, how does an ethnographer know when immersing themselves in a site where to focus their attention, what to write down, and what to filter out? It helps if you have a clear research question – what John Dewey (1891) calls an animating or haunting question – and mine in the House of Commons was, what do MPs do when they are doing politics? But you also need a “breath of intelligence”, in Dewey’s words, in any inquiry that takes on challenging questions (p. 196). Part of that intelligence demands that that you are reflexive about your own impact on the research, which means studying your own theoretical assumptions. Mine derive from 30 years studying and working in organisations that strive to do good but often cause havoc, primarily international development NGOs and parliaments. My training has been in social anthropology – shaped by Bourdieu’s theory of practice, Jonathan Spencer’s focus on culture and history in politics, anthropological feminism, and complexity and management scholars I teach with at University of Hertfordshire Business School (e.g. Stacey and Mowles, 2016). We teach how to do research on organisations to postdoctoral students and draw on anthropology, social psychology, complexity theory and American pragmatic philosophy. These are my intellectual, political and moral predispositions that form part of any reflexive inquiry.

Our own relationships with those we study, our informants, also become part of the research when ethnographers aspire towards rigour through reflexivity. Positivist disciplines are concerned to produce an objective account, as if it were possible to remove the subjectivity of the researcher, but anthropology makes the social position of the researcher part of the study. Such reflexivity entails “turning back on oneself”, as Davies (1998) puts it, reflecting on how the social interaction between ethnographer and informant reveals their respective assumptions and responses to each other and produces the theories that generate conclusions (pp. 4-5). Not only will the study of every parliament be different (because each is embedded in different cultures and politics), but also studies of the same parliament will vary because of the specific configuration of identities of different researchers. It is easiest to show how my own history and identity has influenced my research by giving an example. In my study of the Lords and Commons I found contrasts that emerged partly out of their different cultures but also out of my relationship with those I interviewed. Research is a social process of conversation, observation, action and response, just like any encounter between people. So when I asked questions, my own social position as a white woman anthropologist gave a particular shape to the asking as well as the response. The same was true of observation. When nearly all peers claimed that the Lords is egalitarian, I was sceptical; I had never entered an organisation within which women participated on equal terms to men. However, when watching and talking to them, it became apparent that women thrive in debates where courtly manners reign and aggression is deemed unsuitable behaviour for a peer, even if other hierarchies are in play (Crewe, 2005, Chapter 6). My own female identity (and a history of working on feminist projects) sharpened my interest in gender and the sense of openness to new ideas that is part of the ethnographic approach, allowing me to challenge my own assumption that patriarchy is to be found in every organisation in similar ways.

Gender in the Commons was more familiar. In the more ambitious and competitive House there is no ethos of equality or even shared ethos. Most men reported that they relish performing in the Chamber during the gladiatorial battles (such as Prime Minister’s Questions or debates on controversial bills), heckling their opponents and cheering their allies, while women tend to say they prefer the calmer, more deliberative debates. Based on

observing male and female MPs in seven constituencies, it seemed to me that they handle their representative role differently too. Within increasingly demanding constituencies, nearly every MP holds surgeries where they advise constituents with severe problems and hand the case to their staff to take up with local or national government. Labour MP Paul Flynn (2012) writes tellingly, “The MP should be the living embodiment of the constituency, tirelessly promoting and defending the territory with the ferocity of a mother protecting her offspring” (p. 138). The only MPs I could find who never attend surgeries seemed to be male, whereas female MPs always hold surgeries and appear more confident especially in intensely emotional conversations with constituents. Familiar to me too was the pattern of women investing proportionately more time than men into work that is less visible, valued and rewarded in terms of money or power.

The reflexive part of this was that my own identity had an important influence on where my attention was drawn and what I noticed. It was easy and obvious to ask men and women about how their experiences were gendered partly because I was a woman and so keenly aware of difference in a way that those facing the possibility of exclusion tend to be. Neither were surprised nor offended, and women were positively delighted to be able to talk about sexism with someone they assumed to be sympathetic. Contrast this with another aspect of parliamentarians’ identity – sexuality – which is at least as interesting. A fair amount of legislation about homosexuality has gone through parliament in the last 15 years, which reflects and contributes to a revolution in attitudes towards LGBT people in UK society. Alongside these changes in law we have seen various parliamentarians come out as gay. But when I studied the Lords in the late 1990s there was only one out gay peer – Lord Alli – and although this theme had been sorely neglected by scholars, I did not study it systematically. Although the legislation came up in conversations, so I managed to find out something about homophobia, I did not get as far as I would have done if I had more experience in exploring this theme. If I were lesbian myself, then I would have had a greater store of personal experience and knowledge of LGBT history to draw on.

Within a more recent multidisciplinary research coalition studying the relationship between parliamentarians and civil society in Ethiopia and Bangladesh (see footnote 1), one experience stands out for illuminating the influence of the researchers’ identities on our interviews. During a methodological experiment in 2014 we interviewed women MPs in one of our countries of focus and tested out how our own identities influenced the research. Four researchers went into the interview: me (a white British woman), a white British man, a black man from the same country as the MPs and a black woman researcher again from that place. By prior agreement we all agreed to stay in the interviews until the last few minutes when the two men would leave to see if this influenced how the women MPs spoke to us and what they said. While all the researchers were present, the MPs were determined to stress the strength of their party and government and their successful efforts at promoting gender equality. The impression given was that women politicians were tough, dynamic and invulnerable. When the two male researchers left, the conversation changed abruptly. The women MPs became far more candid about the hostility of some male MPs, quoted as typically saying: “Why do you always cry?” and “The constitution already reflects the interests of all. Women’s issues are already discussed so do not always talk about women”. One of them tellingly said when asked what it was like being a woman MP: “When a woman gets up to speak in the parliament she is always fearful, thinking ‘can I do this?’ whereas a man never worries”. Whether this was true or not – perhaps men are just as nervous but refrain from saying so – it was clear that this would not have been said in front of the men, and especially the senior national scholar leading our research in that country who had taught several of them at university. This encounter made it clear to us that women MPs in this country struggle with confidence but are under pressure to appear invulnerable in the presence of figures of authority or those they are competing against. Such a pattern may be generalisable as there is plenty of evidence to suggest similar dynamics elsewhere (Crewe, 2014a).

Historical ethnography in an uncertain world

Ethnographers once assumed that the cultures of remote societies were static, as if frozen in time, until it was pointed out, for example by Edmund Leach (1954), that societies are never in equilibrium but exist in a state of flux, inconsistency and constantly changing environments (p. 5). For this reason ethnography has embraced history. But this is not the only cause of the historical turn within ethnography. Even some aspects of cultural continuity can only be understood if the ethnographer tracks how relationships, practices and ideas develop and unfold. To illustrate this point I will explain a particular narrative that reveals what politicians are doing when they make law.

First, as ethnographers often do, I will consider the rhetoric or claims that people make about law making. The representative claim, as the political theorist Mike Saward (2007) puts it, is that MPs are protecting the interests of their constituents whatever they are doing – whether scrutinising government, meeting people in their constituency or influencing policy and law. On the other hand, they also claim they are making evidence-based law (or policy) to modernise the country and improve the situation for a particular group of people. Is this really what goes on in law making, that is, this mix of representation and improvement based on evidence?

For almost two years I followed one clause about parenting as it made its journey through the parliament while being transformed from text into law. If you merely glance at the text, you might think this mini-history concerns MPs championing the interests of families in tandem with the venerable Baroness Butler-Sloss, former Judge and then President of the family court, rising above politics to improve draft legislation on the basis of evidence. But more rigorous ethnographic inquiry over a long time and across space into the less visible sites reveals that the story is far messier.

The Clause was a response to recent transformation of family life in the UK which has seen the greater involvement of fathers in parenting as reflected in children's arrangements on separation of their parents. In response to fathers' rights groups, constituents and even male backbench MPs, the government decided to direct the courts to encourage shared parenting. Child rights' groups were worried by this because "evidence" from Australia indicated that such legislation had inflamed conflict between parents. During the course of scrutiny the government made three changes to this 250-word Clause:

- (1) Comments from citizens on proposals for legislation: the government absorbed concerns about the risk of abuse to children in their wording of the first draft of the clause by changing the wording from, "children should see both their parents if safe", to "children should see their partners unless there is a risk of harm" (see 3a, Table I). So children's rights made a small victory as a result of comments by the public.
- (2) Recommendations of a Select Committee: the Justice Select Committee undertook pre-legislative scrutiny. The rhetoric of all Select Committees is that they claim to be evidence based and above party politics. They tend towards an assumption that unanimous reports will have more influence and that consistency with past reports protects their credibility. In that respect they become like mini political parties. Since their earlier inquiry on this issue was child centred, they recommended a change in the title of the clause from "shared parenting" to "Welfare of the child: parental involvement". They wanted to emphasise that the courts should put the welfare of children above the rights of parents. The government accepted this.
- (3) Finally 2B was added by the House of Lords. From the documents it looks as if this is the influence of Baroness Butler-Sloss single handedly revising law on the basis of evidence accumulated during decades of experience. However this amendment was drafted by a paralegal based in a children's charity in Bloomsbury. The paralegal was part of a coalition of children's charities, academics, lawyers, social workers that

Welfare of the child: parental involvement

(1) Section 1 of the Children Act 1989 (welfare of the child) is amended as follows:

(2) After subsection (2) insert –

“(2A) A court, in the circumstances mentioned in subsection (4)(a) or (7), is as respects each parent within subsection (6)(a) to presume, unless the contrary is shown, that involvement of that parent in the life of the child concerned will further the child’s welfare.”

“(2B) In subsection (2A) “involvement” means involvement of some kind, either direct or indirect, but not any particular division of a child’s time.”

(3) After subsection (5) insert:

“(6) In subsection (2A) “parent” means parent of the child concerned; and, for the purposes of that subsection, a parent of the child concerned –

(a) is within this paragraph if that parent can be involved in the child’s life in a way that does not put the child at risk of suffering harm; and

(b) is to be treated as being within paragraph (a) unless there is some evidence before the court in the particular proceedings to suggest that involvement of that parent in the child’s life would put the child at risk of suffering harm whatever the form of the involvement.

The circumstances referred to are that the court is considering whether to make an order under section 4(1)(c) or (2A) or 4ZA(1)(c) or (5) (parental responsibility of parent other than mother).”

Note: The changes mentioned above are underlined

Table I.
Final version of
Section 11 in the Act

I followed for almost two years. They put this amendment to the Labour party who moved it during the Public Bill Committee when the clause went through the Commons. It was rejected because the government almost never accepts opposition amendments in the House of Commons: to do so would be a loss of face. The coalition then met with child rights’ campaigners in the House of Lords from all parties, with me observing discreetly from a corner, and agreed that an amendment should be moved by Baroness Butler-Sloss because she had the best chance of winning it. She could appear as if she was above politics. Sure enough, she won and she then made an agreement with the government to ensure that they would not reverse it in the Commons.

On a quick appraisal of Bill documents, the Clause 11 changes could have looked like the influence of one Committee and one Cross-bench peer, but were really a process of far greater complexity involving huge numbers of people, conflicts of interests, contested evidence and networks of both competing factions and alliances. In short, messy politics. The Children and Families Minister, Edward Timpson MP, told me that “it is as much about tapping in the human element as it is about getting into the nitty gritty. It is a very human process, it’s about relationships, not just texts[3]”.

So what did this political scrutiny consist of? Law about children is seen as ideally above politics. A legal scholar who has studied law relating to children, Maclean, claims the more political the process of law making, and the content of the bill, the lower quality. But assumptions that this Clause was unusually scrutinised because it was not political (and at times party political) would be misplaced. The scrutiny was detailed precisely because it was intensely political (Crewe, 2017a, b). Politics, far from being a nasty form of pollution as often portrayed, requires adversaries in order to work effectively. Chantal Mouffe (2005) points out that, “a well-functioning democracy calls for a vibrant

clash of democratic political positions [...]”, clarifying that this needs to take place both in parliament and outside (p. 104). It will inevitably entail the exclusion of some people at any one time – the challenge is that political processes need to be designed, and people need to respond, in ways that makes it possible for that exclusion to happen peacefully. And to avoid repeatedly excluding the same groups over a longer period of time.

Illusions that this policy might be (or even could be) simply “evidence based”, does not stand up to examination either. The idea of “evidence-based policy” can give an impression that expert opinion or research consists of incontrovertible facts that can be turned into solutions irrespective of politics. My colleague Chris Mowles (2015), influenced by American pragmatism, argues that evidence is always contestable and so likely to produce a paradox: “the more evidence is collected, the more contestation, so rather than creating greater certainty, the search for evidence may only create greater uncertainty and ambiguity, i.e. multiple meanings with no necessary connection between them” (pp. 10-12). The more evidence we have, the more we know about conflicting interests, then the more complex the decision. This was clearly the case with the “shared parenting” clause.

The second uncertainty concerns weighing up evidence; different disciplines, professions and interest groups produce truth, and therefore what they see as “evidence”, in different ways. Anthropologist Latour (2010) argues that scientists and lawyers produce truth differently. Scientific knowledge consists of universal generalisations; it matters less how these are presented. This is in contrast to the courts, where form is vital, including obedience to rules. And the presentation of legal evidence – making clear whether it is fact or opinion – establishes legal truth only in specific contexts. Politicians ignore this when it suits them – i.e. that knowledge is produced in different ways – and flip between different types of evidence as if they were equivalent. Sometimes they treat personal testimony as if it is weighty (especially if it is their own), at other times as if it is partial and so unreliable. They do not weigh up evidence sufficiently by thinking about its rigour, its relevance and how it relates to other knowledge – they tend to just use it for political ends. It becomes a political tactic to say “we know that [...]” (e.g. children under a certain age need a main home) or, at the more extreme, say about someone else’s evidence, “that’s fake news”.

The third uncertainty in law making relates to the future. When I talked to the Minister in my case study about the difficulties of taking a bill through parliament he talked about how difficult it is to anticipate the future. He called it “reading the runes”, because the impact of plans, policies and laws can’t be predicted. This is not news. It was as long ago as 1927 that John Dewey (1927) counselled: “policies and proposals for social action [...] be treated as working hypotheses, not as programs to be rigidly adhered to and executed” (pp. 202-203). In the case of the clause I described, and presumably most policy and law, you have to try and predict the impact on the plurality of interests affected by law directly but also on those in the shadow of the law, or indirectly affected by it. The new clause may have an impact on what judges say in court about parenting but that could then influence all parents negotiating childcare arrangements on separation in unpredictable ways.

These three uncertainties have some important implications for what we need in political leaders. John Dunn (2000) warns that modern political theory focuses on intention but gives inadequate weight to practical skill. Law making, policy making, governing and scrutiny can never just be the rational assessment of evidence; it would lack morality if it was or pretended to be so. Democracy in the UK is not shallow because parliament is weak or because evidence is absent. It is shallow in its scrutiny of law when our treatment of evidence is not sufficiently political.

The value of ethnography as political scrutiny

It is becoming even more important, because of these uncertainties, but also because of widespread disillusionment with politicians and a global move towards hostility towards

minorities, that political processes have to take account of as many views as possible. We can no longer rely on the idea of representatives as delegates because the process will always be obscure and it must have credibility in the eyes of those affected so that they accept it even if they hate the result. If we draw more actors and groups into vigorous debate about the source and rigour of different types of evidence, about winners and losers, and demand that we have better processes for politicians to account for the judgments they make, that could be a move towards deeper democracy[4].

Scholars can have a vital role in deepening democracy. Researchers have a role to play not only in supplying evidence but in studying political processes as a specific form of critical political scrutiny. We have evidence of this from a coalition of researchers in Bangladesh and Ethiopia who have been scrutinising the links between development and democracy, thereby testing the assumption that emerged from the work of Amartya Sen that good governance is required for effective poverty reduction (Sen, 1999). Most established international development agencies have tended to assume that a key to progress in the long term includes a strong parliament with elected representatives and effective links to its citizens (DFID, 2004). The track record in both Ethiopia and Bangladesh of achieving significant poverty reduction on many economic measures despite a one-party state, restrictions on the media and weak scrutiny of the executive offers a challenge to such assumptions.

In these two countries where parliament and the media provide limited scrutiny or opposition to government, the scrutiny role of research into politics takes on greater significance than in countries with a free press and unfettered civil society. In the context of Bangladesh and Ethiopia, both countries where the media, opposition and activists are constrained, it becomes even more vital that national scholars can find out, publish, communicate and engage in debates about politics and development. They tend to go into more depth, take a longer view and relate specific issues to a bigger picture than visiting expatriate scholars ever could. It is not just their academic “outputs” that matter; it is politically important that politicians know they are being scrutinised by scholars with a long-term commitment to the place and the process of accountability. Our colleagues in Bangladesh and Ethiopia have been producing outputs, including as a result of using ethnographic methods, that are informing debates about politics in both countries (for findings see Crewe and Fox, 2017). These country-specific findings have some important implications for the study of parliament and for supporting democratisation. Support for democratisation should be wary of assuming that the “Westminster model” provides a blueprint for democracy. For example, a mechanism of caretaker governments in Bangladesh was an idiosyncratic way of running elections that ensured neither of the main political parties could accuse the other of rigging the election. By abolishing it for the 2014 election, leading to a boycott of the election by the opposition, two party democracy broke down. The caretaker model was unique to Bangladesh but was a solution that worked effectively for this context. Some generalisations about problems in fragile states facing the threat of conflict are possible but solutions have to be specific to the context. Conflict and distrust in both countries continue to preclude the deepening of democracy; it is only by understanding the long, complex and specific history of each place that actions can be proposed for reconciling factions. Certain groups face entrenched exclusion in both countries – on grounds of gender, ethnicity or religion – but their inclusion will require different strategies in each country.

Assumptions are commonly made that national capacity for achieving democracy, as well as capacity for scholarship, face a deficit in certain countries because they lack knowledge and experience. Fukuyama’s (1992) work on the history of political systems rests on a premise that there are evolutionary patterns that societies have followed so that democracy continually improves until it reaches its final form as seen in western countries.

Even Fukuyama (2015) now questions his earlier conclusion. Democracy is shallow in most countries because of a history of failing to decentralise power, or adapt to the information revolutions, not due to being at an earlier stage or evolution with a lack of “capacity”. Furthermore, many would agree that a combination of rising expectations and the failures of politicians (in the UK and the USA to take two examples) explode the myth that democracy necessarily moves forwards. Ethnography might have a vital role to play in the process of understanding and deepening democracy around the world.

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Notes

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2. www2.warwick.ac.uk/fac/soc/pais/research/researchcentres/cpd/gcrp/aboutgcrp (accessed 1 February 2017).
3. Interviewed by Emma Crewe, 8 April 2014.
4. I have adapted this idea from the work of Appadurai (2001), who writes about deep democracy being achieved by civil society. This is the conceptual foundation of a new AHRC-funded programme (2017-2020) that aims to support the development of national research capacity in Myanmar and Ethiopia.

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