In Search of the Politics of Security

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Research Highlights and Abstract
This article

- Provides an exploration of why security politics might change the behaviour of parliaments or legislatures, bringing together theory from diverse fields;
- Illustrates a series of potential ways of measuring legislative behaviour;
- Is a systematic quantitative test for the existence of security politics in a field which relies almost exclusively on qualitative methodology;
- Contributes to the current debate in the field of critical security studies over the definition of the politics of security.

This article takes up the recent challenge to critical security studies posed by Browning and McDonald to define the effects of 'the politics of security'. It focuses in particular on the behaviour of legislatures during the passage of legislation relating to crime and security. Effective scrutiny of this type of policy is crucial, but legislatures are often accused of failing to provide it. However, empirical work in the area remains limited: we know little about exactly how legislatures change their behaviour at such critical junctures. This article seeks to fill this gap. It offers firstly an exploration of diverse strands of work on the notion of 'security politics'. Secondly, it offers an empirical test based on a dataset covering UK legislation from the period 2007–2012. The results suggest the appearance of security legislation causes parliament to heighten scrutiny, raising questions about the real nature of 'security politics'.

Introduction

Studying the effects of the politics of security is a crucial part of the overall project of critical security studies. As Browning and McDonald put it, 'critical security studies scholarship is interested in the function of representations or discourses of security in defining group identity, enabling particular policy or legitimating particular actors as security providers' (Browning and McDonald 2013, 236). However, as they go on to argue, much debate remains about the exact nature of the security 'effect' (2013, 239–243). Part of this definitional problem, I argue, is that there is little work which has tried to systematically compare the functioning of political systems dealing with security problems to conditions of what has been described as the 'normal mode' of politics (Roe 2012).

In this article, I seek to address this problem, by looking at the impact of security politics on the functioning of the legislative process; in particular, the aspect of this

process relating to scrutiny of legislation proposed by the executive. This is, of course, just one area where the politics of security can have an impact; however it is also one of the most significant. The ability (and responsibility) of the legislature to check the power of the executive is arguably at its most important when the fundamental rights of its citizens and constitutional norms of the nation are at stake. However, many have worried that the politics of security, emerging from the emotive power of such legislation and perhaps buttressed by a prevailing atmosphere of security 'crisis' or the need not to appear weak on crime, also appears to crucially handicap the legislature, rendering it unable to fulfil its oversight function precisely when it is most needed. This article seeks to address whether this is actually the case.

The rest of the work is structured in the following way. Part 1 sets out in more detail the theoretical basis of the concept of 'security politics'. I adopt a broad definition of the term, which incorporates not only terrorism and national security emergencies but also issues relating to crime. Within this literature, I identify four different strands of reasoning about why security politics could make legislatures more willing to adopt legislation they otherwise might not have chosen: as a knee-jerk or panicked reaction to the appearance of a security crisis; through a political need to appear tough on crime; through an identification of security issues with notions of 'patriotism'; and through an informational imbalance between executives and legislatures. None of these mechanisms are mutually exclusive, though some are more likely than others in different situations. Together they add up to a powerful expectation that parliaments and congresses should diminish levels of scrutiny when faced with security related legislation.

Part 2 examines the extent to which it is possible to measure legislative scrutiny in a quantitative fashion. Parliaments have a wide variety of means at their disposal for influencing the legislative process. Many of these are subtle and difficult to measure; however, others are more apparent. While perfect measurement of scrutiny is very difficult, I argue that it is possible to build up a picture by looking at a variety of different aspects of parliamentary behaviour, such as the amount of time it takes to pass legislation or the number of people who turn out to vote on it.

On this basis, Part 3 offers an exploratory test for the existence of security politics, focussing on the case of the United Kingdom, and making use of a detailed dataset of legislation passed in the UK during the period 2007–2012. Taking advantage of recent developments in the field of parliamentary informatics, a web-scraper was built to harvest information about 145 different legislative proposals which together attracted 1,262 committee sittings and 763 separate roll-call votes. The results of this analysis, somewhat surprisingly, show little evidence that the 'security politics' dynamic hypothesised above exists in practice. Indeed, on many of the measures, parliament if anything appears to conduct *more* scrutiny than it would on an ordinary piece of legislation. While further research is needed, the tentative conclusion may be that the true impact of security politics is increased legislative attention to executive action, not the reverse.

1. Crisis, Strength, Patriotism or Ignorance? Defining Security Politics

I will begin with a general overview of the concept of security politics. This is a broad term which has attracted a diverse variety of scholarship ranging from studies of 'national' security emergencies (especially related to terrorism) to studies of deviancy and criminality. As Browning and McDonald argue, the effects of security politics can be felt throughout society. However, one of the most important aspects of this debate has surrounded the extent to which claims about security can be used to legitimate behaviours or actions which would otherwise be impossible under normal political circumstances (for a discussion see Roe 2012). This legitimation can also express itself in a number of ways, but one of the most frequently highlighted possibilities is that the executive passes legislation which would otherwise be deemed unacceptable (and may in itself extend the powers of various executive agencies such as the police or security services), whilst other institutions such as the legislature which should ordinarily act as a balance on executive power fail to restrain it. It is this increase of executive power (and subsequent decrease of legislative scrutiny) which forms the focus of this article.

The legislative branch of government has a variety of reasons to change its behaviour when facing a piece of legislation which relates in some way to the 'security' of the nation. Many of these mechanisms have been explored in the field of critical security studies, but other fields of political science and international relations have also touched upon them in some form. This section reviews these reasons, dividing them into four conceptual categories: crisis, strength, patriotism and ignorance.

I will begin with the importance of crises, perhaps the most prominent line of theorising in the area of security politics. Authors in this area have emphasised the motivational power of particular security emergencies, and the potential impact these events have on the functioning of democratic politics. As Owens and Pelizzo claim, 'normative and empirical political theorists have long recognised that critical events ... strengthen the power of the executive, disrupt and threaten constitutional politics, and damage democratic institutions' (2009, 119). Following crisis events, legislation to counteract that particular crisis ought to be more likely to be passed, and passed quicker than normal legislation, in a so-called 'knee jerk' reaction (Stedman 2003).

The crisis politics approach can be seen in a broad variety of literature. In international relations, 'securitization theory' (see Buzan et al. 1998; Balzacq 2011) has played a particularly prominent role in trying to conceptualise security emergencies, with key authors in the field emphasising the role social construction plays in defining the emergence of crisis politics, even while debating exactly how this construction takes place (see Williams 2003; Balzacq 2005; McDonald 2008). For securitization theory, a crisis event confers a kind of 'rule breaking' power on the executive, which allows them to act outside existing standards of norms and political behaviour (Bright 2012); though many authors are also keen to highlight the fact that these crises must be accepted as such by a variety of non-executive actors, both in the legislature and the wider public (see Roe 2012).

In more domestic focussed political science, a variety of different concepts have been deployed. Kingdon's (1995) work on agenda setting set out the concept of a 'focussing event', which has the power to put issues at the top of the political agenda and hence favour rapid legislative action. A thorough application of this concept to the domain of crisis politics is offered by Birkland (1997, 2006), who considers how both agenda change and (less frequently) policy change occur in a variety of different of fields which have the potential to be afflicted by disasters. Another such concept is the notion of the 'external shock', which has the power to change an established policy settlement and provoke action (in the context of security policy see, e.g. Thomas 1999; Owens and Pelizzo 2009).

Beyond crisis politics, a second approach concerns the potential electoral benefits to be had from appearing to pass legislation which makes politicians look strong on crime or security issues; and the corresponding potential for electoral loss if they appear weak in the area. This incentive will exist during a moment of crisis politics, but its application is also wider: there may never be a bad time to appear strong on crime or security issues, with periods immediately before an election of especial potential import.

This line of reasoning can be seen in literature on criminology and crime policy. Seeking explanations for the dramatic rise in prison populations witnessed in many countries over the last 30 years, several authors have pointed to the increasingly 'punitive' nature of the justice system which has a tendency to convict more often and to impose longer sentences. As Garland (2001) has argued, the increased mediatisation of crime and criminal behaviour has leant it a 'spectacular' nature, where politicians go out of their way to impose harsher sentences on society's villains. A variety of studies have documented how the 'tough on crime' approach, as it is often called, has spread in several different Western countries (see, e.g., Mauer 1999; Newburn 2007).

The notion of 'moral panic' is also worth mentioning in this context. As Goode and Ben Yehuda (2009) describe, societies throughout history have been periodically gripped by fear over the 'deviant' behaviour of particular groups of minorities; behaviour which somehow strikes at the fundamental moral values of society itself. As such a panic rises in public consciousness, this behaviour becomes more likely to promote legislation to tackle it, often through the criminalisation of certain activities. As Cohen, initial propagator of the term, has argued, the word 'moral panic' has also started to come to mean problems which are entirely fabricated, though he himself resists this idea (Cohen 2011, vii).

Patriotism constitutes a third potential approach. When faced with a security issue, especially one that can be linked to actors from outside the country, legislators may have a tendency to 'rally round the flag'. Through genuine feelings of patriotism, or at least the need to appear patriotic in public, they may feel unable to resist executive legislation, a resistance which might be perceived as somehow against the best interests of the nation.

This rallying effect is something that has been studied in public opinion following the declaration of a war (see Baker and Oneal 2001; Baum 2002; Lai and Reiter 2005), whereby presidents and prime ministers receive a rise in approval ratings

after the outbreak of hostilities. This rise is itself often attributed to changing behaviour in the political system, as other political elites become less likely to publicly criticise the executive (see Groeling and Baum 2008 for summary and criticism of this argument). As several scholars have argued (see, e.g., Hansen 2000), it is difficult to distinguish genuine patriotic agreement from fear that speaking out will lead to punishment. Nevertheless a 'silencing' effect seems to emerge during particularly intense periods of security politics.

Within the legislature itself many scholars have pointed to outbreaks of 'deferentialism' in the legislature following major crises, 9/11 being perhaps the most prominent example (see, e.g. Lindsay 2003). Even in systems such as the US, where Congress has major powers to limit executive action, legislators line up behind legislation as a way of demonstrating their overall support for the country; again, perhaps fearing electoral loss if they do not (some have argued that voting against a declaration of war, for instance, is associated with negative electoral consequences—see Regens et al. 1995 for a review). In multiparty systems, mean-while, this rallying effect also seems to extend to the politics of coalition bargaining, provoking the formation of wider coalition governments (Indridason 2008).

A final line of thinking relates to information asymmetry between executives and legislatures in the context of security concerns. Such asymmetry is a theme of literature which has studied the broader 'decline' of the power of parliament compared to the executive irrespective of policy area (an idea which of course has a history almost as long as parliament itself—see Elgie et al. 2006, 467). As Strøm and Bergman argue, 'over time this activity [of oversight] has ... become steadily more difficult as government responsibilities have expanded and the executive branch has grown increasingly large and specialized' (Strøm and Bergman 2011, 16). What Martin and Vanberg call an 'informational advantage' is created by having a civil service and working full time on a bill (Martin and Vanberg 2004, 15). This advantage makes it more difficult for members of parliament, who are not necessarily selected on the basis of their possession of specialist knowledge or skills, to genuinely oversee executive action even in normal circumstances. But there are reasons to expect that this information asymmetry might be especially acute in the context of security legislation, because legislatures might be specifically restricted from accessing certain types of information such as intelligence reports. As Lynch claims, 'the fact that legislators are at a distinct disadvantage in this scenario from the outset due to their very limited access to security intelligence assessments means that deliberation over the government's measures hardly occurs on an even playing field' (Lynch 2012, 65; see also Hennessy 2005, 8–9). Furthermore, as Salter (2008) argues, contending voices may be shut out precisely because they cannot claim access to the expertise and information required to be part of the discussion.

There are, in other words, many theoretical reasons to expect that legislators would diminish the amount of scrutiny which they apply to legislation relating to security politics. However recent research has also started problematise this story somewhat. For example, in the context of counter-terror legislation, some authors have argued that even though parliaments have ultimately accepted much of what was pro-posed, they have often won significant concessions along the way, and hence *have* acted as a relatively effective balance on executive power (see Vermeule 2008;

Shephard 2010; Bright 2012; Roe 2012). Furthermore, some authors have even argued that the drama and crisis of security situations may actually work *against* the executive, by raising both public and parliamentary interest in the issue. Vermeule for instance claims that 'the very forces that empower the executive in emergency lawmaking also hamper the executive's ability to obtain the legislation it desires' (Vermeule 2008, 1155). In a review of legislation in the UK, meanwhile, Neal has argued that, if anything, the 2000 *Terrorism Act* received *less* scrutiny than the pieces of legislation passed after 9/11 (Neal 2012).

Do legislators roll over and accept security legislation; or do they raise their game, and subject it to more scrutiny than usual? Empirical work on the subject has thus far offered only very partial answers to this crucial question. Most literature has taken the form of single case studies, either of individual pieces of legislation or the structure of (for example) counter-terror law in individual countries. Some efforts at cross-country comparison and over-time comparison have been made, exploring especially how the impact of crisis events changes broader legislative-executive relations (see Owens and Pelizzo 2009). However, thus far there has been little effort to systematically compare security legislation with other types of legislation within the same system. This absence is crucial because it makes it hard to know precisely what is changing in a security situation. Consider the following claim, made about a piece of legislation passed in the UK in the direct aftermath of the September 11th attacks:

> The Anti-Terrorism, Crime and Security Bill ... was published on 13 November 2001 as emergency legislation with a second reading debate six days later, followed by two days for Committee of the Whole House and remaining commons stages. Consequently, parliament had very little time to consider the legislation (Shephard 2010, 194).

While in absolute terms eight days does appear a short amount of time for parliament to properly consider a bill, it is difficult to assess how much shorter this amount of time is than what would have been necessary for proper consideration, nor how much time bills normally receive. Were these eight days a special case, purely related to the dramatic context of September 11th? Are they instead typical of a parliament in general decline, which frequently accepts hasty and rushed legislation? Or were they in fact surprisingly productive, representing normal or even heightened levels of scrutiny being compressed into a short time frame? Without a perspective which looks at the oversight of legislation as a whole, it is difficult to know.

Answering such questions is crucial not only for academic debates about critical security studies, but also for those who are opposed to the broad direction in which security policy is headed, because it will allow them to properly direct their attention. If it can be shown that parliamentary oversight is systematically marginalised in cases of crime and security legislation, then it would prompt focus on new ways of resisting executive power in these particularly problematic situations (for example through the creation of new committees). If, on the other hand, it seems that parliament conducts the same amount of scrutiny that it otherwise would, then we might conclude that parliament itself is in a more general decline, and that the specific context of security is somewhat beside the point.

2. Operationalising Scrutiny

This article therefore seeks to contribute to the literature on critical security studies by offering a systematic measurement of the impact of 'security politics' on parliament, defined in terms of a change in mechanisms of scrutiny seen on pieces of security legislation. In this section, I will define more precisely what is meant by legislative scrutiny, and hence offer several general ways of operationalising the concept.

Scrutiny of legislation can be regarded as an activity which fits within the broader activity of legislative 'oversight'. Oversight itself can be defined as any activity the legislature conducts to monitor and control the actions of the executive. It is a core part of the functioning of a democratic system and one of the major functions of the legislature itself, especially in contemporary parliamentary democracies. As Strøm and Bergman argue, 'as parliaments have become less directly involved in legislation, their oversight role has arguably become more important' (2011, 16). Oversight itself encompasses controlling who is appointed to executive offices (and perhaps removing them), scrutinising individual legislative proposals, and monitoring the effectiveness of policy which is being implemented. While all of these functions might be affected by security politics, in this article the major focus is on scrutiny of legislation.

In abstract, the scrutiny of an individual piece of legislation can be divided into two separate functions: the collection and consideration of information on the legislation, and the alteration, delay or outright obstruction of that legislation if the legislature deems it in some way inappropriate. Furthermore, while scrutinising, the legislature may also publicly criticise different pieces of legislation, or otherwise act to show its displeasure, as a way of more generally undermining the political power of the executive and hence contributing to their wider oversight function. Each of these different functions is performed through a variety of different mechanisms, many of which can be measured, at least by proxy. None of these measures are perfect; and even in aggregate they do not capture everything relevant to the function of scrutiny (they cannot measure, for instance, the subtle impact of members of the governing party having informal discussions behind closed doors). However assessment of the relative use of each mechanism nevertheless allow the creation of a wide-ranging composite picture of levels of legislative scrutiny.

Information collection can take on many forms. In theoretical terms legislators have access to a wide variety of potential forms of information on pieces of legislation. They may also have access to a staff which conducts research on their behalf (Romzek and Utter 1997); or they may accept information from lobbying or civil society organisations. As Orton et al. argue, the challenge for a member of parliament is not a scarcity of information, but rather the need to assess an abundance of information quickly in response to the appearance of particular legislative acts (Orton et al. 2000); though, of course, as I claim above, certain parts of this information may be much more limited in the case of security legislation, at least when it comes to intelligence assessments upon which many decisions may be justified (Hennessy 2005, 8–9; Salter 2008; Lynch 2012).

For this reason the amount of time a bill is before the house (in particular before major debate takes place on it) is a useful baseline measure of the extent to which legislators have the opportunity to interest themselves in the legislation. Of course, passage time is important for a wide variety of scrutiny functions: in general, as Martin and Vanberg claim, 'bills that are scrutinised more carefully will tend to require more time in the legislative process than bills that are not subject to close scrutiny' (Martin and Vanberg 2004, 17). We might therefore look more specifically at the length of floor debates on the bill and their attendance as further indications of information collection activity.

However, while information collection can be theoretically performed by any member of the legislature, it is in committee where the majority of this collection actually happens. As Strøm et al. argue, committees are where 'the most intensive and detailed part of the legislative scrutiny takes place' (Strøm et al. 2010, 527). Committees are important firstly because they allow members of the legislature to obtain a degree of specialisation in the policy area in question, thus reducing some of the problems of time pressure and information overload. 'Strong committees can help to reduce the imbalance in policy expertise' as Saalfeld puts it (2000, 367) by providing the legislature with their own experts. The activity of committees themselves may be measured through several indicators. We might again look at the overall amount of time a bill spends in its committee stage, or nuance this picture further by looking at the amount of committee sittings that take place, the amount of people contributing to each committee, and the length of each sitting.

The second 'scrutiny' function a legislature performs is to amend, delay or block legislation it considers inappropriate. The legislature has a variety of means at its disposal to perform these actions, which again lend themselves to measurement.

As Becker and Saalfeld argue, the amount of time it takes a bill to become law is a vital practical matter for parliamentary studies, and hence interesting to a wide range of questions about the efficiency of government, and the way coalitions and opposition parties function (2004, 57). Clearly, the overall amount of time it takes a bill to pass into law will serve as some indication of the extent to which the house opposes it. In countries where legislatures exercise a degree of control over the agenda, they may hold up the passage of a bill simply by denying it the opportunity to be debated (Döring 1995), which Martin and Vanberg call the 'delaying influence' of the chamber (2004, 21). Even chambers with very few powers, such as the House of Lords in the UK, may nevertheless delay the passage of legislation by repeatedly voting it down.

We can also look at the history of the votes taken on the bill (though the nature of the governing party's majority, including its size and stability, must also be taken account for all of these measures). At a basic level, bills which are voted down in the chamber can be deemed to have attracted a high level of scrutiny. As literature on the concept of 'legislative success' has demonstrated, the frequency with which bills are voted down depends first and foremost on the structure of the democratic system (presidential or parliamentary) and the distribution of parties within that system (see Cheibub et al. 2003; Saiegh 2009), something now often described by the concept of 'veto players' (Tsebelis 2011). However, even successful legislation can be passed in a variety of ways: and exactly how it becomes law will tell us

something about what the chamber thought of the bill. Narrow margins should indicate difficult and contested legislation (and hence high scrutiny): such margins could also be indicative of legislative displeasure. Large victory margins might indicate high scrutiny but broad agreement with the government. Low turnouts, meanwhile, regardless of the margin, might indicate general indifference towards the bill. It is in this area we would expect to see effects from the 'rallying' mechanism described above, as it is here that members of parliament can formally demonstrate their support for a bill: if this rallying mechanism exists we would expect high turnout but also high majorities.

Of course, not all pieces of legislation will be put to a vote: and the extent to which they are tells us something further about scrutiny. Some systems are not required to put legislation to a vote, or may record this vote only sporadically (Hug 2006): in which case a low number of votes may indicate broad legislative agreement with the bill. Executives are also likely to withdraw legislation which looks certain to fail, to avoid the potential negative political effects which can come from losing votes in the legislature. These two dynamics create a potential 'selection bias' in analyses which rely exclusively on roll call voting data (Carrubba et al. 2006), which must also be considered when measuring scrutiny.

Furthermore, and perhaps more importantly, the legislature can exercise a powerful influence over legislation by using the threat of a negative vote to win concessions. This type of influence might be wielded in particular by backbench members of the governing party, who make their concerns known to government 'behind closed doors' (Saalfeld 2000, 364) in order to avoid damaging the reputation of the party in the press. It can extend throughout the legislative cycle, even to its very beginning: as Martin and Vanberg (2004, 14) argue 'mere anticipation of parliamentary scrutiny can exercise a powerful ex ante influence over the content of bills that are drafted by cabinet ministers'. Importantly, if these concessions are granted, the threatened negative vote will never materialise.

For this reason, it also becomes important to measure the text of the bill itself. If the text of the legislation passed into law is almost identical to that which was originally placed before the house, then we can conclude that either the house was broadly satisfied with it, or simply didn't pay it any attention. Significant changes, by contrast, should serve to indicate that the scrutiny function is being fulfilled at some stage. If these changes cannot be related to increased committee activity or debates, we might hypothesise that the behind the scenes influence of backbenchers was involved.

3. Measuring Scrutiny in the UK 2007–2012

On the basis of these different measurements of legislative scrutiny, in this section I want to explore the extent to which they can be used to measure the effect of the politics of security. As I argued above, there is an absence of literature which offers a detailed comparison of the way crime and security legislation passes through the legislative process. A primary reason for this has been a lack of data. As Becker and Saalfeld (2004, 57) note, collecting data on legislation is laborious, which is why many studies have relied on very rough overall measures of 'central tendency' such

as the amount of time it takes for legislation to be passed into law. However, the emergence of what is sometimes called 'parliamentary informatics' (Ostling 2012) presents an opportunity to change this situation. Legislatures around the world are starting to shift towards more 'open' standards for publishing information on the legislative process (Mandelbaum 2011). This involves not just making information available, but making it available in standardised formats which facilitate its *en masse* collection.

This study exploits the development of such standards in the United Kingdom. The UK's parliament has been publishing some information about its activities online since 1996, when a first parliamentary website was created. Since 2007, however, this publishing has started to become more standardised, with all types of activity on all pieces of legislation systematically recorded in a generic format. On the basis of this standard format, a 'web scraper' was developed—a program which allows the systematic capture and storage of online information. This technique, which is becoming increasingly popular in political science (Monroe and Schrodt 2008), allows the creation have a highly detailed dataset for this time period (described more fully below), comprised of 731 different legislative proposals, 1,262 committee sittings and 763 votes.

The choice of the UK has a few broad consequences for the measurement of scrutiny which are worth reflecting on. In particular, the UK is often considered to have one of the weakest parliaments of all parliamentary democracies, because its majoritarian political system typically awards control of both the executive and legislative branch to the same party. This effectively allows the executive to set the agenda in parliament, meaning that legislation not explicitly favoured by the government has little chance of passage (though this is by no means exceptional— see Martin and Vanberg 2004, 14). This majority also essentially guarantees them victory in roll call votes: minority governments have occurred, but have typically been perceived as weak and have rarely lasted long. The UK is also regarded as a country with one of the weakest parliamentary committee systems, as committees are only able to propose amendments to legislation (Saalfeld 2000, 368), rather than actively require them (and time in committee is again something that depends to an extent on government led timetabling).

The UK therefore in many ways presents a 'hard case' for legislative scrutiny in general. However, this does not impact on our ability to use it as a test case for different levels of scrutiny on different types of legislation. Furthermore, while weak, the UK's parliament is not completely unable to withhold executive action. Rebellious action from the governing party can cause major headaches for the executive (Cowley 2005), especially in the context of a narrow government majority. As Rush argues, while government for the most part is in control of parliament, it must also 'carry all or most of its backbenchers with it' (Rush 2005, 286). Furthermore, since a major reform in 1999, no single party has held a majority in the UK's second chamber, the House of Lords (Shephard 2010, 195). This chamber, although lacking the power to decisively terminate a piece of legislation, is able to cause significant delay by blocking it and voting against it, a power which is frequently exercised (Russell and Sciara 2007).

3.1. Data and Methods

The dataset employed in this study covers the period July 2007 to October 2012 (which, it should be noted, covers a change of government in 2010). In total 731 different bills were introduced to parliament in this period, being brought either before the House of Lords or (much more usually) the House of Commons. Only 145 of these proposals were formally turned into acts (through reaching royal assent), and it is these bills which form the focus of the analytical part of the article. This high rate of attrition is a result of government's control over the agenda: any bills which do not have the government's support will simply never move past their formal introduction. The majority of pieces of introduced legislation (566) are 'Private Member's' bills, which are launched by individual MPs in the knowledge that there is hardly any prospect that they will be passed: they can nevertheless be a useful way for the member to make a political statement about the issues which concern them.

Fourteen of these pieces of successful legislation were classified as being related to security politics (all classification was performed by the author). A relatively permissive stance was adopted towards the classification of such legislation, in line with the wide definition of security adopted above: security bills were defined as any bills which modified the powers of the police forces and security services, or which changed the functioning of the criminal justice system in some respect, or which created new crimes. In total 14 such bills passed the house by reaching royal assent during the period in question. Not included, however, were bills which made reference to some aspect of security but whose major purpose was a different area (for example, the 2011 *Postal Services Act* contains some provisions on terrorism, but could not be construed as a bill which was completely about security).

The major method employed in this study is the comparison of distributions of 'security' bills and 'other' bills across 16 variables relating to scrutiny identified above. None of these indicators offer a perfect measurement of scrutiny. Offering as many different measurements as possible therefore allows for the potential triangulation of a security effect, especially if similar conclusions are reached on many of the measurements. The levels of scrutiny on security and non-security legislation are compared using the Mann-Whitney test. Initial investigation of the variables showed that many of them followed non-normal distributions (see for example the distribution of overall time to royal assent shown in Figure 1). In such cases the non-parametric Mann-Whitney test is useful, as it does not require the assumption of normality (see, e.g. Gibbons 1996, 25).

3.2. Scrutiny as Information Collection

I will begin by looking at the 'information collection' aspect of scrutiny. Table 1 assesses information collection in terms of the amount of time spent in different stages of the legislative process. The two 'introduced' stages define the time where the bill has been presented to the house in question, but official business on the bill has yet to begin. This time can be used both by members of the house and interested groups in industry and civil society to read the bill and reflect on its contents. The

Figure 1: Distribution of Times to Royal Assent, in Days
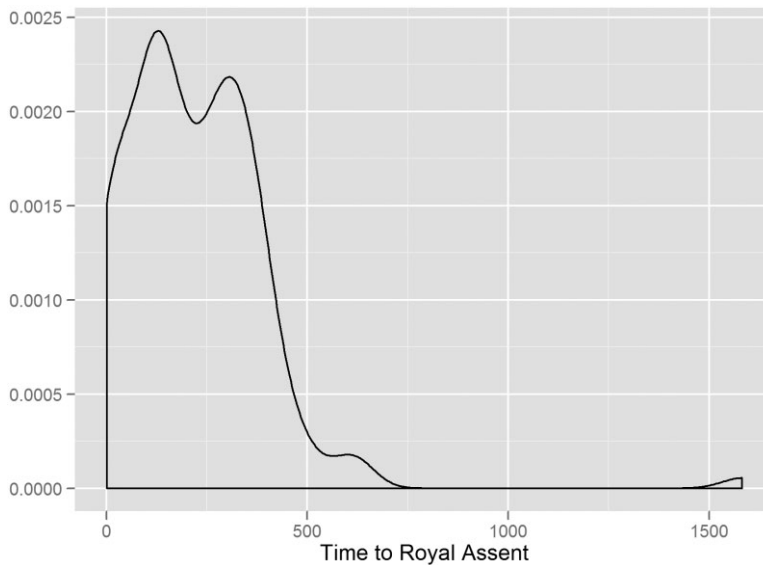
Table 1: Passage Time in Days. Mean Values are Reported, with Standard Deviations in Brackets

Bill type	Overall duration	Commons 'introduced' stage	Commons 'committee' stage	Lords 'introduced' stage	Lords committee stage
Other bills	217 (186)	37 (43)	71 (74)	25 (28)	69 (81)
Security	238 (166)	45 (69)	80 (64)	23 (24)	77 (63)
Mann-Whitney P Value	0.50	0.85	0.47	0.82	0.37

two committee stages comprise the time in between the second and third readings of the bill, when it is possible for them to be considered in committee.

Table 1 presents the mean and standard deviation for each subset of bills, as well as the *p* value of the Mann-Whitney test which assesses the statistical significance of the difference between the two groups. This table provides little support for the existence of a distinct politics of security. The average amount of time spent by crime and security bills is actually higher in each stage apart from the Lords introduced stage, where it is slightly lower. More importantly, the Mann-Whitney tests do not support the idea that there is any statistically significant difference between the two groups at any of the stages.

Table 2 presents another view on information collection, looking at the amount of committee sittings which take place and the duration of those committees

Table 2: Number of Committee Sittings, and Length of Those Sittings in Terms of Words Spoken. Mean Values are Reported, with Standard Deviations in Brackets

Bill type	Overall committee sittings	Commons sittings	Lords sittings	Average overall words	Average words per committee
Other bills	8.2 (10)	5.6 (7.3)	2.6 (3.6)	194,385 (260,769)	17,716 (13,157)
Security	13.3 (11)	9.6 (7.6)	3.6 (3.4)	310,710 (276,469)	21,707 (7,627)
Mann-Whitney P value	0.029*	0.038*	0.066	0.0278*	0.166

(measured in terms of the amount of words spoken).[1] In total 1,262 committee sittings were recorded in the dataset, spread across the 145 bills in question. This table does provide some indication of a security politics 'effect', but running in the opposite direction to the one theorised. Crime and security bills record higher average numbers in all five columns, with approximately 50% more committees and 50% more words spoken in committee. Three of these differences are significant at conventional levels, with one more borderline. By these measurements, security politics appears to generate increased parliamentary information collection.

These two types of measure of information collection are compared to each other in Figure 2, which plots the amount of words spoken in committee against the overall time to royal assent. A positive correlation is evident, lending support to the idea that a longer amount of time before the chamber does add up to more time in committee. However this relationship is also not perfect (the Spearman correlation figure is 0.477): a significant quantity of bills spend a year or so before the house without attracting any committee attention, whilst others pack a lot of attention into a relatively short space of time. Duration can therefore not be used as a perfect proxy for the scrutiny any one piece of legislation receives.

3.3. Alteration and Censure

Regardless of the amount of information collected, the scrutiny function of a legislature will only ever be of import if it is used to affect some sort of change in at least some of the legislation which passes through the house. One way of approaching this is to look at the extent to which the size of the text (measured in terms of the amount of words) changes when passing through parliament. Size change is of course not a perfect indicator. It will have a tendency to understate the extent to which a text is changed (as deletions which are followed by insertions may cancel each other out). Small changes to texts may also nevertheless have important consequences for the legislation in question; for example, an amendment to a bill which redefined a certain crime as 'terrorism' might require very few words to enact, yet would have important effects. Furthermore, within the British system the government frequently proposes amendments to its own legislation, in some senses continuing to draft the bill as it passes through the legislative chamber.

Figure 2: Committee Debate Length in Words Compared to Overall Passage Time in Days. Spearman Correlation = 0.477
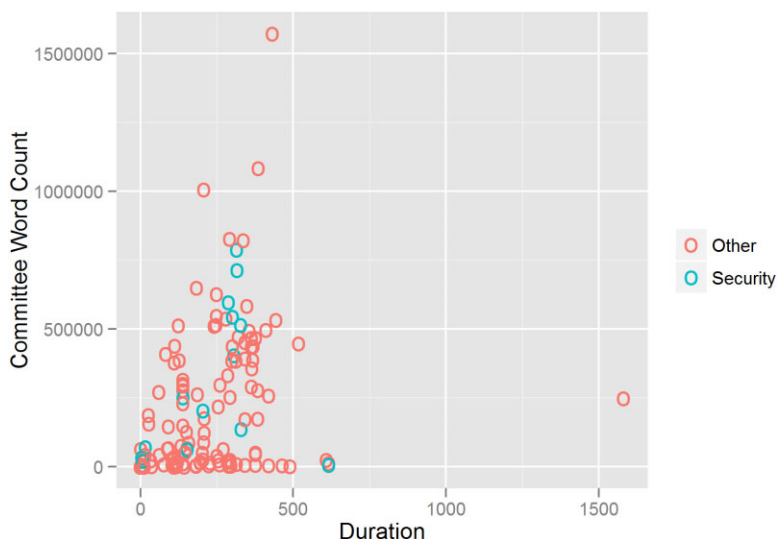

Table 3: Size of Bills, Measured in Words. Mean Values are Reported, with Standard Deviations in Brackets

Bill type	Average size before	Average size after	Average absolute change[3]	% Change
Other bills	31,422 (58,548)	33,754 (60,507)	4,302 (8,873)	19% (28%)
Security	37,962 (35,822)	48,412 (48,439)	10,488 (14,726)	46% (91%)
Mann-Whitney *P* value	0.243	0.131	0.047*	0.066

Nevertheless, it also seems reasonable to argue that bills whose size has altered significantly are more likely to have been changed in important ways by the legislative process than those bills whose size remain the same.

The evidence presented in Table 3 shows that all bills tend to get longer as they go through parliament. Security bills were larger on average than the other bills in the dataset, both before and after the process of scrutiny is complete, though this difference was not statistically significant. However, the absolute size of change (i.e. regardless of whether this change was positive or negative) which bills experience was significantly different, with security bills changing on average over twice as much as a normal bill (when this size change is expressed as a percentage of the size of the bill as introduced the difference is just above conventional levels of statistical

significance). This table provides strong evidence against the claim that security legislation remains unchanged by its passage through parliament: if anything, it appears to change at a higher than average rate.

Table 4, finally, explores the 763 votes which were held on these different pieces of legislation in the House of Commons. It is impossible to tell systematically whether any vote represents a vote 'against' a particular bill: especially in the case of amendments, supporters of the government may vote either for or against depending on who tabled the amendment and how it is viewed by the executive. Nevertheless, vote records can tell us something about how the bill is viewed in the house. The number of votes on the bill will, first of all, act as a basic measure of the attention being paid by the house: bills with few or no votes are likely to be particularly uncontroversial pieces of legislation. The turnout for each bill will also indicate the interest of the house: if votes attract few MPs (who are under no obligation to vote on each piece of legislation), then the bill in question is clearly receiving less attention than if the whole house turns out. Finally, the margin by which the vote is decided is also of interest: narrow margins are likely to indicate contentious pieces of legislation, particularly when this margin is interpreted as a percentage of overall turnout.[2]

Table 4 shows that security bills on average attracted more votes than other types of bills, though this difference was not statistically significant (albeit only just). The average turnout on the two types of bills was almost indistinguishable. However, the margin by which security bills passed was typically narrower, a difference which is statistically significant when expressed as a percentage of total turnout. There is hence little evidence to suggest that legislators rally round bills as a way of demonstrating their patriotism or 'tough on crime' credentials.

The relationship between textual change and voting is, finally, explored in Figure 3. Graphically, the correlation present here appears weaker than that in Figure 2 (though the Spearman correlation figure is similar). On average, bills with more votes also change more; however many bills which attracted significant numbers of parliamentary divisions hardly changed at all in size, whilst some bills underwent major changes with hardly any votes at all. This graph highlights the usefulness of a composite approach to the measurement of scrutiny, and also perhaps indicates

Table 4: Number of Votes on a Bill, and the Average Winning Margin in Terms of Votes Cast. Mean Values are Reported, with Standard Deviations in Brackets

Bill type	Average votes per bill	Average turnout per vote	Average margin per vote	Average % margin per vote
Other bills	5 (8)	472 (96)	134 (91)	32% (26%)
Security	8 (8)	479 (84)	121 (85)	28% (24%)
Mann-Whitney *P* value	0.098	0.832	0.066	0.032*

Figure 3: Absolute Change in Bill Size, in Words, Compared to Number of Votes on a Bill. Spearman Correlation = 0.494
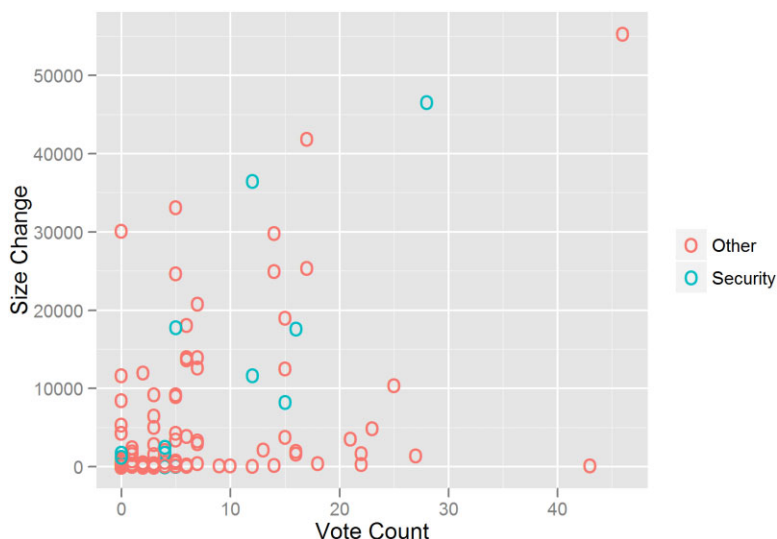
the presence of backbench influence hypothesised above. Bills which changed significantly may have evaded votes which bills that remained unaltered ended up having to face.

Conclusions

Considering the weight of literature pointing to the importance of security politics, the results of this analysis are somewhat surprising. Of course, it is worth highlighting again the limitations of the measures involved: they do not capture every aspect of parliamentary scrutiny (especially some of its more informal characteristics such as behind the scenes back bench influence), and many of them are likely to be misleading in some senses (for example, the amount of words spoken in committee does not capture whether the speaker was addressing the most important aspects of a bill, or solely relatively minor clauses). Furthermore, the dataset employed here represents a relatively short period in the history of just one parliamentary democracy: further research will be needed to demonstrate whether this period itself is representative of a broader dynamic.

Set against this, however, is the fact that the detail present within the dataset has allowed 16 separate measures of legislative scrutiny to be identified and systematically compared. On none of these measures was any statistically significant evidence found supporting the 'reduced scrutiny' definition of security politics. Indeed, the majority of the variables studied showed a relationship pointing in the opposite direction, with 5 out of these 16 effects being statistically significant and 3 others having a borderline p value of less than 0.1. This allows for the (hesitant)

conclusion that, at least in the period under study, the politics of security was something that, on average, resulted in more parliamentary attention.

These results provide reason to question some of the assumptions underpinning the notion of 'security politics'. In absolute terms, policies which result may remain rushed, poorly thought through and reactive; and security politics may allow some legislation to be debated which might otherwise never have been proposed (even if heightened scrutiny does result). Individual headline cases of security politics may also have levels of scrutiny which do fall far below the norm (Shephard's claim about the rushing of ATCSA above, for instance, can now be said to have some merit). But the selective focus on just these important cases may also serve to obscure the fact that, in general, security legislation receives if anything a higher standard of parliamentary scrutiny than other bills. Far from being overwhelmed by the politics of security, it appears legislators are more likely to respond in kind, raising their efforts to conduct more scrutiny on legislation of increased importance.

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Notes

1. This measure will have a tendency to slightly overestimate the number of words spoken in committee, as the text record of each committee contains headers, footers and sometimes the text of next and previous pieces of business which proved difficult to separate out. However, it is a useful addition to a simple measure of the number of committee sittings, as it allows for more accurate comparisons to be made between bills with numerous but brief committees and those with just a few sittings which nevertheless last a long time.

2. It is worth noting here that the absolute size of the parliamentary majority for the governing party does change during the observation window, both because of a change of government in 2010 and also because of regular by-elections which result from MPs either resigning their seats or dying in office. Fluctuations in this number are however quite small: the governing party always held between 345 and 363 MPs during this window. Here, I have reported the raw numbers rather than scaling them to majority size to make interpretation easier.

3. This value measures the average size of change in word length which a bill experiences, regardless of whether the bill became shorter or longer.

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