

Received via email: 30 Jan 2008

Dear Mr.Strachan,

REVIEW OF THE '30-YEAR RULE'

Thank you for your request of 31 Dec to submit written evidence to this inquiry. For ease of reference I number my comments, for what they are worth:

1. I should perhaps first explain my situation. Although I have in my earlier years of research used the Public Record Office (as it then was) for researches in the Victorian and Edwardian period, I have not used it for my more recent work since the mid-1980s either because the most important sources (on the history of Oxford University since 1914, on which I was working from 1985 to 1993) are not there, or because it is impossible for me as author since 1993 of the concluding two volumes of the 'New Oxford History of England', covering the period since 1951 (nine volumes in the series so far published) to operate at that level of detail with any hope of getting the books finished.
2. This does not mean, however, that I am not interested in the outcome of your inquiry. The first volume of my history runs from 1951 to 1970, the second from 1970 to the present; each totals about 250,000 words. The text for both volumes now exists and will on present plans be submitted to the O.U.P. next month. The first volume is scheduled to be published early in 2009, and the second about a year later. Volumes of this kind would never get written if the author undertook 'original research', in the sense of documentary research in the National Archives. To begin with, the emphasis in such volumes needs to be highly synoptic, and is certainly not confined to preoccupation with government. The author inevitably depends on synthesizing research done by others, whether journalists or other historians. Journalists generate much of the material that historians subsequently use, and in the research for my forthcoming books I have depended heavily upon their labours. Indeed, in my view there is no distinction in principle between the journalist and the historian: the historians simply have more time for research and reflection, though some journalists (the late Hugo Young, for example) somehow do a better job on historical topics than do some historians. Despite not needing to use the National Archives myself, I therefore have every interest in my current situation, in public records being made accessible on as wide a basis as possible.
3. The prime argument for presuming that all government documents are open unless specifically reserved is a general one by no means specific to historians: that the public understanding of government and public affairs in a democratic society needs to be enriched by the widest possible access to the documents which inform recent policy-formation and illuminate the operation of government. The argument is of course reinforced by the anomaly

that now exists - highlighted by the Prime Minister - that the Freedom of Information Act in practice prompts a somewhat random selective access to documents WITHIN the 30-year period: why not, then, institute a presumption that all should be available, accompanied by specified exemptions? There is reason to think that the UK is less alert to the need in (3) than, say, the USA (and I hope the inquiry will be seeking information from other countries).

4. An ancillary argument for openness is the need to encourage fuller dialogue between people who think and people who do. Again I suspect that this problem is more serious here than it is in the USA. I often feel sympathy with British politicians who feel they need access to guidance on current policy from historians when there is no person or relevant research for them to draw upon, and the same must apply to the social sciences generally. Baroness Hollis has rightly complained publicly about this gap in the past, and giving wider access such as the Prime Minister proposes can only help to fill this serious gap. The gulf between academic life and politics has widened in the past half century, and there is too little dialogue between the (relatively leisured) academics and the (excessively pressured) politicians and civil servants, and this cannot be good for the quality of public discussion. The hectic mood within which policy is at present formulated is all too evident from Alastair Campbell's diaries or Hogg and Hill's 'Too Close to Call', and any change that assists a more measured and intelligent discussion of policy is to be welcomed on public grounds. An incidental benefit of making such material available will perhaps be to place so much empirical material in the public domain that students of politics and the social sciences will be less tempted to engage in the somewhat vacuous theorizing about public affairs that is at present all too common: they will have more important, and more useful, things to do – things which the politicians, the civil servants, and public figures will find relatively useful.

5. An additional advantage of encouraging more informed debate about recent policy is that politicians will be tempted to recover some of that historical awareness which at their best (one thinks of Roy Jenkins, Michael Foot, Enoch Powell, Harold Macmillan, to go no further back) they possessed until quite recently. Since the past is the only source of guidance available to human beings, it is worth making knowledge of it readily available, rather than leaving a hiatus in the recent past before 'history' gets into gear. It seems to me unwise to leave policy-formers to assume that history is not relevant to current affairs, or even (under Blair) to allow them through our neglect to suppose that the formation of policy can somehow be intelligently advanced by some sort of historically disembodied reaching out into the future. The past is, after all, a treasury of ideas not pursued, directions not taken - directions which may be worth reviving for current use. There is no other basis on which sensible policy can rest, and even those who think they are reaching out into the future are really unconsciously drawing upon the past. Why not encourage them more overtly to

do so? To my mind, the complaint uttered by Keith Middlemas in 1986, when writing about the Thirty Year Rule on p.13 of the first volume of his 'Power, Competition and the State', I p.13, is still relevant: at present "politicians... have to learn the ministerial aspect of their profession by trial and error - a disability no other British profession imposes on its practitioners".

6. A similar broadening might also perhaps be encouraged in journalists. Perhaps the triviality of some political discussion (whether the two candidates for the Conservative Party leadership wear boxers or briefs, or how Menzies Campbell pulls up his socks) will always be with us because the journalists think this is what the public wants, but Blair (and Benn before him) for all his faults was I think justified in his frequent complaints about the trivialized discussion of politics and the neglect of 'the issues', and if journalists were encouraged in (or had the opportunity of) delving more deeply into policy issues through a better-developed tradition of using government documents, so much the better for the quality and agenda of their reporting, and therefore – see (2) above – so much the better for the subsequent writing of history, partly on the basis of what they provide.

7. the present process of annually releasing documents after a 30-year time-lapse gets regular newspaper coverage. Such coverage is to me seldom surprising or particularly interesting because it usually concerns individuals. Historians' concerns are now so wide that much of what they need to know does not concern individuals at all, so the protection of individuals should not need to hold back the great bulk of the material that historians need. Again, then, why not have a presumption in favour of access subject to 'reservation' powers, rather than have the entire system of access moulded by the problems attending what must be very small as a proportion of the whole? This is especially desirable in some neglected areas of policy. The recent history of crime and police is particularly ill-covered in historical literature, and I suspect this stems partly from the secretiveness of the police about their affairs which in my view verges on the absurd. Given the current inadequacy of penal policy and the failure significantly to stem the rise in crime, this is a particularly serious area of neglect from the public interest point of view, quite apart from scholarly considerations. Likewise Virginia Berridge on the historical study of recent health policy; in her excellent 'Health and Society in Britain since 1939' (1999) p.3 she points out that "The period from the 1950s to the 1990s remains comparatively virgin territory for health historians", and that surveys of postwar politics "treat health in a cursory way. The broader approach to health policy has fallen uneasily between the 'social policy' and the 'high politics' schools of writing and research".

8. As editor (2000-4) of the 'Oxford Dictionary of National Biography' I fully endorsed the Oxford University Press's policy of advancing the timing of biographical memoirs to 3-4 years after the person dies, whereas under the five-year supplement regime (up to 1990) it could have been 7-8 years, and in the ten-year supplement regime (up to 1980) as much as 16-17.

The situation is not entirely analogous, of course, because the editor exercised discretion on what could be published, but I felt as editor that very little of value needed to be kept back in such circumstances - that after about 4 years it was perfectly possible to publish a historically respectable memoir, and that if compilation was postponed any longer, important memories might be lost or witnesses die. Furthermore, early publication made it possible for informed critics to monitor what was published, and offer their corrections before it was too late. All this argues for the historical utility of documents being made available earlier rather than later, other things being equal.

9. Working in the same direction is the importance (for historians and for the general public) of fully informing debate and historical study on issues that have arisen well WITHIN the present 30-year limit, e.g. environmental issues, police matters, youth culture, internet concerns. It seems unhealthy that the very recent past should be, historically speaking, a dark age by comparison with more remote periods. In his article 'Keeping it dark', in 'Encounter' Aug 1959 p.45, A.J.P. Taylor pointed out that the then 50-year rule placed contemporary historians in a situation analogous to that of ancient historians. To him, this seemed rather fun: "Guessing is more fun than certainty; and the fifty-year rule places the contemporary historian in the same state of happy speculation as the historian of earlier times is in from the physical destruction of most of the evidence". At present within the 30 years the evidence might as well be destroyed for all the use it is to people wanting (as at now) to write about events from 1978 onwards. This cannot be healthy.

10. Indeed, the policy advocated in (7) and (9) above could usefully be carried further, if funds allow, by encouraging informed historians to gather significant documents round a theme and publish them together, as has recently been done in Peter Hennessy's admirable collection published by the British Academy on the formation of policy on nuclear weapons, 'Cabinets and the Bomb' (2007)

11. I have not yet discussed the counter arguments. The first priority in deciding on this matter seems to me the quality of the government we receive, and anything which inhibits the free exchange of views between politicians, civil servants, and others in public life without distracting considerations (e.g. of the participant's subsequent reputation) is in itself regrettable. It was this that led Roy Jenkins at first to oppose the publication of diaries by cabinet ministers. However, after reading such diaries later, he reached a different view: the situations to which he'd been responding seemed far more pressing than what he thought his reputation might be a decade ahead: "one seemed, in those days, always to be operating under the menace of events which were just round the corner". I'm not certain that the same could be said of Tony Benn, however, whose eye when a

cabinet minister seemed always to have been on what his stance at any one time might do to his subsequent reputation in his Party by what he would subsequently publish. It seems to me important for the committee to confront this issue. However...

12. In my own view is that this objection to wider availability is overdone because putting posterity first (in the sense of acting as an instant historian rather than getting on with the job) is likely to discredit the public figure who is known to engage in it AT THE TIME: the individual's energies are being diverted from the main point, he prompts distrust from among colleagues, etc. Furthermore, the quality of government is profoundly affected – see (4)-(7) above – by the quality of public debate on policy, and THAT is improved by more openness.

13. A more powerful argument against openness is that it will lead public figures to destroy, or fail to create, important documents for fear that exposure will eventually result. This is quite a serious objection, though the Jenkins rebuttal in (11) above applies here too. However, this objection as well as practical considerations, lead me to think that there might be a case for....

14. phasing in the proposed change by, say, freeing up the documents older than 25 years first, then those older than 20, and so on down to the present. This would both 'test the water', and ease the scale and spread the cost of the transition that would otherwise occur.

15. I've not discussed, because I'm not competent to do so, the actual mechanism of transfer from departments to the National Archives, if this is to occur, except to say that one would need to ensure that departments were not denied documents they actually need for formulating current policy, which in turn requires discussion of who should be the arbiter in the event of dispute between the department and the person who seeks access. All it seems worth saying on the latter point is that the arbiter should NOT be the department, but should be a committee of, say, three, only one of whom should be a member of the department.

I hope you will let me know if there is anything in the above that is unclear, or if you wish me to elaborate further on any of the above points.

I hope I will not be out of order in expressing my surprise that Dr.D.E.Butler of Nuffield College, Oxford, has not been asked to submit written evidence.

Yours sincerely

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