

Where Is the Power?



THE GOVERNMENT OF THE UNITED KINGDOM IS PARLIAMENTARY, AND in such a government executive powers are linked directly to legislative powers. The executive of a parliamentary government is not elected directly by the people but by the legislature. Therefore, voters know that when they vote for a party that achieves a majority in the legislature, the leader of that party is likely to serve as the country's next executive, or prime minister in the case of the United Kingdom. The British people did not elect David Cameron as prime minister in May 2010. Instead, enough citizens voted for Cameron's Conservative Party in their constituencies to make it the largest party in Parliament but not large enough to control an overall majority of the Parliament's seats. On the night of May 6, 2010, a situation confronted the United Kingdom that had not occurred since 1974—a “hung parliament” with no party having majority control. When the Conservative Party negotiated a coalition agreement with the Liberal Democratic Party, David Cameron succeeded Gordon Brown as prime minister and Nick Clegg, leader of the Liberal Democrats, became the deputy prime minister. This arrangement, combined with the combative and adversarial nature of the UK parliamentary system, a declining sense of party unity, and the adoption of fixed-term parliaments, all but ensured a tumultuous parliamentary session.

The government of the United Kingdom is a parliamentary government of a particular type, described by Arend Lijphart as “majoritarian.”¹ The operative tradition is that at least a majority of members of the lower house must at all times support the government. Failing that, a government can remain in power if a majority of the members of Parliament (MPs) do not disavow it in a vote of no confidence. There is little acceptance of minority governments, which have been successful in many other European countries, although this option was considered after the 2010 election. For most of the modern era, the British government has been in essence a two-party system so that governments have generally been composed of members of a single political party. Yet since the 1970s, the growing popular support for the Liberal Democratic Party has threatened to produce the need to create a true coalition government. Tacit coalitions have emerged in the past (e.g., the “Lib-Lab” agreement during the late 1970s), but since the wartime government of 1940 through 1945 no true coalition had surfaced until 2010.²

If at any time a majority of the MPs decide they no longer want the current government to continue in office, they can remove that government by a vote of no confidence. Prior to the Fixed Term Parliaments Act of 2011 a defeat of a major piece of government-backed legislation could also have resulted in an early election, but following the adoption of the fixed-term parliament, only a vote of no confidence in the government (which can be reversed within fourteen days with a vote of confidence in the House of Commons) or a vote by two-thirds of all MPs for an early election may dissolve parliament before the five-year term is complete.³ Thus, in a parliament where the majority party has a clear majority, such as that

produced in the 2005 election, removal of Prime Minister Brown would have required the defection of members of his own party, an uncommon but not unheard-of occurrence.⁴ The possibilities of defection are much higher in a coalition—especially one made up of parties with some fundamentally different policy ideas. Such is the case with the coalition formed in May 2010. The potential of defections serves as a constant subtext to the coalition government as commentators constantly watch for fissures between the coalition partners.

While the adoption of fixed-term parliaments has added an interesting complication to British parliamentary democracy, it is still the case that remaining the “queen’s first minister”—and especially an effective prime minister—requires the continual support of the majority of Parliament. If that support is lost, the prime minister and the other ministers must, by convention, either reorganize themselves or go to the people for a new election.⁵ Gordon Brown became prime minister through a reshuffle of the cabinet when Tony Blair resigned, but this turn of events is not the norm. Usually, under the doctrine of collective responsibility, the government as a whole must resign and a general election held.⁶ Individual ministers may be forced out of office by the prime minister for their own particular failures—whether policy, administrative, or personal—but when a government falls, all ministers leave. If a new government of the same party were formed, however, many would soon be back in office.

The prime minister’s cabinet is said to share “collective responsibility” for the government’s policies and actions. This implies that government decisions must be made collectively and be supported by the entire cabinet. Ministers are expected to argue for their positions in cabinet, but once the collectivity has made its decision, they must all support that decision publicly. If a member of the government cannot support the decision, then he or she should resign, which Robin Cook, leader of the House of Commons, did over the Iraq War in 2003. Furthermore, ministers are expected to respect the secrecy of the Cabinet Room and not reveal who was on which side in the discussion. In practice a significant amount of leaking and briefing occurs, and this has only become more the norm under the coalition government, when observers would expect larger divisions within the cabinet deliberations. Even under a coalition, though, the government is expected to present a united front to Parliament and to the public.⁷ Although still the norm, collective responsibility appears to be anachronistic, because policymaking in British government has become dominated increasingly by the prime minister as the government looks more “presidential.”⁸

One virtue of a parliamentary government, especially a majoritarian one, is that it allows an executive, once elected to office, to govern. In presidential governments—even “semi-presidential” regimes such as that in France—the legislative and executive branches frequently disagree over which body should control a policy issue, but such disagreements rarely occur so overtly in a parliamentary regime.⁹ A political executive who cannot command the acquiescence of the legislature will soon cease to be the executive. This unity of the two institutional forces enables a strong prime minister such as Margaret Thatcher (prime minister between 1979 and 1990) to push through policies, such as the poll tax, that are unpopular even within her own party in Parliament.¹⁰ Even less powerful British prime ministers such as John Major (prime minister between 1990 and 1997) or Gordon Brown (prime minister between 2007 and 2010) are able to exert much stronger policy leadership than would be possible in more consensual parliamentary regimes, much less in presidential regimes. And when a prime minister such as Tony Blair (prime minister

between 1997 and 2007) has a substantial majority of his or her party in Parliament (355 of 646 seats in the House of Commons elected in 2005), there is an almost unlimited capacity to implement a desired program of legislation, provided the prime minister does not stray too far from that party's traditions and programs.

British Parliamentary Government

Although many political systems practice parliamentary government, each practices it differently. Several features characterize parliamentary government as practiced in the United Kingdom. The first is the principle of government and opposition. With rare exceptions (such as policy affecting Northern Ireland), bipartisanship has little place in this form of parliamentary government; instead, it is the role of the opposition to oppose the government. Even if the opposition agrees with the basic tenets of the government's policy, it still must present constructive alternatives to that policy if it is to do its job appropriately. It is assumed that through this adversarial process better policies will emerge and that the voters will be given alternative conceptions of the common good from which to choose at the next election. The major exception to this principle is in times of war or crisis, but even then the opposition is expected to question the means by which goals are pursued.¹¹

United Kingdom at a Glance

Type of Government

Constitutional monarchy and parliamentary democracy, Commonwealth realm

Capital

London

Administrative Divisions

England: twenty-seven two-tier counties, thirty-two London boroughs, one City of London (Greater London), thirty-six metropolitan districts, fifty-six unitary authorities (including four single-tier counties)

Scotland: thirty-two council areas

Northern Ireland: twenty-six district councils

Wales: twenty-two unitary authorities

Dependent areas: Anguilla, Bermuda, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Guernsey, Isles of Man, Jersey, Montserrat, Pitcairn Islands, Saint Helena and Ascension, South Georgia and the South Sandwich Islands, Turks and Caicos Islands

Independence

England has existed as a unified entity since the tenth century. The union between England and Wales, begun in 1284 with the Statute of Rhuddlan, was not formalized until 1536 with an Act of Union. In another Act of Union in 1707, England and Scotland agreed to permanently join as Great Britain. The legislative union of Great Britain and Ireland was implemented in 1801, with the adoption of the name the United Kingdom of Great Britain and Ireland. The Anglo-Irish Treaty of 1921 formalized a partition of Ireland; six northern Irish counties remained part of the United Kingdom as Northern Ireland. The current name of the country, the United Kingdom of Great Britain and Northern Ireland, was adopted in 1927.

Constitution

Unwritten; partly legislative statutes, partly common law and practice, European law

Legal System

Common law tradition with early Roman and modern continental influences. Has nonbinding judicial review of Acts of Parliament under the Human Rights Act of 1998. Accepts compulsory international Court of Justice jurisdiction, with reservations. Scotland maintains a separate legal system that has many distinct components.

Suffrage

Eighteen years of age, universal

Executive Branch

Chief of state: reigning monarch

Head of government: prime minister

Cabinet: Cabinet of Ministers appointed by the prime minister

Elections: The monarchy is hereditary. National elections to the House of Commons are held at five-year intervals, unless an early election results from a vote of no confidence within the House of Commons. After legislative elections, the leader of the majority party or the leader of the majority coalition is usually chosen the prime minister. He or she is formally appointed by the monarch.

Legislative Branch

Bicameral parliament: House of Lords and House of Commons. House of Lords: 755 seats (as of June 2013), including 88 hereditary peers, and 25 clergy. In 1999, as provided by the House of Lords Act, elections were held in the House of Lords to determine the 92 hereditary peers who would remain members. Pending further reforms, elections are held only as vacancies in the hereditary peerage arise. House of Commons: 650 seats since the 2010 election. Members are elected by popular vote to serve five-year terms unless the House is dissolved earlier.

Note: In 1998 elections were held for a Northern Ireland Assembly. Because of unresolved disputes among the major parties, the transfer of power from London to Northern Ireland came only at the end of 1999. Recurrent sectarian violence prompted the national government in London to suspend powers of the Northern Ireland Assembly; the latest instance was from 2002 to May 2007. Following elections in March 2007, the Northern Irish Assembly once again assumed full legislative power. The most recent elections for the Northern Ireland Assembly, Scottish Parliament, and Welsh Assembly were held in May 2011.

Judicial Branch

Supreme Court of the United Kingdom, established by the Constitutional Reform Act of 2005, began serving in October 2009. The Supreme Court has assumed powers of appellate jurisdiction previously vested in the House of Lords. Other courts include the Senior Courts of England and Wales, the Court of Session and the High Court of Justiciary in Scotland, and the Court of Judicature in Northern Ireland.

Major Political Parties

Conservative and Unionist Party; Democratic Union Party (Northern Ireland); Labour Party; Liberal Democrats; Plaid Cymru (Party of Wales); Scottish National Party (SNP); Sinn Féin (Northern Ireland); Social Democrats and Labor Party (SDLP, Northern Ireland); Ulster Unionist Party (Northern Ireland); Greens.

Source: U.S. Central Intelligence Agency, *The World Factbook*, <https://www.cia.gov/library/publications/the-world-factbook/>.

British parliamentary government is also party government. Although there are certainly barriers to the effective implementation of party government, the idea that political parties are extremely important for governing pervades the system. Parties are expected to be responsible, to stand for certain policies and programs, and to attempt to carry out those programs if elected. Once a party is elected to office, some compromises are always necessary, but parties are expected to attempt to implement their programs or to have a reasonable justification for failure to do so.

Finally, British parliamentary government is sovereign. There are, strictly speaking, no legal limitations on the powers of Parliament, and there is virtually no means by which a citizen can challenge an act of Parliament as unconstitutional, although some actions may be found to go beyond the powers of a particular minister. That said, limitations on the discretion of Parliament have come into play through Great Britain's membership in the European Union and the Council of Europe (e.g., it must adhere to the European Convention on Human Rights), but these are appeals to external standards rather than strictly British constitutional rules.¹² There are, of course, very real political limitations on the activities of Parliament, but its actions, once taken, are law until Parliament acts again.

These features of Great Britain's parliamentary government provide the context for the rest of this chapter, which briefly describes and discusses the six major institutions of British national government: the monarch, the prime minister, the cabinet and government, Parliament, the civil service, and the judiciary. More specifically, it describes the features most salient for understanding the manner in which the British system converts proposals into law. The final section describes some important actors that do not fit conveniently into those six major structures.

The Monarch

The United Kingdom is a constitutional monarchy in which the powers of the monarch are constrained by both law and convention. Britons grumble frequently about the cost of maintaining the royal household and about the wealth of the queen and the royal family. At times, critics of the monarchy call for an end of the monarchy in favor of a republic.¹³ The role of the royal family became even more contentious after Diana, Princess of Wales, was killed in an automobile accident in 1997. And her divorce from Prince Charles and other widely publicized family problems had already brought the monarchy into some disrepute. However, support for the monarchy in the United Kingdom remains extremely high. A poll conducted during the queen's Diamond Jubilee celebrations in 2012 found that 73 percent of people thought that the monarchy should continue, compared to 16 percent who wanted an elected head of state. Eighty-six percent of Britons think that the queen has done a good job.¹⁴

The powers of the monarchy are very closely circumscribed. Although many acts are performed by the monarch or in the monarch's name, the prime minister or the cabinet makes the actual decisions. Declaring war, making treaties, granting peerages, and granting clemency to prisoners are all royal prerogatives, but in fact, all are exercised only on the advice of the prime minister and other ministers or even by those ministers alone in the case of Orders in Council (described later in this chapter). Similarly, royal assent is needed for legislation to become law, but it has not been refused since Queen Anne in 1707.

One point at which the monarch could wield a major influence over policy and politics is in the selection of the prime minister. If one major party wins a clear majority in Parliament, as Labour did in the 1997, 2001, and 2005 elections, there is little or no possibility that the monarch can exercise independent judgment. But if there is no clear winner, the monarch might be able to do so, albeit with the advice of the outgoing prime minister and senior civil servants. The conventions governing such an eventuality only began to be clearly articulated in the early 1990s, and the monarch would have to be extremely careful not to overstep the tacit boundaries.¹⁵ With predictions of a hung Parliament leading up to the election in 2010, the monarch's authority to participate in selecting the prime minister was again heavily scrutinized and debated, highlighting that even among well-respected legal scholars, some provisions of the UK constitution are less than clear. This resulted in the Cabinet Office publishing for the first time a set of guidelines about government formation in the event of no single party commanding a majority in the House of Commons. This guidance emphasizes that the monarch should not be drawn into party politics. In particular it states the following:

If there is doubt it is the responsibility of those involved in the political process, and in particular the parties represented in Parliament, to seek to determine and communicate clearly to the Sovereign who is best placed to be able to command the confidence of the House of Commons.¹⁶

In the late 1860s the great commentator on British politics, Walter Bagehot, described the monarch as a real part of the policymaking system in Britain, though concealed in a cloak of dignity and ceremony.¹⁷ Indeed, much of the impact of the monarch on policy and politics remains hidden and subtle. The monarch's influence is exercised through frequent meetings and consultations with the prime minister, preceded by thorough ministerial briefings. The power of the monarch, then, may be as personal as the power of any other political actor, or even more so. But to be effective, the monarch must not only perform the extensive ceremonial functions of the office but also be an effective politician in his or her own right. The most important function of the monarch, however, is to serve as a symbol of the nation as a whole and to rise above the partisan strife. The monarch must be a unifying force when much else in the political system tends to be centrifugal, divisive, and adversarial.

The Prime Minister

The monarch is head of state—that is, the representative of the nation as a whole and the symbolic head of the entire governing system. The prime minister is head of the government of the day and its chief executive officer. In the United States, the two roles are merged in the president, who is at once head of state and head of government. Because the two roles are separated in Great Britain, a citizen or a politician can more readily criticize the prime minister without being seen as attacking the legitimacy of the entire system of government.

The office of prime minister has evolved slowly since the beginning of the eighteenth century. The prime minister is at once just another minister of the Crown and above the other ministers. Concerns are emerging, however, that the role of the prime minister is becoming presidential, because more power appears to be flowing into 10 Downing Street



Following the May 2010 elections, the new Conservative Prime Minister David Cameron (left) and Liberal Democrat Deputy Prime Minister Nick Clegg, pictured outside Number 10 Downing Street, formed the first coalition government in the United Kingdom since the wartime government under Winston Churchill (May 1940–July 1945).

Source: Andy Rain/epa/Corbis.

(the prime minister's official residence in London).¹⁸ This alleged "presidentialization" of the prime minister stems from several factors. The first is that parliamentary campaigns have become directed more toward electing a particular prime minister than toward selecting a political party to govern. The personalization of British politics increased substantially while Thatcher was prime minister, but some earlier campaigns were oriented toward the appeal and personality of individuals as well. The Labour government of Tony Blair placed an even greater emphasis on personal loyalty than the Thatcher government.¹⁹ The introduction of televised debates among the party leaders in the 2010 election emphasized the importance of personality in the choice of prime minister.²⁰ The Conservative–Liberal Democrat coalition government may, if only temporarily, blur the presidentialized dominance of the prime minister as David Cameron and Deputy Prime Minister Nick Clegg have openly disagreed over significant aspects of highly visible policies, such as the UK relationship with the European Union.

Other aspects of the presidentialization of the office of prime minister are the staffing and organization of the office. Thatcher placed several special assistants in departments, especially in the Treasury, thereby making an early move toward extending the authority of the prime minister substantially beyond its traditional role of *primus inter pares* ("first among equals"). Blair intensified this process through administrative and organizational innovations. Among other things, he appointed special assistants to the

prime minister's private office for presentation and planning, significantly expanded the prime minister's policy unit, and created a new strategic communications office. Following the American precedent, Blair also appointed a chief of staff "to pull together the work of the Prime Minister's Office and to co-ordinate it with that of the Cabinet Office."²¹ In addition to the chief of staff, prime ministers now appoint a number of special advisers and "czars" to help them place their personal stamp on a range of policies.

Another innovation under Blair was the integration of the formerly separate Cabinet Secretariat and Office of Public Service into a single Cabinet Office under the management of a cabinet secretary. This move was accompanied by the creation of a Constitution Secretariat in 1997, whose chief purpose is to oversee Labour's constitutional reform program, and a Central Secretariat in 1998 charged with advising on ministerial responsibilities and accountability.²²

The cumulative effect of these moves, dating from the Thatcher years onward, has been the evolution of the prime minister's office in the direction of the executive office of the president in the United States and the Bundeskanzleramt in Germany, although on a much smaller scale.²³ However, there are signs that the coalition government has made a difference to policymaking at the center. There has, for instance, been a revival of the cabinet committee system to resolve disputes between government departments. In addition to the importance of the relationship between David Cameron and Nick Clegg, a committee of senior ministers known as "the Quad" has become a major forum for resolving disputes, particularly about public expenditure. This is made up of the prime minister, deputy prime minister, chancellor of the exchequer (George Osborne, Conservative) and chief secretary to the Treasury (Danny Alexander, Liberal Democrat).²⁴

Certain characteristics and powers of and limitations on the prime minister are important for understanding the office. First, the prime minister is the leader of the majority party in the House of Commons. (Until 1902, prime ministers frequently came from the House of Lords, but by convention the prime minister is now a member of Commons. For that reason, in 1963 Sir Alec Douglas-Home renounced his hereditary title to sit in the House of Commons and eventually become prime minister.) The political party first makes the selection of a potential prime minister. Therefore whoever would be prime minister must first win an election within the party. Even sitting prime ministers may have to be reelected leader by their party, because sometimes they lose the confidence of their party, as Thatcher did in 1990. This aspect of the office is but one of many ways in which the customs and conventions of the British political system reinforce the cohesiveness and integration of political parties. The prime minister must be able to command the apparatus both of a political party and of government.

In addition to being the leader of a political party, by convention the prime minister is the political leader within the House of Commons. Becoming prime minister may indeed say more about an individual's abilities in Parliament than about the skills necessary to run a government. The prime minister is expected to lead parliamentary debates, and the ability to win in verbal jousts in the House of Commons frequently appears more important to success as prime minister than winning less visible policy and administrative battles. The prime minister's Question Time, which now occurs only once a week, is closely

followed by political observers and is seen as a test of the verbal and political skills of the prime minister.

Although technically the prime minister is only *primus inter pares*, the powers of the prime minister are actually substantial. First, that official is the formal link between the Crown and the rest of government. After the monarch invites a prospective prime minister to form a new government, the relationships between the monarch and Parliament are channeled through the prime minister. In like manner, the prime minister serves as chief political adviser to the monarch, especially on major issues such as the dissolution of Parliament. The monarch and the prime minister routinely meet on a weekly basis, especially if important political issues are on the agenda.

The prime minister also “dispenses office.” Once the monarch has invited a prospective prime minister to form a government, it is the prime minister who assembles the government team. This role may be weakened somewhat in a coalition government involving negotiations with the other party, but it remains important. Certainly, members of the team selected will have political followings of their own, and others may have to be included to placate certain segments of the party, but the office held by each cabinet member will be the decision of the prime minister. The power to fill offices also extends to the increasing number of lucrative positions in the “quangos” (quasi-non-governmental organizations to which the government has devolved tasks and power).²⁵ The prime minister also can decide on life peerages, which nominally are appointed by the Crown but in actuality are in the gift of the prime minister. Opposition parties can nominate life peers as well. In all cases the nominees are subject to scrutiny to ensure their eligibility.

Once in office, the prime minister has considerable personal power over policy and the activities of the cabinet. As the organizer, leader, and summarizer of the business of the cabinet, the prime minister is also in a position to enforce his or her views over nominal equals. As the head of government, the prime minister has substantial public visibility and influence over society. This public influence has increased with the growing power of the media—a situation noted particularly by the Blair government.²⁶ As prime minister, Blair deftly used the media to influence public opinion as one strategy to push forward the peace process in Northern Ireland. That said, the media can also undermine a prime minister as happened to Gordon Brown on issues such as managing the recession and the war in Afghanistan. Finally, in times of emergency the powers of a prime minister are not limited by a constitution, as are those of the US president.

The leader of the opposition, who as head of the largest minority party in the House of Commons would probably be prime minister if the sitting government were defeated in an election, is able to wield influence and powers as well. Although lacking the official powers of office, the role of the leader of the opposition is not unlike that of the prime minister: leader of a political party, a leader in Parliament, and the leader of a cabinet, albeit one out of office (the “shadow cabinet”). The adversarial style of British politics obliges the leader of the opposition to oppose the government’s programs and to propose alternatives to government programs in preparation for the day when the opposition becomes the government and must introduce its own policy proposals. As the alternative prime minister, the leader of the opposition receives a salary in addition to that of an MP and is kept briefed on important policy issues and matters

of national security, because this member must be ready to become prime minister on very short notice.

The Cabinet and Government

Working under—or with—the prime minister are the cabinet and the government. Although these terms are often used interchangeably, they actually designate somewhat different entities. The *cabinet* is composed of the individuals—eighteen men and four women after the coalition's 2013 reshuffle of responsibilities—who meet with the prime minister as a collectivity called the cabinet and who make collective policy decisions. The term *government* is more encompassing, including all ministers regardless of their seniority or degree of responsibility. With the establishment of the coalition government in 2010, more than ninety ministers, junior ministers, and parliamentary private secretaries made up the government. The cabinet is technically a committee of the government selected by the prime minister to provide advice in private meetings and to share in the responsibility for policy. Although the prime minister is certainly primarily responsible for government policies, the cabinet is also collectively responsible to Parliament, and cabinet members are generally expected to rise and fall as a unit rather than as individuals.

There are several varieties of ministers—secretaries of state, ministers, and junior ministers—and to some degree, parliamentary private secretaries have some ministerial functions. The distinction between secretaries of state and ministers is rather vague. Each tends to head a department of government, such as the Ministry of Defense, the Department for Work and Pensions, or the Department for Environment, Food and Rural Affairs. Although all major departments are now headed by secretaries of state, some members of the cabinet may carry titles other than minister: chancellor of the exchequer, the chief Treasury minister, is one example. The government, and in some instances the cabinet, also includes posts without departmental responsibilities—either ministers without portfolios or holders of titles such as the Lord Keeper of the Privy Seal. These officials are included in the government as general or political advisers or in the leadership of the House of Commons or the House of Lords.

Junior ministers are attached to a department minister to provide political and policy assistance in the management of the department, and these positions serve as stepping-stones for persons on the way up in government.²⁷ Ministers of state are junior ministers, placed between parliamentary undersecretaries of state and parliamentary private secretaries. Each department has one minister to deal with Lords business, who may be of any rank. Finally, parliamentary private secretaries are unpaid (aside from their normal salaries as MPs) assistants to ministers and are responsible primarily for liaison between the government and the rest of Parliament.

The job of minister is a demanding one. Unlike US political executives, a British minister remains a member of the legislature and an active representative of a constituency and must fulfill various positions and responsibilities simultaneously. The first of these multiple tasks is to run the department—not only its day-to-day management but also its policies. Because few politicians have experience with the management of such large organizations, most are at some disadvantage in running a department effectively. As for managing the policies of the department, the minister must develop policies appropriate to the department's responsibilities and in keeping with the overall priorities of the government.

In this task, ministers are generally hindered by their lack of expertise. Ministers are seldom chosen for their expertise in a policy area; more often, they are appointed for their general political skills and voter support. It is estimated that only five of the fifty-one ministerial appointees in the Harold Wilson government of 1964 to 1970 had any prior experience in the area of their departments' responsibilities, and there is evidence that the knowledge base of ministers has not improved substantially.²⁸ The consequences of their lack of expertise are exacerbated by the tendency to shift ministers from one department to another, even during the lifetime of a government. The Labour government reshuffled its ministers in the summer of 1999, at the halfway point in its five-year (maximum) term of office, and in that shuffle, some ministers who had gained substantial expertise in an area were moved, even in the important economics area.²⁹ Furthermore, in their departments, ministers are faced with experienced and relatively expert civil servants who tend to have views of their own about proper departmental policies. Inexperienced and inexpert ministers must then fight very hard just to manage their own departments. The tensions between ministers and top civil servants were even the subject of the British sitcoms *Yes Minister* and, more recently, *The Thick of It*.

Related to their policy work, ministers are likely to have some personal policy advisers, whether paid by public money or by party funds. The Thatcher government, more than previous governments, sought more partisan and ideological policy advice than it was likely to receive from civil servants. The Blair government continued that practice and to some extent expanded its use so that the role of these advisers has now become more clearly defined and in the process has devalued the role of the civil service.

Ministers who are also members of the cabinet encounter additional demands on their time. Traditionally, the cabinet has met five to six hours a week, and preparation for those meetings requires even more time. Membership in the cabinet also requires that each minister be briefed on all current political issues. And ministers must serve on the cabinet committees needed to coordinate policies and deal with issues requiring consideration prior to their determination by the cabinet.³⁰ Ministers cannot afford to take cabinet work lightly, even though they may be only a part of a collectivity often dominated by the prime minister. In the cabinet, as in the Commons, political reputations are made, and in both bodies, the interests of the minister's department must be protected and advanced.

Because ministers are also active MPs, they must appear in Parliament for a substantial amount of time each week, especially when the government has only a small majority. Ministers also must be prepared to speak in Parliament on the policies of their departments or for the government as a whole. A minister must as well be prepared to respond to questions during Question Time and may have to spend hours being briefed and coached on the answers to anticipated questions. The constitutional responsibility of the executive to the legislature places a great burden on ministers in a parliamentary government.

Finally, ministers must serve their constituents in the districts from which they were elected. This service involves spending weekends in the "surgery" (i.e., the constituency office or other locations in the district) and receiving delegations from local organizations when in London. Unlike politicians in other countries, members of the British Parliament may not reside in the constituencies from which they were elected; therefore, they may have to learn about the local issues.

The cabinet is supported in its work by the Cabinet Office. In fact, one of the important innovations in British politics has been the development and expansion of this office, which grew out of the Committee of Imperial Defense in World War I. In recent years the Cabinet Office has undertaken other important policy functions, including managing British policy toward the European Union.³¹ Responsibility for the management of EU relations is shared with the Foreign Office, which runs the Permanent Representation in Brussels. Currently, the Cabinet Office is composed of a senior civil servant and a small number of associates. The secretary to the cabinet is quite influential in shaping cabinet decisions, although not by any obvious means. The secretary creates the cabinet agenda and distributes cabinet papers to the appropriate individuals. By so doing, the secretary determines which ministers will be heard quickly and which will have to wait for their day in cabinet. Although the prime minister summarizes cabinet meetings orally, it is the secretary to the cabinet who, based on the meetings, drafts written communications to the departments for action and prepares the formal written records of the meetings. These records are not subject to change, even by the prime minister. Although there is little or no evidence of these powers being abused, the position of secretary to the cabinet is extremely influential.

The prime minister's small but growing staff of political and personal advisers also provides the government with support. This group is far smaller than the White House staff in the United States or even the staff of the Bundeskanzleramt in Germany, but its growth is viewed as just one more bit of evidence that policymaking powers are becoming concentrated in the cabinet rather than in Parliament as a whole.

Parliament

Despite the nominally strong position of Parliament in the constitutional arrangements of the United Kingdom, serious questions have arisen about the real, effective powers of Parliament. As the political executive grows in strength and political parties become more disciplined, Parliament as an institution grows less capable of exercising control over policies. In response it has been attempting to create a more powerful position in the political process, especially in the oversight of the executive, but the evidence suggests that these efforts have met little success. The significant majority enjoyed by Labour governments between 1997 and 2010 made Parliament's attempts to serve as a counterweight to the executive all the more difficult. With the closely split Parliament elected in 2010 and a somewhat fragile coalition between the Conservatives and Liberal Democrats in government, it remains to be seen if the Parliament will be able to use the political environment to exert more control over the government.

Members of Parliament

The Parliament elected in 2010 has 650 members, each elected from a single constituency. The average MP represents approximately 90,000 people, compared with the approximately 700,000 people represented by members of the US House of Representatives. Compared with members of most other legislative bodies, MPs have few advantages. Their annual pay, even with continuing raises, is £65,783 (or about \$100,300 at 2013 exchange rates), compared with \$174,000 for rank-and-file US representatives and senators. In previous parliaments, MPs received about the same amount for personal

expenses, including weekend travel to their districts and rent for a second residence in London. In 2009 the use of these allowances became a public scandal and produced a political firestorm over the apparent abuse of position by MPs. Some of the more egregious cases were using parliamentary allowances to clean a moat and to build a house for ducks on a private estate.

Some MPs have sponsoring organizations that either help members with their expenses in office or provide some direct remuneration. For Labour politicians, these organizations are commonly trade unions; for Conservatives and a few Liberal Democrats, they are industrial groups or large corporations—or perhaps other types of interest groups. The appearance of corruption, however, is prompting parties to rethink the place of sponsorship. The Labour Party has begun to restrict union sponsorship of its members, for instance. Moreover, the many scandals about the finances of the political parties have tended to make the parties more circumspect in their financial relationships.

In return for relatively modest rewards, MPs work long hours and receive relatively little staff support. Unlike American legislators who, on average, have about fourteen staff members, the average MP receives funding for only around three members of staff, divided between their constituency and Westminster offices. Historically, many MPs lacked private Westminster offices, unless they were in the government or the shadow government, and so they were forced to share small offices with other MPs. Today, most have offices of their own in a new building near the Houses of Parliament, but even there, accommodations remain cramped. The truth is, the job of MP was long ago designed for a person of independent means, and the rewards of office have not kept pace with the demands of modern legislative bodies.

Organization

Both the House of Commons and the House of Lords are involved in making policy, but Commons is crucial to the process of forming governments and setting the public budget. Because the House of Lords has become relatively less important in the policymaking process, it is described only briefly in this section, and a fuller discussion is devoted to the House of Commons.

The House of Lords is composed of the lords spiritual (representing the hierarchy of the Church of England) and the lords temporal. The lords temporal comprise hereditary and life peers. Hereditary peers, who once made up an overwhelming majority of members in the House of Lords, claim their seats based on inherited titles; life peers are appointed by the monarch, on the advice of the government, only for the peer's lifetime. Dating from 1958, the concept of life peers was designed in part to rectify the partisan and ideological bias of the hereditary peers against the Labour Party. In 1999 the Labour majority in the House of Commons voted to abolish the privileged status of the hereditary peers in the House of Lords in favor of a chamber dominated by life peers. As a result of the 1999 constitutional reform, all but ninety-two hereditary peers were removed from the House of Lords, most elected by their own political party group within Lords.

As of June 2013, the House of Lords had some 755 members, including remaining 88 hereditary peers and 25 Church of England bishops.³² Conservatives, with 162 peers, no longer constituted the largest group in the chamber (compared with 213 Labour peers and 85 Liberal Democrats). About a quarter of members of Lords were nonparty,

“cross-bench” peers. This shift from Conservative domination of the House of Lords significantly facilitated Labour-sponsored legislation. Until enactment of the constitutional reform, even the Blair government with its solid majority in Commons faced recurrent problems with the House of Lords.

The impetus for limiting the powers of the House of Lords began with David Lloyd George’s “people’s budget” of 1909. This budget introduced a progressive income tax (the first since the Napoleonic wars) and a rudimentary public health insurance program. The Conservative Lords balked at this Liberal proposal and refused to pass the budget. Parliament was then dissolved, but when the Liberals were returned with a (reduced) majority, the House of Lords accepted the budget. After a second election in 1910, in which the Liberals were again returned with a majority, the House of Lords accepted the Parliament Bill of 1911, which greatly limited its powers.

Today, the House of Lords may not delay money bills longer than one month—nor can it vote them down and prevent their passage—and any legislation passed by the House of Commons in two successive sessions of Parliament, provided one calendar year has passed, goes into effect without approval by Lords. However, the Lords does still occasionally delay or even vote down legislation. For instance, in February 2013 the Lords inflicted a massive defeat on the government on the question of the Prime Minister’s right to appoint new peers. The removal of most of the hereditary peers and the end of the domination of Conservatives has resulted in a more self-confident House of Lords in which peers face fewer questions about their legitimacy. Thus, despite never completing House of Lords reform, the Labour governments (1997–2005) created a stronger second chamber that was much more willing to oppose and attempt to amend government legislation.³³

Despite its numerous uses, the House of Lords is still the target of reform efforts. In votes in 2007 the House of Commons expressed strong sentiment for an elected House of Lords, just as there was sentiment in the House of Lords to retain an all-appointive body. This voting registered the opinions of the members but did not move forward toward adoption of real reform. The coalition government formed in 2010 proposed reconsidering the reform of the House of Lords, although conflicts within the coalition left little enthusiasm for pursuing the reforms. However, in the wake of fresh allegations of parliamentary sleaze involving peers in 2013, calls for Lords reform again began to be heard in the halls of Westminster.

The structure and functions of the House of Commons have evolved over centuries and to some degree still reflect their medieval roots. Much of the ceremony and procedure derives from the past, but despite complaints about the vestigial aspects of the procedures, they do not appear to inhibit in any significant way the functioning of a modern legislative body. To the extent that other institutions of British government seriously overshadow the House, the fault resides more with the other structural and cultural characteristics of British government than with the quaint trappings of power within the House of Commons.

British politics is conducted in an adversarial style, and even the design of the House of Commons emphasizes that fact. Most legislatures sit in semicircles, and the individual members sit at desks and go to a central rostrum to address the body. The House of Commons is arranged as two opposing ranks of benches, placed very close together in a small chamber that is not actually large enough to accommodate all MPs at the same time. Speakers generally face their political opponents, and although the form of address is to

the Speaker, the words are clearly intended for the opponents. Because the proceedings of the House of Commons are now broadcast, statements by members are also directed at the voting public and the media. The cabinet and other members of the government populate the front benches on one side of the aisle, while their opposition counterparts are arrayed on the other side. From these two front row trenches, the two major belligerents conduct the verbal warfare that is parliamentary debate. Behind the front benches are the foot soldiers of the backbenches, ready to vote to their party's call, and perhaps little else. The style of debate in the House of Commons, as well as being contentious and rather witty, is very informal, and the MP addressing that body enjoys few protections against heckling.

The House of Commons is both a partisan body and a national institution. Ideas of cabinet government and collective responsibility are closely allied with ideas of party government, and there is a strong sense that political parties, whether in or out of government, should present clear and consistent positions on policy issues that the electorate can then judge when voting in the next election. The dependence of the executive on the ability to command a majority of the House also requires that parties vote together. Political parties in the House of Commons are organized so they can deliver votes when required. Members know that voting against their party on an important issue can be tantamount to political suicide (although it sometimes serves as a springboard to future political success), and each party has a whip whose job it is to ensure that the needed votes are present. The British system of government does not allow much latitude for individual MPs to have policy ideas of their own, although the parties generally do allow their members free votes on issues of a moral nature, such as abortion or same-sex marriage.

From the partisan organization and behavior of the House of Commons, it follows that it is a national institution. The US House of Representatives is usually conceptualized as a group of ambassadors from their constituencies, while European legislatures are more national in focus because of proportional representation and the absence of any real connection to geography. The House of Commons is somewhere between those two extremes, although the British generally acknowledge that MPs are more responsible to the party and its national goals and priorities than to the individual interests of their constituencies. This party allegiance is signaled by the fact that MPs are not required to live in their constituencies, and some may not. Naturally, MPs do try to satisfy their constituencies whenever possible, but it is generally assumed that members owe their offices to their respective parties and the national policies advanced in the election campaigns rather than to any geographically narrow interests of their constituencies. Nevertheless, like the free votes on moral issues, MPs are often allowed to abstain from voting for, and in rare cases voting against, party proposals that clearly would be inimical to the interests of their constituencies.

Perched above this sea of adversarial and partisan politics on a throne between the two front benches is the Speaker of the House, an impartial figure who traditionally has dressed in the style of the eighteenth century.³⁴ The Speaker is elected from the membership of the Commons—not for having been a vociferous partisan but for being someone who can be elected unanimously rather than produced by a partisan confrontation. Competitive elections for Speaker have occurred in the Commons only five times since the beginning of the twentieth century, most recently in June 2009 when ten MPs were nominated.

Conservative John Bercow was elected. This election was particularly contentious because the previous Speaker, Michael Martin, had been forced out of office because of mismanaging the parliamentary expenses scandal (see earlier).

Once elected, a Speaker may remain in the office as long as he or she wishes. The Speaker's parliamentary seat is rarely contested, and another member discharges his or her constituency duties. The Speaker votes only in the case of a tie, but by convention the Speaker's vote is cast to preserve the status quo. The Speaker is not without real influence over decisions, however; one example is the Speaker's use of the "kangaroo," the standing order that allows the Speaker to determine which amendments to legislation will be debated and which will not, and the Speaker's acceptance of a motion of closure ends debate—but only after the Speaker believes all relevant positions have been heard. Likewise, the Speaker enforces the rules of the Commons not only in debate but also for matters such as suspending members who have violated financial disclosure rules.³⁵

Although the House of Commons does have committees, they are by no means as central to the legislative process as the committees in the US Congress or the German Bundestag. Instead, they are miniature legislatures in which bills are discussed and improved, and the government can accept amendments without jeopardizing a bill's political stature in the Commons. An indication of this more limited capacity is that a bill enters the committee stage after the principal political debate on the bill rather than before its primary consideration. Therefore, the major battles over legislation occur before the committee sees it. The committee's task is to refine legislation rather than significantly influence its basic nature and purpose. The eight general committees in the House of Commons are composed of from sixteen to fifty members. Unlike congressional committees, only the core of the committee is permanent; other members are added to the committee depending on the nature of the bill being considered. The composition of the committees reflects not only the expertise of Commons members but also the partisan composition of the Commons as a whole.

Special committee provisions governed legislation affecting Scotland until the convening of the Scottish Parliament in 1999. Because most legislation until then was passed with a separate Scottish bill—in part a result of unique features of Scottish law—a separate committee system existed for Scottish bills. But with the devolution of legislative power from London to Edinburgh in 1997, the Scottish Parliament now exercises autonomous authority over Scottish affairs except for economic policy and foreign affairs. The Scottish Parliament exercises limited rights of taxation and receives an annual block grant of around £30 billion (about \$46 billion), which it can allocate as it wishes. Skirmishes between England and Scotland over road tolls and student fees, however, reveal that lawmakers have yet to agree on important details of the constitutional division of power between the national and regional capitals. Persistent political conflicts also raise what has come to be called the "West Lothian Question"—whether Scottish MPs in Westminster should be barred from taking part in votes on legislation that affects only England, in the same way that English MPs no longer have a vote on most Scottish matters.³⁶

By contrast, Wales remains much more subordinate to London. The separate Welsh committees in Parliament never exercised as much influence as the previous Scottish committees, because no separate Welsh assembly or body of Welsh law was in place before the union with England. Consequently, much Welsh legislation is joined with English. However,

following a referendum in 2011, the Welsh assembly now has similar powers to the Scottish Parliament over Welsh domestic policies. Nevertheless, while the Scottish Parliament has a permissive power to legislate on any area that is not explicitly reserved to the Westminster Parliament under Scotland Acts 1998 and 2011, the Welsh assembly can still only make laws on areas specifically devolved to it. Devolution in Wales is becoming more extensive, but it is still less developed than in Scotland.

In addition to Parliament's standing committees, several select committees function within the House of Commons. The most important of these are the Statutory Instruments Committee and the Public Accounts Committee. The first of these committees monitors the issuing of statutory instruments, or delegated legislation, by government departments. Like all governments of industrialized societies, the British government has found that its workload has increased to the point that Parliament cannot make all the needed laws. Instead it delegates the authority to decide many legislative matters to the relevant executive departments, with the provision that this delegated legislation be subject to review by the Statutory Instruments Committee and potentially (if rarely) by the entire House of Commons.

The Public Accounts Committee is a modern manifestation of the traditional parliamentary function of oversight of expenditures; it monitors the government's expenditure plans, especially through the post-audit of the final expenditures. It has also at times become engaged in more analytic exercises, such as value-for-money audits, and has gained a reputation as an authoritative body whose reports require some sort of government response. By tradition this committee is chaired by an MP from the opposition. Its work is now greatly aided by the National Audit Office, which, like most other government accounting offices, has become increasingly concerned with value for money in addition to judging the probity of public expenditures.

Parliament also uses select committees to follow the activities of government departments and establish the sort of legislative oversight by committee so familiar to American politics.³⁷ Each of the departmental select committees monitors a government department and holds hearings on and independent investigations into spending, policies and administration. Although their success has varied, they have provided Parliament with more institutionalized mechanisms for investigation, and some of them have had a substantial impact on the direction of policy. For example, the Treasury and Civil Service Select Committee monitored and evaluated the major administrative reforms of the Conservative government such as *Next Steps* (described later in this chapter). Augmenting the work of the departmental select committees are nondepartmental select committees, which deal with domestic matters cutting across traditional departmental boundaries. Examples include a catering committee, a standing orders committee, and a committee on standards and privileges. Other nondepartmental committees have been charged with powers of investigative oversight over matters such as the environment, public administration, and EU legislation.

As indicated by the activities of the select committees, an important function of Parliament is the scrutiny of the political executive and its policies. Perhaps the most famous mechanism through which this takes place is Question Time. On four out of five sitting days during the week, the House of Commons opens its legislative day with an hour of questions for the government from members of the House. Questions are submitted in

writing at least forty-eight hours in advance, so that a minister has the opportunity to prepare an answer. In recent years, however, the practice has been to ask a vague question in writing and then follow it orally with more probing supplemental questions. A seemingly innocuous question about whether the prime minister intends to visit Finland during the year may be an introduction to more important questions about foreign policy. All members of the government may be subjected to questioning, but the prime minister answers questions on only one of the four days. Question Time places an additional burden on already overburdened ministers, but in a political system in which secrecy is the norm, this institution serves as one mechanism for Parliament, and for the people as a whole, to find out what is happening in government and to exercise some control through the ventilation of possible malfeasance.

As an institution, Parliament is threatened. It has had difficulty maintaining its independent powers in the face of the growing powers of the prime minister and cabinet. Most of the important weapons in the struggle are in the hands of the executive. These assets include information, access to staff, and, more important, party discipline. Parliament now rarely exercises free and thorough scrutiny of the activities of the government; the outcomes of votes are known in advance, and it is the rare politician who will risk his or her political career on the basis of principle. That said, there are instances in which Parliament does have a more open and influential debate on policy, as it did over European policy in the summer of 1991, and there are still revolts by backbenchers—91 Conservative MPs voted against a House of Lords reform bill in the summer of 2012, and backbench dissent has continued over issues such as the UK relationship with the European Union and various aspects of social policy. Yet even with those exceptions, parliamentary government has, in effect, become cabinet or party government. These venerable institutions, however, are sometimes thought to be threatened by the increased power of the next actor in the political process to be discussed, the civil service.

The Civil Service

The civil service has changed perhaps more than any other institution of British government. The traditional pattern of a nonpolitical, career civil service with substantial influence over policy has been one of the great paradoxes of British government. On the face of it, the British civil service has appeared unprepared to perform the expert role expected of it in the policymaking process. The recruitment of civil servants has been less on the basis of expert knowledge in a substantive policy area than on the basis of general intellectual abilities. Also, for a large proportion of their careers, civil servants are moved frequently from job to job (although many remain within a single department throughout their careers), gaining permanent appointments only rather late in their careers. The cult of the “talented amateur” and the generalist has dominated thinking about the selection and training of civil servants, despite attempts at reform following the 1968 findings of the Fulton Committee, which expressed concern about the absence of specialized education in the backgrounds of persons selected for the civil service.³⁸

For several decades after the Fulton report, the pattern of recruitment changed relatively little, with more humanities graduates than scientists or social scientists entering the civil service.³⁹ One of the changes introduced during the Thatcher government and continued in subsequent governments was an emphasis on management, rather than policy

advice, in the role of senior public servants—political appointees were to gradually fill the role of policy adviser. This change also involved opening recruitment for many senior positions to noncareer appointees and in general breaking down the monopoly over these positions that career public servants had enjoyed. This pattern of recruitment has been especially evident in filling the chief executive positions of agencies created to implement public policies. In general, then, the civil service has been somewhat deinstitutionalized, with greater competition and less protection from political influence.

Despite these changes, the civil service continues to have a substantial influence over policy. Several factors seem to be related to this influence. The first is that although its members may lack formal training in a policy area, the senior civil service is composed of a talented group of individuals who have the intellectual ability to grasp readily the subject matter it must administer. Second, despite their lack of specialized training compared with civil servants in other countries, British civil servants are generally more knowledgeable than their political masters about departmental policy.⁴⁰ They learn a great deal on the job, whereas their ministers are not on the job very long themselves. Civil servants have a much longer time perspective than politicians, and they are able to wait out and delay any particular minister with whom they disagree. Furthermore, their ministries have an even longer collective memory than any single civil servant, so the accumulation of expertise and experience can easily counteract the legitimacy of the political master.

The relationship between civil servants and elected officials is important for defining and understanding the role of the civil service in policymaking. The prevailing ethos of the civil service is that it can serve any political master it may be called on to serve. But ministers may interpret this service—and sometimes rightly so—as an attempt to impose the “departmental view,” or the particular policy ideas of the department, on the minister. Any number of reasons can be advanced to explain why the ideas of the minister are not feasible and why only the proposals made by the department itself will ever work.

The minister’s task of countering a departmental view is further burdened by the fact that the department may appear to speak with one voice. American executive departments tend to be fragmented, with the independent bureaus advancing their own policy ideas. Executive departments in Great Britain have had few such independent organizations. Policy ideas arising in departments are channeled upward through the hierarchical structure to the permanent secretary, who is the primary link between the political world and the civil service. The permanent secretary is the senior civil servant in a department (several departments now have two or more civil servants of this rank) and serves as the personal adviser to the minister.

The creation of numerous executive agencies has fragmented British cabinet departments, thereby diminishing the power exercised by permanent secretaries and senior public servants. The principal effect, however, has been to separate implementation from policymaking. Indeed, the British central government looks increasingly like Scandinavian governments, with small, policy-oriented departments supervising the larger agencies that implement policies.⁴¹ But that separation is not as easy to make in reality as it is in theory, and indeed the quasi-autonomous agencies are beginning to link their managerial problems with substantive policy changes.

Because ministers lack any substantial personal staff, they have had to rely heavily on the permanent secretaries both for policy advice and for management of the departments.

This dependence, in turn, has given the civil service, through the permanent secretary, significant influence over policy. It is not argued here that the civil service has abused this position. In fact, in general the evidence is that its members have been responsible and scrupulous in the exercise of their duties. Nevertheless, the structural position in which the civil service is placed as the repository of information and of a departmental perspective, and the lack of alternative views presented to most ministers, place the civil service in a powerful position. Thus, the cozy world of the civil service is now facing a considerable challenge, complicated no doubt by the politicization of the civil service instigated by the Thatcher and Major governments.⁴²

A second major challenge to the traditional role and functions of the civil service is that many individual civil servants question whether they have obligations to Parliament and to the public that transcend their loyalty to ministers. Several civil servants have chosen to blow the whistle on malfeasance in government, and in some cases, the courts have supported their actions. But actions of this sort are uncomfortable and difficult in a system built on secrecy and ministerial responsibility, and so the need for greater openness in government has become a political question. In 1994, the Major government adopted rules removing some of the secrecy in the public sector, but achieving the openness found in most other European governments is still a distant goal. In 1999 the Blair government introduced its own legislation to create greater openness in government, but advocates of freedom of information have argued that it is excessively weak.⁴³ Again, the coalition elected in 2010 has made a major commitment to increased transparency, although the proposals were in relation to local rather than to national government.

The third challenge facing the civil service are the reforms implemented by the Thatcher and Major governments and designed to minimize the policy advice role of the civil service and emphasize its managerial role. The most important of these reforms was *Next Steps*, which created several hundred semiautonomous agencies (including local National Health Service [NHS] trusts) to implement most government policies.⁴⁴ The policy and planning functions are being retained within relatively small ministries that are also responsible for supervising the operations of the agencies and are a mechanism for enforcing parliamentary accountability. Overall, few things about the role and status of the civil service in the United Kingdom can now be taken for granted, as the internal machinery of government, and even some constitutional principles, undergo some very fundamental changes.

Finally, the growing use of patronage for government positions is threatening to undermine the tradition of apolitical public servants. As was already noted, some of the policy advice traditionally offered by senior civil servants is now provided by personal advisers selected on partisan grounds. Likewise, the leadership of executive agencies and the boards of the numerous quasi-governmental organizations are all appointed, if nominally on merit grounds.

The Judiciary

Courts in the United Kingdom are by no means as central to the political process as courts in the United States. In large part this absence of centrality is the result of the doctrine of parliamentary supremacy and the consequent inability of the courts to exercise meaningful judicial review of legislation. In short there is little or no way that British courts can

declare an act of Parliament unconstitutional. As British jurist A. V. Dicey put it many years ago, if Parliament decided that all blue-eyed babies should be murdered, the preservation of blue-eyed babies would be illegal.⁴⁵

Yet several things have acted to expand the powers and activities of the British judiciary. The most significant change in the role of the courts has stemmed from Great Britain's membership in the European Union. The European Court of Justice has declared some activities of the British government to be out of conformity with the Treaty of Rome. For some conservatives (both small and large c), the European Court has had too much influence on British policy, as well as policies affecting Great Britain. Furthermore, British courts must now participate in deciding whether British government policies are in accordance with the European Convention on Human Rights. Decisions to the contrary have angered many British political leaders and have raised more questions about the desirability of continued membership.

The Labour victory in 1997 ushered in a period of substantial constitutional change in the United Kingdom. Under Tony Blair, Britain saw the devolution of powers to Scotland and (to a lesser extent) Wales, the creation of the Greater London Assembly and an elected mayor for London, the adoption of the Freedom of Information Act, reform of the House of Lords, the adoption of the Human Rights Act of 1998, and the creation of the Supreme Court.⁴⁶

To establish separation between the upper chamber of Parliament and the senior judges in the judiciary, the Constitutional Reform Act of 2005 considerably altered the top-level judicial institutions in the United Kingdom, moving the highest civil law court, the Appellate Committee of the House of Lords, out of Lords to create an independent Supreme Court. The Supreme Court sat for the first time in October 2009. The Court serves as the final court of appeal in all civil cases in the United Kingdom, and it is the final appellate court for criminal cases in England, Wales, and Northern Ireland (Scotland retains its own unique criminal high court). The focus of the Court is to be on cases that deal with points of law of interest to the public at large (much like the US Supreme Court) and will also consider "devolution" issues, settling legal disputes relating to the powers of the devolved institutions.

The head of the judiciary shifted from the Lord Chancellor to the new Lord Chief Justice of the Supreme Court, though the Lord Chancellor retains many important duties and roles such as the statutory obligation to ensure an independent judiciary and the power to appoint justices to the Supreme Court. To ensure some degree of separation of powers, an independent Judicial Appointments Commission was created to propose judicial nominees to the Lord Chancellor. The commission puts forward one nominee at a time to fill a vacancy on the Court, and the Lord Chancellor has the right to either accept the recommendation or ask the commission to reconsider and put forward another nominee.⁴⁷

The newly established Supreme Court has not gained expanded judicial review. That said, under the Human Rights Act of 1998, the Court does have the right to issue a "declaration of incompatibility," stating that an act of Parliament is at odds with the Human Rights Act of 1998. Although this declaration does not have formal influence on the legitimacy of the statute and does not overturn the offending act (it remains the case that only Parliament may strike down an act of Parliament), it is a clear signal that Parliament should

revisit the act to bring it into compliance with the Human Rights Act and the European Convention on Human Rights.

The Rest of Government

British government is unitary; but local governments have a substantial impact on the ultimate shape of public policies in the United Kingdom. In a similar manner, many public activities are carried out through public corporations, quasi-public bodies, and formerly government (but now largely regulated) industries rather than directly by a government department. This choice of institutions for service delivery has consequences for the ability of government to control these functions, as well as for the nature of the services being delivered.

Local Government

British local government is not an independent set of institutions with its own constitutional base of authority such as that found for states or provinces in a federal system. Instead, British local government is the creation and the creature of the central government. Local government is organized in different formats in Scotland and Wales and also in England. In Scotland and Wales, there is now a single level of local government, the product of a reform that abolished the previous two-tier system.⁴⁸ In England, a disparate system of counties, and districts under those counties, serves much of the country, although an increasing number of unified authorities are exercising the responsibilities of both levels. Meanwhile, London has its own integrated government structure.⁴⁹

The reorganization that created the current system of local government has been the subject of much criticism of both the inefficiency of the arrangements created and the loss of political accountability and involvement. The latter critique is based on the large number of voters for each councillor in the large local government units that have been created. This apparent loss of local democracy has been offset to some extent by the creation of elected mayors in London and other cities, such as Lewisham (a district of London),⁵⁰ but British local government is not the locus of grassroots democracy as it is in many other countries.

The loss of democratic control is even more evident when considering the creation of unelected bodies to perform many services that were once either provided by local governments or governed by boards named by local governments. Services such as housing, some aspects of health care, education, and training have all been turned over to a variety of local quangos or to other self-governing organizations.⁵¹ The Blair government reversed this trend toward quasi-governmental service provision only slightly, in part because the existence of these organizations provides a convenient source of patronage positions to the government. Therefore, unlike most other developed democracies, the British government has been centralizing over the past several decades (in relation to local government but not regional), leaving local governments with little autonomy and fewer functions to perform. An important example of this centralization is the reduction in the number of local police forces in Great Britain, in part in response to terrorist threats.

Unlike US state and local governments, local governments in the United Kingdom are closely supervised by the central government. In 2013, the Department of Communities and Local Government has been responsible for supervising local governments in England

and for determining their range of activity, funding, and political structures. Even after devolution, the Scotland Office and the Wales Office continue to exercise some (limited) supervision over local governments in their respective portions of the United Kingdom. Because in the United Kingdom a much larger proportion of the expenditures of local governments is funded through grants from the central government than is true in the United States (48 percent as opposed to 20 percent in 2002), British local authorities are more dependent on the center. These factors do not preclude conflict between central government and local authorities, especially when the two authorities happen to be governed by different political parties. In the early 1990s major conflicts erupted between the central government and local governments over finance, especially the implementation of the poll tax. The council tax levied on property continues to be a point of contention for local governments that lack other sources of revenue.

London has been an especially important locus for issues concerning local government and local democracy. In part because it was headed by Ken Livingstone, a member of the left wing of the Labour Party, the Thatcher government abolished the Greater London Council, an umbrella government for the city's thirty-three boroughs, and required the boroughs to deliver services themselves. Some common functions, such as London Transport, remained, but the notion of London as a political and governmental entity was largely abandoned. The Labour government re-created a unified government for London, and Livingstone was elected mayor in May 2000. The current mayor is Boris Johnson, a Conservative, who has not shied away from openly criticizing the Conservative-led government. Having an elected mayor distinguishes London from most other local authorities in Great Britain, but in the end Westminster can always restrict the relative autonomy given to the capital.

Public Corporations and Regulatory Bodies

Public corporations have been an important part of the total governmental sector in the United Kingdom even though they are, at least in theory, distinct from the government itself. The Labour government elected at the end of World War II nationalized many of the major British industries, including the railways, steel, coal, telecommunications, electricity, and gas. Government also was heavily involved in other industries such as petroleum.

The central government appointed members to the boards of the public corporations who ran these industries and made broad policy decisions, including about finance. The day-to-day decisions about these industries were made independently, although this independence was constrained by the industries' reliance on government funds to cover operating deficits and to provide capital for new ventures. Also, decisions by a nationalized industry often provoked political discontent with a government, such as in 1979 when the decision by the National Coal Board to close several less productive Welsh pits prompted a strong outcry and again in the mid-1980s when more pit closings led to a bitter yearlong strike.

When the Thatcher government took office in 1979, nationalized industries made up a significant share of economic activity in the United Kingdom. Such a large share of industry in public hands gave the government a great, albeit indirect, influence over the economy, especially in a period of high inflation when wage settlements in the nationalized

industries were frequently used as guidelines for settlements in the private sector and when the pressures to keep wage settlements down produced labor unrest.

The Thatcher government was anxious to reduce the role of the public sector in the economy and to strengthen the private economy. This desire led Conservatives to privatize some nationalized industries, including gas, telecommunications, road transportation, and British Airways. The government also sold off much of a major local industry, its council (public) housing, to the occupying tenants (about 80 percent of tenants in London took advantage of this opportunity, but only about 30 percent in the Glasgow region did so). These sales helped to balance the budget and helped to fulfill ideological dreams and campaign promises on behalf of free enterprise. The process of privatization continued with other public assets, including some public utilities such as electricity and water. The British government was becoming much less of a direct economic actor.

Government has not been able to get out of the economy entirely, however. Moreover, almost every privatization has required greater regulatory authority to control the new industries. For example, privatizing gas led to the creation of the Office of Gas Regulation, or OFGAS, which is now merged with the electricity regulator, and privatizing telecommunications produced OFTEL, the Office of Telecommunications Regulation. The principal task of these independent offices was to set the rates that the newly created private monopolies, or oligopolies, could charge and also to set standards of service.⁵² Unlike most American regulators, in setting the rates these offices focused more on the retail price index than on return on capital, attempting to drive consumer prices downward and efficiency up. The rate-setting role of the regulators has diminished, however, as competition for services has increased.

Government may have privatized industries and created nominally independent regulators, but it cannot escape the political fallout from the privatized industries. The public still remembers that these enterprises were once public and still thinks of them as public utilities that should be operated with some concern for the common good. Poor service, higher fares, and several accidents have produced a hue and cry over the profits being earned by the firms that now provide railway services. One consequence is that the government has taken back ownership of rails and switches, although the railroads themselves remain in private hands.

Once installed in 1997, the Labour government maintained much the same policy toward industry as the previous Conservative governments, placing more emphasis on economic growth and job creation than on redistributive issues. Some of the reduced direct public involvement in the economy reflects changes in the economic structure, such as the significant job losses in heavy industry and rapidly rising employment in service industries. Although employment and growth have been high, the loss of well-paying manufacturing jobs has tended, as in many other industrialized countries, to raise new issues about economic and social inequality.

The Quasi-Governmental Sector

The quasi-governmental sector is one of the biggest areas of activity in the public sector, representing up to one-third of public spending. A principal example is the NHS, which is the world's fourth largest employer, either public or private. Although government-funded and government-controlled through the Department of Health, it represents an attempt to

maintain some independence for the practice of medicine. The same attempt to maintain independence has been directed at the universities, some of which no longer rely on public funds for the majority of their income and also at some research organizations funded more or less directly by the public sector.

Other parts of the quasi-governmental sector are kept under somewhat closer control by the government, although the control is indirect through appointments as much as it is through direct accountability mechanisms. Indeed, one of the most important critiques of the quasi-governmental sector is that it is less accountable than the more traditional means of delivering public services. The Thatcher government launched an offensive against quangos early in its time in office, in part to impose greater control over government and public expenditure. By the end of its period in office, however, it had created hundreds of new quasi-governmental organizations. These new organizations helped to make the public sector appear even smaller and also provided ways to diminish Labour Party control over local service delivery activities. The Conservative-led coalition elected in 2010 also pledged to reduce the size of the quasi-governmental sector but, much like previous governments, has found it difficult to shrink quangos in practice.

NOTES

1. Arend Lijphart, "Democratic Political Systems: Types, Cases, Causes, and Consequences," *Journal of Theoretical Politics* 1 (1991): 33–48.
2. The Scottish Parliament elected in 1999 adopted the basic Westminster form of government, but the Labour and Liberal Democratic Parties formed a coalition in order to have a majority, something of a precursor to the Westminster coalition in 2010. In 2007, the Scottish National Party (SNP) (the largest in Scotland) formed a minority government.
3. House of Commons, *Fixed Term Parliaments Act 2011*. Standard Note SN/PC 6111, www.parliament.uk/briefing-papers/SN06111.
4. Philip Cowley, *Revolts and Rebellions: Parliamentary Voting under Blair* (London: Politico's, 2002).
5. Ivor Jennings, *Cabinet Government*, 2nd ed. (Cambridge: Cambridge University Press, 1969), 277–289.
6. Charles Polidano, "The Bureaucrats Who Almost Fell Under a Bus: The Reassertion of Ministerial Responsibility," *Political Quarterly* 71 (April–June 2000): 177–183.
7. An eighteenth-century prime minister, Lord Melbourne, is responsible for the aphorism "It matters not what we say, so long as we all say the same thing."
8. The characterization of the British system as increasingly "presidential" belies the fact that US presidents and those in much of Latin America face a separated legislature.
9. Roy Pierce, "The Executive Divided against Itself: Cohabitation in France, 1986–1988," *Governance* 4 (1991): 270–294.
10. David Butler, Andrew Adonis, and Tony Travers, *Failure in British Government: The Politics of the Poll Tax* (Oxford, UK: Oxford University Press, 1994).
11. For example, immediately after the Kosovo crisis in 1999 the opposition called for a review of the policy and conduct of the war.
12. Robert Blackburn, *European Convention on Human Rights: The Impact of the European Convention on Human Rights in the Legal and Political Systems of Member States* (London: Cassell Academic, 1997).

13. See, for example, Iain McLean, *What's Wrong with the British Constitution?* (Oxford, UK: Oxford University Press, 2009).
14. YouGov, *YouGov Recent Polling on the Monarchy and the Jubilee*, June 2012, http://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/qf4iherumu/MediaBriefing-YouGovPolling-Monarchy-and-Jubilee-AW_fullPR.pdf.
15. Peter Hennessy, "The Throne Behind the Power," *Economist*, December 24, 1994, 77–79.
16. Cabinet Office, *The Cabinet Manual*, 1st ed., October 2011, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60641/cabinet-manual.pdf, p. 14.
17. Walter Bagehot, *The English Constitution* (London: Fontana, 1963).
18. Michael Foley, "Presidential Attribution as an Agency of Prime Ministerial Critique in a Parliamentary Democracy: The Case of Tony Blair," *British Journal of Politics and International Relations* 6 (2004): 292–311.
19. Peter Hennessy, "Rulers and Servants of the State: The Blair Style of Government, 1997–2004," *Parliamentary Affairs* 58 (2005): 6–16.
20. That said, Nick Clegg as leader of the Liberal Democrats was generally considered to have won these debates, but it did him and his party little good in the elections.
21. David Coates and Peter Lawler, eds., *New Labour in Power* (Manchester and New York: Manchester University Press, 2000), 68.
22. *Ibid.*, 70.
23. Chris Clifford, "The Prime Minister's Office in Britain," in *Administering the Summit*, ed. B. Guy Peters, R. A. W. Rhodes, and Vincent Wright (London: Macmillan, 2000).
24. Robert Hazell, "Inside Story: How the Coalition Really Works," *Political Insight* 2 (September 2011): 4–6.
25. "Quangos: Under the Carpet," *Economist*, February 11, 1995; Chris Skelcher, *The Appointed State* (Buckingham, UK: Open University Press, 1998).
26. Nicholas Jones, *Sultans of Spin: The Media and the New Labour Government* (London: Victor Gollancz, 1999).
27. R. A. W. Rhodes, *Everyday Life in British Government* (Oxford, UK: Oxford University Press, 2011), 90–108.
28. Martin Burch and Ian Holliday, *The British Cabinet System* (London: Harvester Wheatsheaf, 1998); Institute for Government, *The Challenge of Being a Minister*, May 2011, www.instituteforgovernment.org.uk/sites/default/files/publications/The%20Challenge%20of%20Being%20a%20Minister.pdf.
29. George Parker, "Reshuffle: Bill Affecting the City May Be Disrupted," *Financial Times*, July 31, 1999; David Wighton, "Reshuffle: Blair's New Faces Lack Business Background," *Financial Times*, July 30, 1999.
30. Brian W. Hogwood and Thomas T. Mackie, "The United Kingdom: Decision Sifting in a Secret Garden," in *Unlocking the Cabinet: Cabinet Structures in Comparative Perspective*, ed. Thomas T. Mackie and Brian W. Hogwood (London: Sage, 1985). Also see Simon James, "The Cabinet System since 1945: Fragmentation and Integration," *Parliamentary Affairs* 47 (1994): 613–629.
31. Hussein Kassim, "The United Kingdom," in *Coordinating European Policy: The National Dimension*, ed. Hussein Kassim, B. Guy Peters, and Vincent Wright (Oxford, UK: Oxford University Press, 2000).
32. Prior to the 1999 constitutional reform, some 1,000 peers were nominal members of the House of Lords. In practice, however, fewer than one-third of that number participated in legislative activities. The hereditary peers elected among themselves the ninety-two hereditary peers who remain in the House of Lords. An analysis of the composition of the House

- of Lords is available at www.parliament.uk/documents/lords-information-office/2013/House-of-Lords-People-and-Membership.pdf.
33. Meg Russell, "A Stronger Second Chamber? Assessing the Impact of House of Lords Reform in 1999 and Lessons for Bicameralism," *Political Studies* 58 (December 2010): 866–885.
34. The incumbent in 2005 and 2006, a Labour MP from Scotland, wore a business suit for normal meetings of the House. That Speaker's immediate predecessor was the first woman to hold the position.
35. The Speaker generally follows the advice of the Commons' Committee on Privileges.
36. This question is so called because Tam Dalyell, who represented the West Lothian constituency in Westminster, first raised it.
37. Gavin Drewry, *The New Select Committees*, rev. ed. (Oxford, UK: Oxford University Press, 1989).
38. John Garrett, *Managing the Civil Service* (London: Heinemann, 1980); Colin Campbell and Graham K. Wilson, *The End of Whitehall: Death of a Paradigm?* (Oxford, UK: Blackwell, 1995).
39. Gavin Drewry and Tony Butcher, *The Civil Service Today* (Oxford, UK: Blackwell, 1989).
40. See Edward C. Page and Bill Jenkins, *Policy and Bureaucracy* (Oxford, UK: Oxford University Press, 2004).
41. See Oliver James, *The Executive Agency Revolution in Whitehall* (Basingstoke, UK: Palgrave Macmillan, 2006).
42. Campbell and Wilson, *The End of Whitehall*.
43. K. G. Robertson, *Secrecy and Open Government* (London: Macmillan, 1999).
44. Brian W. Hogwood, "Restructuring Central Government: The 'Next Steps' Initiative," in *Managing Public Organizations*, 2nd ed., ed. Kjell Eliassen and Jan Kooiman (London: Sage, 1993); Patricia Greer, *Transforming the Civil Service: The Next Steps Initiative* (Buckingham, UK: Open University Press, 1993).
45. A. V. Dicey, *Introduction to the Study of the Law of the Constitution*, 10th ed. (New York: St. Martin's Press, 1959), 74.
46. Jack Straw, "New Labour, Constitutional Change and Representative Democracy," *Parliamentary Affairs* 63 (April 2010): 356–368.
47. Robert Hazell, "The Continuing Dynamism of Constitutional Reform," *Parliamentary Affairs* (January 2007): 3–25.
48. See John McCarthy and David Newlands, eds., *Governing Scotland: Problems and Prospects* (Avesbury, UK: Ashgate, 1999).
49. Michael Chisholm, *Structural Reform of British Local Government* (Manchester, UK: University of Manchester Press, 2000).
50. For a personal account, see Ken Livingstone, *Livingstone's London* (London: Victor Gollancz, 2000). Also see "The Dangers of Devolution," *Economist*, February 26, 2000.
51. See Skelcher, *The Appointed State*.
52. Because effective competition is difficult in many of these industries, the market is not an efficient price-setting institution.