

Chapter 1

LOOKING FOR WESTMINSTER

Of the Queen's title 'Head of the Commonwealth', a French-speaking newspaper in Quebec in 1953 declared, 'The solution of the problem is in the good British tradition; it is both efficient and devoid of logic' (Bogdanor 1991: 37, citing Longford 1983: 127).

Question – If you hear the expression 'the Westminster model', what does that mean to you?

Answer – Absolutely nothing (David Blunkett, former British Home Secretary, interview 19 January 2007).

The Westminster system is a familiar point of reference in the political worlds of Australia and New Zealand. The Westminster heritage is also recognizable in the structure of government in both Canada and South Africa. Each of these four polities adopted Westminster as an important model on which to base their systems of government even if some local variations on the theme were incorporated from the outset. These polities still regard themselves, in part, as variants of British parliamentary democracy, originating in Westminster, despite each having subsequently undergone substantial transformation. For the British, however, to use the words of John Bright (18 January 1865), 'England is the mother of Parliaments' (Bright 1910), and the term Westminster, if used at all, is but a shorthand term for 'their' system of government. The 'British government' and Westminster are treated as synonymous. If used 'inside' the United Kingdom, its meaning is not clear to actors, as the epigram by the former Home Secretary, David Blunkett, makes apparent.

Yet the phrase ‘Westminster’ remains important as a signifier in the study of comparative government. It is part of the political argot of politics and political science, and often used to distinguish a British-inspired version of parliamentarianism from other legislative and presidential systems. But What does the term mean in these several contexts and what influence does it have on those systems that acknowledge their heritage from British political practice?

‘Westminster’ often denotes a distinct and stable set of political institutions, that are recognizable and around which there is some agreement. But, As we unpack the phrase, it begins to blur and lack precision.¹ This ‘blurred’ quality may be simultaneously one of its enduring strengths and inherent weaknesses. For instance, the term can be used for different purposes: as a historical description of institutional form; as a normative guide to constitutional design; and as a rhetorical device used by partisan adversaries when justifying or criticizing actions, as in ‘this is in line with Westminster practice’ or ‘this is not’). Some writers go in search of the ‘essence of the Westminster idea’, while others as we will see a list of putative attributes as a way of attempting to classify the system. It is claimed to exist in many settings, in both unitary and federal states, in constitutional monarchies and republics, in two-party and in multi-party systems, in developed and developing countries, in linguistically homogeneous and diverse cultures, and in small compact nations as well as across large continental landmasses. These different settings and structures challenge the notion that there is one definitive or distinctive meaning to the phrase, but they also challenge us to ask why the concept is so widely used and employed by practitioners not only as a convenient label but to shape the way they approach and understand political practice.

So, importantly, we do not assume that all Westminster systems are essentially similar, or even started out as similar cases before departing. Indeed, it would be surprising if they had been identical and had remained the same. However, in exploring ‘the meanings of Westminster’ our book has two core objectives:

- to understand how and why countries that began with some shared sets of ideas developed different beliefs and practices; and
- to understand how these transplanted constitutional and governmental ideas interacted with local political traditions and local elites.

Westminster systems share a British heritage if not a common lineage.² The transplanted colonial varieties often copied their institutional design from Britain. Yet, from the start, they developed and have continued to develop separately in different ways.³ But similarities remain. As Butler (1973: 7) observed in relation to the British and Australian political systems some time ago:

I could talk to clerks in Parliament House, or to civil servants in the Commonwealth Club, or to party officials in Melbourne or Brisbane, and find myself speaking in very much the same terms as I might have been using with their opposite numbers in Westminster or Whitehall or Birmingham or Glasgow. It was not that Australia was Britain or that Australian answers to governmental problems were British answers. It was only that the questions that came naturally to someone schooled in the British system were, almost invariably, wholly appropriate questions to ask in Australia. The answers might be different but the situations were usually similar enough for it to be possible to

disentangle the reasons for the difference; in the process one could learn a great deal both about Australian politics and about British politics.

There is inevitably debate and contestability over what constitutes ‘Westminster’ and whether there exists a core of essential practices. Some constitutionalists and practitioners see Westminster as a set of relationships between the executive government and parliament: where the principal members of executive government should be drawn from the members of the parliament. The key feature here is that the parliament determines *who* is the government and for *how long* they are in government, and parliament limits a great deal of what the executive can do. Others will often use the term ‘Westminster model’ normatively and nostalgically to define the way they think government *ought to* work. They may eulogize or appeal to some long-lost ‘golden age’, usually Britain from the First and Second *Reform Acts* (1832 and 1867) or after the terms of Prime Minister Robert Peel (1834–5 and 1841–6). Such appeals, often used to depict how far recent politics have ‘slipped’ from the ‘norm’, are little more than rhetoric. While idealized notions of Westminster exist, such idealized models are of limited analytical value. Yet resonances of the common heritage persist: many of the institutions that shape the nature of executive government bear the same names and work in approximately similar ways. Each set of institutions is an adaptation of the original, influenced enormously by the timing of the country’s achievement of self-government (the ‘take-off’ point or point of departure). Adaptation has continued, and even Britain, the original variant, has evolved and changed sometimes more than in its former colonies. Westminster, at Westminster, is itself a movable feast, clearly apparent, say, if British government under the Attlee administration (1945–51) were to be compared with the Blair regime (1997–

2007), or the structures before and after the creation of the Welsh and Scottish parliaments.

Westminster *describes* how government might be conceived and organized. It provides a set of beliefs and a shared inheritance that creates expectations, and hands down practices that guide and justify behaviour. The practices of Westminster systems have shown remarkable resilience, surviving under different regimes and in different circumstances across the world.

These broader assumptions about how Westminster government should be organized have interacted with local and historical governmental traditions that necessarily shaped the way they were practised. These inherited *beliefs* and *practices* about the institutions of government include: accepted conventions and rules, attitudes to authority and legitimacy, the accountable exercise of power, the representation of citizens and various ways to govern and integrate regionalism. These beliefs vary from country to country.

We will explore their effects on the imported political beliefs and practices, focusing in particular on the organization of executive government. One of the aims of this study is to elucidate the competing doctrines and tensions found within Westminster systems: especially ideas about the role of executive government versus the parliament, and the powers of parliament versus executive government.

A focus on Westminster systems is instructive for three reasons. First, the book confronts questions that lie at the heart of the debate about the validity of comparative politics.

What can be learnt by contrasting development of similar institutions under different conditions. We concentrate on nations with common institutions; that is, we adopt a 'most similar' research design (see Dogan and Pelassy 1982; Mill 1996 [1843] book 3

chapter 8; and Przeworski and Teune 1970: 47–73). We avoid some of the definitional problems of multi-country comparisons of executives (Blondel 1982; 1984, and the critique in Rhodes 1993).

Second, comparison of countries with similar political systems and sets of political institutions, but different starting points and different cultures, allows us to develop an approach to comparative politics rooted in the analysis of ‘traditions’. If inherited rules and practices create expectations and shape action, how and why have such imported traditions as cabinet government and collective responsibility, perhaps originally emanating from shared ideas and a common language, become markedly different? What impact have local ideas had on the way executive government is organized and run? By analysing the historical development of the various Westminster systems, we will develop explanations about the way governments are shaped and structured.

Third, normative assertions about the strengths of Westminster systems compared to both presidential and other parliamentary systems recur both in the academic literature and in the reports of would-be reformers. Many argue that (majoritarian) Westminster systems are institutionally more cohesive and coherent and, therefore, more decisive and effective than both presidential and European-consensual systems (Lijphart 1984; 1999). The book explores both the limits to such arguments and the several critiques of Westminster.

So, our departure point is the historical event of the (formal or nominal) acceptance of Westminster structures and conventions as the basis of self-government. We then seek to explain the resulting changes in political practices, nationally and comparatively. We focus on the core executive institutions of Westminster systems in those nations that were once regarded as the ‘old or great dominions’ (Miller 1966; Keith 1928).

Beliefs about the Westminster model

Beliefs about government sustain conventions, sometimes becoming codified and written down by practitioners or scholars. To begin our analysis, it is useful to turn to the written record and extract core beliefs about Westminster. Our reading of the literature suggests that those writers interested in this field tend to identify *three* main clusters of beliefs about core institutions, around which there is much agreement and acceptance. These three clusters are: beliefs about the constitutional framework; beliefs about the structure and conventions of the core executive; and the nature of the party system and electoral process (for a comprehensive review, see Rhodes and Weller 2005).

The classic interpretations refer to Britain alone. So, Bagehot writing in 1867, seeks to provide a realistic description of the way English cabinet government worked, in contrast to conceptions based on Montesquieu. For Bagehot the ‘efficient secret’ of the English constitution was the ‘close union, the nearly complete fusion, of the executive and legislative powers’ (1963: 64 [1867]). A form of constitutionality exists; it is simply not formalized, but is well understood by those who participate in governing. Yet, as the introduction to the second edition in 1872 showed, he, like Aristotle, appreciated the aristocratic, rather than the democratic version of governing. Deference was a significant component of good government, as was breeding and training (1963: 272). It was important that the governing class understood the system of government and knew ‘how to govern’, a theme that is often echoed in subsequent constitutional texts in Britain.⁴

Dicey (1914 [1885]) deliberately sought to provide coherence (to laws and conventions) and to reduce ‘the unwritten constitution to a partially written code, so fixing if not founding a new British Constitution’ (Dicey 1914). He saw the evolving constitution as

the foundation of English liberty and a bulwark against collectivism (Patapan 1997: 256). He emphasized the role of parliament in forming and maintaining the executive, sustained by the notion of parliamentary sovereignty. Hence, ‘The principle of Parliamentary sovereignty means neither more nor less than this, namely, that parliament thus defined has, under the English constitution, the right to make or unmake any law whatever’ (quoted in Patapan 1997: 261).

This expressed the supremacy of parliament and politics over all other civic spheres. So the English parliament was supreme. It can make and unmake every law; it is omnipotent. Indeed, it can be irresponsible because its power is unfettered (Bryce 1921: Volume 2 Chapter 68). Such understandings were not unique to British government, but were modified as they were accepted in other transplanted Westminster polities.

If the cornerstone of Westminster is that parliament is considered sovereign (that is, in theory able to do whatever it likes), then British constitutionalism has accordingly placed great emphasis on parliamentary conventions and practice, with such manuals and interpretive guides as Erskine May (1844 and subsequent editions) enjoying quasi-constitutional status. These guides document precedent and parliamentary pronouncements, often at great length, to a practitioner readership. As a consequence they were widely read and acted upon by those participating in the system. Regarded as the ‘bible’ of parliamentary practice in the United Kingdom, these guides were influential parliamentary reference points in the former colonies even if they chose to depart from precedent at Westminster or prepare their own manuals.

Jennings, in the mid-twentieth century, based his description of the development of key institutions, such as *Cabinet* (1959 [1936]), *Parliament* (1957 [1939]) and *The British*

Constitution (1962 [1941]), with reference to British history. The account is simultaneously both descriptive and normative, distilling principles of proper behaviour from past practices. Even in his revised editions there is no attempt to provide a general definition of Westminster and none of his principles is concerned with the wider Commonwealth practice, although Jennings, by the late 1950s, was a vice chancellor in Ceylon and involved in constitution writing in British-influenced Nepal. Similarly, to take a more recent example, Birch (1964 and 1967), in an influential account of British government, was not concerned with particular discussion of what constituted 'Westminster', but instead emphasized the twin pillars of 'representative government' and 'responsible government'.

The various emphases of British constitutionalists are understandable. Westminster was the location of 'their' government: it was a working model with its constant change and introspective focus. Westminster was documented primarily as a self-referential explanation of practice for the benefit of practitioners and interested scholars, including those on university courses in government. It was often contrasted with other emergent systems of government (presidential, republican, formal constitutional, and continental parliamentary systems), essentially to appreciate its distinctiveness or extol its inherent virtues. Thus, one Clerk of the House of Commons regarded the British Parliament as singularly 'supreme', 'venerable' and the 'parent stock' from which all other legislative models were based even if they subsequently departed from Westminster or were 'metamorphosed in their adaptation to their new and strange surroundings' (Ilbert 1912: 239).

As scholarly representations of Westminster have become more extensive, we are now able to provide a systematic list of the beliefs and core institutions said to constitute the Westminster model at various times. Table 1.1 attempts such a summary of the main present-day academic accounts (and it would be redundant to add more references). We seek instead to identify the main clusters of beliefs that prevail today.

In recent years, Verney (1991: 637), from a British perspective, includes among the characteristics of the Westminster model:

strong cabinet government based on majority rule; the importance attached to constitutional conventions; a two-party system based on single member constituencies; the assumption that minorities can find expression in one of the major parties; the concept of Her Majesty's loyal opposition; and the doctrine of parliamentary supremacy, which takes precedence over popular sovereignty except during elections.

For Verney, this definition is both a description of the UK government and the principles of Westminster. Gamble (1990: 407) similarly essays a comprehensive definition and adumbrates a unitary state characterized by: parliamentary sovereignty; strong cabinet government; accountability through elections; majority party control of the executive (that is, prime minister, cabinet and the civil service); elaborate conventions for the conduct of parliamentary business; institutionalized opposition, and the rules of debate. The antecedents are both ancient, dating back to Norman notions of the strength of Crown prerogatives, and recent, with universal electoral suffrage. Wilson (1994: 193) is even more focused, arguing that the defining characteristic is 'the unity of the legislature and executive secured through a disciplined political party'.

Finally, two other views from one of the former colonial dominions have distinctive twists. A former Australian parliamentary official, Gordon Reid (173: 513–5), regarded as a ‘dead duck’ a discussion of how far antipodean jurisdictions were more or less like Westminster. Instead he sought to develop a ‘realistic perspective’ that captured the dynamics of responsible government as a ‘Trinitarian struggle’ or fight between three rival centres of power: the executive, the lower house and the upper house. By contrast, Parker (1978; 349–53) focused on ‘responsibility’ insisting that individual and collective ministerial accountability were the ‘essential elements’ that lie at the heart of his ‘Westminster syndrome’. There are four elements to the syndrome. The first ‘essential’ part is the doctrines of individual and collective ministerial responsibility. The second part is the need for officialdom. The third part concerns ‘the “proper” relations between ministers and officials’. Parker is not resurrecting the age-old distinction between policy and administration. He simply wants to insist that ‘in all decisions ... the elected minister should *have the last word*’ (emphasis in the original). Finally, ‘the lines of accountability of the whole administration run from the lowliest official up through the minister to the cabinet, the parliament and ultimately, and only by that circuitous route, to the elector’ (Parker 1978: 349–53).

These illustrations and Table 1.1 show the diversity of contending definitions. Indeed, given this variety, it would be amazing if these characteristics could be reduced to a single system or model. But even if we avoid that analytical dead end, how do we find some coherence in this mix? As Jackson (1995: 5) has indicated, the debate about whether a state ‘conforms’ to the Westminster model is likely to be sterile simply because there is no agreed definition of that model. As Table 1.1 shows all too clearly, there is no

single, essentialist definition on which in the present context we can all agree. It is probably futile to try.

Table 1.1 The Westminster model: a summary statement of academic sources articulating the key beliefs and core institutions

Beliefs	Sources
Cluster 1. Beliefs about the constitutional framework	
<i>A centralized unitary state</i>	Gamble 1990: 407; Lijphart 1999: 3
<i>No separation of powers and, therefore, no judicial review of constitution</i>	Jaensch 1997: 98; Lucy 1985
<i>A bicameral parliament</i>	Carey 1980: 227; Lucy 1985: 3
<i>Doctrines of parliamentary sovereignty and 'responsible government'</i>	Campbell and Wilson 1995; Verney 1991: 637; Gamble 1990: 407; Richards and Smith 2002: 48; Weller 1989a: 6
<i>Unwritten constitution with flexible constitutional conventions</i>	Gamble 1990: 407; Verney 1991: 637; Weller 1989: 5; Mulgan 2004: 50-51
Cluster 2. Beliefs about the structure and conventions of the core executive	
<i>Head of state and head of government are separate roles</i>	Jaensch 1997: 102; de Smith; 1961: 3; Thompson 1980: 33; Boyce 2008
<i>Majority party control of the executive also described as the fusion of the legislature and the executive – with ministers drawn only from the parliament</i>	de Smith 1961: 3; Gamble 1990: 407; Lijphart 1999: 3; Lucy 1985: 133; Thompson 1980: 34; Wilson 1994: 190-93; Richards and Smith 2002: 48
<i>Concentration of executive power in the prime minister and cabinet</i>	de Smith 1961: 3; Gamble 1990: 407; Lijphart 1999: 3; Richards and Smith 2002: 48; Verney 1991: 637; Weller 1989: 5
<i>Individual ministerial and collective cabinet accountability to parliament</i>	Butler, 1973; Campbell and Wilson 1995: 11; de Smith 1961: 3; Lucy 1985: 3 and 6; Parker 1978: 351; Thompson 1980: 34; Richards and Smith 2002: 48; Weller 1989: 5
<i>Partnership between ministers and non-partisan officials in which ministers have the last word</i>	Parker 1978: 352; Davis et al, 1993: 73; Weller 1989: 19
Cluster 3. Beliefs about the party system and the electoral process	
<i>A two-party system based on single member constituencies</i>	Campbell and Wilson 1995; Lijphart 1999: 3; Verney 1991: 637
<i>Majority party–government control of parliament, also described as 'responsible party government'</i>	Campbell and Wilson 1995; Thompson 1980: 37; Verney 1991: 637; Uhr 1998: 66-81
<i>Institutionalized opposition</i>	Verney 1991: 637; Gamble 1990: 407; Weller 1989: 6

<i>Accountability and legitimacy through regular and transparent elections</i>	Gamble 1990: 407; Lucy 1985: 4; Parker 1978: 353; Thompson 1980: 37; Richards and Smith 2002: 48; Weller 1989: 7.
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Comparing Westminster

So, how is ‘Westminster’ defined in this book? We needed to have some basis on which to found our comparisons. We eschew a rigid or precise definition imposed from above list (because it is the *actors’* understandings of how the system works that is important to us). Instead, following Wittgenstein (1972), we argue that concepts such as Westminster often cover diverse contents connected by family resemblance rather than a single, essential idea. Notions associated with Westminster refer to a set of ideas with strong family resemblances. These ideas will typically gravitate around many of the common features in Table 1.1, especially the constitutional fusion of the executive and legislature (from where the principal executive officers must be chosen) and the requirement that governments must have the ‘confidence’ of the legislature, sovereign or otherwise. These ideas about Westminster have survived the longest historically. They pre-date many of the subsequently grafted-on ideas about regular free and fair democratic elections, the primacy of the Commons, written constitutions, equal representation of electors or the dominance of two-party adversarial politics.

To enable a manageable comparison, we have chosen in this study to focus on a select group of inter-related ideas about Westminster. We realize that there are other ideas we could have chosen as our starting point or other ways to ‘cut’ the analysis (for example, majoritarian, two-party politics). These ideas are also important and legitimate avenues of investigation that could add to our study, and we welcome such contributions. The prism

we have chosen to look through focuses on the *core executive* parts of the model. We justify this focus on the grounds that we are interested in the understandings of the *central political actors* (cabinets, ministers, senior bureaucrats), and so focus on the prism through which they are likely to interpret their world. Our focus leads us to investigate *four* inter-related components of the Westminster model as understood by its constitutive actors. These four sets of ideas are then used to structure the substantive chapters of this study.

1. We explore centralization in collective, responsible cabinet government, where prime ministers are often seen as dominant, even ‘presidential’, although there are few formal powers attaching to their office.
2. We examine beliefs around the core convention of ‘ministerial responsibility’; the concept that the principal officers of executive government (ministers) come from and must have the confidence of the legislature and, in turn, are individually and collectively accountable to parliament.
3. We probe the notion that the professional, non-partisan public service provides continuity and accountability. We ask to what extent it is a ‘permanent element’ of the Crown and acts as a ‘constitutional bureaucracy’ to counterbalance the ‘winner takes all’ characteristics of the political executive.
4. We investigate parliament’s relationship to the executive: the doctrine of parliamentary sovereignty, executive–legislative relations, legislative scrutiny, the provision of a legitimate opposition as an alternative

government, and the representative character of parliament and hence the executive.

This definition of the core executive of the Westminster model is minimalist but operational. These characteristics exist to various degrees in all systems that claim to be Westminster-derived. They are the starting point from which we can explore the intentions of political and administrative elites and their adaptive changes (and see chapter 2 for a more detailed discussion). Our approach allows for variations such as multi-party systems, different voting systems (plurality, preferential or proportional representation), federal structures and written constitutions, including judicial review of legislation, that have emerged with these executive arrangements during the last 150 years.

These core features are a source of contention and debate for both academics and practitioners. We use them here to structure the systematic comparative analysis of several countries. We want to explore how political and administrative elites (that is, the proximate decision-makers who determine how political power is organized and exercised) understand the notions of 'Westminster'. What impact did these understandings have on decisions about their application and how did they evolve? Their beliefs and practices make up our basic data. We use that lens to focus on how and why countries developed differently and how Westminster practices have mutated often with no changes in terminology or constitutional significance.

Westminster systems come in all shapes and sizes, ranging from the sub-continent of India to tiny island nations of the Pacific or Caribbean; and from unitary states to federations. Whether the system was *transplanted* and adopted by settler societies from

the British heritage, or *implanted* and imposed on other colonies at independence is crucial (Hartz 1964; Patapan et al. 2005). Thus, we expect governing elites from the old pre-democratic British Empire to have different ideas to those from the post-1945 generations. In earlier times, there was a readiness to rely on mutually accepted understandings of what was proper and appropriate, in the transplanted contexts of Canada, the Australian colonies, New Zealand and the South African Cape Colony. Later circumstances required understandings to be spelled out, often in a formal constitution that laid down the rules at a particular point of time, although often a wide range of issues were left for later settlement or open to subsequent parliaments to determine. New Zealand with its minimalist constitution and subsequent statutory provisions was a classic case in point. By contrast, as the other self-governing settler colonies emerged and developed politically and economically, they became ‘federations’, ‘confederations’ or ‘unions’, and, following Canada, were recognized as ‘dominions’, reflecting their particular standing with the United Kingdom. To bind these hybrid polities together, written constitutions were preferred. They were ‘single constitutional documents with the force of fundamental law’ (Mulgan 2004: 51) preferred by the local political elite, partly to guarantee local control and reduce the likelihood of governors vetoing legislation (see Bryce 1901; Keith 1928; Ilbert 1912). Although these new systems became major variants of any existing version of the Westminster model, their political elites still understood their governmental system as a species of Westminster based on ‘responsible government’. As a former clerk of the House of Commons argued: ‘In the British empire the great self-governing dominions beyond the seas have not only copied British forms of parliamentary government but have inherited British traditions, usages, and modes of

thought' (Ilbert 1912: 239).

The later the transition, the greater the detail in many of the constitutions, as its modernist authors sought to prescribe how national government *should* work. We have already explored the dynamics of Westminster beliefs in many of the implanted societies in Asia and the Pacific that gained independence from Britain after 1945 (see Patapan et al. 2005). In this book, adopting the most similar principle of comparison, we focus on the old self-governing dominions.

The five 'great self-governing dominions'

What does Dominion status mean? It would be difficult and dangerous to give a definition ... That is not the way of the British Constitution.

We realize the dangers of rigidity and the danger of limiting our constitution by too many finalities (Lloyd George 149 House of Commons Debates, 5s. 27–8, cited in Wheare 1953: 21).

Defining the term 'dominion' remains difficult and dangerous because the idea is devoid of logic, but we must essay the task because we have chosen it as the starting point of our study. It had at least three meanings. Its earliest British usage dates from the mid-seventeenth century when it was applied to selective American colonies recognizing their loyalty to the Crown (for example, New England and Virginia often still nicknamed the 'old dominion'). Second, it gradually occurred in the King's title where it referred to all British territories and possessions overseas (the King's dominions overseas). From the mid-nineteenth to the early twentieth centuries, it was then used to refer specifically to the colonies such as Australia, Canada, New Zealand and South Africa, which had

achieved a measure of self-government (Wheare 1960: 6).⁵ Except in Canada, the term did not become part of the formal name of the country; the preferred use was the Commonwealth of Australia and the Union of South Africa.

Canada emerged as the only country to have the title 'dominion' bestowed upon it courtesy of the British North America Act of 1867, where the term 'dominion' was chosen in preference to 'kingdom' or 'empire'; but the choice was not straightforward.

As Martin (1995: 282) recounts:

As late as 2 February [1867], the draft bill spoke of 'the Kingdom of Canada', but the foreign secretary, Stanley, objected that a monarchical style 'would wound the sensibilities of the Yankees'. The delegates then pressed for 'Viceroyalty', which Carnarvon thought 'open to grave objection', before retreating to 'Dominion' which was 'somewhat in opposition to the institutions on the other side of the border', but not offensively so. Derby thought the term 'rather absurd', perhaps thinking of Psalm 72, which spoke of 'dominion also from sea to sea and from river to river unto the ends of the earth'. Not even British Columbia was that far away.

The title was thought necessary to refer to a separate and distinct area of jurisdiction in North America in which the local administration would gradually gain self-government. Canada's trajectory toward dominion status followed directly from Lord Durham's report (1839) on the conflicts between the English and the French and between the Governor-General and the legislatures of both Upper and Lower Canada that led to two armed uprisings in the 1830s. 'Radical Jack' Durham recommended setting up 'responsible

government’; that is, a local executive drawn from and responsible to a single parliament. Eventually, his scheme was implemented in 1847 by his son-in-law, Lord Elgin.

According to Lowell (1927: 573), the history of the term ‘dominion’, then, ‘is best traced in the case of Canada, because there the process began earliest, has been most continuous, and whatever was achieved in her case has been adopted later elsewhere’. So, the term had a specific usage in relation to Canada, but Whitehall began to use the term generically and titularly when the Dominions Office was created. Canada then became regarded as ‘the senior dominion within the Commonwealth’ (Holland 2003: 642). It grew accustomed and warmed to the title, to such an extent that its federal government in Ottawa continued to be known as the ‘Dominion Government’ until well into the 1950s, when the term ‘federal government’ came to be preferred.

The term ‘self-governing dominions’ was subsequently adopted at the 1907 Colonial Conference and applied to the self-governing colonies of the Empire.⁶ According to Hall (1920: 114–16), ‘the most outstanding achievement’ of the 1907 Session of the Imperial Conference, was ‘the passing of the constitutional resolution’. It set out the scope and structure of the Imperial Conference and for the first time used the phrase ‘dominions’ instead of ‘colonies’. The official report of the proceedings of the conference note that ‘Both Sir Wilfrid Laurier and Mr Deakin, the Prime Ministers of Canada and Australia respectively, insisted that the conference was “between governments and governments”’; it was not between the British Colonial Office and dependent colonies (1907: 7). From now on, the Imperial Conference comprised ‘His majesty’s Government and his governments of the self-governing Dominions beyond the seas’ (see also Wheare 1960:

6–12). While Australia and New Zealand were classified as dominions in 1907, South Africa was not recognized as a dominion until 1910 when it formalized its union. Dominion status was further asserted (paradoxically as it was about to be abandoned) at the Paris Peace Conference of 1919. After the sacrifices of the First World War, the dominions were not prepared to be treated as minor powers and fall in with the British delegation, but wanted separate representation, eventually gaining this with a ‘secretariat of Britain Dominions’ – a contentious development at the time. As McMillan recounts (2001: 52):

The dominion leaders were most annoyed when they discovered that the British had assumed that they would tag along to the Peace Conference as part of the British delegation. Lloyd George attempted to mollify them by suggesting that a dominion prime minister could be one of the five British plenipotentiaries. But which one? As Hankey said, ‘the dominions are as jealous of each other as cats’. The real problem over representation, as Borden wrote to his wife, was that the dominions’ position had never been properly sorted out. Canada was ‘a nation that was not a nation. It was about time to alter it’ ... Lloyd George gave way: not only would one of the five main British delegates be chosen from the empire, but he would tell his allies that the dominions and India required separate representation at the Peace Conference. ... A reluctant Lloyd George persuaded Clemenceau and Wilson to allow Canada, Australia, South Africa and India to have two plenipotentiaries each and New Zealand one.⁷

The dispute over representation at the Conference was not one of pure formality. Both Australia (Billy Hughes) and South Africa (General Jan Smuts) indicated they might not go to war again if Britain so chose. They were expressing a nationalistic independence or republicanism, which would see their being incorporated from the outset into the new League of Nations as separate entities (with the blessing of the French and Americans who saw this as a way of hastening the dismantling of the old British Empire).

Present-day interpretations are less sanguine and airbrushed. Holland (2003: 633) argued that ‘the 1907 imperial conference decided that the term “dominion” (hardly a new one in the realm of British overseas relationships) should have special application to the self-governing colonies of Empire’, when most of the Empire was still governed from London. This innovation was ‘to exorcise the old bogey of “Downing Street control”’ by recognizing the special position of the self-governing colonies. It was also driven ‘by a racial instinct ... to erect a compartment between the white man’s empire, and that of lesser breeds’. Darwin (1999: 66) encapsulated this point by referring to the ‘White Dominions’ and such race sentiments continued to exert an influence on dominion governments for decades to come (Todd 1880; Lake and Reynolds 2007).

So the eventual meaning of the term ‘dominion’ denoted British-settled, white-ruled, self-governing colonies that were autonomous but, notwithstanding, also recognized the sovereignty of the British monarch. The effect of the First World War was to give these self-governing colonies ‘a heightened self-consciousness’ (Hancock 1937: 1). The Australian Prime Minister of the time, Billy Hughes, saw no need ‘to set down in black and white the relation between Britain and the Dominions’. He argued ‘we have all the rights of self government enjoyed by independent nations’. General Smuts, Prime

Minister of South Africa, observed that ‘although in practice there is great freedom ... the status of the Dominions is of a subject character’ (both cited in Wheare 1960: 11).

It was not until 1926 with the Earl of Balfour’s *Report of the Inter-Imperial Relations Committee of the Imperial Conference* of 1926, that the parties attempted to clarify the relationship. The Report declared the dominions to be:

autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations.

Hall (1927: 589) declared, apparently with no discernible trace of irony, that the Durham Report (1839) and the Balfour Report (1926) were ‘likely to be known as the two greatest state papers in the history of the British Commonwealth’. Well, great state papers they may be to some, but they were also the source of much ambiguity. A dominion was ostensibly self-governing, loyal to the Crown, equal in status, and a member of the commonwealth; and each great dominion understood these criteria differently or applied them selectively.

The *Statute of Westminster 1931* formalized the position, but also included the United Kingdom itself as one of the co-equal dominions. ‘It was the bible of the new imperialism, the imperialism which discovered that colonies could govern themselves and yet remain colonies’ (Jennings 1948: 55) without being subordinate to the home country. The *Statute of Westminster* (1931, clause 1) defined the dominions as the United Kingdom, Canada, Australia, New Zealand, South Africa, as well as the Irish Free State

and Newfoundland (for the authoritative commentary, see Wheare 1953).⁸ These diverse polities were declared ‘equivalent to the home country’ largely to assuage the sensitivities of the settler societies.

The provisions of the 1931 statute were not welcomed by all. As Darwin (1999: 69) observed, it ‘was eagerly endorsed in Dublin and Pretoria, carefully emasculated in Canada, and comprehensively ignored in Australia and New Zealand’, neither of whom ratified the statute for more than a decade (see Wheare 1953). Years after the event, the initial doubts continued to be expressed about rendering into law that which should be left to custom and practice. Robert Menzies, Prime Minister of Australia (1939–41 and 1949–66), was a continuing critic, claiming that the *Statute of Westminster* was ‘open to grave criticism’. It did a ‘grave disservice’ and was a ‘misguided attempt’ to reduce to written form what was ‘a matter of spirit and not of the letter’ (Cowen 1965: 18). For the Anglophile and monarchist Menzies (1960: 6), the Crown dominions were Great Britain, Canada, Australia and New Zealand ‘united by a common allegiance to the Crown’ because the rest of the Commonwealth had become either republic or had its own monarch.

By the end of the Second World War, the ‘vast Empire’ had fallen into three classes, according to Marriott (1948: 308). First, there were ‘the Colonies with “responsible” government, these were the great self-governing dominions or “Sister-States”’. Second, there were the Crown Colonies which ‘are all administered more or less autocratically by a Governor who is directly responsible to the Colonial Office in Whitehall’. Finally, there were ‘the Colonies endowed with representative Legislatures but without a responsible Executive’. But by this time there was also a fourth class emerging from the Empire, the

newly emerging independent nations. India (and then Pakistan) became the first ‘non-white’ possessions to gain independence in 1947, adopting implanted notions of parliamentary government from Westminster. India managed to sustain Westminster while a more Cromwellian legacy has persisted in Pakistan. Interestingly, India was belatedly offered dominion status in 1942 by Sir Stafford Cripps in exchange for support in the war effort, but the offer lapsed through lack of agreement.

However, the term dominion had started to fall into disuse after the Second World War (Wheare 1960: 13–17). As a label it was soon overtaken by phrases such as ‘independent status’ or ‘full member of the Commonwealth’ (de Smith 1954: 19). As many former Crown colonies became independent, the need for a special ‘dominion’ status within the Commonwealth diminished.⁹

Our study takes as its empirical starting point and its focus the ‘five great self-governing Dominions’ (Hall 1927: 589), the United Kingdom, Canada, Australia, New Zealand and South Africa. We take the shared temporal status of dominion as the baseline from which to explore the subsequent and continuing divergence in their patterns of executive government. They were all white, British autonomous polities, including the ‘motherland’ and four relatively rich settler societies, all of which ruled over the original indigenous inhabitants or other ‘coloured’ races who were largely disenfranchised, in South Africa’s case until 1994. Each of these settler societies consciously (and in many respects unquestioningly) adopted the Westminster system of government between 1848 and 1910, understood at the time as British governmental traditions. All four settler-societies became independent between 1852 and 1910 with no great normative debates about opting for ‘responsible government’ or how it should work. The major exception

was Australia, which accepted ‘responsible government’ but debated its relationship with federalism in designing its proposed structures. They internalized shared assumptions of how government worked that were largely taken for granted.

Our approach

In this study we are interested in revealing how governmental elites understand the Westminster model today. We explore how traditions shape the exercise of power in Westminster systems. What stories are told about the changes and their causes? We will seek to explain the different outcomes by examining the competing governmental traditions. There are several key questions.

- What are the dominant national traditions in the five former dominions?
- How did the several traditions respond differently to challenges?
- How did the executives change in response to the challenges and attendant crises or dilemmas?
- How do traditions change?
- Did these changes have unintended consequences?
- Do traditions explain these consequences?

In short, the purpose is to show how local traditions interacted with the often blurred beliefs and practices associated with Westminster to provide the present-day forms of government. We are not seeking to provide commentary on contemporary events, so we have taken our examples mainly from the period 1910 to 2007.

In Chapter 2 we locate this argument in the broader context of the academic study of comparative politics, especially of the political executive. We review that literature,

arguing that the study of Westminster systems has been an intellectual backwater, divorced from the study of comparative politics. The reasons for this, we believe, are that research on Westminster systems has tended to be one of its kind. It has focused on how far various polities have departed from idealized notions of Westminster, on evolving constitutional and conventional practices, and on internal power shifts that have occurred. Moreover, there has been little engagement between the comparative politics scholars and those studying national executives. We argue for an approach grounded in formal-legal and historical analysis focused on traditions, dilemmas and court politics.

In Chapter 3, we survey the dominant political traditions and the key debates about governance in our five dominions. We identify four discernible traditions: the royal prerogative; responsible government; constitutional bureaucracy; and representative government. They set the scene, determine the shape of politics and create much of the rhetoric and expectations. We explore how constitutional traditions have struggled with the dilemmas of centralization versus decentralization; party government versus ministerial responsibility; professionalization versus politicization; and elitism versus participation. We stress the competing interpretations of the constitution and the fluctuating fortunes of the several traditions.

Then we turn to the workings of the institutions. Each chapter begins with a different country. We seek to show how Westminster concepts have mutated in different countries, while still legitimately described as Westminster. We do not begin by asking how far they may have moved from British practice.

Chapter 4 addresses variations in executive arrangements. We look at the formal roles of the prime minister and cabinet organized around the argument that there has been a trend

towards ever-greater prime ministerial power. This argument is often referred to as the ‘presidentialization thesis’. We think that is a mistake. Prime ministers are frequently more powerful than presidents. In practice, the thesis expresses concern that power has become centralized in the persons and offices of prime ministers; that power is now individual, hence presidential, rather than collective. We argue there is no such uniform centralizing trend in the Westminster systems of the dominion countries. Rather, there is evidence of an ever-changing balance of power within core executives characterized by dependence and contingency between centralization and decentralization.

In Chapter 5, we start with the classic constitutional doctrines of ministerial and collective responsibility to parliament. In some versions of constitutional theory, ministers should resign for policy failure and the administrative mistakes of their departments. In practice, ministers go if and only if prime ministers judge that the political costs of a minister staying outweigh the costs of going. There is a trade-off between the exigencies of party government, with the need to manage the media and the electorate, and ministerial responsibility to parliament. Thompson and Tillotsen (1999) have attempted to demarcate when conventions of ministerial responsibility apply by using the simile of ministers left holding ‘smoking guns’ – one for personal improprieties and one for policy or maladministration. We explore not only how the actors interpret and reinterpret this doctrine, but we also argue that ministers are embedded in webs of accountability.

The changing role of the public service both formally and in practice is the subject of Chapter 6. For a long time, public servants had a near-monopoly of advice and were safeguarded by their expertise, and by the conventions of neutrality and permanence.¹⁰

For many they became ‘statesmen in disguise’, with a reputation for giving frank and fearless advice. Ostensibly, their advice was impartial, expert and experienced. As with parliamentary government, commentators sometimes look back with nostalgia to a golden age for the public servants, regarded as the mid-twentieth century when distinguished figures were known by insiders, but not by the general public, as significant influences. They wish those circumstances could continue: but that was not to be. Due to demands variously described as responsiveness, politicization and personalization, the public service was to be curbed. Professionalization met politicization and the demand that the public servants be ‘on tap’ but not ‘on top’. Yet, the extent of the changes varied between the dominion states. This chapter explores the aftermath of the managerial revolution; commencing in Canada, but strongest in the antipodean countries, and applying selectively in the United Kingdom. In the developing South African context, there remains an ambivalent attitude towards a non-partisan bureaucracy in the post-apartheid or ‘post-liberation’ era.

In Chapter 7, we explore the constitutional primacy of parliament. We ask what implications do enduring notions of parliamentary sovereignty have for political practice, and what erosions to sovereignty have taken place? Is sovereignty now, at best, ‘qualified’ or at worst reduced to an ‘elected dictatorship’ (Hewat 1929; Hailsham 1978). Do political elites see this as ‘qualified sovereignty’ or competing sovereignties within their polity? We also question how far notions of an institutionalized and legitimate opposition prevail in the five former dominions. Furthermore, representativeness has long been a feature of Westminster, but in recent decades identity politics, ethnic politics, regional politics and sub-national forms of independence have had an impact on both the

composition of the executive and its scope for action. We ask how parliaments are composed, what understandings of representation they display, and how these affect executive power.

Finally, in Chapter 8, we explore the uses to which the concept of Westminster is put and ask why it continues to have such resonance. We conclude the family of ideas we customarily refer to as ‘Westminster’ is variously constructed in the light of the divergent and competing governmental traditions within and between the dominion states. Even if there is no such unambiguous thing as ‘Westminster’, with each country having markedly different trajectories and traditions, thus confronting common problems with divergent responses, we still need to understand some of the implications of the concepts. Lijphart (1999) and Strøm et al. (2003), among others, have challenged the traditional view that Westminster governments bring benefits: majoritarian governments, political stability, policy cohesion, constructive parliamentary–executive relationships. We ask whether there is indeed evidence for the benefits of Westminster systems and to what extent they are the result of different traditions and variable understandings of the role of institutions. We ask whether there is indeed a reliable and easy way to determine the effectiveness of the regimes or are all such measures both contingent and country specific and ill-suited to comparative generalizations. Traditions shape not only what is done and why, but also the outcomes of executive government.

Notes

¹ We use the phrase ‘Westminster model’ to refer to the beliefs and practices of the Westminster tradition and the phrase ‘Westminster systems’ to refer to the countries studied in this book.

² There are no countries in the world that regard themselves as a Westminster system that do not share a British heritage. In most cases they were under British rule for some period. However, in the 1990s the President of Kazakhstan, Nursultan Nazarbaev, in the post-Soviet era, thought the Westminster system was an attractive model of stable democracy. After announcing that he would implement it, and holding elections for a legislature in 1994, he promptly sacked the representatives, dissolved the parliament and resumed unilateral control of the republic, which he enshrined through a second post-Soviet constitution.

³ Historically, political movements from various parts of the United Kingdom determined not to follow Westminster practice, such as the Irish, the Chartists and Guild Socialists.

⁴ Jennings discussion of the personal qualities of Sir Robert Peel, William Gladstone and Benjamin Disraeli are good examples of this viewpoint.

⁵ For a comprehensive bibliography see Larby and Hannam 1993. The authoritative study of dominion status is Wheare 1953. The indispensable study of the British Empire in the twentieth century is Brown and Lewis 1999.

⁶ See for further details; COI 1957: 4–5; Holland 2003: 633; Kendle 1967: 45–57; Wheare 1953: 2–4 and chapters 2 and 3; Wheare 1960: 6–12.

⁷ Arguably, by the period 1907–19, there were five categories of dominion in the British Empire – each with its own status and forms of political rule. These were:

1. The self-governing ‘great’ dominions – the ‘white’ settler colonies of Canada, Australia, New Zealand and South Africa
2. The Indian Empire – a separate empire with the monarch as emperor, not enjoying self-rule
3. The ‘home rule’ regions – Ireland, Southern Rhodesia, Malta and perhaps Newfoundland (although this was later briefly counted as a dominion)
4. Colonies – British possessions in Africa, the Caribbean and South Pacific, and
5. Crown Colonies – such as Gibraltar and Hong Kong.

⁸ The last two countries did not remain dominions for long. Newfoundland’s dominion status was temporarily suspended in 1933 because of economic difficulties. In 1949 Newfoundland became the tenth province of Canada. The Irish Free State lasted for but a few more years. In 1936, it removed all references in its constitution to the monarchy and in 1937 a new constitution was enacted establishing Eire as ‘a sovereign, independent, democratic state’. It did not join the Allied cause in the 1939–45 war, and in 1949 Eire left the Commonwealth. It was no longer a dominion.

⁹ Although the term dominion fell into disuse, it still attracted resonances in the former colonies. For instance, in South Africa the pro-British white party in the Second World War named itself the Dominion Party (1939–48). In New Zealand one of its major daily newspapers is called *The Dominion Post*, while in Canberra Dominion Circuit partly surrounds Parliament House on Capital Hill.

¹⁰ There were a few examples of outsiders being ‘brought in’ for policy advice, such as the role of various economics professors (including Keynes) in the Great Depression and its aftermath.