THE INSTITUTIONS OF NATIONAL GOVERNMENT

Just as most other countries of the world today, the British government has three branches of government and a bureaucracy. Furthermore, the legislature is divided into two houses, a model that the British invented, and now is widely copied. However, their system is **parliamentary**, and the interactions among the branches are very different from those in a **presidential system,** such as in the United States. In a parliamentary system, the executive branch is fused with the legislative branch because the prime minister and his cabinet are actually the leaders of parliament. As a result, separation of powers – a major principle of American government – does not exist. Also, the judicial branch lacks the power of judicial review, so they have no role in interpreting the "Constitution of the Crown."

Britain is a **unitary state** with political authority centralized in London. Decisions made by the central government – both laws passed by Parliament and regulations prepared by the bureaucrats in Whitehall – are binding on all public agencies.

THE CABINET AND THE PRIME MINISTER

The cabinet consists of the prime minister and ministers, each of which head a major bureaucracy of the government. Unlike the U.S. cabinet, the British cabinet members are party leaders from Parliament chosen by the prime minister. The collective cabinet is the center of policymaking in the British political system, and the prime minister has the responsibility of shaping their decisions into policy. The cabinet does not vote, but all members publicly support the prime minister's decisions. In other words, as the leaders of the majority party elected by the people, they take **"collective responsibility"** for making policy for the country. The unity of the cabinet is extremely important for the stability of the government.

The prime minister is the "**first among equals**", but he/she stands at the apex of the **unitary government**. Despite many recent changes, political authority in Britain is still centralized in the London-based govern-

ment. The prime minister is not directly elected by the people, but is a member of Parliament and the leader of the majority party. As of 2009, the Labour Party is in power, and has been since 1997.

The prime minister

- speaks legitimately for all members of Parliament
- chooses cabinet ministers and important subordinate posts
- makes decisions in the cabinet, with the agreement of the ministers
- campaigns for and represents the party in parliamentary elections

PARLIAMENT

Although British government consists of three branches, little separation of powers exists between the cabinet and parliament. Like most other parliamentary systems, the executive and legislative branches are fused, largely because the leaders of the majority party in parliament are also the cabinet members.

The House of Commons

Even though Britain has multiple political parties, the House of Commons is based on the assumption that one party will get the majority number of seats, and another will serve as the "opposition." So, one way to look at it is that Britain has a multi-party system at the polls, but a two-party system in the House of Commons. Whichever party wins a plurality at the polls becomes the majority party, and the second party becomes the "**loyal opposition.**"

COMPARATIVE EXECUTIVES*

PRIME MINISTER OF BRITAIN	PRESIDENT OF THE U.S.
Serves only as long as he/she remains leader of the majority party	Elected every four years by an electoral college based on popular election
Elected as a member of Parliament (MP)	Elected as president
Has an excellent chance of getting his/her programs past Parliament	Has an excellent chance of ending up in gridlock with Congress
Cabinet members not always MPs and leaders of the majority party	Cabinet members usually not from Congress (although they may be)
Cabinet members not experts in policy areas; rely on bureaucracy to provide expertise	Expertise in policy areas one criteria for appointment to cabinet; members head vast bureaucracies

*Note: The Comparative AP Exam does not require knowledge of U.S. government, but this chart is intended to help students understand the British executive.

Set-up of the House of Commons

The House of Commons is set up with long benches facing one another with a table in between that is by tradition two-sword-lengths wide. The prime minister – who is elected as an MP like all the rest – sits on the front bench of the majority side in the middle. He or she becomes prime minister because all the members of the majority party have made that selection. The majority party members may vote to change their leader, and the prime minister will change as a result. Right across from the prime minister sits the leader of the "opposition" party, whose members sit on benches facing the majority party. Between them is the table. Cabinet members sit on the front rows on the majority side, and the "**shadow cabinet**" faces them on the opposition side. On the back benches sit less influential MPs – the "**backbenchers**" – and MPs from other political parties sit on the opposition side, but at the end, far away from the table.

Debate

The **"government"**, then, consists of the MPs on the first rows of the majority party side, and they are the most important policymakers as long as they hold power. Debate in the House is usually quite spirited, especially once a week during **Question Time**. During the hour the prime minister and his cabinet must defend themselves against attack from the opposition, and sometimes from members of their own party. The **speaker of the house** presides over the debates. Unlike the speaker in the U.S. House of Representatives, the speaker is supposed to be objective and often is not a member of the majority party. The speaker's job is to allow all to speak, but not to let things get out of hand. (S)he often has to gavel MPs down that get too rowdy.

One reason that debate can be so intense is that the floor of Parliament is the place where MPs can gain attention from others, possibly casting themselves as future leaders. Also, the opposition is seen as the **"check"** on the majority party, since checks and balances between branches do not exist.

Party Discipline

Because the majority party in essence is the government, party discipline is very important. If party members do not support their leadership, the government may fall into crisis because it lacks legitimacy. Above all, the majority party wants to avoid losing a **"vote of confidence,"** a vote on a key issue. If the issue is not supported, the cabinet by tradition must resign immediately, and elections for new MPs must be held as soon as possible. This drastic measure is usually avoided by settling policy differences within the majority party membership. If a party loses a vote of confidence, all MPs lose their jobs, so there is plenty of motivation to vote the party line. A recent vote of confidence occurred in early 2005, when the Labour government's Higher Education Bill squeaked by with an approval vote of 316 to 311. The bill proposed raising university fees, a measure criticized by not only the opposition, but also by some outspoken Labour MPs. The vote narrowly allowed Blair's government to continue to control Commons. The policymaking power of the House is very limited since many government decisions are ratified by the cabinet and never go to Parliament.

Since the 1970s, backbenchers have been less deferential to the party leadership than in the past. A backbench rebellion against John Major's EU policy weakened the prime minister significantly. Tony Blair faced a major rebellion of Labour backbenchers on key votes in February and March 2003 regarding the use of force in Iraq. After the disastrous 2009 local and European elections, many Labour MPs called for Gordon Brown's resignation, and five cabinet members resigned. In an effort to shore up his support, Brown reshuffled his cabinet, giving choice positions to key people in the government, and breaking the momentum of the cabinet meltdown that threatened to force him out. The near-collapse of the government came on the heels of the exposure of a widespread parliamentary expenses scandal, in which Parliament members charged thousands of pounds' worth of expenses to the taxpayers. The scandal questioned the very nature of

parliamentary sovereignty (the principle that Parliament's decisions are final), and the government had a great deal to do to restore its image with the public.

Parliament has some substantial powers because its members

- debate and refine potential legislation
- are the only ones who may become party leaders and ultimately may head the government.
- scrutinize the administration of laws
- keep communication lines open between voters and ministers

House of Lords

Britain is no exception to the rule in its bicameral legislative structure. However, many of the benefits of bicameralism (including the dispersing of power between two houses) do not operate because the House of Lords has so little power. The House of Lords is the only hereditary parliamentary house in existence today, and although historically it was the original parliament, today it has minimal influence. The House of Commons established supremacy during the 17th century, and Lords gradually declined in authority. Since the turn of the 20th century, the only remaining powers are to delay legislation, and to debate technicalities of proposed bills. Lords may add amendments to legislation, but the House of Commons may delete their changes by a simple majority vote. The chamber also includes five **law lords** who serve as Britain's highest court of appeals, but they cannot rule acts of Parliament unconstitutional. Until 1999 about one-half of the members of Lords were **hereditary peers**, or hold seats that have been passed down through family ties over the centuries. The remaining were **life peers**, people appointed to nonhereditary positions as a result of distinguished service to Britain.

In 1999 the Labour government took seats away from most of the hereditary peers, so that today only 92 hereditary seats remain among 567 life peers. In late 2001, the government announced plans for a new upper house with about 550 mostly appointed members, but with no hereditary posts. In March 2007 the House of Commons voted, in principle, in favor of replacing the Lords with an elected chamber, either 100% elected or 80% elected, 20% appointed.). However, the House of Lords, feeling threatened by the idea of dismantlement, rejected this proposal and voted for an entirely appointed House of Lords. In 2008 Jack Straw, a top cabinet member, introduced a "white paper" (an announcement of government policy) that proposed to replace the House of Lords with an 80-100% elected chamber, with one third being elected at each general election, for a term of 12 to 15 years. Despite these changes and proposals, the fact remains that the House of Lords has very little policymaking power in the British government.

One criticism of the British parliamentary system is that the lack of separation between the prime minister and the legislature is a dangerous concentration of power, since both are controlled by the same party. Supporters of the parliamentary system praise its efficiency, since it does not experience the crippling "gridlock" found between Congress and the president in the United States.

THE BUREAUCRACY

Britain has hundreds of thousands of civil servants who administer laws and deliver public services. Most civil servants do clerical work and other routine work of a large bureaucracy. However, a few hundred higher civil servants directly advise ministers and oversee work of the departments. They coordinate the policies that cabinet members set with their actual implementation by the bureaucracy.

The British bureaucracy is a stable and powerful force in the political system. Top level bureaucrats almost always make a career of government service, and most are experts in their area. Because the ministers are party leaders chosen by the prime minister, they understand a great deal about British politics, but they generally are not experts in particular policy areas. In contrast, the top bureaucrats usually stay with their particular departments, and the ministers rely on their expertise. As a result, the top civil servants often have a great deal of input into policymaking, including **discretionary power** to make many decisions in implementing legislative and executive decisions. The minister has a powerful position on the cabinet, but he/she relies heavily on the advice of the bureaucrats. Bureaucrats almost never run for public office and are usually not active in party politics. Therefore, as cabinets come and go, the bureaucrats stay and fulfill an important role in government.

THE JUDICIARY

English ideas about justice have shaped those of many other modern democracies. For example, the concept of trial by jury goes back to the time of Henry II in the 13th century. Britain has had a judicial branch for centuries, but ironically, the modern judiciary has much more limited powers than those in the United States, France, and Germany. In Britain, the principle of **parliamentary sovereignty** (parliament's decisions are final) has limited the development of judicial review (the courts' ability to determine actions, laws, and other court decisions unconstitutional). British courts can only determine whether government decisions violate the common law or previous acts of Parliament. Even then, the courts tend to rule narrowly because they defer to the authority of Parliament. By tradition, the courts may not impose their rulings on Parliament, the prime minister, or the cabinet.

The British legal system based on **common law** contrasts to the stricter **code law** (see p. 14) practiced in the rest of Europe. Code law is much less focused on precedent and interpretation than common law. British courts, like those in most other advanced democracies, do make distinctions between original and appellate jurisdiction. District Courts hear cases that may be appealed to the High Courts, which may in turn be appealed to the highest court in the land – the **law lords**. They are actually members of the House of Lords who are designated as the highest judicial authority in Great Britain to settle disputes from lower courts. The law lords do not have the power of judicial review, so their authority is limited.

In general, judges have the reputation of being independent, impartial, and neutral. Few have been MPs, and almost none are active in party politics. Judges are appointed on "good behavior," but they are expected to retire when they reach the age of 75. Most judges are educated in public schools and at Oxford and Cambridge, and their positions are prestigious.

Despite the limited policymaking power of the judiciary, Britain's membership in the European Union has given judges a new responsibility that promises to become even more important in the future. Since Britain is now bound by EU treaties and laws, it is the judges' responsibility to interpret them and determine whether or not EU laws conflict with parliamentary statutes. Since the British tend to be skeptical about their EU membership, the way that possible conflicts between supranational and national laws are settled by British judges could impact the policymaking process considerably.

PUBLIC POLICY AND CURRENT ISSUES

The election of 2005 secured an historic third term for Tony Blair and the Labour Party. However, Blair's support of the war in Iraq was very controversial among British voters, and probably cost Labour a good many votes. Labour MPs slipped from 403 to 356, a loss of 47 members. The biggest beneficiary was the Liberal Democratic Party that picked up 11 MPs for a total of 62. Conservatives picked up 33, but their total numbers rose only to 198, still far behind Labour's lead. For now, Labour still has a solid majority, and the

government gained enough votes to continue the course they have followed since 1997. Many issues confront the British political system today, but some of the most important are:

- **The evolving relationship between government and the economy**
- **Transparency in government**
- **British relationships with the European Union**
- **Direction of post-Blair policy**
- **Terrorism and cohesion**
- **Labour's balancing act between the U.S. and the EU**
- **Devolution and constitutional reform**