

Sem → II

Topic Covered:

C-4 (Comparative

1st year

Constitutional Systems)

Unit-3

Executive → (UK)

The Prime Minister

~~1st year~~

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The Prime Minister

'Nowhere in the wide world does so great a substance cast so small a shadow; nowhere is there a man who has so much power, with so little to show for it in the way of formal title or prerogative.'

W. E. GLADSTONE: *Gleanings of Past Years*

I. ORIGIN OF THE OFFICE

From the beginning of the 18th century, successive ministries usually had one or more dominant personalities — for instance, Stanhope and Sunderland (1717), Townshend (1721), Walpole (1722-42), Pelham (1744), Newcastle and Pitt (1756) and Lord North (1770-82). This came about because George I ceased to attend Cabinet meetings and one of the members had to preside. But this person was not a Prime Minister in the modern sense. His position depended on the King, not on the electorate. With the possible exception of Walpole, he did not lead a united ministry. Any pre-eminence he enjoyed was solely through his personality, for he had none of the powers and sanctions enjoyed by a present-day Prime Minister. Nor was he necessarily the First Lord of the Treasury; like the elder Pitt, he could be a Secretary of State.

Even Walpole, who was so dominant that in 1741 the peers framed a protest against the development of the office, did not perform the functions or enjoy the position of a modern Premier. Although he exercised some influence over the selection of ministers, the actual choice still rested with the King. Moreover, the ministry was not formed *en bloc*, but piecemeal. Any unity within it was secured solely by his personality, his skilful use of intrigue, and the strict discipline he imposed, for ministers who did not agree with his policies were either dismissed at his instigation or compelled to resign. Only in being First Lord of the Treasury and in living at 10 Downing Street did he resemble a modern Prime Minister. When he fell from office in 1742, his colleagues did

not resign with him, and a further forty years elapsed before another minister, the younger Pitt, wielded equal authority.

Our modern Prime Minister is essentially a product of the 1832 Reform Act. He enjoys his position, not by royal favour, but because he is the accepted Leader of the majority party in the House of Commons, a fact which Peel discovered in 1834. Peel was quick to appreciate the new situation, and saw that, to form a Government, his party had to be supported by the electorate. Hence his Tamworth Manifesto in 1835 heralded more progressive ideas, designed to appeal to the voters, and the old Tory party received the new name of 'Conservative'. So successful was he that in 1841 his party was returned to power, thus justifying his refusal two years previously to head a minority Government when Queen Victoria refused to dismiss her Ladies of the Bedchamber (see page 236). The first Prime Minister in the present-day sense of the term was thus Sir Robert Peel.

II. FUNCTIONS OF THE PRIME MINISTER

The whole position of the Prime Minister is based, not on statute, but on convention. Although Disraeli signed the Treaty of Berlin in 1878 as 'Prime Minister of England', and Letters Patent in 1905 included the Prime Minister in the official order of precedence, it was the Chequers Estate Act, 1917, which first mentioned him in a statute by accepting Chequers as an official country residence for 'the person holding the office popularly known as Prime Minister'. Official recognition was complete when the Ministers of the Crown Act, 1937, granted him a salary (now £20,000 a year) and a pension on retirement; but no attempt has been made by statute to say who shall be Prime Minister or what he shall do. That he has immense powers and enjoys considerable personal prestige can be seen from the following description of his functions.

(1) He is the Leader of his party in the country and in Parliament

In the final analysis, the Prime Minister owes his position to his party. Hence, in carrying out his duties, he cannot afford to forget his political connections. He must use his powers of leadership to preserve his party against splits, working out compromise solutions when necessary. Both Peel and Gladstone failed here, the former

over the repeal of the Corn Laws, the latter over home rule for Ireland. (Moreover, to be successful in the next election, the Prime Minister must keep in touch with public opinion and induce his party to accept modifications of policy where desirable.)

(But while the Prime Minister cannot afford to neglect his party, it would find difficulty in discarding him. As its Leader, he has fought a successful election battle, proving himself both as a tactician and as a popular personality. Since voters choose a Prime Minister and a Government rather than a House of Commons, modern elections have developed into a battle not only between the opposing parties but between the two party Leaders. The Prime Minister has toured the country, spoken on the radio and appeared on television. Such advertisement means that, to most people, he is the symbol of his party, and so any rival starts at a disadvantage.)

(2) He is responsible for the formation of the ministry

(Her Majesty's ministers are now appointed on the advice of the Prime Minister. About a hundred offices have to be filled, and he controls them all. To refuse the offer of even the humblest post might jeopardise the whole of one's political career.) Thus, when Sir Robert Horne, a successful President of the Board of Trade and Chancellor of the Exchequer, refused Mr. Baldwin's offer of the Ministry of Labour in 1924, he closed the door to future office. On the other hand, certain ministers, such as Anthony Eden, Harold Wilson and Iain Macleod, have won their way back into favour after resigning. Such ministers are usually of high standing in the party. Often, too, a resignation arising out of the doctrine of collective responsibility may be regarded as reflecting an honest and thoughtful politician.

(In completing his ministry, the Prime Minister may select from a wide field. For the more important posts, he has a personal knowledge of the leading members of his party. In filling the minor offices, however, he usually considers the views of both the minister in charge and the Chief Whip. But, provided Parliament raises no objection to the distribution of portfolios, he has a free hand.)

Nevertheless, the Prime Minister is subject to certain technical and political limitations. (a) While no statute requires that a minister should be an M.P. or a peer, there is a well-established convention to that effect. Ministers should be available to explain policy or answer questions in Parliament. Thus when Mr. Alun

Gwynne Jones became Minister for Disarmament in 1964, he was given a peerage so that he could sit in the Lords, while Mr. Frank Cousins, who became Minister of Technology, was elected M.P. for Nuneaton after the sitting member had vacated his seat. Nevertheless, such appointments are rare, ministers usually having had experience as politicians. (b) The Ministers of the Crown Act, 1964, limits the maximum number of ministers and Parliamentary Secretaries who can sit in the House of Commons to 91, thereby ensuring indirectly that there is a nucleus of ministers in the Lords. (c) Where the head of a department is in the House of Lords, his immediate deputy must be in the Commons, although the converse does not always follow. (d) Certain offices are invariably filled by members of the House of Commons, either because they have considerable political significance or because most of the discussion of their work is carried on there. Such posts include those of Chancellor of the Exchequer, Home Secretary and the Secretaries of State for Social Services, Education and Science, Trade and Industry, the Environment, and Employment. (e) The Lord Chancellor, the Attorney-General and the Solicitor-General must be lawyers. (f) When the Government is not a coalition, ministers must usually be members of his party, though Mr. Alun Gwynne Jones (mentioned above) was a leading member of the Liberal Party's policy-making groups. (g) All the leading party members expect departments and the Prime Minister is bound to consider their influence. This requires tact and skill for, if offence is given, he may be laying up for himself future difficulties. Moreover unless the different wings of the party are represented in the ministry, a party split may develop. Some Prime Ministers can act with more independence than others. Whereas Mr. MacDonald had preliminary consultations with his principal colleagues, Mr. Churchill merely summoned individuals to his country house and told them the offices they would hold. (h) In order that the Government shall not grow out of touch with its own back-benchers, younger members of the party must be given posts, if only minor ones. (i) The views of the Sovereign may have to be taken into account (see page 200). (j) Above all, ministers must have the essential personal qualities of competence and honesty.

Competence in a minister covers a variety of attributes. He must exercise powers of judgment in his department. He should recognise if a proposal raises new issues of Government policy, has

political implications affecting the party as a whole, is likely to have important repercussions on other departments, or will meet with opposition in Parliament or from other members of the party. If so, it should be referred to the Prime Minister. Even if the matter can be determined within his department, the decision taken must follow the general trend of Government policy. This means that the minister must extract the salient points of memoranda presented to him quickly and accurately. But arriving at a decision may be only half the task; he will probably have to justify his decision in Parliament. Thus (he needs to be an able speaker who can persuade Parliament to endorse his action.) A Prime Minister will not look too kindly on a minister whom he has to rescue frequently in the House of Commons. In addition, the minister must have administrative ability. Since he personally will have little time for a detailed study of many problems, he must be able to choose able subordinates to whom he can safely delegate work. This calls for wide knowledge of human nature; a weak minister is liable to choose 'yes-men' and to leave too much to officials. Finally, much of a minister's time will be taken up in committee work, often as chairman. He must, therefore, be skilled in this kind of work — a skill which has probably been already gained by experience in standing committees or in minor office.

An incompetent minister soon becomes an embarrassment to the Prime Minister. Parliament, in its public examination of the work of departments, will harass any minister that it senses is not in complete control. The Press, too, may open a campaign of criticism against him and, if he fails to stand up to it confidently, the Prime Minister will soon be seeking an excuse to relieve him of his post.)

While the Prime Minister, in filling offices, will naturally consider a colleague's experience in a previous Government, he should also look to the future, to his own retirement, and train possible successors in a variety of posts. Although transferring a minister from one department to another may prevent him having a thorough knowledge of any of them, it does not present a major difficulty. A first-rate man can usually turn the attributes mentioned above to the administration of widely differing departments. Above all, what is lost in knowledge of detail is more than compensated for by an increase in breadth of view, enabling a minister to comprehend the wider implications of decisions within his own department.

As regards integrity, it is not sufficient that the minister be honest; it is vital that he should appear to be so. In order to remove any suspicion that his official position may be used for personal gain, any directorships held by him, except those of an honorary nature in philanthropic undertakings and private companies, must be resigned. It is also expected that he will not write for the Press on anything connected with public policy which involves use of knowledge gained in office. This rule is observed strictly while holding a post; out of office, ex-ministers do publish articles and memoirs.

(3) He dismisses ministers as circumstances require

Any dismissal of a minister calls for delicate handling. Wherever possible, a Prime Minister would tactfully invite resignation and, if it was to facilitate a Cabinet re-shuffle or to make way for a younger man, the suggestion might well be accompanied by the offer of a peerage. At times resignation may be advised because the minister has been responsible for an action embarrassing to the Government, as with Dr. Hugh Dalton (1947). Resignations may also occur because of a fundamental disagreement with Cabinet policy, as with Mr. Frank Cousins (1966) and Lord Longford (1968). After such resignations, it is usual to publish the correspondence and, in disagreement over policy, the minister generally has the opportunity to explain his position to the House.

(Nevertheless, a Prime Minister 'must be a good butcher') Mr. Macmillan showed the strength of the Prime Minister's powers in 1962 when, in order to bring in new men and new ideas, he made overnight 24 governmental changes involving the removal of 7 ministers. Seventy back-benchers held a protest meeting, but Mr. Macmillan remained in office until he was taken ill a year later. Such ruthless dismissal, however, is rare and a Prime Minister does his best to avoid it. Where it involves a leading party member with political ambitions, there is always the danger that he will lead a troublesome breakaway group which, by disrupting the party's unity, damages the Government's standing in the eyes of the electorate.

(4) He selects the Cabinet

Between 16 and 24 ministers will be chosen by the Prime Minister to form his Cabinet. Certain key offices are always

included, partly on account of their importance in national affairs and partly because they will be filled by the leading members of the party.)

(The actual number depends upon the particular organisation of departments preferred by the Prime Ministers.) Thus Mr. Wilson favoured many separate departments, and this meant that even with a Cabinet of 23, some dozen heads of departments had to be excluded. On the other hand, Mr. Heath grouped a number of ministries under a single department (see page 248), thereby allowing him to reduce his Cabinet to 17. Subordinate ministers still receive Cabinet agenda and serve on its committees. Flexibility is provided for by having ministers without portfolio in charge of special subjects which are going to figure prominently in government policy. Thus Mr. Geoffrey Ripon, Britain's leading negotiator on the Common Market, was appointed Chancellor of the Duchy of Lancaster.

(In addition to possessing administrative ability, members of the Cabinet must be able to work together. This welding of the individual ministers into a team is entirely the task of the Prime Minister, his success depending on his own personality, his powers of leadership, and) the accuracy of his original estimate of the various individuals.)

(Even with modern party organisation, the decision as to which ministers shall be included in the Cabinet rests entirely with the Prime Minister) and, as L. S. Amery says: 'Few dictators, indeed, enjoy such a measure of autocratic power as is enjoyed by a British Prime Minister while in process of making up his Cabinet.'

✓ (5) He is chairman of the Cabinet.

(Although the Prime Minister controls procedure at Cabinet meetings, he is not a chairman in the usual sense of the term. The functions of such a chairman are to preserve order, to keep members to the point at issue, to see that everybody has a fair chance of stating his view and, at the end of the discussion, to put the motion to the vote. He must, therefore, show strength of character, judgment and impartiality. But while the Prime Minister has to perform the duties and possess the qualities of an ordinary chairman, he differs from him in many vital respects. In the first place, he has selected the members of the 'committee' himself and has not

been elected by them as is usually the case, apart from parliamentary and government appointed committees. His superior position is brought home to ministers before the actual Cabinet meeting, for they are kept waiting in the hallway at 10 Downing Street until invited into the Cabinet Room by the Prime Minister or the Secretary of the Cabinet. Secondly, he chooses the items on the agenda and decides in which order they shall be taken. Thirdly, his views are dominant in Cabinet decisions. At Cabinet meetings, the minister responsible for the business under discussion usually puts forward his own observations and then other members add their comments. But the Prime Minister cannot be merely receptive. The general control of policy is in his hands, and, after listening to the discussion, he must form his own opinion. As far as possible the decision should be a united one. Hence the Prime Minister sums up the sense of the meeting, and only on rare occasions is it necessary to resort to 'counting voices', as Lord Morrison puts it. (Where differences appear irreconcilable, his ability to give a lead is vital.) He may, for instance, have private discussions with the main contestants or suggest that the matter be referred to a committee for further examination before coming to a decision. But where squabbles between departments or rivalries between members persist, he is bound to take sides. Here tact is required in explaining why he prefers a certain line of action. To the minister whose claims, he feels, are going too far, he would stress the need of a co-ordinated policy and, in the last resort, appeal for party unity. Forcing the resignation of a Cabinet minister can lead to a dangerous 'party within a party' situation, as Mr. Attlee discovered in 1951 when Mr. Aneurin Bevan resigned over the imposition of the National Health Service charges.

(6) He directs and co-ordinates policy

The broad framework of policy is formulated by the party executive and usually endorsed by the party conference. But the exact interpretation of that policy and its timing rests with the Cabinet and, above all, with the Prime Minister. It is he who largely decides the precise lines which foreign, defence and economic policies follow. Hence he is always available to give ministers experienced help when a quick decision is required, for instance, on a private member's motion, an amendment to a bill or on defence problems. Or a minister may seek his opinion when he

is initiating a policy which may have political consequences. Where necessary, a minister who comes under attack will be defended by the Prime Minister.)

This overall supervision by the Prime Minister has two important results. First, he has to speak frequently in Parliament and answer questions on matters of general importance. Secondly, it enables him to play a major part in co-ordinating policy. Although he cannot control departments in detail, his general direction ensures that individual decisions are in harmony with the broad outlines agreed upon by the Cabinet.

(7) *He is the leader of the House of Commons, controlling its business and acting as its spokesman*

(At one time, the Prime Minister, unless a peer, was the official Leader of the House, responsible for arranging the general programme of the session and the more detailed business for the week. Now, to relieve him of much of this burden, the day-to-day management is delegated to another minister who, as Leader of the House, arranges business through the usual channels. Nevertheless, the Prime Minister, as Leader of his party, still retains the ultimate responsibility for managing his majority so that Government business is completed to time and, as far as possible, in accordance with the wishes of the Opposition.)

Whenever the House wishes to express its views on those national issues which over-ride party divisions, e.g. events concerning the Royal Family or the death of a distinguished statesman, the Prime Minister acts as its spokesman. On such occasions, the Leader of the Opposition usually underlines the unity of the House by adding his own observations.

(8) *He communicates the Government's decisions to the Sovereign*

(The Sovereign has, as we have seen, a constitutional right to be informed and consulted on matters of government, and so most Prime Ministers have a regular weekly audience.)

(On certain occasions, too, the Prime Minister acts as personal adviser to the Sovereign and the Royal Family, for example, on the constitutional implications of marriage proposals, changes in names or the Royal title, or invitations to visit Commonwealth and foreign countries.)

(9) *He is responsible for a wide variety of appointments and exercises considerable patronage*

This function is the result of the Prime Minister having largely taken over the prerogative powers of the Sovereign (see page 204).

(10) *He meets with Commonwealth Prime Ministers at periodic conferences and with the heads of other governments at 'summit talks'*

Conferences of Commonwealth Prime Ministers are now held regularly (see page 496). More occasionally, heads of government of the great nations meet together to discuss subjects of top-level importance. In such talks, the Prime Minister may commit Britain to far-reaching decisions.

III. IMPORTANCE OF THE PRIME MINISTER

The Prime Minister is the outstanding figure in the British constitution, the duties and powers of his office giving him a personal prestige which is limited only by his own personality and the extent to which he enjoys the support of his party.

His functions, important in themselves, have added significance in that, being based almost wholly on convention, they can largely be interpreted as he sees fit. As Lord Oxford and Asquith said in 1921: 'The office of Prime Minister is what its holder chooses to make it.' As leader of the majority party, he is chosen by the electorate, to whom he can appeal at any time to confirm his position. Since he controls the composition of the ministry, members of the Government are to a large extent subservient to him. In the Cabinet he occupies a dominant position, selecting the items for discussion, presiding at its meetings, giving a lead on policy and arbitrating between ministers. Opportunities to determine policy also arise when he gives a decision in an emergency, advises ministers or takes a hand in co-ordinating the Government's programme. Moreover, his management of the House of Commons almost completely guarantees the acceptance of that policy, while the fact that no other minister communicates with the Sovereign, except with his prior knowledge, places him in a strong position when offering advice.

Moreover, the tendency is for his powers to increase. Morley

described the Prime Minister as 'the key-stone of the Cabinet arch'. Sir Ivor Jennings considers this description inadequate, saying that he should be regarded rather as 'the key-stone of the Constitution'. The exceptional authority which the Prime Minister now enjoys has a variety of causes.

The most important is the reliance which the Prime Minister can now place on his leadership being accepted both by the foremost party members and the rank and file. The former are usually in the Government; the latter are subject to the discipline of the party machine. Apart from the formal rules of the party, however, the Prime Minister enjoys formidable sanctions in securing united support. His patronage powers can be used to reward faithful followers; the political appointments for which he is responsible are the steps in the ladder to higher office. If the carrot does not suffice, he can wield the big stick. Ministers who cannot fall in with his policy will be asked to resign. If all else fails, the parliamentary party can be reminded of the possibility of dissolution. Fighting an election today is an arduous and costly operation. Having won his seat, a member does not usually wish to risk it again until Parliament is nearing the end of its statutory life. Thus the weapon of dissolution strengthens the executive relative to the legislature — and some writers, such as Christopher Hollis, assert that we now have cabinet government instead of parliamentary government. Moreover, since the decision to dissolve now rests with the Prime Minister, an election represents a personal appeal by him to the people. Nor need he wait for defeat in the House; when murmurings are heard within his party, he can ask for a dissolution at the most propitious moment. Rebels seeking support for an alternative policy are therefore at a serious disadvantage.

Recent developments in science and international affairs have also increased the Prime Minister's importance. Radio and television bring him more frequently than any other politician into the homes of the people, who therefore see in his personality the embodiment of the party and, in times of emergency, the trustee of the national cause. Summit conferences tend to replace the traditional methods of diplomacy through the Foreign Office, for the Prime Minister has had to assume the leading role in foreign policy.

Lastly, the creation of the Cabinet Office and the development of Cabinet committees have extended the Prime Minister's

authority. Not only is the important administrative work of the Cabinet Office carried on under his direction, but he sits on the leading Cabinet committees, which gives him a breadth of knowledge and opportunities to influence recommendations available to no other minister.

(Of course, it is the personality and character of the Prime Minister which will determine how he interprets the scope of his functions, the methods by which he fulfils them, and the success he achieves.) He is always dependent on the support of his party, and so he would be unlikely to pursue a policy which carried a high risk of provoking a major party split.) Thus Mr. Wilson dropped his anti-strike legislation in 1969 because of trade union and left-wing opposition. He must handle his Cabinet with tact, acting as chairman in the first instance so that every member can share in deciding policy, and only later playing a more decisive role as leader when he feels that a decision should be reached more in line with his own views. With most Prime Ministers, in fact, it is possible to trace personal policies — the repeal of the Corn Laws, 1846, by Peel; the appeasement policy at Munich, 1938, by Neville Chamberlain; the war strategy, 1940-5, by Winston Churchill; the invasion of Suez, 1956, by Eden; the compulsory prices and incomes 'freeze' of 1966 by Wilson; Common Market entry, 1971, by Heath. Once he has announced his policy, his followers rarely fail to support him and, given this solid party backing, 'a Prime Minister wields an authority that a Roman Emperor might envy or a modern dictator strive in vain to emulate' (Sir Ivor Jennings: *Cabinet Government*).