

University 8 Mai 1945 Guelma

Faculty of Letters and Languages

*Department of Letters and English Language*



**2020**

# Lectures and Tutorial in Civilization



**Université 8 Mai 1945 Guelma**

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# *THE AMERICAN & BRITISH GOVERNMENTS AND POLITICS*

*Lectures and Tutorial*



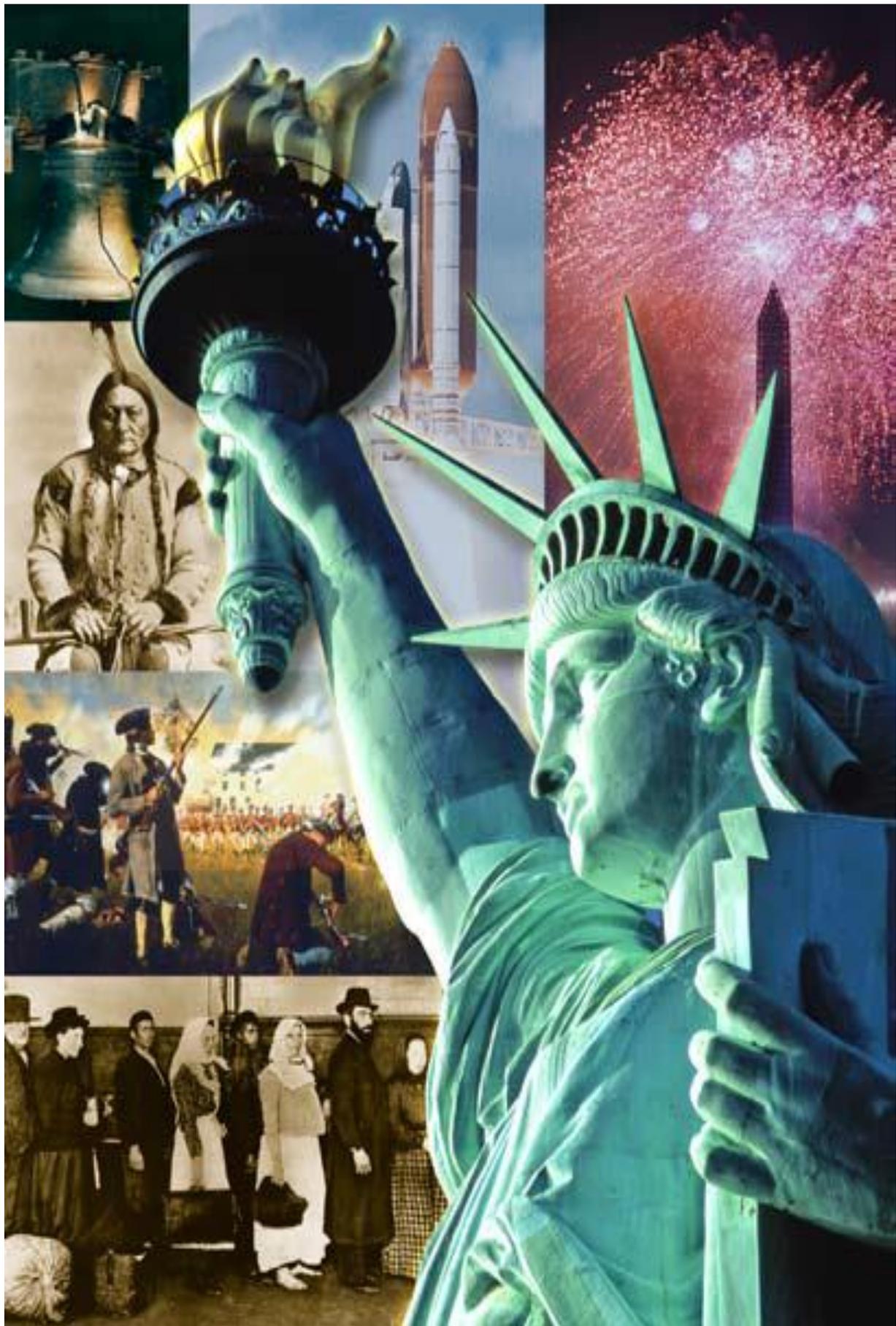
*A COMPARATIVE STUDY  
THIRD YEAR (LMD)*



By

**DR ABDELKRIM DEKHAHENA**

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## INTRODUCTION



## UNITED STATES OF AMERICA



## **PREFACE**

Foreign language learning is comprised of several components, including grammatical competence, communicative competence, language proficiency, as well as a change in attitudes towards one's own or another culture. For scholars and laymen alike, cultural competence, i.e., the knowledge of the conventions, customs, beliefs, and systems of meaning of another country, is indisputably an integral part of foreign language learning, and many teachers have seen it as their goal to incorporate the teaching of culture into the foreign language curriculum. This textbook is a comprehensive introduction to the vital subject of government and politics in both the United States and the United Kingdom as part of the Civilization module in the Third Year (L3) Licence (LMD) at the Department of Letters and English Language, University 8 May 1945 -Guelma.

The Civilization course is based on the study of English language using the cultural context of language learning. Of course, not everyone has the luxury of being able to travel abroad or the opportunity to work with foreigners. Knowing the culture behind the language can give learners a valuable understanding of the situations and social norms where certain words, phrases and styles of speaking should be used. Giving students a chance to learn about British /American culture can help prepare them for many different experiences as well as to understand their way of life and thinking. Introducing UK/US culture into the English classroom is vital to help students improve their English and at the same time learn about values and ways of doing things which may be different to theirs.

Learning about life and culture in the UK/US can be very motivating as it brings the language alive for learners and creates a link between language and real life. Studied from an outsider perspective, culture teaching should not aim at only giving factual information about the target civilization, about the foreign culture which is evident during foreign language teaching,<sup>1</sup> but also at giving the learner the opportunity "to develop cultural *knowledge, awareness and competence* in such a way that might lead to better understanding of the foreign culture, the other as well as of the learner's own culture, the self".<sup>2</sup> However, "pure information" is useful but does not necessarily lead learners' insight; whereas the development of people's cultural awareness leads them to more critical thinking. Most frequently confronted that students to a great extent know the rules of language, but are not always able to use the language adequately as it requires since they are not knowledgeable enough about the target culture.

## **OVERVIEW**

Politics is ultimately about people, but most political decisions are made by a combination of branches of government whose roles and powers are determined by a set of rules: the constitution. This component is fundamental to understanding the nature of UK/US governments, since it enables students to understand where, how and by whom political decisions are made. The component also gives students a base of comparison to other political systems. The component introduces students to the set of rules governing politics in the UK/US, the constitutions, which are different in nature from most of the rest of the world. It further introduces students to the specific roles and powers of the different major branches of the government – legislative, executive, and judiciary – as well as the relationships and balance of power between them, and considers where sovereignty now lies within these systems.

Students will explore the following key themes: the relative powers of the different branches of UK government; the extent to which the constitution has changed in recent years; the desirability of further change; and the current location of sovereignty within the UK political system in comparison to that of the United States. The USA has been considered by some to be a 'beacon of democracy'. As a world power, understanding the nature of US democracy, and the debates surrounding it, is crucial given the considerable impact that the USA has on UK, European and global politics.

Students will explore the US Constitution and the arguments surrounding this guiding document of US democracy. In learning about the key institutions of government in the USA and analyzing the manner in which they achieve this power and exercise it over their citizens, students will judge ultimately whether 'liberty and justice for all' has been achieved in the USA. Students will be expected to highlight the debates on the nature of democracy in the USA and evaluate the extent to which it remains an issue. The impact of the US government on the world beyond its borders is increasingly a feature of international politics.

Students will begin to engage with this interaction by comparing and contrasting politics and institutions in the US with those in the UK. This will develop a wider understanding of politics as a discipline, underpinned by the theoretical concepts of comparative politics. The forms of government which the citizens of a free nation have devised for themselves are a key to the understanding of that nation. Like everything else which has been built out of generations of hopes and trials and failures, each political institution has its own personality.

Nobody could understand the American Government, or the American people, merely by reading the Constitution of the United States and the decisions of the Supreme Court. S/He would also have to know what Election Day feels like, what a County Courthouse looks like, what a Democratic or Republican National Convention looks like if s/he attends it, or sounds like if s/he hears it on the air.

Similarly, one could study the British legal system till Doomsday and not know much about British politics. In one way the UK system sounds very like the US's, in that it is a democracy with a House of Commons elected by all the people. In another way the UK system sounds very unlike the American, in that it's a monarchy with a House of Lords to which a man must either be born or appointed. But no such comparisons, and no such text books' statements of fact, can make the politics of England come alive in the imagination. That can only be done by a combination of facts and interpretation, facts and historical explanation of how things got that way. It is such a combination which is presented in this textbook.

Indeed, governments decide who gets what, when, how.<sup>3</sup> They make policies and pass laws that are binding on all members of a society. They decide about, among other things, taxation and spending, benefits and costs, even life and death. Governments possess power - the ability to gain compliance and to get people under their jurisdiction to obey them - and they may exercise their power by using the police and military to enforce their decisions. However, power need not involve the exercise of force or compulsion; people often obey because they think it is in their interest to do so, they have no reason to disobey, or simply they fear punishment. Above all, people obey their government because it has authority; its power is seen by people as rightfully held, as legitimate. People can grant their government legitimacy because they have been socialized to do so; because there are processes, such as elections, that enable them to choose and change their rulers; and because they believe that their governing institutions operate justly.

Politics is the process by which leaders are selected and policy decisions are made and executed. It involves people and groups, both inside and outside of government, engaged in deliberation and debate, disagreement and conflict, cooperation and consensus, and power struggles. In covering American and British governments, institutions and politics, this text

- Introduces the intricacies of the Constitutions, the complexities of federalism and unitary system, the meanings of civil liberties, and the conflicts over civil rights;
- Explains how people are socialized to politics, acquire and express opinions, and participate in political life;
- Describes interest groups, political parties, mass media and elections—the intermediaries that link people to government and politics;
- Details the branches of government and how they operate; and
- Shows how policies are made and affect people's lives.

Thanks to the ever-evolving Internet, students now have virtually limitless access to information on most subjects, including American and British governments. Even when they are not searching for it or paying close attention. News, opinions, and entertainment concerning the latest in American and British politics stream into daily lives. In some ways, this makes teaching and learning about this subject easier and lively than it once was. But it also poses pedagogical challenges for instructors. Information is not knowledge. Instant analysis is no substitute for in-depth study. Strong opinions are hollow unless they are rooted in serious reflections and critical thinking. Thus, each chapter ends with a Summary, carefully selected World Wide Web Resources, and classic and contemporary Suggested Readings that provide students with reference material and preparation for classroom lectures and examinations.

## **TO THE STUDENT**

This *Text Book* is a self-study accompaniment to *L3 Civilization course*. It serves two purposes. First, by using the *Text Book* you will reap maximum benefits from the course and enhance your general knowledge of the structure and operation of both the UK and US governments and how they differ from each other. Second, this will assist you in practicing and preparing for your exams and will improve your test taking skills. These two purposes are inseparable. Good studying habits - hard work, practice, and review - are critical to learning and understanding any subject matter, and a thorough understanding is the best preparation for exams. The knowledge-based components of the course cover democratic governance, and institutions. To strengthen students' skills on critical thinking, active listening, consensus building, public speaking, group work and problem solving, this course emphasizes an interactive teaching methodology contrary to a traditional lecture-style format.

This introduction begins with an overview of what you should expect to learn from an L3 Civilization course. Following is detailed advice on how to get the most from this *Text Book* as well as suggestions for obtaining additional supplementary information from the Internet.

## **THE STUDY OF CIVILIZATION**

In universities, Civilization is usually taught as part of an academic discipline in EFL university departments in Algeria. University Civilization courses customarily emphasize history. Furthermore, these courses generally seek to promote citizenship

by emphasizing specific values and learning and thinking skills. While this approach and goal is important, this course develops a broader, more theoretical and analytical perspective on comparing government institutions. Civilization is often about contemporary government and institutions rather than history. It compares the US political system with the UK's. It focuses mainly on how government institutions really work and interact with each other. It explains ways in which both the US and UK governments, politics, and processes are compared.

Most people understand that the term government is a reference to the leadership and institutions that make policy decisions for the country. However, what exactly is politics? Politics is basically all about power. Who has the power to make the decisions? How did they get the power? What challenges do leaders face from others, both inside and outside the country's borders, in keeping the power? So, looking at different countries, the main and only concern is about the ins and outs of how the government works. The course will also look at how power is gained, managed, challenged, and maintained.

Teachers are now required to teach intercultural communicative competence. It follows that new professional demands need to be made on teachers. If foreign language teaching can no longer be regarded as a mainly linguistic task, and it needs to be directed towards the full attainment of communicative competence, including its intercultural dimension, teachers have to be equipped with the necessary knowledge, skills and attitudes required to accomplish this wider task in an appropriate way. In addition, teachers have to adjust their views on what it means to teach a foreign language and adapt their teaching approach accordingly.

## **CHAPTER FOCUS**

Before beginning each chapter of *The American & British Governments and Politics*, read through the STUDY OBJECTIVES in the CHAPTER FOCUS section. You can utilize these objectives to organize your thoughts and understand the textbook material. Keep the framework of each objective in mind as you read through the chapter, using each component of each objective as a heading for summarizing, in your own words, the important facts, concepts, ideas, and explanations presented. By the time you have completed each chapter, you should be able to write out a clear and accurate statement fulfilling each objective. You should always remember to think about how to compare and contrast U.S&UK governments and politics.

## **INSTRUCTIONAL STRATEGIES**

Students will:

- read the assigned reading from the text and participate in a teacher-led discussion and PowerPoint presentation
- complete a map activity designed to identify the areas that will be prioritized in the course
- participate in activities designed to help them:
- learn how to compare the institutions of government and politics of both countries : the US and the UK
- write essay papers
- lead discussions of current events modeled by the teacher
- The teacher will assign vocabulary to study and the students will take a follow-up quiz

## **ASSESSMENTS / EVALUATIONS**

- **Formative:**
  - ✓ Vocabulary quiz
  - ✓ Daily formative quizzes to assess progress and understanding of the reading assignments and other activities
  - ✓ Various assignments, such as: briefing papers, comparison charts will be assessed using a teacher-created scoring guide
  
- **Summative:** Students will take an end-of-unit assessment with a:
  - ✓ multiple choice test
  - ✓ free-response question assessed using a teacher-created scoring guide

## Unité d'enseignement : UEF 1

## Matière 3: Etudes de textes de civilisations

Credits: 4

Coefficient: 3

**COURSE SYLLABUS**

This syllabus describes the policies and the procedures for this course.

**1. Course Description and Objectives**➤ **Teaching Unit: UEF 1**

➤ **Description and Background Knowledge:** Through a variety of texts, examples and case studies, this course explores the structure and dynamics of Anglophone civilizations, providing a broad-based introduction to the ideas, cultures, and institutions that shape history and politics in the contemporary Anglophone world. The Civilization course is designed to provide basically an understanding of US and UK systems of government and institutions

➤ **Learning Objectives:** At the end of this course, the students must be familiar with contemporary US and British history and culture from a variety of perspectives as well as the structure of government institutions and their functions. The students should be able to identify the major government institutions (formal and informal) in both countries and explain their functions and importance in the development and process of government decision making.

➤ **Nature of the Subject and Aims for Teaching**

*THE AMERICAN & BRITISH GOVERNMENTS AND POLITICS* is a one-year course designed to teach the student about the political institutions and concepts that are influential in Britain today with a focus on comparative politics with the USA. The course also provides the student with insight and knowledge of major issues and controversial subjects relevant to the British and the American nations. It is designed to make the student more aware of the political process, how politics is carried out in both countries and how democracy works.

The subject deals with controversial issues and encourages students to provide their own ideas and opinions and to use these in debates and discussions. *The American & British Governments and Politics* provides academic learning through the topics included in the course, but it also provides the skills and ideas that students can use in the outside world, such as awareness, tolerance and discussion. There is also a cross curricular aspect working closely with history, law, economics and geography departments in particular.

*THE AMERICAN & BRITISH GOVERNMENTS AND POLITICS* have a variety of distinct aims:

- ✓ Developing skills in expression, argument and discussion;
- ✓ Developing student awareness and confidence;
- ✓ Developing ideas relevant to the British and US political systems.

The goals of this course are the achievement of these aims. Clearly the promotion of good academic standards is a key priority for the course but the course cannot succeed unless students are able to discuss and handle the ideas and concepts in a confident manner.

➤ Credits: 4

➤ Coefficient: 3

## 2. Teaching Method

➤ General Policy

The course of lectures is provided to students on the basis of the learner-centered approach - backed by PPT presentations where students are encouraged to actively take part. For that purpose the students are encouraged to take the learning material at home in the form of videos, PPT files and reading texts. The learning material is enhanced by some preparatory exercises and questions for the in-class debate and interaction.

➤ Teaching Plans

Teaching plans are organized in the department as follows:

**Schemes of Work** ➔ are available for L3 students. They outline the order of chapters to be studied and the amount of time allocated per chapter. As stated before, the time allocation system is flexible.

**Chapter Guides** ➔ are provided for each individual chapter. This breaks down the required elements of each chapter, as well as indicating the resources available for the chapter and its aims and objectives. The number of lessons allocated will be given along with a suitable destination point.

**Personal Learning Checklists** ➔ A breakdown of key skills required for each topic area, measures a student's strengths and weaknesses in each area.

**Moodle** ➔ Provides a record of what has been taught and can be used for reference.

➤ Teaching Methods

This course is a notes based subject, but within that, a variety of ideas and methods are used:

**Discussion** ➔ Students are asked about issues in the news or are asked to lead discussions on a topic of their own choosing:

**Study packs** ➔ These cover several lessons and topics, containing a variety of tasks for students to do, but follow-up sessions are advisable to ensure satisfactory topic coverage;

**Presentations** ➔ Used for revision and class discussion to reinforce ideas. These have been particularly useful for concepts and to complete work done with study packages;

**Tasks** ➔ Used to develop student awareness and to make a specific point about a topic; research, paragraphs, ten top points and revision posters have all been successfully used.

**Podcasts** ➔ Effective in harnessing new technologies and providing the opportunity for creativity in presentation.

**You Tube** ➔ When used selectively to illustrate ideas and to provide students with additional and concrete case studies and examples.

**Reading Set chapters** ➔ before a topic begins helps students to gain an understanding of the topic and concepts. Differentiated reading has been developed to ensure that higher grade students are stretched whilst lower ability can consolidate their learning or read ahead to develop confidence.

**Internet** ➔ we continue to pioneer online activities using a variety of programs to interact with the students.

**Notes** ➔ will also be used during the course, to convey information, but topics usually contain a mixture of these styles to ensure that there is a variety of teaching

methods for students. Notes are set and checked every week to ensure students are completing their work effectively and organizing their time well.

**Resources** → such as past papers, journals and e-learning materials are used to ensure students have as wide a range of sources as possible. Display boards are also updated with items of interest for students if required. Students take responsibility for their notes and files.

**Work in class** → is provided from sources other than the textbook, therefore students have more than the standard range of sources available.

Regular tests and assessment, compared to available progression data can be used.

**Information Communication Technology** → ICT provides an extensive resource for research and the presentation of ideas. New Media has been at the forefront of presentation of ideas and concepts with social networking, You Tube, Wikispaces and Prezi widely being used to develop interactivity.

### 3. Course Requirements and Grading:

The course grade will be based on individual quizzes, class participation, homework assignments and a final exam. The final grade will be determined using the following weights:

**Evaluation Mode:** Continuous Assessment + Exam (50% + 50%)

Performance Task	Rate Earnings
Class Work (Individual Quizzes, Class Participation, Attendance)	25%
Individual or group home assignments	25%
Final Exam	50%

#### **Class Participation:**

Class participation marks serve to move up or down the grade of students depending on their class participation. During lectures, voluntary class participation is expected; however, individual students are called upon in class to provide specific work or response from time to time or interrogated on specific learning material. This model of assessment process is by no means rigid; it can be subject to review.

**Individual Quizzes:** The purpose of the quizzes is to check students understanding of the course. They will be based on the topics covered in class. Therefore, the frequency of quizzes depends on the conclusion of each unit/topic.

**Attendance:** Attendance is very important and is valued; however, absences are not tolerated. More than three unjustified absences will automatically lead to an exclusion from the course. Delays at the beginning of the courses are not tolerated, too and expose the students for a decrease in their marks and earnings.

**Individual or Group Assignments:** Students are allowed to do assignments individually or in groups of up to three students. Each group should turn in a **single** hard copy of their work at the beginning or end of class with the names of all contributing members listed. **No late assignments will be accepted.** The use of the internet for research and investigation is highly encouraged; however, students are warned of the risk of plagiarism.

**Final Exam:** A final exam will be held at the end of each semester. The material from the topics studied will be covered on this exam. There will be two parts for the exam: part one will include an MCQ exercise (8 points); and the second part will contain two open ended questions for choice (only one question to be tackled). Students are required to synthesize, analyze and intelligibly consider the question material. The answers should be produced in a written form in coherent English and presented in an intelligible manner.

Makeup/Resit exams will be given to students who fail to earn a passing grade.

**Academic Integrity and Class Etiquette:** Students are expected to follow the rules and ethics of academic honesty and exemplary behavior in this class. Examinations and individual quizzes are to be the work of the individual student using only the material allowed. Also, please make sure your cell-phone is turned off during class and refrain from misbehaving during class.

#### **4. Context of the Course**

Political systems are shaped by the societies in which they function. For this reason, it is helpful to know something about the historical, geographical, social and economic settings against which they operate, and to understand something of the values and ideas which have mattered and continue to matter to those who inhabit any individual country.

This course examines the background factors that help to shape the way in which political life and processes operate in Britain and America. In particular, it examines similarities and differences in the political culture of the two countries as the oldest living democracies of the world.

#### **5. Pedagogical Methods**

One common misperception of teaching a Civilization class is that, since this is a college-level course, the teacher must lecture. High school administrators expect teachers to use alternative teaching methods, and educational research indicates that student-centered learning leads to high achievement. L3 Civilization is a course that can be taught well using a variety of methods, including cooperative learning, simulations, debate, and other activities—in addition to the occasional lecturing. As long as you keep the content objectives of the Civilization course in mind and continue to create assessments that mimic the level of difficulty and content of the curriculum outlined in the Course Description, student-centered lessons can be effective. The syllabus in L 3 offers many creative teaching strategies. Of course, there is no one correct way to teach this course; individual teachers must consider the level of comfort that they have with each method and use their own teaching style to the best advantage.

## COURSE OUTLINE

This course is to be covered in 28 weeks dispatched over two semesters.

### Semestre 5

#### **CHAPTER 1 The Context of Political Culture In Britain And The United States**

22

1. Political culture in Britain
2. Political culture in the USA
3. Political ideas, institutions and values in Britain and the United States: similarities and differences

#### **CHAPTER 2 The Constitutions.....**

25

1. General developments concerning constitutions
2. What are constitutions?
3. Characteristics of the two constitutions
4. Constitutional principles
5. The ease of constitutional change
6. Recent experience of constitutional reform

#### **CHAPTER 3 Protecting Liberties, Advancing Rights.....**

40

1. The protection of liberties in Britain and the United States in theory and practice
2. The proclamation of positive rights in recent years in Britain and the United States

#### **CHAPTER 4 The Executives.....**

52

1. The functions of executives
2. The increase in executive power
3. Strength and weakness in political leaders: changing fashions
4. The case of the British Prime Minister
5. The case of the USA
6. Prime Minister and President compared
7. Support for the Prime Minister and President
8. The bureaucracy
9. The bureaucracy in Britain and the United States

#### **CHAPTER 5 The Legislatures.....**

71

1. Structure and purpose
2. The work and importance of the British Parliament and the American Congress
3. The decline of legislatures: British and American experience
4. Elected representatives in Britain and America: their role
5. The social backgrounds of members of legislatures
6. The pay and conditions of legislators

#### **CHAPTER 6 The Judiciaries.....**

84

1. The functions of judiciaries
2. The independence of the judiciary
3. The political involvement of judges in Britain and America

## Semestre 6

<b>CHAPTER 7 Governance beyond the Centre.....</b>	<b>92</b>
1. Types of governmental systems	
2. Developments in the British unitary state: the move towards devolution	
3. Developments in American federalism	
4. The British unitary and American federal systems compared	
<b>CHAPTER 8 Political Parties.....</b>	<b>106</b>
1. The varying significance of parties in modern democracies	
2. The functions of parties	
3. Party systems	
4. Third and minor parties	
5. The Labor and Conservative, Democrat and Republican Parties: ideas, attitudes and approaches	
6. Party membership	
7. Party organization	
8. Party finance	
9. The decline of political parties – do they still matter?	
<b>CHAPTER 9 Pressure Groups.....</b>	<b>118</b>
1. The growth of group activity	
2. Classification of groups	
3. How groups operate	
4. Trends in recent years: the changing pressure-group scene	
<b>CHAPTER 10 The Mass Media.....</b>	<b>131</b>
1. Organization, ownerships and control in Britain and America	
2. Political coverage in the media in Britain and America	
3. The effects of the media	
4. Televised politics in Britain and the USA compared: the Americanization of British politics?	
<b>CHAPTER 11 Voting and Elections.....</b>	<b>142</b>
1. Types of election	
2. Electoral systems	
3. Turnout in elections	
4. Voting behavior	
5. Election campaigning	
6. The role of money	
7. Referendums and their value	
<b>CHAPTER 12 Democracy in Theory and Practice.....</b>	<b>155</b>
1. Democracy across the world	
2. The meaning of the term 'democracy'	
3. The health of democracy on both sides of the Atlantic	

# CHAPTER 1

## THE CONTEXT OF POLITICAL CULTURE

### IN BRITAIN AND THE UNITED STATES



#### CHAPTER OUTLINE

1. Political Culture in Britain
2. Political Culture in the USA
3. Political Ideas, Institutions and Values in Britain and the United States: Similarities and Differences

#### CHAPTER FOCUS

This chapter concentrates on the somewhat less concrete notion of political culture, or the inherited set of beliefs, attitudes, and opinions people (in this case, Americans and British) have about how their governments ought to operate. This introduction examines the background factors that help to shape the way in which political life and processes operate in Britain and America. In particular, it examines similarities and differences in the political culture of the two countries.<sup>4</sup>

After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Define what scholars mean by political culture, and list some of the dominant aspects of political culture in the United States and Britain.
2. Discuss how US citizens compare with those of the UK in their political attitudes.

## DEFINITIONS

- **Political culture** is defined by the *International Encyclopedia of the Social Sciences* as the “set of attitudes, beliefs and sentiments that give order and meaning to a political process and which provide the underlying assumptions and rules that govern behavior in the political system”. It encompasses both the political ideals and operating norms of a polity. Political culture is thus the manifestation of the psychological and subjective dimensions of politics. A political *culture* is the product of both the history of a political system and the histories of the members. Thus, it is rooted equally in public events and private experience.<sup>5</sup>
- **Political culture**<sup>6</sup> is culture in its political aspect. It emphasizes those patterns of thought and behavior associated with politics in different societies, ones that are widely shared and define the relationship of citizens to their government and to each other in matters affecting politics and public affairs. Citizens of any country or major ethnic or religious community tend to have a common or core political culture, a set of long-term ideas and traditions which are passed on from one generation to the next.
- **Political Socialization** is a lifelong process by which people form their ideas about **politics** and acquire **political** values. The family, educational system, peer groups, and the mass media all play a role. It is the process by which people acquire their central tenets and values, and gain knowledge about politics. It derives from learning and social experience, and is strongly influenced by people with whom individuals have contact from early childhood through to adulthood. Political socialization ensures that important values are passed on from one generation to the next and that the latest influx of immigrants comprehends, accepts and approves the existing political system, and the procedures and institutions through which it operates. Political socialization is for this reason overwhelmingly conservative in its effects, having a tendency to ensure that people conserve the best of the past.

### 1- Political Culture in Britain: Cleavages in the United Kingdom

The **political culture of the United Kingdom** was described by the political scientists Gabriel Almond and Sidney Verba (1963) as a deferential civic culture. In the United Kingdom, factors such as class and regionalism<sup>7</sup> and the nation's history such as the legacy of the British Empire impact on political culture.

Britain has a long history of independent existence as a more or less united nation. It has a strong commitment to democracy, with its representative institutions of government, based on regular and free elections, in addition to strong liberal values about individual rights and responsibilities. It was the first parliamentary democracy in Europe, so that many of the other countries modeled their institutions, party system and methods on the British experience. In particular, the Westminster model was exported to many of the colonies and territories of the old Empire, when countries became independent.

The British have traditionally preferred to use parliamentary channels rather than the anti-parliamentary politics of street demonstrations, direct action and terrorist violence. People generally accept the main institutions of state and the idea that issues should be resolved through the ballot box and not by the bullet and the bomb, even if at various times individuals and groups in parts of Ireland have not subscribed to that preference. People have been willing to place trust in the political elite that rules them, so that social deference (respect for or compliance with the wishes of those in authority) has often been mentioned as a source of British conformity and acquiescence in the status quo.

### What are the Key Elements of British Political Culture?

This famous quote by *William Shakespeare* tells us a great deal about the political culture of Great Britain. It reflects a large amount of **nationalism**, or **pride** in being English. Britain's **island position** has affected its attitudes, with important historical, economic and political consequences. The sea has helped to protect the country from invasion, but has also strengthened the development of a common language and national identity. It has made people reluctant to throw in their lot with the European Community/Union, for Britain is separated from the continent by geography, language and culture. In many respects it has stronger bonds with the United States, with ties of historical development, defense interests, language and entertainment. To the island Britain, trade was always important and a spur to colonial expansion – it developed a British Empire, now the Commonwealth, so that in foreign policy it has links with Europe (since joining the Community in 1973), the Commonwealth and the USA.

- It also reflects **insularity**, or the feeling of separation from the continent of Europe. In modern times, insularity has caused Britain to have a cautious attitude toward participation in the European Union. When most of the EU members accepted the euro as a common currency in January 2002, Britain refused, and instead kept the English pound. However, despite Shakespeare's joy in this "fortress" state, his country has been far from isolated and has spread its influence around the world. Other characteristics of the political culture include:

#### **Noblesse oblige and social class:**

Although the influence of social class on political attitudes is not as strong as it has been in the past, a very important tradition in British politics is noblesse oblige, the duty of the upper classes to take responsibility for the welfare of the lower classes. The custom dates to feudal times when lords protected their serfs and land in return for labor. Today, noblesse oblige is reflected in the general willingness of the British to accept a "welfare state," including the National Health Service. The welfare state gained support in many other European nations in the period after World War II, with a common acceptance of the government's responsibility to provide public benefits, such as education, health care, and transportation. However, during the 1980s, Margaret Thatcher's government brought Britain's acceptance of the welfare state into question by cutting social services significantly. Noblesse oblige also supported the building of Britain's colonial empire as the country extended its paternalism to overseas possessions.

**Multi-nationalism** – Although Britain has a relatively large amount of **cultural homogeneity**, its boundaries include England, Scotland, Wales, and Northern Ireland, all of which have been different nations in the past, but are united under one

*"This fortress built by  
Nature for herself,  
Against infection and the  
hand of war,  
This happy breed of men,  
this little world,  
This precious stone set in  
the silver sea,  
Which serves it in the  
office of a wall,  
Or as a moat defensive to  
a house,  
Against the envy of less  
happier lands;  
This blessed plot, this  
earth, this realm, this  
England."  
Richard II  
William Shakespeare*

government today. Although English is a common language, it is spoken with different dialects, and religious differences between Catholics and Protestants in Northern Ireland remain a major source of conflict today. These national identities are still strong today, and they greatly impact the way that the political system functions.

The legitimacy of the British government is evidenced by the willingness of the English people to obey the law. Britain's police force is smaller than that of most other advanced democracies, and crimes tend to be based on individual violence, and not on strikes against the state, such as assassinations. Until relatively recently, the only notable exception was Northern Ireland, where many crimes have been carried out with the political objective of overturning an elected government. In more recent years, Britain has experienced terrorist acts as part of the larger wave of terrorism that has swept over many advanced democracies in the post-9/11 world.

**Continuity** is a key element in British political life. It affects not just the hereditary monarchy and House of Lords, which until 1999 had a large hereditary element, but other institutions that also have a long history. The country has not been a prey to the internal turmoil, revolutionary dissent or occupation by a foreign power. Relatively free from upheaval, the British have enjoyed a stable political system, in which the past presses heavily on present practice. Evolutionary rather than revolutionary change has been preferred. Extension of Voting Rights and Work and Welfare Reforms

- Great Reform Act of 1832 – About 300,000 more men gained the right to vote, and the House of Commons gained more power in relation to the House of Lords.
- Reform Act of 1867 – The electorate reached 3,000,000, as many working-class people were given the right to vote.
- Representation of the People Act of 1884 – The electorate was further expanded so that the majority of the voters were working class.
- Women's suffrage – In 1918, another Representation of the People Act enfranchised all males and women over the age of 30 who already had the right to vote in local elections. 8,400,000 women were enfranchised. By 1928, all women 21 and over were allowed to vote. The gradual inclusion of the people in the political process meant that Marxism did not take root as it did in many other European countries, where the middle and lower classes had few political rights.

The British have a preference for **pragmatism** over ideology and doctrine. As the country lacks a written constitution, ideas and institutions relating to government have evolved over the years, being modified as change becomes desirable or necessary. When politicians do suggest something which is very different to what voters are used to, such proposals are regarded with suspicion. Constitutional and parliamentary reformers invariably find that many individuals and groups are resistant to new thinking.

**Political unity**, stability and a tradition of independence have long been regarded as characteristics of the British political system. So too has **consensus**—the preference for agreement, cooperation and moderation. The majority of British people have long preferred cooperation to confrontation and party politicians, once in office, have acknowledged this and for much of the time avoided confrontationalism. A political consensus prevailed in the postwar era through to the late 1970s, but the procedural consensus – broad agreement about the means of conducting political debate – has a much longer history. British governments usually command a parliamentary majority following their election victory. This provides them with a legitimate right to govern.

**Collective Consensus:** Britain joined the allied forces during World War II under the leadership of Winston Churchill. Churchill emphasized the importance of putting class conflicts aside for the duration of the war. Although he gained the Prime Minister's post as leader of the Conservative Party, he headed an all-party coalition government with ministers from both major parties. The primary objective was to win the war. After the war was over, the spirit of **collective consensus** continued until well into the 1960s, with both Labour and Conservative Parties supporting the development of a modern welfare system. Before the war was over, both parties accepted the **Beveridge Report**, which provided for a social insurance program that made all citizens eligible for health, unemployment, pension, and other benefits. One goal of the **Beveridge Report** was to guarantee a subsistence income to every British citizen. In 1948, the **National Health Service** was created under the leadership of the Labour Party. Even when Conservatives regained control in 1950, the reforms were not repealed. Although the electorate was divided largely by social class, with 70% of working class voting Labour and even larger percentages of middle class voting Conservative, both parties shared a broad consensus on the necessity of the welfare state. As a result, the foundations were laid for a mixed economy,

The British appear to favor **strong government** by leaders of united parties and often punish divided parties at election time. Defenders of the First Past The Post electoral system have traditionally emphasized the importance of effective and stable government by a single party, in preference to any notions of fairness to small parties.

Many people like to be led by politicians who know what they are doing and who lead parties which are broadly in agreement about what needs to be done and the manner and timing of doing it. Leaders such as **Margaret Thatcher** and **Tony Blair** have both been seen as 'strong leaders', prepared to ignore the dissident voices of some of their backbenchers and even carry out unpopular social policies. In both cases, too, they have relished the roles of war leader and statesperson on the global stage. Such has been the power of British administrations in the postwar era that writers have claimed to have an 'elective dictatorship'. British government has a reputation among commentators for being powerful and centralized, so that opposition in the House of Commons can be ignored – particularly if the majority is a large one. Ministers can use the government majority to push through fundamental changes in British life, if it is their will so to do.

Yet alongside the preference for strong government, there is also an attitude of **tolerance** towards the expression of alternative and minority opinions, with a clear recognition of the right – duty – of the Opposition to oppose. The existence of an official Opposition party in the House symbolizes a commitment to free speech and the rights of personal liberty. **Individual freedom** is a much-cherished value. Whenever suggestions are made which appear to make an inroad into that attachment, there tends to be an outcry that is not just confined to civil libertarians. In a more dangerous age, people have had to get used to more security checks at airports, but issues such as alleged tapping of telephones, proposals for greater police surveillance, speed cameras to control driving, the abandonment of juries in some court trials and the possible introduction of ID cards cause much resentment, if not actual resistance. British people do not like having to prove who they are and the idea of carrying 'papers' goes 'against the grain'. Neither do they like unnecessary regulations which deny them access or tell them how something should be done.

In spite of the growth of a less deferential, more questioning attitude and a willingness on occasion to resort to direct action, there is still no great desire on the part of the majority for radical change. There remains a broad– if declining – acceptance of the institutions of government and a preference for democratic methods. Madgwick has described the way in which ‘the people stumble on, resilient, tolerant, hopeful (in a Micawber fashion), confused, but with a remarkable capacity for putting up with discontent for fear or worse, and defying the political scientist to penetrate the secret of the ambivalent political attitudes which have sustained their stable democracy’.<sup>8</sup>

## **2- Political Culture in the USA: A Sense of Unity, Despite Diversity**

America is a multi-lingual, multi-racial society of great social diversity. Yet many of the immigrants and their descendants have taken on board many traditional American values such as a commitment to liberty and equality. There are forces which bring Americans together and give them a sense of common identity. Part of this sense of national unity can be explained by the pursuit of the **American Dream**<sup>9</sup> via which all may prosper in a land of opportunity. The Dream is much referred to in literature and films. It is in Bill Clinton’s words, ‘the dream that we were all raised on’. It is based on a powerful but simple idea, that if you work hard and play by the rules you should have the chance to go as far as your God-given talents will take you. Americans are valued according to what they make of their chances in life. They should use their enterprise and initiative to make the best of themselves.

Adversity, a sense of common danger, has also helped to unify Americans. War and the threat of war often serve to bind a nation. In World War Two, Americans of all creeds and backgrounds could recognize the contribution made by people very different from themselves. The same is true of September 2001 and thereafter. The attacks on the World Trade Center, which destroyed the well-known image of the New York skyline and killed nearly 4000 people, had the effect of bringing New Yorkers and their fellow Americans together. They were determined to hunt down the perpetrators of the outrage and to show the world that their spirits could not be crushed.

Finally, shared values, a common culture, the prevalence of the mass media and intermarriage serve to blur the differences between different groups. Most Americans can accept and embrace American values. They share a common attachment for certain ideals and processes.

### **Common Values**

Political culture in the USA derives from some of the ideas which inspired the pioneers who made the country and the Founding Fathers who wrote its constitution. It includes faith in democracy and representative government, the ideas of popular sovereignty, limited government, the rule of law, equality, liberty, opportunity, support for the free-market system, freedom of speech and individual rights. But of course, at different stages in history, the existing political culture and the process of political socialization serve some individuals and groups better than others. Until the 1960s, the prevailing political culture suggested that women and ethnic minorities were not full members of the political community. Not surprisingly, these two groups sought to change the political culture. They wanted to see ideas of equality and opportunity applied to them as much as to other groups. Since then, there has been a ‘rights culture’, as activists sought to demand the rights they regarded as their due.

American political culture is tied up with **American exceptionalism**, the view that American society and culture are exceptional in comparison with other advanced industrial democracies. In a sense this is true of all societies and cultures, but

supporters of this view suggest that there are several features peculiar to US politics and society that distinguish the country from other Western democracies.

It was the Frenchman **Alexis de Tocqueville**, who first wrote of 'American exceptionalism', back in 1835.<sup>10</sup> He saw the United States as 'a society uniquely different from the more traditional societies and status-bound nations of the Old World'. It was 'qualitatively different in its organizing principles and political and religious institutions from . . . other western societies', some of its distinguishing features being a relatively high level of social egalitarianism and social mobility, enthusiasm for religion, love of country, and ethnic and racial diversity.

One of its characteristics is a strong belief in **liberal individualism** dating back to the ideas of the English political philosopher John Locke (1632–1704), who wrote of people's inalienable natural rights. By contrast, the culture of the Old World has emphasized ideas of hierarchy and nationality. What Hames and Rae refer to as **messianism** is another.<sup>11</sup> Americans tend to see themselves as the 'Last, Best, Hope of Mankind', a theme apparent in foreign policy where some are isolationists who reject the rest of the world as beyond redemption while others are idealists who want to save the world and make it better (i.e. adopt American values and goals).

Sometimes, the different values identified conflict with each other. If liberal individualism is one element of the American outlook, stressing as it does freedom from overbearing governmental interference, so too is the republican strand another. As we see below, it is associated with the idea of political involvement by a concerned and interested citizenry, what Welch describes as 'a marked tilt towards participation'.<sup>12</sup> At times, the dislike of central government and fear of 'governmental encroachment' is more influential than the commitment to the ideal and practice of participation.

### What are the Key Elements of American Political Culture?

Indeed, analyses of political culture are inevitably replete with generalizations which must be regarded with a degree of skepticism. There is and can be no definitive listing of shared political values and the ones suggested in any contribution often tend to overlap with each other. At times, they have been ignored or at least denied in regard to certain social groups.

Nonetheless, we can point to a number of shared interests and concerns.

#### 1. Liberalism

It refers to recognition of the dignity and worth of the individual and a tendency to view politics in individualistic terms. Classical liberals believed in government by consent, limited government, and the protection of private property and opportunity. They also stressed the importance of individual rights, some of which were regarded as 'inalienable'. Americans have great faith in the common sense of the average citizen and believe that all individuals have rights as well as responsibilities. Everyone should have the chance to fulfil their destiny, and no individual or group should be denied recognition of their worth or dignity. Individual liberties must be respected and people's opportunities for economic advance unimpeded. By contrast, collectivist policies and solutions (those based around the idea of the state – on behalf of its citizens – acknowledging society's collective responsibility to care about those in need) have never been embraced.

The word 'liberal' derives from the Latin *liber*, meaning 'free' or 'generous', from which we can detect an attachment to qualities such liberty and tolerance. The Americans have a strong attachment to liberty, as symbolized by the statue erected in its name. The War of Independence was fought in its name, and the Constitution, like the American Revolution, proclaims this commitment. The late Clinton Rossiter, a

renowned American political scientist, saw liberty as the pre-eminent value in US political culture: 'We have always been a nation obsessed with liberty. Liberty over authority, freedom over responsibility, rights over duties – these are our historic preferences'.<sup>13</sup>

## **2. Equality**

The words in the Declaration of Independence are clear enough: 'We hold these truths to be self-evident, that all men are created equal . . .' As a relatively young nation, the USA lacks the feudal past which was a feature of many European countries. There has always been a strong belief in social equality, and although there are sharp inequalities of income and wealth, the divisions are not associated with a class system as they have been in Britain.

The equality Americans favor is not equality of outcome, but rather of worth. They do not want a society in which all are reduced to the same level, for this would conflict with their belief in the opportunities they value in the American Dream. They do believe that every American is entitled to equal consideration, equal protection under the law and equal rights, even if at times there has been considerable reluctance to acknowledge that this applies to both black and white inhabitants.

Equality is more about prospects of advancement than about result. No one should be limited by his or her social background, ethnicity, gender or religion. All should have the chance to climb the ladder of success and share in the American Dream, in a land of opportunity. Even those of humble origins can still rise to greatness, so that Bill Clinton, the lad from Hope (Arkansas) could reach the White House.

## **3. Democracy**

A belief in government by the people, according to majority will. Today, this might be seen as similar to liberalism with its emphasis on personal freedom and rights, but at the time the American Constitution was written in 1787 there was far more support for liberalism (as set out in the writings of John Locke) than for democracy, seen as rule by majorities and mobs. Liberalism and democracy have roots in an older classical republican tradition. This dates back to the days of Ancient Rome and in particular to the writings of the Roman consul and writer Cicero. The speeches and writings of the Founding Fathers often employed republican imagery and symbols, and statues of George Washington have often shown him wearing Roman costume. The Ancient Romans believed in the idea of a self-governing republic ultimately ruled by acknowledgeable and involved citizenry. In this sense, the term 'republic' refers to a form of government that derives its powers directly or indirectly from the people. In a representative democracy, Americans could select representatives to govern and lay down the rules by which society operates.

For the Founding Fathers, 'republic' seemed preferable to 'democracy', with its overtones of demagoguery, mass rule and the mob. Such fears have long disappeared and there has throughout much American history been a strong consensus in support of democracy and the values that underpin it, including:

- **A deep interest in the exercise of power**, who has it, how it was acquired and how those who exercise it can be removed.
- **A general acceptance of majority rule**, but also respect for minority rights so that minorities can have the opportunity to become tomorrow's majority.
- **A firm commitment to popular sovereignty**, the idea that ultimate power resides in the people themselves
- **Strong support for the rule of law**, with government being based upon a body of law applied equally and with just procedures.

- A dislike and distrust of government and a fear of the tyrannical rule and exercise of excessive authority that can accompany it, not surprising in a land whose pioneers tamed the wilderness, created new frontiers and tried to build themselves a better future.
- A liking for politicians who seem to articulate the thoughts and feelings of the common man.

### 3. Political Ideas, Institutions and Values in Britain and the United States: Similarities and Differences

The political culture in Britain has a number of elements in common with that in the United States, as well as substantial differences. The most obvious similarity is a common commitment to the democratic process, with overwhelming support for the political institutions of each country and a wide measure of consensus about the framework in which politics should operate. It has been written that part of the confusion about American political parties is that all Democrats are republicans, and all Republicans are democrats. There are few monarchists in the United States, just as there are few who would question the merits of the democratic form. So too in Britain: monarchy is still preferred by the majority of people, even if they want it in a modernized form. Attachment to democracy is not in question, so that Malcolm Shaw has described the two countries as 'the world's two great democracies'.<sup>14</sup>

In the same way, both countries share a common commitment to individual liberty. At times it may be overridden, often because of perceived threats to national security, but in terms of respect for basic rights both rate highly in the *Humana* scale. There is a common commitment to the **rule of law**, majority rule and tolerance for those who disagree, although in the USA such toleration has not always extended to groups on the political Left. There is also the same preference for gradual political and social change, even if at times there is a sudden move forward in a particular area of policy. When changes are introduced, they tend to be accepted by the party which once opposed them, so that there is substantial continuity of policy and an unwillingness to 'rock the boat' without good reason.

Broad policy consensus was characteristic of both countries in the early decades after World War II. But even when the Conservatives under Margaret Thatcher and the Republicans under Ronald Reagan shifted the center of political gravity sharply to the Right, within a few years the main opposition party modified its stance to accept the changed situation. The Democrats were reinvented as the New Democrats and Labour became New Labour. In both cases, some old attitudes were cast aside and policies discarded, in a bid to regain voters who had deserted them and to gain future electoral success.

There are differences in the political culture, not so much affecting thinking about the preferred form of government but more about some of the values that matter most. In Britain, liberty has rated more highly than equality. Even the Labour Party has now abandoned equality of outcome as an end objective and settled instead for equality of opportunity. From Neil Kinnock onwards, it has emphasized that liberty has the priority over equality and is to be regarded as a central tenet of party thinking, though some on the Left would not share such a view. The new **Clause Four** stresses equality of opportunity and talks of enabling people 'to realize our true potential [and] the enterprise of the market and the rigor of competition'. In America, egalitarianism has a longer history, but it is interpreted more in terms of equal rights and equal participation than equality of reward or result. Equality of opportunity is again the preferred goal.

American talk of equality is seen in the attitude of people towards social class. Class barriers and differences of status based upon a class hierarchy are not recognized in American society, as they have traditionally been in Britain.

Partly because of this difference in outlook, there has in the past been a difference of attitude towards government in both countries. Traditionally, the British have been willing to trust the men who led them, especially in the days when those politicians came from 'the 'natural rulers' of the people. Such faith cannot now be taken for granted, for distrust of the actions of government and diminished esteem for politicians have become common features in many democracies. Many people have become disillusioned by the differences in promise and fulfillment, and have become cynical about the intentions and probity of those who run their country.

<b>STYLE OF POLITICS</b>	
<b>AMERICAN POLITICAL SYSTEM</b>	<b>BRITISH POLITICAL SYSTEM</b>
In America, the term 'conservative' means really rightwing, especially on social issues.	In Britain the name 'Conservative' means mainstream rightwing, especially on economic issues.
In America, the term 'liberal' generally means quite leftwing.	In Britain, the name 'Liberal' means broadly centrist.
In the States, it is considered necessary for a politician to emphasize their patriotism.	In Britain, it is assumed that anyone who wants to run for national office cares for his or her country.
In the United States, the flag holds special place in the political heart of the nation, people sing to it while placing a hand over their heart, and many people would like to make burning it a criminal offence.	In Britain the flag is rarely prominent at political events.
In the United States, since 9/11 most politicians wear a pin depicting the stars and stripes.	In Britain, no politician would wear a badge displaying the union jack.
So many political speeches in the US include the phrase "my fellow Americans".	In British political terminology, there is simply no equivalent phrase.
In the States, virtually every political speech seems to mention God, especially in the final call "God bless America".	In Britain, no politician mentions God and none would think of inviting Him to show a special preference for his or her nation state.
In the US, politicians frequently refer to their position on social issues like abortion and homosexuality.	A British politician would think it unnecessary and inappropriate to talk about such issues unless asked.
In the US, politicians constantly talk about the problems and the aspirations of the middle class.	In the UK, politicians tend to talk more about the needs of the working class. They mean something similar but the language is different because the perceptions are different.
In America, the working class is seen as the poor and most citizens perceive themselves as middleclass or aspiring to be so.	In Britain, the middleclass is seen as a comfortable minority with the majority of the population perceiving themselves as working class.
American political speeches do not tend	Many British political speeches focus on

<p>to make much use of facts and figures (those of former President Clinton tend to be an exception) but appeal more to broad values which do not lend themselves to quantification.</p>	<p>practical issues and use figures to highlight problems and make comparisons with the policies or the performance of one's opponents.</p>
<p>In the States, there are currently some outstanding political speakers, led by Bill Clinton and Barack Obama.</p>	<p>In Britain, there is no politician who can be so inspirational, although Tony Blair at his best came close (but he's gone). On the other hand, British politicians tend to be better debaters because of the more confrontational style of discussion in the House of Commons, especially Prime Minister's Questions.</p>
<p>In US political theory and discourse, there is a notion called 'American exceptionalism'. There are several versions of this nebulous concept, perhaps the most common being that the United States has a special 'superiority' in the world because of its history, size, wealth and global dominance plus the 'sophistication' of its constitution and power of its values such as individualism, innovation and entrepreneurship. Many American politicians refer to the USA being "the greatest country on earth" or even "the greatest nation in history".</p>	<p>Although Britain fairly recently ruled over the largest empire in world history and has other claims to 'greatness' not least its political system and cultural reach there is no concept in British political discourse which compares to 'American exceptionalism'.</p>
<p>Although taxes are never popular, the issue of taxation is much more emotive in American politics than in British (or European) politics and the terms of debate on taxation are much more hostile. The United States was born in a revolt against paying taxes and many Republicans are against any tax increases and believe that low taxation stimulates economic growth.</p>	<p>Many British (and European) politicians see taxation as a social instrument as well as a fiscal one with the power to bring about redistribution in society.</p>

**USEFUL WEB SITES**

**For the UK**

**www.data-archive.ac.uk** UK Data Archive (University of Essex): Evidence on British social attitudes and public opinion.

**www.natcen.ac.uk** National Centre for Social Research.

**www.statistics.gov.uk** Office for National Statistics: Useful source of up-to-date information on social/economic features.

**For the USA**

**www.census.gov** US Census Bureau: Variety of statistics about social composition and lifestyles.

**www.icpsr.umich.edu/GSS** General Social Survey: Mass of polling evidence.

# CHAPTER 2

## THE CONSTITUTIONS



### CHAPTER OUTLINE

1. General Developments Concerning Constitutions
2. What are Constitutions?
3. Characteristics of the Two Constitutions
4. Constitutional Principles
5. Individual Rights
6. The Ease of Constitutional Change
7. Recent Experience of Constitutional Reform

### CHAPTER FOCUS

The purpose of this chapter is to introduce the historical context within which the US and UK Constitutions were written and in particular what are their underlying principles? How do they differ? After reading and reviewing the material in this chapter, you should be able to compare the American and British constitutions with respect to the ideals that motivated them.

### POINTS TO CONSIDER

- What is a constitution?
- How important are constitutions?
- What advantages are there in having a codified constitution?
- How important are conventions within the British and American constitutions?
- What are the underlying principles of the British and American constitutions? How do they differ?
- How easy is it to amend the British and American constitutions?
- Is the American Constitution a perfect and timeless document?
- Why is there more talk of constitutional reform in Britain than in the United States?

**Definitions**

- **A constitution** is a nation's basic law. It creates political institutions, assigns or divides powers in government, and often provides certain guarantees to citizens. It sets the broad rules of the political game. The rules are not neutral; some participants and policy options have advantages over others.
- **A Constitution** is a code of rules laying down both the framework and powers of the government and the relationship between that government and the governed. A Constitution lays down who can do what and to whom.

**Introduction****The Nature of the Constitutions**

Constitutions describe the fundamental rules according to which states are governed, be they embodied in the law, customs or conventions. They set out how decisions are made, how power is distributed among the institutions of government, the limits of governmental authority and the methods of election and appointment of those who exercise power. Constitutions also define the relationship between the state and the individual and usually include a listing of the rights of the citizen.

There are wide variations between different types of constitution and even between different constitutions of the same type. In essence, the British Constitution can be described as unwritten, unitary, parliamentary, monarchical and flexible, whereas the American one can be seen as written, federal, presidential, republican and rigid. There are qualifications to be made to this categorization, as we shall see in this chapter.

One of the first lessons that Civilization students learn is that the UK has an uncodified Constitution. While much of the UK Constitution is written down (it is not all unwritten, as some people believe), it is written in several different places that are referred to as the 'sources' of the Constitution. The US Constitution, in this regard, could not be more different. It is a single, formal and relatively short document that has become entrenched into US political life over the last 230 years. But, beyond this obvious comparison, what are the implications of this difference?

**1. What Are Constitutions?**

Every country has a constitution of some kind, but the term is used in two different but related ways. There are many definitions of a constitution, such as that provided by the Oxford English Dictionary: 'the system or body of fundamental principles according to which a nation state or body politic is constituted and governed'. In other words, the constitution is concerned with the way in which decisions are made, and how powers are distributed among the various organs of government, be they central or local. It usually determines the boundaries of governmental authority, and the methods of election/appointment of those who are in power.

In a more precise and narrower sense, the 'constitution' refers to a single authoritative document which sets out the rules governing the composition, powers and methods of operation of the main institutions of government and the general principles applicable to their relations to citizens. There are many examples of such documents, for almost every country currently possesses one. The oldest one is the American Constitution, the writing of which introduced 'the age of constitutions'. The

view that came to be adopted was that expressed by the radical Thomas Paine, in *The Rights of Man*: 'Government without a Constitution is power without Right'.<sup>15</sup>

Britain does not have such a written statement describing the framework and functions of the organs of government and declaring the principles governing the operation of such institutions. Yet it obviously has institutions and rules determining their creation and operation, and the British Constitution consists of these. In Britain institutions have developed through the ages, sometimes as a result of deliberate choice, sometimes as the result of political forces. In addition, there has evolved a number of conventional rules and practices which have helped to adjust the operation of the Constitution to changing conditions.

## 2. Characteristics of the Two Constitutions

### Age

Britain and the United States both have old constitutions, the former being the oldest in the world, the latter being the oldest *written* constitution in the world. In both countries, constitutional development has been continuous and largely unbroken. There have been serious interruptions to this – the English Civil War and Protectorate, and the American Civil War – but in neither case has the breach with tradition resulted in permanent change to the broad pattern of evolution. As far as the form of government was concerned, the status quo before the upheaval was in both cases restored. Few other countries have constitutions which have stood the test of time in this way.

The British Constitution comprises an accumulation over many centuries of traditions, customs, conventions, precedents and Acts of Parliament. It is old by any standards, for its origins can be traced back at least to the period following the Norman Conquest. No group of men ever sat down to agree on what it should contain. Rather, it has been 'hammered out . . . on the anvil of experience', progress being based on empiricism, a practical response to prevailing need. Constitutional developments have come about gradually. Although many of the institutions have a long history, the role they play is constantly changing, which is why two writers were able to refer to the British habit of placing 'new wine in old bottles'.<sup>16</sup>

In the case of America, its framers (the Founding Fathers) met at the Philadelphia Convention in 1787 in order to negotiate agreement on a replacement for the Articles of Confederation. The delegates at the Convention were a mix of older, experienced men and younger persons, some of whom were learned students of political philosophy. The more youthful element had matured politically during the revolutionary period and, being less tied to state loyalties than some of the older men whose attitudes had been formed before the war, they were able to think beyond the protection of state interests to embrace a wider national picture. They were nationalists intent upon building a nation, and this nation would require a constitution which was appropriate for its needs.

The debate was primarily between the federalists who favored a strong national government, and the anti-federalists who favored strong state government for they believed that this would be closer to the people. The outcome was a compromise between these two positions, often labeled dual federalism. As part of that compromise, the federalists gained much of what they wanted when it came to determining the form which the institutions of government would take.

### **Written v Unwritten Constitution**

Written constitutions are important in states which have been subjected to internal dissension and upheaval over a long period. The American Constitution

followed in the aftermath of the War of Independence, just as the Japanese and West German documents were devised after World War Two following the trauma associated with a major military defeat. They can provide no necessary guarantee of the enforcement of the principles for which they stand, but their existence serves as a reminder to citizens and those who rule of the need to abide by acceptable rules of behavior involving an orderly approach to the conduct of affairs. As such, they are a useful means of introducing a new political era after the failure or rejection of the older order.

Most constitutions are written down and embodied in a formal document. The American one is much briefer than many, having some 7000 words, expressed in seven long articles, and a mere ten pages. It establishes underlying principles, a broad framework for government. Few democratic countries today have unwritten constitutions. Apart from the United Kingdom, only Israel and New Zealand lack formal documents. Even among those countries usually classified as 'undemocratic' it is usual for there to be a clear statement of constitutional provisions. It is misleading to seek an absolutely clear distinction between written and unwritten constitutions, and the differences between constitutions overseas and Britain's unwritten one are easily exaggerated. Countries with written documents may find that other information becomes necessary. No single document could ever describe all the rules and principles of government, certainly not in an intelligible manner. They need to be supplemented and interpreted by other documents or in court judgments which are recorded. In the United States, such key institutions as congressional committees, primary elections and the bureaucracy have gradually evolved to fill in the gaps in constitutional arrangements and to adapt the political system to changing conditions.

Much depends upon the meaning of the terms 'written' and 'unwritten'. Most of the British Constitution is written down somewhere, so that it is technically not 'unwritten'. This is why back in 1962 Wheare could suggest that rather than an unwritten constitution, Britain had no written constitution.<sup>4</sup> It is largely because of its ancient origins that the British Constitution is so unsystematic. No attempt has been made to collate it together, and codify the various rules and conventions that are part of it. It is probably more useful to distinguish between:

- codified constitutions such as that of the United States, in which all the main provisions are brought together in a single authoritative document; and
- uncodified constitutions such as that of the United Kingdom, which exist where there are constitutional rules many of which are written down but have not been collated.

### Sources

### Electoral College

A system under which a body is elected with the expressed purpose of itself electing a higher body. The best example is that of the United States, by which the Founding Fathers provided for the people of each state to elect a number of electors equal to the number of senators and representatives for that state. In nearly all states, the presidential candidate winning the plurality vote in that state receives all its Electoral College votes. In usual times, the Electoral College is a purely formal body which in effect confirms the decision already made by the voters in the November presidential election.

In the American case, the major source of the Constitution is the document itself and those developments which have been included in the Constitution as a result of the passage of amendments (for example, the 13th Amendment guaranteeing the freeing of the slaves, and their constitutional rights). However, there are other sources which show that the web of constitutional arrangements goes beyond the formal ones above. Certain statutes have had a constitutional impact (such as the laws creating the executive departments and fixing the jurisdiction of federal courts). In addition, judicial decisions have been significant, rather more so than in Britain, for judges have been called upon to decide what the Constitution means at any given moment. Their decision can change over time, so that segregation was seen as acceptable in 1896 but unacceptable in 1954.

In the United Kingdom, there are many sources which can be consulted in order to locate the elusive British Constitution. These include:

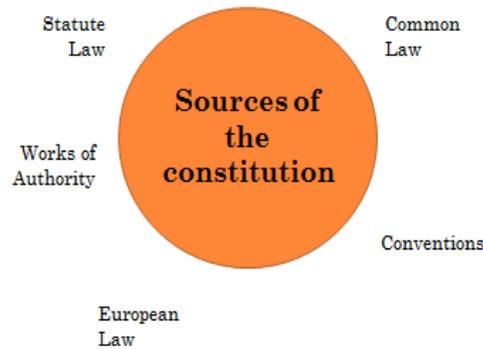
- Major constitutional documents – e.g. Magna Carta 1215;
- Major texts by eminent experts on the Constitution – e.g. Bagehot's *The English Constitution* 1867;
- Major statutes – e.g. the Human Rights Act 1998;
- Case (judge-made) law – e.g. Spycatcher Case 1987;
- Common law, based on custom and precedent – e.g. ancient law such as the powers of the Crown (the Royal Prerogative);
- Constitutional conventions – e.g. that the choice of Prime Minister should be made from the House of Commons;
- European Union Law – e.g. primary legislation as is to be found in the Treaty of Rome and the other treaties, and secondary law as is to be found in EU regulations.

Most of the British Constitution is written down in various statutes, documents and commentaries, the unwritten part comprising the common law of the land in so far as it relates to the relations between government and citizens, and conventions, those customary rules followed in governing the country and which are recognized as constitutional modes of procedure.

Membership of the European Union, with its acceptance of the Rome Treaty and Union regulations provides a significant written element to constitutional arrangements.

Conventions have greater importance in Britain than in the United States, if only because there were significant gaps in British arrangements which required some resolution. Americans have in any case a reputation for being more legalistic, so that at times in their history they have wanted to see things clearly stated and codified in law. But in America, conventions are not totally unknown. It is a convention that electors in the **Electoral College** will cast their vote for the presidential candidate to whom they were pledged on polling day in November. Normally this is the case, but on occasion this has not happened.

## THE UK'S UNCODIFIED CONSTITUTION



Electors have switched their allegiance (as in 1988 when a Democrat voted for Lloyd Bentsen, the vice-presidential nominee rather than Michael Dukakis, the candidate for the presidency) or withheld their vote to make a protest (as in 2000 when a Gore-supporting Democrat from the District of Columbia cast a blank vote to make a point about the city's lack of representation in Congress).

As in Britain, when American conventions are flouted, they can be turned into law. Just as the Parliament Act gave legal recognition to the convention that the House of Lords would not reject a money bill (once the convention had been ignored), so too the Americans passed an amendment to limit the period for which a President could serve in office. Until 1940, it had been assumed that Presidents would withdraw after two terms. Franklin Roosevelt had not done so, standing for a third and then a fourth term. The **22nd Amendment** (1947) restored the situation to what had always been assumed.

### ***Flexible v Rigid Constitution***

Flexible constitutions are rare. They can be altered via the law-making process without much difficulty, as in Britain. Being unwritten in a formal sense, the British Constitution can be easily amended. Even drastic changes can be made by passing an Act of Parliament, though there is a developing custom that fundamental changes would probably require a referendum if they have not already been submitted to the electorate in a general election.

Rigid constitutions are difficult to amend, the intention being that there is a delay sufficient to allow full discussion of any proposed change. The process of amendment is normally outlined in the constitution itself. The US Constitution is usually described as 'rigid', in that it can only be amended after prolonged deliberation.

Because it is not codified in a single document, it is easy to suggest that the British Constitution is more flexible than the American one. It is not difficult to pass a law or adapt a convention. Yet by virtue of its brevity and the generality of its language, the American one has required interpretation and supplementation, and has been relatively flexible. Twenty-seven amendments have been passed and judges have been able to give their verdict on what the Constitution actually means in practice, adapting their conclusions to the social and political climate of the day. The contrast between British experience and that of other countries with written constitutions is much greater than it is with the United States.

## **3. Constitutional Principles**

### ***Support for Democracy and the Rule of Law***

Both constitutions include implicit or explicit constitutional principles. Implicitly, both countries are committed to democracy. Their institutional arrangements enable free political activity to take place, and regulation of the clashes of interest which arise within any society. But as Benn and Peters suggest, 'democracy is not merely a set of political institutions like universal suffrage . . . and decisions by majority procedure, but also a set of principles which such institutions tend to realize'.<sup>17</sup> Ideals and institutions are closely connected; for the more deep-rooted are the values of broad consensus, compromise, consent, discussion and tolerance among the population, the more likely it is that the institutions and procedures of government will give expression to them. The American philosopher John Dewey was a leading exponent of the democratic ideal.<sup>18</sup> He saw such a system as a superior in form and purpose to other systems, for in his view it embodies the principle that each individual possesses intrinsic worth and dignity.

The rule of law is a core liberal-democratic principle with deep roots in Western civilization. As stated by two British constitutional experts, Wade and Philips, it means that ‘the exercise of powers of government shall be conditioned by law and that the subject shall not be exposed to the arbitrary will of the ruler’.<sup>19</sup> It does not by itself explain what it means to live in a free society, but it acts as an important restraint upon the power of government and as an assurance to individuals that there can be certainty about the law and its application. The phrase is sometimes used emotively with a meaning best suited to support a particular argument that is being advanced, but a certain vagueness of definition does nothing to undermine the importance of the moral ideas implicit in its use. It implies that there is a standard of impartiality, fairness and equality against which all governmental actions can be evaluated, and that no individual stands above the law. Rulers, like those over whom they rule, are answerable to it.

In Britain, there is widespread support for the rule of law and for the individual rights which it seeks to protect. It is seen as a cardinal feature of the British Constitution, deeply rooted in common law. In the USA, the principle is not specifically mentioned in the Constitution, yet it is one of the most important legacies of the Founding Fathers. The rule of law is implicit in a number of constitutional provisions in the American Constitution. Under Article IV, the ‘Citizens of each State shall be entitled to the Privileges and immunities of Citizens in the several states. In the Bill of Rights, the Fifth Amendment requires ‘due process of law’ and ‘just compensation’ whenever government initiates adverse actions against a citizen.

### ***Monarchy v Republic***

One of the most obvious differences between the two countries is the fact that one is a monarchy and the other a republic. The difference is very visible, but yet not of crucial significance. The British monarchy is a constitutional one, in which the Queen ‘reigns but does not rule’. She is Head of State and as such exercises a number of ceremonial functions. So too, do elected Presidents in republics, but in the American case the President combines the role of figurehead with the more important, politically active position of being Chief of the Executive. The distinction between constitutional monarchies and republics is much less than in the days when monarchs exercised real power.

The US is a republic with the form of a monarchy, while the UK is a monarchy with the form of a republic – and, to a greater or lesser extent, this has been true ever since the American Revolution. The US has a chief executive who combines being head of government (the initiating and implementing policy bit) and head of state (the formal, ceremonial bit). A president has a similar constitutional function to that pre-18th century English kings – needing congressional (or parliamentary) approval for tax and spend, but with huge prerogative powers. Of course the American president, unlike the British monarch, is elected, and since 1796 has been elected in nationwide and often polarising contests – yet once in office they have the power and many of the trappings of an early modern monarch.

In the UK, by contrast, the formal executive is split. The head of state (the Queen) is unelected but supposed to have no political role at all, while the head of government (the prime minister) is in office not because the Queen wants them there but solely because he (or she) commands a majority in parliament.

### ***Unitary vs. Federal***

The British Constitution is a unitary rather than a federal one. Parliament at Westminster makes laws for all parts of the United Kingdom, whereas under federal arrangements the power to make laws is divided between central and state authority.

In bygone days, royal authority was extended to the component parts of Scotland, Wales and Northern Ireland, either by conquest (in the case of Wales) or by agreed union (subsequently regretted by a section of the population) in the cases of Scotland and Northern Ireland. It was a long time before recognition was given to their separate identities within the context of the United Kingdom, even if sectional sentiment in the three non-English countries has always been present and a growing factor in recent decades. Power may be – has been – devolved to other layers of government, both local – throughout the United Kingdom – and national, in the case of Scotland, Wales and Northern Ireland. But such bodies have only the powers granted to them, powers which may be taken away. In the words of Malcolm Shaw: 'In Britain, sovereign authority, whether exercised by King or Parliament, has always meant central authority. If Parliament is supreme, this supremacy must apply throughout the nation'.<sup>20</sup>

Unlike the British, Americans have always been used to the idea of living separately (in the days of the colonies), in powerful independent states (in the days of the Articles of Confederation) or in states which shared power with Washington (ever since the federal union was created by the Founding Fathers). Although they have long accepted that many decisions are taken beyond their states, their attachment to state government remains in several cases stronger than their liking for the federal government. The official motto of Illinois still recognizes their divided loyalties: 'State Sovereignty, National Union'.

Not so long ago, there were signs that such was the increasing power of Washington in the federal relationship that states' rights were being ignored or overridden. Examination questions in Britain of the 1970s went as far as to ask whether the United States was becoming a unitary country. Since the 1980s there has been a reversal of the drift towards increased central control. Today, few would question the value of the states as useful and viable political entities with in many cases a marked capacity for innovation.

In Britain, the devolution introduced in Scotland and Wales by the Blair administration has meant that a form of decentralized government is common to both Britain and America. If in broad historical terms America now has stronger central power than was ever imagined by the Founding Fathers, so Britain has a greater degree of self-government than ever before, a process not yet perhaps completed (see pp. 159–63). Writers in Britain often debate whether or not Britain is moving in the direction of federalism with a form of 'Home Rule All Round', and it does seem that Britain has moved towards a kind of 'federal devolution'. The two systems of government have in a sense drawn closer together, but the fact remains that one is unitary, the other federal and as such this is a major constitutional distinction.

#### **4. Individual Rights**

The first implication of the codified/uncodified Constitution — and arguably the US Constitution's greatest strength — is in relation to individual rights. Because the USA has a codified Constitution it has a codified and embedded set of rights that all US citizens possess. These can be found in the Bill of Rights (the first ten amendments to the Constitution) and contain guaranteed rights such as freedom of speech, freedom from unreasonable search or seizure and freedom from torture. Further rights can be found in subsequent amendments, for example the Fourteenth Amendment, which guarantees equal protection under the law, an amendment that has proved crucial to securing the legal rights of African Americans and Lesbian, Gay, Bisexual and Transgender (LGBT) Americans.

The fact that these rights are still being upheld two centuries later can be seen as one of the great strengths of the US Constitution. For example, when President Trump introduced his ban on travel from (originally) seven Muslim majority countries, the federal courts struck this down on the grounds that it discriminated against a particular religious group, thus violating the First Amendment, which was designed to protect the rights of religious minorities. In 2015, the federal courts ruled the National Security Agency's (NSA) collection of bulk phone data was illegal under the Fourth Amendment: freedom from unreasonable search and seizure. Thus an amendment written in 1791 was able to protect Americans in relation to that most modern of issues: digital privacy.

In contrast, the UK lacks a set of codified rights. The nearest we have come to this is the Human Rights Act 1998 (HRA), which brought into UK law the European Convention on Human Rights. However, even this is under threat. While some Conservative politicians have proposed a 'British Bill of Rights' it is likely that these rights would be weaker than those guaranteed under the HRA. However, the weaknesses of rights in the UK compared to the US go much further. Eliminating or weakening rights in the UK is simple — it merely requires an Act of Parliament. In the USA it requires a constitutional amendment (see below). For example, in the UK, the 1994 Criminal Justice Act in effect ended the right to silence when questioned by police or courts.

## **5. Amending the Constitutions**

The UK Constitution is easy to amend. Due to the principle of parliamentary sovereignty, it can be changed simply by passing an Act of Parliament. For example, the constitutional relationship between Scotland and the UK was redefined in the 1998 Scotland Act. In contrast, the US Constitution is much more difficult to amend. Amendments in the USA must be passed with a two-thirds majority in both the House of Representatives and the Senate, then ratified by three-quarters of the states.

The UK Constitution thus is much more flexible. Some would say it is far too easy to change. However, this does provide the benefit of keeping it modern. For example, when Labour was elected in 1997 with promises of modernizing Britain's constitutional framework, measures such as Lords reform and devolution were relatively easy to pass. In contrast, the US Constitution is much more rigid. It has only been amended 27 times in 230 years. This clearly has some benefits: it would be hard, for example, for one person — say Donald Trump — to significantly alter the Constitution.

However, this aspect of the US Constitution has become highly problematic in the twenty-first century. The US Constitution has arguably become impossible to amend. Only two amendments have been introduced since 1970 and the last really significant amendment was in 1971. This creates two distinct problems. First, the Supreme Court has the power to interpret the Constitution — judicial review. The only way, therefore, to overturn a Supreme Court decision is to amend the Constitution. However, if this becomes impossible it gives the Supreme Court, in effect, an uncheckable power. Second, it means that the US Constitution becomes anachronistic. Supporters of gun control reform would argue that the Second Amendment — the 'right to bear arms' — was put in place in 1791 before police forces existed and in times when it was important for citizens to be armed.

## 6. The Ease of Constitutional Change

The flexibility of the unwritten British Constitution makes constitutional change relatively easy to accomplish. Amending it is no different in essence to passing a law relating to homosexuality or the health service, for example, although there is a growing practice that divisive constitutional issues might be put before the relevant electorate in a pre-legislative or post-legislative referendum. Many such changes to the Constitution have been carried out in recent years, as shown in the next section. Few have aroused much difficulty in their passage, although reform of the House of Lords continues to be a thorny issue.

In America, the constitution has been amended on 27 occasions by the passage of a constitutional amendment (a complicated process as the experience of the Equal Rights Amendment shows), but there is another way by which change can come about: judicial interpretation. American courts have the power of judicial review which enables them to declare any act or action of Congress, the executive branch or one of the 50 state governments, illegal. They can also interpret the Constitution as they did in the major cases of *Furman v Georgia* in 1972 (concerning the death penalty), *Roe v Wade* in 1973 (concerning abortion), and *Plessy v Ferguson* 1896 and *Brown v the Topeka Board of Education* 1954 (concerning the legality of segregation). These were landmark decisions which significantly changed the law. Not for nothing did Chief Justice Evans Hughes remark back in 1909 that 'the constitution is what the judges say it is'.

In Britain, judges cannot declare laws unconstitutional as Parliament, which passed them, is sovereign, the supreme law-making authority, though since the 1980s they have been much more willing to find ministers guilty of exceeding their powers or otherwise infringing the law. Their contribution to constitutional doctrine has been important in another way. Decisions were taken by judges hundreds of years ago in cases where there was no statute to guide them. On areas such as personal liberty, they made up the rules as common law, and ever since many of these rules have continued to be applicable.

## 7. The Principles of the US Constitution

When the US Constitution was written in 1787 the Founding Fathers' objective was to 'prevent tyranny'. This meant stopping any one branch of government, especially the executive branch, becoming overly powerful. This led to the key principles of separation of powers, checks and balances and federalism. This results in some crucial differences between the US and UK Constitutions.

### **Separation of Powers**

In theory, the UK has three separate branches of government. While this might have been true 200 years ago when the monarch still retained power, it has not been true for the last 150 years. In reality in the UK, powers are fused between the executive and the legislative as governments are formed by the party with a Commons majority. Assuming the government has a Commons majority, the prime minister has enormous power with Parliament normally limited in the ways it can check executive power. This is arguably the greatest weakness of the UK constitution as it currently stands.

In contrast, the US has a clearer separation. No members of the executive branch sit in the legislative branch and vice versa. When Senator Barack Obama became president in 2009, he had to resign as a Senator. No federal judge can be in the other two branches and so on. This would seem to suggest the US Constitution is the better of the two. However, separation of powers is a misleading term.

In the US, the principle of the separation of powers means that the executive branch – the president and cabinet – cannot also be members of the legislature. Nor can they be members of the judicial branch. In the UK all these functions are not only mixed up, they are inter-dependent. The prime minister and cabinet have to be members of either the House of Commons or the House of Lords (the appointed upper house). Since the beginning of the 20th century prime ministers have almost always been MPs rather than Lords, since the Commons is by far the more important chamber. In 1963, parliament passed the Peerage Act allowing hereditary peers (i.e. Lords) to renounce their titles on accession.

Up until recently, the highest court of appeal was the House of Lords, though in practice only its judicial members heard cases. Since 2009 the judicial function of the House of Lords has been handed to a Supreme Court and Justices are directly appointed to the Supreme Court on the recommendation of a selection commission.

### **Checks and Balances**

In reality, in the USA what is separate is not the powers, but the personnel who make up the different institutions: executive branch, Congress, federal judiciary. The powers are actually shared. Take legislation: Congress debates, amends and passes legislation but the president can sign it or veto it. The president can propose a Budget, but Congress may block it. Congress can pass a law or the president can introduce an Executive Order and find the Supreme Court rules it unconstitutional.

This of course is the system of checks and balances that gives the USA a huge advantage over the UK. In the UK, the judiciary is subservient to Parliament as Parliament is sovereign. Judges can only consider what Parliament has said on the matters the judiciary is ruling on. In reality, Parliament fails to act as a check on executive power as the government normally has a majority in the Commons. Thus, it could be argued that in the UK checks and balances are far weaker than in the USA.

However, the checks and balances have become the US Constitution's greatest weakness over the last three decades. Since 1995, US government at federal level has arguably become dysfunctional. Legislation on key areas does not get passed as Congressional leaders refuse to timetable legislation or leaders of the minority party in the Senate filibuster it — see, for example, immigration reform or gun control. Key pieces of legislation are seriously diluted by Congressional Committee chairs with links to big business — see the Affordable Care Bill ('Obamacare'). Senate leaders refuse to confirm presidential appointments, for example the Republicans' treatment of Merrick Garland in 2016. Budgets do not get passed and the federal government shuts down as a result, as in 1995 and 2013.

Interestingly, all of the examples cited above were when one party controlled one or both houses of Congress and the other party controlled the White House. This is known as 'divided government' or 'gridlock'. This situation has become increasingly common in recent years. In addition, in the absence of constitutional amendments the Supreme Court has arguably used its power of judicial review to redefine the Constitution. Some would argue that this is a job for elected politicians not for unelected judges. So, the checks and balances — potentially the US Constitution's greatest strength compared to the UK — has arguably become its greatest weakness as US government grinds to a halt.

### **Federalism versus a Unitary State**

The last major difference between the US and UK Constitutions is arguably one that is diminishing over time. The US Constitution permits a high level of

decentralization to the states, as seen in Article I (powers of Congress) and Amendment X (which reserves powers to the states). In contrast, the UK is a unitary state where power is located — in theory — in one place: Westminster. However, this difference is not as great as it first appears. Over 80 years or more, the power of the federal government has grown — over the economy, education, health, welfare and so on. Inevitably, this has come at the expense of the power of the states. States remain important in US politics but they are not as powerful as they were before the 1930s. In the UK, while it remains a unitary state, due to parliamentary sovereignty, the moves towards devolution for Scotland, Wales, Northern Ireland, London and now English regions have created what it is arguably a 'quasi-federalism'. Thus in some senses what we now see in both countries are powerful central governments but with some power being held by local regions or states.

### **Conclusion**

Constitutions are important in all countries for they affirm the basic principles according to which they should be governed. In the overwhelming majority of cases, they are written documents, although even where this is not the case the country can still be regarded as having a constitution. They are legally supreme, often difficult to amend and frequently short-lived. In Britain and the United States, they have survived well, even if on this side of the Atlantic there has been interest in and the implementation of a program of constitutional reform.

Most written constitutions contain a declaration of rights, as does the American one. In Britain, there has traditionally been no such protection of liberties, although the passage of the Human Rights Act (1998) has changed the situation. However, as we see in the next chapter, the mere existence of a constitution and some form of Bill of Rights is no guarantee that essential freedoms will be respected. Liberty ultimately depends more on the political culture of any country than on any particular documentation.

What matters more than whether a constitution is embodied in a single document or not is whether it works effectively. The mere presence of a written constitution is no guarantee that the power of government is appropriately constrained. At any one time, a dozen or so of the world's written constitutions are in full suspension; in many others their provisions are systematically ignored. In both Britain and the United States, there is a basic consensus about how governing should take place. When that consensus is absent, no system of government, whatever the nature of its constitution, is likely to endure.

As we move through the twenty-first century, clear differences between the two Constitutions are still apparent in most areas. However, it can be argued that the US political system has become highly dysfunctional in recent years, which has exposed some of the weaknesses in the Constitution — its tendency to prevent change; its inflexibility and its protection of anachronistic rights. But despite this, the US Constitution has proved resilient in some key areas, notably its protection of individual rights and civil liberties, an area where the UK Constitution has arguably proved to be rather weak in recent years.

### **USEFUL WEB SITES**

**[www.constitution.org/cons/natlcons.htm](http://www.constitution.org/cons/natlcons.htm)** The Constitution Society. Constitutions of several countries are provided in an English version, with some commentary.

**For the UK**

**www.ucl.ac.uk/constitution-unit.** Constitution Unit: Research center relating to constitutional reform in the UK, with a valuable update section dealing with progress on constitutional reform.

**www.lcd.gov.uk** Lord Chancellor’s departmental site: Coverage of constitutional issues in England and Wales.

**www.charter88.org.uk** Charter 88 site: with extensive information on constitutional reform, plus useful links.

**www.democraticdialogue.org** Democratic Dialogue: Northern Ireland-based think tank – includes information on constitutional matters.

**For the USA**

**www.nara.gov/education/cc/main.html.** National Archives Classroom web site: Many key historical documents on American government can be found here, notably the Declaration of Independence, the Constitution etc.

**www.access.gpo.gov/congress/senate/constitution/toc.html.** Congressional Research Service, Library of Congress.

**tcnbp.tripod.com/index1.htm** US Constitution Resource Center Index: Links to on-line resources about the American Constitution. On-line copy of Constitution, annotated with commentary and relevant Supreme Court cases etc.

**www.constitutioncenter.org.** National Constitution Center : Useful starting point for study of the US Constitution.

**www.americanstrategy.org/foundations.html** American Strategy: Introduction to American constitutional history.

The constitutions of Britain and the USA: a summary		
	Britain	USA
General characteristics	Unwritten/uncodified	Written/codified
	Flexible/easy to amend	More rigid/less easy to amend
Constitutional principles	Commitment to democracy, rule of law	Commitment to democracy/rule of law
	Monarchical government	Republican government
	Unitary system, with devolution	Federal system
	Parliamentary system	Presidential system
	Fusion of powers	Separation of powers
	Parliamentary sovereignty	Popular sovereignty

**Sample Activities:**

1. Complete the following table, giving as much detail and as many examples as you can:

Characteristic / feature	UK	US	Contrasting evidence
<b>Codified / uncodified?</b>	Uncodified, but certainly not unwritten e.g.		Many elements of US government are not in the

	Statute Law		constitution e.g. judicial review, EXOP
<b>Parliamentary sovereignty / constitutional sovereignty?</b>			
<b>Fusion or separation of powers?</b>		Separation of powers (although often described as separate institutions with shared powers)	
<b>Checks and balances – weak or strong?</b>			
<b>Flexible or rigid?</b>			The US constitution can be flexible as interpretation of the constitution by judges changes over time
<b>Unitary or federal government?</b>			Devolution has made the UK less unitary, as has membership of the EU
<b>Entrenched rights?</b>			
<b>Presidential or parliamentary system?</b>			
<b>Level of democratic participation?</b>	Low; only party members select parliamentary candidates; unelected Lords; PM indirectly elected		

<b>Process of change</b>			
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**2. Answer the following questions:**

1. Does the written constitution of the United States make the country harder to govern than Britain?
2. Discuss the view that the British Constitution is too flexible and the American Constitution is too rigid.
3. Do the similarities between the British and American constitutions outweigh the differences?
4. In what ways and to what extent do the US and UK constitutions shape political practice?

# CHAPTER 3

## PROTECTING LIBERTIES, ADVANCING RIGHTS

### The Bill of Rights

Ratified December 15, 1791

#### Article I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

#### Article II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

#### Article III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

#### Article IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

#### Article V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be

deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

#### Article VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

#### Article VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

#### Article VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

#### Article IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

#### Article X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

*A reminder to be ever vigilant in the protection of these rights  
Presented in loving memory of Corliss Lamont 1902-1995*

National Emergency Civil Liberties Committee  
New York, NY 10010

### CHAPTER OUTLINE

1. The protection of liberties in Britain and the United States in theory and practice
2. The proclamation of positive rights in recent years in Britain and the United States

### CHAPTER FOCUS

This chapter surveys quite a number of pressure points that have developed in the American and British political systems regarding the liberties of individuals and the governments' involvement in protecting or restricting those liberties. Included among these pressure points are national security, federal versus state enforcement of rights, First Amendment freedoms, and criminal law. This chapter also highlights the two most intense and protracted struggles for civil rights in recent times: that of blacks and that of women.

After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Discuss the relationship of the Bill of Rights to the concept of democratic rule of the majority, and give examples of tension between majority rule and minority rights. Explain how the politics of civil liberties may at times become a mass issue.
2. Describe the conflicts that have arisen between those who claim First Amendment rights and those who are in favor of sedition laws that might restrict freedom of speech. Explain how the Supreme Court attempts to balance competing interests. Describe the various tests that the Court has applied.
3. Describe the differences between the black civil rights movement and the women's movement. List the various standards used by the courts in interpreting the Fourteenth Amendment, and explain how these standards differ depending on whether blacks or women are involved.

### POINTS TO CONSIDER

- Distinguish between civil liberties and civil rights.
- How well are the liberties of the citizen protected in Britain?
- To what extent is the Human Rights Act an adequate alternative to an entrenched Bill of Rights?
- Does Britain need a home-grown Bill of Rights?
- Do civil liberties need to be entrenched?
- How much tolerance should be extended to extreme minority groups whose opinions are generally out of step with contemporary thinking?
- 'Democracy requires the fullest freedom of expression'. To what extent is freedom of expression recognized in Britain and the United States?
- How effective is the protection against discrimination towards women and ethnic minorities in the two countries?
- Is the idea of affirmative action a good thing?
- Should Britain follow the American example of 'open government' and 'freedom of information'?

### DEFINITIONS

**Types of rights:** Rights mean entitlements. Identifying those to which people are entitled has been a source of controversy over many centuries. Many writers distinguish between **natural** or **inalienable rights** which derive from people's common humanity and should not be infringed, and **legal rights**, those which are granted to citizens by the governments of different states. Many would further distinguish between those legal rights which are **civil and political**, and those which are **social and economic** in character. Inalienable rights have a moral dimension, as

is recognized by Article I of the United Nations Universal Declaration of Human Rights (1948): 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience, and should act towards one another in a spirit of brotherhood.'

**Legal rights** of the civil and political variety include freedom of worship and freedom of expression. They are sometimes referred to as **civil liberties** or **negative rights**, in that they mark out areas of social life where the Constitution restricts or prohibits governmental intrusion on individuals' free choice. They restrain the interference of government, delineating a sphere of governmental inactivity. Social and economic rights are often described as **positive rights**. They extend the role and responsibilities of government into areas such as education, health provision and the right to work. They are more controversial because they expand the activities of government and are also dependent on the availability of resources.

Any listing of positive rights may be disputed. Many would claim the right to education, but what about the right to private education? The same applies to health care and the right to strike (or not to). Particularly controversial is the issue of abortion, on which 'pro-choicers' argue the right of a woman to have total control over her own body whereas the 'pro-lifers' argue for the right to life of the unborn foetus.

## Introduction

Liberties and rights are of especial concern in liberal democracies, which claim to provide a broad range of them. The word liberalism is associated with the primacy of the individual. Historically, liberal thinkers have been committed to personal freedom, believing that men and women flourish and progress when they are able to express their creative personalities without undue restrictions. In democracies, governments are empowered by the people. They are given office on trust, and their power should not be abused. There are occasions when there is a need to deploy the powers of the police or security services, and to impose other limitations on freedom. But those restrictions must be capable of justification on grounds of the common good. The more the citizens know of the reasoning behind them, the better. They can then assess whether essential values have been preserved.

For many years the rights which were emphasized tended not to require the government to act (freedom of expression, for example), whereas in recent years more importance has been attached to the passage into law of entitlements which do need positive governmental intervention. In Britain and America, anti-discriminatory legislation has been enacted to allow for the protection of minorities and other disadvantaged groups.

Most Western democracies have a constitution which sets out the relationship between the state and the individual. Such documents mark out the respective spheres of governmental authority and personal freedom. They do this by defining civil liberties and rights, often in a Bill of Rights. The American Bill has been around for a long time, and is the oldest in the world. The document reflected the thinking of the eighteenth-century Enlightenment. Among its foremost notions was the observation that: 'Men are born free and equal in rights . . . the aim of every political association is the preservation of the natural and undoubted rights of men. These rights are liberty, property, security and resistance to oppression.'

Britain has long been out of step with the rest of the continent, and with the Commonwealth, in not having a Bill of Rights of its own. Indeed, until the passage of

the Human Rights Act of 1998, it had not incorporated the European Convention on Human Rights (ECHR) – or any other human rights treaty – into British law. Such isolation is particularly apparent when it is realized that some dependent territories, and most of the African and Caribbean countries, have provision for protecting rights in their constitutions. In the last two decades, the issue of human rights has been one of much interest, and groups around the world have been active in campaigning for more generous provision and better enforcement.

### **1. The Protection of Liberties in Britain and the United States in Theory and Practice**

There was no Bill of Rights in the original American Constitution, not least because the federalists who dominated the gathering felt that it was unnecessary. In their view, liberty would be protected by procedures such as federalism and the checks and balances built into the proposals. They doubted the value of a special document defending personal rights, for federalists claimed that the maintenance of basic freedoms would depend primarily upon the balance of forces set out in the document and on the tolerance or otherwise of the age.

For anti-federalists, the Bill of Rights was a proclamation of their fundamental belief in the natural rights of all Americans. Whether or not another generation sought to deny them, it was crucial to proclaim their existence. Any government resting on the consent of the people must acknowledge them and include them in any constitution. Anti-federalists may have lost much of the battle over the form of government, but they won the debate over the Bill of Rights, which were adopted as the first ten amendments to the Constitution, on 15 December 1791 (see below). First Amendment freedoms – freedoms of speech, assembly, association, petition and religion – are at the heart of a healthy constitutional democracy. The Amendment explicitly acknowledges freedom of expression.

In Britain, by contrast, the traditional protection available in this area has been very different. There was no clear legal presumption in favour of free expression, although judges have in recent years tried to interpret laws and other rules which inhibit free expression as narrowly as possible. People have been free to say what they like, as long as they did not break any existing law such as the law of defamation or the legislation on race relations. In the absence of any law proclaiming the right of free speech, the British relied on what A V Dicey, constitutional theorist of the late nineteenth and early twentieth century, labelled 'the three pillars of liberty'.<sup>21</sup> He argued that between them Parliament, a culture of liberty and the courts offered adequate protection, operating as they did against a background of respect for the rule of law. The commitment to freedom of expression is now much clearer because Britain has passed the Human Rights Act (1998), incorporating the European Convention into British law.

Article 10 of the Convention acknowledges the right of freedom of expression and this can now be cited in British courts. Much now depends on the interpretation of freedom of expression by the judges.

<b>The First Ten Amendments to the Constitution and their Purpose</b>
<b>Protections Afforded Fundamental Rights And Freedoms</b>
<p><b>Amendment 1:</b> Freedom of religion, speech, press, and assembly; the right to petition the government. Protections against arbitrary military arrest</p> <p><b>Amendment 2:</b> Right to bear arms and maintain state militias (National Guard).</p> <p><b>Amendment 3:</b> Troops may not be quartered in homes in peace time. Protection against arbitrary police and court action</p> <p><b>Amendment 4:</b> No unreasonable searches or seizures.</p> <p><b>Amendment 5:</b> Grand jury indictment required to prosecute a person for a serious crime. No 'double jeopardy' – being tried twice for the same offence. Forcing a person to testify against himself or herself prohibited. No loss of life, liberty or property without due process.</p> <p><b>Amendment 6:</b> Right to speedy, public, impartial trial with defense counsel, and right to cross-examine witnesses.</p> <p><b>Amendment 7:</b> Jury trials in civil suits where value exceeds 20 dollars.</p> <p><b>Amendment 8:</b> No excessive bail or fines, no cruel and unusual punishments. Protections of states' rights and un-named rights of the people</p> <p><b>Amendment 9:</b> Unlisted rights are not necessarily denied.</p> <p><b>Amendment 10:</b> Powers not delegated to the United States or denied to states are reserved to the states or to the people.</p>

In America, the Supreme Court has been the primary branch of government charged with giving meaning to these freedoms and ensuring that they are observed. It has generally adopted a practical approach, refusing to make them absolute rights beyond any kind of governmental regulation or to say that they must be observed at any price. The Amendment has never been interpreted in such absolute terms, so that the rights to freedom of the speech and of the press are limited. But the nine justices on the Court have recognised that a constitutional democracy tampers with such freedoms at its peril and have generally insisted upon compelling justification before allowing the rights to be infringed. Because essential freedoms are given constitutional status, they are not easy to override and many groups – however unpopular in the country – have been able to cite the clause in their defense. Those who would desecrate the flag or who have adopted extremist right-wing views have often been tolerated in its name.

By contrast, in Britain, the Human Rights Act is not entrenched, but part of the ordinary law of the land. If any existing law is incompatible with the Convention, there is a fast-track procedure for its amendment. But it can be expressly overridden. In that sense, American protection is more secure.

## 2. The Proclamation of Positive Rights in Recent Years in Britain and the United States

As defined earlier, the distinction between negative and positive rights was made, the former limiting governmental intrusion on the free choice of individuals and the latter extending the role and responsibilities of government into areas such as education, health provision and the right to work, in order to expand the opportunities available to all citizens. The negative rights are often referred to as civil liberties, which are essential if individuals are to be allowed to communicate freely with each other and with the government. Positive rights are sometimes known as civil rights. In postwar Britain and America, governments have acted to ensure the equal treatment

of individuals and to give them a better, more satisfying life.

Civil rights are a set of protections from something which could otherwise greatly affect people's lives, such as freedom from arbitrary arrest and imprisonment, and from discrimination on such grounds as disability, gender, race, religion or sexual orientation.

- **The Rights of Criminal Suspects and those Detained in Prison**

America has always taken a tougher stand on matters of law and order than prevails in Britain. In their attitude to law-breakers, those charged with enforcing the law have been keen to make it clear that 'crime does not pay'. Whether in the matter of the sentences passed, the conditions under which prisoners are detained or the use of the death penalty, the emphasis has generally been on firm punishment rather than on the rights of those charged committing offences.

The Eighth Amendment in the Bill of Rights forbids cruel and unusual punishments, although it leaves the phrase undefined. In recent years, there has been much discussion about the increasing use of the death penalty in states such as Florida and Texas. The Supreme Court tackled the issue of whether the death penalty is inherently cruel and unusual as a form of punishment, in the case of *Furman v Georgia*, 1972. It overturned the law enforced in Georgia, finding that its imposition was 'freakish' and 'random', but in subsequent decisions it has been more sympathetic in its judgments to the use of the capital punishment. In 1976 in the case of *Gregg v Georgia* the nine justices argued that it 'is an expression of society's outrage at particular offensive conduct . . . an extreme sanction, suitable to the most extreme of crimes'.

There has been much criticism by opponents of the death penalty of the methods employed to implement it in different states, some of which have been condemned as particularly cruel and unusual. There has also been concern at the execution of teenagers over 16 and of mentally retarded individuals, and of the way in which black Americans seem much more likely to attract the ultimate punishment than do white people.

As for the detention of criminals, there has been widespread experimentation with boot-camps and other tough regimes inside American prisons. But what has attracted particular attention is the issue of the treatment of non-American terrorist suspects after the attack on the twin towers in 2001. Instead of establishing prisoner-of-war camps in the Afghan territory it had freed from Taliban control, the US arranged for their transport, in small groups, to a naval base at Guantanamo Bay, in Cuba, instead of to the American mainland. Here, they were not subject to the jurisdiction of the American courts, and critics have complained that basic rights have been denied. As yet, they have not been brought to trial and their detention in crowded conditions has provoked controversy.

At times, Britain has also adopted stronger measures against criminals, most notably in recent years. There is a growing concern among ministers that the rights of suspects and defendants have been unduly emphasized, and that it has proved hard for the police to obtain convictions. But the toughness on crime has been balanced by some interest in the causes of crime and an attempt to ensure that those detained in custody are granted their rights.

Moreover, the death penalty was abolished in 1965 and in recent decades there has been no substantial move to reintroduce it.

**The European Convention on Human Rights and its Protocols**

Article 2: Right to life

Article 3: Prohibition of torture

Article 4: Prohibition of slavery and forced labour

Article 5: Right to liberty and security

Article 6: Right to a fair trial

Article 7: No punishment without law

Article 8: Right to respect for private and family life

Article 9: Freedom of thought, conscience and religion

Article 10: Freedom of expression

Article 11: Freedom of assembly and association

Article 12: Right to marry

Article 13: Right to an effective remedy

Article 14: Prohibition of discrimination

Article 25: Applications by persons, non-governmental organisations or groups of individuals

Article 28: Report of the Commission in case of friendly settlement

Article 31: Report of the Commission 'if a solution is not reached'

**Protocol No.1**

Article 1: Protection of property

Article 2: Right to education

Article 3: Right to free elections

**Protocol No. 4**

Article 1: Prohibition of imprisonment for debt

Article 2: Freedom of movement

Article 3: Prohibition of expulsion of nationals

Article 4: Prohibition of collective expulsion of aliens

**Protocol No. 6**

Article 1: Abolition of the death penalty

**Protocol No. 7**

Article 1: Procedural safeguards relating to expulsion of aliens

Article 2: Right of appeal in criminal matters

Article 3: Compensation for wrongful conviction

Article 4: Right not to be tried or punished twice

Article 5: Equality between spouses

**• The Extension of Rights to Disadvantaged Groups**

The full rights of women and ethnic minority groups were only slowly recognized on both sides of the Atlantic. As in many parts of Europe, in the nineteenth century, women in America experienced unequal treatment for centuries. They were seen as goods and chattels, dependents of their fathers and husbands, and denied a range of legal rights, including the right to vote. In the twentieth century, the 19th Amendment extended the right to vote across the country and once women had a voice in political life they were able to use it to campaign for other rights. Yet women were slow to benefit from the 'equal protection under the law', as promised by the 14th Amendment. Even the Warren Court, which did much to advance the cause of racial minorities, was less willing to show the same concern for women, Chief Justice Warren noting that 'woman is still regarded as the center of home and family life'. In other words, they were viewed as having a limited role in society and their

anxieties did not receive the same scrutiny as matters of race and national origin.

However, in the 1960s a national commitment to civil rights came meaningfully to the fore. The passage of the Equal Pay Act (1963), requiring equal pay for equal work, and the Civil Rights Act (1964), which prohibited discrimination on the grounds of sex (among other things), were important steps forward, and showed a willingness to use the law to advance women's rights a few years before similar steps followed in Britain (1970 and 1975 respectively).

In both countries, the legal position of women has improved substantially and their rights in the work-place have been expanded. However, in politics they have found it difficult to achieve a major breakthrough in the national legislature, until the last few years. This is in spite of the fact that the women's movement for female liberation developed in the United States.

- **Civil Rights for Ethnic Minorities**

The early twentieth century was a bleak time for civil rights in America and it was not until the 1950s and 1960s that the rights of black Americans began to be secured. The decision in the 1954 case of *Brown v Board of Education* (Topeka, Kansas) was a landmark judgment in bringing about the ending of segregation, but it was another decade before they achieved 'equal protection under the law'. The Civil Rights Act laid it clearly down that 'no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance'. This was but one of several measures which advanced the cause of black Americans, most notably including the Voting Rights Act of 1965 which prohibited literacy tests and other practices which had a discriminatory impact.

**Open Government**

The relatively free flow of information about government to the general public, the media and other representative bodies.

Civil rights activists demanded non-discrimination and equality of opportunity. To achieve the necessary breakthrough for women and members of ethnic minorities, Democratic Presidents were keen to introduce a policy of **affirmative action**, to compensate for the effects of past discrimination. This provided special benefits to those in the community such as blacks, women and other disadvantaged groups, often involving a special effort to recruit and promote members of these groups.

- **Open Government and Freedom of Information**

In a liberal democracy, the public need to be able to evaluate the performance of a government, in order to decide whether it merits their support. To do this, they need to be 'in the know' about how government works and to have access to information about the basis on which policies are made. Open government and freedom of information are for many people basic requirements of any democracy. Limits are sometimes placed on this 'right to know', usually because of fears for national security and in order to protect unwarranted intrusion into individual privacy.

America has always had a culture of openness, as befits a country in which there is a suspicion of government and a wish to ensure that those who exercise power do so in an appropriate manner. Its freedom of information (FoI) legislation of 1966 and 1974 provided citizens and interest groups with the right to inspect most

federal records. In general, the assumption is that records are subject to disclosure, unless they involve personnel records, court records, national security issues, or business and trade secrets. Access to some information may be initially denied, but appeal to the courts may secure the production of the documents previously unavailable. Such access is a considerable aid to the activities of investigative journalists.

In addition, the so-called 'sunshine laws' adopted by many states are designed to let the sun shine on all governmental deliberations. These laws apply to both legislative and executive officials, and are designed to ensure that policy discussions and decisions occur in full public view and not in closed-door sessions.

In contrast to American experience, Britain has a reputation for secretive government. It is frequently alleged that information kept secret in Britain goes far beyond what is necessary to preserve public safety and often includes material which, if published, would cause political embarrassment. The major legislation which underpinned the British obsession with secrecy was the Official Secrets Act (OSA) of 1911. The measure was draconian in its clampdown. The notorious Section 2 was a catch-all clause which forbade any unauthorized disclosure of information by anyone who had in his possession data obtained whilst that person was holding a position under the Crown.

There was no distinction between sensitive information relating to national security, and more harmless trivia. This meant that even the leaking of a Ministry of Defense luncheon menu was against the rules! Clause 2 gave Ministers an arbitrary weapon with which to silence those who would blow the whistle on what happened in government, and could be used to silence anyone who might embarrass those in office.

In 1989, a new Official Secrets Act was passed by the Thatcher government. Ministers claimed that it was more liberal than the previous one and that it abandoned the catch-all clause – which was true. But although the 'reform' narrowed the definition of official secrecy, it tightened it within these narrower confines. Even a disclosure of information about fraud, neglect or unlawful activity cannot now be defended as being in the public interest. Convictions are therefore easier. Some liberalization has occurred since then, but critics continue to call for greater transparency in the British system of government. They believe that more openness is desirable and necessary, and that democracy works best when citizens are well-informed.

Unlike most countries, Britain had no Freedom of Information Act until the year 2000. Many states had freedom of information enshrined in law guaranteeing citizens the right to see a wide variety of documents, both state and personal. But in Britain, the right of access to information remained patchy. New Labor, in opposition, talked of reform of the OSA<sup>22</sup> and the introduction of a FoI (Freedom of Information) bill. The former has yet to come, and many observers feel that in office ministers are at one with their predecessors in using security and secrecy in their own interests. The legislation on freedom of information was slow to materialize, but it passed into law in 2000 and will become effective after the next election.

**Freedom of Information**

Free public access to government information and records. Freedom of information is regarded by many people as a prerequisite for more open government.

The passage of the Freedom of Information Act is an historic step. But to many observers – including those sympathetic to ministers – it is a watered-down version of what is required. Canada, Ireland, Sweden and the United States all provide considerably greater openness. The instinct of governments in Britain is to keep secret much that in the United States would be revealed by a vigilant press protected by First Amendment guarantees. There is no tradition of openness and in all of the debate in recent years it has been clear that ministers of either party are concerned to set clear limits to the information that can be made available.

## **Conclusion**

America provides greater formal protection for individual liberty than does Great Britain. The Constitution, via the Bill of Rights, sets out guarantees of essential freedoms, and Americans frequently argue their rights under the First Amendment to express their feelings on any issues of public importance. But such protection has not always been extended to all groups, particularly those belonging to unpopular minorities. In contrast, until the passage of the Human Rights Act, Britain lacked such clearly proclaimed protection, but this did not mean that rights were not recognized.

A bill of rights is not the panacea for all problems arising in the relationship between the individual and the state. History is littered with examples of countries in which formal statements of rights have not proved to be worth the paper upon they were written on. The American document did not stop President Franklin Roosevelt from depriving thousands of native-born Japanese Americans of their liberty in World War Two, and for generations its provisions were not applied to black Americans.

Views have differed across the Atlantic. Thomas Jefferson could not understand why anyone should resist the idea of a bill of rights, seeing it as ‘what the people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest on inference’. A British Conservative and former minister, John Patten, sees it differently. He takes the traditional view on this side of the Atlantic that: Such documents are meaningless unless they exist within a country which has a political culture that renders them viable . . . The greatest protector of citizens’ rights in the UK are citizens themselves . . . The protector of freedom in the end is the political culture, not some document, however weighty.<sup>23</sup>

Women and ethnic minorities on either side of the Atlantic have campaigned strongly for their rights in recent decades. In the United States, the 14th Amendment gives formal recognition of the rights of all Americans to ‘equal protection’, but the attempt to pass an Equal Rights Amendment to benefit women by providing that ‘equality of rights under the law’ could not be denied ‘on account of sex’ proved unsuccessful and eventually founded in 1982. In both countries, legislation has conferred a range of benefits upon groups seeking greater opportunities and fuller recognition of their rights. The civil rights umbrella is a large one, with increasing numbers of groups seeking protection for their rights, be they old, young, disabled, gay or victims of Aids. Those categorized as belonging to disadvantaged minorities, particularly the elderly, now constitute a significant section of the voting population, and in the new century they are sure to be active in demanding greater recognition of their rights.

<b>The Liberties and Rights of People in Britain and the United States of America: A Summary</b>		
<b>Issue</b>	<b>Britain</b>	<b>United States</b>
Existence of Bill of Rights?	No, but Human Rights Act (HRA): protection of the law, but no entrenchment.	Yes, many rights guaranteed by Constitution.
Language and interpretation	Articles of HRA require interpretation: several qualifications to articles of European Convention. Much depends on judicial interpretation.	Broad phraseology of Constitution, but terms not qualified. Much depends on judicial interpretation.
Freedom of expression	Now protected by HRA, Article 10, but traditionally more restricted than in US, e.g. libel.	Guaranteed by 1st Amendment: much toleration of symbolic speech, but not always towards minority rights – e.g. communists.
Punishment: rights of suspects, defendants and detainees	Power of police strengthened in recent years, concern over criminals 'going free'. But also concern for right of accused and over causes of crime. No death penalty.	Err on side of police powers. Rights of accused often questioned, tougher regime for many detainees, especially terrorists at Guantanamo Bay. Many states employ the death penalty.
Rights of women	Gained vote in 1918 and 1928. Anti-discrimination measures passed from 1970 onwards.	Vote via 19th Amendment, 1920. Anti-discrimination legislation (1964), before Britain. Women's Liberation Movement developed here.
Rights of ethnic minorities	Anti-discriminatory laws on race relations passed from 1960s. Much still to do.	Anti-discriminatory legislation (1964) earlier than in Britain. Much still to do.

**USEFUL WEB SITES**

**For the UK**

- www.coe.fr Council of Europe. Access to information on European Convention.
- www.echr.coe.int European Convention on Human Rights.
- www.lcd.gov.uk Lord Chancellor's departmental site. Coverage of human rights legislation.
- www.charter88.org.uk Charter 88. Information relating to protection of rights.

**For the USA**

- www.heritage.org The Heritage Foundation, a conservative group which campaigns

to preserve liberties and rights. Has useful links to other conservative organisations with a similar agenda.

[www.aclu.org](http://www.aclu.org) The American Civil Liberties Union, a more liberal campaigning group on rights.

**Links to other more liberal organisations.**

[www.findlaw.com](http://www.findlaw.com) FindLaw provides an index of US Supreme Court rulings.

[www.ifex.org](http://www.ifex.org) The International Freedom of Expression Exchange represents more than 50 groups committed to human rights and civil liberties. It describes cases of current concern.

<http://nsi.org/terrorism.html> Web site of the National Security Institute. Provides links regarding terrorism, including details of policy and legislation in that area.

**SAMPLE QUESTIONS**

1. Is the passage of the Human Rights Act the first step towards the introduction of a written constitution in Britain?
2. Examine the ways in which liberties and rights are protected in Britain and the United States. In which country is there a greater degree of protection?
3. Is it true that to say that constitutions are meaningless without recognition of basic civil liberties and rights?

# CHAPTER 4

## THE EXECUTIVES

### President vs. Prime Minister



#### OUTLINE

1. The Functions of Executives
2. The Increase in Executive Power
3. Strength and Weakness in Political Leaders: Changing Fashions
4. The Case of the British Prime Minister
5. The Case of the USA President
6. Prime Minister and President Compared
7. Support for the Prime Minister and President
8. The Bureaucracy
9. The Bureaucracy in Britain and the United States

#### CHAPTER FOCUS

In this chapter the concern is with the structure and functions of the Executives. In the first section a focus is laid on the politicians rather than the civil servants. Who gets to the top? What power do they exercise? Why is that power often said to be growing? Who is more powerful, Prime Minister or President? In the second section, a brief review the Official Executive is added, examining who is included within the ranks of the bureaucracy, how they got there and the power they exercise.

#### POINTS TO CONSIDER

- Distinguish between the Political and the Official Executive.
- What factors led to the broad trend to increased prime ministerial and presidential power in the twentieth century?
- What factors constrain the Prime Minister and President today?
- To what extent are they prevented from achieving their political goals?
- What qualities is it desirable for political leaders to possess in the television age?
- Is the personality of a leader today more important than his or her ideology?
- Compare the importance of the Cabinet in Britain and the United States.

## **Introduction**

The executive branch literally refers to those persons who are charged with responsibility for the administration of government and the implementation of laws made by the legislature. Technically, it includes the head of state, members of the government and the officials who serve them, as well as the enforcement agencies such as the military and the police. However, more usually the term is used to denote the smaller body of decision-makers which actually takes responsibility for the direction and form of government policy. Indeed, we use the term Political Executive when referring to the government of the day, and the Official Executive when we are speaking of the bureaucracy whose task it is to administer the policies which ministers have laid down.

In the first section of the chapter we are concerned with the Political Executive, in other words with the politicians rather than the civil servants. Who gets to the top? What power do they exercise? Why is that power often said to be growing? Who is more powerful, Prime Minister or President? In the second section, we briefly review the Official Executive, examining who we can include within the ranks of the bureaucracy, how they got there and the power they exercise.

## **Two Elected Leaders**

The United States president and United Kingdom prime minister are arguably the two most powerful elected leaders in the world. While the two are often compared, they have very different jobs. Learn the similarities and differences between them in this lesson.

Few elected officials meet quite the fanfare of the American president and the United Kingdom prime minister. Viewed the world over as leaders of vibrant democracies with powerful diplomatic and defense capabilities, the selection of each leader often dominates foreign press headlines in the weeks and months before an election. And yet, the two leaders have vastly different routes to power, as well as substantially different roles once elected.

## **How They Run for Office**

To best understand the differences at play, we should start by examining how someone wanting to be either president or prime minister runs for office. For the president, he or she often starts with a primary election. A primary election is the state-by-state process during which a political party chooses its candidate. In some states, only party members can vote in a primary, while other primaries permit any registered voter to cast their ballot.

The candidate who wins the most primary elections is formally presented as the party's candidate at a national convention. A national convention is held every four years. It is a large meeting during which a party formally declares its presidential

and vice presidential candidates and discusses its overall goals. After the national conventions for each party, candidates from all parties compete in a general election. Like a primary election, a general election takes place in each state. The winner in each state gets a certain number of electoral votes, and the candidate who wins the most electoral votes wins the general election and becomes the United States president.

This all sounds strangely foreign to the British politician. For starters, whereas there are only two major parties in the United States, the U.K. has four parties that have emerged as political powers: Conservative, Labour, Liberal Democrats, and the Scottish Nationalist Party. To gain a candidacy in the U.K., a person must prove themselves to the party first. After all, it is the party that selects the candidates, often with a great deal more secrecy than American primaries.

Once the candidates are chosen, one will emerge as the party leader. This is the person that the party is effectively saying will be Prime Minister if the party wins enough seats in the House of Commons. The party members vote on who will be their leader in a private selection before the general election. This selection of party leader is important, as it is traditionally the leader of the party that gains the most votes that will be named the prime minister.

As a result, whereas the American presidential candidate can focus solely on his or her own election, the British prime minister candidate must instead focus on every election that the party believes it has a chance to win. If the party wins a majority, then the monarch invites the leader of the winning party to form a government, naming the party leader as the prime minister. If the party wins a plurality but not a majority, then the head of that party is invited to form a coalition government, meaning that two or more parties will split powers. The party leader whose party gained the most votes will be the prime minister, while the party with fewer votes will get to have its leader as the deputy prime minister. That said, most elections in the U.K. have been clear victories for one party.

## A. THE POLITICAL EXECUTIVE

In a parliamentary system such as Britain, the key politicians include the ministers headed by a prime or chief minister, all of whom are members of and responsible to Parliament. In presidential systems such as the United States, the President acts as a single executive, though he appoints Cabinet members to work with him. Neither the President nor his Cabinet officers are members of congress.

### 1. The Functions of Executives

The key function of the executive branch is to take decisions and assume overall responsibility for the direction and co-ordination of government policy; in other words, executives provide political leadership. Providing leadership involves several distinctive roles, of which Heywood has distinguished five main ones.<sup>24</sup>

1. Heads of state (be they monarchs or Presidents), Chief Executives and government ministers on occasion undertake ceremonial duties such as receiving foreign visitors, staging banquets and signing treaties. In this capacity, they 'stand in' for the state itself, embodying the national will. In Britain, the Queen has a key ceremonial function, although on frequent occasions ministers – and especially the

Prime Minister – are also required to meet dignitaries and engage in discussions with other heads of state or their representatives. In America, the President combines the role of Head of State and Chief of the Executive. He or she is the symbolic head of state and as such a focal point for loyalty. Again, the President has ceremonial functions ranging from visiting foreign countries to attending important national occasions.

2. Key members of the Executive have to respond in times of **crisis**, and provide leadership. A willingness to shoulder responsibility and a facility for making difficult decisions are important assets for any would-be national leader, and it is in the **management of crises** that their mettle is tested to the limits. The potential dangers range from an upsurge of discontent at home from militant groups to terrorism abroad, from conflict in the world's trouble-spots to the need to cope with famines and earthquakes in territories which fall within a nation's responsibilities. Some Prime Ministers spend much of their time on international affairs, out of choice or preference.

Tony Blair was much involved in helping to build the international coalition against terrorism following the events of 11 September 2001, and George W. Bush was forced into more vigorous action as part of the same struggle. The Bush presidency moved into a higher gear, adopting a more assertive role at home and abroad. Given America's size and strength, the role of the President in crisis management is inevitably greater than that of the Prime Minister.

3. Members of the Executive seek to mobilize support for the government to which they belong, for without such support the task of implementing policy is much more difficult. This involves appearing on the media or taking other opportunities via which the ministerial case can be put across to the public. Political leaders are normally keen to take advantage of the opportunities presented by television for it can be an invaluable medium for telegenic personalities. These range from extended political interviews and 'soft interviews' on chat shows, to televised appearances in the legislature and televised press conferences. Prime Minister Blair has recently followed American style and opted for the 'presidential' press conference.

4. Above all, the most important day-to-day role of the executive branch is to control the policy-making process, a function which has expanded notably in the twentieth century with the increasing involvement of government in running the economy and providing welfare programs. As a result of the greater degree of state intervention and regulation, ministers are constantly involved in making decisions on a whole range of issues which have a major consequence on people's daily lives. As part of their involvement, they introduce new policies, often requiring laws to be guided through the legislature. For this, they need the consent and approval of a majority of elected representatives, and as we have already seen in 3 above the task of winning support for governmental initiatives falls largely to them.

The Prime Minister is part of the legislature and has a phalanx of party supporters behind him or her who will usually support and vote for the measures he or she introduces. The President is not part of the legislative branch and although

### **Crisis**

A sudden, unpredictable and potentially dangerous event which calls for constant monitoring, good and consistent judgement, and decisive action. Most American Presidents have been only too willing to seize their chance to lead, whether it be Kennedy over missiles in Cuba or George W. Bush over the terrorist attacks on New York and Washington.

Presidents can recommend measures to Congress – and increasingly do put forward packages of proposals to Congress – they may have real difficulty in getting them on to the statute book. Their methods range from subtle and more blatant arm-twisting to threatened or actual use of the presidential veto, but despite such an array of means there is no guarantee that they will achieve the end required. Whereas Tony Blair was able to push through a controversial program of welfare reform, Bill Clinton was not able to do the same in health policy.

5. Finally, the Political Executive oversees the work of the Official Executive, and whilst it is bureaucrats who implement the decisions which have been taken it is nonetheless usually the politicians who get the praise or blame for what is done. Ministers take the blame for mistakes, and are responsible to the Legislature for sins of omission and commission on the part of their civil servants.

In Britain, both individual and collective responsibility have long been viewed as cardinal features of British government, even if in recent years they rarely lead to ministerial resignations or the downfall of the party in power. At times of political controversy when wrong-doing or maladministration is exposed in a department, the Prime Minister may come under considerable pressure to act, as Tony Blair was over the behavior of his Secretary of State for Transport, Stephen Byers, in 2001–02. In America, the President and/or

Cabinet cannot be brought down by an adverse vote in the legislature. The President will ride out problems within a department, even if its head has to take the flak.

## **2. The Increase in Executive Power**

In the twentieth century the power of government has been extended significantly as politicians have sought to develop new policy initiatives to please the voters. In an age of mass democracy, they cannot afford to leave the aspirations of the people unmet, and they have been forced to respond to pressing economic and social needs or else suffer defeat at election time.

Heads of state have benefited from the increasing attention of the media over the last few decades, but their powers have for a long time been largely symbolic unless – as in the case of the United States – the President fulfils a dual ceremonial role as head of state and also acts as Chief Executive. Chiefs of the Executive have major responsibilities, and their public profile is markedly higher than that of their ministerial colleagues. Much of their increase in power derives from the growth in governmental interventionism, but the globalization of economic and political concerns has also added to their responsibilities and recognition.

Prime Ministers – sometimes known as chancellors or as first ministers (or by local names as in Ireland, where the term Taoiseach is employed) – are chiefs of the executive branch. Their power is based upon their leadership of the majority party, and they head either a single party or coalition government. Their formal powers are less than those of a US-type executive President, but their ability to hire, promote and fire colleagues offers much scope for a display of strong, personal leadership. For first ministers, the degree of power they can exercise depends largely upon two areas:

- The relationship with ministerial colleagues in the Cabinet. Strong leaders will be able to use their patronage to reward party colleagues whom they Executives wish to bring into the administration and dismiss or downgrade dissenters, and will give a decisive lead to Cabinet discussions.

- Leadership of the party via which they can influence the legislature and the voters. Modern political leadership is based largely on the growth of the party system in the twentieth century. As parties have become more centralized and disciplined, leaders have been given an opportunity to assert their influence over their party supporters and rivals, and if they can keep their ministerial team united they can be in a position to stamp their personal imprint on the party. Of course, this does not always happen, and there are always other potential leaders waiting 'in the wings', so that a leader who loses the willing consent of his followers can find himself or herself in difficulty.

Heywood provides another series of reasons for the growth in prime ministerial power over recent decades, noting in particular

- *The tendency of the broadcast media in particular to focus on personalities, meaning that Prime Ministers become a kind of 'brand image' of their parties.*
- *The growth in international summitry and foreign visits also provides prime ministers with opportunities to cultivate an image of statesmanship, and gives them scope to portray themselves as national leaders.*
- *In some cases, this has led to the allegation that prime ministers have effectively emancipated themselves from Cabinet constraints and established a form of prime-ministerial government.<sup>25</sup>*

The position of Prime Minister in Britain was already well established by the end of the nineteenth century, when it was described as 'primus inter pares' (first among equals), but circumstances in the twentieth century allowed premiers to develop the potential of their office to the full and to become much more than the description implies. In particular, war leadership – whether it be in World War One, World War Two or the Falklands War – provided opportunities for a display of assertive, personal leadership. Managing a war effort requires broad shoulders, a willingness to take tough decisions and accept responsibility if things go wrong and an ability to rally and inspire the nation. It did much for the fortunes of Margaret Thatcher as Prime Minister, for she was able to cast herself in Churchillian mould.

Today, there is talk of prime ministerial or even presidential government in Britain and the comparison with the American

President has a well-established place in the minds of examiners. American Presidents have benefited from similar factors, notably:

- The growth of 'big government' in the years after 1933, as the role of President became identified with increased federal intervention.
- The importance of foreign policy, with the development of an American world role following World War Two.
- The mass media: the media can concentrate on one national office, for the President is news – the Kennedys were almost like a royal family for journalists. Since the 1960s, television has been increasingly important and Presidents regularly make the headlines.

In addition, the inertia of Congress, which surrendered much influence in the early post-war decades, enabled Presidents to assume a larger leadership role. The mid-1960s saw the peak of enthusiasm for presidential power, for by then it seemed as though there was a broad consensus about domestic and foreign policy (by the end of the decade, division over the Vietnam War had threatened that consensus), and Congress was willing to accept presidential leadership. It gave Truman and his successors carte blanche in matters of national security. Foreign policy was recognized as the President's sphere of influence and his initiatives received the near-automatic ratification of Capitol Hill.

### **3. Strength and Weakness in Political Leaders: Changing Fashions**

Opportunities for vigorous leadership present themselves to some leaders more than others. But individuals as well as circumstances make a difference, for some Presidents and Prime Ministers seek opportunities for giving taking decisive action.

Fashions in political leadership come and go. Strong leadership can inspire people and provide a real impetus to government. Colleagues, party members and voters feel that the person at the helm has a clear vision of what needs to be done, and for a time this can be very appealing – especially after a period of drift. The danger is that an assertive display of firm leadership can easily drift into authoritarianism, and the qualities once admired can seem no longer admirable. What was once strength based on personal conviction can easily become arrogance.

The premiership of Margaret Thatcher illustrated how a leader endowed with a towering personality and firm views – assets which were initially admired by many members of the public – could become someone seen as overbearing and out-of-touch. After her leadership, many of her colleagues and people outside Westminster were pleased to see affable John Major take over. Yet when his parliamentary position was weakened after the 1992 election and his administration became beset by internal problems, there was much criticism of his dithering, indecisive leadership. Many voters seemed to want a firm hand in control, and warmed to the personal charisma and sense of direction Tony Blair was able to offer.

The Major administration illustrates the importance of the role of party leadership for any Prime Minister. Though not lacking in appealing personal qualities, he was unable to provide a sense of direction and his government seemed to drift from problem to problem – especially after the humiliating circumstances of withdrawal from the Exchange Rate Mechanism (ERM) on Black Wednesday – 16 September 1992. In his case, it was not lack of ability but a combination of unfortunate circumstances that undermined his position. His party was divided, and he could not dominate a House of Commons in which his parliamentary majority was always at risk. In addition, however, he also seemed to be deficient in what the elder George Bush once called ‘the vision thing’. He seemed unable to lead people, and inspire them with the prospect of reaching a promised land. He lacked personal magnetism.

#### **What Determines the Strength of Political Leaders?**

In any country, much depends on the person at the helm. The observation of Lord Oxford on the office of Prime Minister many years ago applies to the situation in any democracy: ‘The power of the Prime Minister is what its holder chooses and is able to make of it’. What the leader chooses to make of the office is a matter of personal style and approach. What he or she is able to make of it depends on personal ability and the circumstances of the day.

##### **1. Style**

Individual British and American Prime Ministers and Presidents have had differing concepts of their office, as examples from each country show. In Britain, John Major adopted a style which was more collegiate than that of Margaret Thatcher. Less of a conviction politician, he was by inclination more consensual, willing to consult and discuss issues. By contrast, Tony Blair has adopted many of the characteristics of the Thatcher era. As party leader, he has been known for his firm discipline, often derided as ‘control freakery’. Party colleagues have been expected to acquiesce in policy changes, some of which have been markedly

distasteful to supporters of Old Labour – especially on welfare, the role of the private sector and trade union issues.

The Prime Minister's second election victory provided him with the opportunity to act more decisively and autocratically, and his emergence as a war leader in the battle against international terrorism has focused much attention upon his personal leadership. He has adopted a 'presidential' style, taking to the media on regular occasions and showing much concern with matters of presentation. He has tried to project himself as the voice of all reasonable elements in country who can shelter under his 'big umbrella'. He has downplayed the importance of the Cabinet and is said to be dismissive of Parliament, attending and voting irregularly. He is often charged with lack of accountability, as in his 'downgrading' of Question Time in the House of Commons.

In America, presidents Kennedy and Johnson asserted a more positive role for government than their Republican predecessor. They knew what they wanted to achieve, and put forward a bold program for social progress. By the time Bill Clinton took over, the opportunities for the White House to display powerful leadership had been much reduced. 'Big government' was out of fashion, so that although he was naturally a leader who wanted to make things happen he found himself constrained by prevailing circumstances, most notably a resurgent and Republican-dominated Congress keen to make life difficult for him.

## **2. Ability**

Of postwar British Prime Ministers, most have been able in some way or other. Ability is not always a matter of intellectual distinction, although a strong intellect can help. Harold Macmillan was an astute leader. In his prime, his abilities were widely recognized by those around him, as was pointed out by a colleague who observed: 'Harold Macmillan's chairmanship of the Cabinet was superb by any standards. If he dominated it (he usually did) . . . it was done by sheer superiority of mind and judgment'.<sup>26</sup>

John Major had many likeable qualities but intellectual prowess and public speaking were not ones for which he was greatly famed. He had other gifts, being notably effective in negotiation. James Callaghan had a reassuring manner which enabled him to see the country through difficult times, even if he was unable to give a decisive personal lead. The men who have occupied the Oval Office have been similarly diverse, some intellectually eminent (Wilson and Clinton), some not very bright (Harding and Ford). Some have been fine speakers able to sell their policies (Franklin Roosevelt, Kennedy and Clinton), others have been poor speakers who lacked a way with words or had difficulty with them (Nixon, Ford and George W. Bush). Their quality has been variable, but sometimes even if they were initially seen as unimpressive in comparison with their predecessor, they have grown in stature whilst in office. George W. Bush was widely portrayed as lackluster, uninspiring and indolent in his early months as President, tainted by the fact that his presidency seemed to many people to be 'illegitimate'.

Whatever view is taken of his intellectual qualities and capacity for leadership today, it is certainly true that he and his presidency were galvanized into action and moved into a higher gear after the attack on the twin towers. He took a firmer grip on events, began to shape the political agenda and – in the view of one observer – mutated 'into a figurehead who has the people behind him'. This shows the importance of the final factor, circumstance.

## **3. Circumstance**

Some political leaders have been lucky in the circumstances of their takeover and others less fortunate. Margaret Thatcher was in many respects fortunate. The Falklands War, the Miners' Strike and the activities of the Greater London Council and Liverpool City Council provided her with dragons to slay – General Galtieri, Arthur Scargill, Ken Livingstone and Derek Hatton, among them. Moreover, the economy benefited from North Sea oil revenues, and the Labour Party was divided and led in the 1983 election by a leader (Michael Foot) who lacked popular appeal and had little idea on how to exploit the media. Her successor was less lucky. John Major took over at the end of a long spell of Conservative rule so that in many ways he succeeded to an exhausted inheritance. Within a few years it was 'time for a change'. He also suffered from the fact that Europe was beginning to intrude much more into British politics, the issue of European policy causing substantial problems for his party and administration.

The elder George Bush was primarily interested in foreign policy and won himself many plaudits at the time for his handling of the Gulf War. But within a short time, the concerns of many Americans were more to do with domestic policy and the recession than they were with events overseas. In 1992, he no longer seemed to be the man for the hour. His son, whatever the doubts his personality and ability created among many of his fellow countrymen, was called upon to lead his country through the trauma of 11 September and its aftermath. The event was the making of his presidency, even if it is difficult to judge what its effects will be in the long term.

#### **4. The Case of the British Prime Minister**

For much of the twentieth century, writers and journalists debated the idea that the Prime Minister had acquired an unprecedented, even dangerous, degree of power. Back in 1914, one observer, Sidney Low, noted that the incumbents of Number Ten were acquiring 'now and again, enlarged attributes, beyond those possessed as chairman of the executive board, and chief of the dominant party'.<sup>27</sup> He went on to observe that it was 'the increasing size of Cabinets' which 'caused the figure of the Prime Minister to stand out more prominently above the ranks of his colleagues'. R.H.S. Crossman, a former Oxford don and then a Labour MP/Cabinet minister, elaborated upon the idea that Britain had acquired a system in which the Prime Minister had supreme power: 'The post-war epoch has seen the final transformation of Cabinet Government into prime ministerial Government', with the effect that 'the Cabinet now joins the dignified elements in the Constitution'.<sup>28</sup>

The central elements in prime ministerial power are well known but difficult to measure. They are:

- The power of appointment and dismissal of Cabinet and other ministerial offices;
- Power over the structure and membership of Cabinet committees, any of which the Prime Minister may chair;
- The central, overseeing non-departmental nature of the office
- Leadership of the party; and
- A high degree of public visibility.

These features operated for much of the twentieth century (certainly since 1945), but the circumstances outlined above have boosted the potential of the office and given it a much higher profile. No Prime Minister since World War Two has been anything less than very powerful, but individuals have made a greater or lesser impact upon the office. All were subject to some constraints, and even the more powerful among them were not always able to sustain the same degree of performance throughout their term.

Any Prime Minister today has a formidable display of powers at his or her disposal, but it is easy to overstate them. These powers need to be placed in context, and when this is done it can be seen that prime ministerial power can be seriously circumscribed and dependent on the circumstances of the time. It is not merely that some Prime Ministers are more powerful than others, but that any single Prime Minister will be more powerful at certain times than at others in the course of the premiership.

The prime ministerial government thesis can be over-stated, and it suffers from the tendency to over-generalization. The relationships between the Cabinet, individual ministers and the Prime Minister are complex and fluid. Much depends on the personalities of those involved and on the issues and problems with which they are faced. There has certainly been a remarkable growth in the power of the executive branch of government in the last 100 years, but the distribution of power within the Executive is liable to change at any time.

## 5. The Case of the USA President

Presidential power has increased since the days of the Founding Fathers as people have turned to the presidency for initiatives to get things done. At times, the President has filled the vacuum left by the inertia or inaction of Congress, the states or private enterprise. The growth has not been at a consistent pace, for there was a reaction to Lincoln's autocracy and the increase in governmental power during World War One. There has been an ebb and flow of power because the presidency has flourished during emergencies which are, by definition, a temporary condition. When normality has been restored, presidential domination has come to an end. The fear of dictatorship has re-emerged, and Congress reasserted itself.

At times, Americans seem to want vigorous leadership, but they may then become troubled by the consequences of that assertiveness and yearn for a less active presidency. As Wasserman puts it: 'Americans have swung back and forth in how powerful they want their Presidents . . . [they] have walked a thin line between too much and too little power'.

### The Modern Presidency

The modern presidency really began in 1933, for the Great Depression created— or at least accelerated — a fundamental change in political behavior in the United States. The sheer scale of economic dislocation and hardship required a national lead, and the administration of Franklin D Roosevelt was only too willing to respond. Since then, the American system has become a very presidential one and the political process now requires a continued sequence of presidential initiatives in foreign policy and in the domestic arena to function satisfactorily.

There was real enthusiasm for presidential power in the 1960s. A broad spectrum of commentators welcomed its expansion. It was felt to be prudent to allow the President a relatively free hand to lead his country. There was general agreement that the federal government should have a significant role in the nation's economy and in creating and maintaining a welfare system. This growth of executive power prompted Arthur Schlesinger to argue that the concept of the constitutional presidency had given way by the 1970s to an **imperial presidency**, a revolutionary use of power very different from what had originally been intended.<sup>29</sup> He was largely basing his argument on the Nixon presidency and concluded that the institution no longer seemed to be controllable via the supposed constitutional checks and

balances. It was an unsatisfactory position, pregnant with the possibility of the abuse of power.

### **The 1970s to the Present Day**

Such abuses of presidential power did occur – Vietnam and Watergate were but the most significant. Many Americans realized for the first time in 1974 the tremendous accretion of power in the hands of the President. The principle of a separation of powers had been incorporated into the Constitution to prevent a concentration of power in one part of the government. Watergate and the revelations of the misuse of power by the executive branch during several past presidencies reminded people of the message spelt out by the Founding Fathers – a system that placed too much responsibility in the hands of one man must offer temptations for wrongdoing.

Since then, observers have often spoken of the weakness rather than the strength of the presidency. Franck wrote in the 1980s of the ‘tethered presidency’, one too constrained to be effective and capable of providing the leadership America required.<sup>30</sup> The experience of Bill Clinton illustrated the limitations of the office. In his first term, he had two years in which his own Democratic party had a majority on Capitol Hill, yet he still found that it was difficult to manage Congress and achieve his legislative goals. Thereafter, weakened as he was by congressional enquiries into his personal affairs and ultimately by the process of impeachment, his presidency was a disappointment to those who had had such high hopes in 1992.

The President is a national leader seen by many as the leader of the Western world, a key player on the global stage. As such, the office holds enormous power. The extent to which that power is deployed will depend upon individual incumbents. Some Presidents have adopted a deliberately unassertive style. Their style has been custodial, as they confine themselves to carrying out the powers expressly mentioned in the constitution and leaving Congress to take a lead and get things done. Others have been activists who favoured taking a personal lead. Not content with being mere stewards of national affairs, Franklin Roosevelt, John F. Kennedy, Lyndon Johnson and Bill Clinton have seen the role as one enabling them to give a personal lead. Most modern Presidents have by inclination been more activists than stewards, even if – like Clinton – they have found that the post-1970s presidency is less susceptible to a display of real leadership.

Many of Bill Clinton’s ‘triumphs’ were more concerned with fending off attacks upon existing social programs than taking America in a new direction. But these effective qualities as a campaigner, with a knack for appealing over the heads of congressmen to the nation at large, enabled him to show remarkable resilience and stage impressive comebacks. He used the presidential office as a pulpit from which to preach his values on issues which mattered to him, such as the family, race and even religion. Theodore Roosevelt – long before him – had adopted the ‘bully pulpit’ approach, in which he used a policy of active leadership to establish national goals.

Broadly speaking, the more admired Presidents have all been activists, those who used their incumbency to impose their moral authority of the nation, and deploy vision, assertiveness and crisis leadership to good effect. The nature of the presidency at a particular moment depends considerably upon the incumbent. Great men tend to make great Presidents, but the active presidential leadership of the 1960s and the habit of congressional compliance is out of fashion. It is commonplace among academics of recent years to think more about the limitations of the office than of its opportunities for leadership, even if those Presidents they admire have

been those who imposed their stamp upon the office. Neustadt and other writers have stressed the limitations on the power of the President.<sup>31</sup> He first argued this thesis in the early 1960s, using an anecdote about President Eisenhower to illustrate his case. Talking of the election of Eisenhower as his successor, Harry Truman observed: 'Poor old Ike. He'll sit here and he'll say, "Do this! Do that!". And nothing will happen. Poor Ike – it won't be like the army. He'll find it very frustrating.' The experience of recent years has made Neustadt's argument seem considerably stronger than it did when it first appeared.

## **6. Prime Minister and President Compared**

- The United States is a republic with an elected head of state, the President. In contrast, the United Kingdom is a monarchy with the head of state being a hereditary member of the royal family (although he or she has no real power but only a ceremonial role)
- The USA is a presidential system, with the apex of power in a President elected indirectly through an Electoral College, whereas the UK is a parliamentary system, with the Prime Minister holding office and power so long as he or she commands a majority of votes in the House of Commons.
- In theory then, the American President has much more power than the British Prime Minister - he is the commander-in-chief and has the power to issue executive orders which have the full force of law. However, the constitutional system of 'checks and balances' seriously circumscribes the power of the US President who often finds it really difficult to push legislation through Congress. By contrast, a British Prime Minister usually heads a government with a majority of seats in the House of Commons and the ability to pass almost any legislation that he or she wishes.
- In the United States, the transition period between the election of a new president and that person's inauguration is two and half months. In Britain, the changeover of Prime Ministers is virtually immediate - within hours of the election result, one person leaves 10 Downing Street and within the following hour the successor enters it.
- A US President is limited by the constitution to two four-year terms in office, whereas there is no limit to the time that a British Prime Minister can serve in the office.
- In the US, government is highly partisan with the President appointing to the executive colleagues who are almost exclusively from within his own party. In the UK, government is normally equally partisan with all Ministers coming from the governing party but, in 2010, exceptionally the Conservatives were required to go into a coalition with the Liberal Democrats and grant them 17 ministerial positions.
- The American Cabinet is appointed by the President but he does not chair it or even attend it. The British Cabinet is appointed by the Prime Minister who normally attends and chairs every meeting.
- The size of the American Cabinet is fixed: it is the Vice-President plus all the heads of the executive departments making a total of 16. The size of the British Cabinet varies: it is whatever size the Prime Minister wants it to be which is normally around 18, sometimes with a small number of additional Ministers who are not actual members but who are invited to attend on a regular basis.
- The American Cabinet meets at irregular intervals and acts as adviser to the President. The British Cabinet meets once a week and formally takes decisions, usually by consensus under the guidance of the Prime Minister.

- In the United States, the incoming President and his aides make a total of around 7,000 political appointments. In Britain, the Prime Minister appoints around 100 members of the Government and members of the Cabinet each appoint a couple of Special Advisers, so the total number of political appointments is around 150.
- In the United States, all the most senior appointments are subject to confirmation hearings and votes in the Senate. In Britain, there is no procedural method of challenging the appointment of a particular Minister although, in theory, the Opposition could move a vote of no confidence in the appropriate House of Parliament.
- In the USA, after the Vice-President the Secretary of State is the most senior member of the Cabinet and in many countries would be known as the Foreign Secretary. In Britain, the political head of each Government Department is called Secretary of State and so almost every member of the Cabinet is a Secretary of State.
- In the United States, the incoming President's inaugural address is a highly public and prestigious affair. In Britain, the new Prime Minister simply sets out his or her vision for the country in a speech to the House of Commons on the subject of the Queen's Speech which opens the new session of Parliament.
- In the United States, the President each year gives a high-profile 'State of the Union Address'. In Britain, there is no equivalent occasion, the nearest event being the Prime Minister's introduction to the Government's legislative intentions for the next year or so after the State Opening of Parliament each session.
- As a result of the separation of the powers, the US President does not attend or address Congress except for the annual 'State of the Union Address'. Since there is no separation of the powers in the UK system, the Prime Minister is a member of one of the Houses of Parliament - these days, invariably the House of Commons - and regularly addresses the Commons, most notably once a week for Prime Minister's Question Time (PMQ). When the President addresses Congress, he is given a respectful hearing. When the Prime Minister addresses Parliament, he or she is barracked and interrupted and Prime Minister's Question Time in particular is a gladiatorial affair.

But while the executive in Britain has diminished in relation to the legislature, in the US executive power has grown over many decades. The US president is immune from prosecution while in office – the privilege of monarchs through the ages. Some legal theorists in the US think the president (whoever he or she is) should exert even more power than he or she already does. At the heart of the American constitutional founding is an irony: although they railed against the overbearing executive power of the British monarch, they ended up creating an executive presidency with far more power than the king or queen of England was ever to have again.

### **The Vice-Presidency**

The Vice-President assumes some of the ceremonial tasks of the President, and represents him or her on formal occasions, whether it be the funeral of a foreign leader or the commemoration of some past event. The role can amount to more than this. For some Presidents, their deputies can be useful in an advisory capacity on matters of politics and policy. Jimmy Carter made more use of Walter Mondale than had been usual in the past, because he needed the support of a Washington 'insider' who could give good advice based upon his knowledge and experience. Reagan allowed Bush to attend many meetings and to represent him in many engagements.

However, activity and influence are very different, and whereas Mondale was allowed more say in the decision-making process this was much less true of his successor.

Al Gore was probably the most influential Vice-President in American history. Not only did he preside over important projects such as the 'Reinventing Government' initiative. He also took an active interest in issues ranging from the environment to science and technology, and gave Bill Clinton his advice upon them. Often, he would remain in the Oval Office when all other advisers had departed, so that his voice was the last the President heard. He is said to have been allowed considerable influence over the composition of the revamped Cabinet at the beginning of the second term, the idea being that this would give him influential supporters in key positions to help him prepare his bid for the November 2000 contest. The Gore experience indicates that vice-Presidents take on ad hoc assignments, their number and character depending on the use the President wishes to make of them. Bill Clinton gave his deputy the task of conducting a national review of the workings of the federal bureaucracy.

Other Presidents have been much less willing to use their running-mate. There has been discussion in recent years of 'a new vice-presidency'. Yet in spite of the growing trend towards providing Vice-Presidents with a more worthwhile role, for much of the time they are effectively 'waiting in the wings' in case their services are called upon to assume the burden of the presidency. They stand in readiness to assume command, in the event of death (either through natural causes or assassination), or through resignation or removal from office.

## B- THE OFFICIAL EXECUTIVE (The Bureaucracy)

### POINTS TO CONSIDER

1. Who are the bureaucrats and what is their role?
2. How does the recruitment of bureaucrats differ in Britain and America? What problems do the systems of recruitment create?
3. What have been the main developments in the structure and development of the British and American bureaucracies in recent decades?
4. Why have British and American governments been increasingly concerned about the operation of bureaucracies in recent years?
5. How can political control over the bureaucracy be secured?

### DEFINITIONS

As society became more complex in the twentieth century, government expanded and a huge **bureaucracy** developed. New bodies were created, some with uncertain jurisdiction. Once in place, these organisations competed for mastery over a particular area of concern, and departments and agencies fended off other organisations which tried to poach their territory. The term bureaucrats refers to the thousands or even millions of people who operate in the Executive Branch, whose career is based in government service and normally work there as a result of appointment rather than election. Often known as civil servants, they serve in organisational units such as government departments, agencies and bureaux. Wherever they work, they operate under common regulations, with matters such as

recruitment, pay, promotion, grading and other conditions of service being determined by a central body. In Britain, it is the Civil Service Commission; in the United States, it is the Office of Personnel Management.

The bureaucracy has been described as 'the state's engine room',<sup>32</sup> advising on and carrying out the policies determined by the Political Executive. The structure of bureaucracies has come under increased scrutiny in recent years, in line with the changing view about the role of government which became fashionable at the end of the twentieth century as the ideas of the New Right came into ascendancy. The task is to 'steer' rather than 'row', to concentrate on broad policy and leave the implementation and delivery of services to others. Here, we examine the role of bureaucracies, the way in which they operate and the attempts by their political masters to make them work efficiently and achieve control over them.

The task of bureaucrats is to carry out the ongoing business of interpreting and implementing the policies enacted by the government. There are several aspects to their work:

- They give advice to their political masters concerning the direction and content of policy;
- They implement policy, turning legislative policy goals into actual programmes;
- They administer policy, an often routine role although it involves exercising a degree of discretion; and
- They are regulators who develop rules and regulations.

Bureaucrats do more than follow orders. Because they possess crucial information and expertise, senior figures act as partners in making decisions about public policy. Because of the power of their position, the problem of management and control of bureaucracies has become a central issue of modern democratic government. Unelected, their work needs to be regulated by politicians, the elected decision makers, who are concerned to rein in their power.

### 3. The Bureaucracy in Britain and the United States

#### **Appointment and ethos**

The development of the bureaucracy has varied from country to country. In Britain and the United States, there was a major reform of the system of appointment in the nineteenth century and a constant feature of recent decades has been a new emphasis on managerial efficiency.

#### **Britain**

In Britain, following the Northcote–Trevelyan enquiry (1854), reform was introduced to ensure that those key figures in the civil service whose work required intellectual ability should be appointed on the basis of merit rather than nepotism (favouritism shown to relatives of those in power). Competitive examinations were introduced; open to all suitably qualified persons, from 1870 onwards. Since that time, appointment on merit has been the order of the day, although since the 1980s there have been allegations that promotion in the higher civil service has been influenced by political leanings. In the 1980s, there were suggestions of a 'politicisation' of officialdom, with the Thatcher government keen to advance the careers of those who were 'one of us'. Leading officials became closely identified with the policies pursued by ministers, thus threatening the principle of political neutrality. These suggestions have again surfaced under the Blair administration.

After 1870, the civil service developed along distinctive lines. It was generalist in character, with certain qualities of mind (intelligence, education, experience and personal skills such as the art of judgement) being seen as more important than

expertise in a specialist subject area. Recruitment was to the service as a whole, rather than to a specific post. Officials could be moved from one department to another, thus developing the idea of a unified service. In addition, the bureaucracy was noted for three qualities which have been much written about ever since:

- **Permanence:** The job was viewed as a career, rather than as a temporary position based on political patronage. Civil servants do not change at election time, as they do in the USA. This permanence is associated with experience and continuity, so that an inexperienced incoming government will be able to count on official expertise. Permanence, coupled with confidentiality, means that civil servants can speak frankly to ministers, without fear of dismissal. It makes a civil service career seem attractive.
- **Neutrality:** As a result of the permanence, it was essential that any official should serve any government impartially, whatever its political complexion. Officials must not let their personal political leanings affect their actions. They must carry out decisions with which they personally may disagree and not involve themselves in any partisan activity. If they were to be partisan, this would make it difficult for them to remain in office and serve as permanent officials.
- **Anonymity:** Civil servants were to stay silent on issues of public policy, their political masters (the ministers) being accountable for their actions and discussing issues in the public domain. If officials became public figures, this would endanger their reputation for neutrality, for they could become identified with a particular policy. They might then be unacceptable to a new administration. Identification might also prevent them from offering frank advice to ministers: if they knew that they could be named they might feel the need to be very discreet.

### **The United States**

As in Britain, appointment based on favouritism to those of similar political inclinations was the order of the day for most of the nineteenth century. President Andrew Jackson (1829–37) is credited with the development of a '**spoils system**' by which it was seen as legitimate to reward personal and political friends with public office in the federal bureaucracy ('to the victor go the spoils'). Appointments were made on the basis of patronage, 'who you knew, rather than what you knew', and membership of the successful party was important in gaining government jobs. Pressure for change culminated in the passing of the Pendleton Act (1883), which required candidates for some positions in the public service to pass a competitive examination. Ability, education and job performance became the key criteria for appointment, rather than political background. Today, 95 per cent of federal civilian jobs are covered by 'civil service rules' laid down by the Office of Personnel Management. Appointment is to a specific department or job, so that the civil service is specialist rather than generalist. These posts are permanent, so that – as in Britain – there is continuity and stability in administration.

The American civil service is also expected to be politically neutral, as in Britain. Officials are unable to take part in overt political activity. However, neutrality is undermined by the fact that several thousand posts in the federal civil service remain in the gift of the President. He or she can nominate more than 3000 senior civil servants to serve in the administration and these include the heads of the fourteen major departments (the secretaries), as well as assistant and deputy department secretaries, deputy assistant secretaries and a variety of other appointive positions. Political appointees are not expected to be neutral and they can be blamed for policy failures. Once in office, their tenure of office depends on how the White House judges their performance.

In making political appointments, the President is likely to choose personnel whom he regards as loyal and competent, and who share his political outlook. Abernath notes that whereas in the past many appointees had been people who had established good connections with interest groups or congressional committees, in the Reagan era 'ideology was the key'.<sup>20</sup> Sharing a number of Thatcherite attitudes (see pp. 99–100), he established an appointment system which ensured that appointees would be faithful to him and pursue his objectives of reduced governmental activity.

### **Conclusion**

Political executives have a key role in political life for it is members of the government who devise policies in the light of information and advice they receive, and get them on the statute book. The Official Executive has the task of implementing the policies the political executive has devised.

Because of the expansion of governmental activity in the twentieth century, the powers of the Executive have grown, and the Chief Executive is today far more powerful than a hundred years ago. Various other circumstances ranging from television to the new importance of international summitry and overseas visits have provided political leaders with a new pre-eminence, and they are no longer national leaders alone but also world statesmen. Because of these trends, many writers discern a trend towards prime ministerial government in parliamentary systems, and comment on the extent of presidential power in countries such as the USA. Such offices are indeed very powerful today, but the extent of that power and influence can vary according to the incumbent and the circumstances of the time.

Official executives have expanded in size and influence as a result of changes in economic, social and political conditions. The number of civil servants broadly increases in accordance with the tasks imposed on them. The twentieth century was an era of huge growth but in recent years there has been an emphasis on streamlining officialdom and ensuring that it works with greater efficiency and responsiveness.

### **USEFUL WEB SITES**

#### **For the UK**

**www.open.gov.uk.** The official government web site, covering the whole government structure.

**www.number-10.gov.uk** 10 Downing Street: As with the above, but more emphasis on the centres of power.

**www.cabinet-office.gov.uk** Cabinet Office.

**www.civil-service.co.uk.** Statistics and information, as well as details of recent changes.

**www.britishcouncil.org** British Council: Coverage of recent changes in civil service and governance of UK.

#### **For the USA**

**www.whitehouse.gov/** Official presidential site for the White House: Useful for following the day-to-day activities of the President, including daily briefings and press releases, as well as materials from the Executive Office of the President, the Council of Economic Advisers and other such bodies.

[www.whitehousehistory.org](http://www.whitehousehistory.org) White House Historical Association. General overview of the presidency and the White House; offers a virtual tour of the White House, showing its objets d'art.

**SAMPLE QUESTIONS**

1. To what extent is it true that executives have gained at the expense of legislatures?
2. Compare the methods by which British Prime Ministers and American Presidents attain their office and the backgrounds of those who reach the top in Britain and the United States.
3. 'The idea that the British Prime Minister has become a presidential figure like the American incumbent ignores the substantial differences in the two roles.' Discuss.
4. How accountable are British Prime Ministers and American Presidents to the legislature and to public opinion?
5. To what extent does party act as a restraint upon the British Prime Minister and the American President?
6. Discuss the view that not all heads of government are effective political leaders.
7. Consider the ways in which the Executive in Britain is different from the Executive in the United States.
8. Compare and contrast the role of the Cabinet in British and American government.
9. What is the political significance of the different ways by which senior civil servants are recruited in Britain and the United States?
10. How do politicians seek to control the bureaucracy in Britain and the United States, and with what measure of success?
11. Read each of the statements on the left, and then either decide whether this also holds for the other country – explain your choice in the column on the right.

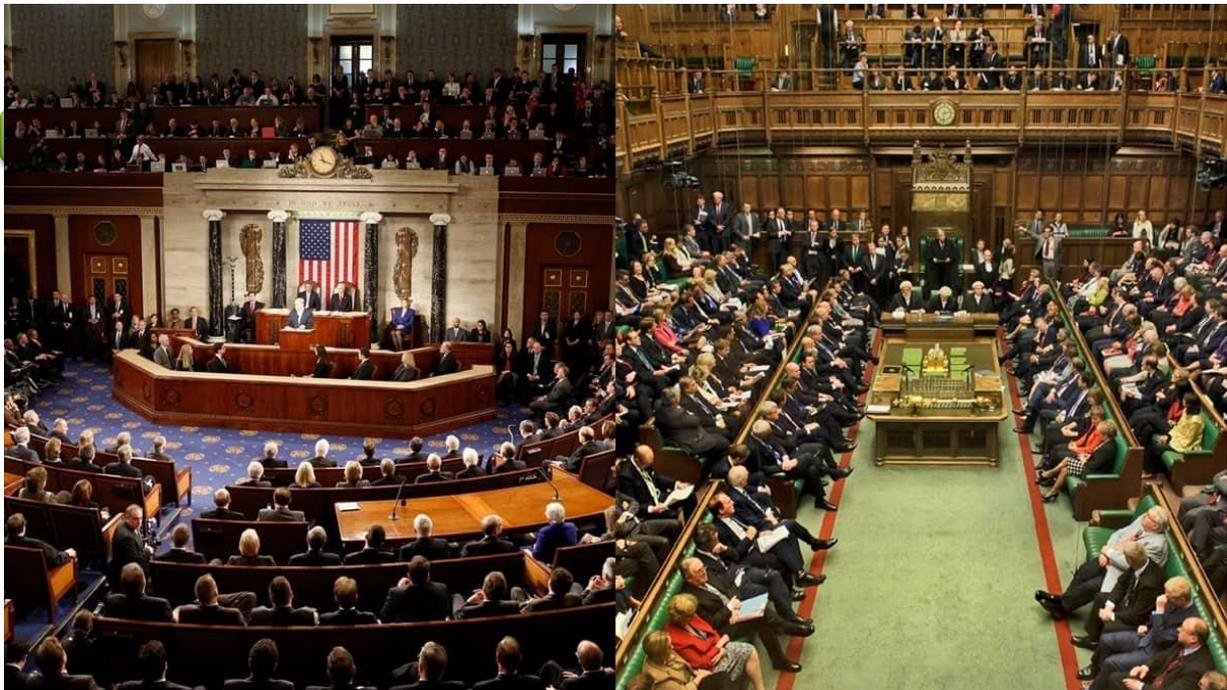
Statement	Agreement / disagreement
The UK executive works under an uncodified constitution	US:
The UK's Prime Minister is <i>primus inter pares</i> and, in theory, simply chairs the Cabinet meetings	US:
In the US, a good number of civil service appointments are made by the President ("spoils of office")	UK:
The US President is elected in a separate national election	UK:
The UK has cabinet government with collective decision-making and collective responsibility	US:

The President's cabinet is relatively unimportant and lacks power	UK:
The Prime Minister and the executive are also part of the UK's legislature	US:
The US President has a large EXOP at his command	UK:
The US President has to use his powers of persuasion to get legislation through Congress	UK:

# CHAPTER 5

## The LEGISLATURES

### US CONGRESS vs. UK PARLIAMENT



#### CHAPTER OUTLINE

1. Structure and Purpose
2. The Work and Importance of the British Parliament and the American Congress
3. The decline of legislatures: British and American experience
4. Elected representatives in Britain and America: their role
5. The social backgrounds of members of legislatures
6. The pay and conditions of legislators
7. The Legislatures Compared: Westminster vs. Congress

#### CHAPTER FOCUS

In this chapter, the primary concern is the nature and work of Parliament and Congress and of the members who serve in them. There is also emphasis on the characteristics of second chambers and their role, before finally assessing the theory of legislative decline and its application to Britain and America.

#### POINTS TO CONSIDER

1. Are bicameral legislatures a good thing?
2. Are legislatures policy-making bodies? If so, in what sense?
3. Consider the changing role of legislatures.

4. 'Today, the functions of legislatures are more to legitimate than to legislate'. Why is this so?
5. 'A key function of legislatures is to scrutinise and control the work of the executive branch'. How do Parliament and Congress attempt to do this and with what success?
6. Compare the contribution of committees in Parliament and Congress.
7. Compare the pay and conditions of MPs and members of Congress.
8. To what extent does the membership of Parliament and Congress respectively reflect the social composition of Britain and the United States?
9. Does it matter that most legislatures are socially unrepresentative of the populations they serve?
10. Does the experience of Britain and the United States support the idea of 'postwar legislative decline'?

### DEFINITION

A **legislature** is a deliberative assembly with the authority to make laws for a political entity such as a country or city. Legislatures form important parts of most governments; in the separation of powers model, they are often contrasted with the executive and judicial branches of government.

Laws enacted by legislatures are known as primary legislation. Legislatures observe and steer governing actions and usually have exclusive authority to amend the budget or budgets involved in the process. The members of a legislature are called legislators. In a democracy, legislators are most commonly popularly elected, although indirect election and appointment by the executive are also used, particularly for bicameral legislatures featuring an upper chamber.

The constitutions of most countries describe the legislature, parliament or congress as the key decision-making body in the realm, or else accord it equal status with the Executive. Yet in practice the reality is different. Few legislatures make important decisions and in many cases neither do they initiate laws. Over recent decades, writers have often drawn attention to the alleged 'decline of legislatures'. In Britain, chapters have been written on the 'passing of parliament', 'parliament in decline' or 'the loss of parliamentary control'. Yet in spite of their relative decline, in many cases they remain very significant in any democracy for they usually comprise the elected representatives who are there because they reflect the sentiments and feelings of the electorate.

**VOCABULARY:** Names for national legislatures include "parliament", "congress", "diet", and "assembly", depending on country.

### 1. Structure and Purpose

Some legislatures are bicameral (two chamber) and some are unicameral (single chamber). Where two chambers exist (see box on pp. 108–9), it is often argued that the possible 'excesses' of the popularly elected assembly need to be balanced by the experience and wisdom of a more reflective upper house, as has been the case in Britain. However, if the second chamber is not elected, there is the danger that it will be considered undemocratic, a denial of the popular will – the more so if its membership has been chosen on the basis of heredity, as the House of Lords was for many centuries until 1999.

Many second chambers have lost much of their power, so that in Britain and

France they retain only the right to revise or delay legislation. In federal countries, the second chamber is often more powerful (for instance in Canada and Germany). In such examples, the size of the country, the need for regional representation and the sometimes-sharp geographical cleavages make a second chamber seem desirable.

There are more unicameral legislatures than bicameral political systems. Unicameralism has been on the increase in recent years and Hague and Harrop note that in 2000 112 out of 178 legislatures had only one chamber.<sup>33</sup> Countries such as Denmark, New Zealand and Sweden abolished their upper house without any obvious serious effects, and as a general trend across the world the number of two-chamber assemblies is slightly in decline. They are more common in federal countries and those which are geographically extensive. It is significant that the countries which have opted for abolition are small, Sweden having about 8.9m, Denmark 4.5m and New Zealand 2.5m. In such countries, the pressure of legislation is much less than in a country the size of Britain.

## **2. The Work and Importance of the British Parliament and the American Congress**

A distinction is sometimes made between legislatures (assemblies which do not force the executive to resign, and therefore are less likely to be dissolved)<sup>34</sup> and parliaments (which can censure the government and therefore do risk the possibility of being dissolved). The distinction has some validity, so that in presidential systems such as the United States and many Latin American countries the legislature is powerful and secure but cannot vote the President out of office (except for an impeachable offence), whereas in parliamentary systems such as those of Britain, most of Western Europe, the Commonwealth, Japan and Israel, assemblies do have the power to censure the government.

Here, we use the words interchangeably. By their very existence, legislatures perform an important representative function. They reflect the people's wishes, for they comprise the elected representatives of the voters. For this reason, they are said to be sovereign bodies, embodying the principle of popular sovereignty or 'people power'. However, constitutions usually accord legislatures a substantial array of other powers. Legislatures have five main purposes.

### **1. Representation**

This is a term with several meanings. Here, we are using the term to mean the authority to act on behalf of another, as gained through the process of election. In this sense, the elected representative acts to safeguard and promote the interests of the area represented. In Britain as in most Western democracies, representation operates via political parties. The successful candidate gets elected because of his or her party label, but he or she must seek to balance the sometimes conflicting pressures of representing the country, party and constituency, as well as being true to his or her own conscience and feelings. In America, the House of Representatives was originally seen as the body which represented the mass of the people although since the introduction of the direct election of the Senate it has lost that distinctive position. The importance attached to the representative function is very great in America, in comparison with other legislatures. Congressmen attach the highest priority to the attitudes and concerns of those who elect them and other considerations, such as party, matter less.

## 2. Deliberation

Members apply their knowledge, understanding and judgement to consider the nation's affairs, especially in the process of debate. When contemplating the issues of the day, they are expected to balance their responsibilities to party and constituency with those to the nation. Writing to his constituents in Bristol in 1774, **Burke** outlined in classic style the case for a representative of the people exercising this balancing function:

***Parliament is not a congress of ambassadors from different and hostile interests . . . which . . . each must maintain, as an agent and advocate . . . Parliament is a deliberative assembly of one nation, with one interest, that of the whole . . . You choose a member indeed; but when you have chosen him, he is not a member for Bristol, but he is a member of Parliament.***

In a talking assembly such as Parliament, discussion occurs on the floor of the chamber in formal debate. In Congress, it centres on the committee rooms and is more detailed and less stylised.

## 3. Financial Control

Raising taxation is a traditional function of parliaments, associated with the redress of grievances. In bygone days, the representatives of the people demanded concessions of their king prior to conceding the demand for extra taxes. Lack of power to control spending effectively has been a weakness of many parliaments, for the amounts are vast, the issues complex and elected members lack the time and expertise to monitor the situation in any detailed manner. Such controls as there are operate after the event, by which it is too late to have an effect.

In most countries, financial control is an area in which the legislature is at its weakest. Governments set out their budget before the assembly and with few modifications they are passed. This is untrue in America, for the Constitution specifically placed the duty of raising of money on the House of Representatives and money spent by government departments has to be allocated under headings approved by Congress. Flammang *et al.* observe that 'without the agreement of members of Congress, no money can be doled out for foreign aid, salaries for army generals or paper clips for bureaucrats'.<sup>35</sup> Similarly, the President's federal budget is subject to congressional agreement which may not be forthcoming. Since the early 1970s, the expertise of members of Congress in handling budgetary issues has been increased, following the establishment of the Budget Office.

## 4. Political Recruitment

Assemblies often act as a recruiting ground for ministerial office. In parliamentary systems where the government is chosen from parliament, the performance of elected representatives can be assessed. Service in the House, showing up well in debates and voting loyally with the party, are admired virtues for those who wish to tread the career path to high office. This applies less in America, for the President and his Cabinet do not derive from the chamber. It may be that presidential candidates have cut their teeth by service in Congress (Kennedy and Nixon), but as this is much less true today when the route to the White House often seems to be service as a state governor.

## 5. Legislation

Law-making is a key function of legislatures, as the very word suggests (by derivation, *legis* means law, and *lator* means proposer or carrier, hence the idea of someone who proposes or carries law). In most cases, it is not the function where they exert most influence, for representative assemblies are by their nature often ill-equipped to generate and develop laws. In the days when Locke and Montesquieu argued that laws should be made by legislatures, the scope of law-making was much more narrow than it is today. Often it was concerned with matters affecting the family, law and ownership of property.

What changed in the twentieth century was the massive growth in state intervention in a whole range of areas of policy-making. Laws are no longer just about regulating private relationships between citizens, but they are concerned to introduce or amend arrangements for providing many services in the fields of education, consumerism, health, housing and social security, amongst many others. Often the details involved in such laws are highly complex, and there are a great variety and amount of them. They involve vast expenditure, and need the input of those who possess the relevant knowledge and technical expertise.

Such interventionism also extends to the running of the economy, where the trend to detailed economic management has grown in the post-war era. Governments are expected to produce policies for inflation and unemployment, and to regulate state and private industries. We live in an age of managed economies and a welfare state. Against this background, it is inevitable that executives will assume a growing role, the more so as so many matters require continuous action and on occasion urgent decisions.

Hence the task of deciding what laws are needed and of preparing legislation has been largely surrendered to governments, and parliaments are more concerned with scrutinising what is proposed, making amendments and voicing objections, rather than playing a key role in the actual making of law. Members of legislatures who wish to play an effective role increasingly need to be specialists rather than generalists, and for this reason they need to be equipped with assistants and facilities which enable them to find out information quickly and to develop a genuine expertise in their subject. Only then can they hope to challenge ministers who have the resources of a government department from which they can draw support.

## 6. Control of the Executive

Scrutiny of the work of the Executive is perhaps the key function of legislatures today, as most have lost much their law-making as opposed to law-passing role. Via this watchdog role, those in government are held to account for their actions. Their right to govern is acknowledged, but so too is parliament's right to take them to task. In Britain, opportunities for criticism and control of executive action arise in the passage of legislation, in question time, debates, and votes and via the select committee system.

**Question Time** is a much-vaunted British way of holding ministers responsible. Its merits – particularly those of Prime Minister's Questions on Wednesday afternoon – have been much questioned, but the fact that he and other ministers must appear before the House and face often hostile questioning helps to keep their feet on the ground and brings them into contact with the comments and criticisms which people are making about government policy. As well as advancing an alternative approach, the Opposition party has the specific role of holding the government to account, throwing the spotlight of publicity on its acts, demanding a

full exposition of the ministerial case and censuring ministers when it finds their policies and activities condemnable.

America has no such institution as Question Time, nor does it have a body equivalent to Her Majesty's Opposition. The system of government is very different. Whereas in Britain ministers are members of the legislature and via the doctrine of individual ministerial responsibility are accountable for the work of their departments and their own performance, in America the President is appointed directly and the Cabinet is hand-picked according to the President's requirements and preferences. Cabinet members are not members of Congress and do not have to justify their policies before the elected representatives in Congress, though they may be summoned to appear in committee hearings. The prospect of being subjected to such investigation is bound to influence the behaviour of those who make decisions.

Congress also has the key judicial power of **impeachment**. The House decides on whether the accused official has a case to answer and if it believes that he or she has, then the trial takes place in the Senate; A verdict of guilty results in dismissal from public office.

### **3. The Decline of Legislatures: British and American Experience**

Most legislatures are relatively weak. They are often thought to be much weaker than they were in some 'golden age' of the nineteenth century. In reality, the 'golden age' theory can be exaggerated. Some nineteenth-century assemblies were easily manipulated by dominant leaders who could often get their way. Several governments always have exercised firm control over legislative arrangements. This was true of Britain, though it is certainly fair to argue that the House of Commons was less predictable in its voting patterns than it is today. Cross-voting was more common, and governments were liable to be brought down by an adverse vote in the chamber.

Legislatures do tend to be weak, not least because governments need to make urgent decisions on what are often complex items of business – perhaps a crisis in foreign policy (such as the events of 11 September 2001), a difficult discussion in the United Nations, a sudden problem on the financial markets or a leaky oil tanker polluting the coastal regions. Elected representatives inevitably find themselves responding to what has already been done. The influence of legislators at the broad policy level is therefore necessarily limited, and in matters of law-making or on financial provisions their main role tends to be one of ratification rather than of initiative or real influence. In Blondel's words: 'Legislatures do not initiate: they follow'.<sup>36</sup> They cannot initiate because in many cases, the legislation often introduced by modern governments is too complex and technical, and requires preparatory work to be done by civil servants before it is ready to emerge for consideration. Today, attention is often more focused on the executive branch of government than on the legislature. Often the latter appears to be reacting to the work of the former. In Britain and many other countries, government may be dependent on parliamentary support, but party discipline ensures that this is normally forthcoming, and as a result it is governments which dominate parliament rather than parliaments which dominate government. Broadly, the more powerful the government the weaker the parliament, but a weak government does not necessarily mean a strong legislature.

In America, Congress – with the different constitutional status accorded to the legislature – clearly has greater power than other assemblies or parliaments. On the spectrum above, it would be placed to the left of Denmark, as the 'strongest of the strong'. As a result of the growing trend towards executive power, some parliaments

are rather compliant. The performance of the American Congress is much criticised by American commentators who often lament its lack of effectiveness and in particular its slowness to act. As Wallerstein has explained, 'in the absence of firm control and leadership, Congress is ill-equipped to establish priorities which can then be readily translated into action'.<sup>37</sup> It does not perform its legislative and investigative functions as impressively as many would like, and at times it has seemed to surrender too much initiative to the White House. Relations with the presidency are an important aspect of congressional power and influence.

The tendency towards the 'decline of legislatures' is certainly less true of presidential systems. Congress has more opportunity to modify proposals than most assemblies. But its main strength has usually depended more on blocking or frustrating presidential ambitions, or scrutinising the performance and membership of the Administration, than in actually determining policy. The power is one of delay rather than of initiative.

#### **4. Elected Representatives in Britain and America: Their Role**

Elected representatives have a variety of different responsibilities. They have loyalties which often conflict and different members will reach differing conclusions about where their main duties lie. They have an obligation to the nation, to their constituents, to the party whose label they employ, to the pressure groups which they may represent and to themselves, their own consciences.

In most democracies, elected members are creatures of their party; parties are the vehicles through which they entered the legislature. Without the label, they would almost certainly not have been elected. They were nominated by a party organisation, elected on a party ticket, pledged to a party line. They are expected to give support to the party in the chamber and most do so without much complaint. They accept the constraints of party discipline, knowing that there are opportunities in which they can vent their concerns other than in the voting lobbies.

Like other elected representatives, MPs also have responsibilities to the country and especially to their constituents and any constituency interests. As MPs they are expected to play a full part in the proceedings of the House, attend regularly, speak and vote in debates and serve on committees. They should also try to view issues from a national as well as from a party and constituency point of view. Today, they receive a mass of correspondence from aggrieved constituents and especially deal with welfare matters such as social security benefits, housing allocation and educational provision. Some MPs specialise in handling such problems and have made a name for themselves as good constituency MPs.

Congress members have similar responsibilities, although the priorities they attach to them are often different. In virtually every case, they were elected on a party label, but once in the House or Senate loyalty to party does not have the same hold over their activities as it does in Britain. Committee and constituency pressures are much greater. The representative function is all important, for Senators and Representatives have always attached high priority to the attitudes and concerns of those who elected them.

Congress members – especially members of the House who only serve for two years – place much emphasis on getting re-elected. Mayhew distinguished three types of behaviour in which they might indulge to enhance their prospects: self-promotion, credit-claiming and position-taking.<sup>38</sup> In each case, the aim is to ensure that constituents view them as the right person for their congressional district. 'Pork barrel' politics have always been a feature of American politics, for the success of

politicians in bringing home the pork or bacon (gaining advantages or concessions for the district) will substantially affect their chances. They know that their prospects of survival will depend to a large extent on their ability and effort, and so they spend much of their time in assessing and acting upon the wishes of those who sent them to Washington.

## 5. The Social Backgrounds of Members of Legislatures

In general, legislatures tend to be overwhelmingly male, middle aged, middle class, and, in North America and Europe, white. Berrington points out that 'almost every study of legislators in Western democracies shows that they come from more well-to-do backgrounds, are drawn from more prestigious and intellectually satisfying backgrounds and are much better educated than their electors.'<sup>39</sup>

Working-class representation is low in many countries, so that representatives of the middle and upper classes predominate. As a broad trend, parties of the right tend to draw more heavily on business and commerce, whereas parties of the left have many professionals within their ranks, especially from the world of education. For both right- and left-wing parties, law has always been a useful background for political service, particularly in the United States. It has lost some of its former impact today, and professions involving communications, such as newspaper and television journalism and public relations, have increased in their representation.

In many democracies certain political families always seem to have one of their members in the legislature. In India, the Gandhis and Nehrus have always been well represented, just as among the British the Soames, Hoggs and Benns, and among the Americas the Kennedys, Gores and Bushes have provided representatives in two or more generations. In some families there is a tradition of public service, and at some level – local or national – many members get involved in political activity.

In America, work on Capitol Hill was always regarded as a full-time activity. Members are not allowed to earn from outside an income more than 15 per cent of their congressional salary. Pay and conditions are good: more of an incentive to full-time membership than they are in Britain. There was never the same idea of members of the privileged classes going to Westminster as a social activity in the afternoon and evening, after a day's work elsewhere.

The part-time British politician is now in retreat, a process accelerated by the Labour landslides in 1997 and 2001. More common today is the career politician who may have begun life working as a research assistant and then worked in the party organisation ('political staffers') or served on a local council before entering Parliament. Such people are committed, well versed in political issues and understand their party and those who work within it. However, some would argue that **career politicians** lack the sense of broad perspective that comes from having done another job. They have not inhabited the 'real' world of ordinary people and may not always possess the judgement that comes from knowing about the preoccupations of people from all walks of life – in other words, what 'makes people tick'.

In America, it has long been the case that congress members have served in some other political activity. They may have been state administrators or legislators, or served as county, city or town officials. Some will have been judges or governors, others Representatives, before they bid for a Senate seat. Shaw found that in the early 1960s 98 per cent of Senators and 88 per cent of Representatives had such a political apprenticeship in public offices, a far higher figure than at Westminster.<sup>24</sup>

Far fewer British MPs have served in local government, proportionately more on the Labour side.

## **6. The Pay and Conditions of Legislators**

For many years it was customary for British MPs to lament their inadequate facilities. Many of them found that the vast size and splendour of their surroundings were poor compensation for the conditions in which they had to operate. It was common for both members themselves and academic and journalistic commentators to make adverse comparisons with the situation in other countries. On matters of pay too there was general dissatisfaction until comparatively recently, although in recent decades the level of remuneration has considerably improved. In 2002, an MP had a salary of £51,822, as well as a range of allowances for office help, staffing and accommodation. Some members still often voice criticism of the lack of constituency help they receive, whilst others feel that they could do with more research assistance at Westminster. Most MPs employ a couple of people to help them, and also make use of the services of unpaid research assistants. The lack of office equipment and particularly of information technology services are frequently condemned, for the House makes no central provision for such facilities. Poor facilities are often mentioned by MPs who have had previous experience of the business world where they came to take good provision for granted.

## **7. The Legislatures Compared: Westminster vs. Congress**

Few countries have quite as long of a history with democracy as the United States and the United Kingdom. Of course, the United States is a republic, while the United Kingdom is a constitutional monarchy, yet both have fully-functioning democracies. That said, there are big differences between the way that the two systems work. Crucial to the American system is the idea of checks and balances, meaning that no one part of government is more powerful than the others. The United Kingdom has the idea of parliamentary sovereignty, by which no part of government can challenge the Parliament. In fact, even the monarch takes an oath at coronation recognizing that Parliament, not the king or queen, is the source of power in the United Kingdom.

### ***Parliament and Congress Are Not the Same***

In the United States, Congress is the legislative, or law-making, branch of government. But wait, isn't the United Kingdom's Parliament also a legislative body? Absolutely. However, there are massive differences. Imagine the US congressional system as a three-legged stool - one leg is the executive branch, one is the legislature, and one is the judiciary.

The United Kingdom looks more like a central pillar. There is Parliament, and well, Parliament. In fact, you'll often hear people describe recent periods of time in British political history as the 'Blair Government' or the 'Thatcher Government.' In the United States, the government never changes. It may be an Obama administration, Republican legislature, or Roberts Supreme Court, but it is always the American government. However, the Parliament does consist of the House of Lords and the House of Commons. Sometimes, you'll hear people describe the House of Lords as the Senate, while the House of Commons is like the House of Representatives. From now on, you get to tell people that they're wrong when they say that! The House of Commons has every elected politician in the British government - it's as if the House and Senate were combined and then elected the president and Cabinet from their

membership.

The House of Lords is a vestige of earlier British history, in which nobles had significant power. While they can slow down legislation, they can't actually stop it.

- In the USA, both houses of the legislature - the Senate and the House of Representatives - are directly elected. In the UK, the House of Commons is directly elected, but the House of Lords is largely appointed (making it unique in the democratic world).
- In the States, as a consequence of the separation of the powers, all legislation is introduced by a member of Congress, so even the signature legislation attributed to President Obama on healthcare reform was actually introduced by a Congressman (Democratic member of the House of Representatives Charles Rangel). In total contrast, almost all legislation in Britain is introduced by the Government with only a very small number of Bills - usually on social issues with minimal implications for the public purse - introduced by individual Members of Parliament (they are called Private Members' Bills).
- Senate rules permit what is called a **filibuster** when a senator, or a series of senators, can speak for as long as they wish and on any topic they choose, unless a supermajority of three-fifths of the Senate (60 Senators, if all 100 seats are filled) brings debate to a close by invoking what is called cloture (taken from the French term for closure). There is no equivalent provision for preventing filibustering in either House of the British Parliament but filibustering is rare.
- In both the House of Representatives and the Senate, the majority party chairs all committees which have considerable power. In the two chambers of the British legislature, committee chairships are allocated between the different parties, roughly in proportion to the size of the party in the House, and the committees are much less powerful than in the US Congress.
- In the House of Representatives, the Speaker - chosen by the members of the largest party - has considerable power and acts in a highly partisan fashion. In the House of Commons, the Speaker - chosen by the whole House - only has procedural responsibilities and acts in a non-partisan manner (usually he is not opposed in a General Election).

## Conclusion

In liberal democracies, governments have often succeeded in muzzling parliamentary powers, and Britain is no exception, for the reasons described. Yet legislatures are not without influence, and can still play an important role. They may not have the power to initiate, lacking as they do the necessary technical competence. But they can play a part in starting up a great debate on policy issues which can be taken up elsewhere, particularly in the media.

Philip Norton has stressed that there needs to be a wider focus than mere concentration on parliament's role in the making of public policy.<sup>40</sup> He regards the British Parliament as 'not just significant', but also as 'indispensable'. He points out that legislatures today are multi-functional, their task of 'manifest legitimation' (giving the formal seal of approval) being a core defining purpose. But also in articulating interests, redressing grievances, recruiting ministers, mobilizing and educating citizens and acting as a safety-valve when tensions in society arise, they perform an invaluable role.

The experience of America is rather different. It is the most influential

legislature in the world, even if at times there has been an ebb and flow in the power relationship it has with the presidency. If the White House and Congress are under the control of different parties, then elected representatives may be particularly keen to curb presidential aspirations.

<b>Legislatures in Britain and the United States: a summary</b>		
	<b>Britain</b>	<b>United States</b>
Unicameral or bicameral?	Bicameral.	Bicameral.
Size	House of Commons 659. House of Lords 687.	Representatives 435. Senate 100
Method of selection	Commons: direct election. Lords: mainly appointment	Representatives and Senate: direct election.
Nature of membership	Both unrepresentative: too few women and minorities.	Both unrepresentative: too few women and minorities.
Status of chambers	Commons: significant. Lords: secondary role.	Theoretically equal, but Senate has higher prestige.
Type and role of committees	Standing (non-specialist) for legislation: select for scrutiny	Standing (specialist) for legislation and scrutiny: select for special enquiries.
Law-making	Commons has main role, Lords does work of revision: most bills pass and impact of process limited.	Key legislative role for both houses, though relatively few bills pass into law: lack of party support.
Watchdog role, investigation	Questions, Opposition and select committees.	Powerful investigatory committees: no Question Time or official Opposition.
Relative power	Loss of power: talk of 'Parliament in decline' and need for reform.	Most powerful legislature in world, though often talk of 'congressional paralysis'.
Pay and facilities	Pay low by European standards: conditions poor.	Generous pay and excellent facilities, especially staff support.

**USEFUL WEB SITES**

**For the UK**

**www.parliament.uk** House of Commons Information Office. A useful source of information on many aspects, including lists of women MPs etc. produces valuable factsheets.

**www.explore.parliament.uk** Help with resources, including videos, virtual tour of Parliament.

**www.scottish.parliament.uk** Scottish Parliament. Help with queries and resources.

**www.wales.gov.uk** National Assembly for Wales. Help with queries and resources.

**www.democratic.org.uk** Democracy UK; Information on Parliamentary Reform.

### **For the USA**

**www.thomas.loc.gov** Thomas (named after Thomas Jefferson, the Library of Congress). The congressional site which offers a comprehensive look at Congress in the past and today; useful information about current activities.

**www.house.gov** House of Representatives.

**www.senate.gov** Senate.

Both give valuable details about the work of both chambers, reports about current legislation, the activities of congressmen, their conditions etc.

**www.vote-smart.org** Vote Smart. An easy-to-understand guide to current legislation going through either US chamber.

**www.rollcall.com** The newspaper read by those working on Capitol Hill: information re. congressional politics, including news and analysis.

### **SAMPLE QUESTIONS**

1. Why is the upper house in Britain less powerful than the Senate in the United States?
2. Does bicameralism operate more effectively in the United States than in Britain?
3. Compare the effectiveness of the law-making process in Britain and the United States.
4. Compare and assess the effectiveness of the ways in which Parliament and Congress seek to control the work of the Executive.
5. Has the American government more to fear from the scrutiny of Congress than the British government from that of the House of Commons?
6. Is it true that the real work of Congress is done in the committee rooms? How does the American committee system compare with that in the British Parliament?
7. Why are congressional committees more powerful than those of Parliament?
8. Why is Congress a more powerful legislature than the British Parliament?
9. Explain and discuss the view that MPs and congress members are subject to very different pressures.
10. Compare the background and roles of MPs and congress members. What might an MP like and dislike about the American legislature?
11. Discuss the view that senators and representatives are better paid and better equipped to fulfil the tasks demanded of them.
12. Consider the importance of socio-economic background when assessing the performance and effectiveness of members of Parliament and of Congress. What barriers prevent the development of a more representative cross-section of the populations of Britain and the United States from getting elected?
13. Could British parliamentary reformers benefit from an acquaintance with the experience of the US Congress?

**14. Complete the following table:**

<b>Comparison Factor</b>	<b>UK</b>	<b>US</b>
Separation or fusion of powers?		Separation (in theory)
Elections for legislature – frequency		
Elections for executive – frequency, relationship to legislature?	Executive not elected separately	
Process for removing the executive	Vote of no confidence	
Power of the party in the legislature		
Existence of gridlock?		
Balance of power between Houses		Theoretically the same amount of power
Factors that influence voting		
Existence of independent representatives or representatives from minority parties		Almost exclusively Democrats or Republicans
Legislative oversight over the executive		

# CHAPTER 6

## THE JUDICIARIES



### CHAPTER OUTLINE

- 1- The functions of judiciaries
- 2- The independence of the judiciary
- 3- The political involvement of judges in Britain and America

### CHAPTER FOCUS

The primary concern in this chapter is focus on the courts in their political capacity rather than with their criminal and civil caseload. It explores the role of judiciaries, how judicial independence is protected in both countries, the types of persons who become judges, and the differing conceptions of their role and an assessment of the extent to which they are involved in political matters.



### POINTS TO CONSIDER

- 1- What mechanisms exist to ensure judicial impartiality? To what extent is the idea of an independent judiciary put into practice in Britain and the United States?
- 2- In making appointments to the Bench, should the personalities and opinions of individual judges be taken into account?

- 3- As judges perform an increasingly political role, should they be elected?
- 4- Does it matter that the social background of leading judges on both sides of the Atlantic is unrepresentative of society as a whole?
- 5- Should the courts lead public opinion or should they follow it?
- 6- To what extent are the courts of law political?

## **Introduction**

Courts of law are part of the political process, for governmental decisions and acts passed by the legislative body may require judicial decisions to be implemented. Courts need to be independent to be respected, but this is difficult to achieve in practice. There is never full independence as far as appointment is concerned, and Blondel warns that in their verdicts judges cannot be expected 'to go outside the norms of the society'.<sup>41</sup> In Britain and America, the courts have traditionally diverged in their behaviour, but today there are more similarities than there were a few decades ago. Judges have become more active players on the political scene. Even so, many British people would probably not consider the courts to be part of the political system, whereas in the United States their political role sometimes becomes very apparent.

Liberal democracies such as the United Kingdom and the United States, along with Australia, Canada, France, Italy and many other countries, have an independent judiciary which is charged with responsibility for upholding the rule of law. Even those in power, be they Presidents or British ministers, have the same duty to act within the law. Any transgression of it should not go unchallenged. The rule of law is a cardinal principle in any democracy, and where it does not prevail then this is a clear indication of a regime which is in some degree despotic.

In democratic countries, it is expected that the judicial system will be enabled to function freely, without any interference from the government of the day. Judicial independence implies that there should be a strict separation between the judiciary and other branches of government. In most cases, the independence of judges and law officers is ensured by their security of tenure, although their independence could be compromised by the close involvement of politicians in the manner of their recruitment and promotion. Moreover, once recruited, bias can creep in, as a result of the type of person who gains advancement. Judges in many countries do tend to exhibit a remarkable homogeneity. This might pre-dispose them to defend the existing social and political order, and make them unsympathetic to groups who seek to challenge it, such as representatives of racial or other minorities, and militant women.

### **1- The Functions of Judiciaries**

There are three main functions of the judicial branch of government. Judiciaries:

- resolve disputes between individuals, adjudicating in controversies within the limits of the law;
- interpret the law, determining what it means and how it applies in particular situations, thereby assessing guilt or innocence of those on trial;
- act as guardians of the law, taking responsibility for applying its rules without fear or favour, as well as securing the liberties of the person and ensuring that governments and peoples comply with the 'spirit' of the constitution.

A key function of the judiciary is that concerning judicial review, to which we now turn.

### **Judicial review in US**

Under the doctrine of judicial review, the courts are granted the power to interpret the constitution and to declare void actions of other branches of government if they are found to breach the document. As explained by Stone, in reference to the situation in the United States, it is 'the power of any judge of any court, in any case at any time, at the behest of any litigant party, to declare a law unconstitutional'.<sup>42</sup> Constitutional issues can therefore be raised at any point in the ordinary judicial system, although it is the Supreme Court which arbitrates in any matter which has broad significance.

Judicial review is particularly important in federal systems to ensure that each layer of government keeps to its respective sphere. The function was not written into the American Constitution, but the ruling of the Supreme Court in the case of *Marbury v Madison* in 1803 pointed to the key role of the Court in determining the meaning of the Constitution. In the United States some of the measures of Roosevelt's New Deal thus fell foul of the Supreme Court, as did Truman's seizure of the steel mills in 1952 to prevent a strike. In exercising its power of review, the Court normally decides on the basis of precedent (*stare decisis* – stand by decisions made), but on occasion it has spectacularly reversed a previous decision and thus enabled the Court to adapt to changing situations and give a lead. The judgement in *Plessy v Ferguson* (1896), which allowed for segregation on the basis that separate facilities were not necessarily unequal was reversed in the *Brown v Board of Education (Topeka, Kansas)* ruling (1954), when it was decided that such facilities were 'inherently unequal'. The case referred to public education, but campaigners rightly saw its wider implications.

### **Judicial review in Britain**

In America, the Supreme Court interprets not only the law, but also the Constitution. Britain has no provision for judicial review. No court can declare unconstitutional any law that has been lawfully passed by the British Parliament, which is the sovereign law-making body, a principle that has never been challenged. In the absence of a written constitution, there is – as Heywood points out – 'no legal standard against which to measure the constitutionality of political acts and government decisions'.<sup>43</sup> What it does have is what the same writer refers to as 'a more modest form of judicial review, found in uncodified systems', which allows for the review of executive actions, deciding whether the executive has acted *ultra vires* (beyond its powers).

In both Britain and America, there is provision for decisions of the courts to be overridden. In Britain, this requires only the passage of an Act of Parliament, although in cases involving law emanating from the European Union this takes precedence over British law and cannot be so changed. In America, on many issues Congress can pass a law to deal with court decisions it dislikes and ensure that future rulings are different. If the matter is a constitutional one, the arrangements for amending the Constitution are more complicated.

### **The Structure of the Federal Courts**

The only federal court that the Constitution requires is the Supreme Court, as specified in Article III. All other federal courts and their jurisdictions are creations of Congress. Nor does the Constitution indicate how many justices shall be on the Supreme Court (there were originally six, now there are nine) or what its appellate jurisdiction shall be. Congress has created two kinds of lower federal courts to handle cases that need not be decided by the Supreme Court: constitutional and legislative courts.

A **constitutional court** is one exercising the judicial powers found in Article III of the Constitution, and therefore its judges are given constitutional protection: they may not be fired (they serve during “good behavior”), nor may their salaries be reduced while they are in office. The most important of the constitutional courts are the district courts (a total of ninety-four, with at least one in each state, the District of Columbia, and the commonwealth of Puerto Rico) and the courts of appeals (one in each of eleven regions, plus one in the District of Columbia and one federal circuit).

There are also various specialized constitutional courts, such as the Court of International Trade. A legislative court is one set up by Congress for some specialized purpose and staffed with people who have fixed terms of office and can be removed or have their salaries reduced. Legislative courts include the Court of Military Appeals and the territorial courts.

### The US Federal Courts

The US federal courts are composed of three levels of courts. They are listed below.

- The United States district courts (one in each of the 94 federal judicial districts, and three territorial courts) are general federal trial courts, although in certain cases Congress has diverted original jurisdiction to specialized courts, such as the Court of International Trade, the Foreign Intelligence Surveillance Court, the Alien Terrorist Removal Court, or to Article I or Article IV tribunals. The district courts usually have jurisdiction to hear appeals from such tribunals (unless, for example, appeals are to the Court of Appeals for the Federal Circuit.)
- The United States courts of appeals are the intermediate federal appellate courts. They operate under a system of mandatory review which means they *must* hear all appeals of right from the lower courts. In some cases, Congress has diverted appellate jurisdiction to specialized courts, such as the Foreign Intelligence Surveillance Court of Review.
- The Supreme Court of the United States is the court of last resort. It generally hears appeals from the courts of appeals and sometimes state courts, operating under discretionary review, which means that the Supreme Court can choose which cases to hear, by granting writs of certiorari. There is therefore generally no basic right of appeal that extends automatically all the way to the Supreme Court. In a few situations (like lawsuits between state governments or some cases between the federal government and a state) it sits as a court of original jurisdiction.

### The U.K. Judiciary

The British judicial branch is extremely complex. Unlike most countries which operate a single system of law, the UK operates three separate legal systems: one for England and Wales, one for Scotland, and one for Northern Ireland. Although bound by similar principles, these systems differ in form and the manner of operation.

Currently a process of reform is in operation. The Lord Chancellor’s office - which for 1,400 years maintained the judiciary – has now been replaced by the Ministry for Justice which administers the court system. A Judicial Appointments

#### District Courts

The lowest federal courts; federal trials can be held only here.

#### Courts Of Appeals

Federal courts that hear appeals from district courts; no trials.

#### Legislative Courts

Courts created by Congress for specialized purposes whose judges do not enjoy the protections of Article III of the Constitution.

Commission has been set up to advise the head of the MoJ on the appointment of new judges. The head of the judiciary is the Lord Chief Justice.

The Appellate Committee of the House of Lords - previously the highest court in the land - was, by way of the Constitutional Reform Act 2005, replaced by the Supreme Court in October 2009 to allow the judiciary to operate in total independence from the Government. The Supreme Court is now the ultimate court of appeal in all legal matters other than criminal cases in Scotland. It consists of 12 judges and sits in the Middlesex Guildhall in Parliament Square.

The UK does not have its own Bill of Rights. However, since 1951 it has been a signatory to the European Convention on Human Rights (part of the Council of Europe) and since 1966 it has allowed its citizens the right of individual petition enabling them to take the government to the European Court of Human Rights in Strasbourg. The last Labour Government incorporated the provisions of the European Convention into UK domestic law in 2000, so that citizens can now seek to have the provisions enforced in domestic courts.

## **2- The Independence of the Judiciary**

Courts should be independent, but from whom? It is generally acknowledged at least in theory that they should be subject to no political pressure from the political leaders of the day, but independence may mean more than this. It may imply freedom from what Blondel refers to as the 'norms of the political and social system itself'.<sup>4</sup> In other words, judges operate within the context of the principles on which the society is based, so that they are separate rather than fully independent of the government. In reality, they tend to act in defence of the existing social order rather than as 'independent bodies striving for justice or equity'.

The degree of independence of judges from political interference varies from country to country, and even within a single country's history. When judicial officers displease the ruling group, they can be ignored, removed or even eliminated. In some cases, under particular regimes, the pressure has been overt. Judges might be wary of handing out judgements which are seen as damaging to the interests of those who rule. In the 1970s, the Argentinian dictatorship took a strong line against 'difficult' judges. More than 150 were said to have disappeared, the allegation being that ministers ordered their execution. More commonly, pressure is of a more subtle and indirect character. The independence of the judiciary is dependent on the existence of certain conditions.

### **The Selection of Judges**

Their appointment should not ideally be influenced by political considerations or personal views. In practice, there are two methods of selection: appointment, as is practised in most countries (especially for senior judges – the American Supreme Court, for example), or election, as is the means by which most American state judges are chosen. Appointments may also be made on the basis of co-option by existing judges.

As a means of choosing judges, appointment has built-in dangers, namely:

- that it becomes a means of rewarding relatives and friends (nepotism); and
- that people might be chosen not according to their judicial merit but rather on account of their political persuasions and known views on public affairs such as the appropriate scope of state intervention in economic and social life (partisanship).

Election may have the advantage of producing a judiciary which is more representative of the voters and therefore responsive to prevailing feelings, but it carries no guarantee of technical competence. Moreover, those elected may feel

unduly beholden to those who nominated them as candidates or to the majority of voters who favoured them.

The appointment of British judges is less overtly partisan than in America. Appointments are made by the Lord Chancellor, who will consult the Prime Minister when dealing with the most senior posts. This provides an opportunity to favour those who broadly share his views, but in practice the pool of barristers from whom the choice is made tend to be of a similar background and type. Many of those selected have, at some time, had to pass examinations in order to demonstrate their abilities, before they are even allowed to be considered for service as judges.

### **The Security of Tenure of Judges**

Once installed in office, judges should hold their office for a reasonable period, subject to their good conduct. Their promotion or otherwise may be determined by members of the government of the day, but they should be allowed to continue to serve even if they are unable to advance. They should not be liable to removal on the whim of particular governments or individuals. Judges may in some countries serve a fixed term of office.

### **Judges are politically neutral**

Judges are expected to be impartial, and not vulnerable to political influence and pressure. They need to be beyond party politics, and committed to the pursuit of justice. As we see below, individual judges interpret their role differently.

### **The backgrounds of British and American judges**

In Britain, judges have been drawn from a narrow social base and are often criticised for being out-of-touch with the lives of the majority of the population. They tend to derive from the professional middle classes, often having been educated privately and then at Oxbridge. They tend to be white, wealthy, conservative in their outlook and are therefore often portrayed by critics as elitist. Of particular concern to some people is the lack of female, and ethnic minority judges on the Appeal or High Court, and their serious under-representation on the Circuit Bench where in 1995 there were 28 and 4 respectively.

In the United States, all federal judges and Supreme Court justices are appointed by the President. The typical Supreme Court justice has generally been white, Protestant, well-off and of high social status, although there were two female and one African-American members of the Supreme Court at the turn of the twenty-first century. In the lower federal courts, middle class appointees are common, but there has been an attempt by recent Presidents to appoint more women and members of ethnic minority groups. Bill Clinton appointed more than 200 judges in his first term and their composition was notably diverse: 31 per cent were women, 19 per cent were African-American and 7 per cent Hispanic. In general, he leaned towards the appointment of moderate, centrist judges whose nomination would not create difficulties in the Senate.

## **3- The Political Involvement of Judges in Britain and America**

Alexis de Tocqueville noted that 'hardly any question arises in the United States that is not resolved sooner or later into a judicial question'. He was certainly correct, although he could not have anticipated the extent to which the Supreme Court (the highest judicial body) in particular would become involved in controversial decisions. Much of the work of the Court is related to social and political matters that have a direct impact on everyday life – for instance, whether an abortion should be performed, convicted murderers executed or minimum working standards be imposed.

In America, the Supreme Court is clearly a political as well as a judicial institution. In applying the Constitution and laws to the cases which come before it, the justices are involved in making political choices on controversial aspects of national policy. The procedures are legal, and the decisions are phrased in language appropriate for legal experts. But to view the Court solely as a legal institution would be to ignore its key political role. A Chief Justice Hughes once put it: 'We are under the Constitution, but the Constitution is what the judges say it is'.

In interpreting the Constitution, the nine justices must operate within the prevailing political climate. They are aware of popular feelings as expressed in elements of the media and in election results. They know that their judgements need to command consent, and that their influence ultimately rests on acceptance by people and politicians. This means that the opinions expressed on the bench tend to be in line with the thinking of key players in the executive and legislative branches, over a period of time.

#### **4- The Judiciary Compared**

- In America, the Supreme Court is an intensely political institution - its members are appointed by the President on a partisan basis and its decisions are often highly political and highly controversial. By contrast, in Britain the Supreme Court is not appointed on a political basis and, like all British courts, avoids making decisions which it regards as proper to politicians and Parliament.
- In the United States, 39 states hold at least some competitive elections to choose judges. When the country was first created, there were no such elections (Mississippi became the first state to require judicial elections in 1832). In the UK, no judges are elected. Indeed, very few countries worldwide have judicial elections. Exceptions including Japan and Switzerland.

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#### **Conclusion**

As a broad trend, the role of judges in the political system has increased in liberal democracies but also even in authoritarian societies. Fifty years ago, politicians paid relatively little attention to decisions of the courts. Since then, judges have been more willing to enter into areas that would once have been left to national governments and parliaments, striking down laws and regulations passed by those elected to public office. The process has been aided by the increased use of international conventions in the postwar world. There has also been a proliferation of international or transnational courts to enforce them, ranging from the European Court of Human Rights to the European Court of Justice, from the World Trade Organization panels to the North American Free Trade Agreement panels. They test national law against some other body of law, usually treated as being superior. In some cases, these agreements or conventions have involved members of the Bench in any member country ruling against the decisions of the party in power.

#### **USEFUL WEB SITES**

##### **For the UK**

**[www.lcd.gov.uk](http://www.lcd.gov.uk)** Lord Chancellor's departmental site. Information relating to judicial appointments.

##### **For the USA**

**[www.supremecourtus.gov](http://www.supremecourtus.gov)** The official web site of the Supreme

Court, providing background information about the Court's history, mode of operation and calendar.

**www.uscourts.gov** Federal judiciary home page. Comprehensive guide to federal court

system, with court statistics, answers to frequently asked questions etc.

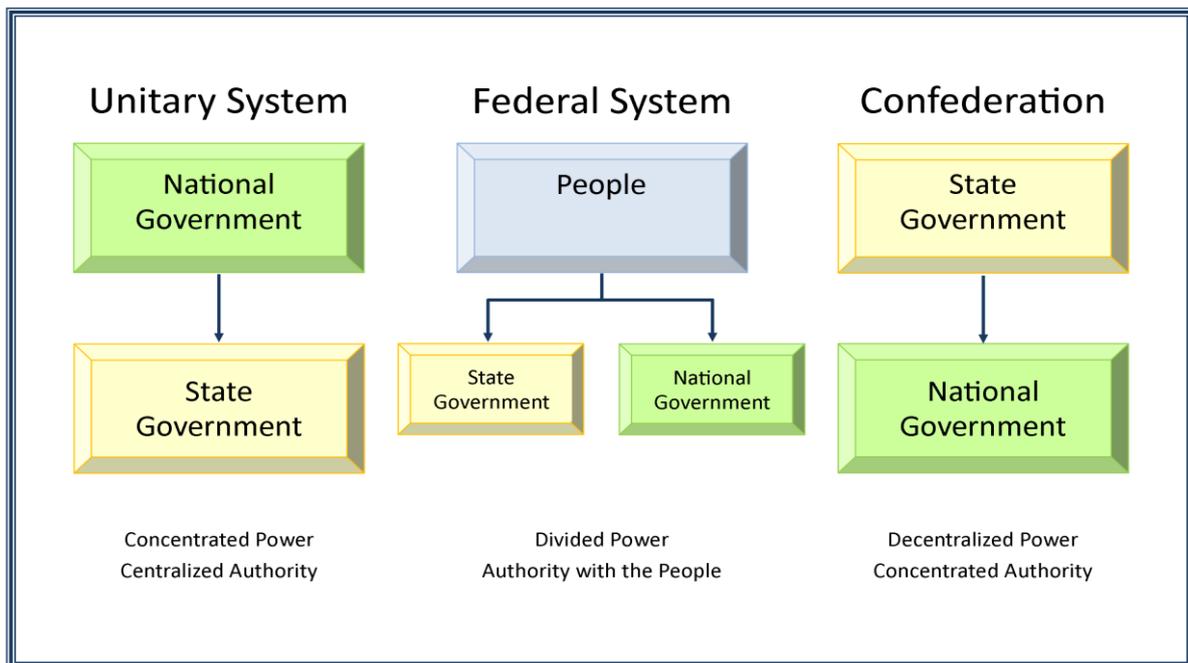
**www.law.cornell.edu/supct** Cornell Law School. Provides a diverse array of legal sources and full text of Supreme Court judgements.

### **SAMPLE QUESTIONS**

1. Discuss the view that an independent judiciary is essential in order to protect the rights of the people.
2. How are senior judges recruited in Britain and the United States? Do and should they reflect certain interests?
3. Compare the political significance of judges in the United States and the United Kingdom.
4. 'Legislatures may make laws by passing statutes, but judges have to apply them in particular situations'. To what extent do judges in Britain and the United States make the law?
5. In what ways do judges act as law-makers? Should they?
6. Is judicial activism necessary because some issues are too difficult and contentious for the political branches of government to be able to resolve?
7. To what extent is the judiciary a powerful factor in politics on either side of the Atlantic?

# CHAPTER 7

## GOVERNANCE BEYOND THE CENTRE



### CHAPTER OUTLINE

1. Types of governmental systems
2. Developments in the British unitary state: the move towards devolution
3. Developments in American federalism
4. The British unitary and American federal systems compared

### CHAPTER FOCUS

In this chapter, we examine sub-national government (those bodies which cover only a part of the country) and its relationship to the centre. Sub-national governments take many forms. We are concentrating on devolution in Britain and on the Washington–state relationship in America, noting the differences between the two forms of government and the trends within them. Broadly, Britain has made some moves to decentralisation, and America – always a markedly more decentralised country – has a stronger centre than was ever intended by the Founding Fathers, although the emphasis in recent years has been on greater partnership between Washington and the state capitals.

### POINTS TO CONSIDER

1. What are the differences between federalism and devolution?
2. 'Britain is moving towards federalism and the United States is more centralised than the Founding Fathers ever intended'. How true is this?
3. Why has power generally shifted towards the centre in liberal democracies?
4. Is the national government in Britain and the United States too weak or too dominant?
5. For Britain, which is the most suitable: devolution or federalism? Could federalism work in Britain?
6. Does local government perform an important role in Britain and the United States today?
7. Assess the strengths and weaknesses of unitary and federal forms of government.

### Vocabulary

**Decentralization:** The process of transferring responsibilities and powers from national bodies to more local ones.

**Autonomy:** The right or state of self-government: literally self-rule, a situation allowing peoples to be governed according to their own preferences and laws.

**Implied powers** are powers not listed in the Constitution but suggested by the expressed powers.

**Inherent powers** are presidential powers that are implied but not stated in the Constitution.

The **supremacy clause** is a constitutional rule saying that national laws will prevail over state laws when they conflict (U.S. Constitution, Article VI, Section 2).

**Concurrent powers** are powers shared by the national government and the states. Examples: The power to collect taxes, charter and regulate banks, establish highways, and pass and enforce laws.

### Introduction

Countries must decide how to organize and distribute power. Governments can have all the power held by one central authority (government) or they can spread it out to lower levels of government. Many governments have constitutions that are documents that outline the duties, powers, and responsibilities of the government. Even the most authoritarian government would find it difficult to take all decisions at the centre. Leaving aside any considerations of the desirability of decentralising decision-making, it would be impractical for any set of ministers to understand the needs of every area and to involve themselves in the minutiae of detail concerning its public administration. Governments recognise the need to allow some scope for regional or local initiative.

Britain has a unitary system in which legal sovereignty lies entirely at the centre, whereas the United States has a federal structure in which there are what Hague and Harrop refer to as 'multiple layers of governance'.<sup>44</sup> In those countries where the bulk of decisions taken by public bodies are made at the centre, the country is said to be centralised. Where the proportion is small to very small, the country is said to be decentralised. However, in practice, it is less easy to measure the degree of decentralisation than this summary suggests, and opinions tend to be

impressionistic. To complicate the situation even more, some countries have deliberately opted for a form of state organisation which is federal. Federalism is often regarded as being the answer in those countries where it is desirable to balance unity against diversity, in that it caters for national and local requirements. It may seem to provide the very essence of decentralisation, yet in reality the experience of federal countries shows that there almost as many federalisms as there are federal states.

### 1. Types of Governmental Systems

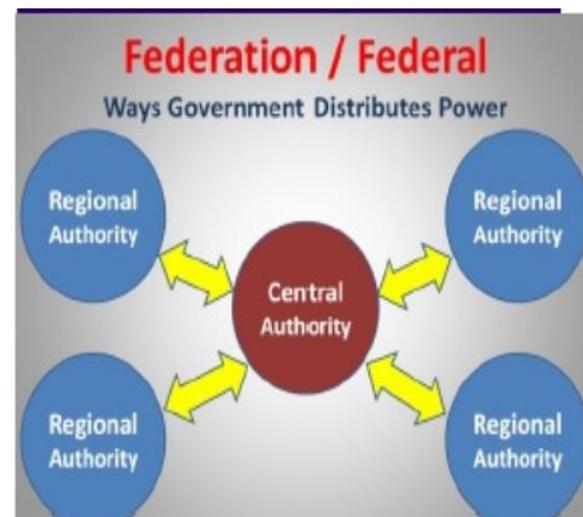
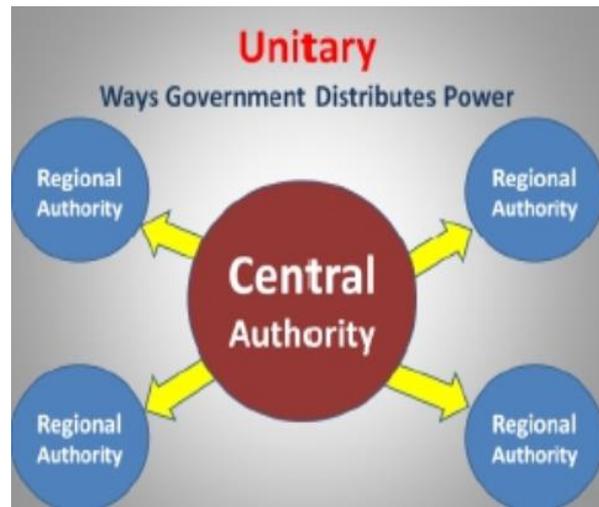
Bullman has provided a typology of European states, in which he distinguishes four main categories.<sup>45</sup>

1. **Classic Unitary:** local government exists, but no regional structure other than for centrally-controlled administrative purposes (e.g. Greece, Ireland and Luxembourg);
2. **Devolving Unitary:** local government exists and there is some elected regional machinery with a degree of – but not necessarily uniform – autonomy (e.g. Finland, France and the United Kingdom);
3. **Regionalised:** a directly elected tier of regional government with significant legislative powers (e.g. Italy and Spain);
4. **Federal States:** powers are shared according to the Constitution and the regional/state tier cannot be abolished by central government (e.g. Austria, Belgium, Germany and the United States).

Such distinctions reflect the differing structures which have emerged in recent years, given the pressures for regionalisation. However, the basic distinction is that between unitary and federal countries, with confederalism being a weaker, looser variety of federalism.

**In unitary states**, all legal power flows from one source: for example Parliament in the United Kingdom. Most European governments are of the unitary type. Power is concentrated in national government, and the operation of lower tiers of government derives not from a written constitution but from the centre. In Britain, local authorities exist but they do so at the behest of Westminster, and they are entirely subordinate to it. Some devolution of power is possible, but this does nothing to breach the idea that control derives from Parliament; local and devolved power can be revoked. Unitary systems normally exist in relatively homogeneous countries which lack significant ethnic, geographical, linguistic or religious distinctions.

**Devolution** involves the idea that there should be some redistribution of power away from the centre to subordinate assemblies which can, if necessary, still be overridden by the parent authority. It usually springs from dissatisfaction with centralised government when ministers appear to be unwilling to recognise local



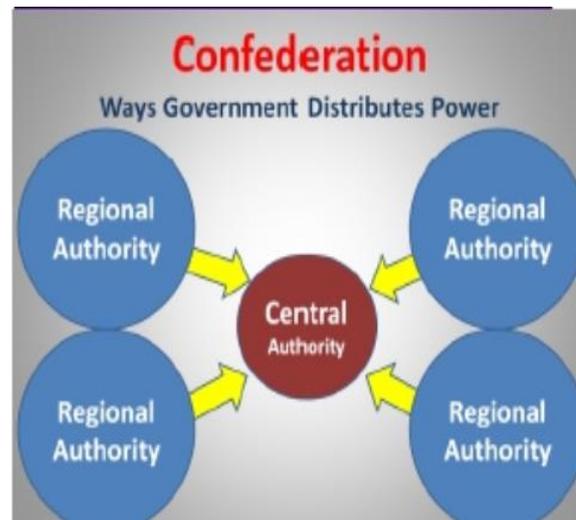
needs. Devolution does not mean that a country ceases to be a unitary state, for as Enoch Powell, a late constitutional traditionalist and rightwing MP, explained: 'Power devolved is power retained'.

**In confederacies**, the regional authorities exercise much of the power, and central control is relatively weak. Historically, the best example of a confederacy was probably that found in the United States under the Articles of Confederation, but many years later the eleven southern states seceded from the Union in the American Civil War and they declared themselves to be a Confederacy. Switzerland today is often described as having confederal administration, its 26 cantons exercising much of the power in the country. At the international level, the Commonwealth of Independent States (CIS) formed out of the old Soviet Union in 1991, the United Nations, and the European Union as it has operated until recently can be seen as examples of states joining together for their mutual interest without ever relinquishing much control to a powerful central body. Elazar quotes the Azerbaijan President as dismissing the CIS in disdainful terms – 'a mere soap bubble . . . pretty on the surface but empty inside'.<sup>46</sup>

In federal states, legal sovereignty is shared between different tiers of government: a federal (central) government and regional governments (known as states in the USA and Länder in Germany).

Under federalism, the states have guaranteed, protected spheres of responsibility, and the central government conducts those functions of major importance which require policy to be made for the whole country. Both tiers may act directly on the people, and each has some exclusive powers. Federalism thus diffuses political authority to prevent any undue concentration at one point, but lacks the very high degree of decentralisation which characterises a confederation. Under federalism, it is still likely that there will also be a system of local government, although it can vary significantly in form. In the USA, the federal government has little role in regulating the functioning of this tier, which falls under the direction of the states.

Broadly speaking, countries vast in size tend to have federal systems which decentralise the running of government and the administration of services. Some of the world's largest countries by population or area are federal, notably Australia, Brazil, Canada, Germany, India and the United States. Yet China and Indonesia are large unitary countries, and tiny Malaysia and Switzerland are federal in differing degrees. Today, there are 22 federations, covering some 40 per cent of the world's population.



## 2. Developments in the British Unitary State: The Move Towards Devolution

Devolution involves the ceding of power by parliament to some new elected body. Bogdanor defines it as 'the transfer to a subordinate elected body, on a geographical basis, of functions at present exercised by ministers and Parliament'. Until the 1970s, Labour had not seriously contemplated devolution. It was unmentioned in its 1974 (February) manifesto, but the shock-waves produced by the election of six Scottish

National Party MPs (two in Labour seats) meant that the party could no longer afford to ignore the issue.

The attempt to introduce devolved assemblies in the late 1970s was unsuccessful, but what had been a sometimes hesitant and uncertain commitment to the principle of devolution became a more developed and convincing one over the coming years. In the 1990s, Labour argued the case strongly that devolution was the only way to keep Scotland in the United Kingdom. It accepted that the Scots wanted far greater control over their own lives, and felt that ministers in London too often did not understand or care sufficiently about conditions north of the border.

A Devolution Act for Scotland was on the statute book by 1998. First elections took place in 1999 and the Scottish Parliament began to function later that year. A watered-down version of devolution was made available to the people of Wales, who obtained an assembly rather than a Parliament with tax-varying powers. Finally, as a result of the Good Friday Agreement, a Northern Ireland Assembly is up-and-running in Northern Ireland. The three countries have therefore been singled out for special treatment, in comparison with England.

Moves to go ahead with the regionalisation of England have been initiated, through the creation of indirectly elected Regional Chambers and government-appointed Regional Development Agencies, which might in time, evolve into elected regional assemblies. The pattern of centralisation in British government is being slowly eroded.

### **The Merits and Difficulties of Devolution**

Devolution is widely seen as democratic, in that it allows people to express their distinctive identity and have a say in the development of the life of their own particular regions. It has the merit of countering the dangers of an over powerful, excessively centralised state. Indeed, in celebrating the referendum victory which preceded the passage of the Bill, Tony Blair observed that 'the era of big centralised government is over'.

Opponents see devolution as fraught with danger, often claiming that although in the United Kingdom the sources of unity are much greater than the sources of diversity, once parts of the whole are allowed to enjoy a measure of self-government then there is a danger of the whole edifice splintering apart. Moreover, the Conservatives who resisted the Blairite proposals in the 1997 referendums in Scotland and Wales suggested that there was no real necessity for change, because unlike the situation in some other countries, the UK has not developed as a result of previously autonomous states coming together recently. They feared a 'Balkanisation' of the British Isles if parts were able to go their separate ways, because the Scottish Nationalists would not be satisfied with devolution which is a half-way house between unity and independence. The SNP is a separatist party, its long-term goal being national independence for Scotland. It would do its best to expose the flaws in devolution and this would fuel pressure for separation.

### **3. Is Britain Becoming a Federal State?**

Britain is a unitary state, but some of the changes in recent years to the pattern of government seem to indicate a move in a more federal direction. Devolution has been the British route to decentralisation, so that power remains theoretically in Westminster's hands although it is politically hard to imagine any

administration in London seeking to recover control over areas which have been delegated to Edinburgh or Cardiff.

Northern Ireland had a devolved assembly in the days before Direct Rule, so that the relationship between London and Belfast was essentially federal in character, with certain functions allocated to the national level of government and the rest to the provincial one. The new assembly formed as a result of the Good Friday Agreement (1998) has similar powers, so that Northern Ireland, Scotland and Wales all have devolved administrations. At some point in the future, Regional Development Assemblies in some areas may well be accountable to elected regional assemblies rather than as at present to an indirectly elected forum of local councillors. This leaves open the possible emergence of a Spanish-type structure, in which the peoples of some parts of England have more control over their future than their counterparts in some areas of Spain.

The creation of the devolved assemblies, the possible development of democratic regional machinery and the arrival on the local scene of elected mayors who could in time become a kind of 'Mr London' or 'Ms Birmingham', are all indications of a less centralised structure of government than previously witnessed. This has led some writers to speculate on whether Britain is becoming more federal in character. In Britain, Coxall and Robins envisage: '[the development from] a unitary state to a mosaic of federal, devolved and joint authority relationships between core and periphery, with the English core becoming more decentralised as regional and urban identities find political expression.'<sup>47</sup>

#### 4. Developments in American Federalism

In its early days, the USA operated a system of **dual federalism** as laid down in the Constitution. Sometimes known as layer-cake federalism, the model presupposed a clear division of responsibilities between the central and state governments. James Bryce summed it up as: 'two governments covering the same ground yet distinct and separate in their action'.<sup>10</sup> The system prevailed until the 1930s, although from the early days it was apparent that various factors were leading towards an accretion of central influence and control. These were:

- **Constitutional amendments:** e.g. the 14th Amendment gave 'equal protection' of the law to all citizens, and the 16th allowed the federal government to raise money via income tax. The 16th considerably broadened the financial base of the federal government, providing the funds for the third factor, below.

- **Decisions of the Supreme Court:** e.g. the Inter-state Commerce Clause allowed Congress to regulate trade 'among the several states'.

- **The financial relationship:** e.g. the demands for more education, health and welfare proved onerous for the states, and the federal government stepped in with more financial aid. The dependence of the states on federal financial resources to support their services has inevitably coloured the relationship.

When Franklin Roosevelt introduced his New Deal for Americans at a time of deep economic depression, the programme of interventionist economic and social changes led to an increase in governmental action. The new model was known as cooperative or concurrent federalism, a system in which both parts, federal and state, worked together to resolve the nation's difficulties.

Some strings were attached to the grants-in-aid, although states retained considerable discretion on how money was to be spent. The federal government was more concerned to supplement, stimulate and assist states than to pre-empt them, as they sought to handle pressing economic and social problems.

This was not true of the experience of the 1960s, for in the years of President Johnson's Great Society programme a new, more active version of creative federalism emerged, in which the motivation was political rather than economic or social. Washington set out to insist on certain uniform standards, so that there were measures to ensure an end to discrimination in education, employment and housing. By the end of that decade, this variety was sometimes called coercive federalism, for as Kincaid puts it there was 'unprecedented federal reliance on conditions of aid, pre-emptions of state and local authority, mandates, court orders, and other devices intended to ensure state and local compliance with federal policies'.<sup>11</sup> Another label was redistributive centralism, again a recognition of the way in which Washington was insisting on bringing about changes in the nature of state policies. This creative or coercive form survived the attempt by President Nixon after 1969 to return power to the states. It survived in part because Congress and many state governments remained under Democratic control throughout the period.

Nixon may not have had much success in implementing his desire to see states assume more responsibilities and powers, but he firmly believed in what he called the New Federalism. In the Nixon years there was a new emphasis on block instead of categorical grants, so that states were more free to decide how to spend their money. His primary concern was not essentially to curtail the amount of money which reached the localities, but to determine how it got to them.

The next Republican President, Ronald Reagan, had more success. He wished to re-structure the federal system as it had developed, so that Washington would withdraw from several areas, and the states would gain the right to take initiatives and operate more programmes if they so wished. By the end of his 'devolution revolution', the states were funding more of their own programmes, and the number run by the federal government had been substantially curtailed.

Clinton emphasised the importance of improved cooperation between the federal and state governments, and spoke of increased opportunities for local initiative and experimentation. He established a framework in which federal officials were able to loosen programme requirements to allow states and localities more flexibility. The Clinton years saw a renewal of state governments and a shift of balance in the federal relationship. The new-found vitality of state capitals has sometimes been referred to as what Dye has called 'competitive federalism'.<sup>48</sup>

The experience of American history reveals that the nature of federalism has changed over time. There was a broad tendency towards central control from the beginning and it accelerated with the greater state regulation following the establishment of the New Deal. The trend reached its peak in the 1960s. Sometimes this greater central power came about as a result of constitutional amendment; more often it was a response to prevailing economic and social conditions. Sometimes too the tendency towards central control was given a push by judicial decisions, so that clauses in the Constitution were interpreted widely to provide the federal government with a broad scope for legislation. The result was that in America the centre gained power at the expense of the 50 states, especially in the area of major economic policy.

The centralising tendency has been arrested in the closing decades of the twentieth century. In practice, American federalism has experienced growing interdependence. There is a developing trend to improve relations between federal, state and local governments and find common ground between them. In several areas of policy such as education and transport, policies are made, funded and applied at all tiers. States have regained much of their lost autonomy and are very

important in their own right, but on occasion the national government steps in. When California experienced a serious electrical power shortage in 2000, Washington became inevitably involved as the state began to make demands on the supplies of surrounding states.

## **5. The British Unitary and American Federal Systems Compared**

### **Advantages and Disadvantages the Federal and Unitary Government Politics**

#### **What Is Federal Government?**

In federal states, the federal government is the government at the level of the nation-state. The structure of central governments varies from institution to institution. By delegating powers from the central government to governments at a sub national level, autonomous regions are created by many countries. Based on a broad definition of a basic political system, there are two or more levels of government that exist within an established territory and govern through common institutions with overlapping or shared powers as prescribed by a constitution or other law.

As a basic, the central government has the power to make and enforce laws for the whole country which are in contrast with local government. The usual responsibilities of the central government which are not granted to lower levels of government are maintaining national security and exercising international diplomacy, including the right to sign binding treaties.

In general, the difference between a central government and a federal central government is that the autonomous statuses of self-governing regions exists by the sufferance of the central government and are often created through a process of devolution. It is common for a federal central government to be brought into being by agreement between a number of formally independent states and therefore its powers to affect the status of the balance of powers is significantly smaller. For example are the United States of America.

#### **What is Unitary Government?**

When the central government possesses much authority and decision-making power, it is called the unitary government. The local governing bodies simply serve as administrative arms of the central government. For an example of a unitary government are the Great Britain which is a familiar example of a unitary government; individual British counties have little of the power commonly exercised by American states. France also has a unitary form of government where by it has 90 departments grouped into 36 provinces. It is important, however, to note that unitary governments are not inherently less democratic than other forms.

Power is distributed completely opposite of a unitary government in a confederate government. Local governments protect and preserve their own authority by forming a weak central government.

In a federal government, power is split between a central government authority and its constituent states. Usually, a constitution allocates duties, rights, and privileges to each level of government. The constitution usually defines how power is shared between national, state, and local governments; the power to amend this constitution is usually granted to the citizens or their governmental representatives.

There are two basic categories in which governments are classified according to a decision making. In a totalitarian government, the power of rulers is not limited by outside forces, such as elections or public opinion. Totalitarian systems also restrict personal freedom in most cases.

## 6. How Does Unitary Government Differ From a Federal Government?

In a unitary government, the power is held by one central authority but in a federal government, the power is divided between national government or federal government and local governments or states government.

### Federal government

1. Has multiple hierarchy levels, with both the central authority and the states (or provinces) both being sovereign.
2. The central or national rules override the state rules
3. Has a balance between them. For example the U.S are shared between national and local levels.
4. In a federal form of government, the term “federal” is also used to refer to the national level of government.

### Unitary government

1. There is no hierarchy of sovereign powers.
2. States have no authority to pass their own laws, and the central or national government can order the states to do anything.
3. The federal government has a huge percentage of the power. For example are the Japan

## 7. What Are the Advantages And Disadvantages to a Unitary System as a Form of Government?

A unitary government is a government where the vast majority of authority is held by the federal government.

### Advantages

The advantages of unitary government are: it is single and decisive legislative. Usually it is more efficient in the use of tax dollars but fewer people trying to get in on the money. It is also has a simple management of an economy and the government are smaller.

### Disadvantages

The disadvantages of using this type of system are: it has slow government response. For example, there are no state National Guard that could be dispatched in emergency, troops would have to be mobilized from national authority. It is also easily loses track of local issues. Other than that, it is incredibly divisive form of government where everyone is forced to compete with everyone else for priority. Since it is trying to take the place of federal and state governments, the unitary governments typical get bloated and bogged down. Finally, it has huge bureaucracy that is even larger than what this country has.

## What are the Advantages and the Disadvantages of Federalism?

### Advantages of Federalism

Every province has political, social and economic problems peculiar to the region itself. Provincial government representatives live in close proximity to the people and are most of the times from the same community, so that they are in a better position to understand these problems and offer unique solutions for them. For example, traffic congestion in Oahu, Hawaii is a problem that can be best solved by

the local government, keeping local factors in mind, rather than by somebody living in New York.

Federalism offers representation to different populations. Citizens of various provinces may have different aspirations, ethnicity and follow different cultures. The central government can sometimes overlook these differences and adopt policies which cater to the majority. This is where the regional government steps in. While formulating policies, local needs, tastes and opinions are given due consideration by the state governments. Rights of the minorities are protected too. For example, in states like Arizona where there is a large Hispanic population and therefore, a large number of schools provide bilingual education.

State governments have the freedom to adopt policies which may not be followed nationally or by any other state. For example, same sex marriages are not recognized by the federal government of USA but they are given legal status within the states of Connecticut, Iowa, Vermont and Massachusetts.

Division of work between the central and the regional governments leads to optimum utilization of resources. The central government can concentrate more on international affairs and defense of the country while the provincial government can cater to the local needs.

Federalism has room for innovation and experimentation. Two local governments can have two different approaches to bring reforms in any area of public domain, be it taxation or education. The comparison of the results of these policies can give a clear idea of which policy is better and thus, can be adopted in the future.

### **Disadvantages of Federalism**

Sharing of power between the Center and the states includes both advantages and disadvantages of federation. Sometimes there can be overlapping of work and subsequent confusion regarding who is responsible for what. For example, when typhoon Katrina hit Greater New Orleans, USA, in 2005, there was delay in the rescue work as there was confusion between the state governments and the federal government on who is responsible for which disaster management work. This resulted in the loss of many lives.

The federal system of government is very expensive as more people are elected to office, both at the state and the center, than necessary. Thus, it is often said that only rich countries can afford it. Too many elected representatives with overlapping roles may also lead to corruption.

Other than that, it leads to unnecessary competition between different regions. There can be a rebellion by a regional government against the national government too. Both scenarios pose a threat to the countries' integrity. It also promotes regional inequalities. Natural resources, industries, employment opportunities differ from region to region. Hence earnings and wealth are unevenly distributed. Rich states offer more opportunities and benefits to its citizens than poor states can. Thus, the gap between rich and poor states widens. It also can make the state governments selfish and concerned only about their own region's progress. They can formulate policies which might be detrimental to other regions. For example, pollution from a province which is promoting industrialization in a big way can affect another region which depends solely on agriculture and cause crop damage.

Finally, it does not eliminate poverty. Even in New York, there are poor neighborhoods like Harlem with a majority of black population. The reason for this may be that during policy framing, it is the intellectuals and not the masses who are invited by the local government.<sup>49</sup>

### Which is the Better System?

Federalism has been beneficial to the United States in many ways, its advantages to Americans including:

- The states act as a safeguard against excessive centralization and the overbearing control of Washington.
- It recognizes the distinctive history, traditions and size of each state, allowing for national unity but not uniformity. If the peoples of one state such as Texas want the death penalty, they can have it; people in other states such as Wisconsin which voted to abolish it are not forced to follow suit.
- It provides opportunities for political involvement to many citizens at state and local level; state governments provide thousands of elective offices for which citizens can vote or run.
- Citizens can identify strongly with their state as well as with their country. In Elazar's phrase, states 'remain viable because they exist as civil societies with political systems of their own'.<sup>50</sup>
- States provide opportunities for innovation, and act as a testing-ground for experiments which others can follow.

On the other hand, at times reliance upon the states has served to hinder national progress. At the time of the Great Depression, states were unable to cope with the scale of the catastrophe which they faced and turned to Washington for a lead. On issues such as civil rights too, the granting of full recognition to African-Americans was slowed down because southern state governments were committed to segregationist policies and unwilling or slow to accept the decisions of the machinery of the federal tier. Moreover, the inability of the states to cope with major problems has meant that they were forced to rely more heavily on funding from the national government which inevitably carried strings attached to it and erodes state independence. This has at times made for tensions in the relationship, but as it has evolved in recent years federalism seems to have operated in a way that allows for constructive cooperation between the layers of government, making it more the 'marble cake' of which Grodzins has written.

The unification of the United Kingdom came about largely as a result of the extension of royal authority and conquest, as happened in many other unitary states. The unitary system has worked relatively well because there is a widely held preference for strong, effective government. In a relatively small country lacking substantial regional differences, federalism would be hard to implement, not least because of the population dominance of England over other parts of the United Kingdom.

### Conclusion

Britain is a unitary state. As such, sovereignty resides at the centre, in Parliament, even if power may be delegated to other bodies. By contrast, America is a federal country in which sovereignty is divided between Washington and the regions, the division of responsibilities being set out in the Constitution. The constitutional position of the two countries is therefore very different. In practice, there are some similarities, now that Britain has gone down the route of creating devolved bodies in Scotland, Wales and Northern Ireland.

The trends in federal states such as America indicate that there has been in the modern world a tendency towards more centralization, as national governments have been forced to deal with national problems such as regulating the economy or

protecting the environment. Yet at the same time in countries such as Britain which have long exhibited a high degree of central control, there has been a move in recent years towards some decentralization. Usually, the motivation for decentralization has not derived from an ideological belief that there was excessive centralization which needed to be reversed. Rather, it has sprung from a recognition that it was necessary to concede some ground to the people in those areas of the country which have felt aggrieved, for otherwise electoral damage or social disharmony might come about. Blondel concludes: ‘one could argue that the regionalism which has been introduced in [Britain and Spain] constitutes an imitation of federalism – indeed, is federalism in all but name . . . the difference between federal and unitary states is becoming smaller, not only in practice but formally as well’.<sup>51</sup>

America is less centralized than Britain. Its constitutional arrangements, history and geography mean that it is almost certain to retain a federal system into the long distant future, the more so now that central and state government are acting in greater partnership with each other. Its arrangements provide for a more straightforward allocation of power between Washington and the states than exists between London and the national capitals, with their differing degree of autonomy. However, in a relatively small country such as Britain, there would be difficulties in making federalism work effectively.

<b>Advantages and Disadvantages of Unitary and Federal States</b>		
	<b>Advantages</b>	<b>Disadvantages</b>
<b>Unitary states</b>	Clear hierarchy of authority, with centre supreme and centre–periphery tensions few.	Excessive concentration of power at the centre.
	Provide clear focus of loyalty for all citizens, who identify with country as a whole.	Inadequate representation of regional and minority diversity.
<b>Federal states</b>	Act as check on central power, preventing undue concentration.	Some overlap of powers, possible competition and conflict between centre and states.
	Provide unity in large state, but cater for diversity and responsibility.	Broad tendency for power to be increasingly exercised at centre, especially on key economic issues.
	Offer an acceptable compromise between the need for effective government and for a strong periphery.	Sluggishness – difficulty in getting things done quickly.

**USEFUL WEB SITES**

**For the UK**

[www.scottish.parliament.uk](http://www.scottish.parliament.uk) Scottish Parliament. Help with queries and resources.

[www.wales.gov.uk](http://www.wales.gov.uk) National Assembly for Wales. Help with queries and resources.

**www.charter88.org.uk** Charter 88. Information relating to constitutional changes.  
**www.lcd.gov.uk** Lord Chancellor’s departmental site. Coverage of constitutional issues.  
**www.record-mail.co.uk** The *Daily Record* Devolution Site  
**www.local.gov.uk, www.local.detr.gov.uk** Two general local government sites.

**For the USA**

**http://newfederalism.urban.org** The Urban Institute (a Washington think-tank).  
 Monitors

changes in federal social policies that affect the states and local governments.

**www.governing.com/govlinks.htm** *Governing* magazine (published by Congressional Quarterly, Inc.). Site has links concerning state and local government matters.

**www.csg.org** Council of State Governments. Links with the home pages of individual states, providing information about the states and the way their systems of government are organised. In addition, the web sites of particular state and local governments can be consulted.

**SAMPLE QUESTIONS**

1. ‘America has a federal and Britain a unitary form of government, but in reality the influence of the national government over the states and local and devolved authorities respectively is broadly similar’. Discuss.
2. Discuss the similarities and differences between British devolution and American federalism.
3. Complete the table with missing information

	<b>Positive</b>	<b>Negative</b>
<b>Unitary</b>	Clear ranking of .....	Excessive concentration .....
	Provide clear ..... for citizens	Inadequate .....of regional / minority diversity
<b>Federal</b>	Act as ..... on central power	Overlap of .....: competition and ...../.....
	Provide national unity in large countries / but caters for regional responsibility. ‘Acceptable compromise between ..... and .....	Power tends to be concentrated at centre, especially on economic issues. Eg USA
	States useful as labs for democracy – policy experiment.	Hard to get things done quickly. Eg USA civil rights

## **Distribution of Power Questions**

1. In which system do local government bodies have the LEAST political power?
2. Which system of government shares power between the central and local governments?
3. In which system of government does the central authority hold all of the power?
4. Which system does this describe, "A voluntary association of independent states that agree to some limitations of freedom in order to reach a common goal"?
5. Describe how power is distributed:
  - Unitary:
  - Federal:
  - Confederation:

# CHAPTER 8

## POLITICAL PARTIES



### CHAPTER OUTLINE

1. The varying significance of parties in modern democracies
2. The functions of parties
3. Party systems
4. Third and minor parties
5. The Labor and Conservative, Democrat and Republican Parties: ideas, attitudes and approaches
6. Party membership, Party organization, Party finance
7. The decline of political parties – do they still matter?

### CHAPTER FOCUS

In this chapter, we examine their relevance in Britain and America. The emphasis is on the competition between the two main parties in either country for the control of public offices, although the nature, role and difficulties experienced by third parties are also considered. In addition, we note other aspects of party activity, including membership, finance and organisation.

**POINTS TO CONSIDER**

1. Compare the functions of parties in Britain and the United States.
2. Should British parties adopt the system of primary elections for choosing its parliamentary candidates?
3. What are the main types of party system?
4. What role do third parties have in Britain and the United States?
5. What barriers do they face?
6. Why have socialist parties made headway in Britain and Europe, but not in the United States?
7. What are the similarities between (a.) the Conservative Party and the Republicans and (b.) the Labour Party and the Democrats?
8. What is meant by the 'third way'? Compare the approaches of Tony Blair and Bill Clinton as exponents of the idea.
9. 'Parties are in decline'. Does the evidence from Britain and the United States bear this out?

**Definition**

Political parties are organisations of broadly like-minded men and women which seek to win power in elections in order that they can then assume responsibility for controlling the apparatus of government. Unlike interest groups, which seek merely to influence the government, serious parties aim to secure the levers of power.

**1. The Varying Significance of Parties in Modern Democracies**

Political parties are now accepted as an essential feature of any liberal democracy. They are ubiquitous, existing in different forms under different political systems. They bring together a variety of different interests in any society, and by so doing 'overcome geographical distances, and provide coherence to sometimes divisive government structures'. Via the electoral process, they determine the shape of governments.<sup>52</sup>

The competition of parties was not always regarded as inevitable or desirable. In the American Constitution there is no provision for party government. The Constitution – federal in character and characterised by competitive institutions – actually makes the operation of parties more difficult. The Founding Fathers did not want party government and within a few years of the completion of their task President Washington was still speaking of the 'baneful effects of the spirit of party'. Parties have contrasting significance in different democracies. In Britain and the rest of Western Europe they are much stronger than in the USA, where they are noticeably weak. In much of Western Europe, they have a large but declining dues-paying membership, a reasonably coherent ideology and a high degree of discipline among members of parliament. In the USA, none of these factors apply. In parts of the country, they hardly seem to exist between elections.

Britain has party government. At election time, a party seeks to capture the reins of power and win a mandate to govern. To do this, it requires a majority of seats in the House of Commons. If it obtains a working majority, it can then expect to control the machinery of government until the next election is called. Having control of the executive branch and being in a position to dominate the legislature, it will be able to carry out its manifesto. Its leaders know that they can normally count on the

backing of their MPs to ensure that their legislative programme passes through Parliament. As Shaw puts it: 'The government will have its way, and the opposition will have its say'.<sup>53</sup>

The situation is very different in the United States. Party politics are more parochial than national and as Waller explains: 'the promises made are not about supporting a national programme so much as about doing something for the district or the state'.<sup>3</sup> America lacks the concentration of power possessed by the British Executive and has a more dispersed system of government. Presidents may have grand ideas for action, but as the experience of President Clinton and his first-term programme for health reform indicates, they cannot anticipate such a relatively easy ride for their plans. Because Congress has the role of acting as a counter-balance to the executive branch, it takes the task of scrutinising White House proposals seriously. Even if the President has a majority in one or both chambers, he or she may be unable to achieve his or her goals, as Kennedy, Carter and Clinton all came to realise.

Parties are much less disciplined than in Britain and congress members are likely to think in terms of constituency and other pressures as much or more than party allegiance. This is why Shaw could refer to the American system as 'government by individuals rather than by party'.

## **2. The Functions of Parties**

The primary purpose of political parties is to win elections. This is what distinguishes them from pressure groups, which may try to influence elections but do not usually put up candidates for office. They articulate the needs of those sections of society which have created them and look to them to advance their interests. But they must go further, for to win an election they need wider support. If they wish to be in government – either in a single-party administration or some form of coalition – then they cannot afford to follow a narrow doctrinal programme, for this would alienate important groups in the community and make it difficult for other parties to contemplate cooperation with them. In the words of an old examination quotation: 'Pressure groups articulate and political parties aggregate the various interests in society'.

European and other democracies are party democracies. Parties perform important functions in forging links between the individual and those in office. Without them, individual voters would have less control over those in power than they do today, and governments would function in a less cohesive and effective manner. When that cohesiveness breaks down and is replaced by factionalism, government is likely to be ineffective and more remote from the needs and wishes of the people.

Much party activity is concerned with the election period, but parties offer other opportunities for participation and involvement over a continuous period. Among their specific functions, they:

- contest elections in order to compete with other parties for elective office;
- select candidates who would have little chance of success but for their party label;
- coordinate political campaigns;
- put together coalitions of different interests, for a variety of groups and individuals can come together under one broad umbrella, so that any government which emerges is likely to have widespread support in the community;
- organise opinion, providing voters with cues for voting, because most of them can identify in some way with the image of the main parties; they can therefore be a basis for making their political choices;

- articulate policies, educating the voters and providing them with a choice of alternatives;
- activate voters by mobilising their support via campaigning, rallies and emblems of identification varying from banners to lapel badges, giving them an opportunity for political involvement;
- incorporate policy ideas from individuals and groups which are outside the political mainstream, responding to changes suggested by third parties and protest movements.

American elections are much more candidate-centred than European ones, so that some of the above functions do not apply or apply with less force in Britain and other Western democracies. The choice of candidates is made in primary elections (see box on pp. 182–3) and the financing and organising of campaigns is carried out by Political Action Committees (PACs) and the candidate's array of advisers. Parties have a more 'supportive' role in recent years, with the downgrading of party machines in the twentieth century.

### 3. Party Systems

There is an obvious distinction between party systems which allow for the existence of only a single party and those which allow competition between a range of parties. Single-party systems are now on the retreat, particularly since the fall of the former Soviet satellite governments in Eastern Europe. They are to be found on the African continent in countries south of the Sahara such as Mozambique and Zimbabwe, and in parts of what used to be termed the Third World; they also exist in communist countries such as China, Cuba and North Korea. The majority of countries have a variety of parties from which voters can make their choice. There are a few authoritarian military regimes which do not allow parties of any kind. These are to be found in parts of Africa, Latin America and the Middle East.

#### a- Systems With More Than One Party

Party systems which allow a choice of parties fall into three main categories:

**1- Two-Party Systems.** In two-party systems, only the two main parties have a meaningful chance of achieving political power. Heywood identifies three main criteria of two-party systems:

1. Although a number of 'minor' parties exist, only two parties enjoy sufficient electoral and legislative strength to have a realistic prospect of winning government power;
2. The largest party is able to rule alone (usually on the basis of a legislative majority), the other providing the opposition;
3. Power alternatives between these parties: both are 'electable', the opposition serving as a 'government in the wings'.<sup>54</sup>

Britain is often cited as a good example of a two-party system. Southern Ireland and the United States also fall into this category, although Ball points out that in both cases the parties lack the centralised hierarchical structures and mass membership characteristic of British politics. Neither are ideological differences in either case clear-cut. The political divisions between Fianna Fáil and Fine Gael are largely historical and the Democrats and Republicans in America often have more internal than inter-party differences. In his view, it is difficult to place any of these four parties clearly on a Left–Right spectrum, so that he describes them as having indistinct two-party systems as opposed to the distinct ones of Britain and parts of the Commonwealth.

**2- Dominant-Party Systems.** In these, there are two or more parties, but only one party ever wins an election in normal circumstances. The Congress Party in India monopolised Indian government in the 30 years after independence, but in recent years it has lost its pre-eminence. Nearer to home, Fianna Fáil held office in Ireland for 37 out of 43 years between 1932 and 1973. Some commentators felt that Britain was moving in this direction in the years after 1979, when the Conservative Party won four successive elections. However, Labour's victory in 1997 illustrated the danger of constructing such theories which wait to be disproved.

4- **Multi-Party Systems.** Multi-party systems of four, five or six parties are common on the continent, in part a reflection of the widespread use of list systems of proportional representation, which help all parties to get reasonably fair representation. In such systems, it is highly unlikely that one party could ever gain an outright victory and form a single-party government. Governments are coalitions, which vary from the stable to the unstable.

#### 4. Third and Minor Parties

Most countries have very many parties, although in several cases we never hear of them. Britain has a large **third party**, the Liberal Democrats, and in Scotland and Wales nationalist parties are second only to Labour in size and impact. Since the 1970s, third parties have been of growing significance. Whereas in 1945, third and **minor parties** combined managed to win only 12.4 per cent of the votes, in February 1974 the figure had reached 25 per cent, a performance bettered in 1997 and 2001.

Butler and Kavanagh quote twelve parties a shaving put up more than fifty candidates in the 1997 election: 'There were also interventions from the Scottish Socialist Alliance (16) and other leftwing dissidents, as well as from over 200 other more or less independent "Independents"'.<sup>55</sup> In 2001, the number was down, with the disappearance of the Referendum Party and the Natural Law Party of four years earlier. Many of the groupings in either contest were minor parties which only stood in a very few places and do not regularly stand in every set of elections. In 1997, Socialist Labour and the Pro-Life Alliance put up 64 and 53 candidates respectively. In 2001, the numbers were 114 and 37. The Scottish Socialist Party contested all 72 Scottish seats.

In American presidential contests, there are usually approaching 20 candidates.

Some have had an impact on the outcome. Ross Perot's intervention in 1992 was very impressive. He gained 19 per cent of the popular vote and came a good second in Maine and Utah. However, his was more a personal movement (United We Stand, America) than a formal political grouping. Four years later, it had been transformed into the Reform Party, again with Perot standing as the candidate. In 2000, it did much less well, gaining only 0.4 per cent support. Some parties contest presidential elections regularly, such as the Libertarians and the Greens. In 2000, Ralph Nader won 3 per cent of the vote for the Greens, winning enough support in Florida to deny Al Gore victory in the state and – because the outcome was so pivotal in the country – in the presidential contest as a whole. For the congressional and state elections in the same year, there were very many more parties, just over fifty getting on the ballot papers.

## *The Useful Role of Third and Minor Parties*

1. They articulate the thoughts of a section of society and represent a segment of public sentiment, however incoherent or even weird those thoughts may be. In a democracy they have the right to be heard and expressed. In particular, they enable certain causes such as that of the Prohibitionists in America or the 'Pro-lifers' in Britain to be ventilated.
2. They air certain grievances which are not being sufficiently recognised by existing parties, as with the Perot platform on the need to balance the budget in 1992, and the Plaid Cymru and SNP campaigns of recent decades, which have both served as an outlet for nationalist discontent.
3. They can be a source of new thinking and act as spurs to prod majority parties into action, saving them from apathy and indifference. For instance, the constitutional amendment providing for direct election of Senators were first produced by the Populist Party, in the same way that the British Liberals were early pioneers of closer British involvement in moves towards postwar European integration.
4. On occasion, a third party may be in a position to hold the balance of power or at least affect the outcome. On the basis of seats won, the Liberal Democrats might have expected to wield greater influence after the last two elections, but were denied because of the overwhelming number of seats won by the preponderant Labour Party. Ross Perot's intervention in 1992 was probably decisive enough to cost George Bush re-election.

## *Why Britain and the United States Have Two-Party Systems*

Some writers stress the natural tendency for opinion on issues to divide into a 'for' and 'against' position which often follows the basic distinction between people who generally favour retaining the status quo (the conservatives) and those who wish to see innovation and a quicker pace of change (the progressives).

In his famous analysis of political parties, Duverger long ago argued that a two-party system conformed to the basic division in society between those who wish to keep society broadly unchanged, and those who wish to see improvement and reform.<sup>56</sup> The liberal-conservative, progressive-stand-pat distinction has not always been clear-cut, for the main parties in either country have at times had their more forward-looking members as well as those who oppose social advance.

Institutional factors also make a difference. The nature of the presidency is one. It is the focal point of all political aspiration, but it is a single executive whose leadership cannot be shared. To capture the office, it is best to take a broad middle-of-the-road stance and create a coalition behind one person. For any minor party, 'presidential contests are a mountain to climb which can only be conquered by a major party capable of assembling a broad national coalition'.<sup>57</sup> In Britain, the

requirements of the parliamentary system promote two-partyism. The nature of the House of Commons makes it necessary for elected members to decide whether they are on the government side or that of the Opposition. There is no in-between. The confrontational Westminster system has always attached a high priority to firm government and strong opposition. The electorate seems to prefer a strong executive and is unconvinced about the merits of coalitions which are often seen as weak and unstable. There are more important and fundamental reasons for two-party dominance.

Both countries use the same First Past the Post electoral system, under which whoever gets the most votes wins the election. There are no prizes for coming a good second. Even if the largest party gets less than an overall majority, it is declared the winner and other parties are out in the cold. In this way, third-party activity is discouraged, for unless a party wins there is no reward for the votes it receives: the 'winner takes all'. Duverger argued that 'the simple majority, single ballot system favours the two party system; the simple majority with second ballot and proportional representation favour multi-partyism'.<sup>58</sup>

### **5. Political Parties Compared**

- In the USA, the Republicans are the Right of Centre party and the Democrats are the Left of Centre party. In the UK, the Conservatives are the Right of Centre party and Labour is the Left of Centre party. However, the 'centre' in American political is markedly to the Right of the 'centre' in British or most of European politics. This means that the policies espoused by Tea Party candidates would not be supported by any political party in Britain, while the policies supported by an American politician like Bernie Sanders, the Independent senator from Vermont, would be mainstream in the British Labour Party.
- In the USA, there is no centre party in this sense of one positioned politically between the Republicans and the Democrats. In Britain, there is a Liberal Democrat Party which ideologically sees itself as between Conservative and Labour.
- In the USA, there are only two parties represented in Congress and both are federal parties; there is no political party that only seeks votes in one state or a selection of states. In the UK, as well as political parties that seek votes throughout the entire country, there are nationalist political parties that field candidates only in Scotland, Wales and Northern Ireland respectively.
- In the United States, the Democratic and Republican Parties absolutely dominate federal and state elections with independents securing only small proportions of the vote. In the United Kingdom, the two main political parties - Conservative and Labour - win a smaller and declining share of the total vote, with a growing share being taken by the likes of the Liberal Democrat Party and the UK Independence Party at national level and by the likes of the Scottish and Welsh Nationalist Parties at the devolved level.
- In American politics, the two main political parties are loose coalitions with individual candidates or Congressmen adopting varying positions on many issues (although, in recent years, the Tea Party movement has forced Republican politicians to proclaim more consistently conservative positions). In British politics, all political parties have much tighter rein on the policies promoted by candidates and the voting by elected representatives. (In the House of Commons, each week a 'whip' is issued which sets out how the Member of Parliament should vote on each major issue before the legislature that week).

- The major parties in the USA have a large-scale congress every four years to choose their candidate for the forthcoming presidential election and ostensibly determine the policy platform of that candidate. All the political parties in the UK hold annual conferences where they debate the policy positions to be adopted by the party, but these conferences do not choose the party leader (which is done through a separate and broader process varying from party to party).
- In illustrations and promotional material, the Democratic Party is often represented as a donkey, while the Republican Party is featured as an elephant - symbols that date back to the 1870s. British political parties regularly change their symbols and very few electors have any idea what they are.

### **5. The Labour and Conservative, Democrat and Republican Parties: Ideas, Attitudes and Approaches**

Budge et al. describe ideology as 'a theory about the world and about society, and of the place of you and your group within it'.<sup>59</sup> These ideologies are important 'not only in telling leaders what to do but in telling their supporters who they are and thus making them receptive to leaders' diagnoses of the political situation'. Ideology is particularly important for political parties which have to operate across different levels of society. It helps them to link up often complex governmental decisions with the broadly defined interests of their supporters and voters.

The two main parties in both the USA and the UK are sometimes considered to be broker parties, especially the American ones. Broker parties are not founded on strong ideological or social foundations; their doctrines are heterogeneous. The two parties in each country are coalitions of sometimes conflicting groups, which are able to co-exist under the same umbrella. Sometimes, British parties are seen as more governed by ideas and principles than American ones, but in all four main parties there is a wide range of views, gradations between left and right.

#### **Party Membership**

Party membership declined in most of Europe and in the United States in the last few decades of the twentieth century. There are exceptions to the trend, such as Greece, Portugal and Spain, but as their peoples were living under or recovering from authoritarian regimes early in this period the comparison is made more complicated. Now living in more open societies, citizens of these countries have taken the opportunity to benefit from their newly won freedom. Of course, even where there is a mass membership, this is no guarantee that members will have a say on matters of policy.

Not all countries have parties with a mass membership. In America, supporters do not 'join' a party in the way that they have the opportunity to do in Britain. Arrangements are less formal and no fees are paid; members make a simple declaration of their allegiance at the time of registration. Some writers see declining membership as an indication of a lessening of enthusiasm for and interest in political parties. They point to the loss of members by established parties and adversely compare it to the growth in pressure-group activity. This is certainly true of the British Green Party, which has fared disappointingly after its high peak in the 1989 European Election, whereas some green groups have grown rapidly in support. However, to some extent the figures quoted may equally reflect the fact that parties today spend less time on recruiting than in the past, for they once needed activists to engage in voluntary work and rally the local voters to turn out in support of their candidate. Nowadays, the local campaign in most constituencies is less important

than the one on television, by which the leaders and their senior colleagues can address the whole electorate in one brief appearance.

### **Party organisation**

The last few decades have also seen developments in party organisation. Originally spurred on by the creation of a mass electorate in the days when universal franchise was granted, parties saw the need to create national and local organisations to ensure that they were in a position to maximise their support. They needed to raise funds, organise canvassing and provide opportunities for the new voters to become involved, among other things. Usually the organisation operated on a top-down basis, under which national organisations were created and they were given the task of supervising the activities of local branches established throughout the country. Decisions were taken at the centre, and policy statements and lists of likely candidates were handed down to the local associations where much of the day-to-day voluntary work of mobilising the voters was carried out.

### **Party finance**

State funding is almost universal in modern democracies. In many cases, state aid is the main source of party revenue, so that only in the Netherlands, Britain and the USA do membership contributions clearly exceed funding from the public purse. Parties obtain their funding from other sources which include:

- individual subscriptions from party members;
- individual donations, sometimes in the form of one-off gifts from generous benefactors;
- contributions from associated organisations: Labour has traditionally benefited from trade union funding – especially in election years – although in recent years the proportion of income received from unions has dropped sharply.

The issue of funding has become particularly controversial in recent years. The common assumption made by many commentators and critics is that 'he who pays the piper calls the tune'. People – individuals or business corporations – only give if something can be expected back in return. The pay-off might include influence with the party leadership – especially when it is in power – over decisions which might affect the benefactor's particular interests.

### **Resolving the Dilemma: State Aid for Political Parties?**

Most countries have attempted to resolve the problems surrounding party financing by opting for a scheme of state funding. In the United States it has been available since 1976 to candidates contesting the presidency, as long as they accept the overall cap on their total spending. In almost all cases, aid has proved generally acceptable not only to the parties themselves, but also to the voters.

## **8. The Decline of Political Parties – Do They Still Matter?**

Criticism of political parties is not new, their initial emergence being originally greeted with grave suspicion and mistrust. Jefferson and others founders of the American Constitution were highly critical, seeing parties and factions as promoting conflict and destroying the underlying unity of society. In 1972, in America, the political columnist David Broder wondered whether the party was really over, and detected signs of 'a growing danger to the prospects for responsible party government' in 'the technological revolution that has affected campaigning in the past decade'.<sup>60</sup> He noted that the development of new forms of campaigning – associated with television, polls, computers, political consultants, media specialists and such things – meant that candidates did not need parties to provide what they could hire

for themselves. He suggested that parties were no longer the main source of political information and affection, and argued that any voter who wished to find out more about a candidate's qualities and political stance could now do so via television rather than via the agency of the party, and that pressure groups were in the forefront of much political education and campaigning.

### **Britain and the United States**

In Britain, in 1955 the two main parties received 97 per cent of the popular vote. By 1964 this had declined to 88 per cent, by 1992 76 per cent and in 2001 72.4 per cent. In addition, they have suffered from falling membership and there is increased cynicism about those who lead them. Yet in spite of the erosion of their electoral support and membership, the two main parties have still managed to dominate the political scene. Every election since 1945 has produced a single-party government, with either Labour or the Conservatives in office. No other party has ever looked as though it could form a single party or coalition administration. In Parliament, in spite of the growth of support for third and minor parties, it remains the case that between them the same two parties won 578 of the 659 seats in 2001. In twentieth-century America, there was plenty of evidence that political parties had fallen on hard times. They have never had the solid class-based electoral support common in other developed countries, and given the weakness of party discipline have never been sure that they could turn any detailed policy commitments into legislative effect. Maidment and McGrew regard them as 'vast and disparate coalitions with no coherent sets of beliefs'.<sup>61</sup> Other commentators have written about public disillusion with the two parties and the politicians who belong to them, suggesting that they are all as bad as each other.

Historically weak, American parties had by the 1970s become weaker than they were at the turn of the twentieth century for various reasons, including:

- The growth of the system of primary elections which took power away from the party bosses.
- The erosion of the North–South divide, so that the traditional attachment of the South to the Democratic cause was seriously undermined.
- The development of the mass media, which placed more emphasis on the merits of individual candidates; electioneering has become more candidate-centred.
- The arrival of new issues on the agenda in the 1960s and 1970s, such as feminism, environmentalism, civil rights and Vietnam; on occasion, these issues cut across the party divide, and divided some members of the party from others.
- The increasing importance of pressure groups and Political Action Committees which meant that there were more causes in which Americans could participate and alternative bodies for fund-raising for candidates.
- Changes in voting behaviour associated with changing attitudes among key groups of voters. Party loyalty has declined in an age of increasing dealignment.

Most surveys pointed to the loosening attachment of many Democrats and Republicans to their party over the last three decades of the twentieth century, and a growing sense of party neutrality. America does not possess disciplined and cohesive parties of the type associated with Britain and Western Europe in the twentieth century. But fears for their continued relevance have been greatly exaggerated, and Epstein's conclusion that they will continue to be important players is not difficult to accept. Noting that they have become 'frayed', he concludes that parties 'will survive and even moderately prosper in a society evidently unreceptive to strong parties and yet unready, and probably unable, to abandon parties altogether'.<sup>62</sup>

Party loyalty may have waned, but of late there have been some indications of renewal. Organisation has become more effective, as first the Republicans and shortly afterwards the Democrats saw the potential of high-tech fund-raising. Hence Herrnson's observation that: The parties' national, congressional and senatorial campaign committees are now wealthier, more stable, better organised and better staffed than ever before.<sup>63</sup>

### **Conclusion**

Both Britain and America have long had two-party systems. Britain has developed a 'two and a bit' party system or a 'two-party system and three- (or in Scotland and Wales, four-) party politics'. At national level the American two-party system is more deeply entrenched and the United States has not had a consistently powerful third force in recent decades. In both cases, support for the two main parties is buttressed by the First Past the Post voting system.

In the 1980s, in both countries there was a highly influential period of rightwing rule, in which Margaret Thatcher in Britain and Ronald Reagan in America introduced policies much influenced by New Right doctrines. The influence and popular support for these policies has had a lasting effect not only on their own parties but on the main opposition ones as well. However, there are key differences between parties in the two countries, of which two are most important:

1. In Britain, parties are centralised and highly disciplined, enabling the governing party to bend Parliament to its will. Not so in the United States, where although American parties can exert some influence they are weaker, have less party discipline and a markedly less-developed national headquarters.
2. In the United States, the two parties are closer together on the ideological spectrum than in Britain. America is the only industrialised liberal democracy which has never developed a significant socialist party, and although the Democrats are the more left-wing or 'progressive' party, in ideological terms they are nearer to the Liberal Democrats and New Labour than to the Labour Party which existed in Britain for most of the last century.

For all of the signs of weakness and fragmentation in party systems, parties are unlikely to become extinct. Even if the bonds are somewhat tenuous, they remain as the main mechanism which links the voters and those who rule them, and they continue to perform useful tasks which today can be summarised as:

- recruiting representatives for national legislatures, and thereby at least influencing – in the British case determining – the choice of those who serve in government;
- educating the electorate by developing, elaborating and 'selling' policies;
- offering an opportunity for popular participation in the political process, even if in many cases this chance is shunned by the majority of voters.

### **USEFUL WEB SITES**

#### **For the UK**

[www.labour.org.uk](http://www.labour.org.uk) The Labour Party.

[www.libdems.org.uk](http://www.libdems.org.uk) The Liberal Democrat Party.

[www.tory.org.uk](http://www.tory.org.uk) The Conservative Party.

[www.greenparty.org.uk](http://www.greenparty.org.uk) The Green Party.

[www.keele.ac.uk/depts/por/ptbase.htm](http://www.keele.ac.uk/depts/por/ptbase.htm) Keele Guide to Political Thought and Ideology. Guide to political thinking and ideas.

[www.ukpol.co.uk](http://www.ukpol.co.uk) Coverage of various political topics and links to various web sites.

**For the USA**

[www.democrats.org](http://www.democrats.org) Democratic National Committee. Details of many aspects of recent election campaign and party platform; issues of interest to the party.

[www.rnc.org](http://www.rnc.org) Republican National Committee. Details of many aspects of recent election campaign and party platform; issues of interest to the party.

Several third parties have interesting sites, explaining their histories and different policy positions:

[www.lp.org](http://www.lp.org) Libertarian Party.

<http://reformparty.org> Reform Party.

[www.greens.org](http://www.greens.org) Green Parties of North America.

[www.dsaua.org](http://www.dsaua.org) Democratic Socialists of America.

**SAMPLE QUESTIONS**

1. Compare the main British and American parties in respect of their ideas, sources of support and organisations.
2. 'The decline of political parties'. To what extent does experience in Britain and America suggest that political parties are in long-term decline?
3. Are politics today in Britain and the United States more about personalities than political parties?

# CHAPTER 9

## PRESSURE GROUPS



### CHAPTER OUTLINE

1. The growth of group activity
2. Classification of groups
3. How groups operate
4. Trends in recent years: the changing pressure-group scene

### CHAPTER FOCUS

In this chapter, the main concern is examining the range of groups in Britain and the United States, the ways in which they operate and their effectiveness. In addition, it considers the changes in pressure-group activity on both sides of the Atlantic over the last two or three decades. This chapter will examine the different types, aims, and actions of the variety of groups in the US, before examining the similarities, and differences between the roles and types of groups in the UK, especially with respect to their relationships with government.

The purpose of this chapter is to survey the wide variety of interest groups or lobbies that operate in the US and UK and to assess the effect they have on the political system of both countries. Students should analyse and evaluate:

- pressure groups and democracy – pluralism ; other influences on government and parliament: think tanks, lobbyists, corporations, media
- typologies of pressure groups, including a detailed study of one insider and one outsider group
- methods used by pressure groups
- factors likely to affect the political influence of different groups, such as membership and resources.

- links with political parties, government and the media.

After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Explain why the characteristics of American society and government encourage a multiplicity of interest groups, and compare the American and British experiences in this regard.
2. Describe the historical conditions under which interest groups are likely to form, and specify the kinds of organizations Americans are most likely to join.
3. Describe several methods that interest groups use to formulate and carry out their political objectives, especially the lobbying techniques used to gain public support. Explain why courts have become an important forum for public-interest groups.

### POINTS TO CONSIDER

- What are the differences between movements and pressure groups, and what are the distinctive characteristics of New Social Movements?
- Why have single-issue groups become so much more significant in recent years?
- In what respects does lobbying of the Executive branch differ in Britain and the United States?
- Which access points are most important in British and American politics, and why?
- Distinguish between iron triangles and policy networks.
- Why have some groups resorted to direct action in recent decades?
- Do pressure groups make a positive contribution to British and American democracy?

### Key Concepts and Terminology:

- pluralism
- political agenda
- insider and outsider pressure groups
- promotional and interest groups.

### DEFINITIONS

An **interest group** or advocacy group is a body which uses various forms of advocacy in order to influence public opinion and/or policy.

**Advocacy groups**, also known as **special interest groups**, use various forms of advocacy in order to influence public opinion and ultimately policy.<sup>64</sup> They play an important role in the development of political and social systems. Motives for action may be based on political, religious, moral, or commercial positions. Groups use varied methods to try to achieve their aims including lobbying, media campaigns, publicity stunts, polls, research, and policy briefings. Some groups are supported or backed by powerful business or political interests and exert considerable influence on the political process, while others have few or no such resources.

A **Pressure Group** is an organised group that does not hold candidates for election, but seeks to influence and change government policy or legislation. They are also described as 'interest groups', 'lobby groups' or 'protest groups'.

**Introduction**

Unlike political parties, pressure groups do not aspire to govern the country and are concerned with a relatively narrow range of issues. Much of their work is non-political, but in as much as their concerns and aspirations are affected by government they seek to acquire an influence over the conduct of public policy. In both the US and the UK, there are clear divisions of power between those who can make political decisions (public policy, legislation, etc.), and those who do not have this power. Although this is true, it remains important to observe that the line between those with direct political power and those without it can be very blurred. The millions of voters in both countries may believe that their influence on political decisions is very small (they get one vote out of millions), but this is not necessarily the case. Pressure Groups exist to attempt to have some sort of influence over government legislation and making of public policy. They all exist also to work in the interests of their individual members, and to bargain as a group with the same issue. Pressure (or Interest) groups, appear on the political scene (and also on non-political fronts), in many different guises, varying from country to country.

Some have developed into important social, political institutions or social movements. Some powerful advocacy groups have been accused of manipulating the democratic system for narrow commercial gain<sup>65</sup> and in some instances have been found guilty of corruption, fraud, bribery, and other serious crimes;<sup>66</sup> lobbying has become increasingly regulated as a result. Some groups, generally ones with less financial resources, may use direct action and civil disobedience and in some cases are accused of being a threat to the social order or 'domestic extremists'.<sup>67</sup> Research is beginning to explore how advocacy groups use social media to facilitate civic engagement and collective action.<sup>68</sup>

**1. The Growth of Group Activity**

Pressure groups actually have a long history. In the nineteenth century, the Anti-Corn Law League was a classic case of an organisation which was formed to influence government. At around the same time, de Tocqueville observed that in America too what he called 'associations' were becoming 'a powerful instrument of action'.<sup>69</sup> Yet most groups are of much more recent origin. Their number has markedly increased since the war. Governmental intervention in economic and social life has expanded enormously. As voters expect those who rule them to produce policies on a range of issues from health to consumer protection, there are groups established to press their own claims, interests and ideas.

In countries where proportional representation is used, groups representing some interests have formed political parties. In two-party systems such as Britain and America, the farmers are more likely to seek influence through the organisations set up specifically to defend their interests – the National Farmers' Union in Britain and various organisations in the United States including the American Farm Bureau Federation, the National Farmers' Union and the Grange, the latter being as much social as political in character. In addition to these large and general agrarian organisations, there has in recent years been a vast expansion in the number of agricultural groups representing the interests not only of producers but also of refiners and distributors, of different cereals, fruits and vegetables, and other farm produce.

The obvious question to summarise with is: Why has there been such a huge increase in number, and therefore influence of interest groups in the US in the past

50 or so years? One of the main points is that the ability to communicate, organise, and assemble large groups of people has vastly increased. Technology has allowed thousands of people with similar interests to agree to meet, discuss, or take action in ways never before possible. This is of vital importance in a country the size of the US, where such meetings would be unfeasible in the past. An increase in government activity and decisions, such as Reagan's anti-labour measures, also encourage those with positive or negative views on a social policy to form pressure groups. Similarly, corporations became more involved once the government chose not to help them so much, and many promotional groups were born out of reaction to government action (or lack thereof), both good and bad. To generalise, there has been an increase in the US in people wanting to have more of a say on their interests, than just through their single vote. In big corporations, in professional bodies, and in promotional groups, citizens have become more interested in improving their welfare, through group interaction with public policy makers.

Especially since the 1960s there has been what Heywood has referred to as an 'explosion in pressure and protest politics'.<sup>2</sup> In his view, this burst of activity 'may be part of a broader process that has seen the decline of parties and a growing emphasis on organised groups and social movements emerging as agents of mobilisation and representation'. Since the 1970s, another type of organisation has emerged: the New Social Movements, whose structure is looser than political parties and whose aims are broader than those of pressure groups. Among the most conspicuous are those which deal with environmental matters, and issues such as nuclear power and weapons, the advancement of women's rights and the protection of minority interests.

## 2. Classification of Groups

Pressure groups are groups of citizens which provide their influence on political parties, legislatures, executives and other subjects and sources of authority. Pressure groups in contemporary democratic countries are strong political, economic and social power which affects governmental decisions and the whole nature of political system. Pressure groups are voluntary organisations formed to advance or defend a common cause or interest. They are unlike political parties in that they do not wish to assume responsibility for governing the country, rather they seek to influence those who do so. They also have a narrower range of concerns than parties, which seek to aggregate a variety of interests in order to broaden their appeal; pressure groups have a more limited focus, many of their aspirations being non-political.

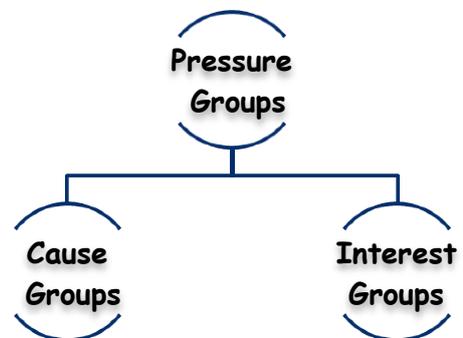
There are thousands of economic interests in modern societies, ranging from the vast to the very small and covering the activities of powerful groups such as big business, investment houses and agriculture and those of small employers who run a plumbing or electrical concern. **Interest groups** are concerned with one section of the population. They are primarily self-interested bodies which often offer services to their members, as well as looking after their sectional interests. Many are found in the economic sphere of society among the interests just listed, although they are also important in the public sector. Professional associations and trade unions fall into this category, as do the peak or umbrella associations of major firms. Most notable among the peak organisation are the confederations which bring together within one organisation a whole range of other organisations, the Confederation of British Industry and the Institute of Directors in Britain being such bodies. They seek to coordinate activity and speak on behalf of all of their constituent organisations. They

may not confine themselves to work in one country, and instead operate on the international scene – in the way that Eurogroups such as UNICE represents business interests beyond the European Union.

In America, there is again a vast array of interest groups, ranging from trade associations such as the American Pharmaceutical Association and the American Electronics Association, to professional bodies such as the American Medical Association and the American Bar Association.

**Cause groups** (sometimes called ‘promotional’, ‘attitude’ or ‘issue’ groups) are groups that are based on shared attitudes or values, rather than the common interests of its members. They seek to advance many and various causes and range from charity activities, poverty reduction, education and the environment, to human rights, international development and peace. **Promotional groups** cover a vast array of activities. They seek to advance (promote) the beliefs, ideas and values in which their supporters believe, but these are not ideas which are of benefit to their membership, other than in a most general sense. They are therefore ‘selfless’ in their concerns, and may be concerned to promote long-term goals. They tend to stick to their own agenda, and are liable to lose support if they stray from their original path. Such groups are sometimes short-lived, their membership fluctuates considerably and they are prone to secession as dissatisfied members feel that the organisation has lost its way. Among the promotional groups, there has in recent years, been a considerable increase in the number and appeal of those concerned with **single issues**.

Today, there are single issue groups operating on both sides of the Atlantic which deal with a specific issue of popular interest, such as gay rights, the export of live animals and the siting of some social amenity. They particularly tend to operate in areas such as civil liberties, birth control, abortion, environmental protection, nuclear power, nuclear arms, and the sale of firearms. Snowdrop in Britain had a brief existence in which it lobbied hard and ultimately successfully for a ban on hand-guns. In America, the pro- and anti-abortion groups are of a similar type.



### a- Different Types of Pressure Groups

Interest groups exist to advance the economic or professional interests of their members. Trade Unions and employers association constitute a significant influence on policy shaping. These groups have a vested interest in a particular section of society and they strive to recruit these people. Examples include teachers, doctors, and lawyers.

A different type of categorization of groups is that between insider and outsider ones. Developed by Wyn Grant, this distinction is between those groups that have most influence with government because of the expertise they can provide and the help they can offer in making and implementing policy (for example in Britain, the British Medical Association and the National Farmers’ Union (NFU), in the United States the American Farm Bureau). Others are less influential, being able to give little

assistance or trade-off in return for policy influence. Some groups are outsiders because they cannot achieve insider status. Other – often ideological – groups do not want such status. For ideological reasons, the Campaign for Nuclear Disarmament would not seek influence with a Conservative government whose approach to matters of defence and nuclear policy would be very different from its own. Neither would it much care for Labour policies, particularly when the party is in office.

The insider/outsider categorisation works less well in the United States than in Britain, because of the different structure of government. The separation of powers gives a greater role to the legislature than in Britain. An American administration lacks the capacity of a British government to push its programme through the legislative chambers, so that there is much more concentration by large pressure groups on Congress.

**2. INSIDER PRESSURE GROUPS**

The amount of power a pressure group will have will depend largely on the status of the group. “Insider” groups wield the most. They are regarded by the government as potentially helpful and therefore they are very often consulted on issues at the earliest stages. Some of the Insider groups are essential to how policy is formed as they have expertise in their field. BMA are well equipped to give advice to policy makers on health issues and The Police Federation are a vital part of policy on crime.

Insider groups have the advantage that they are needed for their knowledge and they can therefore use this expert influence. They will never break the law. Insider group can often provide evidence in support of government policy. This helps ministers if they need to give evidence to committees. Since the government often consults insider pressure groups like the BMA when making policy, it is clear that these groups do have in influence on decision-making.

<b>Insider Pressure Group</b>	<b>Outsider Pressure Group</b>
<ul style="list-style-type: none"> <li>• Usually have expert knowledge on an issue</li> <li>• Have access to government and are often consulted and listened to by government when deciding on policies, new laws/changes to laws.</li> <li>• Work within the law.</li> </ul>	<ul style="list-style-type: none"> <li>• Are on the ‘outside’ of the decision making process and have less influence on government.</li> <li>• Government does not consult with them.</li> <li>• Usually use methods that they hope will gain lots of media attention. Sometimes this involves illegal methods.</li> <li>• Mass demonstration on its own may or may not work in the long term, several effective mass demonstrations against the Government may move public opinion against the Government and lose it votes in future elections.</li> </ul>

Depending on who is government, insider pressure groups can change. For example, the Countryside Alliance were not used when Labour were in power because they wanted to ban fox hunting. This meant that the Countryside Alliance were an outsider group and had to use more extreme methods. The Conservatives are now in power and therefore the status of this group has shifted again. Within the Scottish Government, SNP will take advice from the Business for Scotland group rather than CBI as they gave money to the Better Together campaign. Governments still have the ultimate say when it comes to policy and therefore they can pick and choose which pressure groups become "insider" groups. This suggests that pressure group power is limited somewhat.

## 2. OUTSIDER PRESSURE GROUPS

Outsider groups rely on using other methods to try to exert influence. Fathers 4 Justice (F4J) is a pressure group which campaign for the rights of fathers to have access to their children. Their methods have included interrupting meetings and events dressed as superheroes, throwing purple flour bombs in the House of Commons etc.

The use of high-profile and disruptive stunts has gained F4J significant UK media coverage, but the political aims of the group are as yet unachieved. The group has been accused of missing the opportunity to change legislation when it refused to table amendments to the Children and Families Bill in 2013 after being invited to by MPs. The tactics used by outsider groups such as F4J has gained them media attention but none of their aims have been achieved. This suggests that such pressure groups have little influence on decision-making.

### 3. How Groups Operate

In most liberal democracies, advocacy groups tend to use the bureaucracy as the main channel of influence – because, in liberal democracies, this is where the decision-making power lies. What must be understood about groups exerting influence in the bureaucracy is; "the crucial relationship here [in the bureaucracy] is usually that between the senior bureaucrats and leading business or industrial interests".<sup>70</sup>

In free societies, groups seek to exert influence via many avenues or **access points**, mostly peaceful, although on occasion they may resort to more violent forms of protest. Advocacy groups also exert influence through channels that are separate from the government or the political structure such as the mass media and through public opinion campaigning. Advocacy groups will use methods such as protesting, petitioning and civil disobedience to attempt to exert influence in Liberal Democracies. Groups will generally use two distinct styles when attempting to manipulate the media – they will either put across their outsider status and use their inability to access the other channels of influence to gain sympathy or they may put across a more ideological agenda.

Traditionally, a prime example of such a group was the trade-unions who were the so-called "industrial" muscle. Trade-unions would campaign in the forms of industrial action and marches for workers' rights, these gained much media attention and sympathy for their cause. In the United States, the Civil Rights Movement gained much of its publicity through civil disobedience; African Americans would simply disobey the racist segregation laws to get the violent, racist reaction from the police

and white Americans. This violence and racism was then broadcast all over the world, showing the world just how one sided the race 'war' in America actually was.

Pressure groups have traditionally operated at four main levels, seeking to influence the Executive, the Legislature, the Judiciary and the public at large. In Britain, they tend to be more closely associated with government than is the case in America.

### **Influencing the Executive**

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Governments need information, much of which is highly technical and specialised. Interest groups in particular are in a position to offer such information, for they contain experts in their field and have access to the views of their members who understand the problems they confront in their daily operation, know what the impact of government policy is and what needs to be done. Interest groups wish to influence government in order to see the implementation of policies favourable to their membership. One study of American groups found that no American interest groups focused exclusively on the executive branch.<sup>71</sup> The majority concentrated their attention on both the Executive and the Legislature, but a sizeable minority lobbied Congress only or Congress and some other target.

### **Influencing the Legislature**

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The aim of advocacy groups here is to attempt to influence a member of the legislature to support their cause by voting a certain way in the legislature. Access to this channel is generally restricted to groups with insider status such as large corporations and trade unions – groups with outsider status are unlikely to be able to meet with ministers or other members of the bureaucracy to discuss policy. Today, many professional lobbyists and pressure group activists seek to influence elected representatives. Congress is noted as a focus of such interest, but all parliaments are a natural target. In America, the fact that the two houses are powerful assemblies with a major legislative role makes them particularly useful to those who seek influence. Activity at the legislative level is usually more overt than that aimed at the executive branch, much of which tends to take place behind closed doors. Influence at this level can be with individual representatives, committees or with a political party.

In Britain, trade unions have traditionally had a strong and close relationship with the Labour Party ever since they helped to create it at the beginning of the century. In recent years, the constitutional and financial ties have loosened, and the emotional and historical bonds count for less than they did in the past. Nonetheless, the relationship is still much closer than that which exists between left-wing parties and the industrial labour movement in most other countries. In America, there have never been similar institutional links between the Democrats and organised labour.

Advocacy groups can also exert influence on political parties. The main way groups do this is through campaign finance. For instance; in the UK, the conservative parties' campaigns are often funded by large corporations, as many of the conservative parties' campaigns reflect the interests of businesses. In the US, for example, George W. Bush's re-election campaign in 2004 was the most expensive in American history and was financed mainly by large corporations and industrial interests that the Bush administration represented in government. Conversely, left-

wing parties are often funded by organised labour – when the British Labour Party was formed, it was largely funded by trade unions. Often, political parties are actually formed as a result of group pressure, for example, the Labour Party in the UK was formed out of the new trade-union movement which lobbied for the rights of workers.

### Influencing the Judiciary

On occasion, British groups may turn to the law and use test cases to highlight an issue and bring about pressure for change. In 1994, Greenpeace and Lancashire County Council challenged the opening and commissioning of the Thorp nuclear processing plant. They gained valuable publicity even though they lost the battle. Bodies such as the Equal Opportunities Commission and the Commission for Racial Equality have also used the law to gain redress for individuals who have suffered discrimination, having been alerted by campaigning groups.

In countries in which the Constitution provides the courts with a formal role of judicial review, activists will use the courts more readily. In the USA, the method is much more well-established, not least because Americans are traditionally a litigious (ready to go to law) people. Notable progress has been made by civil rights groups and anti-abortion campaigners via lobbying of the Supreme Court. American judges have wide constitutional powers to overrule decisions of the Executive and considerable latitude in interpreting the meaning of legislation, so that bringing test cases may prove invaluable in winning a friendly judgement.

### Influencing Public Opinion

In Britain, it used to be said that ‘more noise equals least success’, and that those groups which operated at the public level did so only because of their impotence at the parliamentary and executive levels. The most effective groups seemed to be those which operated behind closed doors, lobbying discreetly those with the power of decision. Only those groups denied access to the corridors of power needed to resort to lively protest and take more militant forms of action; militancy was a sign of weakness rather than of strength. Indeed, going public was often a sign that they were operating in the face of considerable hostility from many elected representatives and officials. A piece of **direct action** – such as obstruction of a highway, occupying a tunnel under an airport or climbing a tree – will engage much popular interest, especially if several people are involved.

American groups recognise that one way of impressing Congress is to gain public sympathy. They adopt a dual strategy of going public and lobbying on Capitol Hill. They may seek to exert influence over the public not just by all the- year-round background campaigns or by shorter blitz, fire-brigade activity. They may also intervene in the electoral process, perhaps by organising the petition for an initiative

#### **Direct Action**

Any action beyond the usual constitutional and legal framework, such as obstructing access to a building, preventing the building of a motorway or – at worst – terrorism. Usually a last resort after other approaches have failed, it is an attempt to coerce those in authority into doing something they would not otherwise do.

and then involving themselves in the arguments surrounding the issues at stake. Sometimes, they try directly to influence the outcome of election contests.

#### 4. Are Pressure Groups Good or Bad for Democracy?

There are several opposing sides to this argument:

##### 1. *The Pluralist View*

- Pressure groups allow different people to have their views heard by government and are an essential part of democracy.
- Pressure groups provide the government with information and statistics that it might otherwise not discover.
- Pressure groups allow people to focus on one issue which really concerns them (e.g. the environment) but which might not be their prime concern in an election. It is important that government is held to account for the things that do not win elections, but which still matter.
- Pressure groups allow people to **participate** in democracy at any time, rather than just during an election campaign every 5 years.

##### 2. *The Elitist View*

- Pressure groups are undemocratic as they allow those with the loudest voice to be heard most. The rich, the educated, the articulate and the well-connected are far more able to form influential pressure groups than the poor and disadvantaged.
- The leaders of pressure groups are often middle class, so they do not provide a good forum for the voices of the working class.
- Pressure groups often suffer from poor **internal democracy**, so they cannot be said to truly represent the views of their members. Decisions are often made by the leadership and handed down to the grass roots with little or no consultation. Unions are legally obliged to ballot their members before strike action, but low turnout (in 2011 only 40% of NUT members turned out in a strike ballot) suggests that the grass roots lack commitment to their cause.

##### 3. *The New Right view*

This viewpoint is associated with Thatcher's Conservative government, which was keen to reduce the power of trade unions.

- Douglas Hurd referred to pressure groups as 'serpents that strangle efficient government'.
- Pressure groups interfere with democracy by hampering elected governments.
- Strikes and direct action are an attempt to undermine the democratic state.
- Pressure groups focus on one particular issue to the exclusion of everything else. They prevent politicians from delivering 'joined-up' government.
- Pressure groups are unaccountable to the electorate.
- Pressure groups sometimes get their information wrong, e.g. in 1995 Greenpeace apologised for releasing inaccurate information about the Brent Spar.

<b>Good</b>	<b>Bad</b>
<ol style="list-style-type: none"> <li>1. Allow participation in democratic process</li> <li>2. Can raise awareness between elections</li> <li>3. Give minority groups a voice</li> <li>4. Raise issues of importance</li> <li>5. Make decision makers aware</li> <li>6. For each of these you would need to illustrate with examples</li> </ol>	<ol style="list-style-type: none"> <li>1. Some groups more powerful than others</li> <li>2. Money talks</li> <li>3. Insider groups have privileged access</li> <li>4. Secret deals are bad for democracy</li> <li>5. No pressure group represents over 50% of public</li> <li>6. Should not hold government to ransom</li> <li>7. Should not break the law</li> <li>8. Again illustrate with examples</li> </ol>

**Conclusion**

The influence and effectiveness of pressure groups varies according to the country and its internal circumstances, as well as to the time and the nature of the cause. Where governments are sympathetic to what is being proposed, there is more likelihood of success, the more so if the group concerned can exercise some political leverage. Generally speaking, money and resources are an advantage, and those key groups in the economy, such as the large producer groups on either side of manufacturing industry, are better placed to press their case than are consumers or much smaller promotional bodies.

Again, groups which can speak for the majority of those who work in an industry or profession are in a powerful position, as are those which can demonstrate that they are democratically constituted and genuinely speak on behalf of those who form their membership. They will be all the more influential; however, if they can show that the interests or causes which they represent are ones which are relevant to the wider national good. Generally speaking, there is greater scope for group action in more advanced nations and in those which allow many access points at which groups can employ pressure. Britain and America meet both of these requirements. But, as a whole, groups are more powerful in the United States, both for institutional reasons as well as factors associated with the political culture and the greater openness of America society. In addition, American groups have the protection of the Constitution, which safeguards their rights of assembly and to petition government.

Britain has followed America in the development and rapid growth of group activity. Both are pluralist democracies in which there is a multiplicity of groups. There is some overlap in the methods they employ and since the 1980s there have been significant changes in the pressure groups scene, among them:

- The decline of organised labour;
- More direct lobbying by big business organisations;
- Increased activity by environmental groups;
- The greater use of professional lobbyists;
- The rise of single issue groups;
- The growth in the use of direct action (encouraged by media interest).

However, there are significant differences, in part deriving from the size and composition of the two countries, their constitutional arrangements and the relative openness/secretiveness of government. The result was, and still is to some extent, a period of physical protest from many groups. This is one of the most blatant

differences between the roles of UK and US pressure groups - the use of protests and tactics to show concern on an issue, such as Iraq, or environmental issues, like the building of new bypasses. As already mentioned, the US system tends to be more amicable, especially when it comes to promotional groups, whereas many in the UK protest themselves, and encourage others to join their cause, at least temporarily. To summarise, despite similar organisations of groups, there is a clear difference in the US and the UK between how the groups approach influencing the political policy making process, and also how the political system views the groups themselves.

Both countries have a huge variety of groups representing almost every conceivable interest in their respective countries, but in the UK, those who will be listened to specifically are picked out by the government. The result is often more vociferous support in the UK amongst the public and groups about issues. The US group system is based more around the influence of corporations, the decisions of big business, whereas in the UK, the power is often with the professionals, but the voice and indeed the pressure is often that of promotional groups and the public.

### **USEFUL WEB SITES**

**NB:** Individual pressure groups on both sides of the Atlantic have their own sites dealing with the specific issues of interest to users. They cover such things as a group's history, objectives and organisation. A few examples are listed.

#### **For the UK**

**[www.demos.co.uk](http://www.demos.co.uk)** Demos.

**[www.adamsmith.org.uk](http://www.adamsmith.org.uk)** Adam Smith Institute.

**[www.cbi.org.uk](http://www.cbi.org.uk)** Confederation of British Industry.

**[www.tuc.org.uk](http://www.tuc.org.uk)** Trades Union Congress.

**[www.etuc.org](http://www.etuc.org)** European Trade Union Confederation.

**[www.countryside-alliance.org](http://www.countryside-alliance.org)** Countryside Alliance.

**[www.greenpeace.org.uk](http://www.greenpeace.org.uk)** Greenpeace.

#### **For the USA**

**<http://turnleft.com>** Turn Left.

**[www.opensecrets.org](http://www.opensecrets.org)** Center for Responsive Politics. A useful American site, which contains information about PACs and lobbying activities.

**[www.handguncontrol.org](http://www.handguncontrol.org)** Brady Campaign to Prevent Gun Violence.

**[www.nra.org](http://www.nra.org)** National Rifle Association.

**[www.now.org](http://www.now.org)** National Organisation for Women.

**[www.sierraclub.org](http://www.sierraclub.org)** Sierra Club.

### **SAMPLE QUESTIONS**

- 1. Explaining proliferation: why interest groups are common in the United States**
  - a) Many kinds of cleavage in the country
  - b) Constitution makes for many access points
  - c) Public laws favor the non-profit sector
  - d) Political parties are weak
- 2. TRUE/FALSE QUESTIONS: Read each statement carefully. Mark true statements T. If any part of the statement is false, mark it F, and write in the space provided a concise explanation of why the statement is false.**

1. James Madison considered the latent causes of “faction” to be sown in “human nature.” .....
2. The American system features more interest groups than that of Great Britain because there are more points of access and opportunities to influence policy.  
.....
4. The number of interest groups has grown rapidly since the 1960s.....
5. Political interest groups tend to arise inevitably out of natural social processes.....
6. Governmental policies have generally been a roadblock to the creation of interest groups....
9. It is probably easier for organizations to form small local chapters in the United States because of the importance of local government.....
10. The provision of money and services would constitute solidary incentives for membership..
11. Conservatives have been slow to adopt the public-interest organizational strategy.....
12. The text suggests that public-interest lobbies often do best when the government is in the hands of an administration that is hostile to their views.....
13. The larger organizations that are spawned by social movements tend to be more passionate and extreme in their position taking than smaller organizations.....
14. Increasingly, interest groups and lobbyists have turned to an “insider strategy.”.....
15. Most legislators tend to work with interest groups with whom they agree.....
16. Members of interest groups tend to work primarily with legislators with whom they agree.

**3. Answer in Essay Form**

- 1/ Analyze the ways in which citizens can influence decision making
- 2/ Evaluate the influence citizens have on the political system and decision making
- 3/ Unelected bodies can influence decision making in parliament. Discuss

**4. Answer the Following Questions as Accurately as Possible**

- A.** ‘In Britain and America, the producer lobby is far more powerful than that representing consumers’. Is this true and, if so, does it matter?
- B.** Why and in what respects are American pressure groups more significant than groups in Britain?
- C.** To what extent and for what reasons do British and American pressure groups differ in the tactics and strategies they adopt?
- D.** Discuss the view that the activities of pressure groups constitute a threat to the operations of liberal democratic systems of government.

# CHAPTER 10

## THE MASS MEDIA



### CHAPTER OUTLINE

1. Organization, ownerships and control in Britain and America
2. Political coverage in the media in Britain and America
3. The effects of the media
4. Televised politics in Britain and the USA compared: the Americanization of British politics?

### CHAPTER FOCUS

This chapter examines the historical evolution and current status of relations between the government and the news media—how the media affect government and politics and how government seeks to affect the media. In this chapter, the primary concern is with the impact of the two major mass media: the press and television on political life.

After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Describe the evolution of journalism in American political history, and describe the differences between the party press and the mass media of today.
2. Demonstrate how the characteristics of the electronic media have affected the actions of public officials and candidates for national office.
3. Describe the effect of the pattern of ownership and control of the media on the dissemination of news, and show how wire services and television networks have affected national news coverage.
4. Describe the rules that govern the media, and contrast the regulation of electronic and print media.
5. Describe the effect of libel laws on freedom of the press and of government rules on broadcasters.
6. Assess the effect of the media on politics, and discuss why it is difficult to find evidence that can be used to make a meaningful and accurate assessment. Explain why the executive branch probably benefits at the expense of Congress.
7. Describe the adversarial press and how reporters use their sources. Describe how an administration can develop tactics to use against the adversarial press.

### **POINTS TO CONSIDER**

- What is meant by the term 'cross-media ownership' and what problems can arise as a result of its occurrence?
- How do the media set the agenda for political discussion?
- How and why do politicians attempt to 'sell' themselves via television?
- What is the nature of campaign media coverage? How do campaigns attempt to influence election coverage?
- What is meant by the 'Americanisation' of British electioneering?
- What are the main differences in the way television covers political issues and personalities on either side of the Atlantic?

### **DEFINITIONS**

The term "mass media" is sometimes erroneously used as a synonym for "mainstream media". Mainstream media are distinguished from alternative media by their content and point of view. Alternative media are also "mass media" outlets in the sense that they use technology capable of reaching many people, even if the audience is often smaller than the mainstream.

In common usage, the term "mass" denotes not that a given number of individuals receives the products, but rather that the products are available in principle to a plurality of recipients.<sup>72</sup>

### **Introduction**

Mass media includes all forms and aspects of communication to the general public. It is considered the "fourth branch of government" given the importance and influence on the electorate, policy-making, politics, and the government. In advanced Western democracies, the media perform a major role. Freedom of expression is well established in the West and journalists are vigorous players on the political scene.

They are sometimes portrayed as the 'fourth branch of government' or the 'fourth estate', rivalling the three official branches of political power. Television and the press can't actually do what the other three branches do, but the way in which they help to shape attitudes makes them very significant in the political process. We live in a media-saturated society and, in the eyes of some analysts; the media now wield excessive political influence.

The most important forms of the media are newspapers and broadcasting by radio and television, but over the last generation television has surpassed any other medium as the source from which the majority of people derive their information (see table below), for it provides an easily accessible, easily digested and credible medium available in almost every household. Today, how voters view politics and politicians is much influenced by television. Politicians recognise this and act accordingly, often seeking to influence the television at least as much as they are influenced by it.

Sources of political information in Britain and the United States		
Source	% in Britain	% in United States
Television	62	63
Newspapers	23	22
Radio	14	12
Other	1	3

**Source:** Adapted from contents of tables in E. Gerber, 'Divided We Watch', Brills Content (Feb. 2001) and IBA/ITC research findings.

For most people living in established democracies and societies that are in transition to democracy, election campaigns are primarily experienced through the media. Politicians know that far more people turn to the media for information than turn out for political rallies in local town squares. The daily campaign activities are thus primarily designed to meet the constraints and deadlines of the major news outlets. Therefore, there are two important contexts to consider when thinking about the effects of the media in election campaigns. One is the context of the campaign or the potential media effect on the campaigns of candidates, which can be described as the institutional level of media effects. The other is the context of the potential media effect on individual voters or citizens, which can be described as media effects at the individual level.

### 1. Organization, Ownership and Control in Britain and America

Britain has a centralized communications system, a factor related to geography and population distribution. By European standards, the population is urbanized, the majority living in the area between London and Manchester. Regional media declined as the twentieth century progressed. The regional press has become significantly smaller since 1918, and although since the early days BBC and ITV have always had a regional element, BBC2 and Channels Four and Five are solely national ones. The political system too has always been highly centralized, encouraging the media to emphasize national concerns at the expense of regional ones.

Another feature of the British media is the balance which has been struck between the values of commercialism and public service. Commercialism is represented by the private ownership of the press and of ITV, and public service by

the BBC. There is a public-service requirement to which commercial television broadcasters are expected to respond. Much of the development in the British media has been influenced by what has happened in the USA. Ideas and innovations have often come from across the Atlantic, and many press moguls on the British stage have spent much of their life in North America – the Astor family, the Canadians Roy Thomson and Conrad Black, and the Australian-American Rupert Murdoch. Many American communications companies are active in Britain, with several cable concerns and some large telephone companies having bases here.

Americans have always been deeply attached to their free press. Newspapers are often criticised for their bias, on the Right there being complaints that they are dominated by a liberal elite and on the Left that they are unduly influenced by rich and powerful moguls. They may be sometimes attacked as unduly sensationalist in their coverage of events and too obsessed with the trivia of the personal lives of those who aspire to lead them. But many voters trust their journalists more than their politicians and have a strong suspicion that exposés of corruption and scandal are more than likely to be justified. In episodes such as Watergate and the Iran–Contra affair, they had reason to be grateful for the investigative instincts of persistent newshounds.

Unlike Britain, there is no concept of public service broadcasting in America, on either radio or television. Radio is still extensively used in the United States. It had always remained popular as an outlet for political advertising in some of the smaller states, but has recently experienced a surprising revival in the television age. The popularity of chat shows and particularly phone-in programmes of the *Talk Radio* variety has aroused considerable interest, as have the new stations which cater for minority groups and tastes. Radio talk shows have been described as the equivalent of 'a 1990s American town meeting',<sup>73</sup> a chance for the voters to listen to and call the candidates. These may have vast audiences, and act as a lively medium for the exchange of views between often-conservative presenters and equally (if not more) right-wing listeners. Individuals can vent their feelings, however blatant, and listen to those of others.

Television in the USA is still dominated by three major commercial TV networks – CBS, NBC and ABC – although their hold has weakened in recent years. These networks sell programmes to local broadcast stations known as affiliates, and in 1995 the three long-established ones each had more than 200 of these, Fox Broadcasting some 150 or so.

## **2. Political Coverage in the Media in Britain and America**

The media play an indispensable role in the proper functioning of a democracy. The numerous ways in which media ensure democratic electoral processes generally fall into one of the following categories:

- Media as transparency/watchdog
- Media as a campaign platform
- Media as open forum for debate and discussion/public voice
- Media as public educator

Discussion of the media's functions within electoral contexts, often focuses on their "watchdog" role: by unfettered scrutiny and discussion of the successes and failures of candidates, governments, and electoral management bodies, the media can inform the public of how effectively they have performed and help to hold them to account. Yet the media also have other roles in enabling full public participation in elections. Ideally, the media serve several essential roles in a democratic society.

Their primary purpose is to inform the public, providing citizens with the information needed to make thoughtful decisions about leadership and policy. The media act as **watchdogs** checking government actions. They **set the agenda** for public discussion of issues, and provide a forum for political expression. They also facilitate community building by helping people to find common causes, identify civic groups, and work toward solutions to societal problems.

The media disseminate a tremendous amount of political content, but much of the material is trivial, unreliable, and polarizing. The watchdog role pre-new media had been performed largely by trained journalists who, under the best of circumstances, focused on uncovering the facts surrounding serious political transgressions. *Washington Post* reporters Bob Woodward and Carl Bernstein inspired a generation of investigative journalists after revealing President Richard Nixon's role in the break-in at the Democratic Party headquarters at the Watergate Hotel, forcing his resignation.<sup>74</sup> Much news in the new media era is defined by coverage of a never-ending barrage of sensational scandals—be they real, exaggerated, or entirely fabricated—that often are only tangentially related to governing.

Media coverage, of course, is not determined by journalists alone. It is a product of the efforts of politicians and their advisors, the so-called spin doctors who talk with journalists. To what extent do politicians have control over the news agenda? A comparative study of news coverage of elections in Great Britain and the United States in the 1980s and how it was produced showed that British politicians had considerably more opportunity to influence television news coverage than U.S. politicians did and that U.S. television journalists exerted considerably more discretion in shaping the news agenda than their British counterparts did. Holli Semetko, Jay Blumler, Michael Gurevitch, and David Weaver (1991)<sup>75</sup> provided evidence for this conclusion with a variety of content analysis indicators. These indicators included the following:

- the amount of space used in the main evening news program for coverage of election news (more in Great Britain than the United States),
- the amount of news devoted to politicians' "**sound bites**" (considerably more in Great Britain),
- extent to which the main topics of news stories were initiated by politicians or journalists (more party-initiated news in Great Britain, more media-initiated news in the United States),
- the proportion of political stories in which politicians or parties were the main focus (greater in Great Britain than the United States), and
- extent to which reporters offered evaluations of political participants (more in the United States than in Britain).

Whereas British reporters were more likely to offer only descriptive comments on politicians' activities on the campaign trail, U.S. reporters were more likely to evaluate candidate performance. The only instance in which politicians in both countries were on equal footing in terms of their ability to influence the news agenda was in the domain of visuals. Politicians in both countries initiated the majority of key visuals in election news stories, and the vast majority of these visuals were favorable. In the United States, however, positive visuals were far more likely to have been accompanied by critical voiceover commentary by reporters; in Great Britain reporters were more likely to describe the scene in a neutral way. A look at television coverage of elections in the two countries in the 1990s suggests that while British

reporting may be moving in the direction of the U.S. coverage, there is still some gap between the two.

Other institutional contexts of importance include the balance between public and commercial (private) broadcasting, the political autonomy of broadcasting from government and political parties, the rules and traditions that surround party access to broadcasting, and the extent of partisanship in the printed press. In theory, television (whether the channel is public or private) is expected to provide impartial coverage of politics, and this is deemed to be of particular importance at election time. Research by Semetko (1996) has shown that in practice, the meaning of "balance" in election news varies not only across countries but also across news organizations within a particular country.<sup>76</sup>

The media are not the sole source of information for voters, but in a world dominated by mass communications, it is increasingly the media that determine the political agenda, even in less technologically developed countries.

### **Setting the agenda**

Journalists are necessarily selective in what they show, but by their choice they convey what they regard as important. They give status to events and people, for an interview on national television can help to turn someone into a national figure. They have the power to enhance or undermine the standing of political leaders. In the USA in the 1930s, they chose to conceal the fact that President Franklin Roosevelt was in a wheelchair and had a mistress, whereas more recently they were happy to report extensively on President Clinton's sexual preferences and habits. Today, all political leaders have to live with the probing eye of investigative journalists who are keen to expose examples of wrong-doing. This was and is of course in the nature of their work, but the character of their coverage has become more searching and damaging to those in authority. Journalists realise that scandals – sexual or financial – often make compelling viewing, and in the interchannel battle for viewers this is an important consideration. Moreover, since the abuses of presidential power which occurred in Watergate and Vietnam, they are less willing to accept what politicians do and say without challenge. In their investigations and exposures, journalists are reflecting and perhaps contributing to declining levels of public confidence in those who rule over us.

**Agenda-setting** is a key function of the media. Editors and journalists create an agenda of national priorities, deciding what is to be regarded as serious, what counts for little and what can be ignored. If an issue appears on the journalists' agenda, it is likely to be more widely discussed by individuals and groups in society. The media may not have the power to tell people what they should think, but they can tell them what they should be thinking about. By emphasising the problems of inner cities in Britain, or of environmental degradation and of national defence in America, they have an effect on people's perceptions of how important these issues really are.

The mass media, ever on the look-out for a good story, find the political arena an almost limitless source of material. The demand for news is ever-increasing, and both broadcasters and politicians have an interest in what is presented and how stories are handled. Political stories can be welcome to politicians as a vehicle for publicity and promotion of their ideas, but if they are hostile they may be viewed with alarm. For the broadcasting media, they are the very essence of lively journalism.

### **The Nature and Quality of Coverage**

Political exposure on television comes via several outlets. Politicians appear on a range of programmes from news bulletins to current affairs episodes, from the broadcasting of political events to special election features. There are also newer

types of coverage. The Americans speak of 'infotainment': programmes which employ the techniques of entertainment to present more serious issues. Among them are chat shows which have a markedly less political agenda but which still provide an opportunity to project personality and get the message across in a less demanding atmosphere.

### 3. The Effects of the Media

Campaigns want to influence media coverage in their candidate's favor. They seek to dominate the election agenda, frame and prime issues, and have the media transmit their message of the day. The proliferation and diversity of modes of communication makes this complicated. Campaigns attempt to control their political advertisements and influence debates. They try to set the news-media agenda, but the relationship is uncertain at best. For an award-winning study of media in the 1992 presidential election, see Marion R. Just, Ann N. Crigler, Dean E. Alger, Timothy E. Cook, Montague Kern, and Darrell M. West, *Crosstalk: Citizens, Candidates, and the Media in a Presidential Campaign* (Chicago: University of Chicago Press, 1996).

The effects of television on politics and the electoral process cover three main aspects: the effects on elections and electioneering, the effects on political leaders and candidates, and the effects on the opinions of the electorate.

#### Elections and Electioneering

Today, the media, especially television, largely determine the form of election campaigns. They have replaced political meetings in importance, to the extent that today any large meetings are relayed on television and geared to its needs. Each news bulletin accords coverage of the main politicians, so that the main meetings are stage-managed proceedings timed for maximum television coverage, and sound-bites are delivered to grab the headlines.

The media has another role in connection with the conduct of elections. Increasingly, they help to set the agenda for the campaign. Journalists— or, more particularly, their editors— determine the issues they consider to be worthy of investigation and follow-up reporting and commentary. Some issues are kept in the forefront of the public mind (in Britain, sleaze in 1997), whereas other— perhaps more meaty ones— may be neglected.

The style of campaigning is much influenced by television.

In America, electioneering is more candidate-centred (see pp. 289–90), so that candidates rather than parties seek to gain popular approval and support. In Britain, party counts for more, but there is still an infatuation with personalities. Although party managers may still be interviewed and seek to use the medium to promote the party cause, it is the candidate who is the focus of media attention. They and their team of consultants are constantly on the lookout for opportunities to ensure that they gain favourable coverage and are vigilant in watching out for any signs of bias against them. They attempt 'management' of the news.

#### Party Leaders and Candidates

Today, the tendency of journalists in the media is to presidentialize the election coverage and do less than justice to the issues involved, for, as Negrine observes, there is an 'infatuation with personalities and, in particular, political leaders'.<sup>77</sup> Indeed, Foley notes that outside of an election period party leaders account for one-third of the time allocated to politicians in news coverage; during elections, the figures rises to half.<sup>78</sup> This being the case, parties feel that they must

choose politicians who are 'good on television'. Unsurprisingly, politicians are highly sensitive to the way in which their behaviour and actions are reported. They realise that television, in particular, can do them great damage. It also provides them with a remarkable opportunity to influence opinion.

Politicians on either side of the Atlantic have been forced to acquire new techniques of communication. When politicians addressed large crowds 'on the stump', the quality of oratory was all-important. Dramatic, expansive gestures were in vogue. Television requires a different, quieter tone. As Hague and Harrop explain: '[In the age of broadcasting] the task is to converse rather than to deliver a speech; to talk to the millions as though they were individuals'.<sup>79</sup> Some politicians have excelled in developing their technique, among them Franklin Roosevelt, whose folksy 'fireside chats' from the White House gave the American people renewed hope in the days of the Great Depression and after.

#### 4. Televised Politics in Britain and the USA Compared: The Americanisation of British Politics?

Television arrived in the American home in the 1950s, and immediately became the main campaign medium. Party loyalties had weakened and there was a rapid growth in the number of independents. As a result, candidates paid less attention to rallying diehard supporters and instead appealed to independent-minded voters. They adopted television advertising techniques as their primary campaign device. At first the parties paid for long-winded half-hour or hour long speeches. By the 1960s, they discovered that the 30-second or one-minute commercial, repeated over and over again, was the most effective technique. It was expensive, however, so fund-raising became more and more important in winning campaigns.<sup>80</sup> Since 1990, Major technological innovations transformed the mass media. Television survived with a much reduced audience, but remained the number one advertising medium for election campaigns.

Britain has in many ways learnt from the American experience. Election campaigners have visited the United States and sometimes participated in elections there. Inevitably, their findings have been relayed to their colleagues back home. In addition, people in Britain see pictures of presidential electioneering, and there has often been discussion in the media of the techniques employed. As a result, America has been a useful source of innovation in British campaign techniques. Just as the Conservatives under Margaret Thatcher absorbed a lot from the Reagan experience in the mid-late 1980s, so too the Labour Party was keen to derive insights from the success of the Democrat, Bill Clinton, in 1992 and again in 1996.

In recent years, there has been an increasing British obsession with walkabouts, photo-opportunities and other **pseudo-events** created for the media. In the 1980s and 1990s, there have been several examples of the Americanisation of politics at work, not least in the style of some party broadcasts (Kinnock – *The Movie*, **Jennifer's Ear** and others), and in the **Sheffield Rally**, a triumphalist occasion very reminiscent of the American convention.

Party broadcasts instead of political advertisements, free air-time, vigilant journalists, and politicians more prepared to answer questions about their proposals, help to differentiate UK from US experience in certain respects, and are some kind of protection against British adopting the worst aspects of American electioneering methods into Britain. Yet, the party broadcasts themselves have to some degree 'gone American' in style and form. It may be that on this side of the Atlantic, the British are less susceptible to the excesses of emotionalism and negative

campaigning that beset American politics. In 1992, in different ways, Jennifer's Ear and the Sheffield Rally could be said to have backfired. In the long term, they may even be seen as the time when British politics diverted from the path pursued on the American scene, or at least held back from its worst excesses.

## **5. The New Media's Role in Politics**

The new media environment is dynamic and continues to develop in novel, sometimes unanticipated, ways that have serious consequences for democratic governance and politics. New media have radically altered the way that government institutions operate, the way that political leaders communicate, the manner in which elections are contested, and citizen engagement. New media have wide-ranging implications for democratic governance and political practices. They have transformed the political media system, and redefined the role of journalists. Mass media designed to deliver general interest news to broad audiences have been joined by niche sources that narrowcast to discrete users.<sup>81</sup> New media can relay information directly to individuals without the intervention of editorial or institutional gatekeepers, which are intrinsic to legacy forms. Thus, new media have introduced an increased level of instability and unpredictability into the political communication process.

It's typical for a candidate to criticize traditional media for not allowing "the whole story" to get out to the voters. A candidate will moan that his entire 45-minute news conference wasn't aired in its entirety on a 30-minute newscast, which would be impossible. It's a reporter's job to edit so that the most important information is presented to the audience. Politicians turned to new media to circumvent the mainstream press' control over the news agenda.

Today, a candidate can bypass broadcast and print media to reach his potential voters through social media. A Facebook page can show he has 20,000 fans, offer his entire news conference and most importantly, allow him a totally unfiltered way to speak. President Obama had a successful web strategy that helped him win the 2008 presidential campaign. A wise candidate should realize that social media is a tool, but it has yet to replace the value of getting his face on the front page of the paper or on the 6:00 p.m. newscast. While the candidates may tout their "grassroots campaign" using **social media** to get in direct touch with voters, they know they need you desperately to win. Candidate and then President Trump utilized Twitter on a frequent basis to telegraph policy, to endorse candidates, and to criticize the mainstream press to a set of millions of followers. Moreover, mainstream media often has picked up on some of his more controversial tweets, bringing social media into the pages of mainstream media outlets.

The public has difficulty distinguishing relevant news about weighty policy issues from the extraneous clamor that permeates the media. The work of investigative journalists has in some ways become more insightful and informed than in the past due to the vast resources available for researching stories, including greater access to government archives and big data analysis. However, well-documented stories are obscured by the constant drone of repetitive, sensationalized trivia-bites that dominate old and new media. Reflecting on coverage of the last American presidential contest, Glasser states, "The media scandal of 2016 isn't so much about what reporters fail to tell the American public; it's about what they did report on, and the fact that it didn't seem to matter" (2016).<sup>82</sup>

Post-truth media was prominent during the 2016 presidential election. Media accounts of the election were infused with misinformation, baseless rumors, and

outright lies. False stories and unverified factoids emanated from fabricated news sites as well as the social media accounts of the candidates and their surrogates. Republican nominee Donald Trump used his Twitter feed to push out sensational, unverified statements that would dominate the news agenda, a practice he maintained after assuming the presidency. He alleged that the father of Ted Cruz, his challenger for the nomination, was involved in the assassination of President John F. Kennedy, and perpetuated the false claim that President Barack Obama was not born in the United States.<sup>83</sup> False news stories infiltrated reports by legacy media organizations as they relied heavily on digital sources for information. Cable news organizations like CNN and MSNBC amplified Trump's unfounded claims, such as his allegations that Muslims in New Jersey celebrated the fall of the World Trade Center on 9/11, even as they criticized their veracity.<sup>84</sup>

## 6. Media as a Punching Bag

Media bias in the United States occurs when the US media systematically skews reporting in a way that crosses standards of professional journalism. Claims of media bias in the United States include claims of liberal bias and conservative bias. Such claims have increased as the US political parties have become more polarized. There are also claims of corporate bias, bias in reporting to favor the corporate owners of the media, and mainstream bias, a tendency for the media to focus on certain "hot" stories and ignore news of more substance. A variety of watchdog groups attempt to combat bias by fact-checking both biased reporting and unfounded claims of bias. A variety of scholarly disciplines study media bias.<sup>85</sup>

Politicians who are pleased with a particular news story will sometimes praise the reporter for fairness and objectivity. When the story's not so positive, claims of **media bias** will usually pour out from the campaign. A good reporter should present the facts without fear or favor and not seek out praise or shy away from criticism. But when a candidate stumbles or seems unprepared, as some say former Republican vice presidential nominee Sarah Palin appeared in 2008, the campaign will try to shift the focus from the candidate to the media.

Candidates are human -- tired, stressed and worried about failing. Sometimes those normal frailties come out in an interview. A media outlet is faced with a decision on whether to show candidates when they're not at their best. In Palin's case, there were calls of political and gender bias. But Bill Clinton is a man and a Democrat, and his campaign also fought the media during his 1992 presidential campaign when allegations of womanizing were first brought up. While media outlets were attacked then, Clinton's impeachment after the Monica Lewinsky scandal showed that it was a legitimate issue. Media manipulation will never stop as long as there are people seeking elected office. By educating yourself on how you might be used, you'll make smarter decisions when you're on the campaign trail.

Donald Trump has often been critical of the media and journalism, especially those who have taken a critical eye to his policies or have tried to uncover the truth behind his business practices or foreign dealings. He has even gone so far as to label the media the "enemy of the people," which is a direct challenge to the First Amendment rights of free speech and freedom of the press guaranteed to journalists and media outlets.

### **Conclusion**

The influence of the media is all-embracing. They are a tool of communications and a profitable economic resource. They also have significant political influence. Via news reports, entertainment and advertisements, they help to

shape political attitudes. What is and what is not broadcast and printed helps to establish political figures, sets out priorities and focuses attention on issues. The media make politics intelligible to ordinary people.

The media in turn are affected by the corporations which own them, the advertisers who pay for their messages and the public which looks, reads and listens to what they have to offer. Technology has increased the number and variety of outlets, and led to the merger of many of them, which are now part of giant media corporations. Political leaders grant or withhold licences, stage pseudo-events and make available or withhold information to them as suits their purposes.

### **USEFUL WEB SITES**

The BBC, CNN and New York Times among other organs of mass communication have valuable sites, which are regularly updated:

**[www.news.bbc.co.uk](http://www.news.bbc.co.uk)**

**[www.cnn.com/WORLD](http://www.cnn.com/WORLD)**

**[www.nytimes.com](http://www.nytimes.com)**

### **SAMPLE QUESTIONS**

1. Why does Britain have and America lack a main channel dedicated to the idea of public service broadcasting?
2. Does the increasing concentration of media control in the hands of a few giant corporations threaten the accuracy and diversity of information available to the citizenry?
3. How do the British and American media shape the ideas and information that people on either side of the Atlantic have about politics and politicians?
4. How has television influenced the way in which politics are covered on either side of the Atlantic?
5. Today, election campaigns are geared to the needs of television'. Discuss.
6. 'The media have little effect on political attitudes, other than to reinforce what people already believe'. Does British and American experience bear this out?
7. 'The media have the capacity to determine what people feel and what they think and talk about? How responsibly do the main media of the day in Britain and America fulfil their responsibilities?
8. What role should the media play in a democratic society and what can done to ensure that they play this role?

# CHAPTER 11

## VOTING AND ELECTIONS



### CHAPTER OUTLINE

1. Types of election
2. Electoral systems
3. Turnout in elections
4. Voting behavior
5. Election campaigning
6. The role of money
7. Referendums and their value

**CHAPTER FOCUS**

In this chapter, we examine a number of issues about the functioning of elections in two democracies, looking at the electoral system, the nature and costs of the campaign, and the way in which voters behave and the influences upon their voting. In addition, we consider the use made – particularly in America – of various forms of direct democracy.

**POINTS TO CONSIDER**

- Are the benefits of the 'First Past The Post' method of voting outweighed by the disadvantages?
- 'In British general elections and American presidential elections, turnout has declined in recent decades'. Are there common factors which explain the decline?
- Which are the more important in voting behavior today, long-term or short-term factors?
- To what extent has partisan dealignment occurred in recent decades on both sides of the Atlantic?
- In what ways does television set the agenda for election campaigns?
- Has there been an Americanization of British electioneering methods and, if so, does it matter?
- Why has it been necessary to introduce legislation in Britain and the United States to control the raising and spending of public money in national elections?
- Why has 'soft money' become an issue in British and American politics?
- Why has direct democracy become more popular in recent years?

**Introduction**

Elections are the main mechanism for expressing the public's collective desires about who should be in government and what the government should do. Elections in Britain are not as frequent or extensive as they are in the United States. There are no direct elections for the Executive as there are in a presidential system. Neither are there primary elections within the parties to decide on the choice of candidate.

All Western countries hold regular elections. Voting is the primary symbol of citizenship in a democratic society; indeed, 'one person, one vote' is one of the core principles of democracy. In established democracies, elections are generally free and fair, although doubts about the legitimacy of the outcome can arise, as in America 2000. Elections are the major way by which those who rule are made answerable to the mass of people.

Some countries hold many types of election, others few. In the United Kingdom, electors can vote in local and European elections, as well as in a general one every four or five years; the Irish, Welsh and the Scots also get the opportunity to vote for their devolved legislatures, and have had more opportunity than the English to vote in national referendums. In the United States, elections are much more common so that Americans elect people for offices which in most states would be filled by appointment. At every tier of political life, from President to Congressman on the national level, from Governor to Representative at the state level and from City Mayor to town councillor at the local level, the incumbent is chosen by election.

School board contests are particularly hotly disputed. In some states, even such offices as the Municipal Judge and the Registrar of Wills, and in parts of the South the local undertaker and even dog catcher are contested. Most of these are local contests which rarely make the news outside the immediate vicinity.

The popularity of elections owes much to the general growth of the democratic principle since the days of the Founding Fathers. Americans have long believed that the greater the degree of popular involvement, the better the outcome is likely to be in terms of the quality of output. But beyond this is another consideration, the preference for limited government. Americans have always feared a concentration of power in too few hands. Even when they elect officials, they do not in most cases allow them to serve for too long. It is felt desirable to subject them to continuous accountability. In consequence, the task before an American voter is greater than that for his or her British equivalent. Whereas a British election ballot paper is a straightforward affair, usually involving putting a cross on a piece of paper, an American one is rather different. Britain has never had the same emphasis on electoral participation.

A democratic general election is distinguished by several characteristics. These include such features as: A universal franchise; A secret ballot; A time limit on office; The freedom to form parties; Contests in every constituency; Campaigns regulated by strict and fair rules.

### 1. Types of Election

An **electoral system** is a set of rules that determine how elections and referendums are conducted and how their results are determined. Political electoral systems are organized by governments, while non-political elections may take place in business, non-profit organisations and informal organisations. Electoral systems consist of sets of rules that govern all aspects of the voting process: when elections occur, who is allowed to vote, who can stand as a candidate, how ballots are marked and cast, how the ballots are counted (electoral method), limits on campaign spending, and other factors that can affect the outcome. Political electoral systems are defined by constitutions and electoral laws, are typically conducted by election commissions, and can use multiple types of elections for different offices.

Some electoral systems elect a single winner to a unique position, such as prime minister, president or governor, while others elect multiple winners, such as members of parliament or boards of directors. There are many variations in electoral systems, but the most common systems are first-past-the-post voting, the two-round (runoff) system, proportional representation and ranked voting. Some electoral systems, such as mixed systems, attempt to combine the benefits of non-proportional and proportional systems.<sup>86</sup>

Some writers distinguish between different types of elections, especially between the **maintaining** ones in which the party in power continues to hold the reins, and **realigning** ones in which voters opt for a change of direction and the underlying strength of the main parties is significantly changed. Sometimes, of course, voting for a different party does not fundamentally shift policy onto a new course, but in most countries it is possible to think of landmark dates when electors signalled their wish to opt for something different.

In postwar Britain, there have been elections which have produced (or promised to produce) a critical realignment and these have included 1945, 1964, 1979 and 1997. In 2001, voters opted for 'more of the same', a maintaining election. Some presidential elections in the United States have led to a significant change of

emphasis or direction, as with the election of Franklin Delano Roosevelt in 1932, the election of Kennedy in 1960, Reagan in 1980 and Clinton in 1992. The 1984, 1988 and 1996 elections were maintaining ones.

## 2. Electoral Systems

The choice of electoral system to elect a particular assembly is a question of great importance in democracy. To a significant degree electoral systems define how the body politic operates. As D. Farrell points out: 'they are the cogs which keep the wheels of democracy properly functioning'.<sup>87</sup> The choice of system raises issues about the nature of representative government and the purpose of elections. Indeed, the interim report of Labour's Plant Committee observed that: 'There can be nothing more fundamental in a democracy than proposals to change an electoral system'.<sup>88</sup>

In making that selection, much depends on what the electoral system is supposed to achieve. Obviously, it is desirable that it produces an outcome which is intelligible and acceptable to as many people as possible, so that when they vote they feel comfortable with the arrangements made and accept that the outcome on polling day is fair and legitimate. Beyond that, there are other possible functions which those interested might expect any system to fulfil, the accurate representation of the popular will and/or the production of effective, strong governments among them.

Fundamental to the issue is the question 'What is the point of voting?' Is it primarily to choose a government, or is it to choose membership of the legislature? Is the emphasis placed upon electing a strong administration which has broad (if not mathematically exact) support in the community, or is it to elect an assembly which accurately reflects prevailing opinion? On the continent the emphasis is upon choosing a representative assembly, and then from its midst finding a government which commands sufficient support – usually, a coalition government. In Britain, which has tended to pride itself upon its tradition of strong, single-party government, importance is attached to ensuring that there is an effective administration in place.

The question of ultimate purpose is an important one, for the answer which is given will help to determine the most appropriate electoral system. Broadly, variants of proportional representation might well produce a more representative parliament whose composition fairly reflects all or most shades of popular opinion. They are less likely to yield a 'strong' government. Of course governments can still be effective if they are coalitions, and the virtues of strong administrations can be over-played. Different writers reach different conclusions about what constitutes strength. For Philip Norton, a defender of the First Past The Post (FPTP) method of voting, a strong government is one which dominates the House of Commons. For Vernon Bogdanor, a government cannot be strong unless it represents the majority of the voters, on which test all postwar British governments have failed.

### Types of Electoral System

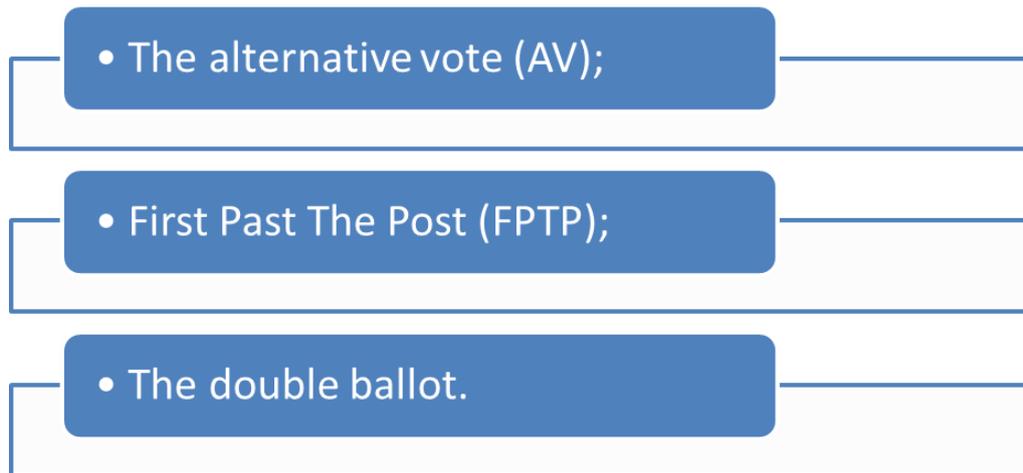
There are two broad categories of electoral system. It is, however, possible to combine elements of the two categories, and within both groups there are many potential variations. The two categories are:

**Majoritarian systems**, which are designed to leave one party with a parliamentary majority. In this category, we may include:

**Proportional systems:** There are many different forms of proportional representation, all of which are designed to ensure that the number of seats allocated

in the legislature is broadly in line with the number of votes won by each party in the election. Two main sub-divisions are:

- **List systems.** Lists may be of the open variety in which the voter can express a preference between individual candidates in a party list, and the closed variety in which he or she votes for a list but is unable to influence the ranking of the candidates;
- **Single transferable vote (STV).**



**Mixed systems:** These represent a compromise between majoritarian and proportional systems. For example, the **Additional Member System (AMS)** preserves elements of the FPTP mechanism yet also provides a substantial element of proportionality.

### The Situation in Britain and the United States

The traditional Anglo-American method is the FPTP system, by which the candidate/party with the most votes in each constituency wins the contest. The successful candidate/party does not need to have an absolute majority of votes, but rather a plurality: the largest number of votes. This system is used in several other countries such as Canada, Chile, India and Thailand. Often it is referred to as the Simple Majority or Simple Plurality System, or more colloquially as 'winner takes all'. The latter is an appropriate nomenclature, for under this method all a person needs in order to be victorious in his or her constituency is to win more votes than any rival candidate.

### 3. Turnout in Elections

A good turnout of voters is often considered to be a healthy sign in any democracy, as this appears to indicate vitality and interest. In Britain, turnouts are lower than in several other European countries, and in Euro-elections the figures have often been particularly disappointing. In America, they have traditionally been considerably worse even than the relatively low British figure.

### Turnouts in Britain and the United States

The trend in national turnout (see table opposite) in British elections at first sight seems to be a broadly downward one, interrupted by occasional better results. It is commonplace to lament the disappointing figures for turnout in Britain, but David Denver provides a cautionary explanation.<sup>89</sup> He suggests that the true figures differ

sharply from the real ones usually given. His research emphasises the importance of the accuracy of the Electoral Register, which – even when it is compiled – is not 100 per cent accurate. When it comes into force, it is four months out-of-date already. It continues to decline in accuracy until the next one is drawn up. When allowance is made for this factor, the impression is very different from that presented by a straight reading of the usually quoted figures. Thus the 78.7 per cent of 1959 becomes 85.0 per cent, the 72.0 per cent of 1970 becomes 75.2 per cent, and the 78.1 per cent of February 1974 becomes 78.8 per cent – the latter result perhaps being more a reflection of an up-to-date register than the public anxiety which Pulzer suggests (see p. 279). In 1992, the ‘true figure’ was 79.7 per cent, rather than 77.7 per cent. However, in 1997 the figure was low again, and 2001 was the worst since 1918.

Turnouts in elections for local councils, the devolved assemblies and the European Parliament are also low. Indeed, for local and European elections approximately only half the number vote as do so in a general election. The results in 1999 illustrated the poor response of the electors to what happens in the local council chambers, for only 29 per cent voted – the lowest figure recorded in living memory, and some 8 per cent down on that for four years earlier when the same seats were fought. In some urban wards in areas such as Sunderland and Wigan, only 12 per cent turned out to make their choice. In the same year, the first elections to the new devolved bodies, the turnout in Wales was a meagre 40 per cent, in Scotland 57 per cent. The prospect of an assembly which had inspired the Scots in the referendum of 1979 no longer seemed to be so alluring, as 4 per cent less voted than on the second occasion. In the European elections, turnout was 23.6 per cent.

#### 4. Voting Behavior

The scientific study of voting habits (psephology) was one of the early areas of academic interest in the study of political behaviour. The subject lends itself to various forms of academic theorising, much of it based upon the findings of samples of opinion and various forms of statistical analysis. Early studies were *The American Voter* in the USA, and the Butler and Stokes’ volume on *Political Change in Britain*. These and other works illustrated how voting was influenced by long- and short-term influences. In particular, they showed that voting was connected with long-term loyalty to a particular party (party identification) and was reinforced by membership of particular groups, based on class, membership or otherwise of trade unions, gender and religion.

In America, the deep-seated association with party was often stressed, whereas in Western Europe more attention was paid to loyalty to some social grouping; as Hague and Harrop explain, their ‘social identity anchored their party choice’.<sup>90</sup> Either way, be it identification with a party or with a group, the outcome was that voting behaviour was – in Punnett’s phrase – ‘habitual and ingrained’.<sup>91</sup>

As a broad generalisation applicable to most Western democracies, voting behaviour has departed from class and party alignments. The key factors usually identified today are issues (in particular, the state of the economy), competence in government and the personal appeal of individual leaders. As a result of the performance of the leader, the handling of events and the effectiveness of its campaigning, the party creates an image in the mind of the voter. A reputation for competence and credibility is essential; without them, it is hard to convince people that the party deserves their vote.

#### Determinants of Voting Behaviour: Short- and Long-Term Factors

**Short-term influences** relate to a particular election, and any conclusions based upon them lack more general validity. The most important of them are: The state of the economy; The personality and performance of political leaders; The nature of the campaign; The mass media; Events in office, especially those leading up to the election.

**Long-term influences upon voting include:** Party identification and loyalty; Social class; Other long-term factors relating to the social structure, which include age, gender, occupation, race and religion. Broadly, the long-term factors have declined in their importance in British and American politics and the short-term ones have assumed an increased significance. The breakdown of traditional associations has been of considerable importance for the main parties which can no longer count on the support they once took for granted.

## 5. Election Campaigning

Campaigns and campaigning are an integral part of the democratic process. The task of those who run campaigns is to ensure that the electorate is well informed about the personalities and issues involved. In particular, campaign managers wish to see that there is a maximum turnout on the day. British election campaigns are much shorter than American ones. Even though there is much speculation and a pre-election atmosphere in the third or fourth year of the lifetime of a Parliament, the campaign proper lasts only three to four weeks. Campaigns for all elective offices in America are longer, but this is especially true of presidential ones.

Election campaigns have never been the same since the televising of politics began in the late 1950s. New styles of campaigning have developed, so that in recent years there have been innovative polling techniques, the wider use of focus groups, the introduction of professional advisers, and an emphasis on the training of candidates. This greater professionalism of campaigns has been fairly general in all political systems, as has the increasing emphasis on the qualities of the candidate rather than the party. In this world of more **candidate-centred campaigning**, professional consultants have acquired a new importance. For years major parties have brought in outside agencies to advise them, but now they maintain a core of their own image and marketing specialists, who are either employed permanently at headquarters or are easily available.

Skilful use of the media has become something of an art form in modern elections, and campaigns are often based around opportunities for media coverage, particularly on television. Like the cinema, television is a medium of entertainment, so parties, politicians (and in particular their advisers) have seen the need to attune performances to its demands. Whereas the Victorian Prime Minister Gladstone set out to convince his audience by a reasoned statement of his views, the emphasis in political campaigning is now increasingly upon broad themes rather than policies, emotion rather than rational debate. There is a danger that sound-bites may replace genuine discussion.

Media **consultants** are always on the look-out for opportunities to maximise free television coverage. Election advertising is expensive, whether the money is spent on American-style paid advertisements or on poster hoardings. So rallies and speeches addressed to large meetings are often scheduled to ensure that they gain as much exposure as possible on news bulletins. Today, meetings are often revivalist gatherings, staged occasions such as the Sheffield Rally (a triumphalist gathering in 1992, very reminiscent of the American convention), to which entrance is carefully controlled and in which everything is done to make it a media success.

In presidential states such as the United States, the marketing of politics has been particularly well developed. Electioneering has always been more candidate-centred, parties having been less entrenched in the political system. Not surprisingly, many new techniques of electioneering have been brought in to Britain from across the Atlantic, leading to accusations about the 'Americanisation of elections'. Britain has in many ways learnt from the American experience. In recent years, there has been an increasing British obsession with walkabouts, photo-opportunities and other pseudo-events created for the media. As in other countries, parties have adjusted to the changes needed in the methods and to the changed environment in which they now operate.

British elections are still more party-centred than American ones, the party rather than the candidate being the focus of attention. It is the party which coordinates the campaign, raising and allocating the spending of funds and developing policies and strategies. However, party managers recognise that television is a medium which thrives on personalities, and they like to field politicians who flourish in media discussions and on chat-shows. Party broadcasts instead of political advertisements, free air-time, vigilant journalists, and politicians more prepared to answer questions about their proposals, help to differentiate British from US experience in certain respects, and are some kind of protection against British adopting the worst aspects of American electioneering methods into Britain. But even the party broadcasts themselves have to some degree 'gone American' in style and form.

## 6. The Role of Money

The role of money in modern elections is very important. Indeed, some would say that it always has been. In nineteenth-century Britain, the old rotten and pocket boroughs were a byword for corruption, and a person's vote was highly prized. In 1895 in America, a Republican senator observed that "there are two things that are important in politics. The first is money, and I can't remember what the second one is". Today, financing campaigns is a particularly expensive proposition, especially in America where the charges for television advertising and the fees charged by pollsters and other election strategists are very high. The sources of campaign funding and the ways in which money is spent are hot political issues.

There are several reasons why individuals and organisations give money to political parties. It may derive from the benevolence of a benefactor, it may be given out of idealistic support for a particular individual, idea or set of party principles, or it may be offered in the hope of securing some goal of personal or group benefit. What is important is that, whatever the motive of the donor, elected representatives and parties – once holding public office – do not feel unduly beholden to those who have financed their campaign, at the expense of the general public who they are there to represent. This is the widespread fear about the role of finance in politics today, that money given is 'interested money' in that those who donate it are looking for favours from the people they back.

### Controls over spending in Britain and America

In Britain, controls over electoral expenses have traditionally operated at the local rather than the national level. Each candidate is required to appoint an agent who has to authorise spending and file a statement showing the total sum spent and how the money was allocated. In comparison with what candidates can spend in America, this is a very small sum, a reflection of the shorter campaigns (no primaries

are held) and the lack of paid political advertising; they also benefit from a free postal delivery to each voter. Most candidates spend considerably less than the permitted limit. In recent years, central expenditure has risen sharply because the parties have conducted more professional campaigns, and employ public-relations specialists—and other political consultants – to assist them in their task.

### **America**

The role of money in American elections has long been controversial, as have been the sources of funding. The concern pre-dates Watergate, and was originally caused by anxiety about the large increase in campaign spending which resulted from the use of political advertisements on television. In the 1960s, some states were introducing limits on campaign finance. The first federal legislation was in 1971, but it was the illegal activities of the pro-Nixon Committee to Re-elect the President (CREEP), which provided for a tightening up of the law, that led to demands for a further tightening. As a result of the 1974 Federal Election Reform Act, much tighter controls were introduced.

Two main themes were tackled in the second measure: the importance of tough limits on contributions and the need for public funding of election campaigning. The new legislation tightened up the rules for disclosure of campaign income, and restricted the influence of wealthy individuals. Strict limits were imposed. Donations of more than \$100 had to be disclosed. Individuals could pay up to \$1000 towards a single campaign, with primaries and general elections being counted as separate entities; a maximum expenditure of \$25,000 per year was permitted. There was no overall limit on the amount which PACs could provide in a single year or on the number of candidates they could support, but they were restricted to \$5000 a candidate per campaign. PACs were thus placed at an advantage over other donors, so that, as Grant has pointed out, ‘the law effectively increased candidates’ reliance on them’.<sup>92</sup>

The law has been used to regulate the raising and spending of money, but there remains a significant difference in the actual provisions of the law and current practice. There are ways in which the regulations can be evaded, particularly by the collection of so-called ‘**soft money**’. An amendment to FECA in 1979 allowed parties to raise and spend money to be used on party-building and get-out-the-vote activities, a purpose which is not easy to distinguish from supporting party candidates. As the amount of spending on these activities has significantly increased of late, there are grounds for suspicion about the ways in which money is used. Given the new technology and methods of electioneering, the costs of presidential elections have risen dramatically in recent years. An individual is – in most cases – unlikely to be able to meet those costs on his or her own.

## **7. Referendums and Their Value**

Those who advocate a referendum – with or without an initiative – are concerned with the way in which decisions are taken. They want to see more direct public involvement, so that those in power act in accordance with the express wishes of the electorate. Referendums, initiatives and the recall are methods of direct democracy, enabling the voters to decide issues for themselves. Referendums, usually then called plebiscites, were used by some twentieth century dictators. They used the trappings of democracy to conceal their real intention, which was to boost their authority by creating the impression of legitimacy.

In recent years referendums have been much more widely used in most parts of the world. In some countries, the outcome of referendums is binding, in others it is advisory. In Britain, with its commitment to the idea of parliamentary sovereignty, only Parliament can cast a decisive vote on any issue, but it is unlikely that a majority of legislators would make a habit of casting their parliamentary vote in defiance of the popular will as expressed in a referendum.

### **Referendums in Britain and the United States**

Britain has until recently had very little experience of voting on a single issue, even though the case has often been canvassed in the twentieth century. The Conservatives held a referendum on the border issue in Northern Ireland in 1973, and Labour allowed the Scots and the Welsh to vote on whether they wanted devolution in 1979. Yet the only occasion when all of the voters have been allowed to vote on a key national issue was four years earlier, when they were asked whether or not they wished the country to remain in the European Economic Community. There have been local votes on the future status of schools and the ownership of council estates, as well as in a few cases on the issue of whether to cut the level of Council Tax or to cut services provided. In Wales the issue of 'local option' (the Sunday opening of pubs) was decided in this way.

Since May 1997 referendums have already been used to resolve the issue of devolution, and the future shape of London's government. Also, in concurrent votes, the voters of the six counties and of the Irish Republic signified their approval of the Good Friday Agreement. Ministers have held out the possibility of a vote on electoral reform at some time in the near future, and should there be a decision for Britain to join the single currency then this too will be submitted to the people for popular backing.

In America, there has never been a national referendum, but most of the states have provision for some form of direct legislation. In about one-third of them, it has become an accepted feature over the last two decades. In almost all cases, the facility has been available for much longer, and although some states have recently considered incorporating it into their constitutional arrangements only Mississippi has actually done so. It is in the western states that direct legislation is most widely used; few states in the South and Northeast employ it, New England still using the town meeting to resolve many issues. American direct democracy has its roots in the Progressive era before World War One. Reformers wanted to open up and cleanse politics in state legislatures, which were often excessively beholden to powerful interests and sometimes downright corrupt. In America, direct democracy has not always worked as the original pioneers anticipated. Critics wonder whether complex issues can be reduced to 'simplistic sloganeering'.

## **8. Elections and Campaigns**

In the USA, the term of a President, Senator or Congressman is known precisely as four years, six years and two years respectively and the dates of the elections are fixed. In the UK, the term of members of the House of Commons - and therefore of the Government - is legally a maximum of five years but traditionally a Prime Minister could call a general election whenever he or she wished and it has been considered 'cowardly' to wait the full five years and so the election has been more typically after around four years. However, the current Coalition Government has enacted legislation to provide for a fixed five-year term except for special circumstances.

Candidates for the Presidency, the Senate and the House of Representatives - plus a host of other positions below federal level - in the US political system are chosen by a system of primaries in which (usually) all registered Democratic and Republican voters participate in the choice of the candidate for 'their' party in the main election. Britain does not have a system of primaries and the selection of candidates is normally confined to actual members of the relevant political party in the constituency in question.

The filling of vacancies varies between and within the two political systems. The US Constitution states that special elections will be held to fill vacant Senate seats, but that state legislatures may empower the governor of the state to fill the seat by an appointment between the time that it becomes vacant and the time that the winner of the special election is certified. Most states allow the governors to pick the replacement who serves until the next general election when the voters decide who will serve the remainder of the term. Several states, however, require that a special election be held with the governor certifying the winner as the Senate member.

By contrast, the Constitution requires that governors call special elections to fill a vacancy in the House of Representatives. They are usually held within three-six months of a vacancy because the entire election process must be followed: nominating conventions or primary elections plus a general election. In the UK, vacancies in the House of Commons are filled by a by-election in the relevant constituency which is usually held within three or four months. Since members of the House of Lords were not elected in the first place, there is no by-election when a peer resigns or dies. The American general election effectively lasts almost two years, starting with the declaration of candidates for the primaries. The British general election lasts around four weeks.

American elections depend on vast sums to purchase broadcasting time. Parties and candidates in British elections cannot buy broadcasting time. As a consequence of the Supreme Court decision in the Citizens United case, effectively there are no limitations on expenditure in American political elections. There are statutory limitations on expenditure for all elections in the UK.

In the States, almost 40 million television viewers watched the Convention speeches of Barack Obama and Sarah Palin in 2008. No party conference speech in Britain would attract more than a few million. American presidential candidates have been taking part in televised debates since 1960. British political leaders only agreed to televised debates for the first time in the General Election of 2010. The first televised debate between Barack Obama and Mitt Romney in 2012 attracted almost 70 million viewers. Even allowing for the difference in population, the televised debates between the British party leaders do not attract the same level of interest. In an American presidential election, turnout is typically around 50% (although in the 2008 election it was over 60%) and, in the case of mid-term Congressional elections, turnout typically falls to around 40%. In the UK, turnout in General Elections used to be around 75% but more recently has fallen to around 60%. In the USA, blue signifies states held by the Democratic Party, the more left-wing. In the UK, blue identifies the Conservative Party, the more right-wing. In the USA, red signifies states held by the Republican Party, the more right-wing. In the UK, red identifies the Labour Party, the more left-wing.

In an American general election, the states that might go to one party or the other are known as 'purple states' or 'swing states' or simply 'competitive'. In a British general election, constituencies that might go to one party or another are called

'marginal constituencies' (where three parties are each in contention - which is not unknown - it is called 'a three-way marginal').

American elections are often so raw and vitriolic that candidates make spurious claims about themselves or their opponents that need to be analysed for the truth and whole web sites are devoted to fact checking. While British politicians are certainly not beyond exaggeration or obfuscation, they are rarely guilty of the blatant truth-twisting that one sadly sees in the US. American elections routinely involve attack advertisements which denigrate one's opponent in highly personal terms and even presidential primaries can involve sharply derogatory remarks about one's opponent in the same party (witness the Republican primaries of 2016). It is unusual for election material in Britain to attack an opponent in personal terms and virtually unknown in television broadcasts (although a recent - and widely condemned - exception was in the London Mayor elections of 2016 when the Conservative candidate highlighted the religion of his Labour opponent).

In the United States, certain families have provided a number of very prominent politicians: such as the Kennedys and Clintons for the Democrats and the Bushs for the Republicans. Furthermore a significant number of members of Congress are relatives of someone who has previously served in Congress or high office. Name recognition is very important in American elections. By contrast, in Britain sons (and sometimes daughters) have followed fathers (or even mothers) into the House of Commons but less frequently and less prominently than is the case in the USA. In British elections, the party is usually much more important than the individual.

### **Conclusion**

British voters have even less chance to make their views known on policy than do Americans in many states. They at least can express their thoughts on a range of issues via the referendums and initiatives that are held with increasing frequency across the country. In other ways, too, Americans are more willing – as well as more able – to involve themselves in political life and express their inclinations. In comparison with the situation in the United States, British elections are relatively short-lived, inexpensive affairs. Moreover, the task facing the American voter is considerably greater than that confronting his or her British counterpart, for there are so many posts to be filled and issues upon which to pass a verdict. The process may be eased by technology which allows voters to opt for a straight party ticket by pulling a lever on the voting machine, although today there is far more split-ticket voting than in the past.

Many millions of Americans do not use their vote, even if they are more willing than the British to engage in other forms of political participation. In Britain, too, it is proving increasingly difficult to persuade people to vote. Proponents of electoral reform might argue that the FPTP electoral system provides insufficient incentive for them to turn out on Election Day, particularly for supporters of small parties which gain little recognition in the legislature. In some areas of Britain and America, even supporters of one of the two main parties may see little point in voting, given the existence of 'electoral deserts' in which their party is never or very rarely victorious.

### **USEFUL WEB SITES**

#### **For the UK**

**[www.keele.ac.uk/depts/por/ptbase.htm](http://www.keele.ac.uk/depts/por/ptbase.htm)** Keele Guide to Political Thought and Ideology. Contains information about elections, voting and the electoral system.

**www.charter88.org** Charter 88. Information about use of different electoral system.  
**www.electoral-reform.org.uk** Electoral Reform Society. Excellent source of election statistics and ideas on alternative voting systems (especially STV) and how other current schemes are functioning.

### **For the USA**

**www.fec.gov** The Federal Election Commission provides election statistics and data on the financing of election campaigns.

**http://pollingreport.com** The Polling Report gives data on elections and campaigning events.

**www.ifes.org/eguide/2002.htm**

**www.electionworld.org/election/calendar.htm** Both give useful up-to-date information on recent election outcomes.

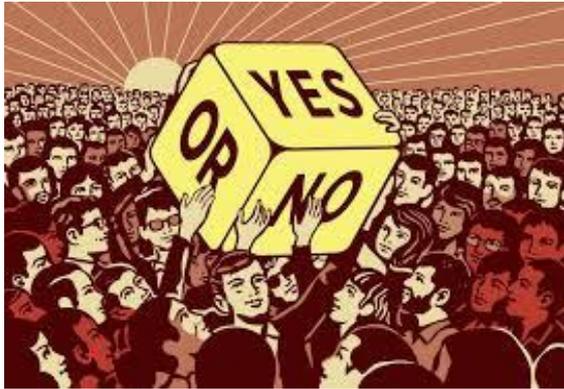
**www.umich.edu/~nes** The University of Michigan National Election Studies site offers information based on polling research about such matters as voter attitudes, split-ticket voting, party identification and turnout.

### **SAMPLE QUESTIONS**

1. Discuss the view that the use of FPTP in Britain and America means that both countries will always have two-party systems.
2. Why is turnout lower in the United States than in Britain?
3. Compare the conduct of elections and the methods of electioneering in Britain and the United States.
4. 'Elections in Britain and the United States are today more about personalities than party politics'. Discuss.
5. 'Vast amounts of money are spent on elections and electioneering in the USA, more than in any other democracy'. Are the elections better for all this expenditure?
6. Consider the role of money in British and American voting and elections.

# CHAPTER 12

## DEMOCRACY IN THEORY AND PRACTICE



### CHAPTER OUTLINE

1. Democracy across the world
2. The meaning of the term 'democracy'
3. The health of democracy on both sides of the Atlantic
4. Some Key Differences

### CHAPTER FOCUS

This chapter explores the nature of democracy and differing forms that it takes across the world. However, the main emphasis is on the way it works on either side of the Atlantic. Basic similarities and differences are highlighted, with consideration given to alleged defects in its operation.

### DEFINITIONS

**Direct Democracy:** Government in which citizens come together in one place to make laws and select rulers. The term often nowadays refers to populist measures such as the initiative and referendum.

**Representative Democracy:** Government in which citizens elect people to rule on their behalf.

**Liberal Democracy:** An indirect and representative form of democracy in which political office is gained through success in regular elections, conducted on the basis of formal political equality under a universal franchise. There is pluralistic tolerance of a wide range of groups and interests, with open expression of political dissent via the mass media and voluntary groups, as well as through competing parties.

People enjoy extensive political rights and civil liberties. The system is based on acceptance of the market or capitalist organisation of economic life.

**Republic:** A constitutional form of government in which decisions are made democratically by elected or appointed officials. This was how Plato used the term;

those in power obtained and retained their position as a result of winning elections in which all free adults are allowed to take part: the people had the supreme power. Note that this is a meaning very different from the usual one familiar to British students – a constitutional form in which the head of state is an elected or nominated President, rather than a monarch.

## **Introduction**

In recent years, the leaders of many countries have described their systems of government as democratic. The emphasis they place on certain institutions of government and their interpretations of the role of the state and individual in society may vary, but the label carries definite prestige and esteem. Britain and America are usually seen as examples of model Western representative, liberal democracies in which the people choose representatives who govern on their behalf and according to the wishes of the majority. In newer democracies, some familiar features of liberal democracies are absent or undeveloped.

### **1. Democracy across the World**

At first sight, democracy appears to be an immensely popular political creed. Dictators such as Hitler and Mussolini sometimes proclaimed their acceptance of and support for democratic ideas, even though their governing approach was highly authoritarian and intolerant of opposition. Leaders of countries whose governing arrangements were as far apart ideologically as the old USSR and the USA called themselves democratic. This is why Crick referred to it as ‘the most promiscuous word in the world of public affairs. She is everybody’s mistress and yet somehow retains her magic, even when a lover sees her favours being . . . illicitly shared by another’.<sup>93</sup>

The so-called People’s Democracies which existed under communist rule in Central and Eastern Europe offered an alternative and widely divergent model of democracy to those familiar with the Western one as practised in Britain and America. Marxists liked the egalitarian implications of democracy, and welcomed the goal of social equality brought about through the common ownership of wealth. Communists everywhere would unite in condemnation of American society, where racial integration proceeded only slowly and private enterprise was strong, and portray it as undemocratic. Similarly, most Americans regarded the system of government in the USSR as undemocratic. As Heywood points out, democracy in the USA is more concerned with the form of government, which made it a political democracy, whereas the former USSR was more concerned with the purpose of government, and attached importance to the socialist goals on which the regime was based.<sup>94</sup>

The concept of democracy held by inhabitants of Britain, the USA, several European and Commonwealth countries is vastly different to the view held by communist countries. This indicates that there are widely differing conceptions about what constitutes a democratic state. For our purposes, we are concerned only with those countries that have the form of democracy, for most people would find it difficult to see any system which gives overwhelming power to the state and denies free expression in many areas of life as democratic.

### **The Popularity of Democracy**

Well over half of the world's population and half of its countries live under democratic rule of some kind, even if we exclude the experiences of the People's Democracies. Democracy is no longer confined to Western countries or those connected to them as a result of past colonial ties. Former European communist states (for example, Poland), several Latin America ones (Mexico) and parts of Asia (Taiwan) – as well as South Africa – would all claim democratic credentials.

Democracy has expanded far and wide. Today, the main areas unaffected by the surge of support for democratisation include significant areas of Asia (for example, China and Vietnam), much of Africa (Nigeria) and the Middle East (Saudi Arabia) and parts of Latin America (Ecuador). The growing support for the democratic process inspired the American social analyst and political commentator Francis Fukuyama to write of *The End of History*.<sup>95</sup> He suggested that the conflict of ideas which had dominated political thinking for much of the era since the French Revolution was over. The causes of liberal democracy and the free market had triumphed, as 'the final form of human government'. Such a claim highlights the importance of having a clear understanding of what democracy entails.

## 2. The Meaning of the Term 'Democracy'

The Ancient Greeks were the first people to develop democratic ideas, Athenian democracy being practised in a small city-state or *polis*. Pericles observed that: 'Our constitution is named a democracy, because it is in the hands not of the few but of the many'. This is the essence of any democracy. The word is based on two Greek terms, *demos kratos*, which literally mean 'people power', or 'rule by the people'. In the city-state, it was possible for all citizens to come together and make decisions, a state of direct democracy. Debate was free, open and wide-ranging, each citizen having a single vote.

Until the nineteenth century, democracy was generally viewed in terms of some form of **direct** government through majority rule, an idea little changed since the time of the ancient philosophers. In more advanced and more complex industrial states, sheer numbers made the direct and continuous participation of citizens in government impossible. Face-to-face popular rule, with the mass of people coming together to make decisions, could not work. A new form of democracy replaced the Athenian variety, known as indirect or **representative democracy**. This involved freely elected representatives of the people making decisions subject to popular control. In effect, the few govern on behalf of the many, so that democracy as it now operates is actually a form of oligarchy or elitism. What is crucial is that there should be effective popular control over the rulers or decision-makers. A system is democratic to the extent that those who have power are subject to the wishes of the electorate. The majority of people are vote-casters every few years at election time, but in between have little say.

### The Criteria of a Western Democratic System

Key elements of a modern democracy include the following:

- **Popular control of policy makers.** This involves the right of choosing the policy makers at a general election. The voter has the right to vote in periodic elections, and in the lifetime of a government the opposition parties perform the role of criticising its policy and seeing that the rights of the individual are respected. Government must be subject to control by the governed, and this control is exercised through elected

representatives. The existence of opposition, by individual MPs and parties is a litmus test; without a right to oppose, there can be no democracy.

- **Political equality.** Every adult must have the right to vote, each person having only one vote. In the words of the nineteenth-century radical Jeremy Bentham, 'each to count for one, and none for more than one'.

- **Political freedoms.** There must be a free choice, without coercion of the voters, at a secret ballot. If voting is to be effective, it must be free in the sense that opposition candidates can come forward. In other words, there must be a meaningful choice of candidates. There must also be rights to free speech, assembly, organisation, etc., and the existence and extent of such liberties as free expression is a crucial test for any would-be democracy.

- **Majority rule.** The right of the majority to have their way may seem just, but it needs to be accompanied by toleration of any minority, its views being recognised and respected.

From such a listing of characteristics, we can piece together the following definition: 'A democratic political system is one in which public policies are made, on a majority basis, by representatives subject to effective popular control at periodic elections which are conducted on the principle of political equality and under conditions of political freedom'. Abraham Lincoln put it more succinctly: 'government of the people, by the people and for the people'.

Dahl argued that a political democracy must include 'processes by which ordinary citizens exert a relatively high degree of control over leaders'.<sup>96</sup> But the expectations of a democratic state go beyond these processes. Those who run the government must be elected via an inclusive suffrage, and there must be avenues for political association and communication, and meaningful opportunities for recording the popular will. Democratic systems must also embody a number of other ideas – that every individual matters ('each to count for one and none for more than one'), that there must be equality of opportunity, and that people should be able to act rationally and in a spirit of compromise where necessary, and show tolerance for the views of minorities.

Democracy thrives where there is moderation, a spirit of compromise and tolerance, based on respect for the rights and feelings of others. In a democracy, government must rest on the basis of consent, with the broad agreement of the voters that the government has the right to govern, even if they do not like what it is doing. Consent is essential, for without it government rests solely on power or force.

### **Liberal Democracy**

Britain and the United States, along with the democracies of Western Europe, Australia, Canada and New Zealand, are often described as **liberal democracies**. This means that they are representative systems which also embody the concepts of diversity, choice and individual rights and freedoms, as opposed to collective equality or mass participation. Liberal democracies are noted for their adherence to the ideas of:

- Pluralism – the existence of diverse centres of economic and political power;
- Limited government – checks and constraints on the power of government;

- Open government – non-secretive government which can be seen to be fair and accountable;
- Independent judiciary – a just, impartial legal system.

### **3. The Health of Democracy on Both Sides of the Atlantic**

Traditional features of the democratic way of life have long existed in both countries, including:

- Ample opportunities for the free expression of opinions;
- Elections by secret ballot from a choice of candidates;
- Government resting on consent and being accountable to the people;
- Opportunities for people to influence government;
- A spirit of tolerance prevailing between the majority and the minority;
- A reluctance to coerce recalcitrant minorities, and via free elections the means by which a legitimate and peaceful minority may seek to transform itself into a majority; power may change hands peacefully.

Both countries have long been regarded as model democracies. But democracy is more than observance of a particular form of government, based on the existence of free institutions. It is an ideal, something to aspire to. In other words, although the framework may exist, it needs to be maintained in a constant state of good repair, for otherwise erosions of the democratic structure can easily creep in and undermine the whole. Anxieties about the state of democracy have been expressed in recent years.

Some commentators on either side of the Atlantic believe that today the democratic system is not working as well as it should. In 1999, Kenneth Dolbeare wrote of 'the decay of American democracy' and asked whether the condition was a terminal one.<sup>12</sup> He saw the problem as one compounded by the sheer scale and power of the government in Washington, for this has meant that it is 'increasingly connected only to a steadily shrinking proportion of its affluent citizens'.

Dolbeare discerned several factors which contributed to the 'decay':

1. The decline of political parties;
2. The rise of television;
3. The dominance of money as a means of access to television and electioneering in general;
4. The rise of Political Action Committees;
5. Near-permanent incumbency in Congress;
6. A general abandonment of leadership to the latest opinion poll.

More seriously than any of the above factors, however, he sees the 'thirty-year trend toward abandoning political participation' as the most alarming indication of decay. In particular, this means a continuous decline in voter participation (a point well illustrated by recent presidential elections), a particular problem concerning those in the bottom one-third of the social pyramid.

Other writers have also noted that at the very time that Soviet control of Eastern Europe has broken down and given rise to the creation of 'new democracies', the American version of that same genre has shown severe signs of fatigue. Paul Taylor is an exponent of this viewpoint: 'As democracy flourishes around the globe, it is losing ground in the United States'.<sup>97</sup>

Similar criticisms have surfaced in Britain too. Indeed, other than points 4 and 5 above, Dolbeare's critique applies on this side of the Atlantic. There are alleged deficiencies in the workings of British democracy. Critics point to such things as the exceptional secrecy of British government, the election of strong governments which

lack majority support among the electorate, the relative weakness of Parliament, the lack of opportunities for minorities and independents to gain recognition, and failings in the areas of civil liberties. In the early–mid-1990s, some commentators pointed to the poor British record in the European Court, in a series of cases concerning the failure of Britain to protect basic rights. Others noted the continuing failure to introduce an electoral system which more adequately reflected the way people voted in general elections and the lack of freedom of information legislation, among a number of other things.

#### 4. Some Key Differences

##### ***Decentralisation: Government beyond the Centre***

Britain has often been described as a highly centralised state, something which the Scots and the Welsh – as well as some English regions – have found hard to accept. In recent years, a measure of decentralisation of government has been introduced via devolution, thus bringing government closer to the people, a belated recognition of the Gladstonian principle set out more than a hundred years ago that ‘keeping government local makes it more congenial’. But devolved power is always subject to supervision by the sovereign body (Westminster) and can in theory be revoked by it.

By contrast, in a federal state power is constitutionally divided between the central government and the provincial or state government. Federalism is much less common than the unitary governments typical of most parliamentary democracies. In the United States, it was instituted to increase democracy and it does strengthen democratic government in many ways. It was designed to allay the fears of those who believed that a powerful and distant central government would tyrannise the states and limit their voice in government. It provides more levels of government and consequently more opportunities for participation in politics. It gives citizens easier access to government and therefore helps keep it responsive to the people. It enables the diversity of opinion around the country to be reflected in different public policies; among the states local democracy has long been in decline.

British local government has been regarded by many commentators as being in a parlous state in recent decades. Many have commented on the decline of the democratic element. It exercises few powers, far less than in the 1980s. Legislation has restricted the capacity of local councils to raise money and constrained their discretion in providing local services. Many citizens are unclear what it is they are voting for. Lack of publicity may even mean that they are not sure that an election is taking place. If they are aware, they are not clear what the point is in giving up time to go to the polling booth. Interest is exceptionally low in some inner-city areas, but across the whole country there is little enthusiasm for anything to do with local government.

In America, the very existence of so many governments to handle the range of public services is an indication that decentralisation means more than handing greater power back to the states in recent years. States too have been willing to decentralise their governing arrangements, firstly through the creation of county governments and later via cities and townships. Each of the units of local government can participate in some way in the system of intergovernmental relations. They exercise considerable influence through local members of Congress who are responsive to the needs of constituents back home. They also exercise influence through membership of intergovernmental lobbying groups, which make up an

increasingly important set of actors in the federal system. Today, local voters choose their own representatives to serve on city councils, school boards and some special district boards. As small legislature selected from among the community's inhabitants, these bodies are usually the policymaking institutions closest and most accessible to all citizens. In many ways, American local government encourages popular participation and promotes the value of individualism at the local governing level.

In reality, American state and local politics are not as perfectly democratic as the comments above might seem to suggest. As in Britain, politics at the local level are poorly covered by the media and as a result much of the work done gets little attention or recognition. Many voters are ill-informed about what is going on, which makes it more difficult for them to hold those who govern accountable. Furthermore, the number who actively participate or even vote is often very low.

### ***Britain: A Quango State***

Some of the lost power has been handed over to the numerous quangos which still exist, despite the fact that politicians in opposition often criticise their existence, and especially their undemocratically chosen membership. They range from NHS trusts to Training and Enterprise Councils. The Tony Benn question about those who exercise power over the rest of us is: 'Can you get rid of them?'. We cannot determine the membership of quangos, which are often stuffed with party appointees.

In the USA, there is a passion for the elective principle. In a country which has stressed the idea of limited government, holders of key positions are expected to submit themselves for periodic re-election and for some offices there are 'term limits' which determine the length of time for which people can serve. Quangocracy has never been a serious democratic issue.

### ***Open Government and Freedom of Information***

Open government is the principle that the processes of government should be available for public scrutiny and criticism, based on a free flow of information from those who exercise power and make decisions to elected representatives, the media and the general public. In any society, there will be some information which has to be kept secret on grounds of national security. However, in an open system, the presumption is in favour of the public's 'right to know'. Ultimately, those who would withhold access and information have to defend their position in the courts. It is often alleged that information kept secret in Britain goes far beyond what is necessary to preserve public safety and often mainly covers material the publication of which would cause political embarrassment.

Secrecy is then a key element of British government and it is reinforced by a range of bureaucratic, constitutional, cultural, historical and military factors. The recent British legislation on freedom of information will now only take effect from 2005. It has been widely criticised for its timidity, even though significant concessions were extracted from ministers during its passage in 1999–2000.

On the principle of openness and the right of access to information, the US performance still leaves Britain trailing. America has had a freedom of information act since 1966, as well as a series of laws and rules (the 'sunshine' acts) which opened up the vast majority of congressional meetings to public view. Whatever the doubts about the costs of its implementation or its effects on carrying out confidential

investigations, most Americans and consumer groups welcome the fact that the legislation is strong and effective, giving Americans a 'right to know'.

### **The Use of Direct Democracy**

The use of methods of direct consultation with the people – such as the referendum, the initiative and the recall – are practical demonstrations of direct democracy in action in the United States. There are deficiencies in the way referendums operate, but America has gone much further in countenancing their use not just to decide constitutional matters, but also a range of social and economic issues. More unusual and distinctly American is the use of the town meeting in small rural areas of New England. Originally, such meetings were vehicles through which the mainly Puritan religious leaders informed and led other members of the community, a means of seeking a consensus via a guided discussion. They were not opportunities for the expression of majority will on issues of the day and those who declined to agree to the general will were likely to be driven out of the area. However, such meetings have developed into a more acceptable democratic form and in those that continue to function citizens gather together to make decisions for their community.

### **Conclusion**

A political democracy exists when:

- The people have a right to choose and dismiss their government in free elections;
- They are faced with a choice of candidates from more than one party and those parties are allowed to place their views before the electorate without impediment;
- All concerned in the process of government subscribe to the values which make democracy work – in particular, there is 'an implicit undertaking between the parties contending for power in the state not to persecute each other'.<sup>98</sup>

In Britain and the United States, there exist institutions which can regulate the clashes of interest that inevitably arise in any pluralistic society. Both countries can be described as examples of liberal democracies. There are other types of democracy, countries which are 'semi-democracies' perhaps on the road to the more complete form, or 'façade democracies' which have some features recognised in the West as democratic, notably the existence of a government chosen via popular election.

Democracy is widely seen as the ideal form of government, which is why the leaders of so many nations are keen to describe their governing arrangements as 'democratic'. It is a model to which many aspire, but in practice many democratic countries have some blemishes on their records. The workings of both British and American democracy have been subjected to searching criticism in recent years and in some respects found deficient. But the overwhelming majority of people on either side of the Atlantic favour the self-government and freedom that the system allows over any alternative, even if the outcome is imperfect.

### **USEFUL WEB SITES**

#### **On the UK**

**www.data-archive.ac.uk** UK Data Archive (University of Essex). Evidence on British social attitudes and public opinion.

**www.natcen.ac.uk** National Centre for Social Research.

**www.ons.gov.uk** Office for National Statistics. Useful source of up-to-date information on social/economic features.

#### **On the USA**

Polling evidence on American attitudes is available at the General Social Survey and National Election Study sites:

**[www.icpsr.umich.edu/GSS](http://www.icpsr.umich.edu/GSS)**

**[www.umich.edu/~nes](http://www.umich.edu/~nes)**

**SAMPLE QUESTIONS**

1. 'Flawed democracies'. Discuss this verdict on the British and American political systems.
2. 'Democratic in theory, but less impressive in practice'. Discuss the fairness of this assessment of the operation of the political system on either side of the Atlantic.
3. Consider the state of liberal democracy in Britain and the United States. In which of the two countries has government in recent years been more democratic?

**Appendices: Exam Samples and Quizzes**

**Appendix 1**

**Exercise I: Say Whether These Statements Are True or False. (5 pts)**

1. The USA practices the constitutional republic form of government
2. The UK uses constitutional parliamentary system.
3. In Britain, the Supreme Court is an intensely political institution.
4. The power to declare war in the UK resides with the monarch.
5. The authors of the US Constitution believed that governments derived legitimacy from popular majorities

**Exercise II: Tick the appropriate completion (5 pts)**

1. What is the most powerful institution in the United Kingdom?  
 Parliament     Congress     The Queen     The Courts
2. Which group has the ability to declare something unconstitutional?  
 House of Lords     British Supreme Court     American Supreme Court  
 House of Representatives
3. The British Parliament is made up of the ‘House of Lords’ and the ‘House of Commons’. Which one of the following statements is true?  
 Only the members of the House of Lords are elected by the public.  
 Only the members of the House of Commons are elected by the public.  
 All the members of both Houses are elected by the public.
4. The formal institutions of the American national government include all of the following EXCEPT  
 The president     Congress     The bureaucracy     Courts  
 Political parties.
5. Name three powers of the President.  
 1. .... 2. .... 3. ....  
 .....

**Exercise III: Attempt only one of the following questions in no more than 20 lines (10 pts)**

- 1- What are the underlying principles of the British and American constitutions? How do they differ?
- 2- In the twentieth century the power of the executive has been extended significantly. Chiefs of the Executive have major responsibilities, and their public profile is markedly high. Much of their increase in power derives from the growth in governmental interventionism, but the globalization of economic and political concerns has also added to their responsibilities and recognition. **Discuss**

**Good Luck**

## Appendix 2

### Quiz 1

**Exercise I:** Tick the appropriate completion (2 pts)

**1) Political culture refers to**

- a. a set of beliefs about the role of government in society.
- b. an overall set of values widely shared within a society.
- c. a high degree of homogeneity in political opinions.

**2) The enumerated powers of Congress and the national government are those**

- a. specifically spelled out in the Constitution.
- b. set out in the first ten amendments.
- c. involving taxes, spending, and fiscal policy.

**Exercise II: Choose the appropriate answer (only one): (8 pts)**

**1. What is the most powerful institution in the United Kingdom?**

- a- Parliament      b- Congress      c- The Queen      d- The Courts

**2. Which group has the ability to declare something unconstitutional?**

- a- House of Lords    b- British Supreme Court    c- American Supreme Court    d- House of Representatives

**3. Question Time is a weekly affair for which entity?**

- a- British Prime Minister    b- The American President    c- The Queen      d- All of these

**4. What is the most powerful institution in the United Kingdom?**

- a- Congress      b- The Courts      c- Parliament      d- The Queen

**5. Question Time is a weekly affair for which entity?**

- a- The Queen      b- All of these      c- The American President      d- British Prime Minister

**6. Which of these is NOT a branch of American government?**

- a- Executive      b- Monarchy      c- Legislative      d- Judicial

**7. The formal institutions of the American national government include all of the following EXCEPT**

- a- The president. b- Congress. c- The bureaucracy. d- Courts. e- Political parties.

**8. Which two bodies form the British Parliament?**

- a- The Senate and the House of Representatives
- b- The House of Lords and the House of Commons
- c- The Legislative and Executive branches
- d- The House of Commoners and the House of Knights

**Exercise III: Say Whether These Statements Are True or False. (10 pts)**

1. "Government by the people" is a meaningful and useful definition of democracy.
2. Today the Royal Prerogative is exercised by the monarch acting alone.
3. The UK has a constitutional monarchy. This means that the monarchy is apolitical and impartial.
4. The Queen is the head of government.
5. The power to declare war resides with the monarch.
6. A bill passed by Parliament does not become law unless it is granted "Royal Assent".
7. In practice, political power is exercised today through the Parliament of the U.K. and by the Prime Minister and Cabinet.

- 8. There are three main prerogative powers recognised under the common law: the appointment of a Prime Minister, the dissolution of Parliament, giving of royal assent to legislation.
- 9. Parliamentary sovereignty is the most important part of the UK constitution.
- 10. The main responsibility of the “lower chamber” is to advise the King on which bills to pass.

Good Luck

### Appendix3

#### Exercise I: Circle the correct answer (5 pts.)

- 1. America has been a useful source of innovation in British electoral campaign techniques.      **A. True**      **B. False**
- 2. Britain has a centralized communications system because of...  
**A. geography**      **B. population distribution.**  
**C. highly centralized political system**      **D. all of the above**
- 3. Today, for a president to ignore the power of image and the media would be perilous.  
**A. True**      **B. False**
- 4. The media acts as a key linkage institution between the people and the policymakers, having a profound impact on the policy agenda.  
**A. True**      **B. False**
- 5. The watchdog function of the media  
**A. Contributes to the growth of government**      **B. Can be characterized as reformist**  
**C. Has a liberal political orientation**      **D. Is no longer a central concern of the media.**

#### Exercise II. Fill in the gaps with one word only (3 pts.)

- 1. In a democratic society, parties, elections, interest groups and the media are all examples of \_\_\_\_\_ between the preferences of citizens and the government’s policy agenda.
- 2. \_\_\_\_\_ is a system/means of selecting policymakers and of organizing government so that policy represents and responds to the public’s preferences.
- 3. Many interest groups involve themselves in \_\_\_\_\_ to help get those they consider to be the right people into office or to keep them there.

#### Exercise II: (4 pts.) Describe the fundamental differences between political parties and interest groups?

- a. ....
- b. ....
- c. ....
- d. ....

#### Exercise III (8 pts.)

To what extent do pressure groups influence decision making in UK and US and are Pressure Groups good or bad for democracy? **Comment briefly**

Good Luck

## Appendix 4

### Exercise I: Circle the correct answer (5 pts)

- America has been a useful source of innovation in British campaign techniques.  
A. True      B. False
- Britain has a centralized communications system because of...  
A. geography      B. population distribution.  
C. highly centralized political system      D. all of the above
- Today, for a president to ignore the power of image and the media would be perilous.  
A. True  
B. False
- The media acts as a key linkage institution between the people and the policymakers, having a profound impact on the policy agenda.  
A. True  
B. False
- The watchdog function of the media  
A. Contributes to the growth of government      B. Can be characterized as reformist  
C. Has a liberal political orientation      D. Is no longer a central concern of the media.

### Exercise II: Tick the appropriate choice (3 pts)

Some pressure groups are more successful than others...

- due to their relationship with the government.
- because of their financial situation and organization.
- due to the media.
- because of all or one of the above.

### Exercise III (4 pts)

Media has a profound effect on public policy because most people rely on the information from the media to make their choices in an election. **Comment**

### Exercise III (8 pts)

To what extent do pressure groups influence decision making in Scotland and the UK and are Pressure Groups Good or Bad for Democracy? **Illustrate**

**Good Luck**

## Appendix 5

**Exercise I:** Tick the appropriate completion (2 pts)

**1) Political culture refers to**

- d. a set of beliefs about the role of government in society.
- e. an overall set of values widely shared within a society.
- f. a high degree of homogeneity in political opinions.

**2) The enumerated powers of Congress and the national government are those**

- d. specifically spelled out in the Constitution.
- e. set out in the first ten amendments.
- f. involving taxes, spending, and fiscal policy.

**Exercise II: Choose the appropriate answer (only one): (8 pts)**

**1. What is the most powerful institution in the United Kingdom?**

- a- Parliament      b- Congress      c- The Queen      d- The Courts

**2. Which group has the ability to declare something unconstitutional?**

- a- House of Lords      b- British Supreme Court      c- American Supreme Court      d- House of Representatives

**3. Question Time is a weekly affair for which entity?**

- a- British Prime Minister      b- The American President      c- The Queen      d- All of these

**4. What is the most powerful institution in the United Kingdom?**

- a- Congress      b- The Courts      c- Parliament      d- The Queen

**5. Question Time is a weekly affair for which entity?**

- a- The Queen      b- All of these      c- The American President      d- British Prime Minister

**6. Which of these is NOT a branch of American government?**

- a- Executive      b- Monarchy      c- Legislative      d- Judicial

**7. The formal institutions of the American national government include all of the following EXCEPT**

- a- The president.      b- Congress.      c- The bureaucracy.      d- Courts.      e- Political parties.

**8. Which two bodies form the British Parliament?**

- a- The Senate and the House of Representatives
- b- The House of Lords and the House of Commons
- c- The Legislative and Executive branches
- d- The House of Commoners and the House of Knights

**Exercise III: Say Whether These Statements Are True or False. (10 pts)**

11. "Government by the people" is a meaningful and useful definition of democracy.
12. Today the Royal Prerogative is exercised by the monarch acting alone.
13. The UK has a constitutional monarchy. This means that the monarchy is apolitical and impartial.
14. The Queen is the head of government.
15. The power to declare war resides with the monarch.
16. A bill passed by Parliament does not become law unless it is granted "Royal Assent".
17. In practice, political power is exercised today through the Parliament of the U.K. and by the Prime Minister and Cabinet.
18. There are three main prerogative powers recognised under the common law: the appointment of a Prime Minister, the dissolution of Parliament, giving of royal assent to legislation.
19. Parliamentary sovereignty is the most important part of the UK constitution.
20. The main responsibility of the "lower chamber" is to advise the King on which bills to pass.

**Appendix 6**

*Exercise 1: Say Whether These Statements Are True or False. (3 pts)*

21. The Founding Fathers of the U.S. Constitution approved of the formation of political parties.
22. "Government by the people" is a meaningful and useful definition of democracy.
23. Today the Royal Prerogative is exercised by the monarch acting alone.
24. A bill passed by Parliament does not become law unless it is granted "Royal Assent".
25. The Queen is the head of government.
26. The First Amendment does NOT guarantee the right not to be offended.

*Exercise 2: Tick the appropriate completion (4 pts)*

- 1) The term political culture primarily refers to \_\_\_\_\_.
  - a. commonly practiced norms of behaviour
  - b. general values and beliefs regarding the political system
  - c. values and beliefs shared by all Americans
  - d. public opinion
- 2) Civil rights .....
  - a. Protect individuals from excessive or arbitrary government interference
  - b. Are exclusively spelled out in the Bill of Rights
  - c. Protect individuals against discrimination or unreasonable treatment by other individuals or groups
  - d. Are only guaranteed by state laws, and not by federal ones

*Exercise 3: Attempt any one of the following questions (10 pts)*

- 3- What are the underlying principles of the British and American constitutions? How do they differ?
- 4- "The idea that the British Prime Minister has become a presidential figure like the American incumbent ignores the substantial differences in the two roles". Discuss.

**End notes****INTRODUCTION**

<sup>1</sup> Byram, M. (1997). Teaching and assessing intercultural communicative competence. Clevedon, England: Multilingual Matters, p 57.

<sup>2</sup> Fenner, A. B., & Newby, D. (2000). Approaches to materials design in European textbooks: Implementing principles of authenticity, learner autonomy, and cultural awareness. Graz, Austria: European Centre for Modern Languages, p 142.

<sup>3</sup> See Harold D. Lasswell, *Politics: Who Gets What, When, How*. New York: McGraw-Hill, 1936.

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<sup>4</sup> Some commentators have attempted to identify broadly shared attitudes, belief systems and values that characterize the people of a country. Inevitably, this is to some extent an impressionistic topic and analysts tend to fall back on generalizations about national characteristics

<sup>5</sup> *International Encyclopedia of the Social Sciences*, New York: Macmillan, 1968, Vol. 12, p. 218.

<sup>6</sup> Political culture: The widely held underlying political beliefs and values which most citizens of a country share about the conduct of government, the relationship of citizens to those who rule over them and to one another.

<sup>7</sup> Gabriel Almond and Sidney Verba. *The Civic Culture: Political Attitudes and Democracy in Five Nations*. Center for International Studies, Princeton University, 1963.

<sup>8</sup> K. Wheare, *Federalism*, Oxford University Press, 1947 (reissued as *Federal Government*, 1963).

<sup>9</sup> American Dream: The widespread belief that by hard work and individual enterprise even the most poor and lowly Americans can achieve economic success, a better way of life and enhanced social status, in a land of immense opportunity. According to the Dream, there are no insurmountable barriers which prevent Americans from fulfilling their potential, even if many individuals and groups do not do so.

<sup>10</sup> A. de Tocqueville, *Democracy in America*, vol. 2, re-issued by Alfred Knopf, 1948.

<sup>11</sup> T. Hames and N. Rae, *Governing America*, Manchester University Press, 1996.

<sup>12</sup> A. Heywood, *Politics*, Macmillan, 1997.

<sup>13</sup> Lord Hailsham, *The Elective Dictatorship*, BBC Publications, 1976.

<sup>14</sup> M. Shaw, *Anglo-American Democracy*, Routledge and Kegan, 1968.

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<sup>15</sup> T. Paine, *The Rights of Man, Everyman*, 1998.

<sup>16</sup> A. Hanson and M. Wallis, *Governing Britain*, Fontana, 1997.

<sup>17</sup> S. Benn and R. Peters, *Social Principles and the Democratic State*, Allen and Unwin, 1959.

<sup>18</sup> J. Dewey, *Democracy and Education*, Macmillan, 1916.

<sup>19</sup> E. Wade and G. Philips, *Constitutional Law*, Longman, re-issued 1998.

<sup>20</sup> M. Shaw, *Anglo-American Democracy*, Routledge and Kegan, 1968.

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<sup>21</sup> A. V. Dicey, *Introduction to the Study of the Law of the Constitution*, Macmillan, 1885.

<sup>22</sup> The major legislation which underpinned the British obsession with secrecy was the Official Secrets Act (OSA) of 1911. The measure was draconian in its clampdown. The notorious Section 2 was a catch-all clause which forbade any

unauthorized disclosure of information by anyone who had in his possession data obtained whilst that person was holding a position under the Crown.

<sup>23</sup> J. Patten, Conservative Political Centre Lecture on 'Political Culture, Conservatism and Rolling Constitutional Changes', July 1991.

#### **CHAPTER 4**

<sup>24</sup> A. Heywood, *Politics*, Macmillan, 1997.

<sup>25</sup> A. Heywood, *Politics*, Macmillan, 1997.

<sup>26</sup> Lord Hill, *Both Sides of the Hill*, Heinemann, 1964.

<sup>27</sup> S. Low, as quoted in *Cabinet and Prime Minister, Heart of the Body Politic?*, Politics Association/SHU Press, 1995.

<sup>28</sup> R. Crossman, in an introduction to W. Bagehot, *The English Constitution*, Fontana, 1963.

<sup>29</sup> A. Schlesinger Jnr, *The Imperial Presidency*, Houghton Mifflin, 1973.

<sup>30</sup> T. Franck, *The Tethered Presidency*, New York University Press, 1991.

<sup>31</sup> R. Neustadt, *Presidential Power: The Politics of Leadership/Presidential Power and the Modern President*, Wiley & Sons/Free Press, 1960/1990.

<sup>32</sup> R. Hague and M. Harrop, *Comparative Government and Politics*, Palgrave, 2001.

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<sup>33</sup> Figures based on those provided in R. Hague and M. Harrop, *Comparative Government and Politics*, Palgrave, 2001.

<sup>34</sup> I. Budge, K. Newton et al., *The Politics of the New Europe*, Longman, 1997.

<sup>35</sup> I. Budge, K. Newton et al., *The Politics of the New Europe*, Longman, 1997.

<sup>36</sup> J. Blondel, *Comparative Government: An Introduction*, Prentice Hall, 1995.

<sup>37</sup> J. Flammang, *American Politics in a Changing World*, Brooks/Cole, 1990.

<sup>38</sup> D. Mayhew, *Congress: The Electoral Connection*, Yale University Press, 1974.

<sup>39</sup> H. Berrington, 'Political Ethics: The Nolan Report', *Government and Opposition* (30), 1995.

<sup>40</sup> Figures based on those provided in R. Hague and M. Harrop, *Comparative Government and Politics*, Palgrave, 2001.

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<sup>41</sup> J. Blondel, *Comparative Government: An Introduction*, Prentice Hall, 1995.

<sup>42</sup> A. Stone, 'Governing with judges: the new constitutionalism' in J. Hayward and A. Page (eds) *Governing the New Europe*, 1995.

<sup>43</sup> A. Heywood, *Politics*, Macmillan, 1997.

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<sup>44</sup> R. Hague and M. Harrop, *Comparative Government and Politics: An Introduction*, Palgrave, 2001.

<sup>45</sup> U. Bullman, 'The Politics of the Third Level' in C. Jeffery (ed.) *The Regional Dimension of the European Union: Towards a Third Level in Europe*, Cass, 1997.

<sup>46</sup> D. Elazar, 'From Statism to Federalism: A Paradigm Shift', *International Political Science Review* (17), 1996.

<sup>47</sup> B. Coxall and L. Robins, *Contemporary British Politics*, Macmillan, 1998.

<sup>48</sup> T. Dye, *Understanding Public Policy*, Prentice Hall, 1997.

<sup>49</sup> "Advantages and Disadvantages: The Federal and Unitary Government Politics Essay." UKEssays.com. 11 2018. All Answers Ltd. 02 2019 <<https://www.ukessays.com/essays/politics/advantages-and-disadvantages-the-federal-and-unitary-government-politics-essay.php?vref=1>>.

<sup>50</sup> D. Elazar, *American Federalism: A View from the States*, Harper and Row, 1984.

<sup>51</sup> J. Blondel, *Comparative Government: An Introduction*, Prentice Hall, 1995.

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- <sup>52</sup> A. Ball, *Modern Government & Politics*, Macmillan, 1993.
- <sup>53</sup> M. Shaw, *Anglo-American Democracy*, Routledge and Kegan, 1968.
- <sup>54</sup> A. Heywood, *Politics*, Macmillan, 1997.
- <sup>55</sup> M. Duverger, *Political Parties*, Methuen, 1962.
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