

THE LEGISLATIVE LEADERSHIP ROLE,
OF
THE BRITISH PRIME MINISTER

by

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PREFACE

The British parliamentary-cabinet system, which is characterized by the fusion of executive and legislative powers, is one of the two most imitated models in the contemporary world. It has produced a responsible type of legislative leadership in which the concentration of authority has been balanced by obligations of political accountability. The Prime Minister, in assuming the leadership of the Government and the House of Commons, must politically render an account of his public mandate to his party, to the House of Commons, and to the electorate.

For the past three hundred years, the Prime Minister has gradually usurped the exercise of almost the totality of the formal constitutional powers still nominally vested in the Sovereign and in Parliament. Commencing from rather humble status as chief advisor to the monarchy and then undergoing transformation into the parliamentary agent and custodian over the Monarch, the Prime Minister has become the kingpin of the Government and Parliament. This transformation of the Prime Minister from the position of servant of the Crown and Parliament into master of both is the consequence of the formation of well-disciplined and highly-centralized political parties in Great Britain. Nowadays, he who commands the majority of the House of Commons commands Parliament and the Crown.

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

prerogative."¹ Mr. Gladstone's statement still rings true. Although the Ministers of the Crown Act (Art. 4) provides a salary to the Prime Minister, there is no single line of written law which prescribes the sources of his legislative powers or of his executive powers. Oddly enough, he is the most powerful legislative leader in modern democratic states. The question arises, what are the main sources of his extraordinary legislative powers? The purpose of this thesis is to explore the scope of the Prime Minister's legislative authority in terms of his roles as the leader of majority party in the Commons, the head of the Cabinet, and as the leader of the House of Commons.

The well-developed British party system has made the fusion of legislative and executive powers an outstanding feature of the British system of government. Standing at the apex of a disciplined party machine, the Prime Minister is the chief policy-maker in his party. This makes it possible for the Prime Minister to be the leader of the House of Commons. The Prime Minister, as the leader of the party in office, enjoys powers which formerly in the hands of hereditary monarchs might have been called tyrannical.

Without an understanding of the British party system, the most important aspects of the legislative leadership role of the Prime Minister would be inexplicable. Basically, the functioning of the parliamentary democracy is also dependent upon the working of the British party system. While the British party system accords very great legislative authority to the Prime Minister, it simultaneously ensures responsible legislative leadership. Accordingly, this thesis will attempt to demonstrate that

¹W. E. Gladstone, Gleanings of Past Years (New York: Charles Scribner's Sons, 1879), Vol. I, p. 244.

party government as developed in Great Britain affords very great promise of rendering an account to the electorate. To put the matter in another way, the concentration of legislative leadership is matched in Great Britain by the concentration of responsibility.

The methodology employed in the preparation of this thesis has been explanative and descriptive. While describing the relevant facts, we have fitted these facts into more complex terms of reference. The descriptive accounts have been intended to corroborate certain assumptions. The proposed approach is, of course, one of several methodologies of inquiry. The examples which have been used to illustrate the legislative role of the Prime Minister provide concrete evidences. These examples have been culled from a representative portion of the voluminous literature consisting of state papers, newspapers, personal accounts of leading statesmen, biographies, and treatises and articles of leading scholars.

I wish to tender my most grateful thanks to my major adviser, Dr. Clifford A. L. Rich, for his indefatigable efforts and patience in directing and assisting me in preparing this study. I must express my infinite gratitude to Dr. Bertil L. Hanson for his valuable criticisms and suggestions. I also wish to acknowledge my indebtedness to Dr. Robert S. Walker for his stimulating counsel. Gratitude is also due to the staff of the Oklahoma State University Library for assistance in obtaining much of the relevant materials for the preparation of this thesis.

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CHAPTER I

THE PRIME MINISTER'S ROLE AS PARTY LEADER

Prerogatives and Powers of the Party Leader

Although it is true that the Prime-Minister-to-be is elected not as such but as a Member of Parliament, convention has prescribed that the leader of the majority shall, in fact, be the Prime Minister. The Prime Minister's role as Party Leader has essential importance to his legislative leadership role. While briefly describing how the Party Leader is selected, our chief concern is to show who is the chief policy-maker in the party and why the policy of the party in office (i.e., Government policy) is enforceable in the House of Commons.

The Intraparty Leadership Role of the Leader

Each political party in Great Britain determines for itself the method by which its own Leader is chosen. In the Conservative Party, the Leader is nominally elected by the Conservative Members of Parliament, all officially endorsed prospective parliamentary candidates, and members of the National Executive Council. Since 1923, however, the Sovereign has actually appointed the Leader of the Conservative Party. Mr. Baldwin in 1923, Mr. Chamberlain in 1937, Mr. Churchill in 1940, Mr. Eden in 1955, Mr. Macmillan in 1957, and Lord Home in 1963 became the Leader of the Party after they had been already appointed Prime Minister. It is indeed exceedingly doubtful whether the rank-and-file of the Party would accept the person appointed by the Sovereign as their Leader if he were

undesirable. The Leader remains in office until he dies or tenders his personal resignation, although, since 1900, four Conservative Leaders (Balfour in 1911, Austen Chamberlain in 1922, Neville Chamberlain in 1940, and Anthony Eden in 1957) were, in fact, forced to resign. Mr. Churchill retired in April 1955, as the result of which Mr. Eden succeeded him as Leader of the Party.

The Leader of the Conservative Party, in form as well as in reality, is the master of his party. He appoints the chief officials of the Conservative Central Office, the Chief Whip, the Chairman of the Conservative Research Department, the members of the Shadow Cabinet when the Party is in opposition, and the Deputy Leader of the Party. Formulation of party policy and disciplinary powers over Conservatives are also his prerogatives. The Annual Conference of the Conservative Party has been traditionally nothing more than an advisory body. It expects to be listened to, but has no power of final decision. For instance, it has frequently urged that the House of Lords should be reformed, but no Conservative Government has supported the proposal.¹ Mr. Lain Macleod, the present Conservative Chairman, once described the Annual Conference as "in many ways more of a rally than a conference."²

The Parliamentary Labor Party, which includes all Labor members of both Houses of Parliament, elects its Chairman or Leader at the beginning of each parliamentary session. Once the Leader is selected, he is generally re-elected, unless he retires or dies. The only real exception to this

¹R. T. McKenzie, British Political Parties (New York: St. Martin's, 1955), p. 226.

²Malcolm Shaw, "An American Looks at the Party Conference," Parliamentary Affairs, 15 (1), Spring 1962, p. 205.

practice was the resignation of George Lansbury in 1935, when Mr. Attlee was elected to replace him. Mr. Hugh Gaitskell, who succeeded Mr. Attlee after his retirement in 1955, died in January 1963; and Mr. Harold Wilson was elected Leader of the Party with 144 votes against 103 for George Brown.³

In the Labor Party, it theoretically remains true that the National Executive Committee, of which the Leader of the Party is an ex officio member, is the governing body. It appoints the principal officials of the Labor Central Office. The decision-making power of the Party and the disciplinary powers over the Party members are also formally vested in the National Executive Committee. The Attlee-Laski episode is a well-known case which did much to clarify the National Executive Committee's relationship to the parliamentary leadership. When Mr. Attlee, the Chairman of the Parliamentary Party (1935-1955), had been invited by Mr. Churchill, the Prime Minister, to attend the Postdam Conference, Mr. Laski, the Chairman of the National Executive Committee, issued a statement declaring:

It is, of course, essential that if Mr. Attlee attends this gathering he shall do so in the role of an observer only On the other hand, the Labour Party cannot be committed to any decisions arrived at, for the Three Power Conference will be discussing matters which have not been debated either in the party Executive or at meetings of the Parliamentary Labour Party...⁴

Mr. Churchill asked publicly what right the National Executive Committee had to subject Ministers of the Crown to its will and presumably to be told

³Manchester Guardian Weekly, February 14, 1963, p. 4; and *ibid.*, February 21, 1963, p. 2.

⁴Kingsley Martin, Harold Laski (1893-1950): A Biographical Memoir (New York: The Viking Press, 1953), p. 160.

secret information of the Government.⁵ Mr. Attlee, for the Labor Party, replied:

At no time, and in no circumstances, has the National Executive Committee ever sought to give instructions to the Parliamentary Labour Party arising out of the consultations. Indeed, as will be seen from the clause,⁶ it has no power to do so...⁷

The parliamentary leadership of the Labor Party, like that of the Conservative Party, is not subject to the Annual Conference either. For instance, on October 4, 1960, the Scarborough Conference passed a resolution stating that the Conference firmly supported the unilateral nuclear disarmament to which Mr. Hugh Gaitskell, the Leader of the Party, and his followers were opposed. Another resolution of the Conference asserted that the policy of the Labor Party in Parliament must be determined by the Annual Conference. Mr. Gaitskell successfully declined to accept the two resolutions.⁸

It is sometimes assumed that the policy of the party in power is determined by the Cabinet; and that the other Ministers of the Cabinet are equally responsible to the House of Commons and thus have an equal personal stake in the Government's policy. This seems not quite true. The Prime Minister, as the Leader of the party in office, has preponderant weight in the policy-making process of the Cabinet. He is much more than primus inter pares.

⁵ Herbert Morrison, Government and Parliament, 2nd ed. (London, New York, and Toronto, Oxford University Press, p. 141.

⁶"To confer with the Parliamentary Labour Party at the opening of each parliamentary session, and at any other time when it or the Parliamentary Party may desire a conference on any matters relating to the work and process of the party." See: Ibid., p. 143.

⁷ Ibid.

⁸ Manchester Guardian Weekly, January 24, 1963, p. 5.

In theory, the Sovereign is the presiding officer of British Cabinet meetings; but the Prime Minister has actually presided over the Cabinet meeting for about 250 years. The Cabinet meeting assembles at the behest of the Prime Minister, and discusses only such subjects as he permits to come before it. The Cabinet Secretariat, under the direction of the Prime Minister, prepares the agenda. The Prime Minister is entitled to refuse to discuss any matter which is not on the agenda. Regular meetings of the Cabinet are held once a week. Special meetings are convened at the call of the Prime Minister. Cabinet Ministers are ex officio members of the Cabinet meeting. Non-cabinet Ministers may attend the Cabinet meeting only on the invitation of the Prime Minister. Usually a Cabinet meeting is not followed by a vote. Lord Amery has held: "I have never myself known a vote asked for by another member of the Cabinet."⁹ The Prime Minister collects and interprets the general sense of his colleagues. If he sums up a discussion in very definite words, the summary itself is the decision. The final decision actually belongs to the Prime Minister. Accordingly, the old estimate¹⁰ that the Prime Minister was primus inter pares must be rejected as nonsense. Mr. Chamberlain (Prime Minister, 1937-1940) has insisted:

The ultimate responsibility of the final decision must rest upon the shoulders of the Prime Minister. No major point of policy can be decided, no real fateful step can be taken without the

⁹L. S. Amery, Thoughts on the Constitution, 2nd ed. (London, New York, and Toronto: Oxford University Press, 1956), p. 73.

¹⁰Alfred George Gardiner, The Life of William Harcourt (London: Constable, 1923), Vol. II, p. 610; John Morley, Walpole (London and New York: Macmillan, 1889); and Herman Finer, Theory and Practice of Modern Government, rev. ed. (New York: Hold, Rinehart and Winston, 1960), p. 590.

assent, either active or passive, of the Prime Minister,... I believe it is that ultimate and inescapable responsibility which is the real root of the anxieties which have worn down the energies of our recent Prime Ministers.¹¹

Mr. Churchill (Prime Minister, 1940-45, and 1951-1955) has stated:

In any sphere of action there can be no comparison between the position of number one and number two, three, or four.... It is always a misfortune when number two, or three has to initiate a dominant plan or policy. He has to consider not only the merits of the policy, but the mind of his chief; not only what to advise, but what it is proper for him in his station to advise; not only what to do, but how to get it done..¹² The loyalties which center upon number one are enormous.

Mr. Eden (Prime Minister, 1955-57) has also asserted:

A Prime Minister is still nominally primus inter pares, but in fact his authority is stronger than that. The right to choose his colleagues, to ask for a dissolution of Parliament and, if he is a Conservative, to appoint the chairman of the party organization, add up to a formidable total power.¹³

No longer can it be said, if it ever could be in the nineteenth century, that the Prime Minister is primus inter pares.

Disciplinary Powers over Members of Parliament

The central explanation of why the policy of the party in office is enforceable in the House of Commons rests mainly on the fact that the Prime Minister has prominent disciplinary powers over party representatives and Ministers of the Crown. However, unless carefully watched, the term "party discipline in Great Britain" may be misleading.

Withdrawal of the party whip from a Member of Parliament (i.e.,

¹¹Neville Chamberlain, In Search of Peace (New York: G. P. Putnam's Sons, 1939), p. 3.

¹²Winston S. Churchill, Their Finest Hour (Boston: Houghton Mifflin, 1949), p. 15.

¹³Anthony Eden, Full Circle (Boston: Houghton Mifflin, 1960), p. 297.

cessation of sending a Member of Parliament the whips' notices) has analogy to the Member's excommunication. If a Member of Parliament is deprived of his party whip, he can expect normally that he will be defeated at the next parliamentary election, unless he is a man of importance who can win sympathy in his party at large and he has overwhelming support in his constituency party. For example, Mr. Bevan, from whom the party whip was withdrawn in March 1955 and to whom it was restored before the 1955 parliamentary election, would probably have been returned for Ebbw Vale in the election even if he had been forced to stand as an independent Labor candidate, because he really had considerable sympathy within his local party and constituency. When the party whip was withdrawn from Mr. Bevan, a vote of "complete confidence" in Mr. Bevan was passed unanimously by the General Management Committee of his constituency party. The meeting of the Committee, to which Mr. Bevan gave full report, also gave its unanimous opinion that "the whip should not have been withdrawn and should be restored immediately."¹⁴

In the Conservative Party, the party whip is withdrawn by the Party Leader on the proposal of the Chief Whip. The party whip is not withdrawn unless a member is seriously at odds with the Party. For instance, the party whip was withdrawn from Captain Cunningham Reid for his independent approach, but two years previously he had refused a request from his constituency party to resign.¹⁵ In recent years, no Conservative has been subject to this measure.

¹⁴Manchester Guardian, April 4, 1955, p. 1.

¹⁵Peter G. Richards, Honourable Members: A Study of the British Backbencher (New York: Praeger, 1959), p. 151.

There is much evidence to show that the discipline of the Conservative Party generally projects the image of tolerance. For rather special reasons, Viscount Hinchinbrooke announced during the Commons debate on the German peace treaties that he would abstain from voting for German rearmament, to which his party was committed.¹⁶ During the period of the Suez Crisis (1956), Sir Frank Madlicott wrote to Prime Minister Eden saying that unless the Government could indicate their willingness to act upon the United Nations resolution calling on Britain and France to withdraw immediately from Egypt he could no longer support the Government. Colonel Cyril Banks, who had been very critical of the Government's policy regarding Egypt from the beginning of the Suez Crisis, informed his constituents of his decision to renounce the Government Whip and to become an independent. Both Sir Madlicott and Colonel Banks were known to have abstained in the voting that followed the debate of November 8, 1956.¹⁷ When the Anglo-Egyptian Agreement was presented by the Government to the Commons, the "Suez Group" spoke openly against the Government. Mr. Antony Head, Secretary of State for War, warned them that "if they voted against the Government they would find that they had not merely voted against their own party but, in my opinion a more serious matter, against their own common sense." In spite of his warning, they still voted against the agreement, which was carried by a vote of 257 to 26.¹⁸ In April 1963, the Minister of Education, Sir Edward Boyle, got a second reading for a Bill which would enable him to set aside the award for increases in teachers'

¹⁶House of Commons, Debates, Fifth Series, Vol. 504, cols. 1,905-1,913 (henceforth 504 H. C. Debates, 5 s., cols. 1,905-1,913).

¹⁷The Times (London), November 9, 1956, p. 10.

¹⁸531 H. C. Debates, 5 s., cols. 723-822.

pay made by the official negotiating machinery, the Burham Committee. On second reading, the Government majority fell from about the normal 100 to 60. Mr. T. L. Iremonger, a Conservative Member of Parliament, voted against the Government and others abstained. The abstainers included Mr. J. C. Jennings who was himself a member of the National Union of Teachers.¹⁹ In the vote on the Government's handling of the security aspects of the Profumo scandal, twenty-seven Conservatives abstained from voting for the Government.²⁰ No disciplinary action was taken against these rebels.

By contrast, the discipline of the Labor Party generally projects the image of severity. For instance, when the Parliamentary Labor Party by a vote of 124 to 72 decided to abstain from voting on the ratification of the London and Paris Agreements, seven Labor Members of Parliament failed to abstain. All were deprived of the party whip.²¹ The apparent severity of the Labor Party's discipline does not prevent occasional acts of mass rebellion. For example, when Mr. Beswick moved a new clause to the Atomic Energy Bill designed to prevent the new Atomic Energy Authority from producing nuclear weapons unless authorized by both Houses of Parliament, sixty-five Labor Members, contrary to the advice of their leaders, supported the proposed clause.²² On March 3, 1955, sixty-two Labor Members abstained from voting for the official Opposition amendment

¹⁹ Manchester Guardian Weekly, May 2, 1963, p. 4; and The Times (London), April 26, 1963, p. 11.

²⁰ Manchester Guardian Weekly, June 20, 1963, p. 2.

²¹ Leslie Hunter, The Road to Brighton Pier (London: Arthur Barker, 1959), p. 84.

²² 526 H. C. Debates, 5 s., col. 1,795.

on defense. Five of them who voted for the party's amendment did not vote in the second division against the Government. The abstainers included the six rebels from whom the party whip was withdrawn in December 1954 for voting against party instructions and to whom it was restored in February 1955 on a pledge to abide by the Constitution and the Standing Orders of the Parliamentary Labor Party.²³ No party whip was withdrawn from the rebels either in the Atomic Energy Bill issue or in the defense issue.

The image of tolerance in the Conservative Party is also seen by the fact that the Conservative Members of Parliament can "resign the whip" as a means of protest. For instance, on May 13, 1957, eight Conservatives forsook the party whip because they were opposed to the re-entry of British ships in the Suez Canal.²⁴ This practice is absolutely intolerable in the Labor Party. It is very interesting to note that backbench rebellions have been more common in the Labor Party than in the Conservative Party. According to Mr. W. L. Guttsman, Manchester Guardian political correspondent during 1945-1954, twelve major Labor rebellions and 213 Labor Members of Parliament were involved in one or more incidents.²⁵ In May 1949, five Parliamentary Private Secretaries voted against the Government on the Committee stage of the Ireland Bill. Four of them were asked to resign. Another resigned his office before he was requested to do so.²⁶ In April 1954, three Labor whips voted for an

²³Manchester Guardian, March 4, 1955, p. 1.

²⁴New York Times, May 14, 1957, pp. 1-2.

²⁵W. L. Guttsman, "The Labour Rebels: An Analysis of Divisions," Manchester Guardian, April 14, 1955, p. 6.

²⁶A. B. Keith, The British Cabinet, 2nd ed. (London: Stevens and Sons, 1952), p. 82.

amendment to the Atomic Energy Bill against their leaders' wishes.^{26-a} This was ironic since Parliamentary Private Secretaries and Party Whips are supposed to be among the best party men.

In the Labor Party, the party whip can be withdrawn by the Parliamentary Labor Party on the recommendation of the Parliamentary Committee and with the approval of the National Executive Committee. This rather complicated practice was well illustrated in the case involving Mr. Aneurin Bevan on the defense issue.

Mr. Bevan had many disputes with his party. The most famous one arose in March 1955. The issue concerned the Government's motion to approve its policy of British manufacture of hydrogen bombs. The official Opposition moved an amendment which approved the Government's policy but criticized the deficiencies of the Services after a three-year expenditure of some 4,000,000,000 pounds.²⁷ At the end of the two-day debate on the issue, Mr. Bevan asked the Opposition Front Bench whether hydrogen bombs would be used against an attack by conventional forces at any point. This, he said, would result in Britain's extinction. He challenged Mr. Attlee to say that this was not Labor's policy and declared that if Attlee failed to do so he would not vote for the amendment.²⁸ Five minutes before Mr. Bevan started his speech the Shadow Cabinet had begun its weekly meeting, so that none of the Labor Front Bench was there to hear his question and his threat. The Shadow Cabinet sat down after less than half an hour without having mentioned Bevan's point at all. After the meeting, Mr. Attlee

^{26-a}Peter G. Richards, p. 146.

²⁷537 H. C. Debates, 5 s., col. 1,917.

²⁸Ibid., cols. 2,118-2,119.

made a short speech to the Commons. As Mr. Attlee finished, Mr. Bevan demanded once more to be told if the amendment associated the Labor Party with a policy of using hydrogen bombs even if they were not used against Britain, to which Mr. Attlee did not give a direct answer.²⁹ When the vote came on the Opposition's amendment, sixty-two Labor members abstained.

The questions put by Mr. Bevan to Mr. Attlee and the number of abstentions constituted an extraordinary challenge to the authority of the party leadership and an overt demonstration of the rift within the party. Effective leadership and good team work become impossible if all the time the party leadership has to face disruption from within. Very naturally, such an incident could not pass unheeded.

On March 7, the Parliamentary Committee by a vote of nine to four, decided that the withdrawal of the party whip was the proper course to recommend.³⁰ Mr. Bevan accused the Parliamentary Committee of attempting an act of political assassination after he had issued a statement in which he said:

I wish to make quite clear that what I have said or done is not a challenge to the personal authority and position of Mr. Attlee as Leader of the Party. Differences are on policy and policy only.³¹

Nevertheless, the Parliamentary Committee's recommendation that the party whip had to be withdrawn from Mr. Bevan was carried by a vote of 141 to 112 by the Parliamentary Labor Party.³² At the meeting of the National Executive Committee on March 23, Mr. Attlee strongly insisted that Mr. Bevan

²⁹Ibid., col. 2,176.

³⁰Manchester Guardian, March 11, 1955, p. 1.

³¹Ibid., March 14, 1955, p. 1; and Ibid., March 17, 1955, p. 1.

³²Ibid.

should not be expelled at once but should be asked instead to give satisfactory promises of good behavior in the future. His proposal was carried by a majority of fourteen to thirteen.³³ Mr. Bevan made a concession and apologized in fairly generous words. In his published statement on March 29,³⁴ he said that he was "sincerely sorry" and wished to apologize to Mr. Attlee "for any pain I may have caused him." He also professed that he had not intended to embarrass his leader. He added that he "asked for nothing more than the opportunity to serve" the Labor movement under Attlee's leadership, and that he was willing to accept all obligations which were common to members of the Party. On March 30, the National Executive Committee, through a resolution which was passed by a vote of sixteen to seven, stated that the withdrawal of the party whip by the Parliamentary Labor Party was fully justified and, "whilst noting the assurances given by Mr. Bevan..., warns that it will take drastic action against future violations of party discipline."³⁵

The most drastic disciplinary action against rebels is to expel them from their party. If a Member of Parliament is no longer a member of a party the party whip is automatically withdrawn. No Conservative Member has ever suffered formal expulsion. By contrast, in the Labor Party, there is nothing new to the practice of expulsion.

In the Labor Party, unlike the Conservative Party, the right of expulsion from the party is not formally vested in the Leader, but in the National Executive Committee. Mr. MacDonald and those who followed him

³³Ibid., March 24, 1955, p. 1.

³⁴Ibid., March 31, 1955, p. 1.

³⁵Ibid.

into the National Government (i.e., Mr. Philip Snowden, Mr. J. H. Thomas, and Lord Sankey) were all expelled from the party by the National Executive Committee.³⁶ Mr. Aneurin Bevan, Sir Stafford Cripps, Mr. G. R. Strauss, and Sir Charles Trevelyan were expelled from the party by the Committee as the consequence of advocating a "Popular Front" with Communists and other Left-wing groups.³⁷ Mr. Alfred Edwards, in an article in The London Evening Standard, once wrote:

Nationalization may be emotionally right. If you advocate it, you can make plenty of stirring speeches about taking the profit motive out of industry and so on. But the fact is that nationalization does not work. It does not produce better results than free enterprise. It produces worse results. Socialists used to believe (before they tried it) that nationalization would deliver the goods. Well, experience shows that they were wrong.

Thereupon, the Committee expelled him from the party.³⁸

Disciplinary Powers over Ministers of the Crown

The Prime Minister's disciplinary power over Ministers of the Crown is largely based on the convention of collective responsibility. The members of the Cabinet must speak with one voice to the public, although several voices are permitted to be heard in the Cabinet meeting. This has been well illustrated by the cynical dictum of Lord Melbourne (Prime Minister, 1835-1841): "It does not matter what we say, but we must say the same thing."³⁹ If any member of the Cabinet, after a decision has

³⁶Reginald Bassett, Nineteen Thirty-one Political Crisis (London: Macmillan; New York: St. Martin's, 1958), pp. 265-267.

³⁷G. D. H. Cole, A History of the British Labour Party from 1914 (London: Routledge and Kegan Paul, 1948), pp. 357-359.

³⁸Ray Victor, How an Election Was Won (Chicago: Henry Regnery, 1962), pp. 202-203.

³⁹Herbert H. Asquith, Fifty Years of British Parliament (Boston: Little, Brown, 1926), Vol. II, p. 216.

been reached, feels that the outcome is absolutely incompatible with his personal convictions, it is his duty to resign. Even non-Cabinet Ministers are morally required to conform to this practice.

The convention actually operates in this way. "Under all ordinary circumstances," said Sir Robert Peel (Prime Minister, 1841-1846), "if there were a serious difference of opinion between the Prime Minister and one of his colleagues, and that difference could not be reconciled by an amicable understanding, the result would be retirement of the colleague, not of the Prime Minister."⁴⁰ There have been a lot of precedents which indicate this practice.

Mr. Duff Cooper, the First Lord of the Admiralty, resigned his office as the consequence of his disagreement with Prime Minister Chamberlain's foreign policy.⁴¹ For the same reason, Mr. Eden, Secretary of State for Foreign Affairs, also resigned from his post. When he resigned on February 20, 1938, he gave this explanation: "The Prime Minister has strong views on foreign policy and I respect him for it. I have strong views too."⁴² In April 1951, Mr. Wilson, President of the Board of Trade, resigned from Mr. Attlee's Government with Mr. Bevan, Minister of Labor, and Mr. John Freeman, Parliamentary Secretary to the Ministry of Supply over the re-armament program and the imposition of Health Service charges.⁴³ During the Suez Crisis (1956), Mr. Anthony Nutting, Minister of State for Foreign

⁴⁰A. B. Keith, pp. 82-83.

⁴¹Winston S. Churchill, The Gathering Storm (Boston: Houghton Mifflin, 1948), pp. 324-325.

⁴²332 H. C. Debates, 5 s., col. 49.

⁴³Clement Attlee, As It Happened (New York: The Viking Press, 1954), p. 289.

Affairs, and Mr. Edward Boyle, Financial Secretary to the Treasury, resigned from Mr. Eden's Government because of disagreement with the government's policy of intervention in Egypt. In his letter of resignation, Mr. Nutting stated: "I have advised most strongly against the decisions and actions of the Government. I do not honestly feel it is possible for me to defend the Government's decision."⁴⁴ Mr. Boyle's letter of resignation read in part as follows:

I fully realize the very great difficulty of the problem which the Government has had to face in the Middle East. But I do not honestly feel that I can defend, as a Minister, the recent policy of the Government, and I feel bound to associate myself with that body of opinion which deeply deplored what has been done.⁴⁵

Lord Salisbury, Lord President of the Council, resigned in 1957 because of his opposition to the release of Archbishop Makarios in March by Mr. Macmillan's Government.⁴⁶

Should a dissentient Minister refuse to resign, the Prime Minister would be entitled to dismiss him. "The first essential for a Prime Minister," Mr. Herbert H. Asquith (Prime Minister, 1908-1915) repeated Mr. Gladstone's words to Mr. Chruchill, "is to be a good butcher."⁴⁷ Mr. Attlee (Prime Minister, 1945-1951) said that the Prime Minister not only should choose Ministers by himself but also that he must always warn them: "If you don't turn out all right I shall sack you." He went on to say, "I

⁴⁴The Times (London), November 5, 1956, p. 4.

⁴⁵The Times (London), November 9, 1956, p. 15.

⁴⁶F. S. Northedge, "British Foreign Policy and the Party System," American Political Science Review, 54 (3), September 1960, p. 641.

⁴⁷Winston S. Churchill, Great Contemporaries (New York: G. P. Putnam's Sons, 1937), p. 117.

did with all my Ministers."⁴⁸ However, there is not any concrete case which indicates the practice of dismissal. It must be added that the Prime Minister cannot risk frequent resignations or dismissals, or weak support of policy by his ministerial colleagues on the floor of the House of Commons, for that might endanger the solidarity of his party. This has rarely happened, but the Prime Minister must assume that it could happen.

The Prime Minister's disciplinary power over Ministers of the Crown is further assured by his exclusive power to appoint Ministers. His senior colleagues may be consulted and the Sovereign may give advice; but the decision is his and his alone. When Mr. Churchill asked Mr. Lloyd George (Prime Minister, 1916-1922) the names of the other prospective Cabinet Ministers before he had joined the Cabinet, Lloyd George replied: "Surely that is an unprecedented demand. The choice of Members of the Government must be left to the Prime Minister, and anyone who does not trust his leaders has but one course, and that is to seek leaders whom he can trust."⁴⁹ Mr. Attlee held much the same view:

In my view, the responsibility of choosing the members of the Government must rest solely with the Prime Minister, though in practice he will consult his colleagues. If he cannot be trusted to exercise this power in the best interest of the nation and the party without fear, favour, or affection, he is not fit to be Prime Minister.⁵⁰

Subject to limitations imposed by political exigencies, the Prime Minister virtually appoints all Ministers of the Crown. However, the exercise of this power of appointment is very intricate, for the Prime

⁴⁸D. J. Heasman, "The Ministerial Hierarchy," Parliamentary Affairs, 15 (2), Summer 1962, p. 321.

⁴⁹Frank Owen, Tempestuous Journey: Lloyd George--His Life and Times (New York, Toronto, and London: MacGraw-Hill, 1955), p. 495.

⁵⁰Clement Attlee, p. 219.

Minister should select senior Ministers who are fully willing to work as members of the team, and junior Ministers who wish to give whole-hearted support to their political superiors. Mr. Churchill pointed out that the Ministers of the Crown had "to be fitted in like a jigsaw puzzle."⁵¹ Mr. Attlee also commented: "The choosing of Ministers is the most difficult of all tasks which fall to the lot of a Prime Minister."⁵²

Ultimate Sanctions over Party Members

Strict party discipline in the House of Commons is, in part, due to the British nomination system. The selection of a candidate for a parliamentary election is the most important right of the local party. This does not mean that the local party has a free hand to make a choice. Both party headquarters reserve the ultimate right to veto, as they reserve the right to suggest, a candidate. For instance, the General Management Committee of the constituency Labor party in the Exchange Division of Liverpool decided by a vote of forty to thirty-nine not to confirm Mrs. E. M. Braddock as their candidate. After the National Executive Committee held a general inquiry into the issue, it instructed the General Management Committee to confirm Mrs. Braddock. A further meeting of the Committee was attended by Mr. Reg Wallis, area organizer of the National Executive Committee. He told the assembled delegates that no threat of expulsion had been made, but made it clear that, if necessary, a new constituency party would be formed from those who supported Mrs. Braddock. Thereupon, she was confirmed by thirty-one votes to seven. Before the vote for confirmation was put, there was a resolution of protest which was passed by a

⁵¹Winston S. Churchill, Their Finest Hour, 11 ff.

⁵²Clement Attlee, p. 217.

vote of thirty-seven to twenty-six. The resolution read:

This constituency Labour party protests strongly against the conduct of the recent inquiry of the National Executive Committee and the decision that we are instructed to accept Mrs. Braddock.

One of the assembled delegates, who had abstained from voting, complained: "It was selection by force and if that is democracy, I'll eat my hat!"⁵³

The disciplinary powers of the Party Leader over the Members of Parliament of his party are greatly enhanced by the relationship of a Member of Parliament and his constituency. The Suez Crisis (1956) well indicates this relationship, and illustrates that obedience is an indispensable "virtue" of a Member of Parliament.

On November 8, 1956, eight Conservative Members of Parliament, including Mr. Nigel Nicolson, Mr. Anthony Nutting, Sir Frank Medlicott, Sir Edward Boyle, Mr. J. J. Astor, Sir Robert Roothby, Colonel Banks, and Mr. William Yates, abstained from voting for the Suez policy of the Eden Government. None of them had the whip withdrawn. Six days later, the Constituency Meeting of the Conservative Association in Bournemouth East and Christchurch, from which Mr. Nicolson had been elected, passed a motion (by 198 votes to 92) in the following terms:

This meeting regrets that it has no further confidence in the intention of Mr. Nigel Nicolson adequately to represent in Parliament the political views of Bournemouth East and Christchurch

⁵³ Manchester Guardian, April 14, 1955, p. 2; and *ibid.*, April 29, 1955, p. 1. In March 1949, Mr. L. J. Solley, a Labor Member of Parliament, was selected again by his constituency Labor party to be the prospective parliamentary candidate. Mr. Solley's activities and attitudes in the Commons had been very distasteful to the party leaders. Thus, he was not merely rejected as the Labor prospective parliamentary candidate, but expelled from the party by the National Executive Committee, which immediately instructed the constituency party to select another prospective Labor candidate. See: Cf. R. T. McKenzie, p. 528.

Conservatives, and instructs the Executive Council to take steps to obtain a prospective Conservative candidate to contest the constituency at the next parliamentary election.⁵⁴

Although Mr. Nicolson initially refused to resign, he was eventually forced to resign by a ballot (3,767 to 3,671) of Conservative voters in his constituency.⁵⁵ On November 14, 1956, Mr. Anthony Nutting also resigned his parliamentary seat at the request of his Conservative constituency party.⁵⁶

On October 30, when the Labor Party attacked Mr. Eden's Anglo-French ultimatum, Mr. Stanley Evans, a Labor Member of Parliament, spoke against his party leaders' decision to divide the Commons and then subsequently abstained from voting against the Government. He also proclaimed that his position was different from his party's, and again, in spite of the three-line whip, abstained from voting.⁵⁷ His Labor constituency party asked for his resignation after a meeting on November 19. The resolution of the special meeting, which was "strongly condemning" of his action in the Commons, was passed unanimously.⁵⁸

The Candidate is elected neither because of his personality nor because

⁵⁴Nigel Nicolson, People and Parliament (London: Weidenfeld and Nicolson, 1958), p. 149. The Executive Council of Central Norfolk Conservative and Liberal Association also passed a resolution dissociating themselves from the views on the Suez Crisis expressed by Sir Frank Medlicott, Member of Parliament for the constituency. See: The Times (London), November 17, 1956, p. 3. The Executive Committee of the Handsworth Division Conservative and Unionist Association also issued a statement expressing their disagreement with Sir Edward Boyle, Member of Parliament for Hansworth. See: Ibid.

⁵⁵Geoffrey Marshall and Graeme C. Moodie, Some Problems of the Constitution, rev. ed. (London: Hutchinson University Press, 1961), p. 189.

⁵⁶The Times (London), November 15, 1956, p. 6.

⁵⁷558 H. C. Debates, 5 s., cols. 1,278, 1,681-1,686.

⁵⁸The Times (London), November 21, 1956, p. 6.

of his judgment or capacity, but because of his party label. The personality, judgment, and capacity of the candidate have little to do with his success in the parliamentary election. The electorate votes for a set of ideas with which the Prime Minister and his colleagues are associated, not for a specific candidate, who is rarely the "favorite son" of his constituency. It was reported that one voter had said: "He would vote for a pig if it ran as a Labour candidate."⁵⁹ If under certain circumstances, a Member of Parliament feels deeply that he should vote in accordance with his "conscience" at the expense of the wishes of his party leaders, he actually votes against "the conscience of his constituency." He is expected by his constituency to be a good party man. In other words, if he votes against his party policy, he does not act in accord with his raison d'etre. Very naturally, he should be replaced by someone who wishes to act in accordance with his raison d'etre. Mr. Attlee explained the situation in the following words:

A Labour candidate stands for certain definite principles, and is supported by men and women who have chosen him... to carry out these principles. They have, therefore, the right to expect that he will faithfully carry them out. As a matter of fact, that pledge is only an explicit avowal of the discipline which is necessary for all effective work in Parliament by a political party.⁶⁰

Accordingly, a dissentient Member of Parliament is morally required to resign his parliamentary seat. In March 1955, for example, Sir Richard Acland, who had won the historic Gravesen by-election (1947) after the expulsion of Garry Alligan from Parliament, announced that he would

⁵⁹William G. Andrews, "Three Electoral Colleges," Parliamentary Affairs, 14 (1), Spring 1961, p. 181.

⁶⁰Clement Attlee, The Labour Party in Perspective (London: Victor Gollancz, 1937), p. 108.

resign from the Labor Party and from Parliament to fight a new by-election on the issue of the manufacture of hydrogen bombs in Great Britain. He told the General Management Committee of his constituency party that he could not compromise on the issue.⁶¹

The Prime Minister's power of dissolution is an effective weapon in enforcing party discipline over Members of Parliament of his party. Unless the Members of Parliament of the party in office are prepared to throw out the Government as a whole, and to submit to the trouble and expense of a parliamentary election, it is inexpedient for them to vote against the Government. Since 1833, according to Professor William G. Andrews, the Prime Ministers have requested the dissolution of Commons thirty-one times, seventeen times of which they lost office.⁶²

In recent years the power of dissolution has not been actually resorted to as a means to maintain party unity because no Prime Minister desires to go the country with a disunited front, which would create an impression that his party is no longer competent to govern the country. Nevertheless, it is an ultimate weapon to retain the support of a parliamentary majority. It was reported that during the Profumo scandal the threat of immediate dissolution of the Commons, if necessary, could be used as final means of ensuring party loyalty.⁶³ Mr. Attlee once told Professor William G. Andrews that the power of dissolution is "essential" for maintaining party discipline in the Commons.⁶⁴

⁶¹See 30.

⁶²William G. Andrews, "Some Thoughts on the Power of Dissolution," Parliamentary Affairs, 13 (2), Summer 1960, p. 289.

⁶³New York Times, June 16, 1963, p. 5.

⁶⁴William G. Andrews, p. 286.

There has been one major instance of the threat of dissolution having received much publicity. When a new Education Bill (1944) was under consideration, an amendment calling for equal pay for men and women teachers, proposed by Mrs. Gazalet Keit, the Conservative member for East Islington, won widespread support from her colleagues. The Government, however, had been greatly opposed to the amendment which was passed by a vote of 117 to 116.⁶⁵ Prime Minister Churchill announced to the Commons that unless the Commons reversed itself, "this act of deletion will be regarded as a Vote of Confidence in the present Administration. If the Government does not secure an adequate majority, it will entail the usual constitutional consequences."⁶⁶ It was understood that the term "the usual constitutional consequences" means either dissolution of the Commons or resignation of the Government. Those Conservative Members of Parliament who had voted for the amendment did reverse themselves. Mrs. Keit's short speech to the Commons explained rather clearly why they voted for the Government at the expense of their "conscience." She said:

The Prime Minister had felt no possible course open to us other than to support him in this Vote of Confidence. I shall vote against the Clause embodying my own amendment, not because my views have changed on equal pay, but because more vital issues have been superimposed upon it. In this great democracy of ours, convention for once, seems to have overruled common sense. I believe in the Clause as it stands, but I shall vote against it to show my measureless confidence in the Prime Minister now, in view of the stupendous days that lie ahead.⁶⁷

It used to be assumed that the question of dissolution was always submitted to the Cabinet for ultimate decision. This assumption is far from

⁶⁵ 398 H. C. Debates, 5 s., cols. 1358, 1390.

⁶⁶ Ibid., col. 1452.

⁶⁷ Ibid., cols. 1588-1589.

being true. Mr. Churchill has written: "The right of recommending a dissolution to the Crown rests solely with the Prime Minister."⁶⁸ Mr. Attlee, in 1950, decided to dissolve the Commons by himself. Lord Morrison, the Deputy Prime Minister in Mr. Attlee's Government, wrote:

I opposed the proposal for an election as early as possible in the New Year. I wanted it later....The final decision rested, of course, with the P.M....Before the Christmas holidays no definite decision had been made. Ministers left official business for a day or two....It was in this period that Attlee took the final decision.⁶⁹

In 1951, the decision was again Mr. Attlee's.⁷⁰ Mr. Eden, in April 1955, also decided to request a dissolution by himself.⁷¹ It remains true that the Prime Minister may, if he wishes, discuss the question of dissolution with his leading colleagues, but the decision is his and his alone.

Responsibilities of the Party Leader

The Prime Minister's strength in the Commons stems fundamentally from the fact that he is the real leader of a highly-centralized and well-disciplined majority party. Does this, in turn, mean that he can remain in office without assuming any responsibility to his party? The Norwegian Campaign (1940), the Suez Incident (1956), and the Profumo Affair (1963) illustrate that ineffective leadership can impose detrimental effects upon not only the Prime Minister's political fortunes but also the political image of his party as a whole. The Lansbury Case (1935) further indicates

⁶⁸Winston S. Churchill, Triumph and Tragedy (Boston: Houghton-Mifflin, 1953), p. 589.

⁶⁹Lord Morrison of Lambeth, Herbert Morrison: An Autobiography (London: Odhams, 1960), p. 286.

⁷⁰Ibid., p. 283.

⁷¹Anthony Eden, pp. 298-301.

that the Party Leader who finds himself unable to conform to the general feeling of his party must "retire."

The Norwegian Campaign

Mr. Neville Chamberlain succeeded Mr. Stanley Baldwin as Prime Minister on May 28, 1937. Then Great Britain was already feeling rather badly the need for a Prime Minister who could answer the dictators in a style as effective as their own. But Mr. Chamberlain was incompetent to do so. Accordingly, he was forced to resign.

The many disappointments and disasters of the brief campaign in Norway resulted in the great debate on May 7 and 8, 1940. In the passionate debate, Mr. Chamberlain was brought under heavy attack by both sides of the Commons. Mr. Lloyd George made a direct attack upon Mr. Chamberlain. "The Prime Minister," he said, "should give an example of sacrifice, because there is nothing which can contribute more to victory in this war than that he should sacrifice the seals of office."⁷² Mr. Morrison's speech was in effect a demand for the resignation of the Prime Minister, the Chancellor of the Exchequer, and the Air Minister.⁷³ Mr. Duff Cooper, who had resigned from the Government, announced that he would feel compelled, however, reluctantly, to vote against the Government.⁷⁴ The acrimonious debate ended in a division. The Opposition's motion was, technically, for the adjournment of the Commons, but Mr. Chamberlain accepted the division as equivalent to a vote of confidence. The motion was carried by a majority of eighty-one. Thirty-one Conservative Members of Parliament voted against

⁷²360 H. C. Debates, 5 s., col. 1,283.

⁷³Ibid., cols. 1,251-1,253.

⁷⁴Ibid., col. 1,300.

the Government, while fifteen were "paired" for the Government and sixty-five were absent. Four Liberal Nationals and two National Labor members voted with the Opposition, together with two independent members who always voted for the Government.⁷⁵

Besides the bitter attack of the Opposition, the Government's support had fallen so low, in comparison with the relative strength of the Party, that it was Chamberlain's duty to resign. The lack of confidence in his leadership was also seen in the large number of abstentions. These made it clear that he was no longer satisfactory to his party. Even Mr. Chamberlain himself felt that he was unable to retain his office. He told Mr. Churchill and Lord Halifax that it was beyond his power to form a Coalition Government.⁷⁶ After he had tendered his resignation to the Sovereign on May 10, 1940, he spoke to his countrymen that essential unity could be secured only under a new Prime Minister.⁷⁷

The Suez Incident

Except for the Khaki Election in 1900 (when the Conservative Party under the leadership of Lord Salisbury succeeded in increasing its majority in the Commons from 130 to 134), the 1955 parliamentary election was the first time in ninety years that a Government had gone to the country and increased its majority. There was widespread opinion that Mr. Eden would have been firmly in power for the next five years.⁷⁸ His conduct in the

⁷⁵The Times Weekly (London), May 15, 1940, p. 15.

⁷⁶Winston S. Churchill, The Gathering Storm, 661 ff.

⁷⁷The Times Weekly (London), May 15, 1940, p. 5.

⁷⁸Randolph S. Churchill, The Rise and Fall of Sir Anthony Eden (New York: G. P. Putnam's Sons, p. 200.

Suez Incident (1956) brought him down on January 9, 1957.

On October 29, 1956, Israeli forces crossed the Egyptian frontier. Next day Mr. Eden announced the Anglo-French ultimatum in the Commons. With the weight of Opposition feeling behind him, Mr. Gaitskell, the Leader of the Opposition, pressed the Prime Minister twice to promise that no further physical action would be taken until the Security Council reached a decision or the Commons had had an opportunity to discuss the matter, but the Prime Minister, with unmistakable regret, told him he could not give such an assurance. The Government met the Opposition challenge in the lobby⁷⁹ with a majority of fifty-two.⁸⁰ In the debate of October 31, the speaker suspended the sitting for a short period because the Commons became extremely disorderly. Jeering and piercing shouts of "RESIGN" assailed Mr. Eden from the Labor benches several times. Mr. Gaitskell used the word "aggression" after he had repeatedly demanded of the Prime Minister to tell the Commons and the country and the whole world whether a final decision had been taken that British and French troops should invade the canal zone of Egypt. Opposition voices bombarded the Prime Minister for an answer. Mr. Eden finally protested that he had made it perfectly plain that if the British and French Governments did not receive an answer to their communication they would take military action at the expiration of the 12-hour period. He sharply refused to give the Commons any account of what that action and the Government's plans with their allies might be. But he added: "We stand by what we said and we shall carry it out." Mr. Gaitskell was convinced that the Government had embarked on an unrighteous

⁷⁹The term "in the lobby" refers to a formal vote by division.

⁸⁰558 H. C. Debates, 5 s., cols. 1,275, 1,283-1,284, 1,378.

adventure which would not even be justified by success. He went on to urge that the Opposition would use every "constitutional means" to oppose the "reckless and foolish decision" of the Government, and to save the country from the disasters which could follow from it.⁸¹

In the debate of November 1, Mr. James Griffiths, the Deputy Leader of the Opposition, moved the motion of censure in a speech. "Get out, and make way for others" were his concluding words. While comparing the language of the Anglo-French ultimatum with that of the Germans to Belgium in 1914 and that of Hitler to his intended victims, Mr. Bevan exclaimed, "...for God's sake, get out!" Mr. William Yates, a Conservative Member of Parliament, indicated his belief that the Government had been involved in an international conspiracy. Mr. Griffiths' motion was defeated by a Government majority of sixty-nine.⁸² After British and French paratroops had been dropped on Port Said, Mr. Eden told the Commons that he had just received a "flash signal" stating that the Egyptian Governor and Military Commander at Port Said were then discussing surrender terms with the British. Mr. Denis Healey, a Labor Member of Parliament, icily asked whether the Prime Minister had exchanged congratulations with Mr. Khrushchev.⁸³ Next day Mr. Eden announced that Anglo-French troops would cease fire at midnight. When after the cease fire the Opposition made its major effort to defeat the Government, the Commons also divided, leaving the Government a majority of fifty-eight.⁸⁴ The result of the division was greeted with Opposition cries of "RESIGN."

⁸¹Ibid., cols., 1,452-1,454, 1,461-1,462.

⁸²Ibid., cols., 1,631-1,639, 1,715, 1,716, 1,750.

⁸³560 H. C. Debates, 5 s., col. 1,968.

⁸⁴Ibid., cols. 323-324, 404.

On November 23, Mr. Eden left London for a rest in Jamaica. Mr. Selwyn Lloyd, the Foreign Secretary, announced the intention of the Government to proceed with the withdrawal of British troops from Egypt without delay. Mr. Healey proposed that the Prime Minister should be recommended for the Nobel Prize because he had demonstrated that "aggression does not pay." Mr. Griffiths, on the other hand, commanded the Government to resign on the ground that the Conservative Party was split from top to bottom.⁸⁵ A few days later, the Government tabled a motion of confidence on its policy to which the Opposition tabled an amendment of no confidence. The issue was debated in the Commons on December 5 and 6 with the result that the Government obtained a majority of sixty-seven.⁸⁶ On the debate, Captain Charles Waterhouse, the leader of the Suez Tories, announced openly that he would abstain from voting. Mr. Angus Maude, a Conservative Member of Parliament, said that he could not give an unconditional vote of confidence to the Government. Mr. Philip Noel-Baker, a Labor Member of Parliament, described the Government's hands as being red with Egyptian blood.⁸⁷

Since Mr. Chamberlain fell over the Norwegian fiasco in May 1940, no Tory Government had been so fatally shaken as Mr. Eden's Government. Apart from a series of acrimonious debates, records of the four sets of parliamentary divisions clearly indicated that the time had come when Mr. Eden ought to give place to a new Party Leader. Moreover, Mr. Eden's ministerial colleagues were far from united behind his ill-advised decision.

⁸⁵ 561 H. C. Debates, 5 s., cols. 891, 894.

⁸⁶ Ibid., cols. 1,254, 1,268, 1,578.

⁸⁷ Ibid., cols. 1,301, 1,356, 1,465.

In the early period of the Suez Incident, Mr. Lain Macleod and three or four non-cabinet Ministers seriously considered resigning. Mr. Nutting and Sir Edward Boyle did resign on October 31 and November 5 respectively. According to Mr. Eden's memoirs, he resigned from the Prime Ministership because of his health.⁸⁸ Some may doubt whether he could have handled the incident even if he had been in good health. In addition, it is exceedingly doubtful whether his party could have won the 1959 parliamentary election if he had remained in office.

The Profumo Affair

Mr. Macmillan became Prime Minister and Leader of the Conservative Party after the Suez Incident (1956) had appeared to doom his party to defeat at the polls. Instead, he led his party to greater victories in the 1959 parliamentary election; presided over a period of vigorous prosperity; and gained a reputation for skill in foreign relations.

The Profumo scandal is one of the major scandals in modern British politics. Mr. John Profumo, Secretary of State for War, resigned from his post on June 5, after having admitted, in his letter to Mr. Macmillan (June 4),⁸⁹ that he had lied to the Commons on March 22 when he, with Mr. Macmillan at his side, said that there had been "no impropriety whatsoever" in his relations with Miss Christine Keeler, a 21-year-old party girl and self-styled model. Miss Keeler was at the same time the mistress of Captain Ivanov, Naval Attache at the Soviet Embassy in London. Dr. Stephen Ward, a society osteopath, introduced Miss Keeler to Mr. Profumo and Captain Ivanov. So far as the political issue is concerned, Mr.

⁸⁸Anthony Eden, pp. 650-653.

⁸⁹The Times (London), June 6, 1963, p. 12.

Profumo, Miss Keeler, Dr. Ward and even Captain Ivanov seem to belong to the prologue of the drama. The most important aspect of the scandal concerned the political future of Mr. Macmillan and his party.

Great Britain was put in an uproar by the revelations, which brought Prime Minister Macmillan under unprecedented attack from the Opposition, and brought his leadership under challenge from his own party. Six and one-half hours of dramatic debate of the Profumo scandal on March 17 in the Commons⁹⁰ illustrates, in part, this point. Having accused Mr. Macmillan of gambling with the national security, Mr. Wilson, speaking as the Leader of the Opposition, went on to table, so to speak, the heavy question as to whether anything had been held back. Mr. Brown, the Deputy Leader of the Opposition, charged Mr. Macmillan that he seemed to be saying that "if he could show that he did not know what had happened or how, he was somehow absolved." Mr. Jo Grimond, the Leader of the Liberal Party, was convinced that the question which faced the Commons and country was whether Mr. Macmillan's Government was competent to rule the country. Mr. Nigel Birch, who had resigned from the Macmillan Government in 1958 in protest against the extent of public spending, proclaimed that it was time for Mr. Macmillan to make room for a much younger man. He loyally quoted Browning's poem on "The Lost Leader" by way of friendly political obituary:

Let him never come back to us!
 There would be doubt, hesitation and pain,
 Forced praise on our party-- the glimmer of twilight,
 Never glad confident morning again!

Sir d'Avigdor Goldsmid, a Conservative Member of Parliament, explained why he found himself unable to vote for the Government. What troubled him was

⁹⁰ Ibid., June 18, 1963, pp. 6-7.

the interview with the Ministers before the Profumo statement. No proper steps, he thought, had been taken to test the story.

The whip, issued on June 12 to each Conservative Member of Parliament, ended with these words: "The division at the end of the Debate will be a Vote of Confidence and your attendance...is essential."⁹¹ The sentence was underlined with three bold lines. The three-line whip indicated that absence or a failure to vote would be regarded as a serious sign of disloyalty. Even resorting to such an extraordinary means of holding party unity, the Government had a numerical majority of sixty-nine out of a possible maximum of ninety-seven. The voting was on the same type of technical motion for adjournment debate which had brought down Mr. Chamberlain. The Government estimated that twenty-seven Conservative members had abstained from voting. When the vote was announced there were shouts of "RESIGN" from the Opposition benches. More significant is the fact that those who had voted for the Government were by no means solidly in favor of Mr. Macmillan's continued leadership. One Conservative member said afterwards: "Yes, I voted, but I want a new Prime Minister."⁹² Another Conservative member said with brutal joviality: "Why waste a torpedo...on a ship that's already sunk?"⁹³ Sir Frank Markham, a Conservative backbencher, stated: "As far as I am concerned, I am quite certain the Prime Minister must go." He went on to say that his vote "must not be taken as approval of the present leadership."⁹⁴

⁹¹New York Times, June 18, 1963, p. 13.

⁹²Manchester Guardian Weekly, June 20, 1963, p. 2.

⁹³New Statesman, June 21, 1963, p. 922.

⁹⁴New York Times, June 19, 1963, p. 1.

Mr. Macmillan's Government survived four debates in which the Government majority was lower than sixty-nine. In January 1963, two votes on the Government's plan to reorganize the London County Council resulted in a majority of twenty-eight on the first vote and of twenty-six on the second vote.⁹⁵ In April 1963, a Bill, already mentioned before, was passed by a majority of sixty on its second reading. Again in April 1963, an Opposition motion condemning the Government's handling of the case of Chief Encharo was defeated by a Government majority of fifty-six.⁹⁶ However, Mr. Macmillan's competence and judgments had never been under such heavy attack from both sides of the Commons as in the case of his conduct of the Profumo Affair. Besides the fierceness of the dramatic debate, the number of abstentions could be regarded as a clear signal of the decline of his leadership.

Furthermore, the Profumo scandal was only the latest of a series of reverses which included mounting unemployment, sluggishness in the economy, failure to lead Great Britain into the European Common Market, the collapse of the Federation of Rhodesia and Nyasaland, the American cancellation of the Skybolt missile program, and the breach of security in the Vassal Spy Case. Worst of all was that in his conduct of the Profumo Affair, his ministerial colleagues had lined up behind Mr. Macmillan only after some hesitations. Mr. Enoch Powell, Minister of Health, not only criticized Mr. Macmillan's handling of the affair, but also the Ministers who questioned Mr. Profumo on the midnight of March 21, and accepted his

⁹⁵New York Times, June 18, 1963, p. 1.

⁹⁶Manchester Guardian Weekly, April 18, 1963, p. 4.

explanation of his relations with Miss Keeler.⁹⁷ It was reported that Mr. Powell would resign and that Sir Keith Josopy, Minister of Housing and Local Government, and Sir Edward Boyle, Minister of Education, would associate with Mr. Powell and resign.⁹⁸

The decay of Mr. Macmillan's leadership was further indicated by the fact that one week after the dramatic debate, there were two attempts made by the Conservative backbenchers to force Mr. Macmillan to resign. The attempts were skillfully thwarted by party leaders.⁹⁹ General sentiment within his party was well expressed by the two strongly Conservative newspapers.¹⁰⁰ The Daily Telegraph commented: "To be innocent of negligence is at least a negative virtue in a Prime Minister. It is by more stringent standards that Mr. Macmillan's position as leader will be judged." The Daily Mail remarked that "the more the search-light probes into security, the worse the mess revealed."

Here was a Prime Minister who had been subject to bitter reproaches and fierce denunciations by both sides of the Commons. Here also was a Party Leader who had failed in maintaining party unity and solidarity. It

⁹⁷New York Times, June 14, 1963, p. 4. It is known that on March 21, the night when Mr. George Wigg, a Labor Member of Parliament, openly challenged the Government to answer the rumors circulating, Mr. Profumo was confronted by a group of his ministerial colleagues. Mr. Macleod, the Leader of the House of Commons, and Mr. Redmayne, the Government Chief Whip, were the principal interrogators, but Attorney General, Sir John Hobson, was also present and at least one other Minister too. They accepted Mr. Profumo's word and helped him draft the personal statement he made to the Commons a few hours later, with Mr. Macmillan at his side. See: Manchester Guardian Weekly, June 13, 1963, p. 3.

⁹⁸New York Times, June 14, 1963, p. 1.

⁹⁹Ibid., June 29, 1963, p. 4.

¹⁰⁰New York Times, June 19, 1963, p. 6.

is evident that what Prime Minister Macmillan now had on his hands was not just a regrettable scandal but rather an all-pervading crisis of political confidence. The electorate would not be easily persuaded that the Conservative Party under Macmillan's leadership any longer had the capacity to govern the country. On July 4, 1963, the Conservative Party suffered sharp set-backs in two by-elections. The two Labor winners, Mr. John E. Silkin and Mr. Maurice Foley, won by increased majorities. This, of course, can be properly treated as the re-evaluation of the Conservative image by the electorate. As Mr. John Brimacombe, one of the two defeated Conservative candidates, put it: "Bearing the current difficulties within the Conservative Party, the result is not surprising."¹⁰¹

The Conservative Party was confronted by two problems; namely, who would succeed Mr. Macmillan and what would happen in the next parliamentary election which must be held by October 1964? Mr. Macmillan told the Conservative backbenchers that "all being well, if I keep health and strength, I hope to lead the party into the election." He reaffirmed his intention on June 28.¹⁰² Nevertheless, his capacity to command his party and the possibility of his party winning the next parliamentary election were undoubtedly in question.¹⁰³

¹⁰¹Ibid., July 5, 1963, pp. 1, 3.

¹⁰²Manchester Guardian Weekly, April 18, 1963, p. 4; and The Times (London), June 29, 1963, p. 8.

¹⁰³The question of Mr. Macmillan's suitability for the office of Prime Minister was resolved in October 1963 by his own decision to retire following a surgical operation. It was evident that reasons other than declining health were present, and that the latter provided a convenient face-saving occasion for the Prime Minister to resign the leadership of the Government, the House of Commons, and the Conservative Party. His designation of Lord Home to the Sovereign as his successor raised a storm of criticism within the Conservative Party and in Parliament, but the division in the ranks of the Conservative leadership again left the selection of the Party Leader to the Monarch.

The Lansbury Case

In view of the capital importance for the Party Leader to retain the goodwill and mutual understanding of the majority of his party, as indicated by the above three cases, this appears to be the proper place to cite the Lansbury Case. The Party Leader only goes where he believes the majority of his followers will go after him. He must always choose his direction correctly. As long as he desires to remain in the driver's seat, he must show constant concern in which that car is travelling.

With the expansion of Japan in the Far East and the rise of Nazism and Fascism in Europe, Mr. George Lansbury, the Leader of the Labor Party (1931-1935), tried to impose his personal convictions at the expense of the mood of his party. Mr. Lansbury, a life-long pacifist, was firmly convinced that "those who take the sword shall perish by the sword."¹⁰⁴ He was not merely opposed to the use of armaments for self-defense but concerned over the very existence of the League of Nations. The union leaders, who then exercised a dominant voice in the Labor Party, regarded the rise of militarism, Nazism, and Fascism not only as a challenge to democratic values but as murderous assault against the international working class movement. To the union leaders, collective security through the League of Nations was the most effective means to stop aggression.

At the 1935 Annual Conference of the Labor Party, Mr. Lansbury stood against a resolution reaffirming the policy which was laid down by the National Executive Committee. The resolution wholly committed the Labor Party to support a League policy of sanctions. The resolution called upon the Government "in co-operation with other nations represented at the

¹⁰⁴Francis Williams, Ernest Bevin (London: Hutchinson, 1952), p. 192.

Council and Assembly of the League to use all necessary measures (i.e., economic sanctions in the first place, but if necessary, military sanctions too) provided by the Covenant to prevent Italy's unjust and rapacious attack upon the territory of a fellow-member of the League."¹⁰⁵

The general sentiment of the Party was put at the opening of the address of the Chairman of the Conference (i.e., Mr. W. A. Robinson). He justified support of League action as the logical fulfilment of Labor policy. He said:

We stand for strong collective action in defence of peace against any aggressor. This policy was reaffirmed last year by a smashing majority at our Southport Conference.... The immediate question for us to decide is: "Do we stand firm in this crisis for the policy to which we have so often pledged ourselves, or shall we turn tail and run away, repudiate our obligations under the Covenant of the League and signal "All clear"?"¹⁰⁶

To Mr. Lansbury, any policy which looked to the employment of force to attain its ends was absolutely inconsistent with Christian pacifism. He insisted that the policy, "a big fundamental piece of policy," for which his party stood was "a terrible mistake."¹⁰⁷ He realized fully that if the resolution was passed he had to resign. This he said he would do. In his closing words, he stated:

It may be that I shall not meet you on this platform any more.... If mine was the only voice in this Conference, I would say in the name of faith I hold, the belief I have that God intended us to live peaceably and quietly with one another, that if some people do not allow us to do so, I am ready to stand as the early Christians did, and say: "This is our faith, this is where we stand, and, if necessary, this where we will die."¹⁰⁸

¹⁰⁵Francis Williams, Fifty Years' March (London: Odhams, 1949), p. 352.

¹⁰⁶Hugh Dalton, The Fateful Years: Memoirs (1931-1945) (London: Frederick, 1957), p. 67.

¹⁰⁷Manchester Guardian Weekly, October 4, 1935, p. 266.

¹⁰⁸See 102.

Mr. Bevin accused him directly of "trailing your conscience round from body to body asking to be told what to do with it."¹⁰⁹ When Mr. Bevin was told by his friends that it was unnecessary to bring an old comrade under such a violent personal attack, he replied:

Lansbury has been going about dressed in Saint's clothes for years waiting for martyrdom. I set fire to the faggots.¹¹⁰

Although the delegates were moved emotionally by Mr. Lansbury's speech, his absolute pacifism did not alter the view of the vast majority of the delegates. Sympathy with him did not preclude sympathy with a party which was facing both a national crisis and a parliamentary election. There was a remarkably strong sentiment in the country in favor of sanctions by the League of Nations, if necessary involving the use of force. No responsible party leader could any longer avoid the question whether he was prepared for the country to go to war in order to stop aggression. The resolution was carried by an overwhelming majority (2,168,000 votes to 102,000), and Mr. Lansbury thereupon resigned the leadership of the Labor Party.

In comparison with Mr. Lansbury's irrational stubbornness, Mr. Gaitskell, the leader of the Labor Party (December 1955-January 1963), was a more "humane" leader. He did conform to the general feeling of his party at the expense of his personal belief. For instance, in the early period of the Suez Crisis he compared President Nasser with Hitler and Mussolini, and said that the use of force could be justified in certain events. However, once the Parliamentary Labor Party committed itself against the Eden

¹⁰⁹Ibid., p. 193.

¹¹⁰Ibid., p. 196.

Government's Suez policy, he kept fighting with all he had. He pledged the Labor Party to oppose, by every constitutional means, the Eden Government's Suez policy towards Egypt.¹¹¹ Broadcasting on television and radio, he said that "Parliament must repudiate the Government. The Prime Minister must resign!"¹¹² Calling for the withdrawal of British troops from Egypt, he criticized "the appalling arrogance of the Tory Government in the present circumstances."¹¹³ In 1959, he further admonished the Government that the Suez affair "is now generally admitted to have been a disastrous act of folly almost without parallel in our country."¹¹⁴

SUMMARY

The difference in the leadership roles between the Conservative and Labor Party leaders is more theoretical than real, particularly in situations when the Leader holds the office of Prime Minister. When the British party leader holds the office of Prime Minister, he is, in fact, the single instrument of legitimate authority over the parliamentary party. The combination of disciplinary powers and other sanctions which may be exercised by the Prime Minister in relation to the membership of his party in the Commons makes him, without doubt, a political leader of unparalleled authority in the contemporary democratic world.

The Prime Minister's powers are far from autocratic however. The British system of leadership is conditioned by a number of conventions

¹¹¹558 H. C. Debates, 5 s., col. 1,461.

¹¹²The Times (London), November 5, 1956, p. 4.

¹¹³Ibid., November 26, 1956, p. 5.

¹¹⁴602 H. C. Debates, 5 s., col. 43.

which impose a heavy burden of responsibility upon the Prime Minister. He is accountable first to his party for the public image cast by his leadership. His effectiveness as a leader will be judged within the party by his ability to win public consensus. Exposed as he must be to the constant attacks and criticisms levelled by the Opposition, he must hold the public's confidence in the face of relentless pressures. It is his responsibility to protect his party's parliamentary majority, and this can be done only by answering his critics with effective arguments that will convince the public of his wisdom and competence.

CHAPTER II

THE PRIME MINISTER'S ROLE AS LEADER OF THE HOUSE OF COMMONS

Prerogatives and Powers of the Leader of the House

It is a matter of common knowledge that the major function of Parliament is legislation. "The principle of parliamentary sovereignty," said Professor A. V. Dicey, "means...that Parliament has, under the English constitution, the right to make or unmake any law whatever; and further no person or body is recognized by the law of England as having a right to override or set aside the legislation of Parliament."¹ Considering the priority of the Government's business and the voting pattern in the Commons, we are going to inquire how much this classic statement on the absolute legislative authority of Parliament remains true. In addition, some prerogatives of the leader of the House of Commons will be briefly surveyed.

Initiation of Legislative Proposals

The Prime Minister and his colleagues are by no means simply the executive agents who implement legislation enacted by Parliament; they have the dominating authority over legislation. Usually, Government business

¹A. V. Dicey, Law of the Constitution, 9th ed. (London: Macmillan, 1939), pp. 39-40.

occupies nine-tenths of the time of the House of Commons.²

Assuming that a Private member is given a chance to introduce a Bill, and should the Government fail to kill the Bill at second reading, which is the major hurdle, it can amend or obstruct the Bill at the latter stages. For instance, the National Insurance Benefits Bill was amended at the committee stage to incorporate the recommendations of the National Insurance Advisory Committee which the Government had decided to accept.³ The Industrial Rating Bill obtained a second reading after a vote in which the Opposition had a majority of twenty-one, but the Government successfully killed the Bill at the third reading by a vote of 179 to 134.⁴

In some cases, a Private member who is unusually popular will be able to steer an important Bill through the Commons. Mr. Sidney Silverman's Death Penalty (Abolition) Bill of 1956 was the most famous example.⁵ It is worthy to add that a Standing Order prohibits the introduction of any

²During 1928-1929, 1931-1932, 1934-1935, 1946-1948, and the years of the two world wars, the Government took all the time of the House of Commons. See: W. J. Jennings, Parliament, 2nd ed. (London: Cambridge University Press, 1957), p. 115. Professor Sidney Low remarked: "Every member of the House, with exception of a score or so, who sit on the front benches to the right of the Speaker's chair, would admit, if he spoke the truth, that his influence over legislation was little greater than that of a private individual outside. He has the opportunity to criticise, to object, to make suggestions; but so has any writer in the press, or anyone else who is able to address his countrymen in writing or by word of mouth." See: Sidney Low, The Governance of England, 2nd ed. (London: T. Fisher Union, 1910), p. 60.

³552 H. C. Debates, 5 s., cols. 845-850, 1,573.

⁴550 H. C. Debates, 5 s., col. 782; and 551 H. C. Debates, 5 s., col. 2,224.

⁵Mr. Bulter once referred to Mr. Sidney Silverman as a justum et tenacem propositi virum. See: 564 H. C. Debates, 5 s., col. 455. There have been other examples--Sir Alan Herbert's Marriage Bill of 1937, and Mr. Ellen Wikinson's Hire Purchase Bill of 1938.

proposal to spend public money except on the recommendation of the Crown, i. e., the Government. This is a very effective weapon to curb the activities of pressure groups.

Nevertheless, the Government should take parliamentary opinion into account. Accordingly, it, upon occasion, must make concessions graciously. In the case of the Judges' Remuneration Bill, for instance, so much opposition was aroused by both sides of the Commons that the Government thought it wiser to withdraw the Bill than to force it through.⁶ Although the Prime Minister and his colleagues have the primary prerogative to develop the legislative program and to sponsor Public Bills, the Opposition is always consulted on the order of business. However, we should always keep in mind that the last word as well as the first belongs to the Prime Minister and his colleagues exclusively.

Direction of the Parliamentary Majority

With the political parties in Great Britain organized as they are, independence in voting is not lightly undertaken; and it, as many concrete cases cited in the first chapter indicate, may lead to serious political consequences for the dissentient Member of Parliament (i.e., his political career may be prematurely ended). Six years after Mr. Churchill became a Member of Parliament, he complained: "The earnest party man becomes a silent drudge, tramping at intervals through lobbies to record his vote and wondering why he came to Westminster at all."⁷ Forty-three years later, he

⁶This happened, also, in the case of the Coal Mines Bill of 1936, which was withdrawn in the face of the bitter criticism of both sides of the Commons at second reading of the Bill.

⁷Winston S. Churchill, Lord Randolph Churchill (New York and London: Macmillan, 1906), Vol. I, p. 69.

could remark: "Loyalty to the chosen Leader of the party is the prime characteristic of the Conservative."⁸ The main task of a Member of Parliament is to come to Westminster to be a good party man.

Of course, a member of the House of Commons is subject to many kinds of pressures from inside and outside the Commons. For instance; pressure from his colleagues, his Whips, his Ministers, or Shadow Cabinet, his party-committees; and his constituents, his party headquarters, his trade union or business associates, his personal friends, and national organization. However, he normally votes as he is required to vote by his party leaders.⁹ Lord Pakenham once said that "the Tories treated their leader as if he were the Admiralty; Labour sometimes went to the other extreme and treated theirs as if he were Lucifer."¹⁰ Whatever his attitude towards his Party Leader may be, every Member of Parliament is quite aware that loyalty to the Party Leader must take precedence over any conflicting loyalty.

It is not necessary for a Member of Parliament to attend every parliamentary session. He can make up his own mind about whether to participate

⁸Winston S. Churchill, Their Finest Hour (Boston: Houghton Mifflin, 1949), p. 9.

⁹Mr. W. S. Gilbert, in his *Iolanthe*, remarked about the situation in this fashion:

When in that House M.P.'s divide,
 If they've brain and cerebellum, too,
 They've got to leave the brain outside,
 And vote just as their leaders tell 'em to.
 But then the prospect of a lot
 Of dull M.P.'s in close proximity,
 All thinking for themselves, is what
 No man can face with equanimity!

See: W. S. Gilbert, Plays & Poems of W. S. Gilbert (New York: Random House, 1932), p. 267.

¹⁰Daily Telegraph, November 30, 1959, quoted in Roland Young, The British Parliament (London: Faber and Faber, 1962), p. 73.

actively in certain debates. In March 1963, for instance, there was a scandal in the Commons when it was debating the cost of the RAF in the coming year--530,000,000 pounds. The highest number of Ministers and Conservative backbenchers present during the debate was thirty-three.¹¹

But on important issues he is expected to attend the debate and vote for his party. This is a minimum obligation which he is expected to fulfill. On one occasion, a Member of Parliament who was taking a bath in Westminster Palace arrived in the lobby swathed in a large towel.¹²

A Member of Parliament does not come to Westminster to turn the House of Commons into a congress of conflicting local and sectional claims. "Log-rolling," and "distributing the pork barrel" are unknown to Members of Parliament. Of course, a Member of Parliament is responsible for bringing the grievances of his constituency to the attention of the Commons and looking for opportunities to help his constituents. But his main task is to vote for his party, i.e., to be a good party man. For example, when the Commons was debating the problem of unemployment, Mrs. Patricia McLaughlin, a Conservative Member of Parliament, held up before Commons a red glove which she described as "the red hand of Ulster." Throwing down the glove as a challenge to Mr. Macmillan's Government, she said that the problem of unemployment in Ulster must be solved. She went on to ask: "Can you, will you solve our unemployment problem?" Mr. Sidney Silverman, a Labor Member of Parliament, jeered at her: "If the honorable lady means what she said in her speech, then her duty to herself and to her constituents is to come

¹¹Manchester Guardian Weekly, March 14, 1963, p. 4.

¹²Eric Taylor, The House of Commons at Work, 3rd ed. (Harmondsworth, Middlesex: Penguin Books, 1958), p. 119.

into the lobby with us at the end of the day and back her opinion with her vote."¹³ But Mrs. McLaughlin did not go to the wrong lobby!

Sometimes, a free-vote is permitted if the Government's prestige and general policies are not detrimentally affected by the result of a vote. For instance, in a vote on a Private Member's Bill concerning the publication of wills, the vote was thirty to twenty-six, the explanation of which is that on the debate of the Bill the Solicitor General explained Mr. Macmillan's Government position as "one of complete neutrality."¹⁴ During 1952-1957, according to Mr. Nigel Nicolson, a Conservative Member of Parliament who was forced to resign his parliamentary seat in 1957, the total number of free votes was as follows: 1952, thirteen; 1953, thirteen; 1954, eight; 1955, nine; 1956, thirty-one (many of them connected with the Death Penalty Abolition Bill); and 1957, fourteen.¹⁵ When the Commons voted on a resolution calling for a Royal Commission to investigate the press, and when a free vote was permitted by the Government, Mr. W. J. Brown, a Labor Member of Parliament, commented:

This is a very remarkable day. It is the first day since July of last year, and indeed, for a good many years before then, that the freely elected representatives of free constituencies of free Englishmen, Scotsmen, and Welshmen, are to be left free by the government of the day, to vote as they think fit on an important issue coming before this House. Yesterday we were not free; today we are free. Tomorrow freedom will have departed again. And as it departs, I imagine that we shall hear its spirit pathetically complaining: "If I was so soon to be done for, I wonder what I was begun for!"¹⁶

¹³597 H. C. Debates, 5 s., cols. 1,241-1,242.

¹⁴596 H. C. Debates, 5 s., cols. 695, 790.

¹⁵Nigel Nicolson, People and Parliament (London: Weidenfeld and Nicolson, 1958), p. 71.

¹⁶428 H. C. Debates, 5 s., col. 530.

Subsidiary Prerogatives

Besides his prerogative to fix and supervise, through his colleagues, all principal matters of parliamentary business, the Prime Minister on several occasions, actually acts as the head of the House of Commons because he cannot, even formally, delegate some prerogatives effectively.

At the opening of each session of Parliament, the Speech from the Throne is read by the Sovereign in person to the House of Lords. If she cannot attend, it is read by the Lord Chancellor or another member of the Commission of Peers. The Prime Minister leads the Commons to listen to the Queen's Speech to the upper House. The Speech expresses the general policies of the Government and the Government's legislative program for the parliamentary session. Revision of the wording is sometimes suggested by the Sovereign, but the last word belongs to the Prime Minister exclusively. Sympathetic references are also made by the Prime Minister on the death of a distinguished statesman, even if he is a member of the Opposition party. For instance, in a tribute to Mr. Hugh Gaitskell, the late leader of the Opposition, in the Commons on January 22, 1963, Mr. Macmillan said:

Swift and spectacular in his rise, courteous yet unflinching in his principles, an attractive companion, a parliamentary ranking with the great figures of the past, a man fully worthy and capable of being Prime Minister.

Furthermore, Mr. Macmillan moved the adjournment of the House of Commons. Traditionally, this is done only on the death of a former Prime Minister.¹⁷

It is the Prime Minister's prerogative and duty to make statements on the general policies of the Government in the Commons. Mr. William Rose once stated in the Commons: "We want the Prime Minister, not the office boy."^{17-a}

¹⁷Manchester Guardian Weekly, January 24, 1963, p. 3.

^{17-a}594 H. C. Debates, 5 s., col. 973.

In July 1961, for example, Mr. Macmillan issued a statement in which he declared: "I wish to make a statement on the policy of Her Majesty's Government towards the European Economic Community..."¹⁸ In addition, the Prime Minister also speaks when some event of national importance occurs, such as a declaration of war, the conclusion of peace, or an important treaty. When, on September 3, 1939, Great Britain declared war against Germany, it was Mr. Chamberlain, acting in the name of the Crown, who made the declaration in the Commons.¹⁹ On May 7, 1945, the Instrument of General Capitulation was signed at Rheims. Next day Mr. Churchill stated in the Commons that the German war was at an end.²⁰ In July 1963, Mr. Macmillan announced the success of the negotiations in Moscow for the "historic agreement," partly banning tests of nuclear weapons, to the Commons.²¹

After consulting with the Cabinet and assuring himself that the choice is acceptable to the House of Commons, the Prime Minister selects the Speaker of the House. He also appoints the Government Chief Whip to direct the party forces of the majority. The Chief Whip, with the approval of the Prime Minister, selects thirteen assistants who are cynically called the whip's narks, or stool pigeons.²² The Chief Whip is usually known as the Patronage Secretary, although patronage is not what it once was in the days of Sir Robert Walpole (Prime Minister, 1721-1742) or what is still in the United States. Five of his assistants are Lord Commissioners of the

¹⁸645 H. C. Debates, 5 s., col. 928.

¹⁹351 H. C. Debates, 5 s., cols. 291-292.

²⁰410 H. C. Debates, 5 s., cols. 1,867-1,869.

²¹The Times (London), July 26, 1963, p. 6.

²²New York Times, June 18, 1963, p. 13.

Treasury and three more hold positions in the Royal Household, as Treasurer, Controller, and Vice-Chamberlain. Other Government assistant Whips hold no office and receive no payment. All the Opposition Whips are unpaid. The Whips are the principal channel through which the Party Leader learns of the currents of opinion of the rank-and-file in the Commons. The relevant material will be passed to the Prime Minister by the Government Chief Whip, and to the Leader of the Opposition by the Opposition Chief Whip. Moreover, parliamentary business is arranged by consultation between the Leader of the House of Commons,²³ who acts under the direction of the Prime Minister, and the Leader of the Opposition, using the Whips (i.e., "the usual channels") as their intermediaries. The debate on the Profumo scandal on June 17, 1963 was an example of such cooperation. The reasoned amendment to the Speech from the Throne, motions of no confidence, and formal

²³In the days when it was practically possible for a Prime Minister to sit in the upper House, he used to appoint one of his more trusted colleagues to lead the lower House. Since February 1942, he has appointed one of his senior colleagues to act as the Leader of the House of Commons. "This development," Lord Morrison, former Leader of the House of Commons (1945-1951), remarked, "reflects the growth of party discipline, and, mainly, the very heavy pressure on the Prime Minister's duty." See: Herbert Morrison, Government and Parliament, 2nd ed. (London, New York, and Toronto: Oxford University Press, 1959), p. 117. Eighteen of forty-three Prime Ministers have sat in the upper House. The last one before the recent appointment of Lord Home in 1963 was Lord Salisbury in 1895. See: John Merrett, How Parliament Works (London: Routledge and Kegan Paul, 1960), p. 45. There has been one unique case. In the 1906 parliamentary election, which brought one of the heaviest defeats in its history to the Conservative Party, the Leader of the Party (and the Prime Minister), Arthur J. Balfour, was defeated at the polls. When the new Parliament met in February 1907, he asked Mr. Joseph Chamberlain to lead the Opposition during his absence. In March 1907, he returned to the House of Commons after winning a by-election in the city of London. It must be added that Mr. Balfour's leadership was disliked by many of his followers and the Party was divided between tariff-reformers and free-traders. See: Edward T. Winterton, Orders of the Day (London: Cassell, 1953), pp. 14-17, 316.

motions for or against a particular Government policy are arranged through the usual channels.

Responsibilities of the Leader
of
the House

In the field of legislation, parliamentary supremacy, in fact, has lost its meaning. Again, it is theoretically true that the Government can be ousted by the House of Commons through passage of a motion of censure or for want of confidence; or for passage of Bills to which the Government is expressedly opposed; or for rejecting important Government measures. As a matter of fact, since 1896 there has been only one Government (1924) which was defeated in the Commons. On January 21, 1924, Mr. Baldwin's Government was defeated by a vote of 256 to 328 on the Debate on the Address from the Throne.²⁴ We, however, must be aware that the Baldwin Government was short of a parliamentary majority. In 1924, the Commons contained three parties, none of which had a majority: the Conservative Party held 255 seats, the Labor Party 191, and the Liberal Party 158. As long as the party holds its majority, it is the Government that controls the Commons, and not the latter that controls the former. Even if the Government is defeated in the Commons, the Prime Minister has independent power to decide either to resign or to dissolve the Commons. The Government's control over the Commons has resulted in much talk of the decline of Parliament and the dictatorship of the Government. The principal problem, of course, is whether ministerial responsibility has survived.

²⁴Backhofer Roberts, Stanley Baldwin: Man or Miracle? (New York: Greenburg, 1937), p. 125; and Philip Viscount Snowden, An Autobiography (London: J. Nicholson and Watson, 1934), Vol. II, pp. 601-605.

Question Period

It is understood that ministerial responsibility is one of the basic principles of the British constitution. Besides the vote of confidence, the vote of censure, and policy debates, the system of Question Time is one of the methods of enforcing ministerial responsibility, although theoretically no legal requirement to answer is involved. Mr. Speaker Clifton Brown once remarked: "A Question is not in Order if it does not involve ministerial responsibility."²⁵ "I'll have a question asked in the House" is a phrase that has been employed tens of thousands of times by Members of Parliament. The Prime Minister and his colleagues are politically accountable to provide the Commons necessary information. On several occasions, questions may be put to the Prime Minister and the Prime Minister, in turn, is responsible for answering certain questions. In exceptional cases, a general debate may occur at the close of Question Time.

Following the explanation on the original question, supplementary questions may be asked, without notice, by the original questioner or other Members of Parliament. It is not always possible to anticipate the supplementary question or to handle it effectively. For instance, Mr. Emrys Hughes, the great humorist at Question Time, once asked Prime Minister Macmillan "what study of prison conditions he made during his tour of Africa." Mr. R. A. Butler, the Leader of the House of Commons, replying for Mr. Macmillan, who was visiting Africa, answered: "None, Sir." Thereupon Mr. Hughes asked: "Would not the Home Secretary agree that the Prime Minister is missing a unique opportunity for completing his political education? Could not he arrange to be taken into protective custody, where he

²⁵446 H. C. Debates, 5 s., col. 1,816.

might meet Dr. Banda and have the experience which a good many Prime Ministers who will attend the Commonwealth Conference already have had?" Paying tribute to Mr. Hughes' reputation at Question Time, Mr. Butler replied with a good joke: "I have already promised my right honorable Friend that on the resumption of Parliament the first supplementary question put by the honorable Member would be immediately telegraphed to him for his delectation and amusement, and I shall certainly do that."²⁶ In February 1960, a question was asked about the possibility of appointing a Select Committee "to consider the televising of parts of the proceedings of the House of Commons," and also whether the Prime Minister would consider "arranging for experiments to be made by the taking of a film at Question Time, so that it can be used by the television service at their peak period." This led to a supplementary question by Mr. Hughes. He asked: "Is the Prime Minister aware that there is a growing custom now to televising religious services? Will he consider having discussions now about whether Prayers in the House of Commons should be televised in order to attract the Government Front Bench?" Mr. Macmillan humorously replied: "It might also attract today's absent questioners."²⁷

In the event of a matter of urgency a Member of Parliament may apply to Mr. Speaker to ask a question by "Private Notice." During the controversy over the use of Government envelopes for mailing political propaganda, Mr. Peart was permitted by Mr. Speaker to put a question to Prime Minister Macmillan by a Private Notice. He asked Mr. Macmillan "whether he is now in a position to make a statement as to the allegation that a

²⁶616 H. C. Debates, 5 s., cols. 29-30.

²⁷617 H. C. Debates, 5 s., cols. 1,421-1,422.

Conservative Central Office Press release notice was sent out in an official Ministry of Education envelope."²⁸

At the close of Question Time, a motion "to adjourn for the purpose of discussing a definite matter of urgent public importance" may be moved by forty Members of Parliament. If the Speaker of the House accepts this motion, a general debate may occur. This kind of motion usually comes from the Opposition, but it usually fails passage because of party solidarity. Between 1945 and 1957, according to Mr. Chapman (a Labor Member of Parliament), only eight of seventy-three such requests were granted.²⁹ There have been two famous precedents of the adjournment debate which brought down two Prime Ministers (i.e., Mr. Chamberlain and Mr. Eden).

After Mr. Churchill became ill in June 1953, the House of Commons accepted the arrangement that the Prime Minister would answer questions himself on Tuesdays and Thursdays. This arrangement was continued by Mr. Eden and Mr. Macmillan without the same cause. Questions may be put to the Prime Minister on Mondays and Wednesdays, but they are generally answered by the Leader of the House of Commons.

The Prime Minister, as the chief spokesman of the Government in the Commons, answers questions concerning the general policies of the Government. Mr. Gernyhough once asked the Prime Minister: "Can the Prime Minister tell us whether he expects the Summit talks to take place before or after the General Election?" "Well, Sir," Mr. Macmillan teased him, "that depends upon two not absolutely known factors: first, when the General

²⁸595 H. C. Debates, 5 s., col. 569.

²⁹574 H. C. Debates, 5 s., col. 897.

Election will be; and, second, when the Summit talks will be."³⁰

Questions where the Prime Minister has been publicly and personally involved are also answered by himself. On April 24, 1956, Mr. Khrushchev and Mr. Bulganin appeared in the Distinguished Strangers' Gallery at the House of Commons. Having expressed the hope that Prime Minister Eden's conversations with Mr. Khrushchev and Mr. Bulganin might prove successful, Mr. Robens asked whether a White Paper would be issued "indicating the topics discussed and the conclusions arrived at." Mr. Eden replied that the conversations were confidential, but "the results would be fully exposed in due course."³¹ Mr. Henderson once addressed a question to Prime Minister Macmillan whether he had received a reply from Mr. Khrushchev to his letter of October 28, 1962 and whether he should publish the reply. Having received the reply, Mr. Macmillan answered that he could not publish the reply because it had been given to him by private letter not transmitted over the radio.³²

It is customary for the Prime Minister to answer questions about the general arrangements of the Government. On June 14, 1954, Prime Minister Churchill was asked whether he would reconsider his refusal to separate the Ministry of Agriculture from the Ministry of Fisheries in view of the national importance of the fishing industry. He gave a humorous and characteristically brilliant reply: "It would not, I feel, be a good arrangement to have a separate Department for every industry of national importance. These two industries have been long associated departmentally

³⁰602 H. C. Debates, 5 s., col. 1,334.

³¹551 H. C. Debates, 5 s., col. 1,618.

³²668 H. C. Debates, 5 s., col. 1,497.

and, after all, there are many ancient links between fish and chips."³³

In November 1962, Prime Minister Macmillan gave a negative answer to the question whether he would appoint a Minister responsible for development underneath the sea within British territorial waters.³⁴ The Prime Minister often handles questions about foreign policy and defense, the conduct of which is essentially placed upon his shoulders. A question addressed by the Leader of the Opposition is always answered by the Prime Minister in person, for such kind of question is an unmistakable direct challenge by Her Majesty's Opposition.

Individual as well as collective responsibility is tempered by the convention that any Minister may, on a plea of national interest, refuse to provide information in reply to a question. One instance of this kind was the attitude of Prime Minister Eden to the questions about the disappearance of an ex-frogman, Commander Lionel Crabb, in Portsmouth Harbor on the occasion of the visit of Russian warships carrying Mr. Khrushchev and Mr. Bulganin in May 1956. Asserting that "it would not be in the public interest to disclose the circumstances in which Commander Crabb is presumed to have met his death," Mr. Eden said that whilst it was the practice for the Ministers to accept responsibility, what had happened was without the authority or knowledge of Her Majesty's Ministers, and that certain disciplinary action was being taken.³⁵ In a subsequent debate, Sir Patrick Spens defended Mr. Eden's attitude as follows:

³³528 H. C. Debates, 5 s., col. 2,274.

³⁴668 H. C. Debates, 5 s., col. 203.

³⁵552 H. C. Debates, 5 s., col. 1,220.

Once the responsible Minister of the Crown, accepting full responsibility upon himself, has said it is impossible to give the public information because public security is involved it behooves no other responsible citizen...to attempt to carry the matter further in this way. It is the responsibility of Ministers and always has been to give such a considered answer when the occasion arises.³⁶

In December 1962, on the debate of the Skybolt Missle Talks, Mr. Walker asked whether Prime Minister Macmillan would issue a precise statement about the talks. Mr. Macmillan refused the request on the ground of "the interests of the country."³⁷ Fortunately, it is seldom in peacetime that a Minister refuses to answer a question on the ground of public interest.

Parliamentary Inquiries

It is part of the task of the Opposition (as well as the Private Members) to extract information, which might not have been disclosed at Question Time, from the Government. The consent of the Government, however, is indispensable if further inquiries or investigations are undertaken. Nevertheless, the Prime Minister is politically responsible to grant some form of further inquiry or investigation. The John Waters Case (1957), the Vassall Spy Case (1963), and the Profumo Affair (1963) will illustrate the above points.

On December 7, 1957, two police constables (i.e., Mr. Gunn and Mr. Harper) were reported to have struck a boy, John Waters, in Thurso, Scotland. The Lord Advocate stated in the Commons that Crown Counsel in Edinburgh, after considering the evidence, had decided that criminal proceedings against the constables concerned would not be justified. The

³⁶Ibid., col. 1,767.

³⁷669 H. C. Debates, 5 s., cols. 580-581.

Secretary of State for Scotland was of the same view as Crown Counsel, and refused to move further inquiry into the case. Some Members of Parliament, both Government and Opposition, were dissatisfied with the Government attitude.³⁸ In February 1959, Sir David Robertson, a Conservative Member of Parliament, moved a motion asking the Government for a further investigation of the case. The motion, which was sponsored by 150 Members of Parliament of all parties, read:

That this House calls upon Her Majesty's Government to set up a Select Committee of this House to inquire into the case of John Waters and to advise this House whether the said John Waters was assaulted by certain police officers as alleged, and in what circumstances it was decided that no prosecution should be instituted.³⁹

Prime Minister Macmillan made a statement to the Commons in the following terms:

It is an established principle of Government in this country... that the decision as to whether any citizen should be prosecuted or whether any prosecution should be discontinued, should be a matter where a public as opposed to a private prosecution is concerned, for the prosecuting authority to decide on the merits of the case without political or other pressure.... Nevertheless, although this principle must stand, there is a second which cannot be ignored. Considerable disquiet has been expressed both inside and outside the House over this affair and public confidence has been correspondingly disturbed. The Government have, therefore, felt it right there should be some form of inquiry...⁴⁰

Eventually, a Tribunal of Inquiry was created under the Tribunals of Inquiry (Evidence) Act of 1926 to make further investigations. From March 17 to March 22, the Tribunal, which included the senior judge of

³⁸591 H. C. Debates, 5 s., col. 191; 599 H. C. Debates, 5 s., cols. 351, 354, 983.

³⁹600 H. C. Debates, 5 s., col. 31.

⁴⁰Ibid., cols. 31-32.

the Court of Session in Edinburgh, the rector of Aberdeen Grammar School, and the President of the Law Society of Scotland, heard thirty-six witnesses at six meetings. The report, submitted by the Tribunal on April 16, concluded that John Waters was an extremely cheeky boy and on the occasion in question his behavior and language could only be described as shocking; but that Mr. Gunn had struck him. Mr. Gunn's behavior, the report went on, was unquestionable blameworthy. The Tribunal freed the other constable and the local public prosecutors from blame.

In April 1963, there were so many allegations and rumors touching the interests of Mr. T. G. D. Galbraith, who was then Under-Secretary of State for Scotland, but had been Civil Lord of the Admiralty when Mr. William John Vassall was an Admiralty clerk, that Mr. Galbraith tendered his resignation to Prime Minister Macmillan. The First Lord of the Admiralty, Lord Carrington, and several officials of the Admiralty were also involved in the Vassall Spy Case.

The Government agreed to set up the Radcliffe Tribunal, including a small number of Privy Councilors, because the Opposition had applied heavy pressure upon the Government. The Tribunal found that the Ministers and the officials concerned were blameless, except an Admiralty official who was now dead. Moreover, the report of the Tribunal, while criticizing the system by which the Admiralty selected Mr. Vassall for his post, gave a most detailed account of how Mr. Vassall supplied secret information to the Russians when he served at the British Embassy as the naval attache's clerk, and later when he was in the Admiralty in London.⁴¹

If the Government keeps its majority, and refuses to accept the form

⁴¹The Times (London), April 26, 1963, p. 18.

of inquiry or investigation asked by the Opposition, there is no further recourse. The Profumo Affair indicates this point rather definitely.

Before the debate on the Profumo scandal, Prime Minister Macmillan disclosed that, on June 1, 1963, under Mr. Wilson's persistent demands, he had ordered an investigation of the security aspects of the scandal by Lord Dilhorne, the Lord Chancellor. At the Cabinet meeting, Mr. Macmillan presented the Dilhorne report. While the report was not made public, the Government said that Lord Dilhorne had found no security breach and no attempt to blackmail Mr. Profumo.⁴²

On the debate of the scandal, Mr. George Brown, the Deputy Leader of the Opposition, called for the appointment of a Select Committee of the House to conduct further investigation of the scandal: what Mr. Brown suspected was that various Departments had received bits of information which, if put together, would have made a dark and worrisome picture. Mr. Macleod, the Deputy Prime Minister, wondered whether it might not be better to take another look at the Prime Minister's idea, after the Vassall Spy Case, of referring the affair to a small number of Privy Councilors. "No!" the Opposition Members of Parliament shouted. Perhaps to be followed, Mr. Macleod continued, by an independent judiciary. "No! No!" they yelled again.⁴³

After the debate, Mr. Macmillan and Mr. Wilson (the Leader of the Opposition) failed to agree in two meetings on the form of a further inquiry into the security aspects of the scandal. On June 21, Mr. Macmillan

⁴²Manchester Guardian Weekly, June 13, 1963, p. 3; New York Times, June 14, 1963, p. 1; and *ibid.*, June 17, 1963, p. 3.

⁴³The Times (London), June 18, 1963, p. 7.

announced in the Commons that a judicial inquiry would be conducted by Lord Denning, the Master of Rolls. Mr. Wilson denounced the form of inquiry as inadequate. He reaffirmed that it should be conducted by a select Committee of the House, or by a tribunal of inquiry. Lord Denning's term of reference, according to Mr. Macmillan, would be:

To examine, in the light of the circumstances leading to the resignation of the former Secretary of State for War, Mr. J. D. Profumo, the operation of the security service and adequacy of their cooperation with the police in matters of security; To investigate any information or material that may come to his attention in this connection; and To consider any evidence there may be for believing that national security has been, or may be, endangered; and To report thereon.⁴⁴

General Debate

Debates in the Commons provide the occasion for another method of enforcing ministerial responsibility. The Government must meet the Opposition on the floor and in the lobby of the Commons. Although the Opposition challenge normally appears doomed to failure, the Opposition has one of its best opportunities to "swing the pendulum" in the coming parliamentary elections.

Debates in the Commons may occur on several occasions. The first business of a parliamentary session is what is known as the Debate on the Address. In January 1924, as already pointed out before, the Baldwin Government was defeated on the Debate of the Address. The Commons may debate the Estimates address of the Chancellor of the Exchequer which is called the "26 Parliamentary days on estimates of expenditure." The Opposition may move a reduction in a Minister's salary as its criticism. This happened in April 1959, but the Opposition's motion was rejected by

⁴⁴Ibid., June 22, 1963, p. 8.

195 votes to 146.⁴⁵ The second reading of a Bill also gives opportunity for a debate on the principle of the Bill. In this debate, a motion that "the Bill be given its second reading this day six months," or (in the latter part of the session) that "the Bill be given its second reading this day three months" may be tabled by the Opposition. For instance, when the Street Offences Bill was being considered in the Commons, a motion that "the Bill be given its second reading this day six months" was moved by the Opposition. The motion, again, was defeated by 235 votes to 88.⁴⁶ Other debates, like those on foreign policy and defense, may occur, and a division may follow. At the end of the debate on the breakdown of the Common Market negotiations, for instance, the Opposition's amendment of "no confidence" was rejected by a vote of 333 to 227.⁴⁷ In March 1963, the Opposition's amendment of "no confidence" in the Government's defense policy was defeated by 333 votes to 237.⁴⁸ The Government's decision to accept an offer from the United States of Polaris missiles for nuclear submarines instead of Skybolt missiles for aircraft was carried by a smashing majority (94) against bitter criticisms of the Opposition.⁴⁹

The main debates which take place in the Commons, as one might expect, are dominated by the two Front Benches. For instance, when the Suez policy of Mr. Eden's Government was under heavy bombardment of the Opposition, Mr. Gaitskell, speaking as the Leader of the Opposition, developed

⁴⁵604 H. C. Debates, 5 s., cols. 1,471, 1,598.

⁴⁶598 H. C. Debates, 5 s., col. 1,384.

⁴⁷Manchester Guardian Weekly, February 14, 1963, p. 3.

⁴⁸Ibid., March 7, 1963, p. 3.

⁴⁹Ibid., February 7, 1963, p. 5.

a three-fold criticism of the Government's conduct of the Suez Affair. He accused the Government of having injured the solidarity of the Commonwealth; of damaging Anglo-American relations; and of ignoring British obligations under the Charter of the United Nations. Mr. Eden defended the Government's policy on the ground that a nation was fully entitled to act in the interests of its own nationals and its own shipping independently of other states.⁵⁰ On June 17, 1963, when Prime Minister Macmillan was attacked by the Opposition with a vigor that has seldom been surpassed, Mr. Wilson, the Leader of the Opposition, accused Mr. Macmillan of gambling on the chance that the issue would never see the light of day. He acquitted him of complicity, but not of "a grave dereliction of duty." Mr. Macmillan admitted that although he was aware of "rumors" about Mr. Profumo's affair, he had concluded from statements made to him by Profumo that it "did not involve any security," and that he had no occasion to doubt Mr. Profumo's word. "I would ask the House," he said, "what alternative I had except to believe what I was told." "My colleagues and I have been deceived--grossly deceived--..." were his closing words on the unhappy debate. He still felt himself entitled to the "sympathetic understanding and confidence of the Commons and the country."⁵¹

The Prime Minister is exposed constantly to devastating criticisms from the Opposition for Government decisions or lack of decisions. In the winter of 1959, for example, Prime Minister Macmillan called the agreement which had been reached with Greece and Turkey on the future of Cyprus

⁵⁰558 H. C. Debates, 5 s., cols. 1,451, 1,454-1,458.

⁵¹The Times (London), June 18, 1963, pp. 6-7.

"a victory for reason and cooperation." Mr. Gaitskell, the Leader of the Opposition, said that Mr. Macmillan's Government deserved "particular credit for eating so many words and even inviting Archbishop Makarios to the Conference." Mr. Macmillan protested that the expressions of Mr. Gaitskell "were of the tone and temper that I expected from the narrowness of his outlook. He never has been, and never will be, able to rise to the level of great events."⁵²

Sometimes, the Prime Minister may have to put up with inhumane, harsh words. For instance, when Prime Minister Eden was opening a debate on the Suez Incident, Mrs. Braddock, a Labor Member of Parliament, interrupted: "You are a lot of hypocrites, the whole lot of you!"⁵³ Mr. Wilson once told the Commons: "That hon. Gentleman (i.e., Prime Minister Macmillan) is the only statesman of this country to claim, with characteristic modesty, to embody all that is best in both Disraeli and Gladstone. In fact, of course, he is wrong. He has inherited the streak of charlatantry in Disraeli without his vision, and the self-righteousness of Gladstone without his dedication to principle."⁵⁴

The Prime Minister, as the head of the Government, must answer argument by argument to explain and defend Her Majesty's Government. Of course, he must be able to persuade enough supporters to win the division if it occurs. The arguments of the Opposition are naturally very persuasive. Every Prime Minister should be competent to handle himself effectively in the give and take of debate in the Commons. It is probably

⁵²600 H. C. Debates, 5 s., cols. 623-624.

⁵³The Times (London), November 1, 1956, p. 4.

⁵⁴594 H. C. Debates, 5 s., col. 628.

true that one of the most familiar generalizations about the holder of the Prime Ministership is that he is a man whose high standing in political life has been earned through years of service to the Commons and his party. A General de Gaulle or General Eisenhower type of "hero-politician" could never dream of entering No. 10 Downing Street. British Prime Ministers generally have been long-time members of the lower House before they have assumed the office of Prime Minister. For instance: Arthur J. Balfour for 28 years; Henry Campbell-Bannerman, 38 years, Herbert H. Asquith, 22 years, Stanley Baldwin, 15 years; David Lloyd George, 26 years; Ramsay MacDonald, 18 years; Neville Chamberlain, 19 years; Winston Churchill, 40 years; Clement Attlee, 22 years; Anthony Eden, 32 years; and Harold Macmillan, 31 years.

Summary

Due to the fusion of legislative and executive powers through the tightly-organized party system, the absolute legislative power of Parliament has become vested in the Prime Minister and his colleagues. One need only briefly examine the priority of the Government's business and the voting pattern in the Commons to see how true this is. It goes without saying that the Prime Minister does not (and cannot) personally draft Government Bills and steer them through all stages of the parliamentary process. He delegates this power to his colleagues. However, the Prime Minister, in some cases, actually acts as the Leader of the Commons.

The Prime Minister (and his colleagues), as the Leader of the House of Commons and the head of the Government, must attend the House of Commons at Question Time and during major debates; here the Government defends and explains, while the Opposition attacks and questions. The role of the Opposition is to wait for the Government to make mistakes and then to pounce

upon its leadership. The vivid interplay between the Government, with its solid but not permanent majority, and the Opposition, which is strong, united, and vigorous, is the masterpiece of British political genius. In addition, the Prime Minister is politically responsible to provide the Commons necessary information through parliamentary inquiry and investigation.

The persistent challenge and criticisms of the Opposition, which are supposed to make the Government behave more reasonably, have only slight influence on the general policies of the Government, but they do exact a rendering of accounts and full discussion. The Prime Minister in particular and his colleagues in general must treat their opponents (as well as their supporters) with unceasing persuasion and mutual understanding. They have to keep an eye on the "floating voter," because their claim of mastery over the Commons must be sanctioned at the polls at least every five years. They not only must attract the loyalty of voters in parliamentary elections; they must assume the brunt of Government responsibility upon themselves. This is essential to the success and survival of British parliamentary democracy.

CHAPTER III

SUMMARY AND CONCLUSIONS

Under the British system of party government, the policy of Parliament is determined by the Government; the Government's policy is in turn determined by the Prime Minister in his capacity as the leader of the parliamentary majority and head of the Cabinet. In discharging the supreme legislative decision-making role, the Prime Minister must conform to established constitutional conventions, but the power of ultimate decision-making rests solely upon his shoulders. If things go well, he and his party may claim the right by electoral mandate to govern the nation. For blunders committed by his Government, the Prime Minister bears primary responsibility to his party and the public, which makes his tenure as Leader extremely hazardous.

The Prime Minister, as the Party Leader of the parliamentary majority in the House of Commons, commands the votes required to pass his legislative program. Members of Parliament are individually so well disciplined by party loyalty that nothing short of an act of political suicide--withdrawal from the party and resignation of the parliamentary seat--would induce them to defy the party whip. Moreover, Ministers of the Crown hold their posts at the discretion of the Prime Minister. Other positive and effective means of pressure, such as dissolution of the Commons and nomination of prospective parliamentary candidates are available to the Prime Minister.

Under ordinary circumstances, "political non-conformism" in the

House of Commons bears, more or less, analogy to "political hara kiri." This seems to be the first lesson of a British political career, for survival is the basic law of politics. No British politician can ignore that he normally has no political future outside of one of the two major political parties. The resultant cohesion of the British parliamentary party makes the enactment of Government policy in the House of Commons possible. If parties in the Commons were mere "dancers in a vast Virginia reel," the Prime Minister's supreme legislative decision-making role would become an "empty formula," and the function of the Opposition would fall into abeyance. Were the Prime Minister in the exercise of his legislative leadership, to make a judicious mixture of partisanship and bipartisanship or non-partisanship, the essence of constitutional government at Westminster would be rendered nugatory.

The commanding role from which the Prime Minister exercises his capacity as the majority Party Leader in the Commons is not without its awesome responsibilities. If he is to enjoy the confidence of his party, especially its leading figures (i.e., Ministers of the Crown), the Prime Minister must hold the consensus of the public and protect his party's mandate to govern. He must never become a political liability to his party by imperiling the chances of the parliamentary membership to retain its seats in the Commons. A Party Leader who suffers a resounding loss of public image will undermine the vote getting appeal of his party and threaten the political careers of his parliamentary colleagues. He will alienate the support of the press and forfeit financial contributions from the formerly sympathetic groups and individuals who saw in the party a defense of their interests. In his role as the Party Leader, the Prime Minister must lead effectively or he will soon lose the confidence of his

party and its electorate. Such a loss of confidence would lead inevitably to the forced resignation or removal of the Leader.

So long as the leader of the party in office can command his party stalwarts and sell his leadership to the majority of his party, it is his right to be master of Parliament during its legal term. This does not imply that the Prime Minister may behave arbitrarily towards the Opposition or commit outrages against the British sense of propriety. He must not drive the Opposition into violent resistance or lose the quality of legitimate governor by abusing his parliamentary prerogatives and powers. Her Majesty's Opposition permits the Prime Minister to be master of Parliament because the latter permits the former to oppose. The Prime Minister as a reasonable master of Parliament, must be able to persuade his opponents as much or more than his supporters into accepting his leadership.

In the main debates and question periods, the Prime Minister and his colleagues must be able to explain and defend effectively the general policies of the Government. The Leader of the Opposition and his followers, on the other hand, seek every chance to air grievances against the policy and proposals of the Government. In order to make a good impression upon the electorate outside, the Opposition has to oppose responsibly. The electorate, as a whole, has one of its best opportunities to compare the effectiveness of the Government's and Opposition's leadership. Electioneering is going on every day. The British constitution does not allow the electorate to change the powers of the office of Prime Minister, but it does allow it to change the person who exercises the powers. The Prime Minister must go to the country at least every five years. If he is defeated at the polls, he and his party must resign.

Great Britain has combined strong government with responsible

legislative leadership. The days are gone when one could say that the Queen-in-Parliament might provide for the execution of all blue-eyed babies. The Prime Minister leads a Government which is powerful enough to monopolize the legislative authority of Parliament, but the Prime Minister (as well as his colleagues), on the other hand, is politically required to assume the responsibilities of leadership to his party, to the House of Commons, and to the electorate. He is in no sense a dictator. Blackstone, Montesquieu, and Madison expressed grave doubts about the propriety of entrusting the powers of legislation and execution of the law to one man or body of men. If they were still alive, the achievement of constitutionalism by the British system of party government would come to them as a shocking surprise.

BIBLIOGRAPHY

Books

- Amery, L. S. Thoughts on the Constitution, 2nd ed. London, New York, and Toronto: Oxford University Press, 1956.
- Asquith, Herbert H. Fifty Years of British Parliament. Boston: Little, Brown, 1926.
- Attlee, Clement. The Labour Party in Perspective. London: Victor Gollancz, 1937.
- _____. As It Happened. New York: The Viking Press, 1954.
- Bagehot, Walter. The English Constitution, rev. ed. New York: D. Appleton, 1905.
- Brown, Robert Douglas. The Battle of Criche! Down. London: The Bodley Head, 1955.
- Carter, Byrum E. The Office of Prime Minister. London: Faber and Faber, 1956.
- Chamberlain, Neville. In Search of Peace. New York: G. P. Putnam's Sons, 1939.
- Chester, D. N., and Bowring, Nona. Questions in Parliament. Oxford: Clarendon, 1962.
- Churchill, Randolph S. The Rise and Fall of Sir Anthony Eden. New York: G. P. Putnam's Sons, 1959.
- Churchill, Winston S. Their Finest Hour. Boston: Houghton Mifflin, 1949.
- _____. Triumph and Tragedy. Boston: Houghton Mifflin, 1953.
- Eden, Anthony. Full Circle. Boston: Houghton Mifflin, 1960.
- Hunter, Leslie. The Road to Brighton Pier. London: Arthur Barker, 1959.
- Jennings, W. Ivor. Parliament, 2nd ed. London: Cambridge University Press, 1957.
- Keith, A. B. The British Cabinet System, 2nd ed. London: Stevens and Sons, 1952.

- Laski, Harold J. Parliamentary Government in England. New York: The Viking Press, 1938.
- Marshall, Geoffrey, and Moodie, Graeme C. Some Problems of the Constitution, rev. ed. London: Hutchinson University Press, 1961.
- McKenzie, R. T. British Political Parties. New York: St. Martin's, 1955.
- Merrett, John. How Parliament Works. London: Routledge and Kegan Paul, 1960.
- Morrison, Herbert. Government and Parliament, 2nd ed. London, New York, and Toronto: Oxford University Press, 1959.
- Lord Morrison of Lambeth, Herbert Morrison: An Autobiography. London: Odhams, 1960.
- Nicolson, Nigel. People and Parliament. London: Weidenfeld and Nicolson, 1958.
- Richards, Peter G. Honourable Members: A Study of the British Backbencher. New York: Praeger, 1959.
- Taylor, A. J. P. Lloyd George: Rise and Fall. London: Cambridge University Press, 1961.
- Taylor, Eric. The House of Commons at Work, 3rd ed. Harmondsworth, Middlesex: Penguin Books, 1958.
- Vicker, Ray. How an Election was Won. Chicago: Henry Regnery, 1962.
- Williams, Francis. Fifty Years' March. London: Odhams, 1949.
- Winterton, Edward T. Orders of the Day. London: Cassell, 1953.
- Young, Roland. The British Parliament. London: Faber and Faber, 1962.

Periodicals

- Andrews, William G. "Some Thoughts on the Power of Dissolution." Parliamentary Affairs. 13 (2), Summer 1960, pp. 286-298.
- Beloff, Max. "The Leader of the Opposition." Parliamentary Affairs. 11 (2), Spring 1958, pp. 155-162.
- Berrington, Hugh. "The Conservative Party: Revolts and Pressures--1955-1961." Political Quarterly. 32 (4), October-December, 1961, pp. 363-373.

- Bifflin, W. J. "Party Conference and Party Policy." Political Quarterly. 32 (3), July-September, 1961, pp. 257-266.
- Chester, D. N. "Who Governs England?" Parliamentary Affairs. 15 (3), Autumn, 1962, pp. 519-527.
- Epstein, Leon D. "Cohesion of British Parliamentary Parties." Political Science Quarterly. 50 (2), June, 1956, pp. 360-377.
- _____. "British M. P.'s and Their Local Parties: The Suez Crisis." American Political Science Review. 54 (2), June 1960, pp. 374-390.
- Heasman, D. J. "The Ministerial Hierarchy." Parliamentary Affairs. 15 (2), Summer, 1962, pp. 307-330.
- _____. "The Prime Minister and the Cabinet." Parliamentary Affairs. 15 (3), Autumn, 1962, pp. 461-484.
- Hinton, R. W. K. "The Prime Minister as an Elected Monarch." Parliamentary Affairs. 13 (3), Autumn, 1960, pp. 297-303.
- Hornby, Richard. "Parties in Parliament 1959-1963: I. The Labour Party." Political Quarterly. 34 (3), July-September, 1963, pp. 240-248.
- Livingston, William S. "British General Elections and the Two-Party System." Midwest Journal of Political Science. 3 (2), May, 1959, pp. 168-187.
- _____. "Minor Parties and Minority M. P.'s: 1945-1955." The Western Political Quarterly. 12 (4), December, 1959, pp. 1017-1037.
- Loewenberg, Gerhard. "The Transformation of British Labour Party Policy Since 1945." The Journal of Politics. 21 (2), May, 1959, pp. 234-257.
- Marshall, Geoffrey. "Ministerial Responsibility." Political Quarterly. 34 (3), July-September, 1963, pp. 256-268.
- Rothman, Stanley. "The Decline and Fall of the Labour Party?" South Atlantic Quarterly. 61 (2), Spring, 1962, pp. 151-158.
- Sainbury, Keith. "The Constitution--Some Disputed Points." Parliamentary Affairs. 15 (1), Spring, 1962, pp. 213-244.
- Shaw, Malcolm. "An American Looks at the Party Conference." Parliamentary Affairs. 15 (1), Spring 1962, pp. 203-212.
- Thomson, George. "Parties in Parliament 1959-1963: II. The Conservatives." Political Quarterly. 34 (3), July-September, 1963, pp. 249-255.
- Willson, F. M. G. "The Routes of Entry of New Members of the British Cabinet: 1868-1958." Political Studies. 7 (3), October, 1959, pp. 222-232.

Documents

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| 668 H. C. <u>Debates</u> , 5 s. | 669 H. C. <u>Debates</u> , 5 s. |

Newspapers

Manchester Guardian, March 4, 1955.

_____, March 11, 1955.

_____, March 14, 1955.

_____, March 17, 1955.

_____, March 24, 1955.

_____, March 31, 1955.

_____, April 4, 1955.

Manchester Guardian, April 14, 1955.

_____, April 29, 1955.

Manchester Guardian Weekly, October 4, 1935.

_____, January 24, 1963.

_____, February 7, 1963.

_____, February 14, 1963.

_____, February 21, 1963.

_____, March 7, 1963.

_____, March 14, 1963.

_____, April 18, 1963.

_____, May 2, 1963.

_____, June 13, 1963.

_____, June 20, 1963.

_____, June 27, 1963.

New Statesman, June 21, 1963.

New York Times, May 14, 1957.

_____, June 14, 1963.

_____, June 18, 1963.

_____, June 19, 1963.

_____, June 29, 1963.

_____, July 5, 1963.

_____, August 2, 1963.

The Times (London), November 1, 1956.

_____, November 5, 1956.

_____, November 9, 1956.

_____, November 15, 1956.

_____, November 17, 1956.

The Times (London), November 21, 1956.

_____, April 26, 1963.

_____, June 6, 1963.

_____, June 18, 1963.

_____, June 22, 1963.

_____, June 29, 1963.

_____, July 26, 1963.

The Times Weekly (London), May 15, 1940.

APPENDIX A

THE PRIME MINISTERS SINCE 1902

<u>Prime Minister</u>	<u>Tenure of Office</u>	<u>Government</u>	<u>Govt. Majority</u>
Arthur J. Balfour	Jul.1902-Jan.1906	Unionist	134
Henry Campbell-Bannerman	Jan.1906-Apr.1908	Liberal	356
Herbert H. Asquith	Apr.1908-Jan.1910	Liberal	356
Herbert H. Asquith	Jan.1910-Dec.1910	Liberal	124
Herbert H. Asquith	Dec.1910-May 1915	Liberal	126
Herbert H. Asquith	May 1915-Dec.1916	Coalition	418
David Lloyd George	Dec.1916-Dec.1918	Coalition	418
David Lloyd George	Dec.1918-Oct.1922	Coalition	427
Bonar Law	Oct.1922-May 1923	Conservative	77
Stanley Baldwin	May 1923-Jan.1924	Conservative	Minority Govt.
Ramsey MacDonald	Jan.1924-Nov.1924	Labor-Liberal	85
Stanley Baldwin	Nov.1924-May 1929	Conservative	223
Ramsey MacDonald	May 1929-Nov.1931	Labor-Liberal	79
Ramsey MacDonald	Nov.1931-Jun.1935	Coalition	501
Stanley Baldwin	Jun.1935-May 1937	Coalition	289
Neville Chamberlain	May 1937-Sept.1939	Coalition	289
Neville Chamberlain	Sept.1939-May 1940	War	247
Winston Churchill	May 1940-May 1945	Coalition	597
Winston Churchill	May 1945-Jul.1945	Conservative	247
Clement Attlee	Jul.1945-Feb.1950	Labor	148
Clement Attlee	Feb.1950-Oct.1951	Labor	5
Winston Churchill	Oct.1951-Apr.1955	Conservative	17
Anthony Eden	Apr.1955-Jan.1957	Conservative	60
Harold Macmillan	Jan.1957-Oct.1959	Conservative	60
Harold Macmillan	Oct.1959-Oct.1963	Conservative	100

APPENDIX B

CAUSES OF RESIGNATION OF PRIME MINISTERS, 1902-1963

<u>Prime Minister</u>	<u>Term of Office</u>	<u>Cause of Resignation</u>
Salisbury	1895 - 1902	Retirement
Balfour	1902 - 1906	Defeat at the Polls
Campbell-Bannerman	1906 - 1908	Retirement
Asquith	1908 - 1916	Internal dissension
Lloyd George	1916 - 1922	End of Coalition and Internal Dissension
Bonar Law	1922 - 1923	Retirement
Baldwin	1923 - 1924	Defeat in the House of Commons
MacDonald	1924 - 1924	Defeat at the Polls
Baldwin	1924 - 1929	Defeat at the Polls
MacDonald	1929 - 1935	Retirement
Baldwin	1935 - 1937	Retirement
Chamberlain	1937 - 1940	Loss of support without defeat
Churchill	1940 - 1945	End of Coalition - Defeat at the Polls
Attlee	1945 - 1951	Defeat at the Polls
Churchill	1951 - 1955	Retirement
Eden	1955 - 1957	Loss of support without defeat and Retirement
Macmillan	1957 - 1963	Retirement

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