

Unit 2

The Westminster Model of Parliamentary Democracy: A Millennium of Evolution

Overview

This unit examines the major events in the evolution of the Westminster model of parliamentary democracy. It begins with an examination of the notion of 'responsible government' and then moves to an examination of the broadening of the right to vote. This discussion of the extension of the franchise, to working class males and to women is followed by a look at some of the important 20th century parliamentary reforms. Finally, the unit ends with a discussion of the Crown's role in the evolving Westminster model.

Learning Objectives

After you have completed this unit you should be able to achieve the following:

1. Discuss the evolution of the Westminster model of parliament, from the 13th century onwards.
2. List the steps that, taken over time, have made the British parliamentary system more democratic.
3. Name four ways in which today's British parliamentary model differs from the earliest model.
4. Explain the current role of the Crown in the Westminster model.

Commentary

The Development of Responsible Government

The modern parliament has deep roots in British soil. The term 'parliament' derives from words referring to conferences or discussions. The Saxons, a Germanic tribe, invaded Britain and took power about the year 450. Un-elected councils advised the Saxon Kings and also possessed the power to elect Kings (Wilding and Laundry, 675). The proclamation of Magna Carta in 1215 firmly established the notion that the royal prerogatives were limited and that the Crown would rule within the law, at least where the aristocracy were concerned. Ordinary people did not yet have full rights as citizens. In 1254 when King Henry III needed money, he instructed the sheriff of each

shire (county) to send, that is to say, ensure the election of, two knights to meet with the Crown, church officials and the leading aristocrats.

The Model Parliament of 1295 set in place structures that resembled the current parliamentary model. The Crown sought counsel from the leading elements of English society: representatives from shires, cities and boroughs, the clergy, earls and barons. (Individuals in this last category are also described as peers or the aristocracy. Their positions are based on the inheritance of a title.) The high clergy met with the earls and barons in a body that would evolve into the House of Lords, while the representatives of shires, cities and boroughs met in what was to become the House of Commons. Those who sat in the Commons were put there by local elections.

Parliament(s) met irregularly and for very short periods. Parliament was summoned when the Crown wanted more money for particular initiatives. The Crown explained to the assembled parliamentarians why it needed more money and provided a list of points on which the Crown desired their opinions. As well as responding to the Crown's issues, Parliament had the opportunity to present grievances. These grievances took the form of petitions asking the Crown to act in a certain area. Throughout the medieval period the practise evolved of sending the Crown a bill in the form of a statute instead of a petition. The Crown's responses were essentially the legislation of the day. Medieval parliaments were largely expressive bodies, telling the Crown the wishes of the nation. The Crown could choose to legislate on the basis of parliamentary input, or to ignore Parliament's advice.

The right of Parliament to impose taxes developed over time. With the civil war and revolution of the 17th century and the ensuing Bill of Rights in 1689, the Crown acknowledged limits to its authority. These limits included an agreement that the Crown could not make or unmake laws without parliamentary consent, that freedom of speech would be guaranteed in Parliament, and that the Crown could not raise money without authorisation from Parliament. This agreement significantly enhanced the role of Parliament in making important political decisions.

Parliamentary evolution in the 18th century resulted in the creation of a system of responsible government. In the early centuries of British Parliament, the Crown maintained complete executive power, selecting all ministers and deciding whether or not to take parliamentary advice. Over time, the Crown lost its ability to make independent policy decisions, but maintained its ability to designate ministers. However, following the American Revolution, the Crown effectively devolved the selection of ministers to Parliament and eventually to the primary representative of the Crown, the Prime Minister. It is often forgotten that at the time the United States established its presidential form of government, the notion of responsible government was relatively novel even in Britain. But as Bagehot notes, by the dawn of the 19th century "We have in England an elective first magistrate as truly as the Americans have an elective first magistrate" (No date: 83). That was because the British Prime Minister, while not elected directly by the people like an American president, was chosen by the majority of elected representatives in the legislative assembly.

It is easier to understand the development of responsible government by looking at its first manifestation in one of the British colonies. Nova Scotia

was the first colony to receive an elective legislative assembly, but in selecting a government the Crown-appointed Colonial Governor was neither bound nor limited to those who were elected to the assembly. Thus regardless of the outcome of elections, the governor could invite whomever he wished to form the council that advised him. Moreover, it was irrelevant if the elected members opposed the composition or the actions of the government. The government was responsible (answerable) to the Governor, not the legislative assembly. In the 1830s the colony demanded the same sort of responsible government that existed in Britain. The demand was finally met in 1848 when the British government granted responsible government to Nova Scotia.

From that point forward the government (or cabinet) of Nova Scotia was drawn from the legislative assembly and required the support of a majority in the assembly to remain in office. When the government lost the confidence of Parliament, meaning that it no longer enjoyed the support of a majority of the elected members, it had to resign. This was essentially the same evolution experienced in Britain almost 50 years earlier as the Crown gradually devolved the choice of the government to Parliament.

Although by the early 1800s the British parliamentary system was operating in ways that observers today would easily recognise, the system was far from democratic. The 19th and 20th centuries saw extensive reforms, resulting in the weakening of the power of the House of Lords and the participation of virtually all adult citizens in parliamentary elections.

Broadening the Right to Vote

Before the Reform Act of 1832 the election of members to the House of Commons was in the hands of a tiny group of affluent subjects. Punnett (1988: 41) estimates the proportion of the adult male population eligible to vote to be about 5 per cent. The ability to determine voting eligibility in the shires rested with the sheriffs and varied widely. There were no clear rules for the establishment of boroughs and therefore representation was haphazard. One of the ways that some monarchs tried to control Parliament was by creating new boroughs to ensure that solid men who supported the Crown's wishes were returned to the House of Commons. As well, members of the House of Lords, through their wealth and patronage, were, in effect, able to determine the holders of a significant number of Commons seats. At times borough seats were actually bought and sold. Some of these boroughs had fewer than 20 voters responsible for 'electing' the two members each borough was entitled to send to the House of Commons.

A growing discontent among the middle classes over their exclusion from power led to the Reform Act of 1832, which eliminated a number of the so-called rotten boroughs, redistributed seats more equitably based on population, created a more general entitlement to vote, and established a register of eligible voters. As a result, the vote was given to middle class males and the number voting grew significantly. Ilbert and Carr describe the Reform Act as "one of the great landmarks of English history" (1948: 36).

In the aftermath of this reform, the power of the House of Lords declined, even though Prime Ministers were still drawn from the House of Lords. Between 1832 and 1902, six out of thirteen Prime Ministers were drawn from

the House of Lords. Whereas previously a defeat of government-supported legislation in the Upper House would generate a vote of confidence in the Commons, after 1850, defeats of government legislation by the Lords had no impact on the government's tenure.

With the passage of the Representation of the Peoples Act in 1867 the right to vote was extended to the urban working class, enfranchising almost 2 million men. In 1872 secret ballots were introduced in the electoral process. In 1884 another Representation of the Peoples Act enfranchised male workers in rural areas and gave the great majority of males the vote in parliamentary elections, a privilege extended to all males by 1911. Succeeding Acts in 1918 resulted in first allowing some women to vote and then in 1928 extending voting rights to women on the same basis as men. These last two Acts eliminated property qualifications and ushered in an era of universal adult suffrage, a concept now an integral part of the Westminster model.

20th Century Reforms

Reforms throughout the 20th century effectively curtailed the power of the un-elected House of Lords, which appeared more and more as an anachronism. In 1911 the Parliament Act turned the House of Lords into a delaying body and demonstrated that the Crown acted only on the advice of the Commons. The House of Lords had a long tradition of refusing to pass Commons bills with which it disagreed. In 1909 its rejection of a key piece of legislation led the Prime Minister to limit the power of the second chamber. Accordingly, the Parliament Act of 1911 removed from the House of Lords the power to prevent legislation from going to the Crown for final assent. The House of Lords would only be able to delay passage. Of course, the House of Lords was not eager to have its powers restricted in this way. However, when it became clear that the Cabinet was willing to ask a sympathetic Crown to appoint enough new peers to ensure the passage of the Act, the House of Lords acquiesced in the reduction of its powers.

Another Parliament Act in 1949 dramatically reduced the period for which the Lords could delay legislation. Finally, the Parliament Act of 1999 eliminated the hereditary nature of positions in the House of Lords, allowed only a few of the existing hereditary peers to remain in the Upper House and ensured that all future appointments of life peers would be based on prime ministerial recommendations.

The evolution of the Westminster model of Parliament from the medieval period to the present follows four themes.

1. transfer of authority from the Crown to Parliament
2. transfer of authority from the House of Lords to the House of Commons
3. the development of a system of responsible government
4. the gradual broadening of the right to vote into universal adult suffrage.

From a model in which the Crown sought advice from aristocrats and representatives elected by only a handful of subjects, Parliament became an

institution marked by responsible and representative government and dominated by a Commons elected by virtually all adult citizens.

The Crown's Role

It would be a mistake to infer however that the Crown no longer has a role to play under the Westminster model. As in all parliamentary systems, the positions of head of state and head of government are divided and the head of state retains a role. Among other responsibilities, the head of state has the sole power to grant the dissolution of Parliament and the responsibility for determining whether a head of government enjoys the confidence of the elected legislative assembly. A head of state with independence from the Prime Minister is an important guarantor of parliamentary rights and privileges. Similarly, although the House of Lords possesses only the ability to delay legislation, its refusal to pass some Commons legislation has led the Commons to reconsider and, on occasion, to withdraw the legislation. It also undertakes valuable research on some issues and introduces some legislation.

Recommended Reading

Ilbert, Courtney and Cecil Carr. *Parliament*. London: Oxford University Press, 1948, 1-21.

Punnett, R. M. *British Government and Politics* (5th edition). Prospect Heights: Waveland, 1988, Chapter 6.

Study Questions

Based on your readings, see if you can answer the following questions. If not, read the commentary over again to find the answers.

1. How has the Westminster model of parliament evolved from the 13th century onwards?
2. What steps over time made the British parliamentary system more democratic?
3. How does today's British parliamentary model differ from the earliest model?
4. What is the current role of the Crown in the Westminster model?

Internet Resources

Parliamentary Evolution

Australia. Macquarie University: "A Comparison of the Australian, British, and American Political Systems"

<http://www.humanities.mq.edu.au/Ockham/y67xan1.html>

The Spartacus Internet Encyclopedia "British History, 1700-1900: Parliamentary Reform"

<http://www.spartacus.schoolnet.co.uk/PRparliament.htm>

Parliamentary Reform Act 1867

<http://www.spartacus.schoolnet.co.uk/PR1867.htm>

1872 Secret Ballot Act

<http://www.spartacus.schoolnet.co.uk/PR1872.htm>

1884 Reform Act (extended franchise to working class men in rural areas)

<http://www.spartacus.schoolnet.co.uk/PR1884.htm>

1911 and 1949 Parliament Acts

<http://www.parliament.uk/parliament/guide/parlacts.htm>

Qualification of Women Act of 1918

<http://www.spartacus.schoolnet.co.uk/W1918.htm>

Equal Franchise Act of 1928

<http://www.spartacus.schoolnet.co.uk/W1928.htm>

Parliamentary Politics and Reform in South Asia (India, Pakistan, Sri Lanka, Bangladesh and Nepal)

<http://www.surfsouthasia.org/NEW/SURF/GOV/workpapr/parliam.shtm>

Peter Weber, "Labour's Great Britain: Remodelling Westminster"

<http://www.suite101.com/article.cfm/1894/30521>

(University College London) The Constitution Unit. "Constitutional Update: House of Lords Reform"

<http://www.ucl.ac.uk/constitution-unit/constupdate/lordsref.htm>

"A House for the Future: Royal Commission on the Reform of the House of Lords"

<http://www.official-documents.co.uk/document/cm45/4534/4534.htm>