

INTRODUCTION

The Westminster Model and the State of Unions

BY JAMES MITCHELL

IN 2005, Richard Wilson (Secretary to the Cabinet, 1998–2002), remarked, ‘History may judge that one of the most important and lasting legacies of Mr Blair’s government has been its impact on the British constitution and the institutions of the state’.¹ Supporters and opponents of the constitutional reform programme described it as revolutionary.² However, Dawn Oliver noted the absence of a ‘master plan or coherent programme for reform of the UK constitution’ and considered that the reforms were ‘pragmatic responses to political pressures and perceived problems, on an ad hoc, incremental basis’.³ A similar point was made by David Judge who concluded that the paradox of ‘control freakery’ combined with giving away power was the result of having two competing visions of democracy, one based on an orthodox ‘Westminster model’ and the other on participation, enabling and deepening democracy. He noted the continued importance of the ‘Westminster model’, the view that ‘authority of government stems from its majoritarian position in the House of Commons’,⁴ at the heart of British constitutionalism.

This lack of coherence in the New Labour government’s approach to constitutional reform was reflected in its devolution programme. Typically described as asymmetric, devolution has differed markedly in its conception and implementation, and indeed non-implementation in England’s case, in the component parts of the UK. History may judge devolution to be Blair’s most important and lasting legacy but there was ‘no master plan or coherent programme’ of devolution but rather a series of ‘pragmatic responses to political pressures and perceived problems, on an ad hoc, incremental basis’. And, crucially, it was marked in practice by the same combination of control freakery and giving away power, informed by competing visions of democracy in which the Westminster model remained central.

One consequence of devolution has been the need to re-assess orthodox understandings of the UK. Until recently, the UK was seen as a unitary state but a new orthodoxy has emerged. Amongst others, the

House of Lords Select Committee on the Constitution described the UK as a union state rather than a unitary state in outlining the basic tenets of the constitution.⁵ But this new orthodoxy now needs to be challenged. The idea of the UK as a union state fails to appreciate the variety of unions that created the UK and the persistence of their legacies in its development.⁶ This is evident in the different motivations behind devolution and it is evident in how devolution has developed over its first decade. The absence of devolution in England (other than the London Assembly), Scottish legislative devolution, the Welsh Assembly without primary legislative powers, and the consociational institutions of Northern Ireland reflect and entrench long established asymmetries.

However, the differences should not be exaggerated. Westminster and the Westminster model remain central to the establishment and development of devolution. The devolved bodies have roots in the Westminster Parliament but also have roots in anti-Westminster politics. Westminster's influence had been felt from the start, not least because of the role that Westminster politicians and officials played in these reforms. The experience of Westminster combined with pressures to be different from Westminster to inform the creation of devolved government. Devolution may be the offspring of Westminster and continues to be affected by Westminster experience but by its very nature, there is scope in each polity to embark on different trajectories. In these articles, each author has considered how devolution has developed or, in England's case, has had an impact. What have emerged are three devolved polities which, for different reasons and in varying degrees, were established to depart from the Westminster model. The most radical departures are found in Northern Ireland where the Good Friday Agreement provided for institutions based on power-sharing, though this term was expunged to avoid association with past failed efforts at reform. An electoral system and rules governing the creation of an Executive were instituted that ran contrary to the Westminster model in which authority of government stemmed from its 'majoritarian position' in Parliament. In Scotland, an electoral system was adopted that would make it highly unlikely that any one party would have a majority in Parliament necessitating coalition or minority government. Similarly the Welsh Assembly was elected by a more proportional system than that used for Westminster and initially was based more on a local government model. Much rhetoric surrounded the idea of 'new politics' but this was given little institutional form.

England must be included not least because devolution has implications for the largest part of the UK. Though predictions of an English backlash have not occurred, a debate simmers on whether there need to be changes at Westminster to take account of devolution. The context of Labour having most English seats has dampened demands for reforms though it is conceivable that a change in context,

whether the election of a Conservative Government or simply that the Conservatives win more seats in England than Labour, might push the issue up the agenda. It is, therefore, possible that the most far-reaching changes to the Westminster model may yet come about in Westminster itself though English Votes for English Laws, as Vernon Bogdanor in one of the articles gathered here notes, are likely to create problems elsewhere in the constitution. At the same time, the practice of devolution in Northern Ireland has highlighted the public policy problems that can arise from institutional arrangements designed to create peace. Pressures for reforms that might push Northern Ireland towards a model in which governments are able to govern effectively, which seems likely to mean towards the Westminster model, seem unlikely to go away. This may not mean the Westminster model but some further modifications of the existing model building on reforms that followed the St Andrews Agreement. Similarly, developments in Scotland and Wales suggest that the Westminster model is far from dead in informing the practice of devolution. Reforms in Wales have already seen the local government model modified.

Despite the rhetoric of 'new politics', the devolved institutions exhibit the pull of their genealogical roots. In part, this may reflect the failure to break properly with the Westminster model. By adopting a system in which the executive is formed from within the assembly limited how radically different the devolved institutions could be. Coalition government has turned out to be less different from single party majority government than many expected. Northern Ireland has been different because of its more radical breach with the Westminster model. But even here, we see pressures to dilute this radicalism. Devolved government's roots are still in evidence ten years on but each polity appears to be heading off in different directions. Shared parentage does not mean similar trajectories. The UK now has a system of government that is not only asymmetric but has common roots but diverging trajectories even as the Westminster model remains important. The UK is, in this sense at least, an ever looser union.

Department of Government
University of Strathclyde
Glasgow G1 1XQ
UK
j.mitchell@strath.ac.uk

- 1 Richard Wilson, 'Constitutional Change: A Note by the Bedside', *Political Quarterly*, 76, 2005, 281.
- 2 'We are going through a period of unprecedented constitutional change'. Robert Hazell, 'The New Constitutional Settlement', in Hazell (ed.), *Constitutional Futures: A History of the Next Ten Years*, Oxford University Press, 1999, p. 230; New Labour's programme of constitutional reform is 'wider than that of any political party taking office this century'. Robert Blackburn and Raymond Plant (eds.), *Constitutional Reform: The Labour Government's Constitutional Reform Agenda*, Longman,

- 1999, p. 1; 'History may judge that one of the most important and lasting legacies of Mr Blair's government has been its impact on the British constitution and the institutions of the state'. Richard Wilson, 'Constitutional Change: A Note by the Bedside', *Political Quarterly*, 76, 2005, 281; Andrew Gamble, 'The Constitutional Revolution in the United Kingdom', *Publius*, 36, 2006, 19–35.
- 3 Oliver, *Op. Cit.*, p. 3.
 - 4 David Judge, "'This is What Democracy Looks Like": New Labour's Blind Spot and Peripheral Vision', *British Politics*, 1, 369.
 - 5 House of Lords Select Committee on the Constitution, *Reviewing the Constitution: Terms of Reference and Methods of Working*, 1st Report, HL Paper 11, Session 2001–2002, para. 17. The five 'basic tenets' of the Constitution it identified were: Sovereignty of the Crown in Parliament; The Rule of Law, encompassing the rights of the individual Union State; Representative Government; Membership of the Commonwealth, the European Union, and other international organisations.
 - 6 This argument is discussed at book length in James Mitchell, *Devolution in the United Kingdom*, Manchester, Manchester University Press, 2009.