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# **The Evils of Party Government**

Proposals For The Elective System of  
Selecting Cabinet Ministers.

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## Preface

The evils of the system of Party Government have now become so obvious to everyone who is in any degree acquainted with modern political warfare that no apology is required for entering upon an inquiry as to the best means of remedying them, as is done in the following pages. The main object aimed at has been to show, first that Party Government is not in any way an essential feature of the British Constitution – being rather an accidental growth of an unhealthy character upon the time honoured system of representative government evolved by the "Mother of Parliaments." In the second place it is proved, by references to the written Constitution of the Australian Commonwealth, that Party Government may be eliminated from it without altering any of its valuable provisions, indeed without incurring even the need for revising a single word of the bond entered into by the Australian States.

The remarkable consensus of opinion among eminent thinkers and leaders of public opinion on the mischief wrought by party methods of faction fighting within parliament will be apparent from a perusal of the chapters devoted to that part of the subject. The best cure is doubtless to be sought for in the establishment of a system of Elective Ministries. With a view of throwing valuable light on the probable effect of adopting such a reform, the working of the elective principle, as applied to the Executives of Switzerland and the United States, will be found explained at some length.

The chapters are revised reprints of special articles which have appeared in "*The Age*."

## *Chapter I*

### **The Breakdown of Party Government in Australia.**

The fourth year of the Australian Commonwealth is pre-eminently a time when common sense has reason to condemn the unworkableness of Party Government. In all States of Australia we find public business hung-up because of the struggles of opposing parties for places on the Treasury benches. It is not that the politicians themselves are particularly selfish; on the contrary, in not a few cases they have shown self-abnegation. It is the inherent vice of the party system which has compelled them to block one another as they do.

To take our present Federal situation as the chief instance in point, the case against the party system is simply unanswerable. The new Parliament met on the 2<sup>nd</sup> of march, 1904. It consisted of three almost equal parties – Government, Opposition and Labor. Had the House of Representatives proceeded at once to elect a Government to carry on the work of the country, just as a banking corporation would elect its working directors, there is nothing in the state of parties in the House which could for an instant have stood in the way of a prompt despatch of business. In such a case the House would have chosen, say by ballot, the men from all parts of the Chamber whom it might think most likely to prove good administrators. Matters of general policy it would retain in its own direction. In such a case Messrs. Deakin, Watson, Reid and Sydney Smith and Sir William Lyne might quite conceivably have been all chosen in the same Ministry. A Government so formed would have been elected for the life of the present Parliament. It would have gone to work at once and prepared the measures directed by the Parliament, and as there would have been no question of displacing Ministers by an adverse vote, nothing could have intervened to stop the rapid progress of legislation. The Arbitration Bill, and half a dozen other measures, might promptly have been passed.

Contrast such a course of ordinary business procedure with what has really taken place. The Deakin Government opened the session with the good will of all. In a month, because the majority of the House differed from Ministers on a certain clause of the Arbitration Bill, it had gone out of office, and the Watson Ministry was in its place, with three or four weeks' delay consequent on the change. The new Administration has now been three months in office. Every day of that time it has lived under the threat of impending expulsion. The treatment of its measures has been regulated very largely by the chances of putting it in positions of humiliation. That, of course, is the recognised treatment which is due to all Party Governments.

If Ministers bring forward a clause which does not pass in the form in which they submit it a shout of Opposition triumph is raised, and Ministers are tauntingly questioned as to how much more of this sort of thing they are able to endure. There seems to be no idea in Parliament that the Chamber elected by the people has the supreme right of fashioning every Bill to its own liking. Ministers are expected to dictate to the House what it shall do or leave undone, and if they fail in this they are spoken of as feeble and unfit for their posts. Mr Deakin, who went out of office when two-thirds of the House wished him to remain, is held up as a model for imitation, while the Minister who stands to his post and admits the right of Parliament to guide the Cabinet is laughed at as a weakling.

The consequence of all this is that legislation has been brought to a standstill. Two Houses have been sitting for four months, and during all that time 111 members have been drawing each £8 per week, without having done as much legislative work as might be compressed into one day's sitting. And what are the prospects of the future? Not one whit more hopeful than in the past. The Watson Ministry has submitted some navigation clauses for incorporation in the Arbitration Bill. It is said that the majority of the House is against their inclusion, and that the Government will be defeated upon them. No one can question the right of the Chamber to exercise its free choice in the acceptance or rejection of such provisions. But the matter does not end there, as it ought to do, and would do in a House presided over by a Ministry chosen outside of the party system. Should the Watson navigation clauses be defeated, that will be regarded as a degradation of the Ministry, and it is said that in such a case Mr. Reid will pluck up courage to ask the Chamber to turn the Government off the Treasury benches.

In that case we have before us the prospect of at least a fortnight's debate on the question whether the Watson Ministry is fit to be entrusted with the responsibilities of office. We knew from the prolonged negotiations which have taken place that the result of the division on such a question is of a doubtful character. Ministers claim that on a straight vote they can win. The Opposition is confident that it has a small majority, ranging from one to five. Whatever may be the case, one thing is certain – business is further delayed, the pay of members and the heavy cost of our elaborate Parliamentary machines goes on; no work is done, and the plain possibilities are a dissolution, asking the people at large to send in a new Parliament which can work. This is a moderately drawn sketch of what has happened in a Parliament which came back from the country in December, 1903, full of hope and capacity for work, but blighted by that impracticable absurdity known as Party Government.

If we turn to Tasmania, the same thing is apparent. There also a Ministry has been fighting for its life for nearly a year past. The waste of effort, the loss of time, the loss of temper, the acerbity of the strife, have all contributed to pile up in Tasmania such a condemnation of Party Government as ought to make the hateful system odious in the minds of patriotic men.

Queensland presents an almost exactly similar spectacle. The fight of Philip against Morgan was changed to one of Rutledge against Morgan, and after a division, in which the two sides were practically equal, the solution, such as it is, has to be sought in a dissolution, with all its expense, delay and passionate personal recriminations. It is purely the consequence of Party Government. An elected Ministry would have prevented it all.

In Western Australia, with a Parliament just fresh from the polling booths, the same block exists. In South Australia the difficulty has been for the time evaded only by killing party rule by a coalition. In every one of these cases an elective Ministry could have gone to work and made good use of thoroughly workable Houses. Party has been the sole disturbing element. It has robbed the electors of the service which they have bought and paid for, and to which they were honestly entitled. Surely the bright intelligence of an Australian public will not tolerate much longer such a time wasting, costly and futile system. A practical people should be able to emancipate themselves from the tyranny of mere traditional domination; and when they come to realise its full cost in time and money they will give the signal for sweeping it away.

## *Chapter II*

### **Evolution and Growth of the British Cabinet System.**

The experimental and makeshift character of the present British system of government by party Cabinet can only be realised by those who have closely studied the history of the 200 years which have elapsed since the time of the first Junto of British party Ministry. It comes as a surprise to the great majority of English speaking people to learn that, as a matter of historic fact, there was no such thing as a British Cabinet so recently as 210 years ago, and that, in point of fact, the undisputed power which the Parliamentary known as the Cabinet has obtained over the destinies of the nation was not really consolidated for at least a century later.

Parliaments have been in England for 600 years; but Cabinets, as they now exist, were invented hardly more than a century ago, and the mode of their selection is still open to very important improvements. The kind of Cabinet which, led by one man, is placed in a position sometimes to set at defiance the will of the people for a period of two or three years, and sometimes to coerce Parliament itself by threats of a dissolution, is a product practically of the last half of the nineteenth century. Its usurpation of power which ought to belong to the Parliament has often been referred to in terms of admiration by writers whose minds are prone to imitate the mistakes of ancient peoples by ascribing all existing institutions to a divine origin.

Englishmen, in their own little island, dotted all over with its relics of a hoary antiquity, its ancient castles and monasteries, its immemorial customs and images, can hardly imagine a time when the political institutions to which they have grown accustomed first came into being. Yet, as a matter of hard legal fact, there is no such thing in British law as a Cabinet. The statutes of the United Kingdom may be searched in vain for any recognition of the power which the Ministry exerts over the people and their Parliament. The executive system in England, as it exists at present, is still in the plastic stage. In course of time it will be moulded to one shape or another; and it is of the greatest importance that the people as a whole should possess an intelligent idea as to the possibilities of the future in relation to it.

It will be seen that the autocratic power which at one time belonged to the King has, in very large measure, been retained by the Prime Minister, and that process of transferring the real control of the nation's affairs, through the will of the people as expressed by their representatives, cannot be considered at all complete until Parliament exercises a much more real and direct influence in placing the head of the Government in office and causing him to install, in the various departments, men whom the people can trust to carry out their wishes.

At the Restoration the House of Commons, on behalf of the nation, accepted a King after the interregnum of the Commonwealth and the Protectorate. But it was firmly resolved never to tolerate another tyrant. During thirty or forty years the House became more and more unmanageable by the King, and the birth of the present Cabinet system was due to the straits in which the monarch was placed when, in accordance with the Bill of Rights, he was obliged to call Parliament together and make his excuses to it before he could obtain a penny of money from the nation by way of taxation. Charles II. played a very double game with the House of Commons when, in order to obtain money for his extravagant and licentious court, he accepted a pension from the King of France, and, by the secret Treaty of Dover, practically sold himself into disgraceful bondage. Shaftesbury, his court favourite and boon companion in debauchery, had in a moment of drunken communicativeness wormed the King's secret out of him; and, foreseeing the storm of public indignation which would arise when the inevitable disclosure came later on, he made haste to placate the leading men in Parliament by intriguing against his royal master. The King retorted by appointing a man called Osborne to be his favourite Minister, and creating him Earl of Danby. Shaftesbury, and three or four friends were promptly sent to prison in the Tower; but when affairs seemed to have become quieter they were liberated. Then began the series of alleged revelations of Titus Oates, by which the nation was worked up to a frenzy of fear and suspicion about the undermining of the Church of England and the ascendancy of the Jesuits. Shaftesbury made the utmost of the public discontent aroused by these allegations. When there were laid on the table of the House of Commons some papers proving that the King had sold himself and his people to France, Shaftesbury perceived that the whole game was in his. He made the King promise, for fear of further revelations, that Parliament should be dismissed and a new one summoned. Charles feared the rise of an armed Parliamentary party and a revolution in which he might lose his head, as his father had done. He delegated most of his executive powers to a committee of five, known as the Cabal. The term was an imported one, but by a strange coincidence its five letters gave the initials of the new Ministers – Clifford, Arlington, Buckingham, Ashley – or Shaftesbury – and Lauderdale.

Such was the inauspicious beginning of the caucus system of responsible government which some Englishmen have imagined to be the crowning glory of the British Constitution. But it was left to a man more unscrupulous than perhaps any of the five who have been mentioned to suggest to William III. The curious device of changing the policy of his administration every time the balance of power shifted in the House of Commons. The high Tories, who had held a majority in Parliament during the reign of James II., were displaced by an election. The King – a Dutchman, who hardly knew a word of English – was extremely puzzled when informed that there was now a Whig majority in the Commons. He was warned that there would be a great deal of discontent if he kept in office a Tory Council of chief executive officers. In his dilemma Robert Spencer, Earl of Sunderland, perceived a chance of getting into the King's favour. He had shifted his ground through three successive reigns, almost as frequently as the famous Vicar of Bray, who boasted that "whatsoever King might reign," he would still continue to occupy his vicarage. When Charles, was King, Sunderland had first intrigued against the succession of James and then made up his quarrel with that ill-fated Prince. But when William and Mary came over he suspected

that his reputation for double dealing would reach their ears, and accordingly he went into retirement for a time. The puzzled foreign King, in his dilemma of having a Whig House of Commons and a Tory Ministry, was very much inclined to cry, "A plague on both your Houses!" and to try the experiment of establishing a kind of autocracy, when Sunderland came up to court, and asked an audience, and propounded the plan of suiting the Cabinet to the majority of the House of Commons. William jumped at the idea as offering a capital chance of pleasing the Commoners without in any way sacrificing his own dignity, and the consequence was the establishment in power of the celebrated Whig "Junto," which was the first British administration to be installed in office on the distinct understanding that as soon as it lost the confidence of the majority in the House of Commons it would tender its resignation.

At this stage in the evolution of the modern Cabinet a monarch who better understands the democratic ideals of the English people might readily have directed the gradual process of constitutional change, in such a way that all the best features which have more recently been incorporated in the American and Swiss constitutions might have been retained side by side with whatever was good in that of the United Kingdom. But, unfortunately, William was an absolute stranger to English ideas; his wife and her sister were amiable ladies who could never be suspected of any of the attributes of statesmanship. George I. was still more completely a foreigner, and George II. was so intensely unpopular that his influence was rather a negative than a positive quantity.

The consequence was that the constitution drifted, and as it continued to do so in the reign of George III., and even down to that of Queen Victoria. The Prime Minister first made himself master of the whole Cabinet, and then began to assert the privilege of compelling the Sovereign to dissolve Parliament if it ventured to reject any of his proposals or to resent any of his executive acts. The fiction was gradually established in the public mind that the Prime Minister was the true representative of the people, and that, through the Crown, he might at any time send members of Parliament back to their constituents. The exercise of this right has in practice been tempered by the compulsory segregation of politicians into two parties. By ranging themselves in two hostile camps the members of Parliament may save their political lives for years, owing to the rule that the Crown must try the Cabinet making powers of both the leaders before he has recourse to the extreme course of dissolving Parliament. Yet it remains a fact that the threat of a penal dissolution is the basis of the most tyrannical kind of power which has been exercised in England during more than a century.

### *Chapter III*

#### **The Australian Federal Constitution.**

During the earlier conventions which led up to the creation of the Commonwealth Government the desirability of giving to the elected representatives of the people a fixed tenure of office was frequently mooted. But it was seen that the most important practical step in this direction must consist in the elimination of some of the worst features of Party Government. Sir Henry Parkes brought forward a motion designed to enable Parliament to choose the members of the Executive by direct vote and individually. Sir R.C. Baker, the President of the Senate, undertook the duty of pressing upon the attention of the delegates a resolution passed by the South Australian Legislative Council setting forth in plain terms the advantages of an elective system of choosing all the members of the Federal Cabinet. It is entirely a mistake to suppose that these suggestions were brushed aside as unworthy of serious

consideration. On the contrary, they have left marks of a very decided character on the Commonwealth Constitution as it now exists.

Under the influence of the doubt as to whether the strict party system or the elective method of selecting the Ministers would be the better of the two, it was finally decided to adopt a loose form of wording in the clause relating to the appointment of Minister, so that there might be room for the growth of the constitution within the limits of its written character. The framers of the constitution acted like a prudent gardener placing a guard around a tree. They left ample space at those points in which rapid growth might be expected, and thus provided against injury in the future. This, however, is the sole recommendation of the course adopted.

The extreme vagueness of the meaning of Section 63 of the Commonwealth Act arises from the fact that the words express a long exploded constitutional fiction:- "There shall be a Federal Executive Council to advise the Governor-General in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the Governor-General, and sworn as Executive Councillors, and shall hold office during his pleasure." It would be difficult to compress a larger number of misrepresentations of the actual constitution into so small a number of words.

Section 62 is just as complete an anachronism in Australia in the twentieth century as the blunder of the schoolboy who wrote that "the King of England governs the country, and hangs all the people who displease him."

In his book on "The Commonwealth of Australia," Professor Harrison Moore points out that the organic relation between the Ministers and Parliament is far more complete in the Federal than in any of the State constitutions. But he goes on to explain that –

The other provisions regarding the Ministers of State, though they are made with a view to the Cabinet system, do not preclude very extensive modifications of that system. There is no recognition of the Cabinet, for, as pointed out, the Federal Executive Council is not necessarily identical in constitution or functions with a Cabinet. There is no recognition of the collective responsibilities of the Ministers of State; Section 64 treats them as separate administrative officials, and there is nothing to prevent the virtual establishment of Ministries elected by Parliament, which at one time found some favour in Australia, though they cannot be given the fixity of tenure which the instability of parties has recommended to many persons. All that has been done is to establish a Parliamentary Executive. The rest is left, as in England and the colonies generally, to custom and convention.

The professor, who is a very rigid adherent of the party Government system, is hardly justified in assuming that the instability of political parties constitutes the sole, or even the principal, reason which has led many persons to advocate elective Ministries and some degree of fixity of tenure for both Cabinet and Parliament. The worst of all the evils inherent in the present system is that it places inordinate power in the hands of one man – the Prime Minister – at the same time that it compels him to be continually engaged in party warfare. He must be always for his party, and never for the State. In America there are usually at least one or two years out of each Presidential term in which the President can act as a truly national executive officer without the extreme partisan bias which is expected of him while in the heart of the quadrennial campaign.

The control of the Commonwealth Parliament over its Executive is much more direct than is the power exercised by the State legislatures over their Cabinets. One section of the Act. – referred to by Professor Harrison Moore as being "curiously worded" – directs that "until Parliament otherwise provides, the Ministers of State shall not exceed

seven in number, and shall hold such offices as the Parliament prescribes, or, in the absence of provision, as the Governor-General directs." The debates at the conventions show that the intention of this clause was to enable the Parliament to say whether the Cabinet was to be of five, six or seven Ministers, or any other number not exceeding seven. There is no explicit direction that Parliament shall appoint any Minister to a particular portfolio. And yet the wording of this section, when considered in relation to the studied elasticity of the terms employed regarding the appointment of the Ministry by the Governor-General, must be regarded as providing for constitutional growth in the direction of elective Ministries. The Commonwealth Parliament has in its own hands the making of the constitution in regard to those details which have been left indeterminate in the Act. Certain blanks have been purposely left, which the Legislature may fill in according to its view of the real wishes and the best interests of the people. To a very large extent the dictatorial power which has from time to time been assumed by the head of a Ministry over Parliament consists of a mere usurpation, having no sanction in the Constitution. Custom and Convention have prescribed that Parliament shall indicate its desire for a change of Ministry either by the defeat of a substantial part of the Government programme or by the passing of a direct vote of no confidence. Either of these contingencies may lead to the resignation of one set of Ministers and a message from the Governor-General and the formation of another set.

But within the limits of the Constitution Parliament may determine upon other and more direct methods of indicating its wishes to the representatives of the Crown. It may even name the Ministers whom it considers most appropriate to hold specified offices. In short, it may treat the Australian Federal Constitution as a living growing thing rather than a dead fossil.

## *Chapter IV*

### **The Party System at Fault.**

The existing tangled condition of Federal politics suggests the reflection that scant justice was done to the proposals for a system of elective Ministries when these were before the Sydney Convention of 1807. It has become almost a by-word, among thoughtful observers of the course of public affairs in every country following the plan of responsible government, that the strictly party system of government has irreparably broken down. It may be patched up and yet remain essentially what it now is, or it may be altered from time to time with a view to evolving in time an entirely different and more businesslike method of managing the affairs of the country. One of the strongest points insisted upon by Sir Samuel Griffith, in the early convention of 1891, when he mooted the question of elective Ministries, was that all Parliamentary institutions are an organic growth, and that any living thing which stops growing in some direction must be near to its death. This was the maxim adopted by the present Chief Justice of the Commonwealth for emphasising the folly of slavish adherence to precedents which are plainly out of date even in the original home of British legislative institutions, and must be doubly antiquated in a Federal Commonwealth like Australia. In a pamphlet which Sir Samuel Griffith published shortly after that early convention, he distinctly warned the future framers of the Federal Constitution that responsible government, in the sense in which it is understood in England, must from the very beginning be incompatible with federation. He said in effect:- You can have federation without responsible government; or responsible government without federation; but you cannot have both of these working side by side.



When Sir R.C. Baker brought forward the same idea in support of a direct motion in favour of an elective system of choosing the Federal Ministries one of the points which he placed in the clearest possible light was the serious risk of deadlocks involved in the plan of creating two Houses of co-equal powers, and then delegating the choice of the Ministers to the lower one alone. Perhaps from a tactical standpoint he elaborated the States right question in connection with this matter too much. He moved that with the object of safeguarding the rights of the States as represented in the Senate, one half of the Cabinet Ministers should be elected directly by that body, while the other half should be chosen by the House of Representatives at the opening of each session. The proposal, which really emanated from the legislative Council of South Australia, was that there should be only three Federal Ministers in each House, thus forming a restricted Cabinet of six. The motion, however, was lost.

The oldest and most successful Federal constitutions in the world have adopted, for the keystone of their administrative edifice, the principle of elective Ministries. In Switzerland, the method is to be seen working in a manner as nearly as possible analogous to that in which it would operate in the Australian Commonwealth.

An explanation of the main features of the Swiss constitution – such as the individual responsibility of members of the Executive to the Parliament and the absence of powers of penal dissolution – is reserved for Chapter XII. To this system the objection has often been taken – in fact, it was urged by the late Sir Edward Braddon at the Sydney Convention – that if Ministers should stand apart from one another it would be conceivable that there might be six different policies for as many departments. Arguing from theoretical data, some advocates of the elective system have given away their position by admitting too hastily that this might be the case. But in Switzerland no such evil result has followed. In fact it would be difficult to name any country in which there has been a greater degree of consistency and continuity in the policy of administration followed through long periods of years. The main reason for this, of course is that the legislature always administers a regulating impulse to the working of each department which may appear to be moving in a direction contrary to the popular will.

If we look at the constitution of the greatest federated nation of the world, the United States of America, we find that the selection of the President by a college of electors, chosen by the popular suffrage, is essentially the same as the appointment of a Ministry by the elective suffrages of a Parliament. The President owes his election to the votes of the members of a special "college" chosen by popular vote, and he, in turn, completes the process by choosing his own associates in the administration of the nation's affairs. The election of the non-elective elements of the American Cabinet system will be found explained in Clapton. Precedents of this kind do not carry sufficient weight in the minds of those who imagine that there is no other possible model on earth save the "Mother of Parliaments."

These critics forget that Federation is a device to which Britons have never been compelled to resort since the commencement of the era of representative institutions. All the true precedents for working the Federal machine are really foreign, and whether British colonists like it or not they must be guided by foreign experience, or by none at all. In the right of the executive to remit a proposal of doubtful constitutionality to the High or Court of Justice, the chief federal nations of the world possess an instrument which is invaluable during critical times in saving the lives of administrators of marked ability and popularity. Such an instrument, if the need for it in the Australian Commonwealth had been recognised by a frank admission of the value of foreign precedent, would have entirely obviated the necessity for the existing disturbance in Federal politics. If the public service clause and the question of State rights which it

involves had gone forward to the High Court automatically there would have been no need whatever for the Deakin Cabinet to resign.

Party Government in England originated, as we have seen, in the corruption of Charles II., and the ascendancy which his acceptance of bribes from the King of France had enabled Shaftesbury to secure over him. The consolidation of the system in later years was to a large extent due also to the operation of corrupt motives. Walpole, who expended as much as a quarter of a million of money during one year in bribing members of the House of Commons, was the first British Premier who really bowed in deference of Parliament rather than to that of the Sovereign. When he resigned in 1742, alleging as his sole reason that he had lost the control of the House of Commons, he finally fixed, as an invariable custom, the rule suggested by Sunderland nearly 50 years before, and thus completed the creation of Party Government, as now known in England.

It was not to be expected that such a corrupt tree should bring forth fruit entirely good. After the era of the great Reform Bill the baser elements of British policies were rapidly purged away; but the worship of the fetish of mere accidental precedent still continued. The party system, as it existed inside of Parliament, became a thing quite different from the entirely legitimate division of electors into parties representing the various popular movements of the day. Scores of high minded men were influenced like Burke, and in narrowing their mind "to party gave up what was meant for mankind." The only way in which a capable administrator could seize an opportunity of exercising his talents was to float into office as an advocate of the particular movement which happened to be in need of a new champion. He might offer his services to one party one day, and quite unblushingly place himself in communication with another party the next. Thus Disraeli started out as a violent Democrat, and when he found that there were too many politicians in that line of business he turned his political principles outside in, and went before the country as a Conservative. Gladstone, with much less of cynicism, veered round gradually from a staunch Conservative into a Liberal of a very moderate type. Among lesser lights hundreds of politicians took up their political principles just as an advocate would take up a brief. If the party in favour of things as they ought to be did not happen to want them, they offered their services to the party for things as they were. Thus was evolved the type of politician whom Gilbert satirised when he made Sir Joseph Porter explain, "I always voted at my party's call, and never thought of thinking for myself at all."

In Australia, much the same kind of thing has prevailed. But to the abuse of the party system there has to be added a still further misuse of local patronage, so that log rolling has become the order of the day. The existence of a large number of non paying railway lines in Victoria is simply due to the determination of members of Parliament to secure local support by hook or by crook, and the formation of smaller cliques which, under the party system have influenced the decisions of Cabinets and of Parliament by mutual understandings for raids upon the Treasury.

The worst of the mischief was already glaringly apparent in that critical year 1893, when Mr., now Senator, Best brought forward his motion in the Victorian Parliament, asserting that "the system of Party Government impedes the effective administration of public affairs, and is an obstacle to progressive legislation," and proposing "the election of the Cabinet for a fixed period by the Legislative Assembly." He made a good speech in support of his proposal. But, of course, the very essence of his motion implied something like a reproach on his audience. In a House full of log rollers he was emphatically condemning log-rolling. Sir James Patterson, the Premier of the time, accepted a position on the select committee appointed to consider the question, but

took good care, by his semi jocular mode of treating the subject, to indicate that he would vote dead against any innovation.

The report in effect admitted the evils of the existing system, but refused to support the plan of electing Ministers. All the same it is observable that, during the past ten or twelve years, there has been a noticeable movement of public opinion on the subject. The unseemly scramblers of the outs and the ins have been the constantly recurring topic of comment. There is a reasonable public desire for the retention of any really capable Minister for at least sufficiently long period to enable him to carry to fruition the schemes which he has taken in hand. Particular exception is taken to the farce of ejecting a Ministry because it happens to have been outvoted on any trivial motion in the House. It seems likely that, in the inevitable organic growth of the Constitution, the next stage will be the adoption of a practice by which a direct motion of want of confidence will be required for the unseating of a Ministry; and a further step may perhaps be taken towards the system of election when the House insists that the mover of such a motion, as far as possible, indicate who will be his colleagues in the event of his being given an opportunity to form a Cabinet.

## *Chapter V*

### **Some Evils Which Elective Ministries Would Cure.**

Democracy has often been blamed for unfortunate results which, in truth, arise entirely from the system of Party Government – which is, in itself, a negation of the best democratic principles. One of these evils, which has made itself most prominent in England, but which may in time of danger become equally observable in Australia, is the utter lack of continuity in preserving a consistent and intelligible policy.

The party system of government is in every department proverbially fickle and unstable. But perhaps the most glaring of all the instances of this tendency can be culled from the records of the proceedings in British and colonial Parliaments in relation to external affairs and their Defence Departments. It has sometimes been asserted that under a democratic regime anything like a consistent and continuous policy of diplomacy and of defence must for ever be out of the question. But this is a pure assumption based upon altogether inadequate premises. In point of fact, no doubt, some of the most autocratic Governments which the world has ever seen have been marked by the remarkable degree of tenacity in the pursuance of settled objects, and an equally notable degree of success in the attainment of these. But there is no necessary connection between despotism and continuity of policy. The fundamental point is that in order to secure permanence and continuity of policy there is need for a hearty and wholesome sentiment of patriotism. Perhaps the most important fruit of that sentiment is to be found in the selection of truly patriotic men, in whom the nation places confidence, to steadily pursue the policy which has been laid down for their guidance. But the party system of government destroys both patriotism and the possibility of placing confidence in any set of men, or of giving them any chance of attaining that sort of experience which would fully justify confidence. Ministers have no sooner enjoyed a few months, or perhaps two or three years of office than they are ejected to make way for others who come to take up their portfolios usually in almost entire ignorance of the duties awaiting them.

Some of the expert heads of departments in Australia can tell strange tales of the way in which the affairs of the nation are controlled under the party system. Even when men of ability are selected to form a Ministerial team, it usually happens that, through

the exigencies of party, most of them are put into exactly the positions for which they are least suited. The round pegs generally go into the square holes, and vice versa. It is related of Lord Randolph Churchill that when he was made Chancellor of the Exchequer one of his first duties in connection with the preparation of the budget was to scrutinise a list of percentages showing the fluctuations of trade for a number of years, and these were stated in whole numbers and decimals. The Chancellor looked at the paper for a while, and then asked the permanent official "what was meant by these "d--d" dots." The explanation left him only more confused than when he began, and it was necessary in future papers, that the simplest of vulgar fractions should be used in order that he might comprehend them. Yet Lord Randolph Churchill was, in some respects, an able man whose good points might have been brought out and developed in some other position. On one occasion in Victoria, also, when the least educated man in a Cabinet was sent to control the Education department, it was remarked by some wag that "Blank had got Education. He needed it."

Parliament has no effective control over the affairs of the nation as long as the British traditions of party continue to exist. In reference to the various departments of the public service the members are encouraged by the party system to do those things which they ought not to do, and to leave undone those things they ought to do. Thus it is the practice for individual members to put pressure upon the Minister of any particular department, if some of the constituents of the former should happen to have an interest in the working of its machinery. But in its collective capacity Parliament can hardly exert the slightest influence over a department. No form of legislative interference is more strongly resented by Ministers than the passing of any motion in regard to the management of a department; and yet nothing is more common than for the members to wait upon the responsible heads and make their influence felt in a clandestine way. The public interference of Parliament is felt to be a reflection on Ministerial management, but the meddling of private members may be tolerated simply because it is not likely to become public.

While the legislature in this way abdicates its corporate control, and its members seek an illegitimate substitute for it, the power of legislation is often reduced to the merest shadow by the imperious control exercised by a Cabinet at the head of a strong party. Bills brought forward by private members are sacrificed to the Ministerial sense of jealousy. If a member will place his brains at the service of the Cabinet, giving them all the points of the particular legislative policy which he is advocating, and then humbly sitting behind them as a supporter while they get the credit of originating the whole matter, he may have some chance of seeing his projected laws placed upon the statute books. Otherwise he may feel practically certain that in preparing a private bill, he is only helping to fill up the list of slaughtered innocents.

The Cabinet itself, again is generally controlled by the Premier or by that high magnate in conjunction with one or two other Ministers. In England, according to a recent article by Mr. Sidney Low, "the real Government consists of the Prime Minister, aided or directed by three or four colleagues, who are constantly in touch with him. By this small junta, or cabal as it would have been called in the reign of Charles II., the vital questions are decided. The remainder of the official Cabinet have little voice in the matter till the decision is reached."

Englishmen are accustomed to decry the modified elective system of appointing the Executive which is practised in the United States, on the ground that, for a fixed period of four years, it places almost despotic power in the hands of one or two men. But Government by party produces much the same result in this respect, and it is responsible for a host of incidental evils in addition.

The spirit of faction fighting which is engendered by Party Government is just as ineffective in bringing out the best qualities of Ministers as it is of giving scope to those of Parliaments. The affairs of the nation are made the objects of a kind of a sport, in which – as someone has expressed it – "the game is for ten men to try to conduct the affairs of the country, while another ten try to prevent them." An opposition leader, although perhaps personally a good fellow and earnestly desirous of being conscientious, is compelled to play the part of the most cantankerous of men. If he knows that one member of his party entertains strong feelings on a particular matter – even although personally he has no sympathy whatsoever with this feeling of grievance – he is obliged to act the part of the faultfinder. Thus in time he becomes the mouthpiece of an interminable number of little catch cries, some of which are habitually uttered with the tongue in the cheek. It would scarcely be possible to conceive of a worse training ground for a man who is to be relied upon to govern a country on patriotic lines. The origin of this big game of beggar-my-neighbour is probably to be sought for in the fact that Party Government is an outcome of the revolutionary period, during which men were divided into two hostile camps, and the object of each leader was to inflame class enmity to the utmost extent. William of Orange ascended the throne by virtue of a bloodless battle in which the soldiers of James II. were obviously outnumbered, and that much discounted monarch was made to feel that France was the safest place for him. But William had no real patriotic interest in England; nor, indeed, had at least two of the Georges. The consequence was that the power which belonged to the Crown was easily seized by the Cabinet. That would have been in itself a good thing but for the fact that the tradition of hostile camps had to be preserved in order to keep up an appearance of continuity in the constitution.

One session in Parliament has often been far more than enough for men having high ideals of public life. No sooner have members assembled than the faction fight begins, and all the most unscrupulous use is made of all the weapons in the armoury of human vindictiveness. Members find that their characters are aspersed, their motives are misrepresented and their private lives are also whispered about with a liberal use of those half truths which are worse than those whole falsehoods. Measures which are for the good of the country are defeated by the concurrence of a number of petty intrigues, which do no honour to the motives of the intrigues. Fomenting the bitterness of class against class is the trade of the expert party politician, and he generally acquires remarkable skill in it after a few years. Those who know the inner workings of Parliament nearly all agree with Pope's assertion that "Party, is the madness of the many for the gain of the few." They are compelled by experience to admit that in the operations of party warfare a large part of the ordinary code of morality is suspended. The Stock Exchange could not be conducted for a single month if its practical ethical standard was so low as that of some Parliaments. No commercial company would survive insolvency if its business were conducted on the same principle as that of the nation. Men of light and leading, who know what politics are, have declared with emphatic force against Party Government in politics. Froude and Freeman, the historians, have attacked it from one point of view; Herbert Spencer and Ruskin from another, and John Bright from another. If party Ministers were succeeded by Cabinets selected on a sensible elective system the result would be, as Spencer expressed it that-

A Ministry would no longer be required to resign when in a minority, but would simply accept the lesson which a division gave it. It would not, as now, be for a time the master of the House, but would always be the servant of the House, not dictating a policy to it, but accepting that which was found to be its policy. Hence, no measure could be carried unless it obtained the sincere support of the average of many parties, and was thereby proved to be the most likely, in accordance with the national will.

This is no mere theory. Its practical truth has already been proved in the working of the Swiss Constitution, and might readily be demonstrated by a modification of that which has been so recently established in the Australian Commonwealth.

## *Chapter VI*

### **The Bitterness of Party Government.**

Every politician has an experience of the personal bitterness which the system of "Party" Government has imported into the business of legislation. The reason is obvious. Added to the antagonism of rivalry in opinion there is the rancour that arises from turning out one set of men and putting in others. Macaulay has placed on record his experiences of the evil. He says, in his letters preserved by Trevelyan, that the closing years of the Whig Administration in the end of the thirties formed one long political crisis, full of disagreeable accompaniments. "Public animosity and personal virulence," say Trevelyan, "rose to a higher, or at any rate to a more sustained temperature than had ever been reached since the period when, amidst threats of impeachment and accusations of treason, perfidy and corruption, Sir Robert Walpole was tottering to his fall."

When Lord Melbourne's Ministry gave its members the right to vote as they pleased, differing from one another, they were taunted with Cabinet differences. Lord Macaulay, with his wealth of historical knowledge, literally shrivelled up these Tory sticklers for Cabinet uniformity. He said:-

I rejoice to see that we are returning to the wise, the honest, the moderate maxims which prevailed in this House in the time of our fathers. If two men are brought up together from their childhood; if they follow the same studies, mix in the same society and exercise a mutual influence in fanning each other's minds, a perfect agreement between them on political subjects cannot even then be expected. But Governments are constructed in such a manner that forty or fifty gentlemen, some of whom have never seen each other's faces till they are united officially, or have been in hot opposition to each other all the rest of their lives, are brought all at once into intimate connection. Among such men unanimity may be an absolute miracle.

And yet the advocates of this stupid "Party Government" system claim that Cabinets should speak with a common voice. One of its advocates is credited saying in the Ministers' room – "Gentlemen, I don't care whether we are to be protectionists or free-traders, but for goodness sake let us be all of one way of voting and talking." "Talk of divided Houses," scornfully said Lord Chatham. "Why there never was an instance of a united Cabinet. When were the minds of twelve men ever cast in one and the same mould?"

Macaulay showed that the strong Pitt Ministry was full of contrarities. On Parliamentary reform, Pitt and Mr. Dundas had opposed their colleagues, Lords Mulgrave and Grenville. On the slave trade Mr. Dundas had voted against Grenville and Pitt. On the Warren Hastings libel they had been all sixes and sevens. And their strength as a Ministry came from their liberal recognition that individual liberty must be wide. Macaulay's protest still stands unanswered. It is a denunciation of the cruelty of needlessly placing men in a position where they must be false either to their conscientious convictions or have a false sense of Ministerial solidarity. Writing to his sister in 1831, the year before the passage of the Reform Bill, Macaulay says:-

The range of faction at the present moment exceeds anything that has been known in our day. Indeed, I doubt whether, at the time of Mr. Pitt's first becoming Premier, at the time of Sir Robert Walpole's fall, or even during the desperate struggles between the Whigs and Tories at the close of Anne's reign; the fury of party was so violent. Lord Mahon said to me yesterday that friendships of long standing were everywhere giving away, and that the schism between the reformers and anti-reformers was spreading from the House of Commons into every private circle.

And we have to remember that this bitterness chiefly arose because of the attacks made on the Althorpe Government. Less than half of it came from the abstract merits of reform or non-reform. In England men have long speculated on the workings of Party Government; but they have generally confused party organisation with Party Government. The organisation of parties is one of the necessities of progressive thought. Party Government is not in the least necessary to carry out what parties in the country have decreed. A writer in "Macmillan's Magazine" some time ago pointed out that there is no parallel in England to the great political machine which dominates America. Influence and interest both compel the American voters to fall into line. In England it is so to some extent, but to a lesser degree. But there is this difference that while in England there is less of the rigidity of party discipline in the constituencies than there is in America, there is much more in the House of Commons than in Congress.

The magazine writer referred to thinks that the drift of English politics will be towards the very growth of independent groups that Mr. Deakin has declared to be constitutionally impossible. If such groups should really form in English politics, their members may be united at particular times by the temporary interests of the hour. That would almost necessitate elective Governments to prevent the eternal displacement of "Party Ministries."

## *Chapter VII*

### **British and Canadian Opinions of Note.**

Let no one suppose that Party Government has persisted because it has been able to make its case good. Everywhere the highest authorities have condemned it, and facts have proved its greatest condemnation of all.

Bacon foresaw the evils of party when he said:- "Men create oppositions which are not, and put them into new terms so fixed as whereas the meaning ought to govern the term, the term in effect governeth the meaning." We see that exactly in the spectacle of the Reid party, which, having previously agreed to the Labor party's programme, denounces that party as unfit to govern.

Commenting on similar exhibitions, Whately says that "there is nothing that more tends to deprave the moral sense than party, because it supplies that sympathy for which man has a natural craving." He shows that men will do in a party what they would blush to admit in an individual sense, "for party corrupts the conscience by making almost all virtues flow, as it were, in its own channel. Zeal for truth becomes gradually zeal for the watchword." Nobody can have watched Mr. Reid's contortions without having seen this. Thus, says Whately – "Whatever is wrong in any member of the party is either boldly denied, in the face of all evidence, or vindicated, or passed over in silence; and whatever is, or can be brought to appear, wrong in the opposite side is readily credited and brought forward and exaggerated. The principles of conduct

originally the noblest – disinterested self devotion, courage and active zeal – party perverts to its own purposes. Veracity, submissive humility, charity – it confines within the limits, and the conscience becomes gradually so corrupted that it becomes a guide to evil instead of good."

We all see how this works in practice. There are those willing to ere with Plato, and unwilling to go right with Epicurus. That is just the position of the Reid party today. They have acknowledged that the Government programme is the right one; but they will not accept it because it proceeds from a Labor party. Just in the same way well meaning men in England voted against the abolition of the slave trade for no other reason than it was advocated by some partisans of the French Revolution.

These observations are not direct to show, in the least, that men may not properly combine to advance some cause or principle in which all are agreed. But they are directed against "Party" Ministers, Cabinets and Governments, which ought to be free from shibboleths and directed to the service equally of all, as Parliament may direct. Thus it is said the Kings who make themselves members of a party "raise an obligation paramount to an obligation of sovereignty." They substitute party spirit for public spirit. Whatever the party man may do, however vile, the party must support, and ever support, till it shocks plain men's moral digestion.

Sir Henry Parkes has pithily declared Party Government to be a system which provides for "half the cleverest men in the country taking the utmost pains to prevent the other half from governing." He says:- "the party hero is debarred by his position from the full practice of the great virtues of veracity and moral intrepidity. He could seldom tell the full truth. He could never be fair to persons otherwise than his followers and associates. He could rarely be bold except in the interests of his faction." Everybody sees this exemplified every day in Party Government.

How different are these paltry "party" tactics to the high tone that Lord Acton enunciates in his Letters to Mary Gladston, where he says:- "We expect of a real statesman that he will take the case of his adversary, not at its weak end, but at its strongest; that he will see whether he cannot even strengthen it before he replies. If he deals with the weak points like a lawyer, somebody will follow and will beat him. That is a part of the integrity of public men.

Mr Goldwin Smith, writing from Toronto on the crisis of Party Government in Canada, put some interesting and pregnant thoughts in an article which appeared in the "Spectator." He said:-

"The startling things which are being done in this province of Ontario by a political party struggling to retain power have had us to reflect on the character of the party system of government, and to turn our eyes to England as its venerable source. What do we see there? We see the system apparently in a critical state. One of your parties was shattered by Mr. Gladstone. The other seems to be shattering itself. Each of them may be pieced together, but of neither can the real unity be easily restored. The split is too great in one between Imperialists and the opponents of Imperialism; in the other between protectionists and free traders or advocates of a policy of retaliation, which is essentially opposed to protection. The Irish delegation, with inimical objects of its own, plays upon the balance, and has Parliament and British policy at its mercy. The Cabinet is being supplanted by an interior camarilla.

"Party – and it was the Conservative party – took 'a leap in the dark' with the suffrage to 'dish the Whigs,' reckless of possible consequences to the constitution. Now the desperate competition for votes seems to be coming to female suffrage, which, as your



women greatly outnumber your men, will be a political revolution. If you look to the working of the system in the colonies or in the United States, you will equally find food for reflection. In the United States you have once every four years a vast faction fight waged with all the evil weapons of faction, and exciting passions hardly less violent than those of civil war. It would seem that no Commonwealth can for ever stand such a strain. Meantime sinister interests have thoroughly learned to play for their own objects on the balance of party. The Grand Army of the Republic has been levying upon the Commonwealth by its vote a tribute, under the name of pensions, of 140,000,000 dol. A year 40 years after the end of the war, and to this it is now going to add another vast sum under the name of service pensions. It may, safely be said that the politicians of neither party doubt the character of this impost. Yet no politician of either party dares to brave the soldier's vote. Not only so, but both parties in their platforms have pandered to the tyranny. Here in Canada the same tendency appears. Private interests, standing aloof from the party, play on its necessities, and make it the instrument of their designs.

"The well known exponent and champion of the party system is Burke, who says in his Thoughts on the Cause of the Present Discontents:-

"Party is a body of men united for promoting by their joint endeavours the national interest, upon some particular principle in which they are all agreed. For my part, I find it impossible to conceive that anyone believes in his own politics, or thinks them to be of any weight, who refuses to adopt the means of having them reduced into practice. It is the business of the speculative philosopher to mark the proper ends of government. It is the business of the politician, who is the philosopher in action, to find out proper means towards those ends, and to employ them with effect. Therefore every honourable connection will avow it is their first purpose to pursue every just method to put the men who hold the opinions into such a condition as may enable them to carry their common plan into execution, with all the power and authority of the State. As this power is attached to certain situations, it is their duty to contend for these situations. Without a prescription of others, they are bound to give their own party the preference in all things; and by no means, for private considerations, to accept any offers of power in which the whole body is not included; not to suffer themselves to be led, or to be controlled, or to be overwhelmed, in office or in council, by those who contradict the very fundamental principles on which their party is formed, and even those upon which every fair connection must stand. Such a generous contention for power, on such manly and honourable maxims, will easily be distinguished from the mean and interested struggle for place and emolument. This very style of such persons will serve to discriminate them from those numberless impostors who have deluded the ignorant with professions incompatible with human practice, and have afterwards incensed them by practices below the level of vulgar rectitude.

"What does Burke mean by 'particular principle'? Is it a principle of public morality? On these we are all agreed, so that they can afford no ground for party division. Is it a particular view of some great question? The question will in time be settled; and on what thenceforth is party to be based? On conscription, on a shibboleth, or on mere competition for a place? To the shibboleth and mere competition for place we in Canada may be said to have come.

"The system had its origin in the struggle between the Hanoverians and the Stuarts, which afforded a strong ground for combination on either side, and might warrant a temporary subjection of political conscience to party need. That struggle over, party broke into connections – the Bedford connection, the Rockingham connection, the Grenville connection, and the rest – intriguing and caballing against each other for power. Chatham wanted to rise above party and form a national Government. When

he made the experiment his Ministry was satirised by Burke, who belonged to the Rockingham connection, in a well known passage as 'a tessellated pavement without cement'; 'a curious show, but unsafe to touch and unsafe to stand on.' What did Burke himself do? He went into the Government of Fox and North, the most incongruous of all coalitions, and he afterwards broke violently with his party as the French Revolution. If a man, being asked to devise a constitution for a new-born community should propose to divide its citizens permanently into two factions, for ever struggling against each other for the possession of power and place by such arts as faction invariably uses, each of them always doing its utmost to make government impossible in the hands of its rival, he would hardly be thought sane. Yet what else in government by party? In the United States the two great factions are now recognised by law. They have overlaid the Constitution. The character of each of them has been essentially changed within my memory, but the shibboleths and the struggle for office remain. Each party constructs for itself a new platform with principles adapted to the market before a Presidential election.

" 'We are all born little Conservatives or little Liberals,' says the comic opera. This hypothesis of an inborn and inherent distinction of political character has been seriously put forward in justification of the party system. It need hardly be said that human character is not bisected. Its shades vary infinitely, and the same man is Conservative on one subject, Radical on another. Age is apt to be conservative; youth to love innovation. But a young aristocrat is the most violent of all Tories. Nature has provided no basis for a party system. Administration is the regular work of the statesman. Legislation, of the organic kind at least, ought to be only his occasional work. By the party system the importance of the two duties is reversed. Organic legislation is made a perpetual necessity, and the highest administrative ability is cashiered because it is not combined with certain speculative opinions. You are largely saved from the consequences by your splendid civil service, a counterpart of which, of course, no colony can maintain."

The writer concludes:- "What should be substituted for the party and Cabinet system it will be for political experts to determine. English history presents to you the alternative of a Standing Council of State which for some years had an elective basis."

## *Chapter VIII*

### **Some Fallacies Exposed.**

In face of the clearest evidence that party Cabinets are quite a modern innovation on the system of responsible government, we hear of politicians who declare that government without party Ministers would be impossible. Statements like these, unsupported by arguments, are of the same value as those which declare that good Parliamentary government under a tripartite division of the house is impossible. We know that the whole of the first Federal Parliament was carried on in circumstances of that kind; and we have the ex-Prime Minister's opinion for it that it was wonderfully fecund in legislative results. Therefore, the mere statement that party Cabinets are essential to responsible government may be classed with the baseless affirmation that sectional divisions in Parliament are incompatible with the same government. They are the fanciful flights of feeble purposes.

Herbert Spencer never reasoned more clearly than when, in his "Principles of Ethics," dealing with the subject of Party Government, he said:- "So far is Party Government from an appliance for carrying out the national will; it continually becomes an appliance

for overriding the national will. . . . Once in office, the chiefs of the party, backed by a compact majority, can for years do with a free hand many things they were never commissioned to do."

Party Ministers, he shows, have frequently passed measures which would be scouted by a referendum of the people. Spencer addresses himself to the argument that all public measures require two parties and no more – one for and the other against. He says:- "Here the fallacy is transparent. It assumes that those who agree with its leaders on some issue which brought them into office will agree with its leaders on all other issues which may arise during their term of office – an absurd assumption." He is equally analytic (in a passage already quoted in Chapter V.) of the argument that Ministers must hold all their supporters in check, or else be continually defeated and going out.

In New Zealand in 1891 a committee of the Parliament, having sat and inquired for three months on the evils of Party Government, drew up a powerful denunciation of it. Mr. Best, in urging on Parliament the abolition of Party Government and the adoption of a system of elective Ministries, said:-

"What I would suggest as an antidote for the evils of our present system is, first that we should give the Cabinet fixity of tenure. If that were done we should not see the degrading struggles that occur from time to time in this Chamber owing to one set of members seeking to eject another set of members from office."

Sir James Patterson cannot be quoted as a man of any political profundity, but as at least he had experience of Cabinet working, and he told Parliament that it was in coalition Governments that the greatest evils were hatched, because in them, under the party system, men had constantly to pretend to an agreement that was unreal. He believed in "one man power in the Cabinet." But that is the very opposite of the democratic ideal.

One thing that is hypocritical in Party Government is continually made apparent. It is that men will in Cabinet oppose most strenuously measures which, when adopted, they will afterwards support in the House with equal warmth. This produces a fertile crop of political immorality. Thus, just recently, Mr. Reid agreed with Mr. Deakin in signing a document, saying that government could not be carried on under three parties of equal strength. When the coalition project was off, he told the House that he did not attach the smallest weight to that argument. Being taxed with the contradiction, he replied – "That is the advantage of being free."

This was tantamount to an admission that under the stress of party compact he had set his hand to what he believed to be a falsehood. Another recent case is fresh in our memory. Sir Philip Fysh, Sir William Lyne and Sir John Forrest were responsible. As members of a Government, for the clause in the Arbitration Bill which brought the farming industry under the purview of the Arbitration Court. Released from government, and voting as free members, they all opposed the provision. Under a system of elective Ministries such men could always vote according to their consciences, as every man in a free Parliament ought always to do.

The German Emperor was the first of his countrymen to perceive the bad working of Party Government in the Fatherland. In Bismark he had a Minister who was virtually his own Cabinet. The great chancellor was not content to be chief of his subordinates, but insisted on being their dictator. He was responsible to the Emperor for all the departments. In 1890 the young Emperor conceived the plan of making each member of his Cabinet directly responsible to himself for the management of that department.

That proposed reform, if carried out, would bring Bismark down to a position of greater equality with his fellow Ministers. Of course, the imperious man of "blood and iron" resented it, and threatened resignation. To his astonishment he learned that he must obey or go. He went, and in Kaiser's subsequent Cabinets the several Ministers have been individually responsible to the Imperial master. Cabinet solidarity has been virtually abolished in Germany without any ill effects.

It is, of course, different in England and France. In both those countries custom and tradition have invested the system of Ministerial responsibility and party supremacy in Cabinet with a sort of sacredness. The system will die hard before the repeated assaults of common sense. But in these colonies we have not the same excuse. We have imported the noxious thing in the same way as we did the thistle seed, the sparrows and the rabbits; as English settlers in the tropics carry with them their wraps and top coats, and find it hard to lay them aside. From its very inception the system has proved a useless one here. Our party lines are artificial and not traditional, and we have had, or thought we had, to resort to coalitions to keep the political game going. Generally such a combination is a junction of two factions consenting to an armed truce, and it has always been productive of mischief. Australian Opposition parties, when they are not divided by some great question such as that of protection and free trade, are merely factions and nothing else, one half endeavouring to prevent, under some specious pretext, the other half doing any work. There has therefore been a neutralisation of effort which has seriously retarded public business and always kept Parliament twenty years in arrears of its work.

Again the party system has always conduced to place at the head of business departments Ministers who studied much more than the transaction of business. This tended to make the administration as faulty as the legislation. Ministers, however much they differed, and of course they must differ in very many things, had to pretend to hold together, and always to stand and fall together. Seven good Ministers had to make hosts of excuses for a rank duffer. Mismanagement in one department often had to be followed by a general resignation. This is about as sensible as if a bank manager should be compelled to dismiss all his staff for the laches of one.

If we had a system like that in Switzerland, where the Executive Ministers are elected by the Federal Council irrespective of their opinions or any party consideration, a world of wrangling, delay and trouble would be spared. No reason can be assigned why any Government should be perfectly homogenous; and if such reason could be assigned, the impossibility of finding half a score of men thinking all alike would be quite certain.

## *Chapter IX*

### **Views of a Legislative Council President and a Federal Legislator.**

The President of the Legislative Council, Sir Henry Wrixon, speaking on the question of Elective Ministries, said:- "The evils of the present system are obvious. They have been the subject of comment for the last 50 years at least. I don't think however, the proposal that the legislative body should elect Ministers independently would work well. I don't think that it would resolve itself into this. The majority in the legislative body for the time being would be the direct Government of the country through its clerk or secretary, the Minister, while at the same time it would be making laws to suit its own views. I don't think that this class of Ministry with legislative and executive power would work well.

At present the Ministry forms a sort of buffer, as it were, between the immediate impulse of the majority in the Legislative Chamber and the carrying of it into effect, in certain cases delaying it, in certain cases altering what the immediate majority may want to do, and in extreme cases appealing from the majority to the people. In the proposal for elective Ministries there would be no check whatever. Whatever the majority want must be carried out. I don't think that the immediate union of legislative and executive power would work well.

A popular body is excellent for expressing general views and carrying out general principles, but it may be a bad body for carrying out executive work. For instance, if any large business were managed by 20 or 30 gentlemen debating before acting, the executive work would get into a bad state. There is another view. We must, of course, have regard to the trend of the popular will. I don't think it is going in favour of strengthening legislative bodies of Parliaments. I don't think that the popular feeling would support the giving over to the legislative body of this direct power of acting through its clerk. The tendency of popular feeling is to have some outside executive responsible to the people that would promptly carry out its work. That is illustrated in what is undoubtedly the most advanced community in this respect – New Zealand – a little State that is not controlled by great national difficulties to be considered in the case of great nations. In New Zealand you may go about for months, talking with political thinkers, working men and all who take an interest in politics, and you may hear very little reference made to the Parliament. The most frequent references are made to what Mr. Seddon is likely to do, for during the last ten years Mr. Seddon has practically been the Governor of that country. Therefore I imagine that the popular tendency is to some executive outside of the Parliament – something along the lines of the United States, and perhaps an adaptation of it. I think that it may be possible to have such a plan in connection with our form of government, and that gradually there may be evolved a fixity of Executive for a certain time."

[It will be seen that Sir Henry Wrixon, who begins by shrinking from any appearance of giving countenance to an innovation upon the British system of Party Government, ends a course of careful reasoning by practically supporting the vital principle of the reform which we are advocating. The evolution of a kind of Cabinet having fixity for a certain time and responsible to the people is the essence of the proposal. In America the responsibility of the Executive rests upon the election of the President by the people, but it is recognised in the American constitution than an election by a body of popular representatives – such as the Australian Parliaments – may constitute the basis of an equally satisfactory form of responsibility.]

Senator Styles, in speaking on the subject of elective Ministries, expressed the opinion that the question was a live one in Australian politics, for the evils of the party system were every day becoming more apparent.

"In the past," he continued, "it has not always appeared obvious to the man in the street that in choosing his colleagues the Premier is swayed by considerations of their personal fitness – except, possibly in the case of one or perhaps a couple of members. We have now and then heard of a 'one man Ministry.' Some, it is alleged have been asked to join a Cabinet by reason of their popularity both outside and inside, especially inside, of Parliament, where popularity is sometimes achieved by a glib readiness at 'putting the best side to London' without treading too heavily on the political corns of honourable members. But this gift is of course no indication of fitness or otherwise for the responsibilities of office.

Others have acquired Cabinet rank by their readiness to hold their tongues, except to say, 'Yes, Mr. Premier,' often and promptly. At the other end of the string we have had

the Cabinet claqueur playing a subordinate part as far as the interests of the country are concerned, but a leading one in the interests of the government. His mission is to roam at large over the face of the land in quest of social and other gatherings, at which he 'represents' the Government.

With the advent of elective Ministries the occupation of all such 'make weights' would vanish. It is contended by some that with the disappearance of the Opposition, criticism would become tame and ineffective, but the same incentives, or motives, if you will, would still be operative; and in addition, the feeling of individual responsibility would be accentuated.

Criticism would be quite as searching, but less virulent than at present, for with the passing of Party Government the penal dissolution – that very unpleasant bogey which occasionally has such a depressing effect on debate – would be laid.

Deadlocks would be things of the past, while the cost of elections consequent on the ousting, or attempting ousting, of a Ministry would be saved – a matter of concern to Federal taxpayers, seeing that six states have to be polled. In this connection it may be pointed out that the Federal Parliament was elected in December, and eleven weeks afterwards the customary formula of calling it together 'for the despatch of business' was gone through. The session is now well advanced, and, as a matter of cold fact, the only business finally disposed of is the despatch of the Deakin Ministry. If the predicted dissolution comes along the doing of nothing in particular, except electioneering will go merrily on for several weeks yet to the accompaniment of an outlay of some £40,000 or £50,000 of the taxpayers money in re-electing substantially the same men who were returned to the House of Representatives only a few months ago. Besides, no assurance can be given that when the new House assembles there will not be a repetition of the experiences of the past few months. Our system is at fault, and not the men, who are its playthings.

"There is nothing new in the notion that the Swiss system, or some modification of it, might with advantage be engrafted on to the Victorian Constitution, at all events for ten years ago a royal commission inquired into the subject, and a minority favoured elective Ministries. But while not travelling all the way, the commission recommended:- "That Ministers should have the right to sit and speak in either House, but vote in their own only." This in itself was a substantial advance in the direction of reform."

## *Chapter X*

### **The Reform Movement in the Federal Senate.**

Mr. Playford, a prominent member of the Senate, is an enthusiastic supporter of the system of elective Ministries. So far as the constitution is concerned, he says there is no difficulty in the way it was purposely worded so as to allow of the adoption of the system if desired. Elective Ministries had worked well under the Swiss Constitution for many years, and there was no reason why its adoption here should not be attended with similar success. The present party system, he pointed out, was responsible for a great deal of political unrest and for constant intrigues. It had not worked well even in the State Legislatures, and judging by recent events it had worked worse under the Federal Government. One of the evils of the present system was the delay in the transaction of business caused by party fighting, and another was the lack of continuity of governmental policy. These evils would be remedied by the elective system, and in addition the standard of politics would be raised and more time devoted to legislation

for the benefit of the Commonwealth. His experience both in the State Legislature of South Australia and in the Commonwealth Parliament made him an unhesitating supporter of the elective system.

In the course of an interview with a representative, Mr. Best, also a well known Senator, said he regarded it as most fitting that in the present confused and mixed condition of Federal Politics "*The Age*" had returned to the question of elective Ministries. The question opened up a vista of valuable parliamentary reform. If Party Government was unsatisfactory under the old conditions of local State affairs, it was much more unsatisfactory under Federal conditions. Party Government was an essential part of the British constitution, and by many people the traditions attached to the British system were regarded as more or less sacred. But the evils incidental to that system were not only recognised in Great Britain itself, but they were referred to in language more pronounced than in the colonies. We had endeavoured as far as possible to follow the lines of the British constitution, having due regard to local conditions; but in this respect we fell far short in many particulars. In Great Britain itself the evils of Party Government had been conclusively shown by the stoppage of legislation and the blocking of Parliamentary business.

So serious had been this condition of affairs that on many occasions the breakdown of Parliamentary Government had been threatened. It was also a matter that could not escape observation that many of the leading British statesmen and many prominent newspapers in the mother country had been most scathing in their denunciation of system of Party Government as it now existed. It had resulted in the degradation of politics, and indeed of public life. Take a Ministry of nine members, eight of whom might be men of acknowledged ability and experience, and one an ignorant blunderer or worse. Did it not seem an anomaly that by reason of its collective responsibility the whole Cabinet should be obliged to resign in consequence of the shortcomings of one of the Ministers, and that the nation should thus be deprived of the valuable services of the remaining men.

On innumerable occasions the best and highest interests of the country had been imperilled by this system. Take the recent South African War. The first duty of an Opposition being to oppose, the Imperial Opposition discovered it to be its duty, not only to criticise vigorously, but to weaken by every possible means the policy and operations of the British Government in South Africa. Everything which could be said by the Opposition in the British Parliament adverse to the Government in connection with the war was immediately wired to South Africa. The result was to encourage the enemy and to increase the task of the Government, and to involve the expenditure of millions of money which would have otherwise have been saved.

Mr. Best said he was prepared to admit that Parliamentary reform in the direction of elective Ministries was a task of great magnitude. Necessarily, strong prejudices existed in favour of the present system of government, and those prejudices would have to be neutralised and overcome. Nothing short of a vigorous system of educating public opinion would bring about the desired reform. Whatever might be said for the continuance of Party Government in Great Britain, there were certain conditions which warranted its continuance there, but did not exist here.

We had our proper Constitution laid down on British lines, but why we should find it necessary to adopt and continue all the acknowledged evils of the party system? If the present Parliamentary machinery was unsuited to our conditions, why should we hesitate to change it? When the difficulties were obvious and the remedies reasonably clear, why should it be hesitate to resort to the remedies? It was part of the essence of representative government that the Parliamentary machine should be adapted to the

circumstances and conditions as they exist, and that it should be harmonised with the temper of the times. The great desideratum was to make Parliament effective as a legislative machine. Although the Swiss system was essentially a foreign institution, it supplied a most valuable remedy for the evils which were incidental to our present system, and suggested a reform which could most advantageously be followed in the adoption of some of its main features.

The proposal to adopt the elective system, Mr. Best pointed out, was not based on mere theory. The success of the Swiss system was universally acknowledged, and it was also recognised that the administration of public affairs in Switzerland had reached its highest perfection. And this was achieved under the most difficult and conflicting conditions, for, as well known, Parliamentary Government in Switzerland had to combat circumstances that did not exist in many other countries.

For instance, the Swiss people consisted of three nationalities, with three languages, that had to be used in its public affairs. Two strongly antagonistic religions also severed the community. He would not suggest for one moment slavishly copying the Swiss system or any of its features. It was Obvious that many of the evils incidental to our own system were absent from the Swiss system.

Ministers were there elected because of their marked ability and experience in legislation and administration. The country was thereby assured that its affairs were in the hands of capable men. Was that not a system that we should adopt without hesitation in all our business affairs? It was noticeable that these men elected to office were, as a rule, maintained in office Parliament after Parliament. There was an absence in Switzerland of the demoralising spectacle of parties squabbling for office, with its consequent waste of time, which had even in Australia become more or less of a scandal.

The fact cannot be disguised, continued Mr. Best, that every Government in the formulation of its policy and its measures is obliged to have regard to the support it is likely to receive. There was ever present more or less in the mind of the Ministry the question of its own existence. This was a feature that could not be ignored in the consideration of the question. The permanency of fixture assured by the elective system would revolutionise affairs for good in this direction. Disraeli had said that the present system of Party Government was an artificial organisation. Members did not at all times support a measure on its merits, but because they were obliged to be guided by various matters of expediency. The fate of the Government was a matter that was never present in the mind of a loyal party man. Threats of a dissolution would be robbed of their terrors under the proposed elective system, and politics generally would be distinctly raised in tone.

Under Party Government, remarked Mr. Best, public life is far too strenuous. Some of our greatest statesmen and best men had gone down under the strain. In his judgment the main features of the Swiss system were specifically applicable to a Federation such as ours. The attempt to graft on responsible government to the Federation was at most a great experiment. In the Senate there was a feeling of restlessness, which frequently found vent by reason of the fact that it had no say in the selection of Ministers, or in their maintenance in office. Under the Constitution, bills for the appropriation of revenue or moneys, or for imposing taxation, must originate in the House of Representatives. The Senate could only deal with those measures in the form of a request, which it was contended was, to all intents and purposes, equal to the power of amendment. With the exception referred to the Constitution Act specifically declared that the Senate shall have equal power with the House of Representatives in respect to all laws. Moreover, the Federal constitution was so framed as to permit, if it did not



contemplate, the system of elective Ministries being grafted on to it. Under the elective system the fact that Parliament was divided into three or even six parties would be of no serious concern whatever. It was for reasons of this kind, concluded Mr. Best, that this important Parliamentary reform should be fully considered by the public in connection with the conditions which now existed.

## *Chapter XI*

### **The Federal Speaker and President on Some Difficulties to be Surmounted.**

Sir Frederick Holder, when interviewed on the subject, said:- "the expediency of adopting an elective system of choosing the Ministry. Was a matter discussed in Adelaide from 1890 to 1892, and the arguments then used were those more recently used in connection with Federal politics. All the advantages which have been claimed for the system of elective Ministries were then dilated upon at considerable length, and out of the controversy there emerged two difficulties, and, in my opinion, two difficulties alone, which required to be overcome before the last word had been said on the subject. These two difficulties were – first, that there are many administrative acts which have to be presented to the Governor – and in our case to the Governor-General – by Ministers for his signature, concerning which the Governor will be expected, on the recommendation of his Ministers, to attach his signature without any further question, and in regard to which no recommendation would be made to the Governor unless it was supported by a majority of the Cabinet. If any controversy arises concerning any administrative acts which have thus originated, there would be the full body of Ministers to support and defend the action taken. With elective Ministers, each Minister would, I presume, submit own his own authority recommendations for administrative acts associated with his own department. In such cases, instead of the Governor acting upon the advice of his Ministers collectively, with the knowledge that the whole Cabinet would support the action taken, he would have the opinion of one Minister only, and would have the defence and support of but one Minister to call upon. Some safeguard would need to be devised to meet this difficulty.

"The other difficulty arises out of the case in which two or more departments might be concerned. For example, the Minister of Defence might desire to order munitions of war, to construct forts, or to purchase uniforms and accoutrements. At the same moment the Treasurer, in pursuance of his own individual policy in his own department, might be practising severe economy, or, on the other hand removing taxation, and so would be unable to finance the policy of the Minister of Defence. The case of which this is an illustration might recur occasionally in relation to other departments. It is clear that the individual responsibility of Ministers with regard to a policy in which different departments might be involved requires some joint consultation and determinative action. This difficulty is no doubt to be overcome, and, indeed, must be.

"Besides these two difficulties, which have not been met by any suggestion yet published, I know of no other obstacle to the adoption of the policy of individual responsibility of Ministers which must be associated with elective Ministries. Of course no Minister or group of Ministers could be elected for fixed terms without the possibility of their position being challenged by an adverse vote if their administration were unsatisfactory. Their position otherwise would be that, not of servants of the House, but of its masters.

There was no occasion, Sir Frederick Holder added, to go over what had already been published on the subject, and he would therefore confine his remarks to pointing out the difficulties to which he had referred.

[The second difficulty mentioned by Sir Frederick Holder is surmounted in Switzerland by Parliament acting as Arbiter between zealous Ministers whose schemes are not quite in accord. The members of both Houses listen with patience to the expositions by each Minister of his position in the matter, and decide as nearly as possible in accordance with the will of the people. This is truly Representative Government. The first objection may also be met by a somewhat more frequent reference of subjects of public interest to the Legislature.]

One of the chief advocates in Australia of the elective Ministry system as a remedy for the defects of our representative institutions is Sir Richard Baker, G.G.M.G., President of the Senate. In and out of the Federal Conventions, by voice and pen, Sir Richard Baker years back canvassed the reform, specially urging it as applicable to the peculiar conditions of a Federation. In the course of an interview he expressed himself freely with respect to the whole subject. In answer to initial questions. Sir Richard Baker said:-

"This idea is not a new one in Australia. A Ministry in South Australia some years ago put it into the Governor's speech, and indicated that they would introduce a bill providing for an elective Ministry. Dr. (now Sir John) Cockburn was the principal exponent of the scheme, and I think Senator Playford was in the Ministry. However, the proposal fell through. At the Sydney Federal Convention I was the chairman of committees, but I received permission to leave the chair and make a speech on the question. I had then in mind a Federal elective Ministry, not a State elective Government

One of the great arguments for a Commonwealth elective Government was that it protected the smaller States. If a question arises between the two Houses of Parliament – the Senate representing the States and the House of Representatives the people – you find under present conditions that as the Ministry is appointed by, and responsible to, the House of Representatives, it would be bound to take the side of the latter. The Senate would have to fight both the House of Representatives and the Ministry. What chance would the Senate have? We had an illustration last Parliament of what may occur. There was no doubt whatever that on one occasion the majority of the Senate were in favour of the proposition that an appropriation of revenue did not increase the burdens of the people, and they stated so. But when the matter went back to the House of Representatives, backed up by the Ministry, it took the contrary view, and – well, the Senate gave way."

Do you think that the elective Ministry principle, if applied, would remedy the three party system, and tend to the smoother working of the Parliamentary machine? – "The position I take up is this: It is a matter for further consideration. The public is not ripe for a change. But I do say this, too; it is a matter which ought to be ventilated as much as possible. Let the people understand it before we make any change, if we ever do. As to the three parties, there would be no parties with an elective Ministry. But you see it is possible – and not improbable – that you might get out of one difficulty and plunge into another. I can see several difficulties clearly. An elected Minister may say, 'I am elected direct by the Parliament. I am going to pursue my own course, irrespective of the opinion of my colleagues. I am not responsible to them.'"

But then the tendency of late years has been for the Executive to usurp all the functions of Parliament. An elective Ministry means going back to first principles and

making the Executive actually, instead of theoretically, responsible to Parliament. In Great Britain the power of an inner Cabinet has been growing four years. Indeed, the constant tendency has been for the Crown to have a nominal set of advisers, then an inner set, and finally another inner set. If you face the facts you will see you will always have minority rule in your institutions. You have it in England, where a strong Inner group controls; and you have it here. Even amongst the electors, the energetic minority that takes an interest in politics and votes governs the lazy majority that takes little interest, and often does not vote. If you look through Lowes Dickinson's book on the 'Development of Parliament in the Nineteenth Century' you will see it predicted that the outcome of it all is the abolition of Parliaments and an elected Executive – practically an elected despotism for a certain period.

"Now as to another difficulty in the path of an elective Ministry," pursued Sire Richard Baker. The proposal absolutely destroys the position of the Governors. The Governor is only a nominal figurehead now, for he acts almost entirely by the advice of his Ministers. If he had five or six Ministers, and each advised him in a different way and in different capacities what would he do? Of course individual action by Ministers without regard to other Ministers goes back to the days anterior to responsible government, but it survived down to the last century. You know the old story about Palmerston leaving a Cabinet meeting and then returning and putting his head inside the door and exclaiming nonchalantly, 'Oh I almost forgot to tell you I declared war against France this morning.'" It may not be true, but it is a characteristic of the ways of imperious Ministers under even a responsible governmental system." The President of the Senate was finally asked the question: While seeing the difficulties in the way of elective Ministries, you are not blind to the defects of the existing system?

His reply was: "Blind! So far from being blind, I see them in a most glaring light. Responsible Government is on its trial; it has certainly not been a conspicuous success in our Commonwealth. A few of the best and most intelligent men in politics try to carry on the government of the country, and another few, equal in talent and ability, try to prevent them from doing it!"

## *Chapter XII*

### **Elective Ministries in Switzerland.**

Australians will probably find the great help from Switzerland in overcoming the serious difficulties inherent in the working of their Federal legislative and administrative machinery. The elective system of choosing the Executive has been evolved, in the Swiss Constitution out of conditions very closely resembling those which prevail in the Commonwealth. In the initial stages of Federation the jealousies of the smaller States or cantons, for the preservation of their local independence led to a strong assertion of State rights. This resulted in the formation of an Upper House which boldly asserts its inherent privilege of having some voice in the selection of the Cabinet. This is a point which must yet be rounded in the piloting of the Australian Federal Constitution before any haven of safe water is reached.

We have a Senate empowered to block legislation, and yet practically without a voice in the most important of all the ordinary duties which can fall to any parliament. The double dissolution and subsequent proceedings adopted for the purpose of obviating deadlocks cannot possibly be worked in a federal constitution without producing an immense amount of friction. Moreover the presence of three very distinct parties in the

legislature declares even the working of the House of Representatives, although by no means impracticable, still usually fitful and uncertain.

In Switzerland very nearly the same kind of obstacles have been safely negotiated by a process the discussion of which must be in the highest degree profitable to Australians at the present juncture. The subject may best be studied by consulting the important work written by Mr. D.C. Cunningham, in collaboration with Sir F.O. Adams, formerly plenipotentiary of the British Government at Berne. In the pages of the Swiss Confederation the authors have given to the world a work which certainly offers a clear insight into the true directions in which federal constitutions all the world over are most likely to progress.

Like the Australian Federal Parliament, that of Switzerland has nominally three parties. The Right is largely Conservative, its members as the support of the religious institutions. The Centre is traditionally Liberal, but has suffered very considerably through the reluctance of members of the party to take definite sides on questions involving radical aspirations. The Left is decidedly the strongest party in the National Council, being closely analogous to the Radical Party which would be formed if the Labor party in the Australian Federal Legislature were to coalesce with the more advanced Liberals. The proposals which have been kept before the Swiss Radicals for a number of years, affecting factory legislation and the general relations of the Government to industry, run remarkably parallel with those which figure on the more moderate and practicable part of the Labor programme in Australia. The elective system of choosing the Ministry is, however, the most instructive feature in the whole Constitution of Switzerland as far as the lessons conveyed to Australians are concerned. The Ministers, all of whom are elected at the opening session of each Parliament after the Elections, which occur every three years. While the numerous cantons have no actual right to claim direct representation in the Ministry, it has become an established rule that no canton shall have more than one member of the Cabinet. The President and Vice President are simply the Chairman and Vice Chairman of the Cabinet selected by vote at the first meeting of the Assembly. The emoluments of Ministers are fixed on the most moderate scale, the President, for instance, receiving only £540 per annum, and each other Minister £460. Repeatedly it has happened that a leading professional man has made heavy pecuniary sacrifices by accepting public office in the Cabinet. But the honour of direct election is deemed to be such a lifelong distinction, and the absence of party rancour has developed the sense of patriotic duty so highly, that no one ever thinks of remarking upon these pecuniary sacrifices as deserving of public comment. They are taken entirely as a matter of course.

Ministers are elected at a joint sitting of what is known as the Assembly, which consists of the National Council and the Council of the States, sitting as one House.

These two bodies are almost exactly the same in constitution as the House of Representatives and the Senate in Australia. Owing to the comparatively large number of the Cantons, it was found necessary to confine the representation of each to one member in the Council of States. The relations of the Cabinet to these two Houses are very interesting. Although elected at the opening session of each Parliament, Ministers are, during their three years' term of office, independent of the Assembly. A Minister might be removed for gross misconduct; but differences of opinion on ordinary matters of administration do not constitute any reason for ejecting one from office. Each Minister has the right of sitting in either House of Parliament, and it falls to the lot of the head of a department – just as in England or Australia – to explain the provisions of any Government Bill. But Cabinet Ministers do not vote in either House.

It is always understood that Ministers do not in any way represent party, but are servants of the Confederation. In Switzerland, indeed, as far as the official heads of public departments are concerned, there seems to have been realised, in actual experience, that ideal condition of affairs in which "none are for the party, and all are for the State." Collisions with the National Assembly are practically unknown. The Legislature, on its own part, is safe from molestation at the hands of the Cabinet. There is no such thing as the compulsion of Parliament under Ministerial threat of a penal dissolution in Switzerland, because Cabinet has no constitutional power to dissolve the Assembly. In Short, as the author of the Swiss Confederation remark:-

"The Swiss Ministry is not a purely party Government. It is rather an executive committee for the management of business than a real executive power such as exists in other countries." The authors explain that when a triennial election takes place it is customary to leave the members of the Federal Council unmolested, if they have done their duty.

Hence men like Herr Welti, Herr Hertenstein and Herr Hammer have never been removed, although they owed their elections originally to the centre, now reduced to a mere handful. This system has the evident advantage of great continuity in the executive Government, whilst a sufficient change is introduced in the by-elections. The Federal Councillors are thus not changed en bloc upon every fluctuation of party feeling; and yet the body cannot be said to be really out of harmony with the Chambers. The people acquiesce in this arrangement, not only because they consider the members to be good men of business, but because they are conscious of possessing that powerful engine called by the referendum whereby the ultimate fate of any law is wholly in their hands. It is, in fact, owing to the power of the popular vote that the Swiss are content to possess competent Federal administrators without particular reference to their politics.

The referendum is looked upon by the Swiss as the palladium of their liberties and an inseparable feature of representative government. Its origin, within some of the cantons, is lost in the mists of remote antiquity. In the secluded valleys, which constitute the whole territory comprised in some of the smaller cantons, the power of the men of the canton to give a direct popular vote on public or municipal matters would appear to have never have been disputed. If any man was a part of the effective fighting force of a canton, he was also regarded as a part of the effective legislative power.

Even to the present day the Swiss army, is a territorial one, and practically represents the voting strength of the nation. The canton has, from time immemorial, closely represented the State of ancient Rome, in which all the "hoplites," clad in armour filed past the voting urn and deposited their votes for the decision of any important public questions. But in Switzerland it was not until the year 1874 that the cantonal principle of the referendum was introduced into the federal constitution.

The non-partisan character of the Cabinet, and the absence of some other features of responsible government, rendered it advisable that the power of initiative should rest, not only with the National Assembly, in the form of its right to place resolutions before the people, but also with the people themselves. Accordingly it was provided that a petition in favour of any projected law signed by a certain number of electors should have the effect of setting the machinery of the referendum in motion. If any section of public opinion is sufficiently strong and zealous to ensure the adhesion of the required quota of voters to the initiative petition, the duty is thrown upon the rest of the electors of deciding the question set to them.

The power of the initiative is obviously one by the too frequent use of which any party in the federation may soon "wear out is welcome." Between 1874 and 1880 the new federal weapon of legislation was frequently used on such matters as the law relating to factories. One party having secured an advance in this direction, another brought forward proposals for the expenditure of large sums of public money in subsidising railway and tunnelling projects. These issues having been decided, the electors seem to have begun to feel alarmed, and for ten or twelve years they acted in a most conservative manner, vetoing almost every project that was placed before them. There was on one occasion a very strong popular objection to a project for a quarantine law, and as it happened to go to the vote in conjunction with a patents bill, the latter suffered the fate of rejection simply owing to the strong temper of the voters on the other subject. But on the whole, the power of the referendum has been exercised wisely and well. Mr. Cunningham and Sir F.O. Adams assert that:-

The application of the referendum, as worked in Switzerland, and the issues raised by it, are so easy to understand, and, in most cases at all events, are so independent of party manoeuvres, that public opinion acquiesces at once to the result, and the general feeling entertained in the country with reference to a particular question finds its accurate and, for the time final expression. Extreme measures, whether radical or reactionary, have no chance whatsoever of being accepted by the people, who, while in a manner fulfilling the functions of a second Chamber, have infinitely more weight than any such body usually possesses – even if it be thoroughly representative and chosen by universal suffrage.

Thus, in the opinion of these two well informed authorities, the worst evils of the party system have been eliminated in Switzerland by the joint action of the referendum and elective Ministries.

## *Chapter XIII*

### **The Elective Principle in America.**

The Presidential election in the United States is, in point of fact, also the election of a Cabinet. No events of recent date could more clearly illustrate this fundamental fact than those which demonstrate the tactical necessity, which the Republicans recently perceived, of altering the composition of the Washington Executive, even at the eleventh hour, so as to bring it more completely into harmony with the electoral forces upon which the party had to depend for its chances of success in November.

Attorney-General P.C. Knox, who had given utterance to some very strong strictures on the trust system, was induced to retire and to become a candidate for the Senate, and in his place was substituted Mr. J.H. Choate, who is now the American ambassador in London – a much safer man at the present juncture from a party point of view. The fact is that Mr. W.S. Hearst, the famous originator of "yellow journalism," who had spent already over £300,000 in pressing his candidature, he had joined his forces as a Democrat along with those of the Labor party in declaring war to the death against the trusts; and, inasmuch as he had been far more pronounced on this subject than ever Mr. Roosevelt had been, it was obvious that the extreme opponents of the trusts would vote against the Republican party. The latter, on its part, sought to conciliate the leaders of the great manufacturing combines.

The convention of the party took place at Chicago on 21<sup>st</sup> June, and, in order that Mr. Roosevelt might obtain a firm nomination, it was deemed essential that only he, but

also every member of the Cabinet which he appointed, would refrain from adopting any violent anti-trust attitude. According to the strict letter of the constitution, the power of the president to select the members of his Cabinet is exercised subject to the sanction or veto of the Senate. But only in one instance, on the occasion of the Senate's very bitter quarrel with President Johnson, has this prerogative of veto ever been exercised by that body. There is now a firm law of precedent entitling the Chief Federal Officer of the American Union to nominate his colleagues on the Executive Council. It is therefore necessary, that the members of a Cabinet which is seeking popular support a second time shall present an unbroken front on questions of broad policy.

The chief mistakes made by the framers of the American Constitution were due to the fact that, while they had decided to apply the elective principle to the methods of selecting the Executive, they did not logically follow up the consequences of that decision. This point is plainly indicated by Professor James Bryce in his admirable work on "The American Commonwealth." Had the framers of the Constitution established the elective principle as the basis of the Executive authority, and left it at that, there would never have been the same chance for the growth of the evil "spoils" system.

The Senate, while it has practically renounced its power to influence the election of the Cabinet, has made abundant use of its opportunities for patronage in respect of offices of less importance. The House of Representatives, through its legislative prerogatives, has succeeded in establishing a kind of understanding, which transfers to it the privilege of nominating the more numerous officials of lower degree.

The consequence has been that what is known as "the courtesy of the Senate" has become an engine of oppression and corruption. The most strenuous supporters of the party which has been in Opposition apply with confidence to the members of that party when it proves victorious at the polls, demanding from them offices of profit under the Federal Government.

In order that there may be enough prizes to satisfy the partisan applicants, it generally happens that wholesale dismissals of the old nominees of the defeated party are resorted to without scruple. Patriotic and thoughtful Americans universally, deplore the evil, and admit the defects in the Constitution which have given rise to it. The real origin of these defects may be looked for in the undemocratic fear felt by the framers of the Constitution of the power of the people. The direct popular vote was too much dreaded, and the integrity of the partisan representatives too much taken for granted. The system which assigns the "spoils to the victors" has arisen, not from the working of the elective principle, as applied to the Cabinet, but from the limitations of that principle, as seen in the Senate's power of constant interference with the administrative acts of the Executive in the appointment of Federal officials.

The very indirect method adopted by the people of the United States for the election of their Cabinet has never blinded them to the recognition of the essential fact that the creation of the Executive rests upon a popular basis. First the electors choose by manhood suffrage the members of the Electoral College; but, as each individual comprised in this body is pledged to vote for a particular candidate for the Presidency, there is practically no difference between this kind of election and direct choice. The President then proceeds to nominate his Ministers from among those who have been closely associated with him in the electoral campaign, and, as a rule well known to the voters, a Presidential candidate's chances of success depend to a very considerable extent upon the constitution of this entourage.

We have even seen this fact exemplified in the case of Mr. Knox. Bryce argues that a much more direct system of choosing the Cabinet would have been more in accord with the central democratic ideal. He says:-

"That a single head is not necessary to a republic might have been suggested to the Americans by those ancient examples to which they loved to recur. The experience of modern Switzerland has made it still more obvious to us now." But it should not be forgotten, in reference to the action of those who assembled at Philadelphia, that their motive in giving quasi-autocratic power to the President was determined by the feeling that self preservation is the first law of nature, and that the kingship or generalship of a single man was more likely to make for effective self defence in those troubled times than the rule of any democratic Cabinet.

Twice in the history of the Union has the President been chosen by Parliament from among candidates nominated by popular suffrage. The Constitution provides that, unless one candidate receives from the College of Electors an absolute majority of its votes, the House of Representatives shall be called upon to decide between the three men who stand highest on the list. It is possible also for the Congress to take action for the removal of the President by means of direct impeachment. Andrew Jackson had a fierce quarrel with the Houses, which resulted in a motion of this character, but he was acquitted because his adherents formed more than one-third of the whole Congress, and the Constitution provides that Congress cannot remove the President without the concurrence of two thirds of the members.

On the other hand, the President can very effectively curb the power of Congress by means of his legislative veto. This is permanent only in the event of the majorities in the Houses being comparatively small. If, after the President has vetoed a measure, Congress passes it again by majorities of at least two-thirds, the will of the elective Chambers must prevail. It may seem somewhat strange that, while in modern practice the royal veto in monarchical England is never exercised, a similar power vested in the President of a republic should be frequently brought into operation. But Bryce remarks in this connection – "so far from exciting the displeasure of the people by resisting the will of their representatives, a President generally gains popularity by the bold use of his veto power. It conveys the impression of firmness; it shows that he has aims, and does not fear to give effect to them."

Patriotism has been the principal national virtue the growth of which has been encouraged by the system of making the Executive directly responsible to the nation at large. This fact is plainly observable in the attitude of parties on the question of protection of native industry. It is an essential part of inherent patriotism in the case of an American to give the preference, not only in war, but also in trade, to his compatriots. Bryce, who is himself an English free trader, was compelled after close investigation to admit that there is no such thing as a free trade party in the United States. He says:--

"There is no political organisation which agitates for free trade by the usual party methods; much less does anyone think of starting candidates for the Presidency of Congress upon a pure anti-protectionist platform."

On broad national issues of legislation in fact, it may be said of the United States that there is a remarkable consensus of public opinion. This must, in very large measure, be ascribed to the fact that the elective system of choosing the Executive – although defective in some respects – has had the effect of preventing aspiring men from making party capital by promoting rancour in respect to proposals affecting the national welfare.



The author of the American Commonwealth describes with some amount of humour the confused impression produced upon the mind of an Englishman by an attempt to dig deeply and discover the foundations of the wall of policy which he imagines to separate parties in the States. Referring to a typical Democrat and his supposed points of difference from the Republicans, he says:-

"If you go on to inquire what the bearing of State rights has on any presently debated issue, he will admit that, for the moment, it has none, but will insist that, should any issue involving the rights of the States arise, his party will be, as always, the guardian of American Freedom."

As a matter of fact, the partisan elements of American politics are created by the personal ambitions of office seekers in comparatively humble walks of life. The President and the members of his Cabinet are almost invariably men of high personal integrity, selected by their party because of the weight which their personal worth will carry in the electoral contest. The struggle between the outs and the ins is one which usually depends entirely on "the courtesy of the Senate" in particular, and generally on the patronage rights which have been usurped by private members of Congress. We are therefore justified in arriving at the conclusion that the elective principle, as applied to the choice of the Washington Executive, has produced a very beneficial effect on those departments in which it has been permitted to exercise its influence, while the timid negation of that principle involved in the patronage rights of Congress has been responsible for the worst evils from which American politics have suffered. In those branches of the public service in which the party system of the electorates has never been allowed to generate Party Government in the Legislature, the success achieved in the administration of the affairs of the United States may be taken as showing the high water mark of civilisation in so far as it concerns national co-operation for mutual benefit.

In short, the experience of the United States, like that of England and the British colonies, may be cited to show that while party is inevitable, and even useful, in the constituencies, the working of Party Government within the assemblages elected by the people to represent them, and administer the affairs of the nation, is accompanied by evils which have seriously impaired the value of representative institutions, and must inevitably become intolerable in the future.