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**CONSTITUTIONAL ASSEMBLY**

**THEME COMMITTEE 2  
STRUCTURE OF GOVERNMENT**

**THEME COMMITTEE MEETING**

**MONDAY  
27 FEBRUARY 1995  
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**TECHNICAL COMMITTEE REPORT 1  
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THE EXECUTIVE**

**ANNEXURE "A"  
PAPER BY PROF JEAN BLONDEL  
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**Western European Cabinets in Comparative Perspective:  
The cases of the British, German, and Dutch Cabinets**

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**Western European Cabinets in Comparative Perspective:  
The cases of the British, German, and Dutch Cabinets**

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The behavioural characteristics of cabinets and governments in parliamentary systems have only received limited attention in most Continental countries and even in Britain, despite the classic study of Bagehot of the middle of the nineteenth century (1). Only since the 1970s and especially since the 1980s has an effort been made to discover, first, and to describe, second, the life of cabinets in a number of countries. These country studies have naturally gradually led to comparisons, as a result of which similarities and differences in cabinet organisation and decision-making have emerged more clearly. In the process, we have become better aware of the characteristics of organisation and decision-making which are likely to be most effective (2).

The one feature which nearly all contemporary parliamentary cabinets have in common is that they are not, or have ceased to be, truly collective in character: as a result the contrast usually drawn between presidential and parliamentary cabinets is not as marked as is typically believed. Yet, while truly collective decision-making is rare in modern cabinets, except perhaps in the smallest countries, there are appreciable differences from one polity to another. As a matter of fact, even from a formal standpoint, differences exist in the extent to which cabinets can be regarded as collective. While it is

usually stated that the British cabinet is a 'cabinet of equals', the German chancellor and the German federal ministers, for instance, have clearly defined distinct powers granted to them by the Basic Law and these powers set them apart; moreover, to these legal distinctions must be added differences in practices and in behaviour, as these can further sharpen the differences or, on the contrary, in some cases at least, tend to reduce them.

The determination of the extent and character of these differences is still in the process of being discovered, however. Thus, while it is natural that a country such as South Africa, which is undertaking the exciting experience of setting up a new form of government, should wish to ponder as systematically as possible on the experiences of other parliamentary cabinets which have existed, with varying degrees of success, for a substantial period, a word of caution must be introduced before proceeding further. This is not only because the conditions under which the South African cabinet is emerging are special, if not unique; this is also because our knowledge of the life of cabinets in Europe or elsewhere is still limited.

This paper is primarily devoted to the cabinets of three countries, Britain, Germany, and the Netherlands: these constitute examples of three different forms of parliamentary cabinets which may be regarded as three different models or 'ideal-types', although none of them exactly fits what South Africa is trying to achieve. Reference will be made occasionally to other countries, some of which, of course, have had a markedly less successful experience of parliamentary government, such as France before 1958, Italy, or even Belgium. The Belgian case is most interesting for South Africa, as are

those of Canada and, in a different structural context, of Switzerland, since these countries have a plural character and the governments have performed as a result come to be also plural (as well as, one hopes, pluralistic).

The paper will be divided into three parts. The first will be devoted to a description of the characteristics of the political life of the three countries principally analysed here which are directly relevant for the understanding of cabinet life. The second and third parts will examine respectively the composition and the decision-making processes of the cabinets of these three countries, with occasional reference to other polities. The conclusion will aim at identifying the ways in which the example of the parliamentary cabinets studied here can be of use for the development of new practices in South African cabinets.

#### I. The characteristics of British, German, and Dutch political systems and their impact on cabinets

Marked differences in both constitutional arrangements and relative party strength have resulted in Britain, Germany, and the Netherlands having, ostensibly at least, sharply distinct forms of parliamentary cabinets. Let us examine successively these two aspects.

Constitutional variations in the characteristics of cabinets. There is of course no single written constitutional document in Britain, but, if one takes into account both written rules and recognised conventions, the three countries appear diverse primarily in terms both

of the position of the government leader and of the status of ministers. Among the three countries and indeed among many others, Germany is the one in which the government leader, the chancellor, has the most exalted status; the British prime minister is of course also strong by convention, but he or she is none the less regarded as being the head of a team, while the German chancellor is almost a President: he is appointed alone by the Bundestag; he "determines and bears responsibility for the general policy of the government" (art. 65 of the 1949 Basic Law). Neither the British prime minister nor even less the Dutch prime minister are empowered to "determine the policy of the government": even under Lady Thatcher it could not be said that she 'determined' policy, although she of course initiated many or even most major policies. On this score, the Dutch prime minister ranks as the weakest: his position has only slowly gradually increased over the decades, having been very undifferentiated from that of other ministers as late as the Second World War (3).

From the point of view of the status of ministers, however, Dutch and German cabinets are closer to each other than to the British cabinet: Dutch and German ministers are held to be autonomous in their own sphere while this is not the case for their British colleagues, in theory at least. Art. 65 of the German Basic law also states that "within th[e] policy [of the chancellor], each minister conducts the affairs of his department independently under his own responsibility". Dutch ministers, too, were originally masters in their own field and, even if this power is now eroded, something remains of the idea that the cabinet is more a collection of ministers than a true team with a common goal, a point which tends to persist as a result of the coalition nature of Dutch cabinets to which we shall shortly come. In Britain, on the contrary, the notion

prevails that the cabinet truly forms a team and that ministers are players within this team even if they, too, have individual responsibility for the department which they run. Indeed, the difference is reinforced by the Dutch legal requirement that ministers have to resign their parliamentary seats on joining the cabinet: the Dutch cabinet is viewed as separate from the legislature, as the Monarch's cabinet, and almost as a mere collection of ministers in charge of various departments.

As a result of the combination of the two aspects - on the one hand the stronger position of the leader in Germany than in Britain and the Netherlands (even if, in practice, differences between Britain and Germany may be less marked in this respect), on the other hand, the entrenched position of ministers in Germany and the Netherlands rather than in Britain - the cabinet as such appears more of a living body in Britain than in the other two countries which are considered here. What counts most in Britain is what the cabinet decides, even if the leader plays a key part and if the ministers find a way to protect their department from the involvement of other ministers. Despite the fact that, in practice, the collective character of the cabinet has been markedly eroded in Britain and not solely under Lady Thatcher, the point remains that, in Britain, the cabinet is at least the stage where decisions are taken or are stopped, even if this stage is, in many respects, rather formal.

The impact of the party system: a) Single party or coalition cabinets. Other important differences in the characteristics of the cabinets of the three countries stem from the nature of the party system, that is to say, ultimately, of the way in which electoral behaviour is translated into party strengths in parliament. The first of these differences is

the well-known contrast between British single-party governments and German and Dutch coalition governments. Indeed, British governments are not only single party: they are normally single-party majority governments, although, in the 1970s, some did have minority status; but this was the case for short periods only, while all German and Dutch governments have been coalitions since World War 2.

It is not sufficient to distinguish between single-party and coalition governments, however: a further distinction has to be made among types of coalitions: Germany differs markedly from the Netherlands in this respect. The German coalitions are typically of the Right or of the Left, as the two main parties, the CDU and the SPD, cover respectively the Centre-right and the Centre-left. Admittedly, neither party succeeds in obtaining an overall majority of seats in the Bundestag and, therefore, the support of the small Liberal Party, the FDP, is required: only for a short period, between 1967 and 1969, was a CDU-SPD (grand) coalition formed. The crucial position of the Liberal party does give it the opportunity to be almost always in government and to extract substantial advantages as a result; but the tune is called by the major party in office and the chancellor has also always been drawn from one or the other of these major parties.

Dutch coalitions are different. Up to 1994 they had always included the Catholic party and, since 1973, the combined Christian party, the CDA. That party has therefore rightly been regarded as the pivot of Dutch governments, while others, and principally the Right-wing Liberal party, the VVD, and the Centre-left Labour party, the PvdA, tend to alternate as the two main associates. A kind of ballet is being played, with



one of these two parties coming in when the other leaves and vice-versa. For the first time in 1994, after suffering substantial losses, was the Christian party excluded from power and the Liberals and Labour parties have formed a coalition with a smaller Centre-left party.

The contrast between the German and Dutch coalitions is thus sharp. In a sense, Germany occupies an intermediate position between Britain and the Netherlands. In Britain, Right and Left are never together in government (except during wars); they follow each other in alternance. In the Netherlands, Right and Left may well combine in government to form 'grand' coalitions. While in the Netherlands elections give an indication as to whether the government should move towards the Left or towards the Right, the Christian party, up to 1994, has always been part of the coalition, not, as in Germany with the Liberal party, to add a small amount needed to form an overall majority, but as the centre of the whole system.

b) The strength of the leader of the party. The difference in the party structure of cabinets among the three countries has consequences for the leadership of the government. The position of the prime minister in Britain is reinforced by the character of the contest between the two major parties and by the fact that the prime minister is, and is regarded as having to be, the leader in that battle. Similar remarks can be made about Germany: there, too, the leadership of the government has always gone to one or the other of the two major parties and these oppose each other in ways not dissimilar to those in which the British Conservative and Labour parties oppose each other. In the Netherlands, traditionally at least, the choice of the prime minister has been more open,

as it has tended to depend on the nature of the coalition: the other partner or partners in that coalition may simply block the appointment of someone as prime minister; the German Liberal party never had enough weight to exercise such a veto. In the 1980s, however, as we shall see in the next section, the Dutch cabinet has moved somewhat closer to the other two countries in this respect: prime ministers are typically appointed from among party leaders while the leadership of the government has gradually become stronger.

c) The problem of the formation of the government. The contrast between single-party and coalition governments, as well as between the Dutch and German type of coalitions leads to sharp differences in the process and character of government formation. A British government is constituted in two or three days after a general election or after a prime minister resigns; if the previous prime minister wins the election which he or she fought as a prime minister, he or she also reconstitutes the government in two or three days. In Germany, the process is a little longer as negotiations have to take place between the main party and the Liberal party, but in no case after the election result has been known has there been any doubt as to who would be chancellor and which parties would form the coalition: the time spent preparing the government programme takes place within a context of certainty about the outcome.

This is not the case in the Netherlands where everything is open when a government has to be constituted, either after an election or after the internal collapse of the previous administration. Thus a long period begins, sometimes lasting several months, during which the search for a viable solution is made. Possible government

programmes are being first canvassed in broad terms and later discussed in greater detail. As one starts from a situation of complete uncertainty, the process is necessarily slow and complex, especially if there has been a break-up of the previous coalition or if the election gives, as is generally the case in the Netherlands, little indication as to what outcome should be adopted.

d) The life of the government. The life of the government is also markedly affected by the single party, dominated coalition, or relatively undominated coalition characterising respectively Britain, Germany, and the Netherlands. In the British case, problems arising in the government are solved in the cabinet, even if thi means that, occasionally, a minister has to resign or be dismissed: the 'buck stops' at the cabinet level, naturally under prime ministerial leadership.

In the Netherlands, at the other extreme, grave divisions within the cabinet mean turning to the political parties for a solution. Ministers exercise some influence, but, if they have not found an acceptable outcome in cabinet, others have to be involved. Party leaders outside the cabinet (mainly in parliament) have to intervene - or the government collapses. These leaders have therefore a kind of reserve power which they cannot (and probably do not want to) abandon. In Britain, the role of the party outside the government tends to be different: it acts as a pressure group on the cabinet to attempt to make it change its decisions; the cabinet is regarded therefore as the ultimate decision-maker.

With respect to the role of party leaders outside the cabinet, the German case is intermediate. The government - and in particular the chancellor - tend to have a free hand; in extreme situations, however, the party leadership, especially that of the smaller party, the Liberal party, as well as to an extent of the 'sister' party of the CDU, the Bavarian CSU, may be involved.

Differences in the political characteristics of the three countries and in particular of the party configuration in these countries have therefore an effect on cabinet life. In Britain at one extreme, the cabinet has the upper hand because of the single-party nature of the government, while, in the Netherlands, at the other extreme, parties - outside the cabinet and especially the parliamentary parties - play a large part. Some further distinctions need to be made, moreover, as a result of the constitutional powers of the leader and of the ministers. The role of the German chancellor is particularly large while ministers in both Germany and the Netherlands enjoy greater autonomy than British ministers. Thus, not surprisingly, significant differences are likely to result in the composition and decision-making processes of the cabinets of the three countries.

## II. The composition of the British, German, and Dutch cabinets compared

Western European parliamentary governments are all party governments: they are therefore essentially (though not always exclusively) composed of ministers drawn from the political parties; but the way these ministers are chosen and indeed the party arrangements which lead to the selection of these ministers vary markedly, in large part, as we saw, as a result of the relative strength of parties in parliament.

Thus British and Dutch cabinets are at some considerable distance from each other with respect to their composition, with German cabinets occupying an intermediate position. The differences affect three aspects which jointly determine the composition of cabinets, the party base, the choice of leaders, and the choice of ministers.

The party base of cabinets. In Britain, the party base of cabinets is (normally) determined almost mechanically by the election result since one party (also normally) obtains an absolute majority of seats in the House of Commons. This is not always the case, however, and in the 1970s, in two occasions, no party had such a majority: in February 1974, the electoral outcome itself was indecisive; in 1977, as a result of by-election losses, the party which had had an overall majority (the Labour party) lost that majority. In such cases, the constitutional position is that the Monarch shall choose (or retain) as prime minister the leader of the party who can command a majority in the Commons: this choice may not be obvious. Indeed, in February 1974, the Conservative leader and prime minister of the previous government, Edward Heath, attempted to see if he could form a government, although his party had obtained fewer seats than Labour; having failed, he resigned and advised the Queen to call for the Leader of the Labour party. Thus what makes the matter appear unproblematic in Britain is the contingent fact that one party normally has an overall majority: it is not an intrinsic characteristic of the British political system.

In the Netherlands, meanwhile, the question of which party will form and support the cabinet is on the contrary normally problematic because various party permutations are possible as no party ever enjoys such a commanding lead over the others that it has a 'manifest' claim to form the government and to choose its partners. As we noted in the previous section, there is (or there was traditionally, up to 1994) a 'pivot' party, constituted since 1973 by the Christian party, but, while this 'pivot' party was expected to be a member of every coalition up to 1994, it was not strong enough to control the party composition of the cabinet: the outcome was therefore fundamentally uncertain. This state of affairs is not unique to the Netherlands: on the Continent of Europe, one finds similar situations in Belgium, Denmark, and Italy in particular.

The party composition of the cabinet is uncertain in the Netherlands as Dutch parties do not (and possibly cannot, in view of the spread of the votes among a wide number of parties) announce before the election with which other parties they propose to enter in coalition; as a matter of fact, it probably was also in the interest of the Christian party to keep its options open, since this helped it to maintain its 'pivot' position. In Germany, on the other hand, electors know in advance of the election what coalition will be formed. This is not only because the arrangement between the Christian party, the CDU, and its Bavarian 'sister', the CSU, is viewed as being permanent; this is also because, since the 1950s at least, the Liberal party always declared before the election whether it would join the CDU/CSU or the SPD in the government. Admittedly, there could be uncertainty; indeed, there has been some uncertainty since the late 1980s as to what would occur if the gains of the Social democratic party were to be such that, alone or with the Green party, it obtained appreciably more seats than the Christian parties

while not obtaining an overall majority. In such a case, the Liberal party might have had to reconsider its decision to join the Christian parties in partnership; but this hypothesis did not materialise. Thus, as in Britain and in contrast with the Netherlands, elections do decide directly in Germany which parties are to form the cabinet.

The choice of leader. Britain differs markedly from the Netherlands also with respect to the choice of the government leader, while Germany is close to Britain in this context. In the Netherlands, there is uncertainty as to who will be prime minister even after the election has taken place, while, in Britain and Germany, no such uncertainty normally exists. Yet the difference is less marked than it appears at first sight; it may be diminishing for two reasons.

First, the British Monarch chooses as prime minister the person who can command a majority in the House of Commons: this is normally automatic, as we said, but we also noted that there may be uncertainty, as was indeed the case in February 1974. Thus one cannot always be sure who will be prime minister, even in Britain, if the election result is inconclusive; it is sometimes suggested that the hypothesis of a 'hung parliament' is becoming more realistic. The same could occur in Germany if, as was suggested earlier, the 'expected' coalition did not obtain enough seats in the Bundestag.

Meanwhile, a further difference between Britain and Germany, on the one hand, and the Netherlands, on the other, is also diminishing. In Britain and Germany, there may be uncertainty as to which party leader will become prime minister or chancellor, but it is at least clear that the government leader will be chosen among party

leaders. In the Netherlands, this is not necessarily the case: the formation of the cabinet may be so difficult that someone who is not a party leader may have to be selected as prime minister: this will occur if a party of the potential coalition declares not to be prepared to serve under the leader of the party which is expected to obtain the prime ministership, perhaps because that leader directed a previous cabinet based on a different type of coalition. Behind such a difference lies the idea that the prime minister has more an arbitrating than a leadership position and that one must therefore look for the person, irrespective of his status in the party, who can best fulfil this role.

Yet this second type of difference in the character of the prime minister, which has traditionally existed in the Netherlands, as well indeed as in Belgium or Italy, has come to diminish in the Netherlands at least. In particular since the late 1970s, the national stature and the duration of office of Dutch prime ministers has increased (a development which has occurred also in Belgium, but not in Italy). Dutch prime ministers have in the process tended to be selected from among party leaders: the situation is therefore not unlike that which prevails in Britain and Germany. Overall, the uncertainty which does subsist in the Netherlands comes increasingly from the characteristics of the party configuration only and not from a different conception as to what the role of the prime minister should be.

The choice of ministers. The question of the choice of ministers is perhaps the aspect where the largest difference exists between Britain and the Netherlands, while, as on other characteristics relating to the composition of cabinets, Germany stands somewhere between these two countries. On the one hand, in Britain, the prime minister is free to



choose cabinet ministers and indeed to reshuffle the cabinet how and when he or she wishes. On the other hand, in the Netherlands, first, cabinet ministers are selected by the parties joining the coalition, the prime minister having merely some say with respect to the ministers of his own party; second, the posts occupied by these ministers in the cabinet are determined by agreement between the parties forming the government and not by the prime minister; finally, third, the prime minister cannot reshuffle the cabinet: normally there is marked stability of the ministerial group; however, if a minister does leave, the party to which this minister belongs chooses the replacement.

The German practice is intermediate between the British and Dutch practices: the chancellor has a substantial say in the selection of the ministers of his own party, but the ministers of the other party or parties are, as in the Netherlands, selected by these parties and, as in the Netherlands, too, reshuffles are rare and limited. On the surface, the contrast could therefore not be greater between two types of parliamentary cabinets; yet one needs to examine the differences more closely to see more clearly where these lie and whether, in all respects, they are as large as they seem to be at first sight.

There is one element of similarity between Britain and the Netherlands: the apparently large freedom of the British prime minister to choose cabinet ministers is markedly reduced in practice as he or she has to select these ministers from among a small group of top parliamentarians of his or her party. The constraint is not complete, admittedly: he or she does not have to appoint to the cabinet all the members of the 'shadow cabinet' and only these: indeed the 'shadow cabinet' is largely appointed by the

leader; nor is he or she constrained to give to the persons selected the posts which they occupied in the 'shadow cabinet'. Yet there will always be a substantial overlap, to say the least, between the 'shadow cabinet' and the subsequent 'real' cabinet. Moreover, while in theory the prime minister makes these choices alone, a certain amount of bargaining does in fact take place.

To this extent, the situation which prevails in Britain is therefore not wholly dissimilar from that which can be found in the Dutch and German cabinets: the persons who are selected to be ministers belong typically to the central core of the parties to be represented in the cabinet. Indeed, if there is any difference, it is that party leaders have somewhat more freedom of manoeuvre in the Netherlands than the British prime minister. Probably because the British prime minister has a formally vast power to select members of the cabinet, a number of customary rules have restricted this power to make it more 'acceptable'; in particular, the effective opportunity given to the British prime minister to go outside a well-defined 'charmed circle' is very limited. In the Netherlands, on the other hand, the view has always been that ministers should be selected (in part at least) on the basis of their technical or specialist background as well as, indeed perhaps more than because they were part of a political team. This practice stems largely from the view, which was noted earlier, that the Dutch cabinet is not strictly parliamentary, given that ministers have to resign their parliamentary seats on joining the cabinet and that, as a matter of fact, a substantial minority among them have never been members of parliament. There is therefore here a sharp contrast in the British and Dutch conception of the cabinet; the result is a substantial limitation of the effective power of selection of

the British prime minister while the leaders of the coalition parties in the Netherlands have some freedom of manoeuvre.

Thus, when a cabinet is formed, the true difference between the British, Dutch, and German practice lies in the fact that the selection is made by one party centre in the British case and by more than one party centre in the other two countries, since, in these two cases, there is more than one party in the government: but there are undeniably strong constraints on the British prime minister, stronger perhaps than on the German and Dutch party leaders.

Yet the British prime minister does have a power which his German and Dutch colleagues do not have, namely that of being able to reshuffle his or her cabinet more or less at will; indeed he or she is expected to do so frequently although this power is sometimes regarded as being detrimental to good government (4). No such power exists in Germany or the Netherlands. This is in part because it would obviously be more difficult to reshuffle a cabinet composed of several parties, as the prime minister would not be in a position to do so with respect to parties other than his or her own: the cabinet tends therefore to remain unchanged until a new government is formed, for instance after the subsequent election. Yet the difference is also connected to the fact that ministers in the Netherlands and in Germany are regarded as being primarily in charge of a department and only secondarily as members of the cabinet. In Britain, on the other hand, the idea is the converse one: ministers are primarily cabinet members; to this is to be added the belief that a cursus honorum has to be followed by ministers wishing to move to the top: such a cursus does not truly exist, admittedly, but the idea is sufficiently

widely engrained for ministers to want to 'move up' gradually. Partly as a result, some prime ministers reshuffle their cabinets also out of fear, as they worry that some of the ministers might wish to oust them in order to take over their position! These characteristics do not affect (or affect markedly less) Dutch and German cabinets as ministers in these cabinets view their position as essentially stable, at least as long as the government lasts.

There are thus substantial differences in the way the cabinets of the three countries come to be set up, although they are not in all respects as marked in practice as they seem in principle. The British prime minister leads a team: this gives him or her both power and limits to that power. Dutch and German government leaders supervise the ministers in different ways: the German chancellor has powers of his own; the Dutch prime minister, traditionally at least, acts as an arbiter, though he, too, is acquiring more influence. We need now to turn to the examination of decision-making processes and see whether differences in composition are reflected in differences in the life of cabinets.

### III. The decision-making process in the British, German, and Dutch cabinets

The problem of collective government. Four ways of reducing deliberations in cabinet. As was noted at the outset, parliamentary cabinets in Europe and elsewhere are not or are not any longer fully collective, except in very small polities. The sheer number of decisions which have to be taken, together with the complexity of at least many of these decisions, mean that a large amount of sifting, of preparing, as well also of general implementing has to take place outside the cabinet. Moreover, although cabinets are not

very large, they have reached a substantial size in all parliamentary polities except the smallest ones: early in the twentieth century cabinets of even the large countries had ten or twelve members only: they are now at least fifteen strong and in many cases include somewhat over twenty ministers. For a group of such a size to participate meaningfully in decisions, a substantial amount of discussion time has to be provided: but meetings of cabinets last typically to two to three hours a week and only in some cases, the Netherlands being one of them, do they last longer. Yet even if meetings last five to six hours, the quantity of business which has to be transacted during that period is often such that it is unrealistic to believe that truly difficult questions can be subjected to extensive deliberation.

In reality, parliamentary cabinets could not function if the discussion was not curtailed in some fashion. There are indeed four ways in which this can be achieved. One of these is the streamlining of debates by the prime minister: he or she does so by sifting stringently the items for deliberation. This can be done in practice only where the prime minister is helped by a substantial staff who are in continuous contact with all the government departments and thus can ensure that most difficulties over most issues are effectively solved before these issues come to the cabinet for discussion.

A second way in which discussion in cabinet can be curtailed is by means of cabinet committees playing in effect a similar part to the one which has just been described in relation to the prime minister's office. With such a mechanism the full discussion of items takes place in the cabinet committees and these items normally

come to the cabinet only when the committee has found a solution acceptable to its members.

Discussion can also be restricted in a third manner, albeit on a different plane. Members of the cabinet can exercise restraint and, instead of debating every issue, they may prefer to concentrate on those matters in which they are directly involved. These typically turn out to be questions connected with the departments which they run, either because they are genuinely interested in the problems of these departments or because they know that their reputation largely depends on them being viewed as effective in fighting for the interests of their department. There are obvious costs incurred in interfering in the affairs of other departments, moreover: someone who does so, especially if he or she does it often, is likely to be subjected to retaliation. Thus it is in the interest of all cabinet members to remain quiet when questions relating to departments other than their own are raised. This mode of behaviour has naturally the effect of reducing discussion.

Finally, fourth, deliberation is restricted as a result of the general manner in which parliamentary cabinets are set up and the whole parliamentary system is structured by the political parties. Parliamentary cabinets are based on and include representatives of one or more parties. These have programmes which by their very nature circumscribe the areas which are to be the object of debate at a given point in time in cabinet: what is not in the programme tends not to come on the agenda of the government; what is in the programme tends to have been, to an extent at least, 'pre-digested' by the party before being placed on the cabinet agenda. There are of course

variations in the extent to which questions are covered in the programmes of the parties; there is also some leeway in the timing and even the extent to which different elements of these programmes become governmental policy. Moreover, the situation is different in a single-party government, in which the programme of the party is at least clearly on the cabinet table - whether it is being implemented fully or not - and in coalitions, where the programmes of the parties have to be 'harmonised' before they begin to be implemented. As we noted earlier, this 'harmonisation' tends increasingly to take place, not in the cabinet itself, but before the coalition is formed, especially in the Netherlands, as well as in Belgium: in both these countries voluminous government compacts are drafted and even published; they are regarded as the 'bible' of the cabinet. Although these compacts do not solve every problem, they have the effect of limiting appreciably the extent to which discussions take place in the cabinet.

These different ways of restricting debate are used in a different manner by different cabinets and in particular in the three countries which are examined here. Dutch cabinets rely mainly on governmental compacts and on the fact that ministers tend to 'mind their own business'. In British cabinets, the emphasis is mostly on the preparation of decisions by committees and on some reliance on the prime ministerial office. In Germany, the chancellor's office tightly controls the preparation of matters coming to the cabinet, while, as in the Netherlands, ministers tend to concentrate on the affairs of their departments.

The Netherlands. Highly developed compacts and little interference of ministers in other departments. Of the cabinets of the three countries examined here, Dutch cabinets could

be expected to both the most collective and those experiencing the most need for lengthy deliberations in order to reach decisions. This may indeed be why, as we noted earlier, Dutch cabinet meetings last longer than those of the other countries (and lasted even longer in the past) despite the fact that the Netherlands is the smallest and the most socially cohesive of the three countries (5).

Dutch cabinets can be expected to be more collective than British or German cabinets for two main reasons. First, Dutch prime ministers, as we noted, do not have as much power as their British and German counterparts nor do they have the constitutional powers of German chancellors. Second, Dutch cabinets are coalitions and coalitions can be expected to be less united than single-party governments since they include parties with differing programmes, especially when they are, as does occur in the Netherlands, 'grand' coalitions including parties of the both the (Centre)-right and the (Centre)-left. Both characteristics are clear recipes for long discussions and even inconclusive debates.

It is in order to overcome these difficulties that governmental compacts began to be elaborated in the 1960s, the aim being to reduce in this way potential areas of conflict and to circumscribe the fields in which the government would initiate new policies: few problems would therefore be expected to arise when these policies would be carried out. Governmental compacts cannot eliminate conflicts altogether: some cannot even be anticipated, especially in foreign affairs; there may also be emergencies in internal affairs, particularly where the economy is concerned. Moreover, compacts may not be fully comprehensive, as some problems may be regarded as so intractable



that it seems better to postpone the search for a solution, in the hope that, with time, a way out of the difficulty will be found, a hope which does not always materialise.

Meanwhile, Dutch ministers tend to concentrate on their own affairs. Many among them are specialists and are therefore naturally more interested in the department which they run than in the life of the government. Thus Dutch cabinets can function effectively and even last for substantial periods without having to rely on other mechanisms to reduce discussion: the prime minister's staff is relatively small and committees are not very influential. On economic matters, a permanent committee of three and subsequently five ministers was set up; but this 'pentagon' did not have the influence which it was expected to acquire.

Britain. The key role of cabinet committees. At first sight, British cabinets do not seem to suffer from the same handicaps as their Dutch counterparts since they have always been composed since 1945 of members of one party only. Thus not only do cabinet ministers know each other well and constitute a team, but, as leaders of the party as well as of the government, prime ministers are in a position to exercise substantial authority, an authority which, as we saw, is coupled with the power to dismiss those members who disagree with the rest of the team. Moreover, the fact that the government is continuously subjected to opposition attacks constitutes a further incentive for the cabinet to close ranks, as divisions in the cabinet are exploited by the opposition and orchestrated by the media.

Problems arise none the less. British governments may be teams, but British parties are large enough to acquire overall majority support only because they have different political wings, particularly the Labour party, but, at least to an extent, the Conservatives as well. Prime ministers find it therefore difficult not to include in the cabinet at least some members whose views differ from their own: even Lady Thatcher could not wholly eliminate those who disagreed with her; indeed, although she periodically dismissed many opponents in the course of the decade during which she was at the head of the government, criticisms seem to emerge anew from among the ranks of those who had previously been loyal. Problems of this kind arise in part because, as we noted, British ministers are less likely than their Dutch counterparts to be prepared to concentrate exclusively on the affairs of their department: some may do so, by desire or necessity; but many do not, especially if they are opposed to the general aspects of the policy pursued by the cabinet, as well as simply if they feel they are inclined to discuss matters concerning other departments because they headed different ministries in the past. It is thus difficult for British prime ministers to avoid being confronted with attempts made at least by some cabinet ministers to intervene regularly on almost every subject.

A mechanism to reduce debate was therefore needed: this was found by establishing a network of cabinet committees entrusted to 'prepare' decisions in such a way that problems would be solved before issues reached the cabinet. Items are thus routinely sent to the relevant committee, which includes the ministers most directly concerned and is chaired by the prime minister or by a trusted colleague, typically a cabinet member without a departmental portfolio. Occasionally, conflicts may none the less surface in cabinet itself if the committee did not succeed in finding an acceptable

solution: rather than allowing the cabinet to debate the controversial points fully, the prime minister typically sends the whole question under discussion back to the committee with the brief that it should 'try harder' to find a solution.

Committees have grown in number in the course of the 1960s, 1970s, and 1980s. They have gradually resulted in the cabinet losing much of its deliberative character: this development was particularly marked under Lady Thatcher, although a number of issues did prove highly conflictual even in the cabinets which she led. The British cabinet has thus become primarily a 'court of appeal' mainly designed to ensure that the relevant committee takes more notice of the grievances which ministers may have; it is no longer, as at the beginning of the twentieth century, a place where debate takes place fully among members of the team in order to find solutions to the problems at hand.

Germany. The overriding part played by the chancellor by means of the chancellor's office and the relatively small interference of ministers. We have had occasion to note that the German cabinet has in many respects characteristics which are intermediate between those of the Dutch and British cabinets. Yet the German cabinet lies at the extreme in one respect, namely the extent to which the chancellor can control deliberations: he can do so not only because of his authority as party leader or because of his national prestige, as the British prime minister can, but also because it is stated in the Basic Law of 1949 that he 'determines' cabinet policy - a statement which corresponds to the German tradition and which was fully implemented by the first chancellor of the Bonn Republic, Adenauer. Coupled with the point, which we already

mentioned, that the responsibility of German ministers lies principally with their departments, the view does therefore emerge that chancellors in a sense are the cabinet. Admittedly, two of them, Ehrhard and Brandt, were less inclined to dominate their colleagues, while a third, Kiesinger, was unable to exercise strong leadership, in part because he headed a 'grand' coalition of the CDU and the SPD; but the other three German chancellors, who characteristically lasted appreciably longer in office, did fulfil entirely the requirement of the Basic Law with respect to the determination of cabinet policy.

Yet the chancellor could not exercise such a strong leadership if he was not helped by a large staff. The chancellor's office is indeed by far the most numerous of the prime ministerial staffs in Western Europe (6): it includes hundreds of civil servants who cover all the fields of the federal government and are indeed expected to 'mirror' the activities of each department. It is therefore simply not possible for a minister to make a proposal to the cabinet unless the staff of the chancellor agrees with that proposal; consequently it is therefore most unlikely, to say the least, that other ministers will object in cabinet to the proposals which are presented or that they will formally demand that a proposal be included. They may complain in private to the chancellor or to colleagues; they may exercise pressure on the chancellor's office: but they are unlikely to succeed within the cabinet itself and are therefore also unlikely to even try to engage in such manoeuvres.

The result is that discussions are limited in scope and context in the German cabinet; the fact that there is such a firm grip of the chancellor's staff means that

there is little need for committees on the British model. One limitation to this firm grip exists, however: it stems from the fact that German governments are coalitions and that the coalition parties have therefore to agree on a common programme. Difficulties have indeed sometimes arisen at this level, for instance when the Liberal party decided to abandon in 1982 the coalition which it had formed with the SPD since 1969. Such a need for compromise with the coalition partners is what ultimately distinguishes German cabinets from fully-fledged presidential governments: in their day-to-day running, however, German cabinets do have a near-presidential structure, appreciably more than Dutch cabinets and even British cabinets.

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Can South Africa draw some lessons from the experiences of cabinet life in Britain, Germany, and the Netherlands, as well indeed as of other European countries, most of which have features which are close to those of one of the types which have been described here? The Belgian cabinet thus resembles markedly the Dutch cabinet; the French cabinet of the Fifth Republic oscillates between the German and the British models; Austrian and Spanish cabinets follow closely the German pattern. Only Scandinavian and Irish cabinets display more collective characteristics than those which have been examined here, but this is in large part because these polities are small in population and, in the case of Scandinavia, because the countries are also socially homogenous: they cannot therefore be regarded as being as good examples for South Africa as Britain or as Continental countries.

There are valuable lessons to draw from the use of governmental compacts in the Netherlands and Belgium and from the development of cabinet committees in Britain; it is less obvious that the South African cabinet would benefit markedly from the development of a large presidential office, given the pluralistic character which that cabinet must maintain. Overall, however, the lessons which can be drawn must be viewed in the context of the fact that South African cabinet arrangements are sui generis, as they are based on a number of highly ingenious mechanisms designed to combine the need for pluralism with the recognition that one of the parties has and is likely to continue to have for a substantial period an overall majority in parliament. Thus perhaps the most interesting examples for South Africa can perhaps be drawn from the Belgian case, more perhaps than from the Swiss case, as this last country is not only much smaller than South Africa, but has few deep social problems and does not have a dominant or 'pivot' party. The entrenched pluralistic character of the Swiss cabinet of seven members would appear to be a recipe for inaction which South Africa could not tolerate.

The Belgian solution is a little closer to what South Africa needs: although the Belgian constitution does not specify that parties of a certain strength must be represented in the government, at least there has always been a practice for the 'sister' parties of the two main language areas to belong jointly to the cabinet. Meanwhile, the Belgian parties have had to develop governmental compacts tackling or at least attempting to tackle highly sensitive issues. Such an experience could be of value for South African cabinets as they might help to sift and streamline the problems which have to be settled by a new cabinet formed after a general election. Moreover, Belgium has

also had to practice consensus on a broad front, even more than the Netherlands, and, to do so, party leaders outside the cabinet have often participated in the decision process: this is a practice which South Africa might wish to examine.

Yet it is manifestly important for South Africa to reflect also on other examples and in particular on the arrangements which have been introduced to overcome the main danger facing parliamentary cabinets, which is to procrastinate and not to decide. It is hoped that among the European experiences of parliamentary cabinets South Africa will find practices relating both to the composition and to the decision-making processes which truly correspond to the needs of the country and to the wishes of its citizens.