

THE BRITISH CABINET, by John P. Mackintosh. Second Edition. London. Stevens and Sons Ltd., 1968. xv and 651 pp. (including index). New Zealand price \$7.30 (hard back) and \$3.30 (soft back).

The traditional Cabinet system of government broke down in 1916 when the Asquith Cabinet collapsed under savage attacks not only in Parliament but elsewhere by such powerful figures as Lord Northcliffe. The later War-Cabinet of Lloyd George, smaller in number, purged of its feeble and its departmental heads, won the war. But then it reverted to its older form. There followed a system of government by men some of whom were unable to plan and others who could never make up their minds. This form of Cabinet led to dictatorship by the Prime Minister of the day. Such, in outline, seems to have been the fairly obvious situation at the beginning of this decade, when the first edition of Mr Mackintosh's book appeared. One outstanding merit of the book was the author's detachment. As he wrote in his preface—

. . . I have no axe to grind! In assembling the material I tried to avoid the assumption that there was "a Cabinet System" whose various conventions and practices had simply to be illustrated.

This attitude of mind, together with the author's method of reading first hand sources, and interviewing ex-Cabinet Ministers, civil servants and others who had opportunities of observing the Cabinet at work, resulted in a book which was recognised as authoritative soon after its publication in 1962. The book had the added advantage of readability arising from the author's lively comments, reliable anecdotes and acute observations. Now we have a second and revised edition which adds a new final chapter incorporating much material collected since the publication of the first edition. The author has had many more interviews with leading politicians, civil servants and others close to the Cabinet. He acknowledges the help and interest taken in the book by the present Prime Minister, Mr Wilson. There is an impressive list of other helpers, all holders now, or recently, of high positions in their parties. Mr Mackintosh's election to Parliament in 1966 enabled him to learn much from inside the House.

Because of the author's recent and penetrating researches it is the last chapter of his book which attracts most interest. Here are embodied his conclusions and his criticisms and it is here his salient points emerge. He emphasises that the principal policies of the Government may not and often do not originate in Cabinet, whose present importance lies in reconciling, recording and authorising. This is well explained in the following passage:—

The key decisions of Mr Macmillan's government to seek a summit meeting with Russia, America and France, to try to enter the Common Market and to go for industrial expansion, though shared with certain key ministers, were in a real sense his own. Similarly the central policies of Mr Wilson's first three years, again to mediate on Vietnam, to retain a presence East of Suez, to enter Europe and to defend the existing parity of the pound, though concerted with Mr Brown or Mr Callaghan, were his policies rather than those of the whole Cabinet. When a member of the Cabinet who wished to devalue the pound soon after Labour took office and in July 1966 was later asked if a change of economic strategy was ever discussed in the Cabinet he said "No. And in any case I am keeping my head below the parapet." This was one of the policies that was above or beyond the Cabinet and when it was adopted in November 1967, the decision was taken by Mr Wilson and Mr Callaghan and reported to the Cabinet.

The author's assessment of the Civil Service is interesting:

Below the ministers of all kinds and ranks, there are the civil servants who are full time experts, who know that they have only to last till the next reshuffle in a year or two when a new, less experienced and perhaps less opinionated minister may take over. Not that they always want such a person. If they have schemes they want to further, they may be hoping for the able, determined type of politician.

The distinguished historian A. J. P. Taylor writing in Volume 15 of the Oxford History of England, which covers the period from 1914 to 1945, dismissed as 'current fiction from an idealised past' the concept of a cabinet of equals who discussed every question fully. He attributed the increased powers of the prime minister to his control of the Cabinet secretariat and of the powerful party machine, coupled with his position as sole distributor of titles and the pecuniary benefits of office.

The power of the Prime Minister involved not only the distribution of favour but the capability to withdraw it suddenly and without notice from the men upon whom he had conferred office. Those who have read the memoirs of the late Earl of Kilmuir will still remember his dramatic narrative describing his sudden dismissal by Prime Minister Macmillan at seven hours notice. The dismissal of the Lord Chancellor at the pinnacle of his power coupled with the dismissal of six other Cabinet Ministers, emphasises the power held by the Prime Minister in 1962. Journalists used the simile of the butcher's shop to describe the occasion.

Mr Mackintosh summarises this episode in the following words:

The result was to bring some able younger men into the Cabinet, but it also caused bewilderment and resentment among Conservative backbenchers. It was a too cynical casting aside of colleagues and it made the relations within the Cabinet too openly a question of the personal power and advantage of the Prime Minister.

Then he goes on to assess the present position of Mr Wilson in these words:

While on issues on which he is convinced and on threats to his position, no Prime Minister has been tougher than Mr Wilson, his kindliness and his desire to avoid Mr Macmillan's errors has led to a reluctance to be 'a good butcher'. Mr Wilson prefers to neutralise opponents by keeping them inside the government, and when some ministers have had to be relieved of their duties he has done all he can to find them alternative posts inside or outside Parliament.

In a recent radio interview on March 9th last Mr Wilson is reported to have said that those who wanted to get rid of his Government "know they've got to get rid of me". When he was asked if he considered himself tough and ruthless enough for the job he replied: "I'm always told that to be a Prime Minister you have to be a butcher, which according to some press advice I receive would mean massacring the whole Cabinet once every two weeks."

All this is far removed from the older concept of Cabinet government, imbibed by many of us from authoritative works on constitutional history and law. This is one reason for reading this book and for recasting our ideas where necessary under the impact of new information.

Mr Mackintosh complains that too many of the standard works dealing with Parliament are still legalistic. He gives many examples of contemporary practice and dissects many of the statements made by contem-

porary writers of authority. His discussion of these writers leads him to confirm the main line of his thesis, which is that contemporary British Government may be described as Prime Ministerial rather than as Cabinet Government. For students of constitutional and administrative law and of political science this volume is almost mandatory reading.

It is interesting for us in New Zealand to take the author's treatment of the British Cabinet and the position of the Prime Minister, and to examine the points of similarity and of difference in New Zealand today. Although it is fallacious to compare a small, isolated and under-populated country, such as New Zealand, with the overpopulated and powerful British Isles, we may nevertheless discern certain trends in this country, which in its political life tends to follow British patterns. It may well be that New Zealand, which unlike the British Isles is without the stabilising influence of a resident constitutional monarch and a second chamber, may arrive at single-party dictatorship through development of the power of the Prime Minister. This type of servitude could be imposed on us through a war scare, a national disaster, economic or financial collapse, or some unpredictable event. For who indeed can foresee the future?

There is also the alarming new power of television that has already destroyed much of the influence which used to be exercised by the Press. The newspapers and popular journals in New Zealand still preserve a considerable degree of freedom of expression and a general standard of excellence, but it is doubtful whether they are doing more than fighting a losing battle against television. Mr Mackintosh has some cogent remarks upon the position of the Press in Great Britain and the influence of television there.

Much in this book immediately rings true and upsets many current assumptions. Many passages are readily quotable and the style is striking. We are indeed impelled furiously to think!

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DERHAM, MAHER AND WALLER, AN INTRODUCTION TO LAW (New Zealand Edition), edited by H. R. Gray, LL.M. Wellington. Sweet & Maxwell (N.Z.) Ltd., 1968. 222 pp. (including index). New Zealand price \$5.25 (paperback).

This is an adaptation for New Zealand readers of the original Australian text first published in 1966. The original was written as a companion volume to the same authors' *Cases and Materials on the Legal Process*. *Cases and Materials* was designed for use as a course book for students taking the introductory law course at an Australian Law School. *Introduction to Law* was written, the authors tell us, both for those contemplating embarking on legal studies and as background reading for law students using their course book. The New Zealand edition of the *Introduction* will equally serve to introduce the tyro to the fundamentals of the legal system, whether he is still at the stage of only contemplating a legal career, or is using the book as background reading while taking the course in *The Legal System* at a New