

Prime Ministers and the Rule Book

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It is one of those quirky features of our ancient, but constantly changing, Constitution that one particular Cabinet Office document may warrant such an extensive enquiry. However, Amy Baker's *Prime Ministers and the Rule Book* rises to the challenge and produces a convincing and illuminating study. Her book charts the origins and evolution of a document that has become an indispensable part of the Cabinet system since 1945. Yet *Questions of Procedure for Ministers* ('QPM'), now known as the *Ministerial Code*, was neither anticipated nor intended to be an immovable feature in the British political system. Clement Attlee's guidelines were particular to the needs of his new government and as Baker's research reveals, were nearly abandoned altogether on Churchill's return to office five years later. *QPM* remains the creature of the Prime Minister and as Lord Butler, former Cabinet Secretary, points out, may be dispensed with if and when its master sees fit. The practice of prime ministerial and Cabinet government has, however, been rather different. Since John Major approved its publication in May 1992, *QPM* has attracted strong interest from scholars, journalists and politicians alike. Yet, as Professor Peter Hennessy so rightly points out in the introduction, never before has there been such a meticulous unveiling of its origins, revisions and extensions. Amy Baker's book fills an important gap in our knowledge of the rules that are intended to guide the practice of government. It is true that they do not bind ministers; the *Ministerial Code* lacks statutory status (and may hardly be described as a solid plank of the Constitution), but it has evolved into something that few ministers can afford to ignore as the events of the 1990s have shown. Not only does this book raise pertinent questions about *QPM's* 'constitutional' significance, it also delves into the rumbling debate about open government.

Prime Ministers & the Rule Book unravels the history of *QPM* into three interesting lines of enquiry. These relate to the development of the document itself, the impact of events and personalities and the controversy that it has encountered since publication in 1992. The first examines *QPM's* evolution as a compendium of rules of procedure and conduct at the heart of government. Each chapter chronicles how successive incumbents from Attlee to Blair left their characteristic stamp on the document. The author is keen to point out at the beginning that a template for *QPM* was already in place before 1945. The first Secretary to the Cabinet, Sir Maurice Hankey, drafted the original version, *Rules of Procedure* in 1917 (only one year after the creation of the Cabinet Secretariat) and was privy to collective approval by Cabinet. The Cabinet Secretary was to be its custodian, but neither Hankey nor his successor, Sir Edward Bridges, sought to

expand upon its initial function. What is particularly revealing in Baker's account of *QPM*'s origins is the fact that the document rarely came to the attention of ministers, let alone the office of the Prime Minister. The document was solely the creature of the Cabinet Office in the interwar period. Yet all was to change with the experience of wartime government with the array of new procedures and practices. Such an unobtrusive document was to become a useful device for the Prime Minister in shaping the 'rules of the game' of his government.

The first chapter accurately recalls just how determined Clement Attlee was to lay down the rules in the wake of the Coalition Government. If his administration were to achieve its ambitious plans, ministers would have to be aware of clear, consistent and co-ordinated rules of procedure in government. Attlee would not tolerate anything else but an efficient business-like approach in his Cabinet. Indeed he frowned upon the inefficiencies of his predecessors, namely Ramsay MacDonald and Winston Churchill. As Baker mentions, Attlee's blunt comment to Churchill that 'a monologue is not a decision' illustrates how differently he envisaged the chairmanship and handling of Cabinet. Streamlining decision-making procedures, namely chairmanship of Cabinet committees, were vital to Attlee's style of Cabinet government. *QPM* also included to guidelines of a 'problem-solving' nature, particularly with regard to 'leaked' information, which periodically blighted the 1945-50 Labour Government. The expansion of *QPM* into a compendium of detailed guidelines would not have been possible were it not for Attlee's interest in the minutiae of Cabinet government. Although he enjoyed a greater scope in shaping the contents of *QPM*, Attlee intentionally avoided making any reference to the constitutional principles and precedents of the Cabinet system.

QPM essentially remained the Prime Minister's 'rulebook' offering advice to ministers until the 1990s. It did not attempt to define the role of Cabinet ministers constitutionally nor did it set in stone rigid obligations for ministers to adhere to as Baker points out early on in the book. The subsequent revisions to *QPM* in the 1950s reflected this position, but the document could have very nearly been jettisoned altogether by Churchill's post-war administrations after 1951. Churchill's deep distrust for Attlee's reforms meant that *QPM* was far from established as non-partisan guide for good practice in government. Following what Sir Robin Butler describes as the 'scissors and pasting' exercise, Churchill approved a document, which retained the 'bare essentials' of Attlee's version. Baker's detailed account of such revisions indicates that many an hour was spent in the Public Record Office discovering who did most to save *QPM* from extinction in 1951. Sir Norman Brook, Churchill's Cabinet Secretary, among others was crucial in presenting an acceptable version to the Prime Minister. The redrafting of *QPM* to include previous prime ministerial instruction has been vital to the continuity of the document for fifty-five years. What is particularly noteworthy in Baker's account is the identification of the senior mandarins, who did most to ensure its survival after the first post-war change of government.

The most significant additions to *QPM* in the 1950s related to policy presentation in light of the expansion of broadcasting and television. Anthony Eden's concerns led to the incorporation of strict rules for ministers about accepting invitations to television programmes and acquiring prime ministerial approval before any appearance. These soon became impractical and were relaxed in the 1958 version of *QPM*. Harold Macmillan was the first Prime Minister to enthusiastically embrace television as an effective publicity tool. He was also increasingly aware that ministers were to be given guidance about the use of television in presenting the Government's case. Paragraphs relating to policy presentation and the media became a key component of an expanded *QPM*. The growth of broadcasting and media interest in ensured that ministerial conduct came increasingly under the spotlight towards the end of the decade and into the 1960s. Macmillan responded to an array of affairs and instances of perceived ministerial misconduct by drafting the most formal code of conduct ever to be circulated to ministers. As Baker points out, it was felt that the 'good chaps' could no longer be trusted with discretion and common sense over matters of private interest such as directorships and shareholdings. Clear guidelines dealing with the acceptance of gifts from companies were thus incorporated into *QPM*. As the author points out it was under the Macmillan government that *QPM* turned into something more than a simple guide for procedure. It was now also a code for propriety and good conduct in public office. The Profumo Affair and other instances had not destroyed the 'good chaps' ethos completely, but the changing shape of *QPM* definitely reflected a sea change in the culture of government.

Harold Macmillan famously observed that 'events' were always around the corner waiting to unnerve a Prime Minister and his government. Indeed the impact of events and personalities on the evolving status of *QPM* features prominently in the book. The increase in workload for Cabinet ministers was particularly noticeable during the 1960s and 1970s. As the volume of business increased, Wilson tightened the operation of the Cabinet system by introducing a number of amendments and additions to *QPM*. Rules governing the circulation of Cabinet memoranda and consultation with the Treasury took on a greater stringency than ever before. Indeed the mounting pressures and constraints from industrial crises and membership of the European Community meant that *QPM* was yet further expanded and clarified to promote efficiency in government. One of Baker's most illuminating comments is that "no previous Prime Minister had formally required such a high degree of centralisation around Number 10 and only Tony Blair, since then, has gone further" (p. 31). Even more revealing is her account of how Wilson attempted to quell ministerial disputes and suspicions by waving the rulebook at his colleagues. The fall out with Tony Benn, who blatantly ignored any authority that *QPM* may have had, demonstrates just how controversial the deployment of the document became behind closed doors. The chapter on the Wilson years provides a tantalising read of just how bitter personal grievances and grudges became. It is also comforting to see an array of references made to the diaries of Messrs. Benn, Castle and Crossman as well as that invaluable research tool - the political biography.

The events of the Thatcher years certainly had a decisive impact on the nature of *QPM*. The scandals of Lloyd's of London and the Westland Affair were particularly embarrassing for the Thatcher government. *QPM* was tightened to prevent further serious conflicts of interest as well as the codification of other long-standing rules about confidentiality and legal advice. However, it was the Clive Ponting affair that really sent shivers down the spines of Sir Humphry and his ilk. In response to the affair and an increasingly active judiciary, two major additions were made to *QPM*. Constitutional conventions governing individual ministerial responsibility and proper relations between Ministers and civil servants were now codified and included in the rulebook for the first time. As the author points out these were not simply rules pertaining to 'practical guidance' - they laid down conventions that were of long-standing constitutional importance. The rules of conduct had been significantly expanded upon as a result of the embarrassing events and developments during these years. Indeed the author comments that by the 1980s, it was far easier for the Prime Minister to tighten and add to existing rules, rather than make any significant deletions. By the time of publication in 1992, *QPM* resembled a markedly strict and precise compendium of rules.

The life of *QPM* after publication constitutes the third and final fascinating line of historical enquiry in this

book. The decision to publish and the efforts made to restructure and redraft *QPM* will remain one of John Major's enduring legacies vis-à-vis open government. The document became public property and served as the first official yardstick of ministerial conduct and procedure in Cabinet government. It was now open to public scrutiny and no sooner did this happen than in the years immediately to follow. One cannot help feeling that the decision to publish *QPM* was one of those apparently selfless acts made by governments, which only return to haunt them when events are not on their side. Things certainly did get worse as one ministerial scandal after another rocked the Major Government. The allegations of sleaze and impropriety and the subsequent investigation by the Nolan Committee on Standards in Public Life transformed the nature and tone of *QPM*. Indeed Baker's chapter entitled 'Nolan, Scott and Sleaze' sheds light on what exactly was incorporated into the document during these rather unsavoury episodes in British political history. The Major Government, eager to save the reputation of public life let alone its own face, revised *QPM* in response to criticism that it was too limited in scope. Notable gaps were to be found in the rulebook relating to proper ministerial conduct. As a consequence, a code of ethical principles for public office was swiftly adopted. The implications of the Nolan reforms still resonate today and extend far beyond the textual amendments of *QPM*. The post-Nolan world has had significant impact on the expectations and standards of public life. Indeed the *Ministerial Code*, renamed in 1997, refers to these broader changes. The Nolan Committee also recommended that 'a free-standing code of conduct' or expressing the ethical principles underpinning *QPM* could be created. To this day no such code has been drafted and the author is keen to point this out in her conclusions.

The modern controversy surrounding the rulebook draws together the strands of historical enquiry employed in this thought-provoking book. The unclinking of an internal document, which offers guidance to ministers about procedure and conduct, ensured that it would become a public yardstick with which to measure their performance. Tony Blair's recent alterations and rebranding of *QPM* were intended to go part of the way in restoring public confidence in the British system of government and the greater transparency it has acquired over the last decade or so. The *Ministerial Code* now has a very formal status, which reflects the changes in political life and behaviour in the 1990s. As Baker remarks in her conclusion, the document has acquired a more complex role in government than simply offering guidance to ministers on procedure. The events of the 1980s and particularly the 1990s have transformed it into a much more dynamic feature of Cabinet government. The history of *QPM* reflects the development of government in the second half of the twentieth century and for this reason, contemporary historians will find *Prime Ministers & the Rule Book* a useful resource. The inclusion of Attlee's 1946 version and the *Ministerial Code* of 1997 not only provides a useful reference point throughout the book, but also an essential means of comparison during its fifty-five year history. This book is as thoroughly footnoted as any work of fine academic standing and if any fault is to be found in this respect, it is the lack of separate bibliography and index.

By means of a conclusion, one is assured that political scientists will also find this a stimulating read, because it legitimately questions the curious status of this public document in the modern polity and argues, with some force, that it has become a key 'constitutional player'. Nevertheless, the *Ministerial Code* remains the Prime Minister's rulebook and as the Blair administration has demonstrated, it may be used a public relations tool intended to restore faith in good and governance. Amy Baker's case for reform - that it is time to remove the present dichotomy that exists in the *Ministerial Code*, by creating a free-standing formal code of conduct certainly draws attention to the fact that the government's perception of the function of the rulebook and that of the public and Parliament are by no means the same. But to give the previous and present governments credit, the *Ministerial Code* has been adjusted to match the expectations of the post-Nolan era. If we are to place the formation and amendment of such rules in the hands of those outside the Cabinet Office and Number 10, whether they are backbench MPs, lawyers or a panel of independent advisers, we might lose altogether any sense of trust in the means of self-regulation and responsibility in central government. One only hopes that enough confidence has been restored in conduct and procedure so that the rulebook may continue to serve its proper purpose in the British system of government.

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