



Module 3

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## Module 3

# Policy-making: contextual settings

#### Introduction

Many people and institutions are involved in making public policy. In this module, we will be exploring who are involved, their roles, the values they hold, how they influence the policy being made and what arrangements are in place.

This course focuses our attention on the governments of countries that are a part of the Commonwealth. The Westminster system figures high in our analysis. In addition to examining this system and exploring its implications, we will look at the particular version that operates in New Zealand. Two other systems will also be briefly explored for comparative purposes.

Typically, we will be concerned with liberal democracies. Many countries adopt this system, but have not yet developed a viable form of it; their forms may be weak or experimental (Finer, 1970, p. 62).

A liberal democracy is built on the following assumptions:

- It is democratic.
- Government is limited and operates in a world of autonomous, spontaneously self-creating, voluntary associations. Its intervention is justified and proved, not assumed.
- It operates in pluralistic societies.
- The government is one "in which it is denied that there is any objective science of society or of morals"; thus, tolerance and majority rule (Finer, 1970, pp. 62–65). If the majority of voters vote for a particular outcome, or for a particular party to lead them, then there is an acceptance the political outcomes reflect their desires.

As you work through this module, consider the following questions:

- Do all governments make policy the same way?
- What main models of government are found in different countries?
- What difference does the structure of government make on the policy-making process?



Upon completion of this module, you will be able to:



- *describe* the main features of the Westminster model of government
- *explain* the formal way legislation is developed using the Westminster system
- *explain* other ways policy might be made using the Westminster system
- *describe* the main features of the New Zealand model
- discuss the advantages and disadvantages of the New Zealand model
- *describe* ways other nations make policy
- describe the main features of your home country's system and its distinguishing features.
- compare your home country systems to the models described in this module.

#### Democratic and liberal democratic governments

Democratic government can be defined as "[t]he exercise of political power by the people where the people consist of those whose legitimate interests are affected and who can be considered sufficiently responsible to decide for themselves" (Mulgan, 1989, p. 37).

Finer (1970) is very particular about stipulating a definition of democracy using the following components:

- A democratic government is derived from public opinion and is accountable to it. It must continually justify itself to the society it represents.
- Public opinion must be freely and openly expressed. This implies some machinery for making public opinion known; for example, through suffrage, votes, and/or voice.
- In contentious matters, majority rule must prevail.

According to Finer (1970), the liberal democratic form of government represents:

...[a]ctual overt and freely expressed public opinions, a characteristic it shares with none of the other main types of regime. It therefore presupposes a fairly high degree of sub-group autonomy; and therefore, again, the substantive political issues reflect the tensions in the society while the style of political activity reflects the values held by these various social groupings.

(p. 583)

There are significant differences between how a liberal democratic regime might function in one country and in another. Liberal democracies may be very stable or unstable over time.



In some countries one-party rule has been problematic (Finer, 1970). Culture, tribal structure, ethnic groups/indigenous peoples and tolerance for (or necessity of) corruption and/or violence influence tensions and the ways societies think, feel and behave. Therefore, these issues will be reflected in the sort of policies that emerge.

Another factor influencing variations in the liberal democratic model is the presence of formal procedures and authority.

...[O]ne set of variations turns on the differences in the formal provisions for civil liberties and on the balance between the organs of government; another set of variations turns on how far in practice these norms are observed – for instance, whether the courts are in fact independent and if so how far, or to what extent the government uses bribery or administrative pressure during elections.

(Finer ,1970, p. 584) (emphasis in original)

We can complete Finer's contribution to our discussion by using his model for comparative analysis of different political systems. (See Fig. 3.1).

System of civil liberties

System of inner-governmental relationships

System of representation

System of political parties

System of public opinion groupings

Figure 3.1: Simplified schema for comparing government systems

Source: Finer (1970), p. 587

Figure 3.1 identifies some of the parameters that might be used to judge variance between one system and another.

These political systems will be covered further in the module, but they are the following interrelated systems:

• **System of civil liberties:** the system of rights and freedom to form groups with different objectives.

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- **System of inner-governmental relationships:** the power to influence the state to secure its objectives, for example, the bureaucracy, the presidency or the military may hold particular influence over the legislative body.
- **System of representation:** how the electoral system works and how it influences the representatives in government and policymaking.
- **System of political parties:** how political parties form and compete for power.
- System of public opinion groupings: predominant groups that affect policy, government and social opinion, such as trade unions, particular religious groups or universities.

#### The Westminster model

In this section we will consider the main features of the Westminster system of government.

The main institutions of political power are:

- The executive
- The legislature
- The judiciary.

The Westminster system is adapted in many countries from the British model and is one of unitary government (one central government) and includes a hereditary House of Lords (Singleton, Aitken, Jinks & Warhurst, 2000).

The House of Lords originally held a superior role, but over time the House of Commons (which originally represented the mediaeval towns and boroughs of England) became the place where the executive, or ministers, sat.

Edwards (2001) defines the Westminster model as a "[s]ystem of government in which it is presumed that there is separation of power between the executive, the legislature and judicial arms of government" (p. xviii).

The notion of **separation of powers** has been established since the 18th-century writing of Locke and Montesquieu. In British colonies, the separation of power was seen as an admirable way of curbing and limiting the comprehensive power of the Crown, as represented by colonial governors (Corbett, 1996).

The separation of powers is about preventing the concentration of too much power in the hands of one person or group of persons. This seems to be an admirable ideal, but in reality we have to question where power resides, who has it and whether its distribution causes problems of efficiency, effectiveness and accountability.

For example, too much power could still fall into the hands of a few, or procedures could be so complicated, and power so dispersed, as to cause delays in decision-making. The separation of power is problematic, and the degree of separation is a matter of debate.



Although there is ostensibly separation of power in the Westminster system, in practice there is less separation of power than is often suggested. In 1867, Walter Bagehot described the Westminster system of government as follows:

...The efficient secret of the English constitution may be described as the close union, the nearly complete fusion, of the executive and legislative power. No doubt by the traditional theory, as it exists in all the books, the goodness of our constitution consists in their singular approximation. The connecting link is the Cabinet. By that new word we mean a committee of the legislative body selected to be the executive body ... a cabinet is a combining committee – a hyphen which joins, a buckle which fastens the legislative part of the state to the executive part of the state. In its origin it belongs to the one, in its function it belongs to the other.

(Bagehot, 1867, p. 12)

Essentially, Bagehot argued that separation of powers exists in theory, but in practice the system is efficient because of the connections that exist.

Corbett (1996) is succinct when he says that complete separation of power characterises the American system, while in Westminster systems partial separation of power exists (p.14). The three bases of power involved in the Westminster system, reflecting the main institutions, are described by Corbett (1996) in more detail in Table 3.1 with a brief explanation of each institution.

Table 3.1: Institutional roles and power in the Westminster system

Institutional role	Institutional name	Institutional power
Legislative	Legislature (usually parliament with one or more houses)	Legislative power is very broad and is the power to make new laws or general rules applying to citizens.
Executive     political     permanent or administrative	Cabinet (political) and public or civil service (permanent or administrative)  Hierarchy is also included and can be the Crown or the representative of the Crown, such as a governor.	Executive power is meant to be narrower than legislative power and limited by laws and policies already predetermined.  It is the power to apply the law and includes administrative action.



Institutional role	Institutional name	Institutional power
Judicial	Judiciary Judges and courts	Judicial power is narrower still.  It interprets existing law applied to a particular dispute.  Judicial power involves hearing disputes and making a decision that applies the law.

Source: Derived from Corbett (1996), p. 13

Key features of the Westminster system:

- A single party is elected to government.
- The governing party selects the cabinet from among its own members of parliament.
- The governing party acts as one unit. There is strong pressure for the caucus to adhere to whatever decisions the cabinet makes.
- The governing party dominates parliament and can therefore dominate the laws that are made.
- The cabinet runs the government through the public or civil service.

(Palmer & Palmer, 1997, pp. 6-8)

The arrangement varies among countries, but as discussed above in Table 3.1 and shown below in Figure 3.2, the executive could comprise a hierarchy of individuals and groups.

The prototypical Westminster system is the parliamentary system of government. This means that a majority of cabinet members and the prime minister sit in a democratically elected lower house, which is the centre of government power.

Historically, in the United Kingdom decisions of the House of Commons could be reviewed (to a limited extent) by the House of Lords, but by the 1890s the power of the Lords had been considerably reduced (Singleton et al., 2000, p. 28).

These days it is usual for most of the power to reside in the lower house of parliament. However, this is not necessarily as straightforward as might be imagined. Constitutional arrangements among countries differ. For example, Australia's upper house, the Senate, is comprised of members elected on a state basis (with equal numbers for each state despite dramatically different populations). This allows a strong check on the powers of the lower house when the majority party forms a government. In contrast, in New Zealand, there is no upper house.

In the Westminster system, we assume a government will be formed in the lower house of parliament (or the only house). The government is usually formed from the party with the majority of elected representatives



or from a coalition of two parties with the prime minister as leader. In most systems, there is a second party, which forms the opposition.

All the elected representatives in the governing party in parliament are called the caucus, while all those members appointed as ministers form the cabinet with the prime minister.

The prime minister has the dual role of being the leader of the party in parliament and also of the cabinet. They are also the chief of the executive and have a chief role in the legislature as well.

The Crown (for example, the Queen)

The Crown's representative, such as a Governor

POLITICAL EXECUTIVE

The ministry or Cabinet comprising members from Parliament

The Public or Civil Service

Figure 3.2: Typical executive in the Westminster system

Source: Michele Fromholtz

One might envisage the legislature making laws, the cabinet and public servants carrying them out and the judiciary keeping law and order through adherence to policy. In practice (as effectively stated by Bagehot) the demarcations between each of these vary and overlap when relating to policy.

The essence of how policy develops in a Westminster system is as follows:

- 1. Elected representatives to the legislature are charged with the responsibility for developing policy for the people of the country and are accountable to them for this. This describes a representative democracy; a system in which the citizens elect a member to parliament to represent their interests (Singleton et al., 2000, p. 98).
- 2. From the legislature, a prime minister and group of ministers act as an executive (a governing party) managing the day-to-day



business of the nation and making policy decisions. The permanent executive or public/civil service comprises employees of the government who work toward implementing the policy, whether applied or direct legislation. Many policy decisions emerge from the cabinet.

3. The judiciary arbitrates on questions on the application of the law

These three distinct institutions function separately, though clearly the cabinet is closely linked to (and a part of) the legislature, as Bagehot (1867) so clearly reminds us.

Cabinet has considerable power to make policy and to dominate in the governance of the country, but this is tempered by other powers. It cannot operate completely independently without constraint.

According to Jaensch (1992, as cited in Singleton et al., 2000, p. 5):

...[t]he essence of responsible government in the Westminster model is that cabinet is collectively responsible to parliament, and that individual ministers within the cabinet are individually responsible to parliament for their own actions as ministers, and for the actions of their departments.

Referring to the institutional powers as laid out in Table 3.1, we expect cabinet to apply the laws and rules determined by the legislature. However, there is a premise in the Westminster system that parliament should not usurp the authority of the executive (Singleton et al., 2000, p. 130), implying that the executive should be allowed to get on with the business of governing.

Parliamentary committees offer some balance by scrutinising executive action and/or influencing it, so it does not run completely free. The executive does have more power than it may formally appear to. Originally, parliament discussed and considered policy initiatives, but these days it is typically the executive (cabinet) that predominantly initiates and implements policy (Singleton et al., 2000, p. 103).

Since the development of party politics, decisions taken by cabinet are often readily passed in the lower house of parliament when a majority of the same party sits. The executive can tend to dominate. However, in many countries the upper house in parliament keeps strong control over the ruling party in the lower house.

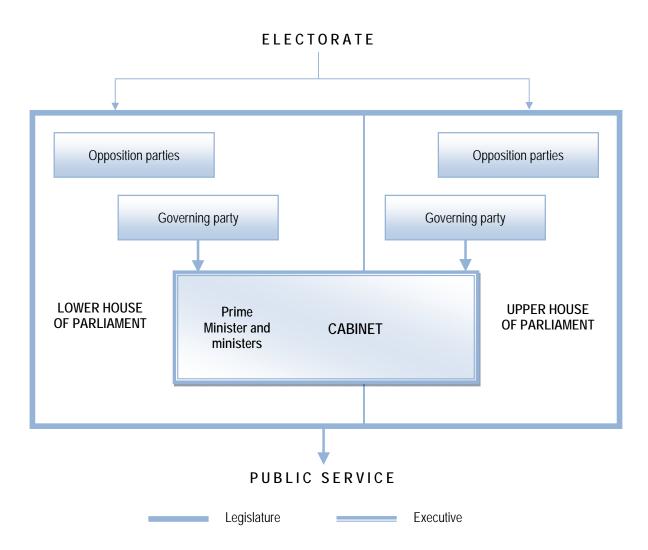
Under the Westminster system, cabinet is at the heart of political power, but must stand down if there is no confidence in its actions. Since cabinets comprise members of majority government, votes of no confidence are unlikely to succeed (Singleton et al., 2000, p. 138).

All cabinet members, including the prime minister, sit in parliament (in contrast to congressional systems such as in the United States) (Singleton et al., 2000, p. 139). One of the Westminster conventions is that ministers are drawn from within parliament (clearly placing the executive under the umbrella of parliament, not outside it).

Figure 3.3 illustrates a model of the Westminster system that demonstrates some of the key features discussed so far.



Figure 3.3: The Westminster system with its typical two houses of parliament



Source: Adapted from Singleton et al. (2000), p. 143

Ministers should carry out their duties effectively in accordance with the laws of the country and within the requirements of departmental efficiency. They are accountable to their electors. In turn, ministers depend upon their permanent departmental staff (the public servants in the permanent executive) to support them in their work.

More recently, the Westminster system's tradition of collective responsibility is under threat (Singleton et al., 2000, p. 167).

...In the Westminster system of government, a minister is supposed to be responsible to parliament for all actions that are carried out in the department. Unless the minister is actually directing those actions, it is somewhat optimistic to expect the minister to accept the traditional role. It is unrealistic if the

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department's activities are planned in detail by the public servants themselves.

(Singleton et al., 2000, p. 194)

One might expect that all issues are fully discussed and fairly voted on in parliament. However, in reality this does not happen. In parliaments there are rules and procedures, such as first and second readings of bills, limited introduction of bills, debate formalities, and so on.

#### Case studies



Case study

#### Case study comments

**Case 1:** The United Kingdom's health policy is compared with that of the United States, the conclusion being that both countries have some difficulty getting major policy shifts to occur due to the political structures of the countries.

Case 12: Colombia is described as a parliamentary democracy. At least two effective political parties have operated over time and there have been several changes in the ruling party in government. Note, however, that the Conservative Party was ousted after a 40-year period in the 1930s and a populist military government took over in 1953 after civil war but was overthrown in 1957. This case presents some challenges in terms of tracking the particular political system in operation at different times throughout the case. Municipal authorities are another layer in the governance system that need to be taken into account.

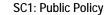
## **Activity 3.1**



**Activity** 

Think about the political system in your own country and answer the following questions:

- 1. What key political institutions operate in your country?
- 2. Do the political units correspond to the legislative, executive and judicial roles?
- 3. Which units respond to which role?
- 4. Is there some separation of powers as described in the Westminster system?
- 5. Explain how the system differs from the Westminster system?
- 6. How do you think the degree of separation of powers affects the level of independent and representative governance in your country?
- 7. Explain how the degree of separation helps or hinders the





coordination of policy-related activities?

- 8. Is there an upper house in the legislature?
- 9. If so, how is it constituted?
- 10. What checks and balances can it place on the executive?
- 11. If there is no upper house, is there too little constraint on the executive?
- 12. In what way?
- 13. What other features can you identify that are distinct and/or unique?
- 14. Explain how they are distinct/unique.
- 15. What problems and advantages are there in the political system of your country?
- 16. Revisiting some of the definitions of policy developed in Module 2, do you think that everything the various institutions of government do can be described as policy?

#### The New Zealand model

New Zealand's system of government is derived from the British system. Its political system reveals how, in practice, distinct versions of the Westminster system can develop in different countries.

New Zealand, along with Britain, has been identified as a fast mover of public sector reform. The New Zealand model has been cited as a notable example of managerialist reform (Barnett & Jacobs, 2000, p. 75).

This section begins with a historical account of the development of the New Zealand system and outlines some special features and recent changes to its structural arrangements.

Finally, we consider the reforms that led to the much-cited New Zealand model and that are an ongoing part of it.

New Zealand's original constitutional structure was conferred by Westminster in 1852 as a representative one. Over time, the nature of this constitution has been amended, with New Zealand moving from self-government, to dominion status, to the wholly independent nation it is today (Palmer & Palmer, 1997, p. 3).

The final step in achieving full control occurred in 1947 subsequent to the New Zealand Parliament passing the Statute of Westminster Adoption Act. This was also passed by the United Kingdom Parliament in 1931. The United Kingdom, at the request of New Zealand, passed the New Zealand Constitution Amendment Act.

The United Kingdom was still in the position of making law for New Zealand by request and consent of the New Zealand Parliament right up to 1986 when this power was removed by the Constitution Act 1986.

Over the years, the 1852 Constitution Act was amended to the extent that by 1986 only 12 provisions existed where once there had been 82.



A constitutional crisis in 1984 (relating to the ability of a newly elected party to immediately form the government), prompted the establishment of an expert panel to investigate and suggest revisions to the constitution. The new Constitution Act 1986 gained unanimous support and was implemented (notwithstanding one major revision concerning voting systems) and remains in force to this day.

As with other nations under a monarchy, there are four key constitutional institutions:

- The sovereign: The Queen and her representative, the Governor-General
- 2. **The executive:** Ministers, parliamentary under-secretaries and public servants
- 3. **The legislature:** The House of Representatives or Parliament
- 4. **The judiciary:** Judges and courts.

(Palmer & Palmer, 1997, p. 5)

A constitution is "[t]he system or body of fundamental principles under which a nation is constituted or governed" (Palmer & Palmer, 1997, p. 2). Not all the principles are written down and some constitutional conventions are customs or practices that politicians and commentators generally acknowledge to be effective rules.

In New Zealand this is evident. The constitution is a relatively simple document, but much of what makes the broader constitution is found in other areas. These areas include:

- New Zealand and United Kingdom legislation.
- Prerogative instruments made by the Queen.
- Court judgements.
- The day-to-day practice of those in the constitution system.

As with many systems, not all powers are legally determined and the exercise of political power adds to the complexity. Cabinet seems to be a key feature of many Westminster countries yet, according to Palmer and Palmer (1997), "[i]n law it is no more than an informal committee that operates according to a series of conventions that the law will probably not enforce" (p. 5).

New Zealand's version of the Westminster system features a single-party majority government with key relationships occurring with, and within, the governing party in parliament. Outside of this the opposition party has a key role to play, especially as it is the main competition in the next election. The courts also have a role to play.

The following also have an effect in the governance of the country:

- Public opinion
- Local government
- Administrative law
- The New Zealand Bill of Rights Act 1990
- The Treaty of Waitangi
- International law.

(Palmer & Palmer, 1997, pp. 8-9)



Since the 19th century there has also been a system of designating seats in parliament to accommodate the interests and needs of the Māori community. The latter was to guarantee

...[p]arliamentary representation to the Māori as landowners and British subjects, and at the same time preventing them from swamping the votes of the settlers in the remaining seats which were reserved for Europeans ... [they] helped Māori to participate in what was an alien system of government, and have ensured that Māori interests and the Māori people are visibly represented in parliament.

(Mulgan, 1989, pp.81–82)

Although arguably undemocratic – as we could formulate electorates around any range of criteria – the system has been democratically acceptable (Mulgan, 1989, p. 82).

New Zealand has a **mixed member proportional** (MMP) electoral system. MMP was brought in by a referendum in 1993 with a new Electoral Act being passed the same year. Traditionally, New Zealand has had a **first-past-the-post** (FPP) voting system. Under the FPP system the ruling party exercised "unbridled power", with New Zealand having "[a]t its heart an extraordinarily streamlined decision-making machine. The governing party and its cabinet directly dominated two of the three branches of government – the executive and legislature – and could overrule the third – the judiciary" (Palmer & Palmer, 1997, p. 9).

This concentration of power presents dangers. In theory, complete separation of powers is desirable. However, in practice it is neither possible nor useful. There needs to be some coordination of policies and administration.

The degree of separation is important; however, for if there were complete fusion, the country would be an autocracy.

...Before the MMP referendum, a characteristic of the system was "[a] concentration of power in the central government. The distribution of power within that government resulted in the effective power being located in a fusion of the legislature and executive – the government party and its Cabinet".

(Palmer & Palmer, 1997, p. 10).

The main constraint on the use of this power was that the government had to face election every three years. This electoral check is a key feature of Westminster systems. In the absence of an upper house in New Zealand, there was little alternative constraint on the actions of the executive.

The system seemed to lack sufficient separation of powers and might have benefited from more controls on this unbridled power. Although New Zealanders traditionally wanted a strong government that acted decisively, in recent years government acted in ways not endorsed by the public. The radical changes it introduced either were contrary to its publicly stated intentions or simply not mentioned (Palmer & Palmer, 1997, p. 11)



The innovation introduced to deal with this problem was MPP. This change in the voting system has had considerable impact on the whole system of government.

An interesting point to consider is how any change in the way government works can alter the whole system. MMP had the capacity to "slow the system down and make it less-friendly to executive power. It is likely to increase the distinction between executive and Parliament" (Palmer & Palmer, 1997, p. 11).

The MMP system is unique; with the most similar system in Germany. In broad terms, MMP can be explained as follows:

...There are 120 MPs of which five represent Māori electorates, 60 represent general electorates, and 55 are chosen from the party lists. Each voter has two votes. One vote, the constituency vote, is for an MP to represent the voter's electorate (general or Māori). The candidate with the most votes in an electorate will win a seat in Parliament. The other vote, the list vote, will be for a political party. Each party will receive the total number of seats in Parliament that corresponds to the proportion of the list votes it receives, if it is above 5 per cent (and taking into account the number of constituency seats its candidates win). The overall effect is that the party's strengths in Parliament will reflect the percentage of list votes they receive.

(Palmer & Palmer, 1997, p. 12)

The expected outcome of the MMP system was that it would be much less likely that one political party would get the majority of seats in parliament.

Research has shown that the FPP system (previously in use) has a clear bias to producing only two viable political parties. Now, although it is still possible, it is less likely that there will be a single-party majority government. It is more probable that in order to form a government, two or more parties will have to cooperate in some way. Either they form a government and share cabinet positions together (a coalition government), or one party will agree to generally support another but not take part in cabinet (a minority government). "In fact, since coalitions could be majority or minority governments and a minority government could be formed by one party or several parties, there are [sic] a variety of possibilities" (Palmer & Palmer, 1997, pp. 12–13).

Under the new system, now that one party does not control Cabinet and Parliament, there are variations to the way governmental power is exercised **throughout** the system (Palmer & Palmer, 1997, p. 13).

The Governor-General has more discretion in exercising reserve powers, particularly in relation to deciding whom to ask to form a government (though these powers are subservient to the House of Representatives) and in regard to requests for the dissolution of Parliament. There is concern over the length of time required to negotiate who will form a government, and that a caretaker government may avoid making controversial decisions.

Overall, the processes of power in the new system are much more constrained, as the following potential outcomes show:





- Parliament and opposition parties determine the continued existence of a minority government.
- There is less Cabinet solidarity with less pressure for ministers to agree publicly with coalition Cabinet decisions.
- In a coalition government, the role of the prime minister and senior officials to coordinate ministers and officials is more difficult.
- Public servants face more direct pressure from opposition politicians.
- Ministers make decisions without referring to a coalition Cabinet.
- Regulations will be used to avoid the need for legislation since it's harder to get it agreed and passed in Parliament.
- Parliament and opposition parties determine whether minority government policies will be implemented through legislation and whether ministers will resign.
- Legislation may not necessarily reflect the strongest party's preferences, that is, legislation not supported by a minority or coalition government may be passed.
- Parliamentary selected committees are more important to the passage of legislation and the scrutiny of government through select committee investigations.
- There is pressure to increase the resources available to Parliament, select committees and political parties.
- The judiciary take up an increased policy-making role in arbitrating the law.
- There is more public debate over government policy.

(Palmer & Palmer, 1997, pp. 14-15)

Many of these factors have implications for policy-making. The MMP system in New Zealand was expected to make the executive less dominant, with governmental power less concentrated and more dispersed, which appears to have happened.

In essence, small parties can "force through a policy that no other party agrees with or force an election". A coalition of the Labour, Alliance and Green parties in 1999 led to "leftist excesses" rather than injecting a more constrained outcome (James, 2002, p. 16).

The processes of alliance formation around election time seem as vital as any other factor in the policy-making process. James (2002) suggests that the MMP system was based on the German system, which arose from a different political context of two strong parties.

In New Zealand, the outcomes of the MMP system often mean that while Parliament is "completely representative of the electorate, the actual policies tend to move further from the policy preferences of the average voter" (Malpass & Hartwich, 2010, p. 5). Policy comes about through negotiations and agreement between a majority party and minor parties so that the result for the 'voter' "may be quite different from what the party



initially promised, cancelling the idea of representation of voter preferences" (p. 5). A referendum corresponding with the 2011 general election will enable voters to decide between retaining the MMP system or opting for an alternative system (first-past-the-post, preferential, single-transferable vote and supplementary member) (Elections New Zealand, 2010).

The MMP system in New Zealand makes the executive less dominant, with government power less-concentrated and more separated. Government has now retreated, and the "speed, suddenness and completeness of those policy shifts have also been internationally remarkable" (Palmer & Palmer, 1997, p. 16). Changing policy might be more difficult but the policy that is made may be more enduring. It is expected that there will be more inter-party negotiation and compromise, more lobbying and less-explicit party manifesto commitments (p. 16–17).

Typically, policy decisions are made in cabinet with ideas and proposals coming through the minister. Usually, most of these come through the scrutiny of public servants, who have a wealth of knowledge and understanding of issues, but they could also bypass public servants when a minority member's bill is put to the parliament.

Most major decisions are given to the relevant departments for advice and analysis of implications. When more than one party is in government, there may be multiple caucus meetings required. In such cases, no party could make a unilateral decision about policy (Palmer & Palmer, 1997, pp. 17–18).

The legislative process for making laws was changed and made more transparent in 1996. This change gave members of parliament, interested people and groups in the community time and opportunity to comment on bills before they were debated and passed. As a consequence of this change, all bills are sent to select committees where the public can make submissions on them and changes are made (Palmer & Palmer, 1997, p. 18).

The Business Committee can have an important impact on the legislative process since it "[c]an limit the time of debates for each legislative stage where there is near unanimity on that course being adopted. Furthermore, it can decide that the Committee of the Whole House stage can be omitted altogether" (Palmer & Palmer, 1997, pp. 19–20).

Dramatic managerialist reforms were mentioned in the opening paragraph of this section and deserve special comment. Such reform involved "[a] preference for private provision, clarification of government goals, separation of policy from operational administration and a preference for privatisation and competitive tendering for services" (Boston, as cited in Barnett & Jacobs, 2000, p. 75).

Two important pieces of legislation changed the way the system operated.

#### The State Sector Act 1988

This Act changed the nature of the relationship between ministers and departments, with departmental heads shifting from tenured positions to contracted ones. This made it easier for ministers to shift accountability to them. The Act also introduced private sector labour market practices



for a more flexible and efficient public service (Barnett & Jacobs, 2000, p. 75).

#### The Public Finance Act 1989

This Act changed the focus of financial arrangements from inputs to outputs, with requirements for performance reports and full financial statements as provided in the private sector (Barnett & Jacobs, 2000, p. 75).

International commentators have cited New Zealand "as an example of how to transform a semi-socialist economy to a 'reinvented' market economy" (Barnett & Jacobs, 2000, p. 75). In part, the sweeping changes that occurred in New Zealand were possible due to unrestricted power the executive had before more recent reforms in the voting system.

It is unclear whether New Zealand's fourth Labour government, the instigator of the reforms, intended to create a distinctive model. However, it certainly created one that has become an object of study for public sector officials and politicians around the world.

A brief overview of the nature of New Zealand's system of government is illustrated in Figure 3.4.

Governing parties
A and B

Prime
Minister and
Ministers

CABINET

Legislature

ELECTORATE

PARLIAMENT

Opposition parties

Executive

Figure 3.4: The New Zealand system with its single house of parliament

Source: Derived from Palmer & Palmer (1997), p. 13, and Singleton et al. (2000), p. 143



The main features of the New Zealand model are reproduced in Table 3.2. Further research may be required to broaden your understanding of New Zealand's system and to answer any questions you might have about how it works in detail. See the list of further reading at the end of this module.

#### Table 3.2: Key features of the New Zealand model

From the outset, the main **objectives** behind the development of the new model of public management were:

- to improve allocative and productive efficiency
- to enhance the effectiveness of governmental programmes
- to improve the accountability of public sector institutions and the accountability of the executive to parliament
- to reduce the level of government expenditure and the size of the core public sector
- to minimise the opportunities for the non-transparent use of public power
- to improve the quality of the goods and services produced by public agencies
- to make public services more accessible and responsive to consumers, as well as more culturally sensitive.

Among the key principles underpinning the new model are the following:

The government should be involved only in those activities that cannot be more efficiently and effectively carried out by non-governmental bodies (for example, private businesses, voluntary agencies, and so on).

Any commercial enterprises retained within the public sector should be structured along the lines of private sector companies.

The goals of governments, departments, Crown agencies and individual public servants should be stated as precisely and clearly as possible.

Potentially conflicting responsibilities should, wherever possible, be placed in separate institutions.

There should be a clear separation of the responsibilities of ministers and departmental chief executives (CEs); ministers should be responsible for selecting the outcomes they wish to achieve and purchasing their desired outputs; CEs should be responsible for selecting the inputs required to produce the desired outputs with the minimum practicable interference from ministers and central agencies.

Wherever possible, publicly funded services, including the purchasing of policy advice, should be made contestable and subject to competitive tendering; the quality, quantity and cost of publicly funded services should be determined by the purchaser's (that is, the minister's) requirements rather than the producer's preferences.

Institutional arrangements should be designed to minimise the scope for provider capture.



Preference should be given to governance structures that minimise agency costs and transaction costs.

In the interests of administrative efficiency and consumer responsiveness, decision-making powers should be located as close as possible to the place of implementation.

In more specific **policy** terms, the current New Zealand model, as developed in the mid-1990s, includes the following elements:

A preference for retaining key governmental powers and responsibilities at the central government level with only limited devolution to sub-national government, despite considerable rhetoric about devolution in the 1980s.

A strong emphasis on the use of incentives to enhance performance at both the institutional and the individual levels (for example, short-term employment contracts, performance-based remuneration systems and promotion systems).

An extensive use of explicit, generally written contracts of various kinds that specify the nature of the performance required and the respective obligations of agents and principals (such as, performance agreements between ministers and departmental CEs, purchase agreements between ministers and departments and contracts between funders and purchasers and between purchasers and providers). In addition to the emphasis on ex ante performance specification, more exacting monitoring and reporting systems have been introduced.

The development of integrated and relatively sophisticated strategic planning and performance systems throughout the public sector. Key elements include the specification by ministers of strategic result areas and key result areas and the integration of these into CEs' performance agreements and departmental purchase agreements.

The removal, wherever possible, of dual and multiple accountability relationships within the public sector and the avoidance of joint central and local democratic control of public services.

The institutional separation of commercial and non-commercial functions; the separation of advisory, delivery and regulatory functions; and the related separation of the roles of funder, purchaser and provider.

The maximum decentralisation of production and management decision-making, especially with respect to the selection and purchase of inputs and the management of human resources.

The implementation of a financial management system based on accrual accounting and including capital charging, a distinction between the Crown's ownership and purchaser interests, a distinction between outcomes and outputs, an accrual-based appropriations system and legislation requiring economic policies that are deemed to be "fiscally responsible".

Strong encouragement for, and extensive use of, competitive tendering and contracting out, but few mandatory requirements for market testing or competitive tendering.

Source: Boston, Martin, Pallot & Walsh (1996), pp. 4-6



#### Case studies



Case study

#### **Case study comments**

Case 6: According to Barnett and Jacobs (2000), there are three important types of relationships for maintaining a coordinated approach to policy: the horizontal relationship between ministers; the vertical relationship between ministers and their advisers and the horizontal relationship between officials. These were in a state of breakdown in New Zealand in the late 1980s. External advice was competing with internal bureaucratic advice and restructuring undermined coordination across departments.

## **Activity 3.2**



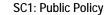
**Activity** 

Develop your own opinion about the New Zealand system using the following questions:

- 1. Is the system effective in containing political power?
- 2. If so how?
- 3. Do revisions, such as the New Zealand MMP system, improve the likelihood of democratic policy-making?
- 4. If so, how?
- 5. Do you think there is a need for an upper house in the constitution?
- 6. Why?

Write a brief comparison between the political system in your country and that of New Zealand, using the following questions:

- 1. Is there too much power centred in one part of the political system?
- 2. If so, which part?
- 3. Does the New Zealand system offer any suggestions for improving your country's system?
- 4. How could these suggestions be implemented?
- 5. What impact would they have?
- 6. Is party politics a dominant force in your country's system and does it prevent best policy being made?
- 7. How does it prevent best policy?
- 8. Is there an upper house in the legislature?
- 9. If so, how is it constituted?
- 10. What checks and balances can it place on the executive?





- 11. What other features of your country's system can you identify that are similar to that of New Zealand? (These can be constitutional, political or social.)
- 12. What are the subtle differences within these similar areas?

Further research may be required to broaden your understanding of New Zealand's system and to answer any questions you might have. See the list of further reading at the end of this module.

#### Other models

Other political systems operate around the world, although the range of systems has decreased due to the significant changes in Europe in the past two decades. Each country has its own form of political system and may not be easy to categorise.

This section refers briefly to the United States system and takes a retrospective glimpse at the Union of Soviet Socialist Republics (USSR) system before its demise. These are not representative of all systems, but offer a broader picture in which comparisons about policy-making environments can be made.

#### The United States

As a **parliamentary model**, the Westminster system is one of two main types of legislative system in modern Western society. The other is the **presidential model**, as operates in the United States. In this role the executive is dramatically separated from the legislature so "[T]he responsibility for running programmes is kept apart from the work of considering which laws and policy decisions to adopt" (Considine, 1994, p. 75).

As we have seen, in the Westminster system, the executive operates **inside** the legislature or parliament, so policy and its execution may be subject to intervention by the legislators.

In the presidential (or congressional system), cabinet members gain office through the will of the president (Singleton et al., 2000, p. 139).

The United States has a federal system with a central federal government and 50 individual state governments. The president presides at the head of the political system and is elected by the people (in a first-past-the-post system). This elective process is carried out through the allocation to each state of "electoral college" votes (equal to the number of congressional representatives and senators).

The president is head of the executive branch of government as well as head of the armed forces and the federal civil service. The president is also in charge of foreign affairs and is the chief initiator of federal legislation.

The cabinet is an advisory one comprising non-elected departmental secretaries appointed by, and dependent on, the president. It includes experts drawn from various sectors of the community. See Figure 3.5.



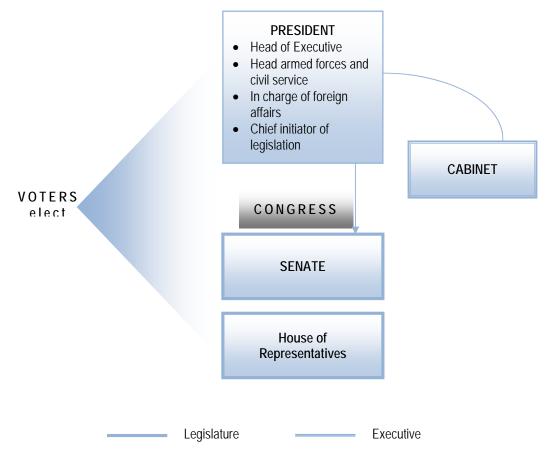


Figure 3.5: The United States congressional system

Source: Adapted from Singleton et al. (2000), p.139, and Derbyshire (1987a), p. 2.

Despite the tremendous power the president holds, the president is dependent on Congress for gaining approval for programmes, and as such this position is weaker than that of a prime minister in a Westminster system who presides with and leads parliament (Derbyshire, 1987a, p. 3).

Congress consists of the lower house, the House of Representatives (where members are elected to represent equal demographic areas), and the upper house (or Senate), which has equal numbers of senators for each state.

The Senate is typically more traditionalist, with more members from small agrarian states. Because these members represent their states as a whole, they tend to have a broader outlook.

The interests of the members of the House of Representatives are usually more parochial because they each represent smaller electorates (Derbyshire, 1987a, p.3). These elements encompass divergent opinions and provide some checks and balances.

The president needs to gain the cooperation of Congress to have programmes approved and to gain funding. Congress, or its standing



committees, can closely scrutinise recommended legislation, prioritise and amend it. Conference committees spanning both houses (or chambers) of Congress also work to resolve differences of opinion and arrive at compromise or collaborative solutions. There are special additional powers for the Senate as well. Senate consent is required for key federal appointments, and a two-thirds Senate majority is required before foreign treaties can be approved (Derbyshire, 1987a, pp. 3–4)

Although Congress holds considerable power (largely the power of approval or rejection), it is up to the president to take the initiative to shape policy and develop solutions to social, economic and other problems. This system is further complicated by party politics, ideological differences and other allegiances or personal battles.

In terms of the judiciary, there is a hierarchy of judicial institutions adjudicating, interpreting and safeguarding the nation's constitution and laws, as well as the Bill of Rights. The highest court is the Supreme Court whose judges are appointed by the president with the Senate's approval (Derbyshire, 1987a, p. 4). Judges to the Supreme Court (once appointed) sit for the rest of their careers, unless impeached.

During the history of the Supreme Court there has been varying concern about the political nature of appointments, as the judicial system is meant to be separate and independent. Judges are appointed with some degree of political preference by the president of the day, but because their careers can be long they tend to outlast the governments in power by many years. This can mean that new appointments by the president lack impact because there is an existing pool of judges appointed by previous presidents of different political parties already sitting (Derbyshire, 1987a, pp. 4–5). A certain balance tends to remain among the nine judges.

However, this is not always the case.

In the 1930s, President Roosevelt took considerable steps to overcome the imbalance of judges who opposed his New Deal policies. He attempted to change the rules for judicial appointments by requiring an appointment of a new judge for everyone aged over 70 who refused to retire. Though he was unsuccessful, the case highlighted political concern about judicial appointments (Kowalski, 2003, pp. 20–23).

The issue of Supreme Court appointments was prominent again in 2002–2003 with the expected retirement of several older judges and the beginning of a ninth term for the court without a retirement or appointment. This was the longest period without turnover since the early 19th century.

There was much debate about who would be nominated for appointment and how such nominations would be supported (or blocked) by the Senate. Some key expected judgments of political interest (particularly for or against abortion) were central in these debates.

This situation reveals how the previous president, Bill Clinton, had restricted opportunity to make appointments to the Supreme Court while his successor, George W. Bush, had considerable opportunity (*The Economist*, 2002, p. 31).

These various checks and balances ensure a system of restrained political action. Major reforms are unlikely to succeed without broad consensus



within the country (Derbyshire, 1987a, p. 5). Interest group activity, Supreme Court and presidential interpretation of the executive function are some of the dynamics influencing policy outcomes.

#### Former communist regimes

#### The pre-1990 Union of Soviet Socialist Republics (USSR)

Perhaps the biggest contrast to the political systems of the 20<sup>th</sup> century was the Communist system, as it dominated many parts of the world. Before its dissolution, the government of the USSR (Soviet Union) was foremost among the permutations of the Communist system.

The theoretical "on paper" version of the system varied markedly from its real operation. Derbyshire (1987b) summarises the system:

...[T]he Soviet Union is a federation of 15 republics ... with strong state (republic) institutions, universally elected state and federal committees and with a parallel supervisory party hierarchy and professional civil service. In reality, however, its Union Republics have only limited autonomous power ... the electoral system is bogus, and the real levers of power rest in the hands of the upper echelons of the Communist Party, who sit in the Politburo, the Central Committee, the Council of Ministers and the Secretariat and who move between key offices in the civil service, the army, industry and the police. (p. 1)

Derbyshire (1987b) also points out that it is not appropriate to see the system as one of iron rule. There were factional differences in party hierarchy and opportunities to block and delay policy implementation at various levels.

See Figure 3.6 which illustrates the pre-1990 Soviet system, showing the roles of the state and party, legislature and executive.

Because the state and party offices were jointly held, this separation was not as real as officially stated and policy decisions could be informally made in the general arena of party politics.

If we look back to Finer's system of inner-governmental relationships discussed earlier in this module, we see that here is a system in which the party has power to influence the state to secure its objectives.

Derbyshire (1987b) puts it this way.

The elected tier of government ... consists of over 45,000 soviets (people's councils) at the village, town, district, regional and republic levels with, at the top, the Supreme Soviet – a two-chamber parliament serving the entire Soviet Union. These soviets comprise both party and non-party members with the party proportion increasing at each tier – from 40 per cent in oblast (regional) soviets to 70 per cent in the Supreme Soviet. All candidates for election need party approval and stand as joint candidates with one contest permitted for each seat. (p. 2)

The Supreme Soviet was theoretically the chief legislative authority, though in practice it might have merely acted to rubber-stamp the laws presented to it.



STATE PARTY Offices jointly held Prime Minister President **General Secretary** 1977-1985 Politburo Secretariat (party bureaucracy) (party cabinet) elects elects **PRAESIDIUM PRAESIDIUM** elects Supreme Soviet of Council of Ministers Central Committee of the CPSU of the USSR the USSR (party parliament) (legislature) (government) responsi ble to Legislature Executive

Figure 3.6: Executive leadership in pre-1990 USSR

Source: Charlton (1986), p. 26

Its lower chamber was elected by the people (with one representative for every 350,000 people), while its upper chamber was composed of deputies from the republics and regions. The assembly of (approximately) 1500 deputies met for three- or four-day sessions twice a year, approving legislation and electing administrative bodies.

One of these bodies was the **Praesidium.** The Praesidium consisted of 39 members which ran the Supreme Soviet when it was out of session.

Another body was the **Council of Ministers**, the supreme executive body.

Perhaps more than any other political system, the party machine was heavily entwined throughout this system and, indeed, in control.



Having a guaranteed monopoly position in a one-party state through Article 6 of the Constitution, the party was able to function following the originating ideological principles of communism.

However, under Stalin:

...[C]entralist principles triumphed over democratic ones and power became increasingly concentrated at the apex of the party structure. Instead of committees below electing representatives to higher committees, the channel of selection was reversed with secretaries and officers being vetted and appointed from above.

(Derbyshire, 1987b, p. 6)

Later, under Khrushchev, "[o]ne-man dictatorship was replaced by collective leadership through the revived Politburo and by drawing upon the broader Central Committee for advice and endorsement" (Derbyshire, 1987b, p. 6).

Many changes occurred after this time culminating in the fall of the entire system in the early 1990s. It is sufficient to emphasise that party membership was key to success in politics, professional life and other areas. Policy-making lacked the pluralism of that in Western countries.

The peak body of the party, the Politburo, was the hub around which the elected institutions of state functioned, while the other party bodies (the Central Committee of the Party Congress and the Central Secretariat) directed the party machine (Derbyshire, 1987b, p. 9).

#### Case studies

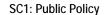


Case study

#### **Case study comments**

**Case 1:** This case shows that the United States system of government was designed to make quick and radical policy shifts difficult to carry out because Congress can put a check on presidential power.

Case 4: This American case reveals more than telecommunications policy. This is a presidential economic report. It is not a report of the Congress. The president does not legislate, but is highly influential in shaping policies and taking them to Congress for approval. This case represents a strong political document in its context. Note the criticism of the government's regulation of the electromagnetic spectrum on pages 73-75 and how it impedes competition. This document is an expression of the president's will to shape and influence this problem and to get Congress to pass the amendments.





## **Activity 3.3**



Write a brief comparison between the United States and pre-1990 Soviet systems using the following questions:

- 1. Are there common features within the systems?
- 2. If so, what are they and how are they implemented?
- 3. What are the key differences constitutionally, institutionally and politically?
- 4. Write a brief comparison between the United States and Soviet systems and look at the one in your own country using the following questions:
- 5. What are the key differences between the United States and Soviet systems?
- 6. Are there any features that might be beneficial for policy-making in your country's system?
- 7. What are they?
- 8. How may they benefit the system in your country?
- 9. Consider the different economic and social circumstances in which each system functions, or once functioned.



## Module summary



There are similarities and differences in political systems between various countries. This module has covered the:

- Westminster system
- New Zealand's version of that system
- the systems of the two nations heading the East-West divide before 1990:
  - o The congressional system of the United States
  - o The pre-1990s Soviet Union system (socialist/Communist).

These systems illustrate the choices that can be made in establishing constitutions and institutional arrangements, even within the framework of a democratic government.

At one level, many similarities can be had, but it is also extraordinary to discover the diversity of practice that emerges through particular arrangements and circumstances that exist in one country compared with another.

Because political systems are interrelated (but complex), small changes in one part of a system can lead to effects throughout it. Contextual factors, such as ethnic groups, national culture and so on, also have an effect.

A political system is never a neutral system of rules and institutions imposed from outside. It is a dynamic and responsive mechanism evolved from historical change and contemporary situations.

More complex arrangements than those discussed exist throughout the world. Not only do many countries have several tiers of government (such as the federal systems of the United States and Germany), but there are now super-governments, such as the European Parliament (the directly elected body of the European Union), that embrace regional alliances of nations.

Many states operate single-party democracies of one form or another. Republics can be compared and contrasted with monarchies. The list of potential contrasts can be expanded even further.

Throughout your reading it has been important to think about how political arrangements affected policy-making in the nations discussed. Further analysis of some of these factors will occur in the following modules.



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## Further reading



The following readings offer insights into the political systems covered by this module. The suggested readings are grouped according to the particular system they deal with.

Books that cover comparative political systems or policy-making systems are listed in the General section.

Some of these books have earlier or later editions which will usually fulfil the same purpose, though the chapter numbers may be different.

This is only an indication of possible readings, not a comprehensive list. You may find many other relevant sources for further reading.

#### General

Charlton, R. (1986). *Comparative government*. Political Realities series. Harlow: Longman.

Chapter 1 gives an overview of different types of political systems, chapter 2 examines the role of leaders in different systems such as the United States and chapter 3 focuses on legislatures.

Finer, S. E. (1970). *Comparative government: An introduction to the study of politics*. Harmondsworth: Penguin.

Finer explores different forms of the state, including the systems of the United States, the USSR and the United Kingdom.

Hague, R. & Harrop, M. (1987). *Comparative government and politics: An introduction* (2<sup>nd</sup> ed.). Basingstoke: Macmillan.

This book examines many of the underlying constructs that help to categorise different types of political systems.

Nordlinger, E. A. (1981). *On the autonomy of the democratic state*. Cambridge: Harvard University Press.

Roth, D. F., Warwick, P. V., & Paul, D. W. (1989). *Comparative politics: Diverse states in an interdependent world.* New York: Harper & Row.

This book is useful for its comparison of various political systems. Most chapters compare Soviet or Communist states with others.

#### **New Zealand**

Boston, J. (1995). *The state under contract*. Wellington: Bridget Williams.



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#### **United States**

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### The Westminster system

- Davis, G., Wanna, J., Warhurst, J., & Weller, P. (1993). *Public policy in Australia* (2<sup>nd</sup> ed.). Sydney: Allen & Unwin.
- Chapter 4 briefly examines the Westminster system, although its focus is on Australia.