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This article takes a step toward developing a general theoretical framework for analyzing comparative constitutional design. The Westminster system of constitutional design is characterized as analogous to a centralized hierarchical organization preserved intact but subjected to franchise bidding, whereas the U.S. constitutional system is viewed as a structure for mediating spontaneous transactions between broken-up institutions. The article uses this framework to analyze four functions of the Westminster doctrines of ministerial responsibility and compares them to their analogous elements (or lack thereof) in the U.S. constitution. Ministerial responsibility is presented as crucial to constituting the hierarchy of primary agency relationships of the Westminster constitution. The absence of analogous elements in the U.S. reflects the fundamentally different structure of agency relationships in that system of constitutional design.

1. Introduction

Over the last 15 years the economics of organization has challenged conventional political science by constructing coherent models of political structures and procedures in the United States (see Moe, 1984, 1991). Agency theory

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and transaction cost economics have made a rapid transition from commercial to political organization where they have found kindred spirits in the literature on structure-induced equilibria (e.g., McCubbins, Noll, and Weingast, 1987, 1989; hereafter McNollgast). Yet, until very recently, much of the economics of political organization has been confined to the ghetto of a particular constitutional design—that of the federal United States government. It has tended to concentrate on particular transactions, relationships, structures and procedures within and between the U.S. Congress and bureaucracy (e.g., McCubbins and Sullivan, 1987: parts 3 and 4).

Practitioners of the economics of political organization are only just starting to tackle the broader systemic interrelationships of constitutional design that provide the context for more particular political relationships. This is understandable, given the need for any new perspective to prove its practical utility with respect to well-defined topics, and there are signs that it is now changing (e.g., North, 1990; Shugart and Carey, 1992). More surprisingly the realm of comparative or foreign government has also largely resisted the economics of political organization; though the more formal literature with respect to multi-party bargaining in European parliamentary systems is related (see Laver and Schofield, 1990). Only in the 1990s have there begun to appear applications of the economics of political organization to foreign and comparative government (Moe, 1990; Rogowski, 1990; Breton, 1991; Shugart and Carey, 1992; Ramseyer and Rosenbluth, 1993, 1994; Palmer, 1993b; Moe and Caldwell, 1994; Levy and Spiller, 1994). The economics of comparative political organization looks to be the cutting edge of the latest, more mature generation of rational-choice approaches to politics (cf. Shepsle and Weingast, 1994).

This article suggests a general theoretical framework for analyzing comparative constitutional design. Drawing on a larger work by the author,¹ it briefly characterizes the Westminster² and U.S. models of government as analogous to different organizational responses to the problem of regulating a natural monopoly. To narrow the focus, the article examines the functions of the conventions of ministerial responsibility that govern key relationships in the Westminster model. There is no formal analysis and no attempt made to quantify the effects of these conventions. Rather, on the grounds that comparison is often the best approximation to measurement in politics, the article analyzes the operation of ministerial responsibility in the light of analogous elements (or lack thereof) in the U.S. constitutional system.

1. The characterizations of Westminster and U.S. government and the framework briefly summarized in Section 2 of this article are developed in greater detail in the author's doctoral dissertation (Palmer, 1993b).

2. The analysis of the "Westminster" model of government in the article is not specific to any one country but draws from a variety of systems based on the Westminster model, including the United Kingdom, Canada, Australia, and New Zealand. However, the article focuses only on single-party majority governments (see note 5). As Moe and Caldwell suggest (1994: 182), the single-party aspect of Westminster government can be expected to behave quite differently from coalition or minority parliamentary governments (see Laver and Shepsle, 1994; Palmer, 1994). The article also abstracts from aspects of constitutional design, such as federalism and judicial review.

Section 2 outlines the article's general theoretical framework of constitutional design and briefly characterizes the Westminster and U.S. systems of government in terms of that framework. Section 3 briefly summarizes the conventions of ministerial responsibility. Sections 4 through 7 analyze each of four functions of ministerial responsibility in comparative perspective: political direction and decision-making, monitoring of politicians, the imposition of sanctions on politicians, and the existence of a politically neutral bureaucracy. Section 8 analyzes the nature of ministerial responsibility as constitutional convention. Section 9 concludes the article.

2. A Framework of Constitutional Design

2.1 Government as a Natural Monopoly

This article characterizes the essence of a government's activity as the exercise of society's collective coercive power, whether in the pursuit of economic efficiency, redistributive aims, or social justice. The "constructed" coercion necessary to achieve such aims in a modern western society are beyond mechanisms of spontaneous governance, such as social norms (Coleman, 1991: 11–14; North, 1990: 120–21). The transactions costs of negotiating and enforcing the required contracts would be too great (cf. Coase, 1937). In the absence of strong and universally accepted social norms, a society needs an organization—its government—to manage the exercise of its collective coercive power.

This article suggests that an analogy between government and a commercial firm can provide a useful holistic framework within which to compare different models of government. But the peculiar nature of a government means that particular care must be taken in making the analogy. A government is quite unlike the paradigmatic case of a competitive commercial firm. It faces little or no competition in its "production" of society's collective coercive power. It is more similar to a natural monopoly in the production of coercion.³ Absent anarchy, there can be only one source of legitimate authority with respect to any aspect of policy or leadership that binds society as a whole. There are significant costs to a citizen in transferring citizenship to another country. In a classic Williamsonian (1985) sense, the location-specific lifestyle assets of most citizens (culture, language, etc.), inhibit other nations from exercising a competitive influence on most aspects of government, including its organization. Furthermore, since the product a government produces is coercion, a government is itself able to increase such location specificity (and thereby mitigate the competitive influences affecting it) by coercively increasing the costs of emigration. The boundaries of the naturally monopolistic status of a government may currently be under challenge from technology in a world bound ever more closely together by international law, international finance, and international norms. But, as yet, it still seems appropriate to model the

3. Such an analogy has been used by a variety of authors, for various purposes, with varying degrees of rigor (e.g., Tullock, 1965; North, 1981; Brennan and Buchanan, 1980).

organizational structure and processes of a sovereign nation's government as substantially unaffected by competition from other governments.

According to the analogy, the domestic constitution, as established through the circumstances of history, represents both the primary instrument of internal governance of a government and the primary instrument of "regulatory" control over its activities. The conceptual problem of its design is similar in character, but even more problematic in scope, to the problem of designing a governance structure for a commercial firm that has monopoly power in its product market and cannot be continuously regulated. The issue for constitutional design emphasized by this perspective is how to economize on the transactions costs that impel the existence of government as an organization while minimizing the agency costs in the resulting structure of organization. Differences between systems of government represent the distinctions between different governance structures that try to deal with this task. A dictatorship is analogous to an unregulated natural monopoly—abusing its power to the point of revolution. Federalism is analogous to the geographical breakup of a natural monopoly into smaller units that can more easily compete with each other than can separate nations.

This article compares the design of the Westminster model of government to the U.S. model of federal government. (For a useful description of the essence of these two systems, see Lijphart, 1984: chaps. 1–2.) The focus is on the implications of the differences in their structures of agency relationships—characterized in Palmer (1993b) as being one of two broad systemic elements of a constitution as a governance structure (the other being the mechanisms for safeguarding the structure of agency relationships). The different structures of agency relationships in the Westminster and U.S. systems of constitutional design are associated with corresponding differences in the elements of the individual agency relationships within those systems.⁴ These are analyzed in Palmer (1993b) in terms of six elements: discretion, appointment, decision-making, monitoring, bonding, and imposition of sanctions. This article focuses more specifically on the implications of the different structures of agency relationships in the two systems for one of the primary conventions of the Westminster constitution: the doctrines of ministerial responsibility and their equivalent (or lack thereof) in the U.S.

4. Moe and Caldwell's recent article (1994) also makes the point that differences between particular aspects of political organization in the U.S. and Westminster systems are rarely seen in the context of the broader differences in these "packages" of constitutional design. Moe and Caldwell offer general observations about the likely differences between the two systems, particularly regarding the formality of bureaucratic procedure and the coherence of bureaucratic organization, which derive from Moe's (1990) three core abstract political forces—uncertainty, compromise, fear of the state. They follow this up with some empirical observations from the U.S. and Britain. Moe and Caldwell's observations are consistent with and complement the broader framework of constitutional design developed in Palmer (1993b) and summarized here; they are also consistent with the analysis of the conventions of ministerial responsibility that is the more specific focus of this article.

2.2 Bidding for the Westminster Franchise

This article suggests that the Westminster model of single-party majority parliamentary government can be analogized to a franchise bidding scheme for regulating a natural monopoly in the commercial context (cf. Tullock, 1965). In 1968, Demsetz rediscovered (see Ekelund and Price, 1979) an innovative policy suggestion that regulators should hold a competition for the sole right to operate a natural monopoly—those who want to do so bid for the franchise. *Ceteris paribus*, the bidder who promises to charge the lowest price for a given quality of service should be awarded the exclusive right to do so. Theoretically, the *ex ante* competition for the “franchise” induces the successful bidder to price more competitively than it would otherwise, while retaining incentives to economize on costs in order to maximize profitability. By creating competition for the right to monopolize, the regulators constrain abusive monopolistic behavior and avoid the administrative costs and efficiency distortions of regulating the monopoly through commands and controls.

The Westminster model of government similarly involves the holding of a competition (an election) between competing organizations (parties) for the virtually unconstrained right to exercise a monopoly power (by government, over legitimate coercion). The electorate seeks competing bids from parties in terms of promises to govern according to particular policy preferences and leadership characteristics. By appointing one disciplined party as its agent, the electorate accepts, by majority vote, what it judges to be the best bid.

The characteristic that distinguishes franchise bidding from other regulatory solutions to natural monopoly also distinguishes the classic Westminster constitution from other systems: the absence of significant *ex post* behavioral regulation—binding checks and balances. In the fused executive and legislature of the single-party Westminster government, the monopoly of government is preserved intact as a centralized organization; it is not broken up, as in the U.S., by the separation of powers. This is the consequence of several characteristics of the Westminster model: a single party usually holds a majority of parliamentary seats;⁵ the senior Members of Parliament (MPs) of the majority party direct the executive as Cabinet ministers; the incentives for discipline within the governing party are powerful (see below and Palmer, 1994); and the doctrine of parliamentary sovereignty confers virtually unlimited political power on Parliament. Once an election has been held, the successful party in a pure model of the Westminster system is effectively entitled to exercise power as it sees fit, subject only to the incentives provided by the prospect of another electoral competition. The terms of a Westminster franchise are inherently very incomplete and the successful bidder, unlike its commercial counterpart, isn't even legally bound or limited to those explicit and implicit conditions of the franchise that are discernible. Electors must rely on the incentives of future

5. An integral feature of the Westminster model is the plurality (or “first past the post”) electoral system, where the party with the most votes in an electorate wins the seat. This creates clear biases toward the existence of only two parties and, hence, single-party majority governments (Taagepera and Shugart: chap. 13).

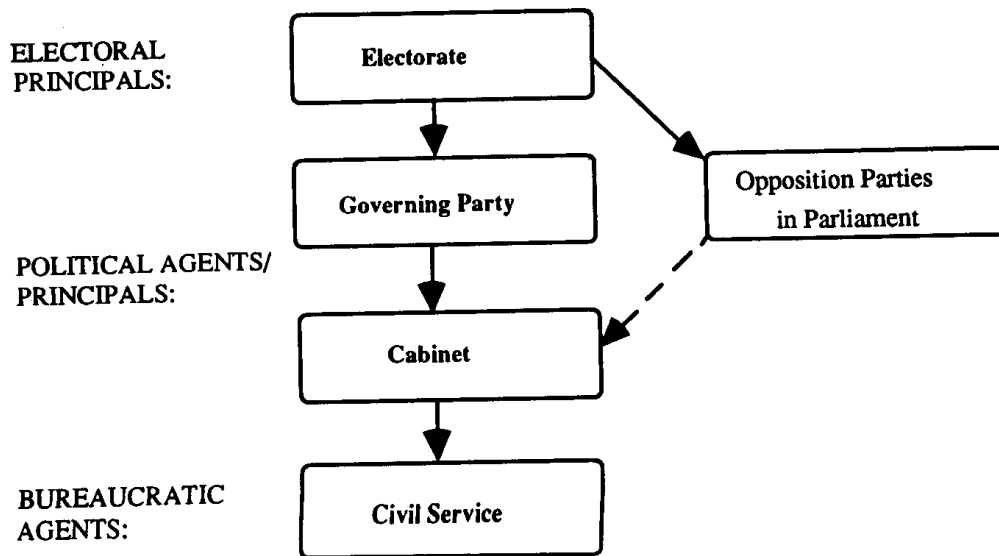


Figure 1. The primary agency relationships of Westminster government.

competition and the value of political reputation to induce a government to keep its promises and to take advantage of unforeseeable opportunities.

Given this basic structure, the primary agency relationships of the Westminster model of government can be characterized reasonably simply (in Figure 1) as three hierarchical relationships between four primary collective actors: the electorate, the governing party, the Cabinet, and the civil service. The electorate selects a party to form the government. The governing party selects Cabinet ministers according to its internal decision-making procedures, usually through its leader, the prime minister (PM) (Rose, 1975; Palmer, 1994). Since the governing party has a parliamentary majority and the Cabinet directs the civil service, the governing party and its agent-Cabinet manage the fused monopoly of a Westminster government. Consistent with their continuous competition for the franchise the opposition parties, in Parliament, are the electorate's agents for monitoring the governing party. This structure is characterized in Figure 1 where the solid lines indicate agency relationships (from principal to agent) and the dotted line indicates the monitoring relationship between the opposition parties and the Cabinet. Such a crude characterization helps to cut through the form of the Westminster constitution to the substantive nature of power in constitutional relationships.

The objectives of these principals and agents are likely to diverge. As in any organization, the conflicts of interest between principal and agent, combined with information asymmetries and uncertainty of outcomes, are likely to result in agency costs. But in the context of government, agency costs do not represent merely the organizational inefficiency of business management consuming perquisites. If an agent-politician or agent-bureaucrat pursues objectives different from those held by their principals, representative democracy itself is undermined. In the context of government organization, agency costs go to the

heart of democratic rhetoric and ideology. Compared to the (unattainable) ideal of perfect democratic “ownership” of a government, agency costs represent the undemocratic element of a political system.

Of course, these actors are not unitary. But there are strong incentives on all these actors, in their internal structures or from external pressures, to make collective decisions that can be treated as those of a unit. Treating them as unitary actors also facilitates a holistic comparison with the structure of the U.S. system of government.

2.3 Separation of U.S. Monopoly Powers

The U.S. system of federal government represents a startlingly different organizational response to the problem of government’s monopoly of coercion. While the Westminster system preserves the monopoly intact as a centralized organization, the doctrine of the separation of powers in the U.S. system breaks up the federal government’s powers along functional lines—into executive, legislative, and judicial institutions. Yet the key to how this structure prevents monopolistic abuse lies not in the separation of political powers but in “separate institutions sharing powers,” in Neustadt’s (1960) famous phrase. The overlapping, equilibrated [per Scalia’s dissent in *Morrison v. Olson* 108 S. Ct. 2597, 2625 (1988)], political jurisdictions of the presidency, the Senate, and the House of Representatives allocate to each the power to veto decisions by the others. By threatening to veto the exercise of full governmental power, each institution can control abuses of the manifestation of the electorate (national, state, or local) that it represents. Furthermore, these vetoes create a currency which the institutions (and their subinstitutions) can use to bargain with each other over the distribution of the burden of coercion (cf. Wittman, 1989). While the Westminster system relies on the anticipation of ex post competition to affect a political organization’s direction of government coercion, the U.S. system relies on spontaneous, simultaneous transactions between separated political institutions to distribute, ex ante, the incidence of government coercion.

The structure of U.S. government can also be illustrated in terms of primary agency relationships (see Figure 2). They are more numerous and more complicated than those at the broadest level of the Westminster model. I identify nine relationships between five collective actors: the electorate, the president, the Senate, the House of Representatives, and the civil service. As with the Westminster model, there is a stylized hierarchy of general agency relationships between the electoral, political, and bureaucratic actors (represented by the single-headed arrows in Figure 2). However the political institutions are organized, not as the hierarchy of the Westminster model, but as three independent, coequal institutions (interrelated by the double-headed arrows in Figure 2).

For the purposes of this article, it is not necessary to break down these actors according to the myriad of subinstitutions that exist within each (especially Congress),⁶ other than to note that such divisions cleave to the natural organiz-

6. Also, this section does not refer to the judicial institutions of either the Westminster or U.S. models. The judiciary has an important role to play in each system—helping to define the

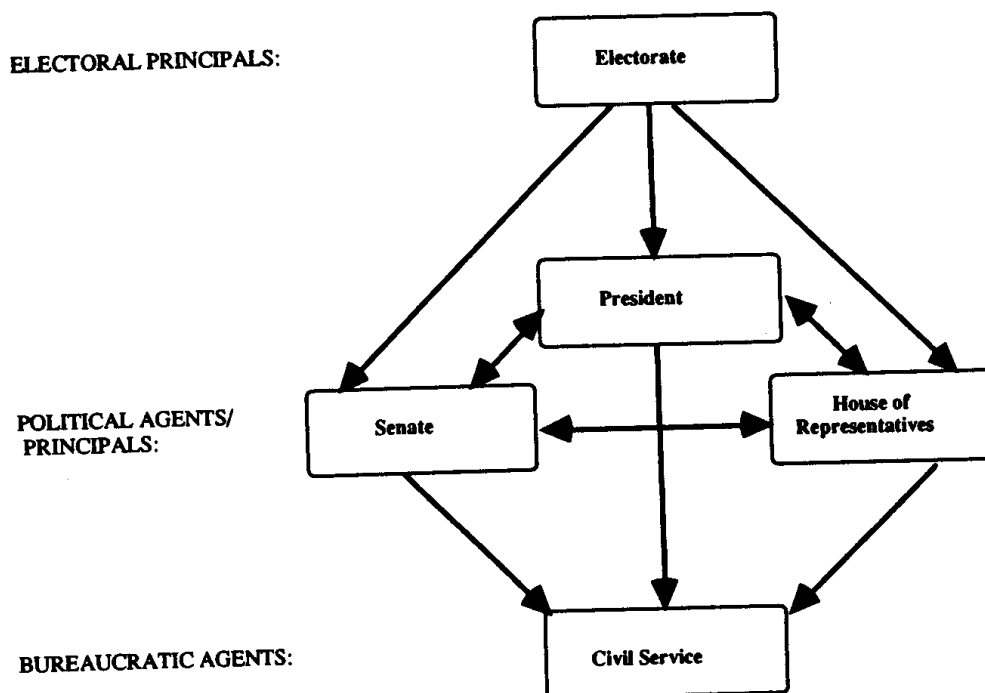


Figure 2. The primary agency relationships of the U.S. government.

ing logic of the general constitutional design of U.S. government. Indeed, the value of treating these institutions as unitary actors is that the distinctive systemic essence of U.S. government vis-à-vis Westminster government is clearly revealed: the political actors are organized as coequal transactors rather than a hierarchical organization. The comparative costs and benefits of designing constitutions on such fundamentally different bases is not necessarily clear (see Palmer, 1993b). For the purposes of this article, the point is that the systems are fundamentally different. The remaining sections examine the implications of this for the Westminster constitutional convention of ministerial responsibility and its analogous elements (or lack thereof) in the U.S. system.

Ministerial Responsibility

The Westminster doctrines of collective and individual ministerial responsibility provide a useful vehicle for narrowing the focus of the systemic approach presented above. Their basic tenets are well established, if blurry at the margins (Kernaghan, 1979: 385; Norton, 1982: 55–59). They form an integral constitutive element of the structure of the primary agency relationships of the

Westminster franchise for which political parties bid and helping to adjudicate transactional disputes between U.S. political institutions. Section 8 touches on this issue, but the article does not otherwise address the judicial element of constitutional design.

Westminster model of Cabinet government (see generally Mackintosh, 1977). This section merely summarizes the bare essence of these rich and subtle doctrines (see Marshall, 1989; Palmer, 1993a).

There are three key elements of collective responsibility, which concerns the Cabinet as an entity (based on Marshall, 1989: 3). The *confidence* element requires that the Cabinet must have the confidence of Parliament to remain in office, and must resign if it loses a vote of confidence. This is rarely invoked in Westminster systems since a single, disciplined party usually holds a parliamentary majority. The *confidentiality* element requires that the proceedings of, and advice to, the Cabinet shall be confidential. This has relaxed in the face of the modern trend in most Westminster systems toward open government and is, in any case, undermined by leaks. The *unanimity* element requires that all members of the Cabinet shall publicly support the decisions of the Cabinet or resign. This may sometimes be suspended by common Cabinet agreement, or undermined by individuals staking out public positions in advance, but otherwise the unanimity element is one of the strongest elements of collective responsibility and, indeed, is criticized for vitiating the force of individual responsibility (e.g., Dell, 1980).

It is also useful to identify three senses of individual responsibility.⁷ Explanatory and amendatory responsibility oblige individual ministers to report to Parliament regarding those matters that fall within their portfolios and to remedy errors therein. Culpable responsibility concerns ministers' resignation of their portfolios for misfeasance or nonfeasance. The precise definition of the grounds for resignation is (inevitably) highly politically charged, and some commentators even doubt that it forms part of the convention (Finer, 1956: 394; but see Marshall, 1986: 223–24).

Finally, there are two important corollaries to individual responsibility that concern the civil service: the duty of civil servants to be loyal to the minister of the day, and the duty of ministers to protect the anonymity of civil servants. This is also a contentious area, effectively concerning the size of the agency costs in the relationship between ministers and civil servants and the appropriate mechanisms for reducing agency costs. Section 7 returns to this topic.

Together, the doctrines of ministerial responsibility constitute a "key guiding principle" (G. W. Jones, 1987: 87) that lies at the heart of the Westminster system of parliamentary government. They touch on, and help to define, the primary agency relationships between the political and bureaucratic agents in the system. In particular, they can be analyzed as performing at least four important functions in the Westminster model of constitutional design:

- (i) they constitute the basis of the political direction by the Cabinet of the civil service;
- (ii) they enable opposition parties in Parliament to monitor the Cabinet;
- (iii) they enable a graduated scale of political sanctions to be imposed, ex

7. The substance of the distinctions is Marshall's suggestion (1989: 9–10, note 10), drawing on Turpin (1989) and, implicitly, Finer (1956).

- post, on the actions of individual ministers and the Cabinet as a collective; and
- (iv) they express a complicated and subtle relationship between the career civil service and their political principals.

Each of these functions is explored in turn in the sections below and compared with the analogous functions (or lack thereof) in the U.S. system of government.

4. Direction and Decision-making

4.1 Enabling the Cabinet to Direct the Civil Service

Individual responsibility and its civil service corollaries are clear in allocating exclusive and comprehensive decision-making authority to each individual minister in a Westminster system of government. The conventions are virtually explicit in their expression of the agency relationship between minister and civil servant. Since the system of ministerial portfolios covers almost all matters of government policy, individual responsibility constitutes the underlying basis for the political direction of the civil service.

Collective responsibility adds to this by enabling the Cabinet collectively to *override any individual minister. This flows largely from the unanimity element* of the doctrine as reinforced by the confidentiality element. Since each minister must publicly support and implement a Cabinet decision, on pain of resignation, the Cabinet is effectively able to override the decisions of any individual minister. The civil service, and any monitoring regime established by Cabinet, will alert the Cabinet collectively to attempted secret transgressions by an individual minister (Breton, 1991: 24–25). And because the Cabinet is able to override a minister, each minister has a positive incentive to gain Cabinet approval of the policies he or she prefers and to prevent Cabinet approval of the policies he or she dislikes. A minister is likely to make a decision individually only if he or she can expect to get away with it with other ministers (see Palmer, 1994).

4.2 Inducing Equilibrium in Collective Cabinet Decision-making

Collective responsibility also militates against future reversal of Cabinet decisions. The unanimity and confidentiality requirements inhibit ministers from using electoral pressure to attempt publicly to reverse a Cabinet decision. Cox (1993) notes that this mechanism for facilitating credible compromises between ministers developed in Britain when they faced increased individual incentives to take positions for public consumption. The unanimity requirement turns the Cabinet into a formally unitary actor from which each minister cannot disassociate without resigning. Successful attempts to relitigate Cabinet decisions would therefore constitute changes in a collective, formally unitary, mind. Frequent reversals would reflect collective indecisiveness, obscure collective policy preferences, and connote disunity in the Cabinet. These are important aspects of the collective reputation of the Cabinet and would strike at the heart of the governing party's electoral competitiveness. Political parties throughout Westminster systems are well aware of the electoral dangers of perceived disunity, incompetence, and confusion.

Of course, for each Cabinet minister, there is a public-good character to the collective reputation of the party. This implies incentives for each individual minister to free-ride on others' maintenance of unity in order to advance their own short-term personal interests in intraparty competition. However, the enormous opportunity cost of being in power, and the relatively small size of a Cabinet, helps to confer on it a privileged status (Olson, 1971). By raising the costs of individual disassociation from the Cabinet's collective decisions, the unanimity requirement constitutes a further important selective incentive on all ministers to maintain the Cabinet's collective reputation for decisiveness, unity, and particular policy preferences (cf. Posner, 1980). In this way it helps to induce equilibrium in collective Cabinet decision-making in single-party majority Westminster governments, thus performing a similar role to that of the confidence requirement and the allocation of portfolios in coalition governments (Laver and Shepsle, 1990) and to the variety of equilibria-inducing mechanisms in the U.S. Congress (e.g., Shepsle and Weingast, 1981; Moe and Caldwell, 1994).

Note that the unanimity element of collective responsibility does not constitute a unanimity voting rule. Indeed, in theory, neither a pure unanimity voting rule nor a majority voting rule would yield quick, effective decisions and also maintain collective Cabinet unity.⁸ In fact, most Westminster systems allocate special powers to set the agenda and manage the decision-making procedures of the Cabinet to the PM. This makes sense. As leader of the governing party, the PM has the most to lose from electoral defeat and therefore the best incentives to have regard for the electoral consequences of an image of Cabinet disunity, incompetence, or unclear policy preferences. In chairing Cabinet meetings and in summing up Cabinet consensus, the PM has incentives to take into account the balance and intensity of ministerial preferences, the fact that each minister will have to support the decision publicly, and the short- and long-term effects of each possible decision within the Cabinet, the party, and the electorate.

4.3 Direction and Decision-making in the U.S.

The pervasive effect of ministerial responsibility in shaping the direction of, and decision-making in, Westminster government is highlighted by comparison with the U.S. system. Even the most hierarchical of the U.S. institutions—the executive—lacks the coherence of political direction found in the Westminster executive. There is no real equivalent to the doctrines of ministerial responsi-

8. Majority rule has well-known theoretical cycling problems, as analyzed by voting theory (Mueller, 1989: chaps. 4 and 5), and it can be very divisive in terms of collective comity. In voting theory, a unanimity rule breaks down where there is zero sum conflict, especially over single-dimensional issues that are of equal concern to all participants (Mueller, 1989: 50, 105). This condition in a Cabinet would stimulate two negative features of unanimity: longer delays in decision-making, and strategic behavior within the Cabinet. This could happen where ministers lose the trust between each other that is necessary for ongoing relationships in Westminster government (Breton and Wintrobe, 1982: chap. 4). A unanimity voting rule under these conditions could allow a Cabinet to become deeply split, and strategic games between ministers could increase with respect to the content of Cabinet decisions.

bility. Decision-making in the U.S. civil service is noticeably less constrained by hierarchical structures, but is subjected to more formal procedural requirements (Page, 1987). The lack of effect of hierarchical authority in the U.S. civil service, at least relative to its Westminster counterparts, can be traced to several aspects of the constitutional design of the U.S. system (see also Moe and Caldwell, 1994). Ironically, the greater concentration of political authority at its apex—in the person of a unitary president—reduces the institutionalization of decision-making structures in the U.S. At least some members of almost every Westminster Cabinet have had previous Cabinet experience, facilitating procedural continuity, whereas the identity of the U.S. president changes at least every two elections. Also, as outlined above, there are systemic pressures on any Westminster PM and Cabinet to maintain collective decision-making procedures. A U.S. president has greater latitude to employ whatever decision-making regime he or she personally desires. This is reinforced by the absence of senior U.S. career civil servants from one administration to the next (see Section 7).

A clear view of the structure of primary agency relationships in U.S. government (Section 2.3) highlights the more fundamental inhibition on the effectiveness of hierarchical organization in the U.S. executive and government overall: the existence of multiple political principals transacting with each other. In the Westminster system, ministerial responsibility plays a key role in enabling the majority party in the legislature to direct the executive, holding together the fused hierarchical organization of government. The U.S. constitutional design is based on transactions rather than organization. Negotiations between the three political institutions, and their subinstitutions, substitute for the central direction of government as a whole. There is no need for a U.S. counterpart to this function of ministerial responsibility. The civil service in the U.S. must attend to the interests of several sets of principals: the president, operating through political appointees at the top of the bureaucracy; and the Senate and the House and their committees, operating through legislation, budgetary control, and investigatory oversight (McNollgast, 1987, 1989; McCubbins and Sullivan, 1987: part 4). Such competing pressures would be at odds with the linear logic of hierarchical control inherent in the Westminster doctrines of ministerial responsibility and their corollaries of civil service loyalty and anonymity.

5. Monitoring

5.1 Monitoring a Westminster Cabinet

A second important function of the doctrines of ministerial responsibility lies in their enhancement of monitoring as a mechanism for mitigating agency costs in the primary agency relationships of the Westminster constitution.

Ministerial responsibility is virtually explicit in its expression of the monitoring relationship between the opposition parties in Parliament and the Cabinet. A large part of the historical significance of the development of ministerial responsibility in 19th-century Britain lies in their definition of this relationship (see Chester, 1981). The doctrines still constitute the fundamental basis for the parliamentary procedures by which the performance of the Cabinet as a

collective, and of each minister individually, is questioned and debated. Any MP may interrogate any minister through oral and written questions in Parliament, and the continuous ebb and flow of parliamentary debate, as well as parliamentary committee investigations, are framed in terms of the responsibilities of ministers and the Cabinet. Ministers are routinely assisted by civil servants in responding to inquiries and attacks. This keeps civil servants aware of the political pressures on their principal-ministers and directs ministers' minds to the potential inadequacies of their agent-civil servants' performance.

The most significant role of parliamentary monitoring of the Cabinet is in facilitating political competition. Parliamentary mechanisms constitute the primary weapons available to the main opposition party in its continuous competition with the governing party for the Westminster franchise. The opposition acts as an electorally appointed monitor—seeking and publicizing information that damages the reputation of the governing party. The limited time, resources, and inside information to which the opposition has access limits the range of issues upon which they can be expected to focus, or even to discover; and the governing party has corresponding incentives to conceal damaging information and publicize positive information. But the threat of exposure (discounted for risk and effect) can be expected to have (and is felt by participants to have) a salutary effect on the incentives of the Cabinet in its decision-making. By providing the basis for this, the doctrines of ministerial responsibility constitute Parliament as the primary institutional forum for monitoring the Cabinet, thereby expressing and amplifying the continuous electoral competition between political parties. This competition is the primary check on the power of the governing party to manage the Westminster franchise.

5.2 Monitoring in the U.S. Government

By contrast, the nature and role of monitoring is quite different in the U.S. system of constitutional design. U.S. political parties are organized to compete for electoral favor in a way similar to that of parties in a Westminster system, but the fissured nature of U.S. constitutional design means that the electorate lacks strong incentives to demand party discipline across institutional lines. The president, Senate, and House respond to quite different manifestations of the electorate and have correspondingly different incentives. As examined further in Section 6, this is associated with greater difficulty in attributing political blame and credit in U.S. politics than in Westminster politics. As a result, electoral competition, and therefore monitoring of political agents, is focused far more around individual candidates than political parties in the U.S. compared to Westminster systems.

Furthermore, the reliance of the U.S. system on political transactions rather than hierarchical organization implies that monitoring is less systemically relevant to the interrelationships between political institutions than it is in the Westminster system. The different electoral franchises mean that U.S. political institutions do not directly compete with each other for appointment; they owe their allegiances to subtly different manifestations of the electorate—as nation, state, and locality. When in office, the president, the House, and the Senate do

not monitor each other in the same way that a Westminster opposition monitors a Cabinet. They lack the incentives and, consequently, the procedures to do so.

However, monitoring is important in the political-bureaucratic agency relationships of U.S. government relationships. The multiplicity of political principals increases the likelihood of agency costs existing in each political-bureaucratic agency relationship, at least from the perspective of each political principal, and hence emphasizes the importance of political monitoring of the U.S. civil service. Negotiations over public policy transactions between U.S. political institutions can be replayed through competing mechanisms of political pressure vying for influence on civil service decision-making. Monitoring of the civil service by the component parts of a U.S. political institution is therefore vital to continual political bargaining—blurring the relative separation of politics and administration that is easier to maintain in a Westminster system (see Palmer, 1993b).

6. Imposing Sanctions

6.1 Dismissal

The power of a principal to impose meaningful sanctions on his or her agent is essential to controlling the agency costs of the relationship. Without it the information a principal garners through monitoring is useless. Ultimately the principal must be able to dismiss the agent and choose a new one. Elections are the primary mechanisms for dismissing political agents in both systems of government—the governing party in the Westminster system and individual legislators or the president in the U.S. system. The U.S. system largely fixes the terms of its political agents, subject only to resignation and impeachment. In the Westminster system, the conventions of ministerial responsibility allow extra flexibility in the dismissal of political agents.

The confidence element of collective responsibility can lead to the dismissal of a Cabinet as a collective by a Westminster Parliament. The discipline of a modern single-party majority government now ensures that this rarely occurs, although it still forms a basis for MPs of the governing party to dismiss its agent Cabinet. The rarity of the threat being carried out could suggest a stable equilibrium in the relationship between governing party and Cabinet. However, it also reflects the disastrous electoral consequences of a governing party facing an election while so divided that it has sacked its own Cabinet. The more likely course for such a party is to appoint a new Cabinet, for example, by replacing its leader (if the leader appoints the Cabinet). In the U.S. system, there is no real counterpart to such a complete transfer of power without an election.

Ministerial responsibility also provides slightly less drastic but more targeted rules of dismissal with respect to individual Cabinet ministers. The closest U.S. counterparts to these rules are a president's requirements of his or her Cabinet secretaries; but these vary dramatically with each president and are not acknowledged to have constitutional status. In Westminster systems, constitutional convention requires that breach of the unanimity element of collective responsibility by a Cabinet minister leads to dismissal. As argued above, this sanction is a selective incentive by which the governing party maintains its

collective reputation for unity in the Cabinet. The convention of individual responsibility also allows the sanction of dismissal to be targeted against fraudulent or negligent acts or omissions by a minister in the administration of his or her portfolio (examined further below). But it is not so clear that the criteria for resignation on this ground, and therefore its imposition as a sanction, are a formal part of the convention (see Section 3). Whether it is invoked by a governing party (through the PM) to force a minister to resign reflects the political cost-benefit equations of the contemporary political climate.

6.2 Allocating Political Costs and Benefits in Westminster Systems

Electoral dismissal is a very blunt mechanism by which a Westminster electorate can impose sanctions on a governing party. It causes political parties to estimate the marginal effects of particular actions and policies on their electoral prospects. This creates a graduated spectrum of political costs and benefits that is rather inchoately expressed, via the media and polls, by public opinion. All Westminster politicians must develop fine antennae for assessing and predicting the political costs and benefits.

Compared with the U.S. system, ministerial responsibility provides the Westminster electorate with a relatively clear basis on which to attribute policy outcomes, and therefore to allocate political costs and benefits, between the main parties. The main complication lies in the overlap between individual and collective responsibility.

Where political blame is to be allocated (see Weaver, 1986), both an individual minister and the Cabinet as a collective will seek to avoid it. An individual minister may avoid a substantial degree of personal political blame within the party if his or her problems are attributed to government policy in general and thus the responsibility of the PM and the Cabinet as a whole. But the dynamics of intraparty competition means that this may also carry political costs if it is resented by the PM and Cabinet. The PM and Cabinet can expect to minimize electoral blame if they can credibly divorce the blameworthy actions of the individual minister from the government's program. Yet a too readily demonstrated willingness to disown the actions of an individual Cabinet minister can be expected to reduce trust between ministers and reduce the operational effectiveness of the Cabinet as a collective body. Electoral preferences militate against such a show of disunity and even establish resignation as a threat a minister can use in intraparty competition to get his or her own way (Alderman and Cross, 1967).

A complicated political calculation thus becomes necessary by the PM and the Cabinet: weighing the electoral damage of continued party association with a politically cost-ridden minister versus the electoral damage of demonstrating party disunity. Casual observation suggests that the latter is usually perceived as the more costly course of action. Hence collective responsibility is often invoked in Westminster systems to shield individual ministers from blame. This is much lamented by commentators (e.g., Dell, 1980), and it does interfere with the clear allocation of responsibility to a particular minister. However, when the importance of the party political nature of electoral competition in

the Westminster constitution is remembered, the tendency appears in a more benign light. The framework used in this article emphasizes that the process of imposing sanctions on a Cabinet or an individual minister operates through competition between political parties. Parties, not individual ministers, compete for the Westminster franchise. A party forms the Cabinet. Parties bear political costs and achieve political benefits. Electoral dismissal of a Cabinet is effected through defeat of the governing party by an opposition party. A party can dismiss a Cabinet or the PM. As Sutherland puts it, "the collective 'shield' has great legitimacy: the government must be able to control and protect its own membership to be able meaningfully to accept responsibility for its direction and impact as a government" (1991: 96).

6.3 Allocating Political Costs and Benefits in the U.S.

Electoral dismissal in the U.S. also creates a spectrum of political costs and benefits which attach to and influence the actions and policies of political agents. However, the reduced electoral importance of political parties in the U.S., compared with the Westminster system, means that the prospect of electoral dismissal must be calculated separately for each individual politician. This creates spectra of political cost and benefit for each individual, which are more precisely targeted to their individual behavioral incentives.

Although the U.S. system derives incentives for individual political actors, electoral competition is a less effective check on their political incentives than it is in a Westminster system. Since U.S. legislative and other policy decisions are the outcomes of bargaining processes between multiple political agents, it is much more difficult to allocate political blame and credit when considering the appointment of the individual agents (Jones, 1991). Ministerial responsibility allows the Westminster electorate to economize in its allocation of political costs and benefits by attributing all government policy outcomes to the governing party. The U.S. electorate must instead try to assess the effect of each political agent's actions and omissions on each political institution's actions and omissions in contributing to the development and implementation of a particular policy. An electorate of appropriately rational ignorance must have significant difficulty in determining the contribution to a policy decision of an individual U.S. representative or senator through the haze of credit-claiming and blame-shifting that occurs (Weaver, 1986). This reduces the effect of electoral dismissal in the U.S. since it is more difficult for politicians to assess the spectra of exogenous political costs and benefits that they face. This is consistent with the lesser systemic importance of U.S. electoral appointment decisions, compared with political transactions, as a mechanism for controlling the monopolistic exercise of government's powers.

7. Political Party Neutrality of the Civil Service

The final aspect of ministerial responsibility examined here concerns its corollaries of civil servant loyalty and anonymity. These reinforce the function of ministerial responsibility in facilitating the direction of, and imposition of sanctions on, Westminster government. They also encapsulate one of the West-

minster civil service's defining characteristics: political neutrality. Remember that this form of neutrality refers to neutrality between political parties. A civil servant owes a duty of loyalty to his or her minister, of whatever party, and in the knowledge that in the future the minister may be from another party. The conventional arguments in favor of a politically neutral civil service in a Westminster system, as opposed to one based on ministerial patronage, can also be analyzed and supplemented using the framework developed in this article. The same arguments are then applied in the U.S. system.

7.1 Corruption, Inefficiency, and Abuse of Power

It is clear that the existence of civil service corruption could directly subvert the principal-agent relationship between politicians and the civil service in either a Westminster or U.S. system (Rose-Ackerman, 1978: 6–10). It would interfere with the power of politicians to direct the government and would be inimical to the operation of a democratic, accountable government. Yet it is not clear that the existence of a career civil service is any direct answer to the potential for corruption.

The reason that a bureaucracy is necessary at all lies in the need for information and expertise in operating a modern government. A career civil service facilitates the provision of higher quality expertise and the preservation of more information and experience than would a pure patronage system. A patronage system would allow political incentives to influence the selection and retention of civil servants and could be expected to affect the nature of their advice. A patronage system would also encourage the dismissal of all civil servants appointed by a political rival, thereby diminishing institutional knowledge. Under a patronage system it is, of course, possible that an employee could become of such value that an incoming minister or president could not afford to dismiss that person, thereby preserving institutional knowledge. This is an example of Williamson's (1985) concept of asset specificity. Yet the resources and behavior that might be invested in acquiring a degree of asset specificity under a patronage system might itself interfere with the principal-agent relationship between ministers and civil servants.

It is also sometimes argued that the existence of a career civil service inhibits the abuse of power by the Cabinet that is possible in the fused system of Westminster government. There is something in this argument with respect to the limited circumstances of ministerial honesty and corruption that could be deterred by the existence of career civil service (Marshall, 1986: 225–26). Otherwise, however, the extent to which the doctrines of ministerial responsibility confer upon ministers the power to direct the civil service militates against this argument. In theory, civil servants have virtually no ability to change the substantive policy that ministers wish to pursue. In practice, of course, there are a number of ways that civil servants in Westminster systems can influence the formulation of policy, deriving from their advantages over ministers in terms of experience, information, and time. Yet the irony of relying on such agency costs as a desirable constitutional feature, when they represent an undemocratic element of the Westminster constitution, is inescapable. The logic of the West-

minster constitution is to hand the natural monopoly of government, intact, to the governing party and their Cabinet and to control the abuse of power by ministers through electoral competition. Indeed, this article argues that the systemic logic of the Westminster system implies the need for the political neutrality of the civil service in order to facilitate electoral competition.

7.2 Facilitating Electoral Competition in Westminster Systems

There are several ways in which the existence of a career civil service facilitates electoral competition in the Westminster system. They all derive from the use to which an alternative patronage system could be put by ministers. First, ministers could use powers of patronage in the civil service to advance their interests within their party. Civil service positions could provide a means of attracting and rewarding supporters in a minister's own party, thereby entrenching the minister within the party's power structure. Such a tendency would be antithetical to electoral competition as it would be likely to inhibit the degree of flexibility and responsiveness to electoral incentives among party personnel and within policy platforms. More importantly, the same argument applies with respect to interparty electoral competition. A governing party could use a patronage system directly as a resource in its competition with opposition parties—in getting advice on its own policies, in critiquing opposition policies, and in publicizing party propaganda. Moe and Caldwell (1994) underplay the extent to which these incentives to politicize a Westminster bureaucracy are significant and well-recognized in Westminster systems. As examined in Section 8 below, it is a testament to the effectiveness of constitutional conventions in Westminster systems that they are largely resisted.

In addition, this article suggests another related but less obvious rationale for having a career civil service in a Westminster system. Williamson uses transaction cost economics to identify a conceptual problem with the franchise bidding scheme in the commercial context. He focuses on the *ex post* competitiveness of the bidding for the franchise and invokes the concept of asset specificity (Williamson, 1976, 1985: chap. 13). The problem arises where production of the monopolistically produced good or service requires transaction-specific investments by the successful bidder yet further bidding rounds are necessary to assure competitiveness. In markets where this is so, the successful incumbent bidder gains an advantage from the transaction-specific assets that can be used to undercut competitors in future bidding rounds. Asset specificity thus resurrects, to some extent, the problem of regulating a natural monopolist. It reduces competition for the franchise, which is the sole mechanism for controlling monopolistic behavior under a franchise bidding scheme.

In the context of Westminster government, the civil service can be seen as an asset managed by the Cabinet. Under a patronage system, the civil service would be specific to the party in power and would have little value after a change in government. This provides a clear reason why the Westminster constitution should be reluctant to allow politicians to bring in their own advisers to run the machinery of government. To do so allows a party to build up transaction-specific assets that it can later exploit: the civil service becomes specific to

the incumbent party and unavailable to a challenging party. If a governing party can argue that its machinery is indispensable to the effective operation of government, it gains an advantage over its competitors. *Ceteris paribus*, the electorate would rather have the incumbent party continue in power than cause the dismantling of the existing civil service and the rebuilding of another. As it is, incumbent parties often campaign partly on the basis of experience in government. Politicization of the civil service would exacerbate such an incumbent advantage. If, as traditional Westminster conventions dictate, the civil service remains neutral and loyally serves whichever political party is in power, the competitive positions of the parties are less unequal and the electorate faces fewer inhibitions in voting out an incumbent government.

The party aspecificity of the civil service has evolved remarkably effectively in the traditional theory of the Westminster constitution.⁹ Richard Crossman, a British Cabinet minister and political scientist, compared a change of government to "the hospital drill for removing a corpse from the ward and replacing it with a new patient" (1970: xvi). Yet a key function of ministerial responsibility is the conferral of the monopolistic power of Westminster government on ministers. It is ironic that the more frequent the changes of government, as facilitated by political neutrality of the civil service, the greater the civil service's advantages of experience over their principal-politicians and the greater the agency costs in that relationship. The trade-off for preservation of electoral competition through civil service neutrality is the complication of the power to direct the government. The resulting subtle and complicated position of civil servants vis-à-vis ministers is given excellent expression by Shepherd (1987: 69) as "partisan neutrality." In reconciling the contending forces of political neutrality and ministerial direction of government, ministerial responsibility reflects the overall systemic tension between the conferral of monopolistic power on the Westminster Cabinet and the restraint of those powers through electoral competition.

7.3 Reducing Agency Costs in the U.S. System

Horn (1995) argues that the introduction of a merit-based civil service in the U.S. solves the problem of credible commitment between U.S. legislators, in insulating legislation by entrenching civil servants with the same aims at the time of enactment. However, there is certainly a different balance between neutrality and agency costs inherent in the U.S. system, which is consistent with the lesser extent of party neutrality in its civil service compared to a Westminster system. The constitutional design of U.S. government effectively creates multiple agency relationships between the political branches and the civil service. The Senate and House have budgetary, legislative, and investigatory powers with which to mitigate the agency costs in their relationships with the civil service. To balance that with respect to his or her own agency relationship with the

9. It is probably impossible to reduce asset specificity to zero. Perhaps this, as well as the fact that only the governing party has the power to pursue policies, accounts for the aphorism "Oppositions don't win elections; governments lose them."

civil service the president has to rely on the effect of the power of appointment. The implementation of legislative deals by the U.S. civil service represents a continuation of the policy battles between the political branches that led to the passage of legislation (Palmer, 1993b).

A U.S. president must rely much more heavily than a Westminster Cabinet on the power of political appointment to influence departments (Moe and Caldwell, 1994). This lessens the permanence of the top civil service personnel, procedures, and institutional memory, compared to those that persist from one Westminster administration to the next. Yet this difference does not have the same deleterious effects that it would in the Westminster constitutional design. As argued above, biasing electoral competition is not as important in the U.S. system as it is in the Westminster system; power is checked by institutional negotiation rather than electoral appointment. Whether the views of an incumbent president are entrenched in the civil service as an incumbent-specific asset for use against challengers is less important than whether the president's views are entrenched as a president-specific asset for use against the House and Senate. U.S. political and academic debates naturally focus more on measures that enhance the president's control of the civil service (e.g., President Reagan's Executive Orders 12,291 and 12,498), rather than the virtue of the slew of political appointments that occurs with every change in president.

8. Conventions and Constitutions

Finally, it is worth dwelling on the status of the doctrines of ministerial responsibility as constitutional conventions. Moe (1990: 242–48) and Moe and Caldwell (1994) have identified a problem of durability in policies and institutions that derives from the untrammelled ability of any administration in a parliamentary system to wield governmental power. They suppose that the absence of formal constitutional impediments on lawmaking implies the development of more informal means to ensure that the machinery and policies of government are not overturned with each election. Both articles identify the mutual adherence by political actors to norms of reciprocity as one such informal means (Moe, 1990: 246; Moe and Caldwell, 1994: 180). Yet this point can be made much more strongly, as Dicey (1885) did over a hundred years ago: Westminster constitutional conventions constitute explicit constitutional recognition of the significance of such mutual, “informal” norms (cf. Hardin, 1989).

The doctrines of ministerial responsibility are constitutional conventions—a characteristically ubiquitous element of the Westminster constitution (see generally Marshall, 1986; Heard, 1991). Conventions are not laws; courts do not enforce them [*Reference Re Amendment of the Constitution of Canada* (1981) 125 D.L.R. (3d) 1, 22]. Constitutional conventions are observed norms of political behavior that are generally acknowledged to have attained a significance and status worthy of general acknowledgment (Palmer, 1993a). They constantly evolve to reflect changing political practice and political science. Westminster politicians are aware that their system of government relies on general adherence to constitutional conventions and that their party will probably reap future benefits from a convention even though they may presently suffer under it. At

any given time, of course, they also have strong incentives to define constitutional conventions to suit themselves. The importance of conventions is thus a function of mutual political strategies of reciprocity, necessitated by the lack of higher constitutional authority.

By contrast, the U.S. Constitution represents an attempt to elevate certain institutional relationships above the ordinary reach of political agents (cf. Ackerman, 1991). The U.S. Supreme Court has the function of interpreting the Constitution. It maintains the U.S. system of constitutional design, for example, by preserving the doctrine of the separation of powers against encroachment by any of the political institutions (cf. Wagner, 1987). Yet there are inherent limits to creating a dualistic democracy. Consistent with the Coase theorem, the political actors may contract around the judiciary's higher law, as they have with respect to the *Chadha* decision, *INS v. Chadha* 462 U.S. 919 (1983), regarding the legislative veto (see Fisher, 1990). Also, many elements of U.S. constitutional design are matters of informal convention—such as the existence of the Cabinet. Finally, and more fundamentally, the role of the judiciary is itself a matter of constitutional design—highlighting the inherently path-dependent nature of constitutional evolution. The U.S. judiciary must carefully maintain its own reputation for legitimacy as a capital asset (Choper, 1983). Its power of constitutional interpretation ultimately depends on political and social norms.

This returns us to the principles of constitutional design outlined in Section 2.1. Following Coleman (1991), the existence of government enables more coherent and systematic “construction” of coercion in society than is possible through the evolution of social norms. Although the U.S. constitution creates a systems of spontaneous, decentralized political transactions, its deliberate construction as such is safeguarded by appeal to the organizational hierarchy and authority of the courts. By contrast, the centralized hierarchical Westminster constitution is safeguarded by spontaneously evolving social and political norms (cf. Coleman, 1991: 18). The flexibility of conventions such as ministerial responsibility confers on them a unique capacity to adapt to changing circumstances. It also highlights their vulnerability and their dependence on whether the political actors they guide take a long-term, systemic view, or a short-term, opportunistic view of the Westminster constitution.

9. Conclusion

This article examines four functions performed by the doctrines of ministerial responsibility in the Westminster model of constitutional design and compares them to the analogous elements of the U.S. system. The analysis is generally consistent with the conventional descriptive account of the Westminster constitution. However, it delves more deeply than the conventional literature into how ministerial responsibility induces equilibrium in collective Cabinet decision-making (Section 4). It gives greater emphasis to the importance of ministerial responsibility in enabling the opposition parties in Parliament to monitor, and the electorate to impose sanctions on, the Cabinet of the governing party (Sections 5 and 6). It explains the use of collective responsibility as a shield against the invocation of individual responsibility (Section 6). It also

provides a nonobvious rationale for the existence of a politically neutral career civil service in the Westminster constitution (Section 7). The doctrines of ministerial responsibility therefore can be seen as crucial to the primary agency relationships in the Westminster system, especially those between electorate and governing party/Cabinet, and the Cabinet and civil service.¹⁰

The comparative analysis with the U.S. provides a vehicle for exploring some of the differences between the two systems. It emphasizes the transactional basis of U.S. governmental decision-making compared to the hierarchical nature of Westminster decision-making (Section 4). It suggests that electoral monitoring and dismissal of political agents is more systemically important to, and more effective under, the Westminster model rather than the U.S. model (Sections 5 and 6). Monitoring by U.S. political institutions focuses on the civil service's responses to the demands of its multiple political principals and hence contributes to the continuation of political bargaining (Section 5). It suggests that a politically neutral career civil service is not as important in the U.S. system of government because electoral competition is less systemically important (Section 7). Finally, the article contrasts the flexible but vulnerable nature of Westminster constitutional conventions, such as ministerial responsibility, with the more formally binding nature of U.S. constitutional law (Section 8).

In an article of this length the framework of constitutional design is necessarily sketchy and skips over significant constitutional details. However, it provides a relatively systematic account of the inherent conceptual differences between the Westminster and U.S. models of constitutional design. The Westminster model is viewed as similar to a franchise bidding scheme for regulating a natural monopoly. It relies on ex post electoral competition between two main political parties to exert ex ante pressure on the governing party's management of its intact natural monopoly over coercion. The U.S. model breaks up the monopoly into separate institutions. It relies on the ex ante negotiation between these institutions to control the exercise of the natural monopoly over coercion.

The economics of political organization involves fewer simplifying assumptions than its traditional forebears but it preserves the systematic discipline that characterizes economics. So far, this literature has been building its reputation largely by analyzing specific political relationships and institutions in the U.S.; it has failed to capture the imagination of scholars of either foreign or comparative government. Yet comparison is perhaps the closest that politics can come to measurement. The economics of political organization can escape the ghetto of specific political relationships in the U.S. only by widening its scope to conceive of entire constitutional systems and by comparing different systems of constitutional design. The article takes a step in this direction.

10. In terms of the six elements of agency relationships noted in Section 2.1, ministerial responsibility defines the mode of decision-making by the Cabinet, the mechanisms for monitoring of the Cabinet, and the imposition of sanctions on the Cabinet, as well as the relative degrees of discretion of the Cabinet as agent and the civil service as agent and the imposition of sanctions on the civil service. See, further, Palmer (1993b: chap. 5).

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