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Parties, People and Parliament: Britain's "Ombudsman" and the Politics of the 1960s

Glen O'Hara

In October 1950, the medical doctor and publisher Donald Johnson was committed under the Lunacy Act in the Oxfordshire town of Woodstock. Johnson vividly recalled his experience in his 1956 autobiography, *A Doctor Returns*:

"I am doped", I had told the doctor when he had called to see me – and indeed, he wrote it down in evidence against me. My illness had started with giddy turns and curious bouts of automatic talking when I had sat down in a chair and given forth oracular pronouncements, lasting several minutes at a time; words, for which I had been a mere passive vehicle, had formed themselves on my lips and been uttered for the benefit of anyone who happened to be there to listen to them.

Given such behavior – though ignoring the strange coincidence that his wife, Betty, fell ill the same night – a doctor was summoned to his hotel to commit him. It took Johnson six months to secure release from the institution into which he had been placed, months during which he gradually recovered from ranting about the Duke of Edinburgh, and his wish to eat only apples. He gradually came to realize that "my reputation as a sane person, my reputation as a competent man of affairs" – the most important elements for a man seeking a public career – were under threat.¹

Johnson had been a minor fixture on the British political scene for some time. Initially working as a GP, he had stood (unsuccessfully) for the Liberals in the by-election for Stanley Baldwin's Bewdley seat once the Prime Minister was elevated to the House of Lords in 1937. He later broke with the Liberals and joined the Tories in 1947, declaring that "liberal-minded people must defeat socialism". Elected to the Commons for Carlisle in 1955, he soon became the spokesman of an eccentric type of libertarian "liberal-conservatism."² His liberalism was now transmuted into resisting quite a different threat: "the encroachment of the bureaucratic official on the rights of the individual member of society both as regards his property, his freedom of action and even in some instances his personal liberty."³

Johnson now began a long campaign in Parliament to uncover what he saw as the unjust and arbitrary incarceration of many citizens who, like himself, had suffered from incidents defined as "mental illness." Johnson bombarded Home Office and Health Ministers with letters and Parliamentary Questions advising them of the dangers of "hallucinogenic drugs", before threatening to resign the party Whip in December 1958 over what he saw as a lack of

interest in the Mental Health Bill which was to become law in 1959.⁴ He gradually gained the reputation of an eccentric maverick: the first Conservative MP publicly to call for Prime Minister Macmillan's resignation, he was forced to sit as an Independent from January 1964 before his defeat in the General Election of that year.⁵ But these long Parliamentary battles were to have one at least one unlikely result, for he became the first British advocate of an independent state grievance official, or "Ombudsman", an institution that was eventually set up by the Parliamentary Commissioner Act of 1967.

A number of treatments of this subject are already available, all admirable in their way. Frank Stacey's 1971 book on *The British Ombudsman*, and Roy Gregory and Peter Hutchesson's, *The Parliamentary Ombudsman*, published in 1975, both provide dense and detailed narratives of the reform process.⁶ More recently, two semi-official accounts have filled in more of the detail, and have been able to examine some of the consequences of the creation of UK Ombudsman offices: Gregory and Philip Gidding's *The Ombudsman, The Citizen and Parliament*, and Richard Kirkham's 2007 *Withstanding the Test of Time*, published by the Parliamentary Commissioner to celebrate forty years of her office.⁷

But the ongoing release of government records, including those of departments operating "below" the Cabinet documents on which Gregory and Giddings were able to draw, as well as the papers of the political parties and key pressure groups, now together allow for the use of an enormous amount of new evidence. This article will draw on a wide range of exactly these archival sources – including the files of Justice, the international jurists' organization, and the papers of the left-leaning Fabian Society, as well as of individual politicians and officials.⁸ The transnational context, recently the subject of so much historiographical innovation, will also be emphasized in a manner that has not been so clear in earlier works – for most of the key concepts underpinning the idea of the Ombudsman were foreign imports.⁹

The mobilization of key details, combined with the greater perspective evident in the recent semi-official accounts, should allow for a new look at the creation of Britain's "Ombudsman" – or the Parliamentary Commissioner for Administration, to give it its official title. This article will use the creation of Britain's Ombudsman, and the eventual success of Johnson's campaign, to draw wider conclusions about modern British history. Though it begins with Johnson's initial concern to reform mental illness laws, it soon opens out to consider other miscarriages of administrative justice that gave the same impression of the state's high-handed lack of concern with the individual. I will then press on to consider how the Ombudsman concept became more and more popular among expert and interested pressure groups, including international groups of lawyers who helped to spread the idea across national and international boundaries, before exploring the proselytizing role of individuals such as the Danish Ombudsman, Stefan Hurwitz. This essay will then consider why the Conservatives rejected the proposal in the early 1960s as 'alien' to British legal traditions. It will move on to show how Labour, on its return to power in 1964, adapted the idea in its search for a 'humanism' to match its increased use of state power, before the article then examines the creation and early operation of Britain's Ombudsman.

Three main thematic interests may be identified in what follows. The Ombudsman was, first and most obviously, one more example of that idea of disinterested, “apolitical” decision-making and scrutiny that took such a grip on public life among developed nations towards the end of the twentieth century. Pierre Rosanvallon has recently discussed this “industry of evaluation” as one aspect of the gathering “counter-democracy” of the late twentieth-century.¹⁰ Offices of oversight have increasingly replaced politicians’ decision-making roles, supplanting fallible elected officials in the minds of skeptical voters who have come increasingly to distrust their leaders – a process that was well under way after the Profumo affair which helped to bring a long period of Conservatives’ electoral dominance to an end in 1964. This scandal involved the Secretary of War, John Profumo, first conducting a clandestine relationship with a prostitute who was also sleeping with the Soviet Naval Attaché in London, and then lying about it in the House of Commons. It was a profound blow to the trust many voters still placed in Ministers.¹¹ This essay will attempt to demonstrate exactly how and why this process of diminishing faith in governments made itself felt in the 1960s, a period when governments of all types increasingly came under pressure to deliver on their lofty promises.

It was, secondly, in exactly this period that “consumerisation” began to extend to the public sector. The educational administrator Jack Springett made just this link in 1980, arguing that “the whole national climate of opinion, from consumers’ rights... to race and sex equality, pointed to the abandonment of a benevolent administrative autocracy... It was, I suppose, the advent of the Ombudsman which finally put an end to that management style.”¹² Rudolf Klein, one of the foremost historians of the NHS, has also seen the Health Service Commissioner set up in the 1960s as one example of this new “consumerism” in the public sector.¹³

In consumerist terms – increasingly the manner in which Labour as well as Conservative thinkers framed the electorate – the creation of new complaints mechanisms was supposed to encourage voters to exercise what Albert Hirschman once termed “voice” and the “loyalty” it fostered, over the “exit” of apathy, disengagement or protest.¹⁴ The uncertain and ever-shifting boundaries of “voice” over “loyalty” in an increasingly consumerist welfare state should be illustrated by studying an institution intended to cement both. Such insights might add to a gathering sense that “consumerism” and “citizenship” might be two elements of the same complex. The last twenty years has seen the historiography, and indeed theories of state and society more widely, move in this direction. Daniel Miller’s extraordinary work on “consumption as the vanguard of history” has indeed denied altogether the “myths” that “consumption is opposed to sociality”, or “authenticity”, or indeed that it “created particular [and undesirable] kinds of social being” at all.¹⁵ Elizabeth Cohen has elucidated the various *political* meanings – initially radical, but later often conservative, privatizing and confining – of Americans’ shopping experiences since the inter-war years of the New Deal.¹⁶ Sarah Igo has charted how market research merged with opinion polling to create the idea of a “new public” in 1930s and 1940s America.¹⁷

Such studies have, even so, been relatively few and far between given the importance of this theme in those contemporary political discourses of “radical centrism” and “progress” claimed by parties of both right and left.¹⁸ This has particularly remained the case in Britain,

where the interface between the state and the consumer was long infused in the period scrutinized here with different visions of what it was to be uncomplainingly “British”, as opposed to unattractively “American” and acquisitive, in the first place.¹⁹ Matthew Hilton has demonstrated the different conceptions of citizenship that surrounded the work of the Molony Committee on Consumer Protection, which deliberated between 1959 and 1962 – though his work has more closely concerned the state’s role in regulating the private market than in governing the delivery of the services for which it is responsible.²⁰ James Vernon and Peter Atkins have analyzed the ideological stakes embedded in the politics of school milk and school meals.²¹ Laura Beers’ work focuses in part on the way in which both Labour and the Conservatives sought to make themselves more palatable to working- and middle-class voters who increasingly sought access to the good life represented by the radio, the private car and the cinema.²²

Elsewhere in the literature, however, the word “consumer” has until very recently referred to the purchaser in the private market. This is perhaps due to a long-standing belief that citizenship and consumerism were and are either conflicting ideas or historically determined stages of economic development, one inevitably emerging from the other – rather than concepts that are in constant flux and interplay, one with the other. Frank Trentmann has recently made this point very clear as he has disintegrated just such “fixed positions.”²³ It is to be hoped that this present contribution to the literature will assist in this move away from previously static ways of understanding consumerism.

Third and finally, examining the creation of Britain’s Ombudsman will expose some of the “hidden wiring” that existed in the shape of the links between international policy actors below the level of central governments. Political theorists have recently re-imagined these as the infrastructure of “democratic network governance” – relatively stable, “horizontal” relationships of interdependence, often embodied in the transfer of ideas between non-state or allied state actors at the international level.²⁴ But exactly which countries were most closely linked to the British policy-making community, and why? Did the instruments of “network governance” – individual policy entrepreneurs, pressure groups, charities and academics, for instance – have as much influence as this new political science literature supposes? Governmental oversight and specialist “neutrality”, including governments’ increased recourse to independent judgment; a new emphasis on “consumerism” in the public sector; international political systems and the contacts and links that formed the international policy-making community: here are three themes that could hardly have been of greater importance in late twentieth century Britain. The roots and early history of Britain’s Ombudsman shed light on exactly these trends: first, governments’ struggle to convince the public that the welfare state had their interests at heart; second, the contradictions and instability of overlapping definitions of the individual as “consumer” and “citizen”; and thirdly, the rising power and reach of transnational organizations and individual policy entrepreneurs.

THE CRICHEL DOWN CASE AND THE HURWITZ VISIST

Two more incidents – one familiar to most scholars of British public administration, and one less so – also highlight just these themes, as well as helping to bring Johnson’s unlikely

crusade to fruition. The first of these was the notorious “Crichel Down” affair, involving a controversial wartime compulsory purchase case, which had caused the Minister of Agriculture, Sir Thomas Dugdale, to resign in 1954.²⁵ This became a *cause célèbre* because it seemed to provide a classic example of the formalized, programmatic and unfeeling bureaucracy in action. Controversies over the compulsory purchase and government use of hitherto private land could only be deeply divisive, as the political parties were engaged in deep-seated ideological conflicts about Labour’s 1947 Town and Country Planning Act.²⁶ That Act nationalized developments rights in land, if not all land itself; the Conservatives were set on resurrecting a free market in all space for building that would reverse what they saw as a vindictive, bureaucratic and self-defeating measure.²⁷ The Crichel Down affair was played out along just this fault-line in British politics.

The details of the case itself are relatively straightforward. In 1937 the Air Ministry purchased 725 acres of land near Long Crichel in Dorset, for use as a bombing range. In 1949, the land was handed to the Ministry of Agriculture, despite promises that it would be offered to the Crichel Down landowners who had owned it in the first place. It was then let out to other tenants, over the objections of the original landowner of large parts of the land, a Lieutenant-Commander Marten. Inquiries appointed both by the Ministry of Agriculture and the Prime Minister found that officials involved had made significant mistakes, both in trying to re-equip the estate as a single entity and then offering the land for rent without a public tender.²⁸

The Government wished to make sure that Crichel Down did not attract to them the type of political opprobrium that had been inflicted by the so-called Pilgrim case, in which a landowner committed suicide because his holdings were compulsorily purchased at a price well below that which he had paid for it.²⁹ A Committee of Inquiry under the chairman of Lloyd’s Bank (and a former Ambassador to Washington), Sir Oliver Franks, was appointed to look anew at the tribunals system, and to see if it could be used as an effective remedy for misguided or inappropriate administrative action. But the wider ideological context is much more important than the minutiae of the scandal itself.³⁰ For Franks’ appointment was partly caused by Conservative unease about the whole system of land use planning and appeals. Indeed, because there was no statutory tribunal for Marten to appeal to, only planning appeals heard by Ministry officials, the case was strictly outside the remit of any new administrative machinery Franks could recommend. But the case and the inquiry stimulated a great deal of public discussion over civil servants’ apparently arbitrary powers.³¹ Franks’ final recommendation – to create central ‘Councils on Tribunals’ to oversee the whole system – were a disappointment to these commentators, though the Committee did demonstrate concern with “the procedures by which the rights of individual citizens can be harmonized with wider public interests”, and with “the right relationship between authority and the individual.”³² Others would now have to take up the wider question of Ministerial decisions that seemed to run counter to governments’ own rules.

Crichel Down and the Franks Report are well-known signposts. Less famous are two visits by a vigorous and campaigning Danish public servant: after Johnson’s campaign and Crichel Down, this formed the next stage of the Ombudsman idea’s progress in the UK. Stefan Hurwitz was appointed as Denmark’s first Ombudsman in 1955, under the country’s new

1953 constitution. He visited Britain in 1958 to give lectures and talks promoting his office in London, Manchester, Oxford, Nottingham and Bristol.³³ Johnson later recorded that it was a visit to Denmark, during the Whitsun Parliamentary recess of 1959, “which sowed the random seed which was to blossom in such promising fashion in subsequent years”, partly due to the impressions he drew from a meeting with Hurwitz himself.³⁴ Hurwitz toured Britain again in 1960, making exactly the same case.³⁵

The Danish Ombudsman stated on the BBC's Third Programme that he had “to a great extent penetrated” both the Crichton Down case and the Franks report. He would, he went on, have had much more wide-ranging powers of investigation in both the cases of the original maladministration and in terms of the eventual recommendations for reform.³⁶ Hurwitz made a deep impression on many he met, and seems to have had an extremely persuasive personality.³⁷ He emphasized the role of publicity in his work in an essay for *Public Law* in 1958, the same year as his first lecture tour.³⁸ Tom Sargent, the secretary of the legal pressure group Justice who sponsored Hurwitz's visits, was deeply impressed at the Danish official's distilling and advocacy of Justice's inchoate case. Sargent noted that “there has been some excellent publicity of the right kind for Hurwitz's visit. The degree of interest aroused... is really quite staggering. He has been besieged by radio and TV.”³⁹

The idea had impeccable Scandinavian precedents, for Sweden had set up an Ombudsman as long ago as 1809, before the growth of the state, and the concomitant expansion in the range of bureaucratic decision-making, had recommended the idea to other northern states.⁴⁰ Finland had established an Ombudsman in 1919, with powers of investigation into the church and local authorities as well as central government.⁴¹ Norway's own complaints officer began work in January 1963 – though the institution in that country had much less freedom of maneuver, and was much more dependent on Parliament, than in Sweden and Denmark.⁴²

That said, the idea still had to gain acceptance in an entirely different political environment. In this sense the critical factor was that the Nordic model had been transmitted through a Commonwealth – and common law – state, namely New Zealand. That country had always been seen as a “laboratory of democracy” across the English-speaking world, having brought in women's suffrage in 1893, created a Court of Arbitration in 1894, and enacted an Old Age Pensions Act in 1898.⁴³ The transmission of Scandinavian ideas through another imagined semi-utopia, and one perhaps much closer to the British constitutional system, made them even an even more powerful meme among the transnational policy-making community. The occasion for this transfer was a United Nations seminar on remedies for administrative abuses, held in Kandy in Sri Lanka – which was still then known as Ceylon – during May 1959. Hurwitz, a key speaker, concluded his own paper to the conference with the confident assertion that “the new institution.... has been and will be able to help in building or rather maintaining a sound administration in Danish democracy.”⁴⁴

Hurwitz's talk made an enormous impression on one of the delegates: John Robson, New Zealand's official Deputy Secretary for Justice, and one of the country's most activist and powerful civil servants.⁴⁵ When the centre-right National Party returned to power after New Zealand's 1960 general election, Robson met with the new Minister for Justice, Ralph

Hanan, and briefed him on both the Kandy seminar and the Danish Ombudsman.⁴⁶ He also publicized Hurwitz's Kandy paper by sending it to the editor of New Zealand's *Political Science* journal, which published it in the autumn of 1960.⁴⁷ This led to the creation of New Zealand's first Ombudsman in 1962, and the appointment of Sir Guy Powles to that office: the progress of this legislation, and then the office it created, was closely followed in the Lord Chancellor's office back in London.⁴⁸ Elwyn Jones, Labour's Attorney-General when the party regained power in 1964, travelled to New Zealand to study the new Parliamentary Commissioner at work. So did Sir Edward Compton when he was eventually appointed to that office in the UK.⁴⁹

'JUSTICE' AND THE WHYATT REPORT

The creation of the pressure group Justice in 1957, following a visit by many of its early activists to witness ANC "treason" trials in South Africa and the suppression of the 1956 Hungarian uprising, was to be another crucial step towards setting up a British Ombudsman.⁵⁰ Justice was already primed for just such research, especially in its international work on human rights – as this author's research in its archives, partly reported here, demonstrates. Sargent had attended the International Commission of Jurists' conference on the "Rule of Law" in New Delhi during 1959. The conference had as one of its main topics the relationship between the citizen and the state, asking: "what remedies... are available to the individual who has suffered damage as a result of [government] acts of omission or commission?" The agenda specifically invoked discourses of what was "moral" and "human" among governmental decisions – both increasingly important strands in the debates over Ombudsmen.⁵¹

During 1958 and 1959 Justice began to assemble a group to look into these questions, consisting of Sargent, the lawyer Peter Benenson – also among Amnesty International's founders – the legal academic and author Stanley de Smith, Blom-Cooper, and Alistair Macdonald, Secretary to the Council on Tribunals. Along with Lord Shawcross, Justice's chairman and previously Britain's chief prosecutor at Nuremburg, this ginger group eventually decided to appoint an expert committee on the "Ombudsman project."⁵² This inquiry – and its consultations with a range of legal experts – were both a testament to the informal links that Shawcross and Sargent could rapidly mobilize. It was chaired by Sir John Whyatt, the former Attorney General of Kenya and Chief Justice of Singapore, while the other members of the committee were Shawcross himself; Norman Marsh, Director of the British Institute of International and Comparative Law; Sir Sydney Caine, Director of the LSE; and the Cambridge legal academic William Wade.⁵³

Their eventual report – published in 1961, with a foreword by Franks himself – did indeed call for the creation of a British "Parliamentary Commissioner for Administration", though the committee were careful to avoid the word "Ombudsman" in favor of a domestic and "British" office that recognized Parliament's role as the final arbiter of complaints. This Parliamentary officer, modeled administratively on the Comptroller and Auditor General, would have powers to look into "official misconduct in the sense that the administrative authority responsible for the act or decision complained of has failed to observe proper standards of conduct and behavior when exercising his administrative powers." This would

not involve areas of discretionary choice on the part of Ministers or civil servants where there were no clear rules, or in cases where the complaint was that their decision was misguided rather than maladministered – distinctions that were to become central to the debate over the office of Parliamentary Commissioner as it was eventually instituted. An MP would also have to refer the case to the Parliamentary Commissioner.⁵⁴

The debate now focused around the question of whether Britain needed to “import” its policy ideas: whether, in short, the United Kingdom’s ancient legal and constitutional system might profitably draw from the transnational world of expert policy advice. The political scientist Brian Chapman, very skeptical about the idea on the basis that Swedish Ministers in particular were far less accountable to Parliament than their British counterparts, even argued that enthusiasm for this reform was in danger of becoming a “cult”; Lord Tenby, the Chairman of the Council on Tribunals, argued similarly against the development of “Ombudsman fever” on the grounds that his own Council was better equipped to look at malpractice on a case-by-case basis that would maintain each complaint’s tie to the formal legal system rather than a series of *ad hoc* judgments made by a single official.⁵⁵

In general, however, Whyatt’s ideas gained a relatively good public reception: indeed, for a few months, the idea of the Ombudsman appeared almost everywhere on the political scene. Johnson’s campaign for the creation of an Ombudsman had seen the MP receive over 800 sympathetic letters.⁵⁶ Campaigns by other anti-statist Conservatives also created a reservoir of sympathy for Whyatt’s recommendations. The libertarian journalist Thomas Utley published *Occasion for Ombudsmen* in 1961, in which he argued that “every Conservative candidate knows... that hostility to the bureaucracy, or suspicion of it, is one of the most widespread sentiments of the electorate”. Utley believed a Parliamentary committee, rather than a single grievance officer, to be more in keeping with “British traditions”; but his pamphlet, part-funded by the Society for Individual Freedom, showed that the idea might have an appeal far beyond the Johnson’s more colorful appeals.⁵⁷ Young Conservatives, for instance, accepted the case for an Ombudsman in *Law, Liberty and Licence*, their 1964 pamphlet on the reform of legal and government institutions.⁵⁸ The Society for Individual Freedom and its Secretary, Lillian Sutton, organized a series of public meetings on the “Ombudsman” that included Johnson as a speaker: the right-wing *Daily Sketch* praised her attack on “the monster of state control”.⁵⁹ Great interest was also expressed on the Left of the political spectrum. The Haldane Society of Socialist Lawyers discussed the idea in 1960; in July 1964 the Young Fabians organized a seminar on the idea with Louis Blom-Cooper, the legal commentator for *The Guardian* and *The Observer*.⁶⁰

Such fascination was in part the result of deep-seated social change as much as the publicity efforts launched by Justice. Incipient mass affluence was also very unevenly spread, and was effecting only very fragmented and ambivalent political changes. Such inequalities seemed less and less forgivable among apparent superabundance – especially as many areas in Britain hardly shared in any widespread sense of well-being.⁶¹ Many commentators thought that Britain was increasingly wearing what Michael Shanks famously termed the “Janus-face of the semi-affluent society, with its cars and washing machines on the ‘never-never’, its gossip column heroes and Soho strip clubs... its feverish pursuit of a prosperity it can never

quite bring itself to believe in.”⁶² New ways of connecting citizens to the state might offer some hope of moral and political regeneration. The left-of-centre political economist Andrew Shonfield, whose *Modern Capitalism* was extremely influential on its publication in 1965, praised the “Ombudsman idea” as a tool of “bureaucratic humanity”, “pushing the modern administration beyond mere justice, towards the recognition of a duty of active kindness in... society.”⁶³

The growing complexity of the state apparatus might also be countered by such measures. The more complicated elements of the post-war welfare state and managed economy, such as the Town and Country Planning Acts, not only divided the political parties at Westminster. They also generated a constant stream of complaints to MPs and the government – in this case from small landowners as well as builders and developers.⁶⁴ Most Ministers – such as the young Margaret Thatcher as Minister of Pensions – got used to receiving hundreds of letters pleading the utmost need, and calling for complicated administrative decisions on a daily basis.⁶⁵ The National Health Service was one particular target, and the Ministry of Health struggled to sample and categorize complaints sent both to the central authorities, and to health authorities, from at least the early 1950s.⁶⁶ The journalist and writer Catherine Heath noted the effects of bureaucratic form-filling on the most vulnerable citizens during a stint with the John Hilton Bureau, a voluntary agency based in Cambridge:

It was to us the homeless wrote, and the old age pensioners, and the disabled soldiers. What startled me was the utter helplessness of these people in the face of the complexity of modern society; the failure of deserving cases to make use of welfare agencies existing for their benefit because they are ignorant of them. We often told a starving old age pension couple about National Assistance, or a lame man about the disabled persons register, and received a grateful letter back. Often, too, people would put themselves out of benefit... simply because they were quite incapable of reading a form right through and thus failed to realize there was a time-limit until it was too late.⁶⁷

Evidence that required some sort of “consumerist” avenue for such complaints appeared all around by the time Labour came to consider the idea in 1963-64. The party’s study group at that point considered a long memorandum entitled “evidence of need” across government – especially as concerned housing, health and social security claims. “There appears to be,” wrote officials, “a continuous flow of relatively minor complaints, not sufficient in themselves to attract public interest but nevertheless of great importance to the individuals concerned, which give rise to feelings of frustration or resentment because of the inadequacy of the existing means of seeking redress.”⁶⁸ Martin Ennals of the National Council for Civil Liberties, who later became Secretary-General of Amnesty International, similarly told the Parliamentary Civil Liberties Group in 1965 that the creation of an Ombudsman “is justified in the public’s view by the increased scope of Government over recent years, providing wide areas of discretionary and administrative power not open to challenge.”⁶⁹ Taken together, the strains of inequality and complexity were conjoined reasons why the press gave the Ombudsman a relatively warm welcome.

THE CONSERVATIVES REJECT THE 'OMBUDSMAN'

Moved by specialist investigations, public discontent, press coverage and grassroots pressure, as well as by Parliamentary Questions, by late 1961 Ministers asked a group of officials to consider the question.⁷⁰ This committee met under the Cabinet Secretary Sir Burke Trend in the first half of 1962, but came down decisively against the idea. Trend and his colleagues initially identified a number of areas where new appeals procedures might be set up, particularly in those areas – Agriculture, Education, the Home Office, Health and the Board of Trade – where discretionary decisions were a necessary part of “day-to-day” official life.⁷¹ But civil servants returned again and again to the idea of “British”, rather than continental, precedents. Swedish Ministers were not responsible to Parliament for their departments’ day-to-day work, they argued: this vital link in Britain’s constitution would be threatened by transplanting a separate office to look into “maladministration”. In short, “the appointment would be incompatible with the doctrine of Ministerial accountability as practiced in this country.”⁷²

The Treasury Solicitor, Sir Harold Kent, did attend a conference on Ombudsmen held in Stockholm during June 1962. Even so, he returned more secure than ever in the view that Trend’s committee was coming to the right conclusions. As Kent put it:

Restraints were imposed by administrative action in Sweden which would never be tolerated here without a court order... chiefs of police took liberties with the law which would be unthinkable here. In this connection we were told at the seminar that criminals were shipped back and forth over the Malmö ferry between Denmark and Sweden, without the formality of extradition, and that this convenient practice was stopped by the... [Ombudsman]. The United Kingdom officials’ respect for legality is too deep-rooted for this kind of thing.⁷³

He left other delegates at Stockholm with the – entirely accurate – impression that he actively opposed any such experiment, public skepticism that allowed Johnson to ask yet another of his Parliamentary Questions inquiring about the progress of the Ombudsman idea.⁷⁴

Kent was not the only skeptic. His staff, often asked themselves for advice from departments, worried about the impact on frank legal advice, both from the Treasury and within departments. One of them told Kent that “maladministration” was “not so much a mischief... as a bogey brought into being by the authors of the Report for the purpose of making a political case springing from nothing more than vaguely libertarian motives.”⁷⁵ The Government’s rejection of the Whyatt Report was announced in Parliament in November 1962, over a year after Justice had published its findings.⁷⁶ The entire debate within government had been conducted within an extremely crude framework that assumed that “British” laws must usually be better than those of other Europeans – a deep-seated assumption indeed, and one that stretched back to the eighteenth century, if not before.⁷⁷ At the very beginning of serious academic study dissecting transnational and comparative “sociologies of law” – itself mainly conducted in the US – Whitehall administrators were now handing on a particularly “British” view of legal reform hardly touched by the new ideas of the 1960s.⁷⁸ This was based on “common sense” and “rules of thumb”, and was

above all resistant to systemized “foreign” expedients resorted to by Europeans whose governments were inherently careless of liberty.⁷⁹

Justice argued that some such commissioner would eventually be appointed whatever the Conservatives said: the Government now appeared to be resisting the future, especially in the context of the Government's application to join a European Community that seemed increasingly economically and politically successful.⁸⁰ These were potentially very damaging charges for a government that was attempting to pose as a “modernizing” administration, and there were therefore signs of a tentative reappraisal on the Conservatives' part just before the 1964 General Election. The new Prime Minister, Sir Alec Douglas-Home, attempted to revive the Ombudsman idea at that point, as he sensed that Labour might make an issue of his government's refusal to consider the idea. But he met with a resounding set of negative responses from his colleagues. Sir John Hobson, the Attorney-General, doubted “very much whether the Socialists would do anything to implement... the Whyatt Committee's recommendations”, while other Ministers simply thought that the public would not be interested in the idea.⁸¹

This view, which associated “Socialists” only with bureaucracy and controls, proved to be misguided. Labour had in fact given the idea a great deal of thought in Opposition, in order to differentiate itself from an “out of touch” Conservative government that would not listen to the public or let the public participate in the making of the “New Britain.” Most of Justice's luminaries were sympathetic to, or members of, the Liberal or Labour parties, and this too assisted the idea's adoption.⁸² The party set up a special group of its National Executive Committee to look at the problem in December 1963, and its deliberations show clear traces of this new agenda.⁸³ The group's first chair, Douglas Houghton, was an extreme skeptic about the idea, ironically since he was to be given responsibility for codifying Labour's proposals once they returned to office. “I am simply not convinced”, he argued in a long and contrary memorandum: if tribunals, the police, the courts, the armed forces, cases subject to legal redress and medical decisions were all excluded, “the residual problem of citizen versus bureaucracy is not only relatively narrow but is really taken care of by existing means of obtaining redress.”⁸⁴

Houghton did not get his way, partly because party leaders were already convinced of the Ombudsman's efficacy as an attractive electoral asset that would allow Labour to seize the high ground on civil liberties: Harold Wilson, indeed, launched the plan in a pre-election speech at Stowmarket, saying that his intent was “to improve relations between Westminster on the one hand and the individual citizen.”⁸⁵ In the *New Statesman*, the Labour MP Michael Stewart countered the charge that the Ombudsman was an “alien” concept with the argument that “the office of a Commissioner” would in fact “enhance the authority of Parliament and improve relations between Parliament, executive and public.”⁸⁶ Labour's 1964 Manifesto duly declared that “new ways must be found to ensure that the growth of government activity does not infringe the liberties of the subject. This is why we attach so much importance to humanizing the whole administration of the state and that is why we shall set up the new office of Parliamentary Commissioner.”⁸⁷ It was a fine summation of nearly a decade of debate, focusing at it did on the twin concept of a focus for citizen complaint and a deterrent to arbitrary administrative decisions. Only the details of

implementation, rather than the fate of the concept itself, appeared to be in the balance if Labour won the 1964 election.

LABOUR'S PARLIAMENTARY COMMISSIONER, 1965-1967

Once Labour was returned to power in 1964, Ministers' and officials' attention turned to turning Wilson's Stowmarket speech into legislative reality. Two committees were formed to look into the idea, one made up of Ministers, ironically with Douglas Houghton as chairman, and the other consisting of officials sitting under the Treasury civil servant Sir Philip Allen.⁸⁸ It was at this stage that complexities that mirrored the growth of the state itself emerged, and officials re-inserted Whyatt's idea of a Parliamentary "filter" which Labour's NEC had rejected. Allen and his colleagues considered allowing direct access to the Ombudsman, but concluded that given the size of the UK as against New Zealand, there might be 20,000 complaints a year. This was far too many for any new office to handle without a screening mechanism to filter out easy cases.⁸⁹ Houghton's Ministerial group also came to the same conclusion, though with more difficulty: a minority in the committee (including the chairman) initially argued for open access to the new commissioner.⁹⁰

The full Cabinet was told that any other system would endanger one of MPs' main tasks: by allowing the public to appeal to the Ombudsman only through their elected representatives, "the Ombudsman in Britain would be brought within the framework of our Parliamentary practice." He or she would also, as Whyatt had initially recommended, be called a "Parliamentary Commissioner" rather than an "Ombudsman" – to emphasize the office's Parliamentary and administrative role, rather than its more radical Scandinavian antecedents.⁹¹ So the "filter" stood, and the Ombudsman was not to be allowed to take direct complaints. Labour's White Paper, moreover, emphasized that Parliament itself would decide on the appropriate nature of restorative action. "In Britain, Parliament is the place for ventilating the grievances of the citizen", the paper argued, which also evoked "history, tradition, and past and present practice." The Parliamentary system, the MP "filter" and the strengthening of "existing constitutional arrangements", all represented victories for more traditional ways of conceptualizing the political system.⁹²

Even so, the Government had in several instances been more radical than Whyatt. The Ombudsman was to have complete access to all the relevant files in a case, including those of the Cabinet. The Houghton sub-committee had also decided that Ministers were not to have the power of veto over an investigation, as Whyatt had recommended. The British Ombudsman was also allowed to criticize Ministers' personal actions or decisions – a power that was absent in the New Zealand legislation.⁹³ Ministers furthermore found it impossible to settle on a definition of "maladministration": the PCA himself was to define this in practice, allowing the office's role to grow and expand. The Leader of the House of Commons, Richard Crossman, offered instead examples of what *might* be included under that heading: "bias, neglect, inattention, delay, incompetence, inaptitude, perversity, turpitude [or] arbitrariness."⁹⁴

Wilson's choice as the first Commissioner, Edmund Compton, was an experienced Whitehall "insider." He had served as Lord Beaverbrook's Private Secretary during the

Second World War and had been appointed as Comptroller and Auditor-General in 1958.⁹⁵ Wilson had been impressed with him during his time as Shadow Chancellor and Chairman of the Public Accounts Committee. They met twice a week to co-ordinate their oversight of government expenditure, Wilson giving Compton the nickname of “the Elf” because of his small stature and quick-wittedness. Marcia Williams, Wilson’s powerful and unpredictable political secretary, later wrote that Compton was “needle-bright, very witty, warm-hearted, and without the ‘edge’ so often found in top civil servants.”⁹⁶ He had, even so, to overcome his initial reluctance, “chiefly”, as it was reported to Wilson, “because he had some doubts about the need for the new organization.”⁹⁷ He had already fought off the idea of expanding the Comptroller and Auditor General’s remit while Labour was still in Opposition.⁹⁸

One important distinction in the Bill, between decisions that were not in accordance with established rules, and “discretionary decisions” – not to be investigated – was easily misrepresented as meaning that no Ministerial decision was open to question by the PCA. This caused many supporters of the Ombudsman idea to see the Bill as a betrayal of their initial purpose. Utley despaired of Labour’s proposals as soon as the exemption for “discretionary powers” became clear. “Every branch of government”, he argued, “ought to be conducted in permanent awe of some notion, however imprecisely defined, of fundamental law”: the Ombudsman should be able to take account of the general principles under which decisions had been made.⁹⁹ Quintin Hogg, leading for the Conservatives in the debates on the Bill, made enormous capital out of this confusion. “Anyone who contemplates an office of this kind”, Hogg argued at Third Reading, “is faced with the dilemma of making it either a Frankenstein or a nonentity – a Frankenstein if it has effective powers and a nonentity if it has not. The Government, quite rightly, has opted for its being a nonentity, and in that sense it is a fraud.”¹⁰⁰ Even some Labour MPs were skeptical – for instance, the social and legal reformer Leo Abse, who continued to believe that the Ombudsman might undermine MPs’ role while not really opening up novel routes for complaint.¹⁰¹ In fact, it proved impossible in practice – as Wyatt and Crossman foresaw – to draw the line where hard and fast regulations ended, and “discretionary powers” began. Only the Commissioner’s findings in each case could be any guide. As the Treasury informed the Board of Trade: “we doubt whether any description of discretionary powers... could be made sufficiently clear to have any marked effect... we shall have to depend very much on the good sense of the Commissioner himself.”¹⁰²

Chief among whole areas of government activity that remained exempt was the National Health Service, despite both the rise of a “consumerist” movement insisting on patient input into the NHS, and the obvious scope for abuse and mistakes within that Service – demonstrated by Johnson’s original treatment in 1950. As Alex Mold has recently emphasized, Maurice Pappworth’s foundation of the Patients’ Association in 1963 can be seen within just this framework.¹⁰³ But “consumerist” trends in any organization proved not to be sufficient in ensuring reform. The Ministry of Health opposed any role for the Ombudsman in the NHS, ostensibly on the grounds that they were not responsible for the actions of the Family Practitioner Service and the local authorities. Only one part of the service – its hospitals – could therefore be included in the scheme, a situation the Ministry argued would be unfair.¹⁰⁴ Civil servants in the Ministry of Health preferred to put their faith in the complaints committees of Regional Health Boards, which they had been pressing

on those subaltern committees since 1953 – a more “concrete”, but also a more limited and more bureaucratic, response to “consumer” demands.¹⁰⁵

The real reasons for the delay in creating an NHS Ombudsman went somewhat deeper. The omission was partly due to divisions among patients' groups, which fell broadly into two groups: those that simply demanded more information, and more radical movements calling for an end to the mechanized “class dominance” or “patriarchy” of male-dominated medicine – as Mold has also pointed out.¹⁰⁶ But there were also ideological objections and vested interests within the health bureaucracy and medical profession when it came to interfering with medical judgments. It was for doctors – not some external official – to decide on efficacy and efficiency once Ministers had provided the funds. Anything else threatened to embroil central government in endless disputes. Senior Ministry officials were advised that “so long as legal proceedings are likely neither the professional people directly responsible... nor the Department are in a position freely to admit mistakes.”¹⁰⁷

Sir Bruce Fraser, the Ministry's Permanent Secretary when Trend had considered Ombudsmen in 1962, condemned the Whyatt Report's “foolishness and superficiality” during that inquiry.¹⁰⁸ He had already impressed on Whyatt himself, in a face-to-face meeting, “the impracticability of entrusting to a layman the job of deciding whether professional treatment had been right”.¹⁰⁹ Civil servants were to some extent an easy target for reformers: it would take longer to bring the entrenched power of doctors and hospital administrators within the Ombudsman's remit.

THE OMBUDSMAN'S PERCEIVED FLAWS AND LIMITS

Hogg's jibes seemed at first to have been well-aimed. The PCA's workload initially showed some tendency to decline over time, partly because Compton did not regard publicizing his office as an integral part of his job – though other Ombudsmen also experienced this initial dip in their work as they cleared any backlog of grievances.¹¹⁰ The numbers of people complaining per head of population were initially rather low compared to those bringing their grievances to Ombudsmen in other countries.¹¹¹ Compton himself issued only three special reports during his time in office, and tended to regard his audience as Parliamentary rather than public. Michael Winstanley, the Liberal MP for Cheadle between 1964 and 1970 and who served on the Select Committee throughout his time in Parliament, thought his first report in particular “a damp squib.”¹¹²

The indirect manner of complaint referral, and the lack of direct access to the Ombudsman, have always been the subject of negative comment.¹¹³ Many academic experts argued at the time that the Government had “botched” the Act.¹¹⁴ Justice remained unhappy that the PCA's innovations never went as far, or as fast, as they would have liked. Their review of the system, published in 1977, argued that the office did not gain enough publicity, still needed the MP “filter” removed, was under-staffed, and required additional powers.¹¹⁵ The press also launched successive attacks on the PCA. Was he “an Ombudsman or an Ombudsmouse?”, asked the *Daily Mirror* in March 1967. *The Sunday Express* called him a “paper tiger”; the *Telegraph* a “hamstrung knight”; *The Sun* “a watchdog in chains.”¹¹⁶ Hugo Young regretted the “vanishing” of the Ombudsman in *The Sunday Times*, while *The*

Economist thought the Parliamentary debates about discretionary power “ridiculous” and called for the whole scheme to be scrapped.¹¹⁷

In fact, the 1967 Act initiated a cascading process of change that had not abated even by the early twenty-first century – and which paid ample tribute to the wider social changes that had caused the idea to be popular in the first place. Although the number of grievances received did decline until 1972, when only 548 were received, they then began a slow but sustained recovery: 9,415 properly-formatted complaints were received by the combined Parliamentary and Health Service Commissioner during 2008-2009.¹¹⁸ The Parliamentary Commissioner was now able to process more grievances than New Zealand's or Denmark's Ombudsman in the same year (who received 7,615 and 4,089 complaints, the latter for the calendar year 2008), though of course those workloads amounted to far fewer cases per head of population for the UK Commissioner.¹¹⁹

Some of the rise in caseload might be due to the Ombudsman's creeping remit and a gradually deepening awareness of his or her role. The third Parliamentary Commissioner, Sir Idwal Pugh, was particularly notable in effecting subtle changes to the office's powers. Rather than simply referring direct complainants back to their MPs, he now began to write back and inform correspondents that he would take their case direct to members of the Commons. Pugh also stopped taking advice from the Treasury Solicitor, instead employing private counsel, while also arguing that government decisions that were manifestly “unreasonable” also fell within his brief. Some of the implications of the “filter”, and the “insider” nature of the office, were therefore softened.¹²⁰

“Maladministration”, as Crossman had always intended, proved to be a capacious and malleable category. In general, the opaque approach has provided the office with a wide freedom of maneuver, rather than limiting its power. The courts have continuously upheld the Ombudsman's discretion to act – or not act – as he sees fit, as defined in the Act.¹²¹ The fourth PCA, Cecil Clothier, told *New Society* in 1981 that “maladministration” was a “concept... [that was] as long as a piece of string”, allowing him to ensure that “the spin-off is vastly greater than the sum of the individual cases.”¹²² Gradually, the number of authors calling for the PCA to possess more specific, better-defined and more binding powers declined as the all-encompassing potential of the 1967 Act became clearer.

This creeping remit was also evident in the 1972 and 1973 Acts that set up an office of Health Service Commissioner to sit alongside the Parliamentary Commissioner in the same office – though that part of the Ombudsman's role was limited to administrative decisions. The British Medical Association and consultants' representatives again raised a number of objections, most of which were later codified in the legislation. They wanted a very clear definition of the term “maladministration”, so that it excluded specific decisions medical decisions made by doctors, and to make sure that there was a redress procedure for staff named in reports. The Commissioner's new powers did meet the doctors' first criterion, and since staff matters could not be directly addressed by the Ombudsman (indeed, he had power only to issue reports) the Government went much of the way to meeting the BMA on the second point as well.¹²³ There were also administrative barriers that prevented any truly radical impact on the NHS. As Keith Joseph pointed out as Secretary of State for Health

when he announced the Ombudsman's new remit, GPs were not employed by the NHS at all, but had simply "entered into contract" with it.¹²⁴ In the event, the Health Commissioner would be little help in the event of medical intervention being unsatisfactory, for the definition of "administrative complaints" certainly did not extend to medical practice, nor even into administrative decisions based on medical advice.¹²⁵ This is not to say, however, that the innovation was not important. The HSC was, for instance, allowed to examine "service failure", in which a health authority failed to provide facilities they were obliged to.¹²⁶

Many other expansions of Ombudsmen's powers might be cited. By the end of the twentieth century the United Kingdom authorities were overseen by no less than twenty-four different "Ombudsmen", including the Police Complaints Commission, a Prisons Ombudsman and a Banking Ombudsman.¹²⁷ The PCA himself was grappling with some long-running and acute political controversies. The malfunctioning Child Support Agency, for instance, constituted 15 per cent of all complaints in 1997/98, including appalling cases where abusive husbands had been forwarded the new surnames and addresses of their ex-partners.¹²⁸ It is unlikely that any of the individuals who have been assisted in these cases feel the Ombudsman to be an irrelevance – among them, the 700 complaints that led to the present Ombudsman's castigation of government pensions advice in 2006, and the 2,288 Equitable Life claimants she has campaigned for.¹²⁹

The devolved administrations in Scotland, Wales and Northern Ireland have set up their own Ombudsmen, as well as unifying the new offices overseeing the Scottish Parliament and the Welsh and Northern Ireland Assemblies with the health service and local government Ombudsmen for those jurisdictions. In so doing they have continued the tradition of the commissioners' expanding remit, for these new bodies – like the HSC – can examine "service failure" as well as "maladministration."¹³⁰ The chain reaction of the 1950s and 1960s, in which each new state's adoption of the Ombudsman idea led on to debate and action in other countries, now has a "native" British concomitant in which Parliaments and Assemblies vie with – and learn from – each other. Sub-national learning has now supplemented transnational policy transfer.

NEW AND 'EXPERT' HISTORIES OF POST-WAR BRITAIN

New histories of institutions linking administrators, expert practitioners and the wider public – drawing on pressure groups' and political parties' archives, rather than just the governments' – may help deepen our understanding of the gathering sense that the post-war state was unable to oversee or check its own activities. The creation of the Ombudsman allows historians, in terms of the first theme with which we began, to examine and critique the rise of expert and "disinterested" oversight of executive action. To return to Pierre Rosanvallon's typology, the Ombudsman combined what he terms "functional capabilities", embodied in investigation and in the seeking of redress; a new "ethos", of public complaint and non-legalistic solutions; and novel "social activities", in this case, the publicity Ombudsmen increasingly sought for their casework and recommendations. This combination – followed independently in many other examples of "oversight" – appeared to

provide one answer to the social democratic dilemma of how to ensure both quality and choice in public services.¹³¹

But early and famous cases taken by the Ombudsman had the opposite effect. They seemed to show just how unresponsive Westminster and Whitehall could be – an important element in debates around our second concern, namely “consumerism” and governance. These incidents also demonstrated how citizenship might be defined through the reception of benefits or the protection of purchase, rather than the creation of that more general sense of citizenship that the Ombudsman’s proponents envisaged and desired. In this sense, “consumerism” rather contradicted some of the more ambitious aims of “citizenship” and “participation” which Ministers ultimately expected the Ombudsman to promote.

The Sachsenhausen case, which involved twelve British POWs refused compensation for their time in a concentration camp on the grounds that they had not been in the “main” camp, was a case in point. The press coverage when the Ombudsman found Foreign Office “maladministration”, and the Government made a series of humbling one-off payments, was deeply embarrassing to both Ministers and officials. Maps and plans showed that Foreign Office officials’ idea of a “blister” on the side of the camp, the inmates of which received better treatment, was a misrepresentation. The Conservative MP Airey Neave, himself an escapee from the notorious Colditz Castle, kept up an emotional campaign on the claimants’ behalf. The Foreign Secretary, George Brown, was furious when the Ombudsman’s report basically sided with Neave’s view of the whole affair.¹³²

Another example was the Court Line case, in which the incoming Labour Government had in 1974 announced the effective nationalization of the conglomerate’s shipbuilding interests and announced its future was secure, only to see the package holiday parts of the group collapse with thousands of British citizens stranded abroad. 50,000 holidaymakers were stranded abroad, and perhaps another 65,000 lost their deposits on pre-booked holidays, but the Government refused to agree with the Parliamentary Commissioner’s recommendation that they make direct payments to Court Line’s disappointed customers. A general compensation scheme was instead set up covering the whole industry – a measure that the Ombudsman approved as a future policy, while still believing that immediate assistance ought to have been provided. It was a “consumerist” solution that helped the industry to re-organize and answer complainants’ grievances with its own resources – and one that demonstrated both the potential and the limits of the Ombudsman’s influence.¹³³

Britain’s debt to Scandinavian models is the clearest example of this essay’s insistence on the importance of international policy networks – the third of the major themes with which we began this article. In the case examined here, New Zealand was the fortuitous staging post that proved crucial in translating the Ombudsman idea into the British legal space. But the multi-dimensional nature of such ideas’ movements should actually come as little surprise. Sweden’s Ombudsman is often thought to have returned to Scandinavia from eighteenth and nineteenth century traders’ and travelers’ impressions of complaints in China and in Muslim societies.¹³⁴ Canada’s provincial Ombudsman have placed great store by drawing on the social mores of aboriginal Canadians, but have then in turn absorbed many

practices from American executive Ombudsman who have increasingly struggled to maintain their independence.¹³⁵

But, even so, the Scandinavian influence is inescapable. Hurwitz's use of the international conference and seminar circuit is a good example of just this process in action. The European Network of Ombudsmen, established in 1996, is a more contemporary example, one of those transnational institutions that perhaps spurs historians to look anew at the past: it now brings together 90 offices in 31 countries, both inside and outside the European Union.¹³⁶ More narrowly, Nordic political scientists have made clear the extent to which public sector institutions' increasing autonomy has owed as much to Scandinavian traditions of social and legal autonomy as it does to the New Public Management promoted by neo-conservatives.¹³⁷

Most of the specialist literature dwells on the extent to which Scandinavian models "failed" in the British context. A number of authors have recently shown how Norwegian and Swedish examples, in particular, were rejected rather than accepted within the British policy space: consultation in economic policy, wage planning, powerful housing associations and joint public-private corporate ventures might all be cited in this respect.¹³⁸ The Ombudsman is a good example of how Scandinavian influences could still work their way into British public life in areas that either cost little in cash terms, or perhaps threatened fewer vested interests. The Ombudsman did not threaten – in respective order when compared to Scandinavian "failures" – the Treasury, trade unions, employers, private home owners or nationalized industries, all elements of that corporate economy that stifled so much change in post-war Britain.¹³⁹ On the contrary: the new Parliamentary Commissioner, like the nationalized industries' Consumer Councils, might be accommodated within existing structures.¹⁴⁰ It remains vital to reconstruct the manner in which Scandinavia embodied what Mary Hilson has labeled a "utopic discourse" of progress during the 1950s and 1960s – rational yet participatory, serious and moral while retaining a certain austere glamour.¹⁴¹

Following up these lines of enquiry should also, finally, alert historians to the manner in which international networks certainly did *not* make policy-making a simple matter of copying other countries' experience. The British Ombudsman's own particular characteristics are enough evidence of this: it is a fallacy to look for change only among what Jose Harris has termed "the more abstract, legalistic, and impersonal sphere of institutions campaigning for universal 'human rights'."¹⁴² The best studies among recent transnational work have emphasized that there are many areas where normative or mimetic copying does *not* occur: copies of "foreign" models emerge, if at all, within new and specific political systems that may alter or transform the model that is being "copied".¹⁴³ The process of institutional isomorphism, by which administrative and political systems converge on one another under the pressure of professionalization, growing complexity and uncertainty, must be conjoined to a sense of the episodic and individual.¹⁴⁴ Those utterly different individualists, Johnson and Hurwitz, might otherwise have campaigned for little indeed.

Biography

Glen O'Hara is reader in the history of public policy at Oxford Brookes University. His research interests focus on British governments' economic and social policies in the twentieth century, as well as maritime history and its role in shaping British identity. Thanks are due to Laura Beers and Tom Crook, who read this article in draft, as well as those who attended the Political Studies Association Labour Movements Workshop in December 2009 and the anonymous referees who commented for the journal. Research for this article has partly been funded by the Wellcome Trust through a Travel Grant (079642/AW/sw) and Oxford Brookes' Strategic Award entitled 'Medicine in Public and Private' (082808/Z/07/Z), as well as by the British Academy through a Small Grant (SG45195).

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