No Overall Control?

The impact of a 'hung parliament' on British politics

Edited by Alex Brazier and Susanna Kalitowski

HANSARD SOCIETY

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Chapter 1

Introduction

Alex Brazier and Susanna Kalitowski

In the past few years, there has been increasing speculation that the next general election will produce a parliament in which no single political party holds a majority of seats in the House of Commons. In common parlance, this is referred to as a 'hung parliament,' although some prefer the expressions 'balanced parliament', 'minority parliament' or 'No Overall Control' (NOC).[1]

Although hung parliaments are common in other parliamentary democracies, they are relatively rare in the Westminster Parliament, where the First Past the Post electoral system usually rewards the party with the most votes with a majority of seats. In fact, Westminster has not experienced a hung parliament since 1974, and there were only four others in the 20th century, following the general elections of January 1910, December 1910, December 1923 and May 1929. There were also two instances where the government lost its majority in the Commons between general elections, in April 1977 and February 1997. Outside Westminster, however, other British political institutions are rapidly learning to adapt to a situation in which no political party achieves a majority of seats, as it is increasingly common in the devolved institutions in Scotland and Wales as well as in local councils.[2] There are also unique power-sharing arrangements in Northern Ireland.

An increasing possibility

At regular intervals throughout the past two years, political polls have predicted that a hung parliament is a highly possible – even likely – scenario following the next general election. Since the autumn of 2006, a hung parliament has been regularly predicted every few months in the polls. Labour enjoyed a 10-point lead in the summer of 2007 following Gordon

[1] The term hung parliament derives from the American term 'hung jury' and was imported into British political discourse in the 1970s.

[2] Just over a quarter of the councils who held elections in 2007 (85 out of 312) have a No Overall Control administration.

Brown's ascendancy to the premiership. However, by October the polls reverted to predicting a hung parliament, and they continue to do so at the time of the publication of this book.

The likelihood of a hung parliament has significantly increased due to the decline in two-party dominance and changes in the relation between seats and votes. After being in power for nearly a decade, the governing Labour Party is losing support while, according to political commentators and opinion polls alike, the Conservative Party is enjoying a renaissance under the leadership of David Cameron. The Liberal Democrats and other minor parties have also gained seats in recent years; during the past half century, the number of MPs from outside the two major parties has increased from 1% of MPs in 1955 to 14% in 2005. While the electoral system currently favours Labour, boundary changes since 2005 have reduced its majority by around a half, giving the party only 30 to 40 seats more than the other parties, compared to the 64 seats it enjoys at the moment. Thus, even a small swing to the opposition at the next general election would see Labour's overall majority disappear. Yet, while it may be relatively easy for the Conservative Party to deprive Labour of its majority, it would need to win over 42% of the popular vote to secure a majority of its own. This is no easy feat, considering that Labour clearly won the 2005 election with only 35.3% of the vote.

The need for a debate

In 1978 – just four years after the last hung parliament – David Butler warned that neither public opinion nor constitutional arrangements were adequately prepared for an election which fails to produce a clear decision.[3] Thirty years on, the country is hardly any better prepared for this eventuality. In light of the increasing prospect of a hung parliament, the Hansard Society believes the time is right to explore what impact it might have on British politics. As an independent, non-partisan organisation, we are neither 'for' nor 'against' a hung parliament. We recognise that all parties seek to win any election they contest outright. However, as part of our promotion of effective parliamentary democracy, we believe it would be prudent to shed light on the issues that might arise in the event of a hung parliament before the next general election.

This compilation contains chapters by distinguished academics, politicians and commentators from across the political spectrum on the key issues

[3] D. Butler (1978), *Coalitions in British Politics* (Basingstoke: Macmillan Press Ltd).

surrounding a House of Commons with no overall majority. It examines the history of hung parliaments in the UK; constitutional and procedural issues; lessons from other Westminster-style systems where majority governments are less common; and how a hung parliament would affect the functioning of Parliament, the prospects for electoral reform and public opinion. It also presents some very divergent views on whether or not a hung parliament would be desirable. Each author takes a different approach to the subject and the chapters are intended to be freestanding.

Historical and constitutional perspectives

David Butler provides a historical overview of hung parliaments at Westminster in Chapter 2. He observes that they are not as abnormal as we may think; for 34 of the last 100 years Britain has experienced coalition or minority rule, with the latter being far more common. This fact has perhaps been eclipsed by a decade of Labour majority government and large Conservative majorities in the 1980s. The reasons why a hung parliament is increasingly likely today are also examined in detail.

Britain's unwritten constitution offers little guidance in the event of a hung parliament, and the rules governing it are bound up with the royal prerogative. In Chapter 3, Vernon Bogdanor explores the constitutional position of hung parliaments, noting that they have all produced minority governments led by the leader of the party that won the most seats. In the event of a hung parliament, three of the monarch's personal prerogative powers potentially come into play: inviting someone to form a government, dismissing ministers from office and dissolving Parliament. After years of reflection on the subject, however, Bogdanor has come to believe that it would not create any serious constitutional problems for the monarchy; hung parliaments, he argues, pose primarily political problems, not constitutional ones.

How would Parliament function?

It might be expected that an unclear election result would cause immediate difficulties in Parliament. How might it affect parliamentary procedures and business, as well as the role of MPs and peers? In Chapter 4, Alex Brazier maintains that Parliament is 'well-equipped' to deal with such a contingency and indeed has done so successfully in the past. He examines what impact a hung parliament would have on Commons procedures, business and committees, as well as the House of Lords, concluding that Parliament would be able to adapt to the changed circumstances.

In Chapter 5, Philip Cowley considers what effect a hung parliament might have on backbench MPs. Would they be more or less likely to rebel against their party? He argues that their behaviour would be largely dependant on their political party. If Labour were the largest party in a minority administration or coalition, MPs would behave very differently than if the Conservatives were the largest party. The trajectory of the respective parties' fortunes would determine their stance. The behaviour of the Liberal Democrats, on the other hand, would be much harder to predict, but they would undoubtedly play a crucial role as the swing voters in any hung parliament.

A catalyst for electoral reform?

It is often asserted that a hung parliament would lead to the adoption of a more proportional system of voting. Helen Margetts examines this claim in Chapter 6. She suggests that the UK is already in a process of prolonged transition to proportional representation due to the significant growth in the number of political parties operating in the political system. However, looking at the positions of the political parties, she contends that it would take a hung parliament – or at least the real prospect of one – for either Labour or the Conservatives to take serious steps towards changing the electoral system.

Would the public notice?

Some people claim that a hung parliament would revitalise public engagement in politics. But what, if anything, do we know about the public's view of a hung parliament? In Chapter 7, Mark Gill finds that there has been little research into public understanding of, or attitudes towards, a hung parliament. The data that does exist reveals a lack of public consensus about what type of government is most preferable: majority, minority or coalition. While a single-party government is viewed as the most stable form of government, the public is also attracted to a coalition on the grounds that it would be more likely to serve a wider range of interests. Gill suggests these apparently opposing views actually reflect the usual competing demands on government. He asserts that the most plausible way in which a hung parliament could be a catalyst for improving the relationship between politics and the public is if it led to a stable coalition government.

What lessons can be learned from outside of Westminster?

Hung parliaments have not been uncommon in parliamentary democracies overseas, including in other Westminster-style systems. Three chapters examine what Westminster could learn from the experience of hung parliaments elsewhere.

In Chapter 8, Rosanne Palmer, Stephen Thornton and Mark Crowley look at the experience of government formation in the National Assembly for Wales. Since its establishment in 1999, both minority administrations and coalitions – some very unlikely – have been far more common than majority administrations. The authors conclude that the clear message from Wales is that political parties in the UK can adapt to a system where single-party majority government is the exception rather than the rule; if push comes to shove, all parties have demonstrated a willingness to co-operate in forming a coalition government. However, while party elites are gradually adapting to multi-party government, the media and the public are finding it more difficult.

The Scottish Parliament has only had experience of coalition and minority governments since its formation in 1999. In Chapter 9, James Mitchell examines what effect this has had on Holyrood's political culture and how it differs from Westminster. He finds cultural change requires more than just new institutions; new norms and procedures are also needed. In Mitchell's estimation, the current minority government in Scotland is allowing all political parties – not just the governing party or parties – to influence the public policy agenda.

The Canadian Parliament is modelled on Westminster and uses the First Past the Post system of voting. However, hung parliaments – known as 'minority parliaments' – are more common than in the UK, and are occurring more frequently. In Chapter 10, David Docherty argues that the Canadian experience has shown that minority governments can be very successful, but this is more likely when they govern as a minority, not as a majority.

An unstable 'nightmare' or 'a great opportunity'?

The prospect of a hung parliament has a tendency to provoke diametrically opposing responses from political commentators. On the one hand, there are those who believe that a hung parliament would be disastrous, bringing uncertainty to a system that has been traditionally stable. On the other hand, a number of people have claimed that a hung parliament might revitalise interest in the political system at a time of marked public disenchantment with politics and lead to a more representative form of government. The next four chapters contain short commentaries by politicians and pundits on the advantages and disadvantages posed by hung parliaments.

As a loyal Labour MP, Austin Mitchell naturally does not want the next election to produce a hung parliament. However, in Chapter 11, he explains

that he has recently come round to the view that a hung parliament may be the only catalyst for electoral change. He contends that in the past, minority governments and informal coalitions such as the Lib-Lab pact have succeeded in delivering effective government during difficult times.

Simon Jenkins, on the other hand, does not see the benefit of hung parliaments. In Chapter 12, he argues that they are a 'nightmare' which render government 'indecisive and unstable' and give minority groups scope to influence policies over which they have no majority mandate. Most importantly, they make it far more difficult for the electorate to vote a government out of office.

Simon Hughes prefers to view hung parliaments as 'balanced parliaments'. In Chapter 13, he declares that neither strong nor good government is dependent on a majority or single-party administration. In fact, Hughes believes that a balanced parliament would better reflect the wishes of the electorate. He views it as 'a great opportunity' rather than a threat, claiming that the uncertainty of the political situation may provide an impetus for real change.

In Chapter 14, Philip Norton highlights the 'hand-to-mouth existence' of previous minority governments, as well as the disproportionate amount of power they have given to smaller parties. He believes that a hung parliament would produce a less democratic form of government since electors would have had little knowledge of what shape it would take when they cast their ballots. 'When it comes to a hung parliament,' Lord Norton surmises, 'the name says it all.'

Finally, in the concluding chapter, we revisit some of the cross-cutting themes that are raised by two or more contributors: the resilience of the Constitution and Parliament and the impact a hung parliament would have on the strength of Parliament, the prospects for electoral reform, political culture and public policy.

Chapter 2

Hung parliaments: context and background

David Butler

This chapter provides an overview of the history of hung parliaments in Britain, setting out when they have occurred in the past and the factors that might lead them to occur in the future. The chapter also considers some of the political and constitutional issues that may arise when a government does not have a clear Commons majority; many of these are also covered in further detail in subsequent chapters. Hung parliaments are not abnormal. Admittedly for the last 30 years the Conservative and Labour parties have alternated in government and enjoyed clear majorities (except for a short period in early 1997). As Table 1 shows, for 34 of the last 100 years, Britain has experienced coalition or minority rule.

Table 1: Government composition 1906-2008

1906-1910	Liberal
1910-1915	*Minority* Liberal
1915-1922	*Coalition* (Lib-Con)
1922-1923	Conservative
1924	*Minority* Labour
1924-1929	Conservative
1929-1931	*Minority* Labour
1931-1940	*Coalition* (Con dominant)
1940-1945	*Coalition* (All-party)
1945-1951	Labour
1951-1964	Conservative
1964-1970	Labour
1970-1974	Conservative
1974	*Minority* Labour
1974-1976	Labour
1976-1979	*Minority* Labour
1979-1997	Conservative
1997	*Minority* Conservative
1997-2008	Labour

The likelihood of a hung parliament has increased for two reasons – firstly, because of the growth of third parties and secondly, because of the changes in the way that the electoral system translates popular votes into seats in the Commons.

Table 2 shows how the number of MPs not attached to the two big parties has shot up from eight to 92 over the last 50 years – from just over 1% of MPs to 14%.

Table 2: Decline of two-party dominance 1955-2005

Election	Total MPs	Con MPs	Lab MPs	Lib D MPs	SNP/ PC/NI MPs	Other MPs	Neither Con or Lab
1955	630	345	277	6	2	0	8
1959	630	365	258	6	-	1	7
1964	630	304	317	9	-	-	9
1966	630	253	364	12	1	-	12
1970	630	330	288	6	5	1	12
F 74	635	297	301	14	21	2	37
O 74	635	277	319	13	26	-	39
1979	635	339	269	11	16	-	27
1983	650	397	209	23	21	-	44
1987	650	376	229	22	23	-	45
1992	651	336	271	20	24	-	44
1997	659	165	419	46	28	1	75
2001	659	166	413	52	27	1	80
2005	646	198	356	62	27	3	92

NB: Up to 1970 Ulster Unionists are counted with the Conservatives. From 1974 all MPs from Northern Ireland are listed in the NI column

The no man's land between a clear majority for one side and a clear majority for the other has expanded more than tenfold and so has the chance of a hung parliament occurring.

That possibility has been further enhanced by changes in the relation between seats and votes. The way in which the First Past the Post system exaggerates a majority in votes into a much larger majority in seats has long been described in terms of a 'cube law': *If votes are divided A:B, seats will be divided* A^3*:*B^3. The cube law suggests that, in a 600-member parliament, for every 1% swing between the parties, 18 seats will switch to the winning side.

The cube law worked remarkably well from 1931 to 1970. But it then emerged as a statistical coincidence rather than an iron law. The exaggeration dropped from 18 seats switching for each 1% swing down to 12 or fewer. The cube law had in fact become a square law. If the cube law had still worked in 1983, Margaret Thatcher's clear majority would have been 250, not 142 and Tony Blair's lead in 1997 would have been 229, not 179. Landslides are smaller than they used to be and narrow majorities have become narrower.[1]

Defenders of First Past the Post with its exaggerated majorities used to claim that at least the system treated the two big parties fairly: it produced roughly the same winner's bonus whichever side won. But in the 1990s the system moved out of kilter. Labour stood to win more seats than the Conservatives for any given percentage of the vote. Table 3 shows how major party seats would have divided in each of the last four elections, if both parties had won exactly the same share of the vote – and in the last line of the table there is an added calculation allowing for the effect of the current redistribution.

Table 3: Pro-Labour bias since 1987

Election	Assumed Equal %	Con MPs	Lab MPs	Bias to Labour
1987	37.4%	303	299	-4
1992	39.0%	282	320	+ 38
1997	38.0%	258	338	+ 80
2001	37.4%	224	364	+140
2005	33.8%	223	334	+111
Next time	33.8%	234	330	+90

'Assumed equal' is based on a movement of votes between the two main parties with all 'other' votes remaining constant [2]

Of course, it is most unlikely that votes will divide exactly evenly but, for our present purpose, the calculations of Rallings and Thrasher provide clear evidence about the likelihood of a hung parliament.

Table 4 suggests some specimen outcomes.

[1] See J. Curtice & M. Steed (1986), 'Proportionality and Exaggeration in the British Electoral System', in *Electoral Studies 5*, pp.209-228. See also their appendices to each Nuffield General Election Study Series (1979-2005, Basingstoke: Palgrave Macmillan).

[2] The figures for 1992-2005 are taken from the Curtice & Steed appendices to the Nuffield General Election Study Series (Basingstoke: Palgrave Macmillan). The figures for the next election are taken from C. Rallings & M. Thrasher (2007) *Media Guide to the New Parliamentary Constituencies* pp. 350-1, which shows the effects of the latest redistribution of seats.

Table 4: Outcomes at the next election

Con%	Lab%	Con MPs	Lab MPs	Other MPs	Majority
35%	35%	234	330	86	*Lab +4*
36%	34%	252	305	93	Lab -21
37%	33%	269	292	89	Lab -34
38%	32%	287	274	89	Con -39
39%	31%	302	261	87	Con -24
40%	30%	319	245	86	Con -7
41%	29%	336	231	83	*Con +10*

Source: Rallings and Thrasher (2007), Media Guide to the New Parliamentary Constituencies, pp.350-1

These figures imply that there is a 6% no man's land between a clear Conservative majority and a clear Labour majority. Only one post-war election has produced a swing of more than 6%. We should also remember that in eight of the 17 contests since 1945, the gap between the parties has been under 5%.

It is still quite conceivable that the next election will yield a handsome victory either for Labour or for the Conservatives. But if there is no clear majority, what will follow?

On the five occasions when an election has failed to produce a single-party win (January 1910, December 1910, 1923, 1929, 1974) minority government has followed. Coalitions have only emerged from war and the perceived need for national unity (1915, 1940) or from the idea that a financial crisis demanded collective action (1931).

Minority governments

Minority governments have survived on different kinds of understanding. From 1910 to 1914 the issue of Home Rule made the 80 Irish Nationalists eager to keep the Liberals in office. In 1924 the Liberals thought it expedient to give the first Labour government a chance and they were dismayed when, after nine months, Ramsay Macdonald opted for a general election because the Liberals had voted against him over his refusal to hold an inquiry into the Campbell case.[3] In 1929 they again gave Labour mistrustful support in return for a promise of electoral reform. In March 1974 Harold Wilson offered no understandings but gambled on winning an

[3] For a brief description of the Campbell case, see Chapter 3, p.26.

election if it were forced on him. After 1976 when Labour's new majority had evaporated, Jim Callaghan negotiated with the Liberals and in 1977-78 entered into the formal Lib-Lab pact. In February 1997 John Major found that by-elections and floor-crossings had whittled his majority of 20 down to minus one; however, a general election was imminent and the loss of his current majority was the least of his problems.

Minority governments have not been uncommon in parliamentary democracies overseas. Often – and notably in Canada – they have proved quite stable with few of the dire consequences usually suggested. (For more information on hung parliaments in Canada, see Chapter 10.) In the United Kingdom the deals that kept Labour in power from 1976 to 1979 show how understandings can be maintained for a substantial time, even though a confidence vote finally forced Jim Callaghan into a premature dissolution.

Coalition governments

Coalitions have suffered from the over-quoted remark of Disraeli: 'England does not love coalitions'. Since the 19th century they have never occurred in a premeditated fashion. Apart from limited 'understandings', in 1929-31 and 1977-78, they have only emerged at short notice from the special circumstances of war or 1931. However, in the October 1974 election Edward Heath put forward the idea of a government of national unity and in 1997 Tony Blair, not foreseeing his landside victory, certainly contemplated a coalition with the Liberal Democrats.

There is no space here to explore all the constitutional and political problems that minority or coalition government could produce. These issues are considered extensively in later chapters. Let me therefore set forth, in an assertive and personal way, some short answers to a few of the key questions.

Who takes office?

If a party loses its clear majority it continues to govern until it chooses to resign or until it is defeated in the Commons. When Baldwin lost his clear majority in the December 1923 election he stayed in office for six weeks before being defeated on a vote of confidence. In March 1974 Heath remained in Downing Street for four days until he realised that he could not cobble together a parliamentary majority. In almost all such circumstances the sovereign has to send for the leader of the largest opposition party, who must form either a minority government, or a coalition, and submit it to a vote of confidence.

Who can ask for a dissolution?

Since 1834 no prime minister's request for a dissolution has been refused. However, if a prime minister just defeated in a general election were to ask for an immediate re-run, there could be a case for refusal – but this is so unlikely a scenario that it is hardly worth considering; a prime minister who had lost an election would face certain humiliation if he immediately forced the voters to go to the polls again. On the other hand, if an opposition leader takes over and is then defeated in the Commons, a request for dissolution might seem more reasonable. Harold Wilson threatened exactly that on 16 March 1974. As a way of resolving the impasse after both major parties had lost confidence votes, the Palace would not hesitate over the granting of a dissolution. Any refusal would provoke controversy; it is much easier to leave the decision to the electorate.[4] (See Chapter 3 for a further discussion of these issues.)

Conclusion

A hung parliament may have a brief life and the following election may restore a clear majority and the normal working of government. But if a second election produces another hung parliament, the chances of some party being able to bargain for proportional representation are greatly enhanced (see Chapter 6). Proportional representation would entrench hung parliaments as the norm and many of the customs of politics would be changed. A code for coalition behaviour would develop.

Coalitions expose any party system to the hazards of mergers or of splits. Partners in government become enemies at elections – or, if they co-operate at the polls, they are likely to fuse together, as the Conservatives and the Liberals did from 1886 to 1911 or the Conservatives and the National Liberals did from 1931 to 1950. On the other hand, they may struggle to preserve their separate identities as Liberal and Labour did in 1910-14, 1929-31 and 1977-78, often causing serious rifts within each party.

In a sustained period of hung parliaments, the role of MPs would be changed. Proceedings in the chamber and in select committees would become more important (see Chapter 4). The opportunities for lobbying and private politics would increase. Divisions within the cabinet would become more public and civil servants, having simultaneously to serve

[4] The green paper, *The Governance of Britain* Cm7170, published in July 2007, made proposals, as yet not implemented, that the prime minister should seek the approval of the House of Commons before asking the sovereign for a dissolution.

ministers of different parties, would suffer extra strains on their neutrality. Whether the country would be run more contentiously or more consensually is open to question.

It is impossible to predict the future. But the culture and the rules of the game would inevitably be transformed. The public might or might not like it (see Chapter 7). The political parties would have to deal with many uncertainties, but, of course, would focus firmly on taking advantage of situations as they arise. Obviously political voyeurs would have a wonderful time.

Chapter 3

A hung parliament: a political problem, not a constitutional one

Vernon Bogdanor

This chapter provides a description of the constitutional framework and conventions that have underpinned the operation of Parliament and government, where one party does not command a majority in the House of Commons, and which might be expected to do so again should the situation arise. The crucial areas are government formation and the dissolution of Parliament. Both could involve the role of the sovereign. The chapter refers to the experience of both Westminster and other Westminster-based systems to illustrate how the problems have been resolved in the past.

Hung parliaments: key dates and developments

Hung parliaments in the 20th century were more frequent than is usually thought. There were single-party governments which lacked majority support in the House of Commons in the following years:

1910-15 Following the general elections of January and December 1910, the Liberal government found itself dependent for its majority on the votes of Labour and the Irish Nationalists. The Liberals, however, had an electoral understanding with Labour and so could rely on Labour support; and the Irish Nationalists would keep the Liberals in office until Home Rule was on the statute book. The Liberal government was therefore safe from defeat and enjoyed in effect a majority in the Commons until it was replaced by a coalition government in May 1915.

1924 Following the inconclusive outcome of the general election of December 1923, a minority Labour government was formed in January 1924. It lasted until October 1924.

1929-31 Following the inconclusive outcome of the general election of 1929, a second minority Labour government was formed. It was replaced by a national unity government in August 1931.

1974 Following the inconclusive outcome of the general election of February 1974, a minority Labour government was formed. It lasted until the general election of October 1974, when Labour was returned with a small overall majority of three.

1976-79 By April 1976, the Labour majority had been lost through by-election defeats and defections. Labour continued as a minority government until defeated on a confidence vote in March 1979. From March 1977 until July 1978, however, the government was sustained by a formal pact with the Liberal Party, with the Liberals agreeing to support the government in any confidence motion.[1]

There were thus five periods in the 20th century during which the House of Commons was 'hung'. But only three of these periods – 1924, 1929-31 and 1974 – gave rise to the problem of how a prime minister should be chosen following an inconclusive general election.

The role of the prime minister

In Britain, in contrast to many other democracies, there is no obligation upon a prime minister to resign if the election fails to yield an overall majority for his party. Indeed, in the mid-19th century, when party lines were more fluid, it was customary for prime ministers to meet Parliament whatever the outcome of the general election, to test whether they had sufficient support to continue. This custom was broken by Disraeli in 1868 when the general election of that year yielded a large Liberal majority. He could, had he wished, have met Parliament but there would have been no point in doing so since he would have immediately been voted out of office. (See Chapter 4 for a further discussion on the impact on parliamentary procedure.) Since then, prime ministers have invariably resigned without bothering to meet Parliament as soon as it was obvious that a rival party had secured an overall majority. Nevertheless, the incumbent prime minister is entitled to meet Parliament whatever the outcome of a general election.

However, that right has been exercised only once, by Stanley Baldwin, after the general election of 1923. The Conservatives remained the largest party and Baldwin wanted both to test the situation in the Commons and also to

[1] In addition, John Major's Conservative government had lost its majority in February 1997 due to by-election defeats and defections and continued as a minority government until the general election of May 1997.

show to the electorate that the Liberals were putting Labour into power. He was defeated as soon as Parliament met in January 1924 on a confidence amendment to the Address. The Liberals, however, lost support in the country as a result of installing Labour in power, and, in the general election of October 1924, they were reduced from 159 MPs to 40. Baldwin's Conservatives won a comfortable overall majority.

After the 1929 general election, by contrast, Baldwin resigned immediately. Labour had become the largest party, although the Conservatives had won more votes. But Baldwin had no wish to negotiate with his *bête noire*, Lloyd George, the Liberal leader who he feared might sustain him in office but only under humiliating conditions.

The outcome of the February 1974 general election created greater difficulties. Table 1 shows the results.

Table 1: February 1974 general election

Political party	Seats	% Votes
Conservatives	297	37.9
Labour	301	37.1
Liberals	14	19.3
SNP	7	2.0
Plaid Cymru	2	0.6
United Ulster Unionist Council	11	1.8
SDLP	1	0.9
Others	2	0.4
Total	**635**	**100.0**

The Conservatives, under Edward Heath, remained the largest party in terms of votes, but Labour had won more seats. Labour, however, was 17 seats short of an overall majority. None of the minor parties on their own held the balance of power. Even if one of the major parties could have secured an alliance with the largest minor party, the Liberals, it would still not have achieved an overall majority. The support of at least two of the minor parties would have been necessary.

Heath, however, did not resign immediately, but offered the prospect of coalition to the Liberals. Jeremy Thorpe, the Liberal leader, said that his

party could only support Heath if there were a definite commitment to proportional representation, a commitment that Heath was unable to make. Thorpe offered to support the Conservatives from outside the government, provided that agreement could be secured on a definite programme, but Heath felt this was an insufficient basis on which to proceed.

Heath also offered the Conservative whip to the seven Ulster Unionist members of the United Ulster Council. But the Council said that the whip would have to be offered to all 11 of their MPs. Heath was unable to do this, since to offer the whip to Reverend Ian Paisley would have been tantamount to repudiating the power-sharing executive in Northern Ireland, which had been established in January 1974.

Heath accordingly resigned, following a weekend of negotiations, to be succeeded by Harold Wilson as prime minister of a minority Labour government.

In April 1976, Labour, which had captured a majority of just three seats in the October 1974 general election, was once again reduced to the position of a minority government. In March 1977, the Liberals, now led by David Steel, offered the Labour prime minister, James Callaghan, a similar commitment to the one that Thorpe had offered Heath in 1974 – support from outside the government. Callaghan, by contrast with Heath, accepted it. During the period of the Lib-Lab pact, which lasted until July 1978, the Liberals did not become part of the government and they remained on the opposition benches. They were not committed to supporting every item of government legislation and indeed, on occasion, voted against the government. They were committed only to ensuring that the Labour government was not defeated on a confidence vote.

Two conclusions may be drawn from this survey. The first is that there is no 20th century example of a prime minister meeting Parliament as leader of the second largest party. This does not mean, as we have seen, that an incumbent prime minister is prohibited from meeting Parliament if his party is no longer the largest party. But, to find an unequivocal example, one has to go back to 1885 and 1892. On both occasions, Lord Salisbury, the incumbent Conservative prime minister, met Parliament despite having fewer seats than the Liberals. On both occasions, the Irish Nationalists held the balance; and on both occasions, Salisbury was defeated as soon as Parliament met on amendments to the Address. However, his decision to

meet Parliament had the political purpose of publicly exhibiting the fact that the Liberals could only form a government with the support of the Irish Nationalists, and that meant a Liberal commitment to Home Rule.

The second conclusion is that hung parliaments in the past have led to minority rather than coalition governments. That is because the central principle of parliamentary government – that a government must enjoy the confidence of the House of Commons – does not, in Britain, require that a government commands the *positive* support of a majority in the Commons. The requirement is less onerous – it is merely that there is no majority in the Commons *against* it. Therefore, a prime minister is not under any necessary pressure to govern with other parties.

Minority governments, however, have not proved particularly conducive to stability. The first Labour minority government in 1924 lasted for just nine months and displayed little constructive achievement. The second Labour minority government, 1929-31, survived for over two years, in part through *ad hoc* arrangements with the Liberals, but was unable to alleviate the slump. The third Labour minority government in 1974 was unable to take strong action to deal with economic problems; while the fourth Labour minority government, following the ending of the Lib-Lab pact in 1978, presided disastrously over the winter of discontent and the collapse of devolution, expiring in the general election of 1979 amidst the ruins of all of its policies. None of the minority governments in Britain has offered either political stability or a clear direction of policy.

The role of the sovereign

It has been suggested, by the present writer amongst others, that a hung parliament could pose constitutional problems for the Queen, since her discretion would become greater.[2] Further reflection, however, has convinced me that this is unlikely to prove the case. For the fundamental convention of parliamentary government – that a government must retain the confidence of the House of Commons – remains in a hung parliament situation. Admittedly, after an inconclusive election, it may not be immediately clear who is best placed to secure that confidence. In such a situation, there would have to be negotiations between the political leaders. The political colour of the new government would be determined by political decisions – decisions made by the political leaders. There is no

[2] V. Bogdanor (1983), *Multi-Party Politics and the Constitution* (Cambridge: Cambridge University Press).

reason why negotiations between the political leaders should involve the sovereign, and indeed they ought not to do so. The political leaders quite properly did not involve the sovereign in the hung parliaments of 1923-24, 1929 or 1974. It was only after the political decisions had been made that the sovereign appointed a prime minister of a minority government, by which time the answer to the question – who should be appointed? – had become obvious. After an inconclusive general election, therefore, the media have no reason to surround Buckingham Palace. They should instead surround the houses of the political leaders, for it is their decisions that will determine the outcome.

The sovereign's responsibility is confined to that of appointing as prime minister the person who is most likely to enjoy the confidence of the Commons. That was done without difficulty in 1924, 1929 and 1974. It is possible, of course, that on some future occasion, the parties may not be able to reach agreement easily. Even then, it is not for the sovereign to play an active role in negotiations, except perhaps during such emergency circumstances as those of 1931 following the collapse of the second Labour government, when the currency seemed in danger, and George V summoned a conference to Buckingham Palace so that the politicians could draw up proposals for a national government. Even in such a situation, however, the sovereign remains a facilitator and not a negotiator. For the sovereign would be unlikely to be able to secure agreement between the party leaders if the leaders themselves had been unable to do so. If there is a total deadlock, then, and only then, does the sovereign have the option of trying to persuade the incumbent prime minister to seek a further dissolution so that the voters can decide.

The sovereign will, of course, endeavour to keep him or herself informed of the process of negotiations. This can best be done by the sovereign's private secretary, acting as his or her agent and representative, ascertaining the position of the various party leaders, as Lord Stamfordham did, on behalf of George V, in 1923-24. If the private secretary does play such a role, the convention might be established that he or she consults first the leader of the largest party, then the leader of the second largest party etc. But the private secretary must be careful not to take an active role in any negotiations. His or her role must be confined to that of liaison.[3]

[3] See V. Bogdanor (1983), *Multi-Party Politics and the Constitution* (Cambridge: Cambridge University Press), pp. 95-101.

After an inconclusive general election, there might well be some period of negotiation before a new government can be formed. In 1974, only four days of negotiation were needed. But in 1923-24, it was not until six weeks after the election that a new government was formed. In New Zealand, after the first general election that followed the introduction of proportional representation in 1996, it took two months to form a government. In 2002, it took two weeks, and in 2005 four weeks.

Caretaker governments

Throughout the period of negotiation, the incumbent prime minister must remain in office so that the sovereign can continue to be given responsible advice, but the incumbent prime minister becomes a caretaker and the government a caretaker government. That was the position that Stanley Baldwin was in during the six weeks between the general election of December 1923 and meeting Parliament in January 1924. Britain also has experience of caretaker government in different circumstances, between May and July 1945. The wartime coalition had been dissolved in May, but the general election was not due until July. The Conservatives, under Winston Churchill, enjoyed a majority in the Commons, and were able to govern without the support of their Labour and Liberal coalition colleagues. The Conservative government, however, was explicitly a caretaker government which was set up to ensure that the sovereign was not without advice in the period leading up to the general election.

A caretaker government is under an obligation to avoid politically controversial decisions. That is not difficult when a caretaker government is in office for only a short time. But it could cause problems when the period is longer and matters of importance arise which cannot be delayed until the new government is formed. In Britain, there are, to my knowledge, no explicit guidelines as to what a caretaker government can and cannot do. But in New Zealand, where hung parliaments under proportional representation have become normal, the conventions governing caretaker governments have been codified in considerable detail in the *Cabinet Manual*.[4]

The *Cabinet Manual* lays down the principle that where it is clear who is to form the next government, the outgoing government should act on the advice of the incoming government, even if the outgoing government disagrees with the actions that the incoming government is proposing.

[4] Cabinet Office (2001), *Cabinet Manual* (Wellington: Cabinet Office), pp.54-58.

Where, however, it is not clear who is to form the next government, and the deferral of controversial decisions is not possible, they should 'be handled by way of temporary or holding arrangements that do not commit the government in the longer term (that is, by extending a board appointment or rolling over a contract); or if neither deferral nor temporary arrangements are possible, they should be made only after consultation with other political parties'.[5]

Dissolution: conventions and precedents

So far, we have been discussing the problems that arise with the formation of a government after an inconclusive general election, and we have seen that a minority government is the most likely outcome. But problems can also arise when the minority government seeks to go to the country. Under what circumstances is a minority government entitled to a dissolution?

The current convention is quite clear. It is that a dissolution should only be refused when it is obvious that there is an alternative government that can command the confidence of Parliament. In October 1924, following the defeat of the first Labour government on a Liberal motion calling for an inquiry into the withdrawal of a prosecution against a Communist who had called for troops to disobey orders – the Campbell case – Ramsay MacDonald, the prime minister, sought a dissolution. Before granting it, George V asked Lord Stamfordham, his private secretary, to ascertain whether anyone else could form a government capable of gaining the confidence of the Commons. Stamfordham, after consulting the opposition leaders Baldwin and Asquith, told the King that there was not an alternative government, and that the King should, therefore, grant a dissolution.[6]

In Canada in 1926, by contrast, the governor-general, the sovereign's representative in Canada, suffered some embarrassment because he had not ascertained the position correctly. Mackenzie King, the prime minister of a minority government, asked for a dissolution. Lord Byng, the governor-general, refused because he believed that the leader of the opposition, Arthur Meighen, could, with the aid of minority parties, form a government commanding the confidence of Parliament. Meighen gave assurances to this effect on the basis of informal promises which he had received from members of one of the minority parties. In the event, however, Meighen's government was defeated in the House only four days after his government

[5] Ibid., para 4.22.

[6] V. Bogdanor (1983), *Multi-Party Politics and the Constitution* (Cambridge: Cambridge University Press), pp. 101-104.

was formed, and Byng granted Meighen's request for a dissolution. This made the governor-general appear partisan.

Lord Byng's actions have been defended by Eugene Forsey in a classic work, *The Royal Power of Dissolution in the British Commonwealth*,[7] but in fact Byng was culpable, since he had not done his homework efficiently. He should not have relied on informal assurances which could be easily repudiated but should have insisted upon a formal written commitment on the part of the minor parties. If the sovereign or the sovereign's representative is to form an accurate judgment of who is most likely to command the confidence of Parliament, he or she must be given information in an authoritative form, preferably in the form of a public announcement or statement. Political leaders should in turn feel themselves under some obligation to facilitate the sovereign's task by publicly clarifying their position. There must be an authoritative, public and unequivocal assurance that an alternative government can win a confidence vote.

In 1926, it seemed that there was an alternative government available in Canada, but that turned out not to be the case. In South Africa, in 1939, by contrast, an alternative government was available. General Hertzog, the prime minister, having been defeated in the lower house on a motion to maintain neutrality during the war, sought a dissolution. The request for a dissolution was made, however, against the wishes of the cabinet, while the majority of Hertzog's party and a majority in the lower house, were prepared to support an alternative government. Therefore, the governor-general, Sir Patrick Duncan, was correct to refuse a dissolution. Having been defeated in what was in effect a confidence vote, it was constitutionally improper for Hertzog to seek a dissolution. The governor-general accordingly invited Hertzog's former cabinet colleague, General Smuts, to form a government and the Smuts government proceeded to declare war on Germany.

In general, a dissolution may only be refused when it is improperly sought. If, for example, Edward Heath had sought a second dissolution immediately after the general election of February 1974, it would have been proper for the Queen to refuse it. For, not having been confirmed by Parliament, Heath would not have been in a constitutionally competent position to seek a dissolution. Until meeting Parliament, he was in effect a

[7] E. Forsey (1943), *The Royal Power of Dissolution of Parliament in the British Commonwealth* (Oxford: Oxford University Press).

caretaker prime minister. The Queen would have been entitled to wait until Heath had met the Commons. Had he obtained the confidence of the House, he would have been constitutionally entitled to seek a dissolution, although of course he would not then have needed one. But the Queen would be entitled to refuse a request for dissolution if she had good reason to believe that an alternative government could be formed and would prove viable.

The power to refuse a dissolution is a reserve power for the sovereign to employ primarily in extreme circumstances when a prime minister behaves improperly, as Hertzog did in South Africa in 1939, not a tool for normal circumstances. The existence of such a power provides an important incentive for politicians to observe constitutional propriety and to appreciate that they have a responsibility to protect the sovereign from involvement in political decisions.

The current convention does, however, have clear political implications. For, if a minority government can in practice secure a dissolution at a time of its own choosing, as Harold Wilson did in September 1974, it can put pressure on the other parties in the Commons, particularly the minor parties which are often short of funds and may not relish too rapid a dissolution. If, on the other hand, a prime minister cannot rely on securing a dissolution, the bargaining power of other parties is increased. In the Scottish and Welsh devolved bodies and in local authorities, all of which are fixed-term bodies, minor parties have far more leverage than they do in the House of Commons. Fixed-term parliaments would also, for the same reason, give minor parties more leverage in the Commons.

In the 2007 green paper, *The Governance of Britain*[8], the government proposes that a dissolution should be dependent upon a vote of the House of Commons. Under the normal circumstances of majority government, this would make no difference. With a minority government, however, a prime minister could not rely on securing a dissolution. The prime minister would have to persuade the House of Commons to agree. This would give the minor parties significant extra leverage in a hung parliament situation, altering the political dynamics.

[8] Government green paper (July 2007), *The Governance of Britain*, Cm 7170.

Conclusion: parliamentary government and the Constitution

Tony Benn once said that the introduction of proportional representation into Britain would mean that First Past the Post would come to be replaced by First Past the Palace. But there is no reason why hung parliaments, even if they were to occur on a regular basis, as would almost certainly happen were the electoral system to be altered, should have this outcome. In New Zealand – a Westminster system very similar to that of Britain, where proportional representation was introduced in 1996 – successive governor-generals have found no difficulty in confining themselves to a formal role, endorsing the decisions made by the political leaders rather than getting involved in negotiations themselves. There is, therefore, no reason why either the appointment of a prime minister or the granting of a dissolution in a hung parliament should involve the sovereign in constitutional problems. A hung parliament or even a succession of hung parliaments need not lead to a constitutional crisis. A hung parliament may lead to a political crisis, but that is something for the political leaders, not the sovereign, to resolve. A hung parliament merely makes transparent the fundamental principle of parliamentary government, a principle which has often been covert since 1868: a government depends upon the confidence of Parliament.

Chapter 4

Parliamentary procedure without a Commons majority

Alex Brazier

In many analyses of hung parliaments, the focus is firmly – and understandably – on the broad political implications and machinations that might be involved. However, Parliament is the theatre that will play host to much of this drama, and its processes and procedures will be a crucial element in its direction and outcome. Arguably, Parliament's rules and conventions matter more during periods without a single-party majority than during the more usual majority-party government. Parliamentary procedure is surprisingly well-equipped to deal with the consequences of an election that produces no clear government majority and can look towards some well-tested examples. One example is the casting vote: the precedents which still apply date back to 1796.

What actually happens in a hung parliament will be affected by a number of factors: the attitude of the second largest party, the number of MPs not belonging to the two main parties, the past experience of MPs, as well as the nature of the government that is formed – a stand alone minority, a coalition or a minority government with a 'confidence and supply' agreement (i.e. an agreement not to bring down the government) with another party. The Westminster Parliament has had to deal with a range of these different political situations in the past and can call upon procedures and precedents as needs dictate.

There is only one clear example of a hung parliament since 1945, but several examples of governments operating on a very small majority or losing their majority. How the House of Commons worked on those occasions provides some indication of what might happen in a hung parliament of the future.

Lessons can also be drawn from the other occasions since 1945 when governments have operated with a very small or no majority in 1950-51, 1964-66, 1976-79 and 1995-97. Further back, there is the 1924 parliament

in which three parties held a substantial number of seats and the second largest formed the first Labour (minority) government.[1]

Critical numbers

Assuming the next House of Commons has 650 seats, a party would need 326 votes to be in a majority.[2] In practice, however, the largest party would not need as many seats to win every vote. With the Speaker and three deputies never voting (other than the casting vote) the actual majority needed would be 324 out of 646. If Northern Ireland continues to elect five Sinn Fein MPs who will not take their seats, the maximum number of votes in a division falls to 639, of which a majority would be 320. Although this is five short of a majority in the House, it could be well ahead of the next party. If there were 100 seats for third and minor parties or others, this would leave the main opposition party with only 220 seats. In 1950, 1964 and 1974 (February) the difference between the Labour Party (in government in each case) and the Conservatives (in opposition) was only 19, 14 and four. In the first three confidence votes in the 1974-79 parliament, the government won with 309, 322, and 300 votes in a House of 635 and lost by one vote (310 to 311) in the fourth such vote.

It is worth noting that, since 1945, in previous cases of a government lacking a majority, there were only a very small number of MPs not belonging to one or other of the two main parties. In 1950, 1964 and 1974 (February), the two main parties commanded between 94% and 98% of the total seats in the House – with between 10 and 37 seats held by others. In 2005, the two main parties held only about 85% of the seats, with some 93 held by others. This is largely the result of the growth in the number of Liberal/Liberal Democrat MPs from 14 in February 1974 to 62 in 2005. The total number of SNP and Plaid Cymru MPs has varied between nine in both February 1974 and 2005 and 14 in October 1974.[3] The 2005 parliament also includes three MPs elected as independents or as single-member parties. As David Butler notes in Chapter 2, 'The no man's

[1] The December 1923 general election produced a hung parliament in which the Conservatives held 258 seats, Labour won 191 and the Liberals 158. Eight seats in a House of 615 were held by others.

[2] The change from 646 seats in the parliament elected in 2005 follows a recommendation from the Boundary Commission for there to be an additional four seats in England.

[3] The number of Northern Ireland MPs has been increased from 12 to 18 and changed from a majority of Unionists (who would have supported the Conservative Party) to nine DUP, five non-attending Sinn Fein, three SDLP (who sit with Labour) and only one Unionist.

land between a clear majority for one side and a clear majority for the other has expanded more than tenfold and so has the chance of a hung parliament.'

Thus, in previous parliaments with no or a small government majority, the number of non-government MPs needed to be won over to support the government in a particular vote was small. In a hung parliament with a similar, or perhaps slightly higher, representation of minor parties and others as in 2005 – say 100 of the 650 MPs not belonging to one of the two main parties – the situation might be much more fluid. But that would cut both ways, and might help a minority government by making it harder for its opponents to muster the combined killer vote against it.

One unfortunate feature of the 1974-79 parliament was the wheeling in of very sick MPs to vote on critical divisions. Many by-elections were caused by the death of sitting MPs.[4] These factors may be less relevant in a future hung parliament. A combination of general longevity and earlier retirement from politics has reduced the vulnerability of a government to the ill-health of its members. Nonetheless, the unexpected by-election, as a litmus test of political health, may return as a key factor.

Getting started

It might be expected that an unclear election result would cause immediate difficulties in Parliament. In fact, whatever the outcome of an election, the parliamentary machinery will run automatically for the first few weeks. Thus uncertainties about the formation of the government or negotiations for a coalition would not delay the House meeting. Nor would the parliamentary timetable put acute pressure on such decisions. The proclamation dissolving Parliament for an election sets the date for its first meeting. Thereafter, no dates are fixed – unlike in the Scottish Parliament or National Assembly for Wales where legislation lays down the deadlines for the election of First Ministers. In practice, a date will have been agreed for the Queen's Speech and royal diaries and logistics may make it difficult to defer from the day which has been agreed privately in advance. With no actual vote required on the appointment of the prime minister, the first key vote a government needs to win does not come until the end of the debate on the

[4] Of the 15 by-elections caused by the death of MPs in that parliament, 12 involved the death of Labour MPs – seven of them in the 1977-78 session. In the 1992-97 parliament, 16 of the 18 by-elections were caused by the death of MPs. In all eight cases of by-elections in seats held by the Conservative government the seat was lost to Labour or the Lib Dems, reducing the notional majority by 16.

Queen's Speech. At its earliest, that would not occur until the third week after the election – and could be delayed until the fourth week or nearly a month later.[5]

The House will meet on the day set in the election proclamation, perhaps the Tuesday or Wednesday after a Thursday election (although there have been proposals that there should be a longer interval between the election and the House's first meeting).[6] Its first task is to elect a Speaker. Recent procedural change has formalised the convention that if the previous Speaker has not retired but is returned, he or she should be re-elected as Speaker. The other scenario provided for in the standing orders is the retirement of the previous Speaker, so that the House meets without an incumbent in the wings. The House has not yet used the new standing orders adopted in March 2001 for filling a vacancy. The process would therefore be unfamiliar to MPs.[7]

In smaller parliaments it may be significant for a large party to surrender a seat to provide a non-voting Speaker. This certainly seems to have been the case recently in the Scottish Parliament and the National Assembly for Wales. It has also been a long-standing practice in Westminster for a neutral Speaker from one side of the House to be accompanied by three non-voting deputy speakers, one from the same side of the House and two from opposite sides, thus neutralising any party loss. In a House of 650 this would point to there being little pressure for one or other side to refrain from supporting a suitable candidate.

The House's choice of Speaker would proceed separately from any discussions about forming a government and would use the procedures in place to take forward this process. Following the election of the Speaker, the next few days are spent on MPs taking the oath.

[5] In 1992 the election was held on 8 April and the vote on the Queen's Speech took place on 13 May.

[6] House of Commons Modernisation Committee (2006-07), *Revitalising the chamber: the role of the back bencher, First Report*, HC 337, para. 39. The Modernisation Committee recommended a longer interval of about 12 days between the election and the first meeting of the House to enable greater opportunities for induction programmes for new MPs.

[7] The new procedure involves candidates submitting their nominations to the Clerk of the House on the morning of the election, with the support of between 12 and 15 other MPs of whom at least three must come from another party than the candidate. The election process involves an exhaustive and secret ballot. At each stage MPs will mark a ballot paper with a cross against the name of their choice and the lowest scoring candidate – and anyone else receiving less than 5% of the votes cast – will be eliminated. This will continue till one of the candidates receives 50% or more of the votes cast.

The first – and key – test

Once most MPs have taken the oath, the next key date is the Queen's Speech, which is usually about a week after the election of the Speaker. But even the need to produce a Queen's Speech need not be a deadline for a minority government to conclude coalition negotiations. A skeleton Queen's Speech need not contain the government's programme in detail but would have to be the focus for any agreement between parties to support the government. The debate on the Address in response to the Queen's Speech normally takes four to six sitting days, but may be extended or interrupted for other business.[8] In the end, a new government will have to secure the support of the House in the final votes on the Address in response to the Speech. This is the ultimate test of whether the government can continue in office.

Normally there can be up to four votes at the end of the debate, and the loss of any one would have the same effect as losing a confidence motion, forcing the government to resign. On the penultimate day a vote would normally be taken on an official opposition amendment critical of the government. Another such amendment from the official opposition could be voted on at the end of the last day. Then another amendment, usually moved by the third largest party, can be voted on without further debate. In these three votes in a hung parliament, the government's opponents would have to muster a larger number of votes than the government. It is perhaps an unlikely scenario for the members of all non-government parties to vote together for an amendment tabled by one of them. But in the final vote on the motion for an Address which thanks the Queen for her speech it is possible all such MPs would vote against the government and defeat it. This vote would be the key decision to which all negotiations over the previous few weeks would be directed.

Attitude of the opposition

Assuming that the government has passed the key test of winning the vote on the Queen's Speech, it might be expected not to face a major challenge in the House for a month or two. Whether or when such a challenge would occur depends largely on the attitude of the parties not in government: essentially, would they want to bring the government down soon and force another election? In 1974, the Conservatives had just been defeated in the

[8] For instance on 21 November 2006, all stages of the Northern Ireland (St Andrews Agreement) Bill were taken on what would have been the fourth day of the debate on the Queen's Speech, which was eventually concluded on 27 November.

early election that they had called and which had resulted in the loss of their majority. Their tactics suggest that they were not seeking the immediate downfall of the new Labour government and they did not vote against the Queen's Speech.[9] As the then Speaker Selwyn Lloyd recalled, 'The attacks by the opposition were somewhat muted. Nor was the Government itself very provocative.'[10]

The Queen's Speech is one hurdle a government has to jump – not just after an election but at the start of each parliamentary session. Another regular annual hurdle in the middle of the session is the Finance Bill. This could become the focus of opposition parties, not least because it contains a wide variety of measures, any one of which could be the target of a concerted attack. Thus in December 1994, the Conservative government was defeated on the proposal to increase VAT on domestic fuel when its own Maastricht rebels abstained or voted with the opposition parties.

The most regular and obvious threat to a minority government is losing votes to a combined opposition. During the 1974 parliament, the Labour government lost 17 divisions; between the second 1974 election and the dissolution in 1979, it lost a further 42 votes. Even after losing a major vote on a key policy, a minority government can restore its position by calling and winning a confidence vote. Thus in December 1978, the Labour government was defeated on a motion on its inflation strategy by 285 to 283 but the next day called and won a confidence vote by 300 to 290. Similarly on 23 July 1993, the Major government won a confidence vote by 339 to 229 the day after losing a vote on the Maastricht Treaty Social Chapter.

How different would it have been in 1974 if the Conservatives had hung onto power with a wafer-thin majority? A frustrated Labour Party, still in opposition, might well have seized every opportunity to try and defeat the government. Thus the attitude of the official opposition – whether they press for 'one more heave' to get the government out or, alternatively, avoid precipitating another disadvantageous election – would be a key factor in how parliamentary proceedings were conducted in a hung parliament. (The attitude and motivation of the political parties, and their trajectory of fortune following an election, is discussed in Chapter 5.)

[9] The Conservatives moved a critical amendment but did not force a vote on it at the end of the debate. Only seven SNP MPs actually voted against the main motion.
[10] S. Lloyd (1976), *Mr Speaker, Sir* (London: Jonathan Cape), p.154.

A new experience

One of the most striking characteristics of a hung parliament after the next election might be the unfamiliarity of MPs with such a situation. Nearly two thirds of the MPs in 2007 had been elected for the first time in 1997 or since. Thus they had no parliamentary experience of either a government without a strong majority or even of another party in power.

For many MPs, the characteristic of a parliament without a clear government majority will be novel. The frequent possibility of tight votes – not just in the chamber but also in public bill committees – will demand closer attendance in the House and the cancellation of outside commitments. Pairing – a common feature of past parliaments – has not been used in recent times but might resume when tight votes are expected.[11] Many MPs will be new to the informalities of pairing arrangements. On the other hand, MPs with previous experience in local authorities or the devolved legislatures may recall situations where there is 'No Overall Control' (NOC) and will therefore bring this experience with them.

Committee composition

One important area where the effects of a hung parliament would be felt is in the composition of committees, which is based on the party balance of the House itself. A government with a majority in the House will have a majority on public bill and select committees. Without a clear majority, the most the government could hope for would be parity. The composition of committees became an acute issue in 1976 when the Labour government's majority evaporated in by-elections caused by the death of Labour MPs. In practice this will be much more important in public bill committees – which can alter bills – than in select committees. The later tend to operate in a less partisan way and any defeat for the government would have less immediate consequences, although it might well prove embarrassing and unwanted.

Pressure on procedure

A hung parliament makes it more likely that the Speaker's casting vote will have to be exercised, although in a House of 646, the likelihood of a tied

[11] Pairing is an arrangement between two MPs of opposing parties that allows them, with the agreement of the whips, to miss occasional votes in the House. If two MPs from opposite sides of the House both agree to miss a vote, then by agreeing to differ they would cancel out each other's vote, so neither MP need turn up. MPs are generally only allowed to pair on votes that are not three-line whips.

vote remains remote.[12] In 1974, there were only two tied votes, both on the same day. The three basic principles of the Speaker's casting vote would be applied in any conceivable situation: (a) to allow further debate if that is possible; (b) that, where no further discussion is possible, decisions require a majority; and (c) that, on an amendment to a bill, the bill should be left in its original form.

These well-established conventions on the casting vote would help a minority government in some respects. Their legislation would – if the votes were tied – get a second reading and hostile amendments would be negatived. Confidence motions and opposition day motions would also fail in these circumstances. However, casting votes cannot be used to gain approval for statutory instruments under the affirmative procedure or for Business of the House motions arranging parliamentary business.

Business management

One possible indication of how Parliament is adjusting to a new situation will be the business statement by the leader of the House, which may reveal what agreements have been reached in order to avoid an overt challenge to the government. Unlike some other parliaments, the House of Commons does not formally agree its agenda or which business is taken when. But the government's ability to get its business through is usually assisted by a variety of procedural motions setting out the time or date by which decisions will be reached or enabling decisions to be taken at other times. The government would also be helped by the provisions contained in Commons Standing Order No. 14 which dictates that government business should have precedence at every sitting.

A hung parliament clearly provides an opportunity for individual MPs as well as small groups or parties to extract from the government concessions that a government with a large majority would never allow. This applies as much to the substance of policy as to the handling of business and procedural reform in the House. Recent reports from the Modernisation Committee, the government and the opposition have provided many suggestions for strengthening Parliament, and the Hansard Society has long advocated

[12] The most recent occasion of a tied vote in the House was on 27 April 2007 on second reading of the Streetscape and Highways Design Bill when the votes tied at 10 a piece.

reforms in this area.[13] Minorities may well bargain for some of these recommendations which remain unimplemented. Equally it is possible that some of the changes made to parliamentary practice since 1997 would operate less well in a House without a government majority.

Programming, a new type of procedural motion which has been introduced since 1997, involves passing a motion setting out the timescale for considering each bill. It has has become standard and has largely replaced the guillotine motions used by previous governments when controversial bills became bogged down in parliamentary trench warfare. Although designed as a consensual way of time-tabling the passage of bills, programming has been opposed at points by the official opposition and, indeed, is not universally popular within some of the government's own ranks, who have argued that programming has further strengthened government control over Parliament.[14]

Programme motions could prove a battleground in a hung parliament. It is more likely, however, that a minority government would simply concede to opposition demands for the amount of time to be spent on a particular bill and thereby avoid a vote. Much would depend on how aggressive the opposition's general approach was – a vigorous opposition seeking to bring down the government at every opportunity might cause programming to be suspended completely. On the other hand, a coalition government comprising a majority of MPs and an agreed legislative programme would probably be able to carry programme motions.

Would a hung parliament pass less legislation? Past experience suggests little drop in the number of bills passed. An incoming minority government might well want to press ahead with the flagship policies on which it was elected and challenge the other parties to frustrate the will of the electorate in the period leading up to a possible second election. The Labour government managed to pass 83 acts in 1965 when it had a tiny majority,

[13] See House of Commons Modernisation Committee (2006-07), *Revitalising the chamber: the role of the backbencher, First Report*, HC 337; Government green paper (July 2007), *The Governance of Britain*, Cm 7170; Conservative Party Democracy Taskforce (June 2007), *Power to the People: Rebuilding Parliament*; Report of the Hansard Society Commission on Parliamentary Scrutiny, chaired by Lord Newton of Braintree *(2001),The Challenge for Parliament; Making Government Accountable*, (London: Hansard Society); A. Brazier, M. Flinders & D. McHugh (2005), *New Politics, New Parliament?* (London: Hansard Society).

[14] See A. Brazier, M. Flinders & D. McHugh (2005), *New Politics, New Parliament?* (London: Hansard Society).

well above the average number passed when it later had a large majority in 1966-70. In the full calendar year 1974, with two general elections, 58 bills reached the statute book – compared with 80, 69, 83 and 86 in the two previous and two succeeding years. Conversely, in 1994, only 41 acts were passed, the lowest number for a non-election year since 1950.

House of Lords

This chapter has not covered the procedural implications on the House of Lords in the event of a hung parliament. The current composition of the Lords and the stated policy of most parties is that the government should not command a majority in the Lords. Without further reform of the powers and method of appointment of the Lords, a hung Commons would not have an immediate effect on the Lords in procedural terms. However, if two major parties formed a coalition, that may have the effect of delivering safer majorities in the Lords (see Chapter 5).

Conclusion

Contrary to some preconceptions that Parliament is structured solely to suit a fixed adversarial system, its procedures adapt fairly flexibly to a range of political situations. Indeed, many would remain unchanged in the event of a hung parliament; constituency work would continue as would questions to ministers. Similarly, most select committee work would continue in a broadly non-partisan way though there may be more instances where a particular report arouses political sensitivities. The various factors which have been outlined in this chapter will all exert some influence on how a hung parliament would work in practice. However, ultimately the determining factor in the operation of a hung parliament, as is made clear in other chapters in this publication, would be the attitude and motivations of the political parties.[15]

[15] The author is grateful to Andrew Kennon (Principal Clerk of Select Committees in the House of Commons) for his advice on procedural matters.

Chapter 5

It's the trajectory stupid: backbench behaviour in a hung parliament

Philip Cowley

Nye Bevan's advice was simple: 'why look into the crystal ball when you can read the bloody book?' The problem with following Bevan's advice when it comes to the behaviour of MPs in any possible hung parliament is that we don't have much of a book to consult. David Butler (see Chapter 2) is right that minority or coalition governments are more common in British political history than many observers think, but not, at Westminster at least, in recent years. Given the change that has come over British MPs since the 1970s – MPs are now much more professional and assertive, and much more willing to defy the whips than before – it is difficult to see how much we can learn about the possible behaviour of MPs from their practice before the Second World War. This chapter therefore provides what data we do have on the behaviour of MPs in hung parliaments (much of this isn't particularly good news for the Labour whips). It also engages in a certain amount of Mystic Meg-like speculation. Given what we know about the way MPs behave now, what is likely to happen if there is no overall majority after the next election?

Differences between the parties

Other chapters in this volume point out that the answer to that question depends on what arrangements can be reached between the parties in the event of a hung parliament – and whether the post-election outcome is a minority administration, a coalition, or an agreement with another party. In terms of parliamentary behaviour, however, it is possible that just as important a distinction will be which of the two main parties ends up being the largest in the House of Commons. A minority administration (or a coalition) in which Labour is the largest party in the Commons is likely to see government MPs behaving very differently compared to the behaviour expected in a minority administration (or coalition) in which the Conservatives are the largest party.

This is not because of any innate differences between the parliamentary parties in their propensity to rebel. There are some (most obviously that

Labour rebellions are more likely to be factional in nature, a distinction Richard Rose first noticed over 40 years ago) but MPs of both parties have shown themselves willing enough to rebel in significant numbers over the last few decades.[1] Nor, it is worth noting, is it because one party is currently more or less internally united than the other. Most attention in recent years, from both the media and the academic world, has focused on the record-breaking divisions within the Parliamentary Labour Party (PLP).[2] But there are also less-noticed divisions within the Conservative parliamentary party. Up until the end of the 2006-07 session, for example, there were 49 occasions on which Conservative MPs defied the party whip under David Cameron's leadership. Nor was this just the grumblings of the old guard: of the Conservative MPs elected in 2005, more than half defied their party whip within their first two years at Westminster. These divisions are relatively easy to mask in opposition but they would soon begin to emerge were the party to enter government.

The Conservative Party

The distinction will be caused by the different trajectories the two parties will be taking. Should the Conservatives re-enter government, they will be returning to the treasury benches after a gap of more than a decade. This will bring with it all the discipline that a first-term government usually enjoys. David Cameron's authority will be high. A large proportion of the parliamentary party (probably around one-third) will be newly-elected; at least 70% will not have been MPs before 1997, and will not have experienced life on the government benches.[3] They will not be as inexperienced as Labour was in 1997 (when just over 10% of the PLP had Westminster experience of a Labour government) but the situation will not be that different. Just like in 1997, many government MPs will be in awe of ministers and the authority of government. Many will fancy a career on the ministerial ladder, and believe it awaits them if they behave. And many will have a burning desire to avoid doing anything that might send them back into opposition, thus placing a premium on unity. There will be plenty with doubts about aspects of their government's policies, but many of them will

[1] R. Rose (1964), 'Parties, Factions and Tendencies in Britain', *Political Studies* 12(1), pp. 33-46. For the change in the behaviour of MPs, see P. Norton (1975), *Dissension in the House of Commons, 1945-1974* (Oxford: Clarendon Press).

[2] See, for example, P. Cowley (2005), *The Rebels: How Blair Mislaid His Majority* (London: Politico's).

[3] Excluding retirements about which we already know, it seems likely that there will at most be around 80 Conservative MPs after the next election who were in the House before 1997 (and possibly fewer as more retirements are announced). To be the largest single party in a hung parliament, the Conservatives need at least 260 MPs – of whom that 80 would constitute just 31%. A better Conservative performance – and more new MPs – and that figure would decline yet further.

keep schtum, giving the government the benefit of the doubt. This unity will not be all-encompassing nor will it last forever (just as it did not after 1997) but it might well last long enough for a new Conservative government to establish itself, in the run up to another general election.

The Labour Party

For Labour, however, the trajectory will be very different. If Labour manages to emerge from the next election as the largest single party in a hung parliament it will mean that for the third consecutive election it would have lost seats and MPs. A (usually secure) majority of more than 60 will have been replaced overnight by no majority at all – or by the distasteful necessity of entering a coalition. Even if he continues in post, Gordon Brown's authority will be weakened. Morale will be low. There will be no sizeable influx of new MPs – just a handful of replacements for retiring MPs in safe seats. Some Labour MPs will be the same ones who have been around for a decade or more, causing trouble for the whips for much of that time. For most, any sense of awe of government has already long gone, as has any prospect of future promotion. What one whip called the 'threshold of rebellion' will have already been crossed by most backbenchers.

Some within the Labour Party hierarchy will hope that a non-existent majority might force Labour MPs to behave in a more disciplined way than they have hitherto done. This is remarkably similar to those who hoped that the reduction in Labour's majority after the 2005 election would bring about a change in backbench behaviour – that it would 'concentrate the mind' of Labour MPs, thus prevent them from rebelling. It did no such thing, with the government crashing to four defeats in the Commons within the first 12 months following the 2005 election. Hopes of a similar concentration of mind after the 2009/10 election are likely to be equally misplaced.

Similarly, whilst we can't read too much into past practice, what we do know does not on the face of it provide much optimism for the party whips. Labour MPs have not especially behaved themselves on the four previous occasions when the party has been in minority status. The 1924 MacDonald government saw Labour MPs defying their whips in 35% of divisions, with the largest rebellion involving 73 MPs – almost 40% of the PLP. The 1929-31 parliament saw a lower rate of rebellion (11% of divisions), with the majority of rebellions focusing on one issue – unemployment – but with the government facing concerted opposition from the group of 'Clydesider'

MPs, which eventually led to the split between the ILP and the Labour Party. These revolts rarely led to defeats – of the 18 defeats suffered by MacDonald in 1924 and 1929-31 just one was the result of Labour backbench dissent – but they caused the government plenty of headaches.[4]

Labour's first post-war period of minority government, after February 1974, saw Labour MPs dissent relatively infrequently, in just 7% of votes (although the largest revolt comprised 76 MPs), and of the 17 defeats suffered by the government during the period, none was caused by Labour MPs defying their whips. Labour had, however, then just returned to government. Labour's second post-war period of minority status, after the loss of its majority in April 1976, was much more troublesome: Labour MPs rebelled in 21% of votes, and of the 35 defeats suffered, 17 can be attributed to the votes of government backbenchers.[5]

We have no systematic data on Conservative behaviour in minority situations before 1945, but the experience of the slender (and briefly non-existent) majority endured by the Major government after 1992 also does not auger well for any government suddenly faced with a much reduced majority.[6] After his defeat in 1997, Major was to write that 'divided views – expressed without restraint – in the parliamentary party made our position impossible'.[7]

The Liberal Democrats

The one party that is trickier to second-guess is the Liberal Democrats, who would play a crucial role as the swing voters in any hung parliament. For the last 10 years, it has been possible to make two generalisations about the Lib Dems' voting behaviour in the Commons. The first is that whilst the parliamentary party occasionally divides extremely badly on some free vote issues (such as hunting, corporal punishment, gun ownership and so on) it has been remarkably cohesive on most whipped votes. During the 2001 parliament, for example, Lib Dem backbench revolts took place in just one

[4] I am grateful to Mark Stuart for information on the 1924 and 1929-31 Labour governments.

[5] See P. Norton (1980), *Dissension in the House of Commons: 1974-1979* (London: Macmillan), pp. 491-493.

[6] What studies do exist are partial. For example, despite its name, Jorgen Rasmussen's 1971 article 'Government and Intra-Party Opposition: Dissent Within the Conservative Parliamentary Party in the 1930s (*Political Studies* 19(2), pp.172-183), focuses largely on foreign policy and only examines a very small number of Commons divisions. Moreover, this was a period where the problem was not the narrowness of the coalition's majority but its all-conquering size – a very different scenario from what is expected after the next election.

[7] See P. Cowley (1999), 'Chaos or Cohesion? Major and the Conservative Parliamentary Party', in P. Dorey (ed.) *The Major Premiership* (London: Macmillan).

in every 25 parliamentary divisions in the Commons, compared to figures of one in 12 for the Conservatives and one in five for Labour.[8] If this sort of unity could be continued in a situation in which Lib Dem votes could be delivered as the deciding votes for or against a government, then it would be an asset for the party, enhancing its bargaining power. It is, however, just impossible to know if the Lib Dems will be able to continue to maintain such cohesion under the more politically stressful environment that would be thrown up in a hung parliament.

The second, and connected, feature of the Lib Dems' voting is that the party became increasingly less supportive of Labour as the Blair era progressed. In the first session of the Blair government, the Lib Dems voted with the government in almost 60% of whipped votes. By the end of the 2005-06 session, they were voting with the government in just 21% of whipped votes, and they were more than three times as likely to be in a division lobby with the Conservatives than with Labour. Whilst most people think it more likely that the Lib Dems would be able to reach some post-election deal with Labour than with the Tories, their voting over the past decade indicates the opposite. Or to put it another way, any potential deal between Labour and the Lib Dems might have to involve bigger concessions in policy than many realise – and those shifts might prove unpopular on either the Labour or Lib Dem benches.

Parliament

Another piece of conventional wisdom that might be confounded in the event of a hung parliament is the belief that a situation in which no party has a majority helps strengthen Parliament, because it makes the outcome of votes less certain and thus empowers individual MPs. This is probably true of a situation in which there is a minority administration. It is, however, much less certain if there is any post-election coalition deal.

A coalition deal could restrain rather than enhance the power of Parliament for two reasons. First, because it may make those parties involved in the coalition place an even greater emphasis on unity – there is little to be gained from a coalition deal if the party leaderships fail to deliver their supporters in important divisions. It may be difficult to deliver such unity but the pressure for it would increase nonetheless.

[8] See P. Cowley (2005), *The Rebels: How Blair Mislaid His Majority* (London: Politico's), Appendix 5, pp. 282-284.

But the second – and probably more important – reason why a coalition might limit parliamentary influence is because it could dramatically reduce the current influence exercised by the House of Lords. Since reform in 1999, the House of Lords has become an increasingly assertive check on the executive, and one which has defeated the government on more than 400 occasions. The 1999 House of Lords Act created what is effectively a permanently hung second chamber. In theory, there are lots of winning coalitions in the Lords, but in practice it is the Liberal Democrats who have become the key swing voters, deciding whether a policy passes or falls.[9]

A coalition after the next election – which would almost inevitably include the Lib Dems – could thus deliver simultaneous success in the lower chamber and in the upper chamber. At a stroke, the current ability of the Lords to cause governments all sorts of difficulties could be removed. Legislation might well therefore navigate Parliament much easier under a coalition government than under a situation in which one party has a majority in the Commons but faces a hung chamber in the Lords. Even here there are imponderables. Perhaps under such a scenario the crossbench peers (who currently punch below their weight in terms of voting) would become more important, stepping into the political vacuum. It might also be even harder for the coalition partners to deliver unity in the Lords, where the sanctions for those who defy the whip are practically non-existent, in which case the coalition may not be as dominant in practice as it appears on paper. But nonetheless, one of the commonplace events of the last decade – the routine defeats of the government by the upper House, and the subsequent negotiation and compromise between the two – could still be seriously limited.

Conclusion

Predictions about the behaviour of MPs in any forthcoming hung parliament need, therefore, to be placed in their political context – a context which in the case of any 2009/10 election would have seen Labour on the way down and the Conservatives on the way up. There is also nothing about a hung parliament that automatically enhances the power and vitality of the legislature against the executive.

[9] M. Russell & M. Sciara (2007), 'Why does the Government get defeated in the House of Lords? The Lords, the Party System and British Politics', *British Politics* 2(3), pp. 299-322.

Chapter 6

A hung parliament and the prospects for electoral reform

Helen Margetts

The prospects for a hung parliament and electoral reform in the UK are intimately linked; it can be argued that the former is both a necessary and a sufficient condition for the latter. First, a hung parliament is probably the only circumstance under which these parties will seriously contemplate substantive reform. Second, the conditions which create a hung parliament are also likely to reflect an environment in which electoral reform is increasingly inevitable. This chapter first examines the current state of the UK electoral system, considering the arguments that (a) it is in the process of transition to a more proportional system and (b) it is increasingly unstable as the number of parties with substantive support in the electorate increases and that, at a certain point, reform will be inevitable. The chapter goes on to consider how the two largest parties, Labour and Conservative, have reacted to potential instability in terms of their approach to electoral reform. In the event of a hung parliament, such approaches and views within the parties, however tentative and marginal beforehand, will come to the foreground. In the third section, the chapter looks at the Liberal Democrats, whose approach is likely to be crucial if neither of the largest parties attains a majority, both in terms of how willing they are to negotiate with potential coalition partners, which party they are likely to turn to and how far they are prepared to make the electoral reform issue a key factor in any negotiations over a potential coalition.

Where does the electoral system stand?

Certainly, for those who argue and campaign for electoral systems change, the UK electoral system is ripe for reform. During the 2005 general election, the plurality rule voting system itself became an election issue, with vigorous campaigns to make this the 'last plurality rule election' by the *Independent* and *Guardian* newspapers.[1] Dunleavy and Margetts have argued elsewhere

[1] P. Dunleavy & H. Margetts (2005), 'The Impact of the UK's Electoral Systems', *Parliamentary Affairs* 58(4), pp. 854-870.

that the UK is already in a process of prolonged transition to PR, with a marked increase in the number of parties in operation in the UK political system fuelled by electoral systems change at other tiers of government: mixed member systems used in the national assemblies of Scotland and Wales and the London Assembly, List PR for the European elections and, most recently, Single Transferable Vote (STV) for Scottish local elections.[2] In 2005, the two party share of the vote declined below 70% for the first time and the Labour Party's UK vote share fell to the lowest ever recorded for a majority government. Eight parties, including the UK Independence Party (UKIP), the British National Party (BNP) and Respect are all additions to the UK party system, with at least 17 named and registered parties standing in every region of the country.[3]

These developments all contribute to a significant rise in the measure of 'disproportionality' of the UK electoral system: a mismatch between votes

Table 1: Deviation from Proportionality (DV) in Great Britain 2005

Party	No. seats	Seats %	Vote %	Deviation
Lab	356	56.7	36.4	20.3
Con	197	31.4	33.1	1.8
Lib Dem	62	9.9	22.6	12.7
UKIP	0	0.0	2.5	2.3
SNP	6	1.0	1.5	0.6
Greens	0	0.0	1.0	1.1
PC	3	0.5	0.6	0.2
BNP	0	0.0	0.7	0.7
Respect	1	0.2	0.3	0.1
Other	3	0.5	0.1	0.3
Total	**628**	**100**	**100**	**DV = 20.1**

Source: Dunleavy & Margetts (2005), The Impact of the UK's Electoral Systems

NB: To compute DV, calculate the differences (deviations) between percentage votes shares and percentage seats shares for each party in a region (or the country at large). These differences are then added together counting the minus scores as positive (otherwise the deviations will sum to zero) and then the sum is divided by two.[4]

[2] P. Dunleavy & H. Margetts (2001), 'From Majoritarian to Pluralist Democracy? Electoral Reform in Britain since 1997', *Journal of Theoretical Politics* 13(3), pp. 295-319.

[3] P. Dunleavy & H. Margetts (2005), 'The Impact of the UK's Electoral Systems', *Parliamentary Affairs* 58(4), pp. 854-870.

[4] R. Taagepera & M. S. Shugart (1989), *Seats and Votes* (New Haven, CT: Yale University Press).

cast and seats awarded. The first and best known way to measure this disparity is the deviation from proportionality (DV) score. It shows the proportion of members of a legislature who hold seats which they are not entitled to by virtue of their party's overall vote share in the elections – that is the percentage of MPs that would be replaced by representatives of different parties under a purely proportional system. DV in 2005, shown in Table 1, was 20, a little lower than the high point of 23 in 2001 when Labour won two thirds of the seats in the Commons on the basis of just over two fifths of the vote, but still far higher than in any of the other PR systems used at other tiers of government.

Another important indicator of the instability of the electoral system is the number of effective parties operating in a political system and the extent to which these parties are represented in the legislature. The effective number of parties (ENP) can be measured by taking the decimal vote shares of all the parties, squaring them and then adding up the sum of the squared numbers. The ENP score is then obtained by dividing one by the resulting number. The ENP score can also be computed not just for the votes allocated by citizens across the parties (ENP votes) but also for the MPs

Table 2: The Effective Number of Parties (ENP) in terms of votes and seats across UK regions 2005

Region	ENP votes	ENP seats
North East	2.7	1.2
Wales	3.6	1.6
Yorkshire and Humberside	3.1	1.6
North West	3.0	1.5
Scotland	3.6	1.9
Eastern	3.1	1.8
West Midlands	3.2	1.9
South East	3.1	1.8
East Midlands	3.1	2.0
London	3.3	2.2
South West	3.2	2.9
Great Britain	3.4	2.3
United Kingdom	**3.6**	**2.5**

Source: P. Dunleavy & H. Margetts (2005), 'The Impact of the UK's Electoral Systems', *Parliamentary Affairs* 58(4), pp. 854-870.

allocated by the electoral system across the parties (ENP seats). Table 2 shows the contrast between these two scores, particularly in Scotland, Wales and the three northern regions.

It has been argued by Colomer that as the effective number of parties operating in a country's electorate increases, the greater the likelihood that there will be electoral systems change towards proportional representation. Crucially, he says that in majoritarian systems:

> The costs of information transmission, bargaining, and implementation of agreements among previously separate organizations will waste significant amounts of votes, and voters' dissatisfaction with the real working of the electoral system may increase. Large numbers of losing politicians are also likely to use voters' dissatisfaction and their own exclusion, defeat or under-representation to develop political pressures in favour of changing to more proportional electoral rules.[5]

Colomer contends that a sufficient condition for such a shift to occur is when the effective number of parties reaches four. Above this number 'maintaining a majority rule electoral system would be highly risky for the incumbent largest party'.[6] At this point of course, a hung parliament also becomes more likely, as the two largest parties' share of votes (and, albeit to a lesser extent in a plurality system, of seats) is eroded by that of the Liberal Democrats and the growing array of smaller parties represented in the electorate. As Table 2 shows, the ENP for the UK has almost reached this point at 3.6, suggesting a high level of instability in the UK electoral system.

Where do the parties stand?

So how are the two largest political parties reacting to this instability? Clearly their approach will be crucial in any move towards reform generated by neither party gaining a majority in the forthcoming election. Contemporary discussion of electoral reform in the Labour Party originates in the dark days of the 1980s, when it seemed as if the party might never regain power. Discussion at that time focused on Scotland, with the work of the Scottish Constitutional Convention (largely consisting

[5] J. M. Colomer (2005), 'It's the Parties that Choose Electoral Systems (or Duverger's Laws Upside Down)' *Political Studies* 53(1), pp. 1-21.

[6] Ibid., p.8.

of Labour and the Liberal Democrats) on defining devolution proposals in Scotland, later used in a modified form as a model for Wales. In March 1997, the Labour and Liberal Democrats produced a joint concordat on constitutional issues, negotiated by Robin Cook and Robert Maclennan, which among other things promised to hold a referendum on electoral reform for the House of Commons, in which people would vote on an alternative system to be defined by a commission. The Jenkins Commission was set up in 1998 to decide on the system, eventually coming up with a mixed electoral system with a high share of locally elected MPs and around a fifth of members to be elected in semi-local top-up areas to provide some measure of proportionality.[7] The Jenkins proposals ran into strong opposition, as did the pledge to hold a referendum and in autumn 2000 Labour agreed that a promise to 're-examine' voting reform in 2003 would be included in the 2001 manifesto, leaving the 'PR door ajar'.[8] In fact, the review never materialised but the 2005 Labour Party Manifesto again declared that 'Labour remains committed to reviewing the experience of the new electoral systems – introduced for the devolved administrations, the European Parliament and the London Assembly. A referendum remains the right way to agree any change for Westminster.' By July 2007, the main hint of the new prime minister Gordon Brown's plans for the forthcoming years was a green paper on constitutional reform, which surprisingly omitted all mention of the Alternative Vote system, previously debated in Labour circles as the most likely option. But in September 2007, the party claimed that an 'extensive and intensive' review had been undertaken and would be published by the end of the year, later delayed in mid-December until January 2008. In December, Brown gave more indication that he personally was thinking about the issue when he rang to congratulate the newly-elected Liberal Democrat leader Nick Clegg, highlighting constitutional reform as an area where the two men could co-operate.[9]

Meanwhile, signs of overly enthusiastic support for electoral reform in the Labour Party are regarded with suspicion. There has long been a small and dedicated electoral reform movement within the party (the Labour Campaign

[7] P. Dunleavy & H. Margetts (1998), *The Performance of the Commissions' Schemes for a New Electoral System: Report to the Independent Commission on the Voting System* (London: the LSE Public Policy Group and the Birkbeck Public Policy Centre); Jenkins Commission (1998), *The Report of the Independent Commission on the Voting System*, Cm 4090-1 (London: Stationery Office).

[8] 'Labour leaves PR door ajar', *BBC News*, 23 March 2001.

[9] N. Watt, 'Brown offers to hold talks with Clegg on constitutional reform', *The Observer*, 30 December 2007.

for Electoral Reform), although its failure to unite around any particular electoral system has always complicated its ability to make its aims clear and its support within the party has shown few signs of growing. In September 2006, Clare Short MP faced possible expulsion from the Labour Party after declaring that she wanted to stand down as an MP to campaign for electoral reform and a parliament in which neither Labour nor the Tories would have an overall majority. Her comments were described as 'completely unacceptable' by the then government chief whip, Jacqui Smith. [10]

Conservative Party interest in electoral reform peaked in the 1970s when, at the February 1974 election, the party won more votes than Labour, yet fewer seats, and Harold Wilson became prime minister. The pressure group Conservative Action for Electoral Reform (CAER) was formed within the Tory Party, and by the late 1970s had 41 MPs and 60 peers who supported change, including Douglas Hurd and Chris Patten.[11] But interest declined and from the 1980s the party has remained resolutely opposed to the question of electoral reform, in spite of their dismal electoral fortunes in elections from 1997 to 2005. The CAER continues to exist and has mobilised around STV. One of its members recently argued that the Conservative leader David Cameron should come out in favour of proportional representation, for what for him would be a 'Clause IV moment' – 'a breathtaking act of back-me-or-sack-me symbolic violence against one's own party, the acceptance of which signals transformation'.[12] Pointing out that most centre-right parties in Europe would be pleased with the share of votes won by the British Conservatives in any of the last three elections (31, 32 and 32%) and that many would have no trouble in forming a centre-right government, he argued that the time had come for the Tories to think seriously about electoral reform. At the time of writing, however, there are few signs that the party or its leader have taken his advice. In mid-December 2007, the Conservative leader made an appeal on his 'webcameron' website to the winner of the ongoing election for the Liberal Democrat leadership to forge a 'new progressive alliance' (including the Conservatives, Liberal Democrats and the Green Party) to challenge Gordon Brown, but this appeal was rebuffed by the acting leadership of the Liberal Democrats.[13]

[10] G.Jones, 'Short faces expulsion for backing a hung parliament', *The Daily Telegraph*, 16 September 2006.
[11] HC Deb, 2 June 1998, col 187.
[12] T. Bale (2006), 'PR Man? Cameron's Conservatives and the Symbolic Politics of Electoral Reform', *The Political Quarterly* 77(1), pp. 28-34
[13] N. Watt, 'Cameron makes "progressive alliance" offer to Lib Dems', *The Observer*, 16 December 2007.

A hung parliament

Both of the major parties then would need a hung parliament or at least the prospect of one to take serious steps towards electoral systems change. At this point, the electoral fortunes and success of the Liberal Democrats would be critical. First, they would need to have obtained enough seats (and sufficiently more than the next largest party or group of parties) to be the most viable coalition partner for either of the two largest parties. Such a scenario is likely, because for there to be a hung parliament both of the main parties will have to lose votes to another party and the Liberal Democrats are the most likely recipient; indeed, in 2007 the academic John Curtice predicted that both main parties now need the Liberal Democrats to do badly to win an overall majority. Second, the Liberal Democrats would need to push the electoral reform issue, making it a pre-condition for acting as a coalition partner.

Certainly the Liberal Democrats (and previously, the Liberal Party) have long been committed to electoral reform in general and the Single Transferable Vote electoral system in particular. The leader from 2006 to 2007, Sir Menzies Campbell, pledged during his leadership election campaign to vote down any Queen's Speech 'without a clear and unambiguous commitment for proportional representation' and consistently highlighted the significance of constitutional reform (which, he argues, in the view of many people 'requires' electoral reform) on the Liberal Democrat website. However, he shocked many Liberal Democrat supporters when he failed to include electoral reform as one of the five 'tests' set for a Gordon Brown premiership in a keynote speech to party activists at the Liberal Democrat conference in 2007. Immediately afterwards, reporters were briefed by an official who indicated that PR would not be a precondition to a coalition deal in the event of a hung parliament. However, the official quit his job and the leader's aides dismissed these comments as unauthorised.[14] In its autumn conference in 2007, the party backed proposals for STV for both the House of Commons and the House of Lords.

In 2007, Campbell stood down, eventually replaced by Nick Clegg who narrowly beat Chris Huhne in a leadership contest. Some commentators suggested that their approach to proportional representation was the crucial difference between them. While Huhne stated that 'there can be no partnership politics without PR', Clegg would not even discuss terms of partnership deals in

[14] B. Russell, 'Lib Dem spin doctor resigns after policy gaffe', *The Independent*, 9 March 2007.
[15] P. Toynbee, 'The Lib Dems face a clear choice: get radical or fudge into eternal decline', *The Guardian, Comment is Free*, 16 November 2007.

a possible hung parliament during the campaign for the leadership.[15] However, a letter to the Electoral Reform Society made clear his endorsement of constitutional reform and its place in Liberal Democrat policy:

> A commitment to proportional representation at all levels of government in Britain has been a central plank of the Liberal Democrat policy agenda since the party's foundation. It is absolutely pivotal to any serious attempt to change our country. And I am not willing just to wait for hypothetical coalition negotiations – in a hung parliament that may never happen – to fight for constitutional reform. I want to start that battle now.

In December 2007, Clegg wrote to Gordon Brown proposing the establishment of a new British Constitutional Convention to examine the country's 'broken' political system, including the electoral system, modelled on the Scottish Constitutional Convention. Clegg also wrote to David Cameron, inviting him to join forces on the Convention. But in an article on the Liberal Democrat website, he contrasted the warm telephone conversation with Brown shortly after his election as leader and Cameron's less personal and 'a bit pre-emptive' approach (referring no doubt to his 'progressive alliance' proposals noted above), fuelling speculation that 'Labour and the Lib Dems would be more natural bedfellows in the event of a hung parliament'.[16]

Another indicator of the Liberal Democrats' most likely coalition partner comes from data on the second preferences of voters, obtained in opinion surveys when voters are asked to complete an alternative vote or STV ballot paper as if they were voting in a general election. Such figures currently favour Labour, but have fluctuated over time and demonstrate that there is nothing inevitable about support of Liberal Democrats for Labour. In 1992, in a large national face-to-face survey, Liberal Democrat voters split more in favour of the Tories than in favour of Labour, in virtually all regions except Greater London and the North.[17] In 1997, this position was reversed and 49% of all Liberal Democrats gave a second preference to Labour (up from 33% in 1992) while the proportion giving a

[16] N. Watts, 'Brown offers to hold talks with Clegg on constitutional reform', *The Observer*, 30 December 2007.

[17] P. Dunleavy, H. Margetts & S. Weir (1997), *Making Votes Count: Replaying the 1990s General Elections Under Alternative Electoral Systems*, Democratic Audit Paper No. 11 (University of Essex: Democratic Audit).

second preference to the Tories declined by half from 38% in 1992 to just 18% in 1997. The growth of explicit Labour-Liberal Democrat co-operation just before the election noted above may well have contributed to this change. That co-operation has taken several knocks since then, particularly the reluctance to produce a review on electoral reform and the back-tracking on a referendum.

However, there are signs from other, less extensive opinion surveys suggesting that the more positive attitude of Liberal Democrat supporters to Labour over the Conservatives has been maintained. After the 2001 general election in a survey carried out by ICM for the Democratic Audit of the UK, funded by the Joseph Rowntree Charitable Trust, respondents were given an alternative vote ballot paper with representatives from each party. Of the respondents who claimed to have voted Liberal Democrat in the 2001 general election, 50% gave their first or second preference on the AV ballot paper to Labour, whereas only 12% gave their second preference to the Conservatives (none gave their first preference to the Conservatives). In the 2005 British Election Study (BES), respondents were given a mailback survey which included an alternative vote ballot paper; the response rate was low but the data gives us some insight into the second preferences of respondents. In England, for those who gave Liberal Democrat as their first preference, over half (52%) gave their second preference to Labour, while less than a quarter (22%) gave second preferences to the Conservatives. The Greens got 15%, and UKIP 10%. Labour supporters too indicated a strong preference towards the Liberal Democrats: 66% of those voting for Labour with their first preference gave their second preference to the Liberal Democrats, with 21% giving them to the Conservatives and 7% to the Green Party.

Conclusion: prospects for reform

This chapter has suggested that the current UK electoral system is unstable and that the conditions that lead to a hung parliament are also likely to produce reform, in spite of the success of the UK plurality system in repressing (in terms of seats) the growing number of parties represented in the UK electorate. As this author argued in 2001, 'How long can a liberal democracy go on chewing up such huge proportions of the vote and according no representation in return and still remain basically legitimate?'[18]

[18] P. Dunleavy & H. Margetts (2001), 'From Majoritarian to Pluralist Democracy? Electoral Reform in Britain since 1997', *Journal of Theoretical Politics* 13(3), pp. 295-319.

If this instability in the system leads to a hung parliament, it seems almost inevitable that it will also lead to electoral reform, as the two main parties, fuelled by pressure from the increasingly large array of smaller parties active in the UK political system and rising voter dissatisfaction, turn to constitutional reform as the only way to achieve a stable government. At this point, the two main parties and their leaders will have to quickly review the evidence and concentrate on electoral reform in a way that neither has done before, suggesting strongly that they would be well advised to place more emphasis on the issue beforehand. The approach of the Liberal Democrats, with their newly-elected leader and long-held commitment to STV, will be key to the development of electoral reform proposals. How far they push the issue including the choice of system, their viability as a coalition partner (likely to be high) and their choice of partner (likely to be Labour) could crucially shape the future of electoral reform, appropriately enough given their long-held commitment to the issue.

Chapter 7

Hung parliaments and public opinion

Mark Gill

While the term hung parliament may be familiar to many people, its implications are not. In part this is because Westminster has not experienced a hung parliament after a general election since 1974 (though the final months of John Major's premiership witnessed a minority administration). The UK's First Past the Post system also tends to reward the party with the most votes with a disproportionately high number of seats and acts as a barrier to a hung parliament. But this may change over the next few years, as we head towards an election campaign where the electoral arithmetic (and current political betting) suggests a hung parliament is 'odds on'. This article explores how the public may react to such a development both in the run-up to the next election and afterwards; and the potential implications for how the public see politics.

Opinion polls

There has been little survey research measuring either public understanding of or attitudes towards a hung parliament: this is unsurprising given how rare such an electoral outcome has been since 1945. A MORI survey for the Joseph Rowntree Reform Trust in 1991 attempted to gauge views by presenting three potential election outcomes and asking respondents which they would prefer to happen, as shown in Table 1 below.

Table 1: Preference for majority government?

Q) Which of the following options comes closest to your own views on how the country should be run after the next election?

One party should gain an overall majority and form the government	49%
No clear majority, but some parties should form a coalition government	23%
No clear majority, but the largest party should form the government and seek co-operation of other parties on policies they can support	22%
Don't know	6%

Source: MORI/Joseph Rowntree Reform Trust 'State of the Nation' survey n=1,547 GB FTF 7-25 March 1991

These results show no public consensus. Half (49%) felt it was best for one party to gain an overall majority and form the government, but almost as many (45%) would have preferred no clear majority with a resulting formal or informal coalition between two or more parties.

Political opinion polls should be interpreted in the context of the politics of the day. When MORI asked this question in March 1991, the public had recently experienced a decade of Margaret Thatcher's political leadership style; so public enthusiasm for 'the smack of firm government' may have been tempered by a desire for a more consensual approach to politics, personified at the time by her successor John Major.

Two other surveys conducted in 1991 and 1995 have further indicated no great public demand for, nor firm rejection of, coalition government (see Table 2). In both these surveys twice as many people strongly favoured one party in government than two or more forming a coalition; however, more significantly, few people admitted holding very strong views for either. For example in 1995, only 35% of the public greatly preferred either coalition or one-party government; twice this proportion did not express a strong view either way. These findings can be interpreted as both a lack of appreciation about the consequences of a hung parliament and the public's ability to wait and experience the reality before fixing their views on a specific position.

Table 2: One party in government or a coalition?

Q) This card has pairs of alternative statements on it. If you greatly prefer or very strongly agree with option (a), you would choose this box (1). If you greatly prefer or very strongly agree with option (b), you would choose this box (7). You may of course choose a number between the two.

	1991	1995
1 (One party in government with all the others in opposition)	28%	22%
2	10%	10%
3	7%	8%
4	17%	16%
5	10%	12%
6	11%	12%
7 (Two or more parties forming a coalition government)	14%	13%
Don't know	3%	7%

Source (1991 as above); 1995: MORI/JRRT n=1,758 GB plus Wales & Scotland boosters FTF 21 April-8 May 1995

The division in public preference for majority or coalition government may well reflect the different, and to some extent competing, demands the public have of government: essentially the public reward governments that are perceived to be capable, honest and working in the national interest. It is quite reasonable for, on the one hand, the public to believe a single-party government would be the best way to achieve stable and capable governance, while at the same time thinking that a coalition-style government would be more likely to serve a wider, rather than just a party political, national interest.

Surveys by the Gallup organisation in the 1980s which presented contrasting views about coalition governments have shown public opinion to be very fluid. In September 1986, Gallup found that half the public (49%) agreed that two parties working in a coalition 'would provide the stability required for Britain's economy to grow and the unity needed to deal with our social problems' while two in five (40%) instead felt such an accommodation 'would not last long in Britain because it could not provide strong leadership and would get nothing done'. However, within 18 months, views had reversed: 32% felt a coalition would provide the strength of leadership, compared with over half (54%) saying it would get little done. Yet when Gallup asked the same question again in June 1993, views expressed then mirrored those given in 1986.

Hung parliament in 2009/10: odds on?

The need for research on public views about a hung parliament, particularly in terms of how the public thinks the political parties should react to this outcome, is evident given the electoral context and polling findings ahead of the next election.

The redrawing of some parliamentary constituency boundaries since the 2005 general election means that Labour's nominal majority going into that election will be cut by around a half, giving them between 30 and 40 seats over all the other parties rather than the 64-seat majority actually achieved at the last election. Unfavourable by-election results (or turncoat MPs) could reduce this further.

The consequence is that even a historically small swing against the incumbent party to the main opposition would see Labour's overall majority disappear. National uniform swing calculations are not perfect but are the best way to estimate how national vote shares will translate into

parliamentary seats. If the Conservatives achieve a swing from Labour in the region of 1.5%, they would probably deprive Gordon Brown of his House of Commons majority. This should be well within the grasp of the Conservatives given they will be challenging an incumbent party that could have been in power for possibly 13 years when the next election is held. A 1.5% swing is half that achieved by Michael Howard in 2005 and less even than the progress William Hague managed in 2001 (a 2% swing to the Conservatives).

Labour losing its overall majority at the next election is a plausible outcome given historical trends. The prospect of a hung parliament is made even more likely because the Conservatives will need a considerably bigger swing across the country for them to secure an overall majority. Again, based on projections assuming a national uniform swing, the Conservatives would need a swing from Labour in excess of 7%, which would probably mean the party winning over 42% of the popular vote. They have not achieved this level of support at a general election since 1987.

For their part, bookmakers' odds currently favour a hung parliament. For example, an online betting company at the end of November 2007 gave the odds of a No Overall Majority at 8/5; ahead of a Labour majority (11/4) or Conservative majority (7/4).

Public opinion: before an election

The next general election is at least a year away, and perhaps two. Most voters, particularly the swing voters that determine both which party wins the election and by what majority, will at present be thinking little about the next general election, not least on whether a hung parliament may happen and whether this would be a good or bad thing for the country. But unless either Labour or the Conservatives manage to build up a considerable and sustained opinion poll lead before and during the campaign, this issue will become much more salient.

Media debates and commentaries, together with how the parties talk about the prospect of a hung parliament, will be essential in shaping many people's views about the prospect of a coalition government. We could expect both the Labour and Conservative parties to portray a hung parliament as bad for the country, labelling it as a recipe for weak government. Before polling day, anything else would be seized upon by their opponents as a sign of accepting defeat before the ballots are cast. As evidenced from the polling data in 1991 and the general election results a

year later, whether the parties' own supporters would fully agree with this analysis is far from clear.

The position of the Liberal Democrats is perhaps the most interesting of the three major UK political parties. The leadership of this party have often argued, and in some cases attempted to use opinion polling to demonstrate, that if the public believed their party could win power they would attract substantial additional support. From this perspective, it could be argued that the prospect of a hung parliament, with the Liberal Democrats as potential kingmakers for any subsequent government, would lead to greater support for the party, making a hung parliament even more likely.

It would be difficult for the two main parties to argue that a hung parliament would automatically lead to unworkable government, given that most people today have experienced some similar form of minority government in their local area, be it through the Scottish Parliament, Welsh and Northern Ireland Assemblies or, for many parts of England, in the many dozens of local authorities working under No Overall Control. But Westminster is a first-order election and what the public might accept for other democratic institutions may not be the same for the House of Commons. Even so, with three in five people (61%) who think that the way the country is governed could be improved quite a lot or a great deal, there is at least the potential for those against one-party government to tap into public disaffection with how they perceive Britain is currently governed.[1]

At present it is difficult to speculate on whether the public would welcome or be wary of a hung parliament given that their reactions will be largely determined by the issues of the campaign and perceived policy trade offs should a coalition become a necessity. As shown earlier, public opinion on coalition governments has varied considerably even over a short period of time. Yet analysis of how people have voted in previous elections shows that many voters, particularly supporters of the Liberal Democrats, would be prepared to cast their ballot in their own constituency to help shape a particular national outcome, even if this means not voting for the party they most support. As shown in Table 3, in the run up to the last general election, for example, MORI found that as many as one in five people intending to

[1] Hansard Society & Electoral Commission (2007), *An Audit of Public Engagement 4* (London: Hansard Society/Electoral Commission).

vote Liberal Democrat did so not because this party best represented their views, but because the party that did do this had little chance of winning so they would vote Liberal Democrat to keep another party out. A month before the 1992 general election, three in 10 intending Liberal Democrat voters felt this way.

Table 3: Tactical voting

Q) Which of the following comes closest to your reasons for intending to vote for … party?

	All	Cons	Lab	LD
	%	%	%	%
	11-12 March 1992			
It is the party that most represents your views OR	78	78	82	63
The party you support has little chance of winning in this constituency so you vote for xxx party to try to keep another party out	17	14	13	31
No opinion	5	4	5	6
	7-11 April 2005			
It is the party that most represents your views OR	80	85	81	72
The party you support has little chance of winning in this constituency so you vote for xxx party to try to keep another party out	12	11	10	20
No opinion	8	4	9	8

Source: MORI

A government of all talents or government by backroom deals?

The most significant impact on the relationship between politics and the public that a hung parliament may have is the likely rise in turnout at a general election. There are several factors that influence how people vote at an election, and the perception of competitiveness is one of the most important. This goes some way in explaining, for example, the relatively high turnout in the close election of 1992 (77%), and the historic low turnout in the much anticipated Labour landslide in 2001 (59%).

Other than what could be a temporary increase in the proportion of people voting at a general election, could the advent of a hung parliament provide

a catalyst for a more substantial engagement between politicians and the public? There are some grounds for optimism, though much seems to depend on three interlocking factors: the actual composition of the House of Commons after the election; the style in which political parties and politicians react to the event; and, perhaps most importantly, the issues which come to the fore as a result of any bargaining between the parties.

The most likely outcome is that either Labour or the Conservatives gain the most seats in the Commons, but fall short of an overall majority over the other parties. In this scenario, one option would be for a minority administration propped up by support on a vote-by-vote basis by one or two smaller parties. This might lead to more interest in Parliament, particularly as the media would focus on the closeness of individual votes in the Commons. But it is difficult to see how this would lead to the public becoming more engaged or satisfied with the way the country is governed, particularly if the impression was that the government was always just a handful of votes away from collapsing. And in any case, such a scenario probably would last only a matter of months before a fresh mandate was sought, as happened in 1974.

A more intriguing scenario could be where the Labour Party finds itself requiring the support of, say, the nationalist parties in Scotland and Wales to obtain a working majority in Parliament. The pressure to resolve the West Lothian question, particularly from Conservative English MPs, would become even stronger than today. Even so, this still might not capture the interest or attention of the vast majority of the public, who tend to care less about the workings or processes of Parliament than what it is actually seen to achieve.

Nevertheless, considering this possibility does raise a more substantial question about how the parties ought to react if the result of the election is unclear, and from this perspective research into public attitudes is lacking. Do the public think that the party with the largest number of seats should have the right (or at least the right to the first attempt) at forming the government? But what if this party failed to win as many votes as the second placed party, as Labour did in February 1974? And how would English voters react if the Conservatives won more seats and votes in England than did Labour, but the latter party were able to govern with the support of the nationalist parties? Would a substantial increase in the number of Conservative MPs be presented as giving them a 'moral authority' or claim for government if the difference in seats between Labour is small? We do not know public views and attitudes to these questions, nor whether they would put any principles

of right or fairness ahead of political pragmatism to form any type of government.

The impact of a coalition government

The most plausible way in which a hung parliament could be a catalyst for improving the relationship between politics and the public would be if it led to a stable coalition government, presumably where the Liberal Democrats were the junior, but significant, coalition partner to either Labour or the Conservatives. In this outcome the coalition government could argue that it represented more than half the voting public, and possibly more than 60%. If one accepted such a calculation, it would in this sense have more political legitimacy than any single-party government since the war (Attlee came closest in 1945 with the Labour Party winning 49.7% of the vote in that election. In contrast, Tony Blair was re-elected in 2005 with just 35.3% of the national vote.)

A coalition of this nature would also present itself as governing in the national interest, above the narrow interests of any one political party. Survey research suggests the public would respond positively to this. Of course all

Table 4: Most important factors MPs should take into account when voting

	% saying most important thing to take into account
How the MP's party leadership thinks he or she should vote	*
What the MP thinks will make his or her party more popular with the general public	1
What the MP personally believes to be right	8
How the decision might affect the MP's political career	*
What the MP's party's election manifesto promised	10
What would benefit people living in the country as a whole	62
What would benefit people living in the MP's local constituency	15
What the MP's local party members want	2
How the decision might affect the MP's chances of getting a job outside politics	*
What would benefit the MP's family	*
Don't know	*

Source: BMRB/Committee for Standards in Public Life, 2004

governments argue that they take decisions in the national, rather than their own party interest, but what is clear from the results presented in Table 4 is that the public would not automatically reject a coalition government if it meant some compromises on individual manifesto promises so long as these were thought to be made in the wider interests of the country. In this survey, conducted in 2004, six times as many people said it was most important for MPs to vote on 'what would benefit people living in the country as a whole' (62%) than on 'what the MP's party's manifesto had promised' (10%).

The most important determinant of how the public would react to a coalition government as an outcome of a hung parliament, however, would be whether they actually perceived the government to be addressing the issues of national concern. Despite the major constitutional questions and innovations a hung parliament could lead to (and this would most likely include further calls for a proportional system of electing MPs), there is little evidence to suggest that these would excite the imagination of the public, at least in the short term. Opinion polls continue to show public concern about constitutional issues as a very minor preoccupation: since 1997, for example, MORI has never found more than 2% of the British public (and in most cases no more than 1%) telling them that constitutional issues were one of the most important issues facing the country, despite the past decade being a period of significant constitutional changes.

As with nearly all new governments, a governing coalition would expect to enjoy a honeymoon period, with opinion polls showing public approval for what would inevitably be styled as 'new politics', and a positive reaction to a government built on the 'talents of many', working 'in the national interest'. As Britain's newest prime minister, Gordon Brown, found out within a few months of taking office, honeymoons are not indefinite and public opinion can swing rapidly when governments, no matter how they are constituted, face the realities of governing. A coalition government would be more at risk of division under pressure, or at least giving the perceptions of division, than a one-party government. History suggests that, with the exception of blatant corruption or ineptness, the most damaging judgement the public can make of a government is that it is divided and inward-looking.

Conclusion

While a coalition government would be a historic event and would at least open the possibility for changing the way in which the public understands politics, it is not clear that this would be sufficient to address some of the

deeper causes of political disengagement. The extent to which people feel they have a choice between different parties, whether their voice is listened to and makes any difference and whether they believe they have a duty to vote and be involved in the political process go much deeper and wider than the outcome of a single election campaign.

And even if a hung parliament does provide a unique opportunity for politicians to treat the public differently and to seek to build more meaningful levels of engagement, we should not automatically assume the public will be willing participants. Levels of interest in politics have remained remarkably stable over the past four decades (irrespective of the size of majority enjoyed by governments over this time). And public suspicion about the motives of politicians is deeply entrenched in the British psyche, even if outright contempt is a rather more modern opinion. Even in 1944, at the height of the Second World War, the Gallup organisation found that 57% of the public felt that most British politicians are out merely for themselves or their party, rather than trying to do their best for the country (36%). If a national government fighting a war could not convince a majority of the public that politicians were, on the whole, servants of the nation, it is difficult to imagine what circumstances in the modern world could ever achieve this.

The reality of a hung parliament leading to a coalition government would inevitably raise expectations about a new era in politics, without necessarily having the ability to deliver this. At the same time, coalition governments will always be more vulnerable than single-party government to falling-out and division, even before the media scrutiny and pressure modern governments now face.

It is, of course, impossible to predict how the public would react to a specific event or a new type of administration, except for the high probability that the key determinant will be whether this government is seen to deal competently with the issues of most concern to most people. Given the likelihood of a hung parliament within the next couple of years, deepening our understanding of public perceptions of the implications arising from a hung parliament would be of clear value.

Chapter 8

Government formation in the National Assembly for Wales

Rosanne Palmer, Stephen Thornton and Mark Crowley

The aim of this chapter is to consider the experience of the National Assembly for Wales with regard to government formation and party co-operation since its establishment in 1999. The introduction of an electoral system with an element of proportionality, and the existence of a party system that differs from the one that exists at the UK level, clearly differentiate government formation in Wales from the process of government formation that takes place at Westminster. Nevertheless, lessons can be drawn in terms of the adaptation of political behaviour amongst parties, as both they and the Welsh public adjust to the need for coalition-building and bargaining occasioned by the outcomes of elections to the National Assembly.

A new electoral system

The establishment of the National Assembly for Wales through the 1998 Government of Wales Act changed the context in which the political parties in Wales operate. Candidates seek election to a 60-seat assembly through the Additional Member System (AMS), a form of proportional representation, similar – though not identical in its details – to the system used in the federal republic of Germany.[1] Forty seats are directly elected via First Past the Post, using familiar Westminster constituencies. The other 20 seats are allocated according to votes cast on regional lists, with the regions based on the pre-1999 constituency boundaries for European Parliament elections. Under AMS, single-party majorities are widely assumed to be the exception rather than the rule.[2] This has proved to be the case in Wales since 1999 in the three post-devolution elections. Although Labour has remained the largest party throughout in terms of the electoral support that it attracts, it has been unable to attain the type of dominance that it has achieved at Westminster during this period, or indeed that it achieved in Wales prior to devolution. At Westminster, the Labour Party has, since 1997, never held less than three-

[1] M. Cole (2001), 'Elections to the Welsh Assembly: Proportionality, Continuity and Change', *Regional and Federal Studies* 11(2), pp.152-3.
[2] Ibid., p. 151.

quarters of the seats available in Wales; in Cardiff, as will be illustrated, it is exceptional for Labour to gain even half the available seats.

Table 1: 1999 election results for the Welsh Assembly

Party	Constituency seats	List seats	Total
Labour	27	1	28
Plaid	9	8	17
Conservative	1	8	9
Liberal Democrats	3	3	6
Other	*	*	*

Source: BBC News, http://news.bbc.co.uk/hi/english/static/vote_99/wales_99/html/azindex.stm

1999: minority government

Following the first devolved elections, which took place in May 1999, Labour became the largest party in the Assembly, but it lacked an overall majority (see Table 1). This was a surprise as Labour had been widely expected to win over half the available seats, even with the introduction of a more proportional system.[3] Rather than attempting to form a coalition, the First Minister, Alun Michael, tried to maintain a minority government. This administration proved to be unstable, suffering both from internal difficulties – many believed Michael had been imposed on Labour Party activists in Wales by the party leadership in London – and repeated challenges from the three opposition parties in the Assembly. Michael subsequently resigned in February 2000 in order to pre-empt being brought down by a vote of no-confidence tied to the issue of achieving matched funding for the Objective 1 Structural Funds for West Wales and the Valleys.[4] He was replaced as First Minister by Rhodri Morgan, an individual less marked by the imprimatur of the UK Labour government.

2000: coalition

With Michael's departure, coalition negotiations with the Liberal Democrats flourished and, in October 2000, a Labour/Liberal Democrat government was formed which included two Liberal Democrats in the nine-member cabinet. This coalition provided the stability of an effective overall majority

[3] M. Cole (2001), 'Elections to the Welsh Assembly: Proportionality, Continuity and Change', *Regional and Federal Studies* 11(2), pp. 155-6.

[4] At the Presiding Officer's insistence, the vote of no-confidence was held with the opposition parties defeating Labour by 31 votes to 27 with 1 abstention.

of nine, and endured until the second devolved elections in May 2003. For these elections Labour deliberately campaigned to achieve a single-party majority.[5] The election returned Welsh Labour with 30 seats, with the opposition parties also gaining 30 seats collectively (see Table 2). With the Presiding Officer – the Assembly's equivalent of the Speaker in the Commons – being drawn from the opposition party ranks,[6] Labour was able to form an effective one-seat majority administration, rather than agreeing a new partnership with the Liberal Democrats and renewing the coalition.

Table 2: 2003 election results for the Welsh Assembly

Party	Constituency seats	List seats	Total
Labour	30	0	30
Plaid	5	7	12
Conservative	1	10	11
Liberal Democrats	3	3	6
Other	1[6]	*	1

Source: BBC News, http://news.bbc.co.uk/1/hi/in_depth/uk_politics/2003/vote_2003/default.stm

2003: a return to minority government

In terms of party performance, it is clear that Labour's position had improved slightly since 1999. The biggest loser in 2003 was Plaid Cymru, as the party failed to extend the unexpected gains made in 1999.[7] Indeed, Plaid saw a 33% decline in its share of the vote, lost five seats and was relegated once more to its traditional northern and south-western strongholds. Despite Plaid looking inward following its relatively poor electoral performance, Labour's decision to govern with a single-seat majority was always likely to prove a precarious option. This was indeed borne out, particularly once Peter Law, AM for Blaenau Gwent, left Labour's ranks in protest against the insistence upon an all-female shortlist for the Westminster election in his constituency in spring 2005, taking Labour's one-seat majority with him. Subsequently, the Labour administration suffered a series of policy defeats in the Assembly as it struggled once again to maintain a minority administration. Law's death in

[5] R. Wyn Jones & R. Scully (2003), 'Election Report: Wales 2003', *Regional and Federal Studies* 13(2), pp. 125-132.

[6] The Assembly's Presiding Officer from 1999 onwards has been Plaid Cymru's Lord (Dafydd) Elis-Thomas. His deputy, from 2003 to 2007, was John Marek, elected as a Labour AM in 1999, but who stood as an Independent in 2003.

[7] L. McAllister (2004), 'Steady State or Second Order? The 2003 Elections to the National Assembly for Wales', *The Political Quarterly* 75(1), pp. 73–82.

April 2006 did little to improve Labour's position as his widow won the resulting by-election as an Independent. In this context, the build-up to the May 2007 elections was largely dominated by discussions of potential coalition partnerships between the four main parties.

Table 3: 2007 election results for the Welsh Assembly

Party	Constituency seats	List seats	Total
Labour	24	2	26
Plaid	7	8	15
Conservative	5	7	12
Liberal Democrats	3	3	6
Other	1[8]	*	1

Source: BBC News, http://news.bbc.co.uk/1/shared/vote2007/welshasssembly_english/html/region_99999.stm

2007: an unlikely coalition

The Assembly election of 3 May 2007 delivered a fresh blow to Welsh Labour, reducing their number of seats, thus making a minority administration even more difficult to maintain. Plaid and the Conservatives both gained seats, with the Conservatives achieving a noticeable improvement in the number of constituency seats won, though most of this was offset by the reduction in their share of the number of list seats. The Liberal Democrats remained on six seats for the third successive Assembly election, the one resoundingly static feature of the whole devolution process. With the largest party gaining only 26 seats, four short of a majority (assuming that the Presiding Officer was to be elected from the non-Labour ranks), a coalition was the probable outcome (see Table 3).

That outcome was not swift to arrive, with negotiations taking two months. Although not protracted in comparison with many other coalition negotiations, such as those following the Belgian elections in 2007, they did attract some critical comment from the local media, being described as 'tortuous' in the *Western Mail*.[9] The coalition-building negotiations were certainly complex and, at various stages, encompassed all four parties. Three main permutations appeared possible: Labour-Liberal Democrat; Plaid-Conservative-Liberal Democrat (the so-called 'rainbow'

[8] Trish Law AM. John Marek, Independent AM following the 2003 election, lost his seat.
[9] D. Williamson, 'As one Wales pact is signed, Ieuan says "this is where the work begins"', *The Western Mail*, 19 September 2007, p.14.

coalition) and Labour-Plaid. Initially, the traditional Labour-Liberal Democrat combination seemed the most likely result, but – to considerable surprise – the Liberal Democrat Party executive failed to support the proposed coalition. Speaking to *Wales on Sunday*, First Minister Morgan suggested: 'The margin between opposition and government – and defeat and victory – is incredibly small, and how the Liberal Party conducted itself during those periods was a source of great mystification to all of us, to be honest.'[10]

The 'rainbow' coalition was then touted as the probable outcome, but negotiations ended in acrimony, with parties blaming each other for the breakdown, though again the Liberal Democrats seemed to be the focus for particular censure. The eventual outcome, a Labour-Plaid administration – with three Plaid ministers out of nine – seemed, at the outset, the most unlikely of all the permutations, not least because, in March, such an arrangement had been explicitly ruled out by the then Labour Secretary of State for Wales, Peter Hain MP, apparently reflecting the stance of many Labour figures in Westminster.[11] Nevertheless, despite loud protests from certain sections of both parties, Labour and Plaid did form a coalition, one that has delivered the largest majority ever to support a Welsh Assembly government, holding 41 of the Assembly's 60 seats. It is essentially Wales' first 'grand coalition', bringing together the two parties holding the largest number of seats in the Assembly.

Table 4: Welsh Assembly Governments 1999-2007

Date	Government type
July 1999 – February 2000	Minority administration (First Minister Michael)
February 2000 – October 2000	Minority administration (First Minister Morgan)
October 2000 – April 2003	Labour-Liberal Democrat coalition
May 2003 – May 2005	Majority administration[12]
May 2005 – April 2007	Minority administration[13]
July 2007 – present	Labour-Plaid coalition

[10] M. Withers, 'Rhodri hits his stride', *Wales on Sunday*, 23 September 2007, p.28.
[11] HC Deb, 1 Mar 2007, vol. 457, no. 52, col. 1109.
[12] Lord Dafydd Elis-Thomas (Plaid) was re-elected Presiding Officer of the Assembly.
[13] Peter Law left the Labour Party's ranks in May 2005.

Thus, in the three Assembly elections since 1999, it can be seen that the commanding position of the Labour Party in Wales in Westminster elections has not been converted into a similar dominance of the National Assembly. This is despite the fact that the Labour Party has consistently been the largest group in the Assembly and has been present in every Welsh Assembly government to date. As Table 4 makes plain, rather than being the norm, the formation of a majority Labour administration has been an exception in a nascent pattern of minority and coalition governments.

Differences between Westminster and Cardiff

The different electoral systems used at Westminster and Cardiff clearly influence government formation. As noted, the AMS system used for the Assembly elections – though not completely proportional – is more likely to deliver coalition or minority governments than Westminster's majoritarian system, and this largely explains the pattern of minority and coalition governments that have formed in Wales, in contrast to the tradition of single-party government in London. For those accustomed to the Westminster model, one aspect of the AMS electoral system used in Wales that appears particularly curious is that parties which are successful in the constituency vote appear to be penalised by being effectively limited in the number of list seats they are able to gain. This can clearly be shown by looking at the percentages of the vote gained by parties in the list ballot. For example, Welsh Labour, at all three Assembly elections, has topped the regional list vote (see Table 5 for percentage result of 2003 election), but has always received fewer seats than any of the other main parties as a consequence of the number of constituency seats it wins outright. Indeed, at the 2003 election, Labour received no list seats at all, despite winning 36.6% of the list vote.

Table 5: Percentage of vote won in 2003

Party	1st vote	2nd vote
Labour	40.0%	36.6%
Plaid Cymru	21.2%	19.7%
Conservatives	19.9%	19.2%
Liberal Democrats	14.1%	12.7%

Source: BBC News

Another important distinction relates to party systems. The UK at parliamentary level is generally characterised as a two-party system with government formation dominated by Labour and the Conservatives, though with the Liberal Democrats placed as a significant third party. For Assembly elections, Wales is regarded as a multi-party system, with Plaid Cymru, a party specific to Wales, adding to the mix. Significantly, Plaid tends to receive proportionally more votes at Assembly elections than it does for Westminster elections. Indeed it appears that voters generally treat Assembly and Westminster elections differently, and cast their votes accordingly.[14] Those who vote for Plaid in Assembly elections tend to place greater emphasis on Welsh issues and regard Assembly elections as representing a very different contest to Westminster elections.[15] Many who do not vote for Plaid in UK-wide elections are prepared to at the Assembly level where there appears to be a greater sense that this vote will 'count'. This success led to Plaid, as the second-largest party, becoming the official opposition in the Assembly, a position it has only recently relinquished when it became a partner in the coalition government formed after the 2007 election. In contrast, at Westminster, Plaid is considered a minor party, only seeming to matter during those few occasions where a government has depended on the support of other parties to maintain a majority in Parliament, most notably during James Callaghan's minority Labour administration (1976-79). Incidentally, since 1999, all the other main parties in the Assembly have attempted to emphasise a distinct Welsh identity, the most famous example being First Minister Morgan's identification of 'clear red water' running between the carefully branded 'Welsh Labour' and the more metropolitan 'New Labour'.[16]

The Conservatives are Wales' third party, though they are very close to being second. At the 2007 election, the Conservatives secured 218,730 constituency votes to Plaid's 219,121, and, in the list, had a lead of 209,153 to 204,757, though the vagaries of AMS meant they ended with two fewer constituency seats and one fewer regional seat than Plaid.[17] Never as dominant in Wales as in the wider UK, particularly in England, the Conservative Party suffered a particularly dramatic Welsh electoral decline

[14] R. Scully (2004), 'Business as usual? Comparing Westminster and National Assembly Elections in Wales', *Contemporary Wales* 16(1), pp. 75-82.
[15] Ibid., p. 80.
[16] R. Morgan (2002), 'Making social policy in Wales', lecture by the First Minister Rhodri Morgan to the Centre for Policy Studies, Swansea University.
[17] Institute of Welsh Politics (2007), *National Assembly for Wales Election 2007* (Aberystwyth: Institute of Welsh Politics).

beginning in the late 1980s which reached its nadir at the 1997 general election. At the Westminster-level at least, they ended the night without a speck of blue remaining on the political map of Wales. Though the Conservatives have since recovered some ground, there are still only three Conservative MPs representing Welsh constituencies. In contrast, at Assembly elections, the Conservatives have always maintained a strong presence, initially almost entirely because the AMS system compensated their broad, but rarely focused, support into seats on the regional lists. However, as noted, at the most recent Assembly elections, the Conservatives have bolstered their representation in the traditional constituencies. Moreover, following the formation of the Labour-Plaid coalition, the Conservatives are – as in Westminster – currently the official opposition in the Assembly.

Of the four main parties in the Assembly, the Liberal Democrats have maintained the smallest representation, having gained a steady six seats in all three devolved elections to date, with representation equally divided between constituency and list. Nevertheless, the Liberal Democrats have, until recently, enjoyed a strong bargaining position through being the 'natural' coalition partner for Labour, and indeed becoming junior coalition partner between 2000 and 2003. However, unlike Scotland, where, until the election of the Scottish Parliament in May 2007, Labour-Liberal Democrat government had been maintained from 1999 onwards, in Wales the relationship between the parties has proved more unpredictable. Even in circumstances where a coalition seemed likely, such as in the immediate aftermath of the 1999 election, there has been a reluctance to consummate their relationship by forming a government together. Frostiness in Labour ranks has often been regarded as the main barrier, with Deacon suggesting that 'Labour in Wales did not want a coalition… the concept of a coalition government was quite alien to its nature.'[18] However, Liberal Democrats have also displayed considerable coquettishness, a trait most recently and dramatically demonstrated by the unexpected rejection of the coalition agreement with Labour by the Liberal Democrat executive following the 2007 Assembly election. Thus, though a little stronger in Cardiff than at Westminster – where there are four Liberal Democrat MPs representing Welsh seats – the surprise here is that they are not more influential considering their ideological proximity to Labour and their traditional enthusiasm for coalition government.

[18] R. Deacon (2007), 'The Welsh Liberal Democrats: From Government to Opposition and Then Back Again?,' *The Political Quarterly* 78(1), p. 159.

A final distinction between Westminster and Cardiff relates to elite political behaviour. In contrast to the adversarial style that characterises Westminster politics, the Assembly is marked by a more consensual attitude. In the Assembly, first names are commonly used, and there has been reference to 'a cosy "group hug" atmosphere'.[19] However, given that, at one stage, much was made about the formation of a 'new' more consensual form of politics in Wales,[20] and that the system in Wales encourages minority or coalition government, one could expect that the distinction between Westminster and Cardiff would be greater. The most obvious demonstration that old habits are hard to kick is the reluctance to form a coalition government, unless every other avenue has been explored. Indeed, more generally, there appears a reluctance on the part of parties to accept that single-party majority governments are the least likely outcome of Assembly elections, and to anticipate the need to co-operate. This is particularly the case at the local level, where party rivalry is often intense. The messy negotiation period following the 2007 election reinforces the point that post-devolution parties need to get to grips with a new type of government formation. Nevertheless, that the end result of this bargaining was coalition between two historical adversaries suggests that this process may be starting in earnest.

Conclusion

The clear message from Wales is that political parties in the UK can adapt to a system where single-party majority government is the exception rather than the rule. Minority, and 'only-just' majority, administrations have been maintained over relatively long stretches of time and, if push comes to shove, all parties have demonstrated a willingness to co-operate to form coalition government. However, it needs to be highlighted that this process has proved a difficult one, and is really only taking place because the electoral system has forced changes. There is evidence that party elites are adapting their tactics to accommodate a game that involves the strong possibility of multi-party government, but, to some extent, many party members, the Welsh public and media are still trying to play the game according to the old Westminster rules.[21]

[19] McAllister quoted in D. Williamson, 'As one Wales pact is signed, Ieuan says "this is where the work begins"', *The Western Mail*, 19 September 2007, p.14.

[20] L. McAllister (2000), 'The New Politics in Wales,: Rhetoric or Reality?' *Parliamentary Affairs* 53(3), pp. 591-604; P. Chaney & R. Fevre (2001), 'Ron Davies and the cult of 'inclusiveness': Devolution and Participation in Wales', *Contemporary Wales* 14(1), pp. 21-49.

[21] The authors are grateful to Pete Dorey, Reader in British Politics, and Mark Donovan, Senior Lecturer in Politics, at Cardiff University for their helpful comments.

Chapter 9

Minority governments, constitutional change and institutional cultures in Scotland

James Mitchell

> *Conventional explanations associate minority cabinets with political instability, fractionalization, polarization, and long and difficult formation processes…The conventional view may not be unreasonable as a historically bounded proposition. It is not difficult to see how events in major European countries in the interwar period could give rise to negative perceptions of minority governments.* - Kaare Strom[1]

> *Ironically, leading a minority administration – certainly not one with a thumping majority – is perhaps an enormous advantage in leading that change towards consensus governance. In the spirit of that new politics, let me start with something completely different and indicate a few of the ideas that were proposed by the other parties in the election campaign that we think have merit and which we are keen to investigate further – there will be others as time goes on.* - Alex Salmond, First Minister of Scotland[2]

The conventional view of minority government associates it with instability, inefficiency, incoherence and lack of accountability. This view has probably been more prevalent in the United Kingdom than many other parliamentary democracies given its limited experience of minority government. Recent British experience of minority government has been unhappy and has fuelled negative perceptions.

The Labour government lost its overall majority in the Commons early in 1977, and from March 1977 until May 1978, a Lib-Lab pact existed – something well short of a formal coalition. For a year after May 1978, Labour operated as a minority in the House of Commons. This was an era

[1] K. Strom (1990), *Minority Government and Majority Rule* (Cambridge: Cambridge University Press), pp. 89-90.
[2] Alex Salmond, 16 May 2007.

marked by economic instability, labour unrest and stagflation, a period Labour was as keen to forget as its opponents were keen to exploit. However, the economic and industrial relations troubles that confronted the Callaghan government would have tried any government, including one with a substantial overall majority, and had little, if anything, to do with parliamentary arithmetic. But the coincidence of this experience appears to have fuelled the perception of minority governments in the UK referred to by Strom overleaf. It is this 'historically bounded' experience of minority government that explains conventional associations with unstable government in the UK, regardless of whether minority government is seen as the cause or the consequence of instability.

Strom's exhaustive analysis of minority governments challenges these negative images and reminds us of how common minority governments are in parliamentary democracies.[3] Indeed, Strom argues that minority government can be explained as a rational response by party leaders operating under particular constraints. Of particular relevance here is the conclusion that minority governments are 'promoted by institutions that enhance the power of the parliamentary opposition *vis-à-vis* the government'[4] and need not rely on pre-negotiated parliamentary alliances. Contrary to received wisdom, minority governments do not always perform poorly in office, though they tend to perform better where they are common. No hard and fast rule can be applied, but under certain conditions, minority government can work successfully. It might also – perhaps unintentionally – achieve goals, such as those captured in the idea of 'new politics' associated with the foundation of the Scottish Parliament, that have eluded the more adversarial Westminster model of politics.

Scottish devolution and 'new politics'

The electoral system adopted for the Scottish Parliament and the founding principles of Scottish devolution pointed towards a 'new politics' based more on consensus and co-operation in which the Parliament would have greater power *vis-à-vis* the executive than was evident in Westminster. The electoral system made coalition and/or minority government almost inevitable. The four founding principles of devolution, as set out by the Consultative Steering Group (CSG) on the Scottish Parliament establishing the working practices of devolution, were:

[3] See K. Strom (1990), *Minority Government and Majority Rule* (Cambridge: Cambridge University Press).
[4] Ibid., p.238

- **sharing power** between the people, legislators and executive;
- **accountability** of the executive to the Parliament, and the Parliament and the executive to the people;
- openness and encourage **participation**;
- **equal opportunities**[5]

There was a conscious effort to create a new consensual type of politics, very different from Westminster. In fact, Westminster was the *negative template* for devolution. Many of those involved in the establishment of devolution, especially in sections of the Scottish media, demanded a new, more conciliatory style of politics. In 2001, David Steel, then the Scottish Parliament's Presiding Officer, outlined 12 key differences between Westminster and Holyrood:

- Holyrood has a fixed term of four years;
- There are no annual sessions and legislation can continue through all four years of the Parliament;
- It is elected by a system with a proportional element making it very unlikely that any one party would be able to form an executive on its own;
- It is a different shape: a curved chamber rather than having government and opposition benches confronting each other;
- More 'civilised' hours are kept by the Parliament with sittings rarely after 6 pm;
- It has a high percentage of women members;
- Bills are scrutinised by relevant committee and evidence taken from interested bodies before they are debated in the chamber;
- A Petitions Committee receives public petitions;
- A weekly public 'time for reflection' led by different faiths reflecting their size instead of Anglican prayers before opening of parliamentary business at Westminster;
- Proceedings are webcast;
- It attempts to be more accessible to the public;
- A new modern Parliament building was being built.[6]

Steel's 12 key differences were the embodiment of the CSG's founding principles and while these helped to create a different type of politics,

[5] Consultative Steering Group (1998), *Shaping Scotland's Parliament* (Edinburgh: The Scottish Office), p.3.
[6] Ibid.

Westminster remained firmly in the Scottish Parliament's DNA. Notably absent from Steel's list was any reference to sovereignty, not least given that he had co-convened the Constitutional Convention, or the unicameral nature of the body, given Steel's views on the need for some mechanism comparable to that performed by the House of Lords. However, new institutional designs do not inevitably lead to a new institutional culture. The norms and operating procedures of institutions would not be changed through simple constitutional engineering or through exhortation.

Holyrood: the first eight years

In reality, the system of government as it operated from 1999 was more complex. The CSG's failure to address the role of parties seriously meant that Holyrood inherited Westminster's tight whipping system. There has certainly been more power-sharing, accountability, openness and participation and equality than hitherto, but power has lain largely in the executive. In the early days, many important actors had Westminster backgrounds, so Westminster parliamentary practice has remained a key influence and precedent – especially for the governing administration. There has been more consensus between the main parties (especially the non-Conservative parties) on public policy matters, the constitution apart, than either cares to admit, though that was largely forged during the 18 years of Conservative rule pre-devolution. As the Conservatives were fond of pointing out during the elections to the Scottish Parliament in May, the Scottish Nationalist Party (SNP) only voted against the ruling Labour-Liberal Democrat executive on eight occasions between 2003 and 2007. But the theatre and rhetoric of Holyrood suggested otherwise. But even had the SNP been more oppositional, the executive parties were sufficiently cohesive to prevent defeats.

Parties in the executive were understandably reluctant to give ground to political opponents. This would have been true regardless of which party or parties made up the Scottish executive. Labour MSPs were remarkably compliant in obeying the whips. Other than the occasional constituency interest leading a member of one of the governing parties, indeed even ministers, to vote against the executive's line, this was rare. This was a consequence of the rigorous screening process that had taken place in determining which candidates would be allowed to contest elections for Labour prior to the first elections in 1999. Criddle described the changes in Labour's candidate selection procedures before the 2001 election as 'converting the party to a culture of government' and quotes one senior MP

describing this as involving eliminating those who 'appeared not to have a pragmatic line on policy disagreements' or who could 'not avoid sounding divisive and combative in disagreeing with party policy' or showed an 'unpreparedness to listen to the whips'.[7] The screening process that Criddle described had already been in place for the first elections to the Scottish Parliament. Hopes for a new politics based on independent-minded MSPs were unrealistic in a Parliament in which the largest party had been able to whittle out recalcitrants from the start.

There have, of course, been examples of backbench successes, such as Stewart Maxwell's smoking ban proposals, but these have been, as found at Westminster, supported by the executive. The general, fairly stable pattern over the first eight years of devolution was that, despite formally extended scope for non-executive legislation (or even policy-making by supposedly powerful committees), policy was overwhelmingly made by the Scottish executive. The opposition had very little scope for policy initiation, suggesting that coalition politics operated in much the same way as the Westminster model.

Coalition had significant repercussions for the operation of the executive, especially the operation of 'collective coalition responsibility'[8] rather than on relations between the executive and Parliament. Older habits and practices operated within the new institutions. The Scottish Parliament grew out of the Westminster system and still retains many of its features despite efforts to abandon these. Although the political elite spoke of a 'new politics', Scottish political culture and expectations continued to follow the Westminster model and the pre-devolution Scottish policy consensus. The reason was quite simple: there were no incentives for the kind of changes that many advocates of 'new', more consensual politics wanted.

The lesson of the first eight years of Scottish devolution is that the relationship between political institutions and institutional culture is complex. New institutions alone do not result in new institutional cultures. Even when institutions are designed with a view to create new norms and operating procedures, this may not be successful. Coalition politics in the Scottish Parliament from 1999 to 2007 is better understood as a variant of

[7] B. Criddle (2002), 'MPs and Candidates', in D. Butler & D. Kavanagh, *The British General Election of 2001* (Basingstoke: Palgrave), pp. 185-186.

[8] B. Winetrobe (2006), 'Public Accountability in Scotland', in A. McHarg & T. Mullen (eds.), *Public Law in Scotland* (Edinburgh: Avizandum Publishing Ltd), pp. 138-141.

one-party majority rule or a more formalised version of the Lib-Lab pact of 1977-78 than consensual democracy, in which all parties share power, individual MSPs are able to affect the policy agenda significantly and Parliament is able to assert itself.

Minority government: what's changed?

There is, however, potential for significant changes as a consequence of the May 2007 elections. It is not simply because the SNP has replaced Labour and the Liberal Democrats as the party of government, or that the Parliament includes 41 new MSPs (including some elected in 1999 but defeated in 2003), although that substantial turnover may have an impact on how the Parliament operates. What is most significant and may alter the culture of the devolved institutions is that Scotland now has minority government.

Minority government potentially results in power seeping away from the executive – or government, as we now call it in Scotland. This had not happened to the extent that it might have in the early months of the SNP minority government because the opposition parties held back from taking full advantage of their power to capture control of parliamentary business, control parliamentary committees and obstruct the budget. They were less keen on the probability that this might lead to a new set of elections than the SNP. Whether this reluctance to be obstructive will continue may be determined by electoral considerations.

The challenge for the SNP government will be to confound expectations in some quarters that minority government necessarily results in instability, inefficiency, incoherence and lack of accountability. The way it has approached this has been, by necessity, to embrace devolution's founding principles. In short, the incentives now finally exist to create a new type of politics, albeit one bounded by the usual inter-party rivalry common to the adversarial model of Westminster politics.

In his speech before the vote on who should become Scotland's First Minister, Alex Salmond noted:

> 'This Parliament is a proportional Parliament. It is a Parliament of minorities where no one party rules without compromise or concession. The SNP believes that we have the moral authority to govern, but we have no arbitrary authority over this Parliament. The Parliament will be one in which the Scottish government relies on the

> merits of its legislation, not the might of a parliamentary majority. The Parliament will be about compromise and concession, intelligent debate and mature discussion. That is no accident. If we look back, we see that it is precisely the Parliament that the Consultative Steering Group – the founding fathers of this place – envisaged.'[9]

The new First Minister may have been making a virtue out of necessity but he was recognising the implications of minority government. A deal was reached with the two Green Members of the Scottish Parliament falling well short of a coalition, reflecting the fact that even with these two MSPs, the government was only assured of the votes of 49 of the Parliament's 129 members (though that includes the Presiding Officer who is a Conservative MSP). The two parties agreed on three 'core issues' and made a commitment to work together to oppose building new nuclear power stations and agree to early legislation to reduce climate-change pollution each year. They agreed that Scotland would be more successful with independence and would work to 'extend the responsibilities of the Scottish Parliament'. The Greens agreed to support the SNP 'in votes for First Minister and ministerial appointments' and the SNP agreed to consult the Green MSPs in advance of each year's legislative and policy programme as well as on key measures announced in-year and the substance of the budget. The SNP agreed to nominate a Green MSP as convener of a subject committee in the Parliament. It was almost a 'confidence and supply' agreement.

The statutory procedures for electing a First Minister allow for little time for discussions of a programme for government in the context of minority, or even coalition, government. The last Scottish executive set up a review of Scottish executive budgets under the chairmanship of Bill Howat (chief executive of Western Isles council) which produced a report in July 2006, but only released after the elections in May by the new finance minister, John Swinney. It noted that the partnership agreement between Labour and the Liberal Democrats had created problems in managing budgets and setting priorities and that the parliamentary timescale of 28 days to elect a First Minister 'effectively limits the negotiating time for the political parties' and creates pressures leading to a partnership agreement that lacks clear priorities and creates inconsistencies.[10] Howat had been given respon-

[9] Official Report Scottish Parliament, 16 May 2007, col. 24.

[10] Budget Review Group (2006), *Choices for a Purpose: Review of Scottish Executive Budgets*, Report of the Budget Review Group (Edinburgh: The Scottish Government).

sibility to make recommendations on managing budgets in the new, tighter fiscal environment. If this had been a problem under a coalition government which had been in office since the start of devolution, it was bound to be far greater with minority government, especially in today's tighter fiscal environment.

In voting Alex Salmond as First Minister, the Parliament recognised the need to have a working administration before the statutory deadline forced an unwanted second election. In doing so, it faced the choice of giving tacit support to a new form of politics or continuing with the old style of politics which would ultimately be unworkable in this new context. The implications were clear. No party could hope to implement its entire manifesto but each had the chance to ensure that some parts would be enacted. Controversial measures that could not be passed would have to be dropped or face rejection. The new government's control of the political agenda was much reduced though it would still have extensive powers. It would be subject at any time to a vote of no-confidence which, if passed, would remove it from office and probably trigger an extraordinary general election. It would require support for its annual budget to hope to stay in office.

But First Minister Salmond also recognised that the Scottish government's powers were not entirely controlled by the Parliament. An early test of the new politics came when the Parliament debated the controversial Edinburgh tram line proposals which had the support of opposition parties but were opposed by the SNP. Salmond reminded Holyrood that it had been Donald Dewar, first holder of the office of First Minister, who had said in 1999 that 'the Scottish executive is not necessarily bound by resolutions or motions passed by the Scottish Parliament'.[11] The message seemed clear. Any consensus that emerges as a result of minority government will be constrained by what the Scottish government feels it can achieve without recourse to parliamentary votes. The Westminster DNA evident in Holyrood's operation had come to the SNP government's advantage.

The Danish experience may be a useful indication of how the SNP government will have to operate. Minority government has been normal in Denmark, whether a coalition or single-party minority government.

[11] Official Record Scottish Parliament, 21 June 2007.

Governments there engage in majority building. This can take the form of explicit formalised agreements which are comprehensive in policy terms and have a long-term duration, or may involve shifting coalitions.[12] Some scholars have argued that minority governments need more than one way of creating a majority.[13] Green-Pedersen notes that the most important reason why co-operation proved difficult to achieve in Denmark in the period after the 1973 'earthquake' election, when a number of smaller parties gained representation in the Folketing and shook up the Danish party system, was that the Danish Social Democrats were one of the big losers and were 'ill-prepared for the political concessions necessary to secure cross-bloc co-operation'.[14] Once the Social Democrats came to terms with the new dispensation and understood that they needed to operate differently, minority government worked well. One characteristic of the Danish approach has been the operation of 'patchwork agreements' where 'different combinations of parties support different elements of the budget'.[15] The key is flexibility. Paradoxically, or at least contrary to conventional wisdom, the demise of smaller parties may make minority government more difficult. This is because minority governments will have fewer permutations available to build majorities in Parliament.

The SNP government has had little choice but to opt for a model that stands at the more *ad hoc* end of the spectrum of minority governments. The legal framework in which devolution operates offers little time to hammer out a formalised, comprehensive, long-term programme. The SNP advanced electorally at the expense of the smaller parties – the Greens and Scottish Socialist Party (SSP) – and independents but, ironically, the absence of these smaller parties may make governing as a minority more difficult as it removes the number of options available for creating different majorities in Parliament.

But challenges exist for the opposition parties, too. They need to understand that the old sharp distinction between being in and out of office is blurred with minority government. However, they may decide that the main objective is to increase electoral support even at the cost of losing out on the opportunity to initiate and influence public policy.

[12] K. Strom (1990), *Minority Government and Majority Rule* (Cambridge: Cambridge University Press), p.97.
[13] C. Green-Pederson (2001), 'Minority Governments and Party Politics: The Political and Institutional Background to the "Danish Miracle", *Journal of Public Policy* 21(1), p.56.
[14] Ibid., p.58.
[15] Ibid., p.63

Conclusion

The key difference between minority and majority governments is that of between being in office and being in power. Minority governments may be in office, but may not have much power while opposition parties may be out of office but not without power. However, when the governing party or parties has an overall majority, there is a sharp distinction between being in and out of power. When minority government operates, all parties, if they play their cards well, can influence the public policy agenda. One consequence is that the parties may be even *more* inclined to impose party discipline than before to maximise their impact. The opportunities for different parties *as groups* may have increased with minority rule but at the cost of individual backbench influence. In a majoritarian system in which parties and politicians expect to be either in or out of power, the change to one in which the governing party has no overall majority or, viewed from the other side, in which the opposition has an overall majority, can be challenging. The efficacy of the system requires new norms and standard operating procedures or, at least new norms to operate within existing procedures that were designed for 'new politics' but never fully implemented. This will not happen overnight.

The high ideals evident in the founding principles of devolution were always going to run up against the *realpolitik* of party competition. Institutional design could never entirely overcome this and the existence of coalition government meant that the only consensus that really counted was that which existed within the coalition. Minority government alters this. There are now incentives for each of the parties in Holyrood to be consensual but it is a bounded form of consensus. Party competition remains intense and with the greater prospect of the SNP government being removed from office than would have been likely had a formal coalition with an overall majority come to power, the parties are all keenly aware of the importance of the electoral imperative in any calculation. Nonetheless, the conditions now exist as never before for 'new politics'.[16]

[16] The author would like to thank Barry Winetrobe for his typically useful and thoughtful comments.

Chapter 10

Minority government in Canada

David Docherty

Until recently, hung parliaments, known in Canada as 'minority parliaments', were considered the exception and not the norm in Canadian politics. The single member plurality system, combined with two major parties, typically produces strong majorities. Yet a closer look suggests that Canada has had its fair share of minority governments. In the 20 federal elections since the Second World War, seven, or just under one third, have resulted in minority governments, including Canada's last two governments, the Martin Liberal minority of 2004-06 and the present Harper Conservative government.[1]

Most minority governments last less than 24 months. By contrast, majority governments are more likely to last at least four years, which has become the norm for parliaments in Canada. Yet length of term is only one small measure of legislative success in Canada. Minority governments are far from legislative eunuchs. This is an important understanding as the present political landscape suggests that minority governments will be here more often than not.

The term 'hung parliament' is not typically used in Canadian political discourse. This at least partially recognises that governments that do not enjoy a majority of same party support are far from stifled, and can govern effectively. Of course, simply winning a plurality of seats is no guarantee of legislative success. There are other obstacles that must be overcome, some that remain out of the control of the party in power and others that are within their ability to alter if need be.

And while minority government is less common than majority government, there is every reason to believe that so-called 'hung parliaments' are likely to remain even more common occurrences in Canadian national politics. At the federal level alone, the merger of the two right-wing parties, the Canadian Alliance and the Progressive Conservatives, into the Canadian Conservative Party in 2003 eliminated the split voting of conservatives in

[1] The information in this chapter draws on J. Duffy (2002), *Fights of our Lives: Elections, Leadership and the Making of Canada* (Toronto: Harper Collins Press).

Canada that allowed the more moderate Liberal Party to sweep seat rich Ontario. A relatively strong sovereignist Bloc Quebecois typically wins at least half of the 75 Quebec seats. Finally, the left wing NDP has met more success of late and even two dozen seats going to the social democratic party should mean that it is more difficult for the Liberals or Conservatives to win more than half of the 307 seats in the House of Commons.[2]

Nor is there reason for Canadians to fear hung or minority parliaments. It can be argued that minority parliaments are a more sensitive and responsive form of government. Parliamentary government is already among the most sensitive forms of government, as the government needs the confidence of the legislature every day.[3] In times of majority government, that knowledge is almost self-evident, particularly in the Canadian context where party discipline is extraordinarily high.[4] During minority governments, the government must be even more cognisant of the legislature and thus very sensitive to the pulse of the country via their elected representatives. Majority or minority, a good prime minister does not enter the legislature without knowing if he or she can survive the day.[5] Some of Canada's most successful governments have been minority governments. Lester Pearson, regarded by many Canadians as among Canada's greatest prime ministers, never enjoyed the benefits of a legislative majority.

In times of minority government, this knowledge requires much more work and accommodation with at least one of the opposition parties. In Canada, this is most likely to occur on a piecemeal basis. Coalitions are not a regular feature of minority government in Canada. Instead, the governing party works with one or more of the opposition parties on specific pieces of legislation, without the need to have members of these opposing caucuses sit in cabinet or help form the government. In the absence of a culture of coalitions, governments must work harder at effectively governing. Success is a result of a combination of good leadership and taking advantage of external conditions. The remainder of this paper examines some of the keys to successfully governing with a minority of seats in a Westminster parliamentary setting.

[2] R. Foot, 'Conservatives Ponder election few really want: Strategy Meetings, Harper faced with electorate not yet ready for change,' *National Post*, 30 July 2007, p. A4.
[3] J. Smith (1998), 'Responsible Government and Democracy' in Leslie Seidle and Louis Massicotte (eds.), *Taking Stock of 150 years of responsible democracy in Canada* (Ottawa: Canadian Study of Parliament Group), pp. 19-50.
[4] D. Docherty (1997), *Mr. Smith Goes to Ottawa: Life in the House of Commons* (Vancouver: UBC Press).
[5] See C.E.S. Franks (1987), *The Parliament of Canada* (Toronto: University of Toronto Press).

The Diefenbaker-Pearson years

Between 1957 and 1968, Canada had five elections with only one producing a majority government. Canada's 13th prime minister, John Diefenbaker, won his first government in 1957, defeating the Liberals for the first time since 1929. His first government was a minority, winning just seven more seats than the Liberals.[6] This minority lasted less than a year. There was little attempt on Diefenbaker's part to try and make the government work, and he managed to build a coalition between Western Canadian Conservatives and Quebec voters disenchanted with successive Liberal governments. Diefenbaker's troubles at controlling his own caucus and tendency to see those with alternative views as insubordinate or potential rivals damaged his ability to successfully govern.[7] However, such was the size of his 1958 victory that he was not defeated in 1962, but reduced to a minority government.

By contrast to the bookend minority governments of Diefenbaker, the populist prime minister's successor, Lester Pearson only knew hung parliaments. Yet Pearson managed to use his term of office to not only govern effectively but leave a mark on the Canadian political landscape that would rank him among Canada's most successful leaders.[8] Among his other achievements, Pearson oversaw the introduction of the Canada Pension Plan (CPP), a national health care system, a new flag (the Maple Leaf), a Royal Commission on bilingual and bi-culturalism, and the historic Canada-US Auto Pact. Pearson was able to lead a government that was relatively interventionist and use the NDP to his party's advantage, particularly when it came to national health care.[9]

The Canada-US Auto-Pact was an equally transforming policy, with both economic and social policy implications. The deal, which insured that Canada would be involved in the production of automobiles sold on both sides of the border, helped strengthen the auto sector north of the Canada-US border, and provided the foundation that allowed the Canadian manufacturing economy to develop its own economic infrastructure.[10]

[6] The populist left wing Commonwealth Co-operative Federation (CCF) and the populist right wing Social Credit shared the remaining seats. For a complete list of federal election results in Canada see http://www.sfu.ca/~aheard/elections/1867-present.html.

[7] For a fuller description of the Diefenbaker years, see P. C. Newman (1989), *Renegade in Power: The Diefenbaker Years* (Toronto: McClelland and Stewart).

[8] Among prime ministers, Pearson was the second highest ranked in the Canadian Broadcast Corporations 'Greatest Canadians'. See www.cbc.ca/greatest.

[9] See J. Hacker (1998), 'The Historical Logic of National Health Insurance: Structure and Development of British, Canadian and US medical policy' *Studies in American Political Development* (Spring 12), pp. 57-130.

[10] See D. Anastakis (2005), *AUTO PACT: Creating a Borderless North American Auto Industry*, 1960-71 (Toronto: University of Toronto Press).

The Liberals under Pearson were able to take advantage of several external conditions. First, none of the opposition parties was in a hurry for an election. The official opposition, the Progressive Conservatives, were internally divided. The NDP had the fewest seats of the four parties and were sympathetic to the policy goals of the Liberals. As a result, their support of Pearson allowed him to be aggressive on policy knowing he could enter the legislature relatively comfortable in the knowledge that he would survive the day.

The Pearson years have been recounted by many as among the most innovative years in government. Even though Pearson was less of a parliamentarian than his predecessor,[11] his leadership outside the House, his

Table 1: Recent Canadian minority governments

Year and winning party	Seats/votes for Government	Seats/votes Official Opposition	Seats shy of simple majority	Length of term
1957 Progressive Conservative	112 /39%	105/42.3%	21	8 months
1962 Progressive Conservative	116 /37.3%	99/37.4%	17	9 months
1963 Liberal	129 /41.7%	95/32.9%	3	20 months
1965 Liberal	131/39.8%	98/32.1%	2	32 months
1972 Liberal	109/ 38.5%	107/35%	24	20 months
1979 Progressive Conservative	136/35.9%	114/40.1%	6	9 months
2004 Liberal	135/36.7%	99/29.6%	20	17 months
2006 Conservative	124/36.3%	103/30.2%	31	continuing

Source: Canadian Parliamentary Guides and www.sfu.ca/~aheard/elections

[11] R. Dyck (1993), *Canadian Politics, Critical Approaches* (Scarborough: Nelson Press), p. 41.

strong cabinet and his party's ability to work with the NDP combined to make him a very effective prime minister. Further, he governed from the centre, working with the progressive NDP when he could push legislation along, and with the Social Credit when necessary, but never governing as if he enjoyed the support of the majority of Canadians. As a result, his government was truly sensitive to both the mood of the public and the realities of the House of Commons.

The Trudeau and Clark governments

Pearson's retirement in 1968 ushered in a major change in party leadership in Canada. He was replaced by Pierre Trudeau, a charismatic and dynamic member of the Quebec intellectual elite, and the country embraced a strong Liberal majority in 1968.[12] The euphoria of 'Trudeaumania' lasted the first term, but by 1972 the Trudeau government was reduced to a minority, and indeed in real fear of losing to the Progressive Conservatives. They managed just two seats more than the Progressive Conservatives and just half a percentage more of the popular vote.

There were a few similarities between the results of 1972 and the two previous minorities. The governing party was a centrist party, and the left wing New Democrats did not do as well as expected. However, there were differences as well. First, the Conservatives were very close to winning the election, both in terms of seats, and popular vote. Second, the Social Credit had by this point been reduced even further. As a result, the only accommodation the Liberals had to make was with the left-wing New Democratic Party. Far from tying the hands of the governing Liberals, this served to free them up. As long as they could make policy arrangements with the NDP they only had to deal with one ideologically cohesive party.

It was during this parliament that the federal government created the state owned oil company, Petro Canada, the primary condition for NDP support during this period. This parliament also paved the way for the creation in 1974 of the Foreign Investment Review Agency (FIRA) which served to vet foreign takeovers of Canadian companies if it was found that the corporation 'would not be of significant benefit to Canada'.[13] Once again, the Liberals were aided by the fact that the NDP shared their policy interests and were willing to be co-operative with the government.

[12] C. McCall-Newman (1982), *Grits* (Toronto: Macmillan).
[13] M. Bregman & D. Belle Mare (1985), 'Who Controls Canada?,' *The Multinational Monitor* 6(14).

The Liberals governed within the realities that were presented to them, in other words as if they had a minority. They made deals with the New Democrats, therefore making it difficult for the NDP to vote against them on major issues. The majority result for the Liberals in 1974 was a good lesson for the NDP that sustained support for a government was not a recipe for electoral success. The NDP helped create a policy agenda for which they got little credit when it counted most.

The Progressive Conservatives approached their 1979 government with a very different attitude. To govern as a majority might seem odd considering they were elected with less electoral support across the country than the Liberal government they defeated. In Quebec, the province that along with Ontario was necessary to win a majority, they held only two of 75 seats. Clark was not regarded as the strongest leader, particularly when compared to Trudeau. Yet he introduced a very controversial budget that included a four cent a litre increase in the gas tax.[14] Although it was doomed to failure, the government proceeded without negotiating their political survival. The government was brought down a few months after they were elected for the first time in 17 years on an amendment to a Liberal motion.

The Clark government's defeat came about as a result of two factors. First, it governed as if it had a majority. There was little desire to work with opposition parties and seek a consensus, even from the tiny remnant of the once larger Social Credit Party. Now reduced to five Quebec members, the Creditisites were willing to negotiate with the government over the Crosbie budget but the government did not wish to pursue this as a viable governing option.[15] The entire approach of the Clark government was to place the 'onus on the opposition parties to compromise' on their legislative agenda.[16] Second, the Clark government looked to its own party's history, specifically 1957-58 as a model for governing. It was guided by the thought that a brief majority might quickly translate into a national majority.[17] Thus, rather than run from a possible defeat, the Progressive Conservatives were inclined to embrace it. This flaunting of matters of confidence did little to engage the opposition parties in any meaningful discussion of governing.

[14] J. Crosbie (1997), *No Holds Barred: My Life in Politics* (Toronto: McClelland and Stewart), p. 178.
[15] Ibid., pp. 180-1
[16] J. Simpson (1980), *Discipline of Power: The Conservative Interlude and the Liberal Restoration* (Toronto: Personal Library Publishers), p. 114.
[17] J. Crosbie (1997), *No Holds Barred: My Life in Politics* (Toronto: McClelland and Stewart).

The Martin-Harper experience, 2004 - present

After three consecutive majority governments, Liberal prime minister John Chrétien stepped down and former minister of finance Paul Martin became leader of the Liberal Party and then the prime minister. The relationship between these two rivals is not dissimilar to the Tony Blair/Gordon Brown history. Yet the same external conditions that gave Chrétien his governments were not present for Martin. Most noticeably, the period between 1984 and 2003 saw the rise of an alternative party to the right of the Progressive Conservatives, the Reform Party which later became the Canadian Alliance. By 2003, the Alliance merged with the Progressive Conservatives to form the Canadian Conservative Party. The Liberal government was now facing one party on the right.[18]

Structurally, the results of the 2004 election held many similar conditions to 1963. A new party emerged from the ashes of two old parties, yet failed to meet their own expectations. The Canadian Conservative Party failed to make the necessary breakthroughs in Quebec, winning no seats in that province, while the sovereignist BQ took 54 of 75 seats. In Atlantic Canada, the party took only seven of 32 seats, and only two dozen of vote rich Ontario's 106 seats. Likewise, the NDP did not perform up to their own expectations, winning only 19 seats nationwide.

These results provided the Liberals with the opportunities to govern successfully. They were a party of the middle and therefore not boxed in by an ideological extreme. The opposition parties should have been in no hurry for a vote, either because they did not perform as well as expected (the Conservatives and NDP) or because another vote would not improve their standing (the BQ).[19]

Yet the first few months of the Martin government appeared more a mirror of the Clark approach than the Pearson strategy. The Speech from the Throne was criticised by the opposition parties and Martin's own caucus for not seeking input from elected officials. He also found himself in a controversy with the provinces for not living up to his earlier agreement on revenue sharing on off-shore oil.

[18] D. Docherty & S. White (2004), 'Canada at the Crossroads: Social and Institutional Renewal' *Parliamentary Affairs* 57(3), pp. 613-29.

[19] With 19 seats and 135 seats respectively, the NDP and Liberals were just shy of a majority of seats combined.

By contrast, his handling of his first and only budget as prime minister was a victory for hung parliament strategising. Initially it found favour with the Conservatives as it included many of their own manifesto planks. But Conservative support was short-lived. When a judicial inquiry into an earlier Liberal spending scandal began hearings, public support for the government began to fall. The Conservatives took this opportunity to pull their support from the budget. In order to keep the budget alive, the Liberals quickly included spending proposals that placated both the BQ and the NDP.

The historic vote on the budget on 18 May 2005 made for the best reality television in Canadian history.[20] Just prior to the vote a front bench Conservative MP, Belinda Stronach, left the party to sit as a Liberal cabinet minister. The vote came down to the few independent MPs. In the end, the budget survived when former Alliance and then independent MP Chuck Cadman voted with the budget, creating a draw vote.[21] For the first time in Canadian history, the Speaker of the House voted to break a deadlock on a matter of confidence.

But this victory was short-lived. A sponsorship scandal continued to haunt the government, and as the summer unfolded it was clear that the government would not last.[22] On 29 November 2005, the government fell on a motion of confidence.[23] The result in January 2006 was another hung parliament, this time in the Conservatives' favour. Led by a new prime minister, Stephen Harper, the Conservative Party held their first government as a merged party and won the first conservative victory since the re-election of Brian Mulroney in 1988.

The external conditions inherited by Stephen Harper were very similar to those of Joe Clark in 1979. It was a minority government that was replacing a long period of Liberal rule. There were four parties with elected representatives in the House of Commons. The defeated Liberal leader had retired and an interim leader was heading the party until a convention could

[20] See M. Atkinson & D. Docherty (2007), 'Success in Parliamentary Government' in G. Williams & M. Whittington (eds.), *Canadian Politics in the 21st Century* (Scarborough: Thomson Publishing).

[21] See CBC News, 'Government survives 2 confidence votes,' 30 May 2005, http://www.cbc.ca/story/canada/national/2005/05/19/second-confidence050519.html.

[22] The scandal focused on government advertising at public events in Quebec. Much of the money allocated to this programme never made it to the final destination. For more information, see J. Gomery, Commissioner (2006), *Restoring Accountability: Recommendations* (Ottawa: Queen's Printer).

[23] House of Commons (2005), Hansard, http://www2.parl.gc.ca/HousePublications/Publication.aspx?Pub=hansard&Language=E&Mode=1&Parl=38&Ses=1.

choose a successor. The primary difference between 1979 and 2006 was that the combination of Conservative seats and fourth party seats was not enough to secure a majority.

In order to try and successfully navigate this terrain, the Conservatives initially put forth a modest legislative platform that focused on their five major electoral planks. The first Conservative budget managed to survive because it was relatively restrained and none of the opposition parties desired an early vote.

At the time of writing, the Conservative government is still successfully managing to control the legislative agenda. However, its earlier willingness to work with the other parties has been replaced by a harder approach to understanding what constitutes confidence in the assembly. In typical hung parliament fashion, the prime minister would like an election but cannot be seen as the one who triggers a vote. Thus, the Conservative Party prorogued the House to introduce a new Speech from the Throne in the autumn of 2007.

Harper indicated that support for the Speech from the Throne was an endorsement of his government's mandate. According to this logic, anyone who voted in favour of the Throne Speech must vote in support of all legislation flowing from the Speech.[24] There is, of course, nothing stopping a prime minister from declaring any piece of legislation a matter of confidence, and when done so in advance, there is little debate that this is a matter the government is willing to live or fall over.[25] However, such a broad interpretation of the confidence motion suggests that the present prime minister sees minority government as little different from majority government. It is too soon to tell the effect of waving this red flag in front of the opposition parties. However, at the very least the prime minister is engaging in activity that is not designed to seek consensus but inflame the opposition parties. It is a dangerous path for a prime minister of a hung parliament to tread.

Keys to success and lessons learned

Minority governments or hung parliaments are not isolated events in Canadian politics. On some occasions, such as 1957, 1962 and 1979, the party with the second highest vote total actually manages to claim a

[24] B. Vongdouangchanh, 'Parliamentary Session will be a very wild ride and stakes extremely high,' *The Hill Times*, 15 October 2007, p. A1.

[25] A. Heard (2007), 'Just what is a vote of confidence? The curious case of May 10, 2005,' *Canadian Journal of Political Science* 40:(2), p. 397.

plurality of seats (see Table 1). As long as the Bloc Quebecois continues to claim upwards of half of all Quebec seats and the NDP continues to win at least 20 seats, minority or slim majorities are likely to result. So what lessons can be drawn from the history of minority governments in Canada, and are there keys to help these governments function?

The first lesson is to govern within the election realities that the vote provides. In most instances this means recognising that a minority government requires governing as a minority. A government must be very careful not to throw down the gauntlet and act as a majority. There is little room for bluffing and, as the Clark government found out, daring even a leaderless party can backfire.

Second, and closely related to this, is that the minimal coalition theory finds support in the Canadian experience. In most cases the government worked with the smallest opposition party that provided them with a majority government. There are seldom, if ever, gains to be made for the official opposition in supporting the government. Occasionally, the official opposition will sit on their hands and not vote on a substantive issue, but are wary of voting with the government too often on major matters of confidence.

Third, moderate parties are more successful at achieving the second lesson than are governments that are more ideologically rigid. While this might seem like an obvious observation, it cannot be underestimated. Liberal minorities have been more successful at making arrangements with minor parties than have Conservative hung parliaments. It is much easier to move from side to side when one starts out from the centre.

Fourth, minority governments that replace long-sitting governments are likely to have a shorter life span than other minority governments. In 1957, the Progressive Conservatives won office for the first time since the depression. In 1979, it was the first time in 17 years. In the first instance, the government felt it could introduce a populist platform and risk a quick election. In the latter case, this thinking was exacerbated by a long-awaited opportunity to govern. The Conservatives felt that they could not squander their few chances to implement their policies and thus were almost oblivious to the fact that they were in a minority situation.

By contrast, majority governments that have been reduced to a minority are more likely to learn their lesson. In both 1972 and 2004, the Liberals

realised that the minority government was a humbling experience and represented a public rebuke. They also knew the intrinsic value of holding onto power and were thus more willing to compromise and co-operate with minor parties. In the case of the Liberals in 1972, they realised that the progressive policies of Pearson in 1965 translated into a majority three years later. In 2004, the Liberals had no qualms about altering their budget mid-course to suit democratic socialist expectations. Though they were not electorally successful, this was due to the sponsorship scandal that pre-dated their minority strategy.

Finally, minority governments should and must be more willing to compromise on traditional notions of confidence. The Canadian parliament has typically employed a stronger notion of confidence than Westminster.[26] But minority governments provide the opportunity to relax these standard notions.[27] The Martin government lost over three dozen 'votes on division' in their brief tenure, but considered none of them matters of confidence.[28] As a result, there can be the opportunity for broader discussion and both opposition and government private members should feel freer to propose changes to legislation that may or may not survive the entire legislative process. By contrast, the approach of the Harper government in the fall of 2007 suggests that minority government can be even more rigid and centralised than some majority governments.

This is unfortunate. For minority parliaments can be functioning, vibrant legislatures. They are only 'hung' parliaments if the government does not learn from past lessons and has an eye to either a quick election or an unbending policy direction. If, however, they are willing to negotiate with other parties and take advantage of any external conditions that favour their survival, they can produce innovative policy that can eventually be rewarded with a majority government.

[26] D. Docherty (2005), *Legislatures* (Vancouver: UBC Press).

[27] A good discussion of confidence, including the motions that defeated minority governments in Canada, can be found in A. Heard (2007), 'Just what is a vote of confidence? The curious case of May 10, 2005,' *Canadian Journal of Political Science* 40(2), pp.395-416.

[28] Ibid., p. 396.

Chapter 11

Happiness is a well hung parliament

Austin Mitchell MP

A hung Parliament, or *Parliamentus Deadlockus*, is a part-mythical, part-human creature lurking deep in the undergrowth of politics. Often discussed but rarely seen, it has emerged on less than half a dozen occasions in the dim distance of the last century. Yet a dramatic re-appearance is now much prophesied at the next election, to the great excitement of supporters of electoral reform, and the terror of the supporters of the elective dictatorship of government by party in a two-party system which has dominated British politics since it emerged with mass democracy in the late 19th century.

Clare Short MP was disciplined by the Labour Party for urging people to campaign for a hung parliament. In fact no one can plan, aim or work for it. It is a glorious (or disastrous) accident which can emerge in only two ways. Either the electoral preferences for the two major parties which dominate the system are so evenly balanced that neither has a majority, or the system is in transition as one party rises, another declines and a growing third disturbs the balance.

Previous hung parliaments have not made the country ungovernable. In all a government was formed and governed, for Britain's executive is so strong and parliamentary power so limited that the party in power can skate on thin ice and continue a limited range of gymnastics even after the ice has melted.

Today, a growing proportion are alienated from the 'tweedledum-tweedledee' politics of the two-party system. Similarities are greater and allegiances to either are both fewer and weaker. A growing minority vote for the Liberal Democrats or the Scottish and Welsh Nationalists, indicating that the people want a wider range of choice than the negative ability to give an honest curse and defend the bad against far worse. So have these processes gone far enough to produce a hung parliament because the electorate doesn't trust any one party enough to give it a majority to govern next time?

Certainly most analyses of the last election envisaged the possibility that with the Labour vote on a declining curve, and no big swing to the Tories, Labour could emerge as the largest single party but without a majority to govern. The existing majority, now a comfortable 64, must be eroded by a longer tenure of power as a result of 'time for a change' and the grumbles and disenchantment arising from longevity in office, though Sir Bob Worcester, the Dean of Democracy, dissents, predicting a June 2009 election and a Labour majority of 20. Similar to the majority of October 1974, which carried the Wilson-Callaghan government through to 1979, though by-election attrition meant that it had to be supplemented by a Lib-Lab pact in 1977.

My own views and preferences are confused. As a loyal Labour MP I want Labour to carry on governing and keep moving the balances of power and wealth towards the people, preferably faster and more vigorously than it has in 10 years of a majority to do anything which has been underused. Yet as a long-standing advocate of proportional representation (PR), I'm coming to the view that only a hung parliament can deliver a shock to the system and disturb the settled complacency of the advocates of First Past the Post (FPP) sufficiently to produce change, make PR more attractive to the public and make it an essential part of the agenda of the politicians.

Unchallenged, MPs will always believe that any electoral system which elects them must be the best in the world. Unthreatened, parties will try to avoid the issue, either because they're in power, as Labour is (with a resultant weakening of the Labour Campaign for Electoral Reform which was gathering great strength in the opposition years of the 1980s), or because in opposition they hope for power next time. So Tory support for PR, strong in the 1970s, has vanished today. A hung parliament would put PR on the table as part of any coalition negotiations, just as it was in l929 when the Liberals got a Speakers` conference and consideration of PR, though not as an overt deal. In any future balance of power position, the Lib Dems could, should, and almost certainly will, include either a switch to PR or a referendum on the issue in their list of demands. Sharing power would ensure that they got it, putting them in a far more powerful position than in 1977 when a more diffident Liberal Party with only a dozen MPs was unable to force Labour to run the European elections on PR, or 1997 when Paddy Ashdown was unable to persuade Tony Blair to keep his manifesto promise of a referendum on PR.

This creates a chicken and egg conundrum. Hung parliaments are more likely (though not inevitable) in a PR system because minor parties get a fairer share

of seats and the built-in bias of First Past the Post to the major parties does not operate. Thus in New Zealand, Mixed Member Proportional Voting (MMP) has always produced close results and some instances when the party with the largest vote didn't get a majority in seats. There were no hung parliaments before PR. But when PR came in, it produced one immediately in 1996. Labour was the largest single party at the first PR election but New Zealand First negotiated an agreement with the National Party and carried that government through to the next election. From 1999, Labour faced a hung parliament after each successive election, but was always able to form a government by agreement with one or more of the minor parties – the Alliance, New Zealand First, United Future – and, in the case of the Greens, a promise of support on confidence.

What are the prospects for a hung parliament in Britain and what would be its result? Labour's majority must erode, starting with the loss of a dozen seats through redistribution. Assuming there is not a John Major style disintegration, the imponderables, such as the state of the economy, always decisive in elections, cannot be predicted. Yet a majority of 64 will be difficult to eliminate at one fell swoop, leaving a Labour government with a reduced majority.

Whether or not this is a hung parliament depends on the numbers and attitudes of the Lib Dems and, to a lesser degree, the two nationalist parties. Whatever the degree of co-operation in Scotland and Wales, where hung parliament politics are being pioneered, no-one will come to any pre-poll deals in national elections. It would be damaging to do so and the Liberal Democrats who are really two parties – crypto-Tory in seats they hold from the Conservatives and Labour-looking in seats they contest with that party – can't afford to broach the issue before the polls. So negotiations could begin only after the election. It would be difficult for the Liberal Democrats, just as it was in February 1974, to sustain a government which had been rejected, but one with more votes and seats than the Tories is another matter. Then, Liberal Democrat MPs holding seats won from Labour would be more amenable to an approach from an incumbent Labour government than those holding seats won from the Tories.

Yet if the Lib Dems stay united and agree a limited number of demands which they could proclaim as major concessions, then the desire to hold power after long years in the wilderness would almost certainly bring them into a working relationship. This is more likely to be an actual coalition than

the Lib-Lab pact which a smaller and less demanding Liberal Party accepted *d`en haut en bas* in 1977. With that, Labour, or the Tories, if they were in the same dependent situation, could carry on, with all the inevitable stresses and strains, for a full parliament.

Certainly the precedent of the Lib-Lab pact augurs well. That mini-deal sustained an effective government for two years and brought Jim Callaghan's Labour Party through to better times economically and to a position where, had the election been called when the pact ran out in August 1978, Labour could have had a near win or a draw. Good government needs certainty not a massive majority. The Lib-Lab pact provided it and sustained confidence in a difficult economic situation. Survival for any government with a small or non-existent majority requires strong party discipline and late nights because opposition harassment is in reverse ratio to the majority. Yet it can be done. The rules have been tightened to strengthen government and stop filibusters and, in the case of the 1977 pact, rather than reducing the power of individual backbenchers as many feared, rebellions became more effective because the government had to listen to get its measures: witness the Rooker-Wise Amendment checking the automatic increase in taxes through fiscal drag. Certainly the challenging situation kept Labour morale high even as strain and health problems increased.

In a similar situation in future, the benefits of a coalition are clear. Labour could carry on in its middle of the road way. Indeed, since the Lib Dems are in some ways more radical they could put lead in its pencil. They could become a party of power, not an irresponsible opposition. PR could be put before the people and it is certainly more appropriate than FPP to the politics of a society where people want more say, want to keep their politicians on a shorter leash and want a parliament which more accurately represents their preferences. The blocks on which parties rest are crumbling, putting more people up for grabs, and today mini-demands and niche groupings proliferate while the broad demands motivating parties dilute. So politics becomes a scrabble for the centre ground and a grab for populist issues and less a choice between two broad ideologies. Colonise the centre ground and respond to populist cries and a party can stay in power for long periods, until economic crisis or party disunity loosens its grip.

Under FPP, major parties are coping with these new politics by blandising and Blairising, by catch-all appeals, by riding any available populist

bandwagons and by shifting to the centre. PR would allow them to be themselves and to reach out not by dilution but by coalition, or working arrangements, with other groups. These arrangements would, initially, be formulated and negotiated after elections, though later in a PR system they could be reached in advance as in Germany with the Free Democratic Party (FDP). Until we reach that stage, they could be indicated as preferences before the election because politicians prefer to watch which way cats jump and would try to avoid this until hung parliaments become a more regular feature. Such processes of majority building would transfer power to the (now) smoke-free rooms and critics complain of this. Yet negotiations there are still based on the preference of the people, more accurately measured in real party choices and expressed positively not negatively.

Such are the academic arguments for PR, but whether it comes in depends on the people not the professors, and on referendum not lectures. In New Zealand it was carried because both parties had betrayed the electors, promising one thing and doing another. PR was the electors` revenge. British parties have disappointed but not betrayed (yet) so that motive is weaker. Yet in Ontario another referendum, based on a citizens' jury and a powerful educational campaign, foundered, 63% for FPP, 37% for PR, in October 2007.

Yet electors are 'small c conservative', not stupid. The polls indicate that a majority in Britain favours proportional representation, though not strongly. They also show a majority attached to the constituency tie, but that can be perpetuated under proportional systems such as AMS and MMP. There there is a growing dissatisfaction with the two-party system, an increasing alienation from parties and a desire to keep better control of politicians, all of which PR would certainly do. So PR must be projected not as a superior democracy (though I believe it is), but as the answer to so many of our present discontents and disillusionments.

Much depends, of course, on referendum timing and on the popularity of the government at the time of the poll, but an effective coalition government which is seen to work and a powerful educational campaign could inspire a win for proportional representation. That in turn would create a wholly different game and pave the way to making hung parliaments and their legitimate offspring, coalition government, a permanent feature of our system, replacing the elective dictatorship which has failed us so badly.

Chapter 12

Hung parliaments are a nightmare

Simon Jenkins

Hung parliaments are a nightmare. They detract from the expressed wish of the electorate for the winning party to rule and delegate executive power to cabals within the legislature. In Britain where the legislature is the government's electoral college, hung parliaments render public administration indecisive and unstable. That has been the experience of democracies from Israel to Norway, from France's 'cohabitation' to Britain's chaotic Callaghan administration of 1976-79.

There is no denying that parliaments which reflect the balance of the electorate seem fairer than those which distort it. In practice they 'reward' each party by granting it proportional leverage in brokering the formation of a new government. The leverage may mean membership of a coalition, a favoured law traded with a minority government or a veto on some policy of that government. All were in evidence during the 'hung parliament' negotiations that followed the Scottish and Welsh elections in 2007.

The effect of such hung parliament brokerage is threefold. First, it gives minority groups scope to barter for policies which have no majority mandate. Since these groups are often territorial, ethnic or religious, it can render their dogmatism political blackmail. Israel's small parties are notorious for their stranglehold over successive prime ministers. The Welsh nationalist minority extracted costly language concessions from the Labour administration in Cardiff in 2007. The under-representation of winner-takes-all is replaced by the over-representation of loser-takes-some.

Such disproportionate distribution of power in favour of minorities has a second effect. It encourages a pluralism of those parties, whether newly-formed or by splitting from existing parties. In a hung parliament, a politician can exert more power by going independent. By dividing rather than coalescing, interest groups can barter their cause more effectively outside the big tent of majority party discipline. While supposedly offering protection for minorities this can, and does, license them to stymie majority rule.

Third and most serious, the shifting nature of coalition governments makes it hard for the electorate, in H.L.Menken's words, to 'chuck the rapscallions out'. Norway's millennium report on democracy concluded in 2000 that the chief cause of public disillusionment with politics was that, under proportional representation, Norwegian voters felt they could not rid themselves of unpopular leaders. Elections might alter the balance of power within them but never punish a regime by eviction. The political class lived on in perpetual coalition. A similar sentiment in Italy has led to a move towards First Past the Post representation.

Proportional representation (of which hung parliaments are a natural outcome) sees democratic government as an idealised emanation of the franchise. MPs sent as delegates of a particular interest are tossed into the parliamentary pot and emerge with a government that is a benign resolution of political forces. It is parliament as melting pot.

Hung parliaments rarely melt. Under the party pluralism encouraged by proportional representation, dogmatism rather than compromise is encouraged. The history of coalitions is of chaotic running negotiations, often in secret, with personal ambition dominant and short-termism the order of the day. Each party, inside or outside the coalition, jockeys for advantage, its eye on an election which it can precipitate by toppling the current regime.

In Britain, First Past the Post has yielded parliamentary majorities in every election in the past half century (with the exception of February 1974, where the Labour Party won most seats, but failed to obtain an overall majority in the Commons). While results have seldom reflected the nuances of the popular vote – and in 1951 gave the Tories a majority despite a higher Labour vote and Labour returned the favour in February 1974 when they received more seats than the Conservatives despite receiving fewer votes – they have been decisive. They have not led to legal challenge or to protracted parliamentary horse-trading. Only in 1974 did an ousted prime minister, Heath, ponder clinging onto power by attempting a coalition. Only in 1977 was a formal coalition declared (the Lib-Lab pact) and that proved short-lived. Disraeli's maxim that 'England does not love coalitions' has held good, and it will be interesting to see how long Scotland, Wales and Northern Ireland love them.

While there are many shortcomings in the British Constitution, to much of which I would happily take a chainsaw, it at least encourages coherent and

accountable central government. It answers to the electorate through party discipline under an elected leader and not a 'smoke-filled room' at Westminster. An MP depends on his or her party for career advancement. Break-away parties are doomed, as the Social Democrats and others found. Good government rests on the political stability of a reliable parliamentary base. If it fails, the system enables it to be chucked out, lock, stock and barrel. The pendulum swings. The axe is emphatic and total. The political system is replenished with fresh blood.

The test of democracy is not the fact of elections and assemblies. Most dictators rustle up such things. The degree to which a franchise or a parliament is 'free' is usually moot. The test of democracy lies not in the presence of formal institutions but in the manner in which they work in practice. To rephrase Bagehot, it lies in their efficiency not their dignity, in whether they can not just 'hold rulers to account', which means nothing, but throw them out and refresh the establishment with new people. This not only keeps government on its toes but holds in waiting a pool of talent that can reasonably expect its turn in power and is ready to take office should the government grow stale or fail to honour its mandate with the electorate.

In Britain this requirement has long been delivered by First Past the Post elections and decisive Commons majorities. There is enough wrong with the British Constitution not to abandon something about it that is right.

Chapter 13

A balanced parliament – good, bad or ugly?

Simon Hughes

Balanced parliaments in Britain are often discussed, but since universal suffrage have rarely happened. And this will probably remain the case unless, and until, the inevitable occurs – which is that we have proportional political representation for the House of Commons as we absolutely, logically and reasonably should do.

As I pass 25 years in Westminster, I am certainly not politically naïve – even if once I was. The two other great British political parties, which have dominated the House of Commons since the Second World War, have not in recent years seen any advantage in supporting a change from the First Past the Post constituency system, with all its inevitable distortions, to a properly proportional one. This is even though a change to fairness does not mean losing the constituency link, as the Roy Jenkins report made clear and the German lower house demonstrates. And strong government – let alone good government – certainly does not depend on single-party government, as many other countries demonstrate.

So we have to be honest that discussions about balanced parliaments are about a much less than likely outcome – although changes in British political allegiance since 1945 away from two-party politics to three and four-party politics make obtaining single-party majorities much less certain in the new political century.

The next obvious point to make is that there are very few people who believe that campaigning for a balanced or hung parliament would make any sense. All of us must, and will, campaign for the largest number of votes and seats for our party – and the three great parties will all campaign for a majority. A balanced parliament is simply the product of none of us obtaining a majority at the end of such a campaign. And it would be folly indeed for any party, before the electorate has expressed its view, to talk about who we might do a deal with if no one party could govern on its own. And of course in theory and in practice, if this were to happen, a Conservative-Labour coalition is just as likely as any other combination.

However, of course a balanced parliament will one day happen again, and could happen soon, and would be fascinating and interesting and stimulating. And if it does there will certainly be implications. Would it be desirable and what impact would it have on British politics? My short answers are yes and considerable. I shall elaborate on both.

A balanced parliament would be desirable because immediately from the election the largest party would understand that it could only govern if it wins and holds wider support across the Commons. At last, the breadth of public opinion, which had shown no party majority support among the electorate, would have to be reflected in each and every decision in the House of Commons. There would also need to be discussion and agreement between two or more parties if a stable arrangement for government was going to be agreed. This could produce a coalition government of two or more parties, or a minority party government with support to govern, but only on certain conditions. As a welcome by-product, many more voters would feel that their votes were actually influencing the policies that government could successfully pursue in Parliament, and even more voters still would realise how every vote counted in bringing about the election result and the policies that follow.

There need be no uncertainty or constitutional problem. By tradition, there are normally about 10 or more days between a general election and the State Opening of Parliament by the Queen. Only by this second date does there have to be a programme put to Parliament for it to debate, and only about a week later does Parliament come to a view and vote as to whether it supports the government's programme. Parliament, as usual, could meet a few days after the election to choose our Speaker, elect select committee chairs and even hold scrutiny sessions to endorse the nomination of prospective cabinet ministers, if we wished to do so, as well as quiz government ministers on any proposed changes to the structure of Parliament. The authority of the Commons relative to the Lords would be unaltered, because the prime minister would continue to be chosen from among the Commons alone and the government would stand or fall by vote in the House of Commons alone and nowhere else. Indeed, a balanced parliament would give the vote on the Queen's Speech even greater authority for the whole of the following year as the government would only be at risk if it lost a vote of confidence in the House of Commons and such a defeat absolutely need not mean a further general election but simply the need for the monarch to ask someone else to try to form a government.

Other implications that would be to mutual and public benefit would be political balance on select committees and public bill committees scrutinising legislation. As a result, debates and decisions in these places too would better reflect the political balance of public opinion.

Electoral reform would certainly be back on the agenda. Speaking for myself and my party, I can envisage no circumstances in which Liberal Democrats, after the next general election, would contemplate or do a deal with either of the other parties without their commitment to introduce and vote for legislation which would lead to a politically proportional parliament. Our reticence would not be as a result of pique, but because it is logically nonsense to give the power to govern to another party or parties who do not accept the need to produce a different and accurate balance of power in the House of Commons. There is rightfully a lot of debate about the need to have gender balance in Parliament and proper representation from our black and minority ethnic communities. Correct political balance is no less important.

Two last things. A balanced parliament might give real impetus to the debate about redesigning our parliamentary chamber, so that the Commons catches up with most parliamentary chambers of the world and has a semi-circular debating chamber, rather than a rectangular one, based on the old palace chapel but now more akin to the partisan two-team arrangement of a football game! We have to consider in the next few years whether to do major structural work on the House of Commons, and if so, whether to move out for a bit to another chamber. It would be good to assemble in a chamber which physically represented gradations of opinion rather than assumed we were all either in one team or a directly opposed second one. And, finally, a balanced parliament should make parliamentary decision-making much less predictable and much more interesting. Whatever deal was done to support a minority government or agree a majority government, it is probably much easier for individual parliamentarians and parties within Parliament to be influential when no one party can presume it always gets its own way. Some of the greatest periods of radical politics and political momentum have occurred in a context like this. It is a great opportunity and not a threat. If, and when, the electorate deliver this unusual and exciting outcome, then we should make the most of the opportunity, for we could change Parliament, British politics and political opinion significantly and for the better.

Chapter 14

The perils of a hung parliament

Philip Norton

A hung parliament is likely to produce one of four outcomes: (a) a minority government; (b) a coalition; (c) a failure to produce a government at all; or (d) two or more of these during the lifetime of a parliament.

Of these, the third option is the least likely. Constitutionally, the outgoing prime minister remains in office and may spend time in discussion with other parties (as Edward Heath did in February 1974) until he is able to produce a viable government or else admit defeat. However, continental experience shows the problems that can be generated for government formation by the absence of a clear election outcome.

Whether there is a minority government or a coalition (or a pact akin to the Lib-Lab pact of 1977-78) may depend on which party emerges as the largest single party. If it is the Conservative Party, then it may well form a minority government, defying opposition parties to combine against it. By having more seats than Labour, then it will be seen to have 'won', rather akin to the perception of the SNP, with one more seat than Labour, in the Scottish Parliament elections. If Labour loses seats but remains as the largest single party, there is a greater likelihood of it seeking an arrangement with the Liberal Democrats.

The last of the four options – two or more of the other outcomes being experienced during the lifetime of a parliament – is a distinct possibility, as illustrated by the experience of the 1974-79 parliament. The Labour government slipped into minority status in April 1976, continued as a minority government until 1977, was sustained by the Lib-Lab pact from 1977 to 1978 and then reverted to minority status until defeated in a vote of confidence in March 1979.

The likelihood of this last option also points to the problems of a hung parliament. There are demerits with each of the options, but the last points to the inherent instability of the situation. The Callaghan government was

unusual for the length of time it survived, but it was a hand-to-mouth existence and its underlying fragility confirmed by both the need for the Lib-Lab pact and the loss of the vote of confidence. Though comparative data shows that minority governments may last as long as some single-party governments, the longevity of the former is essentially known only on a reactive and not a prospective basis. With majority party governments one knows that they are going to be in office for four or five years.

With the prospective knowledge of how long a majority government is going to be in office comes another advantage. Electors know what a party is likely to do in office and have the opportunity to vote on that basis. With a coalition or pact formed after an election, electors are likely to be denied prior knowledge of what it is likely to do. If two parties come together after an election, one having received (say) 35% of the votes cast and the other 20%, does not the resulting administration have the support of 55% of the voters? It does not. It does not enjoy the demonstrable support of any voters, since no voter has had the opportunity to vote for that combination and for the compromise policies cobbled together after the election.

If it is a minority government, then the balance of power shifts to the critical party or parties that can determine the outcome in a parliamentary vote (so-called veto players). Critics of the present electoral system argue that the system gives disproportionate power to the largest single party. A hung parliament has the same effect as systems of proportional representation, transferring disproportionate power to the smallest or one of the smallest parties. Arguments about proportionality miss the point that 10% of the votes translated into 10% of the seats does not then translate into 10% of the negotiating power in the House of Commons; it translates into far more than that once one becomes a veto player.

In fact, there appears little to commend a hung parliament. The House of Commons may become the site of negotiations between parties, but then again it may not (to deliver on deals done by parties in private may entail strict party voting) and even if it does, there is little evidence that it enhances the reputation of Parliament.

As already indicated, the experience of the 1974-79 parliament well illustrates the problems. There was a pact for which no one had voted and for which no one body could subsequently be held responsible: the two parties reverted to being independent entities and contested the 1979

general election as such. The Labour government was sustained not only by the Lib-Lab pact but also by deals negotiated with the Ulster Unionists (resulting in an increase in the number of MPs returned by Northern Ireland to Westminster) and it is always possible that a future minority government may be sustained in office by the Democratic Unionists (or an array of nationalist parties) rather than (on present opinion poll trends) a significantly diminished Liberal Democrat parliamentary party. The greater the complexity, and privacy, of deals done, the less clear and transparent government becomes. Electors are denied the relatively clear choices normally available to them.

Our present electoral system may result in minority government but it facilitates the return of a single-party majority government. Previous surveys have shown people may not always like the present electoral system but they tend to prefer its likely outcome. Hung parliaments may occasionally emerge, but there is everything to be said for ensuring that they are rare events, essentially short transitory stages before electors have the opportunity to confirm a party in power with a majority.

When it comes to a hung parliament, the name says it all.

Chapter 15

Conclusions

Alex Brazier and Susanna Kalitowski

In Britain, hung parliaments have traditionally been viewed as unwelcome aberrations that produce short-lived and ineffectual governments. However, the contributions to this book reveal that this impression is simplistic at best. A wide range of views have been expressed in these pages – many of them opposing or even contradictory – on a variety of issues related to hung parliaments. Nonetheless, it is possible to identify a handful of common themes raised by two or more authors.

The resilience of the Constitution and Parliament

The first is that both the Constitution and Parliament are remarkably resilient. They have withstood hung parliaments in the past and will doubtless continue to do so in the future. In fact, both Vernon Bogdanor and David Butler stress that majority governments may not be as predominant as we may think. Bogdanor believes that the fundamental convention of parliamentary government – that government must retain the confidence of the House of Commons – would remain unaltered, and in fact be exposed, by a hung parliament. He does suggest, however, that Britain consider codifying the principles governing a caretaker government, as New Zealand has done.

In his chapter on parliamentary procedure without a Commons majority, Alex Brazier says that a hung parliament would not pose too many serious problems to the functioning of Parliament, as history has shown that parliamentary procedure is capable of dealing with such a scenario, an assertion that is later echoed by Simon Hughes.

The impact on Parliament

This is not to say that a hung parliament does not have the potential to alter political institutions. Many of the commentators agree that a hung parliament might shake up the House of Commons, where the two major parties have mostly enjoyed strong majorities for almost three decades. A number of them highlight the inexperience of most MPs with minority governments; nearly two thirds of current MPs were elected in 1997 or later

and have no experience of either a government without a strong majority or even of another party in power.

David Butler and Alex Brazier maintain that a hung parliament would affect the role of MPs. They would be required to be present at many more votes and might have more opportunities to extract concessions from the government. Simon Hughes argues that this would have the effect of strengthening Parliament, because votes would be less predictable and therefore crucial.

Both Philip Cowley and Philip Norton, however, are extremely sceptical of claims that a hung parliament would empower Parliament. 'There is nothing about a hung parliament,' writes Cowley, 'that automatically enhances the power and vitality of the legislature against the executive.' He speculates that it could actually do the reverse, particularly if there is a coalition rather than minority administration.

Since the removal of most hereditary peers in 1999, no single party has been able to command a majority in the House of Lords, making it difficult for the government to predict whether and when it will get its business through. Government defeats in the Lords since then have been more frequent, with 64 defeats in the 2003-04 session compared with 31 in the 1998-99 session.[1] Philip Cowley suggests that a hung parliament might serve to weaken the Lords' ability to defeat the government if it resulted in a coalition government. This could have the effect of delivering safer and larger majorities in the Lords, paradoxically delivering more control over government business than has been the case since 1999. Indeed, it is possible that legislation might make its way through Parliament more smoothly under a coalition government than a majority government.

Interestingly, it is a coalition government that Mark Gill believes would have the best chance of improving the relationship between politics and the public. If the Liberal Democrats were the junior partner to either Labour or the Conservatives, the coalition could claim that it represented more than half the voting public, and possibly more than 60%. However, it would have to demonstrate that it was unified and addressed issues of national concern. As Gill notes, history suggests the most damaging indictment the public can make of a government – aside from patent fraud or incompetence – is that it is 'divided and inward-looking'.

[1] Joint Committee on Conventions (2005-06), *Conventions of the UK Parliament*, HL Paper 265-I/HC 1212-I, para 35.

The prospects for electoral reform

David Butler claims that two hung parliaments in a row would almost certainly enhance the prospect of proportional representation (PR), and Austin Mitchell has come to believe that a hung parliament may be the only catalyst for electoral change. However, there has been little public clamour for electoral reform. Mark Gill notes that public concern about constitutional issues is minimal,[2] and Philip Norton asserts that opinion polls have repeatedly shown that while people may not be happy with the present electoral system, they tend to prefer its likely outcome. Moreover, the two main parties have been extremely reluctant to call for change and there is no evidence that the majority of members or parliamentarians in either party actually want it.

Helen Margetts contends that it would take a hung parliament – or at least the real prospect of one – for either Labour or the Conservatives to take serious steps towards change. She argues that the electoral fortunes of the Liberal Democrats – the 'most viable coalition partner' for either Labour or the Conservatives – would be 'critical'. Decisions made by the Liberal Democrats in the event of a hung parliament could have a major impact on the future of electoral reform. Simon Hughes affirms that a 'commitment to introduce and vote for legislation which would lead to a politically proportional Parliament' would almost certainly be a prerequisite for Liberal Democrat support of either of the major parties.

Lessons from overseas and hung parliaments past

Another clear message that emerges in these pages is that outside of Westminster, hung parliaments are capable of producing surprisingly stable governments with few of the dire consequences usually suggested. The experience of countries such as Canada and New Zealand, as well as Scotland and Wales, is instructive.

The newly devolved administrations in Scotland and Wales are in the process of adapting to political systems where single-party majority government is virtually extinct. The experience of both has demonstrated that one of the most difficult aspects has been changing the political culture. For example, Rosanne Palmer, Stephen Thornton and Mark Crowley have noted that party elites in the Welsh Assembly are gradually adapting

[2] Since 1997, Ipsos-MORI has never found more than 2% of the British public (and in most cases no more than 1%) citing constitutional issues as one of the most important issues facing the country, even though the past decade has witnessed significant constitutional reform.

to coalition government. However, everyone else – including party members, the public and the media – is 'still trying to play the game according to the old Westminster rules'. Likewise, James Mitchell concludes that the experience of the Scottish Parliament demonstrates that 'new institutions alone do not result in institutional cultures'.

David Docherty similarly highlights the importance of changing political culture when he notes that minority governments in Canada have tended to be successful when they govern as a minority, not as a majority, and are willing to negotiate with other parties. This requires a seismic cultural shift. He recommends that traditional notions of confidence be relaxed in the event of a hung parliament to facilitate a more consensual style of politics.

A few authors also claim that minority or coalition governments have a tendency to produce more innovative public policy than their majority counterparts. For example, David Docherty notes that the prime minister responsible for some of the most important policy innovations in the 20th century, Lester Pearson, never governed with a majority. Simon Hughes argues that the uncertainty of the political situation following a hung parliament may provide the momentum for much-needed change: 'Some of the greatest periods of radical politics and political momentum,' he enthuses, 'have occurred in a context like this.' Considering the Lib-Lab pact of the late 1970s which resuscitated the minority Callaghan administration, Austin Mitchell contends that it 'sustained confidence in a difficult economic situation'. Simon Jenkins, on the other hand, labels this same administration 'chaotic' and cites it as evidence of the inherently unstable and undemocratic nature of governments produced in the wake of a hung parliament.

In Britain, the political culture is such that it can certainly seem like a perverse affront to democracy not to know the name of the prime minister within a few hours after the polls close on election day. However, regardless of whether hung parliaments are 'good 'or 'bad' for democracy, their existence over a sustained period would certainly lead to a fundamental change in British politics: 'the rules of the game,' writes David Butler, 'would inevitably be transformed'. There is no doubt that, in Butler's words, 'political voyeurs would have a wonderful time'. But would anyone else? It all depends on who you ask.

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