

The Investiture Vote and the Formation and Survival of Minority Parliamentary Governments

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1. Introduction

The number of democracies in the world today is higher than in any other time. The majority of these democracies adopt a constitution that is based on assembly confidence (Cheibub 2007). Assembly confidence regimes are those in which governments, in order to come to and stay in power, must be *at least* tolerated by a legislative majority. In some cases, the government is assumed to have the confidence of the parliament as long as no majority expresses itself *against* it; in other cases, confidence exists only if a majority explicitly expresses its support for the government through voting. The former are cases usually referred to as *negative* parliamentarism; the latter, as *positive* parliamentarism (Bergman 1993; de Winter 1995; Seyd 2002; Siaroff 2003; Golder 2009).

The notion of positive and negative parliamentarism has been invoked primarily to account for differences in the government formation process and the type of government (minority or majority) that results from it. We depart from this usage in that we argue that the distinction between positive and negative parliamentarism is systemic and that it matters not only for the process of government formation and termination, but also for several important aspects of the operation of the government *during* its existence.

Schematically, we propose that there are two sets of instruments of positive parliamentarism: those that refer to the existence of the government, and those that pertain to the government's agenda setting powers, which affect its ability to pass legislation and ultimately govern. The first set of instruments, those related to the making and breaking of governments, includes, to begin with, formation rules and non-confidence procedures. Formation rules vary in terms of whether an explicit vote is required for the installation of the government (investiture vote); the specific decision rule it employs (negative majority, simple majority, absolute majority); or at what point in the bargaining process for the formation of a government the investiture vote takes place. Non-confidence procedures, in turn, vary in terms of the decision rules that are employed and the constraints on setting a vote of no confidence (number of signatures, temporal and substantive restrictions, requirement that an alternative government be presented at the time of a no-confidence vote). In each of these dimensions choices may be made, which, in combination, place the system closer or farther away from a positive type of parliamentarism.

The second set of instruments, those related to the government's agenda setting powers includes the confidence vote (the government's constitutionally guaranteed right to invoke a confidence vote on any bill, which varies, like the no-confidence procedures, in terms of the decision rules adopted and the constraints on calling it); decree powers (which also varies in terms of temporal and substantive restrictions, as well as to the kind of required parliamentary action); and instruments, such as the "guillotine" and the block vote, which place limits on the parliament's ability to amend bills and allow the government to "package" a bill for a legislative floor vote

in the way it sees fit (Huber 1996a and b; Cox and McCubbins 2005; Rasch and Tsebelis 2011; Cheibub and Limongi 2011). All these institutions are considered to matter for the type of government that is observed in parliamentary democracies (majority versus minority), for the duration and overall stability of the government, and for the government's legislative and governing capacity.

This broader view of positive parliamentarism is not in contradiction with the usage we find in the literature. It differs, however, in that it also considers instruments that are relevant for the government's governing capacity *once the government is formed*. In this sense, our thinking about parliamentary systems rejects the implicit assumption of the vast majority of studies of government formation and termination in these systems, according to which the way the government functions during its time in office is mostly determined by the way it is formed (see Cheibub and Limongi 2011 for a critical review).

This paper is part of a broader project that seeks (1) to develop the distinction between negative and positive parliamentarism and clarify its institutional implications; (2) to trace the origins of the institutions associated with negative and positive parliamentarism; and (3) to study their consequences for the way parliamentary governments come to, maintain and are removed from power. Specifically, the paper focuses on the vote of investiture. Our goal is to engage with the literature that sees the existence of a vote of investiture as being consequential to the functioning of parliamentary democracies, to describe the different ways investiture votes are regulated across these democracies, and to illustrate the way it works in two different contexts. We see this as a first, and incomplete, step in the direction of our broader objective of considering the varied instruments of positive parliamentarism in conjunction.

2. Negative and Positive Parliamentarism

In the 1997 general election in Norway, the incumbent prime minister of the Labor minority government, Torbjørn Jagland, did not reach his stated goal of at least as many votes as in the previous election (his 36.9 percent ultimatum to the voters), and handed in his resignation a few hours after the votes were counted. The opposition parties were sharply divided with no broadly-based alternative coalition in sight. One of the leaders of the opposition, Kjell Magne Bondevik from the Christian People's Party, had campaigned intensely for a centrist coalition government with the Center Party and the Liberals. Altogether the three parties received only 26 percent of the votes, and few observers (and voters) really regarded the center by itself as a viable government coalition. In Norway, it is the privilege of the outgoing prime minister to make recommendations to the Monarch with regard to the next government. The prime minister either can suggest a *formateur* (i.e. the PM designate) or ask the Monarch to involve the President of the Parliament as a kind of *informateur* (a person who examines possible coalitions and come up with a name to be proposed as the prime minister). The Head of State always have followed advice from the prime minister. The same happened this time.

Jagland suggested that the King should ask Bondevik to form the next government, and Bondevik shortly thereafter presented a centrist minority coalition, which controlled no more than a quarter of the seats to the parliament. The new government clearly had no majority support, and it could be formed only on the basis of a vague and implicit backing from the outgoing prime minister's Labor Party. Or more correctly: Labor, with nearly 40 percent of the seats after the 1997 election, in reality blocked any possibility for other opposition parties to launch a successful no-confidence attack on the incoming prime minister. Labor never gave active support to the Bondevik government, which lasted until March 2000.

The Norwegian example illustrates the essential feature of *negative parliamentarism*: parties can enter executive office even without visible and explicit support from a majority of the chamber. This contrasts with systems in which incoming governments need to secure the support of a parliamentary majority in a formal vote of investiture. The investiture requirements represent a first hurdle that the government must pass before taking office or being confirmed in it. The vote can be carried out in a variety of ways and at differing stages of the government formation game, meaning that the procedures in place (including the decision rule) may be more or less demanding. Countries where a formal vote is required before a government comes to power has what is called *positive parliamentarism*, but the exact form of positive parliamentary government is dependent upon the type of investiture rule.¹ Another way to see the distinction is to consider that under negative parliamentary a potential government has to avoid an active majority against it holding power, whereas under positive parliamentarism a government has to obtain the explicit support of a majority in favour of it holding power. Seen as a decision rule, "no majority against" the government is *weaker* than "majority in favour"; presumably, it is easier to avoid being opposed by a majority than to gain support from a majority.

A key, unresolved, question regarding parliamentary democracies concerns the degree to which the investiture process matters, for example for government formation (among other things). To cast the issue in terms of the example from Norway, the question is whether the minority government headed by the Christian People's Party Kjell Magne Bondevik would have come into existence had it been required to face an open vote in parliament. Some analysts believe that Labor, who did not give active support to the Bondevik government, would not have supported it in an open vote; consequently, the investiture requirement would have prevented the formation of that particular government. Others may argue that Labor had always the option to initiate a vote of no confidence against the Bondevik government; the fact that it did not suggests that it would have voted to support his investiture in an open vote. In this sense, the formal investiture requirement would

¹ It is worth noting that investiture requirements are related to the parliamentary *decision* to establish a government, not to the government itself. Thus, a minority government can be the outcome even where a majority needs to vote in favor of installing this government.

be irrelevant since its existence would not alter the outcome of the government formation process.

Although the study of coalition government is one of the most theoretically and empirically advanced branches of comparative politics, surprisingly little attention has been devoted to the design and consequences of the investiture rule in parliamentary democracies. Strom, Budge and Laver (1994) suggest that investiture rules potentially constrain cabinet formation, for example, if the outgoing government or largest party is favoured in the investiture process. Bergman (1993) finds that minority governments are more likely to emerge in the absence of positively formulated rules – i.e., where the legislature must vote to accept or reject the nominated government. Others, however, find that as long as governments can be removed through a vote of no confidence, whether they need to face a formal investiture vote is immaterial (see further, Laver and Schofield 1998). Meanwhile, Golder (2010) finds that investiture rules have no effect on the amount of time it takes political parties to negotiate the formation of a government. Clearly, the uncertainty in the existing literature warrants a fresh look at the design and consequences of investiture rules.

Furthermore, largely missing from existing research is an assessment of how variation in the details of investiture rules matter. In reality, the rules of investiture vary significantly. Formation votes can occur *ex-ante*, with the chamber selecting, for example, a prime minister from among various candidates presented to it. Alternatively, the formation vote may be *ex-post*, with parliament merely asked to confirm the choice made by another player in the political system. The decision rule may require a simple, an absolute and, in rare but existing cases, a qualified majority for a successful investiture. The investiture process may be a short one, or it may allow for successive investiture attempts; failure may mean the ultimate dissolution of parliament or choice by different actors. The real world of investiture procedures involves significant variation in design and detail. What are these details and do they matter for the degree to which the majority control the assembly?

Understanding better the variation in the role of parliaments in selecting and/or confirming the government is important for a number of reasons. The selection of the government is well recognized as a key function of national parliaments under parliamentarian, but we know very little about the real impact of parliaments in choosing who governs. The complexity of rules is not well understood, despite the ample recognition in legislative studies and comparative politics scholarship that decision rules and institutional details matter. Variation in investiture rules may or may not act as a bargaining constraint in the game of government formation, with consequences for the type of government that can emerge. In addition, as discussed in the paper, the formation vote can be important for other reasons: in the Irish case for example, the investiture vote is used by parties and individual legislators as a signalling or advertising device, which allows parties to attempt to implement pre-electoral coalition agreements before subsequently defecting and supporting a different, post-electoral, coalition.

3. Investiture Procedures in Parliamentary Democracies

How common is the investiture mechanism? Table 1 gives a first impression. It contains the proportion of country-years by mode of executive selection in presidential, parliamentary and semi-presidential democracies, as defined by Cheibub, Gandhi and Vreeland (2010), for the period 1972-2005. Formal investiture exists in presidential and mixed regime countries, but is, not surprisingly, mainly found in parliamentary countries.² Direct elected presidents and investiture procedures do not go together. In parliamentary regimes, the use of investiture mechanisms is slightly more common than the use of appointment. Basically, parliamentary governments are either appointed by the head of state or elected by the legislature. All of the former cases belong to the category of negative parliamentarism.

Table 1. Form of government and the selection mechanism for executive government 1972-2005, in country-years (percent in parentheses).

Executive	Parliamentary	Mixed	Presidential	Total
Directly Elected by Public Vote	51 (5.8)	374 (89.3)	560 (85.9)	985 (50.5)
Indirectly Elected by Public Vote	0 (0.0)	3 (0.7)	46(7.1)	49 (2.5)
Elected by Legislature (Investiture)	444 (50.5)	40 (9.6)	44 (6.7)	528 (27.1)
Appointed	349 (39.8)	1 (0.2)	2 (0.3)	352 (18.1)
Chosen through Party Process	34 (3.9)	1 (0.2)	0 (0.0)	35 (1.8)
Total	878 (100.0)	419 (100.0)	652 (100.0)	1 949 (100.0)

Sources: Reganet et al. 2009; Cheibub et al. 2010; Teorellet et al. 2011.

Governments may change after elections or between elections. If an investiture exists, it will always be used to establish the new government in both types of situations.³ Some countries almost never change governments in the middle of election terms, and a demanding investiture mechanism could be part of the reason. Early elections, however, may be used as a tool to reconfirm or adjust the government.

² In the dataset there are 30 parliamentary and semi-presidential countries with an investiture in 2005. In addition some non-parliamentary countries have or have had an investiture (e.g. Switzerland, Indonesia, Brazil). Investiture votes also take place in some non-democratic countries, as for example Iran.

³ In our survey of constitutions in 41 countries since 1946, we found that only 11 explicitly indicated that the same investiture procedure was to be adopted for governments formed in the middle of the legislative term. Greece is the only country in our survey where, although the investiture procedure remained the same, the head of state is granted considerable more discretion to nominate the prime minister for governments that do not follow elections. See article 38, 1975 constitution. In 1986 this article was amended to require that that head of state appoint the person proposed by the party of the outgoing prime minister.

Actual investiture procedures vary considerably. One dimension of variation is the timing of the investiture vote: at what point *in the bargaining process* for the formation of the government does the investiture vote take place? Is it at an early stage or at the (supposed) end of the formation process? We can distinguish between an *ex-ante* type of investiture and an *ex post* variant. In the latter case, the (presumably) incoming government is compared to the formal status quo (or no government), and it is in reality a confidence vote: the issue is whether the legislators have confidence in the Prime Minister designate, his or her government platform, and the personnel chosen to compose the new government? The former, *ex-ante* case can be quite different. It is more like simply selecting (or electing) a *formateur* of the new government; a significant part of the bargaining process to establish a policy platform and allocate portfolios may take place after the investiture vote.

The *ex-ante* – *ex post* distinction is not trivial. It can be illustrated with a reference to the so-called setter model (Romer and Rosenthal 1978). At the time of a confidence-type investiture vote the parliament *de facto* operates under a closed rule. A single government alternative is considered, and the parliament cannot alter any aspect of this alternative (not the prime minister, not the portfolio distribution, or not the policy platform) without beginning the entire government formation process anew. This gives a relatively strong agenda setting position to the *informateur* (or outgoing prime minister) and/or the *formateur* (typically the incoming prime minister). As the agenda setter, the *formateur* can exploit the fact that the parliament simply is given a take-it-or-leave-it choice to obtain outcomes closer to her own preference. In comparison, the *ex-ante* type of investiture is more flexible. The parliament operates as if under an open amendment rule, and more than one coalition alternative might – at least implicitly – be on the table when the investiture vote takes place. Some parliaments even have elaborate procedures to handle the possibility of multiple alternatives.⁴ Thus, it is plausible to suppose that the timing of the investiture vote may matter for the number of formation attempts and the duration of the formation period (with *ex-ante* votes involving multiple

⁴ According to the 1991 Slovenian constitution (article 111), the process of government formation is initiated with a vote on a candidate proposed by the President. If the candidate does not obtain an absolute majority, a second round of voting takes place, during which multiple candidates may be proposed (including by the President, who may choose to renominate the same candidate or nominate a new one). If multiple candidates are proposed, voting takes place sequentially, beginning with the President's candidate and followed by candidates in the order that they were proposed. If no candidate obtains an absolute majority, the parliament has 48 hours to decide (by simple majority) to proceed with the election of the Prime Minister. In this case, only a simple majority is required and voting takes place sequentially: the President's candidate, followed by candidates who participated in the previous ballot (ordered by the number of votes gathered in that round), followed by new candidates. If the parliament does not decide within 48 hours to continue with the vote for the prime minister, the President dissolves the assembly.

attempts and therefore taking more time), as well as for the congruence between the government policies and the preferences of the prime minister.⁵

In practice it may not always be easy to tell whether a procedure is of the *ex-ante* or *ex-post* type, especially if the object of the *ex-post* confidence vote is only the head of government (as in Spain). We describe the investiture procedures on the basis of an on-going data collection effort that, at the moment, comprises constitutional documents for 41 countries between 1946-2010. Our unit of analysis is the "constitution," understood here not as the formal document but as the combination of constitutional procedures regarding the investiture, the censure and the confidence votes, plus the head of state's discretion in dissolving the assembly. Thus, a new constitution exists any time that there is a change in the constitutional provisions regarding one of these areas. Thus, in the 41 countries for which we have data so far, we observed 63 constitutions, 41 of which (61%) require a vote of investiture for the formation of a new government.

Our preliminary survey, thus, shows that of the 41 constitutions with an investiture requirement, 13 (in 10 countries) have *ex-ante* votes, 25 (in 17 countries) have *ex-post* votes, and 3 are mixed. By mixed we mean, instances in which parliament votes to elect a prime minister in the beginning of the government formation process *and* votes on the government (its program and/or composition) once it is formed. For instance, article 92 of the 1991 constitution of Lithuania stipulates that "the prime minister shall, with the approval of the Seimas [the parliament], be appointed or dismissed by the President of the Republic." But it also states that "the Prime Minister, within 15 days of being appointed, shall present the Government which he or she has formed and which has been approved by the President of the Republic to the Seimas and shall submit the program of its activities to the Seimas for consideration." The government program is to be approved by simple majority. In the 2003 Serbian constitution (articles 27 and 35), parliament votes on a prime minister and then on a list of minister proposed by the prime minister. In Ireland, the parliament votes on the prime minister and, once the prime minister is appointed, on each of its members separately.

Another important dimension of investiture procedures has to do with the number of formation attempts that are allowed. Of the 41 constitutional regimes in our survey that require an investiture vote, twenty-one explicitly allow more than one formation attempt: eight allow for two formation attempts; ten allow for three formation attempts; and three allow for four formation attempts. The remaining twenty cases of constitutions with an investiture vote are silent as to the number of attempts is allowed. Only practice, the observation of which requires further study, will allow to assess what the prevailing pattern is in these cases.

⁵ Huber (1996) shows that under the vote of confidence, prime ministers are more likely to obtain policy outcomes closer to their preferences. Given that the *ex-post* vote of investiture is functionally equivalent to the request of a vote of confidence (as even the language used in constitutions suggests), we should expect a similar result.

The appendix lists the countries by the number of attempts they allow, the actor allowed to nominate the candidate and the decision rule employed in each attempt, as well as the outcome if the parliament fails to invest a government. Nomination can be by the head of state or by the parliament. Nomination by the head of state is by far the most commonly adopted alternative, although a few constitutions constrain the choice by stipulating that the nomination must result from a process of consultation with parliamentary groups (Slovenia 1991, Bulgaria 1991, Spain 1977), must be made on the proposal of the majority parties (Albania 1998 and 2008), or must take the distribution of seats into consideration (Armenia 2005). Thus, while the head of state is given the freedom to pick the nominee in most, in a non-negligible minority the head of state is constrained in that choice.⁶ When the constitution stipulates that nomination should come from parliament, only in two cases does it specify the mechanism for such nomination: in both Sweden 1974 and Serbia and Montenegro between 2003 and 2005, nomination is by the Speaker of Parliament. Note that in a few constitutions (e.g., Poland 1992, Albania 1998 and 2008, and Germany 1949) the right to nominate the candidate alternates between the head of state and the parliament.

The decision rule also may change from one formation attempt to the next, often in the direction of making it less demanding to form a government. We will discuss decision rules in more detail below. Finally, in the vast majority of cases with explicit rules for multiple formation attempts the outcome of successive failures is parliamentary dissolution. There are four exceptions, which rather than leading to dissolution, guarantee that a government will be formed at the end of the process. These include Finland 1999, Albania 1991, and the Czech Republic 1993. In Finland government formation is guaranteed by the adoption of plurality as the decision rule in the third attempt; in Albania and the Czech Republic, formation is guaranteed by the fact that the president is allowed to appoint the prime minister if the first formation attempt fails. The difference is that in Albania the president is able to freely do so whereas in the Czech Republic appointment takes place at the suggestion of the Chairman of the Chamber of Deputies. Germany 1949 represents a special case since the failure of the third and last attempt implies a choice for the president to either appoint a prime minister who secured a plurality of votes or dissolve parliament.

The final important dimension of government investiture is the decision rule. Basically, three decision rules seem to be employed in practice: negative majority, simple majority and absolute majority. Qualified majority is not used anywhere, leaving absolute majority as the strongest requirement. Absolute majority means that at least 50 percent *of the members* of an assembly need to vote for an alternative to get it adopted. Simple majority means at least 50 percent *of those*

⁶ The Head of State is not constrained in the choice of nominee for Prime Minister in countries Poland 1992 and 1997, Hungary 1989, Estonia 1992, Germany 1949, Slovakia 1993, Albania 1991, Croatia 2000, Czech Republic 1993, Lithuania 1991, Moldova 2000, and Romania 1991.

voting must support a proposition. Those not present or those abstaining are disregarded; what counts is the vote of only those casting a yes or no ballot. Abstentions make it easier for a *formateur* to pass the simple majority hurdle than reach absolute majority, as the committed supporters might constitute less than half of the assembly. Plurality rule is less demanding than simple majority: the alternative with more votes than any other feasible alternative wins, even if it is less than a majority. In our survey, we find that this decision rule is not used at initial stages of investiture votes; as seen above, it is only used in Finland (1999) and Germany (1949) for the third formation attempt.⁷

What we here call *negative majority* is even weaker. This decision rule is just a formalization of negative parliamentarism: a feasible alternative is adopted as long as an absolute majority does not vote against it. A prime minister designate then could survive even if a simple majority voted against him or her (i.e. as long as this majority has less than half of the MPs). Sweden has an ex-ante version of this decision rule, and Portugal uses an ex post (or confidence vote) variant of the same rule.⁸

In some cases, as the appendix shows, a weaker decision rule is defined in a later vote during the investiture process. Spain, for example requires an absolute majority in a first confidence-type investiture vote. If the government loses, support from a simple majority is sufficient in a second vote a few days later. Given this fact, simple majority is the real hurdle any incoming Prime Minister has to pass. Another example is Finland. Simple majority is the primary decision rule when the parliament elects Prime Minister. If a proposal for Prime Minister does not get a majority, a new candidate has to be found. If this candidate also loses, a third open ballot will have to be arranged. On this occasion the plurality decides. Even if this third stage is never reached, its existence might be anticipated and result in a bargaining advantage for the candidate of the largest party in parliament.

Other features of the political system, of which we will only briefly mention two, may further complicate investiture procedures. Some bicameral systems have governments that are accountable to both houses (e.g., Italy). They also may require an investiture vote in both houses. Especially if the territorial basis of representation is different in the lower and upper houses, a double investiture

⁷ The 1952 constitution of Greece (article 78) required only a 2/5 majority in order for a vote of confidence to be approved (which the government must guarantee before coming into office). This is the only case in our survey of a low-threshold majority.

⁸ The investiture vote in Sweden in 1978 represents an extreme example of this scenario. The candidate for Prime Minister, Ola Ullsten, was supported by 39 out of the 349 members of the Riksdag. A majority of 66 MPs voted against Ullsten, and a total of 215 abstained. One year later Torbjörn Fälldin was a candidate. He was supported by 170 MPs. It did not matter that a majority of 174 voted against Fälldin, as long as this number was less than an absolute majority of at least 175 MPs (i.e. 349/2).

typically is more demanding than a single investiture in a lower house (cf. Tsebeli 2002).

Further, the parliament may elect or express confidence in a Prime Minister designate, the entire government – with its policy platform and portfolio distribution – or each government minister separately. In the next section we explore in greater detail the structure and operation of the investiture vote in one parliamentary system, which has seen a shift towards coalition government and increasing cases of minority government – despite positive parliamentarism.

It is plausible to expect that investiture process create hurdles that affect the type of government that will be formed. If this is the case, positive parliamentarism and stricter investiture requirements should be associated with majority governments. Minority governments should be more likely to emerge, all else equal, under conditions of negative parliamentarism and when investiture rules are relatively relaxed (for example, requiring only a simple majority of members present and voting).

Minority governments are a common feature of the European political landscape. In Table 2 countries are ranked from those that typically have majority governments to those mainly governed by minority cabinets. As we can see, investiture votes are required in countries located in every section of the table: the presence of an investiture requirement combines with majority as well as minority governments. Bergman (1993) analyzed a set of 15 countries, and concluded that "a negatively formulated government formation rule facilitates minority governments" (p. 61). The message from Table 2, however, seems to be more mixed. Together, the countries with an investiture requirement have had majority governments 74 percent of the time covered by the table (roughly from 1961, or year of independence, through 2009).⁹ Countries with negative formation rules spent 64% of the time under majority governments, not a dramatic difference.¹⁰ If we remove the three Scandinavian "outliers," Denmark, Iceland and Norway, the proportion of time spent under majority governments in countries with negative formation rules increases to 92 percent. Thus, excluding Scandinavia, minority governments are more common in Western European countries with investiture requirement than in those without. If we restrict the calculation to the new democracies of Eastern Europe, *all of which require investiture votes for government formation*, we find that they spent 86% of the time under majority governments. These calculations are of course very crude as they are based on averages over a relatively long period of time. They do nevertheless indicate that the relationship between formation votes

⁹ The following countries are included in the calculation: Belgium, Germany, Ireland, Italy, Spain, Luxembourg, Greece, Hungary, Slovenia, Slovakia, Lithuania, Bulgaria, Estonia, Latvia, Croatia, Poland, Czech Republic and Romania. Canada and UK is not included. Finland instituted an investiture requirement in 2000, but is not part of the calculation.

¹⁰ Iceland, Netherlands, Portugal, Austria, France, Denmark, Sweden and Norway. New Zealand and Japan also belong to this category, but are not included in the calculation.

and type of government is more complex and ambiguous than has been appreciated so far.

Table 2. Share of time with majority governments and share of minority governments

<i>Country</i>	<i>Share of Time Majority Governments</i>	<i>Share of Minority Governments</i>	<i>N</i>	<i>Time, begin</i>	<i>Time, end</i>
Belgium * ¹⁾	100 %	0 %	23	26.03.1961	10.06.2007
Germany*	100 %	0 %	22	17.09.1961	27.09.2009
Greece*	100 %	0 %	21	29.10.1961	04.10.2009
Iceland	100 %	0 %	18	09.06.1963	25.04.2009
Luxembourg	100 %	0 %	10	07.06.1964	07.06.2009
<i>Hungary*</i>	<i>100 %</i>	<i>0 %</i>	7	<i>23.05.1990</i>	<i>30.04.2008</i>
UK*	98 %	17 %	12	15.10.1964	05.05.2005
Finland*	97 %	11 %	27	04.02.1962	18.03.2007
Netherlands	97 %	13 %	16	15.05.1963	22.11.2006
Austria	96 %	10 %	20	18.11.1962	28.09.2008
<i>Slovenia*</i>	<i>92 %</i>	<i>25 %</i>	8	<i>12.01.1993</i>	<i>21.09.2008</i>
Portugal* ²⁾	88 %	6 %	16	25.04.1976	27.09.2009
<i>Slovakia*</i>	<i>85 %</i>	<i>44 %</i>	9	<i>12.01.1993</i>	<i>17.06.2006</i>
France	80 %	17 %	29	18.11.1962	10.06.2007
<i>Lithuania*</i>	<i>79 %</i>	<i>30 %</i>	10	<i>10.12.1992</i>	<i>26.10.2008</i>
Italy*	78 %	21 %	42	28.04.1963	13.04.2008
<i>Bulgaria*</i>	<i>77 %</i>	<i>33 %</i>	6	<i>08.11.1991</i>	<i>25.06.2005</i>
Spain*	74 %	20 %	10	15.06.1977	09.03.2008
<i>Estonia*</i>	<i>73 %</i>	<i>33 %</i>	9	<i>21.10.1992</i>	<i>04.03.2007</i>
<i>Latvia*</i>	<i>71 %</i>	<i>40 %</i>	15	<i>08.07.1993</i>	<i>05.12.2007</i>
Ireland*	66 %	44 %	16	04.10.1961	24.05.2007
<i>Croatia*</i>	<i>65 %</i>	<i>38 %</i>	8	<i>08.09.1992</i>	<i>25.11.2007</i>
<i>Poland*</i>	<i>61 %</i>	<i>53 %</i>	15	<i>23.12.1991</i>	<i>21.10.2007</i>
<i>Czech Rep.*</i>	<i>55 %</i>	<i>50 %</i>	8	<i>01.01.1993</i>	<i>04.10.2006</i>
Norway	25 %	86 %	21	11.09.1961	14.09.2009
<i>Romania*</i>	<i>24 %</i>	<i>67 %</i>	12	<i>13.11.1992</i>	<i>30.11.2008</i>
Sweden* ²⁾	13 %	82 %	17	18.09.1960	17.09.2006
Denmark	11 %	83 %	23	15.11.1960	13.11.2007

Countries marked with * currently have investiture requirement. ¹⁾ Formation vote (confidence type) is not defined in or required by the constitution. ²⁾ Formation vote with negative decision rule.

Sources: For countries in italic: Courtenay Ryals Conrad & Sona N. Golder, "Measuring Government Duration and Stability in Central Eastern European Democracies". *European Journal of Political Research*, January 2010 (Vol 49, No. 1, pp. 119-150). Caretaker governments excluded. Used «duration» variable for time, and defined majority as «government» < 4. Minority is defined as «government» = 4 or 5. For the other countries: Klaus Armingeon, David Weisstanner, Sarah Engler, Panajotis Potolidis, Marlène Gerber, Philipp Leimgruber. *Comparative Political Data Set 1960-2009*, Institute of Political Science, University of Berne 2011. Time is measured in days, and number of governments is a count of the variable «gov_chan». Majority government is defined as gov_type < 4

Our numbers are in contrast with Bergman's (1993) findings. We believe that this is so for two reasons. First, we have a different and larger set of countries, which only partially overlap. Conclusions depend on which countries are included. Second, some of Bergman's classifications of countries are dubious: The Netherlands in fact

has no investiture vote, and the UK and Canada (which are excluded from our calculation anyway) both have a kind of investiture (confidence vote). Bergman's findings have been confirmed by a number of multivariate studies using the investiture requirement as an independent (dummy) variable. But these results are also sensitive to the cases included as having an investiture vote.

Table 3 provides an illustration of this fact. In this table we replicate table 11.8 in Clark, Golder and Golder (2009: 425), in which they report a negative and statistically significant effect of "investiture vote" on the formation of minority governments. The probability that a minority government will emerge in situations in which there is no party holding more than 50% of the seats is consistently increased when opposition influence is high (as coded by Laver and Hunt 1992) and

Table 3: Probit regression: Replication of Table 11.8 in Clark, Golder and Golder (2009: 425)

	(1)	(2)	(3)	(4)
	Minority government	Minority government	Minority government	Minority government
Investiture Requirement	-0.235	-0.167	-0.163	-0.235
	(0.331)	(0.409)	(0.308)	(0.157)
Opposition influence	0.275*	0.285*	0.276**	0.275***
	(0.107)	(0.114)	(0.104)	(0.047)
Strong party	0.481*	0.468*	2.325	0.481**
	(0.214)	(0.218)	(1.284)	(0.148)
Constant	-1.717***	-1.794***	-2.413***	-1.717***
	(0.454)	(0.468)	(0.494)	(0.255)
Observations	362	362	362	362
Pseudo R ²	0.097	0.094	0.090	0.097
ll_0	-245.584	-245.584	-245.584	-245.584
ll	-221.838	-222.490	-223.421	-221.838

Sample: Western European Countries with legislatures in which no party holds more than 50% of the vote. Standard errors in parentheses; * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$. Model 1-3, standard errors clustered by country. Model 1: Investiture requirement includes Belgium, Germany, Greece, Ireland, Italy, and Spain.; no investiture requirement includes the remaining Western European countries. Model 2: Investiture requirement includes Germany, Greece, Ireland, Italy, Spain and the UK. Model 3, investiture variable same as in model 2 and "strong party" = share of seats of largest party; Model 4: Investiture variable same as in model 2.

when there is a party that holds at least 40% of seats. Yet, as we can see in models 1-4, the effect of "positive parliamentarism," variously coded, although always negative, is never statistically significant, with standard errors considerably larger

than the coefficients whenever estimation is clustered by country.¹¹ It may be the case, thus, that what matters is not so much whether there is an investiture requirement, but the way the requirement is structured. As we have seen, the investiture requirement comes in a wide variety of types, from very weak ones to those that represent real hurdles in government formation processes; we believe that, by collapsing these different forms, a dummy variable for the simple presence of the requirement fails to capture the instances in which it may actually matter for the formation of minority governments.

4. Government Investiture in Ireland

The investiture procedures in the lower chamber of the Irish parliament (*Dáil*) is a two-stage process requiring separate votes on the nomination of the Head of Government (*Taoiseach*) and subsequently on the nomination of remaining members of the cabinet. The normal quorum (20 of 166 members) applies to the investiture vote and the outcome is decided by a plurality of members voting. In other words, no qualified or absolute majorities are required. Deputies can vote 'Yes' or 'No' or can choose not to participate in the vote (abstentions are not counted). To win the vote, the candidate or proposed cabinet require more *Dáil* deputies voting 'yes' than voting 'no.'

The nomination of the head of government tends to occur following a general election. Under the constitution the *Dáil* must assemble within 30 days of the general election. Within this limit, the actual meeting date for a new *Dáil* is specified ahead of the election, as part of the dissolution process of the previous *Dáil*. In reality, the time between election and assembly is shorter than the maximum prescribed 30 days. For example, following the 2011 general election only 12 days elapsed between election day and the assembly of the *Dáil*.

The first substantive business of the *Dáil* after convening following a general election is the election of a presiding officer (*Ceann Comhairle*) without which no further business can be conducted. Following the election of *Ceann Comhairle*, the next business is the election of the *Taoiseach*. An investiture vote is required to give effect to article 13.1.1 of the Irish Constitution which states that:

The President shall, on the nomination of Dáil Éireann, appoint the Taoiseach, that is, the head of the Government or Prime Minister.

Dáil Standing Orders are completely silent with regard to the investiture vote, making no reference to the vote or provision for the specific process by which the *Dáil* nominates the head of Government. In contrast, procedures for the election of

¹¹ In bivariate analyses with nine different codings of the investiture variable (not presented), we found that the variable was negative in all of them but statistically significant in only two of them.

Ceann Comhairle are specified in great detail. Perhaps as a consequence, the investiture vote follows closely the procedure for selecting the *Ceann Comhairle*.

The process of selecting a *Taoiseach* begins with the presiding officer accepting nominations. Members are given the opportunity to make short speeches on the nominee(s). Once the presiding officer has received all nominations the formal voting process begins. To be nominated *Taoiseach*, the first candidate must receive more 'Yes' votes than 'No' votes. When a candidate is successfully nominated for appointment as *Taoiseach*, the process ends and no vote takes place on the nomination of any other candidates. If the first nominated candidate fails to receive more votes for than against, the second nominated candidate, if any, is then considered. The same requirements apply: to be nominated *Taoiseach* the candidate must receive more votes for than against. The voting continues until either a *Taoiseach* is elected or no more candidates remain to be voted on. Where a candidate for *Taoiseach* has secured the necessary support, she then departs the chamber to travel the short distance to the residence of the President of Ireland who makes the formal appointment.

This is not the end of the investiture game: the *Taoiseach* must return to the *Dáil* chamber and nominate members of her cabinet, giving effect to Article 13.1.2 of the Irish Constitution which states that:

The President shall, on the nomination of the Taoiseach with the previous approval of Dáil Éireann, appoint the other members of the Government.

Again, as with the investiture vote for the *Taoiseach*, *Dáil* Standing Orders make no provision for the vote on the composition of the government. The cabinet is invested as a collective, that is to say, the *Taoiseach* presents the names of all cabinet ministers and the chamber votes to accept or reject the nomination en bloc. If the *Taoiseach's* nominees are acceptable to the *Dáil*, they are then formally appointed by the President. The cabinet investiture votes does not require the *Taoiseach* to indicate which ministers are being appointed to which portfolios. It is therefore possible to reshuffle cabinet responsibilities without recourse to the *Dáil*, assuming the overall composition of the cabinet remains the same. A change in personnel will require approval from the *Dáil* in line with the process just outlined.

The investiture of a new *Taoiseach* is also necessary when the incumbent *Taoiseach* dies, resigns, is removed or is otherwise deemed incapacitated. In such cases the same investiture process as described above occurs. Constitutionally, it remains unclear if the members of a government who have lost a vote of confidence could subsequently present themselves for investiture without a general election.

Table 4 presents details of all votes for the nomination of *Taoiseach* between the enactment of the current constitution and 2011. Each nomination resulting in a vote in the chamber is counted – excluded therefore are nominations not voted upon for the reason that someone was successfully nominated . Between 1937 and 2011, 36

investiture votes occurred in the aftermath of a general election. Five investiture votes occurred as a result of leadership changes in the governing party – with the outgoing party leader stepping down as *Taoiseach* and the new party leader being nominated as *Taoiseach*. In addition, a further two investiture votes occurred following a change in party leadership alongside a mid-parliament change in the composition of the coalition government. In 1994, the Labour Party threatened to withdraw from government with Fianna Fáil prompting the *Taoiseach* to resign as leader of Fianna Fáil and subsequently as *Taoiseach*. The new leader of Fianna Fáil was nominated for the post of *Taoiseach* but the Labour Party decided instead to enter a new coalition government with Fine Gael and Democratic Left (Garry 1995). The change in the party composition of government without a general election is unusual in Ireland, although, as the events of 1994 indicate, the investiture process is capable of dealing with such demands.

On 15 occasions a candidate failed to win the approval of the chamber, compared with 28 occasions where a candidate did win the support of the *Dáil* to become *Taoiseach*. The margin of victory can be wafer-thin. For example, in March 1987, Charles Haughey's initial nomination resulted in a tied vote. In the event of a tie, the *Ceann Comhairle* must exercise a casting vote, and on this occasion he voted in support of Haughey, thus assuring Haughey's appointment as *Taoiseach*. Indeed, the *Ceann Comhairle* is often selected with an emphasis on parliamentary arithmetic as the presiding officer votes only to break a tie. If the incoming government enjoys a comfortable majority the post of *Ceann Comhairle* inevitably goes to a member of the governing party, whereas if the incoming government has a small majority or is in a minority position, the *Ceann Comhairle* is selected from the opposition benches. The strategic allocation of the speakership reflects the narrow margins within which some governments in the Irish parliamentary arena must work – for investiture votes and for continued parliamentary support.

In exploring the pattern of nominations and voting, one practice becomes clear: the outgoing *Taoiseach*, if available and willing to be nominated, will be the first selected for nomination, ahead of any other candidates interested in the office. As such, the outgoing *Taoiseach* and government could be said to enjoy a first-mover procedural advantage in the investiture game. Nothing in the Constitution or the Standing Orders specified the order in which the *Ceann Comhairle* accepts nominations for the office of *Taoiseach* or the order in which multiple nominations are voted. Yet, looking at the parliamentary proceedings, it is clear that the outgoing *Taoiseach*, if seeking re-nomination, is always nominated first. This finding fits with Ström et al. (1994) observation that in many countries the outgoing government will often present itself for reappointment. Thus, in 1948 the outgoing *Taoiseach* failed to get re-nominated but immediately afterwards the *Dáil* supported the nomination of Costello. Given the relatively small size of the chamber and the presence of unified

Table 4. Irish Investiture Votes (Prime Minister), 1938-2011

<i>Vote Date</i>	<i>Outcome</i>	<i>Cabinet Formed</i>	<i>Vote Caused by</i>	<i>Candidate</i>	<i>Vote Yes</i>	<i>Vote No</i>	<i>Percent Vote YES</i>	<i>Victory MARGIN</i>
30 June 1938	Nominated	de Valera IV	Election	De Valera	75	45	62.5	30
01 July 1943	Nominated	de Valera V	Election	De Valera	67	37	64.4	30
09 June 1944	Nominated	de Valera VI	Election	De Valera	81	37	68.6	44
18 February 1948	Failed	n/a	Election	De Valera	70	75	48.3	-5
18 February 1948	Nominated	Costello I	Election	Costello	75	68	52.4	7
13 June 1951	Failed	n/a	Election	Costello	72	74	49.3	-2
13 June 1951	Nominated	de Valera VII	Election	De Valera	74	69	51.7	5
02 June 1954	Failed	n/a	Election	De Valera	66	78	45.8	-12
02 June 1954	Nominated	Costello II	Election	Costello	79	66	54.5	13
20 March 1957	Nominated	de Valera VIII	Election	De Valera	78	53	59.5	25
23 June 1959	Nominated	Lemass I	Leadership Change	Lemass	75	51	59.5	24
11 October 1961	Nominated	Lemass II	Election	Lemass	72	68	51.4	4
21 April 1965	Nominated	Lemass III	Election	Lemass	72	67	51.8	5
10 November 1966	Nominated	Lynch I	Leadership Change	Lynch	71	64	52.6	7
02 July 1969	Nominated	Lynch II	Election	Lynch	74	66	52.9	8
14 March 1973	Failed	n/a	Election	Lynch	69	73	48.6	-4
14 March 1973	Nominated	Cosgrave I	Election	Cosgrave	72	70	50.7	2
05 July 1977	Nominated	Lynch III	Election	Lynch	82	61	57.3	21
11 December 1979	Nominated	Haughey I	Leadership Change	Haughey	82	62	56.9	20
30 June 1981	Failed	n/a	Election	Haughey	79	81	49.4	-2
30 June 1981	Nominated	Fitzgerald I	Election	Fitzgerald	81	78	50.9	3
09 March 1982	Nominated	Haughey II	Election	Haughey	86	79	52.1	7
14 December 1982	Failed	n/a	Election	Haughey	77	88	46.7	-11
14 December 1982	Nominated	Fitzgerald II	Election	Fitzgerald	85	79	51.8	6
10 March 1987	Failed	n/a	Election	Fitzgerald	51	114	30.9	-63
10 March 1987	Nominated	Haughey III	Election	Haughey	83	82	50.3	1
29 June 1989	Failed	n/a	Election	Haughey	78	86	47.6	-8
29 June 1989	Failed	n/a	Election	Dukes	61	103	37.2	-42
29 June 1989	Failed	n/a	Election	Spring	24	138	14.8	-114
12 July 1989	Nominated	Haughey IV	Election	Haughey	84	79	51.5	5
11 February 1992	Nominated	Reynolds I	Leadership Change	Reynolds	84	78	51.9	6
14 December 1992	Failed	n/a	Election	Reynolds	68	94	42.0	-26
14 December 1992	Failed	n/a	Election	Bruton	55	107	34.0	-52
14 December 1992	Failed	n/a	Election	Spring	39	122	24.2	-83
12 January 1993	Nominated	Reynolds II	Election	Reynolds	102	60	63.0	42
15 December 1994	Failed	n/a	Coalition Change	Ahern	67	94	41.6	-27
15 December 1994	Nominated	Bruton I	Coalition Change	Bruton	85	74	53.5	11
26 June 1997	Failed	n/a	Election	Bruton	75	87	46.3	-12
26 June 1997	Nominated	Ahern I	Election	Ahern	85	78	52.1	7
06 June 2002	Nominated	Ahern II	Election	Ahern	93	67	58.1	26
14 June 2007	Nominated	Ahern III	Election	Ahern	89	76	53.9	13
07 May 2008	Nominated	Cowen I	Leadership Change	Cowen	88	76	53.7	12
09 March 2011	Nominated	Kenny I	Election	Kenny	117	27	81.3	90

Source: Calculated from *Dáil Debated*. This table updates, expands and corrects the data reported in Ström, Müller and Bergman (Table 13.1 2003, pp. 432-433)

party voting, it would seem reasonable to assume that in most cases a party leader knows whether or not he or she is going to be elected. Of course, this is not always the case, as in 1987, when the incoming government relied on the wavering support of some non-party Deputies. On occasions, the outgoing government declines nomination, as happened in 2011 when only one nomination for the post of *Taoiseach* was received.

Although the investiture process is a two-stage game, the political focus is on the investiture of the *Taoiseach*. That vote provides a clear signal as to which party or parties will enter or otherwise support a government. The outcome of the second vote on the composition of the government is typically more predictable. Given that a party or parties would have just secured the support of the *Dáil* in the investiture of the *Taoiseach*, the assumption is that the same level of support will exist for the vote on the membership of the cabinet. The composition of government and the allocation of individuals to specific cabinet portfolios is typically negotiated and agreed between prospective coalition partners ahead of the vote to nominate the *Taoiseach*. Yet, problems can arise. In March 2011, unexpected delays occurred in between the vote nominating the *Taoiseach* and the *Taoiseach* returning to the *Dáil* to nominate members of his cabinet. The media speculated that a disagreement between two parties in the government elect was causing problems and last minute negotiations over the composition of the government were delaying the second investiture vote. Regardless of what happened behind closed doors in 2011, we do know that sensitivities can arise over the composition of the cabinet. In November 1991, as part of a cabinet re-shuffle (prospective new members of the government required an investiture vote on membership of the government to occur), the *Taoiseach* nominated a new cabinet with the support of both parties in the coalition. Yet, during the debate leading to the investiture vote, certain issues regarding the suitability of one nominee (James McDaid) were raised by the opposition and the junior partner in government withdrew support for the nomination. A major political crisis was averted only when the person in question withdrew. The lesson therefore is that the outcome of an investiture vote is not always predictable.

Scholars of Irish legislative politics have largely ignored the investiture procedure. Government formation tends to be considered as a party political affair played away from the legislature. Both the earlier classic work on the *Dáil* (McCracken 1958) and the more recent seminal volume by MacCarthaigh and Manning (2010) all but ignore the investiture function of the *Dáil*. Why the lack of attention? According to Chubb (1974) the *Dáil* does not really appoint the government. While the party composition of the *Dáil* impacts the choice of viable governments, the formation process and decision as to who becomes *Taoiseach* is considered not to take place within the legislative arena. Yet Chubb was writing at a time when the party composition of governments and the choice of *Taoiseach* was effectively determined by general election results. Today, no political party tends to receive the necessary electoral support to enter government without the support of other parties. As such, the shift from single party government to coalition government has witnessed an increased attention on the investiture role of the parliament among political

observers. Election results now provide the boundaries of possible alternative coalitions but the exact composition of the winning coalition is determined by inter-party negotiations and talks with non-party *Dáil* Deputies.

Certainly, the move from single-party to coalition government has complicated the investiture game. Typical cases of investing the majority party have given way to cases of investing single party minority governments, majority coalition governments and minority coalition governments. It is clear that political parties have evolved their strategies as they effectively underwent a process of learning about the formation of coalition governments.

The aftermath of the 1989 general election provide a picture of the difficulties some Irish political parties faced in responding to the often complicating landscape of coalition government formation. The outcome of the June 15 1989 election was a hung *Dáil* – no party secured an overall majority much to the disappointment of the outgoing Fianna Fáil party, which strategically timed the election with the expectation of winning an overall majority. The first meeting of the 26th *Dáil* took place on June 29th 1989. As table 4 shows, three candidates were presented to be nominated as *Taoiseach* – respectively the leaders of Fianna Fáil, Fine Gael and the Labour Party. No candidate secured the support of the chamber. The *Dáil* adjourned having failed to elect a *Taoiseach* amidst much speculation that a new general election would be needed to overcome the impasse. This sense of political deadlock and crisis only strengthened when the *Dáil* met again the following Monday and failed again to nominate a *Taoiseach*. Finally, at a third meeting the *Dáil* nominated Charles Haughey to be *Taoiseach* following intensive negotiations between the parties and a decision by Fianna Fáil to abandon a long held principle that it would never enter coalition government (Farrell 1990). Irish political parties, especially Fianna Fáil, were unused to negotiating with each other and the world of intra-party negotiations over the office of *Taoiseach* and allocation of government position proved challenging. Yet, within two decades coalition government had become the norm and the investiture process became less dramatic as parties strived to reach agreement before the first sitting of the *Dáil*. Thus by 2011, it took only a matter of days to form the government despite the nation’s mounting economic difficulties.

The investiture vote of 1989 begs the question as to why party leaders allow themselves to be nominated in circumstances when they have no chance of winning the approval of the *Dáil*. For example, looking at the right-hand column in Table 4, it is clear that in 1989 Dick Spring stood no chance of becoming *Taoiseach*. Only 24 of the eligible 165 *Dáil* Deputies supported his candidacy. Indeed, the relatively large number of failed investiture votes (15) is surprising given the significant margins of loss in many cases and the predictability of voting behaviour given the high levels of unified party voting in the *Dáil*.

The government formation process following the Irish general election of 1992 provides some indication as to why ‘unwinnable nominations’ are presented. The 1992 general election produced a hung parliament. The Labour Party was widely

tipped to form a coalition government with Fine Gael. Both parties had previously worked together in government and it was assumed that Labour Party supporters and voters would prefer a Labour-Fine Gael coalition to a Labour-Fianna Fáil coalition. Yet, it quickly became evident that the Labour leadership were interested in a coalition with Fianna Fáil. Such an outcome would be a difficult one to explain to the electorate - indeed it is believed that the Labour Party subsequently suffered significant electoral loss owing to entering government with Fianna Fáil. It could be that the Labour Party used the first round of investiture voting to signal to voters the impracticality of either the Fine Gael-Labour coalition or a single party Labour government. The Fine Gael leader was defeated by 52 votes; Labour could only have provided 39 votes, meaning that a Fine Gael-Labour coalition, by itself, would not have been sufficient to secure the nomination of the *Taoiseach*. The failure to nominate a *Taoiseach* from either the Labour Party or Fine Gael was seen by some as liberating the Labour Party from the necessity of pursuing a Fine Gael led government and allowing Labour to instead focus attention on a coalition agreement with Fianna Fáil. On the second meeting of the *Dáil*, the Labour Party voted to support the nomination of the Fianna Fáil leader as *Taoiseach*. The open and public nature of the investiture vote allowed each political party to signal their preferred outcome before ignoring pre-electoral promises regarding coalition partners and compromising in the interest of stable government. Being the most open moment of the government formation process, the investiture vote allowed a party to say 'we tried' before opting for what to voters seemed to be a less palatable coalition.

Investiture votes are seen as an obstacle to the formation of minority governments given that for the *Taoiseach* and the government to be nominated the need the support of a plurality of voting *Dáil* Deputies. Yet, minority governments (both coalition and single party) are common in Ireland. There are several reasons why minority governments in Ireland tend to survive investiture votes. For one, minority governments can survive investitures when not all *Dáil* Deputies vote. Non-voting (only 'Yes' and 'No' votes are recorded) can be strategic (as in the case of the 2011 decision of Fianna Fáil to abstain, for the first time ever, in the nomination of a *Taoiseach*) or unintentional.

Additionally, an underlying reason for the presence of minority governments relates to the fact that a government must be formed or, eventually, a general election must be called. It is unclear what happens if a *Dáil* fails to nominate a *Taoiseach*. As a practical matter, the *Taoiseach* in office before the general election continues in the post until and unless she is defeated in an investiture vote. If the outgoing *Taoiseach* loses an investiture vote, she resigns formally although continues to govern in a caretaker capacity. Although political parties in Ireland have adapted to the landscape of coalition formation, it remains conceivable that the *Dáil* would be unable to elect a *Taoiseach*. Farrell (1987 p. 142) notes that minority governments can emerge due to a divided opposition: "frequently it was division, incompetency and lack of leadership on the opposition benches that allowed the formation and

maintenance of minority administrations." Many politicians would prefer to permit a minority government than face a general election.

More commonly however, the legislative coalition comprises a majority of *Dáil* Deputies even if the party or parties in government do not by themselves have majority status in the legislature. Non-party candidates (independents) are an important feature of the Irish political landscape (Weeks 2011). For example in the March 2011 General Election, of the 165 TDs elected, 14 were affiliated with no political party. Independent *Dáil* Deputies can be encouraged to support a government. For example, following the 2007 General Election the parties in government relied on the support of a number of non-party parliamentarians. Such support was carefully managed by the government chief whip. In return for supporting the government, independent parliamentarians received significant pork-barrel projects for which they could claim credit with their constituents. The government also appointed independents to the chair of parliamentary committees, provided direct access to ministers and the *Taoiseach*, and allowed independents to nominate supporters and constituents to the boards of state organizations and companies.

Thus, while the investiture procedure may not prevent the emergence of minority governments, it allows the parties to manage the delicate task of building a governing coalition in the shadow of voters scrutiny and future elections.

5. Conclusion

Under classic parliamentarism, governments emerge from, and remain responsible to, the legislature. How parliament determines exactly who governs is a question of enormous theoretical and normative significance. Despite the advanced nature of coalition research, we still know relatively little about the rules of the government formation vote and how they impact the types and composition of governments that emerge under parliamentarism.

By questioning existing research on the relationship between positive parliamentarism and the prevalence of minority governments, and by introducing in detail the Irish case, this paper has sought to suggest the need for greater study of investiture rules and procedures. To complete this paper our goal is to extend the coding of investiture provisions to *all* parliamentary democracies that have existed since 1946 and to explore, both statistically and qualitatively, the impact of variation in investiture rules on the life of governments. Beyond shaping the formation process, do investiture rules impact the survival-rate of governments and in particular the longevity of coalition and minority governments? As with government formation, the 'breaking' of coalition governments is an advanced area of study in comparative politics. The general expectation is that governments facing an investiture process are more likely to last longer, all else equal (Warwick 1994). We want to investigate how variation in the detail of investiture rules, cross-nationally

and also over time within the same legislature, impacts the longevity of governments.

In addition, we want to explore in detail what we believe to be 'off the regression line' deviant cases. The deviant cases include countries such as Italy, Ireland, the Czech Republic and Sweden, which have an investiture mechanism but in which the rate of minority government is relatively high. This could occur because the investiture institution is weak or because of certain features of the party system (e.g. a large party close to the legislative median). Another set of deviant cases includes countries such as the Netherlands, Iceland and Austria, which have negative parliamentarism, not always majority parties, but in which we observe almost always majority governments. This could arise because there exist other norms or rules in these systems that are functionally equivalent to (or even stronger than) the investiture mechanism. We believe both types of deviant cases to be somewhat puzzling, particularly from within the generally accepted paradigm that institutions matter. We hope a closer analysis will provide new insights into, and information about, the nature of party politics, legislative rules, and the politics of government formation.

Appendix: Investiture Details in Constitutions with Multiple Investiture Steps

Country	1 st	2 nd	3 rd	4 th	Outcome
Sweden 1974	Abs. Maj. Against (Speaker of Parliament)	Abs. Maj. Against (Speaker of Parliament)	Abs. Maj. Against (Speaker of Parliament)	Abs. Maj. Against (Speaker of Parliament)	Dissolution
Poland 1992 ¹	Abs. Maj. (President)	Sim. Maj. (Parliament)	Abs. Maj. (President)	Sim. Maj. (Parliament)	Dissolution
Hungary 1989 ²	Sim. Maj. (President)	Sim. Maj. (President)	Sim. Maj. (President)	Sim. Maj. (President)	Dissolution
Albania 1998	Not specified (President on the proposal of majority parties)	Not specified (President)	Not specified (Parliament)		Dissolution
Albania 2008 ³	Not specified (President on the proposal of majority parties)	Not specified (President)	Not specified (Parliament)		Dissolution
Armenia 2005	Abs. Maj. (President, while taking the distribution of seats into consideration)	Abs. Maj. (President while taking the distribution of seats into consideration)	Abs. Maj. (President while taking the distribution of seats into consideration)		Dissolution
Estonia 1992 ⁴	Not specified (President)	Not specified (President)	Not specified (President)		Dissolution
Finland 1999 ⁵	Sim. Maj. (Parliament)	Sim. Maj. (Parliament)	Plurality (Parliament)		Formation
Germany 1949 ⁶	Abs. Maj (President)	Abs. Maj. (Parliament)	Plurality (Parliament)		Formation /Dissolution
Poland 1997 ⁷	Abs. Maj. (President)	Abs. Maj. (Parliament)	Sim. Maj. (President)		Dissolution
Slovakia 1993	Not specified (President)	Not specified (President)	Not specified (President)		Dissolution
Slovenia 1991	Abs. Maj. (President, after consultation with parliamentary leaders)	Abs. Maj. (President after consultation with parliamentary leaders and parliament)	Sim. Maj (President after consultation with parliamentary leaders and parliament)		Dissolution
Serbia and Montenegro 2003-2005	Abs. Maj. (Speaker or Deputy Speaker)	Abs. Maj. (Speaker or Deputy Speaker)			Dissolution
Albania 1991 ⁸	Sim. Maj. (President)	Presidential decision (President)			Formation
Croatia 2000	Abs. Maj. (President)	Abs. Maj. (President)			Dissolution
Czech Republic 1993 ⁹	Not specified (President)	President appoints prime minister at the suggestion of Chairman of the Chamber of Deputies)			Formation

Lithuania 1991	Sim. Maj. (President)	Sim. Maj. (President)			Dissolution
Moldova 2000	Sim. Maj. (President)	Sim. Maj. (President)			Dissolution
Romania 1991	Abs. Maj. (President)	Abs. Maj. (President)			Dissolution
Spain 1977 ¹⁰	Abs. Maj. (King after consultation)	Sim. Maj. (King after consultation)			Dissolution

¹ If the fourth attempt fails, the President has the option of dissolving parliament or appointing a government for a six-month period. If by the end of this term the parliament has not passed a vote of confidence in the government nor a vote of no-confidence, the President must dissolve parliament.

² Amendment to the 1949 constitution. The investiture procedure was changed again with a 1990 amendment.

³ The change between Albania 1998 and Albania 2008 consists of the introduction of a constructive no-confidence vote, of temporal limitations on the initiation of a vote of confidence, and making explicit that the loss of a vote of confidence leads to the dissolution of parliament.

⁴ The President nominates the candidate in the first and second attempts. In the third attempt, the parliament nominates. The nominee presents to parliament "the bases for the formation of the new government" (art. 89), and parliament decides, "without negotiation and by an open vote" on giving the candidate the authority to form the government.

⁵ Article 61 of the Finnish constitution reads: "If the nominee does not receive the necessary majority [in the first formation attempt], another nominee shall be put forward in accordance with the same procedure. If the second nominee fails to receive the support of more than half of the votes cast, the election of the Prime Minister shall be held in the Parliament by open vote. In this event, the person receiving the most votes is elected."

⁶ The President nominates the candidate in the first attempt; Parliament nominates in the second and third attempts. The outcome in the third attempt depends on the votes received by the winning candidate: if the candidate obtained an absolute majority, the President must appoint him/her; if not, the President has the choice of either appointing him/her or dissolving Parliament.

⁷ The President nominates the candidate in the first and third attempts; the Parliament nominates in the second. The text regarding the decision in the third attempt reads: "The House of Representatives (Sejm), within 14 days following the appointment of the Council of Ministers by the President of the Republic, shall hold, in the presence of at least half of the statutory number of Deputies, a vote of confidence thereto."

⁸ The relevant text reads: Article 33 - "(3) The president of the Republic assigns the chairman of the Council of Ministers and upon the proposal of the latter the ministers too. (4) The composition of the government and its program are adopted by the People's Assembly with majority of votes, within 5 days from the date it is submitted. (5) In case he does not get the vote of confidence, the chairman of the Council of Ministers immediately submits his resignation to the president of the Republic, who assigns the new chairman of the Council of Ministers. (6) Before resuming the functions, the chairman of the Council of Ministers and the ministers swear before the president of the Republic."

⁹ The King nominates a candidate "after consultation with the representatives designated by the political groups represented in parliament, and through the President of the Congress" (article 99). The same candidate is presented if the first attempt fails, with a lower decision requirement. If the second attempt fails, successive attempts can be made, limited by time: within two months of the first vote. If during this time no government is invested, parliament is dissolved.

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