

REFERENC.

THE SPEAKER OF PARLIAMENT: A RATIONAL CHOICE ACCOUNT

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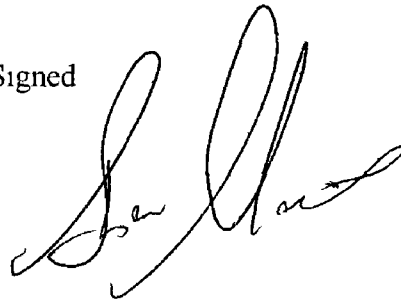
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August 2002

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Abstract

The office of Speaker has generally been seen as having an almost accidental origin (in the British House of Commons) and non-deliberate design and development. Save for the simple dichotomy made between the US-style Speaker and the British Speakership, little detailed analysis of this office has been undertaken.

This work looks at the office from the perspective of rational choice new institutionalism. Our empirical focus is on the Irish Speaker (Ceann Comhairle). Having justified the new institutionalist approach, we develop a rational choice account of the office. From this account we then postulate a series of empirically testable hypotheses. Using data collected from parliamentary records and other sources, it is shown that, far from being a neutral arbiter, the presiding officer is an asset of the governing parties.

The research explores many issues at the core of legislative politics including the motivation of political actors, the origin and development of institutional arrangements and the consequences of particular institutional types. As such, the research provides novel and empirically tested arguments that challenge much of the conventional wisdom regarding both political actors in the legislative arena and the paradigms used to understand them.

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Abbreviations

CPP	Committee on Procedures and Privileges (Dail Eireann)
FF	Fianna Fail
FG	Fine Gael
KKV	King, Keohane & Verba
NDI	National Democratic Institute For International Relations
PD	Progressive Democrats
WP	Workers Party

Chapter I: Introduction

1 A tale of two Speakers

On Wednesday, 12 July 2000 Betty Boothroyd, Speaker of the British House of Commons, gave notice to the chamber of her intention to retire ¹ As the 151st Speaker she had been first elected eight years earlier in a manner not unlike how vacancies in the office had been filled for generations She emerged victorious against one other candidate, Peter Brooke ² Neither individual campaigned publicly for the support of colleagues, there were no electoral statements or manifestos, no promises of specific actions if elected Party leaders kept their usual distance, not expressing any preference as to how their own front or backbenchers should vote ³

Given the heavy hand of tradition which surrounds much of the practices and procedures at Westminster, and the office of Speaker in particular, one would be forgiven for thinking that the selection of Boothroyd's successor, set for September 2000, would be as uneventful as previous ones But the election of the 152nd Speaker turned into a race quite unlike anything seen before

¹ *Hansard*, 3rd Series, Vol 353, Col 869

² Within the House of Commons it is conventional not to use the term *candidate* when referring to those individuals who put their names forward for consideration as Speaker

To begin with there were twelve candidates - the largest recorded number in the history of the Speakership. The dramatic increase in the proportion of members putting their names forward for the position can be accounted for, partly at least, by the fact that some were running to promote specific grievances.⁴ Examples of such grievances included the calls for a more family-friendly Commons, with promises for better facilities for children and childcare and an end to the anti-social hours which members are expected to work at Westminster.⁵ Seven candidates broke new ground by issuing electoral statements. Previously the idea of there being an open contest was frowned upon; now some were issuing what were effectively manifestos.⁶ Some resorted to creating web sites to communicate their positions on various issues (invariably parliamentary reform) and to list what they saw as their qualifications for the position. Even the most silent proclaimed the need for the winds of change to sweep through the corridors and chamber of the Palace of Westminster.⁷

³ Routledge (1995) provides a more detailed account in his biography of Boothroyd.

⁴ Except where otherwise mentioned this account is based on newspaper reports from *The Guardian* (especially 19 October 2000, 20 October 2000, 23 October 2000 and 24 October 2000). Further information was obtained from a special report in the *Guardian Unlimited* (available HTTP at www.guardian.co.uk/speaker).

⁵ Three of the Labour candidates (David Clark, Gwyneth Dunwoody and John McWilliam) stressed childcare and reduced working hours as issues they would address directly if elected.

⁶ The six candidates running for the Speaker's job who issued statements explaining why they should be elected were: David Clark (Labour), Sir Patrick Cormack (Conservative), Gwyneth Dunwoody (Labour), Michael Lord (Conservative), John McWilliam (Labour) and Nicholas Winterton (Conservative).

⁷ One candidate, Sir Patrick Cormack (Conservative), was less supportive of what he termed 'modernisation' which he saw as the discarding of traditions only for the sake of change. But even he emphasised the need for improvements in how the House operates.

With all the talk of the need for reform that was being generated by the candidates, their supporters and members more generally, some of the media joined the debate on the role of the Speaker. There were calls for a modernised Speakership that would pave the way for greater scrutiny of the government, make the House more efficient and effective in its operations and procedures and overall help rebalance the relationship between government and parliament. It was argued that a modernising, reform-oriented Speaker could assist greatly in bringing the legislature back to prominence within the British political system, a prominence which seemed lost under the weight of cabinet government, party whips and antiquated parliamentary procedures⁸

Then there was the alleged involvement of the Labour leadership and, in particular, Prime Minister Tony Blair. Backbenchers have traditionally fought to ensure that the heavy hand of the party whip does not enter the selection of Speaker - that the party hierarchies refrain from giving instruction or guidance to ordinary members on whom to support. As on previous occasions no whip was imposed but in the run-up to the election it was reported in the media that the Labour leadership was involving itself by suggesting that it would not be in the interest of the party to 'win' the contest. In off-the-record remarks it was indicated that public opinion might be tarnished if Labour Members of

⁸ On the role and impact of parliament in the British system see Norton (1993), for a more comparative perspective on executive dominance see Longley et al (2000). It is worth noting

Parliament were seen to be greedily seeking the prize that is the Speakership. Through unofficial channels the party leadership let it be known that they did not want a Labour member to succeed Boothroyd to do so would look as if the party was behaving in a self-serving and partisan manner.

Many Labour backbenchers were, according to media reports, apparently unhappy with what one newspaper labelled the 'inadvertent control freakery' of 10 Downing Street.⁹ Backbenchers felt that the long-standing tradition of leaving the decision on selecting a Speaker completely and freely in the hands of the whole House was being undermined. It is the height of irony that the Labour leadership would behave in such a partisan manner in an attempt to portray an image of non-partisanship.

But partisanship was not confined to the government side of the House. The Official Opposition signalled its distaste with only eleven Conservative members voting in a cross-party manner during the final, symbolic vote. Meanwhile Labour Ministers voted overwhelmingly for the leading Conservative candidate. The house had divided mainly, if not completely, along party lines.

that in the literature, the office of Speaker is rarely, if ever, identified as a possible agent for strengthening the role of parliament.

⁹ *The Guardian*, October 23 2000

Aside from the campaign, the mechanism by which the Speaker is elected caused a storm of protest with a number of members demanding a change to the process by which the Speaker is selected. The system of paring off two candidates against each other sequentially until one winner finally emerges was viewed by many as a highly cumbersome way to run an election with twelve candidates. Many urged that the arcane electoral system be scrapped in favour of a more efficient paper ballot. For these members, retaining the electoral system was all too typical of the underlying problem of having to abide by cumbersome, outdated procedures. But the father of the House, Ted Heath, refused to deviate from the existing rules and procedures.¹⁰ To do so, he suggested, would only confuse members. Writing of the election, one parliamentary commentator concluded that the election was, akin to a 'Piss-up in a brewery? This lot couldn't organise an orgy in a massage parlour.'¹¹

Following a marathon twelve hours of voting, Michael Martin, a member of the Labour Party, was elected Speaker. Had the campaigning and election not produced such candour and forthrightness his selection may well have been remembered for being the first time a person of the Roman Catholic faith was chosen to hold the position since the Reformation. For many of those wishing to see parliamentary reforms his appointment was greeted with some hope,

¹⁰ Under Standing Order Number One the longest serving member of the House, referred to as the 'Father of the House', oversees the election of Speaker (House of Commons, 2000)

¹¹ Simon Hoggart writing in *The Guardian* 24 October 2000

and a desire that he would be a different Speaker. It was expected that he would at least attempt to deal with a number of the issues raised in the weeks leading up to his election. In the final act of the election, and marking another radical departure for a new Speaker, Martin called a press conference where he signalled his intent to proceed with reform of the way parliament works. The office of Speaker, it seemed, would never be the same again.

This story illuminated the increasing importance that is attached to selecting a Speaker in the British Parliament. Our second tale is of a parliamentary crisis brought about by attempts to remove one. For this account we turn to the rather more exotic location of Port of Spain, capital of Trinidad and Tobago. Formerly part of the British Empire, Trinidad and Tobago is a democratic sovereign state, with many of its political institutions and processes resembling those of its former colonial master¹²

In early 1995 the Hon. Occah Seapaul, Speaker of the House of Representatives, became embroiled in controversy over her private business affairs. It was alleged in a criminal case before the courts, in which she was the leading prosecution witness, that she was involved in attempts to defraud a commercial bank by making false claims about the intended use of money which was being sought by way of bank loan. Although the case was

dismissed, the cabinet decided that her position as Speaker was untenable and it gave written notice on 7 July 1995 of a vote of no-confidence in the Speaker

When, three days later, the motion came before the House, the Speaker ruled it out of order. She rejected calls for the suspension of Standing Orders so that the issue could be discussed and steadfastly maintained her absolute right to continue in office. Despite mounting pressure, she refused to resign arguing that her private and public affairs were separate and furthermore, that there was no constitutional or institutional provision for her dismissal or removal.

The Government decided that a constitutional amendment allowing for the removal of the Speaker would be the most expedient way to deal with the increasingly embarrassing issue. They tabled an amendment that, among other things, provided for the temporary suspension of the Speaker from the Chair and put in place a process for impeachment. When the Bill came to the floor of the chamber it was ruled out of order by the Speaker, in a fashion similar to how she had dealt with the vote of no confidence. Following a verbal altercation with the Leader of the House (a member of the governing party), she ordered his suspension for six months, without following, it should be noted, any of the normal procedures for suspending a member.

¹² Information is drawn from the detailed account of the crisis provided by Ghany (1997). Ghany (1997) also details the historical link and resemblance in parliamentary institutions.

On the eve of the second attempt to consider the constitutional amendment the Government imposed a state of emergency around the parliament building and placed the Speaker under house arrest. The Government sought to justify its actions, in part, by reference to the inappropriate and possibly illegal behaviour of the Speaker while chairing recent sessions of the House. It also claimed to have evidence that the Speaker had entered into a conspiracy, with the opposition, to suspend or expel government deputies from the House, with the intention of changing the balance of power between the government and opposition block. The aim of this, according to the government, was to enable the opposition to win a vote of no-confidence in the government, forcing an early general election or change of government.

On 7 August, with the Deputy Speaker presiding, Speaker Occah Seapaul was suspended from office by way of a parliamentary resolution and the process of impeachment was put in place and immediately initiated. The suspension continued in force up until the (early) dissolution of parliament the following October. The dissolution brought to an end a very traumatic period in the parliamentary affairs of a relatively new parliamentary democracy. The crisis had a profound impact upon the wider political system and played a major part in the floundering fortunes of the governing party.

between Westminster and Port of Spain.

The two stories above, while individually fascinating, raise wider issues and themes, which should be of enormous interest to legislative scholars in particular as well as those interested in politics more generally. Let us explore briefly what we consider to be the wider issues illuminated by these two tales.

Perhaps the first theme to emerge from the three cases is that the Speaker is an important institution within the legislature. The presiding officer, and his or her election and behaviour while in office, is important to the working of the legislature and the wider political system.¹³ It has allocative and distributional powers, which gives the officeholder influences on how the parliament works and, among other things, the nature of executive-legislative relations. In the United Kingdom backbenchers unhappy with the dominance of the legislature by the executive and malcontent with being used as 'lobby fodder' by the party whips looked to a new Speaker to restore the greatness of parliament.¹⁴

In the second case, that of the Parliament of Trinidad and Tobago, we are left with no doubt about the seriousness of having an 'out of control' Speaker - making the life of a government so difficult that they are forced to declare a

¹³ Thus far we have talked of the *Speaker*. A look at other parliaments and assemblies indicates that the person performing the role and function of presiding officer is known by different titles such as Presiding Officer, Chairman or President (of the parliament or chamber). Except where we are referring to a particular legislature we use the terms Speaker, Presiding Officer, Chair and President interchangeably during the remainder of this work. The Irish Speaker, as we will see, is referred to as the *Ceann Comhairle*. Translated from the Irish language the term means head of the agency or organisation.

¹⁴ On the topic of British MPs' role and behaviour see Norton (1997) and, specifically on the nature and extent of British party cohesion, see Cowley & Norton (1998) and Crowe (1986).

state of emergency. If nothing else, each case should draw attention to the fact that in the real world the Speakership is, at least occasionally, a politically important and significant institution.

The two tales allude also to what we could characterise as the different types of Speakerships. In particular the nature of the relationship between the Speaker and the whole house, versus his or her relationship with one faction (such as one political party) was an important aspect in each instance. Does the Speaker represent, or more normatively, is he or she expected to represent, the interests of the entire House? In the United Kingdom we observed how backbenchers were looking increasingly for a Speaker who would not be bullied by the government. In Trinidad and Tobago the behaviour of the Speaker was partisan in the opposite direction, favouring as it did the opposition over the government. The degree to which speakers are neutral servants of the whole chamber, partisan servants of the government or some other faction, or simply self-serving politicians, is an interesting question for our wider understanding of legislatures. In particular, and as we will argue later in greater depth, the nature of the Speakership sheds light on why the legislature works as it does and the power and role it has in the wider political system.

Combined, these two accounts allude to a set of issues which should be of particular interest to comparative scholars the way in which the same institution (in this case the Office of Speaker) in a different polity are, on the surface, very similar and at the same time very different We are told by Ghany (1997) that each of the Speakerships are very similar - the Speaker of Trinidad and Tobago being moulded in the shape of the British Speakership Trinidad and Tobago, not unlike Ireland, was at one time part of the British Empire and on leaving took with them many of the basic parliamentary features at Westminster¹⁵ Yet, despite being 'hatched from the same egg,' there is today much institutional discrepancy¹⁶ For example, what happened in Trinidad and Tobago would be unthinkable in the United Kingdom What accounts for this situation is a fascinating question and one of the central puzzles surrounding the office of Speaker and indeed the organisation of legislatures more generally

We can then take at least three important points that emerge from our brief tale firstly that the Speakership is, or can be, a significant political office, secondly that the nature and role of the office may differ and thirdly, the question as to why the office takes the particular shape that it does in any

¹⁵ On the origin of the Speaker in Trinidad and Tobago Ghany (1997: 113) writes 'it is without doubt clearly established that the Office of Speaker in Commonwealth Parliaments has been adopted from the Parliament at Westminster' On the transfer of British political institutions and culture to the independent Irish State see, among others, Garvin (1996) and Mitchell (1995)

given setting. It is these themes that will shape our exploration of the office of Speaker. Before we begin our inquiry, let us take a look at why the Speakership has been neglected as a subject of research, given that we consider it to be an important institution worth investigating.

ii A rarely studied institution

Despite the potential importance of the office and the many fascinating questions raised by it, the office of Speaker has received very little scholarly attention. This is perhaps best exemplified by the fact that the last book-length study conducted on the British Speaker was published in 1964.¹⁷ In the case of Ireland, no book-length or substantive academic work has ever appeared on the Ceann Comhairle. Very few journal articles can be located on the topic of the Speaker, with no articles on the Irish case. The only exception to this general rule is the work on the Speaker of the US House of Representatives. Later we will take a close look at what has been written, but before this it is worth exploring why the speaker has been ignored, abandoned or at the very least sidelined by political scientists.

¹⁶ This discrepancy in design and organisation goes beyond the Speakership, to other features such as, for example, the committee system or voting procedures within the chamber. For a comparative overview see Olson (1994).

¹⁷ Laundy (1964).

The most immediate explanation of why the Speaker has been given such little attention is to point to the general lack of notice given to parliaments by the academy. Ever since the influential work by Bryce (1921), who concluded that parliament was in decline, it has been assumed that legislatures are no longer institutions central to the political process. Executive dominance has been seen to place parliaments behind institutions such as the cabinet and civil service in terms of political importance. Within North America congressional scholarship remains strong but this is not the case in most of the countries of Western Europe where parliaments seem to be relatively under-studied.¹⁸

However it would be untrue to suggest that parliaments have been totally ignored. There exists an extensive range of books on the British Parliament, both general volumes and ones dealing with specific topics.¹⁹ This suggests that it is less a case of parliaments being totally ignored and more a phenomenon of legislative scholars opting not to look, too often at least, at the office of Speaker. Those who have looked inside parliament have tended to focus on other questions, in particular executive-legislative relations or the voting behaviour of parliamentarians. In terms of institutional design, committees have been a dominant focus of interest, perhaps in keeping with

¹⁸ For a bibliometrical-based account of the development of legislative studies in the United States and Europe see Martin (2000)

¹⁹ Examples include Giddings (1994), Franklin & Norton (1993), Norton & Wood (1993)

the often-quoted opinion over by Woodrow Wilson (1885) who compared government in congress to government by committees²⁰

As further evidence of the unwillingness of scholars to focus on the presiding officer, it is worth noting that the seminal work on the British Speaker is written not by an academic but by a parliamentary administrator. The same administrator is responsible for one of the only comparative volumes.²¹ An employee of the United States Congress likewise authored one of only two comparative articles on the topic.²²

Perhaps more than anything else it was the behavioural revolution in the study of American politics that ensured the Speaker would never be at the forefront of the research agenda. That revolution, with its focus on scientific methods rather than reliance on the more thick-descriptive accounts, created a methodological bias against studying the Speaker and towards topics such as voting and roll-call analysis. Voting behaviour could be observed, recorded, studied, hypothesised with subsequent validation or rejection with the use of mathematical and econometric tools. The office of Speaker is seen as

²⁰ Examples of influential works focusing on committees include Strom (1990), Strøm (1998) and the volume edited by Longley et al (1997)

²¹ Philip Laundy is a parliamentary librarian and author of two book-length studies of the Speaker (Laundy 1964, 1984)

²² Back (1999) is an employee of the Congressional Research Services at the United States Library of Congress. The other article we are referring to here is Clucas (2001) and is different in that the comparative focus is on US state legislatures rather than cross-national institutions

revolving more around an individual - understanding the Speaker is seen as requiring understanding of the individual at a social-psychological level - and such unobservable or unquantifiable variables were and are not in vogue²³

In Europe, where the behavioural revolution did not take hold as strongly as in the United States, Parliaments were simply out of favour for most of the last century²⁴ Admittedly one of the areas of most focus for European scholars was and continues to be the study of government formation Who gets into government determines policy outcomes and this is regarded as of real interest The composition of the government, and its success in office was not seen as having very much to do with the institutional design of parliament, including the nature of the Speakership²⁵

Whatever the explanation for the lack of attention we want to begin to remedy the situation in this work In the next section we provide more detail on what we wish to do in this work

²³ For a more detailed account of the disciplines paradigmatic roots see Susser (1991)

²⁴ This is a personal opinion although evidence backing this up can be gleaned from data in Martin (2001)

²⁵ There are exceptions to this general point Strom (1990), for example, makes the link between committee structure and willingness of political parties to stay out of government

iii The subject of this work

Given the small amount of existing work, and in particular the atheoretical nature of nearly all of that work, it would be tempting to define this work as an assessment rather than a reassessment. This would be wrong given that some research exists already on Speakers in other countries. Indeed, we dedicate a chapter to reviewing the existing body of knowledge. In this existing literature there is a very homogeneous understanding of the nature and origin of the office. This work challenges directly that homogeneity, what we will term the conventional wisdom of the Speakership. Briefly, this conventional wisdom stresses the uniqueness of the Speakership as a political institution and the neutral, non-partisan nature of the modern office.

Additionally, although we will ponder this issue in greater depth later, the unsophisticated, atheoretical nature of the existing research should itself be a cause for concern. Combined, the conclusions in the literature and the methods used to arrive at them are troubling. Indeed, even what present material exists leaves the modern scholar of political science and the observer of real-world politics with more questions than there are answers for.

We are as interested in finding a generally applicable theory to help us understand the institution of presiding officer and, indeed, the nature of sub-

legislative institutions more generally, as in providing a detailed account of any one Speakership. This, initially at least, is of more interest to us than a detailed empirical account of the Irish case.

Substantively this is a work on the Speaker. As we have alluded to, a number of common conclusions have emerged about the Speaker. We feel that given the nature of the works, which lead to these conclusions, each of the accepted pillars may demand reappraisal. What we hope to do is to look beyond the often simplistic assumptions in the literature and think about the office in a fresh way.

The key argument which will be put forward is that much of our current understanding of the Office of Speaker is blatantly wrong. The attitude of reverence and deference to the Speakership, so dominant in the literature, is misleading. In particular we attack head on the notion that the Speaker is non-partisan and assert our view that the speaker is a servant-like asset of one or more parliamentary factions. The Office of Speaker can be understood like most other political offices. It is not as 'high' as many would have us suspect. Again, although the evidence presented is based around the Irish case, the results should help illuminate the office of Speaker more generally. Our first question then revolves around an examination of the nature of the modern office.

Why the office of Speaker looks the way it does will also be of concern to us. As we will explore in greater detail later, the origin of the Speaker is traced to a particular period and event in British parliamentary history. Scholars claim it is that period which gave the Speakership the shape which it still enjoys today - with the exception of some cases, most notably, the United States. However, even that exceptional nature of the Speaker of the United States Congress is similarly explained by reference to a set of local and unique historical events. Yet this reverence to historical origins, as an explanation for the nature of the modern office, may be as unsound as the well-trodden line of non-partisanship and neutrality.

These substantive questions, of institutional nature and institutional origin lead us to the theoretical foundation of this study. We search for a useful framework or general theory to help us illuminate the substantive questions posed. An obvious place to start such a search is with new institutionalism. As a paradigm, new institutionalism, or what is often referred to as neo-institutionalism, has as its core assumption or belief that institutions matter, that their design has consequences.²⁶ As a project the school has revolved around two questions: firstly, what are the consequences of particular institutional formats? Secondly, how do we explain the emergence and

²⁶ We will provide a more detailed review of new institutional theory in Chapter Two. A general introduction to the field is provided by Peters (1999).

evolution (or lack of change) in political institutions²⁷ Both questions are of great importance to our substantive topic The question of institutional consequences, at least at a theoretical level, has received much scholarly attention and, while much progress is still to be made, it is safe to say that our understanding of institutional design consequences has advanced in recent years²⁸

Less advanced, however, is our understanding of why institutions take the shape they do At a theoretical level there is no commonly accepted point of departure for answering the question of why institutions emerge the way they do It is far from hyperbole to suggest, as we do later, that new institutionalism is undergoing an internal battle on this very question At one extreme are theories dominated by historical analysis and the sociological approach At the other extreme is the economic school, which takes it that institutions have their origins in the strategic choices of players²⁹

The need for theory deployment, if not already obvious, will become clearer when we provide a fuller review of the existing and atheoretical conventional

²⁷ This project is best exemplified by the Cambridge University Press series on Political Economy of Institutions and Decisions under the guidance of James Alt and Douglas North which have addressed the questions of institutional origin and consequence from a new-institutional perspective

²⁸ As will become clear in later chapters we are somewhat cautious about the new institutionalist paradigm The dominant approach which we employ is rational choice theory For us *good* rational choice theory takes account of institutions

wisdom about the institution of Speaker.²⁹ One of our ambitions in this work is to deploy rational choice institutionalism in a way that is capable of helping us understand and explaining the complexity of the Office of Speaker. There is good reason why any such theory should be capable of a more general application. Given that various theoretical tools are available, and our approach may be far from being universally acceptable, we will spend some time explaining and promote the rational choice approach.

The reader may have noticed a certain carelessness thus far. We have interchangeably spoken of the need to find (1) a theory of institutional origin and (2) a theory which explains the current institutional design. But the origin and current design of an institution often differ quite substantially. It is not uncommon for institutions to change. The question of institutional change or continuity has received a certain amount of attention, but we will argue that the existing explanations are very weak. A theory that can take on board origin and evolution will be far more useful than one that can only explain the initial shape of the institution. In summary then this work sets out with two major goals:

- (1) A depiction of the Irish Speaker, with particular reference to the nature of the office. This we think will entail moving beyond the

²⁹ We can see immediately that the historical school has been the one which scholars of the Speaker have tended to align themselves with, even if they do not use the language of theories

current conventional wisdom surrounding such roles that we have picked up from the existing international literature

- (2) A theoretically informed understanding of why the Irish Speaker looks as it does. To assist us with this question we will have to seek answers to general questions of why institutions take on the shape they do.

Before we move on to an outline of our plan to achieve these objectives it may be useful to consider briefly two questions. The first revolves around why we have opted to focus on the Irish Speaker, as distinct from the Speakership in any other legislature or undertaking a more comparative, cross-country, approach. The second set of issues we want to address at this stage relates to the methodological approach taken in this study.

iv The focus on Ireland

An obvious question is why the focus on the Irish case? Any answer must deal with two separate but interrelated issues: firstly, the reason for selecting only one country rather than undertaking a comparative study, and, secondly, the reason for specifically targeting the Irish Speaker. The first question is

such as institutionalism

primarily a methodological issue and we will return to why we opted for an in-depth case method rather than a large n study in the proceeding section on methodology For now we explain the choice of Ireland

One motive is the absence of research on the Irish parliament in general and on the Ceann Comhairle in particular By any account the Oireachtas is a poorly investigated body The dearth of research is evident by the fact that the only book-length study on the modern institution is almost half a century in print (McCracken 1958) Since then, no book-length research project has been undertaken with the exception of historical works tracing the parliaments early origin (Mitchell 1995) Research papers have equally been scant with only a handful being published³⁰ If we look at descriptions and analysis of the institutional characteristics we are left with an even deeper void In general, the almost total absence of research and analysis on Irish parliamentary institutions leave a major void to be filled

If, as is often claimed, little is known about the British Speaker even less is known his or her Irish counterpart The Ceann Comhairle seems to have been the subject of no scholarly research, or at least scholarly output In one of the leading textbooks on Irish politics the Ceann Comhairle is mentioned only three times, and on each occasion receives very little attention (Coakley & Gallagher 1999) In addition, the office receives little attention in other works,

such as constitutional law or administrative law texts. What is known about the Irish speaker is, thus, very little and is based on contemporary journalistic accounts or what we observe from the televised proceedings of the chamber³¹

The one study to shed some light on the Ceann Comhairle is the comparative work of Jenny and Muller (1995). Using a cross-national method, they analysed the office of presiding officer in 18 European parliaments, including Ireland, as well as the looking at the President of the European Parliament. The quantitative data used was collected as part of the Doring project on parliaments and majority rule in Western Europe (Doring 1995). However, as we will see later, it would appear that at least some of the Irish data is incorrect - either because the original data was incorrect or because the coding of the data - the quantification of what was essentially qualitative data - proved too difficult a task. Thus, in focusing on the Irish Speaker there is little danger of simply repeating what is already known - because so little is known and what has been written suffers from inaccuracies.

In addition to filling a gap, the selection of Ireland as the focus is interesting because of one of the qualities of the Irish political system: the fact that it emerged from and was essentially a copy of the Westminster model. The

³⁰ Some of the few examples include Ward (1974), O'Halpin (1985) and Arkins (1988)

³¹ I am referring here to works such as Morgan (1997), Doolan (1994) and Casey (1992). The most authoritative up to date work is a book chapter by Gallagher (1999)

Republic of Ireland separated from what was the United Kingdom of Great Britain and Ireland in 1921 following a bitter war of independence. The particular historical events need not detain us here, save to point to the fact that the young state copied very closely the institutional design of the United Kingdom.

The point here is that the Irish Speakership would seem to have its origin in the British Speakership. Indeed, institutionally, it was to be expected that the offices were uniquely alike when the post-independence Irish parliament began its life. When we collect and analyse information on how the Irish Speaker has evolved since then, it will make for interesting comparison with the modern British Speaker. It provides an opportunity to understand how the same institution, in potentially different environments and subjected to potentially different stimuli, will alter, develop along similar lines or follow different evolutionary paths. Selecting Ireland gives a unique opportunity to permit a form of quasi-experimental research that should shed some light as to how and why institutions evolve or remain the same.

v A note on methodology

There are three major methodological issues that the reader should be aware of before we proceed further. The first revolves around the current methodological orientations of legislative scholarship, the second is related to the type of methodology adopted in this study. A third methodological issue concerns the specific problems of conducting empirical research on the Irish Speaker, although similar problems may well exist with research in other settings.

Legislative research has a recent history of dividing into what I have elsewhere described as *two houses*: one theoretical, one empirical (Martin 2000). The theoretical approach to legislative scholarship is most evident in research on the United States Congress. Work by political scientists such as Kenneth Shepsle and Barry Weingast employs often highly abstract deductive modelling, seeking answers to questions such as the existence, or not, of majority cycles (Shepsle & Weingast 1981). The work by these and other scholars, often referred to as positive political economy, is most often grounded in a rational-choice assumption of human behaviour. This form of methodological individualism has become increasingly technical with advanced mathematical models often taking centre stage. Perhaps, above all else, the defining feature of this approach, and the major criticism of it, is a

lack of empirical content. In other words, theories are postulated but are rarely subjected to any type of empirical scrutiny³²

On the other side of the coin is what we might think of the European political science tradition of legislative scholarship. The defining feature here is the use of an inductive approach with a reliance on in-depth case description. Even today, a large number of European scholars appear to have preference for what we might term 'thick descriptive' work: write in detail about a case and on the basis of that detail reach one or more conclusions about the phenomenon being examined. A weakness of this method is that there is often little descriptive, let alone causal, inference. Theory validation is as unlikely as with the US school. While there are certainly numerous examples of good legislative scholarship, the criticism of the two traditions is commonly well founded³³

This methodological orientation of this work builds on the strengths of both traditions, with an emphasis on theory building and conclusions capable of being generalised beyond a particular case and, in addition, the collection and analysis of data to inform such theory. Theory-building, while perhaps never

³² For example, Green & Shapiro (1994) have attacked rational choice scholarship on the basis of the perceived lack of empirical success.

³³ In fairness it should be pointed out that this division is not limited to legislative scholarship and the description of the two approaches is a simplification of the reality of legislative scholarship. Moreover evidence exists that at least some formal theorists are paying increasing attention to empirical matters - I am thinking for example of the work by Cox and McCubbins (1993).

totally useless, is not as valuable unless the output has been or is capable of being subjected to empirical scrutiny³⁴ Equally, descriptively rich work should not be the end game Social scientists must be capable of extracting generalisations from their work This study adopts such an approach, seeking a proper relationship between theory advancement and empirical scrutiny

Having outlined our general attitude to methodology we turn our attention to the precise methods employed in this work, in particular the disadvantages and advantages of a single-country case study over either multiple in-depth case studies or large-n studies For empiricists the sophistication and validity of the quantitative statistical approach, usually involving causal explanation in the form of regression analysis, over the qualitative case method has long been a source of division in the social sciences Given that we employ a case method to test our theory, it is worth making a number of points in favour of this approach

It is becoming increasingly obvious that the difference between quantitative data and the more qualitative-type data is not, or at least need not be, as great as had previously been thought King et al (1994) have shown that both quantitative and qualitative work are capable of having the same logic of

³⁴ As will become evident in this work we believe strongly in the need to assess empirically theoretical propositions However, like Cox (1999), we do acknowledge that theory-development in itself may have a role in progressing knowledge

inference. The difference is one of style and technique rather than anything more fundamental. Their argument sits well, even if many of the requirements they prescribe to the qualitative method are unattainable.³⁵ But the underlying point remains: qualitative work done *properly* is equally as valid, and often more valid, than large-n statistical studies.³⁶

The approach adopted here to ensure our evidence and conclusions are as valid as possible is to set out empirically testable hypotheses based on our theory. In this set of hypotheses we set out as many consequences of our theory as we can. We try to avoid making theoretical arguments that are unsusceptible to the scrutiny of data. Our method is less the 'soaking and poking' of people like Fenno (1978), and more in keeping with scientific attempts to test clearly defined arguments. In summary, we review the existing knowledge and attempt, in the Lakatosian tradition, to improve upon the existing stock by developing a theoretical framework, from this deriving a set of empirically testable hypotheses and finally testing the hypothesis using unbiased data.³⁷

³⁵ For example they seem to claim that both approaches should be capable of providing the same level of replication.

³⁶ Of course quantitative leaning scholars are slow to realise that even this process has a number of qualitative decision making points which are as likely to cause misleading conclusions.

³⁷ For Lakatos (1972) a theory was only useful and an advancement on knowledge if it explained everything that a previous theory explained plus something more.

A final methodological point relates to the hazards of collecting information on the Irish Speaker, an issue that may very easily extend to research on any other Speakership. Certainly, sources such as the official proceedings of Dáil Éireann (Dail Debates) proved an excellent source of data. However, a number of potentially interesting written and unwritten sources remain off limits. A good example of this is the haphazard way in which the minutes of the Committee on Procedures and Privileges (CPP) are not available for a number of years³⁸

Attempts to obtain to the private papers and/or, in the case of living Ceann Comhairle, their own thoughts proved more mixed. The private papers of the first Ceann Comhairle are accessible, but, for a reason unknown, little of the otherwise impressive collection relates to his time as Speaker³⁹

The current officeholder, Ceann Comhairle Seamus Pattison, was good enough to give of his time, as were a number of parliamentarians who were willing to talk of their contact with and opinions of the office of Ceann Comhairle. Although a number of these interviews yielded valuable information and insights, many interviewees were somewhat cautious to express opinions on the natures and qualities of various officeholders

³⁸ The CPP is a parliamentary committee chaired by the Ceann Comhairle and charged with various matters such as amending Standing Orders, and disciplining members. In Ireland many of its meetings are held in private and minutes either not kept or not released to researchers

vi The Plan of Campaign

In the second chapter we explore new-institutionalism in the expectation that it will help us with our core question – an understanding of the nature of the Speakership. We look at the divergence between the historical/sociological approaches and the economic (rational-choice) approach, as well as recent attempts to weld the two approaches into a unified school of institutionalism. We explain our selection of rational choice as the theoretical foundation of this work. Then, using rational choice institutionalism as the tool of analysis, we develop a theory of the Speaker – our argument revolving around the notion of the Speakership as an asset of the majority rather than a neutral arbiter.

To show how this rational choice account of the Speakership differs from the existing understanding of the Speaker our third chapter addresses the current stock of comparative literature on the nature of the modern office. We probe in detail three of the key premises in the literature – the symbolic nature of the office, the non-partisanship of the officeholder and finally the exceptionalism of the American Speaker. Combined, these three characteristics form what we term the conventional wisdom surrounding the modern office. We criticise this approach as being over simplistic, too focused on particular legislatures.

³⁹ The papers of Michael Hayes, the first Speaker of the post-independent Dail are available at the Archives Department, University College Dublin.

and suffering from methodological sophistication. We continue to explore the literature with an emphasis on the origin and evolution of the institution. The emphasis on and the key role given to historical analysis and particular historical events is explored and scrutinised. Here again, it becomes apparent that something of a conventional wisdom has emerged with various authors concluding not just that history is important but that particular historical events are the explanation of why the office looks as it does. Even in the case of American exceptionalism, specific historical events is used exclusively to explain the contemporary shape of the office.

Chapter four sees us moving forward with our account of the Speakership. We set out a series of hypotheses to be used to test the predictive accuracy of our theory. These hypotheses revolve around quantifiable indicators such as the election of Speaker, the observed voting behaviour as well as more qualitative indicators of the relationship between the Speaker and the government on the one hand and the Speaker and opposition members on the other.

Chapters five and six present and use data collected on the Irish Speaker to test the hypotheses. Chapter five deals with the nature of the selection and appointment process. How are the Irish Speakers elected? Is it seen as a political office? Does it enjoy the respect of all members? In Chapter six we move to the performance of the Speaker once elected and examine variables

such as their voting behaviour, evidence of partisanship in the chamber and post-office partisanship

In chapter seven we review our main empirical findings and judge the success of our theory of the institution of Speakership. We explain what we consider to be the most novel and interesting findings of the research. We also set out what we consider to be the contributions to the field of legislative studies. The wider implications of our findings are explored at this point. These include what we have learnt about the motivations of politicians (potentially useful for exploring the assumptions in coalition theory in particular) and how the re-evaluation of the Speaker may help our currently weak understanding of the executive dominance of the legislature. Finally, we look to the future and need for further theoretically-informed comparative research on the Speaker and on legislative institutions more generally.

Chapter II: A Rational Choice Institutionalism Framework

1 Introduction

While it was not always the case, contemporary political science is laden with research on institutions. The research addresses questions such as the origin of institutions, the causes of change or stability over time, and an understanding of their consequences. The pre-eminent theoretical approach used to explore such questions is new institutionalism. As a paradigm, new institutionalism has taken political science by storm in recent years, and the intensity of interest in the approach shown little sign of abating (Lane & Ersson 2000). Given that our interest is in an institution (the office of Speaker), it seems sensible to explore how the new institutionalist theory could aid our exploration of the office.

The goal of this chapter is to see if, and hopefully how, a new institutionalist framework can help us understand better the institution of Speaker. It is a validation of this account that will occupy our attention in most of the subsequent chapters. But the new institutionalist approach has its critics. Indeed, new institutionalists themselves are frequently divided on a number of issues. These divisions are so strong that it is perhaps more accurate to speak of new institutionalism as little more

than an umbrella for, at least, two very different and competing schools¹ For reasons explained later we will favour the use of the rational choice strand over what could be termed the more historical-sociological wing of new institutionalism Consequently our account of the Speaker will follow what we might term a rational-choice institutionalist perspective However, here again, it would be wrong to suggest that the utilisation of this approach is unproblematic As we will see, challenging the approach we use here has been something of a growth industry in the social sciences in recent years Within political science rational-choice (institutionalism) is the subject of much, and occasionally profound, debate A defence of the paradigm must preface any use of the rational choice institutionalist approach

This chapter proceeds as follows In section one we describe the new institutionalist turn in political science In section two we set out our reasons for employing a rational choice framework which must include a defence of rational choice new institutionalism This will include an exploration of and response to the main criticisms of the approach that have been made by others This enables us to move in part three to our elaboration of a rational choice account of the Speaker

¹ Peters (1999) provides a fairly comprehensive introduction to the area of new institutional theory For general introductions and surveys, see also, Lane & Ersson (2000), Goodin (1996) and Cortell & Peterson (2001) Seminal works spanning the main areas include, March & Olsen (1996) Shepsle (1989) and Steinmo et al (1992) Williamson (2000), Gills (2001) and Hodgson (2001) provide an interesting review of new institutional economics

ii The institutionalist turn

Most disciplines and adventures in knowledge advancement have a biography and the study of politics is no different. Within political science the story of the changing attitudes towards institutions would form a large part of any such biography. Institutions, as focuses of attention, were rising high as the discipline developed up to and including the first half of the twentieth century but dipping almost to the point of non-existence with the development of behavioural revolution. The last two decades has seen interest in institutions rise to all-time highs with their 'rediscovery', conventionally dated as beginning sometime in the mid-1980s²

Understanding our appreciation of, and attitude towards, institutions requires an understanding of the shifting paradigms within political science. While somewhat over-simplistic, the study of politics has its origins in two very different camps: one moral philosophy, the second a more legalistic/constitutionalist tradition. A large proportion of the study of politics (whether or not it deserved to have the word science included in its title) was about rules and regulations. The legalistic/constitutionalist tradition was primarily concerned with the study of such formal institutions and rules. In such studies an account and understanding of history played a crucial part. In terms of methods little divided historians from scholars of politics. What we might now refer to as old-institutionalism was the bedrock of the

² The account provided here is based on Susser (1991)

discipline and the work of scholars was to describe (often in great detail) the institutional features that they observed

The behavioural revolution which hit the discipline in the 1960s, in the aftermath of the second world war, and affected the US discipline most strongly of all was essentially a revolt against the idea that an understanding of the formal institutions and rules equated to an understanding of the political system. In the behavioural era politics was seen as being about human behaviour as much as about institutions and constitutions. But the behavioural revolution was as much about methodological changes as it was about dropping the interest in institutions. The way to make the study of politics more scientific was to borrow methods from the natural sciences. At the forefront of this transition was the idea of methodological individualism. This shift gravitated attention to the individual as the unit of analysis. Human behaviour became the focus of interest and in so doing sidelined interest in institutions to the point where they were essentially ignored.

Behaviourism however was later subjected to much the same criticism as old institutionalism and these criticisms eventually saw the emergence of the rational choice approach as an alternative paradigm. As Elster (2000) notes, rational choice theory yet again revolutionised the study of politics, particularly American politics. It has taken much longer for this paradigm to spread outside the United States. Modern political science continues to be divided on the merits of the approach. It could be

contended that much of the criticism (and indeed some of the praise) stems from a lack of understanding of what constitutes rational choice theory or what rational choice theory claims to achieve.

At a basic level all rational choice scholarship revolves around a specific assumption of human behaviour: namely that individuals act rationally. As to what is meant by rationality there is much confusion and often little agreement. While various definitions of rationality abound, Zafirovski (2000) captures the crucial point:

in a nutshell, the rational choice model is premised on the idea of social agents as rational utility optimisers, for it takes as its central core the idea that persons act rationally to satisfy preferences, or to maximise utility.

Applied to research arenas such as legislatures, the aim of this approach is to understand and explain the behaviour of individuals. Their motivations and actions were studied by a generation of rational choice scholars interested in understanding how the United States Congress worked. Scholars such as William Riker convinced a generation of the benefit of an economic approach and the application of economic reasoning to political processes and political outcomes.³ In such rational choice

³ Rational choice political science is seen as having its origins in the transfer of economic methodology to the study of politics. Although subtle differences exist rational choice within political science is often referred to by such terms as public choice, positive political theory or the economic approach to

accounts institutions were seen as playing no role and to all intents and purposes were ignored

Yet the application of social choice theory to political phenomenon such as voting in the legislative arena proved extremely problematic. Kenneth Arrow's impossibility theorem, which won for him the Nobel Prize in Economic Sciences, was a central puzzle. Arrow found that majorities cycled and consequently majorities were inherently unstable (Arrow, 1963). For any hypothetical policy position there exists a set of alternatives that command a majority of votes against it. This outcome, far from being a once off or unique occurrence, was proven to be a general case under certain simple assumptions. But here was the paradox: within legislatures majority rule was common. The deductive theory seemed to fail to account for what was easily observable in the legislatures of the world. Majority rule existed and proved highly stable over time. This was easily gleaned from the floor and in the committee rooms of the US Congress (Shepsle 1989).

Today scholars realise that the missing element was the role and impact of institutions. Yet in a research tradition which ignored institutions it took almost a generation to recognise that institutional arrangements had consequences. Kenneth Shepsle and Barry Weingast (1982) were among the first to link the existence of

politics. Likewise rational choice new institutionalism is closely associated with NIE (new institutional economics). On the impact of William Riker, see Amadae & Bueno de Mesquita (1999).

majority stability to the institutional and organisational characteristics of the US Congress

The key insight which we elaborate is that majority rule is not self-implementing - there is no 'majority rule machine' into which we feed preferences and out of which comes outcomes. Rather, there is a complex series of institutional arrangements underpinning the operation of majority rule legislatures⁴

Such *discoveries* heralded the arrival of what we now refer to as new institutionalism rational choice⁵ Like rational choice before it, new-institutionalism mirrored turns in economic sciences in particular and in the social sciences more generally⁶

Our account of the emergence of new institutionalism gives the impression that political science is a unified discipline - but this is not so. The preceding account of the discipline is heavily geared towards the North American discipline. The intellectual history of European political science is very different. Although somewhat of a simplification it is certainly plausible to suggest that European political science never lost sight of institutions, but neither did it embrace fully the many positive features of the behaviour revolution or the theoretical rigour brought by the rational choice approach.

⁴ Shepsle & Weingast (1982: 367)

⁵ The rise of new institutionalism more generally is associated with the work of March & Olson (1994) which pre-dates the rise of rational choice institutionalism.

⁶ At least we were led to believe by Shepsle's (1989) quoting of the President of the Royal Economic Society that by 1986 'the economics of institutions has become one of the liveliest areas of our discipline' (Matthews, 1986, 903). But as Williamson (2000: 595) has recently pointed out 'such a pronouncement was a surprise to most of the profession.'

Even today, the approach many European scholars take to the study politics bears a remarkable resemblance to old institutionalism. Accounts of a *thick-descriptive* nature are frequently the order of the day. While many European-based scholars could be rightly identified as belonging to the new institutionalist school, equally as many are followers of the old-institutionalist questions and methods.⁷ Despite such transatlantic differences in focus and method, we are nevertheless all institutionalists now. But what exactly is the new institutionalism of the 1990s?

Whether in the United States or Europe new institutionalism shares with what I have previously termed old institutionalism a fundamental belief that institutions matter. They matter because far from being neutral they affect outcomes. They have, in the language of economics, distributive consequences.

Some, but certainly not all, forms of new institutionalism have a preference for formal deductive methods often involving mathematical modelling. This is in sharp contrast to the descriptive basis of old institutionalism. The aim is to generalise beyond single cases or institutions rather than provide a detailed account and description of specific institutional features.

A more fundamental divide exists within new institutionalism. Any understanding of the new-institutionalist approach must come to terms with the divide that exists

⁷ This is a controversial point and is based on the idea that the real division between old and new institutionalism is a methodological one. For some evidence to support this see Martin (2000).

between the economic/rational choice strand and what we might think of as the historical/sociological strand. Despite recent attempts to marry the two, they nevertheless continue to exist as quiet separate ways of seeing the world, even if both agree that institutions matter.⁸ We do advocate the rational-based perspective on institutional analysis. However, and in particular given the attempt to marry the two approaches, it is important to say something about the historical/sociological strands.

At the core of historical institutionalism is the idea that institutions are historical creatures and, consequently, are best explained as the product of specific historical phenomena. This brand of institutionalism is heavily influenced by the Durkheim tradition in sociology, and in particular the idea of socialisation. People are best understood not as individuals, but as socialised animals whose world is a social construct. Our understanding of the world and the institutions which shape it are learned and embraced - actors are conditioned over time rather than being independent utility maximisers, as the rational choice scholars would have us believe. Terms such as *roles* and *routines* are the backbone of this approach. Because of this, institutions are understood as being little more than patterns of behaviour. These patterns are determined by sociological and cultural factors. Historical/sociological institutionalism focuses on the question of institutional origin and continuity as explained by reference to group norms and the power of socialisation. Methodologically, the thinking is inductive rather than deductive and case studies are

⁸ A good example of a recent attempt to show how the two approaches can be combined is the work of NØrgaard (1996).

seen as the best way to understand institutional origin and consequence. There is no grand theory of institutional consequence.⁹

Rational Choice Institutionalism is, at its most basic, the marriage of two assumptions: the first that institutions matter, the second that individuals are rational in their decision making. Unlike the historical and sociological strands, the rational choice tradition rejects the idea that institutions have cultural or sociological bases. Rather, institutions are the consequence of strategic decisions by players. Once established, they determine, constrain and generally structure preferences. Rational choice institutionalism can be seen, not as an alternative to the rational paradigm, but as an obvious next-step in the process of understanding the choice behaviour of individuals. At a minimum, rational actors are bounded by institutions; ultimately, we may have to look to the choice of actors to explain the origin, continuity and contemporary nature of an institution.¹⁰

Consequently, we regard rational choice institutionalism as being a by-product, or development, of classical rational choice and for this reason we need to explore more closely rational choice theory.¹¹ In the rational choice new institutionalist framework, it is the former (the economic basis) rather than the latter (institutions matter) that

⁹ A good example of this approach within legislative studies is the work of Searing (1994).

¹⁰ To clarify, we perceive the difference between rational-choice theory and rational choice institutionalism as being an acknowledgement by the former that institutions matter.

¹¹ For these reasons, the reader might wonder why we do not use the term rational choice rather than rational choice new institutionalism. While we agree it may be more appropriate to stick with the general term rational choice, we follow the convention in the discipline of using the term rational

seems to be more frequently questioned. Let us look at and respond to such criticism, remembering that we are justifying rational choice to allow us use it as a framework to understand better the office of Speaker.

iii. In defence of rational choice (new institutionalism)

Rational Choice is deeply controversial and consequently its merits and flaws continue to be the subject of much debates. Criticisms are numerous but tend to revolve around three inter-related issues. The first is that the basic assumption that people behave in a rational manner is flawed. The second point, and one which may or may not be seen as a direct consequence of the first, is that rational choice theory lacks empirical content. The third contention is that rational-choice theorists are overly eager to indulge in what we might think of as a form of post-hoc theorising, in an attempt to 'correct' the empirical shortcomings of the theory. Proponents argue that each of these three criticisms is unfounded and further justify the use of rational choice because they argue it is the best tool currently available. We will consider each in turn starting with the attack on the very notion of rationality.

Are people rational?

choice new institutionalism to describe the theory formed by a bringing together of rational choice and institutionalism.

The idea of *economic man* is borrowed from neo-classical economic thinking and has enjoyed a somewhat uneasy ride within political science. The assumption is simple: people make choices in line with their preferences. Many believe that such an assumption is flawed and argue that people do not abide by such requirements when making decisions. Put simply, if I prefer apples over oranges and am offered an apple or orange, then, other things being equal, I will choose an apple. To do otherwise would be irrational. Three requirements are attached: that of completeness, transitivity, and probability distribution. Completeness requires that the various options from which I am selecting should be comparable. One could not, for example, be expected to make a rational choice between attending a football match or achieving world peace. The second assumption of transitivity requires that if I prefer A to B and B to C, then I must prefer A to C. The third requirement of efficient probability distribution comes into play when we encounter uncertainty about the effectiveness of our decisions. Our actions are related to outcomes by a set of probabilities, and rationality requires that such probabilities form part of our calculations in reaching a decision. Although each of these assumptions is open to criticism, they are generally accepted and have not been the source of criticism from the anti-rational choice camp.

The above definition of rationality is sometimes criticised as being too soft. Some proponents of rational choice apply a more difficult or stronger criteria for behaviour to be rational. They argue that choices must be objectively rational, by which they

mean that the ranking of preferences must have meaning. There must be some reason for a person to prefer tea to coffee. However, whatever definition of rationality we use, the bottom line is that opponents argue that people are not rational. They point less to the definitional requirements for rationality and more to the observed behaviour of individuals. As we already mentioned this point is closely tied up with the problem of empirical content.

The empirical success of rational choice theories

An obvious source of pleasure for those who do not share the cornerstone assumption of the rational school is the poor empirical performance of rational choice theories across a broad range of applications. The publication of *Pathologies of Rational Choice Theory*, a book deeply critical of the whole approach, claims to be full of examples of how few of the new propositions which rational choice claims to have introduced to the study of politics has stood the test of data.¹² In particular Green and Shapiro (1994), like many others, focus on what Fiorina (1989) called the 'paradox that ate rational choice'. The paradox is worth considering because it is highlighted, not just as a case of rational choice performing weakly, but as an example of the third problem (namely what people see as the inappropriateness of methods used by rational scholars to save the theory).

The key questions revolved around the question of whether a rational voter will ever vote? The most basic economic models of voting behaviour can be reduced to a cost-benefit analysis: if the benefit of voting exceeds the costs of voting then a voter will vote. If it does not then a voter will not choose not to vote. On most accounts the costs of voting are low and can be accounted for under headings such as time taken to physically attend at and cast a vote, having to do research to find out which candidate or party to support and so on. However, seen in such a way, the rational benefit of voting seems extremely weak. One can think of the rational benefit of voting to be the benefit to oneself of having one candidate or party win an election. But we must include in any equation the likelihood that one's participation in the voting will change the election. And this probability is extremely low.

Laver (1997) points out that he is not aware of any general election, the result of which has hinged on one vote. Even in the 2000 US Presidential Election, where the result was considered very close, it was never claimed that just one vote could make a difference. Because the probability of your vote making a difference to the outcome, even if that outcome would be of consequences for you, the benefit of voting is seen as minuscule. Thus, the clear prediction of classical rational choice theory is that people will not vote. Yet in every general election we observe people voting. The

¹² Donald Green and Ian Shapiro's *Pathologies of Rational Choice Theory* was published in 1994 and has since become something of compulsory reading for both proponents and opponents of the choice approach.

theory, no matter how mathematically well defined and logically consistent is not validated by what we observe in real life

The reaction of the red-faced rational choice camp does little to aid their quest for respect among the doubters. The main criticism of the latter in this regard is the willingness of the choice camp to indulge in what we might think of as post-hoc theorising: having tested the theory and found the theory faulty, play around with the parameters of the model until it fits the data. Those opposing rational choice often claim that this regrettable practice is exactly what rational choice scholars have done. And it is certainly true that in the case of the voter turnout model the various attempts to correct the model have been based on adjusting the benefits, and to a lesser degree the costs of voting, until the expected utility of voting change from a negative to a positive.¹³

Cox (1999) criticises what he considers to be Green and Shapiro's focus on the rational choice models which are either notoriously theoretical or well established as being the worst examples of an empirically successful rational choice. Cox further replies to the argument that rational choice lacks empirical content by pointing to other areas where the theory has both contributed novel ideas and has been empirically successful. Within legislative studies examples of successful and good research practice include, but are not limited to, the work by Cox and McCubbins (1993) on a party-model of congress, Huber (1996) on the institutional mechanisms

of the legislature under the French Fifth Republic and the work by Tsebelis and Money (1997) using the theory of the core to better understand the nature of bicameralism. Far from lacking empirical content, rational choice theory has advanced a number of novel and empirically successful middle-range theories of politics.

This raises a crucial point. Modern rational choice scholarship is capable of accepting that not all aspects of politics are capable of being understood from a rational perspective. But this is not to say that many areas of politics cannot be. Rational choice theory has become less a universal theory capable of explaining every aspect of human behaviour and more a middle-level theory useful for explaining certain political phenomena. Consequently, it may be useful to think of the rational choice approach as consisting of a way of viewing the world which acts as a tool for an exploration of part of that world.

Moving from criticisms of rational choice, proponents of this approach argue that, whatever its empirical limitations, rational choice theory is the most successful hypothetico-deductive theory. As Cox (1999: 160) points out in defence of the approach:

Theories are conventionally valued not just for their ability to generate predictions that survive empirical testing but also for their parsimony, rigor and generality.

¹³ Such attempts include Overbye (1995) and Bufacchi (2001).

Shepsle (1995) in his reply to criticisms of rational choice has pointed to this fact, claiming that rational choice is, while certainly not perfect, the best available theory of human behaviour. For all the criticism no other theory approaches the predictive ability while maintaining the same or near levels of rigour and generalisability. This defence of rational choice theory Shepsle calls the 'first law of wing walking' - don't let go of what you have until you find something better to hold onto (Shepsle 1995: 217). Cox (1999) makes the same point about rational choice, relying on the Lakatosian notion of advancement in scientific knowledge.¹⁴

In concluding our defence of rational choice framework we accept that a large proportion of the discipline feel somewhat uneasy with the method. As we said, rational choice theory is not, and should not be sold as being, a universal theory of human behaviour. It is however a useful tool to provide a middle-range theory of certain political phenomena. On that basis alone we feel comfortable using the choice framework.

There is a second and entirely different justification for using rational-choice institutionalism as the framework or tool with which to analyse the Speaker. As we will see in Chapter Three the methods used to derive the existing stock of knowledge of the Speaker can be most clearly associated with the old institutionalist approach.

¹⁴ For Lakatos (1970) a theory was validated only when it explained everything that has been explained by an existing theory and in addition adding explaining something extra.

Our rational choice institutionalist framework is therefore a novel approach to the Speakership. Employing a very different approach could be considered beneficial in itself, regardless of the empirical success that it brings. Certainly we hope and expect to achieve a positive empirical assessment of our rational choice approach, but regardless, we are happy in the knowledge that we have attempted to progress by employing a very different approach than used previously. Armed with our understanding of the strengths and weaknesses of the rational choice tool we now proceed to examine the office of Speaker from that perspective.

vii A theory of the Speaker

In this section we develop a rational choice interpretation of the office of Speaker. We first identify a set of players and their motivations. These motivations are taken from existing research in the area of legislative studies on the preferences of political actors. We then show how these goals and preferences can be related to the office of Speaker. What emerges is the suggestion that, given the motivations of political actors, and our observations on the distributional consequences of controlling the Speakership, the office can be viewed as an asset - either for the governing party, opposition and/or the individual who holds the post.

Identifying actors & goals

Our first task is to identify different players and their motivations. In game theory these are related usually to each other and indeed we identify the various actors on the basis of their motivations. While there are numerous actors who are involved with, or impacted by, the Office of Speaker, we limit our analysis to three groups: the government, the opposition and the individual who holds the position of Speaker. These groups are defined quite broadly. The government is taken to be the party or coalition of parties who form what is generally recognised as the executive. The opposition comprises the party or parties who are not in government. Given that the party composition of government tends to revolve, even in dominant party systems, it is worth pointing out that the goals of a political party will differ, depending on whether or not they are in government. This should not cause us too many problems as the timeframe is best thought of as being the lifetime of a parliament between general elections. It should be noted however, that in a dominant party system, the timeframe could, and perhaps should, be considered to be longer given that the opposition party knows it is less likely to be in office after any subsequent general election.

A second point of clarification is that two of the players (the government and opposition) are not unitary actors. They are composed of individuals who collectively, through some predetermined and well-established process, reach binding decisions. However the motivation of the various members may vary, a backbencher

may, for example, have a different set of preferences to the party leadership. Here we follow the approach of Laver & Schofield (1990) who in dealing with the motivations of parties note that even if political parties are not unitary actors they *behave* as if they are.

Let us comment on the goals that could be ascribed to each of these players. Here we draw on a well-developed set of writing on the motivation of political parties and individual parliamentarians.

We assume that parliamentarians and political parties are motivated in part by a desire to make public policy and in part by a desire to gain and retain office. The latter of these is generally referred to as the office-seeking thesis and makes the assumption that the main goal of politicians is to retain elected office (re-election) and once elected to be the party of government rather than the party of opposition. Office is seen as bringing with it very tangible benefits such as a higher salary, certain side benefits such as a ministerial car and in addition a certain prestige or power associated with political office. The office-seeking thesis would claim that politicians are not particularly interested in changing public policy.

On the other hand the policy-seeking thesis emphasises that politicians are motivated above all else by a desire to effect such change. It is argued that those holding political office are interested in office not as a means in itself but as a tool and mechanism with which to influence policy. While gaining office is an important goal

in the policy-seeking thesis, the key point is that this is not an end in itself. Getting into office is instrumental; it is used to achieve a greater goal, namely influencing public policy.

While scholars continue to debate which of these two thesis is the most accurate, most have now come to an acceptance that parliamentarians and political parties have multiple goals which incorporates elements of both the office-seeking and the policy-seeking thesis.¹⁵ Thankfully for us we can proceed while agreeing that the motivations of the players can have elements of both policy, office for policy and a simpler desire to be in office. We can simply say that each political party is interested in (1) getting into and staying in government (2) effecting public policy. Individual parliamentarians are interested in (1) being re-elected (2) holding high office (3) contributing to changing public policy.

How these motivations will express themselves will differ on the basis of whether or not the political party is in Government. For the Government parties the motivation is to stay in office, for the opposition parties it is to ensure they are in office as soon as possible. The government is interested in its legislative agenda, the opposition party is interested in opposing the government's legislative agenda and performance and in championing its own policies to the embarrassment of the government.

¹⁵ For the original analysis of different models of party motivation see Riker (1962) on the office-seeking party and Axelrod (1970) on the policy-motivated party. More recently, it has been argued that policy motivation should be seen as a complement to office-seeking motivation (see, for example Smith & Remington, 2000).

The legislative arena is an important forum for the playing out of these motivations. It is not just the institutions where the government is formed, it also controls the success of the executive's legislative agenda, the success of the opposition's attempts to oppose and ultimately it can determine the life span of the government and influence the decision of the electorate in a general election.

The Speaker as a prized Office

The Office of Speaker, although being held in high regard, is rarely seen as a prize in the literature.¹⁶ While much of coalition theory discusses the practical benefits bestowed on a member who becomes a junior or cabinet minister, the Speakership is rarely seen in such light. But there seems little reason to consider the office of Speaker as being any less attractive than a cabinet post in terms of pure office-seeking benefits. In Ireland, for example, the Ceann Comhairle draws the same salary as a cabinet minister and enjoys the same benefits-in-kind such as a state car and driver.¹⁷

In many ways the Speaker receives many more benefits from his office than a cabinet minister does. His tenure is much more secure than that of a cabinet minister. Speakers are rarely changed during the life of a parliament. Even where governments

¹⁶ This will be come evident in Chapter Three

change during a parliament (as happened in Ireland in 1994) the Ceann Comhairle continues in office. If one wants a secure office then the Speakership offers greater security.

This point becomes even stronger in the Irish case where the Constitution provides for the Ceann Comhairle to be automatically returned as a Member of Parliament at the subsequent general election. The Ceann Comhairle then is not only secure in his own office but is secure in the knowledge that he will be a member even after a general election. Given that re-election is seen as the first priority of any parliamentarian one cannot underestimate the practical benefit of automatic re-election.¹⁸

In addition to this the position, which the Speaker must undertake, would appear, at least to the casual observer, to be less demanding than the role of a government minister. While cabinet ministers must come to terms with their new portfolio and withstand the attacks from the opposition parties and other groups the Ceann Comhairle enjoys a more relaxed lifestyle. While the work of the latter may be more daunting than we would imagine it nevertheless is relatively peaceful. For the Ceann

¹⁷ Interview with Ceann Comhairle Pattison

¹⁸ Article 16.6 of the Constitution states that 'Provision shall be made by law to enable the member of Dáil Éireann who is the Chairman immediately before a dissolution of Dáil Éireann to be deemed without any actual election to be elected a member of Dáil Éireann at the ensuing general election'. This is a rather unique arrangement by international standards with most Speakers having to seek re-election as a member of parliament.

Comhairle a typical week consists of four days¹⁹ During those four days he will usually be present to preside over the house, although he shares this task with his deputy The working day of the current Ceann Comhairle commences around 9am when he is briefed by his private secretary and Clerk of the Dail on any important issues His morning is kept free to deal with constituency issues and to meet any international visiting delegations to the Irish Parliament From approximately 11 am the Ceann Comhairle presides over the plenary session The practice is for the Ceann Comhairle and Leas Ceann Comhairle to rotate every one-hour An attempt no doubt to relieve the frequently boring nature of parliamentary debate The administrative activities of the legislature are taken care of by a team of officials and the Ceann Comhairle, more often than not, simply signs what his trusted officials put before him The only strain is the unsociable hours that the Ceann Comhairle usually keeps when the House is sitting late The workload is not burdening enough, for example, to ever activate the panel of assistant chairmen that the Standing Orders allow for These are reserved for cases when the Ceann Comhairle and Leas Ceann Comhairle are unavailable

Our point here is simple It would seem that from an office-seeking perspective the Speakership is highly appealing The Ceann Comhairle receives practically all the 'perks' of a minister with greater job security and the benefit of automatic re-election These benefits come with few of the costs associated with being a minister - in

¹⁹ Again the information on the Ceann Comhairle in this section comes from an interview with Ceann Comhairle Pattison

particular the heavy workload and long working day often associated with being a cabinet minister

Our key proposition which we take from all this is that we would expect parties and individual parliamentarians to covet the Speakership for the benefits it bestows upon the holder

The Speaker as an asset of government

Such benefits as described above are bestowed upon one individual - the Member of Parliament fortunate enough to be elected Speaker. If we think of political parties as agents attempting to win such offices for their elite it is possible to equate a similar motivation to the political party. In other words a political party will, *ceteris paribus*, prefer to see one of its members achieving the benefits of the office.

However, political parties may be interested in the office for other and, to them, potentially more important reason. This reason is that the office of Speaker has what we might term distributional consequences that may assist or hinder political parties in the achieving of their goals. Such distributional consequences impact on the ability of the government to govern and the ease with which the opposition can oppose. Let

us look at some examples with particular reference to the Irish case, but drawing upon the powers and influence that most Speakers have over their respective legislatures

Although the office is often regarded as having a primarily symbolic role (more on this in Chapter three), our argument is that the Speaker, far from being an irrelevance, can be of great assistance to either of the two players, the government or the opposition

The Speaker is not just not just presiding officer of the chamber but also frequently serves as the administrative head of the legislature. Although day-to-day management of the affairs of parliament may be delegated to an administrative team the Speaker nonetheless frequently retain overall control of the organisation and its sub-departments. The Speaker may well have control over the budget and the allocation of it to various sections. Such allocations may effect the effectiveness of the legislature. We have only to compare the well-resourced research resources and staff available to some legislatures to the almost total absence of such resources at the disposal of Irish parliamentarians. It would seem not over presumptuous to suggest that the greater the resources available to individual parliamentarians the better will such parliamentarians be able to hold the government to account. We can see here an immediate interest that a government would have in ensuring that the resources available to legislatures are limited

As presiding officer, the Speaker is responsible for the conduct of debate. As anyone who ever attended a meeting is likely to testify, having a chairperson who is favourable to one side over another can be a great advantage. While a chair is often expected and indeed required to be neutral, it is only human nature to expect that their preferences and beliefs may partly guide their reaction to what is unfolding in front of them. The Speaker may well have enough leeway to allow, for example, the discussion of certain matters, or may choose to rule such discussions inappropriate. For a government eager to appear competent and effective and shying away from criticism the decision of the Speaker on what to allow be debates is very crucial. A sympathetic Speaker can make the life of the government easier by maintaining the debate in such a way as to render absolutely futile attempts by the opposition parties to question it.

The possibility of the Speaker impacting on the government and opposition seems to be evident in practice. The observer of the daily order of business in the Irish Parliament will attest to this²⁰. The opposition parties will try to embarrass the government. Frequently such attempts are ruled out of order by the Ceann Comhairle, thus saving the Government from embarrassment. As one Member of Parliament describes it:

The Ceann Comhairle protects the Government, the
opposition can only hope to embarrass the Ceann

²⁰ Under Standing Orders the opposition parties can question the Taoiseach on matters of proposed legislation during the daily order of business.

Comhairle into allowing them make their point or alternatively create a row and [ensure] chaos so that the media will broadcast the whole debacle. Even so, ordinary people frequently dislike such shows and the government comes out the winner.²¹

On a whole range of issues the Speaker has leeway in deciding matters that are of crucial importance to the balance of power between the government and opposition. Other such examples include the prerogative of the Speaker to close debate when they feel an appropriate amount of debate has occurred. This often has the effect of preventing in Westminster-type legislatures the phenomenon, which has become known as filibustering on the US Congress. While the Speaker may not control the agenda or the time allocated to members' speeches, he or she can prevent usually a member speaking if they deem the member's speech to be irrelevant to the subject under discussion (Back 1999).

The net effect is that the Speaker has sufficient leeway within the Standing Orders, precedents and rules of debate to make the life of the government easier or more difficult. Directly related to this of course is the impact that the opposition is allowed

As with the office-seeking hypothesis, our argument here is simple. We would expect that each side would want to own or control the Speakership because such control

²¹ Anon. interview No 1

would ensure certain benefits. While such benefits might be subtle, they are over time and in certain circumstances very beneficial.

Our rational choice perspective leads us to one prediction and that is that the political parties will seek the office of Speaker for themselves. They will do so for two reasons: the first is that they value the material benefit of the office and will use it to reward one of their members. The second and perhaps greater benefit is that the Speakership is an asset for the party or coalition of parties that control the house. The Speaker has the powers and capacity to help or hinder the government. For this reason it is best to think of the Speaker less as a neutral officer and more as a political position not unlike others.

vii Conclusion

In this chapter we have suggested that new institutionalism and, in particular, what we might think of as rational choice institutionalism can provide a useful tool with which to analyse the office of Speaker. Given the, often-lively, debate about the appropriateness of the rational paradigm we have spent a good deal of time dealing with the perceived weaknesses of the rational approach, while also highlighting the benefits that the approach brings. Rational choice, we accept, may not be a suitable starting point for a grand theory of human behaviour. For us, the ability to set out new and clear expectations about the Speakership, by using rational choice theory as a research tool, outweighed the criticisms and weaknesses of the method.

Having explained and justified our use of the rational paradigm, we then proceeded to developing a rational choice framework for the office of Speaker. The key aspect which the theory enabled us to develop, that it is possible to identify interested players and their often-differing motivations, allowed us to view the office from a very different perspective. Having established a possible link between such motivations and the benefits brought about by ownership of the Office, we concluded that the Speaker is an asset, which we would expect each of the various players to strive to obtain and keep control of.

We may have presented a simple model of the institution of Speaker, but our task now will be to test the empirical accuracy of such claims. To do this we have developed a set of empirically testable hypotheses which we present in the next chapter and proceed to scrutinise empirically in subsequent chapters.

Chapter Three: The Conventional Wisdom

1 Introduction

In the preceding chapter we set out our thinking on how new institutionalism, and in particular its rational choice strand, can help us understand better the office of Speaker. We claimed that deploying such a theoretical orientation would lead to a reconsideration of much of the conventional wisdom surrounding the office. But what is the conventional wisdom? Without an examination of the current body of research and writing it would be wrong to claim, as we do, that our view of the Speaker is somehow new or novel. In this chapter we provide a picture of the existing comparative research and scholarship on the Speaker. This picture forms what we call the conventional wisdom. We also present the reader with an overview of the historical development of the Irish Speakership.

The sections that follow explore the work of the handful of academics, politicians and legislative officials who have written about the office, invariably in an attempt to explore the origin, development, nature or importance of the office. As we will see this disparate group appear to be in broad agreement on a number of issues. These commonly shared conclusions,

and themes running across the various works, form what one could think of as the current theory of the office. But, because of the atheoretical nature of this work, we believe it more fitting to refer to the existing slate of knowledge as forming a conventional wisdom rather than a theory. Given this claim, it seems only appropriate to address the methodological orientation and sophistication of research before getting to grips with the various themes and conclusions that together form the conventional wisdom in the literature. We begin with a brief word on the focus and style of research, and progress to an examination of the main pillars of the conventional wisdom, namely, the emphasis on the historical origin of the office, the importance of symbolism in the role and function of the Speaker, the neutrality thesis and the exceptionalism of the American case.

ii The Focus and Style of Research

At the outset it is useful to differentiate between the different perspectives from which people have approached the topic. The vast majority of the literature on the Speaker has tended to follow a similar method of investigation and has reached similar conclusions. The only exception to this has been the work on

the Speaker of the United States House of Representatives and to a lesser degree work on Speaker of some United States state legislatures¹

The subject has been approached mainly from the perspective of highly descriptive, country-specific case studies. One cannot but be impressed with the level of detail presented by many of the authors. A good example is the voluminous work by Laundry (1964) on the British Speakership. He provides a chronological description of continuity and change in the office making often-lengthy reference to each of the individual officeholders over a period of some 500 years.

This focus on historical detail comes at the expense of an almost total absence of explanatory rigour. The quest to describe developments in the office does not lead to any general explanation of why the office developed as it did. The nature of the work also limits the ability to generalise beyond a limited period of time. The dedication to historical detail also ensures that institution-specific cases stay just that and are not developed into a comparative theory.

Our knowledge of the office in particular countries at particular times often relies on a second source of information, the biographies or autobiographies or the Speakers themselves. Particularly in the United Kingdom, it has becoming

¹ Outside of American cases, Jenny & Muller (1995) come closest to providing a theoretical underpinning to the Speakership.

increasingly common to see a biography-type volume on modern Speakers² Such works are more interested in exploring the legacy of an individual than providing anything resembling an account of the office itself The picture painted is of the great office that previous speakers have moulded and handed down being taken up and carefully respected and maintained by the individual Such accounts in turn become a source for the academic who often relies on them for information and to support their own views

Both the academic works and the biographical-type material have the same principal advantage and disadvantage The advantage being the depth and richness of historic detail, the disadvantages being the over reliance on the authors' personal opinion, the use of anecdotal evidence and an unwillingness to attempt valid inference using the presented detail As we will see, the analysis rarely moves beyond providing a list of stylised facts based on value judgements more than evidence Explanatory rigour is hardly the order of the day The use of theory as a tool to advance our understanding of the office is rare to the point of being almost non-existent

From a methodological point of view, what is most striking, and consequentially most alarming, is the reverential disposition held by those undertaking research on the office of Speaker, particularly but not exclusively

² See, for example, Routledge (1995) on Speaker Boothroyd and the autobiography of Speaker Lloyd (Lloyd 1976)

in the case of the British Speaker. The office is seen as being *high*, above the normal status of competitive politics (Laundy 1984: 1964). While we cannot be certain, this reverential disposition often appears to be *ex ante* - the author having formed his or her judgement of the office before beginning to conduct research on it. This approach must surely cast doubt on the validity of many of the descriptions and conclusions that are made.³

The exception to this 'high-respect' is the stated belief in what we call 'American exceptionalism'.⁴ Scholars of the United States House of Representatives have a very different view of the Speaker, departing radically from the notion of independence from politics much attested to by European scholars. On the occasions when other scholars have reported on the American Speaker, they have often done so with an element of disgust and disrespect bordering on the fanatic.⁵

Thankfully, then, we might expect the US literature to be at least impartial. But when we explore this literature we will see a number of methodological problems continue, not the least of which is the focus on the personal

³ This point was made to me by a British scholar who, although not wishing to be publicly associated with his own comments, described much of the work on the UK Speaker as having been undertaken by 'pillars of society' incapable of independent reflection.

⁴ My apologies to those other countries that form the continent of America. Here, as elsewhere, American Exceptionalism refers to the exceptionalism of the United States to the exclusion of countries such as Canada or Mexico.

⁵ Singh Yadav (1982: 59) for example, writes that 'under the British model the Speaker is expected to be apolitical - but, unfortunately this is not the case in the United States or Communist Countries'.

characteristics of individuals, rather than an attempt to build a solid base from which to set the US experience in a comparative context

From a purely methodological point of view, we are entitled to have cause for concern. The focus on description, the failure to deploy theory or to generalise beyond a specific case, and the importance of personal opinion place a question mark over whatever it is that these studies may or may not conclude. What will emerge below is a picture of research in need of greater generalisation and explanatory rigour. We will see how normative-based thinking and perception-based analysis leaves a lot to be desired.

The descriptive studies, which we must rely on for an understanding of the office, do seem to reach a number of commonly shared conclusions and it is to these that we now turn. In particular, three themes dominate the literature: firstly the focus on historical origin; secondly the 'high' nature and characteristics of the modern office including an account of the role and functions of the Speaker. The third theme to emerge from the existing literature is that of American exceptionalism. We will deal with each of these themes in turn.

iii For King or Parliament The Historical Origin

Although the British House of Commons is predated in age by other legislatures, it is seen as being the mother of all Parliaments and, perhaps more importantly for us, the parliament seen as responsible for the office of Speaker. A number of works have drawn attention to the early origin of the Office and claim, implicitly or explicitly, that the events of this period are crucial to understanding the current office. While the origin may be of interest in and of itself, a greater significance is the fact that this early history is seen as having shaped the modern office. To appreciate this we are taken back to a period in British History where the King of England and the Commoners (a body of men who were wealthy taxpayers) were embroiled in a fight for executive control.⁶ The King wanted to retain his authority but was financially dependent on the Commoners. The Commoners on the other hand were attempting to wrestle power away from the monarchy and towards their own assembly.

It is difficult to pinpoint when exactly a representative of the Commoners emerged in any recognisable form. Some argue that the office can be traced as far back as 1258. The year 1376 is recognised as an important date in the emergence of a Speaker among the Commoners. In that year it was recorded

⁶ Except where otherwise stated this well recognised account is taken from Laundry (1964) and Marsden (1979)

that one of the commoners, Sir Peter de la Mere, was given a presiding role over the debates and a role in communicating with outside bodies

Because the said Sir Peter de la Mere had spoken so well and had so wisely repeated the arguments and opinions of his colleagues, and because he had told them much that they did not know, they begged him to take responsibility for expressing their wishes in the great Parliament before the said Lords ⁷

Other parliamentary historians identify the emergence of the British Speaker with the appointment of Sir Thomas Hungerford, chosen in 1377. Hungerford was certainly the first to hold the title 'Speaker'. Even if they are the subject of scholarly debate, the precise dates are not of great interest to us here. What is more interesting is an understanding of the role and function played by the first Speakers.

The original function of the Speaker seems to have been as the mouthpiece of the Commons before the King. It was not appropriate for the King and assembly of Commoners ever to meet and consequently the need for a messenger developed. It is generally agreed that initially the Speaker's role was to communicate with the King on behalf of the Commons rather than vice versa. Such communication would have comprised resolutions of the

⁷ Quoted in Bailey (1964: 61)

emerging parliament as well as expressions of grievances to the King. In every imaginable way then, the Speaker was the servant of the House, not the servant of the King. However, this was to change with the shifting balances of power between King and Parliament over the subsequent years.

The first signs of a change in the role of Speaker from representative of the Parliament before the King to the representative of the King in Parliament came as early as the late 1300s when Speaker Bussy declared himself a servant of King Richard II. The records show how he made no secret of his desire or belief that the Commons should be subservient to the Monarchy. However, the impact of individual Speakers during this time must take account of the short tenure that most enjoyed. The term of office was set at one year, but few even made it this far.⁸ It is not difficult to understand why the Speaker shifted his loyalty to the monarchy when we recall how most individual parliamentarians deferred to the King and consequently to the type of Speaker which the King favoured.

For those earlier Commoners were obsequious to a degree unimaginable today, constantly on their knees in the presence of royalty, insisting on their utter inferiority and choosing as their

⁸ Indeed the job was considered so dangerous as many members desired not to undertake the role. The still existing tradition of a newly elected Speaker being dragged to the chair by a handful of members is rooted in history where on more than one occasion a new Speaker struggled against being forced into the chair.

'mouth' a man who could express better than his fellows the kind of grovelling sycophancy that kept bloodthirsty kings quiet and reasonably happy⁹

The Speaker was not alone a fearful agent of the Parliament but potentially a fearful agent of the King, given the responsibilities of managing the affairs of the Monarch in Parliament. For the sake of his mortality, the Speaker had to walk a very fine line between upsetting the Commoners (who had the power to remove him) and the King (who could have him charged with treason, an offence which brought with it the certainty of execution)

The most significant events in the early development of the Speaker came during the English Civil War. King Charles I, like so many of his predecessors, found himself engaged in a struggle with parliament. During his reign, two particular events are seen as re-establishing the Speaker as a servant of the parliament rather than as a master of it on behalf of the monarchy.

The first is when Charles ordered Speaker Sir John Finch (Speaker from 1627-1628) to adjourn Parliament in an attempt to render it temporarily inoperable. The decision to adjourn is a matter for the House following a motion being put by the Speaker. On putting the motion, members shouted 'No' and

⁹ Marsden (1979: 95)

consequently the motion to adjourn should have been lost. But Charles had ordered Finch to leave the chair if any attempt was made to continue with business. When Finch signalled his intent to stand down, a number of members rushed forward and restrained him from rising from the chair. It was demanded that he put a number of motions to the House, something he did even if much to his disagreement. 'I will not say I will not, but I dare not.' Laundy (1964) hold this particular event as marking the beginning of a process that would culminate in the Speaker emerging as a servant of the House rather than any other interest.

A second and more celebrated occurrence that is seen as breaking the link between the King and Speaker occurred under Speaker William Lenthall. Faced with increasing demands for higher taxes from the King and attempts to usurp their powers, a number of members rebelled against Charles. In an attempt to end the revolt, Charles marched on Parliament with some 400 soldiers and demanded that the ringleaders be handed over. Charles forced his way into the Chamber and addressing the Speaker shouted 'By your leave, Mr Speaker, I must borrow your chair a little.' Without waiting for a reply, Charles took the Chair and demanded to know if the leaders of the rebellion were present. To a silent chamber the King then turned to the Speaker, whom he regarded as his servant, and asked "Is Mr Pym here?' The apparently brave

Speaker replied that he could not be of assistance, his words becoming part of

British Constitutional history

May it please your Majesty, I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am here, and I humbly beg your Majesty's pardon that I cannot give any other answer than this to what your majesty is pleased to demand of me¹⁰

These words are quoted to this day as signalling the emergence of a Speaker dedicated to the House rather than to political interests. Lenthall succeeded in facing down Charles and prevented the arrest of the conspirators. The longer-term consequence was a recognition by the Monarchy that the Speaker was no longer solely its agent. As the power of the Monarchy gave way to cabinet government, this tradition of independence from the Monarchy grew.

If much of the literature is dedicated to understanding the early origins of the office, an equal amount has been dedicated to a descriptive account of the role, function and duties which the Speaker now performs. It is to this work that we now turn.

¹⁰ Quoted in Bailey (1964: 62). It may interest the reader to note that it was this event which gave rise to the tradition still followed that, except for disciplinary matters, members are addressed on the basis of their constituency rather than their name, and that no Monarch since Charles I has ever been allowed into the House.

iv The role, function and duties of the Speaker

Most writers differentiate between three roles or functions performed by the Speaker in the Westminster tradition firstly the function of presiding over meetings of the chamber, secondly the Speaker is seen as being the administrative head of the assembly The third role consists of symbolic and ceremonial duties, either within or outside parliament

As the presiding officer

Perhaps the most obvious and certainly most visible function of the Speaker is to preside over debates when the chamber is in plenary session It is unknown for a chamber of parliament not to have a presiding officer This is understandable given the need for some form of chairmanship for such vast bodies Relying on the observation that few if any democratic legislatures are without one, writers feel confident enough to express the opinion that the Speaker must play a crucial role in managing the plenary business Within this role the various authors have paid attention to four different areas

The primary role of the Speaker in the Chair is to call members to speak Both precedent and the rules of the chamber in this regard determine the actual

powers of the chair¹¹ In some cases the Speaker is free to call whoever he or she wishes and to set time limits In other cases it is decided in advance by representatives of the political parties who shall speak and for how long - usually proportional to the strengths of the various parties in parliament In either case the Speaker has a duty to ensure that the agenda is adhered to, regardless of whether they had a role in setting it

A second role while in the Chair, and one that cannot be underestimated given the frequently acrimonious nature of parliamentary life, is the power given to the Speaker to maintain order Particularly where proceedings are televised, the parliamentary chamber is frequently treated as a circus ring in which the opposition and government parties fight a war of words Such clashes may be as real as plastic surgery but regardless they do need to be contained Indeed, it is not uncommon to find Standing Orders empowering the Speaker to sanction individuals who are acting in an unparliamentary manner Such behaviour includes refusing to be silenced or sit down, using unparliamentary language, or being unparliamentary in making certain hearsay accusations against other members or breaching the rules of *sub judice*¹²

The literature makes it clear that the interpretation of what constitutes good order and how a Speaker pursues order is very much a matter of personal style

¹¹ The rules are usually codified into Standing Orders

and must take account of the wishes (or *mood*) of the whole House. Penalties available to the Speaker can range from rebuking a member to the more serious punishment of *naming* a member - which result in a parliamentarian being suspended for a set period of time. In the event of greater disorder the device available to the Speaker may be an adjournment. In many cases the ultimate decision on punishment for those causing disorder may be at the discretion of the House itself, for example the Speaker may not be able to suspend a member without a vote, or a member may be able to appeal a suspension, either to the whole House or to a specialist committee.

The power of the Speaker to close a debate is perhaps one of the most controversial. Closure, defined as the ability of the Speaker to cut short debate and call for a vote or move onto other business, originated in the British House of Commons in the 1880s. It came about following attempts by Irish separatist members to obstruct the business of the parliament by protracting debate. The Standing Orders were revised to allow the Speaker conclude debate after a reasonable time. The motivation behind closure is that it prevents what we might now consider to be filibuster, or the talking out of a bill or amendment by protracting debate until time runs out.

¹² An item is *sub judice* if under judicial consideration and therefore prohibited from public discussion.

A fourth role of the Speaker in the chair revolves around occasions when the house is equally split on a vote. In such cases the Speaker is given the option of, and in some legislatures is required to, break a tie. We will see below that precedent plays a large role in determining the actions of the Speaker in such circumstances. We would expect that in larger legislatures the probability of such ties arising would be quite low and consequently most Speakers would rarely if ever exercise this role. While this may be accurate, and we do not have the comparative empirical evidence to know, it is worth considering that the role of the Speaker in breaking a tie is likely to be very controversial and/or receive much scrutiny.

Overall then, the picture is one of the Speaker presiding over orderly debate in keeping with the Standing Orders that the Chamber has given itself. Most authors stress the importance of the personal characteristics, sensitivity and experience of the Speaker in managing debate and all importantly sensing the *mood* of the House. As Laundry (1964-67) notes when it comes to acting in the Chair the Speaker

is the servant of the house, not its master, and the authority which the house vests in him is its own authority, which he exercises in accordance with the interests and wishes of the house

However, as implied by the above observation, the Speaker is not simply a person who applies his or her encyclopaedic knowledge of the Standing Orders to every eventuality. The reason for this is that not every eventuality is covered by the written rules. While Standing Orders may set down to various degrees the rules of the Chamber, no set of rules can be sufficiently detailed and complete to provide for each and every procedural contingency that may arise. Hence the Speaker is left to fill in the gaps or to rely on custom. The decisions of the Speaker are considered to be precedent setting and end up being part of the rules - even if unwritten. As a report on the British Speaker by the National Democratic Institute has noted:

The decisions made and rules followed by the Speaker during the course of the Speaker's tenure are precedent setting. The Speaker's rulings are significant; the Speaker interprets and applies the House of Common's standing orders and establishes precedents on matters such as whether a member's speech is relevant to the subject under discussion, whether amendments proposed to a draft law conform to the rules and are 'in order' and whether certain issues can be properly raised during a Parliamentary Question.¹³

¹³ NDI (1996). The NDI (National Democratic Institute for International Affairs) has produced a paper in their *Legislative Research Series* comparing the various models of Speakers and Presidents of parliament.

As the administrative head of the Parliament

In most countries the Speaker has a further important role as the individual vetted with the responsibility for the overall management of the parliament. This includes such functions as the allocation of offices and the running of ancillary services such as research services for members and committees or the production of transcripts of parliamentary debates.

Given the vast range of tasks, it not surprising that the Speaker is assisted by a committee and/or by a public servant who has day-to-day managerial responsibility. For example the British Speaker chairs the House of Commons Commission which has overall responsibility for each of the five administrative departments.¹⁴ Although the day-to-day bureaucratic function may be delegated to a manager, the Speaker still retains considerable flexibility in such matters as setting organisational priorities or allocating funds from the parliament's Budget. Writing on the allocative powers of Speakers in general and on the US Speaker in particular, Bach (1999: 211) explores the potential benefits which this power can bring:

The Speaker can exercise significant influence over the assembly's facilities - buildings, staff, information resources and so on. In part as a consequence, the Speaker may be intimately involved in setting and allocating the assembly's budget. These powers enable the Speaker to

¹⁴ These five departments are Department of the Clerks of the House; Speakers Office; Department of Sergeant-at-Arms, Department of the Library; Department of official Records.

affect the well being of the assembly and its individual members who, in anticipation or as a result, can become beholden to him. In ways sometimes obvious and sometimes subtle, a clever Speaker who is so inclined can translate administrative responsibility into political influence.

Symbolic/Ceremonial function

Even casual observers of the British House of Commons cannot but be aware of at least some of the pomp and ceremony which surrounds the Speaker. Yet behind this lies the fact that the Speaker is the symbolic head of the Parliament. As Laundy (1964, 47) notes 'the Speaker represents the Commons in all their external relationships and, in its relationship with the House of Lords.' In a bicameral setting, the Speaker's role in communicating with the other chamber may be the result of procedural necessity as much as ceremonial right.

The symbolic role of the office is further evident in the standing of the Speaker in the official protocol of the Country. The British Speaker ranks seventh in the official order of precedent¹⁵ And so it is in other countries with the Office being taken as a symbol of parliament and the respect to be accredited to the institution. Functionally, the symbolic role requires that the

¹⁵ By order of Council made on 30 May 1919. Prior to this the Speaker was ranked as the first commoner (Laundy 1964: 8)

Speaker represents the Parliament, at home and abroad, and be the voice of the parliament more generally

Although frequently sidelined or completely ignored in the literature, it is important to note that in many countries the Speaker is often given extra-parliamentary responsibilities arising from the representative role. He or she may, for example, act as a replacement for the Head of State when that officeholder is out of the state or otherwise unavailable. Alternatively, the Speaker may be a member of a council or committee which replaces the head of state in similar circumstances

There are other roles that see the Speaker represent the parliament. The British Speaker is a member of the Boundary Commission, the body charged by parliament with drawing up the constituency boundaries for subsequent general elections. Many of these roles, perhaps crucial to the smooth running of the wider political system, have long been ignored. It might not be too far-fetched to suggest that such appointments come about because of the presumed nature of the office as much from the symbolic role of the Speaker. We now move away from the functions of the Speaker to the behaviour of the Speaker as encapsulated by the presumed nature of the Office

v The nature of the office neutrality

Perhaps more than anything else, the theme found again and again in the literature on Speakers is that of their impartiality, neutrality and utter non-partisanship. Outside the US case, there is universal agreement that in those parliaments in the Westminster tradition the Speaker is above party politics. Indeed, the literature leaves no room for any assertion to the contrary. As Sir Bernard Cocks, Clerk to the House of Commons, writes in his preface to Laundy's seminal work 'above all, he is completely impartial' Laundy (1964: xi). This section will depict the picture painted by such authors and the criticisms already made of this view. I have divided the review into four sections, although as we will see in the literature some areas are more written about than others. The four areas we will concentrate on are: what is meant by neutrality, how it is demonstrated (in other words the proof put forward by the various authors for its existence), where it comes from and what are its consequences.

What is meant by Neutrality?

The first problem we encounter is that no one clearly specifies what is meant by neutrality. Few provide a definition, which indicates that they are relying

on a common-usage definition such as 'supporting neither of two opposite sides' The issue of what is meant is further clarified (or is that complicated) by the introduction of other terms such as 'non-partisanship' But here again the meaning of the word is understandable enough What is less understandable is the meaning of these words applied to behaviour within the parliamentary context

What the authors seem to have in mind are two different levels that frequently overlap The first level is impartial, not taking sides, being a neutral chairperson The second and one that goes beyond the first is non-partisanship Non partisanship requires that a partisan (and most parliamentarians are or have been at some stage a partisan) breaks his or her ties with the party or at the very least refrains from active participation We can see, however, that we are falling into the danger of definition by observation We define the term by the behaviour we observe

One interesting contribution in this area comes from a 'practitioner' Dale Lovick, Speaker of the British Columbia Legislative Assembly, argues that a Speaker can be impartial but cannot be neutral (Lovick 1996) His argument is that no individual can relinquish the visceral beliefs of a lifetime, which partisanship often is simply by donning the robes of office His argument entails further that a Speaker can still be impartial As he writes 'the idea that

membership in or connection with a political party renders one incapable of impartiality is a *non sequitur*' (Lovick 1996 4)

However, Lovick is a lonely voice on this issue as the dominant belief is that a Speaker must not only be impartial but must be seen to be impartial. The assumption, sometimes made quite explicit, is that, unless a person permanently revokes his or her partisan ties or partisan sympathies, then they will never be seen to be non-partisan even if he or she is behaving as a non-partisan. Continued partisanship, or any link with an individual political party, is seen as a most fundamental ethical breach.

Thus, we are left with a picture of an individual devoted not to a political party, ideology or belief but solely to the wellbeing of the House which he or she now serves. Anything else is simply not possible. As Laundry (1964 125) writes

Once in the chair the Speaker becomes in the true sense a House of Commons man. He sheds all his party affiliations and dedicates himself exclusively to the impartial discharge of his functions. It is inconceivable today that any Speaker would be consciously partisan.

What allows for such an extraordinary transition within a few hours from a party political hack to a non-partisan? No one even hazards a guess. However, one quality which is written a lot about is the dignity and antiquity of the individual in the chair. It is as if on entering the Chair the individual undergoes a metamorphosis. The weakness of this argument should be self-evident to all. Scholars have felt able to by-pass this issue by overcoming us with examples of neutrality in action. It is to these demonstrations of impartiality that we now turn.

How it is expressed

Various writers on the Speakership leave no room for doubt. From before the Speaker is selected until he/she dies they behave in, and are treated by others, in a non-partisan way. Laundry is typical of this approach, providing proof of the neutrality of the office by examining each of the stages of the Speaker's career from the moment he or she becomes a candidate and providing a detailed account of their behaviour in conducting the business set them

In how he or she is selected and appointed?

Invariably Speakers are elected from among the membership of the chamber. As a general rule, the greater the threshold to election the more likely it is that the individual elected will be by-partisan. In their essay, Jenny and Muller (1995) note that it may still be necessary to maintain a majority principle so as to ensure a Speaker can be elected. They show that in 19 European parliaments nearly all have some requirement for a qualified majority.

Yet the threshold required to reach election is only one element of the story. The selection of candidates may tell more than the formal rule of election. The key difference is between a culture where the party caucus has the effective say in selecting the Speaker or a system where the political parties leave the decision to the backbenchers. There is little systematic evidence on this point, although a number of examples do highlight the differences between countries. In the United Kingdom, for example, the right of the entire House to select the Speaker, free from the usually heeded opinions of party managers, is closely guarded. Indeed, the party leaders usually shy away from giving any indication of preference as to candidates from within their party or between various parties, including their own. As Laundry (1964: 15) argues

on no account is a candidate for the
Speakership ever proposed from the front

bench, a further token of the Speaker's immunity from ministerial or even shadow-ministerial control

The assumption is that as a necessity the Speaker must be seen to be the first choice of the backbench mass of the House. The selection of Speaker is thus not an issue for parties but for the House as a whole. No party puts forward a candidate and no member is expected to vote along party lines.

Having said this, we must confess that some evidence suggests it is quite typical for the Speaker to come from the party with a controlling majority in the Chamber. Outside the UK this is common and indeed generally accepted that the nomination is a party one. Jenny and Muller (1995) provide a number of examples of countries where this is the accepted norm. In Austria and Germany the Speaker comes from the largest parliamentary party. Moreover in some countries, particularly Belgium, Luxembourg, Ireland and Portugal, the filling of the office is part and parcel of the bargaining leading to the emergence of a coalition agreement.¹⁶ Thus, party interference is believed not to exist, but knowing the strengths of the various parties in the chamber and/or in coalition bargaining is likely to give a clear indication of the party from which the Speaker will come. These partisan activities are cloaked because of

¹⁶ To clarify, this is the claim of Jenny & Muller (1995). Evidence, which we will present later for Ireland, will show that, perhaps surprisingly, the selection of Ceann Comhairle has not been part of the coalition bargaining process.

an understanding, what Jenny and Muller (1995 344) refer to as 'informal norms ruling candidate selection' In other words the Speakership is decided not by backbench members voting but by an understanding between the party elite and usually a silent understanding aimed at preserving the dignity and perception of non-partisanship of the office

Even in the British tradition, the façade of non-partisan involvement in the selection of a Speaker occasionally breaks down Take, for example, the selection of Selwyn Lloyd in 1971 It is quite clear from his autobiographical account that the leadership of each party approached individuals to ask them to consider running (Lloyd 1976) In the case of Lloyd it was the Chairman of the Conservative 1922 Committee In accepting the offer to stand, Lloyd had the assurances of not just his own party leadership but also of the Chief Whip of the Labour Party Lloyd admits, of course, that a storm broke out because backbenchers on both sides felt that they had not been consulted and that a decision by the two front benches in a matter essentially for the whole house was being thrust down their throats Nevertheless, Lloyd was elected and went on to serve a period in office with some distinction

The account above highlights how fickle the argument can be that party leaders do not get involved While the Prime Minister showing his or her neutrality by not voting in the election may be put forward as proof, it

becomes less persuasive when we consider the behind-door activities of the party whips and parliamentary party leaders

Neutrality the type of person elected

A second source of evidence used by proponents of the neutrality thesis is the characteristics looked for in selecting the Speaker. Laundy (1964) himself notes the tendency to favour individuals with a legal qualification or a career in a judicial or quasi-judicial role. The thinking being that a judicial background is excellent training for an impartial role, given that judges are fine examples of people who must put their personal biases and opinions on hold in performing the functions of their office. However, a judicial background is not a requirement for the job. More often the characteristic of a worthy candidate will revolve around being a long-serving backbencher. Long-serving means the individual will be acquainted with the workings of the House and, moreover, will have observed a number of different Speakers performing their duties. Being a backbencher implies that the individual will not have held a highly partisan role for at least some time. At a minimum the individual will not come directly from the front benches of the party where they would have been concerned with either opposing the policies of other parties or promoting their own. The transition from party-man to Speaker is

all the easier when you have been retired on the backbenches for a number of years

At best the ideal candidate will never have served in Government at all. In most cases the Speaker at Westminster has been a lifelong backbencher. Lloyd himself points to the benefit of having had ministerial experience before taking up the Speakership.

I believe it is of benefit to the Speaker to have been a Minister. He knows how Departments work, and, so far from yielding to the blandishments of Ministers, he is better able to withstand them. But there should be this period of quarantine or detachment from the front bench, whether Government or opposition.¹⁷

To some degree the frontbencher-backbencher argument is more related to the perception of impartiality than the reality. It may be more difficult to be seen to undergo the transformation from party spokesperson/minister to neutral Speaker. Hence the need for a period of partisan-cleansing, or even better, not having ever entered the cut-throat business of ministerial office.

¹⁷ Lloyd (1976: 24-25)

Electoral campaigns

Regardless of how non-political a Speaker is, this is likely to be tested when he or she faces re-election as a Member of Parliament. Modern campaigning and electioneering is invariably highly partisan and political. This creates an obvious dilemma for a Speaker: how can they campaign without reference to events during the time they were neutral?

This issue has been of concern to not just academic thinking but also to constitutional scholars and practitioners in different countries who have sought remedies. In 1938 a committee of the House of Commons investigated what could be done. According to Laundy (1964: 112-113) the various options considered included 1. Creation of a fictitious constituency, 2. To make his a two-member constituency, 3. Transfer him to a 'safe' constituency, 4. Prohibit contest by law. Each of these options was rejected because they were seen as being outside the norm of British parliamentarism. The situation of the Speaker seeking re-election thus continues to this day.

The recent custom in the United Kingdom has been for the Speaker to overcome this problem by running, not as an individual, but as The Speaker. By not standing as an individual candidate the Speaker is able to conduct his or her campaign without becoming openly partisan or making any reference to national politics. And this seems to have worked as no constituency whose

member is the Speaker has elected an alternative. Thus, what Laundry (1964: 112) calls 'the disadvantage at being precluded from conducting a campaign' has never had a negative consequence for the electoral fortunes of the Speaker.

Moreover, a tradition has also emerged among the other parties that they either do not select a candidate for that constituency or if they do that the campaign be run along lines that do not involve national politics. This arrangement further insulates the Speaker from the possibility of having to be openly partisan.

Having gained re-election to the Chamber in as non-political a manner as possible, the next test of non-partisanship is the re-selection of the Speaker to that office for the lifetime of the new parliament. Again the choices are obvious: if the Speaker decides to allow him or herself be nominated again, will they be successful at holding onto the office? This is an especially pertinent question when the balance of power between political parties has shifted as a result of the election. Recall that it is accepted that the majority party will have a call on the office (see above), then what happens to the Speaker?

The answer appears to uphold the principal of impartiality because 'it is customary to re-elect the former Speaker without dissent should he be returned as a member' (Laundy, 1964: 14). A Speaker re-elected to parliament can expect to be re-elected to the Chair regardless of any shift in political power. Indeed, in the British case we must look back to 1885 to find a new majority dispensing with the incumbent Speaker in favour of another member. The case in other countries is not as clear cut and the lack of empirical studies makes reaching any conclusion difficult. All in all, it seems reasonable to conclude that the House will show a certain degree of respect to the existing Speaker. Whether or not this is evidence of the Speaker being neutral or not is a matter of opinion.

On one occasion more than any other while presiding, the impartiality of the Speaker may come under scrutiny, and that is when he or she is called upon to cast a vote. Indeed, this is seen as one of the few occasions that may give rise to the Speaker showing their political colours. However, in a number of cases the Speaker is not entitled to vote save in the circumstances where the chamber is split. In such cases, the Speaker may be called upon to make a casting vote, sometimes this is optional, in other cases it is required.

Within the Westminster model a number of procedures have been established to guide the Speaker in deciding how to vote. The guiding rule seems to be

that the Speaker will never use his own personal opinions or political judgement in deciding how to vote. As Laundy (1964: 88) writes 'it has become a firmly established practice that he does not use it for the purpose of expressing his personal view as to the issue under consideration'. If he/she does not use his personal judgement what do they rely on? The principle first explained by Speaker Addington in 1796 is that he should vote in such a way as to keep the matter concerned under review. Consequently, the House will have an opportunity if it so wishes to consider the issue at a later time. The guiding aim is, therefore, not to pass the vote and thus maintain the status quo 'he will avoid using it to effect a change in the law' (Laundy 1964: 96). This principle, in effect, calls for a *no vote* on matters of legislation or government formation and a *yes vote* on matters of government survival.¹⁸

Rarely, however, is the casting vote used, although where a parliament is hung the power to accept or reject the motion is not inconsequential. The principle within the Westminster model would seem to indicate that the Speaker would not be a facilitator of such activities as each goes against the principle of maintaining the status quo.

Withdrawal from contact with the Political Party

An important element in the neutrality hypothesis is that the Speaker not only be impartial but that he or she be seen to be impartial. Proof of this is gleaned

¹⁸ This is my interpretation.

from the steps a newly appointed Speaker takes to distance him or herself from not just the party caucus but from association with individual parliamentarians and any association or organisation which may have political affiliations or tendencies

The Speaker immediately resigns as a member of the political party of which he or she was a member and as a consequence no longer attend parliamentary party meetings, votes in leadership elections or has any role in the formation of party policy. Put simply the British Speaker renounce any ties to the political party of which she or he is a member. A new Speaker will also break any association with cross-party groups in the Parliament or any lobbies he/she has been a member of. They are, to put it mildly, out in the cold in terms of party politics.

Secondly, the Speaker puts on hold any personal friendship he or she has enjoyed with individual members or groups of members. A Speaker will no longer dine in the MPs Restaurant, take coffee with fellow members or enjoy a drink with any individual. In short, a Speaker can only be in attendance at functions or events where there is a cross-party representation and then must be careful not to have his or her time monopolised by any individual member. Regardless of how close the relationship with another member before election

a Speaker may no longer keep such ties, as to do so might imply bias towards one or more members

In addition, the Speaker refrains from any activity outside the parliament which may indicate any partisan preference. If a member of a club with partisan leanings, such as the Conservative Carlton Club, he or she withdraws from membership

Overall, one cannot but be struck by the enormous lengths to which a Speaker is expected to go to give the impression of impartiality and the enormity of the consequential life style change he or she must endure: the isolation from (one-time) colleagues

These arrangements do not prevent the Speaker socialising with members, just the conditions under which this is allowed. An account by Lloyd (1976: 123) of how he got to know new members and kept in contact with longer serving ones is a good example of the measures taken to ensure that no bias can be inferred from such gatherings

I started off with the idea of having all members to lunch. In my first two Parliaments, I entertained about five hundred in this way. Eight of us would sit down, myself and seven others. I would have three from each of the two major parties, one new comer, one with several

years experience of the House and one old timer. The seventh would be a Liberal or Independent Member or an Official

On leaving the Office

When a Speaker decides to retire two things usually happen. The first is that he or she is voted a pension, which like the salary for a Speaker comes from the consolidated funds, thus ensuring that the Government can bring no pressure to bear on the Speaker by offering or withhold current or future financial reward.

The second thing that happens is that the Speaker is honoured by the Government with the title of Viscount. He therefore moves from the Commons to the House of Lords where he sits as a non-partisan crossbencher. This has been the tradition since 1807 and is done in recognition of his services to the House. Of course perhaps equally important is the fact that it removes the embarrassment of having to take a seat on either side of the House. As Laundry (1964: 9) notes 'it is a strictly observed convention that no ex-Speaker remains in the Lower House after vacating the chair'. To do so would mean returning to the ranks of which as Speaker he or she was meant to be a neutral arbitrator.

Both traditions leave the Speaker little room to return to active politics. Indeed, one has to look to the very beginning of the 1800s to find a Speaker taking political office again. On that occasion, in 1801, Speaker Henry Addington became Prime Minister. Today, however, former Speakers 'retire' to the Lords where they rarely if ever become involved in political controversy. Neither do they return to party politics outside the chamber. In retirement, as in office, the Speaker must maintain the same appearance of aloofness from party politics.

Why is the Speaker neutral?

Aside from the methodological weakness of the descriptive accounts outlined above, the major weakness of this literature is its failure to even postulate a reason for the impartial nature it has described. One can, however, point to two competing schools of thought that are as much implied as expressly set out as an argument.

The first explanation is that the Speakership can only function if it is neutral, thus by necessity it is neutral. The Speaker relies on the good will of members rather than any strict procedural powers he or she may have. If the Speaker is seen to be using their position of power to favour one side, then the other side

is likely to 'rebel,' thus weakening the office. Speakers therefore follow a careful line, attempting never to offend large sections of interest. This is best done, and Speakers are best insulated from attack, when they give the impression of being neutral arbiters.

A second possible explanation of why the Speaker is neutral is based on the assumption that impartiality is the result of the historical origins and development of the office. Each Speaker, on taking the chair, is aware of the historical role they are performing and of the need to maintain the dignity of the position that stretched back to the Civil War. This thinking, which could be categorised as being in keeping with a sociological/historical account of institutional design, is very dominant in the literature, not least in the depth of historical detail which various authors feel is necessary to explain the modern office.

We are left with the clear picture that the office is a non-partisan one. The explanation is that the neutrality stems either from an obvious need to be neutral, either normatively or for more practical reasons. A second underlying explanation advances the history of the office as the explanation for its current nature. Beyond these two approaches no attempt has been made to systematically understand the phenomenon.

What are the consequences?

If scholars have thought very little about why the office is shaped the way it is, they have been equally remiss in attempting to understand the consequences of neutrality. The focus on descriptive historical accounts of the emergence and development of the Speakership has left little space for the 'so what?' question regarding neutrality. The only real consequence of the neutrality argument has been put forward by Bach (1999). He argues that the more neutral the Speaker the more likely they are to have freedom vis-a-vis procedures. In the US case (as we will see below) the absence of neutrality means the Speaker is less powerful in the quality and quantity of decision-making power he or she enjoys. As Bach (1999: 218) writes

Presumably because of the House's confidence in her impartiality, its standing orders give her significant discretionary powers over the conduct of legislative business, powers that have important effects on the ability of its members to participate in the assembly's proceedings

But as he himself notes this is only a presumption and the thesis has not been subjected to much, if any, systematic analysis (Bach 1999: 219)

vi Another case of American exceptionalism?

In the comparative study of political systems, the United States is generally seen as having an unusual and exceptional set of political institutions and designs, and the office of Speaker appears to have not been immune to this exceptionalism. If the neutrality of the Speaker in the Westminster tradition is the major focus of enquiry for many scholars, then it is closely followed by what can be termed American exceptionalism. Put simply the Speaker of the US House is seen as being very different from the Speaker described thus far. In this section we will take a closer look at how the US case is different, explanations of why it is different and briefly review what scholars have to say about the consequences of its difference.

The key difference between the US House and the British model of Speakership can be summed up in one sentence. The Speaker of the US House of Representatives is not, and is not perceived as being, neutral. There are two key pieces of evidence used to justify this universally accepted notion. The first is that the Speaker's job, in addition to being the presiding officer, is to be leader of the majority party. The second piece of evidence, which we will examine later, is that the Speaker openly uses his or her office for partisan advantage. Both are not only empirical facts, they are, in a normative sense,

considered to be part and parcel of the American political system (Davidson & Oleszek 1988)

The US Speaker is not just an active member of his political party but a leader of the party in Congress. Textbooks on the US legislature will typically note that no other member of Congress possesses the visibility and authority of the Speaker of the House. Although, and unlike European political parties, it is notoriously difficult to attach the label 'leader' to a US political party, it is generally recognised that the Speaker serves as leader of the legislative party, and dependent on the unified or divided nature of the government he may even function as the effective leader of the political party.

We are in danger here of getting the order wrong. It is not the case that upon becoming Speaker the person in question is raised to the position and profile while it may help, it is more the case that the person selected by the party Caucus as its leader is the person then selected by the House as Speaker. As Davidson & Oleszek (1998: 155) point out, it is deemed both natural and proper for a majority party to choose its leader to occupy the main position of power and authority in the body which it controls. The office is seen as a forum for party leadership. Its role is to bestow some degree of authority and profile to assist the party leader in performing his main tasks, as determined by him and his party colleagues.

The most cogent example, at least in recent years, of the Speaker acting as the effective leader of one of the national parties is provided by Speaker Newt Gingrich. Gingrich rose to prominence in the Republican Party over many years, but his impact and national profile rocketed in 1995 when the Republican party regained majority control of the House.¹⁹ The electoral platform, in a country where elections are notoriously candidate rather than party-centred, ensured him a strong role as leader of the legislative party. Moreover, his platform, titled *A Contract with America*, and his ability to mould party discipline in voting on the floor and in committees meant he became an effective rival to the White House in setting policy agendas and passing legislation. He was in effect the shadow President.

Things are not quite as clear cut as this. Something of a debate exists among congressional scholars as to whether the Speaker is the most powerful player in Congress, or whether the real influence is diffused to committees and in particular committee chairs.²⁰ For many years, and particularly within the positive political theory camp, committees and committee chairmen were seen as having real power. More recent research has cast doubt on this claim.

¹⁹ We rely on Davidson & Oleszk (1998: 155-156) for our account of Speaker Gingrich.

²⁰ The 'party thesis' is generally associated with the work by Cox and McCubbins (1993). On the debate over the 'party thesis' and 'committee thesis' within positive political theory see Alt & Shepsle (1990).

that parties are important. The link between Speaker and Party is such as to enable the two institutions to be treated as being the same²¹

Is it plausible to suggest that the Speaker could be both partisan and (occasionally) neutral? It could be the case that the Speaker would be procedurally neutral Speaker while still being a partisan-active policy leader. However this is not the case. The Speaker can, and is almost expected to, use all the procedures at his disposal to further his partisan interests (Sinclair 2000). The Speaker's powers are primarily procedural and revolve around his/her role in determining the composition of committees and in setting the agenda.

However, there is one role where the principle of neutrality seems untainted and that is when the Speaker is acting as the presiding officer of a plenary session. This is in keeping with the understanding that the Speaker should not openly take sides in debate or allow his/her views to interfere with the rights of the minority. There is a desire and belief in fair play when it comes to the floor of the House, the belief being that some degree of equity among members is absolutely necessary.

²¹ As Sinclair (2000) has observed selection of Speaker, because it is seen as endowing benefits on the majority party, is one of the occasions when parties are at their strongest.

To a lesser degree the Speaker also has the prerogative of using his role as administrative chief to the advantage of whomever he so chooses. Such matters include the budgets for use by members in employing researchers and other 'staffers', office space and a whole host of other benefits he or she could use to bestow rewards on fellow members of his party or even use as a tool of reward or punishment for the party. However, in reality, as Bach (1999) notes, the Speaker is left with little role over such day-to-day matters which are delegated to the management of the house and in any event are governed by rules and regulations that the Speaker would try to interfere with at his or her peril.

The Speaker has the potentially enormous power to decide by himself which bills will be considered under which procedures. His power over what bills and amendments are debated and for how long ensures that he can make the passage of favoured bills and amendments very easy, while making life virtually impossible for minority party attempts to stumble a majority party agenda or successfully propose an alternative. Moreover, these powers are exercised in conjunct with his fellow leaders in the majority party.

Why is the Speaker not neutral?

In an area of research increasingly dominated by deductive research, and attempts to theorise the origin and cause of observed phenomenon, it is a little surprising that no such understanding of the nature of the office of Speaker has been posited. On the contrary, our understanding of why the US Speakership is shaped like it is relies on a mixture of biographical accounts and reference to a number of historical facts concerning the early development of the office. In other words the conceived wisdom is of a Speakership that was shaped by a unique set of historical events that were subsequently remoulded, even if not fundamentally changed, under the impact of individual office holders. We will examine each of these claims, starting with the early origin of the office as an explanation as to why it is different.

The unique set of historical events which shaped the original office was the revolutionary war fought between the States of the Union and the United Kingdom.²² Faced with the need for strong political opposition to the British, the assemblies became the focus of such leadership and within each the Speaker was the leader of the opposition to British rule - a very political role. This highly parsimonious theory of the political nature of the Office is widely

²² Our account is based on the seminal account provided by Peters (1997). This account seems to be generally accepted in the literature, or at least is rarely challenged.

shared and summarised concisely by the National Democratic Institute (1996

7) research paper

the history of the American colonial period, in which the colonial assemblies often acted in direct opposition to the mandates of the royal governors, produced the unique concept of a Speaker as not only the arbiter of debate but as a leader of the opposition against the crown

When the war ended eventually, the assembly Speaker continued to hold a central role, both within and outside the assembly. Allied to the weakness (indeed absence) of political parties, there was no other obvious position capable of assuming the political role that the Speaker had performed. Consequently, even in 'settled times,' the Speaker continued to act less as a neutral presiding officer and more as a champion of causes and ideologies.

Peters (1997) believes it was crucial that by the time the Constitution was written there was no tradition of a neutral Speaker. The Speakership - as only one of four offices mentioned in the Constitution - quickly became the subject of political bargaining. The State of Philadelphia, in the choice of Frederick A. C. Muhlenberg, was rewarded with the office, having failed to get either the Presidency, Vice-Presidency or Supreme Court Chief Justiceship.

If the unique circumstances prevailing at the time of preparation for and transition to independence was seen as the reason for the US Speaker being as it is, a second factor is seen as accounting for the developments, shifts and trends in the Office up to and including the current incumbent Peters (1997) argues that the nature of the Speakership changes either because of what he terms environmental factors or alternatively as a result of a forceful personality taking office. As he writes (Peters 1997: 195)

Speakership has undergone several distinct historical transformations. These transformations paralleled and caused by broad changes in the political system of which the house and the Speakership are a part. Characteristic pattern of party politics, a predominant policy agenda, particular institutional arrangements, distinct Speakership

Peters goes on to identify four main periods in the evolution of the Speakership. However, he cautions that these periods are less revolutionary changes rather than subtle, if still important, changes. He prefaces the description of the four periods by noting that the office's fundamental character has not mutated and over time has remained remarkably resilient to long-term change. It soon becomes obvious that Peters' four phases, as

outlined in Table 3 1, is closely related to the arrival in office of Speakers with a particular view of the office²³

Table 3 1
The evolution of the American Speakership

Description	Period	Characteristics
Parliamentary Speakership	Independence to Civil War	Weak Congress, internally disorganised, weak Speaker
Partisan Speakership	Civil War to departure of Speaker Canon in 1910	Strong Speaker, individual strengths allied with highly partisan Congress
Feudal Speakership	Post canon to departure of Rayburn	Weaker Speaker, sharing power with new centre of power, namely committee Chairs
Democratic Speakership	Post Rayburn to date	Speaker has procedural authority but is agent of party as much as leader

Source adapted from Peters (1997 6 Figure 1)

Mirroring classical role theory, it is claimed that the personal ideas, personality and characteristics of the individual impact on the nature of the office. Change may therefore be gradual or, in the case of a strong-willed individual, the impact may be both far reaching and occur very quickly. One Speaker in particular is held as an example of how an individual can change the office.

The partisanship and power of the Speaker is considered to have reached its zenith during the term of Speaker Joseph Cannon (Jones 1987). With few

²³ This is not to deny that certain conditions needed to prevail to facilitate the change in nature

exceptions, Cannon's period was seen as a case of an individual wielding exceptional personal control, indeed others rather despairingly talk of excessive leadership and label Cannon to be somewhat of a tyrant²⁴ Cannon was elected in 1903 at a time when partisanship was at a high in Congress This afforded him the opportunity for independence, safe in the knowledge that he would have the almost-guaranteed backing of his party if ever he need it in a floor of committee vote

What is most noteworthy about Cannon's period was the way he increased his procedural prerogatives to maximise loyalty from members Essentially, he rewarded allies and punished people who were less willing to give him right of way The procedural powers he enjoyed and used included his power to appoint members to committees, appoint the chairman of the committees, give party seniority on the committees, allow members time on the floor Cannon's view of his right to rule and act as a partisan leader is typified in this extract from a speech he gave to members in 1910

Gentlemen of the House of Representatives Actions, not words, determine the conduct and sincerity of men in the affairs of life This is a government by the people acting through the representatives of a majority of the people Results cannot be had except by a majority, and

of the office

²⁴ Bolles (1951) characterised Cannon as the 'tyrant from Illinois' (Cannon came from the state of Illinois)

in the House of Representatives a majority, being responsible, should have full power and should exercise that power, otherwise the majority is inefficient and does not perform its function. The office of the minority is to put the majority on its good behaviour, advocating, in good faith, the policies which it professes, ever ready to take advantage of the mistakes of the majority party, and appeal to the country for its vindication²⁵

Cannon, however, seemed to go too far in his quest for power. In March 1910 the House revolted against one of his procedural rulings, a symbol of their lack of confidence in his ability to act in a manner which is not of keeping with his attitude to the office as portrayed above. On losing the vote Cannon accepted that in a situation where a procedural decision of the Speaker is not upheld by the floor the Speaker is left with little alternative but to go. His excessive use of power caused a revolt which resulted not just in his departure but also in the curbing of powers that the Speaker yields (Jones 1968). Most notably the future Speaker lost right to determine the composition of committees. The procedural and precedent-based powers of the Speaker having been undermined would never be the same again²⁶

The difficulty of moving beyond a person-centred account of the development of the office is obvious. Cooper and Brady (1981), in setting out their own

²⁵ *Congressional Record*, 61st Congress, 2nd session, March 19, 1910 3436

²⁶ The shift towards a party-model of Congress has resulted in a renewed interest in Cannon. Krehbiel & Wiseman (2001) are among those reassessing the nature of his leadership of the

research agenda on the Speaker, identifying the methodological problems which continue to burden any scholar wishing to theorise the evolution of the office

analysts are perplexed by the difficulties of conceptualising key variables, treating highly transient and idiosyncratic personal factors, and identifying relationships amidst a maze of interactive effects. Moreover the task is rendered even more complex by the highly politicised character of the Congress as compared with most of the organisational contexts in which leadership has been studied²⁷

Consequences

That the British and US offices are very different causes little controversy in the literature. The source of that difference has also been documented and become accepted wisdom. Little attention, however, has been given to the consequences of the US model for the American political system and in particular the House of Representatives. The difference would seem to provide an obvious vehicle with which to test the consequences of cross-country differences in the Speakership. Yet this has not been the case. One good reason perhaps is that there are too many other variables floating around to make any comparisons of the consequences of differing design meaningful.

House. They argue (p. 2) that 'Cannon was less of a tyrant than a majoritarian in terms of broader patterns of the organization and operation of the House'

²⁷ Cooper & Brady (1981: 411)

One consequence is taken as obvious because the American Speaker is not expected to be neutral the House of Representatives affords him/her less discretion in a number of circumstances As Bach (1999 218) points out, the American Speaker is more constrained by rules, precedents, and practice that limit his opportunity to exercise discretion for political purposes Comparing the detail of the rules and procedures of the British House of Commons and rules of the US House of Representatives is taken as evidence of this²⁸ In general, the consequences for the working of the legislature of having very different Speakers, either cross-nationally, or temporally has yet to be explored in any satisfactory fashion

vii From Westminster to Dublin the historical evolution of the Irish Speaker

The meeting of the first Dail on 21 January 1919 marked both continuity and change in the Irish political landscape (Mitchell 1995) Certainly, the (illegal) assembly of Irish MPs was a very Irish affair (Farrell 1994) but it was also a

²⁸ The rules and procedures of the US House of Representatives runs to some 30 volumes while the British House of Commons relies on the single volume and relatively concise *Erskine May's* for its rules and directions The degree to which it can be claimed that the US speaker is less capable of independent action than his counterparts elsewhere can be somewhat over exaggerated In terms of overall freedom of action it is surely easier to counter the claim than substantiate it One has only, by way of example, to look at the enormous, and uncontrolled, power of the Speaker *vis a vis* agenda setting

reflection of the historical parliamentary link between Dublin and London. As Farrell (1994: 3) notes the creation of the Dail marked 'both the continuance of the mainline Irish political tradition and the true beginning of independence'. Many of the political leaders, as the modern Irish parliamentary institution was about to be forged, were socialised into the Westminster parliamentary model. As a consequence the procedures and parliamentary methods adopted reflected the processes of the British House of Commons. As Lee (1994: 144) notes

The incongruity of the Dail adopting its procedures, and much of its tone, from Westminster precedent, even while it rejoiced in its abstention from Westminster, has often been noted. There was probably no realistic alternative in the immediate circumstances. The leaders had no time to mediate at leisure on the constitutional arrangements of other countries, or to think through the deeper implications of their own behaviour.

This transfer of institutional practice from Westminster to Dublin impacted greatly on the initial design of the office of presiding officer. The two documents governing the first Dail (The Constitution of Dail Eireann and Standing Orders of Dail Eireann) allowed for the creation of a Speakership

very much along the lines of the British Speakership As Farrell (1994 69) has noted

Article 3 [of the Constitution] provides for an elected Ceann Comhairle to preside over the Dail The Standing Orders provided were entirely based on British practice and the rulings of the chair stayed as firmly committed to Erskine May as any Mr Speaker at Westminster

It would be wrong to suggest that the design of the institutions matched perfectly the Westminster tradition There was no ceremony, no gowns, no mace (Mitchell 1995)²⁹ More interestingly the Constitution stated that the Ceann Comhairle would be elected annually At that first meeting in January 1919 Cathal Brugha was elected Ceann Comhairle However with the move to the free state parliament in 1921 the term of the Ceann Comhairle was defined as that in Britain From 1922 the Ceann Comhairle would be elected with the assumption of continuity in office until a dissolution of the chamber (Smyth 1979 54)

The process of codifying the role, powers and procedures of the Irish Speaker was a gradual one Figure 3 1 sets out the Standing Orders concerning the

²⁹ See also, *Report of the Committee on Procedures and Privileges re Wearing of Gown by Ceann Comhairle*, 25 June 1946 Today the Ceann Comhairle wears a black gown while in the chair

selection of the Ceann Comhairle which were passed in the first ten years of the free state parliament, as well as the dates in which they were passed

Figure 3 1 The enactment of Standing Orders related to the appointment of Ceann Comhairle

5 For The purposes of these Standing Orders the expression 'Ceann Comhairle' shall mean the member elected by Dail Eireann to be Chairman of Dail Eireann and the expression 'Leas-Ceann Comhairle' shall mean the member elected by Dail Eireann to be the Deputy Chairman of Dail Eireann

Enacted 21 July 1926

6 (1) The Dail shall then proceed to the election of a Ceann Comhairle, and a motion may be made to that effect by any member who has taken his or her seat according to law Such motion or motions shall be received by the Clerk, who shall act as Chairman until the Ceann Comhairle is elected

(2) If only one member be proposed as Ceann Comhairle the Clerk shall put the question, "That *(naming the member)* be elected and do now take the chair of the Dail as Ceann Comhairle", which shall be decided like other questions Provided that in the event of their being an equality of votes, the question shall be decided in the negative

(3) If more than one member be proposed as Ceann Comhairle, the Clerk shall, in the order in which the members shall have been proposed, put the question, "That *(naming the member)* be elected and do now take the Chair of the Dail as Ceann Comhairle", which shall be decided like other questions Provided that in the event of their being an equality of votes, the question shall be decided in the negative

Enacted 24 July 1923 and 21 July 1926

7 The Ceann Comhairle shall immediately upon his or her election take the Chair, but in the case of absence of the Ceann Comhairle elect, the Dail may, on motion made without notice, appoint any member to act as Ceann Comhairle for the time being Until such member is appointed the Clerk shall continue to act as Chairman

Enacted 24 July 1923 and 21 July 1926

The only significant development in Standing Orders relating to the coming into office of the Ceann Comhairle came in 1996 when a sub-committee recommended that an incoming Ceann Comhairle should make the following declaration

I do solemnly declare that I will duly and faithfully and to the best of my knowledge and ability, execute the office of Ceann Comhairle of Dail Eireann without fear or favour, apply the rules as laid down by this House in an impartial and fair manner, maintain order and uphold the rights and privileges of members in accordance with the Constitution and the Standing Orders of Dail Eireann

In presenting this recommendation to the chamber the sub-committee explained the preference to include such a declaration as follows

These draft Standing Orders aim to underpin the impartiality of the Offices of Ceann Comhairle and Leas-Cheann Comhairle, by requiring the office-holders to make a declaration/affirmation to that effect when taking their positions³⁰

Hogan and White (1994, 137 n1) note that no provision is made for the inability of the Dail to elect a Charman. In 1992 The Clerk of the Dáil was

³⁰ Dáil Eireann, *First Report of the Sub-Committee of the Committee on Procedures and Privileges on Reform of Dail Procedures – Explanatory Memorandum*, 1996

reported in the media to have sought and received legal advice to the effect that the Dail could not conduct any business without a Ceann Comhairle first being elected. To date it has proved possible to elect a Ceann Comhairle at the first meeting of a new Dail.

The Function and Powers of the Irish Speaker

In this section we explore the development of the functions and powers of the Irish Speaker. Again, as with the process of selecting the Ceann Comhairle, we will see that the powers and duties of the Irish Speaker are the mirror image of those described earlier in this Chapter when describing the development of the British Speakership.

Casting a Vote Under normal circumstances the Ceann Comhairle or person in the Chair is not permitted to vote in divisions. The only occasion upon which the Chair is allowed to cast a vote is to break a tie. Indeed Article 15.11.2 of the 1937 Constitution clearly stipulates that in such an eventuality the Ceann Comhairle must exercise a casting vote.

Upholding Rules of debate One of the main tasks of the Ceann Comhairle is to enforce the rules governing public meetings of the Dail. By and large these

rules of debate are laid down in the Standing Orders but the past rulings of the Chair also create precedents. The practice however is to incorporate rulings into updated Standing Orders. Standing Orders are by their nature very detailed and the latest edition runs to over 51 pages (excluding the index and table of contents)

When in the chair the Ceann Comhairle presides over all aspects of debate and is prescribed a range of powers and functions in a way similar to other Speakers. No member may address the Dail without being called upon to do so and all speeches must be addressed to the Chair. A member who wishes to speak rises from their seat and in so doing seeks the attention of the Chair. It is up to the Ceann Comhairle whether or not to allow the member to speak or in the case of two or more rising simultaneously the Chair will decide which, if any, member will be allowed to address the Dail. In order to maintain order in the House standing Orders provides the Chair with a number of mechanisms to enforce proper conduct in the chamber.

As a first attempt to ensure order, Standing Order 46 states that if the Ceann Comhairle rises from his seat the member engaged in debate must resume his or her seat. Where a member's conduct is 'grossly disorderly' the Ceann Comhairle can order that member to withdraw from the chamber for the remaining of the day's business.

Standing Orders also allows for more drastic action in the case of more serious breaches of debate by members. This allows for the Ceann Comhairle to ask the chamber to suspend a member. Under current rules a member in breach of the Chair's ruling is *named* by the Ceann Comhairle and a motion to suspend the member is put to the House. Previously the practice was for someone other than the Ceann Comhairle (typically the most senior member of the government present in the chamber) to name a member. Once suspended a deputy has two realistic options: firstly, as provided for in standing Orders, he or she may send the Ceann Comhairle a written expression of regret in which case the Ceann Comhairle will remove the order of suspension. An alternative is for the suspended member to challenge the decision of the Ceann Comhairle with the Committee on Procedures and Privileges (CPP).

Where more than one single member is causing the disturbance or the member refuses to depart from the chamber the Ceann Comhairle is granted the power under standing order 62 to adjourn or suspend the sitting for a time so decided.

Another important aspect of the Ceann Comhairle's work is to ensure that the debate is not just orderly but also adheres to the practice of privileged debate.

(McCracken, 1958, 122-123) Privilege allows members to make statements or other utterances without the fear of being subject to any review by an outside body such as the civil courts. However, to protect the rights of non-members, Standing Orders places limitations on what members can say in the chamber. Where a member makes a defamatory remark about an individual the Chair will demand that the member withdraw it without qualification. Where the member refuses to withdraw the remark the Ceann Comhairle is empowered to take action against the member similar to those used against disruptive members. However if the member making the remark so requests the matter can be referred to the Committee on Procedures and Privileges (CPP). In this case the Ceann Comhairle refrains from any action against the member concerned until the CPP has reported.

The other mechanism to deal with alleged breaches of privileges is provided to deal with cases where the alleged breach was not apparent to the Chair during the debate. In this case any other member of the Dail can request that the Ceann Comhairle consider referring the matter to the CPP. Standing Orders also allow for the aggrieved party (the person who has been defamed) to make a submission to the Ceann Comhairle. The Ceann Comhairle has the sole authority to decide whether or not to proceed in such circumstances. If he decided that a defamatory remark has been made he can require the person to

withdraw the remark (again the member can seek to refer the matter to the CPP) or can without notice refer the matter to the CPP

If a member is referred to the CPP that committee will, under normal circumstances, invite the member before it to defend his or her actions and will in due course make a decision as to whether a prima facie abuse of privilege has occurred. The committee has the power to suspend the member and order him or her to withdraw the remark. It is worth noting that the CPP is chaired by the Ceann Comhairle.

Conduct of Business Even a casual observer of proceedings on any given day cannot fail to recognise that the Ceann Comhairle exercises certain other roles and powers while in the Chair. The first influence of the Chair usually occurs in the morning when the daily Order of Business is being discussed. It is not the Ceann Comhairle but the Taoiseach who determines the order of Government Business, times and arrangement for sittings. However Standing Order Three allows for the Ceann Comhairle to permit questions about business on the Order paper, about the taking of Business which has been promised, including legislation promised by the Government. This is a key opportunity for the opposition parties to question the government (usually the Taoiseach attends for the debate on the order of Business) on current issues.

Therefore the ability of the Ceann Comhairle to permit or refuse such interpellations is crucial

The right to ask formal questions to members of the Government remain one of the few truly independent prerogatives of members. Formal questions taken two forms - written and oral, and the Ceann Comhairle plays an important role in each. The Speaker may grant permission for certain questions that are deemed of urgent public importance. Under standing orders the Ceann Comhairle is required to scrutinise each question lodged to ensure it complies with certain requirements - it is relevant to the ministers department, it is as brief as possible, it seeks to elicit information or elucidate upon matters of fact or of policy, not contain argument or personal imputation, not anticipate discussion and not involve reputation in view of previous questions asked

The Ceann Comhairle faces three options with every question - accept, rule out of order or after consultation with the member responsible for the question, amend the question to bring it in line with Standing Orders. The powers can be delegated to the Clerk of the Dail. On one occasion a member unhappy with the decision of the Ceann Comhairle on a question sought a judicial review into the actions of the Ceann Comhairle in disallowing the form of a question. In seeking to bring a case in the High Court, and later in his appeal to the Supreme Court, Mr Pat O'Malley, who was no longer a deputy when the

case came up for hearing, claimed that the question had been changed without reference to him. The case was unsuccessful as neither the High Court or Supreme Court felt they had authority to interfere with internal Dail affairs³¹

Extra Chamber Parliamentary Duties Within the parliamentary arena the Ceann Comhairle is a member of the Electoral Appeals Board. This Board is primarily concerned with the recognition for the purposes of funding of Dail parties. More recently legislation has been enacted which created a Public Offices Commission and specified the Ceann Comhairle as chair of the body. The Commission published guidelines, provides advice and generally assists with the implementation of the Ethics in Public Office Act (1995). It is also required to investigate and report on possible breaches and contravention of the Act. In essence the act seeks to maintain standards in high offices such as ministers and special advisers. The Commission also has the principal supervisory role under the 1997 Electoral Act. This provided for the public funding of political parties, assistance with costs incurred by candidates in elections, the thorny issue of disclosure of donations to parties and the capping of electoral expenses at elections. Clearly then the office is similar to the office in the British House of Commons of the Parliamentary

³¹ In his judgement Mr Justice O'Flaherty agreed that the current matter was very much a matter concerning the internal workings of the Dáil and that 'it would seem inappropriate for the court to intervene except in some very extreme circumstance which it is impossible to envisage at the moment' *O'Malley v An Ceann Comhairle*

Commissioner for Standards Most interestingly, when the British Government was drawing up the legislation, they decided that the position should be separate from the Speaker while the Irish legislation provides for the Ceann Comhairle to be at the heart of maintaining standards in public office and the financing of parties

Administrative Duties The Ceann Comhairle has executive responsibility for the running of the administration of the Dail. By law he and his equivalent in the Seanad occupy a role and function equal to that of a minister in their departments in terms of responsibility for the functioning of their statutory obligations³²

Representative Duties and Symbolic Roles The Ceann Comhairle is the public face of the Dail. As such the Ceann Comhairle acts as Chairman of the Irish Parliamentary Association and represents the Dáil at the Conference of Presidents of European Parliamentary Assemblies. The latter organisation gave rise to greater co-operation among European legislative bodies although most co-operative work is undertaken by a correspondent to the European Centre for Parliamentary Research and Documentation. Irish Speakers have however participated in meetings of the Speakers' Conference

The Ceann Comhairle is also a chairperson of the two bodies charged with making appointments to central and local government administration. The Civil Service Commission was established in 1923 and has as its main function the appointment and selection of staff to various grades in the Civil Service. The two other commissioners are drawn from senior civil servants, Departments of the Taoiseach and Finance. The Local Appointments Commission undertakes a similar role with regard to positions in local authorities and the Health Boards. In reality the Ceann Comhairle operates as a executive chairman of a board in his capacity and the detailed running of the two organisations are left to Civil Servants. Another duty bestowed upon the office holder is to act as chairman of the little known *Comhairle na Mire Gaile* - the Deeds of Bravery Council. This operates as a small section within the department of Justice and meets once a year to decide on which civilians, if any, should be awarded recognition for deeds of bravery.³³

Under the Constitution two committees outside the Dáil occasionally require the attention of the Ceann Comhairle - The Presidential Commission and the Council of State. Of these the former is the most important given that its role is to act in place of the President when the President is unable to perform his or her duties. This arises most usually when he or she is outside the state on private or public business. The commission also takes the place of a President

³² Staff of the Houses of the Oireachtas Act 1959

³³ I thank the Office of Ceann Comhairle for this information

prematurely leaving office (either because of resignation as happened on two occasions - President O'Dalaigh and President Robinson, death, as in the case of President Childers or removal/impeachment) The other two members of the commission are the Chief Justice and the Chairperson of the Seanad For example, the dissolution of the 26th Dail in 1992 on the request of the Taoiseach was made by the Commission owing to the absence of the President

In a similar fashion the Constitution provides for a Council of State to aid and advise the President on matters which the President may wish to or is required to consult them These are specified in the Constitution and essentially revolve around seeking advice before making any of her independent decisions - such as whether or not to refer a bill to the Supreme Court to test its Constitutionality The Council is comprised of a body of people such as the Taoiseach and former Taoisigh, the Tanaiste, senior judges and the Ceann Comhairle and Cathaoirleach of the Seanad Up to seven members are also appointed by the President Thus while the advice of the members carries some weight owing to the experience of those who comprise it its advice can be ignored by the President or Presidential Commission

Overall then the picture is one of an office heavily based on its British counterpart, but also one whose roles and functions have expanded to a republican system of government

viii Conclusion

We set out at the beginning of this chapter to survey the comparative literature dealing with the office of Speaker. Having provided a brief sketch it is difficult not to have mixed feelings about the quantity of the existing stock body of knowledge in this area.

On the one hand the literature is rich with historical facts and interesting, if highly anecdotal and potentially problematic, assertions. A very simple picture of two very different types of Speakerships is drawn. Occasionally, compelling evidence is provided to describe the nature of the office. The difference between the British and American Speakers is explained by reference to history.

Moreover, we cannot but be impressed at the homogeneity within and between the various works. The picture of two Speakers is generally accepted, crossing not just individual authors from disparate backgrounds but also finding its way into the wider literature on legislatures. We are certainly able to conclude that there is a conventional wisdom about the Speakership, agreement about its contemporary nature and its historical roots. Many would take the existence of such a well-accepted set of ideas as being a strength of the research.

But one cannot but be struck at the number of problems in the literature - it is not just the absence of a model or competing perspectives that is problematic. We have alluded to numerous problems, methodological and substantive, in the current literature.

But one of the major problems must surely be the very existence of a homogeneous understanding of the Speaker, and a lack of any alternative perspectives. If knowledge progresses by comparing various theories, then it is little wonder that our understanding of the Speaker outside America has not progressed much in over 40 years. Allied to this, is the often atheoretical nature of much of the research. While other areas of legislative scholarship have benefited from the use of theoretical foundations in such research programmes as coalition studies, roll-call behaviour and member role orientation, research on the Speaker has not progressed at the same pace.³⁴

We think we have succeeded in our aim of showing that something of a conventional wisdom exists regarding the Speaker. Armed with this, we continue our attempt to provide an alternative account of the office.

³⁴ Rather than give examples of progress in the three areas mentioned here I refer the reader to Gamm & Huber (forthcoming 2002).

Chapter Four: Empirical Expectations

1 Introduction

In Chapter One we set out on our journey to reassess the Office of Speaker. That 'reassessment' involves taking a fresh look at the nature of the office, its evolution and its distributional consequences, particularly in the Irish case. Chapter Two saw us reviewing some potentially useful theoretical approaches to studying political institutions and opting for the rational choice institutionalist framework. Drawing on the office-seeking and policy-seeking thesis of political motivation we set out a rational choice account of the Speaker. In Chapter Three we presented a review of the current literature and conventional wisdom on the Speaker to show how novel our rational choice institutional account is. From here on in we move back from a negative critique of the existing approach to the more positive process of validating our choice-based account.

We begin this process in this Chapter by clearly setting out, and explaining our reasoning behind, a series of hypotheses that we have derived from our rational choice theory of the office. In subsequent chapters we will empirically test these hypotheses to falsify or validate our theory of the Speaker. Before

we define and explain the basis of each of these hypotheses it may be worth stepping back to explain why we are taking the trouble to form hypotheses rather than opt for a more grounded and inductive empirical account to support the propositions made in Chapter Two

ii Developing and verifying hypothesis

Theories are well and good but only really useful if they help us explain some real-world phenomenon, hopefully the real-world phenomenon that we are interested in learning. The reader will remember a criticism of formal models made in Chapter Three on the basis that while mathematically quite sophisticated their role in helping us understand and predict is often dubious (Morton 1999). This doubt arises most frequently in instances where a theory has not been subjected to empirical validation. Quite often, of course, the theory is formulated in such a way as to be incapable of being given empirical content. For us, empirical validation is achieved by a successful coming together of theory and real-world observations. In other words, for a theory to be validated it must stand the test of observed facts. We must investigate to what degree the world around us conforms to the predictions made by the theory?

Of course, the method or methods used to correspond real-world facts with the theory that is being tested is crucial. The discipline has a long history of attempts at improving theory and empirical conformation (King et al 1994, Morton, 1999). At a very basic level, these problems include the use of only supporting data with the elimination or side-stepping of invalidating evidence or 'outliers'. This problem has been particularly associated with qualitative research, even if the ability to cheat with quantitative data is as great.¹ The data used in this study are, by necessity, sometimes but not exclusively qualitative. To overcome the perceived weaknesses of the quantitative research methods we adapt the approach urged by King et al (1994). We briefly set out this approach here before proceeding to our main business of hypothesis-formation.

Designing Scientific Inquiry, co-authored by three leading US-based scholars (King, Keohane and Verba),² has as its aim a bridging of the divide between qualitative and quantitative research in political science and more generally within the social sciences. Although the ideas presented in the book are not always very new, the message is clear: done correctly, inquiry involving the use of qualitative research can be as every bit as scientific as research based on quantitative data. So, what is the secret to good qualitative research? The

¹ As I pointed out briefly in Chapter One qualitative nature of much quantitative data is a point lost in the general debate about the costs and benefits of large n studies over small n case studies. We are beginning to realise that statistical techniques often leave as much room for data manipulation as do the use of case study data.

solution according to KKV revolves around two ways of doing scientific inquiry better. The first is having a standard of replication (we will deal with this in the concluding chapter). The second way to improve scientific inquiry, having developed a theory, is to set out as many observable implications of that theory as possible. In other words, if our theory were correct what would one expect to see in the real world? Put slightly differently, if our theory is correct what would we expect not to see? By clearly setting out observable empirical expectations we can then collect data which validates or invalidates the theory. The more observable implications there are, the more trustworthy and scientific are the findings - with qualitative or quantitative data.

In this chapter we set out such a series of hypotheses. These can be grouped into two categories. The first relates to the nature of the selection and appointment process for the office of Speaker. Our argument about the nature of the selection process focuses on expectations about who we would expect to be selected as Speaker and the actual (formal and informal) process of selection. The basic argument here is that the nature of the appointment will tell us much about the office and in doing so help illuminate the accuracy of our theory.

² Hereafter referred to as 'KKV'.

Our second category of investigation revolves around the actual and perceived behaviour of the Speaker. This includes not just the time he or she spends in the office but on the political behaviour and career orientation once they have exited the post. Our focus is on the behaviour of the Speaker in voting to break a tie, the respect among members for the chair and also how partisan his or her behaviour on leaving office

iii Our Fourteen Hypotheses

Our fourteen hypotheses can be divided into two groups: the first relating to who is selected as Speaker. The second group of hypotheses relates to our expectations as regard the behaviour of the Speaker once appointed. In this section we outline each of these in turn. Chapter five will see us giving empirical content to our first group of hypotheses. In chapter six we will assess the accuracy of our second group of hypotheses.

As we have noted above, the nature of the selecting and appointment process should tell us much about the nature of the office and the officeholder. We begin by contemplating possible answers to the question of who selects the Ceann Comhairle? The simple answer is to suggest that the selection of the Speaker is a matter for the entire membership of the chamber. The Dail does

after all select its own Ceann Comhairle. However, as is often the case with the actual workings of parliament, the story may be more complicated than it seems on the surface.

Level of threshold

Our first hypothesis revolves around how much support is required to elect a Speaker. Parliamentary rules usually set one of three possible procedures for a ballot or nomination to be approved (see further, Rasch 1995). Applied to the election of a Speaker, the weakest requirement could be a plurality vote, which simply requires one candidate to have more votes than any other single candidate. A vote needing an absolute majority, which requires a candidate to have at least fifty per cent plus one vote of the total votes is another possible way of selecting a Speaker. A more difficult hurdle is set by a qualified majority rule which sets some higher threshold for the minimum amount of support necessary. Whether the latter two are counted on the basis of the total membership of the chamber as distinct from the number of members voting is another crucial point. It is obviously easier to achieve, say, half the votes cast than half the votes of the total membership.

Jenny and Muller (1995: 342) argue that the more difficult it is to become presiding officer the more neutral the person so selected will be. The basis of this proposition is that the higher the threshold for election the more the individual selected will be a product of the whole house as distinct from being the product of a faction or coalition of factions within the chamber. A simple example should illustrate the appeal of this argument.

Consider a chamber, consisting of 100 deputies and in need of selecting a Speaker. Consider also the possibility that ten members put their name forward for election as Speaker. It is hypothetically possible that if the parliament operates under a plurality voting system a Speaker with just eleven votes out of 100 (11 per cent) could be elected. This is almost as far removed from being 'selection by the whole house' as is possible. Compare this scenario with a majority or qualified majority voting system within the parliament and we soon understand the impact that the voting can have on the outcome. If a majority is required for election as Speaker the candidate selected will have to garner much more support than if a simple majority was required.

The higher the threshold, the more a Speaker will have to have the backing of a large proportion of the Chamber. A qualified majority requirement becomes important when the house is split into two camps - one government and one

opposition. In such circumstances even the majority cannot usually elect whom it wants as Speaker. There must be negotiations to find a Speaker who is acceptable to all sides in the chamber. Such a Speaker is the product not of a contest between factions or parties but of a by-partisan decision. A neutral Speaker is more likely to be the product of a high threshold. Alternatively, if the system by which the Speaker is selected stresses majoritarianism over consensus the Speaker will more likely be the product of a party-based contest within the chamber. In such a circumstance the appointment is more likely to be seen as a partisan one. This logic leads us to our first hypothesis

H1 The lower the electoral threshold the less neutral the Speaker

Obviously, this logic is most appealing in a chamber with factions of equal or near equal strength. Where one faction can on its own constitute a qualified majority, then it is more difficult to contend that a qualified majority rule will lead to a more neutral Speaker. There are two good reasons for not becoming overly worried by this point. The first is the empirical reality that it is rare for one faction to have a qualified majority. In most legislatures, particularly in Western Europe, the majority, if any, enjoyed by any one party is usually

relatively small. Even coalitions tend to be minimal winning, ensuring that the legislative coalition will be close to half of the membership (Lijphart 1999). Nevertheless, chambers elected by means of a plurality system may be more likely to contain super-majority factions. Recent examples include the British House of Commons where the Labour Party has held comfortable majorities.³

However, the second reason for not becoming overly worried by the limitation of the argument is that the presence of a special threshold for the election of Speaker is in and of itself illuminating. That a candidate requires a majority or qualified majority is a decision made at some stage by some individual or body charged with drawing up the rules of procedure. The electoral rule by which the Speaker is selected can be viewed as an institution in and of itself. Where no specific threshold rules apply for the selection of Speaker or where the rules do not require a relatively high threshold, we can conclude that the chamber does not see the selection of the Speaker as being particularly different from any other vote.

³ In the 2001 British General Election the Labour Party returned to parliament with 412 of the 659 seats.

Level of Partisanship

Moving beyond the threshold rule we look next at the levels of partisan voting involved in the selection of Speaker. Parliaments in Western Europe have a reputation for being highly partisan forums, especially compared to legislatures such as the US House of Congress. If the vote for Speaker follows a similar pattern and breaks down along partisan lines, we have evidence indicating the partisan nature of the appointment.

Where the vote to select a Speaker is exercised in public, as distinct from a secret ballot, and where this is recorded in the minutes of the proceedings, it is possible to test for the level of partisan voting among members. What we may term 'pure partisanship' occurs when all the members of the same party vote for the same candidate. Non-partisanship is evident when there is no strong relationship between the membership of a legislative party and voting behaviour of members in the vote to select the Speaker.

When members of different parties vote differently, it is difficult not to conclude that the selection of a Speaker is a partisan affair. The outcome of such an election is an obvious one. We can use a measure of partisan cohesion (such as the Rice Index of Cohesion)⁴ to measure the level of party versus

⁴ We discuss this method in greater detail in Chapter Five.

non-party voting From this argument our second hypothesis emerges as follows

H2 The higher the level of partisan cohesion on the voting to elect a Speaker the lower the level of neutrality

While very helpful, these raw measures of voting partisanship may provide a misleading account of the entire selection process Consider, for example, a legislature composed of two parties with two candidates seeking election to the Speakership, candidate A from party A and candidate B from party B Imagine if every member of party A voted for candidate B and every member of party B voted for party A An analysis of the voting would indicate strong partisanship, but yet the vote would be the opposite of what we would normally consider partisanship

This concern is, however, rather trivial In looking at the levels of party cohesion on the selection of Speaker all we need to do is be careful to examine the voting intention of each faction It would be bizarre to find, for example, complete socialist party cohesion but that cohesion being based on

the party members voting not for the party candidate but for a candidate from the conservatives or christian democrats

Partisan Strength

Our third empirical expectation is concerned with predicting the party origin of the successful candidate for Speaker. If the Speaker is elected by and from among the chamber, then it is possible that the Speaker could come from any of the parties or factions. If the office were neutral we would expect this to be the case. The party affiliation of each candidate should not play any role in his or her chances. Anything else adds a partisan element to the whole exercise. If we can predict the party of origin of the successful candidate for Speaker, this will greatly add to our argument that the selection of Speaker is far from being non-partisan.

Moreover, if the Speaker is considered a party-asset, then we would expect that each party would want to have someone from their benches in the job. If the Speaker is prized as an asset in itself, then the party will want to distribute that prize to one of its own. If the Speaker is an asset in assisting the parties in the performance of their parliamentary roles, then a party will also want the position to go to someone from its own ranks.

In short, we expect that, because of the partisan nature of the selection process, the Speaker will come from the faction of the chamber which has the necessary majority to have him or her elected. This outcome is to be expected with high levels of party cohesion, but it may also result when there is an equal lack of discipline in the various factions. In other words, the balance of power is maintained, even in the absence of full party cohesion. Of course, if there is little party cohesion on the vote to select a Speaker, then it becomes more difficult to predict the party background of the successful candidate. However, we have already dealt with the issue of party discipline above.

Put simply, our expectation is that the candidate for Speaker who originates from the largest party in the parliament is, *ceteris paribus*, most likely to be elected. This would be a clear indication of the partisanship of the office, each party trying to take for itself the prize of speaker in the same way as it tried to take the prize of government. This leads us to our third hypothesis.

H3 if the Speaker originates from among the ranks of the largest faction or coalition of factions, that Speakership is less neutral

This majority faction can comprise a single political party (which by definition would be the largest political party) or a coalition of parties, either in a legislative coalition or a government coalition. Because the largest party might not be a member of that coalition, it is not necessarily the case that the Speaker will always come from the largest party. In the case of a coalition it will be interesting to see from which party the Speaker will come. Will it, for example, be from among the ranks of the largest political party in the legislative coalition? It is this expectation that we will consider due course. First, however, we should examine one special case in which the largest faction or coalition of factions may not want to take the Speakership for itself.

The Balance of Power

Consider a hypothetical case where the chamber is equally split between two blocks. One block consists of a political party which is just one seat short of the majority required to form and maintain a government. The other side we could think of as being composed of the remaining political parties and perhaps some non-aligned members. The largest party wants to form a government and requires a majority for the vote of investiture and in order to maintain itself in office and see its programme of policies safely pass the

legislative process. In this case, and assuming, as is typical, that the Speaker is elected at the start of business prior to any vote of investiture, it becomes clear that the rational action of the largest party is to give the Speakership to the other block. Supporting a candidate from the other block will shift the balance of voting power. In this scenario, the Chair will not go to the obvious party, it may go to any party or individual happy not to attempt to block the entry into government of the largest party.

Not only does the party not forfeit a vote, but also the combined opposition is weakened. Of course, it may not even take a hung parliament to tempt the prospective parliament into following such a strategy. If its majority is slim enough, it may wish to use this option as insurance. And the same option applies to cases of minority governments that want to reduce the relative minority they hold. Of course, if the opposition block is interested in the potential of forming an alternative government, they may be unwilling to play along with the large party. This game brings us to our fourth hypothesis.

H4 Where a prospective incoming government is in a minority position or has a very slim majority they will, out of self-interest, offer the Speakership to another party

In essence, we are predicting that the larger party is forfeiting the prize of the Speakership for the prize of Government. It would seem quite obvious that, if offered the choice, a party would prefer to form a single-party majority government than supply a Speaker. No matter how influential the Speaker is, how much an asset it is for the party, its benefits can hardly outweigh the attractions of Government for the party leadership⁵

Coalition Bargaining

We have only gone so far as to predict that the Speaker will come from the controlling party or coalition of parties. We briefly discussed the question of what would happen when the winning faction in the legislature is a coalition of parties. It is to this issue that we now turn. In one sense, given the great interest shown in the process of government formation it is perhaps surprising that the issue of selecting the Speaker and its impact on government formation has never been considered in the literature. Before proceeding, it may be illuminating to briefly sidetrack a little and discuss the general government formation process.

⁵ We must be conscious however that, as Strom (1990) has shown, not all parties are interested in Government. Some may prefer to use the influence of the legislature to participate in policy making. Such parties are very likely to have their eye on the Speakership, particularly if the incoming minority governments are willing to agree to this.

When after a general election no single party is capable of forming a government, it is usual for the various parties making up the legislature to consider the viability of various coalitions of parties. Central to these negotiations are agreements on policy as well as the division of spoils - in particular the allocation of seats around the cabinet table to the various political parties.

Theories of coalition government, seeking to explain which governments form, are prolific.⁶ One of the most popular theories argues that the government formation process is best understood as a game of allocating cabinet portfolios, with the various parties bargaining for government ministries important to them for policy reasons (Laver & Shepsle 1996).

Yet, as we have mentioned, little attention has been paid to the Speaker. Whether this is because there is little evidence, or because the theorists do not see the Speakership as a valued bargaining chip, or because the theories are more policy-centred than office-centred we can only speculate.

We do think, however, that a case can be made for examining the allocation of Speaker among various parties to a coalition. We speculate that the Speakership may well be part of the prizes divided among the political parties.

⁶ For an overview see Laver (1988).

trying to form a coalition. The Speaker is, as we have argued in previous chapters, an asset (again that asset may be of the pure variety or an asset which helps the government achieve its aims). Given that the success or failure of coalition bargaining often rests on each party getting an acceptable share of the offices available, it seems a little odd to think that the Speakership is not part of the bounty being negotiated around the table. This brings us to our fifth hypothesis.

H5 In a coalition the allocation of a partisan Speaker will be the subject of negotiations between the various parties to the coalition

In giving empirical content to this hypothesis, we will be looking in particular to see if any trends emerge as to which party 'wins' the Speakership. Is it for example going to the largest party? We will have to examine more qualitative evidence to see if the Speakership was actually part of the deal brokered between coalition partners. We may of course find that because of the sequence of government formation the Speaker may have to be selected during or even before talks to form a coalition take place.

Previous Career

Laundy (1964) pays particular importance to the type of person selected as Speaker as an example of the need to maintain neutrality. Key to the emergence of a non-partisan Speaker is the precedent that before being considered candidates for the post of Speaker members must have been removed from active national partisan politics for some years. What constitutes active partisan politics is open to debate, but certainly includes being a government minister or a member of the party front bench. Certainly, too, the Speakership should have not been embroiled in particular political controversy.

In summary, the Speaker is expected to come from the rather more sleepy recesses of the backbenches. It is difficult to imagine how an active partisan could, literally overnight, become a neutral non-partisan. One of the key tests of our rational account is to see whether or not this norm actually exists in practice. If recent government ministers or shadow ministers are appointed Speaker, it adds credibility to our argument that the Speakership is indeed a political office. Our sixth prediction then is that

**H6 A neutral Speaker will be a long-serving backbencher,
removed from active partisan politics**

Intra-party decision making

So far we have focused on the allocation of the office between parties, but what of the allocation process, if any, within parties? There are two inter-related issues to be considered here. The first concerns the degree to which a member of the party standing is a candidate of that party. Secondly, if his or her party has selected the candidate for Speaker, what exactly is the process by which such a selection takes place. In particular, we are interested in seeing whether the decision is an oligarchic or a democratic one.

If the Speaker is to be neutral and non-partisan, then it is unlikely that each or any party could put forward candidates for the office. Although candidates may receive the backing of their party colleagues, this does not imply that they are necessarily party candidates. Evidence that parties do actually run candidates can be gleaned from whether or not there is more than one candidate from each political party. If there is only one candidate, this may be on the face of it, evidence that the party (at some level) has a strategy to run a single candidate. If the party did not involve themselves on this issue, it is

more likely that several candidates could emerge from the same political party Hypothesis seven tests for the degree to which competitions are between candidates from both the same and opposite parties or situations where a party only runs one candidate each

H7 If the appointment of the Speaker is a partisan one, we will see no more than one candidate from each party

Of course, we may only see one candidate from each party anyway To further investigate the inter-party element we need to take the lid off the parliamentary party politics In particular, we are interested in establishing if there are any processes and rules (formal or informal) which guide the emergence of candidates for the office of Speaker

Recall from our review of the British Speaker that backbenchers jealously guard their right to select the person to hold the office Any interference from the party leadership, be it the party leader, front bench or whips, will not be tolerated However, we also saw that even at Westminster this is not always the case Comparatively the process of selecting a candidate may be very different

At one extreme any member of a party might be able to put his or her name forward without reference to the party. If the rules of the chamber permit any member to be nominated (and a nomination rarely requires more than the support of a handful of members), then we would expect this to be the case.

At the other extreme, the decision of whom is to be the party candidate, or if the party is even going to have a candidate, may be a matter for the leader of the party. Party leaders have a significant amount of influence in most European legislatures and their colleagues in the parliamentary party usually accept their decision.

The most extreme case is where the party leader has the power to decide who in his or her party will run for the post. On the other end of the scale, any member who so wishes may be able to seek the nomination. Between these two extremes numerous other alternatives exist, such as giving the parliamentary party the last say.

We suggest that the more democratic the mechanism for the selection of the party's candidate, the more generally accepted the candidate, and consequently, the less partisan his or her appointment will be. A candidate selected by the party elite will in effect have been selected by one or a handful

of parliamentarians. This is a long cry from the expectation that a neutral speaker will be one who has the support of a large proportion of the whole house. Any support gained following their nomination must be considered in light of the usual requirements of parliamentary party discipline: members of parliament delegate authority to the party elite, who in return, can rely on the support of the party members in the chamber. If this were true, it would be in keeping with the prediction that the office is partisan: how more partisan can one get than the party leader deciding who will be Speaker? How a candidate for Speaker emerges from within his or her party will thus shed light on the partisanship of the appointment.

H8 If the office is a partisan one, the party leadership, rather than a more democratic forum within the political party, shall determine who will be nominated for the Speakership

Re-selection

One scenario that we have not discussed so far is what will happen if the Speaker of the outgoing parliament is available and willing to continue in

office. In the Irish case the Ceann Comhairle is elected at the first meeting of the Dail following a general election and normally holds office until that Dail is dissolved (which occurs when a general election is called). The non-partisan tradition associated with the office would imply that, assuming no inappropriate behaviour on his or her part during the previous sittings, an outgoing Speaker would be reappointed. To effectively eject one Speaker in favour of a candidate would seem to be the height of partisanship.

There are two scenarios in which our theory would predict that a Speaker would change. The first is where the balance of power changes and the new power brokers prefer to select an alternative rather than reselecting their previous choice. This could occur if, for example, a minority government initially selects from the opposition but following another general election wins a majority or is able to form a majority coalition. Rationally it would seem that the same government would make a different selection, choosing this time a member from their own party.

The second possibility is that the chances of the incumbent speaker will be affected by a change of government after an election - the new government wishing to select a replacement from its own side. In such cases the outgoing Speaker, even if her or she is available and willing to serve another term, may lose the Speakership.

To remove effectively an incumbent Speaker who has made it known that he or she wishes to continue in office must be the height of partisanship. It is hard to reconcile the non-partisan, neutral thesis of the Office if political parties are willing to uproot a Speaker so that one of their own can take the office. Our ninth prediction seeks to capture this point.

H9 If the Speakership is non-partisan, then the outgoing Speaker will, if he or she is willing to serve another term, even with a change of Government, be reselected

Removal from office

Our interpretation of the role played by incumbency in selecting a Speaker leads us to our next empirical expectation. This expectation revolves around how difficult it is to remove the Speaker from that position. Two things are likely to determine whether or not a Speaker is safe from challenge. The first is a formal rule regarding whether or not a Speaker can be removed, the second is the norm of whether or not Speakers are easily removed, even if the rules permit such removal.

Formally the rules guiding the removal, impeachment or continuance in office of a Speaker are likely to be contained in the rules of the Chamber. They could range from making it impossible to remove a Speaker once he or she has been appointed to allowing a Speaker to be removed by the same threshold by which they were selected. A whole range of options can occur in-between - such as requiring a super-majority to remove a Speaker or the role of a third agent such as the Head of State or superior Court justices.

Jenny and Muller (1995: 338) argue that the more difficult it is to remove a Speaker the less partisan that Speaker will be. The justification for this argument being that no one faction can control the office if a super-majority is needed to remove the speaker - if a simple majority was all that was needed then the Speaker would continually face the threat of removal from the majority and consequently might be less likely to act in a non-majoritarian way. If the Speaker is accountable to a majority he or she may have to continuously be 'looking over their shoulder' to ensure that they are not offending the party leadership. If it is more difficult to remove a Speaker they can preside without any fear or pressure of having to 'accommodate' the majority. This gives rise to hypothesis ten.

H10 A non-partisan Speaker will have the security of tenure above and beyond a simple vote of removal

The formal rule, however, may tell only half the picture. Even if the rules allow for the removal of the Speaker, this may not still be possible for purely political reasons. We must also examine how secure in practice is the term of office of the Speaker. The formal rules may indicate one thing but the informal rules may tell a different story. Likewise, even the most secure Speaker may be forced to resign if they come under unbearable pressure. This pressure may of course need to come from all sides of the house to warrant a Speaker considering resignation. On the other hand, a Speaker may feel it necessary to resign if he or she no longer has the confidence of a large proportion of the chamber over which he or she presides. In summary, do Speakers resign or are they ever pushed? Ultimately are they ever removed from office?

Of course, such moves may take place in the corridors of power without little supporting evidence that such attempts ever took place. Nevertheless, we will need to look at how secure the Speaker is and how willing parties are to pressurise a Speaker into resigning should the Speaker be out of favour with them. If such events have occurred, they will strengthen our belief that the

office is a highly partisan one - but only if the desire to get rid of a particular incumbent comes from only one faction or group of factions. Our rational account of the Speaker then predicts that

H11 If a faction can remove a Speaker from office, that speaker is less likely to be non-partisan

Our first eleven predictions focus on the process of selecting, appointing and potentially removing a Speaker. We now turn our attention to the second category of hypotheses where we make predictions about the behaviour of the person elected as Speaker. Making claims about the Speaker in action results in the predictions being rather more qualitative than most of those used above and are by their nature more subjective. While there are potentially numerous empirical expectations we could draw from our rational account of the office, we will limit ourselves to evidence that is least subjective and where we are likely to find hard evidence to support or undermine our theory.

Casting Vote

Our first prediction about the Speaker while in office relates to what is perhaps the one occasion when he or she can choose to express, or not express, a political preference. Normally the Speaker is not entitled to participate in debate or to vote on matters before the house. However, one scenario allows him or her to retreat from this when the house has divided equally on a vote: the Speaker may exercise a casting vote. In some legislatures the rules go one step further requiring that the Speaker must break the tie in such an event. In deciding how to vote we suggest the Speaker can be motivated by two very different factors. The first is the Speaker's own political preferences. Here the Speaker will look at the issue before the chamber and make his or her own decision based on his/her opinion of the issue before the chamber and then vote accordingly.

Closely related to the above, and perhaps more realistic, is where the Speaker supports the faction or coalition of factions from which he or she came. In other words, the Speaker will vote in a partisan manner. The question of whether it is the personal political preferences or simply to abide by with the policy of the party from which they came is not overly important. What is important is that the Speaker is, far from being neutral, actually voting in a partisan manner.

The alternative is for the Speaker to rely on some precedent to determine how he or she will cast their vote. Here, personal or political preferences will play no role. The vote of the Speaker will be a foregone conclusion. Does precedent exist to cover such issues?

The answer as we will recall from our comparative analysis in Chapter Three is yes. The British Speaker is guided by precedent in determining how to vote in the event of a tie taking place. The norm is for the Speaker to vote in such a way as to maintain the status quo – in other words he or she will usually vote in negative. On occasions, such as a vote of confidence in the Government, the Speaker supporting the vote maintains the status quo. Such behaviour ensures the impartiality of the Speaker by permitting the House to return to the subject at another date if it so wishes.

Were the Speaker not to follow such a precedent, it may suggest that he or she is voting on the basis of his or her own opinions. This would be clear evidence that the person was not acting in a neutral non-partisan way. From this logic we derive hypothesis twelve based on a rational Speaker.

H12 If a Speaker is partisan they will not rely on precedent to break a tie

Of course, we must take account of cases where both precedent and partisan interest determine that the Speaker vote the same way. If such circumstances were ever to occur we would certainly expect that the Speaker would not vote against precedent.

Respect for the Speaker

Our next three hypotheses revolved around a variable that is at the heart of the neutrality thesis that our account seeks to replace. That variable is the amount of respect that is shown the Speaker by various actors. We will remember that Laundy (1964) stressed the high nature of the office and the unwillingness of parliamentarians to question the decisions of the chair. Because the Speaker is above politics, parliamentarians are willing to be no more than deferential to the rulings and actions of the chair. Laundy (1964: 46) suggests that, even when an action of the Speaker is questioned by a parliamentarian, it is that specific decision, rather than the Speaker or his/her judgement, that will be

called into question. It would in other words be unthinkable or at the very least unlikely for a neutral Speaker to be the subject of criticism.

If this claim that the speaker will be respected is correct, an assertion upon which much of the neutrality thesis is based then we would expect to find little evidence of open criticism being levelled at the Speaker from any side of the chamber. Individual parliamentarians or their leaders will not usually call decisions of the Chair into question. They will treat the Speaker with a high level of respect.

H13 A neutral speaker will have high standing within the chamber and enjoy the respect of the whole, or vast majority of, the house

Where criticism is made of the Speaker and the speaker is a non-partisan we would expect that the level of criticism should be equally distributed across the floor. At the very least, we would not expect to see a pattern where it is one side of the house that is continually being critical of the Speaker. If one side of the house continually questioned or criticised the actions of the Speaker this must surely call into question his neutrality. More specifically it

calls in to question the perception of one side of the house as to the Speaker's neutrality. Likewise, why would the other side be quiet on such matters unless they were benefiting from the Speaker's interpretation of the rules or other behaviour? If criticism is continually coming from one faction, however difficult this measure may be to operationalise, it provides further support for the above hypothesis.

Career

As a final measure of the non-partisanship of the office we move from the behaviour of the Speaker as Speaker to his or her behaviour on vacating the Chair. Again, we will recall the tradition established in the UK that not only does the Speaker renounce all political affiliations while in the position, but also on taking up office they totally and irrevocably cut themselves off from party politics (Laundy, 1964). The important point here is that the non-partisanship is expected to continue even after the Speaker has left office. It is, as it were, a case of 'once a Speaker always a Speaker' for to be seen to be passing judgement on affairs which were under consideration while Speaker would be a gross violation of the idea of neutrality.

In our final hypothesis we explore the career paths of Speakers after they have left the chair. What we will be looking for in particular is evidence of whether or not they have re-entered political life. Signs of this could include continuing to sit in the parliament, and more particularly participating in debate and voting, or taking on other political roles outside the chamber. Our final prediction then is that

H14 If partisan, retired Speakers will not necessarily refrain from active partisan politics

While former Speakers may choose to retire fully, we are more interested to see if there are actual cases of Speakers leaving the Chair and pursuing an active political career. If so, the level at which such partisanship is played out will be interesting. Certainly returning to frontbench politics would seem to be in total conflict with the neutrality thesis.

iv Conclusion

In this chapter we have set out what we believe are fourteen clear hypotheses concerning the nature of the Office of Speaker in general and the Irish Speaker in particular. We explained why each hypothesis serves as a check on the accuracy of our theory of the Speaker presented in the previous chapter. Each hypothesis can serve to either validate or contradict the understanding of the office that we have presented.

Each of the propositions is capable of empirical examination. In some cases the data required to confirm the hypothesis is of a quantitative nature, for other hypothesis we are left to rely on more qualitative material. Nevertheless, the number of hypothesis should give some comfort that it will be difficult to distort the evidence for our own particular benefit.

It is to the evidence that we turn in the next three chapters. In chapter five we examine in detail the nature of selection and appointment of the Irish Speaker and test each of the hypotheses one through eleven. In chapter six we explore hypothesis concerning the security of the Speaker's tenure, the attitudinal hypothesis and the hypothesis relating to the post-office career paths of former Speakers.

Chapter Five: Selection and Appointment

1 Introduction

Having set out our sixteen hypotheses, which we expect will validate our rational-choice theory of the Office of Speaker, we now turn to the process of giving empirical content to these assertions. In this chapter we explore the selection and appointment of the Irish Speaker (as explored in hypothesis one through 11). In the subsequent chapter we will apply empirical data to the remaining hypothesis, which deal with the post-appointment behaviour of the Speaker.

Our goal in this Chapter then is to investigate whether the hypotheses relating to the selection of the Speaker can survive the test of empirical analysis. If they do, we have gone a long way in validating our claims about the Office of Speaker. If our propositions do not stand up to empirical scrutiny, then the accuracy of our theory of the Speaker will be highly suspect and it is back to the drawing board.

The empirical focus throughout this Chapter is on the 28 occasions on which the Dail has selected a Ceann Comhairle. Rather than provide a chronological account of each case, we have opted to proceed in a more thematic approach, gathering and analysing evidence related to each of the

hypotheses. This has the advantage of allowing us to test clearly each of our assertions. We begin with the first assertion made in Chapter Four, which related to the threshold level required for election to the Speakership.

ii. The Threshold for Election

Our first hypothesis relates to the level of support required in the chamber for a candidate to become Speaker. Two different documents dictate the rules for the selection of Ceann Comhairle. The Constitution of Ireland (Bunreacht na hÉireann) provides the framework within which the appointment is made, while the Standing Orders of the Dáil prescribe in greater detail the rules of appointment. The question of threshold is left to Standing Orders.¹ The relevant Standing Orders governing the election of Ceann Comhairle are set out in figure 5.1 below.

¹ The only constitutional provision regarding the selection of a Speaker is set out in Article 15.9. 1° which reads: Each House of the Oireachtas shall elect from its members its own Chairman and Deputy Chairman, and shall prescribe their powers and duties. The Constitution also states that 'Each House shall make its own rules and standing orders' (Article 15.10). This latter provision permits the finer details of selection a Speaker to be determined by Standing Orders.

Figure 5 1 Standing Orders relating to the election of Speaker

6 (1) The Dail shall then proceed to the election of a Ceann Comhairle, and a motion may be made to that effect by any member who has taken his or her seat according to law. Such motion or motions shall be received by the Clerk, who shall act as Chairman until the Ceann Comhairle is elected.

6 (2) If only one member be proposed as Ceann Comhairle the Clerk shall put the question "That (naming the member) be elected and do now take the Chair of the Dail as Ceann Comhairle", **which shall be decided like other questions**. Provided that in the event of there being an equality of votes, the question will be decided in the negative.

6 (3) If more than one member be proposed as Ceann Comhairle, the Clerk shall, in the order in which the members shall have been proposed, put the question, "That (naming the member) be elected and do now take the Chair of the Dail as Ceann Comhairle", **which shall be decided like other questions**. Provided that in the event of there being an equality of votes, the question shall be decided in the negative.

(Emphasis added)

From Standing Order Six we can see that no specific threshold is set for the election of Speaker. The key phrase is that the motion 'shall be decided like other questions'. Under the Dail Standing Orders, questions put to a vote are decided by a simple majority - the threshold for success thus being a relative, as distinct from qualified, majority. Applied to the election of Ceann Comhairle, this system leaves a nominee for the office requiring only more votes in support than votes in opposition: the number of deputies voting in favour of the motion must only be greater than the number of Deputies voting against.

As an example of how this plurality voting system operates let us briefly ponder the election of Tom Fitzpatrick as Ceann Comhairle in December 1982. The appointment of a Ceann Comhairle was required following the

re-assembly of the Dail after a general election the previous month. As is usual, the Clerk of the Dail invited nominations for the post of Ceann Comhairle. The leader and deputy leader of Fine Gael nominated a member of their own party. Two non-aligned members made a second nomination and the leader of Fianna Fail, which happened to be the largest party in the chamber, subsequently supported this nomination.

Under the voting rule for Ceann Comhairle the name of the first person nominated is put to a vote. Consequently, the motion to elect the Fine Gael member is voted upon. The number of 'yes' votes amounted to 86, with 80 votes against. Fitzpatrick was elected Ceann Comhairle with the motion to elect the second nominee never being put to a vote.

What the above example illustrates very well is how the low threshold rule in Irish parliament reduces the need for some form of cross-party support in the election of Speaker. If one or more of the parties can secure a plurality of votes, then the other parties are left helpless. The relative closeness of the vote in 1982, with a margin of only six between those in favour and those opposed to the candidate, provides a good example of the majoritarian, as distinct from consensual, nature of the appointment process.

This process adds credibility to our argument that the Speakership is a partisan office. Indeed, our first hypothesis is verified. The Irish

parliament has the lowest possible threshold for the selection of a Speaker, with a nominee only requiring more votes in favour of his or her nomination than there are against. This is only further confirmed when we consider that there only needs to be a quorum of members present to elect a Ceann Comhairle. With the normal quorum being set at twenty members it is, at least theoretically, possible for eleven of a total membership of 166 to decide who will be Ceann Comhairle. The absence of any special quorum for electing the Ceann Comhairle is yet another example of how 'ordinary' the election of Speaker is considered to be. Such 'ordinary' votes are the stuff of partisanship, or at the very least allow for the possibility of greater partisanship. Only a higher threshold, requiring cross-party support or agreement, would render such competitions from being so obviously partisan.

iii Level of Partisanship

In Chapter Five we argued that the partisanship of the Speakership can be inferred from the level of partisan voting which occurs in the election of Speaker. As the voting behaviour of each deputy is recorded in the Irish parliament, we can easily test the levels of partisanship using a simple roll-call analysis.² Roll-call analysis tests the unity or cohesion of the party vote. Put simply, it measures what proportion of the legislative party votes

the same way. A high level of cohesion occurs where a large proportion of the legislative party vote the same way. Low cohesion occurs when there is no relationship between members voting behaviour and his or her party membership.

There have been four occasions (1932, 1977, 1982 and most recently in 1989) on which a vote has been required to appoint the Ceann Comhairle.³ So how partisan was the voting on each of these occasions? The result of our roll-call analysis is presented in Table 5.1 and certainly makes for interested reading.

² It is not unusual, especially in the European context, for votes in parliamentary chambers to be held in secret or if by a show of hands not recorded (see further, Saalfeld (1995)).

³ A formal vote is required when there is more than one candidate, or where a division (vote) is otherwise called. Otherwise where there is a sole nominee he has deemed elected. We will return to this point in Chapter Seven. Here we are only concerned with situations where a vote takes place.

Table 5 1 Levels of Partisan Voting in the election of Ceann Comhairle

Year		FF	FG	LAB	WP	PD	Others	Total
1932	In favour	71	53	7			18	78
	Against	0	0	0			0	71
	<i>Unity (%)</i>	<i>100</i>	<i>100</i>	<i>100</i>			<i>100</i>	
1977	In favour	84	0	0			0	84
	Against	0	43	16			1	60
	<i>Unity (%)</i>	<i>100</i>	<i>100</i>	<i>100</i>			<i>100</i>	
1982	In favour	0	70	16	0		0	86
	Against	75	0	0	2		3	80
	<i>Unity (%)</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>		<i>100</i>	
1989	In favour	78	0	0	7	0	2	87
	Against	0	55	15	0	6	2	78
	<i>Unity (%)</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>50</i>	

The evidence could not be stronger. If we look at the level of partisan cohesion for each of the political parties, we see it has always equalled one hundred per cent. In each of the years in which a vote has taken place, party members have always voted along party lines. Only in the case of the non-aligned block has any cross-voting taken place. This however is not particular surprising, nor does it take away from our argument given that non-aligned members are just that. They do not necessarily form or enter into a voting agreement with each other.

In three of the four cases the party which secured the majority was voting in favour of one of their own members becoming Ceann Comhairle. In 1932 Fianna Fail supported Frank Fahy, himself a member of Fianna Fail. In 1977 another Fianna Fail deputy, Joseph Brennan, is elected with the support of his parliamentary party colleagues. In December 1982 the

incoming Fine Gael / Labour Party coalition government voted to secure the appointment of Tom Fitzpatrick, a member of the Fine Gael party

The only occasion in which members of a party voted to support a candidate from outside the party was in 1989. On that occasion Fianna Fail deputies voted in support of Sean Treacy. Treacy was a non-aligned member. On that occasion no member of Fianna Fail was nominated.⁴

An obvious question arises as to why such high levels of partisanship voting exist. Is it the case that members of the same party simply are inclined to back the same person? While it is difficult to disprove completely this point, it seems unlikely.⁵ On the contrary the total absence of any cross-party voting suggests that party discipline must be responsible for the voting behaviour of members. It is normal for each party to issue 'whips' to their deputies instructing them when and how to vote on particular motions.⁶ The vote on the motion to select a Ceann Comhairle appears to be no different. Members, it would seem, are not removed from the shackles of the party whip, even when it comes to the selection of Ceann Comhairle.

⁴ As we will see below this is because the Fianna Fail leadership needed a deputy from the other side of the house to assist in the government formation process.

⁵ Where such unity or cohesion occurs because of shared preferences can be referred to natural cohesion - to differentiate it from cohesion which occurs because of an agreement, requirement or expectation to vote in unity.

⁶ Rather amusingly the term 'whip' originated in the British House of Commons and is said to be derived from the English tradition of fox-hunting where whips are used by a hunt to prevent hounds from straying too far!

It would be very difficult to reconcile the issuing of party whips, and the consequential partisan nature of the voting as detailed above, with the claim that the selection of a Ceann Comhairle lies above party politics. If it did, then we would expect to see no strong relationship (instead of an absolute correlation) between the voting behaviour of members and their party origin.

Our second hypothesis would seem to be validated. Every time a vote has been required to select a Ceann Comhairle we, have observed as high a level of partisanship as is possible.

The reader may well question the low occurrence of voting, and perhaps relate this to a high level of non-partisanship. We will need to discuss the infrequency of actual voting as this may slightly diminish the validity of our argument here. As already mentioned we take up this point in Chapter Seven along with other apparent anomalies which may emerge from our empirical investigation. Suffice to say at this stage that we do not believe the infrequency of voting is related to non-partisan motives, but rather to an acceptance that any vote would be a *fait accompli*.

iv. Partisan Origin

Recall our argument that if the selection of a Speaker is above partisan politics, then the party affiliation of each candidate should have no role to

play in his or her chances of being elected Speaker. If the Speakership is the subject of partisan politics then a clear pattern should emerge. Our first prediction with regard to the party affiliation of the winning candidate (Hypothesis 3) was to suggest that the Speaker will originate from the benches of the largest faction or coalition of factions.

Table 5.3 provides data based on an analysis of the party origin of each Ceann Comhairle, both on his initial appointment and in addition on each of the occasions he was re-appointed. Specifically, the table relates the distribution of partisan power each time a Ceann Comhairle was elected to the party background of the successful candidate. The picture which emerges is mixed: in just over half (15 of 28) of the cases the Ceann Comhairle came from the largest party. Interestingly the Ceann Comhairle is more likely to be from the third largest party than from the second largest. Moreover on five occasions the Ceann Comhairle has come not from the ranks of a political party but from the non-aligned members.

Table 5.2: Partisanship as Determinant of Selection (by Party size)

	TOTAL
Ceann Comhairle from largest party	15
Ceann Comhairle from second largest party	1
Ceann Comhairle from third largest party	7
Ceann Comhairle from smaller party	0
Non-party (independent) Ceann Comhairle	5

What Table 5.2 does not take account of is the question of coalition factions. This information is presented in Table 5.3 which takes the unit of

analysis to be the faction about to enter government, rather than a political party. The results are more in line with our expectations. In 18 of the 28 cases the Speakership has come from the ranks of the largest faction.

Table 5.3 Partisanship as Determinant of Selection (by winning faction)

	TOTAL
Ceann Comhairle from largest faction	18
Ceann Comhairle from outside largest faction	10

While this provides qualified evidence of our third hypothesis, we must examine why on ten occasions the Speakership has been 'given' to a person from outside the ranks of the winning faction. Our fourth hypothesis, which relates to the balance of power, may go some way to explaining these nine cases.

It may be worth pausing here to consider just how accepted it has become that the appointment is a partisan one with no tradition of cross-party consensus. This is perhaps best summed up in the words of the then leader of Fine Gael, commenting in the Dail on the way in which a party will nominate a candidate without hearing the views of other parties.

I think that it could be desirable in general principle were it the practice of this House that the appointment of Ceann Comhairle had been the subject of prior consultation, but this has not been. There is not a precedent for this and therefore I make no criticism of the Taoiseach for not having such. I make that remark merely at the outset and I think that for the future such a precedent might be useful (Dáil Debates, Vol. 323, Col. 121, 16 October 1980).

v. Balance of Power

We claimed that there would be one situation in which it would clearly be irrational for a political party to select a Ceann Comhairle from among its own ranks. This exceptional circumstance occurs where the largest party or coalition of parties is not completely capable of forming a government. To assist in the process of forming and maintaining a government they would 'offer' the Speakership to the other side, thus enhancing and perhaps even fundamentally altering their ability to enter government.

In recent years no single party has been able to secure the necessary number of seats in the Irish parliament to gain an overall majority which would entitle them to enter government as a single-party majority administration. Not since 1977 has one political party political commanded an overall majority. Consequently either coalition government or minority government and, more recently again, minority coalition government have become the rule rather than the exception. Table 5.4 sets out to capture the

relationship between minority/majority status of the incoming government and whether or not the Ceann Comhairle comes from the government side

Table 5.4 Incoming Government strength and party affiliation of Ceann Comhairle

YEAR	Gov Seats	Total Seats	%support	% support if CC came from opposition	Did CC come from non-government party?
1922	58	128	45.3	45.7	
1923	63	153	41.2	41.4	
1927 (a)	47	153	30.7	30.9	
1927 (b)	62	153	40.5	40.8	
1932	72	153	47.1	47.4	
1933	77	153	50.3	50.7	
1937	69	138	50	50.4	
1938	77	138	55.8	56.2	
1943	67	138	48.5	48.9	
1944	76	138	55.1	55.5	
1948	67	147	45.6	45.9	Yes
1951	69	147	46.9	47.3	Yes (reappointed)
1954	74	147	50.3	50.7	
1957	78	147	53	53.4	Yes (reappointed)
1961	70	144	48.6	48.9	Yes (reappointed)
1965	72	144	50	50.4	
1969	75	144	52.1	52.4	
1973	73	144	50.7	51	
1977	84	148	56.8	57.1	
1981	80	166	48.2	48.5	Yes
1982 (a)	81	166	48.8	49.1	Yes (reappointment)
1982 (b)	86	166	51.8	52.1	
1987	81	166	48.8	49.1	Yes
1989	83	166	50	50.3	Yes (reappointment)
1992	83	166	50	50.3	Yes (reappointed)
1997	81	166	48.8	49.1	Yes

NB % are rounded

There have been nine occasions in which the government have had over 50 per cent of parliamentary seats, four occasions in which they have exactly

50 per cent and 14 occasions in which they have had under 50 per cent of seats. When we look at cases where the Ceann Comhairle was not from parties forming the incoming Government we see that when the Government enjoys a majority they generally do not appoint someone from the opposition benches.⁷ When party support hovers around the 50 per cent mark the Ceann Comhairle is more likely not to be a member of the Government party.

However, the data fails to support the generalisation that minority governments will always opt for a Ceann Comhairle from outside their own ranks. In 1932, for example, the incoming Fianna Fail minority government opted to appoint a Fianna Fail member. Was this irrational?

In the 1932 case, it would seem that other factors may have been at play. In that year Fianna Fail was supported on votes within the chamber by the Labour Party and, while technically a minority government, they had the comfort of majority support.⁸ To some degree, this discrepancy can be explained by the fact that minority governments can rely on the support of smaller parties or independents. In other circumstances it seems that the trend is to offer the Speakership to someone from the opposition benches.

⁷ The outlier is 1957 where the appointment was a re-appointment and can perhaps be explained by the later criteria (namely the reappointment criteria).

⁸ The Labour Party support for the Fianna Fail government was given in return for the implementation of policies common to both parties (Dunphy, 1995, p. 197). Until 1989 Fianna Fail refused to countenance the possibility of ever participating in a coalition government. They did however frequently do 'deals' with other individuals, parliamentarians or parties to gain their support.

By way of example, the most recent appointment to the Speakership illustrates how an incoming Government will offer the post of Ceann Comhairle to someone from the opposition benches for its own partisan benefits. In 1997 the Fianna Fail/Progressive Democrat electoral alliance found itself three seats short of an overall majority (it had 81 of the required 84 seats needed for a clear majority). Following negotiations it won the support of a number of independents but could not afford to lose one of its members to the office of Ceann Comhairle. Giving the post to an independent would have the same result - one vote less for the government side. To overcome this, the incoming Taoiseach suggested to the leadership of the Labour Party that one of its members become Ceann Comhairle. With the agreement of the Labour leadership, a Labour deputy was subsequently nominated and supported by the incoming government.

The selection of a Speaker following the 1987 general election illustrates further the dilemma faced not just by the winning faction, but also by the losing faction whose acquiescence to having one of its members become Ceann Comhairle is to strengthen the government. The 1987 general election returned a hung Dáil with Fianna Fail attempting to gain enough support to form a minority government dependent on the opposition not to bring them down. Part of their strategy was to ensure the Ceann Comhairle came from the opposition benches. The leader of the Fianna Fail Party offered the position to the outgoing Ceann Comhairle (Tom Fitzpatrick a

member of Fine Gael) Fitzpatrick was faced with a dilemma assist Fianna Fail by allowing himself to be re-nominated and consequently reduce the chance of his own party returning to office within as short a period as possible or decline the offer, thus increasing the difficulties for Fianna Fail and increasing the probability of another general election

The 'advice' of the Fine Gael Parliamentary Party was that Fitzpatrick should decline any offer from Fianna Fail The Fine Gael leadership of the party made it clear that they considered the filling of the post to be a party political matter and they would be vigorous in their opposition to Fitzpatrick taking the office because they considered that he would be propping up an opposition party in Government Cornered by his party leadership, he was forced to reject the offer to be re-nominated

The evidence suggests that an incoming minority government is mindful of the need to ensure that the appointment of Ceann Comhairle will not jeopardise their chances of winning and retaining office Where the appointment can change the balance of power, parties will be only too happy to offer the chair to the other side Where opposition parties are unwilling to accept such an arrangement, the offer may be made to an independent member This was the eventual outcome in 1987 with a non-aligned member being nominated by Fianna Fáil as the Ceann Comhairle

vi Coalition Bargaining

We already have a taste for the impact of the needs arising from the government formation process from our above discussion. What is certain is that the selection of Speaker is on occasions crucial to the chances of a party or coalition of parties forming a government. What happens when this is not the case? For example, where the incoming coalition has a majority? In such cases we would expect the allocation of the Speakership to be the subject of negotiations between the various political parties making up that coalition.

Yet this scenario, despite the recent dominance of coalition government, seems to have been played out very infrequently. This is because, as we have seen above, the Speakership is offered to the opposition benches, more often than not, in an attempt to secure the entry into and workability of a government. Most recently, in 1997 for example, there was no question of the Speaker coming from within the Fianna Fail/Progressive Democrat coalition. What happens on those occasions where it is possible? We consider here those occasions where a coalition is formed and where the Speakership is to be given to one of the parties in that coalition. The inter-coalition selection of Speaker has happened only on two occasions, each of which is summarised in Table 5.5.

Table 5 5 The inter-coalition allocation of the Speaker

Year	Coalition Parties	Outcome
1982 (November)	Fine Gael / Labour	Fine Gael
1973	Fine Gael / Labour	Labour

Table 5 5 presents a mixed result with no clear picture as to whether the largest or smaller party takes the Speakership. On one occasion the main government party took control of the Speakership, while on another the second party in Government received the Speakership.

There is also little evidence to evaluate the degree to which the selection of Speaker is a matter for negotiations between the political parties. If we consider a typical case of government formation, we may well begin to see why the selection of Speakership may not always form part of the allocation of portfolios, even when the incoming government has the freedom to allocate at will (as rare as this is).

In the immediate aftermath of the 1992 general election the focus fell on the emergence of a rainbow coalition between The Labour Party, the Progressive Democrats, and headed by Fine Gael. However, the emergence of such a coalition was to prove impossible and it became increasingly obvious, if only in the run up to the Dail convening, that such a coalition was becoming difficult to form. Fianna Fail, under the leadership of Albert Reynolds, appeared initially ambivalent towards the idea of coalition.

Indeed, by the time the Dail convened on Monday, 14 December 1992, there was as yet no agreement between any of the political parties as to who would be elected Taoiseach. The period between the general election and the first meeting of the Dail proved just too short to elicit an agreement. On that day, no nominee for Taoiseach was successful. Indeed, it took until January 10 1993, almost one month after the Dail first convened, for a coalition agreement to emerge and be accepted by both parties.

Now, consider the rules governing the election of Ceann Comhairle. As we saw earlier in this Chapter, the first business of the chamber is the election of a chair. This must occur before any other business, including the business of electing a Taoiseach, can take place. While it is not absolutely necessary to select a Ceann Comhairle on the first meeting of the Dail, this has always been the case. Much speculation surrounds what would happen if the Dail was unable to select a Ceann Comhairle, but what appears clear is that all parties prefer to see this happen.

Consequently, in 1997 the decision of who was to be Ceann Comhairle had to be made before it became clear to anyone as to who would actually form the government. As a result, it is not possible in this case to talk of the Fianna Fail / Labour Coalition negotiating over the allocation of the Speakership. They were not yet in serious talks on coalition, never mind in a position to decide on the allocation of the Speakership.

Clearly then, the sequence of decision¹ making, with agreement on government formation coming after the point at which a Ceann Comhairle is elected, ensures that the Speakership may not be part of the allocation of prizes between parties⁹

VII Previous Career

Our sixth hypothesis predicts that because the Speaker may be a partisan, he or she will not necessarily be a long-standing backbencher, having been removed for some time from active partisan politics. To test the accuracy of this prediction, we introduce three pieces of information for each of the individuals who served as Ceann Comhairle. This information relates to the point at which they first became Ceann Comhairle (for obvious reasons we ignore their subsequent, if any, re-selection). The information we explore relates to their years as a member of the Dail, previous experience in the role of chairing Dail sessions and finally the rank of partisan office previously held. For the latter information, we will also examine the time frame between partisan office and being elected Speaker.

Figures for each of these variables are presented in Table 5.6. Before drawing conclusions from this information, we must be conscious of the

⁹ In one sense of course this is a very inefficient outcome. If political parties could agree before the date at which the Speaker is due to be selected, then they could take the Speakership.

unique circumstances surrounding our first case Michael Hayes, as the first Ceann Comhairle of the Irish Free State could not have met any expectation as to parliamentary experience, ministerial office or length of tenure as the selection of Ceann Comhairle came at the very beginning of a new phase in Irish parliamentary democracy Other than this though, the information should prove very interesting

Table 5 6 Prior Experience of Ceann Comhairle on Appointment

	Years as TD	Dail Experience	Highest political office
Hayes	1		Cabinet Minister
Fahy	14		Opposition Spokesman
Hogan	28	Leas-Ceann Comhairle	Cabinet Minister
Breslin	30	Leas-Ceann Comhairle	Chair, Donegal County Council
Treacy	12		Opposition Spokesman
Brennan	26		FF Deputy Leader Parliamentary Secretary (Finance)
Faulkner	26		Cabinet Minister
O'Connell	16	Temporary Chairman	Opposition Spokesman
Fitzpatrick	17		Cabinet Minister Chair of National Executive
Pattison	36	Temporary Chairman	Junior Government Minister

Excluding the case of Hayes, the average number of years served by an incoming Ceann Comhairle is just under 27 Yet, there is some discrepancy Cormac Breslin had 30 years in the Dail when he was appointed whereas Sean Treacy became Ceann Comhairle with a somewhat shorter parliamentary career spanning 12 years¹⁰

¹⁰ As with Hayes it would be wrong to count Fahy's 14 years as being a short term given that he had served as long as was possible given the youth of the institution at that stage

While no data on the average tenure of a parliamentarian are easily available, it seems that experience is a requirement for becoming Ceann Comhairle.¹¹ Yet this is not crucial to our investigation of the partisanship, other than to suggest that gaining the Speakership may be akin to a 'retirement' post for long-serving members.¹²

Data on the charring experience of the Ceann Comhairle is interesting also, if not inconclusive. Only two of the ten people to have held post of Ceann Comhairle were promoted from the position of Deputy Speaker, while two more had previously served on the panel of temporary chairmen. In most cases, then, it would seem that the Leas-Ceann Comhairle was overlooked for appointment as Ceann Comhairle. If the decision was a non-partisan one, we would surely have been entitled to expect that the Deputy Speaker would be the obvious career for any Speaker. Yet this is not the trend in the Irish Parliament with the vast majority of new Ceann Comhairle not ever having acted as temporary Chairman of the Dail.

Looking at the highest political office, we see that all except one had held posts in government or on the frontbenches of their respective political parties. Four had served as cabinet ministers, three as opposition

¹¹ It would be useful to compare this date with the average years of tenure for specific years. However the collection of the latter is beyond the scope of this work.

¹² This is only a perception and it would be wrong to attach too much significance to it. However comparisons with the traditional election of Irish Presidents are difficult to avoid. For many years the relative maturity of Irish presidential candidates led some to speculate that the Presidency was a retirement home for ageing politicians. Could it be that the Speakership is a retirement home for at least some ageing politicians?

spokespersons and one as a junior government minister (Minister for State) Joseph Brennan, elected Ceann Comhairle in 1977, had held the post of Parliamentary Secretary (since abolished, but at the time the lowest rudder on the ladder of government posts) Brennan is interesting because on his appointment he was the deputy leader of the Fianna Fail Parliamentary Party The only Ceann Comhairle without front-line national political experience was Cormac Breslin He was, nevertheless, Chairman of Donegal County Council The fact that holding high political office is no bar to becoming Ceann Comhairle is thus exemplified in all of the appointments since the foundation of the state, when the first Ceann Comhairle had previously served as a Cabinet Minister

Perhaps the best example of how indifferent the Dail is to appointing a senior partisan figure occurred in 1980 when the Fianna Fail leadership nominated a serving Cabinet Minister to be Ceann Comhairle Padraig Faulkner was the Minister for Defence only hours before he became Ceann Comhairle Indeed, he only resigned when approached by the Taoiseach and asked to become Ceann Comhairle and had agreed (*The Irish Times*, 16 October 1980)

The data on experience in chairing sessions of the Chamber and the prior political office provide us with ample evidence to support our expectation that there is no divide between serving in partisan office and serving as Ceann Comhairle This is only confirmed by the case of a Ceann

Comhairle being able to take up office only hours after having being at the very front line of partisan politics as a Cabinet Minister

viii Intra-party decision making (no of candidates)

We now move to an empirical analysis of the role played by parties in the selection of Ceann Comhairle. We have two major questions to explore. In this section, we examine the number of candidates emerging from each of the political parties. In the next section, we look at the role of the party hierarchy versus the parliamentary party in the selection of party candidate(s). Both of these issues are seen as providing further evidence of the partisanship of the office.

Recall from Chapter Four that if the selection of the Speaker is a non-partisan matter, then there is no reason to suspect that the number of candidates emerging from each party will be limited to one. If we see a clear pattern of single candidates, this points to a role for the party in selecting a single candidate - further evidence that the selection of Speaker is a partisan affair.

The data from Ireland supports the proposition that parties limit the number of candidates which emerge from their own benches. It has always been the case that not more than one nominee for the office of Ceann

Comhairle has come from each political party. Never have two candidates faced each other from the ranks of the same party.

To account for why this is the case, we must refer to some of the form of control which the parties maintain over the nomination process. However, it would be wrong to suggest that these control mechanisms are derived from any formal parliamentary procedure. On the contrary, it only requires the support of two members for a candidate to be nominated. Evidently then, the decision of who will be a candidate is made not on the floor of the chamber but in the party rooms around Leinster House. The formal rules of the House certainly permit it, but the rules, or at least practice, of the parties means that the candidature of members who aspire to the Speakership is organised and controlled by the Party.¹³

The absence of intra-party competition on the floor of the House provides clear and unmistakable evidence, then, to suggest political parties exercise some control mechanism over their members vis-a-vis being nominated for the post of Ceann Comhairle. This is clear evidence for our seventh hypothesis, further validating our partisan account of the Speakership.

¹³ Of course this point may be less relevant to the process of nominating an independent (non-party) member. Leinster House is the building which comprises the Dáil chamber, member's offices and party rooms.

ix. Intra-party decision making (role of leadership)

Safe in the knowledge that political parties play some form of coordinating or veto role in the selection of candidates for the Speakership, we must now explore the degree to which such power is centralised or decentralised within the parliamentary party. The greater the level of centralisation, the fewer members involved and, consequently, as we have already argued, the more partisan the Speaker. Our task, then, is to uncover exactly who within the Irish political parties has control over the selection of candidates for the Speakership?

This is made all the more difficult by the fact that Irish legislative parties have never been subjected to much in-depth research, in large part because they operate in a very secretive manner - unwilling to have their business scrutinised by the media or academics. Much of their operating principles are unfamiliar to even the most experienced political journalist not to mention legislative or party scholar. The two largest parties operate under the most secretive conditions leaving outside observers searching for clues rather than hard evidence.¹⁴

¹⁴ One example of this is that a member of the Fianna Fáil parliamentary party must promise not to make available to non-members of the Parliamentary party such things as a copy of the Rules of the Parliamentary Party. A recent departure, however, is the assistance given by Fine Gael Head Office to an academic survey of party members and published as Gallagher & Marsh (2002).

Nevertheless, it is possible to build a picture of how the political parties operate in relation to the selection of Speaker. For this, we rely on various first and second-hand accounts of key actors, in addition to what we know more generally about inter-party decision making. While it is important to take into account differences between the various parties, it does seem that the three larger parties do deal with such matters in very similar ways.

Consider, for example, the account by Dr John O'Connell (O'Connell 1989, p. 160-161) in his autobiography of him being asked to become Ceann Comhairle:

I had a telephone call from Jimmy Tully, asking me to consider becoming Ceann Comhairle. Michael O'Leary had taken over from Frank Cluskey as Leader, because Frank had lost his seat in that election, and Tully was O'Leary's emissary. "Give me a few minutes to think about it," I said, and put down the telephone. The room was filled with supporters, the people who had worked with me for years. I told them what Tully had said:

"What do I do?" I asked them:

Go for it, they said. Take it. Without proper deliberation I went over to Leinster House at about five minutes to two to accept, knowing that the new Dail was meeting at 2.30.

A second way to confirm the key role played by the party leaders is seen in the most recent appointment to the office, which, as the reader will recall,

saw a Labour member becoming Ceann Comhairle at the invitation of the Fianna Fail leader. What is generally considered Ireland's newspaper of record was able to confirm how the Fianna Fail leader had offered the job through the leader of the Labour Party (*The Irish Times* 23 June 1997). When the actual candidate was asked all he would say was

“I haven't been approached or asked”, “so it's difficult to give an answer to a question you haven't been asked” “There have been vague comments made to me regarding the post, but I couldn't interpret them as being asked if I would take the job”

The events surrounding the search for a Ceann Comhairle following the 1987 general election are also testament to the fact that the decision as to who will hold the post is decided in or at least around the offices of the various party leaders. As outgoing Ceann Comhairle, Fitzpatrick was not a member of the Fine Gael Parliamentary Party or the wider party. However, and despite the fact that it was a personal decision for him, he was requested not to reply to the Fianna Fail request before the Fine Gael Parliamentary Party had met and offered its advice to him (*The Irish Times* 6 March 1987). The decision had been made by his party leader and supported by the Parliamentary Party.

Given this evidence, it is hard to conclude that the parliamentary party, let alone the wider party membership, have little more than a 'rubber-

stamping' one when it comes to appointing the Ceann Comhairle. The desire of the party elite to control the filling of the post allied to the unwillingness of members to question their party leaders means that the filling of the office is firmly in the control of the party leader. This can only come at the expense not just of the chamber but of the party and ensures ultimately that the person nominated as Ceann Comhairle must enjoy the confidence of one person, the leader of the winning faction within the chamber. This is a far cry from the understanding of the Speaker as being a product of a collective decision of the chamber as a whole.

x Re-Selection

Our ninth hypothesis predicts that if the Speaker is non-partisan, then she or he will, if available and willing to serve another term, be reselected. A non-partisan account would expect this to be the case even when the voting balance has changed, say, for example, when a new government is to be appointed. What we expect to find is a change in the Speakership with a shift in the partisan balance of power within the chamber. This would indicate further the partisan nature of the selection and appointment process.

In looking at the data on reselection we must be conscious of the role played by other factors, especially the desire by governments to reappoint

an outgoing Speaker if this will aid their chances of remaining in office
What is clear, as we will highlight below, is that there have been occasions
in which the outgoing Ceann Comhairle has been available and indeed
happy to be re-appointed but nevertheless was not re-selected

With regard to re-appointing the outgoing Ceann Comhairle, one of the
earliest arguments was made in 1932 by the leader of the incoming
opposition, W T Cosgrave. When citing the provision that the Ceann
Comhairle be automatically returned at a General Election, he claimed
that

Its objective, as most Deputies are aware,
was to provide for continuity in the office of
Ceann Comhairle, and, for that purpose, to
have available to the incoming Dail the
Services of the Presiding Officer of the
previous House. We believe that is a sound
plan, making for uniformity in practice and
procedure, and conducting to efficiency in
the conduct and despatch of the business
submitted to this house (Dail Debates, 9
March 1922, Vol 41, Col 19)

This is undoubtedly a key argument for offering the Chair to the outgoing
Ceann Comhairle. Although the motivation put forward above for
automatically returning the Ceann Comhairle may not be accurate, it is
difficult to argue that that individual is the most capable individual to
again perform the task. Indeed, in the case of the outgoing Chair not being
invited to retake the chair, it is hard to see it as anything other than a vote

of no confidence and further evidence of the partisan nature of the selection. On the other hand change can always be helpful in any senior leadership position, allowing as it may for renewed dynamism in any organisation.

As we can see from Table 5.7, almost all Ceann Comhairle have been re-selected at least once. The exceptions are Brennan who died during his first term of office, Fitzpatrick who declined to accept the offer of a nomination, and Pattison who is currently in his first term of office. In the earlier years, the Ceann Comhairle was likely to be re-selected more often.

Table 5.7 Number of times Ceann Comhairle was re-selected/rejected

	Re-selected	Rejected
Hayes	3	1
Fahy	6	
Hogan	4	
Breslin	1	
Treacy	3	1
Brennan	n/a	
Faulkner	1	
Fitzpatrick	0	
O'Connell	1	1
Pattison	n/a	

However, we can also see that on three occasions the outgoing Ceann Comhairle was not re-selected despite putting their name forward. The first occurred in 1932 when Fianna Fail rejected the argument of W. T. Cosgrave and appointed Frank Fahy over Michael Hayes. Exactly fifty years later Fine Gael were the party to break with tradition by nominating

Tom Fitzpatrick and declining to support John O'Connell who was the outgoing Ceann Comhairle. On that occasion an independent colleague of Deputy O'Connell criticised the actions of the incoming government, noting how the leader of Fine Gael, despite now refusing to re-nominate O'Connell had previously warmly supported his nomination earlier in the year (Dáil Debates, Vol 339, Col 16-17)

More surprisingly, the leader of Fine Gael was going against his earlier stance on the right of outgoing Ceann Comhairle to be re-appointed. In 1977 Dr FitzGerald cited the precedent of maintaining in the Chair an outgoing Ceann Comhairle and voted unsuccessfully on that basis to retain Treacy over Deputy Joseph Brennan who was the Fianna Fail candidate.

The evidence suggests that where the outgoing Ceann Comhairle is from the party of the incoming Government he will be re-appointed. However, where the government and outgoing Ceann Comhairle are not from the same side, then much will depend on other circumstances such as the balance of power requirement. In certain circumstances parties have agreed to keep a Ceann Comhairle from the opposition even when making a change would not adversely affect their balance of power. For example, in 1957 Patrick Hogan (Labour Party) was re-nominated by a majority Fianna Fail government. He had, of course, previously been re-nominated and supported but this principle did not stop Fine Gael declining to support O'Connell in November 1982.

It is, therefore, not unknown for an incoming majority administration to block the re-appointment of the outgoing Ceann Comhairle in favour of one of their own backbenchers. While such behaviour causes consternation for the opposition parties, it rarely affects the standing of the government parties. This provides further evidence of how party-political the process of selecting a Ceann Comhairle is.

x1 Tenure

Our tenth hypothesis concerned the ease by which a Speaker could be removed by the Dáil. We argued that there exists a relationship between guarantee of tenure and political neutrality - the more difficult it is for a faction to remove the Speaker, the more neutral he or she will be.

In the Irish case there exists a formal provision for the removal of Speaker. Standing Order 14 (see Figure 5.2 below) makes two explicit points of interest to us. The first is that the normal term of office is the term of the Dáil. In other words, the Ceann Comhairle will normally be expected to remain in office until the next General Election. However, crucial is the last sentence which gives the Dáil the power to remove the Ceann Comhairle.

Figure 5 2 Rules relating to the removal of Speaker

The term of office of the Ceann Comhairle and of the Leas-Cheann Comhairle shall be the term of the Dail existing at the time of their appointment, but the Ceann Comhairle shall continue in office until his or her successor has been appointed for the purpose of these Standing Orders Providing that the Dáil may, at any time, by special resolution, remove from office either the Ceann Comhairle or Leas-Cheann Comhairle

The actual wording of the provisions is even more interesting for us Note the absence of any reference to reasons why the Ceann Comhairle may be removed In provisions for the impeachment of officers it is normal to explicitly state the boundaries which are likely to constitute a removable offence In the Irish constitution such reasons include stated misbehaviour or incapacity What is interesting for us is that no such requirement needs to be met for the Ceann Comhairle to be removed

Moreover, the inclusion in the text of the standing order of the words 'at any time' gives a real sense that such a special resolution can be made for whatever reason the proponents of the resolution make

We have established that it is very easy to propose that the Ceann Comhairle be removed, but what kind of threshold is required for him or her to be actually removed? The short answer is that no special threshold is required The vote on such a special resolution takes place like all other votes - in open, and more importantly for us, falls or is passed on the basis of a relative majority If more members present and voting vote for the

Ceann Comhairle to be removed than vote for him to remain in office, then he is removed

In short, there exists no provision to protect the Ceann Comhairle from a majority faction determined to remove him. There is no need for cross-party support, no need for a majority of all members to vote for his or her removal, let alone a requirement for some form of qualified majority. This leads us back to our argument concerning the level of neutrality. In the Irish case it may be politically impossible for a Ceann Comhairle to remain neutral in the face of a majority government - to do so would be to put his or her position on the line.¹⁵

xii Removal from office

Even if the formal rule makes it easy to remove the Ceann Comhairle, informal norms may still prevent this from happening. No Ceann Comhairle has ever been removed from office, although as we will see there was an initial attempt to remove one. There are two possible explanations as to why the majority may be unwilling to replace a Ceann Comhairle during the life time of the Dail.

¹⁵ The weakness in security of tenure of the Irish Speaker becomes even more apparent when we consider rules in other legislatures. In the Alþingi (Islandic parliament), for example, the Speaker can only be removed by a two-thirds majority (I am grateful to Wolfgang Muller for this information).

The first explanation is that the majority are quite happy with how the Ceann Comhairle is behaving. This is certainly in keeping with our partisan theory and with the fact that it is relatively easy for a majority to remove the Ceann Comhairle. The Speaker knows that he or she is dependent on the support of the majority and consequently will not behave in such a way as would warrant the majority acting to replace him or her.

The second explanation is that the government is willing to live with its initial choice, even where it has proved less satisfactory. Removing a Ceann Comhairle may be more trouble than it is of benefit. Consider, for example, the reaction of the opposition, of the Ceann Comhairle, and of the wider media and public opinion, which are unlikely to be favourable. In fairness, then, it is more difficult in practice to remove the Speaker than we would have gleaned from the provision in Standing Orders relating to the removal.

There is one scenario when the change of Ceann Comhairle would seem desirable to a government. That is when a new government is formed during the lifetime of the Dail. The only example of a change of the party composition of Government occurred in 1994 when, a month after the demise of the Fianna Fail-Labour Party coalition, a new three-party coalition was formed between Fine Gael, The Labour Party and the Democratic Left. The incumbent Ceann Comhairle was Sean Treacy, an

independent member, who as we will recall from above, had been appointed by the Dail before the emergence of the Fianna Fail - Labour party Coalition. The attitude of the new three-party coalition to the Ceann Comhairle and the Leas Ceann Comhairle is certainly interesting. Let us consider the fate of the Leas Ceann Comhairle first.

In 1994 Deputy Joe Jacob held the post of Leas Ceann Comhairle (Deputy Speaker). Nominated following the 1992 General Election, he also held the position of chairman of the Fianna Fail Parliamentary Party. By agreement of the leaders of the three political parties forming the 1994 coalition it was decided that the government would table a resolution to remove Jacob as Leas Ceann Comhairle and replace him with a member of Fine Gael (*The Irish Times* 14 May 1997). Not alone was this decision made, but within days of taking office the government publicly indicated that it would be pursuing this option.

It was also the case that the Government considered removing the Ceann Comhairle and indeed had agreed on a replacement (*The Irish Times* 14 May 1997). However, unlike in the case of the Leas Ceann Comhairle, the Government had a re-think on the fate of Sean Treacy. Treacy, according to one source, was deeply disliked by John Bruton, the new Taoiseach. They two had clashed over Dáil procedures on several occasions during question time and the morning Order of Business. It is believed, but not widely known, that Sean Treacy requested a meeting with Bruton at which

he indicated what he considered the inappropriateness of the Government's move to remove a Ceann Comhairle¹⁶ It is also believed that he made clear his view that he would have to resist publicly any such move, considering it not just a personal attack but an attack on the dignity of the chairmanship of the Dail¹⁷ Treacy called the new administration's bluff and all plans to have the Ceann Comhairle replaced were dropped The Government made clear their opinion that the Ceann Comhairle would (whatever about should) remain in office

Although the Government did go further in their desire to replace the Leas Ceann Comhairle, making their decision to do so public, they never carried out their threat and both Ceann Comhairle and Leas Cheann Comhairle survived the mid-term change of administration The Leas Cheann Comhairle was apparently saved by the desire of the Government not to be seen to be openly playing politics with the office Fianna Fail, and in particular its leader Bertie Ahern, was irate at the intentions of the new government and publicly denounced the removal of someone who was appointed for the duration of the 27th Dail under the Standing Orders of Dail Eireann (*The Irish Times* 20 December 1994)

What this episode shows us is that parties may wish to remove and appoint the Speaker as they so wish, but shy away from doing so because of any political embarrassment which such a heave would cause Looking at it

¹⁶ Anon Interview No 2

from a cost-benefit perspective, the costs may very well outweigh the benefits

xiii Conclusion

As we have been at pains to stress throughout, there is no point in having a theoretical understanding of a political phenomenon if that understanding is not subjected to a comparison with the reality of the object being scrutinised. This chapter has begun that process of providing empirical validation of our account of the Irish Speakership. Our focus thus far has been on the process and practice of selecting and appointing the Ceannt Comhairle.

As one reads through the preceding pages, it becomes increasingly clear how complex and detailed many of the cases are. We have avoided trying to reach unrealistic conclusions from the factual information available to us. Rather than provide a summary of the evidence thus far (which we believe we have shown to be generally very supportive of our claims), we will leave this to the concluding chapter. There, we will attempt to summarise the evidence using a four point strong to weak scale. Before we do this, we think it appropriate to examine the remaining hypotheses.

¹⁷ Anon Interview No 2

Chapter Six: The Speaker in Office

1 Introduction

The evidence presented in the last chapter is encouraging in that it goes some way to supporting our reassessment of the office of Speaker. The data presented thus far focuses on the process and nature of selecting the Irish Speaker. In this chapter we move to an examination of the post-appointment behaviour of the Speaker. We follow closely the three hypotheses relating to the behaviour and career of the Speaker, which we developed in Chapter Four.

Our goal then in this chapter is to investigate empirically the degree to which the office of Speaker is partisan, once the Speaker has been selected. Before presenting our findings it is necessary to consider two issues. The first relates to any potential differences between our findings at the pre and post-appointment stages. The second highlights some of the particular methodological issues that the data-type presented in this chapter give rise to.

We make the distinction between pre-appointment and post-appointment because it is, at least hypothetically, possible to think of a Speaker behaving in a neutral and non-partisan manner despite the fact that the

process by which he or she was selected is highly partisan. If our hypotheses relating to the post-selection behaviour of the Speaker are proved inaccurate (that is to say the Speaker, once elected, is a neutral officer of the legislature), then our theory has had mixed empirical success. We are left with a highly partisan battle to secure the Office (as we have seen in the previous chapter) but a Speaker who on appointment nevertheless renounces party factionalism and begins to behave in a non-partisan manner.

Of course we may not have to deal with such a scenario. The information to be presented in this Chapter may allow us to conclude that the Speakership is a partisan office. Indeed it should, not because we want it to, but because that is what we expect to find from our theory of the office. Any such discussion as to mid-way theory breakdown, however entertaining and philosophically interesting, is premature before we examine the evidence relating to the role of a Speaker.

The second issue worth considering is the nature of the data available for testing some of the hypothesis which we explore in this chapter. As we have already noted, the empirical focus throughout this chapter is on the behaviour of the Ceann Comhairle in office and the post-office behaviour (the latter dealing with whether or not a retiring Ceann Comhairle 'returns' to active partisan politics).

Only ten people have served as Ceann Comhairle since the foundation of the state. For ease of reference the names and period of service for each Ceann Comhairle are set out in Figure 6.1. Although it need not concern us here, it is interesting to note that Sean Treacy is the only Ceann Comhairle to have been 'in and out' of office and equally interesting is the change in his party affiliation (from being a member of the Labour Party in 1973 on his first election to the office, to being a non-affiliated member when he was re-elected to the post in the 1980s). All other Ceann Comhairle have served continuous terms.

Figure 6.1 Ceann Comhairle, 1922-2001

<i>Name & Party Affiliation</i>	<i>Period Served</i>
Michael Hayes (Cumann na Ngaedheal) [1]	1922-1932
Frank Fahy (Fianna Fail)	1932-1951
Patrick Hogan (Labour)	1951-1967
Cormac Breslin (Fianna Fail)	1967-1973
Sean Treacy (Labour)	1973-1977
Joseph Brennan (Fianna Fail)	1977-1980
Padraig Faulkner (Fianna Fail)	1980-1981
John O'Connell (non-Party)	1981-1982
Tom Fitzpatrick (Fine Gael)	1982-1987
Sean Treacy (Non-Party)	1987-1997
Seamus Pattison	1997 -

Much, but certainly not all, of the information presented is by its nature very qualitative. In general we will attempt to provide as much quantifiable evidence as possible. For example, in looking at the attitudes of members to the Ceann Comhairle we will look at the number of suspensions from the chamber, as an indicator of respect or disrespect for

the Chair Of course, in addition to the number of suspensions we will look at more qualitative evidence such as the comments of members and examples of media coverage of the Speakership It should be stressed at the outset that we do not seek to build what one might think of as a database of behaviour on every Ceann Comhairle Instead, we hope to present strong, clear, unambiguous evidence of where Ceann Comhairle has been obviously partisan If there is little or no evidence that Ceann Comhairle have been partisan, then this approach will have failed, and with it our theory of the Speaker will have suffered We now turn first to hypothesis 12, which relates to how the Speaker has exercised the casting vote when required to do so

ii The Casting Vote

Having the right to break a tie places the Speaker in a unique position of power We can think of the decision of the Speaker as being pivotal in such a scenario In short, the outcomes of the vote rests with the Speaker This is particularly true in the Irish case where the Ceann Comhairle is required to break a tie Article 15 11 2 of the Constitution clearly stipulates that in the event of an equality of votes the Ceann Comhairle *must* exercise a casting vote This is the only time the Irish Speaker is allowed to exercise his opinion vis-a-vis a division in the Chamber Ordinarily, the Speaker will not be called upon to take sides in such a manner and show so

clearly his or her preferences. Moreover, and by definition of what causes the use of a casting vote, the house is absolutely split on the issue.

The casting vote provides an opportunity to test clearly the level of partisanship of a Speaker. Assuming a clear division in voting behaviour between parties (the acceptability of this assumption rests on the high levels of partisan cohesion/discipline which can be observed in most European legislatures), which party will the Speaker vote with?¹ Will how he or she chooses to vote be related to their party of origin? Or perhaps the Speaker will use his or her own policy preferences in deciding how to vote?

The picture may not be so simple. Due to the development of 'precedent', it may be the case that the Speaker will not show his or her own preferences or political judgement. As we pointed out in Chapter Three, some scholars have pointed to the existence of precedent in the breaking of a tie. Our assertion is that the casting vote may provide evidence that the Speaker does in fact act on his or her own partisan judgement. This is the crux of what we are investigating here. How does the Irish Speaker vote when required to do so? More importantly, what explains the way they vote? Is it partisan, or is it based on precedent. The precedent, as we outlined it in Chapter Three, claims that a Speaker will vote in such a way as to maintain the status quo. Recall that this should see the Speaker voting in

the negative, except on such matters as a vote of confidence in a government. In this instance, a vote in the negative would normally break the government and result in the dissolution of the legislature. Whatever about any other motivation, voting in such a way would clearly be against the principle of allowing the house to return to the matter - given that it would be dissolved¹

When we look at the occasions where the Ceann Comhairle has been required to vote, we will attempt to label each of these as being in the 'keeping with precedent' or alternatively as being 'precedent breaking'. The traditional view of the office expects that the former will always be the case, our theory predicts that this will not be the case and we should see examples of the Ceann Comhairle ignoring precedent, in favour of personal or partisan-based judgements²

Based on a search of the official proceedings of the Irish legislature (*Dail Debates*), we have identified a total of seventeen occasions on which the Ceann Comhairle has been required to exercise his casting vote. This averages just over one every four years since the foundation of the state. It is worth noting however that the occasions on which the use of a casting vote have arisen are not evenly distributed over time. There were two

¹ On the topic of unity in legislative parties see Bowler et al (1999). In the case of Ireland voting cohesion within legislative parties is extremely high (see further, Martin & O'Halpin, 2000)

² We do not differentiate here between personal and partisan-based judgments in so much as we take a personal judgment to be little more than a signal or proxy of partisan preference

cases on the 1920s and then none until the 1980s, with zero cases again during the 1990s. We need not be overly concerned here with the reasons why a vote is tied, but it is probably worth speculating that it is closely related to two things

The first relates to how close the opposing sides are matched in the chamber. That is to say how much of an effective majority (positive or negative) is enjoyed by the governing party or coalition of parties. The second relates to the ability of the Government to manage its own benches and its legislative agenda in such a way as to ensure success in parliamentary voting. Any such discussion as to the causes of a tied vote are secondary for us - our desire to observe how the Speaker reacts when faced with having to express a preference.

Table 6.1 provides the details of each of the seventeen tie-breaking cases and for each details when it occurred, the subject of the vote and whether or not the Ceann Comhairle voted in the negative or the positive. The table also shows our calculations as to whether or not the Ceann Comhairle voted with or against the Government. Perhaps most importantly we also calculate whether or not how the Speaker voted was in keeping with or at odds with precedent.

Table 6 1 How the Ceann Comhairle has Exercised their Casting Vote

Date	Occasion	Yes/ No	Support or oppose Government?	In keeping with precedent?
30/5/23	Motion on expenditure for land owners	No	With	No
16/8/27	No confidence motion in government	No	With	Yes
7/7/81	Election of Leas Ceann Comhairle - Government candidate	No	Against	Yes
23/3/82	Election of Leas Ceann Comhairle	Yes	With	No
24/6/82	Committee stage of Finance Bill	Yes	With	No
24/6/82	Finance Bill	Yes	With	No
24/6/82	Finance Bill	Yes	With	No
26/11/86	Motion on social welfare Christmas bonus	Yes	With	No
26/11/86	Government motion	Yes	With	No
17/12/86	Extradition Bill (Committee Stage)	No	With	No
17/12/86	Extradition Bill (Committee Stage)	No	With	No
17/12/86	Extradition Bill (Committee Stage)	Yes	With	No
17/12/86	Extradition Bill (Report/Final Stage)	No	With	No
17/12/86	Extradition Bill (Report/Final Stage)	Yes	With	No
10/3/87	Appointment of Taoiseach	Yes	With	No
13/5/87	Private members bill - Adoption Bill 1987	No	With	No
29/11/89	Criminal Justice Bill	No	With	No

What can we say based on our analysis of the seventeen times the Ceann Comhairle has exercised a casting vote? The evidence points to an overwhelming norm in the Irish situation where the Ceann Comhairle will support the government. On only one occasion has the Ceann Comhairle ever cast his vote against the Government. As early as the 1920s the Speaker was propping up weak government majorities. Is this proof, or can the Speaker rely on precedent to explain their voting behaviour? It is certainly true that Ceann Comhairle have attempted to explain their voting behaviour. One of the earliest, and perhaps most crucial, given that it was on a vote to remove the government from office, came in 1927 when Speaker Michael Hayes voted with the government.³

That case, infamous in Irish political history as the cause of the tie was the unexplained absence of a government Deputy, allegedly intoxicated and literally sent on a long train ride by the opposition deputies, serves as a reminder of how important the casting vote can be, and of how open to criticism a Speaker is for the way they voted.⁴

Hayes recognised the possibility that he would face criticism and gave a relatively detailed explanation of why he voted as he did:

³ Article 22 of the *Free State Constitution* states that the Ceann Comhairle only votes in the event of tie.

⁴ On the events surrounding this confidence motion see McCrackin (1958).

I propose to state to the Dail, and have recorded on the Journal of the proceedings of the Dail, the reasons and the considerations which influence the Chair in giving a vote upon this occasion. In the first place, the vote of the Chair should, I think, always be given in such a way as to provide, if possible, that the House would have an opportunity for reviewing the decision arrived at. Secondly, the status quo should, if possible, be preserved. When it is not possible to vote on either of these principles, it would, of course, be necessary for the Chairman to vote on the merits of the proposal before the House, with or without any statement, as he might think fit. In this particular case a vote against the motion enables the Dail to review its decision on a further occasion on a vote of no confidence, not necessarily identical in terms with the motion before the House this evening, but aiming at the same result, and of similar effect if carried. Further, in my judgement, a motion of no confidence in any Executive Council should be affirmed by a majority of Deputies and not merely by the casting vote of the presiding officer of the House. I therefore vote against the motion.

The figures, consequently, are—For the Motion, 71, Against the Motion, 72. I accordingly declare the motion lost.

If Hayes's explanation was appropriate to how we would expect the Speaker to behave in non-partisan manner, the actions of his successors were not. As can be seen from Table 6.1, nearly all occasions since then have seen the Speaker follow government preferences and nearly all cases could be explained by precedent.

It is perhaps ironic, but the only occasion when the Ceann Comhairle has voted against the government is illustrative of a Speaker exercising his own political judgment. Having been just elected with the help of the incoming government, the non-party John O'Connell proceeded to vote in a most partisan fashion on the election of Leas Ceann Comhairle. Fianna Fail nominated a candidate from its own benches, but when the house divided evenly the Ceann Comhairle voted against the nominee on the basis that he wanted to see a member of the opposition take the post.

The evidence points clearly to the Ceann Comhairle as an agent propping up the government or, as on one occasion, openly rebelling against them. On the one occasion when partisan behaviour is perhaps most visible, the Irish Speaker clearly emerges as a partisan animal. It would seem that the partisanship evident in the selection of a Speaker continues in the role they play in the chamber.

iii Respect and confidence among members

The idea of the Speaker being impartial and non-partisan is to ensure that he or she will enjoy the respect of the membership of the chamber. A partisan speaker, it is argued, compromises the confidence that any member has in the operation of parliamentary proceedings. However, do members have respect for the chair? Given the problem of measurement, it is perhaps more efficient to ask whether or not members express a lack of

confidence in the Chair. A lack of confidence is an obvious result of a partisan Speakership. So how has the Irish Speaker fared?

We look at three different sources to determine the degree to which the chair is respected by members. Firstly, we look at the level of suspension. Secondly, we draw more qualitative evidence of members' attitudes as expressed in parliamentary debates and on one notable occasion by a member in a media interview. Finally, we look at how the Ceann Comhairle is perceived more generally in Irish politics by examining particular cases where they were not held in particularly high esteem in the print media.

Let us preface our first set of evidence by an explanation of why we look at the number of suspensions to provide evidence that the Speaker is not respected as a non-partisan, neutral arbiter.

If the Speaker is respected, we would only very rarely, if at all, expect to see a member being suspended. Members are suspended by the Speaker for disorderly behaviour, inappropriate comments which they refuse to withdraw on being called to do so by the chair, or for refusing to follow some other ruling of the chair (such as 'sit down!'). If the speaker was respected, then it could be argued that a member would always respect the wishes of the Chair.

In Table 6 2 we present information on the number of suspensions from Dail Eireann for each of the Ceann Comhairle up to but excluding the current officeholder ⁵

**Table 6 2 Suspensions for disorderly behaviour, by Ceann Comhairle
1922-1997**

<i>Name (Party Affiliation)</i>	<i>Period Served</i>	<i>No of Suspensions</i>	<i>Average per year</i>
Michael Hayes CnG [Note 1]	1922-1932	6	0.6
Frank Fahy (Fianna Fail)	1932-1951	14	0.7
Patrick Hogan (Labour)	1951-1967	27	1.6
Cormac Breslin (Fianna Fail)	1967-1973	13	2.2
Sean Treacy (Labour)	1973-1977	3	0.7
Joseph Brennan (Fianna Fail)	1977-1980	7	2.3
Padraig Faulkner (Fianna Fail)	1980-1981	1	1
John O'Connell (non-Party)	1981-1982	2	2
Tom Fitzpatrick (Fine Gael)	1982-1987	11	2.2
Sean Treacy (Non-Party)	1987-1997	48	4.8

The first Deputy to be suspended from the post-independence Dail was Deputy Frank Aiken on 5 December 1929 (he would later become a Cabinet Minister in a Fianna Fail government) ⁶ Aiken was suspended after he said to the Chair 'I think you are a damn hypocrite and nothing but a party machine ' Called to withdraw the remark, Aiken repeated his claim

⁵ No record of suspensions are maintained by the Oireachtas so this data was obtained from an analysis of Dail Debates during the period covered. We relied on the index to each volume to calculate the information. It is worth noting that the classification of suspensions in the index has changed on several occasions (for example, at various dates a suspension would be indexed as one or more of the following: 'Suspension of Member', 'Members, Suspension of', 'Members, Naming of', 'Ceann Comhairle Suspension of Deputy' and 'Ceann Comhairle Naming of Deputy'). In cross-verifying the index against the actual debates we found that the indexes in the late 1980s and early 1990s contained several omissions (which we corrected for) otherwise we consider the data relatively sound. On one other methodological point we include only suspensions for inappropriate behaviour in the Dail, we do not include cases where a member is suspended for other reasons, such as breaching rules outside the chamber).

⁶ No member was suspended between 1922 and 1928. This may not be surprising given the fact that the main opposition did not enter the Dail until 1927.

'I am satisfied that the present occupier of the chair is simply a hack' (Dail Debates Vol 24, Col 1741) For this intervention he was suspended. And as we can see from Table 6.2 many more have followed in his steps and being forced to withdraw from the service of the house for a period of one to three days. On average just over 1.75 Deputies have been suspended for each year since 1922. While this may seem very few, it does represent 132 deputies, although some deputies have been suspended on more than one occasion, and the seriousness of being suspended does provide some evidence of disrespect for the Chair.

We were also interested to explore from which side of the chamber a suspended deputy was most likely to come from. If a large proportion came from the Opposition side, it would add credibility to our thesis that the Speaker is partisan. It is opposition members rather than members of the governing party who would be most likely to distress and be distressed by the Speaker. Why, for example, would a government deputy be angered and disrespectful towards a partisan speaker? If, on the other hand, there was no clear manifestation of a government-opposition divide, then we might begin to suspect that the speaker was being disrespected for reasons other than the fact that he was partisan.

It was the distinguished British parliamentary scholar, Samuel H. Beer, who once wrote that there was little point counting the level of party voting cohesion in the British House of Commons - it was always too high.

to produce interesting results (Beer, 1969) Beer would have been able to make the same point about the factional (government or opposition) origin of suspended members. As far as we can tell, from our cross-indexing the member of parliament with their status as a government or opposition deputy, no member of the government has ever been suspended for disorderly behaviour.⁷ The suspended member has always come from the opposition benches. This, for us, is strong evidence that the Speaker is partisan and would as we expected receive the brunt of criticism from opposition members.

In addition to the level of and partisan-bias in suspensions, the official proceedings of the Dail are replete with arguments between the chair and members - arguments that almost always rest on the unwillingness of a member to accept the authority of the chair. In recent times, it is rare for a day to pass without the chair's role and actions being questioned by a member or more commonly a group of members. Indeed, the practice of the Opposition disobeying the directions of the Chair could be considered a ploy to gain valuable air time on the national news, as well as in the parliamentary reports. An example of a typical interaction is given in Figure 6.2. This is by no means the most extreme interaction between a Ceann Comhairle and a member trying to interject or participate in debate.

⁷ For each of the deputies we identified as having been suspended (see footnote 1) we cross referenced their partisan affiliation against the previous and next election (to ensure accuracy in terms of any member having crossed to the other side following an election) with *Parliamentary Election results in Ireland 1918-92*.

or questions, but it does illustrate the general lack of respect members have for the Chair

Figure 6 2 Example of Deputy-Chair Interaction

<p>Mrs Owen A Cheann Comhairle, on a point of order, I participated in this debate on what the Minister had to say about this legislation</p> <p>An Ceann Comhairle That is not a point of order The Deputy will resume her seat</p> <p>Mrs Owen The Minister should take seriously what any Member of this House says about a constitutional Bill-----</p> <p>An Ceann Comhairle It is not a point of order The Deputy is being disorderly</p> <p>Mrs Owen -----and not try to settle old scores</p> <p>An Ceann Comhairle When the Chair is on its feet, the Deputy should resume her seat It is not a point of order</p> <p>Mrs Owen I look to you, a Cheann Comhairle, for protection</p> <p>An Ceann Comhairle The Deputy is well able to protect herself</p> <p>Mrs Owen I do not know whether I will get it but I look to you for it</p> <p>An Ceann Comhairle The Deputy is well capable of protecting herself</p>

Source Dail Debates, 1 May 2001

Another example of criticism by a member of the Ceann Comhairle gave rise to a special meeting of the Dail Committee on Procedure and Privileges in early 1970. On this occasion, a member of the chamber had made allegations against the Ceann Comhairle to the effect that the Ceann Comhairle was politically biased. The committee was asked to examine the comments of Deputy Cruise O'Brien which the report carried. On the occasion of the interview, Deputy O'Brien was asked if he thought the Ceann Comhairle was unfair to the opposition. The Deputy replied 'I feel that he is sub-consciously biased towards his own party'⁸

⁸ Report of the Committee on Procedure and Privileges on a Magazine Item containing Criticism of the Ceann Comhairle, 12 March 1970

The Committee, which perhaps interestingly is chaired by the Ceann Comhairle, reached two conclusions. Firstly, it deemed that 'henceforth, adverse criticism of the conduct of the Chair, made outside the House, shall be a breach of privilege.' The Committee further found that the Deputy had been in breach of privilege and even extended this breach of privilege to cover the magazine publishers. In both cases no action was taken. The rebuke, however, sent a clear signal to the media: it is not appropriate to accuse the Ceann Comhairle of being partisan. Perhaps this explains why so little is written about the Irish Speaker in Irish newspapers.

It is clear, from the above, that deputies have been critical, even to a level which could be described as being very critical, of the Chair. However, it is not always possible for members to openly criticise the Ceann Comhairle for being partisan, particularly if speaking from outside the chamber.

It is worth considering whether the criticism of the Ceann Comhairle within the chamber manifests itself outside. There have been occasions where the media have hit out at a particular Ceann Comhairle. Two are worth recording here, merely by way of example.

One of the first attacks from the media came as early as 1930 with *The Nation* launching a blitz on Ceann Comhairle Hayes in its edition of July

26.⁹ The central accusation is very clear from the selected excerpts presented below: The Speaker, although claiming not to be, is in fact behaving in a highly partisan manner. Here are some, at times entertaining, excerpts from the article:

Mr Hayes says too much...more than once *The Nation* has charged Mr Michael Hayes, Speaker of the Free State Parliament, with rank partisanship while presiding over the Dáil Debates while submitting to Mr Cosgrave's direction.... but Mr Hayes has always, if with something of a smirk, proclaimed his own impartiality.

The same article goes on to criticise an interview which Mr. Hayes gave to a French magazine on the history of Irish republican political history:

Mr Hayes has not yet learned the virtue of keeping his mouth shut. [b]ut what a spectacle: this interview from an individual whom the country is made to pay £1700 for impartiality.

In fairness to the office of Speaker, it is worth noting here the degree to which the Speaker is helpless in communicating his particular viewpoint either to or by using the media. By tradition the Ceann Comhairle does not give interviews to, correspond with or indeed interact with parliamentary correspondents. Responding to criticism is effectively unheard of. A

⁹ *The Nation*, July 26 1930 pp.53-57.

major change came in 2001 when the Head of Public Relations for the Oireachtas used the Letters to the Editor section of *The Irish Times* to attempt to correct alleged misinformation about the role and powers of the Ceann Comhairle. The letter is reproduced below in Figure 6.3.

Figure 6.3 Letter to *The Irish Times*, Re Criticism of Ceann Comhairle

A Chara, -Your article "Ceann Comhairle suspends Broughan in row over Harney's response to unemployment in Dublin" (October 26th), refers. The purpose of the Order of Business is for the Taoiseach to inform the House of the business of the day and to seek agreement to the proposed arrangements for its disposal. In addition to questions arising directly from these proposals, Standing Orders allow members to raise matters of business on the Order Paper, promised business, promised legislation, arrangements for sittings and circulation of House documents.

The Chair ensures that matters raised comply with these provisions and it is no reflection by the Chair on the genuine merit of any other matter if it is raised by a member at a time when it does not appropriately arise for consideration.

These are necessary provisions for the orderly conduct of business in the House. The Chair acts on behalf of all members in the interests of ensuring that proper order is maintained and, as such, neither acts alone (in so far as a decision of the House is required for the suspension of a member) nor in an arbitrary fashion.

Furthermore, the Chair applies uniform standards in dealing with all instances of disorderly conduct and will frequently urge a member to resume their seat and desist from interrupting before ordering him or her to leave the House.

Moreover, it should be noted that a member is never requested to leave or be suspended in respect of the issue he is seeking to raise but rather because he refuses to comply with the Ceann Comhairle's ruling (as set out in the Standing Orders) to resume his seat.

Indeed it is the members of Dáil Éireann who have put this procedure in place to ensure the orderly conduct of debate and the smooth and uninterrupted transaction of business in the chamber.

- Is mise le meas, VERONA NÍ BHROINN

It is evident that not only has the Ceann Comhairle been the subject of criticism in the chamber and the media but he and his office has been

aware of the criticism and attempting in at least a very minimal way to put their side of the story across

iv Post-office behaviour

Our final prediction (Hypothesis 14) relates to the career paths of former Ceann Comhairle. Recall the claims in the literature that 'once a Speaker always a speaker'. From this expectation as to post-office behaviour a whole range of assumptions are made about what a retired Ceann Comhairle will not do. We predicted that the claims of non-partisanship post-office would be as weak as the claims of neutrality in office.

Table 6.3 sets out the main career moves of the nine former Ceann Comhairle. Given that one died in office and one retired due to ill health, we are effectively left with seven cases. We analyse more closely the evidence summarised in the table in a moment. It is interesting to look behind the summary and it is particularly useful to look at the behaviour of early Ceann Comhairle on retirement, as this may signal a norm of behaviour.

Table 6 3 Career Moves of the Ceann Comhairle

<i>Name</i>	<i>Left Office</i>	<i>Post Retirement Activities</i>
Michael Hayes	1932	Subsequently Elected to the Senate Served periods as both Leader of the Opposition and Leader of the Government Active within Fine Gael Head Office
Frank Fahy	1951	Died in 1953
Patrick Hogan	1967	Resigned due to bad health Died soon after
Cormac Breslin	1973	Remained until the next general election (1977) but did not stand for re-election
Sean Treacy	1977 / 1997	Remained in Dail/Sought Re-election Retired Second time
Joseph Brennan	1980	Died in Office
Padraig Faulkner	1981	Re-elected in the February 1982 and November 1982 general elections - topping the poll each time Did not seek re-election in the 1987 general election
John O'Connell	1982	Subsequently joined Fianna Fáil, defeated as FF TD in 1987, regained his seat in 1989, Re elected in 1992 general election, appointed in 1992 as Minister for Health, resigned from mid-term on health grounds
Tom Fitzpatrick	1987	Retired at the 1989 general election

As you will recall, Michael Hayes, the first Ceann Comhairle of the Free State Parliament, failed in his attempts to be re-elected in 1932 as Ceann Comhairle. He had not chosen to retire and had the opportunity to continue to serve as a member of the seventh Dail. Did Hayes effectively retire gracefully to the backbenches, refraining from partisan behaviour, retiring at the next general election to a non-partisan life?

For Hayes, his career once out of the Chair of Dáil Eireann was anything but non-partisan. This is evident from his actions during the remainder of the seventh Dáil, his attempts to remain in politics, his years as a Senator and his activities in Cumann na nGaedhael/Fine Gael. It is worth taking a closer look at his behaviour as his actions provide a compelling image of a partisan animal - almost from the hour he was no longer Ceann Comhairle.

We first investigate the behaviour of the former Speakers in the chamber itself. This can be tested at three different levels: whether they continue as members of the house, if so, whether they participate in debate and, if so, how partisan is their participation and, thirdly, if they show political colours in voting and by their voting pattern.

On the first test Hayes comes out as being a partisan in that he continued to hold his seat. In many respects such an occurrence seems quite normal given that an outgoing Ceann Comhairle is automatically re-elected as a member and that process of being automatically returned is not meant to impact on the selection of a new Ceann Comhairle, it would seem strange if a returned Ceann Comhairle who was not re-elected to the Chair would resign. A stronger test perhaps is to see whether or not a former Ceann Comhairle will stand at the next general election. To do so requires showing one's political affiliation and the nature of electioneering and political marketing may demand some negative politics – against those and probably relating to a time period when the individual claimed to be non-partisan. Again, on this count the first post-independence Speaker was not of the non-partisan camp. Hayes sought re-election in the 1933 general election – as it happened within one year of him being Ceann Comhairle. Unfortunately for him Hayes lost his seat.¹⁰

The record of Dail proceedings for the seventh Dail (beginning in 1932) provides clear evidence that, although Hayes may not have been the most active backbencher during that year he certainly contributed to debates and asked parliamentary questions. Such interventions were very often pro-opposition and anti-government. He seemed particularly fond of embarrassing government ministers by pointing out errors in their recollection of earlier parliamentary business.¹¹

And when it came to showing his political allegiances most clearly – in the manner in which he chose to exercise his vote in a chamber division – Hayes made no attempt to act impartially. Indeed, on the same afternoon he had failed to be re-elected Ceann Comhairle, Hayes voted against the incoming government and with the Cumann na nGaedheal/Labour opposition. Ironically, his first vote of many against Fianna Fail was on a division to elect the Leas-Ceann Comhairle. That afternoon, the pattern began to emerge when he voted against the nomination of Deputy de Valera to the post of President of the Executive Council.¹² If anyone had been in any doubt as to his politics in keeping the Cumann na nGaedheal party in government some years earlier by the way he exercised his casting

¹⁰ Hayes was a candidate for the Cumann na nGaedheal party in the National University of Ireland constituency. In a four-way contest he failed to obtain either of the two seats available (Gallagher, 1993).

¹¹ See, for example, his participation in the Adjournment Debate—Oireachtas Reporting Staff Vacancies (*Dail Debates*, Volume 41, 09 March, 1932) and his speech on the Government's taxation policy (*Dail Debates*, Volume 42, 01 June 1932).

¹² Hayes voted against the nomination of Sean T. O'Kelly (Fianna Fail) as Leas-Cheann Comhairle. *Dail Debates*, Volume 41, 15 March, 1932.

vote (see above), few, including himself, could be under any illusion that the pretence of non-partisanship had been dropped overnight

If Hayes's short term as a backbencher in 1932 provides evidence of his newly-found partisanship, then his career path after that is even more illuminating. Having failed to be re-elected in 1933, he settled finally for membership of the Irish upper House – Seanad Éireann. A member of the Seanad from 1938 until 1965, he not only participated in debate, but was appointed leader of the opposition in that chamber. Among his responsibilities was keeping pressure on the Government and attempting to undermine the legislative agenda of the government. When Fine Gael led the inter-party government, Hayes became the Leader of the Government in the house. All in all, this is a far cry from retiring gracefully to the backbenches.

Outside parliament too, Hayes continued as a political animal. His personal papers contain copies of letters to the editors of national newspapers on political and occasionally other matters. Writing one's political opinions for publication in the letter section of a newspaper is hardly the way to signify continued impartiality.¹³

It should be noted that Hayes was not only an active parliamentarian in the decades following his term as Ceann Comhairle, but he was also a senior

¹³ UCD Archives Department, P53, Hayes Papers

activist within the Cumann na nGaedheal and later Fine Gael Party *The Irish Times* records him as having served in a number of party positions such as Chair of the FG Standing Committee and the FG Organisations Committee and chairman of various party Ard Fheis. He was also apparently active in party electioneering, being described by one journalist as the 'Virtual Director of Elections' for a number of years¹⁴

As we can see from Table 6.3, a number of Ceann Comhairle have not followed the partisan route in so much as they have retired at the subsequent general election or they have been too ill to continue in politics. It does seem to be the case that where an outgoing Ceann Comhairle is relatively young they will re-engage with their political party and continue to be active in politics.

One recent case illustrates the degree to which a Ceann Comhairle can quickly re-engage. Deputy John O'Connell came to the Speakership as an independent non-affiliated deputy. However, within a year of relinquishing the Chair he became a member of the political party that effectively secured his place as Ceann Comhairle. The party was Fianna Fáil. O'Connell provides further evidence of the partisanship of former Ceann Comhairle in that he was appointed a cabinet minister in 1992. In his health portfolio O'Connell was at the very front of partisan politics.

¹⁴ Biographical details are taken from various sources including *The Irish Times* and, to a lesser degree, *A Dictionary of Irish Biography* (Boylan 1988).

The image of a Speaker who quietly and gracefully retires to the silence of the upper chamber is certainly a myth in the Irish case. All the evidence points to the absence of any such norm. Ceann Comhairle have in the past returned to active partisan politics almost immediately following their term in the Chair. On some occasions their re-activated partisan career has led to senior positions including the role of party leader in the upper House or taking a seat at cabinet.

v Conclusion

We have presented, at times detailed, information in this chapter on the behaviour of the Irish Speaker in an attempt to illuminate the empirical validity of our theory of the Speakership. Focusing on the observed behaviour and actions of the Speaker, and on the behaviour and actions of other key players, the information presented paints a picture of a type of Speakership very different from the non-partisan, neutral British model. In terms of how Ceann Comhairle have used their casting vote, how the office and officeholder are perceived by members and in how former Ceann Comhairle conduct themselves on leaving office, the evidence of partisanship seems relatively strong.

However, as with the previous chapter, we will leave an overall analysis of the evidence presented here to the concluding chapter. There, we will bring together the evidence from this and the preceding chapter and attempt to draw conclusions from the fit of our theory and empirical evidence. In so much as the correlation between expectations and evidence is a fundamental requirement of the scientific method, we are approaching the final stage of our study.

Chapter 7 - Conclusion

1 Introduction

We began this work by arguing that it was necessary to take a fresh look at the office of Speaker in the legislature. Thus far, we have critiqued the previous understanding of the office, argued the merits of taking a rational-institutionalist perspective, used that framework to develop a theory of the rational Speakership, set out a number of empirically testable expectations that follow from the theory, and, in the last two chapters, gave empirical content to those hypotheses.

In this, our concluding chapter, we set ourselves three main challenges. The first is to summarise and analyse what we consider to be the theoretical-empirical fit. While the reader will, at this stage, be aware generally of the evidence to support our hypotheses, it is useful nevertheless to bring such empirical information together. The aim here is to see if the data supports the overall expectations as we outlined in our theory of the office. Recall that in the design of this research we defined it to be absolutely necessary that the theory be capable of being falsified. The empirical-theoretical fit will serve to verify or falsify the theory, and as such is a crucial part of the challenge to assess our understanding of the Speakership.

Assuming, as we believe it will, that our theory is validated, we then proceed to the second major task of this Chapter - to detail what we consider to be the main implications of our research findings. Obviously, we will argue that the framework and evidence presented here leads to very different conclusions about the nature and role of the Speaker within and, indeed, outside the legislative arena. However, we also show how the research illuminates critical issues for our understanding of the working of legislatures and political institutions more generally. In the third section we explore briefly the possibility of extending the research, at both a theoretical and empirical level. Finally, we recapitulate our theory and findings.

ii Summary and analysis of empirical findings

As can be seen from the empirical information presented in the preceding two chapters, the story of the Irish Speakership is a fascinating one. We have attempted, in as neutral a manner as possible, to lay before the reader empirical information under each of the fourteen hypotheses which we developed earlier. For each of the hypotheses we attempted to draw some conclusions as to their accuracy based on the available evidence. In this section we summarise and assess the evidence.

It is not unusual for researchers to attempt to summarise their empirical findings. This is the stuff of social science after all. Pictures that are detailed, complicated and complex must be reduced if we are ever to draw conclusions, not only in terms of theory building, but also when it comes to handling what may be large amounts of empirical information. Different ways to do this have certainly been used in the past. A major objective is to present the summary in as clear and transparent a manner as possible. For this reason, we have opted to outline our empirical findings with the use of a four-point scale ranging from strong to poor in terms of confirmatory evidence.

Given the relative novelty of this approach, and in keeping with the general philosophy of King et al (1994), we first provide clear explanations of the exact criteria used in determining how strong the level of evidence to validate any or all of our hypotheses. Each of the fourteen hypotheses can be scored in one of four categories. Each category reflects a precisely pre-defined level of proof regarding whether the empirical evidence confirms or rejects the hypothesis. The four standards of proof can be described as follows:

- **High** The vast majority of evidence supports the hypothesis. Only explainable outliers (if any) are present.

- Medium The empirical evidence is strong enough to conclude that the hypothetical statement is an accurate reflection although there is some evidence that is contrary to the hypothesis
- Inconclusive The hypothesis received mixed results, it not being possible to conclude that the hypothesis accurately reflects the reality
- Low Little or no evidence is available to support the hypothesis

In order to be as objective as possible, we have attempted to be as conservative as possible in how we rate the evidence. In other words, if there is only very little doubt that the hypothesis is accurate, we will score this as providing a medium amount of evidence only. In essence, we will be slow to conclude the evidence is high and much quicker to conclude that the evidence is weak. As novel as this is, we do so in the expectation that this approach will allow the reader to have a greater degree of confidence in our summary and overall analysis of the empirical performance of our theory.

Figure 7 1 The Empirical-Theoretical Fit

Hypothesis	High	Medium	In-conclusive	Low
H1 The level of threshold set for election to Speakership	◆			
H2 Level of partisan voting cohesion in election	◆			
H3 Factional origin of Speaker		◆		
H4 Government use of Speakership to enhance weak voting position	◆			
H5 Speakership as subject of inter-party coalition negotiations			◆	
H6 Speaker comes from role with low partisanship	◆			
H7 Role of party in determining the number of candidates	◆			
H8 Role of party leadership in nominating candidates for Speaker	◆			
H9 Outgoing Speaker will be re-selection			◆	
H10 Security of tenure	◆			
H11 Attempts to remove Speaker			◆	
H12 Use of casting vote		◆		
H13 Respect for authority of Speaker		◆		
H14 Level of partisanship after leaving the Speakership		◆		

Looking at Figure 7 1, we can be reasonably happy with the empirical-theoretical fit - while it would have been very nice for all hypotheses to have achieved a high score, seven of the fourteen did. Moreover, the left side of the table is relatively blank with the empirical analysis returning no disconfirmation (as measure by a low theory-empirical fit). In seven of the fourteen hypotheses, the fit is strong enough to suggest that our expectations have been verified, four more returned a medium level of evidence, while in two cases we felt able to characterise the evidence as being inconclusive.

We think it worthwhile at this stage to take a closer look at each of the hypotheses to explain how we awarded the scores as presented in Figure 7.1. We also want to explore closely any evidence which has emerged to question our conception of the Speakership as a rational partisan office, as well as outliers in those hypotheses which we were nevertheless happy to conclude as having enough evidence to verify.

H1 To be elected Irish Speaker it is not necessary to obtain even a majority, never mind some form of super-majority to ensure by-partisanship in the selection and appointment process. The Speaker can then be appointed by the largest faction in the legislature. The consequence of this electoral process for our understanding of the nature of the Speakership, is that the office holder requires only the minimum of support and goodwill on appointment.

Moreover if, in keeping with the rational-institutionalist perspective, we think of this institutional rule as being a deliberate design, then it becomes clear that this micro-institution (the rules by which a Speaker is selected) reflects a more general view of the Speakership as a political prize. If those who designed the selection mechanism looked upon the Speakership as a high office, then we would expect them to have put in place arrangements for selection to ensure that the Speaker would be appointed with the will and support of the body of the house.

In H2 we hypothesised that a high level of legislative party cohesion was likely to be observed where a vote was required to elect the Speaker. Moreover, our roll call analysis showed exceptionally high, indeed absolute, levels of cohesion. The observed cohesion is of course only extraordinary when set against the expectation that the Speakership is non-partisan. Our analysis of voting behaviour demonstrated clearly that the election of Speaker is a clearly partisan matter.

The one surprise here was that there were so few occasions on which a vote was called. Recall that on most occasions only one candidate presented themselves. Critics of our theory may attempt to claim that there exists a norm that sees a cross-party candidate emerge, resulting in only one candidate for the Speakership. Were this the case, it would certainly be more in keeping with the non-rational perspective on the Speakership. While this is one way to view the lack of contest, a second is to suggest that because of the general level of legislative party cohesion the results of the contest to become Speaker is a *fait accompli*. Assuming anyone interested in being nominated for the Speakership will only do so if they feel they are likely to be successful (after all which politician would have a preference for losing an election), then the absence of more than one candidate can be seen as the result of alternative candidates reasoning ahead and consequently declining to be nominated. Only where the result is difficult to predict is an alternative candidate likely to emerge. This is one possible credible explanation. However, we found no evidence to

suggest that a candidate who was unopposed was less likely to be more acceptable to the opposition parties

H3 The empirical evidence to support our third hypothesis appears at first to be a little weak. Certainly it is true that in the vast majority of cases the Ceann Comhairle came from the ranks of the incoming controlling faction. However in 10 of the 28 cases this was not the result - the Ceann Comhairle came from the opposite side of the house. This was puzzling if we believe that a party will want to control the Speakership for its own political advantage. Short of thinking that a member of the opposition would in some way *sell* himself or herself to the controlling faction, it is hard to understand why an opposition member would be selected if the post of speaker was a party prize.

The true answer, as we discovered, lay with **H4** which states that parties in a non-majority position but who still have a possibility of entering government will select a Speaker from the opposition side of the chamber. The desire to enter government explains a number of the cases where the Speaker came from the opposition benches. Having said this, however, on some occasions the Speaker still came from the opposite side of the chamber, even though this was not necessary for the potential entry into and survival in power of any party.

These cases all occurred where an incumbent was available and willing to stand again. As this is the subject of hypothesis nine, we will not comment further here. So what can we conclude? In the majority of instances it is clear that the Speaker was selected either because he or she came from the same side of the house as the incoming government or else the Speakership is sacrificed to the opposition in the aim of strengthening the relative voting power of the incoming government. The latter is also observed in the behaviour of some parties in refusing to allow their members serve as Speaker, knowing that to do so would enhance the fortunes or at the very least make life easier for their opponents entering government.

H5 The empirical data failed to verify our fifth hypothesis. We had predicted that in the lead up to the formation of government the allocation of Speaker would be an issue to be negotiated between parties. However, we found little evidence of negotiations on the issue of who would become Speaker - the Speakership was not a portfolio to be allocated in the inter-party bargaining rounds. This, despite the fact that such bargaining over cabinet and junior ministries, as well as nearly all governmental appointments seems to be within the remit of recent coalition agreements (Mitchell 1999).

The puzzle, then, is why if the Speakership is a partisan prize it is not fought over at the coalition bargaining stage. The answer we suggested is

that the timeframe is inappropriate for this to happen empirically it seems that, in Ireland at least, the real business of negotiations will have hardly begun by the time the Dail convenes for the first time following a general election. It may be the case that parties are unwilling to put all their cards on the table, play hardball, at such an early stage - thus ensuring the Speakership is not decided in the negotiating rooms of the various coalition discussions. It seems to be a case of allow the Dail to meet, select a Ceann Comhairle and then let bargain over government formation. It would certainly have been nice if we could have found evidence of the Speakership being bargained over, nice in so much as it would have added to the credibility of our thesis. Nevertheless, given the rules of the government formation process, we suggest that the evidence must be seen as neither supporting nor opposing our theory.

H6 Reality was much kinder to our sixth hypothesis, which, as the reader will recall, suggested that the person selected as Speaker will not necessarily have come from the backbenches, having served in that role for a considerable period of time - in effect well removed from front-line partisan politics. Our findings indicated that no such norm exists in the Irish political system. Indeed, on the contrary the established pattern is for the Ceann Comhairle to have held some form of ministerial office, on occasions even a full cabinet portfolio. We found only one occasion when the Ceann Comhairle could be described as having come from the backbenches. As we have argued, it seems quite difficult to reconcile the

idea of a Speakership based on non-partisanship and policy neutrality with the recruits to the office coming from the cabinet room or from other frontbencher posts. As we have shown also, the ultimate evidence to verify our hypothesis presents itself in the form of a Cabinet Minister resigning from his ministerial duties only hours before he is successfully nominated to the post of Ceann Comhairle.

H7 & H8 Our seventh and eighth hypotheses focused on the degree of inter-party democracy in the selection of a party nominee. Even if the Speakership is a partisan animal, there is still an issue as to degree to which he is an animal of the legislative party as a whole as distinct from being the animal of the party leadership. Yet, from the qualitative and quantitative evidence presented, it is clear that, as with so much of inter-party decision making, the effective decision as to who does or does not receive a party nomination rests with the party leadership. On the other hand, there is nothing to suggest that if the backbench members of the party as a whole are deeply unhappy with the choice of the leadership they might not rebel. However, the black box of Irish legislative parties is a relatively unexplored area and suggestions must be left at the hypothetical level - given that we have never observed such behaviour.

Moreover, it is not implausible to suggest that the leadership will, in selecting the party nominee, take cognisance of the likely reaction of the party. If the leadership is aware of the opinions within the parliamentary

party this would certainly weaken our argument that the decision rests firmly with the leader. For this reason, it is best to think of the leader making the decision knowing that he or she is bounded by the likely reaction of party colleagues. Yet, without resorting to too glaring a generalisation, criticism within the legislative party of the party leadership is generally reserved for a small number of policy battles. In summary, what is clear about the role of the party and the party leadership is that there is no mechanism by which candidates emerge and then seek the support of their parliamentary party colleagues. The absence of such a mechanism, we feel, ultimately signals the fact that the decision rests effectively with the leadership of the party.

H9 Our attempts to empirically verify the claim that the outgoing Speaker will not necessarily be re-selected as Speaker where the balance of power in the chamber has switched received mixed results. There were occasions where it was obvious that the incoming government had agreed, for no obviously rational reason, to allow the outgoing Speaker continue in office. Nevertheless, while recognising that continuation in such circumstances has occurred on occasions, our hypothesis otherwise received strong proof that no norm of re-selection exists. Moreover, we argued that it would not necessarily be the case that an outgoing and available Speaker would be re-selected, rather than claiming it would always be the case.

We must be conscious that an incoming government may, for reasons of political reputation, find it difficult to remove a popular Ceann Comhairle or that doing so may be against the judgement of the government leadership. What we were looking for, and what we certainly found from the 1930s to the 1980s, were instances where it was quite obvious that a change of government brought a change of Ceann Comhairle, even though the outgoing Ceann Comhairle would have been happy to continue in office. We were even able to report instances of debate in Dail Eireann where supporters of the outgoing Ceann Comhairle bemoaned the actions of the incoming government in replacing him. To our mind, these instances justify our claim that the Ceann Comhairle can be deselected because a new faction wants the chair for itself and feels confident enough to pursue the matter.

H10 & H11 Hypotheses ten and eleven, dealing with the inter-related issues of the security of tenure formally and effectively enjoyed by the Ceann Comhairle provided at times contradictory evidence. We were able to show that formally the right to tenure of the Ceann Comhairle is not very strong. In the absence of protection in office it is assumed that a simple motion to the effect that the Ceann Comhairle is to be removed could be put and carried by a plurality of members present. The absence of any such arrangements to make the process of removal more difficult verified our claim that the Government could remove relatively easily an unhelpful Speaker. Yet, this position is contradicted by the inconclusive

results relating to our argument that a government may actually pursue this line. No government has succeeded in having a Ceann Comhairle replaced. However, as we have pointed out, removing a Ceann Comhairle has been considered on at least one occasion.

One can explain the effective security of tenure enjoyed by the Ceann Comhairle in one of two ways. The first is to argue that the Ceann Comhairle is not a position which a party wants to be seen to be playing with, again for reasons of political reputation. They do not want to be seen, and, thus, risk being criticised for, taking high offices as prizes. The second possible explanation, and the one that conforms strongly to our view of the office, is that governments have been quite happy with the Ceann Comhairle. In effect, the important point is that the Ceann Comhairle will act in such a way as to have the continued support of the Government. Remember that the only time we were aware of a party wanting to remove a Ceann Comhairle during a term was when the government itself changed.

H12 Hypothesis twelve, relating to how the Ceann Comhairle exercises his duty to break a tie in a legislative vote, provided evidence that the Speaker usually, though not always, votes in support of the government. It is clear from the analysis of the voting behaviour that the Ceann Comhairle has frequently propped up the government - particularly in the mid-to-late 1980s. Moreover, the Ceann Comhairle frequently voted in such a way as

to make it impossible to associate the vote cast with any notion of precedent. Indeed, the absence of precedent being used as a tool in determining how to vote was evident from the one outlier where the Speaker voted against the government. Recall that on that occasion in the early 1980s the Ceann Comhairle voted against the government explaining that he did not like their decision not to appoint a member of the opposition as deputy Speaker. This cannot be explained by precedent and, as such, supports further the hypothesis.

H13 We provided examples and instances of where members of the chamber openly show their disrespect for the Chair. In addition to these accounts, we also provided more qualitative evidence, using the number of suspensions of members as a proxy for the level of disrespect. We argued that members would not be suspended if they respected the chair, yet throughout the history of the Dail the number of suspensions has been relatively constant, if not excessively high, and on the rise in more recent decades. There was also clear evidence that criticism and suspensions comes from the opposition benches rather than the government side of the House. It is rare in the extreme to hear a government member or backbencher criticising the chair. Thus, in verifying hypothesis 13, we came across further evidence of partisan bias in how the Speaker is viewed: the government side in the chamber do not have any criticism, or at the very least choose not to air such criticism. On the other hand, the Ceann Comhairle seems the subject of much criticism from the opposition.

side of the house and indeed from outside the chamber itself. For these reasons, we concluded that the evidence regarding members' lack of respect provides a significant boost to our theory and clearly contradicts the image of the Speaker as a non-partisan, well-respected arbiter.

H14 Our final empirical test of our thesis concerned how Ceann Comhairle behave once they have left the office. Again the evidence clearly vindicated our prediction that former Speakers would not always abstain from politics and retire to a non-partisan background. That some do could, perhaps, be explained by age and a desire to leave politics. It is, however, impossible to know why exactly some chose to leave politics while others do not. The fact that others follow a partisan career provides evidence that it is not expected behaviour. Moreover, we were able to provide examples of where some former Ceann Comhairle quickly re-established themselves as partisan animals, and senior partisan animals at that, with one Ceann Comhairle even becoming subsequently a cabinet minister. The ability of Speakers to become party representatives and government ministers without any question makes us believe that we are justified in claiming that the Speakership is unlikely to be a non-partisan office.

Overall, we expect, or at least hope, that the reader cannot but be a little accepting of the empirical accuracy of the majority of our hypotheses. We have attempted to summarise the findings in as neutral a way as possible.

Our motivation throughout has been to openly and clearly set out the expectations and subsequent empirical facts in such a way as to be susceptible to the scrutiny of the reader and to any researcher who may wish to replicate the data. Although the observed actions and behaviour were not always perfectly aligned with our expectations, we are happy with the theory-data fit. We now move to explain why we feel that our now verified theory of the Speakership is of some significance.

iii Implications

What difference does our theory of the Speakership make to the understanding of legislative politics and the wider field of political analysis? We certainly have sympathy for those who would argue that the empirical confirmation of a theory is well and good but the ultimate test of a theory is explain the significance of any such confirmation, above and beyond a simple 'we were right' conclusion. Over the next pages we sketch out for the reader what we consider to be the most important and interesting consequences of the rational Speakership. We believe three different audiences should be interested in our findings and consequently the answer to the 'so what' question must satisfy these three very different audiences.

The first of these is the scholar or observer of Irish politics. To them, the conclusion that the Irish speaker is a partisan animal may seem obvious, on the basis of their casual observations of how he or she behaves in the chair and possibly (for well-aged observers) the nature of the selection process.¹ To some of them, our conclusion may be even somewhat trivial.

Perhaps we have travelled a long road to reach a pretty intuitive conclusion. Our task is to show this particular audience that what we have presented is indeed a very different picture of a Speakership than exists in the literature. This, of course, should be obvious from our review of the conventional wisdom. What we have provided is a very different way of looking at Speakers from the traditional British perspective.

Moreover, we have identified the Speaker in the Irish case as a partisan office and have explored the process by which he is selected and his behaviour in and after office in a much more systematic way than relying on personal opinions or judgements.

The second audience, whom we believe will be interested in our findings, are those scholars of legislative institutions and legislative behaviour. We hope that this group will find our re-analysis of the Speakership interesting and illuminating. However, we also believe that the conclusions we have reached about the Speakership have more general consequences for the

¹ I use the word 'casual' in the absence of any academic research on the Irish Speakership.

understanding of how legislatures work. In particular, we argue that the Speakership can be seen as a new dimension in the arguments as to the cause and consequences of the imbalance of power between the executive and legislative branches.

Our third audience are those people who have no particular interest in either Ireland or any aspect of legislatures, even the axis of executive-legislature research. Particularly in the United States, legislative scholarship has had a major impact on the study of politics more generally (Gamm & Huber, forthcoming). Legislative studies may lead in terms of methodological sophistication, but it also makes contributions to the substantive knowledge base of political analysis. We need only think of the work of people such as Dick Fenno on the US Congress and how his work has impacted so significantly on political scholarship more generally (Fenno, 1978). What will they find of significance in our conclusions? Why should they be interested? With this group in mind we explain why and how we think our research has implications for political institutions more generally, particularly those coming from a rational-choice perspective on the nature of institutions. We proceed by looking at what we consider to be the interesting implications of our research for each of these groups in turn. Some of our arguments, we suspect, will be readily agreeable to most, while other of our contentions we think may be more controversial and not as easily digested.

The first and most obvious implication of our findings is that the existing body of knowledge relating to the Speakership is in places fundamentally flawed. It is flawed in at least two important respects. Firstly, not all Speakerships are based on the principles of non-partisanship and neutrality. To the contrary, we have shown that there are good reasons to suspect that the Speakership will be a partisan hold rather than anything else. We have also shown that, in the case of Ireland at least, it is possible to empirically verify such a statement. This we believe is significant in and of itself.

We must, of course, consider the argument that our findings are as anyone would expect. But to this we point to the existing body of knowledge on the Speakership, what we summarised in chapter three as the conventional wisdom. Is the conventional wisdom that the Speakership in British-type systems is a neutral, non-partisan officer any less intuitive than our theory? If so, the non-intuitive nature of the conventional wisdom never sparked scholars into developing a more comprehensive view of the office. By presenting what we consider to be a more comprehensive view of a substitution of the legislature, we hope we have removed one of the accepted canons of legislative scholarship: namely, that the Speakership serves to balance the interests of all members equally. We have shown that such an equal balancing is not always the case.

Further consequences of this partisanship, of the Speaker being an asset to the governing side, will be developed in a moment but we want to consider another important implication of our research. Scholars of Irish politics should be aware that the office can be viewed in such a way, rather than be ignored as an institution not worth investigating. We now know that the Ceann Comhairle is a player in the legislative game, the nature of the office has consequences for areas such as government survival and the organisation of the Oireachtas more generally. As we will argue below, a partisan Ceann Comhairle will make different decisions to a neutral Speaker and these decisions have consequences for the Irish parliamentary process.

Secondly, the Speakership that emerged in the Westminster system has not necessarily copied itself in the legislative institutions that have been based on the Westminster model. It is, therefore, incorrect to think of a general Speakership based on the early origin of the office in British political history. Our analysis has shown that the Irish parliament, one which copied so many of the aspects of British parliamentary form, did not take with it a Speakership based on such notions as neutrality, non-bias and non-partisanship. The high office of the British Speakership, if it does or has ever existed, was not patterned in Ireland and we would hazard a guess that this may also be true of a number of Commonwealth parliaments.

Again, our analysis has confounded yet another conventional wisdom, namely that of American exceptionalism. We have shown that it is wrong to talk of two models of Speakership: the neutral British Speaker and the completely partisan Speaker of the US House of Congress. That this clear dichotomy breaks down, when one considers the Speakership in other countries, is important. This model of two Speakers, frequently the only thing written about the presiding officer in comparative legislative scholarship (see, for example, Bach, 1999), has been successfully challenged. We suggest, albeit without anything other than very little evidence, that our theory would explain better the nature of a larger proportion of the Speakership than either of the existing views.

So, even if we agree that an understanding of the Speakership as a partisan office is important in itself, what else does it tell us of interest to legislative scholars? We feel that our conclusion about the nature of the Speakership should be of interest because the nature of the Speakership has consequences for the nature of the wider parliamentary institution that they lead.

The Speaker is ultimately important, and our conclusions ultimately interesting, because the Office is integral to the workings of the legislature, and the legislature in turn is an integral part of the overall political system in nearly all democratic states. An assumption of this work is that the institution of Speaker matters. How it matters is something we need to

address, however briefly, if we are to show how the nature of the office impacts on politics and outcomes. The Speakership is important within the legislature for a number of reasons, some obvious, others less obvious but nevertheless equally important.

It is perhaps astonishing, but very little attention has ever been given to the power of the Speaker as presiding officer or as the effective head of the parliament. But if we look at some of the functions of the Speaker we can see why the office is important, and by extension why a partisan speaker as distinct from a neutral Speaker leads to a whole set of different outcomes. The Speaker's function or power is in his or her ability to balance interests and promote the potentially incompatible interests of different players in the legislative game. Such conflicts of interest could arise, for example, between the rights of the individual member as distinct from the political party. The conflict which we observe is not usually between individual members but between organised factions. These factions are aligned most commonly into two groups: the governing party or parties in a coalition system and the opposition party or parties.

The balance of power between these two groups - the government and government party or parties on the one hand and the opposition grouping on the other side - is one of the most studied aspects of contemporary legislatures. Without doing justice to that body of literature, the general conclusion is that legislatures in parliamentary systems of government are

quite weak, at least relative to the executive² The reasons for this weakness of parliament has also exercised the mind of more than a generation of scholars Explanations as to why parliaments are weak have ranged from the electoral system and electoral incentives which face individual legislators to the existence of disciplined legislative parties to the organisational advantages of a well resourced executive (see, for example, Bailey, 1964, Copeland & Patterson, 1994, Norton, 1993, Bowler et al, 1999 and in the case of Ireland Gallagher, 1999) The general conclusion of such research is that the government side has certain assets which make it hard for a legislative body to be an effective player in the political process

One of the few assets which the legislature is said to have in attempting to control the executive and determine legislation is the Speakership The Speaker has been seen as a neutral figure, effectively a referee between the opposition and the government The Speaker, it was assumed, attempts to represent the interests and power of parliament An example of this interest representation is where successive British Speakers have in the past criticised Ministers for making statements on important issues of public policy at press conferences rather than coming to the house (Boothroyd,

² A parliamentary system is one in which the government is made and can be removed by the legislature and is generally seen as distinct from a presidential system where the executive is elected independent of the legislature and does not require the support of the legislature to remain in office It is perhaps a little ironic that parliaments in parliamentary systems are generally considered to be much weaker than their counterparts in presidential systems

2001) The Speaker is a champion of the rights of the House, or so the conventional wisdom would have us believe

But if one accepts the rational Speaker as being a partisan animal, then we have one more possible explanation of why parliament is weak. If the Speaker is an asset of the government, then, by definition, the Speaker will facilitate the imbalance. Moreover, it could be argued the Speakership is a cause of the executive-legislative imbalance. What we see is a Speaker protecting the government against the opposition. Protection may well come in the form of using his or her casting vote to save a government in a poor voting position. However, we suspect that the influence extends well beyond breaking a tie.

A closer examination of the Speaker's powers throws up a whole set of rules, regulations and precedents that have the effect of making life less difficult for the governing party or parties. We are thinking here of such procedures as the ability of the Speaker to close debate, to adjourn the house, to rule issues out of order, to hear or refuse to hear an individual member. These everyday powers which the chair possesses can impact fundamentally on the government's ability to control the chamber and the opposition's ability to hold them to account. One need only think, for example, of how much easier life would be for a corporate Chief Executive Officer where the Chairman of the board is, as it were, on side. Compare this to a situation where the Chairman is neutral or even biased.

against the CEO. The analogy can be transferred easily to the legislative arena to produce a picture of the Speaker as a major asset for the governing party.

But the power of the Speaker is not just evident in terms of their role as chair of plenary sessions. Speakers are the effective head of the legislative body (Bach, 1999)³. How they perceive parliament has an important consequence for the shape and internal organisation of the legislature. Consider, for example, the reforms a pro-opposition Speaker could introduce to re-balance the balance of power between the legislature and executive. One of the reasons legislatures have been slow to reform seems to us to be directly related to the unwillingness of the Speaker to act as a proponent for reform. Ironically in the Irish case any major reform that has been introduced in an attempt to improve the efficiency and effectiveness of the parliament has come from the government - and in particular the government's manager in the legislature (Chief Whip).

Overall, then, we feel that we may have observed another possible explanation for legislative weakness. That the Speaker is a partisan animal and consequently an asset of the government means that they will act to assist the government, to the cost of the opposition. The effect is a weaker legislature than we would expect if the Speaker was a truly neutral figure. It is undoubtedly the case that this variable (the nature of the Speakership)

has to compete with other powerful arguments including the unwillingness of individual legislators to break party lines

As we have said, we do hope that our research will be of interest to a wider audience and, in particular, to those interested in the issue of institutional origin. We opted for a rational-institutional framework. In selecting the rational paradigm as the tool with which to take a fresh look at the Speakership we knew we were entering the, at times, uncertain, area that is rational choice institutionalism. This approach had its dangers, part of the discipline, we expect, would be quick to dismiss any work based on a rational framework. But these dangers are worth taking because if our theory could be verified, as we have actually done, then we could make a positive contribution to the rational choice institutionalist literature. So what exactly is that contribution?

The contribution we feel is to use the rational institutionalist paradigm to reach expectations about the nature of an institution, test them and find that the employment of the paradigm enhances our understanding of a substantive theme in the political realm. It is a relatively new field in Europe and we hope that those outside the paradigm may see what rational choice has to offer.

³ In the Irish case the relationship of the Ceann Comhairle to the Irish Parliament is the

iv Prospects for further research

At this point we have presented our findings and explained why we think those findings may be of interest. The convention is to turn to the issue of what could be done next. Generally, this follows the format whereby the author gives some hint as to his or her own concerns, pointing out that these can be overcome by future research. We will certainly try not to do that. However, we do present what we consider to be possible extensions of this research on two fronts - one empirical and one theoretical. Why we present them in this order should become evident as we progress.

We have detailed what we have claimed to be a new way of looking at the Speakership. This theory was then applied to the Irish Speakership. There is however no good reason why others could not pick up this model of the office and see how well it applies to other legislatures. A theory by definition is a generally applicable model, the greatest test of the one presented in these pages is not the empirical confirmation with respect to the Irish case. If the model is a model, then the rational Speaker should find resonance in other legislatures as well. How the theory travels will be interesting. We can provide only a very non-scientific opinion on the empirical fit in other legislatures but we believe that the experience of the Speakership in other countries is not very distant from the Irish situation.

same as that of a Government Minister to his Department

Our first hope then, is that this framework will facilitate the careful re-analysis of the Speaker in other parts of the world. It is over forty years since the last book-length study of the British Speakership. The approach to and tools for political scholarship has changed since then and it would be interesting to re-examine the mother Speakership using the framework here. The other former colonies of the British empire, such as Canada, India, Australia and New Zealand, which on independence adopted the parliamentary form of government, would we feel make excellent cases for extending the research. But what we suspect one would find in a large N study of Speakers leads us to a second direction for this research.

The second direction, it should be acknowledged, is as applicable to any institutional analysis as it is to the Speakership, but, for reasons which we will explain below, the Speakership provides a unique opportunity to test models of institutional design and change.

From a cursory look at Speakers in a more comparative setting we get the feeling that any comparison between countries is likely to produce a set of institutions that both look very similar but are also different in some important respects. One of the issues which motivated us to take a look at the Speakership, and the Irish Speakership in particular, was a fascination with similarity and diversity in the organisation of parliaments. The Speakership is an important area of research because it is an institution capable of being studied without having to worry too much about holding

exogenous variables constant. It has proved almost impossible to conduct large-scale studies of legislatures in a comparative context simply because the institutional details of each differ so much.

v Conclusion

In this section we provide a very brief review of our central thesis and the empirical assessment of our argument. Comparatively, the Speakership may take very different forms in different legislatures. Nevertheless, our argument throughout this work, is that the existing knowledge base regarding the office in the academic literature is in need of revision.

We set out on the journey to reassess the office in Chapter two with an initial focus on the theory of institutions as the tool and framework with which to evaluate anew the institution of Speakership. From the assessment of the rational and the historical/sociological strands of new institutionalism we selected a rational choice-based framework, while at the same time acknowledging and attempting to deal with the various weaknesses within and criticisms of the rational paradigm. The next critical step was to develop a rational choice account of the Speakership. This allowed us to picture a very different office from what was predicted and claimed by the previous view of the office.

In Chapter three we presented this existing theory of the Speakership. The conventional wisdom (recall we had a problem with applying the term *theory* to this particular body of work) stressed the non-partisan nature of the Speaker, the emergence and shaping of the office as a result of a specific set of historical events in English parliamentary history. A third key feature of this conventional wisdom was the generality of the Westminster-type Speakership with the exception of the Speaker of the United States Congress, where, again, it was held that particular historical events resulted in a uniquely shaped institution. We showed how these conclusions are very much in keeping with the old institutional and behavioural eras in the study of politics.

Having developed our own account, with the focus on the Speakership as a party asset and shown how this differed to the existing accounts, we then set out to see if our account could better explain the actual institution of Speakership, with particular reference to the Irish Ceann Comhairle. Rather than present a general account of the office we adopted the methodology championed by King, Keohane and Verba (1994) and set out the observable implications of our theory in a set of empirically testable hypotheses.

Our empirical tests of these hypotheses was presented in Chapters Five and Six with a summary of our evidence provided earlier in this chapter.

Overall we concluded the empirical scrutiny conferred a high level of support which our hypothesis have provided

We also set out what we considered to be the major implications of our findings. These included the fact that we presented an empirically sounder account of the Speaker

In framing and undertaking this research the aim throughout has been to provide a theoretically and empirically sound account of the Speakership. In this we believe we have succeeded. Nevertheless we do acknowledge the need for further research in this area, both at a theoretical and empirical level.

Postscript

If the true mark of a theory is the ability to predict the future then the theory of the rational Speaker had already had some success. Since the completion of the first draft Ireland has experienced a general election. That general election changed the balance of power with the outgoing minority coalition returning with a majority. Recall that the incoming minority government in 1997 had nominated a member from the opposition benches (Seamus Pattison). So what happened when the Dail reconvened on 6 June 2002?

As our thesis predicted the change in government makeup (from a minority to majority situation) resulted in the incumbent Ceann Comhairle losing out to a member of the governing coalition. Deputy Rory O'Hanlon was nominated as Ceann Comhairle with Seamus Pattison demoted to the post of Deputy Speaker (Leas-Cheann Comhairle). Despite the partisan nature of this development the appointment itself caused little controversy with the opposition not even criticising the government for the move.

Interestingly rumours abounded before the general election that a cabinet minister, Mary O'Rourke, was tipped for the office of Ceann Comhairle should the outgoing minority government be returned with a more comfortable voting position in the chamber. This was not to happen,

however, as Minister O'Rourke failed to retain her seat at the general election

For his part, the new appointee to the chair of Dail Eireann fits our expectation as to political background. Up to the day of his appointment O'Hanlon served as Chairman of the Fianna Fail Parliamentary Party. In addition to this he had served previously as a cabinet minister in the 1980s and 1990s.

This case of the two same political parties returning to office, but now with a majority rather than minority, and not re-nominating their previous nominee in favour of someone from their own side of the house suggests that the partisan Speaker is alive and well.

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