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Taxonomy of Minority Governments

LISA LA FORNARA*

INTRODUCTION

A minority government in its most basic form is a government in which the party holding the most parliamentary seats still has fewer than half the seats in parliament and therefore cannot pass legislation or advance policy without support from unaffiliated parties.¹ Because seats in minority parliaments are more evenly distributed amongst multiple parties, opposition parties have greater opportunity to block legislation. A minority government must therefore negotiate with external parties and adjust its policies to garner the majority of votes required to advance its initiatives.²

This paper serves as a taxonomy of minority governments in recent history and proceeds in three parts. First, it provides a working definition of minority governments, explains the different types of minority governments, and identifies how minority governments relate to coalition governments. Second, the paper explores the ways minority governments form, including the various ways they take power and the types of electoral systems likely to produce them. Finally, the paper examines the relationship between minority governments and constitutional design, primarily focusing on the role of first past the post and proportional representation electoral systems and semi-presidential executive systems. Ultimately, this taxonomy asserts that a democratic instability is neither a cause nor an effect of the formation of minority governments:

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¹ D. Kwavnick & Stephen Azzi, *Minority Government*, CANADIAN ENCYCLOPEDIA, <http://www.thecanadianencyclopedia.ca/en/article/minority-government/> (last updated Oct. 23, 2015).

² See R.G., *How Minority Government Works*, ECONOMIST: ECONOMIST EXPLAINS (May 6, 2015, 11:50 PM), <https://www.economist.com/blogs/economist-explains/2015/05/economist-explains-7>; Jonathan Boston & Andrew Ladley, *Efficient Secrets: The Craft of Coalition Management*, 4 N.Z. J. PUB. & INT'L L. 55, 69 (2006).

minority governments are not a sign of democratic failure and do not threaten a country's democratic performance.

I. GENERAL INFORMATION

The separation of powers between various government branches is often cited as a key protector of democracy against authoritarian rule. One such crucial partition is the constitutional separation of authority between the executive and legislative branches, with contemporary democracies adhering to either a presidential or parliamentary system.³ Presidential systems maintain a strict separation of powers between the legislative and executive branches, with each branch holding the other accountable in its entirety. In contrast, parliamentary systems are unified or fused systems in which the chief executive is elected by and accountable to the legislature.⁴ The chief executive, often called the prime minister, has the authority to dissolve the legislature and call an election;⁵ in such circumstances, however, the prime minister is also ousted from office.⁶

For a legislature to effectively perform its constitutional functions, it must be able to consistently muster legislative majorities in support of legislation, budgetary bills, and official appointments.⁷ Maintaining a legislative majority is especially important to parliamentary legislatures, which are vulnerable to motions of no confidence and can lose control of the prime ministership. Elections do not always produce strict party majorities; therefore, after such elections, parliamentary parties may join together to form a majority coalition. In some

³ For a full explanation of the differences between presidential and parliamentary systems with regard to the separation of powers, electoral design, and legislative efficiency, see Richard Albert, *The Fusion of Presidentialism and Parliamentarism*, 57 AM. J. COMP. L. 531 (2009).

⁴ KAARE STRØM, MINORITY GOVERNMENT AND MAJORITY RULE, 3–4 (1990).

⁵ Michael Laver, *Legislatures or Parliaments in Comparative Contexts?*, in THE OXFORD HANDBOOK OF POLITICAL ECONOMY 121, 124 (Barry R. Weingast & Donald Wittman eds., 2008).

⁶ General elections are held after a parliament is dissolved and all selected representatives must form a new government. See *Dissolution of Parliament*, INTERNATIONAL IDEA 2, 4 (May 2016), http://www.constitutionnet.org/sites/default/files/dissolution_of_parliament_final.pdf.

⁷ STRØM, *supra* note 4, at 5.

circumstances, however, a plurality party or group of parties may opt to proceed as a relative majority, thereby forming a minority government.⁸

A minority government differs from a majority coalition government because, unlike traditional coalition governments where two or more parties formally join together, outside parties in minority governments may support the plurality party while retaining their independence.⁹ Thus, the government remains a minority for the duration of its tenure¹⁰ and must rely on other parties to pass intended legislation.¹¹ These two concepts are not mutually exclusive and it is possible for a government to be controlled by a minority coalition. In such cases, minority parties create a formal coalition but still hold fewer than half of the parliamentary seats.¹² Interestingly, the governing minority coalition does not always contain the party that holds an individual plurality. Rather, the process allows for like-minded, small parties to displace larger or plurality parties and take control of the government.¹³

⁸ In most parliamentary democracies, minority governments are less common than majority governments but nowhere near as rare as nonpartisan governments, in which “cabinet members do not act as party representatives (even though they may hold party memberships). . .” *Id.* at 7. In fact, several studies have shown that approximately one-third of post-war governments have held minority status. *Id.* at 8.

⁹ Jon Stone, *What is a Minority Government? How is it Different to a Coalition?*, INDEPENDENT (May 7, 2015, 3:54 PM), <http://www.independent.co.uk/news/uk/politics/generalelection/minority-government-coalitions-prime-minister-government-snp-labour-conservative-lib-dem-10232801.html>.

¹⁰ In these systems, any party or coalition of parties—regardless of whether the party or coalition constitutes a minority or a majority of the legislature—can take power so long as the proposed government passes an investiture vote. For a discussion on how investiture rules affect the formation of minority governments, see discussion *infra* Section II.A.

¹¹ See Boston & Ladley, *supra* note 2, at 89. Minority governments can occur absent special rules permitting them. Israel is an exception in that it does not permit traditional minority coalitions to govern. To be recognized absent an absolute majority, a party must either be part of an oversized coalition or a minimal winning coalition. An oversized coalition exists where two or more parties’ strength exceeds the number necessary for a parliamentary majority. The defining feature of an oversized coalition is that, if one of the partners leaves the coalition, the coalition does not lose its status as the majority government. A minimal winning coalition is made up of parties whose combined strength ensures more than half of parliament. In a minimal winning coalition, a partner’s withdrawal from the coalition destroys the coalition’s majority. Ofer Kenig, *Coalition Building in Israel: A Guide for the Perplexed*, ISR. DEMOCRACY INST. (Feb. 18, 2013), <https://en.idi.org.il/articles/10248>.

¹² See generally André Kaiser, *MMP, Minority Governments and Parliamentary Opposition*, 7 N.Z. J. PUB. & INT’L L. 77 (2009) (identifying potential factors to explain why New Zealand has been governed by multiple minority coalition governments).

¹³ Minority coalitions have held power in countries such as Ireland, Denmark, New Zealand, and the Netherlands. See *infra* Appendix, pp. 37, 40–41, 43–46, 53–54.

A. Types of Minority Governments

In addition to single-party minority governments and minority coalitions, there are two primary types of minority governments: substantive minority governments and formal minority governments. A substantive minority government is supported by a pre-negotiated agreement between the governing party or coalition and one or more outside support parties.¹⁴ A substantive minority's defining feature is that, even counting the contracted allegiance, the governing party or coalition remains a minority.¹⁵ In this form of government, the outside party is not considered to be part of a coalition with the governing party or parties. The inter-party agreement is not a general commitment to support the government on all policies; the parties' commitments are specific to the particular areas detailed in the agreement.¹⁶ Accordingly, substantive minority governments may have alliances with various opposition parties and such alliances are often ideologically, rather than procedurally, focused.¹⁷

In contrast, a formal minority government negotiates a permanent agreement with one or more external support parties. These parties give a general commitment to support the government

¹⁴ Such agreements can be written, unwritten, or confined to one or many policy areas. They are referred to as legislative agreements, *forligs* in Denmark, or cooperation agreements in New Zealand. OIREACTHAS LIB. & RES. SERV., *Minority Governments and Parliament* 4 (Oct. 4, 2016), https://www.oireachtas.ie/parliament/media/housesoftheoireachtas/libraryresearch/lrsnotes/LRSNote_MinorityGovernments_Final_4_October_2016_111130.pdf.

¹⁵ STRØM, *supra* note 4, at 62.

¹⁶ OIREACTHAS LIB. & RES. SERV., *supra* note 14.

¹⁷ *Id.* This emphasis on ideology was evident in Denmark's 2015 minority government, led by Lars Lokke Rasmussen and the Liberal Party. Although the Liberal Party tried to form a center-right coalition, policy divisions with three other right-leaning parties prevented the coalition's formal establishment. The second largest parliamentary party, the anti-immigrant Danish People's Party, declined to formally join the Liberals on account of ideological differences regarding taxes, social spending, and the European Union. Further, despite its efforts to form a right-leaning coalition, one of the Liberal Party's first acts was to reintroduce a tax break for home improvements, a policy supported by two leftist parties. *Denmark's New Government: Coalition of One*, ECONOMIST (July 2, 2015), <http://www.economist.com/news/europe/21656723-centre-right-liberals-depend-far-right-party-bigger-themselves-coalition-one>.

in return for government commitments on specific policy areas or procedures.¹⁸ Unlike with substantive minority governments, a formal minority's outside support provides the government with the additional seats it needs to constitute a majority.¹⁹ Formal minority governments encourage the ruling party to appoint leaders from the supportive parties in executive positions as a way of rewarding the parties' support and encouraging future loyalty.²⁰ While formal agreements may provide increased stability, they also require a minority government to sacrifice more of its policy preferences and are more likely to involve concessions to support parties on issues that are unrelated to the issue in question.²¹ Although very similar to majority coalitions, supporting parties in formal minority governments are not officially bound to the ruling party or coalition and breaking this agreement will not destroy the government.²² Because the inter-party relationships in substantive and formal agreements are not binding in the same way a coalition's inter-party relationships are, a minority government can employ more than one of these policies during its tenure.²³

¹⁸ Such agreements are sometimes referred to as confidence and supply agreements, particularly in New Zealand, Ireland, and Scotland. The most institutionalized of these agreements have been termed contract parliamentarianism. OIREACTHAS LIB. & RES. SERV., *supra* note 14, at 5.

¹⁹ STRØM, *supra* note 4, at 62.

²⁰ OIREACTHAS LIB. & RES. SERV., *supra* note 14, at 5.

²¹ *Id.*

²² Whether these agreements are formally binding depends on how institutionalized they become as well as the terms of the agreement. The support agreements that become highly institutionalized have been termed "contract parliamentarianism." *Id.* at 4–5. These agreements are very broad and often explicitly exclude uninformed parties; thus, they go beyond the more limited and fluid legislative accommodations that minority governments employ to create shifting coalitions that provide support on individual bills. These support agreements can be binding on the parties and representatives, such as the so-called "co-operation agreement" between New Zealand's governing Labour party and United Future in 2002, which stated that the parties were expected to publicly support "any policy initiatives arising out of negotiations between them that led to 'an agreed position.'" Contract parliamentarianism is most often found in Sweden and New Zealand. Tim Bale & Torbjörn Bergman, *Captives No Longer, But Servants Still?: Contract Parliamentarianism and the New Minority Governance in Sweden and New Zealand*, 41 GOV'T & OPPOSITION 422, 430–32, 434 (2006).

²³ See OIREACTHAS LIB. & RES. SERV., *supra* note 14, at 4.

There is no theoretical or empirical consensus on whether a substantive or a formal minority government is the more effective strategy.²⁴ An empirical analysis of minority governments in Spain—two of which were substantive and two of which were formal—found that both types of agreements allowed the government to pass approximately the same percentage of government bills.²⁵ Empirical analysis of New Zealand and Sweden’s minority governments has similarly revealed little suggesting a substantial disparity between the different forms’ success rates.²⁶ A study of one Spanish government, however, found that a small nationalist party benefitted from using both a substantive and a formal minority government system; though, empirically, it achieved slightly more during the latter relationship.²⁷ Some analysts have further found that the more likely the government is to shift alliances on substantive policy issues, the greater the possibility that the minority government will achieve its preferred policy outcomes, seemingly encouraging substantive agreements.²⁸

Accordingly, it seems clear that the most effective way to ensure a minority government’s survival and success is context-dependent and turns on the country’s party system, institutions, and procedure.²⁹ For instance, minority governments that do not hold the parliament’s central policy position are in a weaker position and thus tend to seek formal support agreements over the shifting alliances associated with substantive minority systems.³⁰

B. Challenges Associated with Minority Governments

²⁴ While effectiveness is a subjective term, most analysts use a set of indicators to assess the performance of governments. Such indicators include the proportion of the governing party or coalition’s bills the government manages to pass, the overall number of bills passed, and the government’s tenure and durability. *Id.* at 5.

²⁵ The substantive minority government passed eighty-eight percent of bills and the formal government passed approximately eighty-seven percent of bills. *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at 6.

Minority governments face heightened challenges, as single-party minority governments and minority coalitions are subject to the same dangers and shortcomings as majority coalition governments but with a greater regularity of daunting outcomes. When a parliamentary coalition governs, party discipline is paramount because dissenting votes within the governing coalition's membership threaten to destabilize the coalition itself.³¹ This is especially important in minority governments where each individual vote is crucial to the government's ability to advance its initiatives. When determining which party alliances are necessary to pass legislation or preserve the government's position, the governing coalition cannot afford internal discord and strongly relies on each coalition member to vote in favor of the proposed policies. Dissenting votes from within the governing parties thus severely undermine the government's position and can be far more detrimental to a minority government than they would be to a majority government. Though party discipline is important in all minority governments, it is particularly relevant to minority coalitions where alliances must cross ideological lines, thereby introducing a wider range of beliefs and forcing the government to advance policies that are acceptable to all represented positions.³²

Another consequence of coalition arrangements is that they may confer greater influence on smaller, regionalized parties.³³ In highly divisive elections that threaten to withhold a majority result, smaller parties become increasingly important as they may determine the outcome of the election. Therefore, larger parties look to smaller parties as prospective coalition partners, paying particular attention to whether the smaller party's ideology is positioned between multiple parties and whether the smaller party has enough support to push the larger parties into majority territory.³⁴ Accordingly, smaller parties' interests and movements become increasingly important. By

³¹ Albert, *supra* note 3, at 568.

³² *See id.*

³³ *Id.*

³⁴ *Id.*

refusing to form or join a minority government's coalition, the smaller parties' influence persists throughout the government's tenure, as a failure to adequately appeal to the smaller parties may prove fatal to the governing parties. Similarly, even if the smaller party does join a minority coalition, larger parties still must take care to continuously cater to the smaller party's ideas or risk dissenting votes from within the coalition. Thus, minority governments grant small parties more influence than they would otherwise possess.

Minority coalitions are further disadvantaged because they face the same challenges as majority coalitions without the benefit of a majority's security. Because coalition governments have to invest resources in processes that otherwise would not be necessary, the various steps associated with building and sustaining coalitions may diminish legislative efficiency.³⁵ It is widely acknowledged that "coalition governments face several challenges, including creating a coalition, managing the allocation of Cabinet portfolios, consulting with coalition parties and their respective pressure or interest groups, managing intra-coalition and inter-party disagreements, or shoring up legislative coalitions."³⁶ Coalition-building—which is one of the most important, and complex, elements of coalition governments—begins after the election, and the inter-party negotiations required to form the coalition can take months.³⁷ These negotiations entail substantial expenses including bargaining costs,³⁸ policy costs,³⁹ and office costs.⁴⁰

In some ways, minority governments resemble divided governments in presidential systems where the executive and the legislature are controlled by different parties. Both

³⁵ Though this problem is slightly augmented in minority coalitions, it also burdens majority coalitions. *Id.* at 569.

³⁶ *Id.*

³⁷ *Id.*

³⁸ Bargaining costs refer to the time required to build a coalition and resolve subsidiary coalition matters. *Id.*

³⁹ Policy costs are associated with compromise and concession in developing a governing program. *Id.*

⁴⁰ Here, office costs refer to the payout or distribution of portfolios. *Id.* at 570. For a brief discussion on how these costs may affect a plurality party's decision to form a coalition, see discussion *infra* Section III.A.

governments generally are inefficient in passing the governing party's legislative agenda in full, and both disperse power in a similar fashion, affording both the governing and opposition parties the ability to meaningfully shape policy.⁴¹ Once formed, minority governments are constantly vulnerable to extemporaneous votes of no confidence, thus constraining the prime minister's political agenda to shorter commitments and continuously keeping political parties prepared for elections.⁴²

Because of the different governance styles the various types of government must adopt to work effectively, there is a notable difference between the categories' tenures. In parliamentary democracies, a single party majority holds power for an average of thirty months, and coalitions retain power for an average of seventeen to eighteen months.⁴³ Minority governments have the shortest tenure, averaging only thirteen to fourteen months.⁴⁴ Ultimately, though minority governments serve the shortest terms, multiple studies have shown that minority governments do not threaten democratic stability, regardless of the constitutional system in which they emerge.⁴⁵

II. THE FORMATION OF MINORITY GOVERNMENTS

Theoretically, minority governments may form in any parliamentary system; however, certain systemic prerequisites may affect the likelihood that a minority government will emerge. One such factor is the type of investiture rules present in the country as a means of allowing the government to formally take power, with negative investiture rules more easily lending themselves

⁴¹ Albert, *supra* note 3, at 565.

⁴² *Id.* at 565–66.

⁴³ Paul Cairney, *Coalition and Minority Government in Scotland: Lessons for the United Kingdom?*, 82 POL. Q. 261, 261 (2011).

⁴⁴ *Id.*

⁴⁵ *E.g.*, STRØM, *supra* note 4, at 243–44. *But see* Robert Elgie & Petra Schleiter, *Variation in the Durability of Semi-Presidential Democracies*, in SEMI-PRESIDENTIALISM AND DEMOCRACY 42, 47 (Robert Elgie, Sophia Moestrup & Yu-Shan Wu eds., 2011).

to the creation of minority governments. Other relevant factors are categorically included under the social and political context surrounding the pertinent elections.

A. *The Role of Investiture Rules*

Traditionally, coalition theorists have assumed that coalitions can only take power if they hold a legislative majority, but literature has shown that coalitions can be successful even if they control less than half of the legislature.⁴⁶ An inclusive empirical investigation of government formation theories tested several hypotheses of government formation, including the position that “potential governments controlling a minority of seats in the legislature are less likely to form in the presence of an investiture vote.”⁴⁷ This study seemingly confirmed the theory that minority governments are less likely to form in countries that require a government to pass an investiture vote before assuming power.⁴⁸

⁴⁶ See, e.g., TORBJÖRN BERGMAN, CONSTITUTIONAL RULES AND PARTY GOALS IN COALITION FORMATION: AN ANALYSIS OF WINNING MINORITY GOVERNMENTS IN SWEDEN 4 (1995) (stating that, when analyzing a minority coalition’s success, “The assumed threshold still is an absolute majority, but because a (implicit) distinction is made between containing an absolute majority and having the support of an absolute majority, minority governments are no longer such a remarkable puzzle in coalition theory.”)

⁴⁷ This study tested a total of 17 hypotheses in a sample of 220 coalition bargaining situations within 14 countries. Lanny W. Martin & Randolph T. Stevenson, *Government Formation in Parliamentary Democracies*, 45 AM. J. POL. SCIENCE 33, 37 (2001).

⁴⁸ *Id.* at 46. Systems that do not require the incoming government to pass investiture votes are considered to employ negative parliamentarism. Negative parliamentarism is a feature of government in which “parties can enter executive offices even without visible and explicit support from a majority of MPs. What a potential government coalition has to avoid is an active majority against it holding power.” Negative parliamentarism is a decision rule and often promotes minority government formation, as “it is easier to avoid being opposed by a majority than to gain support from a majority.” Natalia Ajenjo, Shane Martin, & Bjørn Erik Rasch, *The Investiture Vote in Parliaments and Government Formation 1* (November 2011) (unpublished manuscript) (on file with the Oslo-Rome International Workshop on Democracy, the Norwegian Institute in Rome), <https://www.uio.no/english/research/interfaculty-research-areas/democracy/news-and-events/events/seminars/2011/papers-roma-2011/Rome-InvestitureNA-SM-BER.pdf>. Negative parliamentarism encompasses negative investiture rules, discussed *infra*, with negative parliamentarism being more comprehensive and systemic as it is associated with other aspects of government formation and operation, such as agenda-setting powers. See Federico Russo & Luca Verzichelli, *The Adoption of Positive and Negative Parliamentarism: Systemic or Idiosyncratic Differences 1–2* (April 2014) (unpublished manuscript) (on file with the European Consortium for Political Research), <http://www.sv.uio.no/isv/english/research/projects/evolution-parliamentarism/events/seminars/ecpr-salamanca-russoverzichelli.pdf>.

There are two different types of investiture rules—positive and negative—that allow a government to take power, only one of which requires a majority of votes in parliament.⁴⁹ The key underlying principle in a positive form is that a government should be *supported* by the parliament.⁵⁰ Therefore, coalitions in countries that use these rules must win a vote by at least a relative majority.⁵¹ These rules form the basis of systems in Germany, Spain,⁵² Belgium, Ireland, Israel, and Italy.⁵³ A negative formulation is a general default and operates on the principle that a government must merely be tolerated by the parliament. A negative system occurs in the absence of a requirement that a government be supported by parliament, thus defining the relationship between the government and the parliament in negative terms. This rule dates back to when the monarch, rather than the parliament, appointed the government and is found in states such as Canada, Denmark, Finland, Iceland, Norway, and the United Kingdom.⁵⁴ In these countries, no vote of investiture is required; the Head of State formally appoints a Prime Minister and thereby appoints the government. This government retains power until it is removed via a vote of no confidence or voluntarily resigns.⁵⁵

⁴⁹ Torbjörn Bergman, *Formation Rules and Minority Governments*, 23 EUR. J. POL. RESEARCH 55, 57 (1993).

⁵⁰ *Id.* Bergman seemingly equates negative investiture rules with negative parliamentarism. See discussion *supra* note 48.

⁵¹ Bergman, *supra* note 49.

⁵² In Germany, a candidate for Chancellor is first appointed by the President. To assume power in a first vote of investiture this candidate, and thus the coalition he or she represents, must win more than half of the *Bundestag*'s votes. If the candidate fails on the first vote, the President can either appoint a Chancellor that has the support of a relative majority or dissolve the *Bundestag*. Steffen Ganghof & Christian Stecker, *Investiture Rules in Germany: Stacking the Deck Against Minority Governments*, in PARLIAMENTS AND GOVERNMENT FORMATION: UNPACKING INVESTITURE RULES 67, 71–72 (Bjørn Rasch, Shane Martin & José Cheibub eds., 2015). Similarly, in Spain, a coalition must win an absolute majority in a first vote of investiture. However, if the government fails the first vote, the Spanish system also allows a Prime Minister to win by a relative majority in a second vote. *Id.* at 71; Natalia Ajenjo, *Why Minority Governments in Spain? How the Party System Undermines Investiture Rules*, in MINORITY GOVERNMENTS IN SPAIN 153, 153 (Shane Martin, Bjorn Rasch & Jose Cheibub eds., 2015).

⁵³ Unlike Spain or Germany, a new government may take power in Belgium, Ireland, Israel or Italy if a relative majority of parliament votes in its favor. In all six of these countries, though the Head of State is constrained by Parliament, his appointment does not require a vote of investiture and the government remains in power until the opposition wins a vote of no confidence or the government resigns. Bergman, *supra* note 49.

⁵⁴ *Id.*

⁵⁵ *Id.*

Because negative rules allow a government to take power without explicitly proving majority support in parliament, negative rules facilitate the creation of minority governments.⁵⁶ Between 1945 and 1987, for example, only fourteen percent of West Germany's governments had minority status.⁵⁷ These governments were transitional and only held power for a few months. In contrast, during the same time period, eighty-eight percent of Danish governments were minorities.⁵⁸ Further, minority governments in countries with positive rules tend to hold a larger proportion of parliamentary seats than their counterparts in countries with negative rules, often falling just short of an absolute majority.⁵⁹

Countries such as the Netherlands, Portugal, and Sweden have systems that contain a mixture of positive and negative rules. In the Netherlands, a vote of investiture is not strictly required but there is a strong norm suggesting the government should command majority support, not mere toleration, in the parliament.⁶⁰ Portugal⁶¹ and Sweden⁶² combine the negative principle of tolerance with the positive requirement that parliament vote on the government's policy plans or cabinet.⁶³

Despite these findings, there is still some debate as to the importance of investiture rules in government formation. Prominent scholars of minority government formation have asserted that, "obviously, all [parliamentary] governments implicitly face an investiture vote whenever they

⁵⁶ *Id.*, at 59–62.

⁵⁷ *Id.* at 59.

⁵⁸ *Id.*

⁵⁹ *Id.* at 60–62.

⁶⁰ *Id.* at 57–58.

⁶¹ "In Portugal a government appointed by the Head of State must present the parliament with its policy program within 10 days." The program is accepted unless an absolute majority of parliament rejects the program, in which case the government must resign. *Id.* at 58.

⁶² In Sweden, a coalition must positively prove that an absolute majority of the parliament will tolerate it before the coalition may assume power. The parliament's Speaker suggests a candidate for Prime Minister and, so long as an absolute majority does not vote against the candidate and his cabinet, the candidate may assume power. *Id.*

⁶³ *Id.*

first expose themselves to the possibility of a parliamentary no confidence vote.”⁶⁴ Thus, the argument contends, the defining feature of parliamentarism—the need for government to maintain legislative confidence—prevails regardless of whether the system requires a formal showing of parliamentary support.⁶⁵ Evidence exploring the length of time required for governments to form⁶⁶ further bolsters scholars’ claims that investiture rules hold minimal significance in determining whether minority governments will form. The period between elections and government formation has lasted mere hours in some instances and months in others.⁶⁷ If investiture rules play a key role in government formation, these scholars argue, they should add to the bargaining complexity and thus the time required to form a governing coalition. The existing literature has not definitively established whether this presumption is accurate. All else equal, one study of governments in Western Europe revealed that negative investiture rules often allow governments to form more quickly. However, another study containing multivariate analysis suggested that there was no meaningful difference in formation periods between systems with negative investiture rules and systems with positive investiture rules.⁶⁸

⁶⁴ Kaare Strøm, Ian Budge & Michael J. Laver, *Constraints on Cabinet Formation in Parliamentary Democracies*, 38 AM. J. POL. SCI. 303, 311 (1994).

⁶⁵ Bjørn Erik Rasch, Shane Martin & José Antonio Cheibub, *Investiture Rules and Government Formation*, in PARLIAMENTS AND GOVERNMENT FORMATION: UNPACKING INVESTITURE RULES 1, 13 (Bjørn Rasch, Shane Martin & José Cheibub eds., 2015). Put differently, scholars have summarized the argument as follows: “Ultimately, a parliamentary government may be removed from office any time a majority of legislators decides that this is what should happen. As a result, any incoming government must be able to survive a vote of no confidence and, hence, enjoy the support of a legislative majority even if it never has to explicitly demonstrate this through an actual vote.” Matt Golder, Sona N. Golder & David A. Siegel, *Modeling the Institutional Foundation of Parliamentary Government Formation*, 74 J. POL. 427, 430 (2012).

⁶⁶ In the period between the election and the new government’s formation, countries are generally run by a caretaker government. In most countries, there is an informal understanding that caretaker governments avoid making major policy decisions. Ben Seyd, *Coalition Government in Britain: Lessons from Overseas*, NUFFIELD FOUND. 59–61 (Jan. 2002), <http://www.ucl.ac.uk/constitution-unit/publications/tabs/unit-publications/84.pdf>.

⁶⁷ See Rasch, Martin & Cheibub, *supra* note 65, at 14.

⁶⁸ The study found that governments in systems defined by negative parliamentarism took an average of thirty-three days to form and governments in systems with positive parliamentarism took an average of forty-four days. Subsequent multivariate analysis, however, has reached different conclusions, suggesting that there was no meaningful difference in the length of time between elections and government formation in systems with positive versus negative rules. The findings did conclude that there was a minor difference in the established government’s tenure. *Id.* at 15.

B. The Role of Political Context

As with all elections, political context surrounding elections that produce minority governments is crucial in determining how the elected officials will act once in office. Primarily, it can affect the plurality party's decision to build coalitions or govern as a minority. Political context can also explain the prerequisite conditions that make minority governments more likely to emerge.

1. Problematic Justifications

Few scholars have studied minority governments in depth. Rather, many have superficially addressed these governments in furtherance of an alternate point. Consequently, many of the prominently cited justifications for minority governments come from surface level interactions and cannot survive careful scrutiny. Such common but flawed explanations include political crisis or systemic instability, party system fractionalization, conflict and polarization, and other proximate conditions. Although many of these justifications seem facially logical, they are not empirically supported and often fall under a cursory investigation.

a. Political Crisis and Instability

Many scholars cite minority governments as the byproduct of political crisis and instability; however, this association is rarely developed in great detail and is often unsubstantiated.⁶⁹ According to such crisis explanations, political instability is a precondition of minority government formation and thus there is a direct correlation between political instability and the manifestation of minority governments.⁷⁰ These crisis explanations fail to identify the locus or severity of crisis that must exist to give rise to a minority government. A strong interpretation of this theory would equate minority governments with severe systemic instability,

⁶⁹ STRØM, *supra* note 4, at 10.

⁷⁰ *Id.*

such as civil disorder, riots, or strikes. A weaker interpretation might merely link minority governments with cabinet instability.⁷¹

The crisis explanation further fails to account for minority governments' presence, and indeed prevalence, absent crisis conditions in highly stable and politically tranquil democracies.⁷² In fact, minority governments are most often present in functioning Western democracies, such as Finland, Italy, the Netherlands, and Spain.⁷³ Indeed, the presence of a successful minority government may actually reflect underlying political and social stability, as intra-party cooperation and inter-party loyalty in the face of a divided constituency is crucial to such governments' operation. When fifteen polities were ranked according to the relative incidence of minority governance, Norway, Sweden, and Canada topped the list, with Portugal, the United Kingdom, and Israel filling the bottom spots.⁷⁴ There is hardly any evidence suggesting that this ranking can be linked to systemic government instability.

Finally, the most persistent explanation seeks to link minority governments to cabinet instability, though this hypothesis is also empirically unsupported.⁷⁵ With the exception of Denmark, fifteen countries sampled naturally separate into two, equally sizeable groups: those with low cabinet stability⁷⁶ and those with high cabinet stability.⁷⁷ The comparison further revealed that minority governments constitute 26.8% of all governments in the low stability group and

⁷¹ *Id.* at 11.

⁷² *Id.* at 62–63.

⁷³ *Id.* at 62–63, 246–69.

⁷⁴ *Id.* at 63.

⁷⁵ *Id.*

⁷⁶ These countries include Belgium, Finland, France's Fourth Republic, Israel, Italy, and Portugal. *Id.*

⁷⁷ These countries include Canada, Iceland, Ireland, the Netherlands, Norway, Spain, Sweden, and the United Kingdom. *See id.* at 63, 270.

37.2% of governments in the high stability group.⁷⁸ When only minority situations⁷⁹ are considered, minority governments accounted for 28.1% of governments in the low stability countries and 54.8% of governments in the high stability group.⁸⁰ Therefore, the empirical evidence rejects the common hypothesis that minority governments are associated with cabinet instability, instead suggesting that minority governments are actually more closely linked, albeit loosely, with high cabinet stability.

b. Party System Fractionalization

Scholars also commonly associate minority governments with political fragmentation and party system fractionalization.⁸¹ This argument asserts that the more fractionalized a parliamentary system is the more difficult it will be for the public to agree on a majority party in an election or for the elected parties to form a majority coalition, thus increasing the likelihood of a minority government.⁸²

When investigated, this hypothesis also fails. The fractionalization theory has been tested against available data in Douglas Rae's index of fractionalization for legislative seats,⁸³ which revealed that average fractionalization scores for minority governments' legislatures are lower than the average fractionalization scores present in majority coalitions.⁸⁴ Although the difference

⁷⁸ *Id.* at 63.

⁷⁹ Here, the term "minority situations" refers generally to instances where elections produced no single majority party, thus forcing the larger parties to either form majority coalitions or govern as minorities. Thus, this term focuses on the electoral results rather than the resulting government type.

⁸⁰ STRØM, *supra* note 4, at 63.

⁸¹ Fractionalization measures the extent to which the legislature is composed of multiple small parties, rather than a few large parties. *Id.* at 64.

⁸² *Id.*

⁸³ Douglas Rae is a political scientist and professor at Yale University. His index measures "the probability that two randomly selected legislators would belong to different parties." Thus, Rae's fractionalization variables range from zero, where only one party is represented, to one, where there is a perfectly atomized legislature. The score is always higher than 0.5 when there is no single majority party present. *Id.*

⁸⁴ *Id.* at 64–65, tbl.3.3.

between the average fractionalization scores is not dramatic,⁸⁵ it nevertheless cuts against the prevailing hypothesis that fractionalization encourages minority governments.

c. Conflict and Polarization

Political conflict and polarization is also commonly cited in conjunction with other factors, particularly conditions of fractionalization and instability, to justify the existence of minority governments. The definition of polarization in such studies, however, is often ambiguous and inconsistent.⁸⁶ Some scholars have described polarization as the ideological expanse contained within the party system while others have used the term to signify “bipolar distributions of the electorate on various conflict dimensions, the cumulations of such cleavages, or the resultant social tensions and hostilities.”⁸⁷ The unifying feature of each definition is that, unlike fractionalization, which stresses the numerical propensities of party systems, these accounts emphasize the ideological character of its members and their interaction.⁸⁸ Reasoning that cleavage, conflict, extremism, and polarization negatively affect parties’ willingness to negotiate, proponents of this theory argue that polarization becomes a primary cause of minority government formation.⁸⁹

Measuring polarization as the proportion of legislative seats held by extremist parties,⁹⁰ studies show that polarization relates to government type in essentially the same way as fractionalization.⁹¹ Majority party governments tend to form in less polarized systems, and

⁸⁵ The fractionalization score for majority coalitions is 0.754. Formal minority governments have a fractionalization score of 0.723. *Id.* at 65.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.* at 14.

⁸⁹ *Id.* at 14–15.

⁹⁰ Extremist parties in this instance are defined as encompassing any of the following characteristics: (1) a well-developed nondemocratic ideology; (2) a proposal to break up or fundamentally alter state boundaries; or (3) a diffuse protest, alienation, and distrust of the existing political system. Extremist parties were chosen as a marker of polarization in the relevant study because they exemplify a general unwillingness to bargain for cabinet participation. *Id.* at 65.

⁹¹ *Id.* at 66.

nonpartisan governments form in the most polarized and fractionalized environments.⁹² On average, minority governments do not tend to appear in more polarized environments than those that produce majority coalitions.⁹³ Rather, substantive minority governments are associated with noticeably lower levels of polarization than are majority coalitions.⁹⁴

d. Proximate Conditions

The final problematic explanation for the formation of minority governments is the conventional assumption that minority governments form only when all other options have been exhausted or no other alternatives exist. Under this reasoning, minority governments represent failed interparty relationships.⁹⁵ Such explanations are commonly found in deductive coalition theories, which associate minority governments with constraints, limited choice, failure to negotiate, and lower-order preferences.⁹⁶ If this hypothesis is true, minority governments should be associated with particularly long cabinet crises and numerous formation attempts. Kaare Strøm, a political science professor at the University of California and a leading authority on minority government operation, tested this hypothesis and found that, on average, substantive minority governments and majority coalitions have a very similar number of formation attempts: 2.00 versus 2.01, respectively.⁹⁷ Strøm further found that the average crisis preceding the formation of a majority government—including majority coalitions—lasted approximately 26.2 days, whereas the crisis preceding the formation of a minority government lasted only 16.1 days, ending approximately 40 percent earlier than crises associated with majority regimes.⁹⁸

⁹² Majority governments and nonpartisan governments have an average polarization value of 0.016 and 0.213, respectively. *Id.* at 65, tbl.3.3.

⁹³ *Id.* at 65.

⁹⁴ Minority substantive governments have an average polarization value of 0.152. *Id.* at 65, tbl.3.3.

⁹⁵ *Id.* at 15.

⁹⁶ *Id.*

⁹⁷ *Id.* at 67, tbl.3.4.

⁹⁸ *Id.* at 67.

Though counterintuitive, this difference may partially be explained by the number of parties involved in the government's formation. The study revealed that single-party majority governments formed in only 8.4 days, while majority coalitions took approximately 31.3 days.⁹⁹ Similarly, substantive minority governments formed in 13.5 days, whereas formal minority governments formed in 36.7 days.¹⁰⁰ Because substantive minority governments tend to be single-party minorities with fewer formal inter-party agreements, fewer parties are likely to be involved in the negotiations leading up to the government's formation.¹⁰¹ Thus, Strøm's study generally showed that when multiple parties are involved in the government's formation the duration of the pre-formation crisis increases.¹⁰²

2. *Alternative Justification of Rational Choice*

Minority government formation may be better explained by rational choice theory. A parliamentary majority is not a strict prerequisite for government functionality, and political parties are thus primarily concerned with both political office and political influence.¹⁰³ To the extent that effectuating policy initiatives motivates party behavior, government participation is a helpful, but not necessary, condition.¹⁰⁴ Political parties realize the importance of long term goals and are concerned about potential effects on future elections, particularly competitive elections.¹⁰⁵ All of these factors combined help to explain why governing and opposition parties may opt not to form a majority coalition, instead ruling as a minority.

⁹⁹ *Id.* at 67, tbl.3.4.

¹⁰⁰ *Id.*

¹⁰¹ *Id.* at 68.

¹⁰² Notably, the study revealed a dichotomy, not a direct correlation between the number of parties involved and the length of the pre-formation period. Though pre-formation crises associated with single-party governments are often much shorter than multi-party governments, there is no empirical evidence suggesting that the crisis's duration further increases when more than two parties become involved. *Id.*

¹⁰³ *See id.* at 38.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

Political victory is crucial to analyses of political competition and is often defined as a party's ability to effectuate its positions through legislative acts.¹⁰⁶ This success is often thought to require an absolute majority in the legislature; however, there are several reasons to question this assumption. Legislative decisions often require qualified majorities,¹⁰⁷ simple majorities, or simple pluralities.¹⁰⁸ Systems requiring mere pluralities lend themselves particularly well to minority governments and become increasingly important when abstentions or divided opposition can benefit the governments.¹⁰⁹

Additionally, when defining political parties merely as organizations that seek power in government, we should expect parties to prioritize votes or power. Though electoral success is a defining factor, party goals beyond mere government authority complicate this minimalistic definition.¹¹⁰ For example, in addition to constituents, parties need activists and members, many of whom are motivated by policy concerns, not government control.¹¹¹ In competitive political systems, party officials, often selected based on their history of loyalty to the party, must be responsive to their followers' concerns and thus often share the same long-term goals.¹¹²

If policy advancement replaces government office as a party's primary motivator, holding political office becomes less important. This conclusion may seem counter-intuitive because the governing party dominates the government's focuses and objectives. However, closer examination shows that opposition parties, despite their minority status, can still further their policy

¹⁰⁶ *See id.* at 39.

¹⁰⁷ An example is the common two-thirds requirement in many countries' constitutions. *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.* at 39–40.

¹¹² Policy objectives are least likely to matter if parties are internally extremely hierarchical and undemocratic, if party competition is low, or if political corruption is rampant. The systems likely to produce minority governments, however, rarely reflect such conditions. *Id.* at 40.

objectives.¹¹³ First, it is possible that the governing party's views may align with an opposition party's views on certain issues.¹¹⁴ If this condition is met and the party's constituents are results focused, the party will be rewarded even if it is not directly responsible for the policy's advancement. Therefore, the opposition party does not need a majority of seats but can simply sit back and allow the governing party to progress the platform.

Second, even if the opposition party and governing party disagree on policy, the opposition party may still be able to exert political influence.¹¹⁵ In some political systems, many important policy decisions happen outside of the party-parliament relationship¹¹⁶ and opposition parties may use public criticism and other negotiation methods to assert their influence.¹¹⁷ Therefore, policy influence can more precisely be measured by degree, with the relative policy influence varying between the parties and polities.¹¹⁸ Strøm describes this relationship as a policy influence differential in which "the higher the policy influence differential, the greater the power of the government vis-à-vis the opposition. The smaller the differential, the less of an advantage it is to be in office."¹¹⁹ Generally, Strøm concludes, the lower the differential, the smaller the incentives for policy-motivated parties to hold office and the more likely that opportunities to expand the governing coalition will be ignored.¹²⁰

¹¹³ *Id.* at 41.

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ For example, Strøm explains, decisions may be made "in corporatist networks of labor unions, employers' associations, and bureaucrats." *Id.* at 41.

¹¹⁷ Studies of Italy, Norway, and France's Fourth Republic, among others, have demonstrated that opposition parties may assert significant political influence. *Id.* at 42.

¹¹⁸ *Id.*

¹¹⁹ Strøm further notes that the influence differential refers to potential influence not actual power exercised. Further, the policy differential is low in polities with strong, deliberative legislatures and is likely to reflect a strong opposition rather than a weak government. The differential will always be positive because a negative differential would suggest the unlikely situation in which the opposition party is more powerful than the governing party. Though this is, admittedly, an overly-simplistic explanation as some political parties are capable of exerting greater influence than others, this differential is a helpful illustrative structure. *Id.* at 42–44.

¹²⁰ *Id.* at 44.

Moreover, political parties adopt a temporal perspective oriented toward effectuating future success for their party. Therefore, particularly in competitive elections, political parties carefully consider how their stances will influence their chances in future elections and are discouraged from forming coalitions that could secure a government majority if they believe their future interests would be better served by remaining separate.¹²¹ Additionally, when considering future impacts, incumbency may actually prove to be an electoral disadvantage.¹²² Incumbent parties have less opportunity to choose their campaign issues and strategies and are more likely to have their reliability and responsibility tested.¹²³ Therefore, governing parties can more easily lose the confidence of their constituency, a difference that several empirical studies have shown to reduce party votes in subsequent elections.¹²⁴ *Ceteris paribus*, rational actors prefer individual, instantaneous success and thus opposition parties will be unlikely to formally join the governing party if they predict that a subsequent election will be competitive, in which case the consequences associated with incumbency are especially relevant.¹²⁵

Finally, competitive elections tend to make it difficult for a single party to secure a meaningful majority and therefore encourage inclusive, moderate party platforms.¹²⁶ The link between competitive elections and minority governments is evident in Scandinavian countries.¹²⁷ Denmark, for instance, has only experienced one single-party majority government, which held power at the beginning of the twentieth century.¹²⁸ Rather, minority governments tend to be the

¹²¹ See *id.* at 44–45.

¹²² *Id.* at 45.

¹²³ *Id.*

¹²⁴ *Id.* at 45–46.

¹²⁵ *Id.* at 46.

¹²⁶ See Walter M. Frank, *Making Our Congressional Elections More Competitive: A Proposal for a Limited Number of Statewide At-Large Elections in Our More Populous States*, 39 J. MARSHALL L. REV. 1425, 1426–27 (2006).

¹²⁷ For a full explanation of the role competitive elections play in Scandinavian politics, see Kaare Strøm, *Deferred Gratification and Minority Governments in Scandinavia*, 11 LEGIS. STUD. Q. 583, 596–99 (1986).

¹²⁸ Seyd, *supra* note 66, at 127.

rule, rather than the exception.¹²⁹ In Denmark, electoral competition has made it more difficult for government parties to forge legislative coalitions, instead forcing them to rely on “ad hoc alliances with whichever party is closest to its stance on the issue in question.”¹³⁰ This competitive atmosphere discourages formal and permanent coalition building and, thus, larger parties are more likely to govern as substantive minorities. Ireland’s Fianna Fáil party also governs in a competitive environment, and this competition with other parties, coupled with the sheer size of their support, makes the Fianna Fáil unwilling to contemplate a formal coalition or any other form of cooperation that may secure the additional seats needed to form a majority.¹³¹

II. MINORITY GOVERNMENTS AND CONSTITUTIONAL DESIGN

The various types of constitutional structures underlying a parliamentary system may affect the recurrence of minority governments. Of particular importance is the country’s electoral system, where first-past-the-post (“FPTP”) systems are more likely to reduce the number of active political parties, particularly at the national level, and are therefore less likely to produce a diverse parliament hosting a wide variety of political parties. Proportional representation systems, however, are more likely to reward small parties with legislative seats and thus tend to produce parliaments that contain a larger number of small and independent parties. Thus, proportional representation systems are more likely to produce minority governments than are FPTP systems.¹³²

A country’s executive structure is also important; this structure, however, is less relevant to minority government development and is thought to play a more substantial role in determining

¹²⁹ *Id.*

¹³⁰ *Id.* at 128.

¹³¹ Valentine Herman & John Pope, *Minority Governments in Western Democracies*, 3 BRITISH J. POL. SCI. 191, 195–96 (1973).

¹³² See *Electoral System Design: The New International IDEA Handbook*, INT’L INST. DEMOCRACY & ELECTORAL ASSISTANCE 119 (2005), <http://www.idea.int/publications/catalogue/electoral-system-design-new-international-idea-handbook> [hereinafter *International IDEA Handbook*].

a government's stability once a minority government takes hold. Although statistically unfounded, some fear that divided minority governments in semi-presidential systems may pose a particular risk to the checks and balances associated with democracy and create an unstable government.¹³³ Ultimately, when tested, this negative association has not materialized.¹³⁴

A. *Minority Governments and Electoral Systems*

Minority and coalition governments are inexorably linked to their country's electoral system. FPTP systems are winner take all systems in which a candidate or party needs to secure a majority of votes cast in an election.¹³⁵ Duverger's hypothesis asserts that FPTP and single-member simple plurality systems force voters and politicians to unite around a relatively moderate position to have a viable chance of winning a majority of votes in any election. This consolidation either completely eliminates smaller third parties or incorporates them into a dominant party, thereby creating a bipolar two-party system.¹³⁶ In contrast, proportional representation ("PR") systems assign legislative seats to political parties based on the percentage of the popular vote each party received in the election.¹³⁷ Although many PR systems require parties to meet or surpass a designated minimum percentage of votes before a party will be awarded a legislative seat, the threshold is generally low. Thus, PR systems reward smaller parties and encourage a large number of parties with narrowly-tailored political platforms.¹³⁸

Minority governments may arise under FPTP electoral systems; however, because FPTP systems encourage fewer parties, minority governments are less likely to emerge and survive.

¹³³ Elgie & Schleiter, *supra* note 45, at 47.

¹³⁴ ROBERT ELGIE, SEMI-PRESIDENTIALISM: SUB-TYPES AND DEMOCRATIC PERFORMANCE 180–82 (2011).

¹³⁵ In some FPTP systems, a party or candidate need only secure a plurality of votes to prevail. Albert, *supra* note 3, at 565.

¹³⁶ E. Sridharan, *Why Are Multi-Party Minority Governments Viable in India? Theory and Comparison*, 50 COMMONWEALTH & COMP. POL. 314, 326–27 (2012).

¹³⁷ Albert, *supra* note 3, at 565.

¹³⁸ *Id.*

Canadian Parliamentaryism exemplifies this phenomenon. The 2004 federal elections produced a minority government for the first time since 1979 with parliamentary seats split between a total of five parties.¹³⁹ The governing Liberal Party earned 37% percent of the popular vote and 135 of the 308 legislative seats,¹⁴⁰ and the second-place Conservative Party earned 30% of the popular vote and 99 parliamentary seats.¹⁴¹ The established minority government, headed by Prime Minister Paul Martin, was plagued by political instability and lasted only eighteen months before falling to a vote of no confidence in the House of Commons.¹⁴² Other Canadian minority governments have similarly proven unstable. The minority government from 1972 to 1974, for instance, maintained a constant state of crisis control, fearful that its unsteady support system would collapse.¹⁴³ The minority governments that served from 1962 to 1963 and 1979 to 1980 were similarly unsteady and ineffective, the former even attracting the attention of prominent American news sources which warned of the economic risks associated with Canadian minority governments.¹⁴⁴

Nevertheless, not all minority governments in FPTP systems are destined for failure. Canada can also be used to exemplify this conclusion. Prime Minister Pearson's minority governments in the 1960s, for instance, were highly productive. Despite their minority status, these governments passed the Canadian Pension Plan and the Canada Student Loan program, modernized the country's immigration policy, created a new Canadian national flag, renewed national bilingualism, and established national health care.¹⁴⁵ Accordingly, minority governments

¹³⁹ JON H. PAMMETT & CHRISTOPHER DORNAN, THE CANADIAN GENERAL ELECTION OF 2004, at 60 (2004); *Canada Votes 2004*, CBS NEWS (June 29, 2004, 5:38 AM), <http://www.cbc.ca/canadavotes2004/>.

¹⁴⁰ PAMMETT & DORNAN, *supra* note 139; *Canada Votes 2004*, *supra* note 139.

¹⁴¹ *Canada Votes 2004*, *supra* note 139.

¹⁴² *Vote Topples Canadian Government*, CNN (Nov. 29, 2005, 10:32 AM), <http://www.cnn.com/2005/WORLD/americas/11/28/canada.government/>.

¹⁴³ Albert, *supra* note 3, at 566.

¹⁴⁴ *Id.* at 566–67.

¹⁴⁵ *Id.* at 567.

in FPTP systems may be successful and stable, but only if the governing party is willing to compromise in the larger interest of political stability.

Minority or coalition governments are far more likely in PR systems where small parties are more prevalent in the larger legislative body.¹⁴⁶ In some cases, the costs of building and sustaining a working coalition, particularly a minority coalition, may be so great as to compel the plurality party's leader to abandon efforts at coalition-building and simply govern as a single party minority.¹⁴⁷ When larger parties do choose to endure the costs associated with forming a coalition,¹⁴⁸ there are additional inefficiencies associated with maintaining the relationships. As time progresses, coalition members discover fewer matters upon which they may agree or adequately compromise, destabilizing the coalition and weakening its members' dependability.¹⁴⁹ The legislative inefficiency associated with maintaining a coalition government also exacts a significant cost on political ideology. The parties constituting a coalition must dilute their policies to successfully present a bill that garners support from the entire coalition, and even then the resultant bill may require further concessions before the broader legislative assembly will approve it.¹⁵⁰

Accordingly, coalitions are less likely to survive than single-party governments, a difference that may be explained by several factors. First, because a governing coalition may contain Cabinet members from different political parties, the prominent officials within the

¹⁴⁶ See generally Mary A. Inman, *C.P.R. (Change Through Proportional Representation): Resuscitating a Federal Election System*, 141 U. PA. L. REV. 1991, 2003–07 (1993) (explaining that PR systems inhibit the entrenchment of the two major parties and facilitate the proliferation of third parties).

¹⁴⁷ Following the 2002 Swedish parliamentary elections, for instance, Prime Minister Persson opted to renounce attempts at coalition building because his prospective coalition partners had opposed Swedish membership in the European Union, one of Persson's principal policies. See *id.*

¹⁴⁸ For a description of these costs, see *supra* notes 38–40 and accompanying text.

¹⁴⁹ Albert, *supra* note 3, at 570.

¹⁵⁰ *Id.*

government may have different constituencies and different interests that cause them to advocate for conflicting positions.¹⁵¹ Second, ministers may take positions that undermine the stability of the coalition in the interest of demonstrating their autonomy.¹⁵² Third, prominent officials within the coalition must navigate what may be an uneasy alliance, largely held together by convenience and the desire for power.¹⁵³ These and other factors combine to create a government that displays legislative inefficiency similar to those that critics attribute to presidential systems.¹⁵⁴

Though these findings apply to all coalition governments, including majority coalitions, they apply more strongly to minority governments and minority coalitions, which heavily rely on external support. Further, because minority governments depend so heavily on outside parties, they are constantly forced to confront these problems both within their formed coalitions as well as with parties with which they are not formally fused.

Finally, certain types of PR systems are more likely to produce minority governments.¹⁵⁵ Although Mixed Member Proportional (“MMP”) electoral systems often produce minority governments,¹⁵⁶ such governments are not as common in MMP systems as in other PR systems.¹⁵⁷ MMP systems are systems in which legislative seats are awarded to compensate for any disproportionality produced by results for district seats.¹⁵⁸ Depending on the country, voters may

¹⁵¹ *Id.* at 572.

¹⁵² *Id.*

¹⁵³ *Id.* at 572–73.

¹⁵⁴ *Id.*

¹⁵⁵ *International IDEA Handbook*, *supra* note 132; Geoffrey Palmer, *The Cabinet, the Prime Minister and the Constitution*, 4 N.Z. J. PUB. & INT'L L. 1, 26 (2006).

¹⁵⁶ Minority governments are particularly common in New Zealand, where some parties have chosen to govern as a minority “rather than cobble together a majority coalition that would be difficult to manage internally because of the diversity of political outlooks.” Under MMP in New Zealand, the parties argue that it is easier to run a minority government than a majority coalition. *Id.*

¹⁵⁷ See Kaiser, *supra* note 12, at 81. *But cf.* Palmer, *supra* note 155, at 16.

¹⁵⁸ “For example, if one party wins 10 per cent of the vote nationally but no district seats, then it will be awarded enough seats from the PR lists to bring its representation up to 10 per cent of the seats in the legislature.” Countries that utilize this system include Germany, Hungary, Italy, and New Zealand. See *International IDEA Handbook*, *supra* note 132, at 91.

get one choice with the party totals derived from the totals for the individual district candidates or two separate choices.¹⁵⁹ The imbalanced production of minority governments is counter intuitive, because

MMP contains incentives for voters to split their ticket, that is to vote for a party with their list vote but support a candidate of a different party with their constituency vote as a signal to parties which coalition they prefer. Hence, it is rational for parties to form pre-election coalitions and, when successful in general elections, to govern together.¹⁶⁰

Perhaps for exactly this reason, minority governments in countries using MMP systems are more often minority coalitions than single party minorities.¹⁶¹

Single transferable vote (“STV”) systems are also likely to yield coalition minority governments. An STV system uses multi-member districts and allows voters to rank candidates by preference.¹⁶² “At the first count, the total number of first-preference votes for each candidate is ascertained” and any “candidate who has a number of first preferences greater than or equal to the [designated] quota is immediately elected.”¹⁶³ In subsequent counts, the votes for candidates who have surpassed the quota are redistributed according to the voters’ second preferences.¹⁶⁴ Though political scientists claim an STV system is one of the most attractive electoral systems, it is only practiced in a handful of countries, including Ireland.¹⁶⁵ One study from 1990 to 2006 revealed that STV systems produced minority coalitions approximately 24% of the time, though no single-party minority governments emerged during this time period.¹⁶⁶

¹⁵⁹ *Id.*

¹⁶⁰ Kaiser, *supra* note 12, at 78.

¹⁶¹ *Id.* at 81–82, tbl.1.

¹⁶² *International IDEA Handbook*, *supra* note 132, at 71.

¹⁶³ *Id.* at 76.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ Kaiser, *supra* note 12, at 81, tbl.1.

Although such PR systems are more likely to produce minority governments than other types of governments, it is important to note that these systems more commonly produce majority governments than minority governments.¹⁶⁷ The study mentioned *supra* showed that between 1990 and 2006, countries using MMP systems produce single-party minorities only 2% of the time and minority coalitions only 20% of the time.¹⁶⁸ STV systems produced minority coalitions 24% of the time and no single-party minority governments.¹⁶⁹ In total, minority governments constituted less than 30% of all governments in PR systems in the studied time period.¹⁷⁰

B. Minority Governments and Semi-Presidential Systems

Semi-presidential systems can produce a rare type of minority government, termed a divided minority government.¹⁷¹ A divided minority government occurs where “neither the president nor prime minister, nor any party or coalition, enjoys a substantive majority in the legislature” and has been labeled “semi-presidentialism’s most conflict-prone subtype.”¹⁷² Some scholars reason that divided minority governments are particularly dangerous when the parties reach a stalemate and the legislature and president cannot have support or influence on a party or party coalition.¹⁷³ In such conditions, there is a threat that, in an effort to defeat the stalemate and advance his position, the president may attempt to govern without or against the legislature,

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ *Id.* at 82.

¹⁷¹ Divided minority governments have formed in Finland (1927, 1929, 1948-1950, and 1972); Ireland (1948-1950); Portugal (1980, 1986-1987, and 2002); and the Weimar Republic (1920). Robert Elgie, *Semi-Presidentialism in Western Europe*, in SEMI-PRESIDENTIALISM AND DEMOCRACY 81, 89 (Robert Elgie, Sophia Moestrup & Yu-Shan Wu eds., 2011).

¹⁷² CINDY SKACH, *BORROWING CONSTITUTIONAL DESIGNS: CONSTITUTIONAL LAW IN WEIMAR GERMANY AND THE FRENCH FIFTH REPUBLIC* 17 (2005); Elgie, *supra* note 171, at 89–90.

¹⁷³ Juan J. Linz, *Introduction: Some Thoughts on Presidentialism in Postcommunist Europe*, in POSTCOMMUNIST PRESIDENTS 1, 11 (Ray Taras ed., 1997).

dissolve the sitting legislature in the hopes of securing a future majority, or even disband the legislature.¹⁷⁴

Some scholars have associated divided minority governments with legislative paralysis and presidential dominance.¹⁷⁵ Because the legislature is ineffective and immobile, they argue, these governments create a risk that the president may attempt to expand executive power to fill the void.¹⁷⁶ This presidential expansion is “accompanied by a narrowing of the decision-making arena to a small, handpicked group of nonparty ministers.”¹⁷⁷ Accordingly, divided minority governments may prove detrimental to the separation of powers and pose a greater risk of democratic breakdown than any other sub-type of semi-presidentialism.¹⁷⁸ These governments are especially dangerous to young democracies that are vulnerable to executive overreach, particularly those that do not have a stabilized party system.¹⁷⁹

When studied closely, however, these fears proved unfounded. Controlling for all other relevant factors, studies have not exposed the expected correlation between divided minority governments and democratic collapse.¹⁸⁰ Rather, such studies discovered a positive relationship between the presence of divided minority governments and democratic performance.¹⁸¹ It appears that pre-existing constitutional and structural incentives to power share have effectively prevented presidents in divided minority governments from overstepping their bounds.¹⁸² In fact, divided minority governments are most prevalent in successful semi-presidential democracies.¹⁸³ Despite

¹⁷⁴ *Id.*

¹⁷⁵ ELGIE, *supra* note 134, at 13.

¹⁷⁶ *Id.*

¹⁷⁷ SKACH, *supra* note 172, at 124.

¹⁷⁸ *Id.* at 18.

¹⁷⁹ ELGIE, *supra* note 134, at 13.

¹⁸⁰ *Id.* at 179.

¹⁸¹ *Id.* at 181–82.

¹⁸² Elgie & Schleiter, *supra* note 45, at 58–59.

¹⁸³ ELGIE, *supra* note 134, at 182.

the severity of the predicted damage, no country with a semi-presidential system has ever collapsed during a divided minority government's tenure.¹⁸⁴

Because presidents do not govern in a vacuum, strong presidents are neither a necessary nor a sufficient condition for democratic instability in semi-presidential countries.¹⁸⁵ Where divided minority governments have historically been associated with democratic decline, this instability is better attributed to the dual accountability in a president-parliamentary system.¹⁸⁶ This is particularly the case where a prime minister is appointed by the president despite parliamentary opposition, thereby causing a power struggle between the president and parliament with the prime minister caught in the middle.¹⁸⁷ This conflict “may result in frequent cabinet reshuffles and government collapses.”¹⁸⁸

Between 2000 and 2008, Taiwan had a divided minority government in which the president and cabinet battled against an opposing parliamentary coalition.¹⁸⁹ The Legislative Yuan was controlled by the Pan-Blue camp and President Chen insisted on appointing a fellow member of the Democratic Progressive Party as premier.¹⁹⁰ Although President Chen appointed a total of six prime ministers during this period without the legislature's consent and thus “had his way in forming the government, he could not stop the parliament from retaliation in other battlegrounds.”¹⁹¹ The Pan-Blue sect in the Legislative Yuan resisted Chen's policy initiatives, effectively boycotted, and, though politically unable to follow through, threatened to impeach, the

¹⁸⁴ Elgie & Schleiter, *supra* note 45, at 55.

¹⁸⁵ Yu-Shan Wu & Jung-Hsiang Tsai, *Taiwan: Democratic Consolidation under President-Parliamentarism, in SEMI-PRESIDENTIALISM AND DEMOCRACY* 174, 186–87 (Robert Elgie, Sophia Moestrup & Yu-Shan Wu eds., 2011).

¹⁸⁶ *Id.* at 181–82, 186.

¹⁸⁷ Wu & Tsai, *supra* note 185, at 186.

¹⁸⁸ *Id.*

¹⁸⁹ *Id.* at 187.

¹⁹⁰ Taiwan's president can appoint the premier without the Legislative Yuan's approval. *Id.* at 187–88.

¹⁹¹ *Id.* at 188.

president.¹⁹² Therefore, because the minority government's president and parliament dominated different territories, the opposition-controlled parliament was able to effectively prevent President Chen from radically expanding his powers.¹⁹³ This conflict was tense, but eventually subsided with Taiwan's democracy firmly in place.¹⁹⁴

CONCLUSION

Minority governments are fairly common in parliamentary systems and have governed in multiple stable and successful democracies, as well as countries like Taiwan where preserving democracy can be more difficult.¹⁹⁵ Minority governments can form in a variety of systems depending on a multitude of factors, though PR electoral systems are more likely to produce minority governments than FPTP systems. Scholars have expressed concerns about the impacts that minority governments can have on democracy, particularly in semi-presidential systems. Ultimately, empirical studies suggest that not only are these predictions unfounded, but the inverse is actually true and minority governments tend to enhance democratic function by forcing opposing parties to work together as the only means of advancing their policy initiatives. Therefore, although the concept of governance by a minority of the population's representatives may seem dangerous to democracy, minority governments should not be feared and should be accepted as a normal result of a functioning democracy.

¹⁹² *Id.*

¹⁹³ *Id.* at 189.

¹⁹⁴ *Id.* at 189–90.

¹⁹⁵ *See infra* Appendix.

APPENDIX: MINORITY GOVERNMENTS IN RECENT HISTORY¹⁹⁶

I. WESTERN EUROPE

A. *Spain*¹⁹⁷

Government Party: Central Democratic Union

Leader: Adolfo Suarez

Tenure: July 1977–April 1979¹⁹⁸

Government Party: Central Democratic Union

Leader: Adolfo Suarez

Tenure: April 1979–January 1981¹⁹⁹

Government Party: Central Democratic Union

Leader: Leopoldo Calvo-Sotelo

Tenure: February 1981–October 1982²⁰⁰

Government Party: Spanish Socialist Workers' Party

Leader: Felipe Gonzalez

Tenure: December 1989–July 1993

Government Party: Spanish Socialist Workers' Party

Leader: Felipe Gonzalez

Tenure: July 1993–May 1996

Government Party: People's Party

Leader: José María Aznar

Tenure: May 1996–April 2000

Government Party: Spanish Socialist Workers' Party

Leader: José Luis Rodríguez Zapatero

Tenure: April 2004–April 2008

Government Party: Spanish Socialist Workers' Party

Leader: José Luis Rodríguez Zapatero

Tenure: April 2008 – December 2011

Government Party: People's Party

Leader: Mariano Rajoy

¹⁹⁶ This section will only include federal minority governments and will thus exclude minority governments on the local level. For purposes of this section, the term “recent history” refers to the post-World War II period.

¹⁹⁷ Ajenjo, *supra* note 52, at 160.

¹⁹⁸ STRØM, *supra* note 4, at 267.

¹⁹⁹ *Id.*

²⁰⁰ *Id.*

Tenure: October 2016 – Present²⁰¹

*B. Portugal*²⁰²

Government Party: Socialist; Military; and Center Social Democratic

Leader: Mário Soares

Tenure: July 1976–December 1977

Government Party: Social Democratic

Leader: Aníbal Cavaco Silva

Tenure: November 1985–April 1987

Government Party: Socialist

Leader: Antonio Guterres

Tenure: October 1995–October 1999²⁰³

Government Party: Socialist

Leader: Antonio Guterres

Tenure: October 1999–March 2002²⁰⁴

Government Party: Socialist

Leader: José Sócrates

Tenure: September 2009–June 2011²⁰⁵

Government Party: Social Democratic

Leader: Pedro Passos Coelho

Tenure: October 2015–November 2015²⁰⁶

²⁰¹ Bonnie N. Field, *Will the New Rajoy Minority Government in Spain Work?*, LONDON SCH. ECON. & POL. SCI.: EUROPP (Nov. 16, 2016), <http://blogs.lse.ac.uk/europpblog/2016/11/16/will-the-new-rajoy-minority-government-in-spain-work/>.

²⁰² STRØM, *supra* note 4, at 266.

²⁰³ Francisco José Viegas & Linda Gonçalves Viegas, *The Determinants of Vote Intentions in Portugal*, 118 PUB. CHOICE 342, 348 tbl.2 (2004), https://repositorium.sdum.uminho.pt/bitstream/1822/1455/1/Public_Choice_March_2004.pdf.

²⁰⁴ *Id.*

²⁰⁵ *Portugal*, FREEDOM HOUSE, <https://freedomhouse.org/report/freedom-world/2011/portugal> (last visited Mar. 31, 2018).

²⁰⁶ See Angelique Chrisafis, *Portuguese MPs Force Minority Government to Quit over Austerity*, GUARDIAN (Nov. 10, 2015, 2:28 PM), <https://www.theguardian.com/world/2015/nov/10/portuguese-mps-force-minority-government-to-quit-over-austerity>.

C. *Germany*²⁰⁷

Government Party: Christian Democratic Union of Germany

Leader: Konrad Adenauer

Tenure: November 1962

Government Party: Christian Democratic Union of Germany

Leader: Ludwig Erhard

Tenure: November 1965–December 1965

Government Party: Social Democratic

Leader: Helmut Schmidt

Tenure: September 1982

D. *Belgium*²⁰⁸

Government Party: Wallon Socialist

Leader: Paul-Henri Spaak

Tenure: March 1946

Government Party: Christian Social

Leader: Gaston Eyskens

Tenure: June 1958–November 1958

Government Party: Flemish Christian People's Party; Wallon Christian Socialist; Liberal; and Flemish Liberal

Leader: Leonard Tindemans

Tenure: April 1974–June 1974

Government Party: Flemish Christian People's Party; Wallon Christian Socialist; Liberal; and Flemish Liberal

Leader: Leonard Tindemans

Tenure: March 1977–April 1977

E. *Italy*²⁰⁹

Government Party: Christian Democratic

Leader: Alcide De Gasperi

Tenure: May 1947–December 1947

²⁰⁷ All three minority cabinets in Germany in the time period studied were transitory in the run-up to the formation of a new government within the term and none of them resulted from an investiture vote. Ganghof & Stecker, *supra* note 52, at 14, 16, 18. See Manfred G. Schmidt, *Germany: The Grand Coalition State*, in *POLITICAL INSTITUTIONS IN EUROPE 55* (Josep M. Colomer ed., 2002).

²⁰⁸ STRØM, *supra* note 4, at 246.

²⁰⁹ *Id.* at 259–61.

Government Party: Christian Democratic
Leader: Alcide De Gasperi
Tenure: July 1953

Government Party: Christian Democratic
Leader: Giuseppe Pella
Tenure: August 1953–January 1954

Government Party: Christian Democratic
Leader: Amintore Fanfani
Tenure: January 1954

Government Party: Christian Democratic
Leader: Adone Zoli
Tenure: May 1957–June 1958

Government Party: Christian Democratic; and Social Democratic
Leader: Amintore Fanfani
Tenure: July 1958–January 1959

Government Party: Christian Democratic
Leader: Antonio Segni
Tenure: February 1959–February 1960

Government Party: Christian Democratic
Leader: Fernando Tambroni
Tenure: March 1960–July 1960

Government Party: Christian Democratic
Leader: Amintore Fanfani
Tenure: July 1960–February 1962

Government Party: Christian Democratic
Leader: Giovanni Leone
Tenure: June 1963–November 1963

Government Party: Christian Democratic
Leader: Giovanni Leone
Tenure: June 1968–November 1968

Government Party: Christian Democratic
Leader: Mariano Rumor
Tenure: August 1969–February 1970

Government Party: Christian Democratic
Leader: Giulio Andreotti

Tenure: February 1972

Government Party: Christian Democratic; and People's Party

Leader: Aldo Moro

Tenure: November 1974–January 1976

Government Party: Christian Democratic

Leader: Giulio Andreotti

Tenure: July 1976–January 1978

Government Party: Christian Democratic

Leader: Giulio Andreotti

Tenure: March 1978–January 1979

Government Party: Christian Democratic; Social Democratic; and Republican

Leader: Giulio Andreotti

Tenure: March 1979

Government Party: Christian Democratic; Social Democratic; and Liberal

Leader: Francesco Cossiga

Tenure: August 1979–March 1980

Government Party: Christian Democratic

Leader: Amintore Fanfani

Tenure: April 1987

Government Party: Democratic Party of the Left; People's Party; Italian Renewal; Greens; and Communist Refoundation

Leader: Romano Prodi

Tenure: May 1996–October 1998²¹⁰

*F. Netherlands*²¹¹

Government Party: Anti-Revolutionary; and Catholic People's Party

Leader: Jelle Zijlstra

Tenure: November 1966–February 1967

Government Party: Anti-Revolutionary; Catholic People's Party; Christian Historical Union; and Liberal

Leader: Barend Biesheuvel

²¹⁰ Federico Russo, *Government Formation in Italy: The Challenge of Bicameral Investiture*, in *PARLIAMENTS AND GOVERNMENT FORMATION: UNPACKING INVESTITURE RULES* 136, 144 (Bjørn Rasch, Shane Martin & José Cheibub eds., 2015); Francesco Marangoni & Michelangelo Vercesi, *The Government and Its Hard Decisions: How Conflict is Managed Within the Coalition*, in *THE CHALLENGE OF COALITION: THE ITALIAN CASE* 17, 20 (Nicoló Conti & Francesco Marangoni eds., 2014).

²¹¹ STRØM, *supra* note 4, at 262.

Tenure: August 1972–November 1972

Government Party: Christian Democratic Appeal; Democrats 66

Leader: Dries van Agt

Tenure: May 1982–September 1982

Government Party: People’s Party for Freedom and Democracy; and Christian Democratic Appeal Coalition

Leader: Mark Rutte

Tenure: October 2010–November 2012²¹²

*G. France (Fourth Republic)*²¹³

Government Party: Socialist

Leader: Léon Blum

Tenure: December 1946–January 1947

Government Party: Popular Republican Movement; Democratic and Socialist Union of the Resistance; and Radical Socialist

Leader: Georges Bidault

Tenure: February 1950–June 1950

Government Party: Radical Socialist; Popular Republican Movement; Democratic and Socialist Union of the Resistance; and Conservative

Leader: Henri Queuille

Tenure: July 1950

Government Party: Democratic and Socialist Union of the Resistance; Popular Republican Movement; Radical Socialist; Peasant; and Conservative

Leader: René Pleven

Tenure: August 1951–January 1952

Government Party: Radical Socialist; Popular Republican Movement; Democratic and Socialist Union of the Resistance; Conservative; and Peasant

Leader: Félix Faure

Tenure: January 1952–February 1952

Government Party: Conservatives; Democratic and Socialist Union of the Resistance; Radical Socialist; Peasant; and Popular Republican Movement

²¹² See Anne van der Shoot & Joost Akkermans, *The Dutch Have Voted . . . So How Do They Put Together a Government?*, BLOOMBERG POLITICS (Mar. 15, 2017, 8:30 PM), <https://www.bloomberg.com/news/articles/2017-03-16/the-dutch-have-voted-so-how-do-they-put-together-a-government>; Rudy B. Andeweg & Galen A. Irwin, *Update 3: The First Dutch Minority Government?*, PALGRAVE, <https://he.palgrave.com/companion/Andeweg-And-Irwin-Governance-And-Politics-Of-The-Netherlands-/updates/03-The-first-Dutch-minority-government/> (last visited Mar. 30, 2018).

²¹³ STRØM, *supra* note 4, at 253–54.

Leader: Antoine Pinay
Tenure: March 1952–December 1952

Government Party: Radical Socialist; Democratic and Socialist Union of the Resistance; Popular Republican Movement; Conservative; and Peasant
Leader: René Mayer
Tenure: January 1953–May 1953

Government Party: Socialist; Popular Republican Movement; Democratic and Socialist Union of the Resistance; and Radical Socialist
Leader: Christian Pineau
Tenure: February 1955

Government Party: Socialist; Radical Socialist; Democratic and Socialist Union of the Resistance
Leader: Guy Mollet
Tenure: February 1956–May 1957

Government Party: Radical Socialist; Socialist; Democratic and Socialist Union of the Resistance; and Left Republican
Leader: Maurice Bourges-Maunoury
Tenure: June 1957–September 1957

Government Party: Conservatives; Left Republican; Democratic and Socialist Union of the Resistance/African Democrats; and Neo-Radical
Leader: Antoine Pinay
Tenure: October 1957

*H. United Kingdom*²¹⁴

Government Party: Labour
Leader: Harold Wilson
Tenure: March 1974–October 1974

Government Party: Labour
Leader: James Callaghan
Tenure: November 1976–May 1979

Government Party: Conservative
Leader: John Major
Tenure: December 1996–May 1997²¹⁵

²¹⁴ *Id.* at 269.

²¹⁵ In 1996 and 1997 John Major's government became a minority government because of defections and losses at by-elections. Stone, *supra* note 9.

Government Party: Conservative; and Democratic Unionist
Leader: Theresa May
Tenure: June 2017–Present²¹⁶

1. Scotland

Government Party: Scottish National
Leader: Alex Salmond
Tenure: May 2007–May 2011²¹⁷

Government Party: Scottish National
Leader: Nicola Sturgeon
Tenure: May 2016–Present²¹⁸

2. Wales

Government Party: Welsh Labour
Leader: Alun Michael
Tenure: May 1999–October 2000²¹⁹

Government Party: Welsh Labour
Leader: Rhodri Morgan
Tenure: May 2007–July 2007²²⁰

1. Ireland²²¹

Government Party: Fine Gael; Labour; National Labour; Clann na Talmhan; and Clann na Poblachta
Leader: John A. Costello
Tenure: February 1948–June 1951

Government Party: Fianna Fáil
Leader: Éamon de Valera
Tenure: June 1951–May 1954

²¹⁶ See *Britain's May Forms Minority Government with Backing of Northern Irish Party*, NPR (June 26, 2017, 9:35 AM), <http://www.npr.org/sections/thetwo-way/2017/06/26/534387779/britains-may-forms-minority-government-with-backing-of-northern-irish-party>.

²¹⁷ See Christopher K. Connolly, *Independence in Europe: Secession, Sovereignty, and the European Union*, 24 DUKE J. COMP. & INT'L L. 51, 62 (2013).

²¹⁸ *SNP Celebrate Victory in Scotland*, BBC NEWS, <http://www.bbc.com/news/election/2016/scotland/results> (last visited Mar. 30, 2018).

²¹⁹ Rosanne Palmer, Stephen Thornton & Mark Crowley, *Government Formation in the National Assembly for Wales, in NO OVERALL CONTROL?: THE IMPACT OF A 'HUNG PARLIAMENT' ON BRITISH POLITICS* 63 (Alex Brazier & Susanna Kalitowski eds., 2008).

²²⁰ *Id.* at 81–82.

²²¹ STRØM, *supra* note 4, at 256.

Government Party: Fianna Fáil
Leader: Seán Lemass
Tenure: October 1961–April 1965

Government Party: Fine Gael; and Labour²²²
Leader: Garret FitzGerald
Tenure: June 1981–January 1982

Government Party: Fianna Fáil
Leader: Charles Haughey
Tenure: March 1982–November 1982

Government Party: Fine Gael, Labour
Leader: Garret Fitzgerald
Tenure: December 1986–January 1987

Government Party: Fianna Fáil
Leader: Charles Haughey
Tenure: February 1987–June 1989

Government Party: Fianna Fáil; and Progressive Democratic
Leader: Bertie Ahern
Tenure: June 1997–June 2002²²³

Government Party: Fine Gael
Leader: Enda Kenny
Tenure: April 2016–Present²²⁴

²²² Although the Fianna Fáil had a comparative majority in the Dáil, Fine Gael and the Labour Party, the second and third largest parties respectively, governed as a minority coalition. *1981 General Election*, IRISH ELECTIONS, <http://irelandelection.com/elections.php?detail=yes&tab=summary&elecId=10&electype=1> (last visited Apr. 6, 2018).

²²³ Lucinda Maer & Richard Kelly, *Hung Parliaments*, House of Commons Lib. Briefing Paper No. 04951, at 4 (Oct. 9, 2017), researchbriefings.files.parliament.uk/documents/SN04951/SN04951.pdf.

²²⁴ Henry McDonald, *Ireland Set for Minority Government after Two Main Parties Reach Deal*, *GUARDIAN* (Apr. 29, 2016, 2:43 PM), <https://www.theguardian.com/world/2016/apr/29/ireland-fianna-fail-fine-gail-minority-government-enda-kenny>.

II. EASTERN EUROPE

A. Hungary²²⁵

Government Party: Hungarian Socialist
Leader: Ferec Gyurcsány
Tenure: April 2008–April 2009

Government Party: Hungarian Socialist
Leader: Gordon Bajnai
Tenure: April 2009–May 2010

B. Poland²²⁶

Government Party: Center
Leader: Jan Olszewski
Tenure: December 1991–June 1992²²⁷

Government Party: Democratic Union
Leader: Hanna Suchocka
Tenure: July 1992–May 1993²²⁸

Government Party: Solidarity Electoral Action
Leader: Jerzy Buzek
Tenure: June 2000–October 2001

Government Party: Democratic Left Alliance; and Labor Union
Leader: Leszek Miller
Tenure: March 2003–May 2004

Government Party: Democratic Left Alliance; Labor Union
Leader: Marek Belka
Tenure: May 2004–October 2005

²²⁵ PARTY PATRONAGE AND PARTY GOVERNMENT IN EUROPEAN DEMOCRACIES 165 (Petr Kopecký, Peter Mair & Maria Spirova eds., 2012). In response to growing prejudice and to protect minority rights, in 1993 the Hungarian Parliament initiated a constitutional change that recognized minorities' group rights and created local minority government. Under this initiative, "individual minorities can organize local minority self-government . . . and also minority self-government at the national level." Between 1993 and 1997 alone there have been 810 local minority governments throughout Hungary. Kinga Göncz & Sandor Geskó, *Ethnic Minorities in Hungary: Democracy and Conflict Resolution*, 552 ANNALS AM. ACAD. POL. & SOC. SCI. 28, 33 (1997).

²²⁶ All data post-1992 available in Radoslaw Zubek, *Investiture Rules and Minority Governments in Poland*, in PARLIAMENTS AND GOVERNMENT FORMATION: UNPACKING INVESTITURE RULES 165, 165 (Bjørn Rasch, Shane Martin & José Cheibub eds., 2015).

²²⁷ Krzysztof Jasiewicz, *Dead Ends and New Beginnings*, in POLAND'S TRANSFORMATION: A WORK IN PROGRESS 89, 103 (Marek Jan Chodakiewicz, John Radziłowski & Dariusz Tołczyk eds., 2009).

²²⁸ *Id.* at 103–04.

Government Party: Law and Justice
Leader: Kazimierz Marcinkiewicz
Tenure: October 2005–May 2006

Government Party: Law and Justice
Leader: Jarosław Kaczyński
Tenure: August 2007–November 2007

*C. Romania*²²⁹

Government Party: Social Democratic
Leader: Adrian Năstase
Tenure: December 2000–June 2003

Government Party: Social Democratic
Leader: Adrian Năstase
Tenure: June 2003–March 2004

Government Party: Social Democratic
Leader: Adrian Năstase
Tenure: March–December 2004

Government Party: Alliance of Liberals and Democrats
Leader: Călin Popescu-Tăriceanu
Tenure: December 2004–April 2007

Government Party: Alliance of Liberals and Democrats
Leader: Călin Popescu-Tăriceanu
Tenure: April 2007–December 2008

Government Party: National Liberal
Leader: Emil Boc
Tenure: December 2009–September 2010

Government Party: National Liberal
Leader: Emil Boc
Tenure: September 2011–February 2012

Government Party: National Liberal
Leader: Mihai Răzvan Ungureanu
Tenure: February 2012–May 2012

Government Party: Social Liberal Union

²²⁹ Cristina Chiva, *Strong Investiture Rules and Minority Governments in Romania*, in *PARLIAMENTS AND GOVERNMENT FORMATION: UNPACKING INVESTITURE RULES* 197, 205 (Bjørn Rasch, Shane Martin & José Cheibub eds., 2015).

Leader: Victor Ponta
Tenure: May 2012–December 2012

*D. Czech Republic*²³⁰

Government Party: Civic Democratic; Civic Democratic Alliance; and Christian and Democratic Union Czechoslovak People's Party
Leader: Václav Klaus
Tenure: July 1996–January 1998

Government Party: Czech Social Democratic
Leader: Miloš Zeman
Tenure: August 1998–August 2002

III. NORDIC COUNTRIES

*A. Denmark*²³¹

Government Party: Liberal
Leader: Knud Kristensen
Tenure: November 1945–October 1947

Government Party: Social Democratic
Leader: Hans Hedtoft
Tenure: November 1947–August 1950

Government Party: Social Democratic
Leader: Hans Hedtoft
Tenure: September 1950–October 1950

Government Party: Liberal; and Conservative
Leader: Erik Eriksen
Tenure: October 1950–April 1953

Government Party: Liberal; and Conservative
Leader: Erik Eriksen
Tenure: April 1953–September 1953

Government Party: Social Democratic
Leader: Hans Hedtoft
Tenure: September 1953–January 1955

²³⁰ The minority governments that failed to obtain parliamentary confirmation are omitted from this section. Those governments were headed by Mirek Topolánek in October 2006 and Jiří Rusnok in August 2013. Robert Zbiral, *Changing Investiture Rules in the Czech Republic*, in *PARLIAMENTS AND GOVERNMENT FORMATION: UNPACKING INVESTITURE RULES* 182, 191 (Bjørn Rasch, Shane Martin & José Cheibub eds., 2015).

²³¹ STRØM, *supra* note 4, at 249–50; Seyd, *supra* note 66, at 18–19.

Government Party: Social Democratic
Leader: Hans Christian Hansen
Tenure: February 1955–May 1957

Government Party: Social Democratic; and Radical
Leader: Viggo Kampmann
Tenure: November 1960–September 1962

Government Party: Social Democratic; and Radical
Leader: Jens Otto Krag
Tenure: September 1962–September 1964

Government Party: Social Democratic
Leader: Jens Otto Krag
Tenure: September 1964–November 1966

Government Party: Social Democratic
Leader: Jens Otto Krag
Tenure: November 1966–January 1968

Government Party: Social Democratic
Leader: Jens Otto Krag
Tenure: October 1971–October 1972

Government Party: Social Democratic
Leader: Anker Jørgensen
Tenure: October 1972–December 1973

Government Party: Liberal
Leader: Poul Hartling
Tenure: December 1973–January 1975

Government Party: Social Democratic
Leader: Anker Jørgensen
Tenure: February 1975–February 1977

Government Party: Social Democratic
Leader: Anker Jørgensen
Tenure: February 1977–August 1978

Government Party: Social Democratic; and Liberal
Leader: Anker Jørgensen
Tenure: August 1978–September 1979

Government Party: Social Democratic

Leader: Anker Jørgensen
Tenure: October 1979–November 1981

Government Party: Social Democratic
Leader: Anker Jørgensen
Tenure: December 1981–September 1982

Government Party: Conservatives People’s Party; Liberal; Centre Democratic; and Christian People’s Party
Leader: Poul Schlüter
Tenure: September 1982–January 1984

Government Party: Conservatives People’s Party; Liberal; Centre Democratic; and Christian People’s Party
Leader: Poul Schlüter
Tenure: January 1984–September 1987

Government Party: Conservatives People’s Party; Liberal; Centre Democratic; and Christian People’s Party
Leader: Poul Schlüter
Tenure: September 1987–May 1988

Government Party: Conservative People’s Party; Liberal; and Danish Social Liberal
Leader: Poul Schlüter
Tenure: May 1988–December 1990

Government Party: Conservative People’s Party; Liberal
Leader: Poul Schlüter
Tenure: December 1990–January 1993

Government Party: Social Democratic; Centre Democratic; and Danish Social Liberal
Leader: Poul Nyrup Rasmussen
Tenure: September 1994–December 1996

Government Party: Social Democratic; and Danish Social Liberal
Leader: Poul Nyrup Rasmussen
Tenure: December 1996–March 1998

Government Party: Social Democratic; and Danish Social Liberal
Leader: Poul Nyrup Rasmussen
Tenure: March 1998–November 2001

Government Party: Liberal; and Conservative People’s Party
Leader: Anders Fogh Rasmussen; Lars Løkke Rasmussen

Tenure: November 2001–October 2011²³²

Government Party: Social Democratic; Danish Social Liberal; and Socialist People's Party

Leader: Helle Thorning-Schmidt

Tenure: October 2011–February 2014²³³

Government Party: Social Democratic; and Danish Social Liberal

Leader: Helle Thorning-Schmidt

Tenure: February 2014–June 2015²³⁴

Government Party: Liberal

Leader: Lars Løkke Rasmussen

Tenure: June 2015–November 2016²³⁵

Government Party: Liberal; the Liberal Alliance; and Conservative

Leader: Lars Løkke Rasmussen

Tenure: November 2016–Present²³⁶

*B. Sweden*²³⁷

Government Party: Social Democratic

Leader: Tage Erlander

Tenure: September 1948–September 1952

Government Party: Social Democratic; and Farmer's League

Leader: Tage Erlander

Tenure: September 1956–June 1958

Government Party: Social Democratic

Leader: Tage Erlander

Tenure: June 1958–September 1960

²³² Anders Fogh Rasmussen was reelected in 2005 and 2007. Gunnar Thesen, *Making and Shaking Government?* 2, 8 (2013) (unpublished manuscript) (on file with Aarhus Universitet Institut for Statskundskab), http://ps.au.dk/fileadmin/Statskundskab/Billeder/Forskning/Forskningsprojekter/POLIS/Documents/Making_and_shaking_government.pdf. Lars Løkke Rasmussen replaced Anders Fogh Rasmussen after the latter was elected NATO Secretary General in April 2009. See *Rasmussen*, NATO REV. MAG., <http://www.nato.int/docu/review/topics/en/Rasmussen.htm> (last visited Mar. 31, 2018).

²³³ Jeff Wallenfeldt, *Helle Thorning-Schmidt*, ENCYCLOPÆDIA BRITANNICA, <https://www.britannica.com/biography/Helle-Thorning-Schmidt> (last updated June 19, 2015).

²³⁴ *Id.*

²³⁵ *Denmark PM Strikes Deal to Form New Government*, DW.COM (Nov. 27, 2016), <http://www.dw.com/en/denmark-pm-strikes-deal-to-form-new-government/a-36543082>.

²³⁶ Annabella PultzNielsen, *Danish PM Names New Coalition Ministers, Reducing Risk of Snap Poll*, REUTERS (Nov. 28, 2016, 4:12 AM), <http://www.reuters.com/article/us-denmark-government/danish-pm-names-new-coalition-ministers-reducing-risk-of-snap-poll-idUSKBN13N0NW>.

²³⁷ STRØM, *supra* note 4, at 268; Davide Denti, *Swedish Minority Governments: From Origins Toward an End?* 4–5 (Mar. 2007) (unpublished paper) (on file with Södertörns Högskola University College), <http://www.denti.it/papers/Davide%20Denti%20-%20Swedish%20Minority%20Governments.pdf>.

Government Party: Social Democratic
Leader: Tage Erlander
Tenure: September 1960–September 1964

Government Party: Social Democratic
Leader: Tage Erlander
Tenure: September 1964–September 1968

Government Party: Social Democratic
Leader: Olof Palme
Tenure: September 1970–September 1973

Government Party: Social Democratic
Leader: Olof Palme
Tenure: September 1973–September 1976

Government Party: Centre
Leader: Thorbjörn Fälldin
Tenure: October 1978–October 1979

Government Party: Center; and People's Party
Leader: Thorbjörn Fälldin
Tenure: May 1981–September 1982

Government Party: Social Democratic
Leader: Olof Palme
Tenure: October 1982–September 1985

Government Party: Social Democratic
Leader: Olof Palme
Tenure: October 1985–February 1986

Government Party: Social Democratic
Leader: Ingvar Carlsson
Tenure: March 1986–September 1988

Government Party: Social Democratic
Leader: Ingvar Carlsson
Tenure: March 1988–September 1988

Government Party: Social Democratic
Leader: Ingvar Carlsson
Tenure: September 1988–October 1991

Government Party: Moderate; Liberal; Christian Democratic; and Center

Leader: Carl Bildt
Tenure: September 1991–October 1994

Government Party: Social Democratic
Leader: Ingvar Carlsson
Tenure: September 1994–March 1996

Government Party: Social Democratic
Leader: Göran Persson
Tenure: March 1996–September 1998

Government Party: Social Democratic
Leader: Göran Persson
Tenure: September 1998–September 2002

Government Party: Social Democratic
Leader: Göran Persson
Tenure: September 2002–October 2006

Government Party: Moderate; Liberal; Christian Democratic; and Center
Leader: Fredrik Reinfeldt
Tenure: October 2010–September 2014²³⁸

Government Party: Social Democratic; and Green
Leader: Stefan Löfven
Tenure: September 2014–Present²³⁹

C. Norway²⁴⁰

Government Party: Labor
Leader: Einar Gerhardsen
Tenure: September 1961–August 1963

Government Party: Conservative; Liberal; Christian People's Party; and Center
Leader: John Lyng
Tenure: August 1963–September 1963

Government Party: Labor
Leader: Einar Gerhardsen
Tenure: September 1963–October 1965

²³⁸ *Sweden—Politics*, GLOBALSECURITY.ORG (Mar. 1, 2018, 6:30 PM), <http://www.globalsecurity.org/military/world/europe/se-politics.htm>.

²³⁹ *The Swedish System of Government*, SWEDEN.SE, <https://sweden.se/society/the-swedish-system-of-government/> (last updated Jan. 18, 2018).

²⁴⁰ STRØM, *supra* note 4, at 264–65; HILMAR ROMMETVEDT, *THE RISE OF THE NORWEGIAN PARLIAMENT* 26–28 (2004).

Government Party: Labor
Leader: Trygve Bratteli
Tenure: March 1971–October 1972

Government Party: Christian Democratic; Centre; and Liberal
Leader: Lars Korvald
Tenure: October 1972–October 1973

Government Party: Labor
Leader: Trygve Bratteli
Tenure: October 1973–January 1976

Government Party: Labor
Leader: Odvar Nordli
Tenure: January 1976–September 1977

Government Party: Labor
Leader: Odvar Nordli
Tenure: September 1977–January 1981

Government Party: Labor
Leader: Gro Harlem Brundtland
Tenure: February 1981–October 1981

Government Party: Conservative
Leader: Kåre Willoch
Tenure: October 1981–June 1983

Government Party: Conservative
Leader: Kåre Willoch
Tenure: September 1985–May 1986

Government Party: Labor
Leader: Gro Harlem Brundtland
Tenure: May 1986–October 1989

Government Party: Conservative; Christian Democratic; and Centre
Leader: Jan Syse
Tenure: September 1989–November 1990

Government Party: Labor
Leader: Gro Harlem Brundtland
Tenure: November 1990–October 1996

Government Party: Labor

Leader: Thorbjørn Jagland
Tenure: October 1996–October 1997

Government Party: Christian Democratic; Conservative; Centre; and Liberal
Leader: Kjell Magne Bondevik
Tenure: October 1997–March 2000

Government Party: Labor
Leader: Jens Stoltenberg
Tenure: March 2000–October 2001²⁴¹

Government Party: Conservative; Christian Democratic; and Liberal
Leader: Kjell Magne Bondevik
Tenure: October 2001–September 2005²⁴²

Government Party: Conservative; and Progressive
Leader: Erna Solberg
Tenure: September 2013–Present²⁴³

*D. Finland*²⁴⁴

Government Party: Finnish People’s Democratic Union
Leader: Karl-August Fagerholm
Tenure: July 1948–March 1950

Government Party: Center; Swedish People’s Party; and Liberal
Leader: Urho Kekkonen
Tenure: March 1950–January 1951

Government Party: Center; and Swedish People’s Party
Leader: Urho Kekkonen
Tenure: July–November 1953

Government Party: Center; Swedish People’s Party; and Liberal
Leader: Vieno Johannes Sukselainen
Tenure: May–July 1957

Government Party: Center; and Liberal
Leader: Vieno Johannes Sukselainen
Tenure: July–September 1957

²⁴¹ *Jens Stoltenberg*, REGJERINGEN.NO, <https://www.regjeringen.no/en/the-government/previous-governments/ministries-and-offices/offices/prime-minister-since-1814/jens-stoltenberg/id549862/> (last updated June 25, 2014).

²⁴² *Norwegian PM Announces Resignation*, GUARDIAN (Sept. 13, 2005, 10:22 AM), <https://www.theguardian.com/world/2005/sep/13/1>.

²⁴³ *Norway Profile—Leaders*, BBC NEWS (Oct. 17, 2013), <http://www.bbc.com/news/world-europe-17745324>.

²⁴⁴ STRØM, *supra* note 4, at 251–52.

Government Party: Center; Liberal; and Finnish Social Democratic
Leader: Vieno Johannes Sukselainen
Tenure: September–October 1957

Government Party: Center/The Agrarian Union
Leader: Vieno Johannes Sukselainen
Tenure: January 1959–June 1961

Government Party: Center/The Agrarian Union
Leader: Martti Miettunen
Tenure: July 1961–March 1962

Government Party: Finnish People’s Democratic Union
Leader: Rafael Paasio
Tenure: February 1972–July 1972

Government Party: Center; Swedish People’s Party; and Liberal
Leader: Martti Miettunen
Tenure: September 1976–May 1977

Government Party: Finnish Social Democratic; Center; and Swedish People’s Party
Leader: Kalevi Sorsa
Tenure: December 1982–April 1983

*E. Iceland*²⁴⁵

Government Party: Independence
Leader: Ólafur Thors
Tenure: December 1949–March 1950

Government Party: Social Democratic
Leader: Emil Jonsson
Tenure: December 1958–November 1959

Government Party: Social Democratic
Leader: Emil Jonsson
Tenure: June–November 1959

Government Party: Social Democratic
Leader: Emil Grøndahl
Tenure: October 1979–December 1979

Government Party: Social Democratic Alliance; and Left-Green Movement

²⁴⁵ STRØM, *supra* note 4, at 255.

Leader: Jóhanna Sigurðardóttir
Tenure: February–April 2009²⁴⁶

IV. OTHER COUNTRIES

A. *Australia*

Government Party: Labor Party
Leader: Julia Gillard
Tenure: June 2010–June 2013²⁴⁷

B. *Canada*²⁴⁸

Government Party: Liberal
Leader: William Lyon Mackenzie King
Tenure: June 1945–November 1948

Government Party: Progressive Conservative
Leader: John Diefenbaker
Tenure: June 1957–April 1958

Government Party: Progressive Conservative
Leader: John Diefenbaker
Tenure: June 1962–April 1963

Government Party: Liberal
Leader: Lester Pearson
Tenure: April 1963–December 1965

Government Party: Liberal
Leader: Lester Pearson
Tenure: December 1965–April 1968

Government Party: Liberal
Leader: Pierre Trudeau
Tenure: April–July 1968

Government Party: Liberal
Leader: Pierre Trudeau
Tenure: November 1972–May 1974

²⁴⁶ Michael Ray, *Jóhanna Sigurðardóttir: Prime Minister of Iceland*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/biography/Johanna-Sigurdardottir> (last updated Nov. 23, 2015).

²⁴⁷ Michael Ray, *Julia Gillard: Prime Minister of Australia*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/biography/Julia-Gillard> (last updated July 18, 2017).

²⁴⁸ STRØM, *supra* note 4, at 248.

Government Party: Progressive Conservative
Leader: Joe Clark
Tenure: June 1979–March 1980

Government Party: Liberal
Leader: Paul Martin
Tenure: June 2004–January 2006²⁴⁹

Government Party: Conservative
Leader: Stephen Harper
Tenure: January 2006–September 2008²⁵⁰

Government Party: Conservative
Leader: Stephen Harper
Tenure: October 2008²⁵¹–May 2011²⁵²

C. *New Zealand*²⁵³

Government Party: National
Leader: Jim Bolger
Tenure: June 1995–October 1996

Government Party: National; and United New Zealand
Leader: Jim Bolger
Tenure: October 1996²⁵⁴

Government Party: National; and Independent
Leader: Jenny Shipley
Tenure: October 1998–December 1999

Government Party: Labour; and Alliance Progressive
Leader: Helen Clark
Tenure: December 1999–July 2002

²⁴⁹ Marc Gervais, *Minority Governments in Canada: A Study of Legislative Politics* 70 (2011) (unpublished Ph.D. dissertation, University of Ottawa) (on file with University of Ottawa Research), <https://ruor.uottawa.ca/handle/10393/30141>.

²⁵⁰ *Id.* at 388–89.

²⁵¹ *Id.* at 389.

²⁵² The Conservative Party, led by Harper, won a majority in the 2011 election. *Canada's Conservatives in Crushing Election Victory*, GUARDIAN (May 3, 2011, 1:14 PM), <https://www.theguardian.com/world/2011/may/03/canadian-election-conservatives-win-majority-stephen-harper>.

²⁵³ RAYMOND MILLER, *DEMOCRACY IN NEW ZEALAND* 110 (2015); Seyd, *supra* note 66, at 19; HAZELL ET. AL *MAKING MINORITY GOVERNMENT WORK: HUNG PARLIAMENTS AND THE CHALLENGES FOR WESTMINSTER AND WHITEHALL* 40, fig.4.2 (Robert Hazell & Akash Paun eds., 2009), <https://www.instituteforgovernment.org.uk/sites/default/files/publications/Making%20minority%20government%20work.pdf>.

²⁵⁴ Though this coalition collapsed mid-term, the National Party later joined with the New Zealand First Party and continued to govern with a majority. HAZELL ET. AL, *supra* note 245, at 38; Seyd, *supra* note 66, at 19.

Government Party: Labour; and Conservative
Leader: Helen Clark
Tenure: July 2002–September 2005

Government Party: Labour; and Conservative
Leader: Helen Clark
Tenure: September 2005–November 2008

Government Party: National
Leader: John Key
Tenure: November 2008–November 2011

Government Party: National
Leader: John Key
Tenure: November 2011–September 2014

Government Party: National
Leader: John Key; Bill English
Tenure: September 2014 – Present²⁵⁵

*D. India*²⁵⁶

Government Party: Secular; People's Party; and Supreme Akali
Leader: Chaudhary Charan Singh
Tenure: July 1979–August 1979

Government Party: Secular; All India Anna Dravidian Progress Federation; Party of Telugu Land; and Indian National Congress
Leader: Vishwanath Pratap Singh
Tenure: December 1989–November 1990

Government Party: Indian People's Party; Army of Shivaji; and Supreme Akali
Leader: Atal Behari Vajpayee
Tenure: May 1996

Government Party: People's Party; Trinamool Congress; Socialist, Dravidian Progress Federation; Party of Telugu Land, Communist; Assam Peoples Association; and Maharashtrawadi Gomantak
Leader: H.D. Deve Godwa
Tenure: June 1996–April 1997

²⁵⁵ Bill English became Prime Minister when John Key unexpectedly resigned in December 2016. *New Zealand PM: Bill English to Succeed John Key*, BBC NEWS (Dec. 12, 2016), <http://www.bbc.com/news/world-asia-38285117>.

²⁵⁶ Sridharan, *supra* note 136, at 320–25.

Government Party: People's Party; Trinamool Congress; Socialist; Dravidian Progress Federation; Party of Telugu Land; Communist; Assam Peoples Association; and Maharashtrawadi Gomantak
Leader: Inder Kumar Gujral
Tenure: April 1997–November 1997

Government Party: Arunachal Congress; Indian People's Party; Biju Janata Dal; Pattali Makkal Katchi; Army of Shivaji; and All India Anna Dravidian Progress Federation
Leader: Atal Behari Vajpayee
Tenure: March 1998–April 1999

Government Party: National Congress; Indian Union Muslim League; Pattali Makkal Katchi; Dravidar Organization; Jharkhand Liberation Front; Telangana Rashtra Samithi; and National People's Party
Leader: Manmohan Singh
Tenure: May 2004–March 2009

Government Party: Indian National Congress; Dravidian Progress Federation; Nationalist Congress; and Indian Union Muslim League
Leader: Manmohan Singh
Tenure: May 2009–May 2014

*E. Israel*²⁵⁷

Government Party: Likud; National Religious; and Peace for Zion
Leader: Manachem Begin
Tenure: June 1977–October 1977

Government Party: Likud; National Religious; and Movement for Israel's Tradition
Leader: Manachem Begin
Tenure: August 1981–September 1983

Government Party: Likud; National Religious; and Movement for Israel's Tradition
Leader: Manachem Begin
Tenure: October 1983–July 1984

Government Party: Labor; Vigour; and Shas²⁵⁸
Leader: Yitzhak Rabin, Shimon Peres²⁵⁹

²⁵⁷ STRØM, *supra* note 4, at 258–59.

²⁵⁸ The Shas withdrew from the coalition in September 1993 and were replaced by the Yiud party in January 1995. *Factional and Government Make-Up of the Thirteenth Knesset*, KNESSET, http://www.knesset.gov.il/history/eng/eng_hist13_s.htm (last visited Apr. 7, 2018).

²⁵⁹ Peres replaced Rabin as Israel's Prime Minister on November 4, 1995 after Prime Minister Rabin was assassinated. *See Shimon Peres*, ENCYCLOPÆDIA BRITANNICA, <https://www.britannica.com/biography/Shimon-Peres> (last visited Apr. 3, 2018).

Tenure: July 1992–November 1995

F. Japan

Government Party: Democratic

Leader: Tsutomu Hata

Tenure: April 1994–June 1994²⁶⁰

Government Party: Liberal Democratic

Leader: Ryutaro Hashimoto

Tenure: October 1996–July 1998²⁶¹

*G. Taiwan*²⁶²

Government Party: Democratic Progressive

Leader: Chen Shui-bian (President)

Tenure: 2000–2008

²⁶⁰ JAPAN BUSINESS LAW HANDBOOK 37 (2014).

²⁶¹ JOHN MCCORMICK, COMPARATIVE POLITICS IN TRANSITION 165 (2010).

²⁶² Taiwan had a divided minority government. Wu & Tsai, *supra* note 185, at 181.