

# The Coalitionising of Collective Responsibility

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The convention of collective responsibility is one of the cornerstones of Westminster government, and anticipates that members of the Cabinet will set aside personal publicly support the decisions made by the government. In principle, the existence of coalition government does not alter this practice; and the Ministerial Code continues to uphold collective responsibility 'save where it is explicitly set aside.' However, the *practice* of coalition government has witnessed this guiding principle of the British constitution become subject to stress, as an increasing number of ministers have broken free to speak out against government policies or to reveal the inner workings of Cabinet in a range of settings, notably in media interviews and at party conferences. This paper therefore explores the extent to which collective responsibility can be reconciled with the reality of coalition government, in particular the competing demands that result from attempts to foster a more consensual form of governing within a highly adversarial majoritarian polity, and the electoral incentives in which this results. In doing so, it considers the long-term feasibility of core constitutional conventions as electoral forecasts predict that coalitions are likely to become the norm, rather than exception, at Westminster.

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In May 2010, the United Kingdom (UK) woke up to its first hung parliament in nearly forty years, an event which challenged a fundamental assumption of the British constitution: that 'in all but exceptional circumstances, one party will have a Parliamentary majority and will conduct the nation's affairs' (Butler, 1978, p. 112), hung parliaments thus constituting 'a very unusual election outcome' (Lijphart, 2012, p. 12). It is exactly in this context that this article analyses the extent to which 2010

represented a 'critical juncture' (Collier and Collier, 1991) in the UK's constitutional history. Since 2010, there has been extensive analysis of the external dimensions of coalition politics that led to the creation of the Conservative-Liberal Democrat Coalition in May 2010 (e.g. Curtice, 2010; Kavanagh and Cowley, 2010), and it is not the intention of this paper to replicate this analysis. The focus of this paper is much sharper and distinct; and responds to the criticism of Müller et al that 'What happens between coalition formation and termination is still poorly understood' and that 'the territory remains largely uncharted' (Müller et al, 2008). This paper therefore focuses on the *internal* dimensions of coalition government, analysing the governing capacity of the Coalition and the extent to which coalition politics can be reconciled with the traditional governing norms associated with the Westminster model. Specifically, the paper focuses on the extent to which collective ministerial responsibility can be reconciled with the governing imperatives of coalition. The convention of collective responsibility is one of the cornerstones of Westminster government, and anticipates that members of the Cabinet will set aside personal opinions to publicly support the decisions made by the government. In principle, the existence of coalition government does not alter this convention; and the Ministerial Code continues to uphold collective responsibility 'save where it is explicitly set aside' (Cabinet Office, 2010b, para. 2.1). However, the *practice* of coalition government has witnessed this guiding convention of the British constitution become subject to stress, as an increasing number of ministers have spoke out against government policies or revealed the inner workings of Cabinet in a range of settings, notably in media interviews and at party conferences, without relinquishing the spoils of office. Indeed, a recent House of Lords enquiry has stated that 'collective ministerial responsibility has been the convention most affected by coalition government' (HL 130, 2014, p. 4). This paper therefore explores the extent to which collective responsibility can be reconciled with the realities of coalition government, in particular the competing demands that result from attempts to foster a more consensual form of governing within a highly adversarial majoritarian polity, and the electoral incentives in which this results. In doing so, it considers the long-term feasibility of core constitutional conventions as electoral forecasts predict that coalitions are likely to become the norm, rather than exception, at Westminster.

### **Collective responsibility as a cornerstone of Westminster government**

The traditional view of British government is reflected in the paradigm of the Westminster model, which provides for strong leadership and executive capacity within an overarching framework of accountability to the legislature. The model has dominated analysis of the British state since the mid-nineteenth century, providing an organising perspective with strong normative underpinnings. Central to the model is the enduring *principle* of parliamentary sovereignty, which in *practice* results in the concentration power in the hands of the executive, drawn directly from Parliament and thus shielded by its inbuilt parliamentary majority, reinforced further by tight party discipline, ministerial

ambitions and the power wielded by party whips over backbench MPs. Indeed, it is this 'nearly complete fusion of the executive and legislative powers' that Bagehot (1872) famously described as the 'efficient secret' of the British constitution. As such, the convention of collective responsibility is of paramount importance and bridges the competing demands of responsible and responsive government to which the Westminster model gives rise. The convention is underpinned by three mutually reinforcing principles: *unanimity*, *confidence* and *confidentiality* (Marshall, 1989, pp. 2-4). In essence, collective responsibility requires all members of the government to speak with a united voice (*unanimity*) before Parliament, the media and the electorate and to take responsibility for the policies, decisions and actions of their government. In doing so, the convention establishes clear a line of accountability from executive to legislature, enabling Parliament to hold the government as a whole to account (*confidence*). The convention therefore imbues all members of government with the delegatory authority to speak on behalf of the executive, and rests on the assumption that ministers will exercise discipline to maintain a unified voice. In turn constitutional theory demands that any minister wishing to create distance from, or express disapproval of, a government policy does so at the expense of their ministerial position: as departure from collective responsibility undermines the authority vested in government, resignation remains the necessary pre-requisite to individual dissent. The importance of collective responsibility is reflected in the decision-making processes at the heart of government (*confidentiality*). British government is cabinet government; and within Westminster, Cabinet constitutes the 'connecting link', the 'hyphen that joins', the 'buckle which fastens' the legislature and executive together (Bagehot, 1872). As such, the Cabinet (and in turn, its committees) is a key forum for collective decision-making, providing an arena for policy discussion and the frank exchange of views. Any decisions in which such discussions result are deemed binding on all ministers, and as such collective responsibility is further reinforced by the requirement of strict confidentiality, with all opinions expressed and advice offered remaining private. It is also important to note that all aspects of the convention applies to all ministers, even when a minister had no part in that decision or was not a member of the forum in which the decision was taken (e.g. Cabinet or a specific cabinet committee).

The convention of collective responsibility is therefore one of the key organising principles of British government, and its writ runs through the Ministerial Code. First made public in 1992, the Code mandated that 'ministers must uphold the principle of collective responsibility', and set out a series of specific regulations that reiterated the principles of unanimity, confidence and confidentiality detailed above:

The internal process through which a decision has been made, or the level of Committee by which it was taken, should not be disclosed. Decisions reached by the Cabinet or Ministerial Committees are binding on all members of the Government.

They are, however, normally announced and explained as the decision of the Minister concerned...

...Collective responsibility requires that Ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached. This in turn requires that the privacy of opinions expressed in Cabinet and Ministerial Committees should be maintained...

...Ministers cannot speak on public affairs for themselves alone. In all cases... [they] speak as Ministers; and the principle of collective responsibility applies. They should ensure that their statements are consistent with collective Government policy and should not anticipate decisions not yet made public. ...

...The principle of collective responsibility and the need to safeguard national security, relations with other countries and the confidential nature of discussions between Ministers and their civil servants impose certain obligations on former Ministers who are contemplating the publication of material based upon their recollection of the conduct of Government business in which they took part (Cabinet Office, 2005, pp. 19, 34).

The Ministerial Code constitutes a code of ethics intended to govern the behaviour of ministers, and the majority of its provisions – including collective responsibility – are not regulated by statute. Nonetheless, although it is without any statutory backing, the history of British politics is replete with examples of convention's affect the conduct of individual ministers; and high-profile incidences include the resignation of key Cabinet members such as Secretary of State for Defence, Michael Heseltine, over the Westland affair in 1986, and Leader of the House, Robin Cook, in 2003 regarding the decision to commit Britain to military action in Iraq. At the same time, it also is clear that the obligation of collective responsibility has not been universally experienced. Secretary of State for International Development, Clare Short, for example, chose to stay in Cabinet despite her vocal opposition to military intervention in Iraq and despite her public denouncement of then Prime Minister Tony Blair as 'deeply reckless' in March 2003.<sup>1</sup> Moreover, despite her extraordinary breach of collective responsibility, the Secretary of State was allowed to retain her ministerial portfolio, and remained in Cabinet for a further two months until her resignation in May 2003. This example also underlines the extent to which Prime Ministers have proven unwilling or unable to enforce a strict interpretation of collective responsibility, even when their personal credibility has been besmirched. Indeed, reflecting on the cohesiveness of Tony Blair's cabinets, the ongoing and very public battles between the Brown and Blair camps reveals the extent to which collective responsibility has so often been willfully disregarded in face of internal party politics and schisms.

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<sup>1</sup> [http://news.bbc.co.uk/1/hi/programmes/the\\_westminster\\_hour/2845125.stm](http://news.bbc.co.uk/1/hi/programmes/the_westminster_hour/2845125.stm), last accessed 7 April 2014.

It is patently clear from even this cursory overview that the respect accorded to the convention of collective responsibility has varied significantly, both its maintenance and disregard owing as much to politics as to propriety. Moreover, there have been repeated criticisms regarding the extent to which the formal procedures of collective decision-making have been bypassed, which reached a critical peak during Tony Blair's tenure as Prime Minister, reflecting his tendency to engage in a 'sofa government' of informal bilaterals with individual colleagues and the advice of his army of special advisors; rather than adhering to the formal mechanisms of Cabinet, its committees and the support of the civil service. Indeed, as Blair's first Cabinet Secretary, Robin Butler, revealed:

In the eight months I was Cabinet Secretary when Tony Blair was prime minister, the only decision the Cabinet took was about the Millennium Dome. And the only way they could get that decision was Tony Blair left the room to go to a memorial service and John Prescott was left chairing the meeting. There were in fact more people against than for it and the one thing John Prescott could get cabinet agreement to was that they should leave it to Tony. That was the one decision (Quoted in Hennessy, 2007, pp. 344-5).

This style of government, documented at length elsewhere (e.g. Rawnsley 2001, 2010; Blair, 2010; Mandelson, 2011; Powell, 2011), drew a range of criticisms for the way in which undermined the principles of collective decision-making, and many commentators bemoaned the loss of what Peter Hennessy described as 'the only sure sprinkler system we have for hosing down an overmighty – or potentially overmighty – Prime Minister' (Hennessy, 2007, p. 350). Writing for *The Guardian*, for example, Max Hastings described the 'sofa government of Blairism' as 'an unmitigated disaster'; and that '[f]ar from creating a climate of healthy informality, it has indulged chronic indiscipline. Much good practice has been abandoned that should not have been' (Hastings, 2006).

In particular, the mantle was picked up by the Conservative Party's Democracy Task Force, which published a scathing critique entitled *The End to Sofa Government*:

Cabinet government has been all but destroyed. Most ministers have become little more than the presentational vehicles for the policies of political appointees in Number Ten. Presentation has led policy... Ministers are reduced to being the agents of this centre, with the instruments of traditional cabinet government having atrophied in favour of the celebrated 'denocracy' or 'sofa government'. What is lost is the ability of the Cabinet and its structures to improve policy; the only effective counterweight to No. 10 has been found next door. This is a rival centre of power on the model of Hanoverian court politics, not a constitutional restraint (Conservative Democracy Task Force, 2007, pp. 1-3).

This was also a view shared by the leadership of the Conservative Party, and in an address to the Party's conference in October 2006 David Cameron declared that 'I will restore the proper process of government . . . I want to be Prime Minister of this country. Not a President' (Quoted in Hennessy, 2007, p. 345).

It is against this backdrop that the remainder of this paper considers the governing practices and procedures of coalition on the operation of collective responsibility. In establishing the ground rules that would underpin the operation of the Coalition, the *Coalition Programme for Stability and Reform* stated that:

There is no constitutional difference between a Coalition Government and a single party Government, but working practices need to adapt to reflect the fact that the UK has not had a Coalition in modern times.

The Coalition Parties will work together effectively to deliver our programme, on the basis of goodwill, mutual trust and agreed procedures which foster collective decision making and responsibility while respecting each party's identity (Cabinet Office, 2010a, p. 2).

However, the Programme did introduce a subtle constitutional distinction, stating that [t]he principle of collective responsibility, *save where it is explicitly set aside*, continues to apply to all Government Ministers' (Cabinet Office, 2010a, p. 2, emphasis added). This distinction was formalised in a revised Ministerial Code, published in May 2010, which stated that:

The principle of collective responsibility, save where it is explicitly set aside, applies to all Government Ministers... [It] requires that Ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached. This in turn requires that the privacy of opinions expressed in Cabinet and Ministerial Committees, including in correspondence, should be maintained (Cabinet Office, 2010b, paras. 1.2 and 2.1).

In theory, therefore, both the *Coalition Programme for Stability and Reform* and the revised Ministerial Code continue to place the principles of unanimity, confidence and confidentiality at the heart of collective responsibility, albeit with a subtle caveat. In practice, however, the extent to which collective responsibility has functioned remains less assured; and the House of Lords Constitution Committee has recently argued that 'collective ministerial responsibility has been the convention

most affected by coalition government', highlighting a range of transgressions and breaches that it directly attributes to the political realities of governing in coalition (HL 130, 2014). In order to analyse the extent to which the convention of collective responsibility has been affected by the practices of coalition government, the next section therefore delineates the specific measures and tools developed by, and at the disposal of, the Coalition to ensure collectivity at the heart of Westminster.

### **Governing collectively in coalition: resources and processes**

It is inevitable that any coalition will entail a degree of compromise, and at times may commit coalition partners to policies that were either absent from their manifestos, or even run counter to stated pre-election pledges. As such, coalition agreements constitute a critical ex-ante control mechanism; a 'contract' which 'allow coalition partners to create as much incentive compatibility as possible before assuming office, often by constraining the actions and policies that can be pursued after the government is formed' (Strøm et al, 2010, p. 521). If the *Coalition Agreement for Stability and Reform* sets out the procedures that underpin the operation of the Coalition Government, then the accompanying *Programme for Government* delineates the raft of policy commitments that the coalition partners have jointly pledged to deliver. Evidence suggests that prior to the general election of 2010, the Conservatives and Liberal Democrats had experienced a degree of convergence in relation to their policy preferences; and within the *Programme for Government*, around twenty percent of policy commitments can be attributed to both parties' manifestos. Yet, despite a degree of convergence, the coalition agreement in which the Conservative Party is clearly dominant; and whereas 22.7% of the pledges appeared solely in the Liberal Democrat manifesto, 43.3% appeared in the Conservative manifesto (Matthews, 2011). The fact that the majority of policy statements – a total of 63.0% including shared policy commitments - can be directly attributed to the Conservative's manifesto reflects David Cameron's assertion that 'it is reasonable to expect that the bulk of the policies in our manifesto should be implemented'.<sup>2</sup> Yet at the same time, it appears that 'both parties had reasons to be satisfied', as each 'achiev[ed] "victories" in policy areas of high importance to it'. The Conservatives were able to secure gains in terms of deficit reduction, immigration, defence and Europe; and the Liberal Democrats secured gains in terms of their four manifesto pledges of fairer taxes, a pupil premium, green economy and political reform (Quinn et al, 2012, p. 306).

Yet, despite a degree of convergence, two coalition partners are distinct entities with their own ideological identifies, support base and policy aims; and there remain several policy areas for which

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<sup>2</sup> [www.guardian.co.uk/global/2010/may/09/general-election-2010-hung-parliament](http://www.guardian.co.uk/global/2010/may/09/general-election-2010-hung-parliament), last accessed on 3 November 2010.

compromise is politically inimical or ideologically impossible. In relation to nuclear power, for example, the manifesto commitment of the Conservative Party to 'clearing the way for new nuclear power stations' (Conservative Party, 2010, p. 92) stood in stark contrast to the Liberal Democrat commitment to '[r]eject a new generation of nuclear power stations' (Liberal Democrats, 2010, p. 59). Acknowledging the existence of such zero-sum policy areas, the *Programme for Government* has also sought to promote stability by relaxing collective responsibility around five specific issues:

- **Electoral Reform:** 'We will whip both Parliamentary parties in both Houses to support a simple majority referendum on the Alternative Vote, without prejudice to the positions parties will take during such a referendum' (Cabinet Office, 2010c, p. 27).
- **University tuition fees:** 'If the response of the Government to Lord Browne's report is one that Liberal Democrats cannot accept, then arrangements will be made to enable Liberal Democrat MPs to abstain in any vote' (Cabinet Office, 2010c, p. 32)
- **Renewal of Trident:** 'We will maintain Britain's nuclear deterrent, and have agreed that the renewal of Trident should be scrutinised to ensure value for money. Liberal Democrats will continue to make the case for alternatives' (Cabinet Office, 2010c, p. 16)
- **Nuclear power:** 'We will implement a process allowing the Liberal Democrats to maintain their opposition to nuclear power while permitting the Government to bring forward the National Planning Statement for ratification by Parliament so that new nuclear construction becomes possible' (Cabinet Office, 2010c, p. 17).
- **Tax allowance for married couples:** 'We will also ensure that provision is made for Liberal Democrat MPs to abstain on budget resolutions to introduce transferable tax allowances for married couples without prejudice to the coalition agreement' (Cabinet Office, 2010c, p. 30).

In turn, the Ministerial Code was revised in 2010 to allow collective responsibility to be relaxed 'where it is explicitly set aside' (Cabinet Office, 2010c, p. 3).

In making such concessions, a series of 'safety valves' have been introduced into the coalition machinery, intended to reduce the pressure at certain junctures in order to protect the integrity Coalition's governing capacity; and whilst it has been suggested that such safety valves constitute the 'loosening' of collective responsibility (Paun, 2011, p. 450), such 'agreements to differ' can be viewed as entirely compatible with Westminster norms. This is not the first time that 'agreements to differ' have been adopted in Westminster. In 1932, for example, the Prime Minister, Ramsay MacDonald, sought to hold together the National Government by allowing three Liberal cabinet ministers of the National Government to speak out against the imposition of import tariffs; in 1975 the Prime Minister, Harold Wilson, allowed collective responsibility to be suspended on the single issue of EEC membership for the duration of the campaign leading up to the referendum; and, in 1977 the Prime



Minister, James Callaghan, set aside collective responsibility to allow a free vote on legislation to pave the way for direct elections to the European Assembly. The previous – and indeed, ad hoc – suspension of collective responsibility underlines the malleability of Britain’s constitutional conventions, and the way in which ‘collective responsibility is as much a maxim of political prudence as it is a convention of the constitution’ (Bogdanor, 2009, p. 136). When challenged by Margaret Thatcher on the floor of the House, for example, James Callaghan stated, ‘I certainly think that the doctrine should apply, except in cases where I announce that it does not’ (HC Deb vol. 933 c. 552, 16 June 1977); and as Vernon Bogdanor succinctly argues, ‘[t]he Cabinet can collectively agree to suspend collective responsibility’ (Bogdanor, 2011, p. 52). In contrast to the ad hoc *and* post hoc nature of previous agreements to differ, the series of provisos set out in the *Programme for Government* are both planned *and* prospective. At the same time, the *Coalition Agreement for Stability and Reform* allows for subsequent suspensions of collective responsibility:

If on any future occasion any other exceptions are required they must be specifically agreed by the Coalition Committee and Cabinet... In all circumstances, all members of both parties will be expected to support the Government on all matters of confidence (Cabinet Office, 2010a, p. 4).

The feasibility of subsequent suspensions of collective responsibility has been questioned, and several commentators have counseled against a frequent setting aside of collectivity. The Institute for Government, for example, suggested that ‘[t]he instincts of the media and opposition will be to seize upon splits and tensions’ (Institute for Government, 2010, p. 38); similarly, Bogdanor argued that ‘the sanction on any departure from the convention of collective responsibility is not constitutional but political. It lies in the danger of public ridicule’ (Bogdanor, 2011, p. 53).

Another way in which collectivity can be forged is through the effective dispersal of ministerial portfolios and positions. A raft of scholarship has been devoted to understanding the way in which ‘the pie is shared’, with much of the literature being dominated by an empirically-derived assumption of proportional regularity (e.g. Gamson, 1961; Budge and Keman, 1990). At Westminster too there is evidence of this trend (table 1), as the Liberal Democrats have been slightly over-represented within government, being awarded in 2010 a total of twenty-four ministerial positions and five seats in Cabinet. Indeed, the *Coalition Agreement for Stability and Reform* explicitly states that:

allocation will continue to be based on the principle that the Parliamentary Party with fewer MPs will have a share of Cabinet, Ministerial and Whip appointments agreed between the Prime Minister and the Deputy Prime Minister, approximately in proportion to the size of the two Parliamentary parties (Cabinet Office, 2010a, p. 2).

Clearly, proportionality does not automatically equate to significance, and the fact that all four ‘Great Offices of State’ remain held by Conservative MPs (David Cameron as Prime Minister; George Osborne as Chancellor of the Exchequer; William Hague as Foreign Secretary; and, Theresa May as Home Secretary) could be perceived as a sign of Liberal Democrat weakness. However, building on Warwick and Druckman’s theories of portfolio salience (2005), it has been argued that the five Cabinet positions allocated to the Liberal Democrats (Deputy Prime Minister; Chief Secretary to the Treasury; Secretary of State for Business, Innovation and Skills; Secretary of State for Climate Change; and, Secretary of State for Scotland) reflect some of the party’s key policy priorities such as political reform and the environment (Debus, 2011). Moreover, a broad dispersal of ministerial positions can reinforce collectivity by ensuring the representation of all coalition partners across the business of government. Indeed, evidence from the Coalition’s architects suggests that a conscious trade-off was made by the Liberal Democrats between breadth and depth. ‘[W]e had decided that it would be more sensible to make sure we had representation across the Government’, explained David Laws. ‘[I]t is risky to colonise bits of a government and to be very detached from other areas. If we had been detached from major departments such as the Treasury, there would have been much more risk of the coalition parties parting company, because we would not have felt fully involved’ (HL 130, 2014, Q. 52). In this respect, the distribution of positions has remained uneven.

**Table 1: The distribution of ministerial positions across the Coalition**

	May 2010		Sep 2012 Reshuffle		Oct 2013 Reshuffle	
	Con	Lib Dem	Con	Lib Dem	Con	Lib Dem
<b>Distribution of parliamentary seats (650 MPs in total)</b>	<b>306 (47.0%)</b>	<b>57 (8.8%)</b>	<b>305 (46.9%)</b>	<b>57 (8.8%)</b>	<b>303 (46.7%)</b>	<b>56 (8.6%)</b>
Distribution of parliamentary seats between Coalition parties	84.3%	15.7%	84.3%	15.7%	84.4%	15.6%
Total number of ministers	96	23	95	26	96	25
Distribution of ministerial positions between the two parties	80.7%	19.3%	78.5%	21.5%	79.5%	20.7%
Proportion of party MPs holding ministerial roles	31.4%	40.3%	31.0%	46.5%	31.7%	44.6%
Total number of cabinet ministers	18	5	17	5	18	5
Proportion of cabinet ministers as percentage of all ministers	15.1%	4.2%	14.0%	4.1%	14.8%	4.1%
Proportion of party MPs holding ministerial roles	5.9%	8.8%	5.6%	8.8%	5.9%	8.9%

Finally, ex-ante control can be also be exercised by granting coalition partners the powers to select and screen candidates for office, such as allowing each coalition party to propose its own ministerial candidates, or by granting all coalition partners veto powers. Reflecting on the feasibility of such screening, Strøm et al argue that such ex-ante control procedures are not ‘the norm in real-world coalition politics’; in particular ‘given that government office often is the main goal of party leaders and their lieutenants, it is not surprising that they do not want to jeopardize such ambitions by granting veto rights over cabinet appointments to their coalition partners’ (Strom et al, 2010, p. 521). Indeed, in the context of Westminster politics, the power of ministerial appointment is one of the Prime Minister’s key resources, who have traditionally been perceived as ‘monopoly suppliers’ of a good which is in ‘short supply and for which there is an enormous demand’ (King, 1991, p. 38). In this respect the scope of the screening powers within the *Coalition Agreement for Stability and Reform* are significant. Rather than having the powers to appoint without constraint, each coalition partner is permitted only to *nominate* potential ministers; and all *appointments* are subject to the approval of both the Prime Minister *and* Deputy Prime Minister. Moreover, the Deputy Prime Minister is afforded further veto powers over ministerial re-shuffles and any proposed replacement of Liberal Democrat ministers and whips; a power that is exceptional in comparative terms.

If the coalition agreement and distribution of ministerial positions constitute ex-ante tools of coalition control and the reinforcement of collectivity, then the creation of formal cabinet structures provide ex-post opportunities for governments to resolve disputes and maintain a united front. Indeed, as then Cabinet Secretary Sir Gus O’Donnell explained, ‘coalition government places a greater emphasis on the machinery to support collective decision-making, and ensures that no actions are taken that might – deliberately or inadvertently – erode the trust which is essential to the coalition’ (quoted in Institute for Government, 2012, p. 16). The main formal arena for resolving tensions is the Coalition Committee, a committee of the Cabinet chaired by the Prime Minister and the Deputy Prime Minister, and with *equal* (not proportional) representation from both parties; with terms of reference to ‘manage the business and priorities of the Government and the implementation and operation of the Coalition agreement.’ A smaller working group, the Coalition Operation and Strategic Planning Group, has also been established with a remit to ‘consider and resolve issues relating to the operation of the coalition agreement, the longer-term strategic planning of government business and to report as necessary to the Coalition Committee’, co-chaired by Oliver Letwin and Danny Alexander, who were joined by Francis Maude and Lord Wallace as the other members. Together, these two bodies are intended to provide a two-stage mechanism of conflict resolution. The Coalition Operation and Strategic Planning Group was envisaged as an intermediate arena where most coalition matters would be dealt with; and, the Coalition Committee was envisaged to be the final arbiter for any unresolved issues (for an overview, see Hazell, 2012). Yet, a question mark hangs over the utility of this formal infrastructure as a tool of collective government. Indeed, in evidence to a recent House of

Lords enquiry, Oliver Letwin confirmed that the Coalition Committee met no more than four times. He explained:

Mostly we have resolved things simply by discussion between representatives of the two parties—ultimately, of course, between the Prime Minister and the Deputy Prime Minister; quite frequently between them, George Osborne and Danny Alexander; sometimes between them, George Osborne, Danny Alexander, David Laws and me; and sometimes with other groups. But one way or another, formally or informally, we have arrived at accommodations (HL 130, 2014, Q. 136).

Such evidence may therefore suggest that – despite stated intentions to the contrary – the formal mechanisms of Cabinet Government have been bypassed in favour of the more informal setting of the ‘Quad’, and in this respect the Coalition government has left itself exposed to the accusations of the opacity previously leveled at Blair’s ‘sofa government.’

#### **Coalitionising collective responsibility in practice.**

As outlined above, the convention of collective responsibility assumes certain standards of ministerial conduct in order to uphold the principles of unity, confidence and confidentiality. In the most basic sense, the existence of coalition challenges these principles, and it almost goes without saying that the existence of a two-party minimal winning coalition runs counter to the expectations of behaviour associated with single-party majority cabinets. Yet, there is no automatic reason to assume that coalition governments are inherently weak because they are ‘dependent upon unreliable or ideologically incompatible bedfellows’ (Norton, 1997, p. 85). Indeed, as former minister Lord Heseltine reflected, ‘[t]he fascinating thing about party politics is that each party is a coalition and you can get differences in opinion within a party, which are starker and more extreme than between parties’ (HC 371-vii, 2012, Q. 207). As the above section clearly demonstrates, the Coalition has instigated a raft of machinery, tools, and processes across government to reinforce cohesiveness and collectivity. Yet the existence of such machinery is not an automatic pre-cursor to collective responsibility, which ultimately rests on the willingness of individual ministers to abide by the standards of conduct expected of them; and in turn the will of the Coalition’s political leaders to enforce the principle and hold dissenting individuals to account where necessary. The remainder of this section will therefore explore the effectiveness of collective responsibility in practice, focusing on the aforementioned principles of unanimity, confidence; and, confidentiality.

##### *i. Unanimity.*

The Coalition has so far weathered the challenges of governing in an era of austerity, and despite initial pessimism regarding the Coalition's chances of survival,<sup>3</sup> the Coalition has now reached its final year of its five-year fixed term; and its current 1,435 days in office to date<sup>4</sup> compares favourably against the European average of 868 days for minimal winning coalitions between 1945 and 1999 (Saalfeld, 2005, p. 332). Moreover, the way in which the Coalition has adopted a united front in its attempts to reduce the fiscal deficit runs counter to existing scholarship regarding the relationship between public spending programmes and democratic forms, which suggests that public spending increases as the number of parties in government also increases (e.g. Persson and Tabellini, 2003; Bawn and Rosenbluth, 2006). Whilst this argument has been challenged by Blais et al who argue that, in times of public deficit, coalition partners are likely to act as veto players, resulting in a 'status quo bias' (Blais et al, 2010: 829), existing scholarship cannot account for the emergence of a programme of deficit reduction that is sharper and more rapid than the majority of its EU and G7 counterparts.

As detailed above, ministerial portfolios and positions are allocated proportionately and with the full approval of the Deputy Prime Minister. It is apparent that these provisos have served to formally fetter the Prime Minister's powers of patronage; and comparative research reveals that the ex-ante tools of coalition control render ministerial reshuffles likely to occur in coalition governments than in single party governments (Kam and Indriðason, 2005, p. 336). Yet, although the Prime Minister has been constrained, the relative infrequency of reshuffles has been a vital factor in promoting government stability. To date, there have been three reshuffles, and in general there has been a relatively low turnover of ministers, particularly at Cabinet level. Certainly, there were several high-profile demotions following the September 2012 reshuffle. These included Andrew Lansley, who lost his job as Health Secretary following the turbulent readings of the Health and Social Care Bill; and Caroline Spelman, whose credibility Environment Secretary had been undermined by her poor handling of plans to sell off part of the national forest. Yet, since 2010 the Cabinet has been characterised by relative stability and duration of tenure, and many of those appointed in 2010 still hold their original portfolios, including: Vince Cable (Business, Innovation and Skills), Eric Pickles (Communities and Local Government), Education (Michael Gove), Iain Duncan Smith (Work and Pensions), George Osborne (Chancellor), Theresa May (Home Office) and William Hague (Foreign Office). It is also clear that the relative infrequency of reshuffles can be attributed to the Prime Minister's personal governing style. 'I'm not a great believer in endlessly moving people between different jobs', the Prime Minister explained in May 2011. 'We had 12 energy ministers in nine years. And the tourism minister changed more often than people got off planes at Heathrow. It was hopeless. I think you've got to try to appoint good people and keep them.' (quoted in Newton Dunn,

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<sup>3</sup> 90 percent of those polled in May 2010 thought that the Coalition would not last its full term; and 28 percent of those polled in 12 months, with 28 percent believing that the Coalition would collapse within a year.

<sup>4</sup> to 16 April 2014.

2011). The Prime Minister's approach to reshuffles has attracted widespread praise. Former Labour minister, Charles Clarke, stated that 'I admired David Cameron's decision to try not to make changes. I thought that was good' (before remarking that '[h]e just had problems with the quality of his Cabinet Ministers, which led to problems for him to deal with') (HC 371-vii, 2012, Q. 185); and the Political and Constitution Reform Committee 'commend[ed] the Prime Minister for the restraint he has shown in reshuffling Ministers and urge[d] his successors to follow his example in this regard (HC 255, 2013, para. 18).

Whilst the government has remained broadly cohesive, there has been a range of policy splits that have tested the unanimity of the Coalition government to its limits. As discussed above, the *Programme for Government* has included explicit 'safety valves', and has planned for the relaxing of collective responsibility on five policy areas. Several of the policy tensions that have tested the endurance of the Coalition relate directly to these issues, such as the controversial passage of amendments to the Higher Education Act 2004 to raise university tuition fees to a maximum of £9,000 a year; and in this respect, it can be argued that such 'agreements to differ' have served their pragmatic purpose of providing a release for pressures that could otherwise undermine the government's unity. Yet, the Coalition has also experienced numerous splits on issues that were not subject to such agreements to differ, including budget cuts, immigration, health reform, education reform and boundary reform. The recent split education reform, for example, which saw Nick Clegg publicly disown Secretary of State for Education Michael Gove's flagship free schools policy, has been seen to 'drive a wedge between the two governing parties' and plunge them into 'open warfare' (Helm, 2013); and Members of the House of Lords have warned the Prime Minister and Deputy Prime Minister to find a way to manage their public disagreements, which 'threaten to undermine almost three centuries of constitutional convention' (Pitel, 2014). There have also been palpable tensions between key cabinet members, such as the Conservative Chancellor of the Exchequer, George Osborne, and the Liberal Democrat Secretary of State for Business, Innovation and Skills, Vince Cable, on issues including bankers' bonuses and other reforms to the banking industry. Moreover, a series of 'blame games' and 'credit claiming' have emerged, whereby each party within the Coalition has sought ownership of success and distance from failure. Indeed, the Liberal Democrats have been scathingly attacked for their 'à la carte approach to government':

Collective responsibility is what's at stake here. The way government works is that you get the ministerial office, the car and the red box. And you get the blame as well. What the Liberal Democrats are trying to do is to decouple themselves — not from the Tories, which is understandable, but from their real record in office... . This is hypocrisy plain and simple. A big boy did do it — but he had a getaway driver. Without Liberal Democrat votes there would have been no tuition fees and no bedroom tax. This is Murder on the Orient Express: all

ministers, Tory and Liberal Democrat, had a hand on the deadly weapon. Forgive the electorate if they spot the blood-stained palms (McTernan, 2014).

Yet it is also worth noting that the Coalition has also experienced intra-party splits. During the negotiations leading up to the 2013 Spending Review, 'dozens of senior ministers, including half the Cabinet, as well as senior officials' were willing to break the confidentiality of collective decision-making and expose to *The Times* the extent of cabinet infighting. Such evidence revealed that '[t]ensions between the Conservatives and Liberal Democrats are more than matched by disagreements within both coalition parties about what should be cut', in particular highlighting the militancy of the so-called 'National Union of Ministers' — Theresa May, Vince Cable and Philip Hammond — in defending their turf (Sylvester and Thomas, 2013).

From the outset, both parties have frequently reaffirmed the transitory, pragmatic nature of their relationship; and as the 2015 general election looms on the horizon, each party has attempted to distinguish itself in terms of ideology and policy in increasingly robust terms. With regards to the Coalition's attempts to rebalance the economy, for example, the Conservatives have continually underlined their economic competency and willingness to take tough decisions, whereas the Liberal Democrats have stressed their social responsibility and moderating force within the Coalition. This has been termed the 'unity-distinctiveness dilemma', whereby coalition partners seek to 'manage inter-party dissent and, in particular, to maximise governmental effectiveness while at the same time protecting the identity and distinctiveness of the parties involved (and hence their electoral viability)' (Boston and Bullock, 2009, p. 44). This dilemma has been most keenly expressed in settings beyond Westminster. The Eastleigh by-election in 2013 witnessed fierce competition between the Conservatives and Liberal Democrats, with Iain Duncan Smith, the Work and Pensions Secretary advising the Tory candidate to continually remind voters that 'your last MP was a liar' (Watson et al, 2013). At the Liberal Democrats' 2013 spring conference, Nick Clegg robustly criticised his Conservative colleagues:

The Conservatives, on their own, will never deliver the fairer society — it's just not who they are... The Conservative party knows it needs to stay on the centre ground to have any chance of speaking to ordinary people's concerns. At least the leadership seem to. But they just can't manage it, no matter how hard they try. They're like a kind of broken shopping trolley. Every time you try and push them straight ahead they veer off to the right hand side (Nick Clegg, 10 March 2013).

Similarly, at the Liberal Democrats' autumn conference, Nick Clegg used his closing speech to list fifteen policy areas in which he had thwarted the Prime Minister, stating that 'sometimes compromise and agreement isn't possible and you just have to say "no"... It's an endless battle;

we've had to fight tooth and nail.'<sup>5</sup> Such incidences raise important questions regarding the scope of collective responsibility and the extent to which it binds ministers in terms of their constituency and party functions. The guidance in the Ministerial Code is unequivocal, stating that '[i]n all cases other than those described in paragraph 6.6 [i.e. constituency planning applications], the principle of collective responsibility applies. Ministers should ensure that their statements are consistent with collective Government policy. Ministers should take special care in referring to subjects which are the responsibility of other Ministers' (Cabinet Office, 2010b, para. 8.3). Yet, as a recent Leader in *The Times* underlined, '[t]his is the paradox of the era of coalition politics. It can easily sound dishonest if a party starts to attack its partner. It can also be foolish to attack the other main party too hard, since good relations might soon be required in a future coalition. Yet it offends the logic of the activist at a conference not to want some distinguishing features for their own party' (The Times, 2013).

## ii. Confidence

Collective responsibility demands that governments must maintain the confidence of the House. Several 'agreements to differ' have also been subject to fierce debate within the House. With regards to university tuition fees, for example, whilst 27 Liberal MPs supported the Government, 21 voted against and 8 abstained. As shown above, the *Programme for Government* provided for abstention only - it did not allow for Liberal Democrats to vote against the Government – and in this respect, the scale of the Liberal Democrat rebellion in stark. Nonetheless, the vast majority of the party's ministers supported the Government's line, with only one abstention from then Secretary of State for Energy and Climate Change, Chris Huhne. There have also been several high-profile splits in the House in relation to *jointly agreed* pledges in the coalition agreement. With regards to House of Lords reform, for example, the *Programme for Government* stated that 'We will establish a committee to bring forward proposals for a wholly or mainly elected upper chamber on the basis of proportional representation' (Cabinet Office, 2010c, p. 270). However, in July 2012 the House of Lords Reform Bill prompted the largest rebellion of this parliamentary session, which saw a staggering 91 Conservative MPs defy a three-line whip; and whilst the vote was passed with a majority of 338, the Bill foundered just weeks later due to a lack of Conservative support on both the front and backbenches. The failure of these reforms also led to the jettisoning of another key pledge in the *Programme for Government* to intention equalise constituencies and cut the number of MPs from 650 to 600 (which could have the consequence of yielding the Conservatives up to 20 additional seats). In retaliation to the collapse of Lords reform, the Liberal Democrats withdraw their support for this second – but unrelated – commitment; and in a scathing statement that pushed the boundaries of collective responsibility, the Deputy Prime Minister deplored the 'pick and choose' attitude of his Conservatives colleagues towards political reform and their failure to 'honour' the Coalition's 'contract'.<sup>4</sup> Resultantly, and in

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<sup>5</sup> <http://www.libdemvoice.org/nick-cleggs-speech-to-lib-dem-conference-2013-36294.html>, last accessed 10 April 2014.



direct contravention of the *Coalition Agreement for Stability and Reform*, the Deputy Prime Minister led all 57 Liberal Democrat MPs through the 'no' lobby in January 2013 to delay the implementation of the boundary review until 2018 at the earliest. Reflecting on such incidences, concerns have been expressed regarding the detrimental effect on collective responsibility and, in turn, confidence in government. 'Not abiding by it not only damages the functioning of government, it considerably reduces confidence in government', argued Lord Falconer. 'My worry about what is happening now is that the Government plainly regard collective responsibility as an inconvenience from time to time that can be got round for political reasons' (HL 130, 2014, Qs. 126-7). Similarly, the House of Lords Constitution Committee reiterated the value of collective responsibility, which has 'served our constitution well. It promotes collective decision-making and ensures Parliament is able to hold the Government effectively to account for its actions, policies and decisions. It should continue to apply when there is a coalition government' (HL 130, 2014, para. 77).

At the same time, the extent to which the Coalition has been able to rely its parliamentary majority has become less certain. Backbench MPs from both parties have been increasingly vocal in their opposition to government policies, and research has revealed that, with a rate of rebellion of 45 percent, the current Parliament is set to be the most rebellious of the postwar era (Cowley and Stuart, 2012, p. 404). It is important to note that rebellions are rarely in concert, and that biggest source of dissent within Parliament comes from the right of the Conservative Party, as battles are once again being fought along the established fault line of the EU. In October 2011, for example, 81 Conservative rebels called for an immediate referendum on Britain's EU membership – the largest ever rebellion on Europe; and in October 2012, 53 MPs backed a rebel motion calling for a real-term reduction to the EU budget. In both instances, the Government ultimately prevailed; and it is essential to locate these rebellions in the context of the broader history of Conservative Party politics, as they owe more to intra-party – rather than inter-party – tensions. Nonetheless, as Cowley and Stuart point out, the dynamics of coalition have undermined the capacity of the Prime Minister to control the policy agenda, 'which creates the potential for backbenchers to force issues awkward for government onto the agenda' (Cowley and Stuart, 2012, p. 404). Certainly, rebels constitute a minority of each party, and 'preparedness of the Conservative–Liberal Democrat Commons majority to prioritise supplying and supporting the government over checking and balancing it' has meant that executive-legislative relationships are largely unchanged (Bennister and Heffernan, 2011, p. 779). Yet there is also evidence of significant frustration on the backbenches, especially amongst Conservative MPs, for whom entering into a coalition has stymied their personal ministerial ambitions. Reflecting on these 'reluctant coalitionists', Evans has identified around 30 backbenchers who could have reasonably expected to take their first steps on the ministerial ladder in a purely Conservative government', and suggests that this is a factor that 'may, at least in part, help to explain the particularly marked rebellious streak among new intake Conservative MPs. It was certainly more difficult for the

Whips to maintain the loyalty of backbenchers when there were fewer jobs to go around' (Evans, 2012, p. 485).

Yet, whilst the existence of tensions *within* the Coalition and *between* the executive and legislature are undeniable, their potential to undermine the confidence enjoyed by the government has been effectively neutered by a new piece of constitutional architecture: the Fixed Term Parliaments Act 2011. Not only does the Act fix the life of Parliament by setting the date for the next election, but it limits the opportunities for Parliament to force an early general election: either a two-thirds majority of the House must support an early election; or, if the House passes a motion of no confidence in the government (by a simple majority) and then fails within fourteen days to pass a motion of confidence in the new government. The Act has been described as 'the most significant constitutional change under the current Government has been the Fixed-term Parliaments Act 2011', and has attracted praise from those at the heart of government for introducing a degree of stability into the proceedings of the Coalition. David Laws, for example, stated that it gave 'both sides assurance that this was an enterprise that was going to last the period of time and one side would not suddenly pull the rug out from under the other after a short period', and former Secretary of State for Wales, Cheryl Gillan, described it as 'the scaffolding for coalition-building' (HL 130, 2014, para. 13). When viewed in terms of enabling the House to more effectively express its confidence in government, the Act has been criticised for doing little to alter the status quo, as threshold for an extraordinary majority is set so high that it only be passed if MPs from all three main parties united (Bogdanor, 2011, p. 119). However, when viewed in terms of governing stability, the Act significantly reduces the capacity of a Prime Minister to call an early election at a point that suits their party (and, in turn, which may be of the detriment to their coalition partners); and in doing so may encourage fractious coalitions to work at their relationship rather than simply divorcing early.

### *iii. Confidentiality*

In its initial 'honeymoon' period, the Coalition was characterised by an unexpected degree of civility, with many commentators highlighting the convivial relationship enjoyed by the two party leaders in particular; and it was perhaps this cordiality that contributed to an unwillingness to reveal the inner workings of the government. Indeed, in 2012, Bennister and Heffernan noted that 'the task of exploring how Cameron's government 'works' is complicated by the fact that it rarely leaks or briefs about 'process'... Reporters presently ask questions, but insiders, ministers and special advisers alike, largely refuse to provide answers' (Bennister and Heffernan, 2012, p. 780). Yet, despite the cordial relationships between the two leaders, specific ministers have been far from taciturn. One notable example is Business Secretary, Vince Cable, who has consistently undermined the confidentiality of

collective decision-making, as reflected in the remarks captured by undercover *Telegraph* reporters, where he spoke of the ‘constant battle’ at the heart of government:

Can I be very frank with you ... I have a nuclear option. It’s like fighting a war. They know I have nuclear weapons, but I don’t have any conventional weapons. If they push me too far then I can walk out of the Government and bring the Government down and they know that (Watt and Roberts, 2010).

Indeed, it has become clear that ministers from both parties are increasingly willing to speak about divisions and spats within the Coalition. As illustrated above, a significant number of ministers were willing to speak to journalists from *The Times* to air their frustrations with the spending review process; which led to the conclusion that ‘Mr Cameron’s most difficult task in the second half of this Parliament may be upholding discipline in Cabinet’ (Pitel, 2013). The extent to which such leaks are damaging to the credibility of the Coalition is unclear. Speaking to *The Times*, one Liberal Democrat source suggested that a degree of transparency about disagreements was healthy in terms of political engagement ‘[w]e’ve realised that people want to see how the sausages are made. We sometimes joke that we should invite a camera into the Quad to show people the discussions in action’ (quoted in Sylvester, 2012). Whether or not the electorate beyond the Westminster village care about the minutiae of the Coalition’s collective decision-making machinery remains at best a moot point. What is apparent is that the confidentiality associated with collective responsibility has been set aside by ministers who – for various reasons – remain keen to distance themselves from their coalition partners. Again, this underlines the challenge posed for the two parties in terms of the ‘unity-distinctiveness’ dilemma. Thus, whilst such leaks, and more broadly the various splits and schisms detailed throughout this paper, may constitute a rational response to the demands of electoral politics, the effect of attempts to manage this trade-off contrast sharply with the norms of collective responsibility associated with Westminster government.

## **Conclusions**

This paper has sought to develop a range of theoretical and empirical insights regarding the emergence of coalition politics and its implications for the core constitutional convention of collective responsibility. The picture that has been painted throughout this paper is one that remains unclear. In procedural terms, it is possible to see that the demands of coalition have meant the restoration of Cabinet government and an end to the more informal style of ‘government by sofa’ that emerged under New Labour during 1997–2010. This has been underpinned by a series of ex-ante and ex-post measures, including a coalition agreement comprised of procedural and policy documents; the dispersal and screening of ministerial portfolios and positions; and the creation of cabinet-level

dispute resolution mechanisms. Moreover, this has occurred within a broader programme of constitutional reform, a key element of which being the *Fixed Term Parliaments Act 2011*, which limits the prerogative powers of the Prime Minister to dissolve Parliament at a moment deemed politically advantageous. Yet in political terms, it is clear that collective responsibility has been subject to serious stresses through a series of policy splits in the House and increasing willingness of government ministers to use non-Westminster platforms to create ideological and policy distance as a means of responding to the 'unity-distinctiveness' dilemma. However, as the paper acknowledged at the outset, collective responsibility has long displayed elastic qualities, the respect accorded to the owing as much to politics as to propriety. This therefore raises a critical question regarding the extent to which the existence of coalition does represent a 'critical juncture' in the application of collective responsibility, and the aim of this concluding section is to locate the content of this article, specifically its focus on the UK, within the contours of a range of much wider debates and themes: 'difference', causation, theory and method; the conceptualisation of political parties; and the need to learn from comparative experience.

The first issue relates to how scholars can assess the existence of 'difference' in relation to the influence of coalition government. The issue of causation is a basic challenge of any social scientific research, and isolating what elements or facets of the reform agenda can be linked to the existence of a coalition government remains an epistemological dilemma and a methodological challenge. At the very least, it demands that analysis does not occur in an ahistorical vacuum that disregards the legacy of past and role of the overarching institutional norms of Westminster. This flows into a second related issue concerning the conceptualisation of political parties. British political history has created a form of governing myth that generally assumes that political parties are homogenous entities; and coalition governments are inherently weak because they are 'dependent upon unreliable or ideologically incompatible bedfellows' (Norton, 1997). As suggested within this paper, a more accurate and nuanced approach to political parties would be to view them as flexible umbrella organisations that span a range of factions and groupings in a broadly coherent manner. This also has implications for our understanding of party competition. Areas of policy overlap or convergence between political parties have never been emphasised in British politics, as the primary role of opposition parties was to criticise and attack the government rather than highlight common ground. 'Effective government' was a synonym for 'strong party government' and actors prided themselves on 'the Prime Minister's ability to push through his or her policy agenda without resorting to those strange continental habits of negotiating and compromising with other parties' (Institute for Government, 2010, p. 10). Although it is too early to tell whether the current period of coalition governance is a temporary blip or the beginning of a new era of British governance it is likely that the use of 'strange continental habits' like negotiation and compromise – habits that have in reality always existed behind the scenes of Westminster politics – will in future be discussed in less

pejorative terms. Indeed, the Justice Committee has called for the term 'no overall majority' to replace 'hung parliament' in formal guidance and official discourse in order to avoid the negative connotations associated with it (HC 396, 2010).

Contemporary British politics therefore provides a rich case study with the potential to yield fertile empirical and theoretical insights into coalition governance. Despite recent developments at the sub-national level, coalition politics remains uncharted terrain for scholars of British politics. It also remains, to some extent, terrain where an unfortunate sense of British supremacy casts a negative normative shadow over debates (Mitchell, 2008, p. 74). As a result scholars of Westminster politics may lack the tools of political analysis in terms of theories and methods to help develop our understanding of coalition dynamics. It is therefore crucial that, in taking this agenda forwards, scholars look to comparative political studies to acquire the tools necessary to conduct such analysis and gauge the likely implications of coalition governance within a majoritarian polity.

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