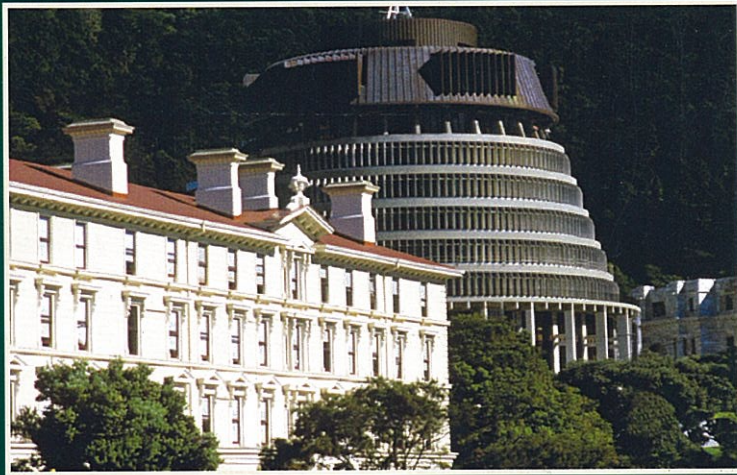


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SPECIAL CONFERENCE ISSUE: MMP AND THE CONSTITUTION

THIS ISSUE INCLUDES CONTRIBUTIONS BY:

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UNIVERSITY OF WELLINGTON

*Te Whare Wānanga
o te Ūpoko o te Ika a Māui*



FACULTY OF LAW
Te Kauhanganui Tātai Ture

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MMP, MINORITY GOVERNMENTS AND PARLIAMENTARY OPPOSITION

*André Kaiser**

Why has New Zealand under mixed member proportional representation been governed mainly by minority coalition governments? What are the implications for parliamentary opposition? Based on concepts drawn from comparative politics which enable generalisation from the New Zealand case, this article argues that there are three factors which help explain this puzzle. First, the relationship between types of electoral system and government formats is less systematic than commonly believed. Secondly, a spatial analysis of party competition in New Zealand with regard to socio-economic and non-economic issues illustrates that the Labour Party and some of the smaller parties have had good reasons to opt for minority government in recent times. Thirdly, the change from a Westminster-style parliamentary opposition to a Scandinavian-type issue-by-issue opposition has given small non-governmental parties exceptional legislative influence, while the large opposition party has had no choice but to wait for the next election.

I INTRODUCTION

New Zealand has a reputation for being a location of breathtaking institutional innovations. Examples include awarding voting rights to women in the late 19th century, establishing an extended welfare state in the 1930s, radically restructuring the executive under the banner of new public management in the 1980s and 1990s and changing from the traditional Westminster-type first past the post electoral system to a mixed member proportional (MMP) system based on the German model. The latest illustration of the willingness of New Zealanders to experiment in the political realm is the formation of minority coalition Cabinets in different and highly unusual versions since 1999. Because in these cases some parties are "in governance but not in government"¹, a clear distinction between minority and majority government is necessary. I define parties as being part of

* Professor of Political Science, University of Cologne. I thank Jonathan Boston for helpful comments on an earlier version, even if I sometimes opted against his advice.

1 Tim Bale and Torbjörn Bergman "A Taste of Honey is Worse than None at All? Coping with the Generic Challenges of Support Party Status in Sweden and New Zealand" (2006) 12 Party Politics 189.

the government when they are represented in its decision-making body, the Cabinet.² Thus, even when parties are represented by ministers outside of Cabinet, based on a contract that commits them to support the government on essential parliamentary votes but allows them to vote otherwise on normal policy issues, I define these parties as legislative support parties.³ This kind of situation has been seen in New Zealand since 2005. Hence, even if the dividing line between executive office and opposition status becomes increasingly blurred, parties can be identified as having government or legislative support status.⁴

From a German perspective this government format has come as a surprise⁵ for at least three reasons. First, Germany – the home of MMP – has a long tradition of minimal winning coalitions, that is, governments that consist of as many parties as are necessary to control a majority of seats in Parliament. Secondly, electoral system scholars argue that 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.⁶ Hence, it is rational for parties to form pre-election coalitions and, when successful in general elections, to govern together.⁷ Thirdly and most importantly, at the time of electoral system change it seemed plausible to assume that New Zealanders had a preference for a more proportional representation of party support in Parliament, but at the same time had an inclination for stable majority governments. However, after only a few years a remarkable number (amounting to 40 per cent) of voters actually preferred minority to majority governments, with the supporters of the two large parties naturally

2 Following from the New Zealand experiments, the venerable concepts of "Cabinet government" and "collective responsibility" may gain new relevance in government formation research.

3 Of course, we not only find ministers from legislative support parties outside the Cabinet but also from governing parties. Therefore "Cabinet" and "ministry" have to be distinguished from one another in the case of New Zealand. According to my definition there are two sub-types of legislative support parties: those not represented in government but which promise to support the government in essential votes and those which, in addition, are represented in the ministry.

4 This formal distinction is not to deny that in terms of policy influence non-Cabinet ministers and their parties may become very influential, especially if, as has been the case in New Zealand, these ministers attend committee meetings where policy directions are effectively determined.

5 Minority governments had early been predicted as a likely pattern after the change to MMP: Jonathan Boston *Governing Under Proportional Representation: Lessons From Europe* (Institute of Policy Studies, Wellington, 1998).

6 Franz Urban Pappi, Alexander Herzog and Ralf Schmitt "Koalitionssignale und die Kombination von Erst- und Zweitstimme bei den Bundestagswahlen 1953 bis 2005" (2006) 37 *Zeitschrift für Parlamentsfragen* 493.

7 Sona N Golder "Pre-Electoral Coalitions in Comparative Perspective: A Test of Existing Hypotheses" (2005) 24 *Electoral Studies* 643; and Sona Nadenichek Golder "Pre-Electoral Coalition Formation in Parliamentary Democracies" (2006) 36 *British Journal of Political Science* 193.

being less enthusiastic about this option than those of the smaller parties.⁸ On the other hand, New Zealand differs from Germany in one very important aspect. Whereas in Germany a new government has to survive an investiture vote⁹ and therefore must obtain a positive majority in Parliament, New Zealand belongs to a class of countries that feature "negative parliamentarism".¹⁰ Here a government is in power as long as there is no majority in Parliament that actively opposes it.

Nevertheless, given that New Zealand under MMP has been overwhelmingly governed neither by majority coalition nor by single-party minority governments but by minority coalitions supported by different types of legislative support parties, we are confronted with a puzzle. My explanation is based on concepts from comparative politics. I purposely refer to possible causal mechanisms in order to generalise from the New Zealand case, while accepting that such an approach cannot fully give credit to all the detailed factors that may have played a role here. I argue that there are three factors which help explain the recent New Zealand experience. First, in empirical terms there is no strong systematic relationship between electoral systems and government status in democracies. In particular, minority government formats occur under all types of electoral system. Secondly, on the basis of a spatial analysis of party competition in New Zealand with regard to socio-economic and non-economic issues, a structure of party competition has emerged since the mid-1990s which puts Labour in an advantageous strategic position – at least for some time. As long as its major competitor, the National Party, was not able to muster enough electoral support for a near majority in Parliament, Labour had a number of options to form agreements with smaller parties. Those parties usually had good reasons to seek legislative influence by supporting Labour in government without actually joining it. However, by moving to the centre ground, National in 2008 successfully responded to its strategic handicap. Thirdly, the change from a parliamentary opposition in the tradition of a Westminster-type government-in-waiting to a Scandinavian type issue-by-issue opposition has given small non-government parties exceptional legislative influence while the large opposition party has had no choice but to wait for the next general election.

As the general election result in November 2008 shows, there is nothing mechanistic in these patterns. Depending on vote and seat distributions, majority coalition governments or even single-party majority governments cannot be ruled out. However, combining MMP and issue-by-issue opposition may be an institutional innovation that teaches a lesson to the home of MMP as well. If

8 Raymond Miller and Jeffrey Karp "A Vote for Coalition Government?" in Jack Vowles and others (eds) *Voters' Veto: The 2002 Election in New Zealand and the Consolidation of Minority Government* (Auckland University Press, Auckland, 2004) 141.

9 To be more precise, the constitutional rule is that a new federal chancellor needs the support of a majority of members of the Bundestag, Germany's first chamber. If this is not the case, the federal president may, but need not necessarily, appoint the candidate with the most votes. If the federal president decides against this, the Bundestag is dissolved and a new federal election takes place.

10 Torbjørn Bergman "Constitutional Design and Government Formation: The Expected Consequences of Negative Parliamentarism" (1993) 14 *Scandinavian Political Studies* 285.

fractionalisation of the party system continues to increase as it has done in the last few years, Germany might be willing to examine the New Zealand experience in order to adapt to a new government format.

II ELECTORAL SYSTEMS AND GOVERNMENT STATUS

Duverger's laws claim that different electoral systems systematically lead to different types of party system.¹¹ Although these claims are highly debatable in theoretical terms and found to be wanting empirically,¹² mainstream political scientists overwhelmingly argue that the electoral system and the type of government formed are logically connected, as in Lijphart's democracy types.¹³ The usual assumption is that pluralitarian electoral formulas lead to single-party majority government; majoritarian and proportional representation (PR) formulas in a moderately fractionalised party system lead to stable majority coalition government; and PR formulas in a heavily fractionalised party system lead either to unstable majority coalition or minority government.

On the basis of descriptive statistics for 35 member states of the Organisation for Economic Cooperation and Development (OECD) and the European Union (EU) from 1990 to 2006, these assumptions need qualifying (see table 1).

In table 1 I distinguish between five different types of electoral system: majoritarian and pluralitarian formulas, list proportional representation (list PR), MMP, single transferable vote (STV) and semi-proportional formulas such as in Japan. The cell entries are the percentages of country-years a specific type of government is formed under one of these types of electoral systems. So for instance, between 1990 and 2006 majoritarian or pluralitarian formulas were used in 89 country-years. This led in 65 per cent of cases to a single-party majority government; in 28 per cent to a coalition majority government; and in 7 per cent of cases to a single-party minority government. There were no cases where this type of electoral system led to a minority coalition government.

11 Maurice Duverger *Les Partis Politiques* (Le Seuil, Paris, 1951); William H Riker "The Two-Party System and Duverger's Law: An Essay on the History of Political Science" (1982) 76 *American Political Science Review* 753.

12 Josep M Colomer "It's Parties That Choose Electoral Systems (or, Duverger's Laws Upside Down)" (2005) 53 *Political Studies* 1; Rein Taagepera "The Number of Parties as a Function of Heterogeneity and Electoral System" (1999) 32 *Comparative Political Studies* 531.

13 Arend Lijphart *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (Yale University Press, New Haven, 1999).

Table 1 Electoral systems and government formats in 35 OECD and EU member states (country-years measured as units of observation in percentages and as numbers)

	Majoritarian/ pluralitarian	List PR	MMP	STV	<i>Semi- proportional</i>
Single-party majority	65% (58)	12% (43)	3% (2)	50% (17)	28% (9)
Coalition majority (minimal winning and surplus coalitions)	28% (25)	59% (213)	73% (44)	26% (9)	72% (23)
Single-party minority	7% (6)	15% (54)	2% (1)	-	-
Coalition minority	-	13% (47)	20% (12)	24% (8)	-
Caretaker and non-party governments	-	1% (4)	2% (1)	-	-
<i>N</i>	89	361	60	34	32

Source: Klaus Armingeon and others *Comparative Political Data Set III 1990-2006* (Institute of Political Science, University of Berne, 2008). I thank Klaus Armingeon and Marlène Gerber for providing me with an advance version of the CPDS III data set 2008. Own calculations.

Do we find systematic patterns? Following from the uneven frequencies with which specific combinations occur one can argue that the Duverger argument is not completely misleading (Cramer's V is 0.279).¹⁴ Pluralitarian formulas overwhelmingly lead to single-party majority governments. Majoritarian formulas such as in France are mainly responsible for the creation of coalition majority formats. List PR and MMP go together with coalition governments. However, in a – not too small – number of cases other government formats occur despite the structuring effects of specific electoral systems. So, for example, minority governments were formed under various different formulas.

There are a number of other observations that deserve mentioning. List PR is by far the most often used type of electoral system in this group of countries ($N = 361$). MMP in this period accounted for 60 country-years (about 10 per cent). Keeping in mind that the 1990s was a decade of breakthrough for MMP,¹⁵ we can expect the numbers and percentages to increase and to outdistance pluralitarian or majoritarian formulas in the near future. Interestingly, we find confirmation in the data set for earlier findings that somewhat less than 30 per cent of governments under proportional electoral formulas have a minority format.¹⁶ This is notoriously difficult to explain on the basis of most formal coalition theories. Most of these theories disregard institutional contexts such as the

14 Since the scale level of variables, types of electoral system and government formats are categorical and the cell entries are highly asymmetrically distributed, I use Cramer's V . With a value of 0.279 it is slightly less than 0.3, which is usually interpreted as the threshold to a significant statistical correlation.

15 Matthew Soberg Shugart and Martin P Wattenberg "Introduction: The Electoral Reform of the Twenty-First Century?" in Matthew Soberg Shugart and Martin P Wattenberg (eds) *Mixed-Member Electoral Systems: The Best of Both Worlds?* (Oxford University Press, Oxford, 2001) 1.

16 Kaare Strøm "Minority Governments in Parliamentary Democracies: The Rationality of Nonwinning Cabinet Solutions" (1984) 17 *Comparative Political Studies* 199.

strength of parliamentary committees in legislation or negative parliamentarism, that is, systems with no need for the government to actually win a confidence vote when they come into office, and ignore average electoral costs of government participation.¹⁷ Minority governments pair with all types of electoral system. Canada is an example of a pluralitarian electoral system with a relatively high number of single-party minority governments. However, this type of government format is usually found in PR systems, be it list, MMP or STV versions. If we distinguish between single-party and coalition minority governments another interesting finding becomes apparent. Whereas list PR usually goes along with both types, MMP and STV seem to lead to coalition minority governments. We should be careful not to read too much into the data because the total number of country-years is relatively small and is based on very few countries.¹⁸ Nevertheless, the relevance of the combination of MMP with the coalition minority format is quite surprising given the argument in the literature that MMP two-vote systems allow voters to signal their coalition preferences, which then leads parties to announce pre-election coalition agreements.¹⁹ In terms of countries, New Zealand accounts for 58 per cent of the country-years in this category, the other 42 per cent occurring in Italy. Whether the evolving New Zealand tradition of support agreements between a major party willing to form a minority government and small parties staying out of Cabinet is seen by voters as a functional equivalent to a majority coalition government proper is surely an interesting question, which cannot yet be answered on the basis of available survey data.

We can conclude that, although the frequencies of the combinations of electoral system type and government format reveal patterns, there are more exceptions than expected. Minority government, in both the single-party and the coalition versions, accounts for somewhat less than 30 per cent of the country-years in the proportional representation category. Finally, New Zealand is the main source for the combination of MMP and coalition minority government. It is not the sole, but certainly an interesting special case that deserves explanation.

III WHY MINORITY GOVERNMENTS IN NEW ZEALAND? A SPATIAL ANALYSIS OF THE PARTY SYSTEM

MMP was first used in the 1996 general election in New Zealand. With the exception of this first election and the latest one in 2008 all governments formed were of the coalition minority type (see table 2).

17 Michael Laver "Models of Government Formation" (1998) 1 Annual Review of Political Science 1; Hanne Marthe Narud and Henry Valen "Coalition Membership and Electoral Performance" in Kaare Strøm, Wolfgang C Müller and Torbjörn Bergmann (eds) *Cabinets and Coalition Bargaining: The Democratic Life Cycle in Western Europe* (Oxford University Press, Oxford, 2008) 369.

18 The countries employing versions of MMP in the data set for at least some time are Germany, Hungary, Italy and New Zealand; those with STV are Ireland and Malta.

19 Pappi, Herzog and Schmitt "Koalitionssignale und die Kombination von Erst- und Zweitstimme bei den Bundestagswahlen 1953 bis 2005", above n 6.

Table 2 Seat distributions in the House of Representatives and government format in New Zealand, 1990-2008

	Election year						
	1990	1993	1996	1999	2002	2005	2008
National	<u>68</u>	<u>50</u>	<u>44</u>	39	27	48	<u>58</u>
Labour	28	45	37	<u>49</u>	<u>52</u>	<u>50</u>	43
New Labour	1	-	-	-	-	-	-
Alliance	-	2	13	<u>10</u>	-	-	-
New Zealand First	-	2	<u>17</u>	5	13	7	-
ACT	-	-	8	9	9	2	5
United New Zealand	-	-	1	1	-	-	-
Green Party	-	-	-	7	9	6	9
United Future New Zealand	-	-	-	-	8	3	<i>1</i>
Progressive Coalition Party	-	-	-	-	<u>2</u>	-	-
Māori Party	-	-	-	-	-	4	5
Jim Anderton's Progressive Party	-	-	-	-	-	<u>1</u>	1
Total seats	97	99	120	120	120	121	122

Notes: * = where parties form a government data are underlined. Where parties agree to support the government without joining it data are italicised.

In all three Clark governments Labour was joined by a small left-wing party led by Jim Anderton which held different names throughout the period. In addition, this minority coalition concluded a formal agreement with further parties to support the government on confidence and supply motions. These legislative support parties, however, were allowed to and did vote against the government on other policy issues. The 2005 agreement was very peculiar in two respects. First, the Green Party was not formally a legislative support party but still agreed not to vote against the government on supply and confidence. Secondly, New Zealand First and United Future did not formally belong to the government but each had a minister who was not part of Cabinet. The new National-led minority Government under John Key (2008-) follows the same practice of making agreements with smaller parties on support for essential votes, with representatives of these parties being ministers outside Cabinet. How can we explain these arrangements? My explanation builds on the patterns of policy competition in the party system.

In the following section a spatial analysis is undertaken based on the comparative manifesto project (CMP) data set.²⁰ These data come from a quantitative textual analysis of election

20 Ian Budge and others *Mapping Policy Preferences: Estimates for Parties, Electors, and Governments 1945-1998* (Oxford University Press, Oxford, 2001); Hans-Dieter Klingemann and others *Mapping Policy*

programmes of a large number of parties from OECD and EU countries (plus Israel) for the entire period since 1945. More recently, data from eastern Europe have been added. They are explicitly based on the saliency approach as a consistent measurement theory.²¹ The underlying assumption is that parties do not formulate a position on each and every issue but concentrate on those which are most relevant to them and their potential voters. What is then characteristic of the programmatic profile of a party is how often an issue is mentioned in quantitative terms. However, there are a number of conceptual and methodological shortcomings in the CMP approach. Therefore I use the regression technique suggested by Franzmann and Kaiser:²² by summing up the number of times, for instance, left and right issues are mentioned in an election programme, it calculates the policy position of a party on a left-right dimension. In contrast to previous approaches it does not use the CMP raw values but assesses so-called "base values". Furthermore, it does not directly predetermine the characterisation of issues over time and for all cases as, for instance, left or right. On the contrary, the method identifies the characterisation of issues in such a way that results can be used for comparisons between different party systems as well as for analysis of change in a party system over time.

Following this approach, I will present the locations of the major New Zealand political parties on two dimensions – one that consists of those issues that are socio-economic in character and one that brings together a number of non-economic issues.²³ Unfortunately, not all political parties which have won seats in Parliament can be included, as for methodological reasons I need at least three election manifestos of a party to calculate its position on an issue dimension.²⁴

With regard to the socio-economic dimension, the analysis is based on the following issues included in the CMP data set: all categories of the CMP domain 4 (economics) plus administrative efficiency, social justice, welfare state expansion, welfare state limitation and positive or negative mentions of special professional groups (see figure 1).²⁵ The non-economic dimension contains all categories of the CMP domains 1 (external relations), 2 (freedom and democracy) and 6 (fabric of

Preferences II: Estimates for Parties, Electors, and Governments in Eastern Europe, European Union and OECD 1990-2003 (Oxford University Press, Oxford, 2006).

- 21 Ian Budge, David Robertson and Derek Hearl (eds) *Ideology, Strategy and Party Change: Spatial Analyses of Post-War Election Programmes in 19 Democracies* (Cambridge University Press, Cambridge, 1987).
- 22 Simon Franzmann and André Kaiser "Locating Political Parties in Policy Space: A Reanalysis of Party Manifesto Data" (2006) 12 *Party Politics* 163.
- 23 In principle, one could conduct a much more finely grained analysis of a larger number of issue dimensions, but for the sake of parsimony I concentrate on just two summary dimensions.
- 24 Unfortunately, I do not have positional data for United Future for this reason, but my guess is that United Future has probably been a centre party on the economic dimension and slightly to the right on the non-economic dimension.
- 25 The full data set can be found at www.uni-koeln.de/wiso-fak/powi/kaiser/partypositions.

society) plus all categories of the CMP domain 3 (political system) except administrative efficiency, all categories of the CMP domain 5 (welfare and quality of life) except social justice, welfare state expansion and welfare state limitation. In addition the issues of underprivileged minority groups and non-economic demographic groups are included (see figure 2).

Figure 1 New Zealand: left-right party positions: economic dimension

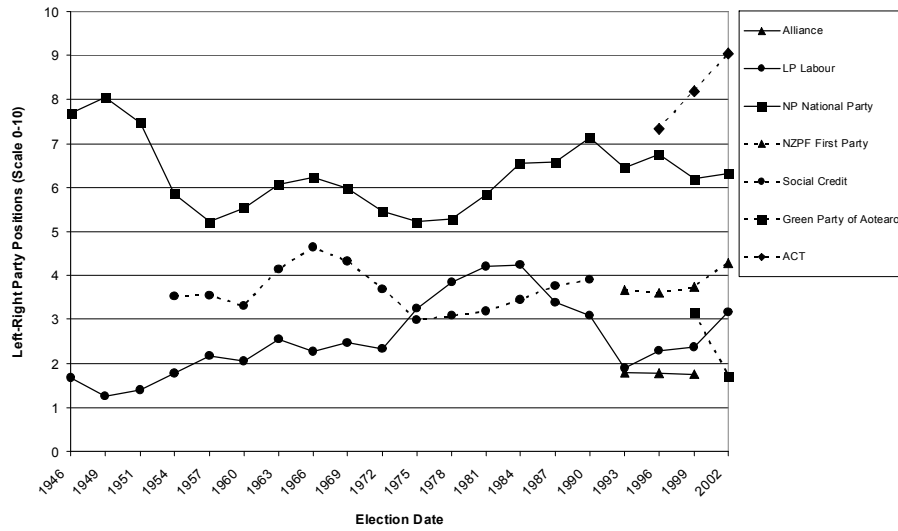
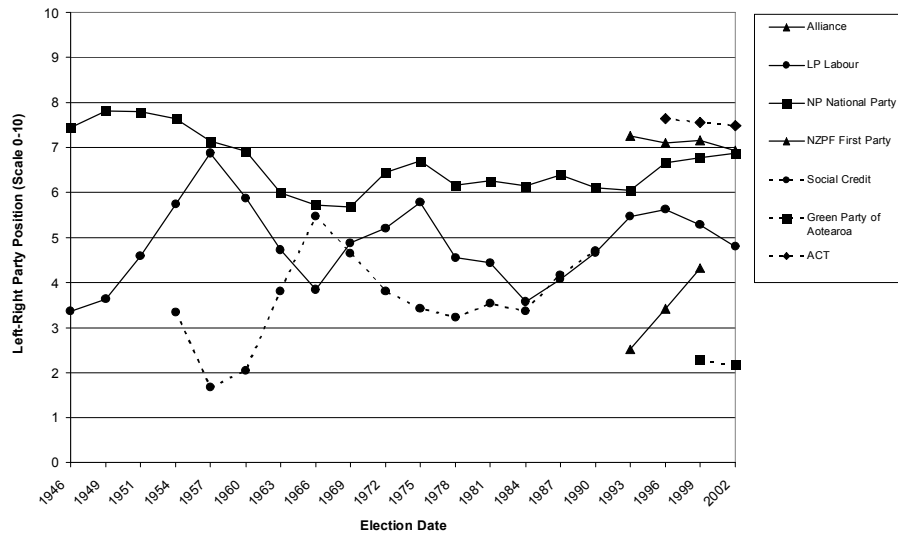


Figure 2 New Zealand: left-right party positions: non-economic dimension



The movement of party locations from the mid-1940s up to the introduction of MMP may be interesting in itself. However, I am concerned here specifically with what has happened since then. As can easily be seen, the patterns of spatial competition from the mid-1990s onwards on the two dimensions differ in one respect – the position of the Labour Party. On the socio-economic dimension party competition is polarised between Labour, the Greens, Alliance (and its successor parties) and New Zealand First on one hand, and National and ACT on the other. On the non-economic dimension we find a much smaller gap between the two major parties. In addition, Labour is the central player with regard to non-economic issues. All in all, this puts Labour in a privileged position in spatial terms. In the period between 1999 and 2008, National was constrained in its coalition options, with only ACT to its right on the economic dimension plus New Zealand First on non-economic issues.²⁶ Finally, the parties to the left of Labour can only choose between formally entering the government and serving as legislative support parties. Given this choice, it is rational for the smaller parties – which are at the same time in competition with each other – to stay formally out of government, because this gives them a better chance of portraying themselves as fully independent whilst achieving important policy concessions. For instance, the Green Party can selectively put forward its post-materialist agenda, which is covered here by its far-left position on the non-economic dimension, without having to make too many concessions on other issues.

We have no data for developments after 2002 but given the coalition patterns in the recent formation of the National-led Government it is highly likely that the party moved to the centre on both dimensions, thereby opening up for itself new opportunities to form legislative coalitions.²⁷

IV IMPLICATIONS FOR PARLIAMENTARY OPPOSITION: FROM WESTMINSTER-STYLE TO SCANDINAVIAN-TYPE OPPOSITION

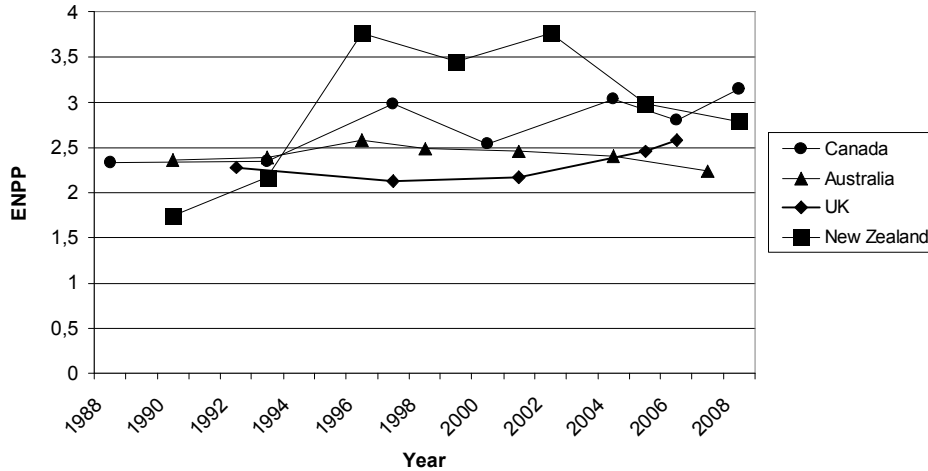
The concept of parliamentary opposition is heavily influenced by the Westminster model of parliamentary democracy. Ideally, only two parties are represented in Parliament, one of which commands a majority of seats and therefore can govern with no institutional restrictions and another one which is in a minority and functions as "Her Majesty's Opposition". Its only task is to publicly criticise the government in order to give voters on election day the possibility of making informed decisions between the two different political teams and policy packages. In such a constellation the role of the parliamentary Opposition can be thoroughly analysed on the basis of its institutional opportunity structure.

²⁶ The different locations of New Zealand First on the two dimensions based on our data give me some confidence that my analysis is reliable and valid.

²⁷ Unfortunately data after 2002 are not yet available for New Zealand. In the past, it took the CMP (currently situated at the Social Science Research Centre in Berlin) a number of years before it released new data. At the time of writing it looks like the CMP will be able to considerably shorten the time lag between elections and public access to data in the future.

This concept is no longer relevant for New Zealand. There are two reasons for this. One has to do with the fact that party system fractionalisation has increased to between 2.78 (in 2008) and 3.77 (in 2002) effective parties in Parliament.²⁸ This is a much higher value than for the other three Westminster democracies, aside from the most recent election in Canada (see figure 3).

Figure 3 Effective number of parliamentary parties, 1988-2008



Source: own calculations.

Another reason is that under minority governments the distinction between parliamentary majority and parliamentary opposition becomes much more complicated. As is shown above, minority governments are not formed simply due to the increased number of parties in Parliament. More important is the spatial competition in the party system which has produced incentives for small parties to serve as legislative support parties of a minority government and has given Labour for some time a very comfortable position as the central player in the formation process.

In such a constellation an actor-centred institutionalist understanding of parliamentary opposition has to take three dimensions into regard.²⁹ In addition to the institutional opportunity

28 Following common practice in party system research I use the Laakso-Taagepera index of effective number of parties: Markku Laakso and Rein Taagepera "Effective' Number of Parties: A Measure with Application to West Europe" (1979) 12 *Comparative Political Studies* 3. This index measures the relative or effective number of parties by weighing parties according to their vote or seat shares. Here I show the values for the seat shares.

29 The following sections build on André Kaiser "Parliamentary Opposition in Westminster Democracies: Britain, Canada, Australia and New Zealand" (2008) 14 *Journal of Legislative Studies* 20. Actor-centred

structure in executive-legislative relations, parties' policy positions and the potential for cohesive behaviour by non-governmental parties as well as external veto points that may be used by opposition parties have to be accounted for.

The institutional opportunity structure of non-governmental parties usually looks bleak. Following from the logic of parliamentary democracy, the Opposition has only limited and indirect influence on legislation through parliamentary committees; it can add its voice to the public agenda and put pressure on the government by slowing down the legislation process, thereby tightening time constraints for the government.³⁰ But all this is only relevant for those parties that do not have agreements with the government to support it on confidence and supply motions. For legislative support parties, even if there are no great opportunities in institutional terms, employing their strategic position in spatial terms gives them ample opportunities to directly influence legislation.

There are very few comparative investigations into the institutional opportunity structure which actually investigate the instruments the parliamentary opposition might make use of. Kaiser³¹ compares the four Westminster democracies. His data come from the Inter-Parliamentary Union³² and a written survey of the clerks of the New Zealand House of Representatives and the first chambers of Australia, Britain and Canada in the late 1990s. He uses indicators such as whether committee chairs are distributed on a proportional basis; whether there is a business committee that seeks to decide the parliamentary agenda by consensus; whether a committee minority has the right to publish a minority report; whether opposition parties have the right to control the parliamentary agenda (the so called "Opposition days") on at least 10 days per session; and whether the committee stage takes place before the major principles of a Bill are decided upon in the plenary. He finds that for opposition parties in New Zealand indirect opportunities have increased since the 1980s, reflecting the parliamentary reforms of 1985 and 1995, and they now lead the table compared to other Westminster systems. However, there are still relatively few opportunities when compared to a number of European parliamentary democracies, especially Scandinavia.³³

institutionalism starts from the proposition that institutions offer political actors costs and benefits for different courses of action but do not determine their behaviour.

- 30 Herbert Döring "Time as a Scarce Resource: Government Control of the Agenda" in Herbert Döring (ed) *Parliaments and Majority Rule in Western Europe* (St Martin's Press, New York, 1995) 223.
- 31 André Kaiser *Mehrheitsdemokratie und Institutionenreform: Verfassungspolitischer Wandel in Australien, Großbritannien, Kanada und Neuseeland im Vergleich* (Campus, Frankfurt, 2002) 138-140, 494-497.
- 32 International Centre for Parliamentary Documentation of the Inter-Parliamentary Union *Parliaments of the World: A Comparative Reference Compendium* (MacMillan, London, 1976) tables 37 and 40; and International Centre for Parliamentary Documentation of the Inter-Parliamentary Union *Parliaments of the World: A Comparative Reference Compendium* (2 ed, Aldershot, London, 1986) tables 11, 19, 20, 21, 23 and 33.
- 33 Herbert Döring (ed) *Parliaments and Majority Rule in Western Europe* (St Martin's Press, Frankfurt, 1995).

Schnapp and Harfst³⁴ analyse the parliamentary information and control of resources for 22 established democracies. They put together indicators for three dimensions: parliamentary control structures (the number of committees, the average number of committee members and mirroring of portfolios); control resources (the number of staff per member of Parliament and committee, the number of research staff in Parliament and its library and the number of volumes in the library); and control rights (the summoning and information rights of committees, the timetable for budget laws and support by audit offices and ombudsmen). Interestingly, the positions of the Westminster systems, including New Zealand, vary drastically from dimension to dimension. With regard to control structures Britain, Australia and Canada rank very low, whereas New Zealand is not far from middle-ranked countries such as Norway and the Netherlands. In contrast, with regard to control resources Canada sits well at the top end of the scale, Australia and Britain rank in the middle, while New Zealand is at the lower end. Finally, Britain achieves a rank near the top with regard to control rights, whereas the other three countries sit in the middle-ranked group of countries. We can learn from this study that more finely grained analyses of institutional opportunity structures give a much more nuanced picture. Opposition parties in New Zealand have increased their opportunities following the parliamentary reforms of 1985 and 1995 but they seem to suffer particularly from the limited resources available for parliamentary infrastructure and services.

Finally, an expert survey by Laver and Hunt³⁵ includes a question on the role of the parliamentary Opposition. In contrast to more specific lists of indicators, this survey confirms the traditional view of comparatively powerless opposition parties in Westminster democracies. Britain is at the bottom end; pre-MMP New Zealand ranks 14th; Canada 11th and Australia seventh in a sample of 19 countries. However, the astonishingly high ranking of Australia has mainly to do with the fact that experts did not distinguish between the influence of the opposition in the House of Representatives and the Senate.

More recent studies of parliamentary question time and its effects on the opposition parties' performance in the polls by Rob Salmond³⁶ challenge the common belief that question time is mere window dressing. In contrast, Salmond finds that a Westminster-type question period is not only associated with higher levels of political engagement of citizens (knowledge, partisanship and turnout) but it can also help the opposition improve its stance in opinion polls. His case study of

34 Kai-Uwe Schnapp and Philipp Harfst "Parlamentarische Informations- und Kontrollressourcen in 22 Westlichen Demokratien" (2005) 36 *Zeitschrift für Parlamentsfragen* 348.

35 Michael Laver and W B Hunt *Policy and Party Competition* (Routledge, New York 1992) 125.

36 Rob Salmond "Grabbing Governments by the Throat: Question Time and Leadership in New Zealand's Parliamentary Opposition" (2004) 56 *Political Science* 75; and Rob Salmond "Parliamentary Question Times: How Legislative Accountability Mechanisms Affect Mass Political Engagement" (Working paper, accessible at <http://rsalmond.bol.ucla.edu/questiontimes.pdf>.)

New Zealand demonstrates that a well-performing opposition leader during question time can have a notable effect on voting intentions.

All in all, these are only indirect instruments. As long as the government commands a majority in Parliament and its members of Parliament follow party lines, it has a firm hand on legislative output in Westminster democracies. This is underlined by the immense time pressure under which Bills have to be dealt with.

Going beyond institutional incentives, opposition parties are affected by the structure of party competition in two ways. First, their policy positions relative to those of the government parties are structured to put pressure on the government, especially where it has a minority format and needs legislative support. Secondly and more importantly, the positions of the different non-governmental parties relative to each other determine whether an Opposition exists as a collective actor at all.

Starting from the assumption that the quality of the Opposition as a collective actor depends on the closeness of opposition parties in policy terms, we can analyse the extent to which spatial party locations are a source of influence for some of the non-governmental parties. As we have seen above, with the exception of ACT on both dimensions and of New Zealand First with regard to non-economic issues, all small parties have been near Labour's location according to the existing data set. As Labour needed support on essential votes, these small parties had an incentive to support a minority government in exchange for policy concessions on "their" issues. However, at the same time they were in competition with each other. Finally, if we consider all non-governmental parties – National and ACT on one hand and the small parties to the left of Labour and United Future as a centre party on the other – it is clear that with a bilateral Opposition³⁷ to Labour as the central player coordination of behaviour was difficult to achieve.

The case of New Zealand, in particular, reveals in particular that understanding "the Opposition" only through its institutional opportunities does not make much sense. As long as the different non-government parties cannot coordinate their activities based on a coherent set of policy aims, "the Opposition" as a collective actor simply does not exist. Under minority governments, the different non-governmental parties experience extremely divergent opportunities to affect legislative decision-making. Legislative support parties become highly influential; the "official Opposition" has to accept a status of powerlessness.

37 The term "bilateral Opposition" is used here in a formal sense, meaning the spatial locations of all parties not invited to or not willing to accept Cabinet offices being at opposite ends of the party in government. As in other areas of coalition formation research it is highly important to distinguish between the office and policy motives of political parties. These parties may be willing to cooperate with the government in terms of specific policy issues although they do not seek government offices.

The third conceptual dimension of parliamentary oppositions, the possible use of institutional veto points³⁸ external to executive–legislature relations, is irrelevant in the New Zealand case since veto points such as a second chamber, federal arrangements for intergovernmental negotiations or a constitutional court which may rule law unconstitutional are unavailable.³⁹

V CONCLUSION

With the introduction of MMP, a multi-party system has developed in New Zealand with incentives for forming coalition majority governments. However, there is nothing mechanistic in this relationship. In specific constellations of spatial party competition a large centre party is given the chance to form a minority government when facing a bilateral Opposition that has tremendous difficulties in coordinating its behaviour. In recent years, Labour on the one hand and some of the smaller parties on the other have had good reasons to opt for a minority format. In terms of policy output and the capability to react to challenges and to proactively get on with reform initiatives, the performance of these governments is certainly not a disincentive for similar experiments in the future, as the current constellation following the change of government underlines.⁴⁰

38 The concept of veto points as an institutionalist alternative to Tsebelis' veto player approach (George Tsebelis *Veto Players: How Political Institutions Work* (Princeton University Press, Princeton, 2002) is exemplified in André Kaiser "Types of Democracy: From Classical to New Institutionalism" (1997) 9 *Journal of Theoretical Politics* 419.

39 What remains puzzling for the observer in this regard is why citizen initiated referenda have thus far not been strategically used by opposition parties as a potential veto point.

40 André Kaiser "New Zealand Expert Report" in Bertelsmann Stiftung (ed) *Sustainable Governance Indicators 2009: Policy Performance and Executive Capacity in the OECD* (Bertelsmann Stiftung, Gütersloh, 2009).

