

## **Modes of UK Executive-Legislative Relations Revisited**

*Meg Russell and Philip Cowley*

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The inaugural issue of *Legislative Studies Quarterly* contained one of Tony King's most insightful pieces on parliament and politicians. Published in 1976, 'Modes of Executive-Legislative Relations: Great Britain, France and West Germany' is in many ways a classic Tony King paper: it is elegantly written and wears its learning lightly, yet deploys an impressive precision of thought and analysis. It was a path breaking text in legislative studies, is still regularly cited, and has influenced the analysis of a generation of parliamentary scholars.

King's central argument was simple: people often spoke of the relationship between parliament and government, but 'in fact it is usually highly misleading to speak of "executive-legislative relations" *tout court*'; rather, 'if we wish to understand the phenomena subsumed under this general heading, we need to identify and consider separately a number of quite distinct political relationships'.<sup>1</sup> Parliaments, King pointed out, are not monoliths; they are complex political organisations made up of numerous members organised into different party groups. He demonstrated how talk of 'executive-legislative relations' masked not only the most important relationships between such groups within any one legislature, but also key elements of the diversity of legislatures around the world.

King's objective was to strip away the noise and present parliamentary dynamics as a set of stylised relationships between different actors – an approach which has since become increasingly fashionable in legislative studies.<sup>2</sup> He did this using three country cases, although by far the greatest amount of attention in the article was dedicated to Britain – as both the classic majoritarian Westminster system and the one that King knew best. The comparison with France and Germany mostly served to emphasise the particularities of the British system. In this article we focus exclusively on Britain, revisiting King's analysis more than 40 years on. In those four decades a huge amount has changed, both in the study of politics and in the British parliament itself. We explore both King's legacy and how his analysis of parliamentary 'modes' might differ today.

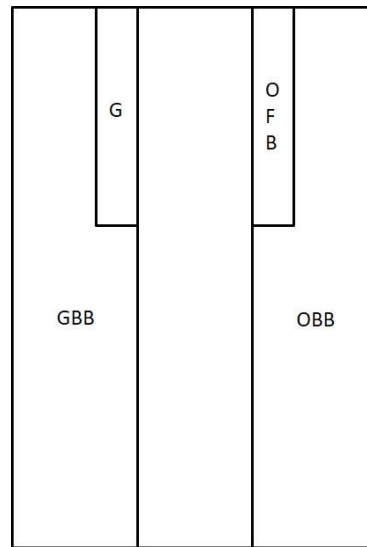
### **King's view on executive-legislative relations in the UK**

King's analysis of relations in the House of Commons began with a simple diagram, reproduced in Figure 1. This identified four distinct groups: the government (G), government backbenchers (GBB), the opposition frontbench (OFB) and opposition backbench (OBB). The government's relationship with parliament needed to be understood in terms of the interplay between these different groups. This generated seven different possible sets of actors that could potentially work to put pressure on government – that is, each of the three other individual groups acting alone, each of three potential pairs, or the combination of all three groups acting together. King dismissed some of these possibilities almost immediately: OFB was unlikely to act alone, if lacking support from OBB; likewise OFB + GBB was implausible – opposition frontbenchers would be in a perilous position if teaming up with

government backbenchers without their own backbenchers' support; whilst OBB, unless supported by other groups, offered no real threat to government.

He was also sceptical of the combination of all three groups together (GBB + OFB + OBB) arguing that this was better considered as a combination of pressure from two distinct groups – GBB on the one hand and OFB + OBB on the other. The last of these judgements is more questionable than the rest, as we discuss below.

Figure 1: King's actors in the House of Commons



There were therefore three significant modes remaining that could operate within the House of Commons. The most obvious and visible was the *opposition mode* (OFB + OBB → G). This was the classic form of Westminster parliamentary conflict, operating between the parties. As long as the government had a partisan Commons majority, however, ministers had little to fear from this mode. Most of the time the only real tools available to the opposition were, in King's words, 'good reasons, and time' (p. 18). The opposition could generate a good deal of noise, and potentially delay matters, but without adequate support in the division lobbies it was unlikely ultimately to make much if any impact on parliament's decisions.

The second possible configuration was the *non-party mode* (GBB + OBB → G). This described occasions when parliamentarians worked across party lines, for example in select committees. King was intrigued by this mode, but dismissive of its applicability in the UK. As he suggested, ironically, '[t]he non-party mode – which is probably what most people have in mind when they speak of "the impact of Parliament on the executive" – is thus also the least important mode. The more that Parliament behaves like "Parliament" the less influence it has'. Indeed, '[t]o be non-party most of the time in British politics is to be non-influential' (p. 20).

This left the *intra-party mode*: the relationship between the government and its own backbenchers (GBB → G). King's central insight was that this, often less visible, relationship

was in fact Westminster's most important. The government could, in normal circumstances, fight off attacks from opposition parties. What it found harder to resist were attacks from within its own ranks. As King wrote: while 'one discounts the disapproval of the other party, the disapproval of one's own is harder to bear' (p. 16), and he noted 'the needs that Government and Government backbenchers have of each other and... the bargaining resources that they possess vis-a-vis each other' (p. 15). The primary asset enjoyed by government backbenchers, on which ministers depended, was their votes. Without these the government could face defeat against a hostile opposition. Hence '[a]s far as the Government is concerned, Government backbenchers are the most important Members in the House' (p. 16).

King's argument was not just that these different modes of working existed, but that political scientists were not focussing their efforts in the right place. The balance of the literature in 1976 suggested 'that political scientists have been most interested in the least important modes of executive-legislative relations in Britain and least interested in the most important' (p.20).

The other two country cases helped illustrate what was particular about the British system. France was judged to be similar, including in terms of the weakness of the non-party mode; King noted that there were very few parliamentary procedures or mechanisms through which this could be facilitated. In contrast to Britain, the opposition mode also lacked facilitating procedures (such as the House of Commons 'opposition days'). Once again the intra-party mode was judged the most important, but with key differences to the UK. Among these was French governments' frequent dependence on a loose parliamentary coalition, resulting in 'an *inter-party* mode intruding into the intra-party mode' (p. 22, emphasis in original).

The more significant contrast came from Germany. Here there were two key differences to Britain: the norm of coalition government, and the strength of the parliamentary committee system. The first resulted in more building blocks – rather than the four distinct actors in Britain, King detected six in Germany, because both the government frontbench and backbench blocks comprised two parts. Consequently, rather than seven potential combinations, King suggested that there were 75. Although some of these could be fairly readily dismissed, relations in the German system were clearly far more complex. He grouped these into four broad modes: (variants of) opposition mode and intra-party mode, plus an *inter-party mode* and a *cross-party mode*.<sup>3</sup> Additionally, the German committee system facilitated bargaining, including allowing opposition party members to engage in serious policy discussion. King concluded that cross-party alliances were more easily formed in Germany, because the parties were less ideologically distant than in Britain, making cross-voting in committee fairly common. He noted approvingly that sometimes 'a committee's *esprit de corps* is so great that it can unite to condemn the Government' (p. 32). Overall this led him to conclude that German arrangements allowed 'one to speak of "executive-legislative relations" without the qualification insisted upon in this paper' (p. 32).

### **Change in the House of Commons**

The fundamentals of King's analysis have stood the test of time very well. His two core insights – that parliaments must be understood as complex organisations comprising different groups, and that relations inside the governing party are crucial – remain valid and important. But since his text was published, a great deal has also changed. Those familiar with British developments will already detect some of what needs revisiting in the above account. In this section we focus on four key areas where developments in the House of Commons since 1976 require the conclusions of the original analysis to be reassessed.

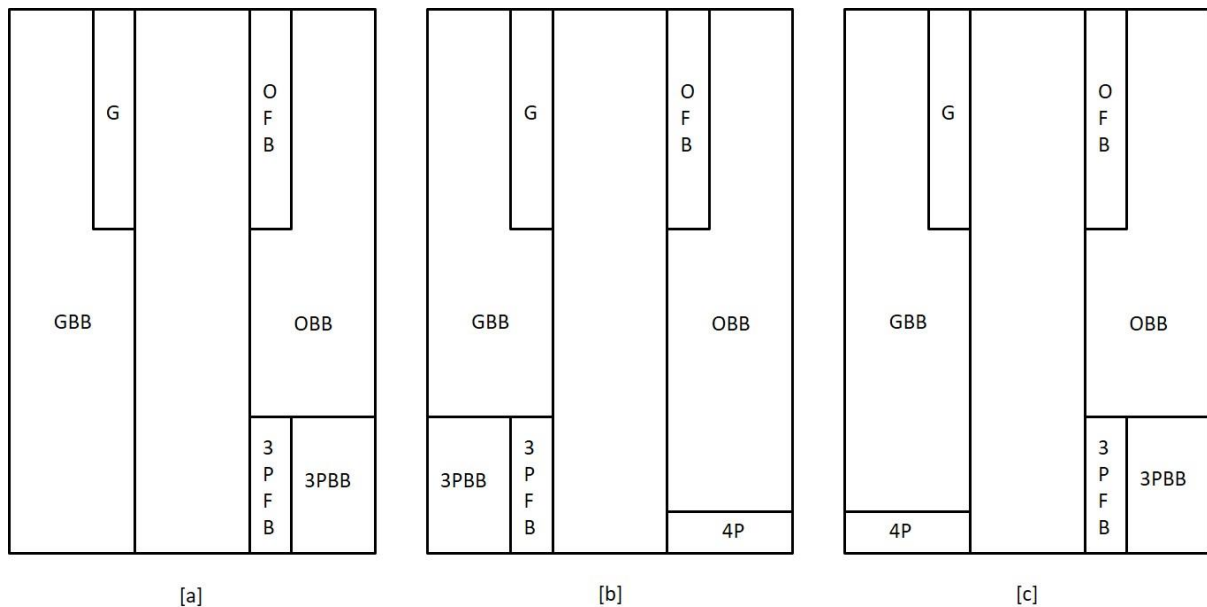
### *The party system*

To modern-day observers King's simple diagrammatic representation of the House of Commons will appear stark; government and opposition face each other, with no others present. King admitted this was a pared-back version, even in 1976, but indicated that '[f]or simplicity's sake we ignore the minor parties' (p. 13). At the time, and in the interests of constructing a parsimonious and elegant model, this can be seen as defensible. But King was writing just as the party system was undergoing significant change. Following the 1970 general election the Liberals had held just six seats in the House of Commons and others beyond the big two parties seven; by October 1974 minor parties held 39 seats in total, with the notable rise of Plaid Cymru and the SNP. This might at the time have felt like a temporary blip, but instead the position held. By 1997 the total beyond the big two had reached 76, and by 2015 it had climbed to 88. In 2017, despite a slight fightback from the larger parties, the figure still stands at 69. Today, to 'ignore the minor parties' is not an option.

The effect of this change on 'modes' of legislative relations will vary according to the particular party configuration, and capturing it diagrammatically is complex; King did not attempt such illustration in his analysis of France or Germany, perhaps for this very reason. But some modern-day equivalent to his representation of the House of Commons seems useful, and we attempt this in Figure 2, which (like King's original) must be read as simplified and schematic.<sup>4</sup> In the run-up to 2010 the presence of the third party clearly deserves acknowledgement; it is shown as 3P in part [a] of the diagram, and includes a frontbench (3PFB) and backbench (3PBB) though at this point the distinction is of little import. The impact of the third party on day-to-day Commons dynamics at this time – and between 2015 and 2017 – was fairly limited, thanks to single-party government majorities. The number of occasions during this period in which it affected the outcome in the House of Commons was tiny.<sup>5</sup>

But the change has been greater when a single-party majority is lacking. During 2010-15 the Conservative/Liberal Democrat coalition clearly introduced elements familiar from King's analysis of Germany. As shown in part [b], 3P moved from the opposition to the government side of the chamber, and at this point differences between its front and backbench began to matter far more. The opposition (as ever) did of course include fourth and minor parties, which also came more to the fore, and are marked as 4P. Post-2017 it was the tiny Northern Irish DUP upon which the government became dependent, moving 4P to the government side of the House in part [c]. Despite the growing complexity, these presentations are still simplified – all parties potentially comprise a frontbench and backbench; additional opposition parties are excluded from the analysis.

Figure 2: Actors in the contemporary House of Commons



The number of new House of Commons modes potentially generated by these arrangements is large, even when simplified in this way. When the full range of actors is taken into account the 75 potential combinations proposed for Germany could look rather modest.<sup>6</sup> Suffice, for now, to note that managing the House of Commons has become significantly more complex than it used to be.

These changes already seem fundamental, although in practice primarily affect parliamentary dynamics when governments lack a single-party majority. Even under coalition between 2010-15 (as in [b]), the government mostly still behaved as a bloc, although there were occasions when its two component parts went in different directions. Under [c], with the DUP only pledging support on parts of the government's programme, we should expect such occasions to be more frequent and for the division between GBB and 4P to matter more often.

In addition to these factors other important changes in the Commons apply, irrespective of party control, to each of King's original modes.

#### *The intra-party mode*

Key changes have occurred within the relationship that King considered most important – the intra-party mode operating between government and its own backbenchers. This mode's centrality has become increasingly clear, aided to an extent by King's analysis, but also by real-world changes in backbench behaviour and through greater reporting and analysis of this behaviour. King's 1976 complaint that there existed 'no sustained study of the relations between Governments and their own backbenchers' (p. 20) could not be made today. Beginning with Philip Norton's work, the first volume of which was published in 1975, and continuing ever since, we now have multiple studies of the intra-party mode in Britain.<sup>7</sup>

These studies have shown that backbench dissent was more common than many observers had appreciated and also that it has been increasing, both in frequency and importance.

Between 1945 and 1970 there was not a single government defeat in the House of Commons caused by government backbenchers voting against their own party; the handful of defeats that did occur were as a result of opposition tactics or mismanagement by the government whips. But beginning with the parliament of 1970, and continuing since, every Prime Minister has suffered at least one Commons defeat as a result of their own MPs defying their whip, and by the 2005-10 parliament, dissenting government backbench votes were being cast in 28% of divisions – a then post-war record high. These important changes began roughly at the time that King was writing.

Many rebellions are relatively small, and often occur on trivial or minor issues, but they can on occasions be large and involve important policy matters. During the 2010-15 parliament, backbench dissent was a significant factor in determining government policy towards the EU, including being one of the drivers of the subsequent referendum. It also derailed plans for Lords reform, which were key to the government's coalition agreement, and prevented the UK from taking military action in Syria.<sup>8</sup> Moreover, every study of backbench behaviour has also stressed how the threat of Commons defeat, and government moves to placate backbench critics, drive more major policy shifts than are visible through defeats.

The causes of this change in behaviour are much discussed (often without very much evidence) but the effect is clear: political parties in the House of Commons have become significantly more challenging for leaders to manage and hold together – suggesting a substantial strengthening of King's intra-party mode, even under single-party government. As he described with respect to Germany, these relations become potentially even more difficult under coalition. As captured above, G and 3P must both remain internally cohesive between front and backbench, despite having differing policy priorities. Notably in the 2010-15 parliament levels of dissent among government MPs reached an all-time high of 35%.

#### *The non-party mode*

King noted the lamentable weakness of the non-party mode in the 1970s House of Commons. While perhaps exaggerated this criticism was undeniably valid; yet his analysis again appeared at the very time that important change was underway.

The primary reason for King's assessment on this point, particularly when contrasted with Germany, was the weakness of the House of Commons committee system. He presciently noted the potential of specialist committees to encourage members to 'change their perception of their own roles' (p. 19) – ceasing to see themselves narrowly in party terms, but instead as parliamentarians. Yet this freedom was largely denied to British MPs, given the underdeveloped nature of Commons committees. At the time of his writing, prospects for a departmental select committee system were already under discussion, making the frustration at this gap understandable from committed reformers such as King.<sup>9</sup> Reformist voices eventually won out, with a departmental select committee system established in 1979, and gradually becoming increasingly well-established – the committees gaining respect through their evidence-taking and expert reports, usually published on a unanimous, cross-party basis. As well as building bridges across party lines, the committees enabled MPs to develop expertise in particular policy areas, establish networks among external specialist groups, and gain confidence to challenge government decisions. These

attitudes could be displayed in the committee room, but also frequently carried over into the chamber.

Studies of the Commons select committees show that their reports are taken seriously by ministers, their recommendations are frequently acted upon, and they enjoy an increasingly high media profile.<sup>10</sup> Further development came through reforms introduced in 2010, which changed the method of selection for committee members and chairs – introducing elections for the former in party groups and for the latter by all MPs on a cross-party basis. In line with desires of parliamentary reformers, this substantially weakened the whips' patronage power, and gave committee chairs greater status and ability to 'speak for parliament'. The same 2010 reform package also introduced the House of Commons Backbench Business Committee, and time on the parliamentary agenda for debates sponsored by backbench MPs on a cross-party basis. The committee which proposed this package of reforms very explicitly sought to build, 30 years later, on the greater cross-party ethos already encouraged by the establishment of the select committees in 1979.<sup>11</sup>

It can therefore no longer be said that the non-party mode in the House of Commons is underdeveloped. Indeed, despite select committees not taking the formal committee stage of government bills, this mode may well now be substantially better developed than it is in many other parliaments – where the norm of specialist committee involvement in bill work often results in these committees being subject to significant party control.

#### *The opposition mode and cross-party mode*

King's third mode of importance was the opposition mode, which in some respects has become less significant. If, in 1976, King was able to note that the only tools the official opposition had were 'good reasons, and time', then arguably the only one of these that remains (except under very specific circumstances) is good reason. The changes to House of Commons timetabling made during the Blair years, introducing routine 'programming' of bills, very substantially weakened the opposition's power of delay. Even 40 years ago, King noted that time was mostly a nuisance weapon, not a lethal one. Today it is often not even that. This development was deprecated by Conservative politicians at the time, but noticeably not reversed by them on taking office.

Such changes may partially have served, however, to focus the opposition more on 'good reason'. Another classic tool available to the opposition, not mentioned by King, is the power of publicity. Opposition frontbenchers have significant ability to set the media agenda using the public platform of parliament. If they can make a coherent case against government policy, this can create risks for ministers – particularly if government backbenchers find the opposition's case convincing. The kinds of changes already discussed above – including the establishment of select committees, and the (partly consequent) greater parliamentary engagement by pressure groups will also encourage a turn to 'reason'. These changes place greater evidence in front of parliamentarians which may be used to confront government policy. This is particularly useful to the opposition, and its ability to build wider alliances.

The opposition mode has therefore not just declined, although it has undoubtedly changed. It has become more evidence-based, drawing it closer to the non-party and intra-party

modes. The potential for a cross-party mode (OFB + OBB + GBB → G) is hence significantly greater than it was in King's day.

A further important driver of this change has been something that he entirely ignored – the role of the House of Lords.

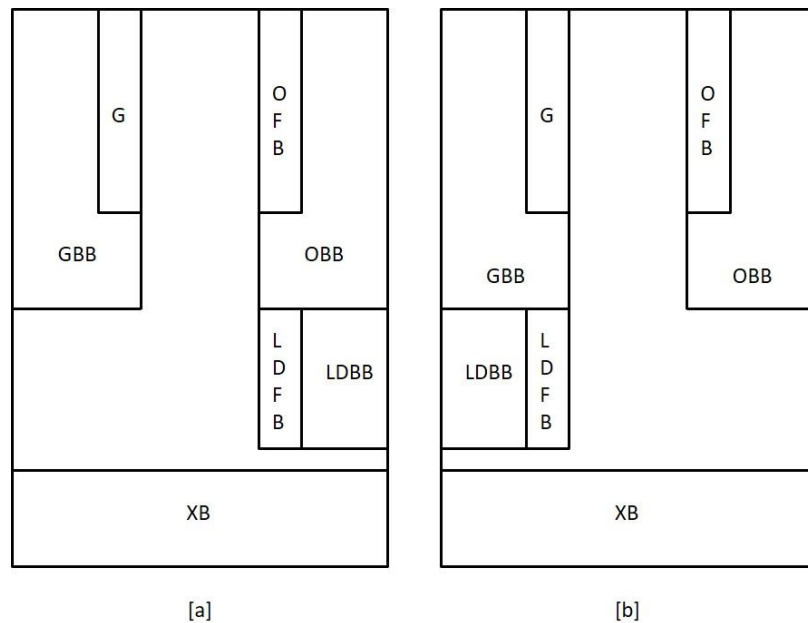
### **King's blind spot: the House of Lords**

Some of the biggest recent developments in UK executive-legislative relations have concerned the House of Lords. Unlike the changes discussed above, these cannot be seen as incremental adjustments to King's classic scheme, as he gave no consideration to the second chamber whatsoever. Not only did the Lords go unmentioned, but throughout the article he used the terms 'Parliament' and 'House of Commons' interchangeably.<sup>12</sup> As with respect to minor parties, this can perhaps be seen as an excusable simplification at that time – given that the Lords was then viewed as a fairly sleepy political institution. But he also disregarded bicameralism in France and Germany (the only indirect indication that it existed being occasional references to French 'senators'), which is more surprising.<sup>13</sup> King's executive-legislative relations were staunchly, if silently, unicameral.

This attitude now looks rather quaint. Once again, change to the dynamics of British bicameralism could already be seen as underway when King wrote, albeit on a slower track to other developments above. The Life Peerages Act of 1958 revived the Lords from a previously parlous state, and by the 1970s it was actually quite lively – the highest number of government defeats in the chamber of any parliamentary session on record (126) in fact occurred in the 1975-76 session. King might correctly have argued that such defeats were of little more than nuisance value, as the Conservative and hereditary-dominated chamber almost invariably backed down if Labour ministers rejected its proposals.<sup>14</sup> The key change, to both the Lords' composition and behaviour, came later, with the Labour government's reform of 1999. This ejected the great majority of hereditary peers, leaving a far more balanced chamber in which no party would have a majority. Partly as a consequence, peers felt more confident to challenge government policy.<sup>15</sup>



Figure 3: Actors in the contemporary House of Lords



The internal dynamics of the contemporary House of Lords are indicated in Figure 3. The membership of the chamber can be simplified to four main blocks: Conservative, Labour, Liberal Democrat and non-party. The first three of these clearly have a frontbench (FB) and backbench (BB) element, though we will initially put this to one side. The fourth group also includes different components, but there is little value in conceiving of these separately since all their members vote as individuals, rather than blocks. The largest element is the Crossbenchers, so we term this group XB, though it also includes 26 bishops and a small number of other non-affiliated peers.<sup>16</sup> Collectively, such members hold around 200 seats, which is roughly equivalent to each of the two main parties. The Liberal Democrats, on around 100 seats, are a further important block. As above, despite the complexities of coalition, we simply label Labour and Conservatives as (in whichever configuration) government and opposition. We also ignore the small number of seats held by more minor parties.

The modes operating in the Lords, as in the Commons, differ under periods of single-party and coalition government. The single-party configuration – shown as [a] – is the simpler of the two, but distinctly more challenging for government than that in the other chamber. Either Labour governments (as occurred 1999-2010) or Conservative governments (as since 2015) can find themselves significantly outnumbered by other forces in the chamber. Pressures can include various combinations of GBB, O, LD and XB. Those that most obviously matter are the ones potentially comprising a majority against the government. Hence individual groupings (e.g.  $O \rightarrow G$ ,  $LD \rightarrow G$ ,  $XB \rightarrow G$ ) pose a limited threat. But where groups band together, and express shared policy concerns, there are various prospects for government defeat. All key groupings with defeat potential are therefore variants of the cross-party mode:  $O + LD \rightarrow G$ ,  $O + XB \rightarrow G$  and  $O + LD + XB \rightarrow G$ . In practice XB does not vote as a block, and some members of this grouping are likely to support the government, while abstentions (or absences for other reasons) in all groups are relatively common. This

makes voting outcomes unpredictable. Fundamentally, however, both LD and XB may prove pivotal, enabling O to inflict defeat on government.

Under coalition – shown as [b] – while matters inside government are more complex, the Lords becomes more comfortable for ministers. During 2010-15 LD could mostly be depended upon to vote on the government side, which left XB as the only pivotal group. The combination O + XB → G still held some threat, but was relatively difficult for the opposition to sustain due both to shortage of numbers and non-party peers' hesitancy to use their full power against the government.<sup>17</sup>

While undoubtedly being of increased importance in the British parliamentary system, the House of Lords remains in fundamental senses the subordinate chamber. While the Commons can *in extremis* pass legislation without the Lords' consent (though this happens vanishingly rarely), there is no possibility for the Lords to get changes onto the statute book without consent from the Commons. As an unelected body, both convention and logic also dictate that the Lords should respect the will of the elected House of Commons. Whether ministers can withstand Lords defeat ultimately depends on views in the other chamber. A Lords majority against the government, therefore, is relatively powerless unless it can find support from a majority of MPs.

Lords modes can thus only be assessed for their effectiveness once coupled with modes in the Commons – where the intra-party mode is key. A majority government can remain robust against attack so long as it retains support from its own backbench MPs, but where this is lacking it will often back down to the Lords. The most high-profile recent example demonstrating such dynamics – occurred in autumn 2015 on the Conservative government's attempt to cut tax credits.<sup>18</sup> A Lords defeat initially fiercely resisted by ministers went on to be quietly accepted as it was realised that many government backbench MPs agreed with the Lords. Given patterns of abstention by peers, and tendencies for GBB in both chambers to express concerns to ministers privately, this group's views will not always be evident in the division lobbies. But the most dangerous *bicameral* modes for the government to face are those which are very clearly cross-party: O + LD + GBB → G, O + XB + GBB → G and O + LD + XB + GBB → G.<sup>19</sup>

### **Modern modes of executive-legislative relations in the UK**

In the intervening 40 years, all three of the modes that King detected in the British House of Commons have changed substantially. The intra-party and non-party modes have both become more visible and stronger. The opposition mode has changed from one which was, in King's view, a mere nuisance to the government – based largely on time wasting – to one which is more focused on reason and policy substance. All of these pressures have contributed to the development of a more serious cross-party mode.

King noticed the presence of such a mode in Germany, but judged it to be missing from Westminster. This is partly a quirk of his original scheme. He noted that opposition votes became important 'only on the fairly rare occasions... when dissident Government backbenchers and the Opposition join forces' – which he referred to as the operation of 'two modes at once' (p. 18). That is, he simply didn't accept the existence of OFB + OBB +

GBB → G as a mode, however rare. But since underpinning the intra-party mode is, at least in part, the threat that dissident members of GBB could band together with the opposition in the division lobbies it seems rather grudging to deny the existence of a cross-party mode. It is unlikely that government backbenchers were able to extract all of the concessions that he noted, even in the 1960s, without the fear by ministers that the opposition would have backed their position. Nonetheless the decline of party cohesion, and increased opportunities for cross-party work, have by now greatly enhanced the importance of such a mode.

One of the key changes since King's original analysis is that any serious treatment must be based on 'modes of *bicameral* executive-legislative relations', and must also recognise the different dynamics of single-party and coalition government. Putting together the analysis of the Commons and the Lords, we see that under single-party government (part [a] in Figures 2 and 3) the combination OFB + OBB + LD + GBB → G (with or without XB) is greatly problematic for ministers. They must work hard to maintain backbench support in the Commons; meanwhile the main opposition has a significant incentive to build alliances with LD (and of course GBB), which encourages cross-party relations in both chambers. Under coalition (shown instead in part [b] in Figures 2 and 3), the key dynamic is the inter-party one that King observed in Germany, between G and 3P (in both frontbench and backbench configurations). This means that in the Lords, things are potentially easier – but notably only if 3P = LD, as was the case 2010-15. The fallout from that period was the Liberal Democrats' 2015 collapse in seats in the House of Commons, leaving the SNP as the most significant third party. The 2017 parliament saw arrival of an even more complex arrangement, where the government must placate a force to its right in the Commons (the DUP) and to its left in the Lords (LD).

The closest comparator for today's UK politics in King's original article is his analysis of Germany, though if anything British arrangements today seem more complex. In his conclusions, King suggested that the extent of inter-party and cross-party contact in the German parliament meant that it did in fact make sense to discuss executive-legislative relations 'tout court'. That might, therefore, now be said of Britain – at least on occasions – but to do so would lose a great deal of the richness and insight that comes from the kind of analysis that he pioneered.

### **Conclusion**

Tony King's 1976 analysis of executive-legislative relations was prescient, and retains a core of wisdom and judgement that transfers to the present. But he captured the dynamics of the 'old' Westminster just as the system was on the cusp of change. The widely-noted transformation of the party system in the 1970s, and the establishment of the House of Commons select committees, which boosted cross-party working, occurred just after he wrote. In subsequent years further procedural changes, coupled with the substantial membership reform in the House of Lords, changed things further.

King never revisited his analysis. He was too busy with innumerable other projects, some of which are discussed elsewhere in this volume. As a scholar who clearly recognised, in his treatment of France and Germany, the importance of parliamentary procedure to the facilitation of group dynamics, he might have concluded that the new procedures in the

Commons were important. In some of his later work he certainly recognised the importance of change in the House of Lords.<sup>20</sup> But ironically, he more often remained somewhat negative about parliament, and had a tendency towards a 'declinist' view.<sup>21</sup>

King's central vision, and pioneering approach, was to appreciate that parliaments must be understood not as monoliths vis-a-vis executives, but as complex organisations comprising various interacting groups. This approach is valuable in dissecting and understanding the nature of change in UK parliamentary politics. It is a shame that he never revised this important analysis; he might have been cheered by what he found.

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<sup>1</sup> King, A. (1976), 'Modes of Executive–Legislative Relations: Great Britain, France and West Germany', *Legislative Studies Quarterly*, 1(1), 11-36, page 11 (italics in original).

<sup>2</sup> Although King's analysis is not widely cited by more recent comparativists, it can be seen as a precursor to more stylised, mathematical approaches such as those emphasising the importance of 'veto players' (Tsebelis, G. (2002), *Veto Players: How Political Institutions Work* (Princeton: Princeton University Press)) and 'pivotal voters' (Krehbiel, K. (1998), *Pivotal Politics: A Theory of U.S. Lawmaking* (Chicago: University of Chicago Press)).

<sup>3</sup> There is some conceptual blurring between the UK non-party and German cross-party mode. King described how German parliamentarians approached committee work 'in a non-party or, more precisely, a cross-party frame of mind' (p. 27). It is somewhat unclear whether his cross-party mode depends on the presence of two parties in government. Later in the article we use this term to describe a mode which he didn't recognise in the UK parliament – OFB + OBB + GBB – and other cross-party combinations.

<sup>4</sup> For example: there are of course more than four parties in the House of Commons; we retain the nomenclature '3P' (and LD in Figure 3 below) even when this grouping is aligned with G, in order to maintain consistency with periods when the same group is in opposition; and the choice of the terms 3P and 4P is not a direct reflection of the size of these groupings – in particular in the 2017 parliament the Liberal Democrats (the second largest opposition party) actually hold more seats than the DUP.

<sup>5</sup> Tiny, but not non-existent. For example, during the passage of the Maastricht Bill, the government faced defeat over what was known as the Bill's 'paving motion' as a result of some of its Eurosceptic backbenchers voting with the official opposition. The government was saved from defeat by the support of the Liberal Democrats. This was a rare occasion when the mode OFB + OBB + (some) GBB → G + 3P was operating. See Baker, D., Gamble, A. and Ludlam, S. (1993), 'Whips or Scorpions? The Maastricht Vote and the Conservative Party', *Parliamentary Affairs*, 46(2), 151-66.

<sup>6</sup> [TBC].

<sup>7</sup> For example, Norton, P. (1975), *Dissension in the House of Commons 1945-74* (London: Macmillan); Norton, P. (1980), *Dissension in the House of Commons, 1974-1979* (Oxford: Clarendon); Cowley, P. and Norton, P. (1999), 'Rebels and rebellions: Conservative MPs in the 1992 Parliament', *British Journal of Politics and International Relations*, 1(1), 84-105; Cowley, P. (2002), *Revolts and Rebellions: Parliamentary Voting Under Blair* (London: Politico's); Cowley, P. (2005), *The Rebels: How Blair Misled His Majority* (London: Politico's); Cowley, P. and Stuart, M. (2014), 'In the Brown Stuff? Labour Backbench Dissent Under Gordon Brown, 2007-2010', *Contemporary British History*, 28(1), 1-23.

<sup>8</sup> Cowley, P. (2015), 'The Coalition and Parliament', in A. Seldon and M. Binn (eds.), *The Coalition Effect* (Cambridge: Cambridge University Press).

<sup>9</sup> Proposals for a system of specialist committees had been set out by the former editor of this journal, Bernard Crick, in his book *The Reform of Parliament* (London: Wiedenfeld and Nicolson, 1964).

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<sup>10</sup> Benton, M. and Russell, M. (2012), 'Assessing the Impact of Parliamentary Oversight Committees: The Select Committees in the British House of Commons', *Parliamentary Affairs*, 66(4), 772-97; Kubala, M. (2011), 'Select Committees in the House of Commons and the Media', *Parliamentary Affairs*, 64(2), 694-713.

<sup>11</sup> Reform of the House of Commons Select Committee (2009), *Rebuilding the House (First Report of Session 2008-09)*, HC 1117 (London: House of Commons).

<sup>12</sup> In describing the wrongheadedness of the two-body image, for example, King suggested that '[t]he implication is that there are two bodies, one called Parliament or the House of Commons, the other called variously the executive, the administration, or the Government' (p. 12). Likewise 'what we are interested in is not the whole of Parliament but Parliament (or the House of Commons) minus the Government'; he even referred to 'Parliament as a whole' in this context, meaning House of Commons (p. 13).

<sup>13</sup> The French case is arguably similar to the British. But in Germany the federal Bundesrat is a centrally important part of the legislative system, as King must have known. He perhaps considered that the complexities for German governments in navigating policy through parliament was already clear enough through his account of relations in the Bundestag.

<sup>14</sup> Baldwin, N. (1995), 'The House of Lords and the Labour Government 1974-79', *Journal of Legislative Studies*, 1(2), 218-42.

<sup>15</sup> Russell, M. (2013), *The Contemporary House of Lords: Westminster Bicameralism Revived* (Oxford: Oxford University Press).

<sup>16</sup> These diagrams are schematic and do not fully represent where members sit in the chamber – in particular bishops sit separately from Crossbenchers.

<sup>17</sup> As non-party peers have no electoral mandate whatsoever they are particularly sensitive to claims of democratic illegitimacy. The same applies far less to Liberal Democrats, who campaign for electoral reform to the House of Commons, and are generally underrepresented in that chamber in proportional terms.

<sup>18</sup> See Russell, M. (2015) 'The Lords, politics and finance', Constitution Unit blog, 29 October 2015. Available at <https://constitution-unit.com/2015/10/29/the-lords-politics-and-finance/> [accessed 19 October 2017].

<sup>19</sup> Statistical analysis of House of Lords defeats shows that those where there was measurable evidence of GBB support in the division lobbies were ultimately more likely to succeed against the government: see Russell, M. and Sciarra, M. (2008), 'The Policy Impact of Defeats in the House of Lords', *British Journal of Politics and International Relations*, 10(4), 571-89.

<sup>20</sup> King, A. (2007), *The British Constitution* (Oxford: Oxford University Press).

<sup>21</sup> Most notably in chapter 25 of King, A. and Crewe, I. (2013), *The Blunders of Our Governments* (London: Oneworld); also King, A. (2015), *Who Governs Britain?* (London: Pelican).