

Formation rules and minority governments

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Abstract. This research note focuses on the importance of rules for coalition formation in parliamentary democracies. Traditionally, coalition theorists have assumed that only majority coalitions can be winning. The more recent literature has shown that coalitions can be winning even if they do not control more than half of all legislators. However, the literature has continued to overlook the fact that there exist two different types of government formation rules. In this note, the two types –positive and negative rules–are presented and it is shown that minority governments are more frequent in the countries with negative rules.

Introduction

Coalition theorists used to assume that a coalition could be winning only if it held an absolute majority.¹ For instance, Riker (1962) defines a winning coalition as one that ‘contains over half of the membership or votes or weight in the decision making system’ (Riker 1962: 256, emphasis added). When applying coalition theory to government formation in parliamentary democracies, Axelrod (1970: 170–183), Browne (1971: 394), De Swaan (1973: 130), Dodd (1974: 1105), Franklin & Mackie (1984: 673) and Robertson (1986) as well as Taylor & Laver (1973: 206–207) all use the same definition. They operationalize a winning coalition as one that contains more than half of the members of parliament.

Because of the absolute majority criterion, minority governments have traditionally been a ‘puzzle’ for coalition theory (see the review articles by Brown & Franklin 1986; Laver 1986; Luebber 1983).² Minority governments occur frequently.³ Empirical tests on cross-national data show that about a third of all governments are minority governments (Robertson 1986; Strom 1990; Taylor & Laver 1973).⁴ When explaining the high frequency of minority governments, the more recent literature implies that the absolute majority criterion is not a valid one (Budge & Laver 1986; Laver 1986; Laver & Schofield 1990; Laver & Shepsle 1990; Strom 1990). For example, in some countries a coalition can form a government if it can win a vote by a relative (rather than an absolute) majority. This suggests that not all governments must be of the size traditionally assumed.⁵ The recognition of this has been an important contribution in the more recent literature on coalition formation in parliamentary democracies.

However, it is still true that coalition theories have paid ‘too little attention to the constitutional link between legislature and executive in European

parliamentary systems' (Budge & Laver 1986: 488). The focus of this note is on the link created by the rules about government formation. There are, in fact, two major types of government formation rules. In some countries the rules are formulated positively and in other countries the rules are formulated negatively. This fact, while known to students of parliamentary democracies, remains to be incorporated into coalition theory. The two forms of rules are important because minority governments are more common in countries where the rules are formulated negatively than they are in countries with positive rules. This, I argue, implies that the way in which winning is defined in existing rules is more important for the outcome of coalition bargaining than even the more recent literature has recognized.

This note is organized as follows. In the next section I present the rules as they exist in 15 parliamentary democracies. In the third section I show that most minority governments are found within a subset of countries, those with negative rules, and discuss ways to study this in further research. In the final section I conclude with a summary of my main argument.

The rules of the government formation game

In this section I present the government formation rules that exist in 15 parliamentary democracies. But first I give an important definition. A *parliamentary* democracy is a democracy in which the government (the executive) must be supported, or at least tolerated, by the parliament (Bogdanor 1984; Brusewitz 1929). By definition, then, a government in a parliamentary democracy, must be tolerated by an absolute majority (50% + 1) of the members of parliament. If an absolute majority actively opposes a government (i.e. is willing to vote to remove it from power), then it will have to resign. This is true of all parliamentary democracies. It is important to note that this definition does not require that government members themselves hold an absolute majority.

Let us first turn to the countries where government formation rules are formulated in a positive way. Data are from Blaustein & Flanz (1982), Blondel & Müller-Rommel (1988), Bogdanor (1984), Browne & Dreijmanis (1982), De Jong & Pijnenburg (1986), Halvarson (1991), Laver & Schofield (1990), *Parliaments of the World* (1986), Schwietzeret et al. (1984).⁶ In Germany, for example, a candidate for Chancellor is appointed by the President.⁷ To assume power in a *first* vote of investiture this candidate (and thereby the coalition he represents) must win a vote by an absolute majority.⁸ That is, more than half of all the members of the *Bundestag* must vote in favour of him. However, if a coalition fails on a first vote, then the President can either appoint a government (Chancellor) that has the support of a relative majority or dissolve the *Bundestag*. The Spanish rules of government formation are relatively close to the German rules. It is required that a coalition win an absolute majority in a first vote of investiture. However, it

is sufficient for a coalition (Prime Minister) to win by a relative majority in a second vote.

Voting rules in some other parliamentary democracies do not require a coalition to win an absolute majority in the first vote of investiture. In Belgium, Ireland, Israel and Italy a new government must win a vote of investiture in the parliament by (at least) a relative majority before it can assume power. This can be required by constitutional practice (i.e. unwritten rules) as in the case of Belgium, or by constitutional rule as in Italy.⁹

In the six countries discussed above, constitutional rules and practices are of a positive form. The underlying principle is that a government should be *supported* by the parliament. In these countries a coalition must win a vote by at least a relative majority before it can assume power.

In other countries the constitutional rules are of negative form. The underlying principle is that a government must only be *tolerated* by the parliament. A government is formally appointed by the Head of State and, 'instead of requiring a positive vote of confidence from the legislature, can maintain itself in power so long as there is no vote of censure passed against it' (Bogdanor 1984: 55).

Of course, the choice of the Head of State is constrained (and often determined) by the parliament.¹⁰ Nonetheless, no vote of investiture is required and a government remains in power until the opposition wins a vote of no confidence or the government resigns. A *vote of no confidence* (or censure) is a vote in which it is determined whether or not a government already in power is tolerated by the parliament.¹¹ Thus, according to the negative rules, the onus is not on the government to prove that it is supported by the parliament. Rather it is left to the parliament to prove that the government is *not* tolerated.¹²

For historical reasons, the negative formulation is something of a 'default' in parliamentary democracy. That is, if a requirement that a government must be supported by the parliament – that it must win a vote of investiture before it assumes power – has not been instituted, the underlying principle is negative. This negative form of rules dates back to when the king rather than the parliament appointed the government. Today it exists in Canada, Denmark, Finland, Iceland, Norway and the United Kingdom.¹³ In these countries the relation between the government and the parliament is defined in negative terms. The Head of State (in Canada, the Governor General) formally appoints a Prime Minister (and thereby a government) and no vote of investiture is required. In these parliamentary democracies the ultimate power of the parliament rests in its power to unseat the government, not with the (formal) power to elect it. Until the government either loses a vote of no confidence by a relative majority or chooses to resign for some other reason, it remains in power.

In the Netherlands, there is a strong norm (a concept that is broader than the more precise term 'practice') that the preferable outcome of government formation is a majority government. In this respect the Netherlands has

something of a mixed system. It is not required that there must be a vote of investiture before a government assumes power. On the other hand, the norm that the government should be supported (and not just tolerated) by the parliament is very strong.

Portugal and Sweden combine the negative principle of tolerance with the requirement that a cabinet must face a vote in the parliament. In Portugal a government appointed by the Head of State must present the parliament with its policy program within 10 days. Unless this program is rejected by an absolute majority, it is accepted. If this is rejected the government must resign. In Sweden it is required that *before* a coalition can assume power it must be proven that an absolute majority tolerates the government. A candidate for Prime Minister is suggested by the Speaker. If an absolute majority does not vote against him, he (and thereby his cabinet) can assume power. Thus, Sweden also has a negatively formulated rule.

In contrast to the traditional absolute majority assumption, the discussion above has illustrated that all winning coalitions in parliamentary democracies are *not* characterized by the fact that they contain an absolute majority. Instead, they all have in common that they are *tolerated* by an absolute majority. This is the very essence of parliamentary democracy. However, aside from this basic requirement, government formation rules vary considerably.

There are at least *five* different potential rules with relevance for coalition theory and government formation in parliamentary democracies. The five rules are:

1. An often assumed rule that a coalition must *contain* parties that together hold an absolute majority (as shown above, this rule exists only in theory).
2. A rule that requires a coalition to win a positive vote in the parliament by an *absolute* majority.
3. A rule that requires a coalition to win a positive vote in the parliament by a *relative* majority.
4. A rule that allows a coalition to win if it can pass a *negative vote* in the parliament (in the sense that an absolute majority does not vote against it).
5. A rule that *does not* require a coalition to win an explicit vote in the parliament.

Among these five rules, the distinction between positively formulated rules (rules 1–3) and negatively formulated rules (rules 4–5) is the most important. This distinction is discussed below.

Rules and variation in government size

Following the distinction between positive and negative rules, we can group the 15 democracies into two major groups. In one group we can place the countries in which the rules are positively formulated and in the other group

Table 1. Government formation rules in 15 parliamentary democracies

The government formation rule is:	
Positive	Belgium, Germany, Ireland, Israel, Italy, the Netherlands, Spain
Negative	Canada, Denmark, Finland, Iceland, Norway, Portugal, Sweden, UK

Table 2. Minority governments in 15 parliamentary democracies, 1945–87

Country	Number of Govts.	Number of Minority Govts.	Percent of Minority Govts.	Number of Govts with 40% or less of the seats
Belgium	31	4	13	1
Canada	17	8	47	–
Denmark	25	22	88	15
Finland	32	11	34	9
Germany (West)	22	3	14	–
Iceland	19	4	21	4
Ireland	17	7	41	–
Israel	29	3	10	–
Italy	48	20	42	2
Netherlands	19	3	16	–
Norway	21	12	57	4
Portugal	13	2	15	2
Spain	5	3	60	–
Sweden	21	12	57	2
UK	18	2	11	–
Total	337	116	35%	39

Sources: Strom (1990: 58, 246–269), Saalfeld (1990: 5).

Note: Not all countries have been parliamentary democracies throughout the entire period. Details on this are found in Strom (1990). A new government has been recorded at (1) every general and direct election, (2) every change of prime minister, (3) every change in party composition, and (4) any by-election resulting in a shift from majority to minority status or vice versa (Strom 1990). Non-partisan governments have been excluded.

countries whose rules are negatively formulated. Table 1 illustrates the distribution of the 15 countries according to this distinction. (As discussed above, the placement of the Netherlands is somewhat problematic.) Table 2 illustrates the variation in frequency of minority governments and the size of such governments.

First note that there is considerable between-country variance in the frequency of minority governments. For example, very few governments in Germany and the UK have been minority governments. What is more, the German minority governments were transitional governments whose total tenure amounted only to a couple of months. The contrast with, for example,

Table 3. Electoral systems and government formation rules in 15 parliamentary democracies

The government formation rule is	The electoral system is	
	Single-member	Proportional
Positive	–	Belgium, Germany, Ireland, Israel, Italy, the Netherlands, Spain
Negative	Canada, UK	Denmark, Finland, Iceland, Norway, Portugal, Sweden

Denmark is striking. Almost all (88 per cent of Danish governments) were minority governments.

In general, Table 2 shows that minority governments are frequent in countries with negative government formation rules. Canada and the UK appear to be contradictions to the rule. These countries have negatively formulated government formation rules but a relatively low frequency of minority governments. The explanation is straightforward. The plurality electoral systems in these two countries tend to produce one-party majority governments. Because of this, the negative formulation of the government formation rules is of less importance. Thus, we should make a distinction between those countries that tend, by virtue of their plurality electoral systems, ‘automatically’ to produce a majority party and those that do not. Table 3 illustrates the distribution of the 15 countries along the four categories created by dividing countries with either positive or negative rules into those that have plurality electoral systems and those that do not, taking electoral systems from Lijphart (1984: 160).

With this sample of 15 parliamentary democracies, one category, that with a single-member electoral system and a positive investiture rule, remains empty. A second category consists of Canada and the UK, the two countries in the sample with negatively formulated government formation rules and a single-member electoral system. The remaining two boxes consist of countries with proportional electoral systems. One consists of countries with negative government formation rules and the other of countries with positively formulated rules.

Table 4 shows that, of the 35 governments formed in Canada and the UK, the countries with single-member district electoral systems and negative government formation rules, ten (29 per cent) were minority governments. Table 4 also shows that, among the countries with proportional electoral systems, the frequency of minority governments varies considerably. In those with positive rules, 43 of the 171 governments (25 per cent) were minority governments. Of these 171 governments, only three (2 per cent) had a size of 40 per cent or less.¹⁴ These numbers are distinctively different from those for the six countries with negative formation rules. Here there were 131 governments, of which 63 – almost half – were minority governments.

Of the six countries with a proportional electoral system and negative

Table 4. Minority governments, electoral systems and government formation rules in 15 parliamentary democracies

The government formation rule is	The electoral system is	
	Single-member	Proportional
Positive	–	N = 171 Min. = 43 % = 25% 40% or smaller: N = 3 % = 2%
Negative	N = 35 Min. = 10 % = 29% 40% or smaller: N = 0 % = 0%	N = 131 Min. = 63 % = 48% 40% or smaller: N = 36 % = 27%

government formation rules, the Portuguese democracy is fairly young and worthy of a special attention that it cannot be given here. This leaves the Nordic democracies (Denmark, Finland, Iceland, Norway and Sweden) as a set of countries with similar rules. They are also the countries with the highest frequency of minority governments.

Out of 116 minority governments in 15 countries, 61 (53 per cent) were formed in the five Nordic countries. Moreover, out of a total of 39 governments containing fewer than 40 percent of the seats in parliament, 34 (87 percent) were formed in the Nordic countries. This shows that, where the rules were negatively instead of positively formulated, minority governments are more common. And, even if minority governments sometimes form under positive rules, small (<40 percent) minority governments tend to form almost exclusively where the rules are negative.

We can conclude from Tables 2 and 4 that a negatively formulated government formation rule facilitates minority governments. In particular, negative rules tend to facilitate the formation of very small governments. In further research, the different rules must be linked to the goals of political parties. This is because, even if rules help facilitate certain outcomes, in the end the government that is formed is a matter of choice.

The challenge is to develop a theory of how party goals interact with rules (and for that matter other important bargaining conditions) to create the outcomes we observe. The way to pursue the study of the relationship between rules and goals in coalition formation is two-fold. First there is room for careful analytical modelling of the logic of different coalition bargaining environments. Second, there is a need for detailed studies of historical cases of how the logic of coalitional bargaining is related to the rules of government formation.

It must also be recognized that the rules of government formation are only one determinant of the size of governments. Other institutional arrangements might also be important (for suggestions see Budge, Laver & Strom, unpublished). The Nordic democracies also provide example of this. In Finland a minority of one-third of the parliament can postpone a bill to the next parliamentary session (Anckar 1990; Isaksson 1991). This has helped create an incentive for 'oversized' cabinets.¹⁵ Nonetheless, because Finland also adheres to a negative form of government-parliament relations, Finnish governments have often also been relatively small.

There can also be other complementary explanations. For instance, Strom (1986) has shown that coalitional bargaining in Scandinavia (Denmark, Norway and Sweden) is characterized by (1) strongly organized and future oriented parties, (2) decentralized and relatively non-hierarchical legislatures, and (3) competitive elections. He argues 'that these conditions induce political parties to defer the gratification of holding office and thus facilitate minority government formation' (Strom 1986: 583). The conditions identified by Strom are important. Together with an explicit focus on the different bargaining environments provided by the different rules, they will help explain the high frequency of minority governments in the Nordic countries.

Summary

To summarize, I have argued that a flawed institutional definition has been the main reason for the discrepancy between coalition theory and the empirical record of government formation in parliamentary democracies. The assumption has been that a coalition can be winning only if it contains an absolute majority of the members of parliament. This is not required in any parliamentary democracy. This fact helps explain the high cross-national frequency of minority governments. This paper has also shown that there exists a cross-national variation in the frequency and size of minority governments and that this correlates with differences in government formation rules. There are two major forms of such rules, one positive and the other negative. In countries that adhere to the positive form, minority governments are relatively rare and when they form they tend to be close to absolute majority size. Controlling for the electoral system, the negative form of government formation rules correspond to a higher frequency of minority governments. These minority governments are often also based on a smaller proportion of parliamentary seats.

These findings indicate that variations in the rules of government formation create variations in the logic of coalition bargaining in parliamentary democracies. They also suggest that the traditional assumption of an absolute majority rule should be replaced by a concern for the impact of the precise rules of the government formation game.

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Notes

1. Definitions of concepts such as absolute and relative majority vary between authors. In Bogdanor's (1987: 350) political dictionary, absolute majority is defined as a 'majority of all votes cast' and relative majority as having 'more votes' than any other alternative. This definition does not recognize the distinction between a majority of *all members* and a majority of all *votes cast*. This paper shows that this distinction is an important one. What Bogdanor (1987) calls a relative majority I consider to be a plurality rule. That is, a cabinet is elected when it gets more votes than any other alternative (without having to win by a majority). A *relative* majority is a majority of the members of parliament who actually vote. Relative majority is the voting rule used for most decisions in most legislatures. A comprehensive survey of the parliaments of the world concludes that 'ordinarily, decisions are taken by a majority of the votes cast' (*Parliaments of the World* 1986: 516).
2. Early theorists tried to explain the discrepancy between coalition theory and the empirical record by arguing that the coalition formation process is characterized by uncertainty and a lack of information (Riker, 1962; Dodd, 1974). However, Strom (1984, 1985, 1986, 1990) has shown that minority governments tend to occur in bargaining situations characterized by competitive elections and parliamentary processes that enable opposition parties to influence policy outcomes. According to Strom, minority governments are, in general, created by rational and informed actors.
3. A minority government is a government which holds less than half of the votes in parliament. See Strom (1990) for an insightful discussion of the status and efficiency of minority governments.
4. The finding that one-third of all governments are minority governments is a finding based on pooled cross-national data sets. Grofman (1989) has shown that such cross-national findings can obscure relationships that exist within countries. Empirical tests of coalition theory on cross-national data have, in a similar way, overlooked a difference between two groups of countries with different government formation rules.
5. Size is measured as the share of the seats in parliament that is held by the parties that are members of the government.
6. The sample of countries is largely from Strom (1990). I add the case of Germany. I do not include the French IV Republic because I focus on existing rules.
7. Perhaps one can raise doubt about the 'parliamentary' democracy status of Germany. For example, Strom (1990) excludes Germany largely because of the (ambiguous) relation between the cabinet and the indirectly elected *Bundesrat*. However, Germany is often included in empirical tests of coalition theory.
8. Together with cultural norms in favour of majority government and the *constructive vote of no confidence* (see, for example, Müller-Rommel 1988) this rule creates a bargaining environment in which minority governments are an exceptional outcome.
9. In Belgium there is also a constitutional requirement of a two-third majority in order to

- enact constitutional changes. This constitutional requirement provides incentives for large and often over-sized majority governments (Rudd 1986).
10. However, Laver & Schofield (1990: 64–65) point out that in Finland, Israel, Italy, the Netherlands, Portugal and Spain, the Head of State often plays an active role in cabinet formation. Note also that in Sweden it is the Speaker of the *Riksdag* and not the Head of State (the monarch) who appoints a candidate for Prime Minister.
 11. Terms such as vote of no confidence and vote of censure are approximately synonymous since they refer to a vote in which a parliament can remove a cabinet. However, in parliamentary democracies the technical arrangements of such a vote vary considerably. For example, in some parliamentary democracies there is no *formal* instrument like the vote of no confidence. In these democracies it is assumed that a cabinet resigns if it loses a vote on an issue of major importance. In Denmark, Finland and Norway the vote of no confidence is of this form (Petren 1981).
 12. Of course, a vote of confidence may also be called by a cabinet that wants to prove that it is tolerated by the parliament. The point is that a vote of confidence (or no confidence) has to do with the relation between a cabinet already in power and the parliament. Also note that a requirement of a positive vote of investiture does not exclude the existence of a vote of no confidence.
 13. Perhaps it is a matter of judgement whether Finland should be classified as a parliamentary democracy. The Finnish president has a strong position and a cabinet without his support would probably have to resign. However, the Finnish system, much more clearly than in other 'strong' presidential systems (such as the French V Republic) is one in which it is considered necessary that the government is tolerated by the parliament (Anckar 1990; Halvarson 1991). For this reason Finland is included in this sample. This is also common in empirical tests of coalition theory.
 14. The threshold of 40 percent (Tables 2 and 4) has been chosen because it is one standard deviation from the cross-national mean in Strom's (1990) sample. Table 2 includes Germany, which Strom's sample does not, and it excludes the French IV Republic, which Strom includes. If Germany had been included in Strom's sample then threshold would have been slightly higher.
 15. In coalition theory, a coalition that contains more members (parties) than are needed to ensure an absolute majority is an 'oversized' coalition. However, the existence of oversized cabinets is relatively easy to reconcile with coalition theory. For example, Laver argues that oversized coalitions are not much of a theoretical problem: 'This situation may arise, among other reasons, because constitutional amendments requiring a qualified majority are on the policy agenda, or because party discipline is poor or solid party votes in the legislature cannot be guaranteed, even on crucial issues. Here we are dealing with the familiar concept of the necessary 'working majority' for a government' (Laver 1986: 38). Butterworth (1971) has formalized an argument as to why we should expect oversized coalitions in some bargaining situations. Budge & Keman (1990) stress that oversized coalitions are likely to occur when the very foundation of representative democracy is threatened.

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