

David Cameron and Nick Clegg are stretching the British constitution, but our confrontational style of politics looks set to continue

By Democratic Audit UK

*Few expected the Coalition Government formed in the wake of the 2010 General Election to last as long as it has. This has been made possible by a process of what **Stephen Barber** described as 'stretching' of the constitution, disregarding some conventions while altering others. Despite this, our confrontational style of politics doesn't look set to end any time soon, with a power-sharing culture and tone of respectful difference seemingly as far off as ever.*



Credit: [Nick Page](#), CC BY 2.0

Conference season before a general election is the opportunity for parties to present themselves as credible occupants of ministerial office. Three things are different this year, however. Firstly, the date of the general election is actually known. Secondly, the parties which have been in coalition government together for four years are openly distancing themselves from each other. And thirdly, policy pledges are being framed not only to attract voters but also as potential bargaining chips to negotiate a new coalition should a hung parliament result in May.

The Fixed Term Parliament Act aside, planned constitutional reform has fallen well short of expectations since 2010 as House of Lords reform, 'equalising' boundaries, reducing the number of MPs and the Alternative Vote have all fallen by the wayside. That said belated pledges to devolve even more power to Scotland will be meaningful in time. But the biggest impact has been the stretching of the constitution to accommodate two parties in office by way of collective responsibility and prerogative powers – not to mention the new role of manifestos as documents to negotiate a Coalition Agreement.

This, unintentional, reform could be all the more permanent if voting trends continue. After all, if one goes back to 1951, just 3% of the electorate who turned out did *not* vote Conservative or Labour. By 2010 that figure was 35%. It means the outcome of elections is much more capricious and partly explains why David Cameron's Conservatives failed to win a majority last time on 36% of the vote while Tony Blair's Labour party enjoyed a 66 seat majority in 2005 despite securing a lower 35%. In 2015 there will be a fourth force in the shape of UKIP and

while this doesn't make it impossible to forecast shares of the vote, predicting the allocation of seats is much more problematic. So future coalitions are more likely and our stretched constitution could be with us for some time.

Let's leave aside the bluster of addressing the party faithful at conference and turn to the real world of running a government. Consider this headline from the *New Statesman* in [September](#). The story referred to a Bill introduced into the Commons by Lib Dem MP Andrew George to water down government legislation (known in Whitehall as the under-occupancy penalty) which had represented a collective decision of the coalition government. 'Lib Dems defeating Tories' is, therefore a curious situation; a situation made all the more curious when Lib Dem MPs (in government) join forces with Labour MPs (in opposition) to 'defeat' Conservatives (in government) who on the whole voted against the amendment. This stretches the concept of collective responsibility by which all ministers are bound by the decisions of Cabinet. But it doesn't stretch it to breaking point. After all, the government survived.

And it is not the only example over the past four years. Nick Clegg instructed his MPs (including Ministers) to vote against the Boundary changes drafted as part of the government's Electoral Registration and Administration Bill and he did so in retaliation at Conservative MPs unwillingness to support House of Lords reform. Later Cameron allowed Conservative Ministers to vote 'against' their own Queen's Speech by way of an amendment which regretted that an 'EU referendum bill' was not included. Then there were the separate responses to the Leveson Report on media regulation – a committee collectively appointed by government.

Prerogative powers have also been stretched with ministerial appointments no longer the preserve of the prime minister. When Cameron conducted his first major reshuffle in July 2014, it was only Conservative ministers who were moved. The Lib Dems remained in post clinging on to their portfolios. Indeed earlier and after Lib Dems Chris Huhne and then Michael Moore left government (for different reasons), it was Deputy Prime Minister Clegg who announced and welcomed their successors to Cabinet. This is an elasticity which has changed constitutional practice.

But don't think that our confrontational, Westminster model, is dead. Britain has not been transformed into some sort of European style consensual polity by the experience of coalition. Behaviour at the party conferences is not the only evidence here. One only has to look at the opposition Labour party which, under Ed Miliband's lead, has been as oppositional and tribal as any predecessor despite considerable programmatic closeness to the coalition. And for all the 'my honourable friend' parliamentary etiquette between coalition parties (the early attempt at 'honourable colleague' quickly abandoned), Conservative and Liberal Democrat MPs have usually chosen to sit separately on the government benches.

Our constitution has been stretched in order to maintain a functioning government. Next May we will find out if that practice is to be more permanent.

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Dr Stephen Barber is Reader in Public Policy at London South Bank University. He tweets at @StephenBarberUK. His new article '[Stretched but not snapped: constitutional lessons from the 2010 coalition government in Britain](#)', has just been published by *Commonwealth & Comparative Politics*.

