International Journal of Global Affairs, Research and Development (IJGARD), Vol.4, No.1, 720-735, ISSN 2992-2488

THE COMPLEXITIES OF PARLIAMENTARY DEMOCRACY IN ADVANCING LEGISLATIVE AUTONOMY IN THE UNITED KINGDOM: AN EMPIRICAL ANALYSIS OF A MIXED ELECTORAL SYSTEM.

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ABSTRACT

Parliamentary autonomy as a fulcrum for democratic independence and effectiveness has continued to play important role in the enforcement of the doctrine of checks and balances between the legislature and the other arms of government.Legislative autonomy however as the capacity of Parliament to initiate, amend or reject legislation independent of executive control plays a vital role to democratic accountability. The case study of the United Kingdom presents an asymmetric instance where the election process into the House of Commons is through the First-Past-the-Post process while devolved legislatures adopt the Additional Member System (AMS). Utilizing the framework of Legislative Complexity Theory, Veto Points Theory and the Principal-Agent Theory of Delegation (Strøm et al., 2003) this study empirically examines the extent to which this mixed electoral architecture deepens the legislative autonomy between 2010 and 2024. The study utilized parliamentary division data, select committee reports and statutory instrument records in examining the topic. The findings of the study reveals that "constrained autonomy" at Westminster parliamentary administration. While adoption of the AMS was implicated to increase multi-partyism and committee assertiveness in Scotland and Wales. The adoption of the Westminster's FPTP electoral system as well as strong party discipline and executive delegation of responsibility through statutory instruments was identified as a key constrain towards the administration of parliamentary independence. The study concludes with policy and research recommendations for strengthening legislative oversight in hybrid Westminster systems.(Tsebelis,2002).

Keywords: legislative autonomy, parliamentary democracy, mixed electoral system, veto points, delegation, United Kingdom.

1.0 INTRODUCTION

The doctrine of parliamentary sovereignty as articulated by Dicey (1982) avers that Parliament is the supreme legal authority in the United Kingdom and the principal forum for holding the executive to account. In a democratic governance legislative autonomy is essential for democratic representation, lawmaking and oversight. However, the parliamentary administration of the Westminster model of legislative administration which allows fusion of executive and legislative powers creates structural incentives for executive dominance (Norton, 2001). This dominance is reinforced by disciplined political parties, government control of the legislative timetable and the convention of collective cabinet responsibility. Consequently, legislative scholars have persistently argued that the UK Parliament often functions more as a legitimizing body for executive decisions than as an independent policy-making institution (Lord Hailsham, 1976).

The institutional tension that the fusion of power as a result of the parliamentary system that the Westminster operates intensified after the devolution settlements of 1999 which introduced a constitutional asymmetry into the UK. While the House of Commons continues to adopt First-Past-the-Post (FPTP]) electoral system, the Scottish Parliament and the London Assembly adopted the Additional Member System (AMS). The proponents of AMS argues that its proportional representation effect help reduce single-party majorities as well as encourages multiparty representation while enhancing committee bargaining power at the parliament (Shugart & Wattenberg, 2001). Empirical evidence from Scottish legislative activity also suggests that minority formed governments were usually compelled to negotiate extensively with committees and opposition parties. However, Westminster retains ultimate legislative supremacy and continues to operate under FPTP thereby raising questions about whether devolved autonomy can influence or transform practices at the center.(Lynch,2013 and Hazell, 2020).

Against this background this study investigates a central legislative concern which investigates the extent to which the UK's mix of electoral systems deepened legislative autonomy and also examines the institutional complexities that is responsible for such relationship.

On paper the UK Parliament is sovereign and should be able to hold the executive to account (Dicey, 1885/1982). In practice, many observers describe Westminster as an "elective dictatorship" where the government of the day controls the legislative agenda and backbench MPs have limited room to act independently (Lord Hailsham, 1976). This is not accidental. The House of Commons uses First-Past-the-Post electoral system and FPTP systems tend to produce single-party majorities with strong party discipline. That discipline gives the executive tight control over what bills are debated, amended or passed (Duverger, 1954; Cox & McCubbins, 2005). But the UK is not just Westminster. Since 1999 Scotland and Wales have their own parliaments under the Additional Member System (AMS) which is a mix of constituency seats and proportional list seats (Shugart & Wattenberg, 2001). AMS usually creates multi-party legislatures where no one party can dominate (Ferrara et al., 2005). Early evidence suggests this matters: committees in Edinburgh and Cardiff amend more bills and force more government concessions than committees at Westminster (Lynch, 2013; Jeffery & Hassan, 2017). Westminster has also tried to rebalance power internally.

The 2010 Wright reforms introduced elected select committee chairs and a Backbench Business Committee to give MPs more control over scrutiny and debate (House of Commons Reform of the House of Commons Committee, 2009; Russell & Cowley, 2018). So we are left with a real-world puzzle. Within one country that shares a common constitutional tradition, why does legislative autonomy look so different? Is it the electoral system, the internal rules, or both? And what does that mean for democratic accountability at a time when public trust in Parliament is falling (Hansard Society, 2022) and executive power is expanding through statutory instruments (Institute for Government, 2024)?

Despite these concerns few studies have directly compared legislative outcomes across Westminster, Holyrood, and the Senedd using Veto Points Theory (Tsebelis, 2002). Without that comparison we cannot say with confidence how the complexities of parliamentary democracy especially mixed electoral systems actually advance or constrain legislative autonomy in the UK.

This study uses Veto Points Theory (Tsebelis, 2002) to explore how veto players shape legislative autonomy across the UK. It is guided by one main question and four supporting questions.

The main Research Question is how differences in electoral systems do and internal veto points explain variation in legislative autonomy across the UK Parliament, the Scottish Parliament, and the Senedd Cymru from 2007 to 2024?

Supporting Research Questions

i) Do AMS parliaments in Scotland and Wales produce more committee amendments and higher rates of government concession than the FPTP House of Commons?

ii) To what extent did the 2010 Wright reforms increase backbench and committee autonomy at Westminster? How do the legislative behaviors of list-elected members differ from those of constituency-elected members in AMS systems.

The study aims to

1) To empirically assess changes in legislative autonomy at Westminster and in devolved legislatures from 2010 to 2024 using indicators of defeats, amendments, veto events and delegation.

2) To explain these patterns using Legislative Complexity Theory, Veto Points Theory and Principal-Agent Theory (Polsby, 1975; Tsebelis, 2002; Strøm et al., 2003).

These objectives focus is significant as it emphasizes governance, institutional reform as well as democratic accountability in a hybrid legislative context. The clear understanding of the electoral engineering limits as operated in the UK also provides comparative lessons for other Westminster systems seeking to rebalance executive-legislative relations.

2.0 LITERATURE REVIEW

Parliamentary Democracy and the Problem of Executive Dominance:

The Westminster model of parliamentary democracy is premised on the principle of ministerial accountability to Parliament (Dicey, 1982). However, empirical scholarship research consistently documents a shift toward executive dominance a phenomenon Lord Hailsham famously termed “elective dictatorship” (Lord Hailsham, 1976). This perceived dominance is believed to be sustained by the fusion of executive-legislative personnel responsibility while discharging parliamentary responsibility. The control of the parliamentary agenda by the government in power as well as the use of party whips to enforce voting discipline is also believed to be possible due to the influence of executive dominance in the parliament (Norton, 2001). Consequently, backbench Members of Parliament are often confronted with compelling inducement to prioritize party loyalty over constituency or policy preferences. Notwithstanding the institutional strengthening of select committees following the 2010 Wright Reforms through election of chairs and increased budgets their ability to alter government policy remains contested (Russell & Benton, 2011).

Electoral Systems and Legislative Behavior

Electoral systems are a key institutional variable shaping legislative behavior. First-Past-the-Post tends to produce single-party majorities, in most instance incentivizes two-party competition and is believed to strengthen party leadership control over candidates. Conversely. Additional Member System used in Scotland, Wales and London is believed to introduce a proportional tier that reduces the manufacturing of majorities and encourages multiparty representation in the parliament (Ferrara et al., 2005). Comparative studies suggests that AMS parliaments experience more frequent minority and coalition governments which scholars argue must negotiate with opposition parties and committees before it can secure the constitutional requirement for passage effective legislation. In Scotland parliament for instance between the legislative term of 2007–2011 and 2016–2021 SNP minority governments amended 58% of government bills at committee stage (Lynch,2013). Yet the UK's political representation imbalance as a result of her adoption of FPTP at Westminster and AMS in devolved bodies created what could be termed a "dual-track" democracy whose interaction effects remain under-examined (Jeffery & Hassan, 2017).

2.1 THEORETICAL FRAMEWORK

To explain variation in legislative autonomy under the UK's asymmetric system this paper adopted an integration of three complementary theories (Polsby, 1975; Tsebelis, 2002; Strøm et al., 2003).

2.2 Legislative Complexity Theory

Nelson Polsby's Legislative Complexity Theory posits that legislatures evolve from "primitive" to "institutionalized" bodies through increased specialization in internal differentiation and procedural autonomy. Institutionalized legislatures develop standing committees with policy expertise, professional staff and control over their own procedures which enhances their capacity to scrutinize the executive independently (Polsby,1975).

The legislative complexity theory further views the legislative institution as a complex adaptive system with multiple participating actors, different veto points, complex feedback channels and path-dependent regulations. It explains why autonomy as the ability of parliament to control its agenda, amend her proceedings and hold the executive accountable is rarely absolute but rather is achieved through interactions. The theory manifest's a departure from the principal-agent model by describing the legislature as a complex adaptive system which is not regarded as a static attribute conferred by strict constitutional design rather an emergent outcome of multiple actors interactions of procedural rules and feedback mechanism(jones, 1993;Martin & Vanberg, 2011). The theory therefore provides a useful analytical lens for deepening the understanding of how the coexistence of majoritarian FPTP electoral system that Westminster practices as well as the AMS that other devolving parliaments in both Scotland and wales adopt within the UK polity generates competing sub systems where minor procedural changes can produce disproportionate effects on backbench agency. The tension between FPTP- driven executive dominance and the AMS-driven multiparty deliberation alongside post 2010 committee independence produced a multilayered legislative autonomy. Even though legislative autonomy is most obviously fely during parliamentary scrutiny, however it remains circumscribed in legislative initiation and timetable (Cox & McCubbins,2005). Thus, the adoption of this theory in analyzing the topic helped the study to move beyond mere assertions of executive dominance at Westminster to framing legislative autonomy as a contingent, rational and emergent dynamic interplay of electoral design, institutional feedback and procedural legislative reform.

2.3 Veto Points Theory

George Tsebelis (2002) Veto Points Theory the analysis argues that legislative autonomy in the UKis shaped not by the absence of veto players alone but also by how many veto powers exist and how cohesive are the existing veto powers.it further highlighted institutional veto powers and congruence cohesions as providing the lens that could be used to compare the Westminster's FPTP system that concentrates veto power in the executive via weak formal checks like the Lords and strong partisan controls like the whips and leader of the House thereby producing low institutional density and limited backbench autonomy against the devolved mixed AMS MMP systems in Scotland and Wales where proportional seats of multi-party parliaments fragment veto power and weaken party discipline (shhugart,Valdini, &Suominen,2005). This process is however believed to create greater space for backbenchers and committee agency which was experienced in the Westminster 2010 Wright reform which added semi-independent veto points through elected committee chairs and the backbencher's business committee (Russell & Cowley.2018). This process further confirms that higher veto points in AMS parliaments will produce more amendments that incongruent partisan players will increase government defeats.

The theory also argues that policy change gets harder as the number of actors who can influence change to increase. He maintained further that for legislative autonomy to be achieved the veto points would simultaneously play concurrent role of both constraining the executive as well as empowering individual MPs or committees. The parliamentary democracy as practiced in the United kingdom is believe to advance legislative autonomy not essentially through the reduction of the veto points but on the contrary by increasing it. The Westminster FPTP electoral model tends to centralize veto power within the executive which inadvertently limits legislative autonomy. Conversely, the mixed AMS model that is adopted by the devolving legislatures tends to produce a fragmented veto powers across different political parties and parliamentary committees thereby creating institutional spaces that allows backbenchers to exercise autonomy. The 2010 Wright reforms gives a sense of such fragmentation at Westminster. The veto points theory. Unlike what is obtainable in other federal systems with constitutional veto points the UK historically has only the House of Commons and the Crown. However in modern times the following protocols like the House of Lords reform as well as the Human Rights Act 1998 have created new informal veto points within the UK parliament. The Sewel Convention requires Westminster to seek legislative consent from devolved legislatures on devolved matters, while judicial review allows courts to declare legislation incompatible with rights. (Hazell, 2020). The theory believes that even weak veto players can trigger concessions if the government wishes to avoid costly legislative stalemate or legal challenge (Tsebelis, 2002, p. 19). A good example was what happened during the Brexit advocacy when the government accepted 7 of 15 Lords amendments to the EU Withdrawal Act 2018 to expedite passage (House of Lords Library, 2019). Also a similar instance happened when the government withheld Sewel consent on the Internal Market Act 2020 generated political costs despite being non-binding. In providing a relevance perspective of the Veto Points Theory in explaining why legislative autonomy at Westminster is increasingly constrained not by constitutional vetoes alone but also by cumulative veto pressure from devolved governments and courts.

2.4 Principal-Agent Theory of Delegation

Principal-Agent Theory in this instance views Parliament as the principal that delegates law-making and implementation authority to ministers and civil servants who act as agents (Strøm et al., 2003). According to the theory autonomy is believed to be eroded when agents possess superior information and monitoring costs are high which could trigger agency drift that could affect policy outcomes which ultimately will derail away from legislative intent. The UK Parliament by her legislative operation routinely delegates enormous powers in compliance to the Henry VIII clauses which allow ministers to amend primary legislation via statutory instruments (Constitution Committee, 2021).

For instance between 2010 and 2023 only about 4,287 SIs were laid compared to 389 primary acts, this shift accelerates law-making but reduces opportunities for debate and amendment (Institute for Government, 2024). According to the Principal-Agent Theory legislative capacity does not automatically produce autonomy. It maintains that even with stronger house committee compositions, the Parliament may lack the requisite political will to monitor executive agents. This theory frames delegation as the third constraint on autonomy alongside party discipline and veto points, and justifies recommendations for sifting committees and affirmative procedures (Strøm et al., 2003).

2.5 Identified Gaps in the UK Legislative Autonomy Literature

Despite this body of work that has been previously done around the United kingdom's legislative autonomy, this study after reviewing some literatures on the topic still believe some academic gaps persist. A careful analysis of existing literatures around the complexities of parliamentary democracy in advancing legislative autonomy in the United Kingdom suggests' that most scholars who previously analyzed the topic treated Westminster parliamentary activities and other devolved legislatures as separate cases which led to their limited analysis of spillover effects or constitutional friction between the institutions. Secondly, quantitative evidence on informal veto events within the parliament such as Lords amendments and Sewel consent motions was never properly integrated with existing data on committee activities and delegated activities of the parliament (House of Lords Library, 2019). Thirdly also was the instances where most theoretical works on parliamentary autonomy often isolate single mechanisms like political party activity, parliamentary committees or courts as an influencing factor in determining a preferred electoral system without explaining how they interact under a mixed electoral architecture. This study addresses these gaps by combining longitudinal data on defeats, amendments, veto events and statutory instruments within an integrated theoretical framework (Hazell,2020).

3.0 METHODOLOGY

This study chose to adopt a mixed-methods longitudinal design for the period 2010–2024 . The period covers three majority governments, one coalition, and one minority government, allowing comparison across executive types.

3.1 Data Sources

Primary data were drawn from House of Commons Division Lists, UK Parliament Statistics, Scottish Parliament Official Report, Senedd Record, House of Lords Library, UKSC Judgments, and Institute for Government SI database [UK Parliament, 2024; House of Lords Library, 2019; Institute for Government, 2024].

3.2 Operationalization of Legislative Autonomy

Autonomy was measured using four indicators:

i) Government defeat rate in Commons divisions

ii) Committee amendment acceptance rate

iii) Select committee activity and influence

iv) Frequency of informal veto events and use of SIs.

3.3 Analytical Approach

Quantitative data are presented in Tables 1–2. Qualitative analysis of 15 select committee reports on Brexit and COVID-19 legislation was conducted to assess assertiveness and government response.

4.0 RESULTS AND DISCUSSION

4.1 Results

4.1.1 Legislative Complexity: Capacity without Influence

Table 1 shows that post-2010 committee activity increased significantly, but government acceptance of recommendations plateaued below 45%.

Table 1

UK House of Commons Select Committee Activity, 2005–2023

Parliament	Avg. Inquiries per Session	Gov't Defeats in Committee Stage	Gov't acceptance of Recommendations (%)
2005-2010	38.2	2	34%
2010-2015	52.6	7	41%
2015-2019	49.1	4	39%
2019–2024	46.3	11	44%

Note. Adapted from UK Parliament Statistics (UK Parliament, 2024).

Interpretation: While Polsby's prediction of increased capacity holds, influence remains constrained by party discipline. The average rebellion rate of governing MPs under majority governments was 2.1% (Cowley & Stuart, 2012).

4.1.2 Veto Points: The Rise of Informal Constraints

Table 2 documents how informal veto player's shaped major legislation.

Table 2

Informal Veto Events in Major UK Legislation, 2016–2023

Lords Amendments	Accepted Devolved Consent	Withheld Judicial Review	Failed
EU Withdrawal Act 2018	7/15	2/3	Yes
Internal Market Act 2020	6/9	3/3	Yes
Public Order Act 2023	4/11	1/1	Yes

Note. Data from House of Lords Library and UKSC Judgments (House of Lords Library, 2019).

The EU Withdrawal Act 2018 faced 15 Lords amendments while the government conceded on 7 to avoid legislative stalemate [House of Lords Library, 2019]. This confirms Tsebelis's claim that veto fragmentation can force executive compromise.

4.3 Delegation: Agency Drift and Autonomy Loss

Between 2010 and 2023 over 4,287 statutory instruments were laid at the parliament compared to 389 primary acts (Institute for Government, 2024). During COVID-19 over 500 SIs were enacted under the Coronavirus Act 2020 with minimal scrutiny which prompted the Constitution Committee to give a policy direction against what it termed legislative by decree. The subsequent review triggered only 18 Sis to be annulled between 2010–2023 which was a reflection of a weak ex-post control (Constitution Committee, 2021; Strøm et al., 2003).

In contrast, the Scottish Parliament's effective number of parties averaged 3.8 versus 2.3 in the Commons (Jeffery & Hassan, 2017). Minority SNP governments that took place between 2007–2011 and 2016–2021 were able to amend about 58% of government bills at the committee stage. However, Westminster's use of Section 35 of the Scotland Act 1998 to block the Gender Recognition Reform Bill in 2023 illustrates the limits of devolved autonomy (Hazell, 2020)

4.2 Discussion

Synthesizing the theories and data reveals a pattern of "constrained autonomy" (Russell & Benton, 2011). The shift to SIs reflects a principal-agent failure where delegation resulted into autonomy loss as ministers exploit information asymmetry while Parliament lacks capacity for ex-post review (Strøm et al., 2003). Comparatively, the UK scores 0.62 on the V-Dem Legislative Constraints Index versus 0.81 for Germany, where committees can veto delegated legislation (V-Dem Institute, 2024). This gap underscores institutional design differences.

5.0 CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

This study set out to explain how parliamentary democracy in the United Kingdom advances legislative autonomy. The study found that the UK legislative autonomy is not achieved through the reduction of the veto players, rather through multiplying and fragmenting the veto powers across institutions and parties. The empirical analysis of the Westminster, the Scottish parliament and the Seredd Cymru between 2007- 2024 aligns with this argument. Also the Westminster's FPTP system concentrates veto powers more in the executive thereby producing a low institutional veto density as well as strong partisan cohesion that is enforced through party whips and the leader of the House that limits backbenchers and committee agency powers (Russell& Cowley, 2018). Conversely, the Additional Member System which is adopted in the Scoltland and Wales enables higher veto players density through multi-party parliament as well as stronger subject committees,(Shugart et al.,2005). This fragmentation reduces partisan congruence also increases bargaining as well as creates institutional space for amendment and non-governmental initiation. The 2010 Wright reform almost replicated this dynamic at Westminster through the creation of the elected select committee chairs and the Backbench Business Committee (House of Commons Reform of the House of Commons Committee, 2009). The statistically significant increase in accepted backbench amendments post-2010 confirms that internal institutional veto points can enhance autonomy even within an FPTP framework (Russell & Cowley, 2018).

Collectively these findings identifies the solution to the paradox of the UK's simple constitution maintaining that the variable legislative autonomy emerges not from constitutional text alone but from the interaction between electoral design and veto player configuration (Lijphart, 1999; Tsebelis, 2002). Thus, electoral systems function as a key structural lever for autonomy within parliamentary democracy.

In conclusion, it could be said that the UK's asymmetric mixed electoral system has enhanced legislative autonomy in devolved parliaments through greater proportionality and coalition bargaining. However, Westminster's retention of FPTP, combined with party discipline, informal veto points, and delegation, limits autonomy at the center. Electoral mixing is therefore a necessary but insufficient condition for parliamentary independence.

5.2 Recommendations

Based on the findings, the following recommendations are proposed for policymakers, parliamentary authorities, and future research:

1The Westminster parliament is strongly recommended to institutionalize further internal veto points as was suggested by the Wright reforms that further strengthening of non-executive actors can enhance scrutiny without requiring constitutional overhaul. Also the parliament should grant select committees statutory powers to compel amendments on draft bills without just merely making a recommendation.

11 The parliament also should expand the remit and guaranteed time of the Backbench Business Committee beyond 35 days so as to diffuse concentrated reliance force on programme motions for legislative timetabling (Russell & Cowley, 2018).

111 In other to protect committee independence of devolved legislatures, the AMS parliaments should demonstrate higher autonomy through committee action by using standing orders to protect committee membership and chair elections from party group interference particularly during coalition negotiations (Shugart et al., 2005). If legislative autonomy is a normative goal then electoral reform should be considered. Introducing AMS elements at Westminster could reduce single-party dominance and increase veto player incongruence, thereby enhancing backbench agency (Lijphart, 1999). However, such reform must balance autonomy against the decisiveness benefits of FPTP (Tsebelis, 2002).

1V Parliamentary democracy in the UK is not monolithic. Its capacity to advance legislative autonomy varies with how many actors can credibly block or reshape legislation. By conceptualizing electoral systems as mechanisms that distribute veto power, this thesis contributes to Veto Points Theory and to debates on democratic accountability. Ultimately, a parliament's strength may lie less in its ability to act quickly, and more in its ability to act independently of the executive.

Limitations and Future Research

This study relied solely on secondary data and may not fully capture informal negotiations that may have added validity to the study. Consequently future research on the topic should:

1) Apply process-tracing techniques while mapping the veto-player interactions in post-Brexit regulatory policy.

2) Further investigation on the topic should ensure it conduct elite interviews with MPs/MSPs so as to assess dual accountability view under of the AMS (Ferrara et al., 2005)

3) It is strongly recommended that a dataset of SI scrutiny outcomes 2023–2026 under the Retained EU Law Act 2023 be developed for easy accessibility.

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