

# The Resilience of Executive Dominance in Westminster Systems: Ireland 2016–2019

**David Kenny**

*Assistant Professor of Law, Trinity College Dublin*

**Conor Casey**

*Max Weber Fellow, European University Institute*

☞ Constitutional law; Executive power; Ireland; Parliamentary procedure

*The imperfect separation of powers in Westminster systems has produced a curious contradiction: legislative primacy in theory eclipsed by executive control in practice. This phenomenon can be termed executive dominance, and in extreme instances can reduce the legislature to something akin to a reactive rubber stamp, approving whatever the executive proposes with little autonomous power. This dominance sits uneasily with articulated constitutional principles which emphasise legislative predominance, but has largely been considered a matter of realpolitik, a function of executives having strong party discipline over a legislative majority. However, recent trends suggest that executive dominance may be a more resilient and entrenched phenomenon than was previously supposed. In several Westminster systems, the executive has retained remarkable control of the legislative process in spite of not having a legislative majority. Even minority governments have proven capable of stifling the legislature in the performance of its functions. In this article, we use Ireland's recent experience of minority government as a case study. Several longstanding elements of parliamentary and government processes were used by the executive to create a kind of legislative veto over private members legislation and leave it with substantial control over the legislative process. This experience suggests that executive dominance is resilient because it is a function of political and constitutional culture just as much as formal rules. This culture is a set of beliefs and assumptions about politics and its operation which undergirds and shapes our understanding of the rules and how constitutional actors ought to function. Executive dominance appears to be a cultural assumption that underlies parliamentary democracy and its institutions and animates the practices and interpretations of rules. Anyone who would seek to reform parliamentary practices to empower the legislature or challenge executive dominance should consider carefully these cultural forces.*