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## **Minderheidskabinetten in Nederland en Denemarken**

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## Summary

### MINORITY GOVERNMENTS IN THE NETHERLANDS AND DENMARK

#### 1 INTRODUCTION

The last minority government in the Netherlands was formed in 1939. However, it collapsed after only two days when a motion of no confidence was adopted during the parliamentary debate on the government's policy statement. Since then, all subsequent governments have been majority cabinets, with the exception of a few interim cabinets tasked solely with organizing early elections following the resignation of their predecessors. Despite Dutch political parties' strong preference for majority cabinets, political scientists argue that minority governments could offer significant advantages for Dutch politics. Such governments may allow for changing majorities on different issues, making compromise easier to achieve. Additionally, minority governments could help centrist parties to keep a strong ideological profile, potentially preventing the loss of voters to more populist movements.

The absence of a tradition of minority governments in the Netherlands is often attributed to the country's political culture, which strongly favours majority cabinets. However, this explanation raises several important questions. Why do Dutch politicians hold such a strong preference for majority governments? Which elements of Dutch political culture specifically obstruct the formation of minority cabinets? How does this relate to the country's constitutional framework? And how did this political culture come about?

In existing literature on Dutch constitutional law and political culture, these and similar questions are rarely explored. However, studies on minority governments more broadly suggest that such governments can only be formed if certain preconditions are met. Assessing whether the Dutch political system meets these preconditions often leads to further questions about the nature and interpretation of key constitutional principles. For instance, it is sometimes suggested that the likelihood of forming a minority government increases in systems where a negative confidence rule applies. However, Dutch constitutional scholarship does not agree on the precise nature of the confidence rule. This brings us to the central research question of this dissertation:

*Does Dutch constitutional law hinder the formation of minority cabinets, and if so, to what extent and in what way, and what constitutional changes would be necessary to enable the formation of minority governments as a viable and sustainable alternative to majority cabinets?*

To address this question, an analysis of the existing body of literature on minority governments is made in chapters 2 and 3. Based on this analysis, three preconditions for the formation of minority governments can be identified:

1. Minority governments are more likely to form if political parties are sufficiently incentivized to weigh the anticipated policies of potential coalitions constructively;
2. Minority governments are more likely to form when opposition parties have a strong institutional position and when seat losses significantly impact the balance of power between political parties, thereby influencing the outcome of the coalition formation process;
3. Minority governments are more likely to form when the government formation process does not require an investiture vote in which an absolute majority rule applies in all voting rounds.

In Chapter 3, the constitutional norms are identified that influence whether and to what extent these preconditions are met in different countries. For example, the first precondition is more likely to be met in systems with bloc politics. Bloc politics refers to a political structure in which all parties are divided into two blocs, and parties within the same bloc are expected to support a government aligned with their bloc, even if they are not part of it. This structure enables minority governments to rely on opposition parties within their bloc for support during critical votes. Bloc politics does not require opposition parties from the government's bloc to support every government proposal but does expect them to vote in favour of the government when failing to do so would result in its resignation. Similarly, the first precondition is also more likely to be met in systems with a constructive vote of no confidence. Under this rule, confidence in the government can only be withdrawn if an alternative government is simultaneously proposed. This formalizes the principles of bloc politics by compelling opposition parties to choose between competing government alternatives.

Chapter 3 also reveals that numerous constitutional rules influence the extent to which precondition 2 is met. One of the most important is the committee system. If committee meetings are private and consist of no more than approximately 15 members, they provide a forum where opposition members are more likely to be heard, and compromises can more easily be found than in plenary meetings. For committees to have meaningful influence, it is important that they are able to decide on their own agenda and propose amendments. Other significant rules include the existence of minority rights in the

legislative process or rules that favour parliamentary minorities, such as the principle of discontinuity. Additionally, the size of the parliament and the number of parliamentary support staff significantly influence the opposition's ability to influence government policy.

Precondition 3 is inherently dependent on the formation procedure. In an investiture vote, there are three possible decision rules: the absolute majority rule (the cabinet requires the support of the majority of all members), the relative majority rule (the cabinet requires the support of the majority of votes cast), and the negative majority rule (the cabinet is approved unless the majority of all members votes against it). The difference between the absolute and relative majority rules is that, under the latter, abstentions do not harm the government. However, this distinction is not of great importance in the Netherlands, as Dutch constitutional law does not allow abstentions, and thus the strategic use of abstentions is not possible. The absolute majority rule poses a significant barrier to forming a minority cabinet, as this would require opposition parliamentarians to explicitly express their support for the government. Under the other two decision rules, it is sufficient if they do not vote against the government, making it easier to form a minority cabinet.

The following chapters of this dissertation test whether the constitutional frameworks of Denmark and the Netherlands meet these conditions. Unlike the Netherlands, Denmark has a long tradition of minority cabinets. The differences between Denmark and the Netherlands can help explain why Denmark frequently forms minority cabinets, while this is not the case in the Netherlands, and which constitutional norms specifically serve as obstacles.

## 2 CONSTITUTIONAL LAW AND MINORITY GOVERNMENTS IN DENMARK

In Chapters 4 and 5, the study examines how Danish constitutional law facilitates and encourages the formation of minority governments. Chapter 4 focuses on Denmark's government formation process, which shows that Denmark meets both the first and the third conditions for the emergence of minority governments.

In Denmark, the government formation process is aimed at the formation of a cabinet that will not immediately face a vote of no confidence when it presents itself for the first time to the Folketing. It is not necessary during the formation process for a majority to explicitly support the prospective government or the *formateur*. A party wishing to prevent the formation of a particular government must explicitly oppose it. As long as a majority does not do so, the formation process can continue and successfully conclude. This makes the threshold for forming a minority government in Denmark significantly low.

The existence of bloc politics further simplifies the formation of minority governments. A government can rely on support from opposition parties within its own bloc, which are expected to back a government aligned with

their bloc's ideology. Bloc politics exists in Denmark because the Danish party system fulfils three key conditions. First, the two blocs are relatively balanced in terms of votes and seats, incentivizing them to cooperate to keep their opponents out of power. Second, the political landscape is one-dimensional, with socio-economic issues dominating the political debate, making it easy to divide parties into two blocs. However, in recent years, emerging new political divisions have begun to pose a challenge for bloc politics in Denmark. Finally, there is intense electoral competition between the blocs, meaning that cross-bloc collaboration would lead to significant electoral losses and is therefore avoided. In Denmark, this electoral incentive is so strong that two of the three centrist parties that once switched blocs permanently fell below the electoral threshold.

Chapter 3 highlighted that bloc politics has a similar effect to a constructive vote of no confidence. The functioning of bloc politics in Denmark confirms this to some extent: a government does not lose confidence unless a majority prefers a clear alternative. In practice, a dissatisfied party within a bloc can only unseat a government by switching blocs and thus helping a government of the opposing bloc secure a majority, as centrist parties did in 1982 and 1993.

In Chapter 5, the second condition for the emergence of minority governments was examined: the instruments available to Danish opposition parties to influence government policy. One important tool is the committee system. In theory, the Danish committee system is relatively strong due to the private nature of committee meetings, which reduces the incentive for members to strongly position themselves and instead fosters agreement. Committees also have the power to propose amendments and set their own agendas. However, the importance of the committee system to the emergence of minority governments should not be overestimated. The current Danish committee system only developed in the early 1970s, when a tradition of minority governments already existed. Nonetheless, since the 1970s, the frequency of minority governments in Denmark has increased, suggesting that the reform of the committee system may have reinforced an existing trend.

Another significant factor is the institution of *forlig*. These long-term policy agreements grant opposition parties involved in them a veto right, giving these parties greater influence over policy than the committee system does. Additionally, *forlig* provide guarantees during the government formation process that policies cannot be changed without the consent of the involved parties, even if they enter the opposition.

Danish constitutional law also grants procedural rights to qualified parliamentary minorities in the legislative process, such as the right to postpone a third reading, delay expropriation legislation until after elections, and organize a binding corrective referendum if a passed bill is not repealed within a specific period. These provisions incentivize governments to seek broad support for their policies and collaborate with the opposition. This incentive is further strengthened by the application of the principle of discontinuity in

the legislative process, which ensures that opposition-induced delays often lead to the abandonment of legislation altogether. Together, *forlig* and these minority rights give the opposition significant tools to influence Danish government policy, fulfilling the second condition for the emergence of minority governments.

### 3 CONSTITUTIONAL LAW AND MINORITY GOVERNMENTS IN THE NETHERLANDS

The third part of this dissertation examines the extent to which Dutch constitutional law meets the conditions required for the formation of minority governments. Chapter 6 focuses on the third condition: 'Minority governments are more likely to form when the government formation process does not require an investiture vote in which an absolute majority rule applies in all voting rounds.' Since 1939, this condition has no longer been met. After the fall of the Colijn V cabinet in that year, which did not survive a vote of no confidence during the debate on its policy statement, the rule was established that government formation in the Netherlands is primarily aimed at creating a parliamentary majority government. Only if it becomes clear during the formation process that a majority government is reasonably unattainable are other options, such as a minority government, considered. This rule has made the formation of a minority government an exception to be avoided whenever possible.

The background of this rule lies in the loss of parliamentary influence during the interwar period. The emergence of the welfare state and the expansion of the civil service that it brought about reduced parliamentary control over government actions. This trend was further reinforced by the decline of bloc politics after 1917, which left the *Tweede Kamer* without a clear majority capable of steering government policy. Consequently, the government gained more leeway to chart its own course. Parliament believed it could regain control by drafting a coalition agreement backed by a parliamentary majority, thereby binding the government to a specific direction. Without such an agreement, the government would continue to act independently. This reasoning explains why majority governments became the norm: drafting a coalition agreement is pointless without a majority willing to enforce it. Conversely, minority governments were viewed as problematic, as they allowed the government to determine policy largely independently of parliamentary oversight.

Since 2012, Dutch constitutional law has failed to meet the third condition for another reason. Until that year, the debate on the government's policy statement functioned in practice as an investiture moment. Government formation was considered incomplete until the debate had taken place, and no motion of no confidence was passed (or such a motion was tabled but rejected). This debate was comparable to an investiture vote using a negative majority rule: the government would survive the debate unless a majority adopted a motion of no confidence. However, given the 1939 rule, this theoretical possibil-

ity was not utilized unless all other options besides a minority government had been exhausted.

In 2012, further steps were taken to 'parliamentarize' the government formation process. Since then, the *Tweede Kamer* itself appoints the *informateur* and *formateur* via a motion, which requires a majority of votes to pass. In practice, the *formateur* is usually also the candidate for prime minister, meaning this appointment effectively functions as an investiture vote. MPs opposed to the formation of the incoming cabinet will logically vote against the *formateur's* appointment. Although formally a relative majority rule applies (a majority of votes cast suffices), abstentions are not permitted under Dutch constitutional law. In practice, this results in an absolute majority requirement, creating a high threshold for forming minority governments.

Chapters 7 through 10 address the second condition for the formation of minority governments: the influence of the opposition on government policy. It becomes evident that the opportunities available to the opposition in the *Tweede Kamer* are limited. Chapter 7 first examines the committee system, which provides relatively little opportunities for opposition parties. Since 1980, committee meetings have been held in public, transforming them into forums where parties emphasize their differences rather than seek compromises. Committees in the Netherlands cannot propose amendments, and their influence on their own agenda is relatively limited. This development stems from the fact that committee debates in the Netherlands primarily serve as alternatives to plenary debates. Consequently, committees are not designed to prepare collective amendments or deliberate in private settings.

Unlike in Denmark, where opposition parties use *forlig* to increase their influence, this informal mechanism is absent in the Dutch parliamentary system. Therefore, Dutch opposition parties must rely on the committee system, which is ill-suited to achieving compromises. The committee structure, as currently designed, emphasizes highlighting differences rather than promoting cooperation. As a result, the opposition's influence is not enhanced.

Chapter 7 also identifies another stark contrast between the Netherlands and Scandinavian countries: the size of parliament and the level of parliamentary support staff. According to political science literature, these factors are proportional to population size. To match Scandinavian standards, the Netherlands would require an additional 100 MPs, 100 additional staff members for parliament itself, and 200 extra staff members for political party groups.

Chapter 8 examines the legislative process, revealing the absence of minority rights in Dutch constitutional law. Although the rules of the *Tweede Kamer* make it possible to declare legislation controversial, this right is reserved for the majority. This creates no incentive for the government to collaborate with the opposition to avoid obstruction. Chapters 9 and 10 explore the influence of the *Tweede Kamer* on international and European policies, finding that its influence in these areas is particularly weak due to a lack of interest among MPs.

The first condition for the formation of minority governments — constructive opposition — was examined in Chapters 11, 12, and 13. Chapter 11 highlights how, since the late 1960s, Dutch political culture has increasingly been dominated by the view that the coalition governs while the opposition holds the government to account. This development was driven by the increasingly detailed coalition agreements, which created a close relationship between the government and coalition parties. As a result, the opposition's role in policy-making diminished, leading it to focus more on parliamentary oversight. However, this oversight became defined by antagonism, described by former Speaker of the *Tweede Kamer* Dolman as exposing 'how pernicious the coalition agreement is.' A part of the opposition explicitly adopted the goal of making governance as difficult as possible for the government to expedite its fall, thereby creating an opportunity to govern themselves.

A minority government, which by definition relies on goodwill from the opposition, has become less viable in this adversarial political climate. This shift also influenced constitutional law. Mechanisms such as the right of individual MPs to pose questions, failed attempts to introduce minority-initiated parliamentary inquiries, and the institution of 30-member debates were introduced to strengthen the opposition's ability to fulfil its confrontational oversight role. Thus, Dutch constitutional law poorly supports the first condition for minority governments and even includes provisions that contradict it.

Chapter 12 analyses the decline of bloc politics in the Netherlands during the interwar period. This decline is often attributed to the introduction of proportional representation in 1917. However, historical literature points to other factors. First, the *Vrijzinnige Concentratie* disintegrated because it no longer had a majority after 1917; from 1918 to 1963 confessional parties consistently held a majority in the *Tweede Kamer*. Second, Dutch party politics became dominated by two dividing lines: one between confessional and secular parties and another between socioeconomic left and right. These divides split the confessional bloc, as the catholic party was closer to the SDAP (social democrats) on socioeconomic issues, while the protestant parties (ARP and CHU) aligned more with the liberal *Vrijheidsbond*. Electoral competition thus incentivized breaking bloc collaboration rather than maintaining it.

Another mechanism that could encourage constructive opposition is the right to dissolve parliament. Chapter 13 finds that the Netherlands has not practiced 'conflict dissolution' since 1983. As a result, the government cannot threaten with dissolution to compel opposition parties facing electoral losses to cooperate. Since the late 1960s, dissolution has been primarily used to call early elections after cabinet crises, increasing coalition parties' dependence on the government. This dependence further reduces their willingness to allow opposition influence, diminishing the chances for minority governments.

## 4 RECOMMENDATIONS AND FINAL REMARKS

The analysis shows that Dutch constitutional law, compared to its Danish counterpart, is much less conducive to the conditions needed for the formation of minority governments. Notably, because the second condition (a strong institutional position of the opposition) has not been met, the other two conditions (a constructive opposition and low hurdles for the investiture) are not met either. Weak parliamentary influence over government policy has led to the rule established in 1939 that mandates the formation of majority governments. This lack of influence also contributes to the absence of a constructive opposition. Opposition parties have only one opportunity to gain significant influence and that is if a cabinet crisis occurs, allowing them to try to become a governing party in the subsequent cabinet formation. Consequently, some opposition parties actively aim to bring down the government to create such opportunities, reinforcing confrontational politics.

To increase the chance of minority governments becoming a viable and sustainable alternative to majority governments, strengthening the institutional position of the opposition is crucial. Only after addressing this issue will it be realistic to consider changes to the government formation process and parliamentary oversight rights. Key recommendations include:

1. Expanding parliamentary support: substantially increase resources for the *Tweede Kamer*, including more MPs and staff. This would bring the Netherlands in line with international standards.
2. Introducing minority rights: grant qualified parliamentary minorities procedural rights in the legislative process. For example, the *controversieel-verklaring* could be transformed into a minority right, and a minority referendum could be introduced. Reintroducing the principle of discontinuity, which imposes deadlines on the legislative process, could also incentivize governments to cooperate with the opposition.
3. Reforming the committee system: redesign parliamentary committees to prepare plenary debates rather than replace them. Committees should regain the ability to propose amendments and hold closed-door meetings to foster compromise. Committees should also be empowered to set their own timelines for reviewing legislative proposals.

Once the opposition's influence on policy is strengthened, the rationale for the current government formation process — designed to ensure parliamentary control over government policy — would greatly diminish. The institutional barrier to forming a cabinet could then be lowered. To facilitate minority governments, it is recommended to adopt a Swedish-style model where the Speaker nominates a *formateur*, and the nomination is approved unless a majority explicitly opposes it. This process should also allow MPs to abstain from voting.

The revival of bloc politics in the Netherlands, as seen in Denmark, could positively influence the feasibility of minority governments. However, this is unlikely given the current Dutch political landscape, which comprises three distinct blocs: left, right, and centre-right. Reintegrating the radical-right bloc with the broader right bloc appears challenging due to competing issue dimensions (economic and socio-cultural) and mutual distrust between the parties involved.

If a revival of bloc politics proves unfeasible, an alternative could be introducing a constructive vote of no confidence. Under this rule, a sitting cabinet can only be dismissed if a parliamentary majority simultaneously designates a new prime minister. This measure would force opposition parties to weigh different government alternatives and accept the continuation of the current government if no better alternative is available. The constructive vote of no confidence would thus create similar dynamics to bloc politics, encouraging constructive opposition and increasing the viability of minority governments.