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Introduction

Independents

This is a study of mavericks, of the independent politicians who go it alone. They are the metaphorical equivalent of sheep who stray from the flock, who would rather discover fresh pastures than graze on their own. In most political systems, there are very few incentives to take such a deviant path. The few sheep that wander tend to be quickly picked off by the preying wolf that is the party system. In Ireland things are a bit different, however, as the maverick path does not imply political termination. Life outside of the flock can bring its rewards, and for some can be the rational path to pursue. This study is a detailed analysis of these independents, primarily of the factors that explain their presence and survival in the midst of one of the longest enduring party democracies in the world.

With this in mind, the result of the electoral count for the rural constituency of Kerry at the February 2016 Dáil (lower house of parliament) elections in Ireland would have seemed highly unusual to an international observer. Michael Healy-Rae, an independent candidate first elected to the Dáil in 2011, comfortably won a seat again with 20,378 first-preference votes, almost 26 per cent of the total valid constituency poll. This was the largest vote won by any of the 551 candidates in all of the forty constituencies at that Dáil election, and the fifth largest first-preference vote ever won at a general election in post-independence Ireland. That an independent was elected to national parliament was unusual enough from a comparative perspective; that he received the largest vote in the country was even more unusual; but perhaps the most unusual event of the night was the unprecedented election of his brother, Danny Healy-Rae, as an independent in the same constituency. Between them, these two brothers won almost two and a half electoral quotas in first preferences alone, a vote total that suggested had another member of the family run, he or she could also have been elected. Michael and Danny Healy-Rae continue a

family tradition in politics, as their father, Jackie, also held a seat as an independent in the Dáil between 1997 and 2011. A third generation of this family entered politics in 2014, when Danny's son, Johnny, was elected to the local council. Danny's daughter, Maura, was later co-opted to the same council to take the seat her father had to vacate on his election to the Dáil in 2016. To many, the election of the Healy-Raes symbolises the enduring importance of localism and parish-pump politics in Ireland, where politicians are elected to deal with issues in their respective constituencies, and not because of their ideology, policy platforms or representation of social groups, as can be the practice in other countries. While some question the value of having a national parliament comprising such local politicians, Danny Healy-Rae made no bones on election night about where his or his brother's priorities lay: 'There's been a lot of talk of representing the nation and that we're not good for the nation, but the people of Kerry are part of the nation. And we'll have to fight for those people and we make no apologies for that' (Daly 2016).

Independents' electoral success was not restricted to the Healy-Raes that February weekend. Of the 157 contested seats in the 2016 Dáil election, twenty-three were won by independents. Occupying almost one in six seats in the new Dáil, this was proportionally the highest level of elected independent representation in the national parliament of any established democracy since 1950. Aside from this electoral performance, what would have seemed additionally unusual to an international observer was the role many of these independents went on to play in the formation of the next government, a process which took over two months. With there being no clear winner of the election, these independent deputies were courted by the two largest parties: Fine Gael and Fianna Fáil. This culminated in an unprecedented partnership minority government involving Fine Gael and a number of independents, supported from the outside by Fianna Fáil. Three independent TDs were appointed to cabinet, another made a 'super-junior' minister who could sit – but not vote – at cabinet, and two others were appointed junior ministers. Although non-party technocrats have participated in government in some Mediterranean democracies, it is highly unusual from an international perspective for an independent MP to be a member of cabinet. Independents also had unprecedented success at the Seanad (upper house of parliament) elections in April 2016, winning four seats on the vocational panels and five seats on the university panels. With the Taoiseach (prime minister) appointing another five independents to the Seanad, this meant they occupied fourteen of sixty seats, the largest ever number of independent senators in the house.

This influence wielded by independents both at the elections and in government would have seemed unusual to external observers because in most countries political competition at the national level is all about parties. Few politicians wander from the party path and, for those that do, there is rarely life outside the party. For example, at the same time as twenty-three independents were elected to the Dáil, across the other thirty-six industrial democracies there were only eighteen elected independents in total, sitting in just six parliaments.¹

This presence of independents in the Irish parliament as an unusual international outlier is not unique to the 2010s. Between 1945 and 2016, 3,130 TDs were elected to the Dáil, of whom 137 were independent (i.e. 4.4 per cent). This represents fifty-nine times the proportion that were elected during this period in Britain, thirty-two times the proportion that were elected in the United States, ten times the proportion that were elected in Canada, six times the proportion that were elected in Australia and seventy-seven times the proportion elected in New Zealand. These are a select range of democracies that have also had independent members of parliament in the same time period. There are not too many of these jurisdictions, as is detailed in Figure 1.1 which indicates the total number of elected independent parliamentarians across all industrial democracies since 1950. It is only in Japan that independents have experienced similar levels of electoral success as in Ireland. Even then, as is discussed in Chapter 3, the Japanese case is somewhat different because the genuine independence of these

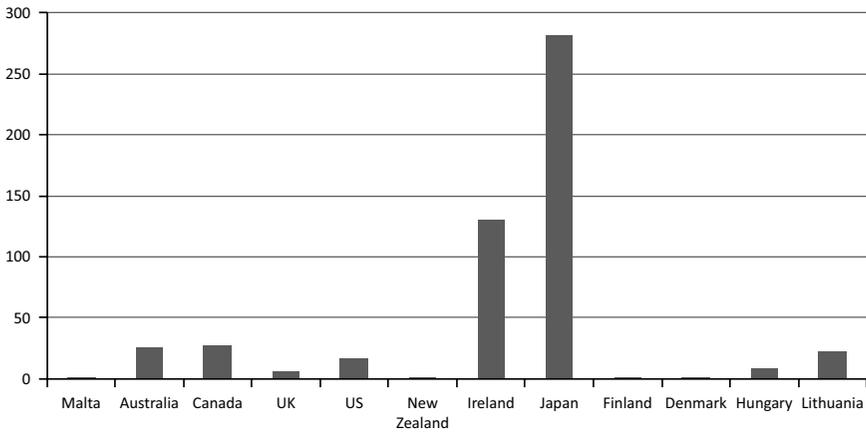


Figure 1.1 Independents elected at general elections, 1950–2016.

Note: This chart indicates the total number of independents elected at general elections in each democracy since 1950. It does not include by-election victories. Only those democracies with independent MPs are included.

independents is questionable, since most of them originate in parties and join them again following their election.

Figure 1.1 includes only those countries where independents have been elected to the lower house of national parliament, so what is evident from the inclusion of just twelve countries is that independents are a rare breed. In most democracies, independent candidacies are either not possible (because of the operation of closed list electoral systems that restricts elections to parties) or, where they are, support for them is negligible and they have never been elected (Brancati 2008). This comparative weakness of independents makes their significance in Ireland all the more puzzling. Coakley describes this presence as 'the most distinctive phenomenon on the Irish electoral landscape' (2010b, 28), and the aim of this book is to explain this puzzle – why are there independents in Ireland?

The political systems where independents are usually successful are those where party organisations are very weak or they are prohibited (Norris 2006, 91). Examples of the former are in some post-communist polities – for example, Kazakhstan and Ukraine – and small island states, particularly in the south Pacific, while examples of the latter are prevalent in the Arabian Gulf, where parties are seen as an unnecessary intermediary between the rulers and the ruled. The presence of independents in these systems, however, is more to do with their respective stages of development. They are not party democracies, and so by implication most politicians in these systems are not necessarily independents by positive choice; simply, in the absence of parties this is their *de facto* status. What makes the Irish case unusual is that it is one of the longest surviving continuous democracies with a stable party system, and yet independent parliamentarians have persisted as relevant political actors. The process whereby parties monopolise political representation was never completed in Ireland. This anomaly is the subject of this book.

This chapter comprises a general introduction to the topic of independents. It begins with a discussion as to the meaning of the concept, and what is understood by an independent for the purposes of this study. There then follows a rationale for a book on this topic, before the international and Irish experience of independents is briefly examined. The final section outlines the central premise of this study and its structure, detailing how the question of an independent presence can be explained. Before delving any further into this topic, the first issue to consider is: what is meant by an independent?

What is an independent?

The term 'independent' is itself an essentially contested concept whose meaning can vary across time, context and jurisdiction. This lack of uniformity does not help systematic and comparative analysis. While it is easy to describe what an independent is not – that is, not a party – a positive definition is a little bit more difficult. A necessary first step before defining an independent is to trace its evolution.

For some, a key question as to the meaning of 'independent' is: 'independent' of what (Sharman 2002, 53)? When a former independent candidate in Ireland took a court case in 2005 because he was not allowed to describe his political affiliation as 'independent' on the ballot paper (the choice is between 'non-party' or simply no description at all), the presiding judge struck down his claim on the grounds that 'if a candidate became entitled to describe himself as "independent" I have no doubt the next step would be a claim to set forth, no doubt at some length, what he was "independent" of' (*Irish Times*, 24 February 2005, 7). Typically, 'independent' has implied that a political candidate or politician is independent of parties. However, this has not always been the case. Before the evolution of parties in Britain into their current form in the nineteenth century, independence meant independent of the monarch and of the great families, and later, in the eighteenth century, independent of the government. In that pre-nineteenth century era, independence therefore implied that a politician had a sufficient level of financial resources, which meant that he neither had to kowtow to the aristocracy nor leave himself open to the corrupting influences of parliament (King-Hall 1951, 104). For this reason, before the emergence of the party as the principal organisational unit in the nineteenth century, independents had a laudable role in the House of Commons. While many professing independence ultimately supported either the Whigs or the Conservatives, this was an era when party was still little more than an ideological label; consequently, these MPs were independent both in terms of organisation and what motivated their stance in parliament.

The contemporary understanding of an independent is only as old as that of parties as a concept, because without parties it can be difficult to see of what such individuals are independent. It is therefore only with the emergence of parties that independence took on a clear identity. In the early years of parties, independence was seen as a virtue, primarily because the former – or more accurately their precursor, factions – were much reviled. The source of this animosity stemmed from the tendency of factions as mobilised groups to promote sectional interests

to the detriment of national welfare (Sartori 2005, 3–5), a sentiment echoed in many political texts including, famously, by James Madison in *The Federalist* number ten (Hamilton et al. 2003, 46–51). As Belloni and Beller note, ‘party spirit was viewed as the antithesis of public spirit’ (1978, 4). In such a climate the ‘private’ members of parliament – the independents – were celebrated (Beales 1967, 3), because being independent was more than just a label; it was heralded as the highest state of being for any true political representative. It implied that an MP could make a decision based on his or her own personal judgement, which would be free of pressure from any external influence such as parties or interest groups.

When parliamentarians lacked the resources to remain independent of external influences (most notably party influences), and once they realised the advantages of working in unison on a more permanent basis, the modern, disciplined political party was born. With an acceptance that they were not detrimental to society, parties had taken a stranglehold upon political power in all Western democracies by the end of the nineteenth century, resulting in the rapid decline of the independent politician. With the emergence of the complexities associated with modern government, it became an accepted premise that parliamentary democracy could not survive without parties. The esteem with which independents were held took a steep nosedive as a result; they were seen as irresponsible fence-sitters, who avoided making the key political decisions. They became equated with a similar type of fictional independents – ‘the neutrals’ in Dante’s *Inferno*, who were the most hated creatures in hell because they refused to take a side in the battle between Lucifer and God (Alighieri 1996). It was only in candidate-centred systems that independents persisted, primarily in the Anglo-Saxon democracies. Even then, the vast majority attracted few votes and, as has been stated, independent electoral victories would become infrequent occurrences.

Today, an independent usually refers to someone who is neither a member of, nor affiliated to, any political party. However, this is not a sufficiently specific definition because there remains something intangible regarding the independence of such politicians (Ehin et al. 2013, 11). In many European countries, independents can run on lists and can form their own lists. There are also parties or movements of independents, and MPs who have been expelled from parties but have never contested an election as an independent. Aside from these institutional differences regarding the nature of independents, independence can also be thought of as a qualitative term that assesses the extent to which individual MPs follow the directives of an affiliate

organisation, be it a political party or an interest group. For example, there are many cases in the US of party mavericks with their own personal machine who do and say what they want, largely independent of their party executive. These can be more independent in the qualitative sense than some independents nominated to run by interest groups, who may be little more than the latter's mouthpiece. For this reason, some party MPs resent the label adopted by independents because it implies that they are somehow more virtuous. In a Dáil debate in the 1960s over whether independents could describe themselves as such on the ballot, Fine Gael TD Anthony Barry said: 'the word independent always had for me a connotation of superiority which my experience of independents does not justify ... I do get tired occasionally of those who sit on the sideline with that smug superiority over those who have to sit behind or in the front bench and bear a party label' (Dáil debates 200: 484, 27 February 1963). This explains why, in 2005, one opposition party TD, Michael Ring of Fine Gael, felt compelled to declare himself the only true independent in the Dáil (at a time when there were fourteen independent TDs) (Dáil debates 602: 460, 11 May 2005). In the ideological sense, independent need not imply the holding of either a centrist or neutralist position; it simply means that an individual's political stance stems from his or her own original position – a position that was not forced on them by an external group, such as a political party. In light of the many potential difficulties that could arise when attempting to undertake a qualitative analysis of the independence of politicians, the working definition for this study is King-Hall's minimalist version: 'a person independent of the party machines' (1951, 54); that is, someone not affiliated with a political party. Marsh et al.'s study of Irish voters uses a similar classification, defining independents as 'simply electoral candidates who are not associated with any particular party' (2008, 49). This means that any candidates with an ambiguous party background are excluded from this study. Only those who do not maintain links to a party, and who contest elections on their own, are included. This excludes independents who are part of an electoral list, and whose nomination requires the endorsement of a political party. It is also worth noting that independence is not a permanent status. For some, it is akin to a form of limbo: a temporary position based on particular circumstances until they decide on the next stage of their respective political careers.

Why independents?

Independents are a relevant political actor in the Irish case. As well as maintaining continuous representation in the Irish parliament since the foundation of the state in 1922, they have also frequently held the balance of power in the Dáil, resulting in the political parties relying on the support of independents when attempting to form a government. This has motivated newspaper headlines such as:

‘The future of the government is in the hands of six independents’ (*Irish Times*, 4 June 1951).

‘Independents and others to hold balance in Dáil’ (*Irish Times*, 13 June 1981).

‘Government falls as independents revolt against budget measures’ (*Irish Times*, 28 January 1982).

‘Haughey’s [Taoiseach; prime minister] fate rests on Gregory [independent] vote’ (*Irish Times*, 10 March 1987).

‘The government ... will remain in office only so long as it keeps independents happy’ (*Irish Times*, 12 December 1998).

‘Independent MPs to ensure victory for coalition in bailout vote’ (*Irish Times*, 13 December 2010).

‘Independents hold nation to €13bn ransom’ (*Sunday Independent*, 17 April 2016).

Such influence exercised by independents has stimulated a lot of discussion about the democratic validity of the power that independents have been able to exert as ‘kingmakers’, especially in relation to their influence on distributive policy, as patronage tends to be the common currency used to buy their support (FitzGerald 2003, 63). Former Taoiseach Garret FitzGerald highlighted these concerns during the term of one such government (the 1997–2002 administration) reliant on the support of independents:

The packages of special measures to benefit four constituencies represented by pro-government independents ... demonstrate unequivocally the scale of the distortions in public policy priorities which now prevails ... from the point of view of the common good of the state as a whole, the interests of which national parties are elected to serve, the consequences of this government dependence on independents have been deplorable. National resources, provided by the taxpayers of the state as a whole, have been deployed in a highly skewed manner without regard to any assessment of where needs are greatest (FitzGerald 2000).

In addition, independents’ influential position is sometimes deemed to be detrimental to political stability, because their support ‘may be

delivered at a disproportionate price and even then may or may not be durable' (Sinnott 2010, 127). An example regularly cited of such instability in Ireland is the 1981–82 period, when there were two short-lived governments dependent on independents, both of which lasted less than ten months. Likewise, in Australia, in 1999 the ratings agency Moody's threatened to downgrade the credit rating of the state of Victoria when its premier, Steve Bracks, looked to form a government dependent on an alliance of independent MPs (Costar and Curtin 2004, 39). Such governments reliant on independents are deemed unstable because party discipline cannot be enforced on them, with the implication that the government could be defeated at any time. This in part explains why independents are portrayed as an atavistic form of representation, who can promote legislative gridlock, reduce accountability and generally lower interest in politics (Moser 1999; Reilly 2002; Sherrill 1998; Wright and Schaffner 2002).

While the merits of these arguments are discussed in more detail in Chapter 9, for now it should be noted that most scholars agree on the necessity of political parties. They claim that parties fulfil a number of important roles that independents cannot realise, including the aggregation of interests, the structuring of preferences, the provision of a 'brand name' to make the voting decision easier for voters, the provision of a linkage between the ruling and the ruled and the recruitment and socialisation of the political elite (Gallagher, Laver and Mair 2011, 327–8). Parties achieve these functions because they involve politicians coming together to offer common policy packages. In this way, parties structure the political world, which revolves around competition between the different packages on offer, and they make life easier for voters, who do not need take a position on every political issue but can instead go with that of their preferred party. If matters go awry, voters know which parties to hold accountable – unlike what might be the case in a parliament of independents, where it could be difficult to identify responsibility. Parties also structure the political world for the elites as they act as a form of training ground, recruiting people to political office and socialising them about how politics works. Aldrich (1995, 21–4) further claims that without parties, politicians would also not know what policies were preferred by voters as a whole, nor would they be able to achieve policy majorities. Parties thus solve the problems of how to make decisions for society and of collective action, because their offering of policy proposals enables them to determine the preferences of the electorate and the whip ensures they can get such policies implemented if they have the necessary majority. In this way, parties also help prevent the instability that can result from cyclical majority

rule, whereby in the absence of a party whip binding parliamentarians collectively, governments might regularly form and fall (Aldrich 1995, 39–41; Brennan and Lomasky 1997, 81–6). The final problem identified by Aldrich that parties help resolve is that they facilitate politicians winning – in terms of achieving their policy preferences – more often. Referring to the classic case of the prisoner’s dilemma, he shows how parliamentarians acting individually will achieve fewer of their interests than if they cooperate (Aldrich 1995, 29–37).

Parties are therefore a rational construct for politicians, voters and democracy. In their absence, it is claimed that an accountable, transparent and functioning political system would be almost impossible to achieve. This explains why a textbook on European politics states ‘if there were no parties – in other words, if every member of parliament was an independent, with no institutionalised links with other members – the result would be something close to chaos’ (Gallagher, Laver and Mair 2011, 327). The case of Papua New Guinea highlights what can happen when there are a large number of independents in a parliament. Since independence in 1975, Papua New Guinea has had an unstable political system, with no parliament lasting a full term and every government defeated by a no-confidence vote (Reilly 2002, 707). In part this was due to a considerable presence of independents, who won a plurality of seats at both the 1992 and 1997 general elections (Reilly 2002, 706). This eventually resulted in a reform of its political institutions in 2001, with one of the aims being to discourage independent candidacies. Similar fears about independents were echoed in the run-up to the February 2016 election in Ireland, when political parties and commentators queried how the parliament would function if a large number of independents were elected, as was being predicted by the opinion polls. This is why parties are the agents of democracy and why, when democratisation occurs, it usually takes place through their institutional injunction (Gallo 2004, 18).

Of course, most of the arguments made in defence of parties are to counter a hypothetical scenario in which parties are completely absent. The presence of independents does not necessarily imply the absence of parties. Consequently, while some of these points might not carry as much weight in a system where both parties and independents are present, they are still pretty relevant and have been frequently raised in the Irish case. Given all these claims concerning the necessity of political parties, and concerns about the dangers of independents for the health and vitality of a democracy, why then do they have an exceptional presence in the Irish political system? Answering this question is the focus of this study, but it is a question of relativity, as a claim to

exceptionalism depends on the fate of independents elsewhere. The next section examines the international experience of independents as a prelude to a discussion of their fate in Ireland.

Independents – the comparative experience

The immediate post-World War II period saw the near extinction of the independent parliamentarian. With the consolidation of party systems, the opportunities for independents became extremely limited. Consequently, since 1950 there have been no independents elected to most European parliaments. Outside of Ireland and the UK, Jacob Haugaard in Denmark in 1994 is a rare exception of an elected independent MP in Western Europe. Even in the systems where independents could run, very few of them were elected. Of the Anglo-Saxon systems, Canada had the most independent MPs (twenty-three between 1950 and 2016), but almost all of them had first been elected for a party. Only one independent was elected between 1950 and 1990 to the Australian House of Representatives (Costar and Curtin 2004), three to the US House of Representatives, three to the British House of Commons and none in either New Zealand or Malta.

Things did change slightly in the 1990s, though, and since then independents, albeit only a handful, have been elected regularly in Australia, Canada, the US and the UK. Outside of the Irish case scrutinised in this study, Japan is the only other industrial democracy that has consistently had a regular cohort of independents elected to its national legislature. That most of them forgo this independence when in parliament is discussed in greater detail in Chapter 3. This emergence of independents may reflect a growing personalisation of politics, whereby individual actors become more important than parties or other such collective identities (Karvonen 2010). Personalisation can be reflected in voters basing their choices on a candidate rather than on a party; on politics being perceived as a competition between individuals rather than collective entities; in campaigns being centred on leaders and candidates instead of on parties; and on institutions stressing individuality over organisation (Karvonen 2010, 5).

At the same time as independents re-emerged in some Western democracies in the 1990s, so too they were elected in some post-communist states in central and eastern Europe. This was in part a reflection of newly emergent party systems looking to find their feet, and is a pattern typical of most transition democracies. It was also a product of considerable levels of anti-party sentiment following decades of one-party rule. There have been independents elected to the

Hungarian National Assembly, the Slovakian National Council (as part of the 'Ordinary People and Independent Personalities' list), the unicameral Seimas in Lithuania and Sabor in Croatia, the Russian Duma (Gallo 2004; Hale 2005; Moser 1999) and the Czech and Polish senates (Ehin et al. 2013). Independent candidates have also been elected to the European Parliament from Hungary, Romania and, in particular, Estonia, where Indrek Tarand was elected with 26 per cent of the national vote in 2009 and 13 per cent in 2014 (Ehin and Solvak 2012).

Success in such second-order elections is not unusual for independents. Independent presidents, mayors and governors are not uncommon. This prevalence at the lower levels of government happens for a number of reasons. The first is that there is no decision on the formation of a government at stake, and this usually acts as an impediment to independents. Second, incumbent parties and governments are more likely to be punished in these second-order elections. Third, because there is less at stake, parties devote fewer resources to their electoral campaigns. Fourth, there is an historical tradition of independent representation (although this is more of a product of party weakness than independent strength) at these lower levels, particularly in local government, where it is believed that parties are superfluous. As has been argued in the UK, 'there is no socialist or conservative way to dig a ditch' (Copus et al. 2012, 210). Likewise, although perhaps different to the traditional independent candidate standing on his or her own under candidate-centred electoral rules, local independent lists are present in a number of European countries (Åberg and Ahlberger 2013; Gendźwiłł 2012; Reiser and Holtmann 2008). These are nonpartisan lists of candidates who do not contest national elections and are not connected with a national party (Aars and Ringkjøb 2005, 215). Nonpartisan can have a wide meaning, varying from the absence of party on the ballot being a mere legal formality, to the absence of parties as institutions, with the degree of nonpartisanship depending on the context. For example, historically parties were absent in many local government jurisdictions, such as in parts of rural Scotland in the UK. In other arenas, such as some state and local government in the US, nonpartisan means that parties are not on the ballot and there are no caucuses in the legislative arena, but most politicians are publicly affiliated with parties. This type of nonpartisanship has a long history in the US (Adrian 1959; Wright 2008). Two states have had nonpartisan legislatures: Minnesota, between 1913 and 1974, and Nebraska, since 1935 (Berens 2005; Wright and Schaffner 2002), with nonpartisan elections more prevalent at the level of small cities (Olson 1965). Although not a direct example of such a nonpartisan regime, this type of politics can be traced back to the 'Era of

Good Feelings', a period in the early nineteenth-century US when party conflict was less to the fore. It was a short-lived era that coincided with James Monroe's presidency between 1817 and 1825 and the collapse of the Federalist party, although the extent of the actual harmony is questionable (Dangerfield 1952). The idea that parties can disrupt the nation echoes some of Madison's aforementioned writings against factions in *The Federalist* number ten, and was one of the factors motivating the absence of parties in the secessionist Confederate States (1861–65).

While few politicians in such nonpartisan regimes are independents in the sense defined in this study, there are a number of genuine nonpartisan systems where parties are absent. At the national level these comprise six small island states in the Pacific: Kiribati, Nauru, Tuvalu, the Marshall Islands, the Federated States of Micronesia and Palau. Although attempts have been made to form more concrete alliances and parties in some of the islands, they have never endured, and independence remains the primary form of representation (Anckar and Anckar 2000). 'Big man politics' predominates in these island states (Alasia 1984), where the political world is structured around significant individuals who have an ability to provide resources for their followers. This follows the logic of Aldrich, who stated that although democracy is unworkable without parties (1995, 3), there is no reason why politicians must turn to parties if it does not help them realise their goals (1995, 286). For example, Veenendaal (2013, 8) describes political life in Palau as one of 'attitudinal homogeneity, personalised politics ... lack of ideologies and particularistic relations between politicians and citizens'. In such an environment, there is little need for clans or political leaders to form parties.

Some territorial governments, also small islands, have no parties. These include American Samoa, Guernsey and the Falkland Islands. In addition, parties have only recently made a breakthrough in the Isle of Man and in Jersey, where the legislatures have always been dominated by independents. Two other prominent examples of nonpartisan regimes are the Canadian territories of Nunavut and the Northwest Territories, both of which are 'consensus' democracies. Apart from a short period of party rule at the turn of the twentieth century (G. White 1991, 2006), nonpartisan politics has been to the fore in these regions, without the need for parties. What these jurisdictions have in common with the aforementioned Pacific islands is that they are small in size and have a cultural resistance to parties. Smallness contributes to a high element of personalism, lessens the significance of ideology and is associated with attitudinal homogeneity (Veenendaal 2013, 2). This results in few political divisions, meaning that parties are not needed.

Smallness also results in closer links between representatives and citizens, again lessening the necessity for parties. The cultural resistance to parties can stem from an opposition to the conflict associated with the latter, which explains the consensus system in the two Canadian territories. Although the latter are not small geographically, they too have a small population, a combined total of just over 80,000. The third factor given for the absence of parties in some parts of the Pacific is archipelagic geography, in that many of the states comprise groupings of scattered islands, making it more difficult for parties as unitary organisations to mobilise (Anckar and Anckar 2000).

There is a range of other political bodies where independents have been prevalent; many of these are at the level of local government, as has been discussed. Some are unelected, such as the British House of Lords, which possibly has more independents than any other parliament in the world (Russell and Sciara 2009, 40). Others have questionable democratic credentials, such as the Russian Duma (Hale 2005), or are in developing countries, such as Uganda, where political party activity in the National Assembly was banned between 1986 and 2005 (Carbone 2003). Ireland is the only mature party democracy where genuine independents have had a constant presence and a considerable influence at the national level.

Independents in Ireland: a background

As is evident, independents have a mixed international experience. They are absent in the national parliaments of most industrial democracies, but they are present elsewhere – including in newly emergent independent states, at the regional level, or in very small jurisdictions. What this suggests is that independents may be associated with certain stages of development. Where party systems have not been fully established, we may expect to see some independents, as in some central and east European states in the early 1990s, or in some Pacific island states. In addition, because party systems sometimes do not permeate down to sub-national levels of government, we might also expect to see independents present in such bodies as local councils. This comparative experience of independents makes their presence in Ireland all the more curious. It is one of the oldest surviving democracies in the world, has a mature and enduring party system, and yet independents have been a persistent presence in the national parliament. This is discussed in more detail in Chapter 3 but, before doing so, what is implied by the term ‘independent’ in Ireland needs to be clarified. As already discussed, its meaning can vary across culture and contexts, being very much dependent on

what is meant by a 'party'. Defining an independent in the Irish sense is a starting point to an understanding of the presence of this phenomenon.

The working definition of an independent already outlined – as a politician independent of a party machine – is not a specific enough a guideline. As Chubb (1957, 131) acknowledges, an independent 'does not necessarily call himself an "independent". He may not be a "true" or "pure" independent who fights his own election battle ... (he may) belong from time to time to a party ... (he may) be a virtual camp-follower of one of the parties.' Because some independents run under self-adopted 'party' names, defining an independent does not simply involve identifying all those who run under the 'independent' brand. Candidates running under minor party labels could also be categorised as independents if it is the case that these minor parties are little more than the personalised political machines of individual candidates. To resolve this issue, Chubb (1957, 132) defines an independent based on two characteristics: (1) the candidate does not have the resources of a party behind them at election time; and (2) the candidate does not take a party whip in the Dáil.

Since most independent candidates are not elected, the lack of a party whip is not all that significant a criterion as the issue does not arise for them. The key component in defining an independent is whether or not they are standing for a party. It is therefore how a party is defined which determines how an independent is defined. While it is relatively straightforward to differentiate between a major party and an independent, this is not the case with minor parties. Pedersen (1982, 5) defined a minor party as 'an organisation – however loosely or strongly organised – which either presents or nominates candidates for public elections, or which, at least, has the declared intention to do so'. However, as is detailed in Chapter 2, there are a lot of examples of independent candidates standing for election who are nominated by organisations, such as farmers' bodies and religious associations, who would all be classified as minor parties according to Pedersen's definition. This has been a source of conflict in the literature when it comes to defining independents because it is not always clear how to distinguish a minor party from a grouping of independents (Coakley 2012, 46–50). Consequently, tables of votes and seats for independents differ across various sources, as there is no agreed definition of an independent. As Sinnott (1995, 64) notes, 'the category of "independents" is a residual and shifting one, its size depending on how much substance one attributes to ephemeral party labels'.

To clarify what constitutes a minor party, the legal definition of a party can be used. However, up until the 1963 Electoral Act, there

was no official registry of parties and party affiliations were not stated on ballots. Where minor party organisations existed before 1963, it is often a subjective decision to categorise these as genuine parties or to see them merely as the personal organisations of independents. There are many examples of candidates with a well-mobilised organisation naming their groups as parties, even though they were, to all intents and purposes, independents.

Even the state registry of parties does not wholly clarify matters. Any group seeking to qualify must have 300 recorded members or at least one TD or three local authority members. It must also have a written constitution and an annual conference of the party. Consequently, should any independent win a seat in the Dáil, all he or she needs to do to form a party is draw up a list of rules and hold a meeting once a year. For example, Neil Blaney's personal political machine, Independent Fianna Fáil, qualified as a minor party after he was expelled from Fianna Fáil in 1972; yet he is still treated as an independent for the purposes of this study. Ultimately, there is no foolproof means of defining a minor party or an independent, but the method used here is to apply a set of criteria as to what defines a party to all of the micro-parties that contested Dáil elections. Any candidate standing for such a group that does not meet these criteria is categorised in this study as an independent. This approach clarifies exactly what an independent is: a non-party. More details of this method and the classification of micro-parties are provided in Chapter 2.

Having defined an independent, who are the individuals of note who wore this label in Irish politics? They include Alfie Byrne, who was elected to the British House of Commons, Dublin Corporation, the Dáil, the Seanad and the mayoralty of Dublin. They also include the likes of Barbara Hyland, who was a single-issue candidate who ran for the National League Justice Action Group in five general elections between 1987 and 2002. In 1987, she ran in thirteen constituencies, but her highest first-preference vote was 217 (less than half of 1 per cent). The case of Hyland is highlighted because no-hope independent candidates run in many countries, but very few Alfie Byrnes are elected.

Independent politicians are an eclectic bunch, with candidates elected under this label in Ireland ranging from former government ministers and grand masters of the Orange Order to bonesetters. Although independents represent for some people the corollary of the sheer localism inherent in Irish politics, their ranks also include the likes of James Dillon, who represented two counties – Donegal and Monaghan – neither of which he actually ever lived in. To some, independents are the corollary of clientelism, but also they include the likes

of Tom Burke, a bonesetter from county Clare who refused to engage in parish-pump politics to the extent that he never sought to get the local council (on which he sat for forty years) to repair the road to his house – even though patrons of his services regularly had to have their cars towed from it, so bad was its surface (White 2009b). Although, to some people, independents represent the populist ‘clever man who cries the catch-cry of the clown’ (‘The Fisherman’; Yeats 1990, 197), they also include individuals such as Jim Kemmy, who preached anti-nationalism, anti-clericalism and socialism at a time when to do so was not electorally beneficial. To others, independents are the product of a preferential voting system that allows fence-sitters to scrape home with the last seat, but they also include Alfie Byrne and Oliver J. Flanagan, who got more first preferences than anyone else in the country in the 1932 and 1948 Dáil elections, respectively.

These ‘non-party’ candidates are an amorphous collection, which is classified under the generic title of ‘independents’. To date, there has been little analysis of their common characteristics. One common thread is that many of them have had a prior affiliation to a political party. Forty-nine of the seventy-two individual independent TDs elected between 1948 and 2016 had a party background, having in the past been either a prominent advocate of a particular party or an official party candidate. This does not necessarily lessen their independence, nor the merits of studying them, because they were all elected as independents in their own right. Unlike in other jurisdictions, where some independents maintain an affiliation with a party, this is not possible in Ireland, where parties do not sponsor independent candidates at Dáil elections. It is also very rare that an independent TD rejoins a party – only three of the sixty-four independent TDs in the history of the Irish state who came from parties have done so. Despite their party political past, all independent TDs (and indeed all independent candidates) are what have been described in other jurisdictions as ‘pure’ (Hijino 2013, 71) or ‘true’ (Nicolson 1946) independents – they are standing on their own, independent of political parties.

Independents have been successful in all types of elections in Ireland. As is detailed in Chapter 3, there have been considerable numbers of them elected to local government – both city and county councils. Independents, who almost exclusively represent the universities, have also been a fixture in the Seanad. Considerably more independents were elected to the Free State Senate (1922–36), which was directly elected, and which worked almost entirely on a non-party basis for the first six years of its existence (O’Sullivan 1940, 266). Independents getting elected to local bodies and to university seats is not an unusual

comparative occurrence, however, and so they are not the primary focus of this study. It is their continuous presence at the national level, in the Dáil, which is almost exceptional and which warrants analysis.

Why are there independents in Ireland?

Given their failure to challenge parties in most jurisdictions, it is not surprising that the comparative literature on independents is rather limited. It tends to comprise case studies from the US (Avlon 2004; Collet 1999; Owen and Dennis 1996; Sifry 2003), Russia (Gallo 2004; Hale 2005; Moser 1999), the UK (Berry 2008; Cowley and Stuart 2009; Russell and Sciara 2009), Japan (Hijino 2013), and, particularly, Australia (Bean and Papadakis 1995; Costar and Curtin 2004; Papadakis and Bean 1995; Rodrigues and Brenton 2010; Sharman 2002; Singleton 1996; Smith 2006). There has also been some research on independents in local government (Aars and Ringkjøb 2005; Bottom and Copus 2011; Copus et al. 2009; Junzhi 2010; Kukovic and Hacek 2011; Reiser and Holtmann 2008) and in European Parliament elections (Ehin and Solvak 2012). Cross-country studies even in these areas are few, however, although they include an analysis of the effect of electoral systems on independents in thirty-four countries (Brancati 2008), in Australia and Ireland (Weeks 2014), in three African polities (Ishiyama, Batta and Sortor 2013), and a comparative examination of independents in Europe as a whole (Ehin et al. 2013).

Most of the research on independents in Ireland has been conducted by this author (Bolleyer and Weeks 2009; Weeks 2008a, 2009, 2011, 2014, 2016), prior to which the main study in this area was an overview of independents by Chubb (1957) in the 1950s. There are occasional references to them in various texts on Irish elections, but these are generally in basic agreement on the factors that explain the significance of independents. These include the presence of a personalistic and localistic political culture working in tandem with a candidate-centred electoral system (Busteed 1990, 40–1; Carty 1981, 58–61; Weeks 2010b, 146–7). Other factors cited include the relatively low number of votes needed to win a seat to the Dáil, and the benefits that independents can deliver for their constituencies when they hold the balance of power in parliament. There is little need to discuss these further here as they are covered in greater detail throughout this study.

In the national parliaments of most democracies there is very little life outside party politics. A brief overview of the 106 directly elected legislatures in the 89 free democracies in 2011 found that – excluding the 6 Pacific island states, where there are no parties – there are no

independents in 79 of 100 chambers (Renwick 2011, 59). The nonpartisan regimes of the Pacific highlight, however, that rather than being an unnatural form of representation because so few adopt the label, being independent can be the most natural status for politicians. However, a range of factors, from institutional rules to cultural norms, act to push political aspirants towards parties, forcing them to renege on their independence. This explains why there are many who consider themselves independent within parties, and why there are examples of independent or personalised lists in Europe. These include independents joining parties for strategic or normative reasons, but who see a party label as a badge of convenience that does not compromise their innate sense of independence. This is particularly the case in the United States, where the dominance of the two-party system makes it extremely difficult to be elected as an independent, resulting in most independents identifying or affiliating with a party. Ireland is therefore not exceptional in having independent politicians, but it is exceptional in that their independence is not suppressed at the organisational and electoral level. Such individuals are able to run on an independent ticket and be elected as independents. The suppression that occurs in other jurisdictions can take the form of an electoral system that prohibits independent candidacies, parliamentary and electoral rules and regulations that favour parties (such as state subsidies), a political culture that does not tolerate them, or a party system that does not cater for independents. This is the central thesis of this study: that the Irish political system is permissive of independents, with the consequence that their presence is a logical, if not a rational, outcome. The Irish system is permissive in the sense that there are particular institutional and societal factors that encourage the emergence of independents, which can result in the potential benefits of an independent status being perceived to outweigh the costs of party affiliation. This in some ways borrows from Aldrich, who argued that parties are 'the creature of the politicians' (1995, 4): they exist to serve the latter's interests, and will be ignored when they no longer fulfil this role. Consequently, the argument here is that if an array of politicians in Ireland have continuously chosen the independent path, then, by Aldrich's logic, it is because they perceive it the best means to further their interests. This path is deemed rational because independents fulfil a certain role, help voters and candidates achieve their goals and conditions are conducive to their electoral success. In other words, because the presence of parties can be viewed as their being a tool to help politicians achieve particular outcomes, by implication their non-presence is because better outcomes can be achieved as an independent. This is possible because of the permissive nature towards independents in Ireland,

and five areas are examined in this book to demonstrate the rationale of this argument. These concern the party system, independents' record of electoral success, the political culture, the electoral system and independents' influence on minority governments. A chapter is devoted to each of these features of the Irish political system to show how they contribute to independents' significance.

Explaining the presence of independents

There are two separate points to make about the importance of the party system. The first concerns the general nature of competition in the party system. More specifically, the more open the party system, the greater the presence of independents. The general openness of the Irish party system, which is not built on social cleavages, has always given independents an opportunity. When the system was still in an embryonic state in the 1920s and 1930s, it allowed independents be a real electoral force. When in the late 1950s the party system was consolidated into the two-and-a-half party model that predominated until the 1980s, independents declined as competition tended to revolve around 'Fianna Fáil versus the rest'. When realignment began in the 1980s, and the party system opened up, this allowed independents an opportunity to re-emerge.

The second point about the party system is that in response to its evolution, independents operate in a Downsian (1957), or rational, fashion. This means that they act to maximise their interests. Because the party system has been dominated by two catch-all parties and a centrist Labour Party, many niche interests are not represented, and this has created a lacuna which independents have sometimes filled. As new issues and social groups crop up, so too do independents to represent them. Both of these arguments are related to the permissiveness thesis. When the party system is open (or more permissive), it leaves gaps in the market that independents can profit by. When it is closed, independents suffer decline.

The second premise concerning the permissiveness of independents in Ireland concerns their record of electoral success, which has a knock-on effect and increases the probability of other independents being elected. It is quite permissible for any ambitious candidate to run as an independent, and because an independent candidacy is not a recipe for electoral disaster, this should encourage more down this electoral path and more to support them. This was particularly evident in the run-up to the 2016 Dáil election, where the considerable numbers of candidates elected in 2011 and the large proportion of the electorate

willing to vote for them motivated more individuals to contemplate an independent candidacy.

The third premise is that there is a willing electorate for independent candidates. In part this is the product of a political culture that fosters an independent vote. Choosing a candidate to look after the needs of the constituency has consistently been identified as the most important incentive for voters since opinion polls began in the 1960s (Marsh 2010, 181–5). The personality and locality of candidates is what drives their support. Consequently, all things being equal, voters in such an environment should be more likely to support independents than those where such incentives are not to the fore. The rationality of such a decision is that their utility can be maximised by any candidate, regardless of party colours, or none at all. A party-centred culture, which exists in many environments, is very much a suppressing agent against independents because it means that they are not part of the norm, and changing political culture is a slow process. In contrast, a permissive candidate-centred culture in Ireland contributes to their significance.

Such a political culture is facilitated by a permissive electoral system, which is the fourth premise. The institutional settings of the Irish electoral system, with its Single Transferable Vote (STV), are such that it encourages independents to run, motivates voters to see the act of voting from a candidate-centred perspective and facilitates the election of independents. Most electoral systems in Europe, by contrast, produce strong suppressive institutional factors, as they prohibit independent candidacies.

The final feature of the Irish political system that is examined concerns the influence wielded by independents. They are not ostracised political actors. This is particularly because minority governments, a regular occurrence in Ireland, look to them for support. This gives independents a key relevance, and an opportunity to extract political utility from the parties as a price for their vote in parliament. At the same time, independents' position outside of cabinet ensures they can hope to absolve themselves of any blame for government mishaps (Weeks 2009, 146). This is in contrast to the electoral punishment that is often meted out to minor parties in government (O'Malley 2012). So, the typical scenario for independent parliamentarians in other jurisdictions – where, even if they get elected, parliamentary norms dictated by parties are not permissive of them – does not occur in Ireland. In fact in Ireland it tends to be party TDs who are suppressed, as independents are often courted by minority governments, affording them a relevance that they can achieve in few other political systems.

The structure of this book is built around these five central premises that explain the permissiveness of independents. Given the

aforementioned heterogeneity of independents, it is necessary to differentiate them, and this is the subject of Chapter 2. The function of Chapter 2 is also built around the first premise concerning the openness of the party system, indicating the Downsian nature of independents as they represent groups not catered for by the parties. Chapter 3 works around the second premise on the importance of independents' record of electoral success. It provides an overview of independents' electoral fate in other parliamentary democracies, with a focus on Australia and Japan, before examining their fate in Irish elections. In particular, the role of the party system as an explanatory variable is determined. While this book is primarily a case study, throughout there is a strong comparative angle, which considers the experience of independents in other jurisdictions. Australia is the primary source of such data, apparently being home to more independent parliamentarians (this includes the state, territorial and federal level) than any other country (Costar and Curtin 2004). Having established the presence of independents in the first three chapters, Chapter 4 provides a unique perspective as it comprises contributions by seven independent politicians, who between them have sat in local government, the Dáil, the Seanad and the European Parliament. While there are some memoirs written by independent parliamentarians in Australia (Andren 2003; Oakeshott 2014; Windsor 2015) and the UK (Bell 2001; Herbert 1950), these comprise not much more than a handful, and there are even fewer such contributions in Ireland. Noël Browne's *Against the Tide* (1986), and an edited collection of Frank Sherwin's writings (2007), are the limited examples of this. Chapter 5 focuses on the third premise, namely the presence of a willing electorate, and examines what motivates electoral support for independents. Chapter 6 considers the fourth premise about the influence of the electoral system, while Chapter 7 examines the fifth premise about the influence independents bring to bear on minority governments. Chapter 8 brings these factors together to collectively consider their relevance regarding the presence of independents in Ireland. Finally, Chapter 9 concludes with an assessment of the normative value of independents. Is their presence and influence good for parliamentary democracy, or do they undermine its functioning and effectiveness?

Note

- 1 The thirty-six industrial democracies are the other twenty-seven members of the EU, Norway, Switzerland, Iceland, Israel, the US, Canada, Japan, Australia and New Zealand. Source: www.ipu.org.