Parliamentary Institutions
Basic Concepts

Project Technical Series: Parliamentary Affairs

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Cover Photos

Top row, from left:

1. *Building of the National Assembly of Viet Nam.* Ba Dinh Square, Hanoi
   Source: Viet Nam National administration of Tourism

2. *Conference of Presiding Officers of National Parliaments*, organized by
   the Inter-Parliamentary Union at the United Nations Headquarters in New York, August 2000
   Just a few days prior to the Millennium Summit of Heads of State and Government.
   Source: IPU webpage 'IPU Cooperation with the United Nations'
   http://www.ipu.org/un-e/un-overview.htm

3. *Canada's Parliament Building.* Ottawa
   Source: Parliament of Canada website - http://www.parl.gc.ca

Lower row, from left:

4. *The House of Commons in session. British Parliament.* Westminster, London
   Source: UK Parliament website-http://www.parliament.uk/about_commons/about_commons.cfm

5. *Swiss Federal Parliament Building.* The Federal Assembly - The Swiss Parliament, Berne
   Source: The Swiss Parliament webpage - http://www.parlament.ch

6. *Vietnamese MPs at a Plenary Session of the National Assembly.* Ba Dinh Square, Hanoi
   Source: Viet Nam News Agency

FOREWORD

Viet Nam has made significant progress in improving the organization and operations of state institutions during the *doi moi* period. Amendments to the Constitution in 2002 have strengthened representative bodies, including the National Assembly and People's Councils. These institutions are now more responsive and active than in the past, and exercise more effective oversight over policymaking and implementation of government programmes.

The development of a market-oriented economy has certainly increased the legislative burden on representative bodies, particularly the National Assembly. International economic integration will require a comprehensive overhaul of the legal framework. Deputies have also taken a keen interest in poverty reduction, social disparities including gender equity, HIV/AIDS and international security. The National Assembly has also increased the frequency and intensity of international contacts. In view of the heavy workload and responsibilities of legislators, it is imperative that these bodies operate as efficiently and professionally as possible.

In partnership with the Office of the National Assembly (ONA), UNDP has launched several initiatives aimed at strengthening the capacity of elected representative bodies in Viet Nam. ONA has taken the lead in facilitating access to knowledge and comparative international experience in the structure and functions of parliaments and other elected bodies. This information and exchange of ideas will help Viet Nam to build the capacity of these institutions and increase their effectiveness in ways that are consistent with Viet Nam's political traditions and culture.

This publication breaks new ground in providing easy access in Viet Nam to international theory and practice in parliamentary development. We hope that the information contained within it will stimulate discussion and analysis among members of these institutions, other policymakers, the legal profession, scholars and students.

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PREFACE

The publication 'Parliamentary Institutions: Basic Concepts' was initially prepared as a series of handouts to serve as background material for participants of the National Conference "Parliamentary Development: Experience of Viet Nam and other Countries".* The Conference was organized by the Office (Secretariat) of the National Assembly of Vietnam (ONA) and the ONA-UNDP Project VIE/02/007 on December 15-16, 2004. The Conference was attended by Vietnamese MPs, including its Vice-Chairman and several Committee Chairmen and Vice-Chairmen. Also enriching the proceedings of the conference were Secretary-Generals and parliamentary officials from Australia, Cambodia, Laos, Mongolia and Sweden.

Following the Conference, it was thought the handouts would be useful in continuing the promotion of international cutting-edge knowledge and experience among Vietnamese MPs and parliamentary officials. An additional editorial effort was therefore made by the ONA, UNDP Viet Nam and the ONA-UNDP Project VIE/02/007, resulting in this publication.

We would like to extend our appreciation to all the individuals and institutions that contributed to this publication, including also the participants of the National Conference mentioned above and to all the project staff, who activated and kept the machinery required to produce this text at full steam until it was finished. The publication was commissioned by the Project and prepared by Dr. Cristina Leston-Bandeira and Professor Philip Norton of the Centre for Legislative Studies - the University of Hull, United Kingdom. Thanks to both of them for their effective team work, for the sharing of their valuable knowledge and their great patience.

In general, there is a significant lack of publications about the organization and functioning of parliaments around the world. This situation is particularly critical as regards literature available in the Vietnamese language. This material will help to fill this gap. This book on basic concepts in international parliamentary institutions is, if not the first, certainly one of the very few references on the subject addressing specifically the needs of the Vietnamese audience specialized in this field. It provides Vietnamese readers - be they Members of Parliament, parliamentary staff, University and research staff or simply ordinary citizens - a glimpse into and a basic review of today's international parliamentary institutions.

Its translation into the Vietnamese language has not been easy. In addition to the difficulty of finding appropriate Vietnamese words for concepts or practices applied in other languages and cultures, in

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* Details of the Conference can be found at
   http://www.undp.org.vn/projects/vie02007/news/HCMC_conference_12_04.htm

several cases, appropriate contextualization had to be done - many terms and processes are not yet familiar to Vietnamese specialists. Our sincere words of appreciation to Dr. Nguyen Si Dung for the support provided during the preparation of this publication and his fundamental contribution in reviewing and overseeing the whole process of preparing the Vietnamese version.

The preparation of this publication was an enjoyable experience involving an intense exchange of ideas and proposals between the authors, the authorities of the Office of the National Assembly and the Series Editors.

From the point of view of achieving an effective communication through this material, we were all challenged to reach an appropriate balance when considering the following needs:

- To adapt internationally accepted concepts and experiences into the specificity of the cultural and political traditions of Asia in general, and of Vietnam in particular; while keeping the essence of the original concepts.
- To be as concise as possible to facilitate the reading by politicians, while at the same time having to explain and describe properly a series of topics and realities involving complex political, cultural and historical issues that can be considered alien to a significant amount of Vietnamese specialists.
- Reviewing concepts and practices applied in specific cultural and political contexts from a comparative perspective, trying at the same time to convey a message that there cannot be a 'one-size fits all' approach or solution in this field.
- Producing material with a solid academic background including references to cutting edge issues while addressing the very pragmatic information needs of parliamentary practitioners.
- Encouraging additional independent work by the readers through the inclusion of key bibliographic references for each section.

'Parliamentary Institutions: Basic Concepts' is the first title of the 'Project Technical Series' launched in 2005. It will be part of a wider strategy of knowledge sharing and promotion of self-learning initiatives involving Vietnamese MPs and parliamentary officials. The book will also be used as support material in future training activities. Its electronic version will contribute to the enhancement of the Electronic Library that will soon be created within the Knowledge Resource Centre for Elected Deputies at the ONA.

Finally, we hope that this publication will also be a relevant reference for other countries in the region that are conducting initiatives to improve the organization and functioning of their parliaments. Any comments and suggestions will be highly appreciated.

Lenni Montiel
Series Editor
UNDP Senior Technical Adviser

CONTENTS

GENERAL INTRODUCTION

Parliaments are institutions full of paradoxes. On one hand there is a general feeling of dissatisfaction towards them, but on the other they do not cease to grow. The last decade has witnessed a proliferation of new legislatures all across the world, either at national or sub-national level. Parliaments have become a *fundamental* institution of any political system. Parliaments have also become sophisticated institutions that inter-link with many different features of society in general. In order to fully understand parliaments it is therefore necessary to take into account a variety of factors, from their institutional framework to the functions they play, passing by their infrastructures and organisation.

This publication aims to provide a guiding framework to foster a better understanding of parliaments. It is constituted by nine sections, each on a topic of key relevance to understand parliament. The sections are organised in the following order:

1. Parliamentary Models
2. Executive / Legislative Relations
3. Legislative Process
4. Oversight Function
5. Representative Function
6. Organization and Operation of Parliamentary Committee Systems
7. Parliamentary Rules and Procedures
8. Organization and Management of Parliamentary Affairs
9. Latest Developments in Legislative Studies

Each section can be read independently, although references are made to complementing sections when relevant. A basic presentation is made of the key issues at stake for each topic, providing simultaneously scholar references that allow for further development of each topic.

SECTION 1

PARLIAMENTARY MODELS

Introduction

Although the expectations towards parliament may follow a similar pattern across countries, the institutions of parliament actually vary enormously across the world. From the way they are constituted, to their powers or the role played by its representatives. In order to understand parliament it is important on one hand to identify the key factors shaping the institution and, on the other, to take into account how they fit into scholarly classifications of parliaments.

1. Factors shaping parliamentary models

No parliament exists in a vacuum. They are all part of an institutional context that shapes its core characteristics, besides the political culture and history of its country/region. That institutional context is essentially constituted by the following:

Political system type

Each political system is organised around three different powers: the legislative, the executive and the judiciary. It is the way by which these are organised and the relationship between them - in particular the legislative and the executive, that determines the nature of each political system. This has an obvious impact on the role played by each parliament.

There are essentially three types of political system: presidential, parliamentary and mixed systems. In the presidential system there is a separation of powers between judiciary, legislative and executive; the President heads the government and is elected directly by the people and independently from parliament. The most well known case being the United States, as well as most Latin American countries. In a parliamentary system, parliament is at the centre of the system and the Head of State (a President or a Monarch) is merely a figurehead. The government derives from parliament's election. Well known cases include Britain and Netherlands (with Monarch as Head of State) and Germany and Italy (with indirectly elected President as Head of State). In parliamentary systems there is a fusion

between the executive and the legislative powers. Mixed systems (also called of semi-presidential) are those where parliament is at the centre of the political system, but where at the same time the President is elected directly by the people, acting as the Head of State. The government derives from parliament. Examples include Austria, France, Finland, Ireland and Portugal.

Electoral system type

Electoral systems influence enormously parliament's configuration: the number of parties elected, the size of those parties, the power and role given to parties and to MPs individually considered, the relationship with citizens.

As seen in Section 5 on the Representation Function, electoral systems divide themselves between majoritarian and proportional representation ones. The more the electoral system is majoritarian, the fewer the parties elected to parliament, the more parliament is organised around the relationship with individual constituencies and the more MPs have independence of action. The more the electoral system is a proportional representation one, the more the parties elected, the more the party constitutes the core organisational unit in parliament and the less independence of action MPs have.

Unicameral or bicameral

The decision for one or two chambers is a determinant one for parliamentary working. There are basically three reasons to opt for a second chamber: historical legitimacy of upper chamber, large size of a country and federal political system. Second chambers bring in an extra level of representation (if representative of regions/states) or an extra level of reflection (where discussion is not so mediated by party politics).

Centralisation or De-centralisation

Parliament's role is also affected by the country's administrative organisation. Most political systems nowadays tend to be developing towards some degree of decentralisation. This decentralisation can work through a federation (when the country is large or divided between well differentiated ethnicities) or a mere regionalisation. Federations usually include sub-state level legislatures and governments. If in a central system, then the legislature is likely to detain considerable more powers. If in a regionalised or federalised system, the legislature shares power and responsibilities with the sub-state level institutions.

It is the combination of the above - together with political culture and history - that shapes each parliament. Seeing the diversity of parliamentary institutions, it is difficult to identify clearly delineated groupings of parliaments into different types of parliamentary models. However, one system does stand out for its combination of specific characteristics: the Westminster model. Based on the British system, this model has been adopted in a wide variety of countries (usually the ones belonging to the

Commonwealth) and it basically includes a parliamentary political system with a majoritarian electoral system, as well as the existence of two chambers.

2. Classifications of parliaments

Besides the institutional characteristics, scholarly classifications of parliaments also help to understand the profile of each parliament. These classifications look beyond the institutional characteristics, take into account the actual practice of parliamentary work, and can also go beyond the institution in itself by looking at its relationship with outside actors such as the media. Thus, these classifications look not only at parliamentary practice internally to parliament, but also in some cases to the consequences external to the institution. By using these classifications, one can more adequately understand each parliament, as the same criteria are used to assess it in comparison with other parliaments.

We hereby list the classifications of parliaments most quoted in the legislative studies discipline: by Michael Mezey, Nelson Polsby, Robert Packenham, Philip Norton and Jean Blondel. The last two scholars focus on the legislative function,[1] whereas the first three provide a more comprehensive framework of analysis of parliamentary activity.

Michael Mezey's classification of legislatures: [2] this typology is probably the most used in the literature to classify individual legislatures. Mezey defines a typology of five different types of legislatures, *vulnerable, marginal, active, reactive* and *minimal.* This typology results from the combination of two different dimensions: policy-making and support. The author identifies three levels of power in policy-making: *strong* (the legislature can modify and reject executive proposals), *modest* (the legislature has no capacity to reject policy proposals, but can modify them) and *little or no* (the legislature can neither modify nor reject policy proposals). In terms of support, the author simply distinguishes between *less supported* legislatures and *more supported* legislatures. This shows that sometimes parliaments may be powerful in terms of policy-making, but may actually not be supported by its population (*a vulnerable legislature*), as is the case of the Italian parliament. Or, likewise, that parliaments may count with support but have little or no power in policy-making (*a minimal legislature*), as was the case of the Soviet Union.

Polsby's model of Transformative *versus* Arena type legislatures: [3] this is a most quoted typology of parliaments that assesses parliament's level of independence towards external influence in their legislative power. This degree of independence varies in a continuum from a lower degree (*arena*) to a higher one (*transformative*). These concepts of Arena and Transformative are commonly used today in the legislative studies literature and also commonly refer to the style of working of a

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[1] Note that for a long time the legislative function was identified as the only important one played by parliament, as seen in Section 9 on the Latest Developments in Legislative Studies.

[2] M. Mezey, *Comparative Legislatures,* Durham, NC, Duke University Press, 1979.

[3] N. Polsby, 'Legislatures', in F. I. Greenstein and N. W. Polsby (eds.) *Handbook of Political Science*, V (Reading-Mass.: Addison-Wesley, 1975), pp. 257-319.

parliament. When more centred on Chamber debates and a confrontational style of discussion then the parliament is said to be an arena legislature; when there is a stronger emphasis on committee work and decisions are mainly agreed upon consensual discussion, then the legislature is said to be transformative. The British House of Commons would be a typical example of the former, whereas the German Bundestag an example of the latter.

Packenham's analysis of functions: [4] in this seminal study of the Brazilian Congress, Packenham shows that parliaments play a much wider role besides the legislative function. The author looks at parliament's functions in terms of consequences to the political system. He identifies a set of eleven different functions played by parliament: latent legitimation of the political system, manifest legitimation of the political system, 'safety valve' (as an outlet for tensions in the system), recruitment of political actors, socialisation of political actors, training of political actors, law-making, 'exit' function (resolving an impasse in the political system), interest articulation, conflict resolution and administrative oversight.[5] By looking in detail into functions such as the latent legitimation one, Packenham shows that parliaments play a much more comprehensive role in our societies. This typology is an important contribution to understand the role played by any parliament.

Philip Norton's typology of policy-making: [6] this is a re-definition of Mezey's typology on policy-making (explained above). Norton introduces a positive dimension in the identification of parliaments with a strong power in policy-making. Parliaments with a strong power would be able not only to modify or reject government's proposals, *but also to actually introduce their own policies*. The typology is re-defined in the following way: *policy-making legislatures* (can modify or reject measures brought forward by the executive and can formulate and substitute policies of their own), *policy-influencing legislatures* (can modify or reject measures brought forward by the executive, but cannot formulate or substitute policies of their own) and *legislatures with little or no policy effect* (can neither modify or reject measures brought forward by the executive, nor formulate or substitute policies of their own). This typology has become widely used in legislative studies focusing on the legislative function.

Blondel's concept of viscosity: [7] this concept is often used also to classify parliament's power in policy-making. The degree of viscosity refers to parliament's ability to constrain government in the process of passing legislation. Parliament may be able to block and delay legislation (*high level of*

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[4] R. Packenham, 'Legislatures and Political Development', in A. Kornberg and L. Musolf (eds.), *Legislatures in Developmental Perspective*, Durham NC, Durham University Press, 1970, pp. 521-82.

[5] See systematisation in P. Norton, 'Parliaments: framework for analysis' in P. Norton (ed) Parliaments in Western Europe (London: Frank Cass, 1990), p. 6.

[6] P. Norton, 'Parliament and Policy in Britain: the House of Commons as a Policy Influencer', *Teaching Politics*, 13, (1984), pp. 198-221 complemented by P. Norton, 'The Legislative Powers of Parliament', in C. Flinterman, A. Willentteringe and L. Waddington (eds), *The Evolving Role of Parliaments in Europe* (Antwerpen: Maklu Uitgevers, 1994), pp. 15-35.

[7] J. Blondel, 'Legislative Behaviour: Some Steps Towards a Cross-National Measurement', *Government and Opposition*, vol.5, (1), 1970, pp. 67-85.

viscosity), in other cases government may be in total control of the process of appreciation of legislation (*low level of viscosity*). The level of viscosity that parliament can introduce depends on a number of variables, internal or external to parliament.[8] External variables include political culture, constitution and the place of the legislature in the political system. Internal variables include the system of committees, agenda control, rules and organisation of the chamber and resources.

Each parliament can therefore be assessed not only for its institutional framework, but also in terms of its actual practice. The above scholar classifications indicate specific ways in which we can assess different dimensions of parliaments.

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[8]   For a detailed analysis of variables conditioning the level of viscosity, see P. Norton, 'Introduction: the Institution of Parliaments', in P. Norton (ed.), *Parliaments and Governments in Western Europe*, London, Frank Cass, 1998, pp.1-15.

SECTION 2

EXECUTIVE - LEGISLATIVE RELATIONS

Introduction

The relationship between Executives and Legislatures is one of the most well studied dimensions in parliamentary studies. This reflects the importance of this relationship. This section enumerates the key issues at stake to understand this relationship. However, this relationship encompasses key parliamentary functions and therefore this section should be read together with the other sections on parliament's main functions (Sections 3, 4 and 5). The relationship between Executive and Legislative comprises essentially two of parliament's main functions: the legislative and the scrutiny ones. Before assessing these, one needs to set the context for that relationship, that is, the constitutional framework of each political system.

1. The constitutional framework for Executive and Legislative relationships

As seen in Section 1 on Parliamentary Models, there are essentially three types of organisation between the Executive and the Legislative: presidential, parliamentary and semi-presidential (mixed) models. Here is a short profile of each type of system and the consequences for the relationship between the Executive and the Legislative:

Presidential systems: the President is both the Head of the Executive and the Head of State, being directly elected by the people. There is a separation of powers between the Legislative, the Executive and the Judiciary. The Executive is not politically responsible before parliament and has considerable autonomy. The members of the cabinet are chosen by the President and do not have to derive from the legislature. Unless the legislature is a strong parliament, the Executive tends to easily dominate the legislature.

Parliamentary systems: the Head of Government is usually called of Prime-Minister and derives from the voting to parliament, there is a separate figure-head Head of State. The Executive is politically responsible before parliament, so the legislature can dismiss government. The members of the

cabinet usually derive from parliament. There is considerable inter-relationship between the Executive and the Legislative.

Semi-presidential systems: similar to parliamentary systems, except that the Head of State is directly elected by the people and usually has powers to dissolve the legislature (and government), as well as to veto legislation. The Executive is politically responsible before parliament, so the legislature can dismiss government. The members of the cabinet usually derive from parliament, but can also come from outside parliament. There is considerable inter-relationship between the Executive and the Legislative.

Besides the type of political system, the electoral system also has consequences to the relationship between the Executive and the legislative. As seen in Section 5 about the representative function, majoritarian electoral systems tend to favour stable governments based on comfortable majorities in parliament, whereas proportional electoral systems tend to result in minority or coalition governments. The former usually results in stronger governments. Minority and coalition governments tend to become more dependent on parliament, often having to negotiate carefully with parliamentarians to ensure that their policies are passed through.

2.   Dominance of the Executive?

One of the key issues raised by the legislative studies literature is how much the Executive dominates the Legislature. There is generally an agreement that in most cases the Executive dominates the legislature, the issue being more about the level of this dominance. This led to the development over the last century of a dominant paradigm in the legislative studies that proclaimed parliaments were in decline.[9] However, this verdict was based essentially on the assessment of *only one* of parliament's functions: its performance in the legislative process. There was an overwhelming focus on the legislative function, neglecting other key functions such as scrutiny.

Since the end of the twentieth century it is generally recognised that parliaments do much more than just legislate and that they can play a key role in the scrutiny of government's actions. On the other hand, it is also generally recognised that Executives are more efficient institutions to deal with legislation, in particular where this has become very detailed.

3.   Key criteria to assess Executive - Legislative relationships

In order to assess Executive - Legislative relationships we need therefore first of all to take into account the constitutional framework. Moreover, one should usually expect to find some degree of dominance

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[9]   For more details see P. Norton, 'Parliaments: A Framework for Analysis', in P. Norton (ed.), *Parliaments in Western Europe,* London, Frank Cass, 1990, pp.1-9.

from the executive and should not focus just on the legislative function. Having set this, we shall now enumerate a number of criteria that contribute towards understanding the relationship between Executives and Legislatures:

- Size of government's majority in parliament
- Number of parties in opposition, as well as the size of these parties
- Level of party discipline
- Average duration of governments
- Government's and parliament's legislative powers (see Section 3 on the Legislative Process)
- Legislative output (see Section 3 on the Legislative Process)
- Scrutiny instruments available to parliament (see Section 4 on the Oversight function)
- Scrutiny instruments activated by parliament
- Government's and parliament's powers in agenda setting

The combination of these different criteria allows to assess the relationship between governments and parliaments.

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SECTION 3

LEGISLATIVE PROCESS

Introduction

The legislative function is key to our understanding of parliaments. Most of classifications in legislative studies take into account the legislative function, often seeing it as a core defining dimension. The legislative function is also at the centre of parliaments' essential paradox: they are normatively expected to produce legislation and yet they constitute a poor arrangement for an effective legislative process. Three elements allow us for a better understanding of each parliament's role in the legislative process: (1) the formal responsibilities and competences ascribed to the parliamentary institution; (2) the procedures by which legislation is considered; (3) the actual power and effectiveness that parliament has in the legislative process.

1. Parliament's competences and responsibilities in the legislative process

Parliaments around the world vary enormously in their degree of responsibility to deal with legislation and many criteria have to be taken into account to appreciate duly parliament's formal role in the legislative process. One has to take into account essentially what competences parliaments have to *initiate* legislation, to *amend* it and to *scrutinise* it.

These are the key questions one should make when trying to assess those competences:

- Can parliament propose (initiate) any legislation? Or does government have this prerogative? Can both parliament and government propose legislation? Is there any difference between the two in the power to propose legislation?[10]

- Are there any delimitations in parliament or government's right to propose legislation in terms of policy areas? i.e. are there any policy areas upon which only parliament or government can legislate?

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[10] Case study worth checking out: the French laws and decree-laws.

- Does parliament take a vote on all legislation? Or is the vote limited to specific types of policy or specific stages of the legislative process, such as a first reading or a final reading of the bill?

- What powers does parliament have to amend legislation? Can parliament propose amendments to government's legislation? At what stage?

- Does parliament have the power to scrutinise government's legislation? If so, by which means and does it involve a new vote?

- Does parliament have the power to scrutinise the way legislation is being applied?

- Can parliament's legislation be questioned by other institutions such as the President, the Constitutional Court or regional assemblies? In such cases, does parliament have the final word?

The answer to these questions will depend on a number of factors that make up for parliament's institutional design. It will depend on specific prerogatives, but also importantly on foremost factors such as the type of political system and the electoral system by which parliament is elected. There are essentially three types of political system: presidential, parliamentary and semi-presidential (mixed).[11] And there are essentially two different families of electoral systems: majoritarian and proportional.[12] The combination of these two factors results on different levels of parliament's competences in the legislative process.

One would generally expect the executive (government) to have a bigger role in the legislative process in presidential political systems than in parliamentary or mixed types. In presidential systems, the executive has the initiative powers in legislation and parliament's role is mainly one of amending and scrutinising. However, the power to scrutinise may be more important than the initiative one, in some cases ascribing to parliament a key role in the legislative process (example: American Congress). In parliamentary systems, one would expect parliament to have a more important role in initiating legislation. However, cases such as the British one show that this is not necessarily so, as nearly all legislation is initiated by government in parliament. The Dutch, German and Scandinavian cases are good examples of parliamentary systems where parliament holds important powers in the legislative process. This derives in great part from a more consensual style of politics in these countries. Their proportional electoral systems ensure the existence of more political participants in the process of initiating and discussing policy.

Besides these general constrains, then one has to take into account the specific prerogatives of each system. For instance, the existence of a second chamber may in some cases enhance parliament's ability to scrutinise legislation. In any case, the application of any institutional design will always vary from case to case depending essentially on the political culture and history of each country/region.

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[11] See Section 1 on Parliamentary Models and Section 2 on Executive - Legislative Relations for a more detailed explanation of these terms.

[12] See Section 5 on the Representative Function for a more detailed explanation of each electoral system.

2. The process of considering legislation

Regardless of its formal framework, each parliament is unique in its own rules and procedures to deal with legislation. These rules and procedures are often key to define how successful the legislative process is in reality. It would be difficult to enumerate all of the features that make up these rules, but here are the main factors that one should look into to determine the legislative process of each parliament:

Stages of reading – Legislation is often considered in three different stages. A first one where the general aims of the bill are discussed; a second one where the bill is considered in detail article (paragraph) by article (paragraph), as well as its amendments; a third one where the amended bill is considered in its final version. Each of these stages is usually called of reading: 'first reading', 'second reading' and 'third reading'. The importance of each of these readings varies from parliament to parliament, depending on whether there is a vote associated to the reading, whether all political participants have a say and where the reading takes place (Chamber or Committee). Increasingly parliaments also include a prior stage to the above, in committee, where the bill is prepared for the first reading. There is a general thought that this prior referral enhances the legislative process as all actors become more engaged in the discussion of the bill and better preparation is obtained.

Involvement of second chamber – In bicameral parliaments one needs to consider at what stages the second chamber becomes involved. Does it intervene before or after the first chamber has considered the bill, or does it have an active role in the process described above? Also, does the second chamber actually take a vote on the bill?

Chamber vs Committee – The Chamber allows for public debate on legislation and more transparency. However, it is an ineffective and slow way of discussing legislation. As a consequence committees are increasingly used to consider legislation. Committees provide a smaller forum to discuss legislation where agreements may be easier to reach. Still, the Chamber provides an essential forum to give legitimacy to the legislation being considered. Parliaments often choose therefore to have a first reading of the bill and(or) a final vote to the amended bill in the chamber. Committees are usually chosen for the detailed consideration of the bill.

Agenda rights – The possibility of actually having your own legislation considered and voted by parliament is a right that varies greatly between parliaments. In some cases, government dominates this right and nearly all legislation discussed has been proposed and initiated by government. In other parliaments the opposition is entitled to have a number of their own bills considered. This is an important factor as it means that the political agenda is not unilaterally defined by government, with the opposition being able to put forward their own priorities in policy making.

Voting rules – Some parliaments have varying approval voting rules according to the type of bill. For instance, whereas most bills would be approved by a simple majority (half plus one vote), for more generic bills such as one regulating the general system of education, the voting rule may be two thirds of the MPs; this is typically the case for passing amendments to the Constitution. Also, it is important to determine whether votes are expressed by party or by MP and by which means (secret, standing up, passing through a lobby or electronic). The general thought is that the more individualised the vote is, the more likely it is that party dissent will take place.[13]

Participation of outsiders – Parliaments vary considerably in the extent to which figures outside parliament and government can participate in the legislative process. in some cases, representatives of the civil society such as professional associations or Trade Unions have to be consulted when legislation that affects them is being considered. Parliaments also often seek for experts' views by means of committee hearings or through written evidence. The more views from outside are taken the more transparent the process is seen to be and the more likely it will be accepted. However, this consultancy can also delay considerably the legislative process.

MPs vs Parties – Finally it is also important to ascertain how much MPs can act in the legislative process independently from their own parties. Parties have generally speaking an overwhelming power on these matters, with MPs having little scope for action when individually taken. It is important though to consider whether MPs have the right to initiate legislation, to propose amendments or to vote differently from their parties.[14] The more MPs can do, individually, the wider the breath of topics under discussion and the more the representative function is seen as fulfilled, but also the higher the instability and factionalism in parliament.

3. Parliaments' effective power in the legislative process

The formal general framework together with the rules and procedures of each parliament provide us with the key ingredients to assess the legislative process. However, the way the legislative process is *actually* carried out can be very different, resulting in different styles of legislating and varying levels of parliament power in the legislative process. It is therefore crucial to assess how efficient and representative parliament is in considering legislation in *reality*. A big share of the legislative studies literature does exactly that.

In order to assess parliament's style of legislating and its power in the legislative process, one has to look into the following indicators:

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[13] Case study worth checking out: the Italian parliament. Secret vote used to be the main voting system which led to extreme factionalism of the parties. Recently, secret voting has been abandoned for most instances to avoid such factionalism.

[14] For example, Spanish MPs can not propose legislation without their parliamentary groups and can only propose amendments in specific conditions.

- How many bills are initiated (proposed) in parliament?
- Who are the authors of these bills (which parties, government, regional assemblies, second chamber)?
- How many bills go through to first reading? To second reading? To third reading?
- What is the proportion of amendments being accepted to bills? Who are the authors of those amendments?
- How many bills and/or amendments can the opposition approve? How many can the government?
- How long does parliament take on average to consider legislation, from its initiation to its final approval?
- Where government can consider legislation itself, how many of those bills (usually called of decree-laws) are produced?
- What and how many parliamentary hearings take place per bill? What about written evidence?

These indicators allow us to define the profile of the actual legislative process in each parliament. Philip Norton has devised a useful classification to assess parliament's actual role in the legislative process.[15] Norton distinguishes three types of parliaments according to how much power parliament has in initiating and changing policy: policy-making, policy-influencing and little-or-no-policy-impact. Classifications such as these allow us to ascertain how much power parliament actually has. Besides that, the above questions also allow us to understand how inclusive the legislative process is in each parliament.

The legislative process is therefore a very intricate combination of a wide variety of factors - probably parliament's most complex function. The legislative process needs to be assessed according to its formal framework, as well as its reality, keeping always in mind that parliaments do not necessarily have to produce legislation; foremost they are institutions that 'give assent' to legislation,[16] that is facilitate the means so that legislation is discussed and produced.

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[15] P. Norton, 'Parliament and Policy in Britain: the House of Commons as a Policy Influencer', *Teaching Politics*, vol.13, No. 2, (1984), pp. 198-221; based on Michael Mezey's original classification in *Comparative Legislatures*, Durham, NC, Duke University press, 1979.

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SECTION 4

OVERSIGHT FUNCTION

Introduction

Together with the legislative function, oversight is one of parliament's main roles in the political system. In many systems this has indeed become parliament's main function. Scrutiny instruments have developed enormously in the last decades and the oversight function encompasses a complex combination of different types of devices to hold government into account. To fully appreciate the many issues at stake we should first consider (1) which instruments of scrutiny exist, then look at (2) how open to the public should they be and finally reflect on (3) how to assess the scrutiny function of each parliament.

1. Types of Scrutiny

Instruments of oversight vary enormously in their form and purpose and therefore their different types need to be identified. The foremost distinction lies between instruments for political responsibility and those for routine scrutiny.

a. Political Responsibility

In political systems where the government is politically responsible before parliament, parliamentarians can cause government's dismissal. This can happen through the approval of a motion of censure (also called motion of no confidence) or the rejection of a motion of confidence. Through a motion of censure parliamentarians express their opinion that a particular government should no longer govern. Through a motion of confidence governments can ask for parliament's general expression of support. Although these instruments are rarely used in most well established democracies, their existence and the fact that they could be activated at any time act as an important guarantee of democracy. In less well established democracies their use may be higher and associated with political instability.[17]

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[17] Examples worth checking out: Italy, Germany and Hungary.

b. Routine scrutiny

However, the main part of the oversight function is played through less solemn instruments that are activated on a routine basis. Oversight is a complex function that includes several dimensions. It is about checking if there are any irregularities in the actions of the government and public administration, as well as merely exposing government's policies. It is also about collecting information from the government, looking at detail and generate discussion on major issues. Routine scrutiny devices fall usually in one of three types: Big debates, Questions to the government and Investigations.

Big debates – big debates allow the opposition parties to bring government to parliament to discuss issues of great importance for the public. Interpellations represent the most traditional device within this category. They aim at bringing government to the Chamber and debate issues established by the opposition;[18] interpellations can fill in a whole plenary session and have been known for helping to bring governments down (French Fourth Republic). Urgency debates constitute another type of debate, whereby parliamentarians can expeditiously demand explanations from government on polemical issues. Many other types of debates exist with more or less defined topics of discussion, usually taking place in the chamber and having an important coverage by the media. In some cases, these debates end on a vote, which can result on a clear-cut criticism (or approval) of government.

Questions to the government – questions to the government focus usually on more specific issues. The most well known type being the Question Time,[19] whereby MPs put short, specific, individual questions to the Prime-Minister and/or Ministers. The majority of parliaments have one system or other of questioning government. Questions can be put orally or in writing; the government may, or not, know the content of the questions, and in some cases it may even choose which questions it wishes to answer. Questions can be answered orally or in writing, in the Chamber or in Committee.[20] The general rule is that the more specific and technical the matter under scrutiny is, the more MPs will tend to use a written question (rather than oral) and the Committee forum (rather than the Chamber). Questions to the government allow for flexibility in scrutiny and to collect detailed information.

Investigations – most parliaments foresee a way of investigating irregularities in the actions of the government and the public administration. A committee of MPs generally carries through these investigations. These committees are usually established on an ad-hoc basis when a suspicion of irregularity exists (called usually of Committee of Enquiry). But there is also a system whereby committees are set permanently for the whole of a legislature period, carrying out investigations when

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[18] Case study worth checking out: the German Interpellation.

[19] Case study worth checking out: the British Question Time.

[20] Case study worth checking out: the Spanish system where a combination of different types of questions to the government ensures a full use of this device.

needed.[21] This is increasingly the case for the oversight of the State budget – independently of the system of committees of investigation, parliaments have tended to constitute a specific committee with the sole objective of overseeing the execution of the State budget. Most investigations result in a report. The success of parliament's investigations depends largely on the summoning powers given to parliament and on the extent to which parties dominate the proceedings of the investigation. If parliament cannot summon key public servants to answer questions in parliament, or demand specific pieces of information from government, and if the majoritarian party dominates all of the decisions, then the investigation quickly becomes discredited.[22]

2. Openness of scrutiny (Public vs Closed scrutiny)

The issue of the openness of parliamentary scrutiny is often debated: should scrutiny be carried out publicly or behind closed doors. The main trend is in favour of open scrutiny (whether to the public overall or just to the media), being seen as the only way to ensure transparency in government's actions. What is more, the publicity of some parliamentary acts, such as the big debates, is seen in many cases as the only justification of its meaning. If the issue is not discussed publicly, then there would be no point of debating. In many ways, the public discussion constitutes one of the key dimensions of scrutiny.

However, one should also consider that for some scrutiny instruments such as specific questions to the government or committees of enquiry, it may be more advisable to keep the proceedings behind closed doors. This can allow for a more truthful account of the reality, as political actors are not so concerned with what political gains they can take out of the situation. In many cases, the possibility of meeting behind closed doors is at least foreseen for cases of sensitive state matters or if particular witnesses wish to keep their testimony private.

3. Assessing the effectiveness of scrutiny

Parliamentarians also often debate how effective scrutiny is. The usual scenario being that opposition parties are unhappy with the scrutiny devices at their disposal, whereas government parties do not see any need for improvements. But the issue remains of how we should assess scrutiny's effectiveness. Should we expect scrutiny instruments to result in clear-cut outcomes?

Scrutiny can result in clear-cut outcomes. It is the case of debates that end with a vote - the vote gives a clear sign of approval or disapproval towards the government. It is also the case of some Committees

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21 Case study worth checking out: the British Select Committees.

22 Examples worth checking out: the French and the Italian committees of investigation.

of Enquiry that have judiciary powers or where the report issued includes clear criticisms of government's action. But more often than not the outcomes are only indirect ones. Raising a specific issue in parliament, through questions to the government or debates, or a combination of different instruments, may eventually result in the dismissal of a member of the government, or the correction of a particular situation. This is why the public dimension of scrutiny can be crucial.

Besides this, the legislative studies literature assesses the oversight function through a variety of other indicators, such as the following:

- The existence and type of opposition rights - In many parliaments the use of scrutiny instruments depends largely on the majority will. Still, most parliaments include some degree of opposition rights, whereby parties from the opposition can activate scrutiny devices independently of the majority's will. For example, the right to set a number of committees of enquiry or a number of interpellations.
- The presence of the government - The more government goes to answer parliamentarians' queries in parliament, the stronger scrutiny is perceived to be. It is also important to ascertain who represents the government: some parliaments take for granted the regular presence of the Prime-Minister, but in most cases Ministers or junior ministers are more likely to be representing government.
- Parliament's capacity to answer expeditiously to prominent issues - This can be verified by how quickly debates are booked, how relevant are questions to the outside world, how long does the government take to answer written questions, etc. This is an important criterion because a lot of scrutiny's effectiveness lies in how it is publicly perceived.
- How often scrutiny instruments are activated - how many questions are put to government, by who, how many committees of enquiry are set up, etc. If MPs have the possibility to activate scrutiny instruments but do not do so, then it can be a sign that parliamentarians are happy with the level of scrutiny being carried out.

The issue of scrutiny's effectiveness can be a double-edged sword though. In many ways, if scrutiny is too efficient, resulting in too much open damage on government, this results in instability. Many examples in our past history show that too much instability caused by parliament can result in a change of regime and to the very questioning of the parliamentary institution.

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SECTION 5

REPRESENTATIVE FUNCTION

Introduction

The representative function is at the very centre of parliament's reason to exist. The type of representation in each parliament can vary considerably. We shall consider three key issues: the influence of electoral systems, the choice between a "trustee" and a "delegate" style of representation and finally different means through which the representative function is expressed.

1. Electoral systems

Different factors influence the type of representation played by parliament. Such factors include the country's political culture, the political past and decisively the electoral system. There are basically two different families of electoral systems: the majoritarian ones and the proportional ones. Most new electoral systems that are set up these days tend to conciliate a mixture between those two systems, rather than pure forms of the majoritarian or the proportional.

In broad terms, majoritarian electoral systems favour efficiency, strong government and close links with citizens. The proportional representation electoral systems favour legitimacy, representative government and party dominance. Majoritarian systems usually result in fewer parties elected to parliament and in clear majorities. Proportional ones usually bring in more parties to parliament and result in minority or coalition governments. Majoritarian systems usually ascribe one single MP per constituency, whereas proportional ones foresee a list of several MPs per each constituency.

The majoritarian family includes the following electoral systems: First-past-the-post, second ballot and alternative vote. The proportional one includes: d'Hondt list system, Two-vote and Single-transferable vote.[23]

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[23] For detailed explanations of each of these electoral systems see D. Farrell, *Comparing Electoral Systems*, London, Macmillan, 1998.

The type of electoral system chosen for each parliament has substantial consequences to its style of representation. The main impact being that MPs have a more direct relationship with citizens in majoritarian electoral systems, whereas in proportional ones this relationship is usually mediated by the party organisation.

2. The Trustee vs the Delegate style of representation

The "Trustee" versus the "Delegate" dilemma is a classical debate in the style of representation followed by MPs. In the trustee model, MPs are expected to follow their own judgement in their parliamentary activity and decisions. In the delegate model, however, MPs are seen as delegates to the people that have elected them, that is, they act according to the views of their party and constituency before their own judgement.

The delegate style of representation prevails today in most parliaments. The issue being more about whether MPs should follow the views and needs of their constituency or the ones of their party. This expresses itself in a higher or lower level of party discipline. Most parliaments have very high levels of party discipline, where MPs are expected to follow their parties' position, independently of their own view or even of their constituency. However, in some parliaments MPs do occasionally dissent from their parties. This can be seen as a mere expression of a healthy representative function. However, in some cases a high level of party dissent can result in a highly fractionalised parliament and, therefore, in acute instability. Party dissent can happen because the MP has a personal different view from their own party, but it can also happen because the MP is defending the interests of their constituency or of other organisations.

3. Expression of the representative function

We shall consider now the different means through which parliament expresses its representative function. Since the beginning of the twentieth century, the representative function generally expresses itself through organised parties. Parties provide for a representative link that works and the party group often constitutes the main working unit in parliament. Depending on how majoritarian or proportional the electoral system is, there will be more or less flexibility and MPs individually considered will have more or less independence of action from their parties.

Parties usually organise themselves in parliamentary groups. Citizens and interest groups put their pleas directly to the party, outside parliament, or to the parliamentary groups. Parliamentary groups often have a spokesperson per geographical area and/or per policy area. As a general trend, one can say that the more majoritarian the electoral system, the more these contacts will be with parliament directly, rather than the party.

Parliamentary committees also play an important role in parliament's representative function. As smaller units of work, committees can often act as an effective channel to process pleas from citizens or, more likely, interest groups. This implies, though, that committees' work have some degree of publicity (either

by meeting in open doors or by publishing theirs proceedings and/or reports). The Chamber is parliament's main visible forum and therefore any discussion taking place there contributes for parliament's representative function. This is why big debates have become so popular,[24] as they constitute a relatively simple means to show parliament's view on issues that matter to the outside world.

The publicity of parliament's acts contributes a lot for its representative function. Besides committee and chamber work, parliament can publicise its work in a number of other means. Here are a few examples: publications informing about parliament's role and activity (different publications aiming different types of public), reports on parliamentary activity, the media, television parliament specialised channel and the internet. The latter has developed enormously in the last decade as a privileged means to make parliament more well known to the younger generations. Many parliaments have invested in this younger generation by establishing privileged links with schools. This can take place through specialised educational units, for instance, organised visits from schools or the organisation of mini assemblies whereby fictitious elections are held to elect students as MPs.

Parliaments also have a number of innovative and varied mechanisms that enable citizens and interest groups to express their concerns to parliament. Here are a few examples: letters and/or emails to MPs, audiences with MPs, parties and/or committees (or other representatives such as the Speaker), petitions (detailed documents raising a particular issue for discussion in parliament), visits to the Chamber and/or committees sessions, use of hot phone lines. The way these mechanisms are activated varies enormously from parliament to parliament and it can be more or less structured. In any case, the more resources parliament has to support staff in dealing with these pleas, the more enhanced will parliament's representative function be.

Regardless of the specific arrangements in each parliament, one can say that in general the establishment of close links with citizens is a luxury of well established democratic parliaments. New assemblies often have difficulty in setting up the infrastructures to support those links without putting to jeopardy parliament's general role in the political system. In any case, the mere existence of a working parliament should by itself ensure the maintenance of the representative function.

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[24] See Section 4 on the Oversight Function.

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SECTION 6

ORGANIZATION AND OPERATION OF PARLIAMENTARY COMMITTEE SYSTEMS

Introduction

Committees are a modern feature of parliaments. They have recently developed considerably not only in established democracies but also, significantly, in new parliaments. Their structure has become more complex and, as a consequence, their role has also changed.

1. Committees' growing centrality

Originally parliaments operated mainly as a single Chamber since their principal function was to debate. However, as parliament's role became more complex, so did its structure sub-dividing itself into different units where committees are an essential component. Committees are seen as providing parliaments with a more efficient structure. They provide the ideal forum for looking into detail and to reach agreements.

Indeed, there is a consensus in the legislative studies literature that a strong committee system provides parliament with a better ability to influence public policy and to scrutinise government. The value of strong and efficient committees has been generally recognised since the 1980s explaining why new parliaments such as the ones in East and Central Europe have put so much emphasis on the committee system.[25] Before then committees were not valued in new democratic parliaments, as they can be perceived as less transparent than the Chamber. However, the value of both Chamber and Committee can be ensured through a clever combination of the two forums: the Chamber to provide legitimacy to parliament's decisions and the Committee to make it work.

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[25] For more detail on committee systems see: L. Longley and R. Davidson (eds.), *The New Roles of Parliamentary Committees - special issue for The Journal of Legislative Studies*, Vol. 4, No 1, (1998).

2.　The structure of Committee systems

In order to understand how committees work it is crucial to make a profile of their structure, as this can vary so much and encompasses so many different components. The structure also has a direct impact on the quality and importance of the work developed in committee. Different types of structure result in different levels of strength. The three main components are the way committees are constituted, their membership and the support resources they have.

Constitution of committees:

- *Ad-hoc vs Permanent:* most parliaments have a set of *permanent* committees - that is, set up for the whole period for which parliament has been elected for. This allows for continuity and more efficient work. In some cases, committees are set for each year and then renovated in the subsequent years of that legislative period. This safeguards the continuity but also allows for renovation. Some parliaments choose instead (or also) to have ad-hoc committees that are set up to carry out a particular investigation or to work on a topic of particular relevance. Permanent committees usually have a specific policy area ascribed to them (Education, Health, Economy, etc).

- *Number of committees:* this is a very important component, as too many committees bring in chaos, but too few overrides the value of having committees.[26] This number depends naturally on the number of MPs elected to parliament, but one could say that between 10 and 20 sound usually as a balanced number. Often parliaments decide to have as many committees as there are ministries in the government and the list of permanent committees parallels the one of the ministries. This allows for a closer relationship between parliamentarians and government.

- *Public or Private:* the rule of whether committees should meet privately or publicly varies considerably from parliament to parliament. In most cases there is a combination of the two. The publicity rule is defended to allow for more transparency. However, it is often pointed out that the publicity rule removes the very value of meeting in committee, as parliamentarians may become worried about how they are publicly perceived rather than focusing on the actual committee work.

Membership of committees: MPs may be nominated to committees according to their professional expertise or on a unilateral decision taken by their parties where personal expertises are not taken into account. The former method allows for more informed work, as well as more independence of action, which may result in stronger committees. Combined with this, it is also important to ascertain what is the continuity of MPs serving in each committee. Again continuity allows for an enhanced work. Finally, the number of MPs in each committee also influences on its work. If committees are very large, again their usefulness as a smaller forum of work is lost.

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[26]　The French system is often quoted as one with very few, and large, committees, which become in actual fact mini assemblies.

Support resources: Resources are a crucial tool to ensure an effective committee system. Parliaments sometimes decide to prescribe an important role to committees but then do not (or are not able to) provide them with resources. Committees need to have their own administrative and research support staff, as well as appropriate physical arrangements. The quality of these resources has a considerable impact on the role played by committees in parliamentary activity.

3.   Committees' functions

The role played by committees varies greatly from parliament to parliament, but they are usually given some sort of role in the legislative process. Committees are much more efficient in considering legislation than Chambers and so this seems to be their primary role. The level of involvement in the legislative process may vary a lot though. The main trend is to ascribe the second reading[27] - where bills are looked into detail - to committees. The more powers committees have in proposing and voting amendments to bills, as well as to collect expert information, the bigger the impact these committees will have in the legislative process.

Besides the legislative function, recently committees have also acquired an important role in scrutiny. This development goes hand in hand with the growing centrality of committees in today's parliaments. This increased role reflects in a higher number of questions to the government being dealt with at committee stage, more hearings in committee and more reports being produced by committees.

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[27]   See Section 3 on the Legislative Process for an explanation of second reading.

SECTION 7

PARLIAMENTARY RULES AND PROCEDURES

Introduction

Parliamentary Rules and Procedures are key to the functioning of any parliament and can provide vital information to understand parliamentary activity. Before assessing how significant the rules and procedures can be to understand parliament, we need to take into account what are the constraints that dictate those rules and procedures.

1. Constraints on parliament's rules and procedures

Most parliaments have one single document identified as *the* guide for parliament's rules and procedures. However, in some cases these rules may be assembled as they emerge and are reinterpreted in a set of different documents. The former tends to be called of Rules and Procedures (RP) and the second ones of Standing Orders. The difference between the two is important as the constraints on how rules are set up and changed differ considerably.

Parliamentary RP have to be understood in their normative context. In some cases the RP depend considerably on other normative documents such as the Constitution, Electoral Law, MPs' mandate Law etc. In these cases, there is little freedom of scope in the RP document and it becomes essentially a mere congregation of relevant rules to parliament in one single document. However, in other cases, parliament's RP is relatively independent from other laws, deciding on most aspects of parliamentary life. This usually results in rather detailed documents and an important piece to understand parliamentary activity. This type of RP is usually more open for change, as amendments can be more easily voted upon.

The ability to change the RP is an important issue and depends on a variety of factors such as the voting rule for approval. Rules of Procedures where amendments can be introduced can more easily accommodate changes that take place in parliamentary practice, as well as ease the implementation of reforms.[28] However,

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[28] Case studies worth checking out: the Spanish and the Turkish parliaments, where the inconveniences resulting from not being able to introduce change in the Rules of Procedure are particularly clear.

there is also the danger that if amendments can be introduced too easily (for instance by means of a simple majority), the Rules and Procedure become a factor of instability rather than providing as a firm platform for parliament to develop.

2. Significance of parliamentary rules and procedures

The significance and value of RP can vary from parliament to parliament. In newly democratic parliaments, for instance, RP tend to be very important. In the absence of an established democratic political culture, the RP provide a benchmark of what is acceptable parliamentary practice. In older democracies, there may be less reference to the RP as rules have been interiorised. In either case, consuetudinary rules, that is, informal non-written rules, are equally important.

Depending on how detailed RPs are, they may determine every single aspect in parliamentary life, or not. RPs regulate on general matters such the powers given to parliament, but also on more specific matters such as the different timings given to government and opposition to speak in debates or the procedures to discuss legislation. Where more detailed, the RP may become a crucial factor in determining how effective and representative parliamentary work can be, despite the type of political system in which parliament sits.

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SECTION 8

ORGANIZATION AND MANAGEMENT OF PARLIAMENTARY AFFAIRS

Introduction

The legislative studies academic literature has not dedicated much time to the issue of organization and management of parliamentary affairs. It is therefore a topic that still requires considerable research and input should be sought next to experienced practitioners. Still, we hereby list some basic factors to take into account when looking into parliament's organization and management.

1.   Relationship between administration and political actors

Most parliaments need to have an administrative structure in parallel to the political one, which provides support for the political work developed by parliamentarians. It is important to ascertain to what extent there is a real separation between the two.

In some cases, particularly new democracies, the administrative staff is directly nominated by the political parties. As a consequence, every time the party in power changes, so does parliament's administration. This can result in lack of continuity, which inhibits the professionalisation of parliamentary staff. The separation between administrative and political staff, on the contrary, should encourage parliament to become more professionalised.

2.   Structure of parliamentary organization and management

Most parliaments have a General Secretary that heads all of the administrative sections of parliament. In some cases, instead of a General Secretariat there may be a Committee of several top heads of section. In parallel, all parliaments have a figurehead that presides politically to parliament, usually called of President or Speaker. A team of vice-presidents (who may represent different parties) often supports the President.

The administrative sub-division into different units can vary considerably. Here are some typical divisions that can be found in parliaments: Support to Committees, Support to the Chamber, Library, Research unit, Education and Contact with schools, Relationship with outside bodies, Publications. Some parliaments may have also a section that deals directly with government. In some countries the government itself will have a Minister for Parliamentary Affairs – particularly in situations of minority or coalition where the relationships with parliament are particularly important.

From the political point of view, most parliaments are organised according to parliamentary groups(parties). Each parliamentary group constitutes a unit with its own administrative and research staff. Each parliamentary group usually has a leader who is elected by the members of the group and/or nominated by the party. The group may have a directorate where different MPs have responsibility for different policy areas and/or regions; in some systems these can be called the 'shadow' ministers. Often, parliamentary groups then also have a policy co-ordinator who speaks for the party at the corresponding committee. Parliamentary group leaders, their directorate and sometimes the group's representatives in committees, constitute what is commonly called of the *frontbenchers.* The rest of the members of the parliamentary group constituting the backbenchers.

Parliaments often then have a body that brings together the leaders of each parliamentary group to decide on parliament's agenda. This is often called Conference of Representatives of parliamentary groups.

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SECTION 9

LATEST DEVELOPMENTS IN LEGISLATIVE STUDIES

Introduction

The discipline of legislative studies has changed enormously over the past century. We have moved effectively from the *decline of legislatures* paradigm to the one on *parliament's role in our political systems.* In order to assess the latest developments in the legislative studies discipline it is important first to ascertain the way in which the discipline developed over the past century. This will then allow us to better appreciate the new topics of research that are developing, as well as the enlargement of parliamentary case studies that the discipline has witnessed over the last decade.

1.   The discipline of legislative studies

From its beginnings, the discipline of legislative studies has been closely associated to the scholarly community and legislatures of both the United Kingdom (UK) and the United States (US). The British parliament is still seen by many as the Mother of Parliaments and represents one of the legislatures with the longest history; this explains to a large extent its prevalence in the legislative studies literature. The very first authors focusing on the reflection about parliament were British MPs or journalists, such as John Stuart Mill and Walter Bagehot. The predominance of the US, on the other hand, is largely due to the importance of its Congress. The key role it plays in the American political system, as well as its level of professionalisation and complexity.

This close association with the UK and the US resulted in an over dominance of the discipline by studies on legislatures from either of those countries. This dominance remained largely unchallenged until the 1970s and affected the overall development of the discipline, as well as the type of topics under discussion. Studies focused more and more on very specific issues - particularly amongst the American literature - and comparative analysis of parliaments was not stimulated, barely existing at all before the 1970s. On the other hand, two key dimensions dominated the topics addressed by the legislative studies: power in the legislative function and the political behaviour of representatives.

The extraordinary development of the behaviouralist school in the political science discipline in the 1950s/1960s had a huge impact in the legislative studies. It led then to the proliferation of studies on the social-demographic background of MPs and their voting behaviour in parliament. Most of these studies were based on American or British representatives though.[29]

However, the dominant topic in the literature prior to the 1970s was parliament's power in the legislative function. The prevalence of this topic derived from the assumption that parliaments exist essentially to make legislation. This focus and assumption led to the development of the paradigm of the *decline of legislatures* - in great part stimulated by studies on the British parliament. The idea of decline of legislatures was first introduced by Lord Bryce in the 1920s,[30] but became the predominant paradigm throughout the subsequent fifty years. This idea assumed that sometime in the past there had been a golden era of parliaments and that legislatures have effectively no power in legislation. This power would have become essentially a competence of Executives. As a consequence, a considerable number of studies were dedicated to the assessment of parliament's decline in terms of powers in the legislative function.

2. The 1970s: change of focus

The study of legislatures changed considerably in the 1970s, due essentially to its expansion to a more varied group of parliaments. A number of comparative studies developed, taking the discipline beyond the American and British parliamentary reality.

In particular, the study of non-democratic legislatures from developing countries brought new lights into the discipline.[31] It pointed out that we should not take for granted basic features of parliamentary life such as regular meetings of Chamber and committees or the existence of scrutiny instruments. It also showed that the role of parliament goes beyond the function of legislation; that is, it indicated the importance of other functions played by parliament such as legitimation, education, recruitment, representation, and so on.

It was in this context that the literature in legislative studies expanded not only to new case studies but also to new topics of research. This allowed the development of a more *comprehensive* view of parliament. The more traditional type of literature (centred on the American and British cases and focused on the legislative function) was still dominant, but complemented now by a new stream of studies.

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[29] For a review of this literature see R. Packenham, 'Legislatures and Political Development', in A. Kornberg and L. Musolf (eds.), *Legislatures in Developmental Perspective*, Durham NC, Durham University Press, 1970, pp. 521-82.

[30] Lord Bryce, *Modern Democracies*, London, Macmillan Company, 1921.

[31] See in particular: M. Mezey, *Comparative Legislatures*, Durham, NC, Duke University Press, 1979 and A. Kornberg and L. Musolf (eds.), *Legislatures in Developmental Perspective* Durham, NC, Duke University Press, 1970.

3.   The 1990s: expansion of the discipline and proliferation of case studies

Since the 1990s the discipline has seen an extraordinary development. Not only has it expanded, but it has also become more diversified. This expansion was in great part stimulated by the introduction of democracy in East and Central Europe at the beginning of the 1990 decade. The concomitant development of over ten different new parliaments caused a great deal of interest amongst the legislative studies community. As the new parliaments were being set up, a number of conferences and studies were also being developed.[32] This brought in new blood (scholars from the newly democratic countries), as well as causing the discussion of new issues, as these new realities were unfolding under such close scrutiny.

The expansion of the discipline since then is witnessed by the creation of new centres of research on parliament,[33] as well as of publication series dedicated exclusively to the study of legislatures such as *The Journal of Legislative Studies*, Frank Cass' *Legislative Studies Library* or the *Parliaments and Legislatures* series created by Samuel Patterson in 1994 at Ohio State University. Since then, we have seen also a proliferation of new case studies. Not only the legislatures of East and Central European countries, but also legislatures from a wide variety of countries from Mexico, to Japan, South Africa, or Russia. Research enlarged to parliaments on which there was hardly any knowledge, such as the Bostwanan legislature. The concern in surveying parliaments from other geographical areas became evident in the discipline.[34]

This proliferation of new case studies has also included new level of legislatures. Whereas until very recently the study of parliaments tended to centre on national assemblies (except for the US, where the literature on state legislatures has been as developed), nowadays there is a considerable number of studies on regional assemblies. This is partly caused by the British experience of devolution that has seen the creation of two new regional assemblies and one parliament. The European parliament, on the other hand, has also become a major focus of research in the last decade or so. Its study has been highly encouraged due to the discussions over the question of legitimacy of the European Union.

This extraordinary development of the legislative studies has allowed the discipline to become more dissociated form the research based on the American case studies. Thus, although the literature based

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[32]   See, for instance, the following series co-ordinated by Larry Longley: L.D. Longley (ed.), *The Role of Legislatures and Parliaments in Democratizing and Newly Democratic Regimes - working papers on comparative legislative studies*, Appleton WI, Research Committee of Legislative Specialists of the IPSA, 1994;. L.D. Longley and A. Ágh (eds.), *The Changing Roles of Parliamentary Committees - working papers on comparative legislative studies II*, Appleton WI, Research Committee of Legislative Specialists of the IPSA, 1997; L.D. Longley and D. Zajc (eds.), *The New Democratic Parliaments: the First Years - working papers on comparative legislative studies III*, Appleton WI, Research Committee of Legislative Specialists of the IPSA, 1998.

[33]   Such as the Centre for Legislative Studies at Hull University created in 1992, but also University North Carolina at Greensboro's Center for Legislative Studies and more recently the ECPR Standing Group on Parliaments.

[34]   See the following special issues of *The Journal of Legislative Studies* dedicated exclusively to specific geographical areas: P. Norton and D. Olson, *The New Parliaments of Central and Eastern Europe*, vol. 2, 1, (1996); P. Norton and N. Ahmed (eds.) *Parliaments of Asia*, vol. 4, 4, (1998); C. Leston-Bandeira (ed.), *Southern European Parliaments in Democracy*, vol. 9, 2, (2003). Plus, S. Morgenstern and B. Nacif (eds.), *Legislative Politics in Latin America*, Cambridge, Cambridge University Press, 2002.

on the US case studies is still the most developed, the discipline has gained some autonomy from the paradigm that those case studies represent. One of the key aspects of this change is in terms of the duality between quantitative and qualitative type of studies. The research based in the US is imminently quantitative, whereas the new developments in the legislative studies discipline have tended to explore more qualitative types of research.

4. New topics in the legislative studies discipline

The expansion of the legislative studies discipline has seen the emergence of a variety of new clusters of research. We hereby list the most representative of those clusters:

- *Women in parliament:* this has expanded considerably throughout the world, in great part following incentives form the Inter-parliamentary Union and other organisations. The most established studies in this area come from Norway and Sweden, but this has also expanded to many other countries. Studies on how many women are represented in parliament, what type of work they carry out, their role in the party structures.[35]

- *Committees:* as seen in Section 6, committees have developed greatly over the last few decades. In this context it is no surprise the number of studies on the role played committees in parliament, their role in policy-making, the resources and staffing available to committees, the powers held by committees, the relationship between committee and chamber, the role of committees in the development of new parliaments.[36]

- *Relationship between parliament and citizens:* in a context of general decline of vote turnout, the relationship with citizens has become a key topic of research. Studies on what type of contact there is between MPs/parliament and citizens, who do citizens contact, what sort of issues make citizens contact parliament, what devices exist for these contacts, etc.[37] The use of the internet is one of those very recent topics that has developed as result of the interest on the relationship between parliament and citizens.[38]

- *Second chambers:* the last few years have seen considerable debate on the role of second chambers, partly stimulated by the ongoing reform discussion on the British House of Lords. Research includes the social-background of representatives in second chambers, the role played by second chambers in the legislative and scrutiny process, as well as the process of election and/or nomination of second chambers.[39]

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[35] See K. Ross (ed.), *Parliamentary Affairs - special issue on Women in Parliament*, vol. 55, (1), 2002.

[36] See L. Longley and R. Davidson, *The New Roles of Parliamentary Committees*, London, Frank Cass, 1998 and D. Olson and Crowthers (eds.), *Committees in Post-Communist Democratic Parliaments: Comparative Institutionalization*, Ohio, Ohio State University Press, 2003.

[37] See P. Norton (ed.), *Parliaments and Citizens in Western Europe*, London, Frank Cass, 2002.

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- *Party discipline:* this was traditionally a topic typical to the US and UK legislatures. However, the last decade has seen an expansion of studies on MPs' voting behaviour to other parliaments. Studies on the extent by which MPs follow party discipline, the rules in keeping cohesion within parliamentary groups, the impact of party dissent, etc.[40]

- *Parliaments and the European Union (EU):* topic specific to Europe, it includes studies on the relationship between national parliaments and the EU. What level of co-operation there is, the interference from EU legislation, the powers of national parliaments in scrutinising EU legislation and decisions, the structures (committees) in national parliaments dealing with EU matters.[41]

- *The discussion of the State Budget:* as parliaments' competences in the budgetary process have been reinforced in its scrutiny dimension, so has its study. A variety of articles have been produced on the role played by parliament in the process of discussion of the State Budget, as well as in its oversight; the ability of parliaments to introduce amendments to the State Budget, to approve it, or the infrastructures at the disposal of MPs to discuss the State Budget.[42]

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