

# CHAPTER 7

## Legislatures

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### Reader's guide

This chapter addresses the political roles and powers of legislatures. The first step is to define different types of legislatures on the basis of their functions and relationship with the executive branch. The analysis then turns to an examination of the roles of legislatures within the political system as a whole, as well as several critical aspects of the internal organizational structures of legislatures. Finally, the relationship between the political power and influence of a legislature and the structure of the broader political and **party system** is discussed. Throughout the chapter the focus is on legislatures within modern democratic political systems, although many points apply to all legislatures regardless of regime.



## Introduction

The role of legislatures within the broader political system in which they exist is far from straightforward. Different scholars have come to very different conclusions about the political power and policy influence of legislatures. General evaluations vary depending on the cases that are studied, the theoretical framework employed, the historical period under examination, and the precise understanding of 'power' and 'influence' invoked.

This chapter examines the influence and importance of legislatures across a variety of different 'core' tasks, including representing and linking citizens and government, overseeing the executive, and, of course, policy-making. The importance of these tasks, and the variation that exists between legislatures in their performance, make the understanding of legislatures a critical component of any attempt to comprehend politics more generally. Legislatures exist in nearly every country on the planet, and have the potential to play an important political role even in non-democratic systems.<sup>1</sup>

### KEY POINTS

- Legislatures are present throughout the world and play a central role in almost all political systems.
- However, variations in their powers and structures are large.

## What is a legislature?

The variety of terms such as 'assembly', 'congress', or 'parliament' that are often used interchangeably with the term 'legislature' increases uncertainty about the roles and powers of legislatures. Before we can examine the types of legislature that exist it is necessary to define what a legislature is. The exact meaning of these terms is not as clear as one might expect. Definitions of assembly, legislature, parliament, and congress provided in dictionaries do not always differentiate between these terms (see Box 7.1). All four are defined as 'a legislative body' or 'a body of persons having the power to legislate', making efforts to clearly distinguish between them difficult. Yet most would agree that the terms are not interchangeable.

Of these four terms 'assembly' is the most general. Additional definitions of the word (uncapitalized) refer simply to the coming together of a group of people for some purpose—for example, a school assembly. It is only when we add the qualifier 'political' or 'legislative' that we think of assemblies in the same context as legislatures, parliaments, and congresses. Parliaments and congresses, generically, can best be understood as specific types of legislature. This interpretation of these four



### BOX 7.1 DEFINITIONS

**Assembly:** a legislative body; specifically, the lower house of a legislature.

**Legislature:** a body of persons having the power to legislate; specifically, an organized body having the authority to make laws for a political unit.

**Parliament:** the supreme legislative body of a usually major political unit that is a continuing institution comprising a series of individual assemblages.

**Congress:** the supreme legislative body of a nation and especially of a republic.

Source: Merriam-Webster online (www.m-w.com).

terms creates a hierarchy of institutions from the most general (an assembly) to the most specific (congresses and parliaments) which are types of the mid-level category of 'legislatures' (see Figure: A hierarchy of institutions, in the Online Resource Centre).

## Assemblies and legislatures

If we begin with the broadest definition of an assembly as 'a group of persons gathered together, usually for a particular purpose, whether religious, political, educational, or social', we can then designate legislatures as those assemblies for which the 'particular purpose' in question is political and legislative (*American Heritage Dictionary*, 4th edn). This definition of legislatures is expansive enough to include a wide array of very different institutions, while still distinguishing between legislatures and other types of assemblies organized for religious, educational, or social purposes.

Precisely because of its inclusiveness, the term 'legislature' is too broad to help us distinguish between different types of legislative institutions. To accomplish this task we must move beyond dictionary definitions and concentrate on the structural characteristics of the political system in which a legislature is located. Regardless of whether or not a political system can be categorized as democratic, *if there is a legislature in addition to an executive branch the relationship between the two will determine the core characteristics of the legislature.* The central characteristic is the relative level of interdependence between the two branches of government.

## Parliaments

In what are commonly referred to as 'parliamentary systems' the executive branch is selected by the legislature, usually from among its own members. The executive branch or 'government' is formally responsible to the legislature throughout its tenure. This means that it

can be removed from office at any time should a majority within the legislature oppose it, regardless of the electoral cycle. In turn, removal of the executive by the legislature may be accompanied by early legislative elections. Because there is a high degree of mutual dependence between them, these types of system are known generically as **fused-powers systems**.

Legislatures in **parliamentary systems** are generally referred to as 'parliaments', regardless of their formal title. This name reflects not only the type of system in which the legislature resides, but also its central task. The word parliament is derived from the French verb *parler*, to speak.<sup>2</sup> The name is well chosen as the institutional and political constraints on parliaments generally serves to focus their activities on debate and discussion.

## Congresses

A different type of legislature known as a 'congress' exists, within what are popularly referred to as presidential systems. Presidential systems are a type of separation-of-powers (SoP) system. The legislative and executive branches are selected independently, and neither has the ability to dissolve or remove the other from office (except in the case of incapacity or significant legal wrongdoing). The best-known SoP system is that of the United States. The fact that the official name of the legislature of the US is 'the Congress' is neither an accident nor a reason to

avoid using the term 'congress' to refer to a type of legislature more generally.

The word 'congress' is derived from the Latin *congressus*, 'a meeting or [hostile] encounter; to contend or engage' (Harper 2001). This is focused on the potentially conflict-ridden interactions between individuals. The use of congress to denote legislatures within SoP systems in general is justified by the policy-making focus of their activities, as well as the likelihood of a more conflictual relationship with the executive branch when compared with fused-power systems. Examples of both types of system can be found in Table 7.1.

### KEY POINTS

- The words 'assembly', 'legislature', 'parliament', and 'congress' are not interchangeable and care should be taken to use the right word to avoid confusion and/or a lack of precision.
- Parliaments exist in fused-powers (usually parliamentary) systems.
- Congresses exist in separation-of-powers (usually presidential) systems.
- Both parliaments and congresses are types of legislature, meaning that they are political assemblies with some legislative tasks.

Table 7.1 'Parliament' and 'Congress' type legislatures (a selection)

Country	Lower chamber	Legislature type	Regime
Argentina	Chamber of Deputies	Congress	SoP
Austria	National Council (Nationalrat)	Parliament	Fused
Belarus	Chamber of Representatives		Non-democratic
Belgium	House of Representatives	Parliament	Fused
Bhutan	Tsgogdu		Non-democratic
Bolivia	Chamber of Deputies	Congress	SoP
Brazil	Chamber of Deputies	Congress	SoP
Canada	House of Commons	Parliament	Fused
Chile	Chamber of Deputies	Congress	SoP
China	National People's Congress		Non-democratic
Colombia	Chamber of Representatives	Congress	SoP
Czech Republic	Chamber of Deputies	Parliament	Fused
Denmark	Folketing	Parliament	Fused
Finland	Eduskunta	Parliament	Fused
France	National Assembly	Parliament	Fused
Germany	Federal Council	Parliament	Fused
Greece	Vouli	Parliament	Fused
Guyana	National Assembly	Parliament	Fused

(continued)



Table 7.1 'Parliament' and 'Congress' type legislatures (a selection) (continued)

Country	Lower chamber	Legislature type	Regime
India	Lok Sabha	Parliament	Fused
Iran	Islamic Consultative Assembly		Non-democratic
Israel	Knesset	Parliament	Fused
Italy	Chamber of Deputies	Parliament	Fused
Japan	House of Representatives	Parliament	Fused
Korea, South	Kukhoe	Congress	SoP
Mexico	Chamber of Deputies	Congress	SoP
New Zealand	House of Representatives	Parliament	Fused
Pakistan	National Assembly	Parliament	Fused
Peru	Congress	Congress	SoP
Poland	Sejm	Parliament	Fused
Romania	Chamber of Deputies	Parliament	Fused
Russia	State Duma	Parliament	Fused
Singapore	Parliament		Non-democratic
Slovakia	National Council	Parliament	Fused
Spain	Congress of Deputies	Parliament	Fused
Switzerland	National Council	Congress	SoP <sup>a</sup>
Taiwan	Legislative Yuan	Congress	SoP
Tanzania	Bunge	Parliament	Fused
Turkey	Grand National Assembly	Parliament	Fused
UK	House of Commons	Parliament	Fused
US	House of Representatives	Congress	SoP
Venezuela	Chamber of Deputies	Congress	SoP

<sup>a</sup> The executive in Switzerland is unique in that it is collegial (seven members) and indirectly elected by the legislature, but it is not responsible to the legislature, nor can it dissolve the legislature.

## The role of legislatures

Although the activities and roles that legislatures perform will vary significantly according to the political environment in which they exist, they can be loosely organized into three categories: (1) linkage and representation, (2) oversight and control, and (3) policy-making.

When fulfilling the first task, legislatures serve as the 'agents' of the citizens they represent and are expected to act in their interests. In the second case, legislatures become the 'principals' and are tasked with the monitoring and collective oversight of the executive branch (including the bureaucracy). Finally, when pursuing the third type of activity, legislatures engage in legislating and may be acting as agent, principal, or both, but the task is specifically focused on the policy process. *What*

*differentiates legislatures is not which of these roles they play, but the degree to which their activities emphasize some roles over others.*

An 'agent' is an actor who performs a set of activities and functions on behalf of someone else (the principal). The standard 'principal-agent problem' revolves around the fact that agents are likely to have both incentives and opportunities to shirk their duties and still receive the benefits associated with having done them. Thus, the principal has an incentive to devise some form of oversight to ensure that the agent is performing its tasks.

In the political realm legislatures serve as agents and principals in relation to the electorate and the executive respectively. Thus, the electorate (citizens) must act to control the legislature and the legislature must seek to control the executive branch.

## Legislature as agent: linkage, representation, and legitimation

### Linkage

Linking citizens to the government is one of the most fundamental tasks that a legislature performs. It serves 'as an intermediary between the **constituency** and the central government' (Olson 1980: 135). In this context, legislatures act as a conduit of information allowing local-level demands to be heard by the central government and the policies and actions of the central government to be explained to citizens. The ability of legislatures to serve as *effective* tools of communication varies, as does the *relative importance* of this role.

The degree to which a legislature is able to serve as an effective means of communication between citizens and government depends critically on the level of regularized interaction between the members of the legislature and their constituencies, as well as the type and frequency of opportunities to convey information to the executive branch. In general, individual legislators will spend more time and be more actively engaged with their constituents when they are elected in single-member districts as opposed to multi-member districts (see Chapter 10). This is because they are the sole representatives of the citizens in their constituency (the citizens within their district) at the national level.

The linkage role will be more important in political systems in which citizens do not elect the executive directly. Thus, in parliamentary fused-powers systems the linkage function of the parliament-type legislature is likely to be more of central importance because it may be the only mechanism of communication between citizens and the central government.

### Representation

The individual members of a legislature are also expected to *represent* their constituents and work to protect their interests. Legislators are responsible for advocating for their constituents in their stead, ensuring that the opinions, perspectives, and values of citizens are present in the policy-making process (Pitkin 1967).

However, there are different interpretations of the representative responsibility of legislators depending on whether they are understood to be *delegates* or *trustees*. In the former case members of legislatures are expected to act as mechanistic agents of their constituents, unquestioningly carrying messages and initiatives from them to the central government. In contrast, if members of the legislature are viewed as trustees, the expectation is that they will serve as an interpreter of their constituents' interests and incorporate the needs of the country as a whole, as well as their own moral and intellectual judgement, when acting within the political, and especially policy, realm.

## Debating

The plural characteristic of legislatures also enables them to serve as public forums of debate, in which diverse opinions and opposing views can directly engage with one another with the goals of informing citizens as well as influencing public opinion and policy outcomes. In general, the debate function will be a more central and important activity in those legislatures with limited direct control over the policy-making process, which includes most non-democratic systems.

By fostering debate and discussion, legislatures can serve as important tools of compromise between opposing groups and interests within the society. The capacity of a legislature to effectively serve as a public forum of debate will be more important in heterogeneous societies in which there are significant policy-related conflicts between groups. Even when compromises are not achieved, the opportunity for minority or oppositional groups to openly and publicly express their views within the legislature may serve to limit conflict to the political realm, avoiding the much more detrimental effects of social unrest and instability.

### Legitimation

Ultimately, the ability of a legislature to create links between citizens and government by providing adequate representation to critical groups and minority interests and fostering public debate will determine both its institutional legitimacy and its ability to provide legitimacy for the political system as a whole. The ability to mobilize public support for the government as a whole is an important aspect of a legislature's performance. In fact, even if legislatures 'are not independently active in the development of law, and even if they do not extensively supervise the executive branch, they can still help obtain public support for the government and its policies' (Olson 1980: 13). This legitimizing function of legislatures is fundamentally a reflection of their linkage and representational activities (Mezey 1979).

## Legislature as principal: control and oversight

### Control

The ability of the governed to control the government is one of the foundational tenets of representative democracy. The primary tool used to achieve this goal is regularly scheduled free and fair elections. The type of executive oversight and control practised by the legislature is directly linked to the nature of the relationship between voters and the executive branch *and* between the legislature and the executive branch.



Democratic political systems have two different 'principals' monitoring the executive branch, each of which has a different set of tasks. Voters directly or indirectly select the executive during elections. However, citizens often lack sufficient time, information, and the technical skills needed to effectively oversee the details of the political activity of the executive branch. It is the task of the legislature to fill this lacuna. In this context there is a greater degree of difference between presidential (SoP) and parliamentary (fused-powers) political systems.

1. The control functions of congress-type legislatures in SoP systems are more limited than those in fused-powers systems. The critical difference is the extent to which policy initiatives are a legitimate subject of control and oversight by the legislature. In SoP systems the policy agenda of the executive branch is not subject to legislative control or oversight. The executive cannot be removed from office because a majority in the legislature disapproves of its policies. In fact, the legislature's ability to remove an executive from office in SoP systems is usually restricted to cases of illegal activity and/or physical or mental incapacity. This type of formal *impeachment* of the executive is a rare and generally complex legal process.
2. Parliament-type legislatures in fused-powers systems are explicitly tasked with policy-related control of the executive branch. Executives are responsible to the legislature for their policy agenda and can be removed from office if their policy goals are deemed unacceptable by a majority in the legislature. Removal of the executive in fused-powers systems is accomplished through a *motion of censure* or a *vote of no confidence*. This does not imply any legal wrongdoing. As a result, in most fused-powers systems the removal of the sitting executive by the legislature does not result in a crisis or systemic instability.<sup>3</sup>

The significant difference between fused-powers and SoP systems in the policy-related control activities of legislatures is a function of the broader political system. More specifically, it is a result of the character of the legislative-executive relationship. In SoP systems voters select their legislature and executive independently from one another. In fused-powers systems voters cast votes only for the legislative branch. Selection of the executive occurs indirectly through the legislature. This difference is significant for two reasons.

First, the independent election of the executive and legislative branches makes it far more likely that there will be *substantial differences in their respective ideological or partisan identities*. For example, in the US the election of a president from one party and a congressional majority from the other is a relatively common occurrence (**divided government**). In fused-powers systems, however, it is impossible for the majority in the parliament and the executive branch to be from wholly distinct

and opposing parties or coalitions. All governments in fused-powers systems *must* have the implicit or explicit support of a majority of members within the legislature to remain in office. The executive branch (prime minister and the cabinet ministers) are elected by the legislature. This process reduces the likelihood of policy-related conflict between the legislature and the executive.

The second reason for the difference in the control function is tied to the requirements of the democratic process. Representative democracy requires that elected officials be responsible to those who elected them. In SoP systems voters elect the executive, and therefore only voters have the power to change or remove the executive. If a congress could remove a popularly elected president through a vote of censure or a similar mechanism on the basis of policy disagreement it could easily undermine the democratic process as a whole.

### Oversight

Legislatures in both SoP and fused-powers systems play a critical role in ensuring proper oversight of both the budgetary implications of policies and their implementation. Legislatures may be able to exercise some oversight and control functions in non-democratic systems, even if they are unable to effectively control the executive branch as a whole.

Legislative oversight of the executive branch is generally quite broad, entailing the development and passage of policies, as well as the monitoring of executive agencies tasked with the implementation of those policy decisions. Although most legislatures engage in both types of oversight, in general the former task is of greater significance in fused-powers systems, while the latter takes precedence in SoP systems.

Question time, inquiries, hearings, and investigative committees are frequently used by legislatures to gather information and, if necessary, hold various actors and agencies within the executive branch accountable. Legislatures have increased their executive oversight activities over time, largely in response to the growing complexity of government and the need to delegate activities to other agencies.

1. *Question time* is used in parliaments and provides a regularly scheduled opportunity for members of the legislature to present oral and written questions to members of the government, including the prime minister and other cabinet members.
2. In contrast, *special inquiries* and *hearings* are organized on an ad hoc basis to investigate specific topics or issues that are considered important by some legislators.
3. *Investigative committees* are similar, but are more formalized, tend to address higher-order issues, and often have a longer duration.

4. In addition, legislatures may request or require that the executive and/or its bureaucratic agencies provide it with *reports on specific issues* of concern, make presentations to the full legislature or relevant committees, or respond to specific inquiries in hearings.

### Budget control

Legislatures may also engage in indirect oversight of executive policy initiatives through their control over the budgetary process. The earliest forms of legislatures were little more than groups of aristocratic lords called together by the king to approve new taxes and levies. Although monarchs had access to vast resources, they were often in need of additional funds to pay for the armies necessary to wage war and quell uprisings (see Chapter 4). This practice established the nearly ubiquitous norm of legislative control over the *power of the purse*. The result is that most political systems require legislative approval of national budgets and tax policies.

Control and oversight of expenditure, even if limited by entitlements and other political artifices, is a powerful tool that can provide even the weakest of legislatures the opportunity to influence policy decisions.<sup>4</sup> There are few policy goals that can be achieved without some level of funding. As a result, the ability of the legislature to withhold or decrease funding for initiatives supported by the executive branch can become a useful bargaining tool. In fact, the need to obtain legislative approval for spending initiatives can even provide legislatures with the potential to influence decision-making in policy arenas traditionally reserved for the executive branch, such as foreign and security policy.

### Legislature as legislator: policy-making vs policy-influencing

There are a number of ways that legislatures can be directly involved in the policy-making process, ranging from simply giving opinions to making significant amendments, and from initiating independent proposals to vetoing the proposals of the executive branch. However, as already discussed, there are a broad variety of tasks regularly accomplished by legislatures, and in many cases legislating is not one of the most important (see Table: Legislative powers of legislatures, in the Online Resource Centre).

### Consultation

The most basic, and generally least influential, type of legislative action is consultation. This power grants the legislature the authority to present an opinion on specific legislation, a general plan of action, or broad policy programme. Consultation in no way guarantees that the executive branch will abide by the opinion of the legislature.

Yet, the ability to present an opinion and to differentiate the views of the legislature from that of the executive can be important in many contexts. In particular, legislative opinions that are in conflict with the proposals put forward by the executive branch and are public in nature may provide important information to the public, as well as serving as a tool of linkage and representation.

### Delay and veto

A common ability among even comparatively weak legislatures is the power to delay legislation. This is a 'negative power' in that the legislature can only slow down the process, not provide positive input or substantive change directly. Despite this, the ability to delay passage of a proposal can be an effective bargaining tool when the executive branch prefers rapid action.

In its most extreme incarnation the power of delay becomes the power of veto. Legislatures with veto power can definitively and unilaterally block policies from being adopted. Like the power of delay, veto power is negative. As a result it will only be an effective bargaining tool for the legislature when the executive branch has a strong interest in changing the status quo.

### Amendment and initiation

The most important positive legislative tools are the power to amend and initiate proposals. The ability to amend bills allows the legislature to change aspects of the executive branch's proposal to achieve an outcome in line with the preferences of a majority of its members. Frequent restrictions to amendment power include limitations on the stage in the process at which amendments can be introduced (Spain), the number of amendments that can be introduced (Austria), or the ability of the legislature to make changes that would incur additional costs (Israel).

An independent power of initiative grants individuals or groups within the legislature the right to introduce their own policy proposals independent of the executive branch. In some legislatures all proposals must formally be initiated by the legislature (the US), while in others the legislature has no formal ability to initiate proposals independently (the European Union). Most political systems fall somewhere between these two extremes.

In most fused-powers systems independent member initiatives are rarely adopted. In West European countries, for example, 80–90 per cent of successful proposals are initiated by the executive branch. In some cases, such as Israel, private-member bills are estimated to account for less than 9 per cent of adopted proposals (Mahler 1998). In Belgium between 1971 and 1990 a total of 4,548 private-member bills were initiated, but just 7.3 per cent were ultimately adopted (Mattson 1995).

The centrality of the policy-making function of government has led to the development of a number of



different attempts to categorize legislatures on the basis of their policy influence (see Table: Major classification of legislatures, in the Online Resource Centre). Thus, we can differentiate in a dichotomous way between *transformative legislatures* that have a high degree of direct policy-making influence and *arena type legislatures* that are more engaged in the linkage and oversight functions with little direct policy influence (Polsby 1975). Alternatively, legislatures can be understood in terms of their 'viscosity' or capacity to slow down and even block the executive in its attempts to make policy decisions (Blondel 1970).

### KEY POINTS

- Legislatures engage in a variety of tasks, including providing a link between citizens and the central government, representing citizen interests, executive oversight, and participating in the policy-making process.
- While most legislatures in democratic systems perform all of these roles to some extent, the emphasis placed on the various roles and tasks will vary between legislatures.
- The very different character of the relationship between the executive branch and the legislature in fused-powers and **separation-of-powers systems** influences which roles and tasks are emphasized by a legislature.
- There are a number of different tools that a legislature may employ within the policy-making process, including consultation, delay, veto, amendment, and initiation. While the powers of delay and veto are 'negative' in that they delay or block policies, amendment and initiation are 'positive' powers.

## The internal organizational structures of legislatures

Legislatures are likely to be ineffective if they do not have an internal structure that allows for an effective division of labour, specialized expertise, access to independent sources of information, and other basic organizational and operational resources. An analysis of the internal structures and resources of a legislature can often provide a more accurate assessment of its general level of activity and influence than a review of the formal powers granted to it in the **constitution**.

### Number and type of chambers

In most cases legislatures have either one chamber (unicameral) or two (bicameral). Multi-chamber legislatures are generally created to ensure adequate representation for different groups within the political system. The lower (and usually larger) chamber provides representation for the population as a whole, while the upper

chamber represents specific socially or territorially defined groups. These can be the political subunits such as states (US), *Länder* (Germany), or cantons (Switzerland), or different groups of citizens such as aristocrats (UK) or ethnicities (South Africa under apartheid).<sup>5</sup> **Unicameral legislatures** are more likely to be found in unitary political systems with comparatively homogeneous populations (such as Scandinavia).

More important than the actual number of legislative chambers is the relationship between them. In unicameral systems all the powers of the legislative branch are contained within the single chamber. However, in bicameral systems these powers may be (1) *equally shared* (both chambers can exercise all legislative powers), (2) *equally divided* (each chamber has specific, but more or less equally important, powers), or (3) *unequally distributed* (one chamber has significantly greater powers than the other). The first two cases are considered to be *symmetric bicameral* systems, while the latter are *asymmetric bicameral* systems. Table 7.2 provides some examples.

Knowing how many chambers a legislature has and understanding the relationship between them (symmetric or asymmetric) is important because these attributes impact the broader policy-making process. For example, if the chambers within a symmetric bicameral legislature have significantly different or opposing ideological majorities it may delay the legislative process, as a proposal acceptable to the majority of both chambers must be developed. Such a situation may also force increased political compromise and ensure a higher level of representation for minorities or territorial groups. However, failure to reach a compromise can block the policy process as a whole, or force the executive branch to attempt to govern without the legislature (through decrees, for example). In the worst-case scenario, such a blockage might even threaten the stability of the political system itself if necessary policies cannot be adopted.

### Number, quality, and consistency of members

By their nature legislatures bring together a comparatively large number of people. The legislature is usually the most numerous and most diverse of the primary branches of government. Thus, the tools and structures it uses to organize itself are particularly critical and often quite informative in assessing the effective roles of the legislature within the broader system.

#### Size

A few basic descriptive statistics can reveal a good deal about the character and political role of a legislature. For example, the number of members relative to the size of the general population, the number of days per year the legislature is in session, the extent to which members are

Table 7.2 Representation and role/asymmetry of upper chambers

Country	Federal (Y/N)	Upper chamber	Size	Basis of representation	Mode of selection	Symmetric (Y/N)
Argentina	Y	Senate	72	Provincial	Directly elected	Y
Austria	Y	Bundesrat	64	<i>Länder</i>	Indirect election by provincial legislature by PR	N
Belarus	N	Council of the Republic	64	Regions	Indirectly elected, 8 appointed by President	Y
Belgium	Y	Senate	60	Regions	Indirectly elected by community and regional parliaments (50) and co-opted (10)	N
Bolivia	N	Senate	27	Departments	Directly elected—top 2 parties (2/1) 3 seats per Admin. Dept.	Y
Brazil	Y	Senate	81	States	Directly elected—simple majority, 3 seats per state	Y
Canada	Y	Senate	105	Regions	Appointed—by government on a regional basis	N
Chile	N	Senate	38	Regions	Directly elected in 19 senatorial districts	Y
Colombia	N	Senate	102	National	100 directly elected in a single national constituency, plus 2 from special district for indigenous communities	Y
Czech Republic	N	Senate	81	National	Directly elected—simple majority 1/3 every 2 years	N
France	N	Senate	348	Departments	Indirect election by electoral colleges in each Department	N
Germany	Y	Bundesrat	69	<i>Länder</i>	Indirectly selected by <i>Länder</i> governments	N
Grenada	N	Senate	13	National	Appointed—by governor general (on advice of prime minister)	N
India	Y	Rajya Sabha	245	States/Territories	Indirectly elected (233), appointed by president (12)	N
Italy	N	Senate	315	Regions	Directly elected—PR and majority bonus within regions	Y
Japan	N	House of Councillors	252	National and Prefecture	Directly elected—nationally (100) and within prefectures (152)	N
Mexico	Y	Senate	128	States	Directly elected—modified majority (1 per state to second party)	Y
Pakistan	Y	Senate	87	Provincial and Tribal Areas	Indirectly elected (4/province + 8/tribal areas + 3/Capital Territory)	N
Poland	N	Senate	100	Districts	Directly elected—simple majority 2 or 3 per district	N
Romania	N	Senate	143	National	Directly elected—two-ballots majority	Y
Russia	Y	Council of Federation	178	Federal Units	Indirectly selected (2/Republic, Oblast, Krai, Okrug, and Federal City)	N
St Lucia	N	Senate	11	National	Appointed by governor general, prime minister selects 6 and opposition 3	N
Spain	N	Senate	257	Regional	Directly elected (208)—majority indirectly elected (49)	N
Switzerland	Y	Council of States	46	Cantons	Directly elected—simple majority	Y
UK	N	House of Lords	731	Class	Hereditary and by appointment	N
US	Y	Senate	100	Federal Units	Directly elected—simple majority	Y

Source: Compiled by the author from Kurian *et al.* (1998). Updated from official national legislative websites and Inter-Parliamentary Union online database (2016).



'professional' legislators or maintain additional external employment, the rate of member turnover from one election to the next, and the general 'quality' of members can all provide information on the likely level of political influence that a legislature has within the political system and the policy-making process (see Table: The impact of general characteristics on legislative influence, in the Online Resource Centre).

The relationship between these characteristics and the roles of the legislature is relatively straightforward in most cases. The size of the legislature is telling because of the difficulty that large diverse groups generally have in reaching coherent decisions. The more members a legislature has, the more time each decision is likely to require (as a result of the need to allocate speaking time to all members, for example). More members are likely to lead to more complex mechanisms of internal organization and more thinly spread institutional resources. However, membership numbers must be interpreted in context, as very small countries will naturally tend to have much smaller legislatures while more populous countries will on average have larger legislatures (see Table 7.3).

### Time

The amount of time that legislators spend attending to legislative tasks is also a useful indicator of the broader role of the legislature. At one extreme are legislatures that are formally or functionally 'in session' year-round. On the other end of the spectrum are 'part-time' legislatures that meet for only a few days (see Table 7.4).

The length of the annual session of a legislature is often directly tied to the type of members it attracts. Part-time legislatures that are in session only for short periods of the year not only provide the opportunity for their members to engage in other professional activities, but they often make it a functional requirement. The average annual salary of a legislator is more likely to constitute a 'living wage' when the task performed constitutes a full-time job. Of course, there are also legislatures that are formally 'full-time' that nonetheless fail to provide members with a sustainable salary.<sup>6</sup>

The need for legislators to maintain additional external employment reduces the amount of time and effort they can dedicate to their legislative tasks. In some cases the role of the legislature is so limited that this is not a concern. In others, however, it will not only reduce the effectiveness of legislators, but will also impact the type of individuals who join the legislature. This impacts both the quality of members and the rate of membership turnover from one election to the next. When legislative wages are low it can serve to restrict membership to those with alternative sources of wealth and keep the most qualified individuals from considering the legislature as a career option.

### Committees

Almost without exception, legislatures organize internally on the basis of committees. However, the variations that exist between these committees can be enormous. Legislatures may have few or many committees and they may be created on an ad hoc basis or permanently established. In addition, there may be highly specialized subcommittees and/or temporary committees of inquiry created to address specific crises or questions. In some cases committees are responsible for reviewing and amending proposals before the full plenary discusses them; in others they are in charge of implementing the changes decided by the plenary. These relationships are outlined in the Table: The impact of committee characteristics on legislative influence, in the Online Resource Centre.

### Permanency and expertise

One of the most important aspects of committees is their permanency. Committees that are created on an ad hoc basis not only tend to be less efficiently organized, but their members lack the opportunity to develop area-specific expertise or the contacts with external actors that facilitate independent and informed decision-making. Given the size of most legislatures, committees often serve as the forum for most legislative activity, including bargaining and coalition-building between political parties. The smaller size and less public nature of committees increase their utility as a forum for these types of activity. However, if the committees are not permanent they are unlikely to provide the necessary level of stability and expertise.

### Specialization

Committees within influential legislatures also mirror the organization of the executive branch, with distinct committees for each cabinet portfolio. The association of specific committees with cabinet ministries can foster relationships between the members and staff of the legislature and the executive branch, which can improve inter-institutional cooperation.

### Subcommittees and temporary committees

The potential for additional flexibility and specificity can be added through the incorporation of subcommittees and temporary investigative committees (sometimes referred to as committees of inquiry). These allow for still greater levels of specialization and permit the legislature to react to significant events or crises in a timely fashion.

One of the surest indicators of the role of committees, and through them the policy influence of the legislature, is the order in which proposals move between the

Table 7.3 Population and size of lower chamber in forty-one countries

Country	Lower chamber	Population	Size	Reps/citizens
Argentina	Chamber of Deputies	43,847,277	257	170,612
Austria	National Council (Nationalrat)	8,569,633	183	46,219
Belarus	Chamber of Representatives	9,481,521	110	86,006
Belgium	House of Representatives	11,371,928	150	67,800
Bhutan	Tsgogdu	784,103	150	4,805
Bolivia	Chamber of Deputies	10,888,402	130	80,201
Brazil	Chamber of Deputies	209,567,920	513	378,064
Canada	House of Commons	36,286,378	301	116,287
Chad	National Assembly	14,496,739	125	90,193
Chile	Chamber of Deputies	18,131,850	120	138,104
China	National People's Congress	1,382,323,332	2978	452,435
Colombia	Chamber of Representatives	48,654,392	163	287,620
Czech Republic	Chamber of Deputies	10,548,058	200	52,566
Denmark	Folketing	5,690,750	179	31,283
Egypt	People's Assembly	93,383,574	454	184,537
Finland	Eduskunta	5,523,904	200	27,144
France	National Assembly	64,668,129	577	113,752
Germany	Federal Diet (Bundestag)	80,682,351	598	136,995
Greece	Vouli	10,919,459	300	36,051
India	House of the People (Lok Sabha)	1,326,801,576	545	2,220,538
Iran	Islamic Consultative Assembly	80,043,146	270	285,489
Israel	Knesset	8,192,463	120	66,403
Italy	Chamber of Deputies	59,801,004	630	96,620
Japan	House of Representatives	126,323,715	500	255,040
Korea, South	Kukhoe	50,503,933	299	167,239
Mexico	Chamber of Deputies	128,632,004	500	224,673
New Zealand	House of Representatives	4,565,185	120	37,108
Pakistan	National Assembly	192,826,502	217	837,876
Peru	Congress	31,774,225	120	251,132
Poland	Sejm	38,593,161	460	83,779
Romania	Chamber of Deputies	19,372,734	341	55,847
Russia	State Duma	143,439,832	450	318,444
Singapore	Parliament	5,696,506	83	64,005
Slovakia	National Council	5,429,418	150	36,302
Spain	Congress of Deputies	46,064,604	350	133,760
Switzerland	National Council	8,379,477	200	40,070
Taiwan	Legislative Yuan	23,395,600	164	142,104
Tanzania	Bunge	55,155,473	275	163,378
Turkey	Grand National Assembly	79,622,062	550	135,862
UK	House of Commons	65,111,143	659	95,875
Venezuela	Chamber of Deputies	31,518,855	165	175,431

Source: Compiled by the author from Kurian *et al.* (1998), national websites and the Inter-Parliamentary Union online database (2016).



Table 7.4 Comparison of annual session duration

Country	Lower chamber	Annual session(s)	Meeting days (sittings)
Argentina	Chamber of Deputies	Annual session from 1 March to 30 November	
Austria	National Council (Bundesrat)	Annual session from mid-September to mid-July	
Belarus	Chamber of Representatives	Variable	170 days
Belgium	House of Representatives	Annual session from second Tuesday in October to 20 July	Minimum of 40 days per session
Bhutan	Tsgogdu	Must meet at least once per year (May–June or October–November)	
Bolivia	Chamber of Deputies		90 days (possible to extend to 120)
Brazil	Chamber of Deputies	Two sessions annually: 1 March–30 June and 1 August–5 December	
Canada	House of Commons		
Chad	National Assembly	Two sessions annually in April and October	90 days in session
Chile	Chamber of Deputies	One annual session, 21 May–18 September	
China	National People's Congress	Once per year (usually in March)	14 days
Colombia	Chamber of Representatives	Two sessions annually: 20 July–16 December and 16 March–20 June	
Denmark	Folketing	Annual session, October–October (no meetings in July, August, and September)	Approximately 100 plenary meetings per year
Finland	Eduskunta	Spring and autumn sessions (recess December–January and summer)	
France	National Assembly	Annual session, October–June	
Greece	Vouli	Annual session from first Monday in October (for not less than 5 months)	
India	House of the People (Lok Sabha)	Three sessions per year: February–May, July–August, November–December	
Italy	Chamber of Deputies	Year-round (official vacations: 1 week for Easter, 2 weeks for Christmas, and August)	
Japan	House of Representatives	Ordinary session January–May (extraordinary sessions summer–autumn)	150 days/ordinary session (extraordinary ones vary)
Korea, South	Kukhoe	Regular session may not exceed 100 days (special session not to exceed 30 days)	Average of 45 days per year in plenary session
Mexico	Chamber of Deputies	Two sessions annually: 1 September–15 December and 15 March–30 April	
New Zealand	House of Representatives	Session runs for full calendar year, generally no sittings in January	
Pakistan	National Assembly	2 annual sessions. Must not remain in recess for more than 120 days at a time	
Poland	Sejm	Continuous, sittings determined by Presidium	26 sittings per year (1–4 days each) October 2001–October 2005
Romania	Chamber of Deputies	2 sessions annually: February–June and September–December	
Russia	State Duma	2 sessions annually: mid-January–mid-July and beg. October–end of December	Generally 2 days per week, 3 weeks per month in session
Singapore	Parliament	No set calendar, one sitting per month	6 months maximum between sessions

Table 7.4 Comparison of annual session duration (continued)

Country	Lower chamber	Annual session(s)	Meeting days (sittings)
Slovakia	National Council	Two annual sessions (spring and autumn)	
Spain	Congress of Deputies	Two sessions annually: February–June and September–December	
Switzerland	National Council	Four times per year (every 3 months), extraordinary sessions are allowed	3 weeks/ordinary session, 1 week/extraordinary session
Taiwan	Legislative Yuan	Two sessions annually: February–May and September–December	2 sittings per week while in session
Tanzania	Bunge	Variable number of sessions lasting between 4 days and 2 weeks	25–30 days per year on average
Turkey	Grand National Assembly	Annual session: 1 October–30 September may recess for a maximum of 3 months	Meets Tuesday–Thursday in session
UK	House of Commons	Full year, adjourns for Christmas (3 weeks), Easter (1 week), and summer (10 weeks)	4–5 days per week while in session
Venezuela	Chamber of Deputies	Ordinary sessions: early March–early July and early October–late November	

Source: Based on Kurian *et al.* (1998), updated from official national government and legislative websites (2016).

plenary and the committees. If legislation is fully vetted in plenary *prior* to being sent to committee, committees are unlikely to play a substantial role in policy-making. Given the hurdles to engaging in a thorough analysis of policy proposals in plenary, this process of vetting bills indicates a comparatively small policy role for the legislature. In contrast, when bills are reviewed and amended within the committees first, the legislature is more likely to have a substantial influence on policy outcomes.

### Hierarchical structures and internal decision-making

Within every legislature there are a variety of internal positions of authority and power, even if the institution itself is relatively weak. At the level of the legislature there is generally a president, one or more vice-presidents, and in some cases questors or other secretarial/administrative positions. In addition, most legislatures will also have leadership positions within organized subunits—for example, chairs of committees, subcommittees, and/or specialized delegations and/or working groups.

The most fundamental difference between legislatures occurs between those that distribute internal positions of authority proportionally amongst all the groups (usually political parties) represented, and those that use a 'winner-take-all' system, assigning positions only to members of the majority (party or coalition). In the former case cooperation and compromise between government and opposition groups is facilitated by the requirements of working within an institution with clear power-sharing structures. In contrast, winner-take-all systems are more likely to foster ideological polarization.

Majoritarian or winner-take-all systems discourage compromise. As a result, these types of legislature will function well only when the majority in charge is reliable, either because of a high degree of party discipline or because of significant numerical superiority over the opposition. When parties are weak or undisciplined, and/or majorities are slim, individual member defections can lead to the defeat of majority proposals. On the other hand, when majorities are large and/or parties are disciplined, decision-making is likely to be more efficient and policy innovation easier to achieve.

In contrast, legislatures that distribute leadership positions among the parties and groups of both the majority and the opposition are more likely to experience cross-party agreements and compromises, and in some cases this may even be a requirement, given the proportional distribution of positions of power. This type of policy process is less likely to suffer significant negative consequences from individual member defections on particular issues. At the same time, however, this approach to policy-making is likely to be more time-consuming and to lead to incremental policy reform based on compromises between opposing groups rather than sweeping ideologically informed policy innovations.

These are the two most extreme scenarios and there are, of course, a number of intermediate alternatives. For example, the majoritarian system is used to distribute internal positions of power in the US legislature; however, there is also a comparatively low level of party discipline. As a result, a number of different outcomes are possible depending on the size of the majority held by the largest party and the level of bipartisan cooperation possible on a given issue. In general, however, legislatures that share internal positions of authority proportionally *tend* to be



more consensual in character than those that use a winner-take-all system.

**KEY POINTS**

- Understanding the internal organizational structures, membership, and resources of legislatures is a critical component of evaluating their overall influence and role within the broader political system.
- Most legislatures have one or two chambers. In the case of bicameral legislatures it is critical to understand both the representative function of each chamber and the relative distribution of power between them.
- The relative level of 'professionalization' of a legislature (including the amount of time it is in session each year), the character of its committees and other internal organizational structures, the type of members it attracts, and the resources they have at their disposal are generally an accurate indication of its influence and power within the policy process and the broader political system.

**Assessing a legislature's power**

All legislatures, democratic or not, claim to fulfil the central representative/linkage, oversight, and legislative roles discussed above. Yet, there are vast differences between legislatures in terms of the emphasis and centrality they ascribe to these roles and, as a result, to the function they perform within the political system. There are

legislatures for which the linkage and oversight functions are clearly pre-eminent (as in the UK, Greece, and Chile), while others place more emphasis on their legislative function (the US, Italy, Germany and the Netherlands). The next task is to understand the systemic characteristics that lead to these variations.

The underlying cause of the differences between legislatures is surprisingly simple, at least conceptually. Fundamentally, the extent to which a legislature is an active and effective participant in the legislative process versus assuming a more passive legislative role (focusing instead on oversight and linkage) is directly tied to the *degree of autonomy* it enjoys. More specifically, there are two aspects of a legislature's relative autonomy that are important:

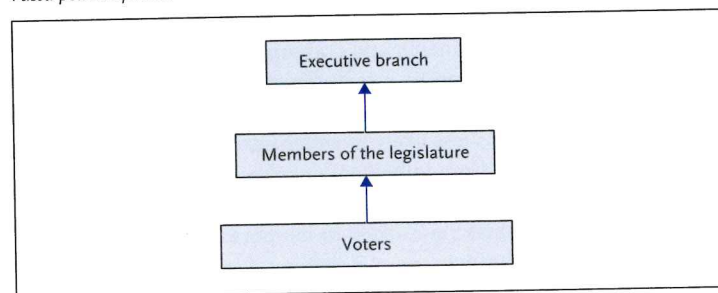
- the independence of the institution as a whole;
- the independence of its members individually.

**Institutional independence: executive-legislative relations**

The institutional autonomy of a legislature is a function of its formal structural interaction with the executive branch. As seen above, fused-powers systems centralize legislative authority in the executive; while SoP systems tend towards decentralized legislative decision-making, increasing the role of the legislature (see also Chapter 8).<sup>7</sup>

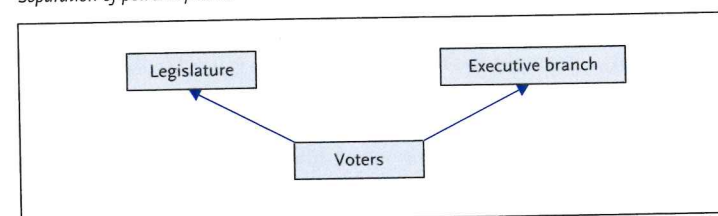
Fused-powers systems are structured hierarchically insofar as voters elect the members of the legislature, and the members of the legislature, in turn, select the executive branch. In contrast, in SoP systems both the leader of the executive branch and the members of the legislature are elected by citizens (see Figure 7.1). The difference in

Fused-powers systems



- Voters elect and may choose not to re-elect members of the legislature.
- Members of the legislature elect and may dismiss the executive branch through a vote of censure or no-confidence vote (restrictions may apply).
- The executive branch can dissolve the legislature (restrictions generally apply) and call for new elections. This results in dissolution of the executive branch as well.

Separation-of-powers systems



- Voters elect, and may choose not to re-elect, members of the legislature.
- Voters elect, and may choose not to re-elect, the executive branch (president).
- The executive cannot dissolve the legislature. The legislature can remove the executive only in case of legal wrongdoing.

Figure 7.1 Powers systems

the method of choosing the executive branch is of critical importance. The selection of the executive branch by the legislature has significant implications for the latter's relative institutional autonomy. Perhaps counter-intuitively, the power to elect and dismiss the executive branch serves to *reduce* the autonomy and independent policy influence of a legislature.

In a SoP system, elections for the legislative and executive branches are not necessarily linked to each other in timing or, more importantly, outcome. This means that there is no guarantee that the result will be a similar partisan distribution. In contrast, in a fused-powers system the elections of the two branches are integrally connected because following each legislative election the new legislature must select the executive branch. In fused-powers systems the need for the executive to be selected by, and maintain the support of, a majority within the legislature requires a partisan link between the two branches. Even in systems with frequent **minority governments**, the implicit support (or lack of opposition) of a majority of the legislature is necessary to maintain the government in office.

In contrast, in SoP systems the executive and legislative branches are selected independently, even when election occurs simultaneously. Citizens are given the opportunity to cast separate and distinct votes for each branch, despite the fact that these votes are often cast on a single ballot. By decoupling the two votes, SoP systems impose no restrictions on the partisan or ideological relationship between the two branches and any partisan distribution of partisan majorities is possible. The absence of a partisan link between the executive and legislative branches, in combination with their structural independence, is essential in ensuring that the legislature has the potential to play an influential role in the policy-making process.

The impact of the interdependent relationship that exists between the executive and the legislature in fused-powers systems is particularly important. The responsibility of the legislature for both installing and maintaining the executive branch severely constrains its ability to pursue independent legislative action. Majorities must remain comparatively stable in their support for the executive and, by extension, the

executive's policy initiatives. In many cases the defeat of an executive initiative of even moderate significance is considered a *de facto* vote of 'no confidence' with the potential to force the resignation of the government. The resulting instability, including the potential for new legislative elections, makes such actions risky for legislatures in fused-powers systems.

SoP systems do not place any of these restrictions on the legislature. Because the executive branch is wholly distinct there is no need for the legislature to maintain any form of support for it. The defeat of a policy proposal from the executive branch in the legislature has no capacity to impact the tenure of the executive branch or the timing of legislative elections. The fixed terms of office for both the legislative and the executive branches frees the legislature from the burden of maintaining the executive in office. At the same time it liberates both branches from any need for ideological affinity or policy consensus.

**Member independence: the role of political parties**

The ability of legislatures to take full advantage of the possibilities offered by a SoP system, as well as the degree to which those in fused-powers systems are able to make the most of their more limited legislative prospects, also depends on a less formal aspect of the political system. The character of the party system, and in particular the relative level of autonomy individual members of the legislature enjoy vis-à-vis their parties, can significantly affect the ability of the legislature as a whole to influence policy outcomes.

Unlike institutional independence, which is largely a function of the constitutionally defined structures of the political system, partisan autonomy depends on the characteristics of the party system. There are some elements of the party system that are especially important. These can be divided into two categories: (1) party-specific characteristics and (2) systemic attributes of the party system. Examples of each type of variable are provided in Table 7.5. The underlying question addressed

Table 7.5 Party and system characteristics related to member autonomy

Party characteristics	
Candidate selection	Centralized vs decentralized selection by local units and/or activists, existence of leadership veto, self-nomination, etc.
Internal organization of political party	Hierarchical vs decentralized party structures, role of legislative leadership in party structures (sharing of leaders)
Party system characteristics	
Electoral system	Party-centred (i.e. party lists with or without preference votes), candidate-centred (usually single-member districts)
Sources of party and campaign funding	Existence of, and rules regulating, state financing, presence of fixed donor groups (labour), private resources, etc.



by each of these variables is fundamentally the same in all cases: to what extent is the political future of an individual member of the legislature controlled by his/her political party?

For most legislators there are two primary concerns or goals: (1) election/re-election and (2) the achievement of some set of policy outcomes (Fiorina 1996; Kreppel 2001). Both are intrinsically related to each other and central in determining legislator behaviour, regardless of the broader political system.<sup>8</sup> Secondary concerns often include the attainment of internal party or institutional positions of power such as a committee chairmanship or a party leadership role. Both the candidate selection mechanisms and the internal organizational structure of political parties deeply impact the ability of members to achieve these goals if they lose the support of their party leadership.

### Party organization

If re-election is important to legislators then their autonomy is reduced to the extent that their re-election is controlled by their party leaders' influence over the electoral process. If the party leadership controls candidate selection, or the ordering of the party lists is controlled by the party elite, those wishing to be re-elected must maintain their support, and this usually means supporting the party position within the legislature (on **electoral systems** see Chapter 10). On the other hand, in parties that allow local party organizations to select candidates or in which the ordering of the party lists is predetermined or decided by party members, individual legislators will enjoy a comparatively high level of partisan independence. In other words, the greater the party leadership's control over a member's re-election, the lower the member's autonomy.

The impact of the centralization of a political party on member autonomy is less direct, but equally important. The more centralized a political party, the fewer opportunities there are for independent decision-making by members. In decentralized parties there may be multiple centres of decision-making offering individual members both more opportunities to influence decisions and a broader array of policy outcomes supported by some portion of the party. Decentralized parties are also less likely to issue vote instructions, freeing members to vote in accordance with their personal or constituency preferences (linkage and representation).

The relationship between organized party leadership within the legislature and the leadership structures that govern the 'electoral party' is also important. Although ostensibly the party in the legislature is simply a subset of the larger electoral party, there are many cases in which the two-party organizations clash, creating opportunities for members to act independently. It is not an uncommon phenomenon for the compromises required by

the policy-making process within the legislature to cause alarm amongst party activists and leaders outside the legislature. Parties that employ a single unified leadership structure within and outside the legislature are less likely to face this type of intra-party strife, effectively decreasing opportunities for members to act independently.

### Electoral laws

While the different scenarios discussed above can vary between political parties within a political system, there are other elements that will generally affect all parties equally (and thus all individual members of a legislature) in a similar manner. Two of the most important systemic variables are (1) the electoral system and (2) the rules regulating campaign funding.

Electoral systems influence member independence directly and profoundly by determining the nature of the voters' choices. In single-member districts voters are asked to select between individual candidates, while in PR systems the choice is between political parties. The latter method highlights the importance of parties and reinforces their primacy in mediating the citizen-government relationship. In contrast, in candidate-centred elections the political and personal attributes of the individual candidate are primary, and in some cases may even overshadow the significance of party affiliation.

Thus, the relative autonomy of individual members of a legislature will increase as the electoral system offers opportunities for them to win re-election as a result of a high level of personal voter support. Elections that focus exclusively or even primarily on political parties significantly reduce the capacity of members to compete in the face of opposition or even indifference from their party's leadership. As important as electoral opportunity is, however, without access to sufficient financial resources no candidate will be competitive.

The most important aspect regarding finance is the presence (or absence) of state funding and the rules that govern access to these funds (on party finances, see Chapter 12). Where state funding for electoral campaigns is the primary source of funds, easily accessible state financing for parties and campaigns increases the possibilities for new parties to form and/or independent candidates to compete. As a result, the costs to members of leaving their party to run for election independently or to form a new party are reduced and political independence is increased. Even if members rarely choose to pursue either of these opportunities, the fact that they exist is enough to diminish the capacity of the party to take action against members for failing to follow the party line.

Summing up, the combination of individual and institutional autonomy defines the extent to which a legislature can effectively shape the policy process and help to determine legislative outcomes. These underlying

	Centralized party system	Decentralized party system
Fused-powers system	<b>PARLIAMENT</b> UK Greece	<b>STRONG PARLIAMENT</b> Italy Poland
Separation-of-powers system	<b>WEAK CONGRESS</b> Colombia Argentina Bolivia South Korea	<b>CONGRESS</b> US

Figure 7.2 Types of legislature

relationships between the executive and the legislature and between the political parties and their members within the legislature create the broad structural constraints within which all the other elements we have discussed operate. At one extreme are legislatures that are dominated by the executive branch (parliaments), with individual members largely controlled by their political parties. At the other extreme are legislatures that are formally independent from the executive branch (congresses) within political systems in which political parties are weak or decentralized and unable to effectively control the members of the legislature. These variables can be condensed into a simple 2 × 2 table such as Figure 7.2.

### KEY POINTS

- The institutional autonomy of the legislature (from the executive branch) and the individual autonomy of its members (from political parties) are the most fundamental variables affecting the policy influence of a legislature.
- Institutional autonomy is largely dependent on the formal political structures. In fused-powers systems in which the legislature selects the executive, the two branches are mutually dependent and the institutional autonomy of the legislature is reduced. In separation-of-powers systems the legislature and the executive are both selected by the voters and the institutional autonomy of the legislature is increased.
- The autonomy of individual members of the legislature is a function of their dependence on political parties to achieve their electoral and policy goals. Individual members will have less autonomy in party-centred PR electoral systems.
- Additional factors influencing the relative independence of individual members include the availability of state funding for electoral campaigns.

### Conclusion

In the end, what difference does it make if a legislature is powerful or not? Why does it matter if the legislature has the capacity to independently affect policy outcomes? Is a strong legislature better or worse than a weak one? Ultimately, there is no 'best' type of legislature, nor is there any reason that a more powerful legislature should be considered 'better' than one that is less influential. However, it is important to understand what type of legislature exists, particularly if there are concerns about key aspects of the political process, such as its representativeness, its efficiency, or the quality of the policy outputs it produces.

The primary difference between the two general types of legislatures (parliamentary or congressional) and the variations of each presented in Table 7.1 is the relative importance of the core tasks performed by all legislatures—representation, linkage, oversight, and policy-making—in terms of the legislature's workload.

That said, the ability of the legislature to independently affect policy outcomes does have the potential to change the character of the political system by shifting the balance of power between the executive and legislative branches, and this carries with it significant repercussions. For example, political systems with parliament-type legislatures that are focused primarily on their linkage and oversight functions will tend to have a more hierarchically structured policy-making process in which power is concentrated within the executive branch (and often within the political party hierarchy). This will generally lead to more *efficient* decision-making because fewer actors are involved in the process. However, the restricted level of access may result in the exclusion of key social groups from the policy-making process or may lead to large policy swings when a new government enters office.

In contrast, political systems that disperse power and facilitate the participation of a strong congressional-type legislature in the policy process are likely to be less efficient in terms of decision-making speed, but more *inclusive*. Because both the executive and the legislature



participate in the policy process, more coordination and compromise is necessary. This will certainly be the case when different political parties control these institutions (and/or when party control over individual members is weak). The likely result is a slower decision-making process with outcomes that represent broad compromises. Large policy swings are less likely and incremental change more common. However, because of this there is less likelihood that significant minority groups in society will be wholly excluded from the policy-making process or violently opposed to the resulting policy outcomes.

Understanding the type of legislature that exists within a given political system, including both its formal relationship to the executive and less formal links to the political parties, can provide a good deal of information about the political system itself. Additional information about the legislature's internal organizational structures, the strength of its committee system, the quality of its members, and its access to resources will all provide significant additional clues about the type and relative policy influence of the institution as a whole.

## Questions

### Knowledge based

1. What are the differences between an assembly, a legislature, a parliament, and a congress?
2. What are the core tasks of a legislature in a democratic society?
3. What are separation-of-power systems and fused-power systems?
4. How are the oversight and control functions of legislatures different in fused-powers and separation-of-powers systems?
5. What are the five possible tools that legislatures may have at their disposal to influence the policy-making process? Which are 'negative' and which are 'positive'?

6. What is the difference between a symmetric and an asymmetric bicameral legislature? Why is it important?

### Critical thinking

1. Why are legislatures generally better able to represent the interests of citizens than the executive branch?
2. Why are the structure and role of the committee system a good indicator of the policy-making influence of the legislature?
3. Why are political parties influential in determining the autonomy of a legislature?
4. What are the broader implications of having a strong legislature that is able to independently influence policy outcomes?

## Further reading

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## Web links

<http://www.ipu.org/english/parlweb.htm>

The Inter-Parliamentary Union's websites of national parliaments.

<http://www.electionworld.org>

Electionworld.org's Parliaments Around the World website.

<http://www.c-span.org>

C-span.org's clearing house of televised legislatures and legislature websites from around the world.



For additional material and resources, please visit the Online Resource Centre at:

<http://www.oxfordtextbooks.co.uk/orc/caramani4e/>

## Endnotes

<sup>1</sup> Currently Saudi Arabia and Myanmar (Burma) are the only two internationally recognized countries that do not have some form of legislature.

<sup>2</sup> The term is also related to the Anglo-Latin 'parliamentum', although the French 'parlement' predates this construction (Harper 2001).

<sup>3</sup> There are a number of institutional structures that can increase or decrease the ease with which a legislature can successfully adopt a motion of no confidence, such as the requirement for all such motions to include a simultaneously adopted motion for the investiture of a new executive (the German **constructive vote of no confidence**). In some parliamentary systems use of censure votes is very rare (Germany, the UK), in others it occurs more regularly (France), while in still others use of the mechanism is so common as to cause concern for the system as a whole (Italy pre-1994).

<sup>4</sup> Entitlements, as opposed to discretionary funds, are pre-existing financial commitments that cannot be withdrawn or decreased.

<sup>5</sup> For example, under the previous apartheid regime South Africa had a tripartite legislature with each chamber's membership drawn from a distinct racial group.

<sup>6</sup> The British House of Lords is a well-known example.

<sup>7</sup> This dichotomy ignores the existence of hybrid systems such as the French semi-presidential model.

<sup>8</sup> Even in the case of a venal pursuit of power, within a democratic system policy outcomes will become important to the extent that they influence the probability of re-election. Thus, the two goals are inextricably linked.