Parliaments IN THE Modern World

Changing Institutions

Edited by
Gary W. Copeland and Samuel C. Patterson

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Preface

Students of parliaments have spent much of the last several decades focusing on their stability. These bodies, we discovered, were quite institutionalized; that is, they had regular and predictable ways of carrying out their activities. But legislatures are not just old and reliable, they are also vibrant and integral to the viable functioning of a wide range of political systems. The last few years have consistently brought us stark reminders that parliaments are dynamic institutions capable of both changing and leading change. The former Soviet bloc nations have garnered the headlines, but dramatic changes have been found in Italy, Scandinavia, Germany, Japan, and on and on. Less dramatic, but still quite important changes are evident in Britain, Canada, Turkey, and even the United States. It is increasingly clear that to understand the world, one must understand how these "predictable" bodies become susceptible to substantial changes.

This book is aimed at exploring that issue by examining parliaments in a wide range of nations, by exploring the nature of changes experienced in each system, and by seeking the forces that promoted those changes. The theoretical interest here is how and why institutionalized bodies change or adapt. That issue, of course, raises a number of additional interesting questions both about the key concepts (such as how bodies become institutionalized or how, once institutionalized, they maintain a steady state) and about the role of parliaments in modern society (such as what functions they perform that make them so central to the governance of nearly every political system in the world, or how filling needed functions is related to legitimacy). Obviously, we do not answer all of the possible questions, but we do try to provide in this book a systematic treatment of parliamentary change in the modern world.

This comparative look at legislative institutionalization and change grew out of a conference designed to celebrate the bicentennial of the U.S. Congress. When the faculty of the Carl Albert Center, including Gary Copeland, Ron Peters, and Allen Hertzke, explored ways to commemorate that event through a conference, they consistently were drawn to the changing nature of Congress as a theme. One cannot explore that theme for long, however, without being struck by how embedded in its past the Congress is. The goal of the conference became to explore how the past shapes (or will shape) the

future of the Congress or how a body as institutionalized as the Congress changes. We called that conference "Back to the Future: The United States Congress in the Twenty-first Century."

But the more we explored the theoretical issues raised by that focus, the more we realized that the circumstances facing the U.S. Congress were far from unique and that a dialogue regarding questions of changes would be better informed by adding a comparative perspective to the conference. At that point Copeland approached Samuel Patterson and invited his participation in the project. Fortunately, he readily accepted and helped draw some of the leading legislative scholars in the world to Norman, Oklahoma, for the conference. These scholars were outnumbered by Americanists, but they contributed heavily to the theoretical discourse of the conference. The comparative papers were integrated with the others, as each panel had a paper from another nation addressing the same theoretical questions that the congressional papers did.

Those invited to participate in the initial conference and whose work is included here are Erik Damgaard of the University of Aarhus in Denmark, writing on Scandinavian parliaments, Maurizio Cotta at Universita Degli Studi Di Siena in Italy, Philip Norton of the University of Hull in England, Suzanne Schüttemeyer at Universität Lüneburg in Germany, and İlter Turan at Istanbul University in Turkey.

The organizers of the conference were very pleased with the quality of both the comparative and the American papers. But, after the conference we decided to pursue publication of the comparative papers separately from the congressional papers to allow each set of papers their appropriate focus. Using many of the congressional papers presented at the conference, Hertzke and Peters edited *The Atomistic Congress: An Interpretation of Congressional Change* (1992).

This volume grows out of the comparative papers presented at that conference. Our goal, here, is to advance the theoretical understanding of how legislatures change, how they become institutionalized, and how they continue to change once they are institutionalized. While trying to bring the project forward, we have found that we have had quite a bit of change to try to account for in the countries under study here! All authors have found it necessary to try to provide continuous up-to-date descriptions of events in their countries, while remaining focused on the theoretical issues. Worldwide changes also led to the only fundamental change in the outline of the project, the addition of a chapter on Central European parliaments that Pat and our friend John Hibbing at the University of Nebraska, just returning from the area, wrote for this book. The authors of that chapter were able to address some of this book's theoretical issues from a slightly different perspective than

were the authors of the other chapters. All in all, we have ended with a variety of studies that explore how and why institutionalized bodies change.

This particular group of scholars is ideal for this project, and we were fortunate to be able to convince them to turn their attention to the topics suggested to them for the purpose of the conference and this book. We have not only top scholars of the parliaments in these countries, but also a very wide range of parliaments experiencing different degrees of change. We have new and moderately new parliaments as well as centuries-old bodies. In Central Europe we have parliaments whose existence is probably not secure, and in Turkey a parliament that has been interrupted by the military three times since 1950. Others are rock solid. We have a wide range in the number of parties competing in elections and participating in governing coalitions. We have Britain with its regular one-party majority cabinet, Germany with its governing coalition perpetually including the Free Democrats, unstable and multiparty cabinets, and minority governments. We have unicameral and bicameral legislatures. We have single-member electoral districts and proportional systems. We have governments of the Left and the Right. The countries selected for inclusion reflect our desire to have variation on key theoretical constructs.

In drafting their chapters, we asked the authors to think about the degree to which the parliament in their study is institutionalized and how it is performing its key functions. Where is there pressure to change? Where is the parliament considered to be less than completely adequate? What factors have produced pressure to change, and what factors have constrained the nature of change? What changes have we seen? The chapters address a wide variety of nations, circumstances, and factors, but they maintain their primary focus on that set of issues. These chapters then focus on how these bodies became institutionalized; how institutionalized they are; the functions that they perform for their societies that allow them to be valued and, ultimately, legitimate; where they fail or are weak; and how they adapt. With this set of topics we have not tried to establish strict frameworks or operational definitions for our concepts but rather have encouraged the authors to use standard concepts without restriction. We do not, for example, identify a precise list of legislative functions or a checklist for institutionalization and expect our authors to abide by our list.[1] Our authors have been given the freedom to utilize the richness of these important concepts rather than the restriction of an externally imposed definition. We think our audience generally understands these concepts and how they might be applied in different countries, so we opted not to

1. In the same way, we do not draw a distinction between the terms *parliament* and *legislature*. We use them interchangeably throughout.

be overly distracted by definitional issues.[2] Our goal is to advance comparative legislative theory on the topics of institutionalization and change.

This book begins with a chapter by the editors that lays out these issues in more detail. It is followed by the chapters that explore questions of how legislatures adapt within specific countries. The editors conclude with an overview of the forces that lead parliaments to change.

Accomplishing this task has involved the efforts of many, many people, going back to the planning and execution of the original conference. Primary thanks go to the other faculty at the Carl Albert Center, Ron Peters and Allen Hertkze, for sharing this journey with us. We also would like to thank LaDonna Sullivan and Kathy Wade for making sure the conference was a success.

We also thank our editor, Colin Day, and the readers of our manuscript for the University of Michigan Press. Their insights were quite valuable. Closer to home, Cindy Simon Rosenthal, a Carl Albert Graduate Fellow, gave the entire manuscript a very careful reading and improved it in many ways. Finally, Carma Hurst and LaDonna Sullivan prepared the manuscript with great professionalism and grace. Thanks to all of them.

2. Our lack of focus, here, on conceptual and operational definitions should not be interpreted as a view that those tasks are unimportant. Some valuable work aims at precisely those issues, for example, Hibbing's (1988) application of Polsby's institutionalization concept to the British Parliament. In this case, we simply are considering those issues adequately addressed for now and exploring other issues.

Contents

CHAPTER 1

Parliaments in the Twenty-first Century

Samuel C. Patterson and Gary W. Copeland

New parliaments abound. In the aftermath of the collapse of the authoritarian Communist regimes in Central and Eastern Europe, democratic representative assemblies have emerged in Poland, Hungary, Czechoslovakia, Romania, and Bulgaria. For the first time in more than forty years, free elections yielded multiparty parliamentary bodies in these countries. In the former Soviet Union, parliaments have taken on much greater importance and show signs of evolving into more democratic bodies. In Asia and Latin America, parliaments are being restored or established where authoritarian or military rule had prevailed.

Indeed, it may be that we are living in the "age of parliaments." The Interparliamentary Union, headquartered in Geneva, reckoned in 1991 that national parliamentary institutions, varying in size and shape, existed in 145 countries (Interparliamentary Union 1991). Their numbers range from larger bodies like the 430-member unicameral Great People's Hural (Ardyn Ikh Khural) of Mongolia or the 386-member Hungarian National Assembly (Orszaggyules), to smaller parliaments like the 57-member Costa Rican Legislative Assembly (Asamblea Legislativa) or the 63-member Icelandic Parliament (Althingi). To the number of these national representative assemblies could be added the important state or provincial parliaments in countries such as Australia, Canada, Germany, India, or the United States of America. Parliaments are ubiquitous. They are to be found around the world. Of course, parliamentary assemblies vary across quite a wide spectrum in size, bases of membership, constituency linkages, internal organization, relations with the executive, and legislative powers.

Naturally, many questions about these parliamentary bodies arise. How are they organized? What are their dynamic processes? How are members chosen? What are the linkages between representatives and the represented? What do these parliaments do? How much of what they do is influenced by interest groups, constituencies, political parties, or the executive? Is the life of parliament central to governing the system, or peripheral? What are the consequences of parliamentary institutions for recruiting leaders, shaping public

policies, legitimizing government, or stabilizing regimes? On a wider canvas, how are parliaments *institutionalized* in democratic societies; how do they come to be integral and permanent stars in a nation's constellation of political institutions? Seeking answers to questions like these about parliaments is an important part of the enterprise of systematic political inquiry.

Yet, paradoxically, parliamentary institutions have not been studied very extensively by scholars. Systematic studies of representative assemblies exist today in perhaps two dozen countries. These analyses are quite divergent, differing in their theoretical foundation or purpose, methodology, scope, complexity, the nature of data gathered, and their utility for empirical generalization (see Loewenberg, Patterson, and Jewell 1985; Patterson 1978). One can, for instance, read accounts of the British House of Commons that give no hint there might be other parliamentary institutions in human experience and convey the implication that the Westminster model is given in nature. Again, some have treated the U.S. Congress as if it were unique, so free of party or executive domination, so professional and well staffed, so commanding and powerful that it cannot be compared with any other of the world's representative assemblies.

These single-country studies may provide a rich analysis and explication of the legislative institution and contribute mightily to understanding how that institution works. Nevertheless, generalizations about representative government confined to one time and place have limited utility (Norton 1990b). Sometimes single-country studies do assay the development of the parliamentary institution over time, comparing the instant assembly with its historical precursors. These *diachronic* studies take a comparative perspective. Although confined to observations about a single parliament, data are gathered and interpreted in the light of knowledge about or inquiries of parliaments in other systems (e.g., Aydelotte 1977; Kornberg 1973; Patterson and Wahlke 1972). But it is rare, indeed, to find scholars rigorously and systematically comparing legislative behavior across countries, or across subnational units (Mezey 1979; Polsby 1975; Loewenberg and Patterson 1979).

Yet it is difficult to establish reliable claims about the consequences and possibilities of the legislative way of life without comparative analysis. The task of political inquiry is to test the validity of claims for the way things work in one system by subjecting these claims to analysis in other systems. Or comparative political analysis may be undertaken at the level of the whole system—taking parliamentary institutions themselves as analytical units—to permit aggregate, cross-system inquiry. Using the comparative method is, so to speak, about the only way one can establish the validity of claims about empirical regularities. Cross-national research on parliamentary institutions and behavior is not easy, but analyzing a number of such institutions using the

same conceptual apparatus or research design will contribute mightily to addressing interesting questions about political representation.

In this book, seven scholars present analyses of parliamentary politics in a dozen political systems. The parliaments include the British House of Commons, the German Bundestag, the Italian parliament, assemblies in Denmark, Norway, and Sweden, the Turkish Grand National Assembly, and parliaments in Bulgaria, Czechoslovakia, Hungary, Poland, and Romania. The conceptual thread uniting these analyses is *institutionalization*—how parliamentary bodies have emerged, taken root, evolved, or changed in different environments. The problem of institutional development or decay, emergence, evolution, and change is considered differently for each parliament.

Institutionalizing Parliaments

Today, the U.S. Congress is acknowledged to be one of the world's most powerful legislative bodies. But in the early nineteenth century, Congress was a somewhat feeble, incipient organization. It enjoyed a lineage from the unicameral Continental Congress, the national legislature of the period of the Revolution and the Articles of Confederation. Many of its members profited from the experiences of service in one of the state legislatures. But when the first Congress met in New York City on 4 March 1789, its sixty-five members of the House of Representatives and twenty-six senators faced the problem of establishing new, workable, effective legislative organizations. Service in Congress had not become a stable career path for politicians; internal party and committee structure was only weakly formed; leadership roles had barely emerged; norms about internal advancement, handling disputes, and conducting interpersonal relations were only nascent. In short, in the 1780s when it was founded, Congress was, as an organization, a mere shadow of its future self. In a word, it was not *institutionalized* (see Polsby 1968).

Political organizations such as parliaments tend to develop their character, structural complexity, norms and procedural standards, patterns of leadership, and decision-making routines over a period of time. They *become* institutions. An institution is, by definition, an organization that has been around quite a while; it has a life history. The U.S. Congress became what it is today through an evolution of some two hundred years. The British Parliament acquired its modern shape after a much longer evolutionary period. After the Second World War, new versions of parliament were established in Germany and Italy (and, of course, Japan), and these have developed into contemporary shape. Today, parliaments are being recreated or newly established in many emerging democracies, and these new parliaments, now in their infancy, struggle to become institutionalized.

What does it mean to speak of the institutionalization of parliament? In general, the concept refers to the phenomenon of regularity in collective behavior (see Hechter 1990). One scholar has defined political institutionalization as "the creation and persistence of valued rules, procedures, and patterns of behavior that enable the successful accommodation of new configurations of political claimants and/or demands within a given organization whether it be a party, a legislature, or a state" (Sisson 1973, 19).

The origins and early stages of institutional emergence may be debatable. Lying behind the development of some institutions, according to some scholars, is an "invisible hand," inexorably reaching for equilibrium in the interactions of self-interested individuals. This must have been what Edward M. Sait had in mind when he argued that political institutions "seem to have been erected, almost like the coral reefs, without conscious design . . . no prearranged plan, no architect's drawings and blueprints; man has carried out the purposes of nature, we might say, acting blindly in response to her obscure commands" (1938, 16). By this light, organizational form and structure are determined more by exogenous variables than by the preferences or values of institutional actors.

Alternatively, institutional emergence may be grounded in acts of choice in which actors cooperate on the basis of some common purposes and values. This cooperative behavior may be externally imposed but more characteristically in political organizations cooperation is voluntary. In their earliest incarnations, parliamentary institutions arose from exogenous stimulation but embraced responsiveness to members' and constituents' preferences with remarkable rapidity. Accordingly, in the Middle Ages parliaments were called together in Spain, or France, or England by the king, but these twelfth- and thirteenth-century conclaves were responses to conscious demands for resolution of pressing medieval problems, and for liberty (Marongiu 1968; Wilkinson 1972).

Legislative or parliamentary institutionalization involves establishing and maintaining organizational structures, and linking the organization to its environment. A highly institutionalized legislature exhibits autonomy, formality, uniformity, and complexity. Legislative institutions are *autonomous*—they stand on their own, independent of other structures or organizations. Such a legislature is not dominated by an external political party apparatus, or by some other institution such as the bureaucracy, the church, a military-industrial complex, or pressure groups. Membership in the legislative institution implies a distinctive career, that of the professional representative or legislative politician, made possible by reasonably extensive tenure. Autonomy implies boundaries marking off the organization and sufficiently distinct so that mobility in and out is not utterly discretionary. The autonomous parlia-

ment is organizationally settled, its members performing established and independent functions.

Legislative institutions evince a high degree of *formality*. Obligations are firmly understood; procedures and rules are well developed and, to a considerable extent, codified; the constitutional framework provides a relatively detailed foundation for organizational development. These bodies are governed by widely agreed on standards for proper conduct, centering on norms of interpersonal conduct and political party loyalty (see Loewenberg and Mans 1988). The formality of the legislature is indicated by the extent of well-established leadership roles, and by virtue of relatively elaborate and written rules of procedure. When it is observed in action, the legislature's performance is impersonalized, routinized, and highly predictable. Its central processes are governed by public, well-known rules and precedents enforced by leaders conversant with them presiding over legislators predisposed to voluntary compliance with established procedures. Moreover, legislatures normally meet in highly formal surroundings. Just as courtrooms—the trappings of bench and bar, robes and wigs, and the hushed orderliness and decorum of practice—provide a formal atmosphere for the administration of justice, so legislative chambers underscore formality (see Goodsell 1988).

Legislative institutions show substantial *uniformity*. These institutions exhibit some generic features that clearly mark them off from other kinds of political organizations. Legislatures are deeply involved in conflict management, characteristically involving lawmaking. Although the lawmaking powers of the world's legislatures vary, it would be difficult to think of an assembly as a legislature if it had no lawmaking role whatever (Mezey 1979, 21–59). Legislatures are involved in recruiting legislative and executive leaders, ranging from the constitutional role of the U.S. Senate in confirming nominations to executive branch positions to the central parliamentary function of investing prime ministers in office. Finally, legislatures are linkage institutions, featuring relationships of representation and accountability between their members and the constituencies (Loewenberg and Patterson 1979, 43–67). Although there are many important differences among legislative institutions across the world, they share a fundamental similarity, so that there is a sense in which "if you've seen one, you've seen them all." In chapter 8 we return more formally to a discussion of the definition of *legislature* and further explore key parliamentary functions. In brief, our definition is derived from Polsby's "official, accountable, deliberative assemblies" (1975, 262). From that we will focus primarily on the legitimation, linkage, and decision-making functions.

The institutionalization of legislatures is, additionally, denoted by *organizational complexity*. For example, in its early years the U.S. Congress was

organizationally fairly primitive. The House of Representatives was a part-time body that conducted its legislative business mainly through a committee of the whole, with only a dimly developing political party structure and leadership (see Polsby 1968; Young 1966, esp. 143–53). The modern Congress is a complex legislative organization replete with a well-established system of expert committees and subcommittees, articulated majority and minority political party organization, and distinctive leadership roles (see Davidson 1992, esp. 89–208). Legislatures tend to organizational complexity in distinctive ways—in the development of nuanced and sophisticated representative roles, the creation and maintenance of specialized work groups, the emergence of politically, procedurally, and substantively expert leadership, and the crystallization of organized political party conflict and compromise.

Finally, legislatures are institutionalized in the extent to which they are embedded, or built into, their environments. In short, legislatures are *constituent institutions*, in the sense that they tend to exhibit a congeries of linkages to geographical and other constituencies. They partake in "the legislative connection"; representatives bring constituents demands to the parliamentary arena and provide services to their constituencies (see Bogdanor 1985; Kim et al. 1984). In addition, linkages between representatives and the represented are often mediated through political interest groups or by other actors (Rush 1990). These constituent linkages tend to engender a supportive environment for the legislative institution and give its actions legitimacy. We know empirically that even for well-institutionalized legislatures public support for legislative or parliamentary performance may fluctuate over time (Patterson and Caldeira 1990). Parliament may, itself, sever its most essential constituency linkages and, like the French National Assembly of the Fourth Republic (of the 1940s and 1950s), become a "house without windows," playing an endogenous parliamentary game indifferent to the environment outside (see Melnik and Leites 1958). Systemic breakdown would be a serious prospect if fundamental institutional decay, or deinstitutionalization, occurred such that the basic legitimacy of the legislature came into question and the institution suffered pervasive loss of compliance with its laws and policy actions.

The Dynamics of Legislative Institutions

The institutionalization of organizations is a dynamic process. Institutions grow up over time, come to have well-articulated structure, establish institutional memory, and increasingly mold and shape the behavior of those who are institutional members at a particular period of time (see Douglas 1986). Some parliaments, like the U.S. Congress of the early nineteenth century, are frail and fragile organizations in the early stages of their development, but they develop into robust institutions. Across the array of the world's parliaments,

some are weak, minimal legislatures, poorly developed as institutions. These, like the Thai National Assembly, suffer persistent anemia (see Mezey 1979). Some, like the Westminster-style parliaments in Britain, Canada, Australia, or New Zealand, are firmly rooted arena-type bodies fully engaged in deliberation regarding their nation's laws, and capable of effective response to the policy-making initiatives of the executive. Other well-institutionalized parliaments are, like the U.S. Congress or the German Bundestag, transformative-type bodies with independent capacity to translate proposals of national policy into authoritative decisions (see Polsby 1975).

In short, parliamentary organizations vary in their degree or extent of institutionalization. Those that are weakly institutionalized exhibit lack of organizational complexity, tenuous linkages to members' or parties' constituencies, uneven development of institutional norms, uncertain leadership structure, and so on. Some of these poorly institutionalized parliaments are not able to survive shocks to their political systems—like the German Reichstag of the Weimar Republic, or the parliament of the French Third Republic, or the Argentine Congress gutted by the Peronist regime. It is often true that new and different parliamentary bodies rise, like phoenixes, from the ashes of the demised assembly. But institutionalization of parliaments is not a process synonymous with stability, permanency, or unchangeability. Weak parliaments may disappear; institutionalized patterns may decay over time, leading to institutional atrophy. Even parliamentary institutions that, in a moment of development, seem to have reached equilibrium—a good balance of internal features and symbiosis between institution and environment—may degenerate.

This is not to say that parliaments are not tenacious organizations, or that they do not tend to robustness institutionally. Parliaments are in demand; human beings have invented only a few routines to govern themselves in peace, and representative government through assemblies is one of them; parliaments tend to persist, and to be reinvented if they disappear. Reproduction is a strong feature of parliamentary organizations, not easy to interdict. At the same time, institutions change. Representative institutions are, in particular, prone to frequent, if seemingly peripatetic, changes or reforms. Put differently, legislatures or parliaments may be highly adaptive organizations. Strong linkages to the constituency can precipitate institutional changes in response to transformations in that constituency. Political forces and parties may, as part of a program of reform, advocate and achieve changes in the legislative institution as a way of establishing political advantages or removing disadvantages. The so-called cameral changes—abolishing the upper houses in New Zealand, Denmark, and Sweden in the era after the Second World War—rested on the pressures of political events and the preferences of influential political leaders in these countries (see Longley and Olson 1991). Again, the representative body may undergo great changes in internal struc-

ture or procedure brought about by exogenous shocks—war, revolution, economic disaster—or by the slower accretion of demands for reform. Even the U.S. Congress, often heralded as the most powerful legislative body in the world, changes so that its students can come to think of recent congressional sittings as the "postreform Congress," battered and altered by "the 'power earthquake' of the 1960s and 1970s" (Davidson 1992, 3). These claims do not imply that legislative institutions respond instantaneously to pressures for change. By definition, institutions are persistent; they can withstand adaptive pressures for a time. Moreover, deliberate efforts at institutional change are often difficult to achieve, and planned change may produce unintended consequences. It is as true of legislatures as of institutions in general that "the contemporary record with respect to intentional change does not encourage boundless confidence in the possibilities for deliberate, controlled change" (March and Olsen 1989, 58). The uncertainties and ambiguities of institutional life can defy rational action intended to achieve efficiency, and calculated rules and routines can produce as many contradictions and uncertainties as they resolve (see Powell and DiMaggio 1991). Because legislative institutionalization is problematic, it is interesting to observe empirically and important to theorize about.

We urgently underscore the view that the notion of legislative institutionalization does not embrace a doctrine of inherent organizational stability, nor does it imply that these institutions are ossified and unchanging. This does not mean that effective, responsive parliaments do not contribute to the stability of democratic societies; they do (see Mishler and Hildreth 1984). One of the important tasks of legislative research is to establish the dynamic processes of institutionalization and identify the bases of organizational change. A full-blown theory of legislative institutionalization surely will, at a minimum, trace the trajectory of organizational adaptation and change as the legislature establishes complexity, formality, uniformity, and responsiveness, and indicate their causes.

Changing Contemporary Parliaments

The parliaments considered in this book are a good representation of the form and shape of institutional changes experienced in the 1980s and 1990s. We are living in a world of remarkable reestablishment, reinvention, and transformation of parliaments around the globe. Parliamentary government—representative democracy—is on the wing again, as new parliaments are built in Europe and Asia, and old ones are rebuilt in Latin America. Even in North America the bug of legislative reform is in the air; the stable U.S. Congress is the focus for renewed demands for organizational change, and Canadians are debating fundamental change of part of their Parliament, the Senate. Legislative change is, indeed, the order of the day.