

**IS THERE ANY HOMOGENOUS TREND
IN THE SOUTH EUROPEAN LEGISLATURES?**

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Abstract

This paper is an analysis of the parliamentary activity of the last legislature in France, Italy, Spain and Portugal. Attention is paid on how legislation and control of the executive vary among the cases according to differences in the institutional structure and the pattern of party government.

In the four cases there is a big variety of laws and there is also a relevant capacity of the executive to legislate. In Italy and Spain a high percentage of laws come from decree laws that the government produce in case of urgency. The number of parliamentary bills tabled is much higher in France and Italy than in the other two countries. Where more laws are originated as government bills and the government bills are more efficient as it happens in Spain, the legislative stress is lower.

There are differences about the relevance of the control of the executive in the four countries. In France a priority is given to legislative activity. In Italy the centrality of the parliament is mainly due to legislative activity but control activity is really important. In Portugal only with time control activity is becoming developed, by contrast control is very developed in Spain.

INTRODUCTION

Cross-national research on parliamentary institutions and behavior is not easy and, as Copelan and Patterson (1994,2) pointed out, until now parliamentary institutions have not been studied very extensively by scholars, even in the case of Europe. It is difficult to compare the South European cases because the academic analysis about them are sometimes divergent in their theoretical foundation or purpose, methodology, scope, complexity, the nature of data gathered and their utility for empirical generalization. Sometimes the analysis is founded just on constitutional rules while others it is a model study of a specific topic.

In the case of South Europe we do not look for a distinctive model because we know that the parliamentary regimes of France, Italy, Spain, and Portugal are not sufficient similar to each other and sufficient different from other parliamentary systems, as Liebert (1990, 251) explains. However among the four cases there are strong similarities on account of the great regional influence each one receives from the rest. Academics and politicians in every country know very well the problems of their neighbors and the measures adopted to solve them. A good example is the institutional engineering produced in the Spanish and Portuguese transitions inspired on the constitutions of Italy, France or Germany.

To make the analysis of the parliaments one adopts a institutional perspective but one can not forget that, as Daamgard (1992, 12) writes, “the modern parliaments are composed of a number of parliamentary parties out of which one or more occupy governmental offices. That MPs are organized in party groups of which one or more are in opposition to the government, and that they are also usually members of relatively influential parliamentary committees and therefore in close contact with a plethora of organized interests in society”. Consequently the activity of a parliament varies first of all according to the type of party government, the pattern of opposition, etc. Parliamentary activity is different with majority, minority or coalition governments. More precisely in a case of a strong majority it is expected a weakness of the parliament and an overdevelopment of legislative activity of the executive, while in case of a weak

coalition or a multiparty coalition it is expected that the parliament plays an important legislative role. It also varies when there is an alternation in power because there should be an increase of legislation due to the need to implement a new program.

Institutionalization of a legislature involves some features such as autonomy, formality, uniformity and complexity (Copeland and Patterson, 1994, 4). To analyze the activity of a parliament those features must be considered paying attention to the weight of parliamentary parties, the typology of legislative and control procedures and the way they are used, the law making process and, finally, the structure of the parliament.

This paper is trying to answer some questions such as what is the role of every parliament in the political system? which degree of influence has each parliament in the policy-making? how is the relationship between the parliament and the executive? By answering these questions one can evaluate the South European parliaments that can be “active” or just “reactive”, according to Mezey’s classification (1979), or even “middle-ranking” or “weak reactive” in terms of Norton (1990, 5), depending on their policy making power.

An assembly participates in the policy-making through two principal activities: law making and checking on the executive power. To identify the law making capacity of any legislature one must measure the veto power in terms of Tsebelis (1995, 303) it has in the legislative process. Usually the veto power is defined in formal terms but it should be explained according to the process of party government.

Checking on the executive is a fundamental principle of the representative and responsible government. As Strom (2000, 267) explains, representative democracy is based on chain of delegation of power that is mirrored by a corresponding chain of accountability. Control of the executive is at the core of the accountability process.

The control of the executive must be analyzed considering the whole arsenal of different tools. There are written questions or administrative reports to extract information; oral questions, reports and hearings to monitor the activity of the administration; resolutions and motions on the floor or in committee to give *indirizzo* or (re)orientation to the executive; debates on the floor of the House, interpellations, hearings and inquiry committees to criticize and induce the government to defend their decisions. As Saalfeld writes (2000, 365) in a parliamentary system of government the incentives to use those tools are particularly strong for the opposition.

Finally the general structure of a legislature is a determinant of the parliamentary activity. When the structure is bicameral, as it happens in three cases, the institutional power of each chamber has to be considered (Tsebelis and Money, 1997, 44)

In this paper one looks first at the characteristics of every case and second at the similarities and differences among the cases. To study each parliament one pays attention to the general context of the political system, including the role of the senate in case it exists, and the parliamentary activity. The legislative activity is analyzed in terms of law production, types of law and origin of bills. Finally the control of the executive is studied throughout the different mechanism and procedures.

The paper considers the activity of the last legislative period of each parliament: in France from 1997 to 2002, in Italy from 1996 to 2001, in Spain from 2000 to 2004 and in Portugal from 2002 to 2005. The data is obtained from the web pages of the parliaments: www.assemblee-nationale.fr; www.camera.it; www.parlamento.pt; www.congreso.es

THE FRENCH CASE

Even though the French Fifth Republic is formally and structurally a parliamentary government (Avril, 2002, 268), its parliament has a subordinated position (Fabius, 1998a, 152). As P. Avril writes (1998, 1515) the weakness of the parliament results mainly from the fact that the government has always been responsible before the President of Republic and not before the parliament, since it is a semi-presidential system (R.Elgie, 1998). As a result the Fifth Republic has taken the shape of a rationalized parliamentary government to serve the President in which the parliament has been instrumented as a machine to vote the law not to exercise its political functions (Auvret, 1998, 1517).

The “rationalization” of the parliamentary government has been established with the goal of assuring that the executive can effectively direct the activity of the parliament. That is why the executive has the priority in the parliamentary agenda with its proposals, the control of the amendments to laws by the executive, the restrictions to parliamentary initiative in the budget, or the government intervention in the legislative relationship between the chambers. The principal procedures of rationalization are the package vote (art.44 of the Constitution) and the guillotine (art. 49.1 of the Constitution) (Huber, 1992; Avril 1998,1507)

Some reforms have been taken to change the situation with the aim of improving the powers of the parliament. The most important ones are the reform of the Standing Orders of the National Assembly in 1994 and the constitutional reform of 1995. The reform of 1994 had two main goals: a new equilibrium in the legislative process and the improvement of the parliamentary control (Jan, 1995, 991). To implement the first objective the period of plenary sessions was limited and there was given more importance to the committees work. The reform of 1995 was more spectacular than the previous one (Chrestia 1997, 35). It established a control over the agenda one day a month by the National Assembly and the “unique period” of legislative sessions. Both have been powerful factors to strengthen the French Parliament (Chrestia, 1997, 43, Fabius, 1998b, 1303). They helped to increase the number of bills tabled by the MPs and the number of those bills passed into law.

One of the features of the French Parliament of 1997 was a “cohabitation” between a left majority in the National Assembly and a conservative President. In case of a cohabitation the institutional position of the parliament changes because the Prime Minister is dependent on the parliamentary majority and not on the President. It is a time when the French system works like the Westminster model, as majority system (Maus, 1999, 81). Moreover in case of cohabitation the National Assembly is the main arena for the relations between the majority and the opposition. As a result obstructionism in the legislative activity increases.

Another feature of that legislature was a multiparty coalition of government called a “plural left majority” (Thiebault, 2000, 512). The internal relations of the coalition have two faces: on the one side the parties were associated to exercise the power but, on the other, they were rivals because each party has its own program (Avril, 2002, 272) That is why that cohabitation was different from the former two because the Prime Minister was the leader but at the same time it was dependant on the majority (Auvret, 1998,1522). The existence of the plural majority resulted in a reinforcement of the parliament in the system. A practical consequence was that the decision process was based on constant negotiations needed for managing the plurality with coherence and for avoiding the risk of a blockage in the Assembly. In fact more parliamentary

bills than ever before were approved and there was a minimal resource to package vote and the *guillotine*. In addition there was also an increase of inquiry committees and of parliamentary bills.

A third feature of the parliament of 1997 was the alternance of the majority since a conservative government was substituted by another from the left. The alternance caused an increase on the number of laws since there was a new program to be implemented. That is why some people say that alternance is one of the causes of a legislative inflation, since laws make explicit not the general interest but the intentions of the electoral winners (Avril 2002, 276).

France is a case of bicameralism. It is not equilibrated because the National Assembly has the last word in the legislative process and the Senate cannot vote a censure on the government. The Senate has only a veto power in relation to constitutional laws. A final feature of the legislature of 1997 was that the opposition was in control of the Senate and as a result the conflictive relations between both chambers increased, in particular in the process of the *navette*.

The *navette* or the “shuttle” in the legislative process is the change of a bill from one chamber to the other. It can be endless if there are new amendments approved in every change, but the government can intervene when there is a deadlock between the Senate and the National Assembly, so that it can secure the outcome it wants (Frears, 1990, 40). In that case the government can call for a Joint Committee (CMP-*Commission Mixte Paritaire*) and if there is no agreement in the CMP, he ask the National Assembly to make a final decision. Consequently one can say that the Assembly has the last word in legislation only in case of strong political tensions (Monory, 1998, 1317).

Since the opposition dominated the Senate in the parliament of 1997 just a small number of bills were originated in the Senate and an amount of 104 laws were approved after the intervention of CMT. It shows a high degree of political tension, however the laws that were more technical than political usually were adopted with the support of the Senate (Maus, 1998, 77)

In the parliament of 1997 the legislative production was 471 laws. In addition there were approved 5 laws that reformed the Constitution. The total amount of laws is criticized by politicians and academics because its big number. The ex-president of the Chamber, L. Fabius (1998, 155), says that there is a legislative “inflation” in France and P. Avril (2002, 274) points out that there is a great instability of laws. This critique is more relevant if we consider that in France the domain of the law-making is restricted by the Constitution (art.34), that reserves an sphere of matters for government regulation (art.37).

Out of the total there were 210 international treaties and 11 organic laws. The organic laws require the previous declaration of constitutionality by the Constitutional Court. There were also 6 habilitation laws for legislative delegation to the government. In these cases the government demands a delegation to make laws by ordinance on a given subject and for a limited period. The parliament can ratify the ordinances, which is an *ex post* control. Usually delegations are used to adopt unpopular measures needed to be taken (Kimmel, 1983, 79; Frears, 1990, 42). The six habilitation laws of the parliament of 1997 resulted in 77 ordinances. They were mainly used in very technique fields, for example 19 ordinances served to transpose directives from the European Union (Latour, 2000, 1668).

In the parliament studied an amount of 143 laws were introduced as government bills (excluded proposals of international treaties) and 118 laws as private member bills. Consequently 45% of the total were parliamentary bills which is really a high

proportion if we consider that historically only about 11% of laws were initiated by MPs bills (Latour, 2000, 1667) In fact never before such an important proportion of laws was initiated as MPs bills in France (Fabius, 1998a, 156). In spite of that only 9 % of the private member bills passed into law while 45% of government bills did. In fact there were 5.887 bills tabled and 5.103 out of them were private member bills. The data shows the high level of legislative activity generated by MPs.

We do not know exactly the proportion of laws amended but we do know the high number of amendments. There were 50.851 amendments tabled: 69% by the MPs, 25% by committees and 6% by the government. However just 16.800 amendments were adopted: 64% came from the committees, only 20% came from the MPs, usually of the majority, and 16% came from the government. In the French parliamentary system the abuse of amendments is the most important technique to “obstruct” the legislative process (Chrestia, 1997, 39; Jan, 1995, 998) as it was the case in the parliament of 1997 (Maus, 1999, 78).

The government has different measures to fight obstructionism, mainly the package vote and the *guillotine* (Huber, 1992, 676). The package vote found in art. 44 of the Constitution enables the executive to curtail Parliamentary discussion. The government can make the Assembly or the Senate take a single package vote on the whole of a government bill. No amendments are allowed except those already agreed by the government. Under this procedure, the parliament must vote either to accept or to reject the government’s policy. The *guillotine* found in art. 49.3 of the Constitution permits the government to “engage its responsibility” and attach the fate of a bill to a censure vote in the National Assembly. Under this procedure there is no further discussion and the bill is considered automatically adopted unless a censure motion is successfully carried in the next two days.

Both procedures, that “rationalize” the parliamentary government of France, have been frequently used for preventing systematic obstruction and article 49.3 has been also used, sometimes abusively (Frears, 1990, 41), to fight indiscipline in the majority (Avril, 1998, 1513). In the parliament of 1997 the package vote was only used on a few occasions and the art. 49.3 was never used. The reason is that the government preferred to withdraw a bill that was rejected in parliament in some way instead of trying to pass the law by force (Latour 2000, 1671).

According to P. Avril (2002, 277) in France the control activity is very reduced on account of the priority given to legislation, the shyness of the majority and the incapability of the opposition to put it in practice. L Fabius (1998b, 1306) said that it should be more developed. The two principal procedures are questions to the government and inquiry committees.

There are several types of questions. Written questions are very numerous. In the 1997 parliament an amount of 75.577 questions were tabled and 62.565 were answered. The rate of 83% of questions answered is lower than that of the previous parliaments. The conversion of written questions into oral questions is usually demanded when there is no answer.

There are two kinds of oral questions: with and without debate. Every party can table a number of questions proportional to its parliamentary strength and since the reform of 1995 all Tuesdays afternoon the MPs debate with the government for a short period of time. Oral questions without debate consist of a two-minute speech. In the parliament of 1997 there were 1.719 of such a questions with an increase in number in relation to previous parliaments. The questions with debate are called “questions to the government”. They are similar to interpellations but there is no vote at the end of the debate. In the debates every party has a time according to its parliamentary strength.

The debate can be seen on TV, that is why they have become a very important means of control. In the parliament of 1997 there were 3.365 questions to the government which is the highest number in the history of Fifth Republic.

The second important mean of control is the committees of enquiry. Their composition is based on a proportional representation of parties so that the opposition has a limited capacity to control the government (Jan , 1995, 1015). According to Frears, (1990, 35), they are ineffective instruments of control because the government can stop any that would be too embarrassing, they have only six months to produce a report, the ministers can refuse to co-operate and , finally, the enquiry comes to an end when the matter is considered *sub judice*. In addition the inquiry reports make absolutely no impact on public opinion. In France the committees of enquiry have not been very numerous however in the parliament of 1997 the were set up 15 that is a big amount. In fact there were 125 proposals to set up a committee but only 36 succeeded.

Close to these committees are the “parliamentary offices” and the “informative missions” which have become more and more important with the time due to difficulties to set up a committee of inquiry (Maus, 1999, 80). The “offices” are actually parliamentary delegations thought to inform the parliament about a particular policy (Ghevilley-Hiver, 2000, 1687). In the parliament of 1997 there were six offices working, one of them was the Delegation of the European Union. They produced 207 reports and had 645 hearings from which 65 of ministers. The “missions” are set up temporarily by the permanent committees and are very numerous. Their goal is to evaluate the implementation of laws and particular policies, for example the Mission of Evaluation and Control (MEC) set up by the Committee of Finances of the National Assembly in the parliament of 1997, for reporting about the efficacy of public expenditure. It has been re-launched every year since 1997 (Chevilley.Hiver, 2000

The committees of inquiry, parliamentary offices and informative missions work in the French case as mechanisms of *indirizzo* rather than instruments with a supervisory or accountability function. In France there is also some *indirizzo* from the standing committees through their reports, although control of the executive is not an important activity for them. In this respect the standing committees elaborated 133 informative reports in the parliament of 1997. In addition they had 1.047 hearings, out of them an amount of 367 were of ministers. Even though most of the hearing were legislative hearings, some them were about implementation of policies.

Additionally to the control mechanisms identified above there are some other instruments such as government declarations with or without debate, the vote of censure and the confidence vote. In the parliament of 1997 there were 18 government declarations with debate which is a frequent procedure in France, one confident vote after the nomination of the government by the President and two failed votes of censure. The two last procedures reinforced the legitimacy of the government.

THE ITALIAN CASE

In Italy the parliament is formally the core of the institutional system but it is not clear whether it has a central position in political terms too (Pegoraro, 2002). Before the 90's, and mainly in the 70's, the parliament was the center for the political debate. (Cotta 1994, Manzella 2001). The *centralita* of the parliament was founded on a especial consociational pattern of relationships between the parties (Fabrini, 1994; Zucchini, 1997; De Micheli, 1997, 155). However in the last legislatures the parliament entered in a shadowy period or a kind of decadence caused by a parliamentary

fragmentation that, as an example, increased the practices of parliamentary obstructionism. The fragmentation has two principal consequences. On the one side it produces uncertainty and instability to the government coalitions. On the other it causes a deep crisis of the Italian parliament because it cannot give legitimacy to the government, which in terms of Manzella (2001, 68) is an “Italian paradox”.

The main feature of the legislature of 1996-2001 was the fragmentation of the coalition of center to the left and its lack of cohesion. As a result the legislature had a great instability and there were four government changes: Prodi from 5/1996 to 10/1998, D’Alema I from 10/1998 to 12/1999, D’Alema II from 12/1999 to 4/2000 and Amato II from 4/2000 to 5/2000. In addition the majority supporting the government in parliament was partially different from the electoral cartel, the Ulivo, that won the election of 1996 (Verzichelli and Cotta, 2000, 444).

Another feature of the parliament of 1996 was the alternance in the government. It was a special alternance because it depolarized completely the political system. For the first time in Italy a coalition from the center-left was governing. In conclusion in the parliament of 1996 there was a depolarization of parties but at the same time there was an increase of fragmentation of the government coalition.

In spite of the above analysis none can affirm that there is really a process of decline of the Italian parliament. (Pegoraro, 2002, 126). On the contrary analysts like Della Salla (1998, 75) explains that it can play a very important role because “the Italian system has opened the way for a co-decision making parliament that was able to establish a degree of autonomy, specialization, complexity and adaptability”. That means that it is strongly institutionalized. Furlong (1990, 65) admits that the Italian parliament has a comparatively strong formal power in the law-making and it finds itself actually able to exert considerable influence in the policy process.

The Italian parliament is characterized by the symmetrical bicameralism. The Senate has the same functions that the Chamber of Deputies and both can be veto players in the law-making because a bill cannot be adopted without the approval of one of them. Consequently there is a strong relationship between both chambers (Zucchini, 2001, 119). Deputies and senators can initiate legislation, both can equally control the government even by a vote of no confidence and the government sometimes tables its bills in the low chamber while others in the Senate. In addition both chambers have a similar committee system. The main difference is that party leaders are always deputies of the Chamber. In this paper we mainly pay attention to the activity of the Chamber of Deputies because usually the support of the government is similar in both chambers (Verzichelli and Cotta, 2000, 437 and 441).

Italy is well known by the large number of laws passed every parliament, around one thousand in a five year parliament. Between 1996-2001 there were approved 914 laws. The usual explanation for that big number is the tendency to pass “little laws” or *leggines*. They are brief pieces of legislation, usually having a very restricted scope, which despite their narrowness may have a significant patronage implication for specific groups of deputies (Furlong, 1990, 64). Some people consider the *leggine* as the result of the manipulation and abuse for clientelistic ends by organized special interests (Volcansek, 1999, 99). However, according to Kreppel (1997, 343), they can not be a negative feature of the Italian legislation because they are well supported in parliament.

Among the laws passed in the parliament of 1996 there were 6 constitutional laws, that needed the vote of a qualified majority and had to be approved in the floor of the chambers. There were also 281 laws approving international treaties and agreements signed by the Italian government. In addition there were 55 legislative delegations to the government, and 181 laws that converted decree laws.

A huge legislative capacity of the Italian government is manifested throughout legislative decrees and decree laws. The legislative decrees have become one of the structural features of the Italian legislation in the 90's (Melis, 2001, 1077). In some way their big number is considered the sequel of a legislative crisis of the parliament (Pegorardo, 2002, 124). They are based on a legislative delegation that establishes the principles and criteria of the government legislation. Due to legislative delegation the government produced 177 legislative decrees between 1996 and 2001. It is a very relevant number of legislative acts that as a matter of fact increments to the total law production.

Decree laws are also a special feature of the Italian legislative output. They are provisional measures that the government may adopt in case of need and urgency. They have the force of a law only for 60 days unless they are converted into law by the parliament. In 1996 the Constitutional Court declared unconstitutional a 30 years old practice of reiteration of prescribed decree-laws. The use of decree laws ensures that government proposals get on the agenda immediately. Parliament may, in addition to just rejecting or accepting a decree-law, amend the original.

The decree law is a mechanism to grant efficacy to government decisions when the executive cannot count with the unconditional support of the majority (De Micheli, 1997, 156). Consequently the amount of decree laws increased in the last parliaments because parliamentary fragmentation limited the government leadership and they were substituting government bills with a slow pace (Zucchini, 2001, 129). In the parliaments of 1996 the government approved 362 decree laws but only 181 were converted into law. An amount of 168 were amended in the conversion process. Although the total number decreased in relation to former parliaments because the decree laws cannot be reiterated, the proportion of 50% converted in the parliament studied is the second biggest one in the history of the Italian republic. The 93% rate of decree laws amended in the parliament of 1996 is the biggest one knows. In fact more and more decree laws are becoming altered by amendments with time (Volcansek, 1999, 100).

A number of 696 laws out of the total were initiated as government bills (*disegni di legge*), which is 76% of the total. This is a normal proportion in the Italian case (De Michelli, 1997, 160). The rate of 24% of laws introduced as MPs bills shows a relevant initiative of deputies and senators in the legislative process. In the parliament of 1996 the government proposed 1.188 bills which is a really a high number compared with previous parliaments. Out of them 59% were approved, which is also a high proportion in comparative terms.

We do not know exactly the number of parliamentary bills (*proposte di legge*) including regional proposals, but we think that it was 2.766 proposals, which is a very low number compared with former parliaments. It reflects the weakens of the parliament of 1996 since usually a big amount of parliamentary bills is considered an expression of the *centralità* of the parliament (De Michelli, 1997, 164).

In general terms the Italian parliament is very active controlling the executive. Its oversight system is based on different mechanisms: questions, interpellations, motions, resolutions and inquiry committees. All of them are ruled by the Standing Orders of the chambers.

There are different types of questions. In the parliament of 1996 there were 34.664 written questions tabled but only an amount of 11.448 were answered. The rate of 34% of the written questions answered is a very low proportion compared to other countries as we will see.

Oral questions can be tabled on the floor or in committee and can be also presented under a procedure of urgency (*risposta immediata*). The urgent procedure on the floor is similar to the British “question time” and every Wednesday they are answered. However the answer in committee only takes place two times a month. In the parliament of 1996 the amount of oral questions on the floor was 6.963 tabled , 2691 answered, and 179 transformed into a written question. In committee there were 8.893 oral questions tabled and 3.567 answered.

Interpellations in Italy produce a small debate between a MP and a minister about some aspects of a particular policy. They are considered a means of *indirizzo* or parliamentary orientation to the government. Some of them are urgent interpellations that must be supported by a parliamentary group. The total number of interpellations tabled in the parliament of 1996 were 2.949, but only 1.479 generated a debate.

Motions are tabled by a parliamentary group, sometimes after an interpellation, other times after a petition. They are considered as a mean of *indirizzo* that open a general debate in the chambers. When there are several motions about the same topic, or amendments to a motion, all of them are debated together. A motion is voted only if it is demanded by a group. Among motions there are confidence motions and censure motions that have a especial procedure and are voted nominally. In the parliament of 1996 there were no censure votes but there were 515 motions tabled; only 148 out of them were debated and 48 approved. There were also 4 investiture votes, one for each government. There were four more investiture votes in the Senate.

The resolutions are proposed by MPs after a debate of a communication of the government or after a motion. There are also resolutions in committee that require the participation of a government member in the debate. All of them are procedures of *indirizzo*. In the parliament of 1996 there were tabled 155 resolutions in the Chamber of Deputies, out of them 140 were debated and 68 approved. In committee there were tabled 1059 resolutions, but only 488 debated and 255 approved.

Finally inquiry committees can be set up in every chamber by law. There are also bicameral committees when both chambers have the same inquiry. Each committee has a proportional representation of parliamentary groups. These committees work as a the permanent committees do and have the same limits as the judicial power has. In the parliament of 1996 there were 32 proposals to set up 19 inquiry committees but only 3 were created and 2 more were prorogated.

THE SPANISH CASE

The *Cortes Generales* have been one of the key factors of the democratic consolidation and further stability in Spain. The *Cortes* have a central place in the institutional system but the parliamentary government is not based on the idea of primacy of the parliament. Consequently one can say that the *Cortes* are relatively powerful and influential in the policy making. (Sole and Aparicio, 1984, 183; Capo and alt. 1990, 116) According to Guerrero (2000,171) the Spanish parliament has a decisive function in the system but it is moderately institutionalized and it has a weak decision making capacity. The causes are that the executive has a preeminence in the decision making process and that parties dominate the parliament.

One can say that the Spanish parliamentary model is the most pro-executive in western Europe (Heywood, 1992; Lopez, 1997, 189) because its constitutional design was thought to protect the government from parliamentary crisis (J. Capo et alt, 1990, 100). In Spain there is a rationalization of parliamentary government throughout the

investiture vote and the constructive vote of censure that are good resources to protect minority governments. They are aimed to guarantee the stability of every legislative period (Sanchez de Dios, 1992, 268).

Although the whole system was thought in its inception to guarantee the continuity of the executive and parliament was thought as an arena to debate, negotiate and look for consensus (Powell; 2000, 421), things changed with time. The parliament was institutionalized in the transition and obtained public recognition because it was place to look for agreements and pacts. However from 1982 to 1993 there were solid majorities and the function of parliament changed. It lost centrality and influence in the policy making, it also lost public recognition (Paniagua, 1997, 417). Nevertheless a new trend appeared from 1993 to 2000 due to two minority governments. The parliament became again a relevant actor and recover some political capacity and influence. In sum one can affirm that in the Spanish case the stronger the opposition parties the bigger the importance of parliament.

The parliament of 2000-2004 had a strong majority of the conservative Popular Party and things changed again. The *Cortes* lost ground once more but, as we are going to see, they had not been completely subordinated to the government since opposition parties were well structured and able to control the government.

The main critic to parliamentary government in Spain is the strong position of parties in the system (Herrero, 1997, 50; Casacajo, 2000, 26) even though they are really weak because they have a low membership, only 2% of voters are party members (Gallagher, Laver and Mair, 1985, 245). The Spanish parties have a strong leadership based on a strong party discipline. The party power, or the party in power in case of majority governments, produces a relative weakness of the parliament because the power to decide in Spain is actually concentrated in a few hands in each party (Santamaria, 1997, 179)

The Standing Orders of 1982 have established that only a few strong parliamentary groups can act in the chambers but the main reason for the party power is the electoral law, that places in the hands of party headquarters the capacity to decide who appears on the electoral list. Besides party discipline is helped by the principal role that parties have in parliament. They form the *Junta de Portavoces* (council of party representatives in the chamber) and also decide on the composition of parliamentary committees. They are considered as unified actors with only one voice and the vote of a representative is worth exactly the number of members of the group (*voto ponderado*). In the case of legislative process only if a group supports a parliamentary bill, will it be debated. In addition, all amendments to bills must be signed by the chief whip of the parliamentary party. In the case of checks on executive power by parliamentary debate only oral questions are totally reserved to MPs, but there is a limited number for each group that the leaders administer (Sanchez de Dios, 1999).

The Spanish *Cortes Generales* is an asymmetrical bicameral parliament since, in general terms, the *Congreso* is much more important than the *Senado*. However there is a clear interest on behalf of the socialist, the nationalists and the communist parties for reforming the Senate with the aim of setting up a federal chamber similar to the German Bundesrat (Paniagua, 1999; Roller, 2002).

The Senate has only “limited veto power” in policy making due to formal constraints. First, according to the Constitution, in case of legislative conflict between both chambers the *Congreso* decides. Second, all government bills must be first passed by the *Congreso*, then they must be approved by the Senate. Finally, decree laws can only be converted in legislative laws by the *Congreso*. In terms of control of the executive, there are also some formal limits to the Senate. For example, only the

Congreso can vote on the Prime Minister investiture and only the *Congreso* can decide a censure motion or a confidence vote demanded by the Prime Minister.

The activity of the Senate is reduced both in law-making and in controlling of the executive. A very small number of bills are tabled by the Senate. Similarly, a reduced number of the bills passed first in the *Congreso* are usually amended in the Senate. Usually amendments are used by the majority in the Senate for minor, less relevant, or last minute bill reform.

It is said in Spain that law production by the *Cortes Generales* is low. One cannot say that it is due to technical difficulties since it was possible to use urgent procedures or act through committees. The total number of laws in the parliament of 2000 was 246, it includes decree laws and legislative decrees and excludes international treaties. This number is only lower than the ones of former parliaments in which there was an alternance of government. The big number of laws is due to the fact that the conservative government could implement its program without any limit since it had an absolute majority for the first time.

The Spanish *Cortes* produce different type of laws. Organic laws regulate the fundamental rights, the regional statutes, the electoral rules and the constitutional institutions. They must be approved by a qualified majority (50% of MPs) in the *Congreso*. In the parliament of 2000 there were 41 organic laws passed. It is the highest number since 1977 which shows a relevant number of institutional reforms.

Decree laws come from the Government in case of urgency or extraordinary need and cannot rule human rights or the basic institutions of the state. They must be converted into laws by the *Congreso* which can proceed them as government bills. In the parliament of 2000 there were approved 51 decree laws which is a normal number. Decree laws were about 25% of the law production. This relevant rate is due, according to J. Capo (1990, 45), to the culture of the Spanish parliamentary elite based on a strong reliance on the law-making of the executive through decree laws. It is also related to the fact that in Spain there is an institutional pre-eminence of the executive over the parliament.

The legislative decree is a mechanism to reform laws based on a precise delegation by the *Cortes* to the executive. It has been mainly used to incorporate the European Union directives into the Spanish system. In the parliament of 2002 there were approved 12 delegations and subsequent legislative decrees.

When we pay attention to origin of bills in Spain we must distinguish between parliamentary bills (*proposiciones de ley*) and government bills (*proyectos de ley*). In the parliament of 2000 they were tabled 369 parliamentary bills and 175 government bills. Only 19 parliamentary bills passed into law, however 173 government bills passed into law. The rate of 6% parliamentary bills passed is much lower than the 14% of the former parliaments. By contrast the rate of 99% of government bills passed is higher than the 85% of former parliaments. The success of government bills was due to the strong majority of the Popular Party in parliament. It must be added that all decree laws were converted into law. Therefore one can state that in the parliament of 2000 most of the legislation came from the Government and even that coming from the parliament was amended according to government indications (Herrero, 1997, 53)

In the Spanish case there are three ways to increase the speed of the legislative process: the urgent procedure, the unique reading procedure, and the delegation of legislative capacity to a standing committee (Molas y Pitarch, 1987, 164). In the parliament of 2002 a proportion of 26 % of the bills were passed under the procedure of urgency, which reduces in a half the timetable. It reached a higher rate than the one of

previous parliaments, which shows once more that the government could influence the legislative process thanks to its strong majority.

The “unique reading” procedure was used with about 8% of government bills. In this case the debate and vote of the bill was solely on the floor of the House. Some bills can have both the unique and the urgent procedures, which occurred with about a fifth of the government bills. The standing committees have full legislative power by a delegation of the floor. Around 30 % of the bills were approved by committees.

One can state that the *Cortes* have been “highly active” in control activity and, as a result, the Spanish democracy has a great vitality from the accountability point of view. Control of the executive has been steadily growing in Spain and it has become very precise and specialized with time thanks to a great variety of procedures which are clearly differentiated.

In Spain questions are the most important parliamentary procedure in number, making almost 75% of the total. More than half of the control activity are written questions (WQs). Their large quantity is due to the fact that there is neither any limit nor any control by parties on the number each MP can table. Other advantages of WQs are that they are always proceeded and their answers are very precise; around 90% are answered, that is why it is considered a good source of policy scrutiny. In fact to answer these questions it takes a lot of the time of every ministerial department (Guerrero, 2004, 220). In the parliament of 2000 there were 75.326 tabled and 71.165 answered which is a high proportion. The big numbers are twice the ones of the previous parliament.

Administrative reports requested usually from the central administration also became with the time an important means of control. In the parliament of 2000 there were requested 4.697 reports and 4516 were delivered. The important number of administrative reports and questions is due to two facts. One is that the public administration is a very complex organization, the other is that the parliament cannot have enough information by its own means. (Guerrero, 2000, 164)

In the Spanish case the oral questions on the floor of the House is a satisfactory procedure although, according to Sole and Aparicio (1984,228) , it does not have the political impact that it has at Westminster. Oral questions are administered by the parties. In every plenary a total of 24 oral questions must be answered, among them three by the Prime Minister. Their number has increased in the parliament of 2000 to 2.280 tabled and 1.952 answered. Oral questions in committee have been a good way to have a specialized and precise control and they are mainly used for monitoring policies. In the parliament of 2000 there were 4.016 questions tabled and only 1063 answered. They were also important in number, but their efficacy was limited since less than a half were answered, the rest were converted into WQs

The interpellations are a traditional means of control in Spain. They have been very efficient when the opposition has been strong. Interpellations end in a vote and are administered by parties, which have a limited number every session period. Since 1983 urgent interpellations became the normal procedure. In the parliament of 2000 there were 338 tabled and 245 debated.

Interpellations can end in a motion which permits an evaluation in a second debate and vote of the government position about a policy. The efficacy of motions is closely linked to the strength of the opposition and the minority governments, being higher in those cases. That is why in the parliament of 2000 there were no many motions, only 242 were tabled but only 71 were voted. The same happens with non-law propositions on the floor (also called resolutions) that are usually tabled after a government communication. They are reserved for parties and can be debated in a

similar way as motions. There are also non-law propositions in committee. Non-law propositions play an important role and its use has been constantly increasing. In the parliament of 2000 there were 849 tabled on the floor but only 113 were debated, which is a normal number compared to former parliaments. There were also 2.369 non-law propositions tabled in committee and 510 debated, which is a high number compared to previous parliaments.

Non-law propositions and motions, which are very similar, are related to the Italian idea of *indirizzo*, which means influence in parliamentary terms. Their relevance is due to the publicity surrounding their debate. *Indirizzo* activity is very high when there is a minority government in Spain.

Hearings can be requested by the House or a committee or can be decided by the government itself. Usually they are requested by the opposition parties. In committee not only ministers but also other government members, civil servants and citizens are subject to this procedure. The number of government hearings on the floor requested in the parliament of 2000 were 77 but only took place an amount of 24 which is a low number. In committee there were requested 2.487 hearings and 1.754 took place which is also a low number, nevertheless the number of hearings of Ministers has reached a proportion of 50% which is really high. Usually less than 5% of the hearings held in committee are usually related with bill debates.

Although inquiry committees are a very powerful procedure of control, they are usually rejected by the majority. They can ask for any person to inform and since 1994 they are open to the media. Most of the times they have been created because there was an agreement among parties to set one up, but they are more effective with minority governments. There are proposals for reforming the Standing Orders in order to facilitate their creation (Sole, 1990, 382; Rubio, 1990, 387; Powell, 2000, 433; Guerrero, 2004, 216). In the parliament of 2000 there were 36 proposals of investigative committees but only one was set up. On the other hand subcommittees for gathering information about minor problems are becoming more and more relevant.

Other means of control are the vote of censure and the confidence vote requested by the government. They are not frequent in Spain. However every parliament there are some general debates, as the annual "state of the nation" debate due to a communication of the government. In the parliament of 2000 there 4 debates of the type.

THE PORTUGUESE CASE

The role of the monocameral parliament, the *Assembleia da República*, in the Portuguese political system has changed with time. Its role has been conditioned by the functions undertaken by of the President of the Republic and by its degree of institutionalization.

The Portuguese system is usually defined as a case of semi-presidentialism (Elgie, 1999, 284). Nevertheless it has particular features that enhance the powers of the parliament. For that reason it has also been considered as a case of semiparlamentarism (Oppello 1986, 292). The Constitution of 1976 established a strong position of the President in the system that in fact weakened the Assembly, but things changed due to a new equilibrium of powers caused by a constitutional reform in 1982. The President became mainly a moderator power since art.120 of the Constitution establishes that his principal function is to guarantee the regular activity of the institutions (Moreira, 1988, 26).

Actually the President is able to decide when to intervene politically, so he has a status which makes him to overfly the whole system. This is why the relationship between the President and the government (or the majority) is more relevant than the relationship between the majority and the opposition in Portugal (Lucas Pires, 1988, 285). The President, that is directly elected, has important powers. He nominates the Prime Minister, although taking into account the majority in the Assembly; he can also dismiss the government under certain conditions, he can also dissolve the Assembly and has a limited veto power over legislation. The Assembly needs an affirmative vote of the qualified majority to pass a law in the case of presidential veto. As a matter of fact since 1982 the President has a power to moderate and arbitrate, but this has diminished its capacity to lead the executive.

In terms of leadership the Portuguese system tends to be a president-dominated system of government some occasions while others tends to be a system of prime ministerial government. Although the second one is the dominant tendency after 1982 (Elgie 1988, 284), the President usually serves as safety-valve when there is a crisis in the majority formed by a coalition, then he acts according to the first tendency. This tendency reappears in particular when the majority (coalition) is just a parliamentary one but not an electoral one (Lucas Pires, 1988, 279), as it happened in the parliament of 2002. Consequently since 1982 the President has had a pivotal role every time there has been some government instability, for example in 1983, 1985 and 2005, so that the President called early elections when no workable majority was possible. In conclusion one can say with Magone (2000, 535) that the Portuguese institutional framework has an inherent semi-presidentialism that come to the fore because the parties in the Assembly are not able to build a working majority.

The central function of the Assembly in the system is due to the fact that the government is politically responsible to it and, constitutionally, has the duty to keep the parliament fully informed of government affairs and administrative actions. However the strength of the Assembly has depended historically on the progressive weakness of presidential power. The constitutional change of 1982 was the beginning of a process of a constantly reinforcement of the Assembly's position in the political system. The different constitutional reforms of 1989, 1992 and 1997 had the aim of strengthen the Assembly's power. Besides in 1985 there was a major revision of the Standing Orders. It began a process of rationalization of parliamentary procedures by enhancing the role of committees in the legislative function and introducing new opportunities for debate in the chamber. But logically the Assembly capacity has always depended on a majority that could sustain a stable government. That is why Luca Pires (1988, 302) says that the reforms were thought to shape a "governmental assembly" instead of a "legislative assembly", which means that the parliament is not really an autonomous entity.

One main feature of the National Assembly of Portugal is its recent institutionalization. It is the fact that explains its limited activity. The historical lack of institutionalization of the Portuguese Assembly was strongly stressed by Opello (1986). From his point of view the Assembly lacked autonomy because the parties were much stronger than the Assembly, even though the legislature and the mass parties appeared simultaneously. As a result the Assembly became dependent on the parties and it contributed minimally if at all to the policy process in the 80's. The way of institutionalizing the Assembly according to Opello was to parliamentarize the parties. Actually the parliamentary groups are very disciplined and are the core of the Portuguese parliament because they coordinate and control the activity of deputies. However a parliamentary group in practice is more the instrument of the party in Parliament than an autonomous "organ". Braga da Cruz and Lobo(1990, 165) have

pointed out that the subordination of deputies to parliamentary groups reveals, in the final analysis, the dependence of deputies on the parties they belong to and by which they are elected.

According to Braga da Cruz and Lobo (1990, 160) the institutionalization process began in 1986 thanks to the general demilitarization of the institutions that favors the growing supremacy of political parties and parliamentary policy. It is also the opinion of Magone (1995, 160) who adds that in 1986 the Portuguese parliament began to be professionalized and routinised. Before that year the lack of information together with the lack of material and human resources and the non-coordination of parliamentary activities prevented this professionalisation and routinisation. Only after 1992 according to Magone, the Assembly achieved a high institutionalization because the governmental stability had a spill-over effect on the stability of parliament. Finally Leston-Bandeira (1998, 142) explains that thanks to the stability of the system, in particular the one brought by the period of absolute majorities (1987-95), the Assembly has progressively developed mechanisms strengthening its role as a policymaking institution. In particular two changes have been very important: the enhancement of the role of committees, as well as the reinforcement of the scrutinizing means of government activity. Furthermore it took place the parliamentarization of parties which have the control of the parliamentary agenda through the Conference of the Representatives.

The importance of the parliament has changed considerably in the last 20 years. At the end of the 90's one can say that the Assembly has found a new role due to the fact that political circumstances have been transformed, although the main characteristics of the political system have not changed and, importantly, the party system has remained stable. Portugal has a stable moderate multiparty system with two main parties the socialist PS and the center to the right PSD. According to Leston-Bandeira (2001, 154) the Assembly evolved from a chamber oriented to a legislative function, towards an institution oriented to a legitimation function. Nowadays it is a strong institution, which means fully institutionalized and autonomous, with a central position in the political system.

In the Portuguese case we pay attention to the parliament of 2002-2005. It was linked to a instable two party coalition government that did not complete its four year term. In the elections of 2002 there was also a change of government (alternance). A socialist minority government was substituted by a coalition one formed by the center to right PSD with the conservative Popular Party. To have a coalition governments was not new in 2002 because between 1979 and 1985 there were three coalition governments. All of them have been very instable and they weakened the parliament. In the period from 2002 to 2005 the coalition was also instable and two cabinets were formed, but only the second one ended in a crisis.

In the parliament of 2002 an amount of 239 laws were passed. Among them there was one constitutional law that reformed the constitution and required the approval of qualified majority of 2/3 of the Chamber. In addition there were approved 11 organic laws. They are usually referred to some specific questions established in the constitution, such as the rule of political parties, the constitutional court, etc. They must be approved by a qualified majority of a half of the deputies. The field of organic laws has been enlarged during the 90's. That reform has enhanced the legislative power of the Assembly at the same time that made it less dependent on the majority (Leston-Bandeira, 2001.141). Finally there were approved 228 ordinary laws.

In the Portuguese constitution it is defined a legislative field reserved to the Assembly, together with another in which the Assembly can delegate to the

government. For this reason among ordinary laws there are usually legislative delegations to the government, that legislates through decree-laws. In the parliament of 2002 there were adopted 36 legislative authorizations to the government. A delegation can result in several decree laws, so there is a big number of decree-laws every parliament. There are also decree laws due to an exclusive right of the government to legislate its internal functioning and organization. In fact the decree laws usually outnumber the bills of the parliament. Between 1977 and 1993 the parliament produced 1,249 bills whereas there were up to 8,451 decree-laws. The vast majority of decree-laws consist of regulations of minor complexity (Magalhaes, 1994, 129).

The decree-laws resulting from a legislative delegation can be called to parliament for consideration, which gives the Assembly an important scrutiny power. It is enough the number of ten deputies to call a decree-law for consideration. This procedure is named *apreciação parlamentar*. The consideration leads either to confirmation of the decree-law (with or without amendments) or to a refusal to ratify. When there is a decree law called for examination, the Assembly can suspend the application of the decree law until the moment of its reform by law or the proposed amendments are rejected. Opposition parties tend to request the consideration of decree-laws because the parliamentary debate provides the opposition with a chance to publicize their own point of view on a particular government policy (Leston-Bandeira, 1998, 152). In the parliament of 2002 there were proposed 84 *apreciações*, but only 4 of them were accepted resulting in 3 laws modifying decree laws.

International treaties are proposed usually by the government as *propostas de resolução* and approved as Resolutions by the Assembly. There were 75 treaties approved in the parliament of 2002

Introduction of bills can be made as government bills (*proposta del lei*) or as parliamentary bills (*projecto de lei*) coming from MPs or regional authorities. In parliament of 2002 there were tabled 159 government bills and 544 parliamentary bills. Both numbers are high compared to previous parliaments. The number of parliamentary bills was higher than ever before. Out of the total 126 laws were originated from government bills while 27 laws were originated as parliamentary bill. In addition 19 laws were based at the same time on a government bill and one or several parliamentary bills. Consequently 79% of government bills were passed into law. It was a high rate compared with the 63% of the former socialist minority government but lower than the 90% rate of previous majority governments (Leston-Bandeira, 2001, 147)

Among parliamentary bills we must differentiate the municipal bills. Most of the municipal bills promote a town to a city status, some others propose to change the name or the territorial structure of a town. This kind of law that usually results from a general agreement among the parties account for a major proportion of the legislation introduced by parliamentary groups. In the parliament of 2002 an amount of 73 laws introduced as parliamentary bills were municipal bills. Excluding the municipal laws one can conclude that 36% of the total number of laws were introduced as MPs bills. The data shows that the role of the Assembly in the policy making had been very important.

The development of control activity is one of the features of the institutionalization of the Portuguese parliament in the 90's. With the majority governments control activity became more routine at the same time that had lost some of the solemnity ascribed to it in the first legislatures (Leston-Bandeira, 1998, 154). Before the constitutional reform of 1985 the parliament was mainly thought as a legislative institution, therefore control instruments were scarce and imprecise.

Nowadays there are a variety of them being the most important the interpellations, the oral questions, and the committees of inquiry.

Interpellations have often been considered as the principal scrutinizing means of the Assembly. they consists of a broad debate on a particular issue of government policy and they usually achieve some attention from the media. Their goal is to make the government explain its policies in parliament. The constitution establishes that each parliamentary group is entitled to two interpellations per legislative session. In the parliament of 2002 there were 14 interpellations.

Oral questions to the government have been the most criticized means of control because the infrequency of the question time and the government's right to chose the questions to answer (Vitorino, 1988, 364; Leston- Bandeira, 1998, 156). The debate of oral questions takes place every 15 days but usually the period is even longer. In the parliament of 2002 there were only 16 oral questions. The number shows the low relevance of them, in fact the public opinion has no interest on them. The Prime Minister has to go every month to answer short questions in the Assembly.

Committees of inquiry are very popular for the publicity they received in the media. They are set up by a resolution of the Assembly and enjoy wide powers of investigation, similar to the judicial ones. However they are strongly criticized because they depend on the majority and very often they remain active for a long period, sometimes more than a legislature. Their final report must be voted in the floor of the Assembly. Most of the times the committees take relevance when there is the debate about their creation ((Vitorino, 1988, 368). In the parliament of 2002 there were 18 proposals to set up a committee of inquiry but only 4 were set up. In addition there were set up 4 temporary committees to look for information about particular policies like the forest fires or the constitutional reform.

Other means of control are *requerimentos*. They are a procedure in between a written question and a request of an administrative report. They address mainly technical and administrative matters. The rate of answers traditionally has been rather low . They are also answered late. In the parliament of 2002 there were tabled 7.999 *requerimentos* from which an amount of 5.142 were directed to the central administration and the rest mainly to the local administration. Only about 52% were answered.

Some of the resolutions of the Assembly play an important role as *indirizzo* procedures. Through them the Assembly "recommends" the government to take some decisions or to formulate a policy. In the parliament of 2002 there were 242 proposals of resolution formulated by MPs with a "recommendation" to the government, but only 27 were adopted by the Assembly.

Among other mechanisms of control there are also party declarations, petitions of clarification by MPs (*Pedidos de esclarecimento*), protest votes proposed by MPs and the annual report of the Ombudsman. Most of the protest votes try to reject some governmental activities They are never adopted because the majority is against them but at least they are introduced in the chamber. In the parliament of 2002 there were 29 protest votes rejected and 6 approved. In the parliament of 1999 there 623 petitions of clarification and the in parliament of 2002 there 335 party declarations. Other procedures of control are citizen petitions directed to the standing committees in relation to the activity of the public administration. In fact they are claims but of secondary importance (Vitorino, 1988, 370). In the parliament of 2002 a number of 113 petitions were presented to the Assembly.

Other means of control more public and solemn are motions. There are different types of motions like the motion of censure, the motion of confidence and votes on the

government's program. In the parliament of 2002 there were two confidence motions approved by a majority just to give support the XV and XVI governments after the presidential nomination. At the same time there were 4 censure motions rejected that also gave support to both governments. A third type of motion is proposed by opposition parties to reject the program of the government. In the parliament of 2002 there were 6 motions of this type rejected. All these motions have a very relevant debate engaging the political responsibility of the government.

There are also some other general debates as urgency debates to discuss unexpected issues in a timely manner. and special debates such as the annual debate on the nation state (*Estado da Nação*). There were 15 special debates in the parliament of 2002. In addition there are PAOD (*Periodo Antes da Ordem do Dia*) debates. They are produced in the first part of each plenary session in which the chamber is dealing with current affairs. For example in that period the protest votes, clarification petitions and party declarations are introduced. In parliament of 2002 there were 23 PAOD debates proposed by the government. Finally there are hearings in the committees (from 1993) but they have mainly a legislative function (Leston-Bandeira, 2001, 152).

SIMILARITIES AND DIFFERENCES AMONG THE CASES

When one pays attention to formal features of every parliament one sees important differences among them. On the one hand France and Portugal have a semipresidential system and, in spite of recent constitutional reforms to reinforce the parliaments, they share the formal power with the president. In both cases the president can decide over the government's existence. However Spain and Italy have a parliamentary system in which the government is completely dependent on the parliament. On the other hand France and Spain have a "rationalization" of the government that gives the primacy to the executive. Consequently out of the group only the Italian parliament has a formal central position in the system.

The four parliaments are highly institutionalized. They have even a high degree of complexity because the four cases are committee oriented "working legislatures" (Liebert, 1990, 256). In spite of that there are some differences in relation to the autonomy of the chambers. All of them are party dependent but it looks like in Spain and Portugal there is a belief that the strength of the parties limits the autonomy of the chambers. In Spain there is a formal support throughout the Standing Orders of a few disciplined groups that dominate the parliamentary life.

In the four cases formal determinations are important but the parliament's role mainly depends on the kind of majority. There were three cases of coalition government, in France, Italy and Portugal, but it did not have the same effects on each parliament because they were different type of coalitions. Only in France the role of the National Assembly was strengthened thanks to, on the one side, the plural nature of the coalition that reduced the pre-eminence of the government and, on the other, to the cohabitation formed by a conservative president and a left majority in parliament. The coalition fragmentation in Italy and the weakness of the two party coalition in Portugal resulted in a lack of strength of the parliament. In Spain there was a strong majority that weakened the parliament. In sum one can say that centrality of all parliaments in South Europe depends mainly on the strength of the majority and on the cohesion of the coalitions.

Although we do not pay particular attention to the senates one can see that the status of the high chamber is completely different in the three bicameral cases that were considered. The Senate is a veto player in Italy but it always behaves as the low chamber since both chambers have the same majorities. In Spain and France the Senate has a limited veto power but only in France it is useful as an obstructionist mechanism when there are different majorities in both chambers.

The number of laws increased in all parliaments in relation to the former legislature. In Italy, France and Portugal it was due to an alternance in government and the need to implement a new program which required a number of new laws. In Spain it was due to a strong majority in parliament produced for the first time after the alternance that permitted a complete implementation of the government's program. However the increase of legislative production in Italy was not really impressive since former parliaments also approved a really high number of laws due to use *leggines* or small laws.

To evaluate with precision the law production of each country we should have better information about the content of the laws, the number of amendments presented and passed, etc. In table 1 one can see that in comparative terms Italy has a really high number of laws per legislature and Portugal has the low number which means a low legislative renovation. Spain and France have a similar legislative renovation but it is considered by the national analysts low in Spain and high in France. A number of 45 or 50 laws per year looks a good rate of legislative renovation. The legislative effort is a different question that should be measured through the number of proposals, amendments and interventions of both houses and to which one pays attention below.

As one can see in table 1 in the four cases there is a big variety of laws and there is a relevant capacity of the executive to legislate too. From the data one sees that there have been some constitutional reforms in France, Italy and Portugal, besides there were a number of organic laws approved in France, Portugal and Spain which modified relevant institutional matters that required a qualified majority. In Spain the number of such laws has been impressive due to the strong majority. Moreover in the four cases there is an important number of legislative delegations to the government. The international treaties are approved by law in Italy and France but not in Spain and Portugal where they have a special procedure.

The legislative capacity of the government is well established in all cases although it is some more important in Italy and Portugal than in France or Spain. There are two ways for the government to legislate. One the one hand there are legislative decrees, called ordinances in France and decree laws in Portugal. They are due to a legislative delegation and they are generalized in the four cases. They are really relevant in Portugal where 28% of the laws are used for delegating purposes. But they are not so important in number in Spain where they have a technical character as they have also in France. For example they are used for transposing European directives. On the other hand in Italy and Spain there are decree laws approved by the governments in cases of urgency that must be converted into laws by the parliament. In both countries a high percentage of laws comes from them and in Italy the percentage has been increased due to the parliamentary fragmentation. In sum in the four countries a high proportion of legislation comes directly from the government and it is even more relevant in Italy where decree laws account for 30% of the total number of laws.

If one pays attention to table 2 one can see that the number of law proposals is really high in France. It is about ten times the number of Spain and Portugal and almost twice the number of Italy. If one considers that in France only 4% of the proposals were converted into law (which is about 26 proposals per law) and, in addition, a high

number of 50.851 amendments were presented to the bills and considers also the complexity of the *navette* procedure, then one can say that there is a deep legislative stress in France. That stress explains the critic to a “legislative inflation” in France made by some politicians like L. Fabius, ex-president of the National Assembly. Obviously the legislative stress is in a big part due to obstructionist practices by the opposition. The legislative stress is more proportional in Italy than in France where around 18% of proposals are transformed into laws (with about 6 proposals per law). The legislative stress is low in Portugal with 28% of proposals transformed, and even lower in Spain where 43% of the proposals were converted into law (around 3 proposals tabled per every law approved).

The number of parliamentary bills tabled is much higher in France and Italy than in Portugal and Spain. In France it is 7 times the number of government bills. However in all cases only about 5% of laws were initiated as parliamentary bills. In the four countries government proposals were more efficient than MPs bills. The rate of government bills passed into laws is about 99% in Spain, 80% in Portugal, 46% in Italy and 20% in France. In the Spanish case the high proportion is due to a strong majority in parliament. To understand even better the differences between countries we must consider that in the case of Spain 100% of decree laws had been converted into law while in Italy only half of them. In France there are mechanisms as the package vote to improve the efficacy of government bills, but it was only used on a few occasions to protect the cohesion of the plural coalition supporting the government in the parliament studied.

In sum the legislative stress was really high in France where there was a relevant number of legislative proposals of MPs. It was caused in part to obstructionist practices from the opposition but it was also a consequence of the type of coalition that had to negotiate in parliament every bill. However the stress was lower in the countries where more laws were initiated as government bills and the government bills were also more efficient. This tendency was reinforced in the case of a strong majority in parliament as it happened in Spain.

There are some important differences about how the control of the executive is considered in every country. In France the priority is given to the legislative activity. In Italy the centrality of the parliament is mainly due to the legislative activity. In Portugal control activity has become developed only with time, by contrast in Spain parliamentary control is considered very relevant and developed. In table 3 one can see that there is a big variety of means of control in the four countries. There is more variety in Spain and less in France than in the other two countries.

As one can see in table 3 there was a big number of written questions and administrative reports requested by MPs in all parliaments. Written questions were a very important resource of control in France and Spain. In addition in the Spain the administrative reports were a relevant number as it happened in Portugal. This kind of control is exclusively in the hands of MPs that look for specific information.

Control activity on the floor is based on several procedures, all of them based on public and open debate between the government and the opposition. First there are confident votes, that are necessary for supporting a new government in parliament, and censure votes. Both types have a special procedure. In Spain and Italy there were no censure votes but in Portugal there were a number because of the weakness of the coalition. A very relevant procedure in all parliaments was oral question on the floor, similar to the British “question time”. The number is very relevant in Spain and Italy and it is really low in Portugal. Another procedure frequently used in the four parliaments was the interpellation, which is called oral question with the debate in

France. This was the most important means of control in France and it was also very relevant in Italy. In Spain and Portugal the amount was not high because there is a limited number that can be tabled every parliament. Only in Spain a interpellation finish with a vote.

In Italy, Spain and Portugal there are motions and resolutions but not in France. They must be considered *indirizzo* measures since motions that include a censure vote have a special procedure. Even though the *indirizzo* procedures are an important means of control in Portugal they were not numerous. By contrast in Spain their number was very relevant added to interpellations. In France the *indirizzo* is usually based on committee's informative reports. Consequently one can say that *indirizzo* of the government is a common feature of the four countries

Control in committee by oral questions was really important in Spain and Italy. In addition in both countries there was a number of committee's resolutions which are also *indirizzo* procedures. The number of hearings as a control mean was only important in the Spain. In France, Italy and Portugal the hearings have mainly a legislative purpose. In sum just Spain and Italy have a specialized type of control due to committees activity and it is more relevant in Spain.

Inquiry committees were very numerous in France but without relevance in Spain. This difference is due to the fact of the plural nature of the French coalition and the strong majority in Spain. In all cases committees of inquiry are used for informative purposes because they depend on the majority.

In conclusion in all countries there is a variety of means of control and in Spain and Italy they are used in a high number. Control in the floor is the most extended activity in all cases but in Italy and Spain control in committee, which is more specialized, is also very important. In Spain and France there were a relevant number of written questions. In all cases there were some *indirizzo* activity, even in the Spain with a majority government, but it was less relevant in France than in the other cases because motions or resolutions can not be adopted.

CONCLUDING REMARKS

In the case of South Europe there is not a distinctive model since the parliamentary regimes are not sufficient similar to each other and sufficient different from other parliamentary systems, nevertheless France, Italy, Spain, and Portugal share some important common features.

All parliaments play an important role in the political system, especially when there is a coalition government as it was the case of Italy, France and Portugal. From the viewpoint of the activity one can say that the four parliaments are "moderately active" according to Norton's typology. In fact 5% of laws were originated as parliamentary bills in all of them. It is also true in the case of Spain even with a strong majority in the *Congreso*. If we consider the control activity, then the Italian and the Spanish cases can be classified as very active.

In the four countries there is a great variety of laws and in all of them the parliament usually delegates in the government the legislative activity, so that the executive can legislate directly. Italy and Spain are characterized by the large capacity of the government to legislate in case of urgency by using decree laws. The main difference between countries is the big amount of laws produced in Italy, due to the use

of *leggines*. By contrast Portugal has the lowest activity in legislation and control over the government. The lack of development of parliamentary activity in Portugal can be explained by the late institutionalization of the parliament.

There are some differences in relation to the amount of legislative proposals tabled between Italy and France on the one side and Spain and Portugal on the other. The number is significantly low in Spain and Portugal. In the Italian case we can think about a proportional relationship between the number of proposals and the number of laws, however in France the high number of proposals and amendments can only be explained by the existence of a legislative stress due to obstructionist practices, that leads politicians to criticize the high legislative activity of the parliament.

The parliaments of France and Portugal are mainly oriented towards legislative activity while the parliaments of Italy and Spain have developed a big variety of control mechanism that they use constantly. A good example of it is the important activity of control carried on in the standing committees. At first sight it looks like the centrality of Italian parliament is based on its legislative activity but in a comparative perspective one can state that its control activity is even more relevant.

There is a big amount of *indirizzo* activity in all cases through a variety of procedures. By motions and resolutions voted on the floor of the House in Portugal, Spain and Italy, by resolutions in committee in Spain and Italy and by informative reports of committees in France the parliaments give orientation to the governments about the policies implementation.

TABLES:

Table 1: Legislative production

	France 1997-2002	Italy 1996-2001	Spain 2000-2004	Portugal 2002-2005
Total number of laws ^(a)	227	633	246 ^(b)	177 ^(c)
Constitutional laws	5	6	0	1
Organic Laws	11	---	41	11
Ordinary laws	211	452	151	155 ^(c)
Decree laws	-----	181	51	-----
Delegation laws	6	55	12	50
Legislative decrees	77 ^(d)	177	12	84 ^(e)
Laws from the executive ^(f)	77	356	54	84
International treaties	210	281	277	75

Source: www.assemblee-nationale.fr; www.camera.it; www.parlamento.pt; www.congreso.es

(a) Included decree laws and excluded international treaties; (b) included legislative decrees (c) 73 municipal laws excluded; (d) Called *ordonnances*; (e) Called decree-laws; (f) Decree-laws plus legislative decrees

Table 2: Bills ^(a) tabled and passed in the low chambers

	France 1997-2002	Italy 1996-2001	Spain 2000-2004	Portugal 2002-2005
Total number of proposals	5806	3572	544	624 ^(b)
MPs bills proposed	5103	2666 ^(c)	369	465 ^(b)
MPs bills passed in Assembly	118	96	19	27 ^(b)
Government bills proposed	703	907	175	159
Government bills passed in Assembly	143	415	173	126
% of laws as government bills	63%	65%	74%	71%

Source: www.assemblee-nationale.fr; www.camera.it; www.parlamento.pt; www.congreso.es

(a) International treaties excluded ; (b) Municipal bills excluded; (c) Estimated

Table 3: Control activity in the low chambers

	France 1997-2002	Italy 1996-2001	Spain 2000-2004	Portugal 2002-2005
Written Questions	62.565	11.448	71.165	-----
Administrative reports	----	-----	4.516	4.159 ^(g)
ON THE FLOOR OF THE HOUSE				
General debates	18	n.d.	8	15
Censure votes	2	0	0	4
Confidence votes	1	4 ^(a)	1 ^(a)	2
Government hearings	----	-----	24	23 ^(b)
Oral questions	1.719	2.691	1.952	16
Interpellations	3.365 ^(c)	1479	245	14
Motions	----	148	71	6
Resolutions	----	140	113 ^(d)	27
IN COMMITTEE				
Oral questions	----	3.567	1.063	-----
Resolutions	----	255	510 ^(d)	----
Informative reports	340	---	---	----
Hearings	1.047 ^(e)	n.d.	847	820 ^(e)
Inquiry committees	15	5	1	4
Informative committees	6	----	4	4

Source: www.assemblee-nationale.fr; www.camera.it; www.parlamento.pt; www.congreso.es

(a) Investiture vote; (b) PAOD debates; (c) Called oral questions with debate; (d) Called non-law propositions; (e) Most of them are legislative hearings; (g) estimated

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