

Different comparative approaches in the study of parliaments

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ABSTRACT:

This paper considers different approaches developed in the study of parliaments from the perspective of comparative politics. One is the traditional formal approach based mainly in legal considerations of the legislative process. In the 80s a new paradigm emerged that paid attention to the functions a parliament can accomplish. It also was interested in structural aspects of legislatures. Since the end of the twenty century a new analytical perspective has been developed that is based on two main theories the neoinstitutional analysis and the rational choice. Consequently new approaches have been developed by game theory, principal-agent theory and legislative agenda setting. A different analysis is given by historical institutionalism.

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1.- INTRODUCTION

For years students of parliaments have been asking the same questions about how are parliaments organized?, how are members chosen?, what are the links between representatives and the represented?, what do the parliaments do?, how much influence have interest groups, political parties, constituencies 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 the government or stabilizing the regimes? (Patterson and Copeland, 1994:2). And more questions can be added, for example one can ask about parliamentary reforms or if there are new functions for parliaments. However the way these questions are answered is different when taking one theoretical point of view or another. As a matter of fact every theoretical framework directs us to formulate different hypothesis, and more than that to do research in a particular way. That is why the aim of this paper is to identify the different perspectives of theoretical study of parliaments.

Nowadays the study of parliaments is very well developed since it is considered a key institution in the policy making, though sometimes it plays a basically formal role in the political system. It looks like with time the knowledge about the parliament has increased and sophistication of analysis has become bigger and bigger. The analyses are more precise with new research techniques. In this paper one wants to consider the main frameworks of analysis in comparative politics that have been developed in the last decades for the study of parliamentarism. The goal is to identify the principal topics and proposals they take into consideration and the problems they find as the most relevant in the study of parliaments.

Taking the analysis of P. Norton made at the end of the 80s in this work we will consider, first, two main developments in the study of parliaments produced up to the end of the twenty century. One is the traditional formalistic approach; the other is what Norton called the new multifunctional paradigm. The formalistic one is now included under the umbrella of the new institutionalism as a partial element of analysis. The new paradigm has influenced a lot of studies on parliaments made during the 80s and 90s, and even nowadays has something to say to understand the functionality of parliaments, Finally there is a new development in the study of parliaments that began at the end of the twenty century as a consequence of the rational choice revolution in political science based mainly in what is called new institutionalism.

2.- THE FORMALISTIC APPROACH

The formalist approach is based mainly on legal considerations of the legislative process. Once the executive became the decision taker of the political system this type of analysis evolved toward a theory of "the decline of parliament". As Norton (1990: 2) explains it corresponds to a restrictive paradigm established since at least the seventh century based on the principle that the main task of a parliament is that of "law making" or "law giving". This

task is central for the development of the works on separation of powers of Locke and Montesquieu in which the identification of a law-making body, the legislature, distinct from the body for executing the laws, the executive, was central. A second principle that is linked to the first one and produced in the XIX century is that the best legislature is the one composed of men of independence, both in thought and means. It means that they can deliberate free of vested interests and the restrictive demands of an uninformed mass.

Lord Bryce after the First World War elaborated the theory of “the decline of the Legislatures”. It was in fact a general perspective of an entire generation of observers (Norton 1990:2). From the liberal perspective of Lord Bryce the nineteenth century was considered as a period of golden age of Parliament but, with mass democracy and the development and growth of parties, the Parliament entered in a spiral of decline. According to Bryce power was passing to executives and to electorate and the political parties was the conduits for this shift of power.

The point of view of that analysis was centered on the decisional function of parliaments, in its capacity of decision making of public policy. In the twentieth century public policy has increasingly been initiated and formulated, - and in effect, made- usually by the executive. The relevance of the executive in the policy making has increased due to the consequences of two world wars, the economical crisis and the development of the welfare State. During the twenty century the executive was in charge of a numerous amount of new activities that increased its power. What happened is that the executive has not reduced the power of parliament as in zero sum game process; on the contrary the parliament has increased its activity although not at the same pace of the executive. It is also true that not all the cases are similar, for example the US Congress increased its power at the same pace as the executive. There has no been decline of the US Congress that is nowadays acknowledge to be one of most powerful legislative bodies in the world (Wheare, 1981:224, Patterson and Copelan, 1994:3).

The concept of decline remained current in the 1970s (Wheare, 1981). Under the formalistic approach now in the hands of constitutionalists the study of legislatures remained on executive-legislative relations and in particular on the impact of the legislative procedures on policy making by the executive. A particular focus of interest is the legislative capacity of the executive, in fact part of the legislative activity is now in the hands of the executive via legislative delegation or law- decrees. From the political science perspective nowadays formalistic considerations should be integrated in a bigger analytical perspective that is the new institutionalism.

2.- THE NEW PARADIGM APPROACH

In the 80s a new paradigm emerged in the study of parliaments explained by P. Norton (1992). Its roots are mainly functionalist and pays attention to the different functions that a parliament can accomplish. With the new paradigm there was also developed a structural

study of parliaments, in particular the study of parliamentary groups, committees and the different patterns of bicameralism.

In spite of the apparently decline of parliaments the new paradigm found that in fact we are living in the “age of parliaments” in the late twenty century since new parliaments abound in the aftermath of the collapse of the authoritarian regimes in communist regimes and the military rules in Latin America and Asia. In addition there were created a number of new regional parliaments in federalized systems. Now we are living in a world of remarkable reestablishment, reinvention and transformation of parliaments around the globe. In addition the new paradigm found that parliaments are subject to exogenous political forces- organized interest groups- that foster a substantial institutional change, making MPs more participative in public policy-making. As a consequence parliaments are stronger nowadays than ever before. Its institutional robustness develops from changes in the external world of parliaments, in the growing interest group infrastructure, in the cementing of linkages between the representatives and the represented and in the weakening of the executives (Patterson and Copelan, 1994:11).

Consequently in the 80s and 90s there was a significant increase in the quantity and quality of works on parliaments that widen the study of legislatures beyond that of their observable impact on the making of public policy (Norton 1990: 3). The result has been a paradigm change that sees legislatures as more than mono-functional bodies. It is considered that legislatures variously fulfill significant regime-support functions. Study of these functions has moved the focus away from that of the relations of legislative to executive to that of legislature to the citizenry.

Some studies extended understanding of the functions of legislatures beyond that of policy-making, in particular on the relationship of the legislature to the political community (legitimation). In this way it is remarkable in particular the analysis of Mezey. Pakenham’s work has been especially valuable for identifying the multifunctional role of the legislatures (Norton: 1990a:12). He identified eleven functions of parliaments, including the “safety valve” and “tension release” functions. This classification permits to compare among parliaments and also understand the evolution of a single parliament. This classification has provided students of parliaments with essential hypothesis for the analysis of parliaments during th90s and the change of the century (Olson and Norton, 1996; Norton, 1998).

In the new paradigm the executive-legislative relations remains relevant and writings on the topic have been extensive. In particular the work of A. King has been very influential. It identifies different patterns or modes of executive-legislative relations in parliamentary systems: the inter-party mode in majoritarian governments, the interparty mode in coalition governments and the opposition mode and the non-party mode in all kind of parliamentary governments. This approach is based on the idea of party government that is crucial to the theory and practice of modern liberal democracy both in parliamentary and presidential systems. The party government implies that all major governmental decisions must be taken by people chosen in elections conducted along party lines, that policy must be taken within the governing party when there is a monocolour government, or by negotiation among parties when there is coalition, and that the highest officials like ministers and the prime minister

must be selected within their parties and responsible to people through their parties (Blondel and Cota, 1996:2).

The partyness of government also implies that when a single party obtains a majority of seats a parliamentary system is very hierarchical and generates a “fusion of powers”, that was described by Bagehot in the nineteenth century. In that case the leader of the majority concentrates the power and the cabinet gains autonomy over the backbenchers. The fusion of executive and legislative is extended to a fusion of party and executive. Lijphart calls it “the Westminster model” based on executive dominance (Lijphart, 2000:23). In the absence of a majority a parliamentary executive may be held by a coalition that jointly controls the assembly majority, in which case the cabinet survives as long as this majority remains together. Alternatively, a minority government may form, in which case the cabinet remains in place as long as the opposition does not combine forces against it. These non majoritarian variants of parliamentary government are transactional in terms of the relation of parties to one another, because a bargain between two or more parties is necessary for a government to originate and survive in office (Shugart 2006: 354).

Presidential systems is a variant of democratic government. According to Lijphart the main distinction between parliamentary and presidential systems is not based on relations executive-legislative since they both work in a similar way (Lijphart,2000: 126). However what can be considered relevant is how constituent interests are translated through the electoral process, since both branches of government have distinct delegations from voters and are elected separately. In the case that the two branches share identical preferences, what means that are controlled by the same party or coalition, there is a total presidential dominance. The system would resemble a hierarchy with no interbranch transactions. However in the case of divergence of preferences between the branches, what means different parties in control of every branch, a divided government is established that only can function on the basis interbranch bargain. The reason for interbranch transactions in presidential systems lies in the need of the president to accomplish any agenda. In some cases like the Latin American countries the presidents bargain over the formation of cabinets in order to develop a more stable interbranch relationship (Shugart, 2008:355).

Since the political parties are at the core of the political process in any liberal democracy, parties can be considered as the pivotal actors with respect to decision-making and policy-making. As a consequence they are the lynchpin of the day-to-day practice of parliamentary democracy. Parliamentary parties in or out of government are the necessary instruments of parliamentary business and a stabilizing force within parliament (Heidar and Koole. 2000:1). In functional terms parliamentary party groups can be considered from five different points of view. First the degrees to which parties act cohesively to enact party policies; second the organization of government in both formation of governments and policy-making; third in relation to system functions such as legitimacy, base for governments and efficiency in decision taking; four, public scrutiny; and five, relations with extra parliamentary organization (Heidar and Koole, 2000a:5)

Committee system became a structural characteristic of institutional development of parliaments and has a functional nature. Committees are microcosms of the larger assembly

and are mainly vehicles of specialization. It is one of the features of internal legislative organization that has received the most scholarly attention (Strom, 1996:65). They have different functions: economies of operation because division of labor throughout them, gains from trade since it is a locus for negotiations, information acquisition because of their specialization and partisan coordination since they are the extension of party power (Mattson and Strom: 1996:250).

Committees are very relevant in particular in the case of presence of multiple parties in a parliamentary democracy with coalition or minority governments. Since each party has an interest in monitoring the government, it results in a legislative committee system that gives backbenchers a notably great role in scrutinizing and amending government bills. The two most important functions of legislative committees are the making of decision with regard to legislation and oversight executive actions in such a way that it affects what is done (or not done). In the Nordic countries for example committees are very important instruments for members of opposition parties in influencing and controlling the government (Damgaard: 1997: 100)

Finally another relevant topic developed according to the new functional paradigm is related to the patterns of bicameralism. One work very relevant in that field was the one of Mastias and Grangé related to Western Europe in 1987 that has a systematic study of the senates. In that work it is paid attention to the representative nature of the senates that is territorial in most of the cases, in particular in federal or decentralized states, and the main function usually as a chamber for a second reading of laws. More elaborated is the analysis of Lijphart (2000) that distinguishes between strong and weak bicameralism depending on they have the same party structure (congruent/incongruent) and the same legislative power (symmetric/ asymmetric).

3.- THE NEO-INSTITUTIONAL APPROACH

At the end of the XX century there was a change in the analytical study of parliamentary government based on two main new perspectives. One is the neoinstitutional approach that considers institutions as determinant of the decision making process. The second is the rational choice approach that takes into account mainly the dynamics of parliamentary actors both individual and collective. Finally both of them conflate into the rational choice institutionalism. However there are two schools on new institutionalism: the rational institutionalism and the historical institutionalism.

New institutionalism is different from the formalist approach though both take institutions as the main object of study. Institutionalization has been a main topic of the political development of the 70s due to the rediscovery of the relevance of state structure and its political autonomy from civil society. Huntington (1990) formulated a seminal work to evaluate political institutionalization identifying adaptability, complexity, autonomy and coherence as the main characteristics. As an example of the influence of this analysis in the

study of parliaments is the work edited by Copeland and Patterson in 1997. They explained clearly the nature of parliaments: they are institutions that institutionalize democracies. According to them a highly institutionalized legislature exhibits autonomy, formality, uniformity and organizational complexity.

Now it is difficult to understand legislature and other government structures without taken into account their institutional characteristics. Neoinstitutionalism implies a commitment to institutional rules and explanations of political behavior. It also presumes that institutions themselves can be explained in terms of goal oriented human behavior (Strom 1996:77). More than that as we will see below today there is a need for improved understanding of the process that translate political action into institutional change, and better knowledge of how an existing institutional order impacts the dynamics of change and what other factors can be decisive (March and Olsen, 2008:16).

A) The rational choice approach

According to Strom (1996:52) the new institutionalism in rational choice analysis emerged as a reaction to the poverty of prevailing conceptions and the lack of analytical explanations to account for institutions in a rigorous, plausible and systematic way that would allow us to understand their impact on legislative decision making. The rational choice approach considers institutions like the parliament as the outcome of individual's actions since political agents are considered to behave rationally, but at the same time this approach considers that institutions affect what people (actors) do. There are two type of analysis that rational choice makes about institutions being the main topics: rules of the game and institutional equilibrium.

On the one side institutions are considered the rules of the game: they determine what actors can or cannot do and the consequences of various possible actions. In fact in rational choice institutions are studied in a context structured as a game form -as we will see below. Under this point of view what is the most important perspective is to see how agents affect institutions. In other words the object under consideration is the rational behavior of actors. More precisely, as the rule of the game an institution is considered a script that names the actors, their respective behavioral repertoires (or strategies), the sequence in which the actors choose from them, the information they possess when they make their selections, and the outcome resulting from the combination of actors choices (Shepsle ,2008:24)

On the other side institutions can be considered as equilibria, they are the outcomes of the interactions between actors determined by their preferences. Institutions are simply equilibrium ways of doing things, the way in in which the players want to play. The object under consideration in this case is equilibrium analysis. They introduce coordination around the actor's arrangements. From the rational choice point of view institutions affect agent expectations, reducing uncertainty when taking decisions. Institutions structure the system in which actors behave, open up some possibilities and foreclose others. According to Eriksson (2011:155) they affect the real payoffs of different actions and reduce the uncertainty about

the outcomes of these actions. Not only institutions exist as equilibrium outcomes of agent's strategies, they are also a stable pattern of strategies; in the case of parliaments they are formal patterns that help actors to define their strategic behavior. To produce equilibrium institutions are deliberate creations and the result of cooperation as expressed in the prisoner's dilemma. They serve the interest of the actors. From this point of view institutions like parliaments have a functional nature, they are deliberately created by actors because it is in their interest: they organize the decision making process. On the one side parliaments as such shape the equilibrium among political actors, on the other side parliaments formally produce institutions (laws) that reflect particular equilibrium situations.

From the rational choice point of view there is also a theory of institutional change. Institutions are stable structures because are the result of an equilibrium and nobody has the incentives to change them, given the distribution of preferences and power. But in fact they are stable so long as the equilibrium between individual strategies holds; more than that the institutions tends to be more stable, the more the relevant actors benefit for it. Institutional change is the result of an equilibrium crisis that produces a new distribution of power among actors. After elections a parliament reflects the new equilibrium and, if it is the case, permits the change of the status quo.

However institutional change can be considered as nonstop process. In fact the analysis of institutional stability and change from the rational choice perspective has another different theoretical point of view. It distinguishes between two moments: the situation before a particular institution has been created that is different from the situation once it exists. In addition, as we saw before, once an institution has been formed it becomes part of the background that specifies available options and their consequences (Eriksson, 2011:159). As a consequence institutional equilibrium is always unstable and Institutional stability or change can be explained by different conditions. One is transition costs of change that might be very high, other is learning effects and a third one is adaptive expectations. It is obvious that with repetition actors learn how and institution can be handled and adapt their actions to it in ways that help make expectations about the institutional functions come true.

In relation to the study of parliaments an interesting distinction of the rational choice is among structured and unstructured institutions (Shepsle 2008:27). Structured institutions like parliaments are formalized while unstructured are amorphous and implicit like coordination activity, cooperative arrangements and collective action. Parliamentary conventions are an example of unstructured institutions. The main part of rational choice institutionalism is related to structured institutions.

According to Shepsle (2008:28) among the topics considered by structured institutionalism that shapes the whole process of democratic preference aggregation we can find five features. First electoral systems or the way actors are elected but it takes also into account that politicians behavior is determined by the fact they are elected. Second, policy outcomes that derive from the process of selection of politicians, or in other terms, it should be considered that policy is made by office-oriented politicians in order to win elections. Third, politician behavioral repertoires (strategies) that are delineated by institutional rules and processes, for example in the legislation game the procedure is always precisely defined. In

addition the policy outcomes are clearly implied by the configuration of rules. Four payoffs may be inferred from objective functions of politicians that can be oriented toward policies or offices. Finally, there is the electorate preferences in terms of agency problems (see below) .

B) The game theory

Game theory is formally a branch of mathematics developed to deal with conflict of interest in social sciences. In particular it has been very relevant in political science since it studies strategic situations. As a matter of fact one usually finds formal models in political science reviews. It is a part of rational choice theory that focuses particularly on the strategic aspects of decision making. A game is a situation involving two or more actors (players) in which the interest of the players are interconnected or interdependent. Underlying the entire structure of game theory is the key assumption that players in a game are rational or utility maximizers. Rationality simply means that a player in an interactive situation will act to bring about the most preferred of the possible outcomes, given the constraints that other players are also acting in the same way. The basis of the analysis is the classical choice theory, more precisely the preferences of the actors transformed by the utility theory.

The heart of contemporary “formal political theory” is non-cooperative game theory. The basic analysis is of normal form games with complete information sustained under the typical solution of Nash equilibrium. A more elaborate analysis refers to normal form models in which agents are uncertain about the payoffs associated with different strategy combinations. It is a game of incomplete information. More than that, there are dynamic, multistage games with or without complete information for players. There are also repeated games as object of study. A relevant part of game theory is the process of bargaining (McCarty and Meirovitz, 2007)

A game in a normal form in which agents have complete information assumes that all elements of the game -players, strategies and payoffs- are known to all players. In every game it is assumed that there is individual rationality in term of preferences that can be ordered, in addition the preferences are complete and transitive. Completeness refers to the fact that an individual can compare any two alternatives with each other. Transitivity refers to the fact that confronted with three options, if a person happens to prefer X to Y and Y to Z , then the person also prefers X to Z. A game model as also a solution related to the fact that can be made conjectures about the possible outcomes when the game is played by rational actors. One well known solution concept is Nash equilibrium. It refers to a play in which none of the individuals can secure a more preferred outcome if the others stick to their strategies. A game under normal form has consequently a characteristic situation consisting in, first, a set of individuals; second, a set of strategies available to each individual; third, a procedure that assigns an outcome to each possible combination of individual strategies; and finally the individual preferences regarding a set of possible outcomes (van Hees, 1997:56).

From the institutional perspective games are played taking into consideration three dimensions. One is the institutional structure that establish constrains within which actors act an interact. Those constrains are related to individuals (who can be an actor), their strategies (what can and cannot be done) and their preferences. Another is the procedural dimension that refers to mechanisms which systematically transform the actions taken by individuals into particular results. They link individual strategies with outcomes. Structural and procedural aspects of institutions are described by the game (weather in normal or extensive form). Finally, the third dimension is the behavioral related to the way players act. It is captured by the solution part of the game (Van Hees, 1997: 62).

Game theory is a reductionist approach in institutional analysis (Van Hees, 1997:61). In this way it helps to model the various dimensions of institutions in a coherent and systematic way. It helps to understand how decisions are taken in an institutional context considering the way players act. Game theory provides a tool for endogenous treatment of institutions. What is the most relevant aspect form game theory is that it presupposes that agents act according to their preferences, maximizing its utility. Then game theory helps to understand in a specific way how agents act in strategic situations under the base of their preferences. It explains what rational strategies are for every agent who knows that other agents are trying to maximize their utility. It finally gives the equilibrium situation in which any of the agents can increase its utility modifying unilaterally his strategy. In sum the game theory permits, first, identify relevant players, second their preferences, third the information players have, four the strategies they can play, and finally the equilibrium that results in by a combination of strategies.(Sanchez-Cuenca: 2009,10).

Parliamentary activity can be studied under the game theory. Both the legislative process and the scrutiny process can be considered as games. In fact every parliamentary procedure can be studied as a game since there is competition among different actors such as MPs, parliamentary parties and even among formal institutions such executive vs. legislative, the plenary vs. the committees. One field in which the game analysis as been highly developed is related to parliamentary coalitions.

In the game theoretic tradition coalition formation has been one of the dominant analytical frameworks based in the bargaining process. It is also at the core of the party government theory. The ability of political actors to form successful coalitions is essential to representative democracy. In fact political parties are in themselves political coalitions of individual politicians who run for election under the same label. There are different types of coalitions. The most studied are government coalitions in parliamentary systems based on parties, because they are related to the control of the executive power. Those coalitions have two strategic facets for actors, one is office seeking, the other is police seeking. Coalition formation in presidential systems is also very relevant, in that case the analysis refers to legislative coalitions centered in supporting legislation, and they are mainly oriented to policy seeking.

Coalitions can be made on one issue or bill at a time or can be much more durable or comprehensive. To formalize a stable coalition is a survival strategy since it enables politicians to influence government decisions, earn trust of non governmental actors, and maintain good

long-term relations with voters while paying relatively low transactions costs (Strom and Nyblade, 2007: 785). Coalition formation is mainly explained by the bargaining theory that is one of the topics central to game theory. The classic theory of bargaining is the W. Riker's theory of political coalitions that applies the utility principle of von Neumann and Morgenstern to political situations. Riker's analysis centered in the size aspect of coalitions and predicted that coalitions tend to the form of "minimal winning coalitions". Based on cooperative game theory, Riker modeled the formation of coalitions in a zero-sum bargaining game, in which participants divide and share something valuable to each of them, and will form a coalition as large as they believe will ensure winning and no larger. According to this viewpoint undersized coalitions will be vulnerable and oversized coalitions have the problem that their members will find payoffs too thin.

However the real world is different from what predicted Riker, for example it is very common to see in Europe oversized coalitions and minority governments. Axelrod and De Swaan gave policy a central role in the study of coalition bargaining to form a government. In their analysis policy coherence is the attribute that actors attempt to maximize. As a result of this analysis the general behavioral assumption in the bargaining process is that ideological connected coalitions will have lower conflict of interest and are easier to form. These theories incorporate policy preferences over policy matters in modeling the bargaining game of coalitions and ideology and party program became part of the bargaining process evaluation.

Since policy and ideology are considered central to form a coalition the analysis finally rests upon the spatial bargaining logic of Downs that emphasizes the advantages of centrally located preferences in unidimensional or multidimensional policy spaces. Consequently the spatial analysis explains that coalitions tend to form around the median party, as for example the 80% of government coalitions formed in Europe between 1945-1980. The extreme parties never are part of a coalition and in the case there are extreme parties in a coalition, it is very instable.

These models emphasize how both relative size and central policy preferences enhance parties bargaining power. In practice a large, centrally located party with many potential coalition partners may be in a position to form a government on its own because, in non-majority situations, the greater the bargaining power of the dominant player in coalition the smaller the government is likely to be. The concentration of bargaining power in one party makes minority government more likely to minimal winning coalitions and even more so relative to surplus coalition governments (Strom and Nyblade, 2007:790).

A very relevant topic of coalition formation is related to the multidimensional nature of policies. Multidimensionality with a multiparty system or in legislatures with low party cohesion drives to circular vote an chaos. However it is possible to predict coalitions in multidimensional situations. In this case the structured induced equilibrium plays a relevant role. For example, in case of legislative coalitions, the committees system induces equilibrium by introducing policy specialization. Specialization means that each committee deals with only one single dimension (Laver and Schofield, 1991: 127). It is also the case with bicameralism.

B) The principal-agent theory

The agency theory makes possible to formulate hypothesis about the structural way democracy works and in particular about parliamentary democracy. Agency process is based on delegation and accountability. The delegation of power goes from a principal to his agent; the responsibility goes from the agent to his principal as a logical consequence of the delegation. Agency theory considers that both principals and agents act rationally on the information available to them. In this scheme principals face information scarcities and information is critical to know what agents are doing with the delegated power. Another characteristic is that in the agency relation the principal's preferences are privileged (Strom 2003:60)

The principal-agent theory is based on economic theory of choice and behavior. It assumes that actors are interest-maximizing and opportunistic (Braun and Gilardi, 2006:4). Rarely is a completely harmony between the principal and its agent, only it is usual between the executive and its single party majority in a parliamentary government. Most of the time there is conflict of interest between the two actors, for example between the cabinet and the opposition. An immediate implication of the conflict of interests is that the agent will systematically try to maximize his own interest instead of that of the principal. Another important assumption of the agency structure is that information is asymmetrically distributed between the two actors, typically being in favor of the agent. As a result of the conflict the delegation can produce agency problems. Agency loss occurs when agents are not perfect and take action different from what principals would have done if they have done the job themselves (Lupia 2003:35). In sum, agency loss is a consequence of divergences between principals and agents as well as asymmetric information.

Agency problems under incomplete information may take the form of hidden information or hidden action. These cause two main problems for the principal: one is adverse selection, the other is moral hazard. Adverse selection occurs whenever the principal selects the wrong agent because has not the appropriate skills or preferences. Moral hazard occurs when the agent once selected have incentives and opportunity to take action contrary to the principal's interests and cannot be perfectly monitored by the principal. These problems could only be avoided if the agreement of the principal and the agent could be fixed in perfect, complete contract. However a contract of this kind is not possible since contingencies that have not been planned inevitably arise. The principal's problem is then to prevent the agent from shirking.

Adverse selection is in the core of the study of political representation. To select the good agents is the primary democratic challenge. Moral hazard is dependent on significant parameters of delegation such as the discretion of politicians, the spoils under their control or the strengthens/weakness of oversight mechanisms (Strom 2003:88). Delegation process usually has different stages depending on the model of democracy. In parliamentary democracy there is a chain of delegation of four stages, one is from voters to parliamentarian's, another from parliamentarians to the cabinet and its chief executive, another from the cabinet to the ministers and, finally, from the cabinet members to the civil

servants. In a presidential system there is a first and basic delegation from voters to the congressmen and from the voters to the chief executive. There is a second delegation from the president to the ministers or state secretaries and a third from them to the civil servants.

To counteract the dangers of agency loss the chain of delegation needs to be coupled with political accountability mechanisms by which politicians can be checked and if necessary removed. Accountability implies that principals can control agents, it means that they have the right to demand information to agents and a capacity to impose sanctions. There are four institutional mechanisms that permit principals to control their agents. One is the contract design, another is screening and selecting mechanisms of agents the third is monitoring and reporting requirements and the fourth is institutional checks. The former two are ex ante mechanisms for containing agency losses and permit the principal to learn about the his agent before she acts and look for the best agent. The other two are ex post mechanisms of control that permits the principals to learn about agent's action after the fact.

By means of contract design there is an agreement by which it is established shared interests between principals and agent. When the agent offers a contract like a legislative program reveals things about himself that help the principal to limit the extent of agency loss. By means of the screening mechanism the principal sort out good agents from bad ones and it usually implies a process of competition between potential candidates that helps the principal to choose her agent more effectively. By means of the selection mechanism the agent demonstrates his suitability. In parliamentary terms the selection of agents goes beyond legislative recruitment. It also includes "candidate selection" that is in fact the most important stage in the general recruitment process, usually developed within particular parties (Hazan, 2002:109). Electing parliamentarians depend on electoral institutions that are complex and subject to manipulation or engineering. The ex post mechanisms of control are based on three ways to gain information about agent's action: direct monitoring, attending what the agent says about his activities and attending a third party testimony about agent actions (Lupia, 2003:49).

C) The agenda setting approach

Agenda setting constitutes one of the most significant contributions of rational choice institutionalism to the study of legislatures. It is a theory for the analysis of legislatures linked to the public choice revolution. It is a key issue in understanding the structure of legislature power that considers legislative institutions as means of the agenda formation with policy consequences. In its main premises legislative agenda setting is linked to understanding preference aggregation problems referred to the ways in which a group preference can be inferred from the preferences of individuals, such as legislators. While a person can have complete and transitive preferences over a set of alternative outcomes, the same cannot be true with respect to groups such as legislators, as explained by the well known Condorcet paradox. The paradox tells that a voting cycle can occur with as few as three players and three alternatives. In a voting cycle a position A can be preferred to another B that can be preferred to another C that at the same time can be preferred to position A. The likelihood of collective

preference cycles increases with the number of players and the number of ordered outcomes (Strom 1996:56). Given the cyclical nature of voting systems they can be subject to strategy and a self-interested agenda setter can manipulate the voting process as to put his own preferences in a better position.

That is why in the US Congress legislative parties specialize in controlling the agenda rather than in controlling the votes. Parties seek first to determine what is voted and second pressure on determining how their members' vote are cast. In terms of Cox and McCubbins (2004) the legislative agenda is cartelized by members of the majority that want to monopolize it. The way to cartelize it is by controlling agenda setting powers that are delegated to committee chairs, the speakers or chamber presidents and the legislative rules. Agenda setting powers means any special ability to determine which bill should be considered on the floor and under what procedures. By forming a procedural cartel the senior officers can exercise a "positive agenda power" that is the ability to ensure that bills reach a final passage vote on the floor, even though these bills ultimately may not pass, or "negative agenda power" referred to the ability to prevent bills from reaching a final passage vote on the floor. In addition to cartel the agenda it is considered that legislating in the US entails overcoming an array of cooperation and coordination problems in particular managing the party to obtain a cohesive vote in Congress, which is a collective action problem. The agenda power theory formulated in those terms in practice is trying to explain who seizes agenda control, how they keep and exercise it and at the same time what factors determine voting cohesion.

In presidential systems like the one of the USA where the executive is directly elected with its own source of legitimacy, the legislative agenda is controlled by the Congress and legislative activity is based on legislative agreements. Political parties are weakly organized and less cohesive and members of Congress usually work together across party lines. That is why party leaders have to work in maintaining cohesion and the agenda control resides in legislative committees, directory boards and presiding offices. However in parliamentary systems in which the success of the government or even the investiture depends on the support of a majority of votes in parliament, parties have to be strongly organized in order to ensure stable majorities to support the government. In that case the control of the agenda is in the hands of the government, usually cabinet ministers that are dependent on the confidence of the legislature. Even with coalition or minority governments in which the government depends on parties the possibility of MPs for voting with opposition and out of party lines is restricted by party discipline.

The result is that in parliamentary government the executive is the key player in the legislative process since he usually controls the majority and thus the floor of the house. The government sets the policy agenda, introduces legislative bills and gets initiatives accepted without major problems. Though at the end political parties control the legislative agenda by being the gatekeepers of the formal offices (Carey: 2008:445). In parliamentary government there is clear distinction between government and opposition in terms of agenda setting powers. Opposition usually table bills that are not approved. Bills in that case are not drafted for the sake of actually been enacted but to signal voters a viable alternative to government policy agenda (Bräuninger and Debus, 2009: 833).

As we saw above agenda control determines policy outcomes. In this respect, Doering (1995b:660) refers to two quite distinct dimensions of legislative agenda control in relation to parliamentary democracies. One is party discipline when taking a vote on a proposed motion and the other is the rules of procedure. There are several features of agenda setting that are defined by procedure rules such as who settles the order of the day in the plenary, the rights of permanent legislative committees that can be exercised independently of the plenary, the determination of committee members, the majority's influence on the president of the parliament, the powers of second chambers to veto legislation, the restrictions' on private member's initiative and amendments, the power of whips to monitor their backbenchers behavior, and the voting procedures.

Another perspective is the one of Tsebelis and Rash (2011) that distinguish among three dimensions of the agenda setting phenomenon in comparative terms. One is the institutional dimension that plays a very large role. Constitutional and parliamentary rules and time constrains (as explained by Doering, 1995) influence the ability of different branches of government to constrain the legislature's activity, in particular the government prerogatives in setting the timetable of the plenary. Even though the legislative procedures are very similar in different parliaments the outcomes of agenda setting in practice vary widely depending on the ability of the representative of the government to influence legislative outcomes.

A second dimension is the partisan and cohesion of parliamentary actors. In a legislature where a simple and cohesive majority exists minorities have their hands tied, however the situation is different when minority governments face non-cohesive majorities. Agenda setting differs across these two broad scenarios. The final factor is the positional dimension of agenda control. Positional influences come from the location and strength of potential veto holders, as well as the position on the political spectrum of the agenda setters. An agenda's setter positional opportunities grow if he is one of the veto players necessary to change the status quo policy or/and has a central place in the political space of the agenda setters. In the interaction of parliament and government the three dimensions can substitute each other. Partisan and positional agenda setting powers compensate for low levels of governmental agenda setting powers on the institutional level. More precisely, countries like UK and France usually have both partisan and Institutional advantages attributed to government However in countries like Denmark and Norway governments are usually weak institutionally. In these countries the government is dependent in being located in the center of the political landscape to get its program adopted.

D) The historical approach

Rational choice is considered ahistorical though it is studied history contingent strategies when repeated games are considered (Sheepsle 2008, 32). However this perspective has nothing to do with the premises of historical institutionalism. Historical institutionalism is one of the bases of new institutionalism. It's main center of interest is the historical development of institutions mainly their origins, development and relationship to policy and behavior rather

than the functions (Thelen 1999:382). In other words it studies construction, maintenance and adaptation of institutions (Sanders, 2006:42). Historical institutionalism wants to know the long-term viability of institutions and their broad consequence. Talking about parliamentary democracy institutionalization can be viewed then as a historical process whereby parliaments become functioning institutions with a distinctive positioning within the political system. The notion of path dependence is central to historical institutionalism. It is centered in finding the crucial founding moments of institutions and the branching points of their transformation. In addition to these topics it is also oriented towards identifying the positive feedback of the institutionalization process that reinforces path dependence patterns. In sum from that point of view it is relevant the study of origin of institutions and their evolution.

Historical institutionalism is also interested in the process of institutional reform at the same time that pays attention to political stability. Both are sides of the same coin (Thelen 1999:399). As explained by Sanders (2006:44) it can be considered agency in both the path establishment and the pressures for institutional change. Particular institutional configurations depend on particular mechanisms of reproduction that sustain them (positive feedback), when they are altered there is an institutional change. More than that it can be said that there are vested interests in particular institutions and those interests are what sustains these institutions over time. It means that at the end institutional changes are better explained throughout a power-distributive approach. This way one can consider that institutions are specifically intended to distribute resources to particular kinds of actors and not to others, specially when institutions mobilize significant and highly valuable resources (Mahony and Thelen, 2010:8).

Institutions once created reflect the power of one group (or coalition) relative to another and often reinforce power disparities. As a result dominant actors are able to design institutions that closely correspond to their well-defined institutional preferences. For those who are disadvantaged by prevailing institutions there are two exits, one is adapting until conditions shift, the other is pursuit goals different from the institutions designers. But not always it is the case and some times institutions reflect a conflict among groups or the result of ambiguous compromises among actors. Where institutions represent compromises or relatively durable though still contested settlements based on specific coalitional dynamics, they are always vulnerable to shift. In consequence shift in institutions reflect the balance of power.

From the viewpoint of institutionalization one can say that even though parliaments are institutionalized organizations they must adapt to change. Depending on its function a parliament should adapt to a change of its missions or to change to be able to fulfill its mission more effectively (Copelan and Patterson, 1997: 153). Parties are core actors in any democracy because they determine how parliament work is conducted. In parliamentary democracies there is an intimate connection between the parliamentary basis and party composition of governments on the one hand and activity in parliament on the other. The rules, procedures and norms of parliamentary work are the most conspicuous places where parliamentary changes can be observed. But not only internal reforms are sometimes needed but also external reforms referred for example to the structure of a party system, or referred to the

process of decentralization or a formation of mutigovernance system in which delegate legislative power.

Historical institutionalism helps to elaborate hypothesis about particular forms of institutionalization of democratic government, the role parliaments play in a system and the process of adaptation and reform. By considering the path dependence of a legislature one can identify the founding moments, the crisis and moments of change. It also helps to consider agency by evaluating particular distribution of power through out institutional arrangements such as the relation executive-legislative.

4.- CONCLUSION

The study of parliaments and legislatures from the perspective of comparative politics implies to take into consideration different approaches. There is a historical process in the development of those approaches mostly produced in the twenty century. The study of parliaments evolve from a formalistic approach to a neo institutional one.

Nowadays there are several theories to approach the object of study but there is a tendency to connect all of them. The rational choice paradigm is dominant but it is developed under the new institutionalism. As a consequence institutionalism is mixed with game theory, principal-agent approach and agenda setting. The main concepts of every approach are combined in an eclectic way under the rational choice paradigm but every approach defines a set of problems or topics related to parliaments.

The multifunctional paradigm has not disappeared yet and gives to the students of parliament a key topics to understand the basic questions related to legislative organization. The neoinstitutional approach emphasizes the relevance of formal and structured institutions that are establish in constitutions and parliamentary rules. The rational choice points out the rationality of actors in an institutional structure that has been created for producing deliberations in the decision making process. Game theory gives the parameters under which strategic behavior of actors can be considered. Principal-agent theory explains the general structure of democratic government and identifies the main relations that should be taken into account. Agenda setting approach refers to the legislative process in its precise terms; it explains what are the conditions under which legislative activity is conducted. Finally historical institutionalism signals the evolutionary nature of any institution and as consequence that history must be taken into consideration. It identifies trends in the paths of institutional development.

5.- REFERENCES:

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