

CHAPTER 4: GOVERNMENTS AND PARLIAMENTS

Introduction

In this chapter I focus on agenda setting mechanisms more in detail. I demonstrate that there are two important variables one has to examine in order to understand the power of the government as an agenda setter in parliamentary systems. The first is positional, the relationship between the ideological position of the government and the rest of the parties in parliament. The second is the institutional provisions enabling the government to introduce its legislative proposals and have them voted on the floor of the parliament, that is, the rules of agenda setting. Both these questions are generated from the analysis in Part I. They focus on agenda setting and study the positional and institutional conditions for it. It turns out that my analysis has some significant differences from the existing literature.

The first difference is that we will be focusing on the characteristics of governments in parliamentary systems instead of the traditional party system focus (Duverger, Sartori). According to the traditional literature two party systems generate single party governments where the parliament is reduced into a rubberstamp of government's activities, while multiparty systems generate more influential parliaments. The party systems analysis focuses on parliaments because they are the source from where governments originate, in technical terms the "principals" who select their "agents". Veto players focuses on governments because they are the agenda setters of legislation as we said in Chapter 3. Single party governments will have all discretion in changing the status quo, while multiparty governments will make only incremental changes.

A second difference between my analysis and existing influential literature is the question of exclusive ministerial jurisdictions (Laver and Shepsle (1996)). On the basis of my analysis agenda setting belongs to the government as a whole. It is possible that in some areas it is the

prime minister, in others the minister of finance, in yet others the corresponding minister. It can also be done through bargaining among the different government parties. All these possibilities are consistent with my approach, while Laver and Shepsle assign agenda setting to the corresponding minister.

A third difference regards the interactions between governments and parliaments. While most of the literature differentiates between presidential and parliamentary regimes, one researcher (Lijphart (1999)) in his influential analysis of consociational versus majoritarian democracies merges regime types (like this book does) and focuses on the concept of “executive dominance” as a significant difference between and across regimes. Executive dominance in Lijphart’s words captures “the relative power of the executive and legislative branches of government” (Lijphart (1999: 129)) and is approximated by cabinet durability in parliamentary systems. I argue that the interaction between executives and legislatures is regulated by an institutional variable: the rules of agenda setting. Let me explain what these differences involve.

The difference of an analysis on the basis of party systems (i.e. parties in parliament) or government coalitions (i.e. parties in government) may appear to be trivial. After all, multiparty systems lead usually to coalition governments, and two party systems to single party governments. However, the correlation is not perfect. For example, Greece (a multiparty country) has a government that completely controls the legislature. Besides the differences in empirical expectations (Greek governments are expected to be strong on the basis of veto players, while their single party composition is a failure of understanding the relationship between governments and parliaments generated by party system analysis) the major difference is in the identification of causal mechanisms shaping the interaction between governments and parliaments.

I also argue that the veto players variable is not dependent on institutions or party systems alone, but derived from both of them. For example, veto players include not only partners in government, but also second chambers of the legislature, or presidents of the republic (if they have veto power). In addition, a party may be significant in parliament and count in the party system of a country, but its approval of a legislative measure may not be required in which case it will not be a veto player. Finally, one or more veto players whether a government partner, a second chamber, or a president of the republic may be absorbed and not count as veto players as demonstrated in Chapter 1.

The question whether it is ministers that control the agenda or the whole government is a minor one, however since my approach shares Laver and Shepsle the importance attributed to agenda setting, I need to clarify that some empirical evidence conflicting with their expectations does not affect my analysis.

Equally trivial may seem the difference on whether the relationship between governments and parliaments is determined on the basis of government duration or agenda setting rules. Yet, government duration varies only in parliamentary systems, and consequently cannot be used as a proxy of executive dominance in presidential systems, or across systems; agenda setting rules can be used across systems. In addition, I argue that there is no logical relationship between executive dominance and government duration, so a different variable is necessary for the study of the relationship between legislative and executive. I demonstrate that this relationship can be captured by the rules regulating legislative agenda setting.

The chapter is organized in three sections. Section I studies the positional conditions of agenda setting. I focus on different kinds of parliamentary governments (minimum winning coalitions, oversized governments and minority governments) and study their ability to impose

their preferences on the parliament. I demonstrate that when the agenda setter is located centrally among the other players he is able to produce outcomes very close to his ideal point even if he does not control a parliamentary majority. Section II focuses on the institutional provisions of agenda setting. While all parliamentary governments have the ability of asking the question of confidence, in order to force parliament to comply with their preferences they also dispose of a series of other weapons that enable them to shift outcomes in their favor. We study such institutional arrangements in some detail. Section III compares the results of sections I and II with alternative influential approaches in the literature and shows the differences of veto players analysis with party systems accounts, with ministerial discretion, or with government duration as a measure of executive dominance. Most of this chapter studies parliamentary systems, because of restrictions in the literature. However I do not miss opportunities to show how the arguments apply to presidential regimes as well.

1. Positional advantages of agenda control.

As I argued in Chapter 3, in parliamentary systems it is the government that controls the agenda. One of the major reasons is its capacity to associate a vote on a bill with the question of confidence (Huber 1996). Such a government initiative either forces the parliament to accept the government proposal or replaces the government. As a result, from our point of view every government as long as it is in power is able to impose its will on parliament (the underlined words are not trivial). My statement holds for any kind of parliamentary government, whether or not it controls a majority of legislative votes.

Some simple statistics suggest that the general assessment that governments control the agenda in parliamentary democracies is correct. In more than 50 percent of all countries, governments introduce more than 90 percent of the bills. Moreover, the probability of success of

these bills is very high: over 60 percent of bills pass with probability greater than .9 and over 85 percent of bills pass with probability greater than .8 (Inter-Parliamentary Union, 1986, Table 29).

However, even if governments control the agenda, it may be that parliaments introduce significant constraints to their choices. Or, it might be that parliaments amend government proposals so that the final outcome bears little resemblance to the original bill. I argue that most of the time, neither of these scenarios is the case. Problems between government and parliament arise only when the government has a different political composition from a majority in parliament. By examining all possible cases of relationships between government and a parliamentary majority, I will demonstrate that such differences are either non-existent, or, if they do exist, the government is able to prevail because of positional or institutional weapons at its disposal.

There are three possible configurations underlying the relationship between government and parliament, minimum winning coalitions (which are the textbook case), oversized governments (i.e., governments that include more parties than necessary to form a majority) and minority governments (i.e., governments not supported by a majority). These three categories are mutually exclusive and collectively exhaustive forms of government in parliamentary systems.

A. Minimum winning coalitions. This is the most frequent (if we include single party governments in two party systems that are, by definition, minimum winning coalitions) and least interesting case in our discussion. The government coincides with the majority in parliament, and, consequently, there is no disagreement between the two on important issues. As Figure 2.4 indicates, the minimum winning coalition represented in government restricts the winset of the status quo from the whole shaded area of the figure to the area that makes the coalition partners better off than the status quo. There is one exception to consider: If the government parties are

weak and include members with serious disagreements over a bill, the bill may be defeated in parliament. This, however, is only a marginal possibility because votes are public and party leaders possess serious coercive mechanisms that pre-empt public dissent (Italy was the only exception to the rule until the government introduced open votes in 1988 and did away with the problem of *franchi tiratori*, that is, parliamentarians who voted to defeat and embarrass their own government). The most serious of these mechanisms is elimination from the list.

Even in cases where a secret ballot is required, party leadership may manage to structure the ballot in a way that enables them to monitor their MPs. A good example of such structuring comes from Germany. In 1972, Chancellor Willy Brandt was about to lose the majority supporting his coalition because of defections from his own party, the SPD, and his coalition partner, the FDP. On April the 27th he faced a constructive vote of no confidence in the Bundestag.⁶⁰ According to parliamentary rules, a vote of confidence is a secret ballot, and the Chancellor was afraid he might lose his majority. For that reason, he instructed the members of his coalition to stay in their places and not participate in the vote, thus effectively controlling possible defectors. The vote failed by one vote (247 out of the 496 members of the Bundestag supported the leader of the opposition, Rainer Barzel. (Tsebelis (1990)).

In general, the coalition formation process gives an important advantage to governments. Either the leadership, or the leading party personalities are included in the government, so when they come to an agreement it is difficult for other members of parliament to challenge or undo it. An example of the latter is the following statement from the Norwegian Prime-Minister Kåre Willoch regarding his coalition government: "I wanted their leading personalities in the government. It was my demand that their party leaders should be in government because I did

⁶⁰ According to article 67 of the German basic law, the chancellor cannot be voted out of office unless the successor has been voted into office.

not want to strengthen the other centers which would be in parliament. That was my absolute condition for having three parties in government." (Maor, 1992: 108)

B. Oversized coalitions. Oversized majority governments are very common in Western Europe. Laver and Schofield (1990) calculate that four percent of the time (of the 218 governments they examine), a party that forms a majority alone will ask another party to join the government; and 21 percent of the time, while there is no majority party, the coalition formed contains one or more parties more than necessary. In such cases, some of the coalition partners can be disregarded and policies will still be passed by a majority in parliament. Should these parties be counted as veto players, or should they be ignored?

Ignoring coalition partners, while possible from a numerical point of view, imposes political costs because if the disagreement is serious the small partner can resign and the government formation process must begin over again. Even if government formation costs can be avoided (by the formation of a government that includes all previous coalition partners without the disagreeing party) the argument is still valid, because the proposed reform will be introduced in parliament by a coalition that does not include the disagreeing party. Here is how Maor reports the position of a leader of the liberal party, member of the government coalition in Denmark: "We could stop everything we did not like. That is a problem with a coalition government between two parties of very different principles. If you cannot reach a compromise, then such a government has to stay away from legislation in such areas." (Maor 1992: 99***)⁶¹

Simple arithmetic disregards the fact that there are political factors that necessitate oversized coalitions. Regardless of what these factors might be, for the coalition to remain intact the will of the different partners must be respected. Consequently, while the arithmetic of the

⁶¹ I do not know whether the government implied here is a minimum winning or an oversized coalition, but the logic applies to both.

legislative process may be different from the arithmetic of government, a departure from the status quo must usually be approved by the government before it is introduced to parliament, and, at that stage, the participants in a government coalition are veto players. This analysis indicates that, overall, oversized governments will have the same regularities as minimum winning coalitions, but these relations will be weaker because they do not have to hold in every situation.

However the above arguments have not persuaded Strom (2000) as we saw in Chapter 3. His argument is that some of the parties in oversized coalitions will not have the “opportunity to exercise veto.” If this is the case, one should count only the parties that are required for a majority. It is not difficult to model the numerical requirements and locate the winset of an oversized coalition in the veto players framework: one can think that the parties composing the oversized government coalition do not decide by unanimity (as the political argument implies), but by qualified majority (as the number of votes permits). If say three out of four oversized coalition parties are required for a majority decision, then we can identify the winset of the $\frac{3}{4}$ of the government coalition. Chapter 2 shows the $(\frac{3}{4})$ qualified majority winset is larger than the unanimity set of the government coalition and where the possible outcomes will be located.

To sum up, I provide a political argument why the will of coalition partners should be respected as long as the government remains in place: because coalition partners in disagreement may depart from the government. Strom relies on a numerical argument that since in oversized governments the votes of some parties may not be necessary, these parties will not insist on their position, and bills will be approved without their votes. It is true that sometimes parties stay in coalitions and vote against policies (for example in Israel Labor remained inside the Sharon

coalition, yet made it known that it was against retaliation for the Sbarro bombing).⁶² If this phenomenon does not happen frequently, then counting all government coalition partners as veto players will be a good approximation for empirical analyses. If on the other hand coalition partners vote frequently against their own government, then a qualified majority voting argument should be applied in empirical analyses. In chapter 7 the reader will verify that counting all coalition partners as veto players provides a good approximation for policy stability.

C. Minority governments. These governments are even more frequent than oversized coalitions. Strom (1990) has analyzed minority governments and found that they are common in multiparty systems (around one third of the governments in his sample). Moreover, most of them (79 out of 125) are single-party governments, that resemble single-party majority governments. Laver and Schofield have argued that there is a difference between a governmental and a legislative majority. While their point is technically correct, I will argue that, for two reasons, this difference has no major empirical significance. First, minority governments possess positional advantages over parliament. Second, minority governments possess institutional advantages over their respective parliaments. I will discuss the first argument in this section, and the second point in section 3. The party forming a minority government is usually located centrally in space. For this reason, it can select among many different partners to have its program approved by parliament (Downs 1957; Laver and Schofield 1990; and Strom 1990). In order to develop this point further, consider a five-party parliament in a two dimensional space like the one in Figure 4.1. What follows is an illustration of the argument, not a formal proof.

INSERT FIGURE 4.1 HERE

Figure 4.1 examines whether government preferences (G) can have parliamentary approval. The reader is reminded that any proposal presented on the parliament floor will either

⁶² I thank Ron Rogowski for the example.

be preferred by a majority over G, or defeated by G.⁶³ Let us identify the set of points that defeat G. These points are located within the lenses GG' and GG''. If the parliament is interested in any other outcome and the Government proposes its own ideal point, a majority of MPs will side with the Government.

To recapitulate, if a minority government is centrally located in space, it can be part of most possible parliamentary majorities and, consequently, move the status quo inside its own winset. In fact, most of the time it might not have to compromise at all, and it can locate the final outcome on its own ideal point. Consequently, assuming that the government controls the agenda, it can change the status quo in the way it prefers.

But if a point is selected from one of the two lenses GG' or GG'', the government will lose the vote. The situation would be tolerable for the government if SQ were moved in the area of these lenses that is close to G, but the hatched areas called X are a serious defeat for the government. Right now we can claim that this is a low probability event, but this is a poor argument. Indeed, while it may be the case that at random it is not very likely that the outcome would be located in the two hatched areas X of the figure, legislative outcomes are not random. A coalition of parties A, C, D would select a point in X in order to defeat and embarrass the government. Can the government avoid such a humiliation?

This brings us to the second category of advantages of a minority government over parliament, the institutional ones. This category of advantages is not limited to minority governments. Every parliamentary government has at its disposal some constitutional, as well as procedural or political means to impose its will on important issues on parliament. Such institutional advantages are much more important for governments that do not enjoy the support of a stable majority in parliament for obvious reasons. The government can force the majority of

⁶³ Indifference between the two is also a possibility. I will continue ignoring this case as in the past.

parliament to comply with its proposal. However, there is an additional reason generated from the theory presented in this book: minority governments most of the time have a single veto player. As a result, policy stability is low, and the significance of agenda setting is high (as Figure I in the introduction indicates). So, on the basis of the theory presented in this book, if minority governments have institutional agenda setting powers they will make use of them more frequently than other forms of government (particularly oversized coalitions).

Let us focus on one particular mechanism which exists in several countries as Heller (1999) demonstrates. The mechanism was named “fighting fire with fire” by Barry Weingast (1992) who first identified it in the US Congress. The specifics are very simple: the government can make the last amendment on the bill under consideration. Consequently, when it sees that some hostile amendment is about to be adopted, it can modify this amendment in a way that protects its own bill. Let us use Figure 4.1 to see how the minority government can prevail. Assume that a bill is proposed in the undesirable for the government area X. This bill would mean a significant political defeat for the government. The government however can “fight fire with fire” and propose an amendment in the non-hatched part of the two lenses (symmetric to the embarrassing proposal with respect to line AC; in fact, slightly closer to A and C). This bill would command a majority in parliament (it would be voted by G, A, and C) and is located very close to the government preference (G). Let us now study such agenda setting mechanisms.

2. Institutional Means For Government Agenda Control

Several constitutions provide governments with a series of agenda setting powers, such as priority of government bills, possibility of closed or restricted rules, count of abstentions in favor of government bills, possibility of introducing amendments at any point of the debate (including before the final vote), and others. The most extreme in this regard is the constitution of the

French Vth Republic. In this constitution the following restrictions of parliamentary powers apply: According to Article 34, the parliament legislates by exception (only in the areas specified by this article, while in all other areas the government legislates without asking for parliamentary agreement); Article 38 permits legislation by ordinance (upon agreement of parliament); according to Article 40, there can be no increase in expenditures or reduction in taxation without the agreement of the government; Article 44.3 gives the government the right to submit votes under closed rule (no amendments accepted); Article 45 permits the government to declare that a bill is urgent, thus reducing the number of rounds that the two chambers will shuttle the bill;⁶⁴ finally, the most powerful weapon of all, Article 49.3 permits the government to transform the vote on any bill into a question of confidence (Huber 1992; Tsebelis 1990: chapter 7). The picture of an impotent parliament is completed if one considers that the government controls the legislative agenda; that the parliament is in session less than half of the year (special sessions are limited to 2 weeks and must have a specified agenda);⁶⁵ that the committee structure was designed to be ineffective (six large committees cross-cutting the jurisdictions of ministries); and that discussions are based on government projects rather than on committee reports. Finally, even censure motions are difficult because they require the request by 1/10 of MPs (the right is non-reusable during the same session), and an absolute majority of votes against the government (abstentions are counted in favor of the government).

The French government is an exception in terms of the breadth, depth and variety of institutional weapons at its disposal. However, the German government possesses interesting institutional weapons as well, such as the possibility to ask for a question of confidence whenever it deems appropriate (article 68), or the possibility to declare legislative necessity and

⁶⁴ For a discussion of the navette system in France, see Tsebelis and Money (1997). Their argument is that reducing the number of rounds increases the power of the National Assembly (that has positions closer to the government).

legislate with the agreement of the second chamber (the Bundesrat) for 6 months (article 81). Even the Italian government has the right to issue executive decrees (ordinances; Kreppel 1997). In addition, with respect to parliamentary legislation, it has the right to offer the last amendment on the floor (Heller 1999). The purpose of this section is to examine the literature on measures that empower the government with legislative agenda setting powers.

As Chapter 3 has made clear, the most important of these measures is the attachment of the question of confidence on a bill, which is equivalent to the threat of government resignation, followed by dissolution of the parliament (Huber 1996). This measure exists in all parliamentary systems except Norway. However, this measure is like a threat of use of nuclear weapons in international disputes: it is extraordinary and cannot be used frequently. Here I will focus on weapons of lower range and higher frequency. The main reference to what follows are a series of articles by Doering (1995a, b, c) on the institutions that assign legislative agenda setting powers to the government. Doering (1995a) identifies and measures the seven variables I will present. Doering's analysis covers eighteen countries of Western Europe and combines data from previous analyses of Parliamentary systems like Parliaments of the World (1986) with original research performed by an international group of scholars. Here is the list of variables with explanations about their numerical values.

1. Authority to determine the Plenary Agenda of Parliament. This variable has seven modalities; the two extreme are that the agenda can be determined by the Government or by the Parliament alone. Here is the entire list of possibilities.

I. The government sets the agenda alone (UK and Ireland).

⁶⁵ The Socialists, who had a heavy reform agenda, had to use seventeen such sessions in their first term (1981-86).

- II. In a president's conference the government commands a majority larger than its share of seats in the chamber (France and Greece).
- III. Decision by majority rule at president's conference where party groups are proportionally represented (Luxembourg, Portugal, and Switzerland).
- IV. Consensus agreement of party groups sought in president's conference but right of the plenary majority to overturn the proposal (Austria, Belgium, Germany, Norway, and Spain).
- V. President's decision after consultation of party groups cannot be challenged by the chamber (Denmark, Finland, Iceland, and Sweden).
- VI. Fragmentation of agenda setting centres if unanimous vote of party leaders cannot be reached (Italy).
- VII. The Chamber itself determines the agenda (Netherlands).

This is the most important variable, although it guarantees only that the subjects proposed by the governments will be discussed, not the outcome of the parliamentary debates.

2. Money Bills as Government Prerogative. While this prerogative belongs to the government in all countries, in some countries members of parliament are restricted from proposing money bills. For example, in the UK: "No member of the House of Commons can introduce a Bill the main purpose of which is to increase expenditure or taxation; nor can the relevant provisions of a Bill which proposes any such increase proceed much further unless a resolution authorising such increases has been moved by the Government and agreed to by the House of Commons" (Parliaments of the World 1986:862).

France, the UK, Ireland, Portugal, and Spain belong in the category of countries that do not permit their MPs to propose Money Bills. Greece applies some restrictions, while the remainder of countries apply very few or no restrictions at all to MPs on Money Bills.

3. Is the Committee Stage of a Bill Restricted by a Preceding Plenary Decision? Some of the first findings in the comparative literature on parliaments were that the importance of committees depends on whether they consider a bill before or after the floor sees it for the first time. "If a committee can consider a bill before it is taken up on the floor, the chances of the committee influencing or determining the outcome tend to be greater than when the lines of battle have been predetermined in plenary meetings." In general, where a strong commitment to utilise committees exists, the committees get the bills first" (Shaw (1979: 417). Most countries enable committees to play a serious role in the legislative process, while in three countries (Ireland, Spain and the U.K.) the floor refers the bill to committees. In Denmark the floor decision is not strictly binding.

4. Authority of Committees to Rewrite Government Bills. The question addressed by this section is on which text does the floor decide? Does the government bill reach the floor with comments by the committee, or does the committee amend the government bill and submit its own proposal to the floor? There are four different possible answers:

I. House considers original government bill with amendments added (Denmark, France, Ireland, Netherlands, U.K.).

II. If redrafted text is not accepted by the relevant minister, chamber considers the original bill (Greece).

III. Committees may present substitute texts, which are considered against the original text (Austria, Luxembourg, Portugal).

IV. Committees are free to rewrite government text (Belgium, Finland, Germany, Iceland, Italy, Norway, Spain, Sweden, Switzerland).

5. Control of the Timetable in Legislative Committees. This issue combines the answers to two different questions: “Firstly, is the timetable set by the plenary parent body or by the committee itself? Secondly, may the plenary majority reallocate the bill to another committee or even take a final vote without a committee report, or does the committee enjoy the exclusive privilege of debating a bill as long as it thinks fit with no right of recall by the plenary?”

(Doering 1995a: ***) The combination of the answers produces the following classification.

I. Bills tabled before the committee automatically constitute the agenda. In Finland, Ireland, United Kingdom where these rules are applied the government controls the committee agenda.

II. The directing authority of the plenary body with the right of recall. In Austria, France, Greece, Italy, Luxembourg, Norway, Portugal, Spain the plenary session can supervise the committee’s agenda.

III. The committees themselves set their agenda but right of recall by plenary (Belgium, Germany, Switzerland).

IV. House may not reallocate bills to other committees. In Denmark, Iceland, Netherlands, Sweden the committees themselves control their agenda.

6. Curtailing of Debate before the Final Vote of a Bill in the Plenary. Three questions are answered by the following classification. “1. May an exceedingly short time limit to curtail debate for the final vote be unilaterally imposed in advance by the government or its simple majority in the plenary over which the government normally commands? 2. May a limitation of debate only be imposed by mutual agreement between the parties? 3. Is there neither advance limitation nor possibility of closure of debate, thus theoretically opening up unlimited

opportunities for filibustering?” (Doering 1995a: ***) The eighteen countries fall in the following categories.

I. Limitation in advance by majority vote (France, Greece, Ireland, U.K.).

II. Advance organisation of debate by mutual agreement between the parties (Austria, Belgium, Denmark, Germany, Iceland, Italy, Luxembourg, Norway, Portugal, Spain, Switzerland).

III. Neither advance limitation nor closure (Finland, Netherlands, Sweden).

7. Maximum Lifespan of a Bill Pending Approval After Which It Lapses if not Adopted.

The shorter the lifespan of a bill if not adopted by parliament, the more imperative the agenda setting power of the government. The lifespan of bills vary significantly by country from a six-month or one year period to an infinite span.

I. Bills die at the end of session (6 month - 1 year) (Denmark, Iceland, U.K.)

II. Bills lapse at the end of legislative term of 4-5 years (Austria, Finland, Germany, Greece, Ireland, Italy, Norway, Spain).

III. Bills usually lapse at the end of legislative term but carrying over possible (Belgium, France, Portugal).

IV. Bills never die (except when rejected by a vote) (Luxembourg, Netherlands, Sweden, Switzerland).

INSERT TABLE 4.1 HERE

Table 4.1 provides the score each country receives in each of the seven agenda control variables. The next column provides an overall government agenda control variable which I will use in this and other chapters.⁶⁶ While the variable “agenda control” is the most advanced

⁶⁶ The numerical values attributed to each country have been calculated the following way: I used principal components and analyzed all seven of Doering’s agenda control measurements. I used the first factor loadings to

currently in the literature, country scores on that variable should not be considered final. Doering has done an excellent job compiling objective indicators about who can place items on the agenda and whether they can reduce discussion time on the floor or in the relevant committees, but further work is required. For example, the Heller (1999) and Weingast (1992) argument of “fighting fire with fire”, that is, introducing a last minute amendment that we discussed around Figure 4.1 has not been included in Doering’s list. In fact, the identification of further such mechanisms or practices that governments can use to control the agenda is the most important avenue of study of government agenda control, and will improve the measurements that we currently have in Table 4.1.

3. Veto players vs. other approaches in comparative politics.

I will compare the analysis I have presented so far with three influential approaches in comparative politics. The first (Duverger, Sartori) compares different countries on the basis of the characteristics prevailing in their party system. The second (Laver and Shapsle (1996)) fares the focus on agenda setting, but attributes it to the corresponding ministers instead to the government as a whole. The third (Lijphart (1999)) studies the interaction between legislative and executive on the basis of government duration in parliamentary systems.

a. The Number of Parties in Parliament.

In comparative politics, the party system of a country plays a crucial role in understanding the politics of the country. Beginning with Duverger (1951), the party system of a country has traditionally been connected with other significant features of the country, either as a cause or an effect. According to Duverger, the party system was both the result of a country's

weigh each one of these variables (the first eigenvalue explains 47% of the variance) and normalized the weighted sum.

electoral system, and the cause of a certain type of interaction between its government and parliament.⁶⁷

With respect to the effects of the party system on coalition formation, Duverger's argument was straightforward: two-party systems give the majority to a single party, and consequently produce stable governments that dominate parliament; multi-party systems generate coalition governments that can lose votes in parliament (including confidence votes), and are consequently weak and unstable. It should be clear from the previous discussion that when Duverger discusses the number of parties in the party system he is referring to the number of significant parties in a country's parliament. For example, the UK is the archetypal two-party system because the Liberals, despite their votes, do not control a significant number of seats in parliament. This is a common feature of all the analyses I will discuss: The number of parties in the party system is essentially defined as the number of parties in parliament.

Sartori (1976) elaborated on Duverger's model by, among other things, refining the typology. In particular, with respect to multiparty systems, he distinguished between moderate and polarized pluralism. The dynamics of party competition in moderate pluralism are similar to two-partyism: two coalitions compete for office, one of them wins, and both coalitions are close to the ideological center. In contrast, polarized pluralism includes a party that occupies the center and is opposed by bilateral oppositions on its left and its right. These oppositions are ideologically extreme and/or include anti-system parties. According to Sartori, the dividing line between moderate and extreme pluralism is "around" five parties. From his discussion, it becomes clear that the cutoff point is an empirical regularity, not a theoretical argument. Be that as it may, Sartori, following the foundations set by Duverger, expects the number of parties in a

⁶⁷ I will not discuss the effects of electoral system on party system. The interested reader can find this information in Duverger (1954), Rae (1967), Lijphart (1994), Sartori (1996), and Cox (1997).

country's party system to affect the politics of that country.

One can find a common theoretical framework in all these analyses. On the basis of principal agent theories, Matthew McCubbins and his collaborators (McCubbins (1985), Kiewiet and McCubbins (1991), Lupia and McCubbins (2000)) have studied the logic of delegation according to which an agent acts on behalf of another actor (the principal). In the government parliament interaction, the principal is the parliament since it selects the government and it can replace it with a censure vote (Strom (2000)). As a result, a government, like any other parliamentary committee, faces the dilemma of either obeying parliamentary majority or being removed from power.

These theories are consistent and each adds to the others. They are also congruent with other bodies of work. For example, Almond and Verba's (1963) cultural analysis separates Anglo-Saxon Democracies from continental ones, a distinction that is empirically almost identical with two- versus multiparty systems. Powell (1982) found a correlation between two-party systems and executive stability but a very weak relationship between party systems and levels of violence.

All these arguments fail to acknowledge the role of government in promoting legislation. As we argued governments shape legislative outcomes because of this agenda setting power. Whether they can do it regularly and extensively depends not on the number of parties in parliament but on the institutional provisions of agenda setting, and the position of the government vis a vis the other parliamentary forces. For example, the Greek government is formed by a single party, and it has extensive agenda control (Table 4.1). It follows that the government will impose its will on parliament regularly and extensively. The fact that there are many parties in parliament is not relevant in this analysis.

b. Ministerial discretion

In the previous discussion the difference between veto players and conventional wisdom was the lack of recognition by traditional analyses of the power of agenda setting. This is not the case of more contemporary analyses in comparative politics. For example, Laver and Shepsle (1996) have proposed a model of ministerial discretion. Their argument is not that ministers have exclusive decisionmaking rights in their area (although their models can be interpreted that way), but that they are making the proposals to the government on areas that no other person has the expertise and consequently are able to shape the government proposals. In their words:

“Ministerial discretion results from the minister’s ability to shape the agenda of collective cabinet decisions rather than to determine cabinet decisions once the agenda had been set.”

(Laver and Shepsle 1996: 33). In its turn, the government makes these proposals to the parliament and they get accepted with few modifications. “Perhaps the most distinctive feature of our approach is the assumption that most important policy decisions are taken by the executive” (Laver and Shepsle 1996: 13).

So, veto players and ministerial discretion share the focus on agenda setting, but disagree on the identity of agenda setter. I think that while every parliamentary government ultimately controls the agenda by linking important legislation to a vote of confidence, it is not clear that inside the government the agenda is controlled by the corresponding minister. First of all, the prime minister also plays an important role in agenda formation. Second, the government coalition has negotiated a government program and a minister cannot submit legislation that disagrees with this program. Third, government meetings discuss substantive policy issues and if ministers from other parties have political disagreements with a bill they will not accept it just because it was the proposal of the corresponding minister. Fourth, and most importantly so far,

the ministerial discretion theory implies that changes in ministers (while the same coalition remains in power) would entail serious policy changes in the corresponding ministries. This is not the experience in the most extreme multiparty governments like the French IV Republic and post-war Italy. For example, Andre Siegfried one of the fathers of French political science makes the opposite point when he explains the “paradox of stable policy with unstable cabinets” as follows: “Actually the disadvantages are not as serious as they appear... When there is a cabinet crisis, certain ministers change or the same ministers are merely shifter around; but no civil servant is displaced, and the day-to-day administration continues without interruption.” (Siegfried (1956: 399).

The above arguments dispute whether agenda setting belongs exclusively to the corresponding minister. One can make an argument with a different tack: even if we (incorrectly) assume this to be the case, it makes little difference. Indeed, as we demonstrated in Chapter 1, more veto players restrict the winset of the status quo and, as a result, decrease the importance of agenda setting. So, the more parties participate in government, the less important the role of ministers, even if we assume they have exclusive jurisdiction over the agenda. This is exactly what Huber and Shipan (2001) find in their analysis of restrictions imposed by multiple principals (divided governments in both parliamentary or presidential systems) on bureaucrats and the executive.

Empirical tests corroborate the arguments above. The best empirical test of the ministerial influence thesis would be a test of policies along the lines indicated by the Siegfried quote: compare government policies under the same coalition but with different ministers and see whether differences are more significant than similarities. However, such a test has not been performed. Instead, Paul Warwick tests systematically one of Laver and Shepsle’s implications

about the duration of government coalitions. Laver and Shepsle identify equilibrium arguments according to their theory and expect the non-equilibrium governments to be more unstable.⁶⁸ Instead Warwick discovers that it is majority status and the ideological range of governments and not the equilibrium status that significantly affect government duration. He concludes that parties in the government try to accommodate each other in forming policy and not permit ministers to make independent decisions concerning their portfolios.⁶⁹

Similarly, Michael Thies (2001) analyzes the pattern of appointment of junior ministers in Italy, Germany, and Japan (both under single party and coalition governments) and ascertains that in Italy and Japan junior ministers are overwhelmingly appointed from different parties (and in Japan's single party governments from different factions) than the corresponding ministers. The only exception to the identified pattern is Germany, but in this case Thies points out the importance of the chancellor and a series of other measures instituting collective decisionmaking (and responsibility) of government. He concludes that the exclusive jurisdiction model does not work for policymaking.

Finally, Lieven de Winter (2001) explores the way governments push the pieces of legislation included in their program (usually negotiated before the distribution of ministries). Testing some 500 pieces of legislation in 18 European countries he has found that governments "invest more resources in guaranteeing a smooth and swift legislative process, nursing the bill well from cradle (introduction to the legislature) to maturity (promulgation)." (p. 3). More precisely, De Winter has found that bills covering the government program have a series of

⁶⁸ "Other things being equal, therefore (and in real life they may well not be), a party system that has no strong party and no empty-winsset DDM [dimension by dimension median] cabinet seems likely to be more unstable than one that does" (Laver and Shepsle 1997: 78).

⁶⁹ In Warwick's words his results: "... Clearly bring into question the fundamental premise of ministerial autonomy. Considerable skepticism was expressed when Laver and Shepsle put the issue to a group of country experts...and this skepticism is supported here... Coalition pacts cannot concern just the division of portfolios, nor can exercising power consist of letting each party do what it likes in the portfolios it receives" (Warwick 1999: 391). Laver and

characteristics: they are more complex, less subjected to a plenary reading before the committee phase, are more frequently treated by committees that are chaired by a majority MP, and have majority MPs as rapporteurs, are more often submitted to a committee vote, have lower approval rate in committee and plenary and face different forms of committee dissent or plenary obstruction, have stronger voting discipline amongst both majority and opposition, are more frequently challenged in front of constitutional courts, and have higher overall success rate. De Winter reports these findings as consistent with collective government responsibility, and inconsistent with the ministerial influence thesis.

c. Government duration or agenda setting defines executive dominance?

According to the argument proposed in this book the reasons that governments control the agenda (regardless whether they are minimum winning coalitions, minority governments or oversized majorities) are either positional (governments in multiparty systems either have a majority supporting them or they are located in the center of the policy space), or institutional (a series of devices by which governments control the agenda which was presented in the previous section and summarized by the indicator “agenda control”). There is an alternative approach that I will now summarize and discuss in more detail for two reasons: first, because of its prominent position in the literature, and second because as veto players it transcends the divisions by regime type that are so frequent in the literature. This discussion enables us to span across different regime types.

In Patterns of Democracy Arend Lijphart (1999: 129) proposes an indicator of executive dominance. “How can the relative power of the executive and legislative branches of government be measured? For parliamentary systems, the best indicator is cabinet durability.” (Emphasis added). Lijphart differentiates his approach from what he calls the “prevalent” point of view

Shepsle (1999) dispute Warwick’s conclusions. The interested reader should read the whole four-part exchange.

according to which “cabinet durability is an indicator not just of the cabinet’s strength compared with that of the legislature but also of regime stability” (1999: 129). Lijphart cites Warwick’s theory as an example of this point of view⁷⁰ and contrasts this approach with Siegfried’s (1956) and Dogan’s (1989) analyses according to which the shift in ministerial personnel does not affect policies.

According to Lijphart all the literature he cites agrees that cabinet durability is an indicator of executive dominance. The disagreement is whether government stability has an effect on the regime, and Lijphart and Siegfried and Dogan argue that it has no effect, while Warwick and most of the coalitions literature argue the opposite.

My argument is that government duration and executive dominance do not have the self-evident connection that Lijphart implies. If there is such a connection the logical argument that leads to it should be made explicitly. In fact, I would argue even further: that government duration is logically independent of government power. Government duration is a function of when the government in power resigns or is voted down by parliament. Government resignation is an indication of a political disagreement between government and parliament, and whenever such a disagreement occurs the government will have to resign whether or not it is strong, or parties participating in a government for their own reasons will create disagreements in order to lead to the formation of a new government. None of these calculations has a systematic correlation with the power of the current government. Yet, Lijphart uses executive dominance extensively in the theoretical part of his book: it is one of his indicators of consociationalism, and is connected with other features of democracies like the party system, the electoral system, the concentration or sharing of power. In addition, (what may not be well known) executive

⁷⁰ “A parliamentary system that does not produce durable governments is unlikely to provide effective policy making to attract widespread popular allegiance, or perhaps even to survive over the long run.” (Warwick (1994:

dominance enters all the empirical assessments of Lijphart's analysis of democratic regimes because he uses factor analytic techniques, so the variable "executive dominance" is one of the indicators that generate the principal components of his analysis and all country scores on every issue are derivatives of this variable. Can we improve upon Lijphart's measurement of "executive dominance"? In order to answer this question we have to follow the steps of Lijphart's argument closely.

Lijphart constructs executive dominance based on government duration the following way. He first measures the average cabinet life of governments where the only feature that counts is party composition (governments with identical party compositions are counted as one even if the Prime Minister resigns, or if there is an election). He then uses the average cabinet life using several additional events as marking the end of a government: elections, change in primeministership, change in the minimal winning, oversized, or minority status of a cabinet. The average of these two measures is produced in Lijphart's (1999) Table 7.1, but there are some additional steps necessary for the creation of the "index of executive dominance." Here is the description of the rest of the process: "Two important adjustments are required to translate the averages in the third column of Table 7.1 into a satisfactory index of executive dominance. First, some of the averages assume extreme values. Botswana, which has one-party cabinets made up of the Botswana Democratic Party from 1965 to 1996, is the most glaring example. Its four-year election cycle reduces the average duration in the third column to 17.63 years, but this is still more than three times as long as the average of 5.52 years for Britain- and there is no good reason to believe that the Botswana cabinet is three times as dominant as the British cabinet. Accordingly, any values higher than 5.52 years in the third column are truncated at this level in the fourth column. A much greater adjustment is necessary for the presidential systems and for

the Swiss separation-of-powers system. In four of the six cases, cabinet duration gives a completely wrong impression of the degree of executive dominance.... Switzerland is a prime example of executive-legislative balance. Hence, I impressionistically assign it a value of 1.00 year. The same is appropriate for the United States and Costa Rica. On the other end France must be assigned the highest value for executive dominance- the same as Britain's...." (Lijphart 199: 133-34). Eleven out of the thirty-six countries in Lijphart's study are assigned impressionistic values of the executive dominance index because the duration of their governments expressed as the average of the two measures had nothing to do with a balance of power between legislative and executive.

I argue that executive dominance is a matter of agenda control, that is reflects the ability of the government to have its proposals accepted the way they are as opposed to have them massively amended by parliament. If this is correct, the agenda control index I calculated in the previous section should have high correlation with Lijphart's "executive dominance" variable. This is actually the case: the correlation between Lijphart's index of "executive dominance" (replicated in Table 4.1) and the "agenda control" indicator that I developed in the previous section is statistically significant ($r = .496$ significant at the .05 level). It is interesting to note this correlation is much higher than the correlation between "executive dominance" and "duration" in Lijphart's own dataset. Indeed, for the restricted sample of 18 countries derived from Doering's dataset, although Lijphart's two columns have identical numbers for all countries with the exception of Switzerland (duration is 8.59 and executive dominance is 1) and France (duration is 2.48 and executive dominance is 5.52), the correlation of "executive dominance" and "duration" is .29 (which is statistically non-significant since the F test provides the number .24). Of course, the eighteen countries that table 4.1 covers are the easier half of Lijphart's countries. All of them

are West European countries; all of them (with the exception of Switzerland) are parliamentary democracies.⁷¹

Lijphart's classification has the major advantage that covers both presidential and parliamentary regimes. This is a point that should not be lost in the discussion. It is true that the duration variable cannot be used to generate indicators of executive dominance in presidential systems, and Lijphart uses "impressionistic" values. However, if one looks at the legislative abilities of Presidents in presidential systems, one will come with results quite similar to Lijphart's classification of presidential regimes. Shugart and Carey (1992: 155) provide this information and on the basis of their classification the Costa Rican President receives 1 (Lijphart score 1), the U.S. president receives 2 (Lijphart's score 1), Venezuela receives 0 (Lijphart's score 2), and Colombia 5 or 8 depending on the period (Lijphart's score 3). These two sets of numbers generate a .64 correlation coefficient, which means that legislative abilities of Presidents in Latin American countries correlate quite well with Lijphart's executive dominance variable.

In the previous chapter, I separated presidential and parliamentary systems on the basis of legislative agenda control, and I claimed that basically, despite their name parliamentary systems give most legislative power to the government, and most presidential systems give agenda control to the parliament. In this chapter, we started investigating this summary statement, and found significant differences in parliamentary systems. Do presidential systems have high variance in terms of agenda setting too? Unfortunately there is no comprehensive study like

⁷¹ There may be a classification problem because France V as well as Finland, Portugal, Iceland, Ireland, and Austria are usually classified as semi-presidential regimes. This is not a problem for veto players theory because for all these countries the number of veto players is calculated on the basis of legislative powers, so France V is exactly like a parliamentary country. Lijphart uses the semi-presidentialism argument to give France a different score from the average of government duration, but does not alter the government duration scores of the other semi-presidential countries.

Doering's covering agenda setting in presidential systems, so we have to provide only a preliminary answer.

Based on Shugart and Carey (1992: 155) we can corroborate that agenda setting in presidential systems lies mainly with Congress. They ask whether presidents have the right to "exclusively introduce" legislation. Their answer is negative for all countries with popularly elected presidents, with the exception of Brazil, Chile (scored as 1, that is, providing the assembly with unlimited amendment powers), and Uruguay (scored as 2, that is, providing the assembly with restricted amendment powers). However, more detailed studies place such a uniform picture into doubt. For example, Londregan (2001:88?) argues that the Chilean President has significant agenda setting powers: "Articles 65, 67, and 68 of the constitution permit the president to pass legislation despite opposition by a majority in one chamber provided he meets with the support of a supermajority in the other, while article 70 of the constitution and articles 32 through 36 of the organic law of Congress contain powerful veto provisions that allow the president to have the last word in the legislative debate by introducing amendments along with his veto, amendments which must be voted up or down without further change by the Congress. As if these presidential powers were insufficient, articles 62 and 64 of the Constitution permit the president to propose and amend legislation, while the same articles plus article 24 of the organic law of Congress limit the ability of members of Congress to do so."

Similarly, Cheibub and Limongi (2001) argue that several Latin American presidents have the exclusive right to initiate legislation related to the budget. In addition, they make the argument that the President of Brazil actually controls the agenda and has most of his legislation approved by Congress. This is a position disputed by Ames (2001) in his recent book. Ames provides evidence that significant parts of presidential agendas have been withdrawn, non

ratified, or rejected.⁷² However neither Cheibub and Limongi (2001), nor Ames (2001) provide the institutional details, and a significant part of their argument lies on the divisions within congress itself. These specific examples indicate that a detailed study of agenda setting powers in presidential systems is necessary.

There are two more general points that can be drawn from these more detailed country studies. The first is the importance of executive decrees for agenda setting powers of Presidents (Carey and Shugart (1998)). For example in Brazil presidents can use decrees to introduce legislation for thirty days. Such decrees become laws only when they are approved by the legislature, but the president can reissue such decrees indefinitely. This is a power that reverses the multiple veto player setting characterizing presidential systems, and uses it in favor of the President. If the President issues an executive decree, then it is difficult for congress to alter his decision, particularly if he holds legislative veto powers (Eaton 2000: 362).

It is possible that the president is delegated decree powers for specific issues. In Russia legislators voted to delegate important decree powers to president Yeltsin in 1991 related to “banking, the stock market,... investment, customs activity, the budget, price formation, taxation, property, land reform and employment” (Parrish (1998: 72). One can hardly imagine any subject excluded from this list.

Even in the US, the president has such strategies in his disposal. For example, Bill Clinton introduced his controversial policy “don’t ask, don’t tell” about gays in the military by executive decree, threatening at the same time to veto legislation that would overrule his

⁷² See Ames (2001) chapter 7, and in particular tables 15 and 16 which provide pages of failed legislative agendas of Brazilian Presidents.

decision. Similarly George W. Bush altered many of Clinton's policies by executive decrees. So, any agenda setting study should investigate the scope and frequency of executive decrees.⁷³

Another "hidden" presidential agenda setting power is the advantage presidents have vis a vis members of congress in staff positions to research, draft, and support their proposals. Londregan (2001) argues that administrative support increases the "valence" of presidential positions and make them difficult for members of congress to reject. This bureaucratic advantage may actually reduce de facto the agenda setting powers of congress. On the other hand, congresses may easily be able to alter or even reverse this advantage if they realize how much it matters.

Conclusions

Legislative power is correlated with agenda setting capacities. These capacities are attributed in general to governments in parliamentary systems and to parliaments in presidential ones as Chapter 3 argued. However, when one looks more in detail the agenda setting power in parliamentary systems varies.

In minimum winning coalitions each one of the parties in government is a veto player and the outcome of votes in parliament (if parties can control their MPs) is identical to government proposals. In minority and oversized governments, the parties in government are politically but not arithmetically veto players. Minority governments require support from other parties and oversized governments can ignore the positions of parties not necessary for a parliamentary majority. Consequently, in minority or oversized governments the expectations presented in the first part of this book will hold but with higher levels of error than in minimum winning coalitions.

⁷³ See Cheibub and Limongi (2001) about the use of these powers in Brazil.

Looking at the agenda setters in more detail indicates that the degree of institutional agenda setting varies. For example, the government in the U.K. enjoys significantly higher agenda setting privileges than the government of the Netherlands (see Table 4.1). I used all the available information and constructed an index of agenda setting power covering 18 countries of Western Europe. This index is based in actual procedures of legislating, as opposed to government duration and impressionistic assessments.

Unfortunately, similar analyses do not exist for presidential systems. In the previous chapter I separated different regimes on the basis of agenda setting. Here I focused on the variance in each category, and we saw that if we want to understand the relationship between legislative and executive, we have to focus on specific questions of agenda control. If this becomes the focus of future research we will be able to identify similarities in decisionmaking in countries like Italy, the Netherlands, and the U.S. as well as similarities between Chile and Britain or France despite their official classification in different categories. Similarly, minority governments in parliamentary systems may appear to be quite similar to particular presidential systems where the president has strong institutional powers and weak support inside the congress. Indeed, in both minority governments and Presidential regimes the party in government and the party of the president have the privileged position that they will be included in any possible coalition (in fact, that they will select the composition of the coalition).

Studying agenda setting powers in both presidential and parliamentary regimes will significantly increase our capacity of understanding political institutions and comparing the two. Lijphart's intuition that different political systems (presidential as well as parliamentary) should be ranked with respect to "executive dominance" is a big improvement upon the traditional distinctions of regime types. However it is not duration but agenda setting powers that are the

foundation of whose preferences will prevail. Government duration is not a good substitute for agenda setting powers not only because it does not apply to presidential systems, but also because it is not causally related to executive dominance in parliamentary systems either.

TABLE 4.1

COUNTRY	Plen agen t	Fin. Init.	Cmt	Re- write	Time Table	Fin. Vot.	Lapse Bill	Agenda Control	Exec Dom (Lijphart)
Austria	4	3	3	3	2	2	2	-0.044	5.47
Belgium	4	3	3	4	3	2	3	-0.170	1.98
Denmark	5	3	2	1	4	2	1	-0.106	2.28
Finland	5	3	3	4	1	3	2	-0.148	1.24
France	2	1	3	1	2	1	3	0.333	5.52(2.48)
Germany	4	3	3	4	3	2	2	-0.126	2.82
Greece	2	2	3	2	2	1	2	0.280	2.88
Iceland	5	3	3	1	4	2	1	-0.170	2.48
Ireland	1	1	1	4	1	2	2	0.519	3.07
Italy	6	3	3	4	2	2	2	-0.219	1.14
Luxembourg	3	3	3	3	2	2	4	-0.053	4.39
Netherlands	7	3	3	1	4	3	4	-0.527	2.72
Norway	4	3	3	4	2	2	2	-0.063	3.17
Portugal	3	1	3	3	2	2	3	0.147	2.09
Spain	4	1	1	4	2	2	2	0.221	4.36
Sweden	5	3	3	4	4	3	4	-0.427	3.42
Switzerland	3	3	3	4	3	2	4	-0.135	1 (8.59)
U. Kingdom	1	1	1	1	1	1	1	0.690	5.52

Columns 1-7 from Doering (1995)

Agenda control as calculated in this study from Doering's (1995) measures
"Executive Dominance" from Lijphart Table 7.1 (1999:132)⁷⁴

⁷⁴ For France and Switzerland the first number is the one reported, while the one in parenthesis is the result of calculations regarding government duration.

FIGURE 4.1

A minority government centrally located can avoid serious defeat (results in areas X)

