



EDITED BY
**SHANE
MARTIN**
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**KAARE W.
STRØM**

≡ The Oxford Handbook of
**LEGISLATIVE
STUDIES**

THE OXFORD HANDBOOK OF

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Edited by

SHANE MARTIN
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and

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CHAPTER 1

INTRODUCTION

SHANE MARTIN, THOMAS SAALFELD, AND
KAARE W. STRØM

1.1 INTRODUCTION

LEGISLATURES are ubiquitous political bodies. In a recent survey, Loewenberg (2011, 18) counted 191 such national assemblies. Many thousands could be found at the sub-national level. And at least in the case of the European Parliament, we have seen the slow but steady rise of a transnational assembly. In the broadest sense of the word, a legislature could be defined as “a body created to approve measures that will form the law of the land” (Norton 2013, 1). This definition focuses on law-making as the main purpose of a legislature and can be derived from the word’s etymological root, namely *legis*, the genitive of the Latin word for “law” (*lex*) and *lator* meaning “proposer” or “carrier” conjugated from the Latin verb *ferre*. The local names for legislatures include (in English translation) “Assembly,” “Diet,” “Congress,” “Parliament,” and many more. The term “parliament,” which is sometimes used interchangeably with “legislature,” has a different etymological root and points to a different set of activities with which legislatures tend to be associated—public deliberation, debate, transparency, and accountability. The French word *parlement* appeared in the twelfth century to denote an assembly or court where French monarchs (or their representatives) spoke to subjects, listened to their grievances, and explained policies. From the thirteenth century onward, the term *parliamentum* was used in medieval England for formal meetings between the monarch and representatives of the estates, which emanated from the *Curia Regis* of the eleventh century (Marschall 2005, 24–6).

In his classic study of *The English Constitution*, Bagehot (1867) described these communicative activities under the rubrics “expressive,” “teaching,” and “informing” functions of the British Parliament. Yet, the most important function Bagehot ascribed to the nineteenth-century House of Commons as an “efficient part” of the English constitution is not captured in the terms “legislature” or “parliament” at all, namely the legislature’s “elective function.” The making, breaking, and maintaining of governments in

office is peculiar to legislatures in parliamentary systems of government, but does not exist in presidential systems based on a stricter separation of the executive and legislative branches. In parliamentary systems of government, the majority leadership controls the process of legislation via its majority and its powers to determine the agenda. In presidential systems, by contrast, the power to set the agenda does not rest with the executive. As a result, the executive needs congressional cooperation to get its legislation on the statute book. In parliamentary systems, the ultimate sanction of dismissing a government turns the communicative functions highlighted by Bagehot potentially into a very effective device to hold the executive accountable, both within the majority party (or parties) and in the permanent election campaign between majority and minority parties, between government and opposition (King 1976).

In the past 50 years, legislative studies have become one of the major subfields of political science. Many national and international political science associations (e.g. the American Political Science Association, the [British] Political Studies Association, the International Political Science Association, or the European Consortium for Political Research) have standing sections on legislative studies. The number of articles on legislatures or legislators in leading international journals in the discipline is substantial. And there are a number of established academic journals specializing in legislative studies in political science (e.g. *Parliamentary Affairs* [founded in 1947], the *Zeitschrift für Parlamentsfragen* [since 1969], *Legislative Studies Quarterly* [since 1976], the *Australasian Parliamentary Review* [since 1986], or *The Journal of Legislative Studies* [since 1995]), and in other disciplines (e.g. *Parliaments, Estates and Representation* [since 1981], or *Parliamentary History* [since 1982]).

Not only are legislatures ubiquitous bodies, they present political scientists with numerous intriguing puzzles, which have motivated research with implications for institutional analysis beyond the field of legislative studies itself. Why, and how, have these ancient assemblies, established in pre-democratic times and often characterized by aristocratic forms of behaviour, procedures, and symbols, survived the transition to mass democracies? How have they adapted? Why do they still exist, after all the diagnoses of anachronism, decline, irrelevance, and dysfunctionality? Why have they not been abolished in the light of widespread popular indifference even in those democracies that look back at a long-standing history of parliamentary government? What explains the similarities and differences in legislative rules, powers, and recruitment? What explains the inconsistency between the organizational and procedural structures they have developed and the original notion of an “assemblage of notables of equal status” (Loewenberg 2011, 14)? And, perhaps most intriguingly, what are the policy and other consequences of variation in how legislatures are organized and function?

In short, legislatures pose a number of non-trivial puzzles. At the same time, they have always been *relatively* public and transparent bodies offering good opportunities to researchers interested in questions of institutional design, institutional adaptation, as well as rule-bound and strategic behaviour. A great deal of information is available to researchers about the legislatures’ constitutional powers and internal rules as well as about their members’ backgrounds, public statements, revealed preferences,

and behaviour in and around the chamber. Today, many legislatures provide excellent on-line access to records of plenary meetings, committee sessions, and the entire legislative process. This may explain why legislative studies have become such an important and increasingly dynamic sub-field of political science.

1.2 LEGISLATURES MATTER

Some scholars have claimed the decline of parliaments in modern democratic politics. Such claims are not new. Lowell's (1896), Ostrogorski's (1902), and Bryce's (1921) analyses of the effect of the rise of organized political parties in the nineteenth century led them to conclude that the power of legislatures had been undermined by partisanship (Ostrogorski, Bryce) and a decline in the quality of representatives (Bryce). This critique was echoed by foes of liberal democracy such as Schmitt (1988 [1923]) in the 1920s as well as by supporters of a more rational and democratic form of discourse in legislative decision-making, such as Habermas (1992 [1962]) in the 1960s. While political scientists have gradually come to understand how political parties can enhance the decisional efficiency and impact of legislatures (see, for example, Cox 1987; Aldrich 1995; or Cox and McCubbins 2005), the claim that legislatures are declining has remained. What has changed have been the external developments believed to cause this downturn: after the Second World War, a number of authors identified the growth of welfare states and executive agencies as causes for the alleged decline of European legislatures, as the growth of these programs and agencies has exacerbated the informational asymmetry between bureaucrats and elected politicians. In the 1970s, a variant of this causal argument was extended to the tendency for governments in some (again, mostly European) democracies to strike bargains with major producer groups in neo-corporatist arrangements. Richardson and Jordan (1979) thus spoke of a "post-parliamentary democracy." In recent years, the narrative of declining legislatures has continued on two levels: some authors consider Europeanization (within Europe) and globalization (more generally) as crucial exogenous developments undermining the power of legislatures. Andersen and Burns (1996, 229) thus claim: "Western societies have become highly differentiated and far too complex for a parliament or its government to monitor, acquire sufficient knowledge and competence, and to deliberate on." Parliamentary representation, they argue, is organized territorially, rendering legislative oversight ineffective in the contemporary world. In a recent article on the implications of the European rescue packages between 2010 and 2013, Zürn (2013, 10) restated the argument from the vantage point of transnational governance: "The crisis of parliamentary democracy in the West and the emergence of political authority beyond the nation state lead to a shift within the set of established justifications of legitimate authority." His assessment has been echoed by students of public attitudes. Dalton (2004, 1), for example, observes that citizens "have grown distrustful of politicians, skeptical about democratic institutions, and disillusioned about how the democratic process functions." And the available evidence

suggests that despite the relative transparency of legislative chambers, they are poorly understood and appreciated by democratic publics across the world (Loewenberg 2011, 92–103).

Yet, the contributions to this handbook will provide overwhelming evidence that legislatures matter, and how they matter; how they have adapted to changes such as globalization, regional integration, judicialization; and how they have coped with the declining support base for the central agents of legislative politics, political parties. A few simple but striking examples corroborate our claim that legislatures are indeed consequential. In March 2013, the government of the Republic of Cyprus concluded an economic bailout agreement with the European Union, the European Central Bank, and the International Monetary Fund. This so-called troika imposed harsh conditions, including a loss of up to 10 percent of money held in Cypriot bank accounts. While all parties to the agreement expected negative reactions, neither the Cypriot government nor the troika considered the reaction of the parliament of Cyprus, through which the necessary enacting legislation would have had to be passed. Banks in Cyprus had to remain closed while the government tried to persuade Members of the House of Representatives to back the deal.

On 19 March 2013 Cypriot MPs rejected the bailout terms, with more than half of the country's 56 legislators voting against, and 19 MPs choosing to abstain. Amidst an atmosphere of crisis, the Cypriot finance minister then went to Moscow to seek help from Russia, and the European Central Bank threatened to withdraw the supply of cash to Cypriot banks. Finally, following new negotiations with the troika, a multiweek shutdown of banks, and much protest, Cyprus's House of Representatives approved a different, and more favourable, bailout agreement at the end of April, by a majority of just two votes. Thus, even these powerful transnational actors had to take into account the preferences of legislators of a small state in an utterly weak bargaining position.

Although the above account reminds us of the central role that legislature plays in times of crisis, legislatures are also central to the normal business of governing. In parliamentary systems, parliaments make and break governments (Bagehot 1867; Wheare 1963; Kluxen 1983; Laver and Shepsle 1996; Müller et al. 2003; Strøm 2003). The Federal Republic of Germany is a powerful illustration of this point. Between 1949 and 2013, only one complete transfer of power between government and opposition parties was triggered exclusively by a popular vote at elections—in the general election of 1998, the coalition of Christian Democrats and Liberals under Federal Chancellor Helmut Kohl was thrown out by the voters and replaced with a new coalition of Social Democrats and Greens led by Gerhard Schröder. All other governmental transitions (Adenauer to Erhard in 1963, Erhard to Kiesinger in 1966, Kiesinger to Brandt in 1969, Brandt to Schmidt in 1974, Schmidt to Kohl in 1982, and Schröder to Merkel in 2005) effectively resulted from negotiations between the parties in the legislature. This provides powerful evidence for the importance of Bagehot's elective function in parliamentary systems of government.

Although in presidential regimes legislatures tend not to make or break governments, their policy influence remains significant. As the passage of the Patient

Protection and Affordable Care Act of 2010 (often referred to as the ACA, or Obamacare) in the United States exemplifies, the detail of legislative rules and procedures matter greatly. President Obama had identified healthcare reform as a policy priority of his first term in office. Yet, healthcare reform divided Americans (Brady and Kessler 2010). Normally, such divisive legislation would stand little chance of passing in the United States Senate, where individual Senators can filibuster bills—unless 60 percent of the members oppose the filibuster. Due to an embarrassing loss in a Senate by-election in Massachusetts, the president’s party did not have the filibuster-proof Senate majority required to pass the ACA. To circumvent a filibuster, the Democrats instead employed a little-known and arguably arcane parliamentary *maoneuvre*. Senate procedures allow proposals directly affecting the budget to be considered under a special budget reconciliation process. The healthcare bill had both legislative and budgetary components and it was therefore unclear which procedure would be used. The Parliamentarian (the Senate’s nonpartisan advisor on the interpretation of its rules, procedures and, critically, precedents) must decide whether bills are budgetary or legislative. Legislative bills can lead to long debates with the possibility of a filibuster, which can only be broken by a supermajority of 60 senators. In contrast, if a bill is budgetary, debate is limited to 20 hours with no opportunity to employ a filibuster. The interpretation of the Parliamentarian, Alan S. Frumin, was thus critical to the eventual passage of the ACA. As Oleszek (2013, 432), later noted: “Members [of the United States Congress] find new uses for old rules, employ innovative devices, or bypass traditional procedures and processes altogether to achieve their political and policy objectives.” And in this case, the fate of a very large and hotly contested bill depended on this arcane parliamentary ruling. As all of the above stories indicate, it is difficult if not impossible to study the politics of any established democracy without reference to its legislature or legislatures, and as some of the later chapters in this volume will suggest, legislatures sometimes play a critical role even where democracy has not been solidly entrenched.

1.3 THE EVOLUTION OF LEGISLATIVE STUDIES

Legislative studies have always been a rich and pluralistic field of inquiry in political science. We want to offer three observations on the history of this field. Firstly, the study of legislatures pre-dates the evolution of political science as a discipline. Philosophers, historians, and lawyers were the first scholars to analyse legislatures. This has influenced the way legislatures have been—and are—studied. Political science does not have a monopoly on the study of legislatures, and in a number of countries, legal-constitutional and historical traditions retain a strong influence. Secondly, while pluralistic in its methodology and methods, legislative studies in political science have followed a general trajectory from (a) the “old” institutionalism prevalent between the late nineteenth century and the end of the Second World War, through (b) a neglect

of political institutions and a focus on individual behaviour in the 1950s and 1960s, to (c) more sophisticated macro-micro-macro perspectives from the mid-1980s onwards when the “new” institutionalism became a dominant force in contemporary political science. Thirdly, legislative studies have benefitted greatly from the growth of political science as a discipline after 1945, especially in the United States of America. The vast majority of scholars working in the field have always been based at US universities. This includes US-based scholars who have made significant contributions to research on non-US legislatures (e.g., Beer 1966; Huber 1996; Loewenberg 1967). As a result of the critical mass in US academia and other fortuitous circumstances, legislative studies have received major impulses from America.

Our first point relates to the long history of studies of legislatures and the variety of academic disciplines that have covered legislatures and their activities. Scholarship about the process of law-making has a long and venerable tradition in a number of disciplines including philosophy, history, law, and, since the second half of the twentieth century, political science. Early typologies of government (including assemblies) can be found in ancient Greece in the *Politics* of Aristotle and Plato and, later in the Roman republic, in Cicero’s *De Republica*. We have fragmentary evidence of philosophical works on laws by Plato (*Nomoi*) and Cicero (*De legibus*), which were both primarily concerned with the content of laws rather than with the process of legislation. Throughout the Middle Ages authors such as Thomas Aquinas (1225–74) harked back to Greek (mainly Aristotelian) and Roman political thought in treatises on divine, natural, and man-made law. In early modernity, authors such as Bodin, Grotius, Hobbes, and Pufendorf took up questions of natural law and sovereignty in modern states, reflecting on the balance of power between sovereign monarchs and the various estates. The contractarian ideas of Hobbes and Locke, in particular, strongly influenced the understanding of the relationship between citizens and monarchs in subsequent liberal political thought. Locke in his *Second Treatise on Government* (1690) and Montesquieu in *De l’esprit des Loix* (1748) argued for a separation of power between the executive and legislative branches of government, an idea later taken up by the founding fathers of the US Constitution in the *Federalist Papers* (1787–8). In eighteenth-century Britain, Burke and Hume theorized about political parties in legislatures (which they saw largely as divisive expressions of particularistic interests), and Bolingbroke formulated a theory of legitimate, “patriotic” opposition (on Burke, Hume, and Bolingbroke see Mansfield, 1965). This list is far from exhaustive but suffices to demonstrate the importance of key areas of legislative studies in political theory for more than 2,000 years.

In addition to its roots in philosophy, legislative studies owe a great deal to legal-constitutional scholarship. Until the eighteenth century, legal, theological, and philosophical works were hard to separate. Two developments favoured the “constitutionalization” of legislative politics: firstly, and most obviously, there was the rise of constitutionalism from the American and French Revolutions onwards. Combined with the rise of legal positivism, this development provided a major impetus for legal research. Secondly, with the growing volume and complexity of legislative business in some chambers, procedural rules had to be introduced to avoid chaos. Initially, these

rules were written by politicians or clerks. Vice President Jefferson (1812) famously compiled his *Manual of Parliamentary Practice* for the US Senate when he held the office of vice president between 1797 and 1801. This influential statement of parliamentary law was informed by Hatsell's (1818 [1718]) procedural manual for the British House of Commons and later "became a supplement to the rules of procedure that evolved in the U.S. House of Representatives and in territorial and state legislatures throughout the United States" (Loewenberg, 2011, 17). While such procedural rules have increasingly become a focus of research for political scientists (see the chapter by Müller and Sieberer in this volume), they have long been the territory of constitutional lawyers. In some countries the body of law pertaining to legislatures (such as in the German word "Parlamentsrecht") have become a sub-field of public law (e.g., Schneider and Zeh 1989; Jack 2011).

As democratic legislatures have evolved from medieval assemblies in Europe, many archaic procedures, symbols, and myths have continued to shape legislative practice despite the modernization and "rationalization" of legislatures since the nineteenth century (Manow 2010). Apart from a number of influential studies by eminent historians, there have been major attempts to coordinate and institutionalize historical research on legislatures through organizations such as the History of Parliament Trust in the United Kingdom (established in 1940), the International Commission for the History of Representative and Parliamentary Institutions set up by a number of European historians (1936), the German Kommission für Geschichte des Parlamentarismus und der politischen Parteien (1952), the Dutch Centrum voor Parlementaire Geschiedenis (1970), and the French Comité d'Histoire Parlementaire et Politique (2003).

In short, political science is only one of several disciplines dealing with legislatures, and inter-disciplinary cooperation has often been lacking (Loewenberg 2011, 6). From the 1950s onwards and again from about 1980, legislative studies have nevertheless become a very dynamic sub-field of political science, especially in the United States. Our second main observation is that the history of legislative studies in political science is strongly influenced by the ebb and flow of institutionalism in political science and the social sciences more generally. Most early publications on legislatures are characterized by the attributes Peters (1999, 3–11) and others have identified as "old institutionalism" of the nineteenth and early twentieth centuries. This traditional form of institutional analysis is too diverse to have a coherent theory, methodology, or research program. Yet it is generally characterized by a strong focus on the formal institutions of government, constitutional law, and constitutional history. Loewenberg (2011, 108) thus observes that, some notable exceptions notwithstanding, US congressional research from the 1880s to the 1950s had been dominated by "a large volume of work on its constitutional powers, rules of procedure, and legislative enactments, as well as proposals for its reform."

"Old" institutionalists believed that structures had a clear causal influence on behaviour. In methodological terms their works tended to be holistic (rather than individualistic) with an emphasis on macro-level analyses. They also stressed the historical foundations of institutions both for an adequate understanding of their origins and the interpretations of the actors influenced by those institutions. Finally, and in line with the intellectual roots

of political science, there was a strong normative element in “old” institutional analysis, focusing on the institutional conditions for “good government.” In this sense, Tocqueville’s early description of the United States Congress in *De la démocratie en Amérique* (first published in French in 1835) may be a less-than-perfect example of the “old institutionalism” as the book reveals a great deal of interest in the fabric of American society, its relative egalitarianism, and the consequences of these social factors for the country’s political institutions. Nevertheless, Chapters V and VI present an early institutionalist account of Congress (Tocqueville 2000). Wilson’s (1885) study of *Congressional Government* half a century later can be considered to be a clear-cut early example of the “old” institutionalism in the United States. His focus on the formal institutions of Congress was coupled with the normative impetus of a practitioner who sought to influence behaviour through institutional reform. In Europe, the studies of Bagehot (1867), Bryce (1921), Jennings (1957), or Wheare (1963) are further examples. Wheare was unusual inasmuch as he dealt with more than one single legislature. However, systematic, theory-driven comparative analyses did not become widespread until the 1990s. Old institutionalism was largely a matter for area specialists, although a few scholars such as Polsby (1974), Mezey (1979), or Lijphart (1984) contributed greatly to the development of typologies that could be used for comparative studies (see also Mershon’s contribution to this volume).

Even the most cursory review of some older institutionalist literature, however, would be incomplete without reference to a large body of institutional analysis, especially during the 1920s and 1930s, that was deeply skeptical of legislatures and parliamentary democracy (e.g. Schmitt 1988 [1923]). In their most general form, these arguments—for example, the claim that legislatures had lost their character as public arenas for rational political discourse, or that they were ineffective and inefficient as decision-making bodies—continued to inform institutional debates after 1945. The literature on discourses and deliberative democracy are but two examples of the former theme (see Bächtiger’s contribution to this volume), whereas the institutional analysis of chaos results in parliamentary voting exemplify the latter (see Rasch’s chapter in this volume).

In the 1960s, political scientists imported systems theory and structural functionalism from other social sciences to move beyond the old institutionalism of legislative studies both in the United States and elsewhere. The theoretical perspective underpinning systems theory proved to be a promising candidate for a general theory of political systems. Almond and Powell (1966), for example, saw legislatures as sub-system of a “political system” which helped to convert political inputs arising in the system’s environment into outputs. It is typical of this perspective that a great deal of scholarship was devoted to systemic “functions” legislatures might perform—Packenham (1970), for example, identified three main functions: (1) legitimation; (2) recruitment, socialization, and training of political leaders; and (3) decisional functions including law-making. This functionalism seemed to provide a framework for more analytic and comparative perspectives. Ultimately, however, systems theory and its derivatives in legislative studies remained abstract and highly aggregated and did little to address the growing criticism that “macrobehaviour” needed to be explained in terms of actors’ (e.g., legislators’) “micromotives” (Schelling 1978).

In another departure from the “old” institutionalism, the 1950s and 1960s witnessed a growing interest in legislators and their individual perceptions and behaviour. This involved a radical shift to the micro level of analysis, which was inspired by the general rise of behaviourism in the social sciences. The interest in institutions, by contrast, declined: What really mattered in this view of politics was voting, interest group activity, and even less legal forms of articulations, which were then processed into “outputs.” In this conception of a political system the formal institutions of government were reduced to the “black box,” where the conversion of inputs into outputs occurred, almost magically it appeared to “critics of the approach” (Peters 1999, 14). Such criticism notwithstanding, modern legislative studies owe much, both substantively and methodologically, to a series of micro-level studies, such as a seminal study of representational role orientations among American state legislators, in which Wahlke and his collaborators (1962) interviewed 474 members of four such assemblies. With appropriate adjustments, their work inspired a large number of related studies across the world (Badura and Reese 1976; Chee 1976; Narin and Puri 1976; Converse and Pierce 1979; Hagger and Wing 1979; Maier et al. 1979; Clarke and Price 1981; Andeweg 1992; Searing 1994; Judge and Ilonszki 1995; Müller and Saalfeld 1997; Blomgren and Rozenberg 2012). Similarly, Fenno’s (1978) participant observation of the “home styles” of US Representatives generated interesting insights into the way US legislators carry out their work on Capitol Hill and also influenced international studies (e.g. Patzelt 1993; Brack et al. 2012), albeit not to the same extent as for research on role orientations.

Despite the impressive amount of information that has become available on legislators, the micro-political approach to the study of legislatures had some deficiencies, which its leading proponents readily recognized. This behavioural research contributed to a host of legislature-specific in-depth studies; yet the question remained whether the fascinating results of these studies could be generalized beyond their specific samples. Furthermore, there was little leverage to explain the effect of institutional variation. Eulau (1996), one of the key proponents of the micro-political approach, saw this problem very clearly and emphasized the need to bridge the micro-macro divide. Finally, the data from such behavioural studies often made it difficult to draw clear causal inferences. Searing (1994, 6–7), a leading scholar in the field of legislative role analysis, thus conceded that the ideas underpinning much of his work were a descriptive framework rather than a theory from which causal explanations could suitably be derived.

The “new” institutionalism that gradually came to dominate legislative studies from the 1980s onwards was not a renaissance of the structuralism and methodological holism of the “old” institutionalism. It was strongly informed by three decades of empirical research on the attitudes and behaviour of individual representatives in the US and elsewhere. In the language of Coleman’s (1986) macro-micro-macro model of (social) action, it benefitted from vastly increased knowledge of how legislators perceived macro-level constraints and incentives in their respective political environments (Coleman’s “macro-to-micro problem”). It therefore offered scholars some confidence in their respective micro-level assumptions.

Nor was the new institutionalism all of one kind; in fact it came in two distinct main varieties: one committed to rational choice analysis and the other much more sociological and norms-oriented. These rational-choice and sociological varieties largely differed in terms of their assumptions and explanatory strategies at the individual level. Rational-choice theorists were strongly influenced by the rise of formal modeling since the 1960s. The micro-level research of the past three decades had reassured Riker and his followers that their assumption of strategic, calculating actors was reasonable in the context of legislative institutions (Shepsle 2002). Loewenberg (2011, 116), though not a scholar of this tradition, conceded that Riker's game-theoretic "approach was ideally suited to research on legislatures because they could readily be conceptualized as institutions composed of self-interested, purposeful members taking strategic actions within a set of rules to achieve their purposes." Sociological institutionalists, by contrast, assumed that legislators and other political actors follow a "logic of appropriateness" (March and Olsen 1984), which they took to be acquired in the process of political socialization. Strategies and purposive behaviour exist, but political actors' assessments of costs and benefits are influenced by the social norms that are prevalent within their communities and organizations. With its emphasis on voting procedures and other rules, the rational-choice variety of the "new institutionalism" came to dominate, as it offered interesting and often counter-intuitive explanations of legislative outcomes, addressing the "micro-to-macro problem" identified by Coleman (1986).

Unlike the "old" institutionalists, behaviourists, or systems theorists, rational-choice institutionalists, in particular, had a clear (and often fairly realistic) model of individual motivations. Unlike the first generation of rational-choice models of legislative politics (see, for example, Riker, 1962), however, institutions were not strictly endogenous to their models. Using fixed behavioural postulates about the motivations and preferences of relevant actors and the game-theoretic logic of institutions, they sought to derive propositions about observable behaviour and test hypotheses based on these propositions (Diermeier and Krehbiel 2003, 131). One crucial advantage of rational-choice institutionalism over its sociological "competitor" was that it lent itself much better to comparative analyses. Concepts such as "voting games," "veto players," or "agenda control" allowed researchers to strip a multitude of different institutions down to their institutional core logic. Veto-player models (e.g. Tsebelis 2002) or pivotal-player models (Krehbiel 1998) were general enough to be applied to and tested in a large number of different settings. The growing availability of cross-national data on legislative powers and procedures (e.g. Döring 1995; Fish and Kroenig 2009; Sieberer 2011) has allowed more sophisticated comparative analyses of the impact of legislative institutions.

Although the rational-choice approach has provided the most influential neo-institutional approach in legislative studies, there have been other influential schools of scholarship, especially the sociological exploration of legislative roles, as well as historical approaches. The historical approach to the study of institutional development—including a much stronger cooperation between rational-choice theorists and historical institutionalists (e.g. Katznelson and Weingast 2005)—is a recent development

and has largely remained confined to Congressional scholarship in the United States thus far (Katznelson 2011). Sociological institutionalism in legislative studies has its roots in the micro-political work on legislative roles cited above. The study of legislative roles continues to produce a number of fascinating findings on individual legislatures (see, for example, Blomgren and Rozenberg 2012), even though its proponents realized that “role theory is not a theory” (Searing 1994, 6–7). Nevertheless, sociological analyses, too, have experienced a certain revival in the context of the “new” institutionalism and have contributed to a much better understanding of the longer-term changes in the offices and profession of legislators cross-nationally (Best and Cotta 2000; Cotta and Best 2008; see also the contribution of Best and Vogel in this volume).

Our third general observation on the field of legislative studies relates to the dominance of US scholars. This is not surprising given the size of the US political science community and the fact that both Congress and the US state legislatures are amongst the most powerful legislative bodies world-wide with a long and uninterrupted history of democratic government. As a result of this strength, Shepsle (2002, 390) was able to claim with a high degree of plausibility that “American politics has served the wider political science community by forging scientific tools and producing a laboratory in which they are tested, perfected and prepared for export.” The story told in this introduction supports Shepsle’s claim. While legislative studies were multi-disciplinary and multi-polar until the Second World War and while European research, in particular, may still be strong in areas such as the legislative history, the most important innovations since 1945 have emanated from research carried out in the United States. This has always included non-American researchers who had found an intellectual home there, and increasingly comparative research collaborations across the Atlantic and the Pacific oceans, as well as across the border between North and Latin America (e.g. Alemán 2013).

1.4 THE HANDBOOK

Our handbook reflects the richness and promise of legislative studies and is therefore divided into a number of sections that survey and discuss various key themes and issues in the field. We begin with basics, with accounts of the different traditions in which insights about legislative politics have been aggregated and developed into theoretical bodies of knowledge concerning this aspect of political deliberation. The handbook contains three such chapters, to which we now turn.

1.4.1 Theoretical Approaches in Legislative Studies

Like political science in general, scholars of legislatures approach the topic from different and, at least partially, competing theoretical perspectives. Diermeier (Chapter 2)

suggests that formal modeling and, in particular, game-theoretic approaches, are well suited to the comparative study of legislatures. Almost all formal models of legislatures fall into this tradition. Rational choice theory contends that political outcomes and decisions are to be explained as the aggregate results of the decisions of rational individuals, variously informed. Variants of rational choice theory differ in their view of how to model such collective choice processes. Social choice theoretic approaches model a collective choice process by its voting rule. A series of impossibility theorems, suggesting the collective choice should typically be chaotic, led many theorists to the conclusion that the sparse social choice theoretic approach was underspecified. This led to the development of institutionalist models, which add structure, such as committees or procedural prerogatives, to formal models of legislatures, to explain stabilities and biases that seem to exist in the real world of legislative politics. Early models of such structure-induced equilibrium have been increasingly replaced by ever more sophisticated game-theoretic approaches. As Diermeier argues, this framework not only allows for the representation of complex institutions but can also address questions of stability and the choice of institutions.

Despite the dominance of rational choice, the sociological approach provides an alternative theoretical framework through which legislatures and legislators can be studied. The sociology of legislators and legislatures has two main units of analysis: legislators as social actors on the one hand, and legislatures as social institutions on the other. Best and Vogel (Chapter 3) focus on the social relations within parliaments (insider relations) and on the relations between parliaments and society (insider-outsider relations). They suggest that three types of social interaction manifest themselves: competitive struggle for votes; antagonistic cooperation; and hierarchical principal–agent relations.

Kreppel (Chapter 4) provides a review of the historical evolution of legislative typologies and classification schemes, with particular attention to the implicit and explicit connections between the role and influence of legislatures and the broader political system. Her chapter includes an effort to clarify the terminology of legislatures and to identify various subtypes that exist based on their relationship with the executive and the relative emphasis they are likely to place on the primary activities of legislatures (including representation, linkage, control, and policy-making). Kreppel explores the implications for comparative legislative studies of the transition from the broad comparative “macro” typologies dominant in the 1970s and 1980s toward the micro analyses focused primarily on specific aspects of internal organization, including the shift from US-centred analysis to a more comparative lens. Kreppel concludes by introducing an alternative conceptual scheme based on the core concepts of institutional and individual autonomy.

1.4.2 Methods of Legislative Research

Our second set of five chapters reviews the rapidly evolving methods and techniques that are currently deployed in the study of legislatures. Contemporary legislative studies thus make use of an increasingly diverse and sophisticated set of empirical tools to test

an ever-increasing number of theory-driven hypotheses. Carroll and Poole (Chapter 5) explore what is arguably one of the most empirically studied aspects of legislative behaviour: voting. Scaling methods to evaluate the latent dimensions of political behaviour and choice have had a substantial impact on our understanding of the properties of legislative roll-call voting. As interest in spatial models of legislatures has grown, these methods have been employed to operationalize theories of the role of preferences and ideology in legislative politics. Scaling procedures and ideal point estimation have enabled scholars to assess the spatial properties of voting and to conduct numerous empirical investigations of preference-based theories of legislative politics. With the advent of new techniques and more computational power, such methods have become even more widespread in comparative politics. Carroll and Poole provide an overview of these methods and applications with a discussion of methodological challenges and recent developments in the field.

Yet, legislator behaviour consists of much more than voting. As we noted in our introduction, the term “parliament” refers to the discursive aspects of politics in representative assemblies, and legislators leave a long record of recorded words in the form of legislative debates, parliamentary questions, and committee hearings and deliberations. Slapin and Proksch (Chapter 6) discuss recent technological advances that have provided scholars with the ability to analyse the vast amounts of textual data that legislatures produce each year. Researchers have taken advantage of these new tools to answer questions about constituency representation, agenda control, and party cohesion, among many other topics. Using texts as data has allowed researchers to develop a more nuanced understanding of ideology and position-taking in legislatures. However, a careful consideration of the data-generating process behind the text data is equally important as content analysis of that data. Just as with other forms of observational legislative data, text data is often generated by strategic interactions among legislators and legislative parties. Slapin and Proksch warn that when they consider how best to use available text data, researchers must be cognizant of the processes that generated the text.

Bächtiger (Chapter 7) explores the role of debate and deliberation within legislatures. In the past two decades, scholars have begun to refine and challenge the conventional view that debate is a verbal contest between government and opposition without any direct policy impact. Bächtiger explains that parliamentary debate is more varied and consequential than commonly assumed. In trying to understand such debate, scholars have adopted three approaches: (1) a *strategic and partisan-rhetoric approach*, anchored in rational choice theory; (2) a *deliberative approach* which tries to identify institutional and issue-based conditions under which legislative speech can inform decisions; and (3) a *discourse approach* focused on the constitutive features of parliamentary debates which examines its norms and conventions. Bächtiger’s analysis of the contours of parliamentary debate complements the previous chapter on text as data and will be of interest not just to scholars of deliberation but also to those who develop or employ the tools discussed by Slapin and Proksch in Chapter 6.

Surveys and interviews, which were so influential during the heyday of behaviourism, arguably continue to dominate empirical research designs in legislative studies. For one thing, they help give meaning to what legislators do within the legislative arena (voting and words). They also shed important light on legislators' extra-legislative work, such as constituency activity and service. Arguably, surveys and interviews deliver the most direct measure of the thoughts and intentions of politicians, so that they are one of the most valuable sources of data for the study of legislative behaviour. Bailer (Chapter 8) reviews the use of surveys and interviews in legislative studies and offers specific guidance for drafting questionnaires and surveys questions, for conducting legislative surveys, and for tackling specific problems that may arise in elite interviews. Bailer discusses the major challenges of legislative interviews (quality control) and of legislative surveys (low response rates and selection bias), and offers potential remedies.

The challenges of quality control and selection bias ultimately require that scholars consider alternative, or at least complementary, empirical strategies. The increasing popularity of experiments in political science suggests one possible avenue. While early work on legislative coalitions occasionally employed experiments, the bulk of progress in legislative research has been made with non-experimental work. This is likely to change quickly. Druckman, Leeper, and Mullinix (Chapter 9) argue that experiments provide unique strengths in legislative research. During the past decade, political science has experienced a mounting tide of experimental research directed at topics such as voting in legislatures, parliamentary coalitions, and legislative responsiveness. Druckman, Leeper, and Mullinix discuss variations in experimental design and their applications before concluding with a discussion of future challenges and opportunities for experimental work in legislative settings.

1.4.3 Representation and Legislative Careers

As the five methodologically focused chapters will demonstrate, legislative scholars have a rapidly growing tool box of increasingly sharp instruments at their disposal. They can, and no doubt will, employ these tools to address a range of important questions. Regardless of theoretical orientation and empirical strategies, researchers in the field of legislative studies have produced an impressive body of substantive knowledge, which is explored in the next series of chapters in this handbook.

Our analysis of this body of work begins, as do political campaigns, with the candidate selection process. Hazan (Chapter 10) argues that candidate selection has significant consequences for legislative politics. The rules and practices that govern this process open doors for some politicians and close them for others. Moreover, candidate selection rules may induce legislators to modify their behaviour, regardless of their fundamental preferences. Hazan argues that the behaviour of legislators is significantly influenced by their desire to be reselected, and that in order to fulfill this goal they will try to satisfy and respond to the electorate. For example, if party cohesion has a positive

effect on reselection, legislators will focus on party-centred activities and exhibit high levels of party unity. If more individualistic behaviour is valued in order to be reselected, legislators will engage in candidate-centred behaviour, leading to lower levels of party unity. Hazan is especially interested in the shift toward more inclusive candidate selection methods and argues that this will have a significant impact on legislative behaviour.

André, Depauw, and Shugart (Chapter 11) review what has become a central topic in comparative politics—the relationship between electoral systems and legislative behaviour. Much research indicates that electoral institutions shape the behaviour of legislators and thereby strengthen or weaken their incentives to cultivate their personal reputation rather than that of their party. But research has largely missed the “theoretical link” tying legislators’ behavioural repertoires to the formal rules. In response, and by focusing on patterns of accountability as well as the competitiveness of electoral races, André, Depauw, and Shugart set out to examine how the *mechanical effects* of electoral institutions translate into incentives for legislators to cultivate a personal vote. They then turn to the *psychological effects* of electoral institutions, examining how personal vote incentives translate into behaviour such as initiating particularized legislation, undertaking constituency casework, and breaking with party discipline. The effects of electoral institutions on legislative behaviour should not be overstated, however. The electoral calculations of legislative candidates may thus be upset by the selective benefits (such as legislative particularism or mega-seats) handed out by party leaders, as well as the voters’ preferences regarding representation.

Research on the representation of women in legislatures continues to uncover fundamental information of interest to legislative scholars and to scholars of gender and politics. Taylor-Robinson (Chapter 12) explores how institutional design may facilitate or hinder the election of women; how women and men legislators define their job and their constituents; how female and male legislators perform their constituency service, propose bills, and participate in deliberation. She also analyses the representation of women in legislative leadership positions. The author then proposes focus areas for future research, particularly whether and how descriptive representation is linked to substantive representation of women’s interests. She argues the need for greater attention to the diversity among women legislators and to how this diversity impacts substantive representation. More broadly she encourages research on the political opportunity structure that may promote or inhibit the promotion of women’s interests by either male or female representatives.

In no other area of political science is the concept of “roles” as important as it is in legislative studies. It is sometimes argued that role analysis is currently regaining importance in this field in response to the dominance of institutionalist approaches. Andreweg (Chapter 13) is more skeptical, advocating the need for a move from mere description to theoretically grounded explanation. Roles make political institutions such as legislatures subjective: they are related to positions, but not identical to them. Perceived expectations, personal motivations, and strategic calculations are assumed to differentiate roles from positions. Eulau and Wahlke’s typology of representational roles, inspired by Burke and based on a study of US state legislatures, has long dominated the study of

legislative roles. Andeweg criticizes this conception on both theoretical and empirical grounds, in particular for its lack of predictive power. Searing's typology, based on an inductive study of the UK House of Commons, has attracted the most attention as an alternative. Andeweg argues that both seminal studies are lacking due to the ambiguity of their treatment of political parties.

Scholars have long recognized the theoretical link between political institutions and legislative careers. Nonetheless, questions remain about how basic institutional factors influence career development within legislative settings. Kousser and MacKenzie (Chapter 14) argue that addressing these questions can help scholars understand how legislative careerism affects legislative capacity. The institutional turn in this field, particularly work by Schlesinger (1966) and Polsby (1968), highlights the importance of roles and institutions to career choices. Subsequently, scholars have developed elaborate theoretical and empirical models to elucidate legislators' career choices. Kousser and MacKenzie review research on term limits to illuminate how attending to the link between institutions and legislative careers can inform research on legislative capacity.

1.4.4 Organization and Rules

The next section of the handbook is devoted to understanding the internal organizational structure and rules of legislative organization. Legislative rules are the universe of formal procedures governing the conduct of parliamentary business. In some cases (e.g., Jefferson's *Manual*, see this chapter, section 1.3 entitled "The Evolution of Legislative Studies"), they have been surprisingly enduring. In most cases, they structure and constrain the behaviour of legislative actors. Rules emerge to avoid the plenary "bottleneck" problem, to economize proceedings, and to disentangle procedural and substantive issues. Historic cases show that legislative gridlock or regime collapse can happen when rules are absent or badly designed. Müller and Sieberer (Chapter 15) review the state of our knowledge of Western European parliaments with regard to rules governing elections in parliament, agenda-setting and voting, control of the executive, and reaching out to the public. The authors argue that research has been very unevenly distributed across these areas. While much is known about the rules that govern processes leading to authoritative decisions (cabinet inauguration, passage of legislation), much less is known about rules concerning other core functions of legislatures.

The number of chambers in national legislatures has been the subject of much theoretically and empirically rich research. Arguably, bicameralism is one of the most common organizational features understood by the general political science profession. Heller and Branduse (Chapter 16) begin by noting that bicameralism is easy to identify but hard to measure. The fact that a constitution specifies two legislative chambers often obscures rather than illuminates the relative influence of the respective chambers, the effects of intercameral negotiations, or the extent to which consideration in a second chamber might alter legislative content. Moreover, studying bicameralism is problematic because, as with most political institutions, its effects emerge from processes that

often are invisible to observers. Consequently, it can be difficult to identify whether or how bicameralism matters. Heller and Branduse build on previous studies of bicameralism and its effects to propose, first, areas of research that require more careful consideration of bicameralism and, second, an index of bicameralism based on second-chamber powers—that is to say, the extent to which bicameralism should matter.

Virtually no democratic national legislature is without at least one committee. Legislative scholars have long sought to understand the origins, design, role, and significance of legislative committees. Today, the conventional notion is that a strong system of committees is a necessary if not sufficient condition for the legislature to operate effectively. Martin (Chapter 17) focuses on the exact reason for committees' popularity as a form of legislative organization, reviewing the four most prominent theories of legislative organization in the United States: the distributional theory; the informational theory; the cartel-party theory; and the bicameral-conflict theory. Martin argues that examining committees in multiple systems represents an opportunity to reinvigorate the Congressional and comparative study of legislative organization and institutional research more generally.

1.4.5 Parties in the Legislature

Along with committees, political parties are the most common and consequential substructure of most democratic legislatures. The next section of our handbook therefore explores the hows and whys of legislative parties, and coalitions of parties. Saalfeld and Strøm (Chapter 18) show that legislative parties are not only virtually ubiquitous, but also highly institutionalized, typically having well-developed structures of leadership as well as specialization. The authors review various explanations of political parties, including functional theories as well as the explanations based on the incentives of individual legislators. They also discuss challenges to these theories such as the influential work of Keith Krehbiel on US Congressional parties. Saalfeld and Strøm argue that it is meaningful to differentiate between various degrees of partyiness among parties, and even among coalitions of parties, and review the institutional sources of variations in partyiness, including the agenda control available to party leaders and the rewards and sanctions they control.

Students of the United States Congress have long debated whether party cohesion is largely a function of leaders' successful efforts to impose discipline on their followers or merely a product of party members' shared preferences. Recent comparative contributions to this debate show that legislative institutions can and do supply party leaders with the capacity to enforce discipline even when their members' disagree, and that discipline is a necessary aspect of party cohesion in any multiparty setting. Reviewing this literature, Kam (Chapter 19) suggests that political scientists should focus their efforts on understanding the connections between party cohesion and discipline, on one hand, and that the politics of candidate and leadership selection, on the other. After all, party leaders exercise their influence over a group of people who have chosen to join the party, whom the party has agreed to accept, and on whose support the leader may rely.

Legislative candidates and incumbent legislators can and sometimes do change party affiliation. Mershon (Chapter 20) highlights how the study of legislative party switching offers important lessons about parties, legislatures, and democratic politics more generally. For example, when we take seriously politicians' willingness and ability to switch party, we shed fresh light on the wisdom that politicians treat parties as vehicles for winning votes, securing office, and wielding policy influence. An analysis of party switching provides new insights into legislative institutions as constraints on representatives' behaviour and as resources in the hands of strategic politicians.

Under parliamentary democracy, coalition governance requires multiple parties with conflicting policy goals to govern jointly. The need to compromise, coupled with their separate electoral accountability, introduces tensions into multiparty cabinets that are muted in single-party governments. Martin and Vanberg (Chapter 21) review recent scholarship that explores how parties that participate in coalitions make use of legislative institutions to confront these challenges. In particular, the legislative process can allow parties to engage in *position-taking* to distinguish themselves from their coalition partners, and to *scrutinize and amend* legislation introduced by ministers associated with other parties. The precise nature of legislative institutions—most importantly, the strength of the committee system—is crucial to these efforts. Martin and Vanberg provide cross-national data on the strength of legislative institutions and discuss the broader implications for the importance of legislatures in parliamentary systems. This chapter, combined with the authors' earlier work on how legislative institutions play a critical role in facilitating multiparty governance, reminds us that legislatures are central players in the policy processes of law-making as well as oversight of the executive. It is to these themes that we turn next.

1.4.6 Policy-Making and Oversight

Legislative agenda control consists in the scheduling of issues and timetable management, the ability to generate proposals, the ability to avoid or block proposals, and, finally, the ability to sequence or order options on the legislative floor. As Rasch (Chapter 22) demonstrates, work on agenda-setting is central to legislative research and the number of studies on the subject is large and rapidly growing, stimulated in part by important theoretical works such as McKelvey's global cycling and agenda theorems and Romer and Rosenthal's setter model. Pointing to the importance of procedural rights and various institutional mechanisms, Rasch shows that agenda-setting discretion in real-world assemblies is typically much more restricted than theoretical models would tend to suggest. Rasch argues that the agenda-setter in general seems to be less powerful, and the mechanisms by which the setter gains influence, are often subtle and intricate.

One of the ultimate aims of legislative agenda manipulation is to control the enactment of laws. Indeed, law-making is perhaps the defining feature of national legislatures, which, to varying degrees, hold or share authority over what becomes or does not become law. Law-making is particularly complex under presidential government,

where the separation of powers may add to the complexity of law-making. Such institutional variations might significantly affect the ability of political chief executives to get their legislative proposals enacted. Saiegh (Chapter 23), however, argues that variations in legislative passage rates flow from differences in uncertainty, and not from variation in partisan support. In particular, he identifies two major factors that shape law-making: the unpredictability of legislators' voting behaviour, and whether buying votes is a feasible option. This explanation of the variation in governments' legislative performance expands our understanding of law-making, agenda control under uncertainty, and party discipline in legislatures.

The study of the effects of legislatures on public finance has become more explicitly comparative since the 1990s. Most research focuses on the budget approval function of legislatures, while there has been less research on the ex-post financial scrutiny in which they may engage. The comparative literature reviewed by Wehner (Chapter 24) highlights substantial differences in legislative budget authority and procedures, and shows that electoral systems and party majorities help explain when formal powers translate into legislative activism. Political economists have shown that powerful legislatures are associated with less disciplined fiscal policy outcomes. Yet, other possible impacts of legislative financial scrutiny, for instance on accountability and democracy, have been asserted but not yet rigorously examined. Moving forward, Wehner suggests that the comparative study of legislative financial scrutiny would benefit from expanding its geographical coverage and time horizon. The field should also investigate a broader array of potential impacts, and examine how these may result from more subtle differences in institutional design.

Both law-making and budgetary politics are heavily influenced by interest groups and lobbyists. Congressional lobbying has always been central to American interest group studies. European scholars have traditionally focused more on corporatist structures that allow groups to interact primarily with civil servants. As Skorkjær Binderkrantz (Chapter 25) highlights, the last decades have seen a remarkable shift in attention with legislatures assuming a more central arena for interest groups across Europe—and, consequently, for scholars who study interest groups. There is still much to gain from studying the relations between interest groups and legislatures, including placing the legislature at the centre in studies of interest groups and their political influence, as well as investigating the complex set of (observable or less observable) linkages between interest groups and legislators.

It is conventionally believed that foreign policy is very much dominated by the political executive, with legislatures wielding marginal or at best limited influence. Foreign policy is hence said to be determined by political and bureaucratic elites. Raunio (Chapter 26) provides a critical re-evaluation of such arguments, providing evidence that legislatures are definitely not—and have hardly ever been—marginalized in foreign policy. The United States Congress and European legislatures have several mechanisms to influence foreign policy and regional integration, from setting ex-ante limits on executive behaviour to holding the ultimate veto power in treaty ratification. By all accounts, the level of executive drift in foreign policy has decreased over the decades, perhaps in

part through the growing interdependence of domestic and foreign policy agendas. Raunio argues that, as foreign affairs have gained clearer and more varied domestic distributional consequences, legislators also have more incentives to engage themselves in this policy area.

In all democracies—presidential or parliamentary—the chain of political delegation is complex where there is a multitude of principals, many of which are frequently replaced. Bureaucrats and politicians hence face *common agency* problems—i.e., they commonly have to answer to multiple principals. Because of the fractured and temporally unstable nature of democratic leadership, political oversight of the bureaucracy is a particularly problematic link in the process by which citizens control the government. As McCubbins (Chapter 27) notes, these problems have been recognized for a long time. Societies have long sought to create institutions that would strengthen oversight of the executive without simultaneously sacrificing the resoluteness of policy. McCubbins reviews the positive and normative literature on delegation and oversight and discusses the ways in which the contemporary legislative studies are attempting to understand these age-old problems.

1.4.7 Expanding the Scope of Legislative Analysis

Studying national legislatures in advanced democracies has a long and venerable tradition, as the themes and research agendas discussed above demonstrate. Increasingly, however, scholars are expanding their horizons—both by studying legislatures in different, “non-traditional” settings or by looking back to the emergence of parliamentarism and parliamentary power in what are now well-established democracies.

The European Parliament (EP)—the parliament of the European Union—has transformed from an unelected consultative assembly to a directly elected supranational legislature. The EP looks like a normal national parliament, albeit with stronger committees and somewhat weaker parliamentary political groups (parties) than most national legislatures in Europe. Moreover, its members are elected under different electoral formulas from country to country, providing intriguing opportunities to test theories concerning the effects of electoral institutions. Hix and Høyland (Chapter 28) consider the evolution of the European Parliament in three vital areas: (1) recruitment; (2) the formation of political groups and committees; and, finally, (3) the impact that parties and committees have on member behaviour, noting that the competition between and cohesion within parties has increased in tandem with the increase in the EP’s powers.

Across the Atlantic, research on United States state legislatures both challenge and confirm many of the conventional theories of federal legislative behaviour. Downs’ (Chapter 29) analysis of sub-national legislatures charts the development of research on regional, provincial, cantonal, and other local-level assemblies by disaggregating the field into three core areas: recruitment and elections; legislative behaviour; and institutional design. Once treated as nominal institutions, sub-national legislatures are now the subject of studies characterized by increasing theoretical rigor and more frequent

cross-national comparisons. The extant literature uses sub-national legislatures to test prevailing theoretical explanations of representation, deliberation, law-making, and supervision. It also specifically addresses the effects of the location of sub-national legislatures in systems of multi-level governance with respect to protections against central intrusion, countering executive dominance, and congruence of party alignments with those at national level. Downs points to promising research frontiers, including post-election government formation, the international activities of sub-national institutions, and the use of media technology and e-democracy in sub-state assemblies.

Perhaps one of the most promising research frontiers of the last decade has involved the increasing attention shown to legislatures throughout Latin America. Much of the work on legislative politics in Latin America has taken advantage of theories about legislative politics originally developed to study other parts of the world. Crisp and Schibber (Chapter 30) review this scholarship, identifying 31 books and 151 journal articles focused on the study of legislative politics in Latin America. Their review groups articles based on their substantive focus on the electoral connection, on cameral politics, or on legislative-executive relations. Crisp and Schibber highlight how scholars working in the region have stretched theories or made entirely original contributions of their own—as well as amassing impressive amounts of systematic, empirical research.

The fall of communism in Central and Eastern Europe and the creation of new institutions of democracy have provided scholars with unique opportunities to observe in real time the origin and early evolution of legislative bodies. Andrews (Chapter 31) reviews scholarship on the strength of legislatures in the new democracies of Central and Eastern Europe, focusing on three important lines of research: (1) the constitutional powers attributed to the legislature versus the executive; (2) the partisan structure of the legislative membership and its implications for policy-making and government stability; and (3) the institutional capacity implied by these legislatures' internal organizational features. Andrews creates a unique scale of legislative strength based on constitutional powers and finds that, contrary to many accounts, legislatures in Central and Eastern Europe are as powerful as those in Western Europe, even considering the popularity of the dual executive in this newly democratic region. For the legislatures' powers to be fully realized, however, more time is needed for party systems to stabilize and for the development of more structured legislative organization.

Clearly, legislatures are central to modern representative democracy and, as we have seen above, to the process of democratization. But what role, if any, do legislatures play in non-democracies? As Schuler and Malesky (Chapter 32) note, both the number of authoritarian states with active legislatures and the role those bodies play in policy-making have increased dramatically over time. Yet, the costs and risks to autocrats of maintaining a permanent assembly are high, so the growth of such assemblies is puzzling. Leading scholars have offered answers that employ innovative theories and creative methods for analysing some of the world's most opaque polities. At the same time, others have been critical of this endeavor, characterizing the work as functionalist, and criticizing empirical approaches that have difficulty separating the role of assemblies from other institutions, such as regime parties. Schuler and Malesky review the

history of how institutions have been conceived by authoritarian scholars, before summarizing the theoretical arguments specific to authoritarian legislatures. They then survey the empirical evidence on the preconditions and effects of legislative institutions under autocracy.

Many rulers embrace the institutional trappings of democracy—elections and legislatures—only under domestic and international pressure. In the final essay in this volume, Cox (Chapter 33) considers how such reluctant democrats manage their legislatures, arguing that most have re-engineered the budgetary reversion to defang their legislature's power over the purse. Cox provide examples of budgetary reversions, develops concepts to analyse their differences, and explores some of the institutional and behavioural correlates of executive-favouring reversions—viz., weaker confidence procedures, weaker control of executive decrees, less credible sovereign debt, and more frequent use of extra-constitutional means to attain power. He argues that unless the budgetary reversion point favours the legislature, its powers, and ultimately the prospects for democracy, are fragile. Thus, as much as legislatures are ubiquitous and their functions in advanced societies seem secure, this fascinating chapter reminds us that popular sovereignty exercised through such representative bodies can never be taken for granted.

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PART I

THEORETICAL
APPROACHES
IN LEGISLATIVE
STUDIES

CHAPTER 2

FORMAL MODELS OF LEGISLATURES

DANIEL DIERMEIER

2.1 INTRODUCTION

SINCE its very beginning, the study of legislatures has been one of the cornerstones of formal modeling in politics (e.g. Black 1958).¹ Formal theory begins with the mathematical representation of a political domain, here legislative decision-making. The first step consists in specifying the possible states of the political domain in question. These states may just consist in the outcomes of a collective choice process, e.g. the policies adopted, or may also contain representation of behaviour by politicians, e.g. who voted for or against a given bill. The formal representation will set aside all unnecessary detail of the political domain. For example, the set of policies may simply be represented as a finite set or an interval. In such representations, e.g. the wording of a bill or its length, are considered unimportant. What is and what is not relevant is, of course, determined by the judgment and intent of the modeler.

The formal representation may serve various purposes. Many versions of formal political theory attempt to predict and explain the outcomes of collective decision processes. Others have a systematizing purpose and aim to derive known models from a more general framework. Others are concerned with normative questions, e.g. policy and welfare consequences of certain political institutions. And yet others are methodological in nature, trying to identify problems with a particular formal approach or methodology.

Almost all existing formal models of legislative decision-making fall into the rational choice tradition. Rational choice theory contends that any explanation of political phenomena must be grounded in the choices of rational individuals. That is, a complete theory must, at the very least, include a list of actors and a preference profile: a list of transitive and complete preference relations for every actor.² Variants of rational choice theory then differ in their view on what else is needed to explain a political

phenomenon. The importance of these modeling decisions is frequently overlooked by researchers who are not closely engaged with formal theory building, but are crucially important, especially in domains that are intrinsically comparative in nature such as the study of legislatures. The reason lies in the very nature of formal modeling. The discipline imposed by mathematical representations forces the theorists to be very clear about what is assumed and what is not. Moreover, since only very simple models can be solved analytically, the trade-offs of what can and cannot be included in a model are typically quite restrictive. This means that the modeler must repeatedly make decisions about which aspects of the phenomenon should be included and which should be set aside. These constraints, trade-offs, and considerations are importantly shaped by the underlying formal methodology and may reflect different visions of the purpose of formal modeling. In the context of a theory of legislatures, a formal methodology that is suitable for applications in comparative research needs to satisfy at least three criteria³:

1. **Universality.** The methodology needs to be able to represent a broad variety of institutional differences across legislatures.
2. **Empirical content.** The formal methodology must have empirical content in many applications. There are two aspects to this criterion:
 - a. The solution concepts associated with a formal methodology must generally admit a solution; they cannot be empty or lack existence.
 - b. The solution concepts must be predictive; they must clearly divide the possible outcomes of the process into those that are consistent with the theory and those that are not. A theory that is consistent with every possible outcome does not have much explanatory power.
3. **Equilibrium institutions.** In a comparative context, formal models will contain representations of the relevant rules and institutions that shape decision-making. But many of these institutions are themselves objects of choice. Any satisfactory formal methodology must work at all levels of the collective choice process—at the level where policies are determined and at the level where institutions are chosen. It must be able to explain why some institutional features come into existence and persist, while others are either nonexistent or transient.

Next, we review the three main formal methodologies used in the theory of legislatures are reviewed, and their respective strengths and weaknesses discussed. We then survey the two main subject domains where formal models have been used: the US Congress (and, to a much lesser extent, non-US legislatures) and coalition government. Next, we discuss some of the attempts to integrate these two domains and create comparative formal models and outline some desirable features of a general theory of legislatures.

Many of these topics are vast and active areas of research. Our goal is not to discuss every, or even most of the relevant contributions—an impossible task—but to trace the main developments and debates of this vibrant literature.⁴ The purpose is to provide a road-map that provides enough structure to locate the various approaches and also to point out some major gaps. Our hope is that it will provide some orientation for any

researcher who wants to explore this sometimes bewildering, and, occasionally, even intimidating research tradition in more detail.

2.2 ABSTRACT PROPERTIES OF COLLECTIVE CHOICE

Variants of rational choice models differ by what they add to the common components of any rational choice model (the set of states, actors, and preferences). The oldest general rational choice methodology, *social choice theory*, pioneered by Arrow (1951), adds one more component to its methodological vocabulary: an aggregation function. Formally, an aggregation rule is simply a function from the set of preference profiles to a single preference relation, which captures collective preferences. In most cases of interest to legislative scholars, all the information contained in the definition of an aggregation function is given by its set of decisive coalitions. For example, in the case of majority rule (with an odd number of legislators), any group at least as large as a majority would constitute a decisive coalition.⁵ In these cases, all we need to know to derive the outcomes of a collective decision process are three things: the set of possible outcomes, a preference profile, and a list of decisive coalitions.

Needless to say, this is a very sparse description of legislative decision-making. For example, any differences among legislators (constituency, electoral rule, party, age, gender, education, professional background, ethnicity, wealth, etc.) are set aside unless they are captured by preference orderings over policies. Similarly, institutional differences such as complex recognition procedures, voting agendas, and committee systems are only captured in as much as they influence the list of decisive coalitions. Note also, that, strictly speaking, social choice theory does not predict *behaviour* (e.g. the voting behaviour of individual legislators or parties) but only policy *outcomes*. That is, a given outcome may be consistent with very different voting patterns.

Such sparse representation is not necessarily a flaw. On the contrary, it can be a supreme virtue in as much as it leads to general results. What matters is whether the formal methodology allows researchers to capture the *relevant* details of legislative decision-making. This early age of formal modeling was based on the conviction that only very few components were relevant to understand political decision-making; its goal was to develop a general theory of politics, similar to general equilibrium theory in economics. Indeed, in as much as social choice theory is able to explain legislative decision-making in terms of only a few parameters, it makes a strong case that any additional details of the choice process, e.g. legislative procedures, simply do not matter as much as they may appear to; irrelevant institutional complexity would be reduced to a few parameters that were truly essential (McKelvey 1986).

But this approach quickly ran into severe difficulties. Social choice theory is known for its negative results: from Arrow's Impossibility Theorem (Arrow 1951) to the generic

emptiness of the core (Plott 1967; McKelvey 1976, 1979; McKelvey and Schofield 1987). Of course, these results have provided tremendous insights into the nature of political decision-making, but, for an explanatory or predictive purpose, non-existence results are problematic: they violate the second criterion for formal methodologies (2.a listed earlier). The problem is that, methodologically, impossibility results fail to generate predictions in many settings. These results, especially McKelvey (1976), have often been interpreted as “predicting chaos.” But this interpretation is problematic and certainly does not correspond with the mathematical notion of “chaos” used in chaos theory (e.g. Lorenz 1960, 1993; Poincaré 2007 [1908]). The problem with social choice theory is not that the theory predicts dramatic instability, but that in many domains it predicts nothing at all.⁶ This does not mean that social choice theoretic results are somehow not important; far from it. They investigate the question of how far one can go by just looking at preference profiles and decisive coalitions. The fact that this research program is most famous for its impossibility results establishes that these features are not sufficient to explain political outcomes. Indeed, it is exactly the “negative” results of social choice theory that makes this point most forcefully.

Subsequent work in this tradition has tried to address these problems by changing solution concepts, moving from the core, the most important solution concept in social choice theory, to concepts such as the top cycle set (Miller 1977), the uncovered set (Miller 1980), and various others. These attempts face various problems (Diermeier 1997, 2014). Either the set of predicted outcomes is too large to be useful—this is the case for the top cycle (McKelvey 1976, 1979)—or the solution concept implicitly imposes a particular agenda structure violating the ambition of “institution-free properties” (McKelvey 1986). For example, Banks (1984) showed that the uncovered set contains sophisticated voting outcomes (Farquharson 1969) if voting is conducted according to an amendment agenda. But this does not hold for other agenda types, such as elimination agendas (Ordeshook and Schwartz 1987) or two-step agendas (Banks 1989). If voting is conducted according to these agenda types, sophisticated voting outcomes may lie outside the uncovered set. This means that in the context of legislative decision-making alternative solution concepts, such as the uncovered set, implicitly assume a particular, quite specific agenda structure. It does not cover all binary voting agendas, let alone more general agenda structures. But if social choice theoretic approaches implicitly depend on institutional details, one may want to analyse the institutional detail directly. This is the path chosen by the (Neo-)Institutionalists.

2.3 THE INSTITUTIONALIST ALTERNATIVE

The formal analysis of political institutions dates back to very beginning of mathematical modeling in political science, beginning with Black (1958), Downs (1957), Riker (1962), and Farquharson (1969). These approaches concentrated on the analysis of specific institutions such as committees (Black), elections (Downs), coalitions (Riker), and agendas (Farquharson).

Institutionalism, however, is not simply the analysis of institutions. Rather, it constitutes an alternative methodological approach to the social choice theoretic tradition. In its modern form as “new institutionalism” (Shepsle 1979), it has become the dominant research area in formal modeling today. What is common across all versions of institutionalism, is a rejection of the social choice research program of finding institution-free general theorems of collective choice. Instead the goal is to develop formal methods that enable the comparison of political institutions in a structured and systematic manner. The theoretical unity of institutionalism thus does not consist in a hierarchy of ever more general results, but in sets of methods and concepts that make such comparisons possible. To capture such institutional variation, the formal apparatus of institutionalism needs to be enriched beyond the list of decisive coalitions. These additional structural parameters, however, are not intermediate steps on the path to a more general theory, but are *necessary* to explain political phenomena.⁷

This view of “institutionalism as a methodology” has been formulated by Diermeier and Krehbiel (2003) as follows:

1. Define and hold fixed *behavioural postulates* for political actors within the collective choice setting to be studied.
2. Characterize formally the *institutions* in effect (as defined in step 1).
3. Deduce the *behaviour* that arises within the institutional setting given the behavioural postulate, and characterize the *outcome* that results from the behaviour.
4. Compare the derived implications with empirical regularities and *data*.

Steps 1 and 2 are *exogenous* within the context of a well-specified institutional theory: they are the assumptions of the theory. They will usually include the set of decisive coalitions, but may contain additional institutional detail. Steps 3 and 4 are *endogenous*; they are what is derived, predicted, and explained.

It is crucial that behavioural postulates remain fixed and consistent within and across studies. Since a key element of institutional analysis is to vary institutional features while keeping the behavioural postulate constant, it is of great importance that the equilibrium concept is applicable in many collective choice problems. Step 3 captures the implications of the model. The model's implications may only pertain to outcomes (e.g. whether a certain bill will pass) or to behavioural regularities (e.g. which legislator would vote for or against the bill). Step 4 consists of empirical assessments of the predictions of the model. Although issues of testing are beyond the scope of this chapter, the testing of institutional theories is essential in the evaluation of institutionalist models as good explanations for empirical phenomena.

Any institutionalist model, however, immediately faces a serious problem. If it is correct that policy outcomes depend on the collective decision-making institutions, then different institutions will yield different outcomes. But this means that rational legislators would anticipate the relationship between institutions and outcomes, and form preferences over institutions. That is, they will prefer one voting agenda over another, compete over committee assignments, or fight over who has the right to propose or

amend a bill. Of course, this insight is not new to observers of legislative politics and is frequently expressed by the legislators themselves. Former US House Minority Leader Robert H. Michel (Republican-Illinois) stated this sentiment as follows:⁸

Procedure hasn't simply become more important than substance—it has, through a strange alchemy, become the substance of our deliberations. Who rules House procedures rules the House.

This issue is particularly pressing if legislatures can fully determine their own organizational structure by the same voting rule (e.g. simple majority rule) that is used to pass bills, as is the case in the US Congress and many other legislatures.⁹

The question then becomes how these institutions can function as constraints on legislators at all. Riker expressed this point as follows (1980, 445):

In that sense rules or institutions are just more alternatives in the policy space and the status quo of one set of rules can be supplanted with another set of rules. . . . If institutions are congealed tastes and if tastes lack equilibrium, then also do institutions, except for short-run events.

This argument points to an important methodological requirement for institutionalist models: a satisfactory formal methodology must work *at all levels* of the collective choice process—at the level where policies are determined and at the level where institutions are chosen.

The goal of a theory of institutions is to explain why some institutional features come into existence, and why they persist. In other words, institutional features that were assumed to be exogenous, e.g. a committee system, need to be justified as equilibria in some underlying model of institutional choice; the institutions that constitute institutional equilibria must be equilibrium institutions as well (Shepsle 1986). It was this concern that led to our methodological criterion No. 3 (equilibrium institutions). To satisfy this requirement, a formal methodology must be applicable at every stage of institutionalist choice. As we will see in the next section, this turns out to create difficulties for certain variants of institutionalism.

2.4 VARIANTS OF INSTITUTIONALISM

2.4.1 Structure-Induced Equilibria

Historically, the first version of formal institutionalism was the Structure-Induced Equilibrium (SIE) approach (Shepsle 1979; Shepsle and Weingast 1981). The success of the SIE approach was largely due to the fact that it combined the powerful tools of formal analysis with a focus on institutional detail, especially in the study of US Congress. SIE models were able to formalize and analyse phenomena, such as the committee system, that had already been identified as important features of congressional decision-making.

In his seminal paper, Shepsle (1979) formally introduced institutional structure as a committee system which assigns each individual to exactly one issue. Intuitively, a committee has exclusive jurisdiction on a given issue and determines the outcome by majority rule. Given convex and continuous preferences, the majority core is non-empty for each issue. The explanatory concept of the political system then consists in those outcomes that are in the issue-by-issue core. Using a fixed-point argument by Kramer (1972), one can then show that for any committee system, the issue-by-issue core is non-empty.

Notice that in contrast with the abstract social choice theoretic results discussed above, the theoretical apparatus of SIE contains an additional argument—an assignment of individuals to issues or dimensions, which ensures that the model always creates a prediction. While this may at first seem like a minor departure from social choice theory, it marks a rejection of the reductive research program that underlies it. Rather than searching for general explanations that apply in many institutional settings, the model is intended to capture a particular institutional arrangement, here the congressional committee system. A different application, say of cabinet decision-making, for example, would require a different institutional structure. Indeed, such a model was later proposed by Laver and Shepsle (1990).

While SIE models avoid the non-existence problem of social choice theoretic approaches, they fall prey to the institutional choice problem identified by Riker (1980). This was shown in a critique of the Laver and Shepsle (1990) model of cabinet decision-making by Austen-Smith and Banks (1990). In their model, Austen-Smith and Banks (1990) ask the following question: Do the assignments of cabinet portfolios to parties constitute institutional equilibria? Formally, are the jurisdictional assignments themselves in the (majority) core of a model of institutional choice? Austen-Smith and Banks show that if there are three parties and all parties have Euclidean preferences, then a portfolio core exists. Intuitively, this means that under these conditions, we can have “stable” portfolio assignment. More precisely, there exist assignments of portfolios to parties that cannot be beaten by any other assignment via majority rule.

Unfortunately, none of the conditions can be relaxed. That is, one can easily construct counter-examples for four parties or for non-Euclidean preferences, where a core does not exist. In other words, other than in the knife-edge case of three parties and Euclidean preferences, the portfolio core may be empty. Thus, the structure-induced equilibrium approach cannot escape the Riker critique: the institutions that secure institutional equilibria do not generally constitute equilibrium institutions.

2.4.2 Non-Cooperative Game Theory

In the mid-1980s, a new approach emerged in the study of politics that used a very different methodology: non-cooperative game theory. Like Structure-Induced Equilibrium theory, this approach rejects the reductive research program of social choice theory and, instead, focuses on the institutional details of collective choice. But in contrast to Structure-Induced Equilibrium theory, it completely abandoned the core

or other cooperative solution concepts. Political interaction was now modeled as a non-cooperative game. Given the known sensitivity of game-theoretic analysis to the details of the game form, this approach, from the very beginning, precludes any notion of an “institution-free” theory. Rather, the sensitivity of institutional detail was viewed as a strength that allows the varying of institutional details in a systematic way while keeping the explanatory concept fixed (Myerson 1996).

The radical departure from existing models can be seen in one of the first and most influential applications of game-theory to legislative decision-making: the agenda-setting model of Romer and Rosenthal (1978). Originally, developed to model school-board referenda, it quickly became one of the central building blocks of formal models of legislative decision-making (Denzau and Mackay 1983). In the basic model, an agenda-setter makes a policy proposal, which is then pitted against a default alternative in an up-or-down majority vote. This approach captures a prominent feature in legislative decision-making: there is typically some agent (a chair, committee, party leader, minister, and so forth) that effectively holds agenda control, yet that agent’s power is nonetheless checked by the requirement of majority approval.

The model yielded two fundamental insights. First, the existence of the “power to propose” provides an agenda-setter with the ability to bias policy outcomes in his favour *even in the case where a median voter exists*, as the agenda-setter can make a policy proposal to satisfy a bare majority of the “cheapest” voters necessary to ensure approval and move the outcome away from the median.¹⁰ Second, the policy outcome not only depends on voters’ preferences but also on the location of the default policy, which defines the reservation utility of the voters.

The Romer-Rosenthal model was originally developed in a uni-dimensional policy space, where a median voter exists. However, that does not mean that it is restricted to a uni-dimensional policy space. Indeed, it can be applied in multidimensional policy environments and general preference configurations without difficulty. In such policy environments, the preferences of the decisive coalitions define so-called “win-sets” and proposers simply pick their most preferred point within the win-set. But the application to uni-dimensional case serves an important theoretical purpose. The model implies that *even if a median exists, the predicted policy outcome will (typically) not be the median*. This insight constitutes the fundamental difference between non-cooperative models and the early formal traditions that emerged from social choice theory. As we will see later, this difference has shaped the theoretical discussions in formal modeling of legislatures until today. It is at the heart of the most important debates on the internal organization of the US Congress, the proper models of coalition governments, decision-making in the European Union, and many others.

The Romer-Rosenthal model is a very stylized model of legislative decision-making. In particular, it makes three main assumptions:

1. An exogenous status quo.
2. Decision-making on a given issue ends when a majority approves a proposal.
3. Complete information.

Each one of these three assumptions was subsequently relaxed, thereby generating extensive sub-literatures. The assumption of an exogenous status is potentially problematic, as it determines the extent of possible policy bias. By far the most influential model without an exogenous status quo is the Baron-Ferejohn model (1989a).¹¹ In all variants of the Baron-Ferejohn model, a proposer is selected according to a known rule (usually modeled as a probability distribution). The proposer then proposes a policy or an allocation of benefits to a group of voters. According to a given voting rule (usually majority rule), the proposal is either accepted or rejected. If the proposal is accepted, the game ends and all actors receive pay-offs as specified by the accepted proposal. Otherwise, another proposer is selected, etc.¹² The process continues until a proposal is accepted or the game ends. In many applications, the game continues indefinitely until a proposal is accepted.

In equilibrium, proposers select the “cheapest coalition,” i.e. the players with the lowest reservation values that, if added to the proposer, constitute a winning coalition (proposers randomize if there are multiple coalitions), and then keep the remainder of the pay-off for themselves. The ability to extract additional surplus rests in the power to propose (Baron and Ferejohn 1989b). Instead of an exogenously given status quo, as in the Romer-Rosenthal model, proposers consider each player’s continuation value, i.e. the expected equilibrium pay-off if bargaining continues. The winning coalition consists of the non-proposing legislators most eager to be included. Intuitively, proposers are able to exploit the impatience of non-proposing legislators. This impatience not only follows from the discounting of future pay-offs, but also includes the concerns of being out of any future coalition (Eraslan and Merlo 2002).

Note that the Baron-Ferejohn model (as well as the Romer-Rosenthal model) applies to multidimensional environments, including the paradigmatic “divide-the-dollar” framework, where agents need to collectively decide on how to divide a fixed, transferable benefit (a “dollar”). The divide-the-dollar problem is the classical formulation of a collective decision problem with an empty core. Yet, this fact is not even mentioned in the seminal Baron-Ferejohn paper (Baron and Ferejohn 1989a). Rather, the approach is presented as a free-standing, self-sufficient, formal methodology capable of modeling complex institutions.

Both Romer-Rosenthal and Baron-Ferejohn models assume that once a majority approves of a proposal, the game ends. This assumption is appropriate in many domains, e.g. budgetary decision-making, but it needs to be modified in some important policy domains where default policies persist until they are changed. Examples include entitlement programs such as social security, allocation of property rights, and regulatory regimes. In a dynamic policy environment, the passage of a bill does not prevent the legislature from coming back to the same policy issue at a later date. Rather, the passage of a bill merely sets the default for subsequent rounds of policy-making. Baron (1996) was the first to explore such a model in the context of a uni-dimensional policy space. Other approaches include Kalandrakis (2004), Bernheim, Rangel, and Rayo (2006), and Diermeier and Fong (2011). These papers have yielded important and sometimes surprising insights, but they also highlighted some of mathematical

difficulties of solving sequential bargaining models. It is an area with many open questions including a complete analysis of multidimensional choice environments for general proposal rules.

The third variation introduced incomplete information into the Romer-Rosenthal framework. By far the most influential approach is due to Gilligan and Krehbiel. In a series of papers, Gilligan and Krehbiel (1987, 1989a, 1989b, 1990) present an informational rationale for granting committees special proposal and amendment prerogatives. The idea is that legislators are usually unsure about the policy consequences of a bill. Risk-averse legislators then benefit from reducing such policy uncertainty. To reduce such uncertainty, legislators can “specialize,” i.e. acquire private information, about the policy consequences of a bill. Specialization is costly, but provides the legislators with private information that is useful to the legislature as a whole. Gilligan and Krehbiel model the interaction between the committee (“the proposer”) and the floor as a signaling game. In the case where the committee has no procedural prerogatives (i.e. where the floor can amend the committee’s proposal without restrictions), the committee proposal is merely cheap talk and does not convey any credible information to the floor. Since that is the case, a committee will have no incentive to acquire costly information about policy consequences. If, however, the floor grants the committee procedural prerogative (e.g. a “closed rule” where no amendments are permitted), the committee can credibly transmit its private information in equilibrium. This allows the committee to bias the policy outcome in its direction, but, for a broad set of parameter values, the cost of policy bias is smaller than the benefits from specialization. Hence, the chamber grants the committee proposal prerogatives, the committee specializes and credibly transmits its information to the floor, leading to a biased policy outcome.

When discussing formal models of legislatures, three desiderata for a formal methodology were identified: (1) universality (i.e. the ability to capture relevant institutional detail); (2) empirical content (i.e. existence and sharpness of the solution concept); and (3) equilibrium institutions (i.e. institutions must constitute equilibria at the level of institutional choice).

Universality is not a problem for non-cooperative models. Game forms are very general and flexible frameworks to capture institutional detail. Indeed, one weakness of non-cooperative game theory is that its models are too detailed. And the results may depend too much on these details; who moves when, what are the counter moves, and so forth.

Existence similarly is not a significant problem. Nash Equilibria exist under very broad conditions. Indeed, the typical reaction to a non-cooperative model where a Nash Equilibrium does not exist is not that this lack of existence points to a deep theoretical problem, but that the model was poorly designed. Rather, the Achilles’ heel of non-cooperative models is their lack of explanatory power: game theoretic analysis does not necessarily lead to sharp predictions. Multiple equilibria and outcomes are a feature of many games. And in some cases, e.g. the famous “Folk Theorems” for repeated games, all individually rational outcomes can be supported in equilibrium.

Multiple equilibria already occur in simple voting games. Consider the case of three players with two alternatives, x and y , where each player strictly prefers x over y . If the winning alternative is chosen by majority rule, a unanimous vote for y is still a Nash Equilibrium, as no player has an incentive to deviate from the prescribed strategy “play y .”

To avoid these problems, formal modelers have added additional requirements to Nash Equilibria. Such so-called “refinements” come in various forms. In legislative models, the two most popular refinements are to iteratively exclude weakly dominated strategies (this takes care of the problem of voting equilibria that are independent of legislators preferences) and stationarity (this precludes the Folk Theorem). These assumptions have effectively become standard modeling practice. That said, they are, strictly speaking, additional assumptions that require additional arguments. In the area of incomplete information games, these issues are considerably less settled. This is particularly true in cheap-talk games, as in Gilligan and Krehbiel’s (1987) open rule case. Whatever refinements are used, however, they must be commonly applied across many situations. Otherwise, it would be impossible to disentangle the effect of different institutions from assumptions about refinements.

What about equilibrium institutions and the Riker critique? What happens if the choices of institutions, such as gatekeeping power or committee assignments, are endogenized? Thanks to the power of Nash Equilibrium, an answer can easily be given. It was first formulated by Gilligan and Krehbiel (1987) as the question of optimal institutional choice, then broadened by Calvert (1995). The general strategy is straightforward. First, the game form is extended such that actors can choose institutions. Each institution then corresponds to a subgame. Second, the equilibria to these subgames are characterized. This allows one to derive (induced) preferences over the corresponding institutions and solve for the equilibria in the extended game of institutional choice. In the legislative context, this means that institutions, such as a seniority system or the existence of powerful committees, that were originally modeled as features of the game form, can now be interpreted as particular equilibria in an underlying game of institutional choice (e.g. McKelvey and Riezman 1992; Diermeier 1995; Diermeier and Myerson 1999). Of course, this game of institutional choice itself is governed by (higher-order) institutions, such as the voting or proposal rules used for deciding on procedure. But again, one can push the analysis one step further and interpret voting rules or even constitutions as equilibria in some more fundamental game. This approach has been used with great promise in the study of coalition government (Lupia and Strøm, 1995; Diermeier and Merlo, 2000), the internal organization of the US Congress (McKelvey and Riezman 1992; Diermeier and Vlaicu 2011a; Eguia and Shepsle 2012), and the comparison between parliamentary and presidential democracies (Diermeier and Feddersen 1998). To understand these issues in more detail, we now turn to the two main domains of formal theory in legislatures: the US Congress and coalition government in multiparty democracies.

2.5 FORMAL MODELING IN ACTION: COMMITTEES AND THE INTERNAL ORGANIZATION OF THE US CONGRESS

Legislative voting rules are, with few exceptions, anonymous and egalitarian. It does not matter who votes for a proposal, and each vote counts equally. Yet, actual legislatures are characterized by a variety of organizational structures that lead to significant differences in the influence of individual members on policy choices. Examples include committee chairmen, party leaders, and speakers. These institutions, and the norms that support them, are rarely mandated by a country's constitution. Rather, legislative majorities choose to setup and maintain their internal organizational structure. This leads to two questions. First, what are the consequences of these institutions? Second, why are they stable and persistent? The prime example of this phenomenon is, of course, the United States Congress, with its elaborate system of powerful committees and norms.

Formal theories of the internal organization of legislatures were largely developed in the context of the United States Congress, especially the congressional committee system. Structure-induced equilibrium theory, in particular, was used to provide a distributive explanation of powerful committees (Shepsle 1979; Shepsle and Weingast 1981; Shepsle and Weingast 1987; Weingast and Marshall 1988).¹³ Procedural prerogatives of committees, such as gatekeeping rules, are interpreted as commitment devices that enforce and maintain distributive agreements between committee members that deeply care about a particular policy dimension. The models showed that these agreements, while beneficial for the committees, may lead to inefficient outcomes for the legislature as a whole. But this raises the question why such arrangements are stable, since, as we saw in our discussion of structure-induced equilibria, there typically exist alternative committee structures that would be majority preferred to any current one.

The main alternative to the distributive approach is the informational theory of committees (Gilligan and Krehbiel 1987, 1990, 1997) discussed earlier.¹⁴ In this theory, the legislature is willing to commit to granting the committee restrictive amendment procedures because this induces the committee to acquire and share information. But, as in the case of distributive approaches, the argument crucially depends on an assumption of "procedural commitment" (Krehbiel 1991). Without procedural commitment, a majority grants the committee a restrictive procedure only if it yields a policy outcome similar to that occurring under an open rule (Gilligan and Krehbiel 1989a, 1989b; Banks 1999). But then the committee has no incentive to specialize in the first place. This leads to the question of how the legislature is able to procedurally commit to not renege on restrictive procedures.¹⁵

A comparatively small, usually empirically oriented literature has tried to apply these approaches in other legislatures (e.g. Huber 1996; Döring and Hallerberg 2004).¹⁶ Many other legislatures also exhibit complex committee systems, among them Germany,

Italy, Japan, Norway, and Sweden (e.g. Rogowski 1990). However, the details of internal organization differ widely. While individual committees are comparatively strong in Congress, they are weak in most parliamentary bodies (Lees and Shaw 1979; Mattson and Strøm 1995). More importantly, legislative functions that are exercised by committees in Congress may be fulfilled by other actors in a different setting (see Martin, this volume). In parliamentary democracies, for instance, ministries rather than committees acquire policy expertise, and they are the institutions where bills are drafted and marked up. In other words, while US Congressional committees can be interpreted as the proposers and gatekeepers in the legislative process, the same cannot be said about parliamentary committees. That role is primarily occupied by the cabinet, an insight already pointed out by Bagehot (1963 [1867], 66–7): “By [the cabinet] we mean a committee of the legislative body selected to be the executive body.”

Bagehot’s dictum creates some new problems for a comparative theory of legislatures as it needs to be expanded to include the study of cabinets, which in the typical case of multiparty democracies is intimately connected with the study of coalition government.

2.6 COALITION GOVERNMENT

It is the distinctive characteristic of parliamentary democracies that the executive derives its mandate from and is politically responsible to the legislature. This has two consequences. First, unless one party wins a majority of seats, a rare case in electoral systems under proportional representation, the government is not determined by an election alone, but is the result of an elaborate bargaining process among the parties represented in the parliament. Second, parliamentary governments may lose the confidence of the parliament at any time, which leads to their immediate termination. Thus, historically, two questions have dominated the study of coalition government: Which governments will form? And how long will they last?

Much of the early formal research on coalition government was cooperative in nature.¹⁷ The focus of this literature was on which parties ended up in the governments and how they allocated ministries among the members of the coalition. All this changed in the late 1980s and early 1990s, which witnessed a dramatic shift towards institutionalist models, paralleling earlier developments in the study of the US Congress. In 1989, Baron published the first applications of non-cooperative game theory (the Baron-Ferejohn model) to the study of governmental coalitions. A year later, Laver and Shepsle (1990) used structure-induced equilibrium models to study the formation and stability of cabinets.

This institutionalist shift was significantly advanced by two empirical contributions: Kaare Strøm’s work on minority cabinets (1985, 1990) and Browne’s et al. study of cabinet stability (1984, 1986, 1988). Strøm’s work was important in various respects. First, it focused on a puzzling, but prevalent case of coalition governments—minority governments, i.e. cabinets where the parties that occupy portfolios together do not control a

majority of seats in the legislature. As Strøm showed, their existence was neither rare nor occurred only during a crisis phenomenon. Moreover, many of the minority governments were quite stable, though less stable than majority coalitions. In addition, many countries (e.g. Italy) were usually governed by surplus coalition, i.e. governments where certain parties were expendable without losing a chamber majority. The existence of minority and surplus coalitions was inconsistent with most existing theories of coalition formation and reoriented the theoretical literature. Importantly, it refocused the government formation question from “which government will form?” to “which *type* of government will form?”

The second empirical contribution was the study of cabinet stability pioneered by Browne et al. (1984, 1986, 1988) and then further advanced by Paul Warwick and others (King et al. 1990; Warwick 1992a, 1992b, 1992c, 1994; Warwick and Easton 1992; Diermeier and Stevenson 1999, 2000). This literature not only focused attention on the issue of cabinet stability but identified a list of institutional features that correlated with cabinet stability. This line of research provided rich new empirical regularities. But a compelling theoretical framework was lacking. Competing candidates for such a framework, however, were being developed independently using different methodological approaches in their analysis of coalition formation: the Laver-Shepsle model and Baron’s sequential bargaining models. Both contributions put the role of institutions front and centre.¹⁸ The point of this new approach was not that political institutions had been overlooked as a potentially important object of study. Rather, both approaches fully embraced the institutionalist credo: a formal theory of politics is a theory of institutions. This shift in perspective has had a profound effect on the subsequent development of formal models of coalition government.

In a highly influential paper, Laver and Shepsle (1990) apply this methodology to the study of cabinets where portfolios are interpreted as issue assignments as in Shepsle (1979). In contrast to the application to the US Congress, where the issue median was decisive, here ministers can unilaterally determine the policy-choice in their portfolio. Laver and Shepsle then ask under what circumstances such portfolio assignments are stable; i.e. whether they are in the majority core of a voting game on cabinet assignments. Importantly, this may include minority governments. The model could also be applied to the issue of cabinet stability, e.g. by considering shifts in the policy position of the parties represented in parliament.¹⁹

Laver and Shepsle’s work proved highly influential, in part due to its institutionalist methodology that linked the study of the US Congress with the study of coalitions, in part due to its ability to provide institutionalist explanations for the previously identified empirical regularities. As we have discussed earlier, however, Austen-Smith and Banks (1990) identified some methodological weaknesses of the Laver-Shepsle approach. These difficulties led to the development of an alternative modeling approach—the use of sequential bargaining models in the tradition of Baron and Ferejohn. Due to their reliance on non-cooperative game theory, sequential bargaining models avoid the non-existence problems associated with structure-induced equilibrium, even in environments (e.g. dividing a fixed benefit under majority rule) where the core is empty.

These features make the model very suitable for institutional analysis. Compared to the Laver-Shepsle model the Baron-Ferejohn model, however, is much more difficult to work with, especially if one leaves the purely distributive environment and considers (multidimensional) policy preferences. Finally, the first applications of the Baron-Ferejohn model (e.g. Baron 1989a, 1991b) could not account for minority governments and were not designed to address issues of government stability. After all, in the classic Baron-Ferejohn model, the game ends when an agreement is reached.

These difficulties lead to the development of alternative approaches. These approaches were also formulated in the language of non-cooperative game theory, but relied on a different bargaining protocol. For our purposes, the most relevant approach was the “efficient bargaining approach” (Merlo and Wilson 1995; Merlo 1997; Diermeier and Merlo 2000; Baron and Diermeier 2001; Diermeier, Eraslan, and Merlo 2003). In these models, actors bargain under unanimity rule until agreement is reached or the game ends. Originally developed in pure game theory, the approach became influential once it was recognized that such bargaining protocols could capture an old idea from coalition theory: the concept of a proto-coalition (Axelrod 1970). That is, coalition bargaining processes are often characterized by multiple government formation attempts, where a party leader (usually called a “formateur”) selects a proto-coalition that will negotiate to form a new government. This bargaining process continues until agreement is reached or the parties abandon the coalition formation process. Bargaining within a proto-coalition is then modeled using efficient bargaining theory.

Efficient bargaining models have many appealing properties. Bargaining outcomes are always efficient even in cases with randomly changing payoffs (Merlo and Wilson 1995) or a multi-dimensional policy space (Baron and Diermeier 2001). But more importantly, efficient bargaining models satisfy a separation property: the outcome of the bargaining game is (at least partially) independent of the identity of the proposer and the exact bargaining protocol. For example, in the Merlo-Wilson model, the set of states where parties reach agreement must be independent of the proposer’s identity. In the Baron-Diermeier model, the policy location agreed upon by the parties does not depend on the details of the bargaining process such as recognition probabilities or discount factors but only on the ideal points of the members of the proto-coalition. This is a crucial advantage as it avoids some of the technical difficulties of the Baron-Ferejohn bargaining protocol. As a consequence, efficient bargaining models could then be applied to more complex environments such as full equilibrium models that combine cabinet formation with voting under proportional representation with a static (Baron and Diermeier 2001) or dynamic policy environment (Baron, Diermeier, and Fong 2012).

Most importantly, efficient bargaining models can address the original questions posed by the empirical research: government-type (especially the occurrence of minority and surplus majority) and cabinet stability. The approach was first formulated in a paper by Lupia and Strøm (1995); cabinets were interpreted as equilibria of an underlying bargaining process that must be sustained over time as the political environment and thus the distribution of bargaining power among governing parties changes. The long-term impact of the Lupia-Strøm model was mainly conceptual. The actual

bargaining model was too simple to capture dynamics of coalition bargaining.²⁰ What was needed was a fully dynamic model to capture the changing cabinet bargaining environment.

In a first step to provide such a model, Diermeier and Merlo (2000) embedded the Baron-Diermeier efficient bargaining model in a multi-stage game with random shocks to both electoral prospects and to the parties' reservation values. Such shocks may lead to the termination of government before the end of the game. In that case, a new cabinet would take office. On the other hand, cabinets may avoid termination by redistributing ("reshuffling") distributive benefits among the incumbent parties in response to external events. Diermeier and Merlo show that both minority and super-majority cabinets can occur as equilibrium phenomena. Moreover, minority and surplus coalitions are not rare exceptions, but may form for all parameter values. However, they are less stable than minimal winning coalition which balance smaller short-term pay-offs with higher stability. Depending on the parameters of the model, formateurs may thus choose any cabinet type. For some parameter values, minimal winning cabinets are the best deal. For other parameter values, surplus or minority coalitions are optimal. So all observed cabinet types can be recovered as equilibrium phenomena.

One important consequence of the Diermeier and Merlo framework is that formateurs anticipate the benefits and costs of maintaining a given cabinet over time. Both costs and benefits depend on the cabinet type. So, depending on the parameters, formateurs will choose different cabinet types, including, sometimes, minority cabinets that are likely to terminate early. The stability and the relative occurrence of different types of governments are thus *jointly determined in equilibrium*. This insight has important consequences for the empirical study of cabinet stability, which had been dominated by regression models, i.e. a suitably defined stochastic process with sets of covariates that influence termination probabilities. Since Strøm (1985), all these models have contained institutional characteristics, both of the polity (e.g. constitutional features) and of the cabinet (e.g. its majority status). But once we model cabinets as equilibria, expectations about cabinet duration influence the choice of initial cabinets; cabinets and their durations are jointly selected in equilibrium. Empirically, this implies that we cannot treat cabinet-specific features as proper independent variables in a regression model. Recent papers (Merlo 1997; Diermeier, Eraslan, and Merlo 2003) have tried to resolve these problems by using a structural estimation approach. The approach consists in specifying a bargaining model of government formation, estimating the model's parameters, assessing the ability of the model to account for key features of the data, and then using the estimated structural model to conduct (counterfactual) experiments of comparative institutional analysis.

The theoretical developments in the study of coalition government had important consequences for a general theory of legislatures. Firstly, the models demonstrated how the methodologies developed in the context of the US Congress can be applied to non-US legislatures and capture coalition government, the crucial phenomenon in multiparty parliamentary democracies. Secondly, the existing empirical research on cabinet stability and cabinet types put the question of institutional choice and

stability front and centre. While in models of the US Congress it was not unreasonable to assume that, in the short-run, the institutional structure (e.g. committee system, seniority norms, etc.) could be considered fixed, such an assumption was simply inappropriate in the study of governing coalitions. But once cabinets are viewed as legislative institutions (as Bagehot argued) that must be sustained by majority support, one can ask the same question about powerful committees and legislative leadership structures.

This question is not only important for comparativists, but lies at the centre of some of the crucial debate among the leading scholars of the US Congress. Being a member of a powerful committee or of the cabinet bestows significant procedural advantages to certain legislators. The question then becomes why a chamber majority bestows such prerogatives to some of its members and why such agreements are stable. In the context of the debate over parties in the US Congress, Krehbiel (2004, 117) has put this argument as follows²¹:

Majoritarianism and procedural endogeneity imply that the median voter is pivotal in a procedurally neutral setting. Why would such a legislative voter consent to procedures whose foreseeable consequences are tantamount to an abdication of power?

This argument not only applies to the US Congress, but to any legislature. How do we explain the variety and stability of legislative institutions if such institutions have important distributional and policy consequences?

Thirdly, the review of the literature also pointed out the significant technical difficulties in creating formal models that can address these problems. Social choice-based models are elegant, but cannot capture sufficient institutional detail or model dynamics, and face severe existence problems of its solution concepts. Structure-Induced Equilibrium models can capture more institutional detail, but inherit some of the existence problems of social choice theory, and dynamic considerations can only be captured as shocks to the system. Non-cooperative models can capture rich institutional structures as well as dynamics, but are difficult to use.²²

It is therefore not surprising that a general theoretical framework to study legislatures is still lacking. In the final section we discuss some of the existing approaches and conclude with some goals for future research.

2.7 A COMPARATIVE PERSPECTIVE

Existing formal research of legislatures has largely progressed along geographical divisions. The extensive research on the US Congress has developed in isolation from the equally lively research on coalition government in parliamentary democracies. While some brave minds have tried to cross the divide between the two research traditions

(e.g. Baron 1989; Laver and Shepsle 1990) a systematic formal approach that can accommodate not only the two main traditions, but also can accommodate any legislative systems is still lacking. Currently, there are two approaches that can serve as candidates for such a paradigm: the veto players approach (Tsebelis 1995, 2002; Tsebelis and Money 1997) and institutional equilibria (Calvert 1995; Diermeier and Feddersen 1998; Diermeier and Myerson 1999; Diermeier and Krehbiel 2003).

Tsebelis (2002) proposed a formal analysis of legislative institutions based on the concept of veto players. Its purpose is to provide a framework that can represent various political systems in a unified fashion and then use that representation to study policy consequences, especially with respect to policy stability. A *veto player* is an individual or collective actor, such as the House of Representatives, whose agreement is necessary for a policy change. That is, a veto player has the power to block a change from the status quo policy. Policy change can occur when there are policies preferred to the status quo by all veto players. These points constitute the *win set* of the status quo; the larger the win set, the higher the potential to enact another policy, the lower the stability of the status quo. Thus, by identifying the veto players and the associated win set and comparing them across polities, we can make inferences about the relative stability or, conversely, the opportunity for policy change. While in principle, adding veto players will increase policy stability, this will not hold if veto players are redundant, i.e. if the win set does not change as a veto player is added.

One of the attractive features of this approach is that it imposes a common structure on political institutions that facilitates comparative analysis and can create new insights. For example, both a supreme court that can nullify legislation and the IMF that can block a certain fiscal policy can be modeled as veto players. Similarly, when comparing constitutions, e.g. presidential and parliamentary polities, all that matters are the resulting veto players. This means that a parliamentary system with an independent supreme court may behave similarly to a presidential one where the president can veto legislation.

Methodologically, this approach falls into the social-choice theoretic tradition. That is, the formal representation of legislative decision-making consists of three elements: the set of possible outcomes (here, a Euclidean, multidimensional policy space); a preference profile (here, quadratic preferences); and a list of decisive coalitions (here, the list of individual and collective veto players). It thus inherits all the difficulties of this approach and the associated solutions concepts such as the uncovered set. This is particularly true of the concept of “collective veto players.” In addition, the restriction to social-choice theoretic concepts limits the scope of institutional detail that can be represented formally. For example, while Tsebelis repeatedly discusses the importance of agenda-setting, his framework does not allow a formal representation of agenda-setting power. Hence, any discussion of proposal power and agenda-setting must remain informal. Tsebelis utilizes various other solution concepts (the uncovered set, the “yolk,” the win-circle) but, as he acknowledges, most of the problems remain and theoretical propositions cannot be obtained. What we are left with are “regularities,”²³ that seem to hold in most preference configurations, but not in general. Finally, the approach cannot account for the stability and equilibrium properties of veto players. For example, both

an independent regulatory commission and a legislative committee can serve as equivalent veto players, but, in a bicameral system, the committee can be stripped of its powers by a simple chamber majority, while a regulatory commission can only be abandoned if both chambers (and, if applicable, the president) concur. More generally, within its formal framework the veto player approach cannot distinguish between endogenous and exogenous veto players: which veto players are to be considered as constraints and which should be viewed as institutional equilibria in an underlying game of institutional choice.

The concept of institutional equilibria is central to the main alternative to the veto player approach: the equilibrium institution approach. We have seen above how the approach has been applied in isolation to both the US Congress and study of coalition government. What has been missing, however, has been a genuine comparative point of view that can account for various institutional structures across countries. To accomplish this goal, the concept of institutional equilibria is critical. To see this, recall that (a), cabinets are the critical policy making institutions in parliamentary democracies, (b) cabinets need the continual support of the legislature. In the language of non-cooperative game theory, they must constitute (institutional) equilibria in an underlying game of coalition bargaining. As discussed, both the solution concepts associated with social-choice theory and the structure-induced equilibrium theory approach are often empty. Hence, there may not be any stable institutions in a model of institutional choice. It is here where non-cooperative game theory provides a crucial methodological advantage. To see why, note the problem of institutional choice defines a hierarchy of institutional models where the institutions of each lower level become objects of choice at a higher level. Diermeier and Krehbiel (2003) state this as follows:

1. Define and hold fixed behavioural postulates for political actors in collective choice process in which well-defined institutions are explicit objects of choice.
2. Conduct and/or embed institutional analysis (i.e. steps 1–4 discussed earlier) for each institution identified in A.
3. Characterize formally the (second order) institutions that constrain the choice of institutions defined in A.
4. Deduce the set of institutions that will be chosen given steps A–C
5. Compare the derived implications with empirical regularities and data.

The critical advantage of game-theoretic analysis lies in the concept of “subgames,” that can be used to formally model each feasible institution. The theorist then solves for the equilibria of each subgame and embeds each subgame in a larger game of institutional choice. By solving that larger game, we then have a precise concept of institutional equilibria. Non-cooperative game theory can accomplish this task for two reasons. First, extensive form games offer a very rich formal framework to capture institutional variety. Second, Nash equilibria exist for very broad classes of games. So, they usually will exist at all the levels of each subgame and at the level of the institutional choice game. The following examples serve to illustrate this approach.

McKelvey and Riezman (1992) provide a formal model that yields a seniority system (e.g. Polsby, Gallagher, and Rundquist, 1969) as an equilibrium institution.²⁴ Seniority systems give legislatures with longer tenure disproportionate proposal rights which result in a disproportionate share of benefits allocated to districts with more senior legislators. But then voters have an incentive to re-elect senior legislators. The senior system thus creates an incumbency advantage, which will be supported by legislators interested in re-election. The seniority system thus is not assumed as a constraint on collective decision-making, but is sustained in equilibrium in a game combining legislative bargaining and electoral competition.

Diermeier and Myerson (1999) show how bargaining between multiple chambers or an independently elected president with veto powers lead to the existence of internal veto players (e.g. strong committees) or super-majority rules (e.g. a filibuster rule as in the US Senate). In contrast, unicameral legislators provide incentives to delegate power to a single actor such as a prime minister or party leader. Thus the model, not only explains the existence of certain institutions, but also their variance across political systems. The model points out that institutions that appear to be quite different (e.g. cabinets and US committees, or veto players and super-majority rules) may be functional equivalents. This is similar to Tsebelis' veto-player approach, but the modeling approach is quite different.

Diermeier and Feddersen (1998) present a multi-period model of distributive legislative bargaining in the Baron-Ferejohn tradition, where legislators need to distribute a fixed benefit in each policy period. In each period, legislators are randomly assigned a reservation value (i.e. a payoff that they will receive if the proposal fails), and a proposer is selected according to a recognition rule. However, these recognition rules are not fixed, but voted on in an organizational period where legislators bargain over recognition rights for the policy periods. Diermeier and Feddersen then apply their model to two different constitutional settings: a presidential democracy reminiscent of the US Congress and a parliamentary democracy with multiple parties. The key institutional difference between the two settings is the existence of the vote of confidence procedure,²⁵ which allows a governing coalition to link voting on a particular bill with the survival of the governing coalition. Diermeier and Feddersen show that this constitutional feature has dramatic consequences; it permits legislative majorities to vote cohesively on multiple issues and to capture more of the legislative benefits compared with a presidential system. The model thus can explain the difference in voting cohesion between parliamentary and presidential systems. Note that the explanation does not depend on party discipline or electoral competition. Rather, it depends on the expectations of future benefits if the current governing coalition can stay in office. Therefore, the model can also explain why in parliamentary democracies' voting cohesion is greater across parties than within parties in the US Congress.

As illustrated by this example, we can see three main characteristics of the institutional equilibria approach. First, unless specified by the constitutions, any legislative institutions must be explained as an equilibrium in an underlying game of institutional

choice. Second, institutions from different systems and countries are represented as formal equivalents. That allows models to compare different constitutions. Third, the models not only try to explain the existence of legislative institutions, but their variance across political systems.²⁶

But nothing in life is free. The methodological advantages of non-cooperative game theory also come with substantial costs. First, as discussed above, non-cooperative games often have more than one equilibrium. This frequently requires stronger equilibrium concepts than Nash-Equilibrium (Subgame-perfection, Markov-Perfection, iterated elimination of weakly dominated strategies). The McKelvey-Riezman model, for example, uses all of these equilibrium refinements. In practice, these restrictions are widely accepted, but they do constitute additional assumptions. The second issue is the institutional richness of non-cooperative models, which can be both a blessing and a curse.²⁷ In some applications, it is a blessing because it allows us to model the exact sequence of moves as specified in a political constitution. But in other contexts (e.g. intra-party bargaining among rival factions), the precise rules may either not be known, or decisions may result from informal negotiations. Non-cooperative game theory is not very suitable to model “informal institutions.” It forces the modeler to make decisions (“who can make offers?,” “who moves first?,” and so forth) even if such modeling decisions may seem to be arbitrary. This becomes particularly important if the respective modeling variants are associated with qualitatively different equilibria. There is no simple solution to this problem other than the laborious process of creating models of increasing generality and robustness that can then be compared with data. This is one reason why a close connection with empirical regularities plays such an important role in institutionalist models. Finally, the analysis of non-cooperative models often presents formidable technical difficulties, especially in multidimensional policy spaces. This does not reflect a methodological problem, just the sheer mathematical challenges associated with solving non-cooperative models.

2.8 CONCLUSION: TOWARD A GENERAL THEORY OF LEGISLATURES

This line of argument suggests some directions for the development of a general theory of legislatures. First, the goal should be to develop a genuine comparative orientation. The split between the study of the US Congress, coalition government, and other legislatures must be bridged. The comparative study of elections can serve as a potential reference case (e.g. Cox 1997). While electoral rules vary widely, much of their complexity can be reduced to some key feature such as district size (which influences the number of parties in an electoral system) and the degree of inter-party competition within the same district (which influences party discipline).

Second, bridging such divides requires the ability to represent different institutions from different countries in a common formal framework. This may redefine traditional distinctions, e.g. between presidential and parliamentary democracies or between committees and cabinets. Both the veto player and the institutional equilibrium approach offer possible frameworks.

Third, the only exogenous institutions are the general rules specified in a country's constitution. All other legislative institutions, even if they are stable and impactful, need to be explained as institutional equilibria.

Fourth, general theories must be able to explain not only the existence of legislative institutions but their variance. In this context, it is important that the models get the major differences right. That is, a model that can account for the (relatively minor) difference in power between the Norwegian and the German committee system, but cannot account for the difference between committees in the UK parliament and the US Congress, is of limited use.

While the formal study of legislative politics has come a long way, much remains to be done. On the positive side, in recent years we have seen the emergence of research programs that are genuinely comparative in nature. On the negative side, the technical challenges of developing models in common frameworks remain formidable.

NOTES

1. I will use the term "legislatures" throughout this chapters rather than "parliaments" or "committees." In my view, it best expresses the ambition of legislative theory to apply to any decision-making body of moderate size (at least three and no more than a few hundred actors) whose members repeatedly come together to deliberate and make binding decisions. The term "committees" is too technical, and the term "parliaments" often connotes the legislatures of parliamentary democracies thus excluding the US Congress, Latin America, and many other legislatures in Europe, Asia, and Africa.
2. This is enough for models with finitely many alternatives. In the continuous case, it is usually also assumed that preferences are continuous and strictly convex.
3. For a detailed discussion of these issues, see Diermeier (1997).
4. For recent overviews on coalitions, see Diermeier (2006, 2011), for overviews on the US Congress, see Krehbiel (2006), Cox (2006), and Volden and Wiseman (2011).
5. Additional concepts such as veto players can then be defined using the concept of decisive coalitions.
6. For more details, see Diermeier (1997, 2014).
7. See Riker (1980) for a forceful argument about the irreducibility of dependence on institutions.
8. Testimony before the GOP Task Force on Congressional Reform, 16 December 1987. Cited from Diermeier, Prato, and Vlaicu (2014).
9. In the case of the US Congress, this is clearly stated in the constitution: "Each House may determine the Rules of its Proceedings" (US Constitution Article 1, Section 5, Clause 2).
10. To be sure, there are cases where the median policy prevails, e.g. when the status quo is located exactly on the median's ideal point. Here we focus on the typical case where the Romer-Rosenthal model implies an outcome that is distinct from the median.

11. Variants of the model have been used in the study of legislative voting rules (Baron and Ferejohn 1989a), committee power (Baron Ferejohn 1989b), pork-barrel programs (Baron 1991a), government formation (Baron 1989, 1991b), multi-party elections (Austen-Smith and Banks 1988; Baron 1991b; Chari, Jones, and Marimon 1997), and inter-chamber bargaining (Diermeier and Myerson 1994).
12. A variant of this set-up allows (nested) amendments to a proposal before it is voted upon. This is the case of an open amendment rule (Baron and Ferejohn 1989a).
13. For an overview see Shepsle and Weingast (1994).
14. Other contributions include Epstein (1997), Baron (2000), Collander (2008), and Kim and Rothenberg (2008).
15. For a model that sustains commitment in equilibrium using an overlapping generation's model see Diermeier (1995). See also Muthoo and Shepsle (2012). McKelvey and Riezman (1992) use a model that involves both legislative and electoral stages to show that maintaining a seniority system with proposal power encourages the re-election of incumbents. See also Callander (2008) for a model where policy complexity provides a solution to the commitment problem.
16. In recent years, there has been a third important approach that has explained the institutional structure of the US Congress as a consequence of majority party control. The partisan approach argues that party majorities allow their party leadership to control the agenda because sacrificing their individual policy goals in favour of the party median helps maintain the party "brand" and with it the party members' re-election prospects (Cox and McCubbins 1993, 2005). Deferring to the party leadership may be supported either through disciplined voting on bills (Aldrich and Rohde, 2001) or on procedures (Cox and McCubbins 2005). Diermeier and Vlaicu (2011a) show that even in the absence of exogenously imposed party voting discipline preference, affinities among a majority are sufficient to induce partisan voting cohesion over asymmetric procedures. This approach has been highly influential in the study of the US Congress, but it is less important in other legislatures, which are often characterized by multiple, disciplined parties.
17. See Laver and Schofield (1990) for a detailed review of the field up to the late 1980s.
18. In parallel, theoretical work in the social choice tradition has continued. See, for example, Schofield and Sened (2006) and Schofield (2008).
19. See Laver and Shepsle (1994, 1996) for details.
20. See Diermeier and Stevenson (2000) and Diermeier and Merlo (2000).
21. A similar debate occurred a decade earlier on the role of committees (Krehbiel 1991, 2004).
22. The model in Diermeier and Merlo (2000), for example, has only been solved for three parties with quadratic preferences.
23. Tsebelis refers to them as "conjectures."
24. See also Eguia and Shepsle (2012).
25. See also Huber (1996) and Baron (1998).
26. Adding uncertainty to the Diermeier-Feddersen model can explain cross-country difference in legislative success rates (Diermeier and Vlaicu, 2011b).
27. Note also that the approaches use different models of policy decision-making. McKelvey and Riezman as well as Diermeier and Feddersen use sequential bargaining models in the Baron-Ferejohn tradition. Diermeier and Myerson use a vote-buying model (Grosche and Snyder 1996), though the general results hold for more general approaches. These modeling choices are driven by technical convenience and may not matter in the end, but the models have yet to be integrated into a common framework.

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CHAPTER 3

THE SOCIOLOGY OF LEGISLATORS AND LEGISLATURES

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3.1 INTRODUCTION

THE sociology of legislators and legislatures has two main objects: legislators as social actors and legislatures as social institutions. Not only does the sociological approach investigate the impact of institutions on the behaviour and preferences of actors, it also analyses the social prerequisites and conditions underlying the establishment, maintenance and transformation of institutions, as well as the impact of social actors on these processes. This chapter focuses on the social relations within parliaments (insider–insider relations) and on the relations between parliaments and society (insider–outsider relations), which manifest themselves in three types of social interaction: *competitive struggle for votes* (i.e. the competition between legislators organized in political parties for the support of the population); *antagonistic cooperation* (i.e. the consensus of legislators regarding the institutions and informal rules of conflict resolution); and *principal–agent relations* (i.e. the asymmetric interdependence between legislators and their constituents based on delegation and accountability).

In a general sense, social institutions can be defined as enduring systems of formal and informal rules, norms, and values structuring social interactions and relations; institutions make them durable, binding, and meaningful for the actors engaged in them. In a narrower sense, political institutions such as legislatures “are formal arrangements for aggregating individuals and regulating their behaviour through the use of explicit rules and decision processes enforced by an actor or set of actors formally recognized as possessing such power” (Levi 1990, 405). Political institutions are established (or radically transformed) at “critical junctures” (Rokkan 1999, 34). In such situations actors enjoy a wide degree of freedom because institutional constraints do not exist or

have become ineffective for solving problems of social regulation and integration. This wide leeway results in insecurity, impeding cooperation between legislators due to the reduced predictability of behaviour and the lack of institutional resources for exercising and retaining power. In such situations influential actors seek to establish new institutions to provide a stable framework for calculating the benefits and costs of available options for behaviour (i.e. to reduce transaction costs). After this new institutional arrangement is successfully established, it reduces the leeway of the actors by restricting certain behaviours and promoting others. The initial institutional choices made by influential actors at critical junctures have long-term and pervasive effects on the behaviour of their successors, as institutions generate positive feedback (Pierson 2004). However, path dependency is limited by potential path inefficiency; if the decrease in transaction costs generated by maintaining an established institutional order is outweighed by the opportunity costs of maintaining it (i.e. the institutional arrangement is inefficient to solve problems of social regulation and integration), another critical juncture is reached, and the existing institutional order is challenged (Best 2010b).

Legislatures in democracies are core elements of an institutional framework in which the struggle for power is mediated by peaceful competition for votes between antagonistic collective actors, who are usually organized in parties (Schumpeter 1959, 259, 269). The pacification of the struggle for power is a demanding task in terms of normative and institutional prerequisites. For centuries, the struggle for power was not peaceful. There are many examples of instances in which peaceful democratic competition was substituted by autocratic regimes that tried—often successfully—to win the political struggle by eliminating their competitors, sometimes even physically. The question therefore arises: why do legislators respect the institutional rules of democracy after acquiring the reins of state power? The answer is that the competitive struggle for votes and power is peaceful only if there is a basic consensus among otherwise competing actors on the rules of the political competition and a mutual acceptance of the political rivals as legitimate. The American sociologist William G. Sumner coined the term “antagonistic cooperation” to denote how adversaries may enter into limited but durable partnerships in order to pursue common interests and maintain a mutually beneficial social order (Best 2010a, 102).

The competitive struggle *for votes* also shapes the relationship between legislators and their electorate. In Schumpeter’s (1959) pervasive analysis this relation is depicted as a *leader democracy* to underline that political leaders impose their preferences on voters. Today, however, the direction of influence is debated, both theoretically (Körösényi 2010) and empirically (see 3.4). On the most basic level, the social logic underlying the interaction between legislators and voters is a principal–agent relation. In the simplest terms, the population can be seen as the principal, who selects agents (legislators) and delegates to them the task of acting on their behalf in politics. The population holds their agents accountable for the outcomes they achieve (e.g. Strøm, Müller, and Bergman 2006).

Legislatures can be described as political institutions that regulate both the competitive struggle of legislators for votes, based on antagonistic cooperation and the

interaction between legislators and their constituents, based on a principal–agent relation. Both the insider–insider relation and the insider–outsider relation are interdependent. While political institutions such as legislatures provide a stabilizing frame for such interactions, the stability of these institutions is simultaneously reinforced or eroded by the behaviour of the actors involved.

This chapter investigates three facets of the relationships outlined above: how is antagonistic cooperation learned and reinforced in the process of legislative socialization? In what way are the social interests and preferences of the population articulated and mediated in the legislature by virtue of the qualities and qualifications of the selected agents (legislators), and through the interactions between legislators and their constituents?

3.2 INSTITUTIONAL SOCIALIZATION: THE LEARNING OF ANTAGONISTIC COOPERATION

Scholars of legislative studies have identified a broad range of informal rules and norms influencing the behaviour of legislators; these rules and norms are independent of both the partisan and the personnel composition of parliament (Matthews 1959; Cox 2000). Newcomers elected to parliament for the first time are faced with the challenge of acquainting themselves with these informal rules and norms. Although there is no agreement about the scope of attitudes and preferences that parliamentary socialization comprises, there is agreement that this process can be modeled as adaptation of newcomers to the senior members (Asher 1973; Badura and Reese 1976; Bell and Price 1975; Fenno 1962; Hedlund 1968; Mughan, Box-Steffensmeier, and Scully 1997). Research on political socialization thereby contributes to the understanding of the maintenance of institutions and how they impart their regulative and constitutive rules and norms to their members.

Empirical research has repeatedly demonstrated that institutional socialization is, in large part, learning how to cooperate with competitors both within and outside one's party. Fenno (1962, 320) described socialization in the Appropriations Committee of the US House of Representatives as an apprenticeship in which the perceptions, attitudes, and behaviours of newcomers must adapt to the consensus among senior members and "serve[s] as a basis for Committee integration." Newcomers are offered little freedom or flexibility and are expected to follow the rules unquestioningly. In addition to this component of apprenticeship, the content of the consensus can be read as a guideline for antagonistic cooperation, including specialization (the deliberate distinction of responsibilities, which reduces conflicts of interest), reciprocity (*do ut des* as the predominant mode of interaction) and (sub-)committee unity (compromise or consensus as overarching goal) (Fenno 1962, 316). Other studies have identified precisely these norms as being gradually internalized by newcomers to both the US House

of Representatives (Asher 1973) and German state legislatures (Reiser et al. 2011, 834). Davidson (1969, 72) found that members of the US Congress shift from “insiders to outsiders” with tenure. The longer they hold their positions, congressional representatives increasingly focus on internal affairs such as legislation and committee assignment and come to perceive their mandate to pursue the particular interests of their districts as decreasingly important. This shift in priorities indicates that the requirements of interest representation are attenuated in favour of stronger insider cooperation. Similar results were presented by Mughan et al. (1997, 50), who demonstrated an association between “deradicalization” (Searing 1986, 341) in several policy areas and tenure among members of the British House of Commons. Most of the recent research on legislative socialization has been conducted on the European Parliament, with the key question being whether its legislators are “going native,” i.e. does lengthy tenure foster a more pan-European perspective, with an increasing endorsement of pro-European policies (Scully 2005, 45)? The empirical results gathered, however, give only marginal indication for such a process (Franklin and Scarrow 1999, 57; Scully 2005, 54, 133).

Studies of legislative socialization emphasize that the ambition of newcomers to gain political influence and their lack of the resources necessary to achieve this goal are the central incentives for these junior legislators to adapt to the internal rules and norms in parliament. Those who are successful have learned “that their conformity to [...] norms [in legislatures, HB/LV] is the ultimate source of their influence” (Fenno 1962, 322). This learning process occurs in the daily interactions between the legislators, in which deviations are answered by sanctions ranging from subtle non-verbal signals to the refusal of further promotion in the parliamentary hierarchy. The significant others in these interactions are located within the specialized sub-organizations of legislatures bodies, such as committees and party caucuses.

While the preceding section gives a good organizational overview, the full picture is more nuanced and ambiguous. In their work on first-term legislators in the California state assembly, Bell and Price (1975, 166) demonstrated that socialization is not a linear process. They found that some of the newcomers’ attitudes did not appear to converge after two or more years, and, more strikingly, senior members may also adapt to newcomers. There is also evidence that political socialization is not restricted to the legislature itself, but includes the pre-parliamentary career; as a result, many newcomers are acquainted with legislative rules and norms prior to their entry into parliament (Asher 1973, 512; Bell and Price 1975, 138). These findings have important implications: there are indications that pre-parliamentary socialization is actually the dominant factor structuring legislative behaviour, more important than the actual institutional environment. This occurs especially in newly established institutions, such as the Scottish regional parliament (Stolz 2010, 284), which has no senior members to provide models for newcomer behaviour. Finally, Best and Vogel (2012a, 56f) have shown that change in the representational focus of German legislators, which was initially attributed to newcomer status, vanishes if membership in formal positions in parliament is statistically controlled.

In recent years, institutional socialization has been a neglected area of legislative studies. The majority of the studies mentioned above were conducted before 1990, and these

mainly pertain to the US. None of these follow a comparative approach, and only a few rely on quantitative individual-level panel data with control groups (Asher 1973; Bell and Price 1975; Reiser et al. 2011). This is the only adequate method to distinguish institutional socialization from both confounding cohort effects (if socialization is measured by tenure) and general change among the totality of legislators in parliament (which is not observable without a control group of elder members).

In view of the desiderata sketched above, comparative empirical analyses of institutional socialization are needed in order to understand this important precondition for antagonistic cooperation. Such studies should include legislatures as the central institutions in which the norms of reciprocity and compromise are communicated. However, given that preconditions for successful socialization are also provided by the pre-parliamentary career, research needs to investigate legislatures as just one part of legislators' political career, in which they become recruited into their first mandate.

3.3 LEGISLATIVE RECRUITMENT: EQUALITY VERSUS SOCIAL CLOSURE

Legislators play a central role in legitimizing representative democracies (Best and Cotta 2000, 7). The qualities and qualifications of legislators therefore have a symbolic and functional significance for the performance and stability of representative democracies (Sartori 1987). Research in legislative recruitment has strongly confirmed this view and has identified parliaments as intersections of different segments of the elite system, a *mixtum compositum* of representatives of different societal interests and from various political followings. However, the assumption that representative assemblies socially "mirror" the societies from which they are recruited is a normative construct and is never found in a polity where there is "free competition for a free vote" (Schumpeter 1959, 271; Norris 1997). The parliaments that came closest to this "mirroring" ideal were characteristically those of Eastern European people's democracies where the cadres' offices of Communist parties controlled admission to the assemblies according to elaborate quota systems based on criteria such as gender, social origin, and ethnic background. However, even under these special conditions, the mirrors were distorted in favour of meritorious party activists and veterans (Patzelt and Schirmer 2002, 386–441). The paradox that defines sociological research into legislative recruitment is that through processes of selection and election which are—in principle—egalitarian, inclusive, and free, representative democracy emerges as an order of inequality.

Legislative recruitment is the crucial point of the democratic game when it comes to the decision about who has the right of representation. These rules are inherent to the "competition for political leadership," which was called "free" by Schumpeter (1959, 295) "in the same sense in which everyone is free to start another textile mill," meaning anyone can be considered free to enter into the competition. The basic Schumpeterian

design has to be amended, however, in two respects that are insufficiently covered and dealt with in his work. The first is the fact that, like economic elites, political elites try to curb the effects of competition by introducing cartels and restricting access for new competitors. The second is the observation that the competition for power is a two-layered process: *Parties* as selectorates compete for a bigger share of the positions in the political system, which are directly or indirectly distributed through elective competition. *Individual contenders* compete for the backing of selectorates and for access to the valuable elective offices. In short, parties (i.e. selectorates) want to improve their competitiveness through good candidates who can serve their parties' external and internal needs in their struggle for power. Meanwhile, contenders display and employ the assets they have that give them an edge over their competitors, establishing good starting positions in their race for offices (Norris and Lovenduski 1995). The changing nature of this competition is the driving force behind the long-term transformation of recruitment patterns of representative elites. A supply-and-demand model has been very useful in conceptualizing the dynamics and constraints of the recruitment process. In particular, such a model helps to promote a better understanding of why long-term changes in recruitment patterns of European representative elites seem to follow regular trends, notwithstanding some erratic fluctuations at historical turning-points and *caesurae* of recent European history (Norris and Lovenduski 1995; Best and Cotta 2000, 9–16). In the simplest version of the recruitment function there is a demand and a supply side and sets of formal rules and informal practices which determine how both sides are matched. The rules and practices include the criteria that determine who participates in which role in the competition for parliamentary seats and what rewards or risks contenders may expect in the competition. The main actors representing the supply or demand sides of the recruitment process are *contenders*, *selectorates*, and *electorates*. *Contenders* are those actors “who are stimulated to enter the competition for offices by individual incentives like prestige, power, material rewards, spiritual or ideological commitments” (Best and Cotta 2000, 11). They dispose of certain resources that qualify them for entry into the electoral competition and determine their starting position in the race for mandates and offices. Attributes and affiliations of contenders give a favourable or unfavourable momentum to their passage through the recruitment process. *Selectorates* are collective actors who select candidates according “to complex choices considering the probable value of the contenders' resources for electoral success, to their ideological fit with, their instrumental function for, and their loyalty to the selectorates” (Best and Cotta 2000, 11). In a distant past selectorates were informal caucuses made up of dignitaries or state officials involved in the selection of candidates. Today selectorates in most liberal democracies tend to be institutionalized in the form of party organizations. These selectorates have an intermediate position in the recruitment market, matching the offer of contenders with the perceived preferences of electorates. *Electorates* are the “end consumers of offers on the electoral support markets” and the final judges of the outcomes of legislative recruitment (Best and Cotta 2000, 12). Their perceived preferences for a certain type of parliamentary representation are one factor shaping the lists of candidates drawn up by selectorates. The given makeup of a parliament can therefore

be regarded as the final balance of advantageous and disadvantageous factors working in the (self-)selective process preceding the act of recruitment (Best and Cotta 2000, 12).

The interactions of the actors involved in the recruitment process are partly concealed by the secrecy of the ballot box and the seclusion of the backrooms where caucuses and party dignitaries meet. However, much of the process of parliamentary recruitment is open to public scrutiny and media attention. This directs, adjusts, and intensifies the public's perceptions and expectations concerning the qualities and qualifications of contenders (Hetherington 2001). Legislative recruitment should therefore be considered part of a construction of reality by which groups of selectorates—today, mostly within political parties—try to influence the competition for power in their own favour. Their lists of candidates are an important element of the face parties present to voters and may be indicative to their “closeness” to certain quarters of the electorate. The makeup of a party's parliamentary representation is therefore both a potential attractor of votes and a “tracer” for the groups it targets in the electorate (Best 2007).

To the extent that the properties and qualities of contenders attract voter support in electoral campaigns, they are assets in the competition for legislative seats (see Fig. 3.1). Selectorates will prefer contenders with such valuable characteristics, as they provide an advantage in the struggle for power. Symbolic representation, i.e. the choice of representatives according to the image they transmit to both the public in general and to their constituents in particular, is based on innate or primordial qualities of contenders that relate to fundamental political issues. Examples are skin colour, gender, religion (as far as it is inherited), or social origin (such as working-class background). This symbolic representation can be distinguished from a second type of representation based on acquired attributes that are also attractive to voters, but stem from representatives' personal reputations. In this category we find “heroes,” “martyrs,” or well-trying leaders. This type of representation could be referred to as “deferential,” as it is based on voters' deference to achievements of those who are supposed to represent them. Seen from the standpoint of selectorates (in particular, political parties), both types of representation have an external focus: here, the main concern of selectorates is how their supply of representatives affects their parties' images among voters.

In addition to the external focus, selectorates also choose candidates for parliamentary office according to an “internal focus,” i.e. the functional requirements of party

		<i>Focus</i>	
		<i>External</i>	<i>Internal</i>
<i>Origin</i>	<i>Acquired</i>	deferential	instrumental
	<i>Attributed</i>	symbolic	relational

(Best 2007, 90)

FIG. 3.1 Assets for legislative recruitment and careers

organizations and parliamentary parties for experts on certain policy issues, intermediaries connecting them to pressure groups and integrators capable of uniting divergent segments of party organizations or tiers of the political system (see Fig. 3.1). Again it is useful to distinguish between two types of resources available to contenders. The first type is relational and based on representatives' relations to the extra-parliamentary sphere, built up through linkage positions held in organizations and networks. The second type of resource with an internal significance to party apparatuses refers to acquired competencies and qualifications of contenders that are instrumental for the exertion of the representational role. *Inter alias* level of education, area of study, pre-parliamentary professional skills, and previous political experience fall into this category of resource.

The "internal–external" dichotomy of the taxonomy depicted in Fig. 3.1 refers to the demand side of the recruitment function by specifying the double task of selectorates: to supply parliamentary parties with personnel able (a) to attract voters by representing their diverse interests credibly, and (b) to fulfil the function of legislators competently by providing effective leadership and good governance. These competing and sometimes conflicting demands have been captured in the *trustee* and *delegate* conception of representations, whereby the delegate is a derivative of constituents' preferences and the trustee is tied up in the institutional constraints of the policy-making process (Eulau et al. 1959; Mansbridge 2003). These two different conceptions of representation are both present in the institutional fabric and political practice of representative democracies and have to be accommodated *within* the collective and the individual actors involved; however, the emphasis on one or the other conception shifts over time and varies between polities. For example, it is plausible to assume that the extension of suffrage and voting eligibility in the process of mass democratization was accompanied by a shift from an internal to an external focus of parliamentary recruitment and toward "descriptive representation" which allows constituents to recognize themselves in those who represent them (Pitkin 1967).

The "attributed–acquired" dichotomy in Fig. 3.1 refers to the supply side of the recruitment function. It considers the fact that representatives owe their parliamentary office not only to their personal virtues, qualifications, and skills, but also to the support of powerful organizations or factions of the selectorate who support them with patronage and sponsorship, expecting loyalty and services in return. In theory, the number of contenders in mass democracies is equal to the total size of the constituency; in fact, however, the supply of contenders is dramatically reduced by informal requirements for those who enter the competition. The "free competition for a free vote" is limited by a process that is commonly and somewhat euphemistically called "political professionalization," i.e. a configuration of social processes and informal structures restricting access to parliamentary seats and political offices (Best 2003, 370). Political professionalization "defines the rules and rites of access of the group, what holds the members of the group together, and what sets them apart from other individuals in larger society" (Beaver and Rosen 1978, 66–7). In short, political professionalization establishes an insider–outsider differential and provides the social mechanisms that integrate professional politicians collectively into the "political class" (Borchert and Zeiss 2003). In Europe, the