REPRESENTATION, DELEGATION AND PARLIAMENTARY CONTROL

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ABSTRACT

This paper first discusses the key terms of the workshop theme (parliament, executive, and control), thereby also outlining possible fruitful theoretical perspectives on parliamentary control of the executive. It argues that a parliament is a body of formally equal members representing voters in some sense. It then sketches some conditions for effective parliamentary control given certain prevailing patterns of executive-legislative relations. Next it includes some empirical findings, mainly derived from studies on the Nordic countries. Finally it draws some conclusions on parliamentary control of the executive.

PARLIAMENT, EXECUTIVE AND CONTROL

Parliament and representation

Some twenty years ago, an author introduced a book on comparative legislatures by noting that “…the easiest way to stymie a conference of legislative scholars is to raise the question of what is a legislature” (Mezey 1979, 3). I shall not raise that big definitional issue for debate in the workshop. But I believe it could be useful to reflect for a moment on the nature of legislatures (or parliaments, the two terms will be used synonymously in this paper), because our conceptualisations of parliaments might have implications for the analysis of parliamentary control of the executive.
A key issue in the longstanding debate on what parliaments are or ought to be, and what they do or ought to do, is whether the definition of parliament should specify essential structural characteristics and/or functional categories. Depending on the answer to that question, a second question is which attributes and/or functions should be the defining ones, and which ones should be left open for empirical analysis.

Having reviewed the debate, the exhausted reader is tempted to agree with Gerhard Loewenberg (1971, 3-4) who concludes that parliament cannot be defined “...by the particular functions it performs in political systems, for these have varied too widely to have any common denominator”. But parliament can be defined structurally, Loewenberg claims. Thus, all manifestations of parliament share at least two identifying structural characteristics: 
“(1) their members are formally equal to one another in status, distinguishing parliaments from hierarchically ordered organizations; and (2) the authority of their members depends on their claim to representing the rest of the community, in some sense of that protean concept, representation.”

Even if there is no consensus on the precise wording of a definition of parliament, there is a minimum of general agreement on what constitutes a parliament sui generis. First, there is no dissent concerning Loewenberg’s criterion of formal equality of members, although everybody knows that hierarchies exist in parliaments, at least informally. Second, it appears that all authors consider representation to be a crucial aspect of parliaments. Representation may be thought of as a particular structural arrangement linking citizens and MPs, or as a function performed by all parliaments, or perhaps both at the same time. The point to be made here is that the concept of representation is present in all writings on parliaments, one way or another. It is simply not possible to think about a parliament or legislature that does not represent in some way.

Unfortunately, like parliament representation is a difficult concept, as Loewenberg was well aware of. In fact, there are many theories of political representation as demonstrated, for example, by Pitkin (1967), Birch (1971) and Eulau and Karps (1977). To some extent this diversity is reflected in empirical studies of political representation (e.g. Matthews and Valen 1999, Esaiasson and Holmberg 1996, Müller and Saalfeld 1997, Miller et al. 1999). The traditional political science perspectives on representation has recently been “translated” into principal-agent theoretical terms emphasising delegation and accountability relationships between voters and MPs (Matthews and Valen 1999; Bergman, Müller and Strøm 2000; Bergman and Damgaard 2000).
This translation of political representation into principal-agent language creates some problems however, as political representatives have usually been thought to possess more independence or autonomy than the idea of an agent would seem to allow. MPs, after all, are not just agents but also political leaders who should not only be accountable to some constituency, but also act with responsibility in the best interest of society (Birch 1993, Ch. 5). MPs and parties do not sign regular contracts with their voters, they rather receive a relatively “open mandate”, and the voters must select from “packets” of policies supplied by the various parties (Lindbeck et. al. 2000, 44).

As the focus of the workshop is on legislative-executive relations, I could perhaps leave it with that, concluding that parliaments are composed of (elected) members who are representatives “in some sense of that protean concept, representation”. However, what “in some sense” might entail in modern democracies is important and can be illustrated by referring to the main distinctions in Pitkin’s (1967) analysis of representational theories. Having painstakingly reviewed all possible meanings of representation (1967, Ch. 1-9), she arrived at the following very complex definition of political representation (1967, 209-210):

“…representing here means acting in the interest of the represented, in a manner responsive to them. The representative must act independently; his action must involve discretion and judgement; he must be the one who acts. The represented must also be (conceived as) capable of independent action and judgement, not merely being taken care of. And, despite the resulting potential for conflict between representative and represented about what is to be done, that conflict must not normally take place. The representative must act in such a way that there is no conflict, or if it occurs an explanation is called for. He must not be found persistently at odds with the wishes of the represented without good reason in terms of their interest, without a good explanation of why their wishes are not in accord with their interest.”

According to Pitkin’s formalistic theories (Ch. 2-3), MPs are “authorised” to act on behalf of the people within limits determined by the constitution. One may also say that the constitution delegates certain powers to MPs through the electoral process. At the same time MPs become “accountable” to their constituencies, at least in the sense that they may be voted out of office on the next election day.

Pitkin’s substantive theories (1966, Ch. 4-8), deal with what happens during the process of representation, that is after authorisation has taken place and before accountability is ultimately relevant. The substantive theories contain the two main versions of standing for and acting for
theories. “Standing for” theories include “symbolic representation” and “descriptive representation”. While “symbolic representation” is a matter of psychological trust and confidence, “descriptive representation” concerns the extent to which MPs mirror the characteristics of the electorate in terms of demographic, socio-economic and attitudinal variables. “Acting for” theories of representation focus on what goes on in the actual process of representation. The problem in the acting for debate is the degree to which representatives act as trustees or as delegates (style of representation) in relation to their electors (focus of representation). The answer to this question, in turn, depends on the views adopted concerning the issues and interests involved, and the relative capacities that voters and representatives are assumed to possess. According to the extreme views in these respects, there is no representation at all. In these cases, the representatives are either unaccountable guardians (in the sense of Dahl 1989) merely taking care of people. Or they are simply instructed delegates without any discretion to act according to their best judgements of what serves the interest of the people.

I find it worrying to observe that the modern principal-agent view of representation is very much in accord with Pitkin’s delegate conception of representation. It is difficult to grasp how an agent or delegate can be a true representative of the people or voters. Mainstream models of political representation at least allow some independent judgement on part of the MPs. Eulau (1967), for example, argued that the representative is somehow “elevated” through the election process, and that there is a “built in status difference” between representative and represented. The representative is supposed to perform a leadership role and not merely to reflect voter opinions (that may be poorly founded, cf. Wahlke 1971). How can we sensibly talk about an agent or delegate with a more or less free or open mandate? As Manin, Przeworski and Stokes (1999, 23-24) writes, perhaps a bit provocatively:

“The peculiarity of the principal-agent relation entailed in the relation of political representation is that our agents are our rulers: we designate them as agents so that they would tell us what to do, and we even give them authority to coerce us to do it.”

Apart from that, Eulau and Karps (1977) suggested that “acting for” representation in Pitkin’s sense not only include “policy responsiveness” (cf. Wessels 1999), but also responsive activities in terms of constituency “service” and “allocation”, as well as “symbolic” behaviour (cf. Matthews and Valen, 1999, on Norway).
In conclusion then, we may at least say that representation is a contested concept. To quote Manin et al. once again: “Beyond the notion that representing implies acting in the interests of the represented, there seems to be little else on which theorists agree” (Manin, Przeworski and Stokes, 1999, 2).

**Government**

In the present context, the “executive” or government creates lesser conceptual and analytic problems than do parliament and representation. In parliamentary systems of government, the executive consists of a head of state (president or monarch) with limited constitutional powers and a cabinet headed by a Prime Minister (Verney 1959; Lijphart 1992, 1999; Strøm 2000). The cabinet is accountable to parliament and can be voted out of office by a vote of no confidence or censure, according to the constitutional rules of the various countries. In a wider sense, the executive branch also includes the central administration and, ultimately, all people employed in organisations and institutions of the public sector.

In presidential systems, the head of state and effective leader of the cabinet (government) is the same (directly elected) person with concentrated executive powers. The president cannot be voted out of office by a vote of no confidence, although he/she may be forced to step down via impeachment procedures. Between the pure types of parliamentary and presidential models we find in today’s world an increasing number of mixed parliamentary/presidential systems, not least because of the recent developments in Central and Eastern Europe. In this paper, however, I shall focus on parliamentary systems of government.

Executive-legislative relations vary in democratic systems of parliamentary government. As we shall return to below, they vary in at least two respects. First, there are different types of government in terms of the number of cabinet parties and in terms of majority versus minority status of cabinets. Second, one may speak about different modes of executive-legislative interactions. All these variations presumably have consequences for the specific instruments of parliamentary control applied, and not least for their effectiveness.

**Control**

Control of government, supervision, scrutiny, oversight and similar expressions can be found in the literature (cf. note 1, for example) to denote an important function of parliament, or consequence of
legislative activities. In fact, that function seems to be performed everywhere in democratic systems, at least to some extent. But what do we mean by “control”?

Control, like power, influence, authority, etc. is a member of a family of words that Dahl (1991) calls “influence terms”. Generically they are defined (p. 32) as a causal relation among one actor’s preferences and another actor’s actions. In the present case we are talking about the preferences of parliamentary actors and the actions of governments. Dahl’s definition reads: “Influence is a relation among actors such that the wants, desires, preferences, or intentions of one or more actors affect the actions, or predisposition to act, of one or more other actors”. Dahl talks about “manifest” influence if the first actor (parliament) explicitly and successfully acts to bring about the desired outcome. For example, a parliamentary majority may tell a government what it should and should not do, informing about the likely consequences following from behaving differently. Dahl speaks about “implicit” influence if the first actor (parliament) is successful without taking any actions. Implicit influence is, of course, also known as “the rule of anticipated reaction” associated with Carl J. Friedrich.³

If control is defined in this general sense, we should be able to study various means or instruments of parliamentary control, and to judge their degree of success in a number of different situations in which parliamentary and executive actors may be placed in relation to one another.

CONDITIONS FOR PARLIAMENTARY CONTROL

So far, I have argued that parliament is a body of formally equal members representing the electorate and with control of the executive as a major function. And furthermore, that there are problems with considering parliamentarians as merely agents of the electorate. But such agency problems appear to be much lesser in the relationship between parliament (as principal) and the executive (as agent), as we are then talking about inter-elite linkages and not mass-elite relationships.

In the case of the U.S., Ferejohn (1999, 134) argues that Congress has more leverage over the agent than has the electorate. First, Congress is not as informational disadvantaged as the electorate with respect to governmental institutions. Second, Congress organises itself along party lines and may therefore be able to act as a unified principal. Third, the range of rewards and punishments
available to Congress is relatively large compared to those available to voters. It seems almost certain, that these arguments are even stronger with respect to European parliamentary democracies with their high levels of party cohesion. In such systems of government, the executive is dependent upon the support of normally unified parliamentary parties that can bring down a government.

But the crucial empirical question of course is how, and how much, parliaments control the governments as representatives or agents of voters. There generally are numerous instruments available to control the executive. To name just a few: Ombudsmen, committees of inquiry, auditing institutions, specialised parliamentary committees, public hearings, interpellations that may end with a vote in the chamber, procedures for questioning ministers in a great many ways etc. (e.g. Wiberg 1994, Döring 1995, Damgaard 1992, Bergman and Damgaard 2000). But their effectiveness, I shall argue, ultimately depends on the existing patterns of executive-legislative relations.

Formation and types of governments
The most important ex ante form of control in parliamentary democracies surely is the power to decide on the formation and composition of cabinets (Laver and Schofield 1990, Strøm 1990, Budge and Keman 1990, Müller and Strøm 1997). Without necessarily subscribing to the portfolio approach of Laver and Shepsle (1996, 1994), one may assume that cabinets make a difference (cf. Klingemann, Hoferbert and Budge 1994) and that parties want to control governmental offices and/or the policies to be adopted.

In most cases there is no single majority party after an election, and hence bargaining among parties is needed to settle the issue of cabinet formation. Lijphart’s (1999, Ch. 6) data for 32 parliamentary democracies 1945-96 show that, if we exclude one-party majorities, minimal winning coalitions were in office roughly 40 per cent of the time. Oversized coalitions accounted for 33 per cent of the time and minority cabinets for 27 per cent. Several other studies (summarised in Damgaard 2000b) reveal that the proportion of minority cabinets varied between 21 and 43 per cent of all cabinets, depending on the definition of cabinet, the countries included, and the time period selected.

The effectiveness of other ex ante as well as the ex post instruments of parliamentary control is likely to vary with the parliamentary basis of cabinets. Assuming party unity in policy-making, there is not much an opposition can hope for if a majority party is in office. Parliamentary control then
largely becomes an intra-party affair involving ministers and backbenchers. If a majority coalition is in place much the same can be said, except that conflicts may also occur between coalition parties. For minority cabinets the situation is very different, as such cabinets are always vulnerable and in need of support from non-governmental parties. Minority cabinets have to accept that they are controlled or constrained by opposition parties. When proposing policies and legislation they can often be expected to behave according to the rule of anticipated reactions, in which case the parliamentary principal implicitly controls (in Dahl’s terms) the cabinet agent.

Laver and Shepsle (1999) rightly argue that cabinets are accountable to the legislature in parliamentary democracies, and only indirectly to the voters as ultimate principals. In their model, parliaments “make and brake” governments, while governments in turn “govern”. They realise that parliamentary principals do more than make and brake governments, “involved as they are in the policy-making process”, but abstract this away, “assuming a rather strict division of labor” (Laver and Shepsle 1999, 285). I wonder, however, whether the policy-making activities should be abstracted away, in particular in the cases of minority rule when no government policies can be adopted unless one or more opposition parties agree to them. Opposition parties are actively involved in ex ante control of proposed legislation, and often concerned with how the government implement adopted bills. Is not a minority government an almost perfect example of an “agent” for parliamentary principals?

Modes of executive-legislative interaction

A mode of executive-legislative relations may be defined as one of several possible and distinct patterns of interaction among MPs and government ministers, concerning some particular topic and involving co-operation as well as conflict. Such modes are clearly relevant to the question of parliamentary control as they are bound to constrain the executive in some ways. Elsewhere, I have argued that the modes of executive-legislative relations constitute four main patterns: Non-party, cross-party, intra-party and inter-party modes (Damgaard 2000a).

The first two modes are not based on parties at all. The non-party mode thus corresponds to a traditional conception of parliament versus government, each of which is treated as an undifferentiated actor, and sometimes called the “two-body image” of executive-legislative relations. The cross-party mode acknowledges the existence of parties, but actually claims that the
decisive interactions take place between MPs and ministers representing specialised sectional or geographical interests, no matter which parties the actors belong to.

The latter two modes of executive-legislative relations are definitely based on parties as crucial actors. The *intra-party* mode thus focuses on the interactions between a party’s ministers and its backbenchers. The *inter-party mode* focuses on the interplay between parliamentary parties in government and opposition, and on interactions between government parties.

Anthony King (1976) originally introduced the concept of “mode of executive-legislative relations”. In a seminal article, he claimed that in order to understand British politics, one must at least distinguish between “intra-party”, “opposition” (that is, conflict between government and opposition parties) and “non-party” modes. King concluded that the intra-party mode was the most important from a government point of view. In the case of Germany, King also found a need for an “inter-party” mode (to understand coalition government) and a “cross-party” mode (to understand what went on in the relatively strong and specialised parliamentary committees) (King 1976). Saalfeld (1990) concluded that the intra-party and inter-party modes had placed the most important restrictions on the activities of German governments, whereas the cross-party mode was only of secondary importance.

In an analysis of Dutch parliamentary politics, including its development over time, Andeweg (1992) found all five modes mentioned by King to be relevant. However, he preferred to talk about a general inter-party mode that includes the two sub-modes of “opposition” and “intra-coalition”. In a later article, Andeweg (1997) further argues that three of the modes incorporate distinct representational roles at the individual level:

“In the non-party mode, the MP sees his role as a ‘parliamentarian’, feels loyalty to the institution of parliament, representing ‘the’ people…; in the inter-party mode, the MP sees himself as a ‘partisan’, loyal to his political party and its programme, representing his party’s voters…; and in the cross-party mode, an MP defines his role as an ‘advocate’, representing a particular regional or sectoral (but non-partisan) interest …” (Andeweg 1997, 116).

Finally, according to Müller (1993) some examples of the non-party and the cross-party modes may be found in Austria. But the intra-party mode and the inter-party mode (as far as cabinet parties are concerned) are clearly the most important ones. However, during the unusual SPÖ minority government 1970-71 the opposition mode was indeed very important.
Parliaments and European integration

Above, parliamentary control of the executive was said to depend on the nature of executive-legislative relationships, including the type of cabinet in office and the prevailing patterns of interaction between parliamentary and governmental actors. While parliamentary control always has been an important topic for legislative scholars, recent decades have added a new international dimension with the ongoing process of European integration. The member states of the European Union have delegated powers to the decision-making bodies of the Union, and, it could be argued, thereby lost some of the powers they once held. This argument has gained weight with the increasing use of qualified majority voting in the Council of Ministers. On the other hand, the member states have acquired influence on decisions that they could not possibly make and implement themselves. Thus, member states can both gain and lose from European decision-making. The same calculus applies to various interests within the member states, be they parties, interest groups or whatever.

On this background, we may ask how EU-membership effects parliamentary control of the executive. I am not thinking about the role that the European Parliament plays, or could play, in this respect, but about how national parliaments have been effected by the EU decision-making institutions, and how these parliaments have reacted to the new challenges. It is often claimed that EU membership strengthens the position of governments and weakens the position of parliaments (cf., for example, Raunio and Wiberg 2000, Norton 1995), but there are also dissenting views. Judge (1995), for example, claims that national parliaments may actually have increased their powers of scrutiny, and that if they do not help in reducing the “democratic deficit”, it is because they exert only limited influence over their own national governments in the first place.

Fritz Sharpf (1999, 283-84) argues that it is erroneous to criticise supranational decision-making for lack of democratic legitimacy if the decisions in question could not possibly have been made and implemented at the national level. The most one can legitimately demand is that the outcome should be better than the “best alternative to negotiated agreement” (BATNA), and that it should come as close as possible to national ideal points.
SOME EVIDENCE

As we have seen, there are good reasons for believing that minority governments are controlled to a larger extent than are majority governments. It also seems likely that certain modes of executive-legislative interactions imply more parliamentary control than do others. And variations in both respects presumably effect the degree to which national parliaments can maintain, or even increase, the level of control of supra-national decision-making.

Minority versus majority cabinets

Minority governments are in a quite real sense agents of parliamentary majorities. They are vulnerable as their “contract” with parliament contains a clause allowing the principal to sack the agent without further notice. On the other hand, all governments including minority cabinets, possess some informational advantage over parliamentary parties. And, furthermore, a minority cabinet located in the centre of the policy space can be quite stable. This also applies to cabinets that have reached a formal or informal agreement with opposition parties to form legislative majorities.

As previously indicated, the incidence of minority governments reported in the literature varies somewhat, depending on definitions, countries included, and time period studied. As the most “conservative” percentage is 21 and the most “liberal” is 43, we might say that roughly about 30 percent of governments are minority cabinets, give or take a few percentages. However, the literature is quite unequivocal concerning the countries that are primarily governed by minority cabinets. Thus all analyses covering the period from 1945-1996 point out that Denmark, Sweden and Norway (in that order) are the top three countries on the hit list of minority governance in the post-war era. More detailed analysis of the Nordic countries (Damgaard 1992) showed that the developments in that direction gained momentum in the 1970s and 1980s, particularly in Norway (Rommetvedt 1992) and Sweden (Sannerstedt and Sjölin 1992), while the development in Finland went in the opposite direction (Anckar 1992).

The percentage shares of minority governments reported in Müller and Strøm (1997) for the three Scandinavian countries are 86 (Denmark), 68 (Sweden) and 63 (Norway), whereas Ireland and Italy at number four and five have percentage shares of around 50. The Political Data Yearbooks 1992-1998 (special issues of the European Journal of Political Research) indicate than Spain, after
introduction of parliamentary democracy in the 1970s, was approaching the high “Scandinavian level” of minority governance. The March 2000 Spanish election produced a single-party majority government however. The Yearbooks reveal that 16 out of 26 countries included did not have any minority governments in the period covered. Besides the six countries mentioned above, examples were to be found only in Portugal, France, Israel, Poland and Slovakia.

While many countries experience minority governments to some extent, some clearly do so more than others. Minority cabinets appear to be concentrated in a rather small number of West European countries. Müller and Strøm (1997) reported 109 minority governments in the 13 countries studied, and the three Scandinavian countries accounted for half of these cases (55), while they represented only 25 per cent of all governments formed.

The literature surveyed in Damgaard (2000b) shows that minority governments on the average have a shorter life span than majority governments. According to Lijphart, cabinet duration is the best indicator of the relative power of the executive and legislative branches: “A cabinet that stays in power for a long time is likely to be dominant vis-à-vis the legislature, and a short-lived cabinet is likely to be relatively weak” (Lijphart 1999, 129). In other words, the longer a cabinet is in office, the better it should be able to control policy-making and to resist parliamentary control. Lijphart’s index of executive dominance, which essentially is a duration measure, for West European countries 1971-96 shows that the three Scandinavian countries have a modest degree of executive dominance. It is low compared to such countries as Germany, the UK, France Luxembourg and Spain, but—although minority cabinets clearly prevailed in the 1971-96 period—actually higher than the level in Italy and Finland, and roughly comparable to the level in Belgium, Portugal, Iceland, The Netherlands and Ireland.

The literature (cf. Damgaard 2000b) also finds some characteristic patterns of cabinet termination that can be related to the issue of parliamentary control. The most important in this context is that minority cabinets, as would be expected, are more likely than majority cabinets to resign because of defeats in parliament. But in parliamentary democracies (except Norway) cabinets have the right, at least under certain conditions, to dissolve parliament and call for elections, which may deter opposition parties from taking actions detrimental to the government. Because of that, cabinet and opposition parties are linked in a system of mutual control. It will of course only work if the threat of dissolution is credible, which in turn to some extent depend on the prospects for voter support in an upcoming election. The literature shows that governing parties on
the average lose support in elections, but this rule is not without exceptions. An interesting finding in this perspective is that minority governments, although also tending to lose votes, on the average lose fewer votes than majority governments. In other words, the minority cabinet agent does not always rule at the mercy of the parliamentary principal.

The use of various forms of questioning ministers in Nordic countries is of interest in our control perspective (Wiberg 1994). The country studies on Denmark (Damgaard 1994; Jensen 1994), Norway (Rasch 1994) and Sweden (Mattson 1994) all found a considerable increase over time in the use of such control instruments. They also suggested a number of possible explanations for this trend, including changes in the rules for questioning, increasing economic and personnel resources available to MPs, public sector growth, and type of government. They further found that questioning is predominantly an activity performed by opposition party MPs, and specifically looked for explanations of why opposition party MPs put more and more questions of various sorts to ministers.

None of the authors seemed to believe that MPs had become more and more interested in controlling executive behaviour in this way. They were rather more inclined to interpret the change in terms of increasing party competition in the three Scandinavian countries since the 1970s: The number of parliamentary parties increased, the party systems became more fractionalised, and minority cabinets definitely became the prevailing type of government. In the more competitive party systems individual MPs can well have strong incentives to use instruments that can help them getting re-elected. In the best of all worlds, such concerns of MPs might create parliamentary control as a by-product. As Mattson (1994, 352) put it: “Even though the control function is absent as a reason for questioning, we can find it at the parliamentary level … as an unintended consequence of the MPs’ actions.”

**Modes of executive-legislative interaction**

The four modes of executive-legislative relations entail different possible types of parliamentary control of the executive. A recent analysis demonstrates that all four modes are relevant in the Nordic countries, although some are clearly more important than are others.6

The non-party mode may not be very important, based as it is on the traditional two-body image and ignoring the role played by political parties. Yet it should not be ruled out completely. Thus, an overwhelming majority of MPs in all five Nordic countries thinks their parliaments should perform several important functions. These include “to take initiatives on issues that the government
neglects”, and “to oversee the work of governments and its ministers.” Whether or not these functions are actually performed is of course another matter, but on the whole MPs in both governing and opposition parties agree that they are very important or rather important.

When asked to compare the relative influence of parliament and governments, Nordic MPs generally report that governments are more influential than parliaments, and that it ought to be the other way round. Members of both government and opposition parties hold these views. There are no major differences between the various party families, but there are some national variations. Thus, Finnish and Icelandic MPs report the power of government to be far greater than that of parliament. The only plausible explanation for this difference in degree lies in the fact that Finland and Iceland are usually ruled by majority coalition governments, whereas the dominant pattern in Denmark, Norway and Sweden is minority rule. The extreme cases of weak minority cabinets (e.g. the Swedish Liberal government 1978-79 and the Danish Liberal government 1973-75) imply an element of the non-party government versus parliament mode.

Aside from such cases, however, examples of the non-party mode of control can be found in matters where the prestige or dignity of parliament is at stake. Donald Matthews (1960) referred to a norm of “institutional patriotism”. It happens, although rarely, that MPs from all parties publicly criticise a cabinet minister. A recent example is a report (no. 3 of March 13, 2000) of the Danish Foreign Affairs Committee on the sanctions against Austria. All members of the committee blamed the PM for not having consulted the committee, as he should have done according to the constitution, before deciding in the matter. They also recommended that the government did not make such mistakes in the future. A unified parliamentary principal clearly told the agent how to behave.

Finally, MPs of both government and opposition parties are sometimes allowed a “free vote” in parliament, whereas cabinet members must act in unison. Typically such cases involve ethical or religious issues. In sum, while the traditional non-party image of parliamentary control of the executive may be relevant in some cases, it is certainly not a dominating mode.

In the intra-party mode of executive-legislative relations, control of the government is an internal party affair. Governments of all kinds need (at least) the support of their own backbenchers, who in turn may constrain the decisions and actions of their party fellows in cabinet. Party discipline, cohesion or loyalty is needed to make the system work, and it is very high in the Nordic countries.
At the same time all the evidence indicates that the parliamentary party groups play a crucial role in the daily work of Nordic parliaments.\(^7\)

Party discipline in legislative voting cannot be taken for granted, unless the cabinet ministers have informed and obtained the support of their MPs, who will not accept any government proposal. Whether ministers are members of parliament or not, they participate as prominent actors in regular group meetings. Nordic parliamentary parties are probably more egalitarian than their counterparts in Westminster, however, although the Finnish and Icelandic parties seem somewhat closer to a centralised party group model than the Danish, Norwegian and Swedish parties.

From an intra-party point of view, it is interesting to find that most Nordic MPs have regular contacts with government ministers. In four of the countries, between 80 and 92 per cent of governing-party MPs report at least weekly contacts with ministers. As one would expect, opposition-party MPs have much less frequent contact with ministers (between 13 and 40 per cent report such contacts). The exception is Sweden where only 24 per cent of governing-party MPs report at least weekly contacts to ministers. The difference may be due to the relatively high ratio of MPs to ministers in Sweden.\(^8\)

In the cross-party mode of legislative-executive interaction, parliamentary control takes a different form. It involves control over a minister in charge of a policy area by coalitions of MPs from different parties representing specialised sectional or geographical interests. Many Nordic MPs regard it as very important to represent their constituency (and also various social groups), in addition to their party and their own policy views—and act accordingly. For example, one-fourth of all Nordic MPs consider representation of constituency interests very important; these MPs are more likely than their fellows, moreover, to contact ministers in an effort to promote local interests (Esaiasson 2000).

Cross-party interactions may occur within the framework of the specialised parliamentary committees that are used for ex ante control of legislative proposals, and ex post to monitor and control the activities of government ministers. But many, and presumably most, of these activities presumably occur more informally and outside of the committee rooms among party spokespersons, who are always committee members in the relevant area. Anyway, it is quite clear that the cross-party mode of parliamentary control is common in several areas of Nordic public policy. The areas at least include the environment, gender, European Union affairs, morality and religion, and local and regional issues (Jensen 2000).
Parliamentary control in the inter-party mode constrains the actions of governments in two different ways. The first is exclusively related to minority governments, which by definition face two or more opposition parties one of which at least is needed to form a legislative majority. The second has to do with the relationships between parties in majority coalition cabinets. In both variants, bargaining and deals among parties are crucial.

The first variant has already been dealt with in the above sub-section, showing that minority rule is the dominant pattern in Denmark, Norway and Sweden. The decisive bargaining and deals occur between governing and opposition parties in the three countries. In Finland and Iceland, by contrast, governments have been majority coalitions. Inter-party bargaining does take place in Finland and Iceland, certainly, but negotiations can be restricted in a higher degree to the governing parties themselves. Scandinavian minority coalitions also require intra-coalition bargaining, but inter-party negotiations always include opposition parties.

Thus, in the majority coalition variant, parliamentary control is largely an intra-coalition affair. Assuming party unity, the governing parties’ formal or informal coalition agreements is the will of a parliamentary majority. Such agreements have to be implemented, however, which may involve some problems of control for the participating parties. Also, new problems and issues constantly arise and need to be addressed. If that is not done, even a majority government will learn that there is always an opposition demanding solutions and an election to come up. However, the main conclusion is that parliamentary control is an intra-coalition affair in the case of majority coalitions.

Parliaments and European integration

The issue of joining or staying out of the EC/EU has divided Nordic nations, parties and voters. Even when a country opted for membership, this did not solve the problem of what position to take with regard to additional integration. Nor did it answer the question of what the relations between national institutions and the EU ought to be.

In 1972 Denmark decided to join the EC while Norwegians voted not to. Norway rejected membership again in 1994, while Finland and Sweden voted to join the EU. Iceland has so far never applied for membership. Norway and Iceland are partners in the EEA (European Economic Area) agreement outside the formal structure of the EU. The EAA brings the two countries into the internal market for industrial goods, services, labour and capital, but the terms are really defined by the EU on a take or leave it basis.
Whenever the question of EC/EU membership came up for decision in the Nordic countries, the voters ultimately decided the matter via referenda, despite the fact that clear parliamentary majorities were in favour of membership. Why did Nordic governments and parliaments, *de facto* if not *de jure*, leave the decision in the hands of the voters? The best explanation is probably that “parliamentary agents” wanted to see whether “voter principals” would support their stand on a divisive issue. However, democratic principles or concern for the will of the people did not solely motivate these agents. More pragmatic and party strategic interests also played a role. Parties in favour of membership wanted voters to legitimise a crucial decision. Parties against membership hoped that the electorate would reject the proposal, while parties divided over membership hoped to solve their internal problems, at least temporarily, by letting the voters decide.

The well-known instruments for parliamentary control of the executive did not become obsolete or less important in Denmark, Sweden and Finland as a result of EU membership. Nevertheless, they were obviously not considered to be sufficient for handling decision-making at the European level, and therefore some adjustments and reforms of existing parliamentary procedures were made. At least three important changes should be emphasised.

The most spectacular innovation in the three parliaments was the establishment of a *European Affairs Committee* (EAC). The committees have different national names and varying powers, but share a common purpose: to influence national governments and national EU policy-making, thus preserving or increasing parliamentary control. The main aim is to exert ex ante control before final decisions—both national and EU decisions—are made. However, the committees might also try to influence the behaviour of national governments through the use of ex post control instruments. The EACs are in close contact with cabinet ministers in order to ensure parliamentary control over and support for the EU policies and strategies pursued by the government in the Council of Ministers. Regular meetings are held frequently. At the end of the meetings, the committee chairman summarises the discussion and usually concludes that there is no majority against a certain policy proposed by the government.

The three committees differ in the sense that the Danish EAC has a formal right to give ministers a bargaining mandate that must be respected, whereas the positions taken by the Swedish and Finnish committees are formally only recommendations or political advice to the government. In practice, however, this difference may not be that great because parliamentary governments ultimately need the support of their parliaments. The special role of the Danish EAC, which dates
back to 1973, is probably best explained by a unique combination of strong Euro-scepticism and weak minority government.

All three EAC have instruments of (ex post) control of government in the form of various reporting requirements. For example, ministers are obliged to inform the committee about the results of Council meetings. Such reports are not always followed up systematically, but if problems arise they can be important for subsequent efforts to place blame with the cabinet. It is worth noting that the model of EAC involvement in matters related to the Council of ministers is by and large replicated with respect to EAC involvement in intergovernmental conferences and meetings in the European Council (summits).

The performance of the three EACs is evaluated in remarkably uniform ways in the respective countries. The basic message seems to be that the systems of parliamentary control centred around the EAC work rather well and as intended—although, of course, it is acknowledged that they can always be improved (as, in fact, they have been over time).

A second major instrument of parliamentary control is the involvement of existing specialised committees that can provide substantive expertise in the various fields of public policy dealt with by the EU. While the EACs are, in principle, co-ordinating bodies for all or most policy fields, the specialised parliamentary committees are repositories of detailed expertise and information. The EACs embody the idea of a general and central “foreign policy” committee for EU affairs, while the specialised committees are “domestic policy” bodies that might also be useful in EU affairs. In all three countries the intention was to involve the specialised committees in the processing of EU items within their “domestic” jurisdiction. In practise, however, this has not taken place everywhere.

Only in Finland are the specialised committees fully involved at an early stage in the decision-making process. Such committee involvement is even mandatory in Finland. The EAC receives the opinions of the relevant specialised committees and usually accepts them when making recommendations to the government, although the EAC is sometimes forced to mediate between the opinions of different committees. In this way the specialised knowledge of MPs is utilised and all MPs become more or less involved in EU matters. In Denmark and Sweden the specialised committees are not obliged to participate in the EU policy process, but they have the opportunity to do so. The conclusion in the Swedish case is that the ex ante control envisaged for specialised committees does not function as well as intended. In the Danish case, the specialised committees have generally played an unimportant role in EU policy, although a few of them (notably the
Environmental Committee) have been quite active. New rules adopted in 1999 are intended to increase input from the specialised committees. The overall impression is that the three countries may converge in the future with regard to the role of specialised committees vis-à-vis the EACs.

A third major change in parliamentary control prompted by EU membership is the creation of a number of new information sources not controlled or mediated by the government. For example, many parties in the three national parliaments also have members in the European Parliament who can provide information and evaluate emerging issues and existing problems. This source of information is, of course, available to the opposition and Euro-sceptic parties. This enables them to provide information and points of view that might not otherwise be voiced in national political debate.

In recent years all national parliaments have also received various EU documents in a more timely fashion than in the past. The Amsterdam Treaty introduced a six-week time period for national scrutiny of Commission proposals before they are placed on a Council agenda for decision (with possible exceptions on grounds of urgency): Furthermore, new electronic technologies have increased the availability of information from many different sources. The main problem with information in the future does not appear to be the lack of it, except perhaps in a small number of special cases, but rather that information overload is omnipresent. In this situation, parliament will continue to be dependent on the civil service to select and condense material into a manageable quantity. On the other hand, the larger staffs of parliaments and political parties—despite the fact that they are still relatively small—might, to some extent, counterbalance this dependency.

CONCLUSION

Parliaments are assemblies of formally equal members who somehow represent voters, but representation is a difficult concept with many possible meanings. Metaphorically, one may also talk about parliaments as agents of electorates. But such a view tends to understate the active and leading role that MPs are usually supposed to display, even if they are ultimately accountable to the voters.

On the other hand, in parliamentary systems of government it makes sense to regard parliaments as principals in relation to cabinets as agents. Parliaments can perform a number of different
functions, one of which is control of government, and the idea of parliamentary control fits well with a principal-agent perspective.

Control may be defined as “manifest” and “implicit” power or influence, meaning that one actor’s (a parliamentary majority’s) preferences cause another actor (government) to behave accordingly. Control is manifest if the first actor (parliament) explicitly acts to bring about the desired outcome. It is implicit if the desired outcome is brought about without such explicit action (rule of anticipated reaction).

A great number of ex ante and ex post control instruments is available to parliaments. However, it is expected that their use, and not least their effectiveness, depends upon the prevailing patterns of executive-legislative interactions, including the type of government in question and the modes of executive-legislative relations. Minority governments, in particular, are susceptible to parliamentary control by opposition parties. Parliamentary control of majority governments, on the other hand, takes place within or between cabinet parties.

Some empirical evidence, mainly from recent research on the Nordic countries, is brought to bear on the expected relationships, at least in the form of illustrations. The empirical analysis also includes the challenge to parliamentary control of the executive stemming from the development of European integration. It would seem that national parliaments have not abdicated, but actually preserved considerable control over their governments in EU policy making.

Notes


2 A similar conclusion is implicit in John C. Wahlke (1962) surveying “behavioural analyses of representative bodies”, and not of “parliaments” or “legislatures”. Cf. Mayhew (1974, 8-9) arguing for using the term “representative assembly”.

3 Dahl’s definitions and forms of influence are spelled out most clearly in the 1976 (third) edition of Modern Political Analysis.

4 Müller speaks about an “intra-government” mode that appears to include intra-party relations and such inter-party interactions that only involve governing parties.

5 If the minority cabinet is a coalition of parties, intra-coalition conflict is also an important potential cause of termination, as it is for cabinet coalitions in general.

6 This sub-section draws on Damgaard (2000a) containing further references.
On the importance of party groups and party cohesion in the Nordic countries, see Heidar (2000) and Jensen (2000).

The numbers of MPs in the Nordic parliaments are: 63 (Iceland), 165 (Norway), 179 (Denmark), 200 (Finland), and 349 (Sweden).

During the 1980s, Danish minority coalitions actually had to accept whatever the opposition parties agreed upon in many issues if they wanted to remain in office. The 1982-88 period is probably unique in the history of minority governance in parliamentary democracies (Damgaard 1992, Damgaard and Svensson 1989).

This sub-section draws on Damgaard (2000c). See Bergman and Damgaard (2000) for further information on the Nordic countries. The country contributors are E. Damgaard and A. S. Nørgaard (Denmark), T. Raunio and M. Wiberg (Finland), H. Hegeland and I. Mattson (Sweden), S. Kristjánsson and R. Kristjánsson (Iceland), and H. M. Narud and K. Strøm (Norway).

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