Towards post-parliamentary governance?
Parliamentary agenda powers between legitimacy, effectiveness and efficiency

Michael Koß
Economics and Social Sciences Faculty
University of Potsdam
August-Bebel-Str. 89
D-14482 Potsdam
tel. +49-331-977-3682
fax +49-331-977-3291
mkoss@uni-potsdam.de
www.uni-potsdam.de/db/ls_regierungssystem_brd/michael_koss.php

Abstract
Even though there is no lack of studies identifying trends of ‘de-parliamentarisation’, ‘post-parliamentarism’, or even ‘post-democracy’ (to name but a few), at least two fundamental questions with respect to parliamentary change in established democracies remain heavily disputed: How can we assess parliamentary change? And which trends in parliamentary change can be identified? This paper argues that the major reason underlying these desiderata is the lacking integration of the normative and empirical literatures on parliamentarism. The paper aims to assess an implicit assumption of the normative literature on post-parliamentary governance, namely the growing importance of parliamentary legitimacy (ensuring the democratic character of the political process) as opposed to its effectiveness (i.e. ability to control the executive, which becomes more difficult due to the intergovernmental character of governance) and efficiency (of legislation, in which parliaments play a less and less important role). Taking the empirical debate on parliamentary agenda control as a starting point, the paper identifies three indicators of post-parliamentary governance: a) a more proportional distribution of parliamentary time (since the major argument for an unequal distribution, the need to ensure parliamentary efficiency, becomes less important); b) a growing importance of non-partisan organisational resources of parliaments (in order to enable these to fulfil their legitimising role) and c) a growing independence of agenda control rules and their constitutional context (due to the looser coupling between different institutional regimes). A long-time analysis of agenda powers – being defined as the distribution of parliamentary (i.e. plenary) time and organisational resources to make use of this time – in two contrasting cases (Britain and Germany) addresses the question whether there is a trend towards post- or neo-parliamentary governance amongst Western European parliaments.

Keywords: 1: Parliaments, 2: comparative politics, 3: agenda powers

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Introduction

Much has been said and written about the decline of parliaments, a process assumed to be recently amplified by the increased acceleration of politics (Rosa 2003; 2005), social fragmentation, and internationalisation (Beisheim & Brunnengräber 2008). According to more nuanced accounts, we are facing a neo-parliamentarian period (Marschall 2002; 2005a & b) or even a transition towards post-parliamentarian democracy (Andersen & Burns 1996; Benz 1998). However, very little is known about the ability of parliaments to adapt to their changing environments, not least because the normative literature barely pays attention to internal factors. Analogously, the empirical literature is far more concerned with internal factors such as parliamentary agenda control (Döring 1995a; Tsebelis & Raschh 2011) and its impact of parliamentary output rather than its origins. This paper aims to combine the strengths of both approaches through a focus on parliamentary agenda powers, being defined as the distribution of parliamentary (i.e. plenary) time and organisational resources to make use of this time. Since access to the parliamentary agenda is generally disputed and reforms are hard to bring about (Patzelt 2009: 261), debates about parliamentary agenda powers are particularly suitable to serve as indicators of parliamentary change both over time and in different countries. Consequently, this paper will ask what parliaments actually do, that is to say, how they spend their time. Surprisingly, this is an under-researched topic (Kelso 2009b: 222). The normative literature on post- and neo-parliamentarism implies that three different rationales may underlie parliamentary change: the aim to increase either parliamentary legitimacy, effectiveness, or efficiency. The aim of this paper is to identify the rationales and causal mechanisms underlying the distribution of parliamentary agenda powers.

On the conceptual level, the analysis will pay special attention to temporal, organisational, and contextual aspects of parliamentary minority rights. In a temporal perspective, the paper aims to reconstruct episodes of institutional change (Capoccia & Ziblatt 2010), which will either focus on institutional choice, i.e. crucial decisions about parliamentary agenda powers, or on institutional development, i.e. the interpretation of ambiguous decisions (see Pierson 2004: 135). This paper examines recent choices (and development, respectively) about parliamentary agenda powers in order to find out whether there is a trend towards post- or neo-parliamentarism. An organisational perspective is important since institutional rights granting access to the parliamentary agenda alone are useless without adequate organisational resources enabling actors to make use of them. On the contextual level, the paper argues that the relation between parliamentary agenda powers and their institutional context is one of interdependence beyond mere assumptions of exogeneity of institutional rules (see Rodden 2009; Sieberer et al. 2011).

The paper proceeds as follows: the second section reviews the normative literature on parliamentary change and the empirical one on agenda control and further discusses the need to pay
attention to temporal, organisational and contextual aspects of parliamentary agenda powers. The third section deals with the conceptual framework underlying the analysis. Here, the case will be made for an integration of all three major approaches of new institutionalism. Subsequently, I will distinguish four basic conflicts underlying decisions about parliamentary agenda powers which serve as the starting point for my hypotheses. I argue that the distribution of parliamentary agenda powers is related to the basic conflicts underlying efforts to reform parliament. Post-parliamentarism implies that the major reform goal is to increase parliamentary legitimacy, whereas neo-parliamentarism also involves the aim to increase parliamentary effectiveness. The paper identifies three indicators of post-parliamentary governance: a) a more proportional distribution of parliamentary time (since the major argument for an unequal distribution, the need to ensure parliamentary efficiency, becomes less important); b) a growing importance of non-partisan organisational resources of parliaments (in order to enable these to fulfil their legitimising role), and c) a growing independence of agenda control rules and their constitutional context (due to the looser coupling between different institutional regimes). The remainder of section 3 discusses the selection of cases and the need for episodes of institutional change. Britain and Germany are chosen as “diverse cases” (Gerring 2008: 650-2): Germany, where the power of the parliamentary majority is significantly limited by a number of minority rights (see Hönnige & Sieberer 2011) and, in contrast, Britain as a textbook case for majority rule in parliament (Qvortrup 2011). The fourth section empirically discusses the recent development of parliamentary agenda powers in Britain and Germany. Whereas Britain shows some signs of a development towards post-parliamentarism, Germany fits better into the neo-parliamentarian pattern. Finally, the paper discusses the implications for other cases and for contemporary thinking about strengths and weaknesses of parliaments.

Parliamentary change and the need to study parliamentary agenda powers

The aim of this section is to illustrate that the normative and empirical literatures on parliamentarism not only can, but also have to be combined with each other in order to analyse parliamentary change. Three normative findings about parliamentary change can be distinguished: de-parliamentarisation, post-parliamentarism, and neo-parliamentarism. Additionally, this section stresses the need to analyse parliamentary agenda powers, i.e. not only the rules underlying agenda control, but also the organisational resources parliamentary actors have at their disposal.

Whereas the notions of post- and neo-parliamentarism imply a change of parliaments and their functions, de-parliamentarisation suggests a loss of all parliamentary functions, most notably the legislative one (table 1). As will be further illustrated in the next section, the three basic functions of parliaments – representation, control, and legislation (Kreppel 2011: 125) – correspond with the aims to increase parliamentary legitimacy, effectiveness, and efficiency, respectively. De-
parliamentarisation evokes a “decline of parliament”, which was the dominant paradigm of parliamentary research throughout the 20th century (Flinders & Kelso 2011: 254-60). This type of change is an example of institutional conversion (Mahoney & Thelen 2010: 17-8), in which parliamentary rules remain the same but are enacted differently, i.e. play no role anymore. As Flinders and Kelso (2011) convincingly argue, the alleged “decline of parliaments” does not yield any insights about parliamentary change but fosters an “expectations gap” based on exaggerated public demands. This renders the notion of de-parliamentarisation unsuitable to inform a systematic analysis of parliamentary change. In this respect, the alleged de-parliamentarisation corresponds with the notion of a “post-democracy” (Crouch 2004), in which politics is largely portrayed as a self-service of politicians heavily influenced by business rather than voters’ interests.

Table 1: Normative findings about parliamentary change and their implications

<table>
<thead>
<tr>
<th></th>
<th>de-parliamentarisation</th>
<th>post-parliamentarism</th>
<th>neo-parliamentarism</th>
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<tr>
<td>corresponds with</td>
<td>post-democracy</td>
<td>multi-level governance &amp; disaffected democracies</td>
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<tr>
<td>functional change</td>
<td>legitimacy, effectiveness &amp; efficiency (-)</td>
<td>legitimacy (+); effectiveness &amp; efficiency (-)</td>
<td>legitimacy &amp; effectiveness (+); efficiency (-)</td>
</tr>
<tr>
<td>institutional change</td>
<td>conversion</td>
<td>displacement</td>
<td>layering</td>
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Perhaps surprisingly, the notions of post- and neo-parliamentarism are not related to such post-democratic charges. Here, the focus is not on a decline, but a change of parliaments (and hence democracy). Both post- and neo-parliamentarism correspond to macro-developments such as the emergence of multi-level governance in Europe (see Benz 2008: 320-3). From this perspective, the call for both post- and neo-parliamentarism aims to address the problems of modern “disaffected democracies“ (Pharr & Putnam 2000), in which the legitimacy of conventional politics is increasingly disputed (see Pharr et al. 2000; Dalton & Klingemann 2007). As opposed to the post-democratic point of view, these legitimacy problems do not necessarily correspond to failures on the policy-level (see Scharpf 2000b: 113-5). The notions of post- and neo-parliamentarism agree both with respect to the origins and the direction of parliamentary change. Both notions concede that the efficiency of parliaments (i.e. their legislative capacity) is restricted under the condition of “executive multilateralism” (Zürn 2005: 138-42). The difference between the two lies rather in the extent of parliamentary change they imply. Post-parliamentarism is suggested as a solution to the increasingly disputed legitimacy of national parliaments, which “calls for strengthening the genuine function of parliaments, which is to create a public sphere” (Benz 1998: 218, translation MK; see Börzel 2000: 247). To increase the legitimacy of multi-level governance, parliaments should pay more attention to “organising discourse, negotiation and accounting to the public” (Andersen & Burns 1996: 250). Post-parliamentarism thus implies an increased focus on fostering parliamentary legitimacy, while less attention is paid to exerting effective control of governments and
affecting legislation, two functions under growing pressure from the internationalisation of politics and societal fragmentation. This implies a displacement of existing parliamentary rules with new ones (Mahoney & Thelen 2010: 16).

The notion of neo-parliamentarism also stresses the value of parliaments for sustaining the democratic legitimacy of multi-level governance. In contrast to the post-parliamentarian view, the changing environment of parliaments does, from a neo-parliamentarian perspective, neither suggest nor allow for detrimental effects on effective parliamentary control of governments. On the contrary, parliamentary effectiveness is expected to be enhanced as a compensation for reduced legislative capacities (Marschall 2005a: 284-8; 2002: 382-90; see also Schüttemeyer 2007). The major mechanism behind the alleged adaptation of parliaments to their changing environment is joint parliamentary action (Parlamentsverflechtung), both horizontally, with other national parliaments, and vertically, with the European Parliament and other transnational assemblies (Marschall 2005a: 309-10; 2005b: 334).

Both post- and neo-parliamentarism can be regarded as suitable starting points for an examination of parliamentary change, leaving us with the question how this change can be analysed. This is where the concept of parliamentary agenda control comes into play. The problem of distributing parliamentary time and parliamentary decision-making is as old as parliaments themselves, and it became even more severe once parliamentary responsibilities and competition for votes among its members grew. As Cox (2006: 144) concisely put it, “busy legislatures are inegalitarian”. From this perspective, agenda control served as a means to avoid preference cycles (Shepsle 1979). Analysing parliamentary change through the lens of disputes about agenda control addresses two major problems of parliamentary research (see McGann 2006: 444, 454-5): firstly, that of functional equivalence (since time rules can serve a variety of purposes) and secondly, the problem the overtly simple legislative-executive dichotomy poses (since disputes about parliamentary agenda powers do neither conceive of parliaments as collective actors nor do they imply that the opponents are necessarily government and opposition parties). Since “the ability to gain or prevent access to plenary time is the central source of power in democratic legislatures” (Cox & McCubbins 2011: 451), an analysis of the distribution of parliamentary time additionally enables us to compare parliaments not only in time and across countries, but also in relation to their institutional context (see also Patzelt 2009: 262).

How can we define agenda control? Generally speaking, the rules underlying the parliamentary agenda are a subset of parliamentary rules, which can be defined as the “formal rules and their authoritative interpretations that govern the conduct of politics in the parliamentary arena, including parliament’s relations with other institutions“ (Sieberer et al. 2011: 950; see also Müller 2002: 280-1). Agenda control refers to those rules devoted to “managing plenary time” (Cox & McCubbins 2011). Accordingly, agenda control is either positive, i.e. ensures that proposals are
considered in a plenary session (e.g. the right to propose legislation, to have own proposals scheduled for debate, or to arrange for special parliamentary hearings or questions) or negative, i.e. preventing initiatives from being considered (see Cox 2006: 149; Tsebelis 2002: 99-105; Tsebelis & Rasch 2011: 5-7). The distribution of parliamentary time is closely related to the decision-making procedures according to which debates – on whatever topic – are agreed upon (positive agenda control) or terminated (negative agenda control). Therefore, in the following, references to the distribution of “parliamentary time” always also encompass the decision-making procedures enabling and constraining this distribution (see Rasch 2000).

Agenda control refers to the distribution of parliamentary time in two respects: firstly, who receives time and, secondly, for which purposes. Most studies on agenda control focus on time devoted to legislative activity (see Cox & McCubbins 2001; 2005; 2011). Legislation is of much less importance in parliamentary systems, where parliaments are more than legislatures (Laver & Shepsle 1996: 4, 57-8; Laver 2006). Here, the parliamentary agenda is also devoted to other purposes such as exerting control of governmental activities or general debates about topics of immediate or long-term importance.

Whereas research on the US Congress focused on the evolution of minority rights (Binder 1996; 1997; Dion 1997; Schickler 2000; 2001), research on European parliaments rather aimed to assess the impact of parliamentary agenda control, be it on policies (e.g., Döring 1995b; Döring & Hallerberg 2004) or on cabinet stability (e.g., Saalfeld 2010). However, the origins of different agenda control regimes in Europe only recently received more scholarly attention (see Müller et al. 2009; Sieberer et al. 2011; Zubek 2008; 2011). This paper will use the distinction between plenary time devoted to increasing legitimacy, effectiveness, and efficiency in order to examine parliamentary change. My argument is that more attention should be paid to temporal, contextual, and organisational dimensions. In a temporal perspective, we need to take serious Pierson’s (2004) advice to take into consideration slow-moving and self-reinforcing processes. Furthermore, decisions on parliamentary rules may be applied differently over time or even not at all. For example, Sheingate (2010) illustrated in the US context that parliamentary rules are ambiguous and therefore themselves the objects of political conflict, thus challenging the rational choice view that sees parliamentary rules as mechanisms that allow actors to coordinate among themselves. With respect to parliamentary systems, Hoffmann Slagter and Loewenberg (2009) show that German parties made hardly any use of their broad minority rights in the 1953–1983 period, only reverting to more confrontational politics (and, paradoxically, lower levels of minority protection) when the Greens entered parliament and actually tried to make use of these rights.

The contextual perspective draws attention to the setting within which minority rights evolve. How are decisions on parliamentary minority rights (or their application) related to other choices that shape political competition (such as the electoral system, federalism or referen-
Comparative research has emphasized the role of constitution-level institutions in shaping the scale of minority rights. Cox and McCubbins (2001) and McCubbins (2005) argue that legislative procedures tend to ‘mirror’ the design of constitutional rules (for the opposite finding, see McGann 2006). In a comparative study of 55 legislative bodies, Taylor (2006) shows that legislative minorities enjoy limited procedural privileges in large, unicameral or weakly bicameral assemblies. Taylor further finds that governmental dominance increases as the degree of personal vote decreases. Powell (2000) also notes a correlation between the choice of the electoral system and the shape of legislative organisation. Last but not least, comparative research points to the impact of party competition. In a study of 57 democratic assemblies, Carroll et al. (2006) show, for example, that the more concentrated the party system, the larger the bonus that majority parties receive in terms of the number of committee chairs, directing board seats, and cabinet portfolios. Similarly, Zubek (2011) finds that the opportunities for negative agenda control in six east central European legislatures reflect the degree of party system concentration (see also Zubek 2008).

However, with respect to another crucial aspect of political competition – party funding – Koß (2011a) shows that the politics of party funding are indeed closely related to other institutional choices (most importantly regarding the electoral system), but that the temporal and causal relationship between allegedly “simple” and “constitutional” decisions is far more complex than the notions of endogeneity in the social choice-inspired literature imply. This assertion is in line with Huber’s (1996: 62) claim that parliamentary rules are interrelated with their institutional context (especially the electoral system) rather than endogenous to it.

Organisational aspects of parliamentary rules have so far largely been neglected. With the exception of the largely unconnected (Judge 2003) literature on parliamentary institutionalization (e.g., Polsby 1968; Sisson 1973; Hibbing 1988), the term “legislative organisation” traditionally merely referred to the institutional rules of parliaments (see Strom 1995). This comes as a surprise, given that research on political parties emphasized the impact of organisational factors from Michels ([1911] 1989) to Katz and Mair (1992; 1995; 2002; 2009). The relation between different levels of organisational professionalization of parliaments (Borchert 2003; Z’Graggen & Linder 2004; Z’Graggen 2009) and parliamentary minority rights remains largely unexplored. However, we need to analyse parliaments both as rule-following institutions and as resource-based organisations, because only organisational resources give power to rules (Patzelt 2005: 283). For instance, EU committees are argued to lack the organisational means to make use of their institutional powers (e.g., Maurer & Wessels 2001: 446-50; Auel 2005: 306-7; Goetz & Meyer-Sahling 2009: 6-12). Similarly, the Swiss parliament’s ability to affect policy-making is said to be limited due to its lack of administrative resources (Schwarz et al. 2011: 135). Therefore, it can be expected to make a difference whether parliamentary administrations are large or small and whether they display a sectoral (related to committees or plenary tasks) or partisan structure (related to parliamentary groups).
Given the importance of organisational features of parliaments, the focus should not only be on the institutional *agenda control* rules of time-distribution and decision-making, but on *agenda powers* also encompassing organisational resources enabling actors to make use of these rules. Only an examination of agenda powers which pays attention to temporal and contextual factors will enable us to analyse parliamentary change and in particular the alleged advent of post- or neo-parliamentarism.

**Conceptual framework, hypotheses, and methodological questions**

This section first discusses the added value of combining the three new institutionalist approaches, resulting in the differentiation of four distinct conflicts underlying the debate about parliamentary agenda powers. The tensions between the aims to increase parliamentary legitimacy, effectiveness, and efficiency are at the core of the subsequent discussion of the paper’s working hypotheses. The final part of this section addresses the selection of cases to test and develop these hypotheses.

*The case for integrating all major new institutionalist approaches*

Conceptually, the paper builds on all major strands of the new institutionalism, which all “are concerned with the difficulties in ascertaining what human actors want when the preferences expressed in politics are so radically affected by the institutional context in which these preferences are voiced” (Immergut 1998: 25). The paper asserts that all new institutionalist approaches can, and indeed have to, be combined in order to allow for appropriate analytical insights (Hall & Taylor 1996; Köß 2007; see also Patzelt 2011). The most important contributions from the new institutionalist approaches are:

- from historical institutionalism: the aim to reconstruct episodes of institutional change and the assumption that conflicts are at the core of institutions and their development;
- from rational choice institutionalism: the analysis of parliamentary agenda control as the starting point for the wider conceptualisation of agenda powers;
- from sociological institutionalism: the assumption of an institutional isomorphism between parliaments and their environments and the differentiation of “political” and “action organisations”.

Empirically, the aim of the paper is to “read history forward” (Ahmed 2010), i.e. to “investigate the foundational moments when democratic institutions were actually created [and, later on, reformed, MK] and undertake a thorough analysis of the ideologies, resources, and institutional legacies shaping the choices of actors involved in the process of institution building“ (Capoccia & Ziblatt 2010: 939). Capoccia and Ziblatt (2010: 943-5) term such an approach the reconstruction of “episodes of institutional change”. Reflecting the role of adaptation as the most important way of institutional change (Pierson 2004: 120), the long-term analysis of agenda powers will also pay
attention to “interstitial” institutional change taking place between major reforms or in the wake of ambiguous decisions or narrowly failed reforms (Farrell & Héritier 2007; see also Levy 2008: 636). Additionally, the paper takes up the historical institutionalist insight that institutions can be regarded as mechanisms which distribute resources unequally and thus shape asymmetric actors (Mahoney & Thelen 2010: 4-14). To distinguish different rationales for reforms of parliamentary agenda control, the notion of institutions as distributive mechanisms suggests to differentiate ideal typical conflicts about parliamentary rules (see below). The major contribution from rational choice institutionalism, the concept of parliamentary agenda control, has already been discussed in section 2.

Finally, sociological institutionalism enables us to further understand the origin of the frictions between parliamentary legitimacy, effectiveness, and efficiency. From this perspective, institutions need to respond to external expectations to gain and keep their legitimacy. Accordingly, institutions react to the normative expectations of their environments, which gives rise to an “institutional isomorphism” (DiMaggio & Powell 1991) between them and specific institutions of their environments. As institutions seek to comply with environmental expectations while maintaining their interest in effectively carrying out their functions, changes in organisational structure do not necessarily result in changed behaviour (Meyer & Rowan 1977). Competing action logics are at the core of political organisations (Hoebel 2011). Depending upon whether “talk” (i.e. the aim to maintain legitimacy) or “action” (i.e. the aim to effectively perform services) prevails, Brunsson (1989: 19-21) differentiates between “political” and “action” organisations. The former resemble “organised hypocrisies” (Brunsson 1989: 172), because “talk” is necessarily detached from “action”. From this perspective, most “paradoxes of legislatures” (Loewenberg 2007) are inherently linked to the basic tensions inherent in “political” institutions in Brunsson’s sense. It is these tensions we now turn to.

**Four basic conflicts about parliamentary agenda powers**

Building on the literature on parliamentary reform (e.g., Marschall 1999a: 75-85; Flinders 2007: 179; Blumenthal 2009: 18), we can distinguish four basic conflicts about parliamentary agenda powers (figure 1): firstly, a conflict about the recognition of parliaments (legitimacy conflict), secondly, one about a parliament’s ability to control governments (effectiveness conflict); thirdly, one about legislative capacity (efficiency conflict), and, fourthly, a conflict between parliamentary office-holders and parliamentarians without such offices (hierarchy conflict). The purpose underlying the differentiation of these conflicts is to operationalise distinct rationales explaining decisions on parliamentary time and resources. This in turn enables us to assign different arguments in parliamentary reform processes to different rationales. A closer look at the different conflicts reveals
that the major antagonism between them divides legitimacy conflicts from those on effectiveness and efficiency.

Figure 1: Basic conflicts about agenda powers and their operationalization

<table>
<thead>
<tr>
<th>(collective) actors</th>
<th>legitimacy conflict</th>
<th>effectiveness conflict</th>
<th>efficiency conflict</th>
<th>hierarchy conflict</th>
</tr>
</thead>
<tbody>
<tr>
<td>addressee</td>
<td>all MPs</td>
<td>parliamentary minority</td>
<td>parliamentary groups/parties</td>
<td>non office-holders</td>
</tr>
<tr>
<td>arena</td>
<td>sovereign</td>
<td>majority (government)</td>
<td>other groups</td>
<td>office-holders</td>
</tr>
<tr>
<td>content</td>
<td>communication</td>
<td>control</td>
<td>legislation</td>
<td>all areas</td>
</tr>
<tr>
<td>time and resources</td>
<td>discourse</td>
<td>investigation</td>
<td>legislative proposals</td>
<td>all areas</td>
</tr>
<tr>
<td>likely to be attached</td>
<td>individual MPs'</td>
<td>questioning rights,</td>
<td>committee rights</td>
<td>all rights</td>
</tr>
<tr>
<td>to debates on</td>
<td>rights</td>
<td>confidence votes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>interaction orientation in parliament</td>
<td>cooperation</td>
<td>conflict</td>
<td>negotiation, competition</td>
<td>competition</td>
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</tbody>
</table>

Legitimacy can be defined as “arguments that justify the exercise of government authority, that is, the authority to adopt collectively binding decisions and to implement these decisions” (Scharpf 2000b: 102). Consequently, in legitimacy conflicts, parliamentary actors strive for recognition by the sovereign (see Honneth 1994: 45-50). In parliamentary systems, parliaments are the backbone of political legitimacy since only they maintain direct links with the electorate. Hence, parliamentary legitimacy resembles a symbolic power generated through communication ensuring responsiveness and representation (Oberreuter 1978: 49; Patzelt 2001: 56-68). It can best be ensured through devoting plenary time and organisational resources to establishing a discourse linking political actors to their electorates (Schmidt 2002: 8, 211-2; 2003; Schmidt & Radaelli 2004: 193-204). Legitimacy conflicts may be attached to conflicts about rights of individual MPs (such as their right to free speech) as well as parliament as a whole, with the aim to establish public relations (see Marschall 1999b; Winetrobe 2003). Given the “compulsion to reciprocity” (Honneth 2011: 38) implicit in struggles for recognition, parliamentarians should have an interest in cooperation in legitimacy conflicts.

In effectiveness conflicts, the actors are not individual MPs, but the parliamentary minority and the majority, with the former striving to control the latter’s actions. In parliamentary systems, the effectiveness conflict takes place within parliament; however, it nonetheless has a quasi-external character, since “parliament” is often argued to control “government” as if the latter was inde-

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1 The term “sovereign” implies that the nature of the addressee in this conflict could change over time: whereas in monarchies, the king serves as the sovereign, in democracies, this role shifts to the electorate.
pendent of the former. Accordingly, plenary time and resources are devoted to investigative activities. Effectiveness conflicts might be attached to debates on questioning rights or vote of confidence procedures (see Wiberg 1995; Russo & Wiberg 2010). Additionally, parliamentary actors can also exert control over external institutions through exerting elective rights (Sieberer 2010: 139-63). Since the parliamentary minority and majority perceive their goals in such interactions as mutually exclusive, effectiveness conflicts imply a conflictive interaction orientation. The minority’s gains are the majority’s losses and vice versa.

As opposed to the legitimacy conflict with its input-orientation, questions of parliamentary output (i.e. legislation) are at the core of the efficiency conflict. In the long run, political legitimacy can neither stem from the output of political institutions (see Scharpf 2000a: 269, 280; Luhmann 1983: 28-35; 2010: 95-105) nor from emotive consent (Hardin 2007: 239). This is especially true for legislatures in parliamentary systems, where recognition for the quality of legislative output is largely claimed by the executive. Therefore, we can clearly distinguish efficiency conflicts (where parliamentary output is disputed) from legitimacy conflicts (where input, i.e. links between parliaments and their environments are disputed). The major actors in efficiency conflicts are the different parliamentary groups, usually being attached to political parties. If efficiency is disputed, plenary time and organisational resources are devoted to legislation. Efficiency conflicts might be attached to disputes about the rights of committees in the legislative process (see Mattson & Strom 1995). Due to the frequency of minority governments (see Strom 1990), efficiency conflicts give rise to more flexible coalitions and more overlapping interests than effectiveness conflicts. The opportunity for log-rolling implies interaction orientations between negotiation (where actors pursue different goals, but act solidaristically) and competition (where actors pursue similar goals but act individualistically) (see Bartolini 1999; 2000).

Before illustrating the relations between the rationales underlying these basic conflicts, we need to distinguish yet another conflict which may cut across the other three (hence the dotted line in figure 1). Whenever parliamentary offices are created – be it to enhance parliamentary legitimacy, enable the minority to control the majority, or allow for efficient legislation –, internal hierarchies come into being (recall that busy legislatures are inegalitarian). That is, parliamentary office-holders are separated from simple members. From this follows that the latter might demand more rights with respect to potentially all contested areas mentioned above from the former (see Schickler 2001: 9), giving rise to hierarchy conflicts. These conflicts usually take place within parliamentary groups. Due to ideological constraints, MPs from different parties cannot be expected to act solidaristically despite the similarity of their goals. This implies competitive interaction orientations. Non-office-holders are likely to find themselves in a prisoner’s dilemma, where the gains from collective action (i.e. more rights vis-à-vis office-holders) are outweighed by the losses their respective parliamentary leaders can threaten them with. Since simple members can best overcome such
dilemmas if they attach their interests to other, more general ones, hierarchy conflicts are only expected to have an impact if they aggravate other basic conflicts. For this reason, hierarchy conflicts will not be included in the following development of working hypotheses.

**Hypotheses**

The starting point of the paper’s hypotheses is the antagonism between the aim to increase parliamentary legitimacy, which implies a logic of appropriateness, as opposed to the aims to increase parliamentary effectiveness or efficiency, which imply a logic of consequentiality. Since legitimacy stems largely from “how things are done, not solely on substantive performance” (March & Olsen 2006: 692), actors may attain it in a coordinative way. Unlike exerting control or passing a certain law, engaging in legitimising discourse implies no distinction between “winners” and “losers”. Accordingly, there is no reason to privilege certain actors. This is why legitimacy conflicts can be expected to give rise to a proportional distribution of parliamentary time. Parliamentary legitimacy relies on independent and impartial information, which in turn renders the creation of a substantial and non-partisan parliamentary administration necessary. As a consequence, we can expect an institutional isomorphism with the ministerial bureaucracy (Schnapp 2004), giving rise to a sectoral structure of parliamentary administrations. As a logic of appropriateness enables institutions to loosen the coupling with their environments (March & Olsen 2006: 699), the aim to increase parliamentary legitimacy enables legislatures to develop independently from their constitutional context.

In contrast, controlling the majority or passing legislation are more divisive aims which imply self-interested behaviour following a logic of consequentiality. Therefore, effectiveness and efficiency conflicts are expected to give rise to a more majoritarian distribution of the parliamentary agenda. Since legislation can more effectively be delegated to the ministerial bureaucracy (as a resource associated with the majority), parliaments are expected to resemble “political organisations” in Brunsson’s sense, with only little organisational resources at their disposal. In this case, an institutional isomorphism rather occurs between parliaments and political parties in central office (Katz & Mair 1993), resulting in a more partisan organisation of parliamentary administrations largely occupied with controlling the majority. Finally, a logic of consequentiality is expected to ensure a closer coupling of parliaments and their constitutional context.

Under the conditions of post-parliamentary democracy, the described effects of legitimacy conflicts are expected to be reinforced, because there is an increased need to ensure parliamentary legitimacy. This legitimacy increasingly has to be sustained discursively (i.e. in an input-oriented way) since legislation (i.e. output) is less and less associated with parliaments in multi-level states characterised by increased intergovernmental bargaining (see Scharpf 2000b: 113-5). In contrast, a development towards neo-parliamentarism implies a focus on enhancing both legitimacy and ef-
fectiveness. Due to the tensions between these aims, such a development is expected to bring about less significant change. These assertions result in two hypotheses:

**H 1.** Since the alleged major aim of parliamentary actors in post-parliamentary democracies is to sustain legitimacy, this can be expected to affect agenda powers in three respects: (a) a proportional distribution of time, (b) more and non-partisan administrative resources of parliaments and (c) a loose coupling of agenda powers and the constitutional context.

**H 2.** According to its focus on enhancing both legitimacy and effectiveness, a development towards neo-parliamentarism implies (a) no significant changes in the distribution of parliamentary time, (b) a modest growth of partisan administrative resources, and (c) no loosened coupling of agenda powers and their constitutional context.

(a) As for temporal aspects, the sequencing of the basic conflicts on agenda powers is assumed to make a major difference. This reflects the fact that multiple conflicts may constrain actors’ interests in parliamentary reforms (Schickler 2001: 4-23). The assertion here is that the results of reforms of the parliamentary agenda differ if they are passed to ensure parliamentary effectiveness and/or efficiency alone or in conjunction with legitimacy. Exclusive legitimacy conflicts imply a cooperative style of interaction and therefore a proportional distribution of parliamentary time. If, consequently, decisions on parliamentary agenda powers do not only touch upon parliamentary effectiveness or efficiency, but also its legitimacy, actors should face a bigger incentive to cooperate, i.e., to overcome the dilemma inherent in mixed-motive games. When, on the contrary, effectiveness or efficiency conflicts occur independently from those on parliamentary legitimacy, majority actors face no incentive to deviate from their interest in distributing parliamentary time non-proportionally. Both effectiveness and efficiency conflicts imply incentive problems for parliamentary actors. If these problems cannot be solved, the result is expected to be a majoritarian distribution of the parliamentary agenda. In this case, the parliamentary majority has no incentive to join the minority and search for common solutions. This is why neo-parliamentarism, in contrast to post-parliamentarism, suggests no major changes to agenda powers. Here, the status quo is simply prolonged.

(b) Organisatorially, parliaments are expected to resemble “action organisations” the more their legitimacy is disputed. This creates an incentive to mirror ministerial bureaucracies and create a sectoral organisation able to process information impartially and independently from the governmental administration. This may happen for various reason, be it because parliaments and ministerial bureaucracies mutually mistrust each other or be it because more information is necessary to catch up with the increasingly complex procedures of multi-level governance. When, however, parliamentary effectiveness and/or efficiency are disputed, parliaments are expected to resemble “political organisations” which delegate action to ministerial bureaucracies. Due to the more con-
tested nature of both the effectiveness and efficiency conflicts, parliamentary administrations are expected not only to be smaller, but also to display a more partisan organisation, e.g. through being associated with parliamentary parties or individual MPs rather than committees or parliament as such. Accordingly, a development towards post-parliamentarism implies a significant extension of non-partisan administrative resources enabling legitimising parliamentary discourses, whereas a turn towards neo-parliamentarism suggests a modest growth of partisan resources used to control the government.

(c) With respect to the institutional context of decisions about parliamentary agenda powers, recall that the relation between constitutional and parliamentary rules is usually discussed as an endogeneity problem. This paper takes a differentiated position: legitimacy reforms (and, consequently, developments towards post-parliamentarism) follow a logic of appropriateness which allows for loose coupling between decisions about parliamentary agenda powers and their constitutional context (see also Beisheim & Brunnengräber 2008: 90). In contrast, the consequentialist logic of effectiveness and efficiency reforms requires parliamentary agenda control to be more endogenous to their constitutional context. Due to the increased importance of joint transnational parliamentary action, a neo-parliamentarian development is not expected to decouple parliamentary agenda powers from their institutional context.

Case studies and case selection

The hypotheses of this paper need to be tested more thoroughly, i.e. over a longer period of time and against a higher number of cases than it is possible here. In the following, only two cases will be analyzed over a limited time period (covering recent reforms since the 1990s). The aim of these case studies is to assess which kind of basic conflicts underlie recent parliamentary reform efforts. My focus will be on lower chambers to which governments are responsible. The qualitative design reflects Hall’s (2003) insight that large-N analyses involving quantitative methods are not compatible with assumptions of path-dependency or strategic interactions among actors: “As powerful as correlational approaches are, the emphasis on estimating causal effects can result in a perspective that effectively reads history backward, sometimes imputing preferences based on observable outcomes rather than […] provid[ing] insight into the causal relations among variables” (Ahmed 2010: 1064). Rather, the differentiation of basic conflicts underlying decisions about parliamentary minority rights implies the application of a typological theory (George & Bennett 2005: 235-45), in which the dimensions of a typology (here: the basic conflicts) serve as explanatory variables.

Since the project seeks to establish a particular causal relationship, the selection of cases has to be x/y-centered (Gerring 2008: 648). Furthermore, the interaction effects between these variables call for the selection of “diverse cases” displaying maximum variances along relevant dimensions (Gerring 2008: 650-2). Here, the cases are chosen from the sample of West European
parliamentary democracies (which have essential features in common and to which the basic conflicts and hypotheses apply). To allow for a later long-time analysis of institutional development, the analysis is confined to countries which exist since the initial intensification of political competition in the 1870s and have been continuously democratic since the early phase of the second wave of democratization starting in 1943 (see Huntington 1991: 18-9). Countries with a population of less than one million were omitted from the sample.

*Figure 2: The selection of diverse cases*

<table>
<thead>
<tr>
<th>x-centered: on independent variables</th>
<th>y-centered: on dependent variables</th>
</tr>
</thead>
<tbody>
<tr>
<td>political continuity since 1870s (time)</td>
<td>majority agenda control</td>
</tr>
<tr>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>no</td>
<td></td>
</tr>
<tr>
<td>yes</td>
<td>no</td>
</tr>
<tr>
<td>majoritarian electoral system (context)</td>
<td></td>
</tr>
<tr>
<td>yes</td>
<td>France</td>
</tr>
<tr>
<td>no</td>
<td></td>
</tr>
<tr>
<td>yes</td>
<td>Germany (BEL, NEL, ITA, AUT)</td>
</tr>
<tr>
<td>no</td>
<td>Britain</td>
</tr>
<tr>
<td>yes</td>
<td>Sweden (DEN, SWI)</td>
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<tr>
<td>no</td>
<td>France</td>
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<td>yes</td>
<td>Germany (BEL, NEL, ITA, AUT)</td>
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<td>no</td>
<td>Britain</td>
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<td>yes</td>
<td>Sweden (DEN, SWI)</td>
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<td>Britain</td>
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<tr>
<td>yes</td>
<td>Sweden (DEN, SWI)</td>
</tr>
</tbody>
</table>

Figure 2 groups the ten countries which fulfil these qualifications according to each two independent and dependent variables: With respect to the basic conflicts as the independent variable, these are, temporally, the degree of institutional continuity after the initial intensification of political competition and, contextually, the extent to which the electoral system (as the most important feature of the institutional context) is majoritarian. With respect to agenda powers as the dependent variable, these are, firstly, privileges of the majority in setting the agenda as opposed to proportional agenda control (see Döring 1995a: 225; Rasch & Tsebelis 2011: 271) and, secondly, the existence of significant organisational resources of parliaments (see Z’Graggen 2009: 100-1). According to these criteria, Britain and Germany seem appropriate for an initial comparison, because these countries on the one hand display the desired diversity with respect to temporal and contextual factors as well as to the distribution of parliamentary time and organisational resources. Additionally, Britain and Germany also display variance within the same categories, both with respect to parliamentary time devoted to legislation (see Döring 2001: 149-52), control rights such as hearings and interpellations (Wiberg & Russo 2011: 227; Schnapp & Harfst 2005: 367), and elective rights (Sieberer 2011).

The case studies will follow a building block approach, in which each additional case adds new causal paths and, potentially, explanatory variables to the typological theory. This implies that more cases have to be included in the analysis. The first additional countries to be included are France and Sweden (which are complementary to Britain and Germany), to be followed by Belgium and the Netherlands (because both of them display mixed features, resembling Sweden with respect to contextual factors and Germany with respect to agenda control and parliamentary ad-
ministration). The final cases to be included are Switzerland and Denmark (which in both respects resemble Sweden) and then Austria and Italy (which in both respects resemble Germany).

**Parliamentary agenda powers in Britain and Germany**

As already mentioned, the empirical analysis in this paper is confined to most recent reforms of parliamentary agenda powers. The origins of these powers have been analysed elsewhere (Koß 2011b).

**Britain: Potentially far-reaching reforms**

The major reforms shaping the current parliamentary agenda in Britain took place in the period between 1867 and 1911, during which the House of Commons replaced the House of Lords as the central forum of political power and, at the same time, the distribution of plenary time became strictly majoritarian instead of proportional (see Kluxen 1983: 47-128; Kelso 2009a: 9-18). As hypothesised, majoritarian agenda control did not give rise to any substantial increase of parliamentary administration: As a consequence of the co-evolution of parliamentary and Civil Service reforms in the late nineteenth century, the latter deliberately cooperated with parliament (Kluxen 1983: 145-6; Cromwell 1968). Therefore, the non-partisan parliamentary administration in Britain remained small compared to its German counterpart (see below), whereas there was significant partisan administrative support for individual MPs (Schnapp & Harfst 2005: 362-3; Rush 2001: 124-31).

After 1945, path-dependent developments made sure that the distribution of agenda powers was not significantly altered: „The key changes secured early in the twentieth century – which constrained parliamentary input into the legislative process and instituted procedures and mechanisms that enhanced legislative efficiency – not only built on the re-emergence of a strong and ascendant executive by the close of the nineteenth century, but also consolidated a new path for institutional development from which parliament has not significantly deviated“ (Kelso 2009a: 72). Parliamentary efficiency remained at the core of all successful reform efforts. The only exception to this rule was the creation of Select Committees in charge of screening legislative activity of the executive and thus enhancing parliamentary effectiveness (see Saalfeld 2008: 177, 191). Interestingly, there also was a hierarchy conflict recognisable underlying these reform efforts, with the leaderships of both large parties informally cooperating through the “usual channels” to prevent collective action on the backbenches.² This explains why most of the partly far-reaching reforms proposed by a Modernisation Committee in 2002 (such as an independent appointment committee

² The 2003 failure to reform the House of Lords is an example of this informal cooperation. Despite heavy criticism from the Labour backbenches, frontbenchers among Tony Blair feared an elected upper chamber as a potential veto player and silently gave in to Conservative resistance against too far-reaching reform efforts (Kelso 2009a: 172-4).
curbing the influence of the “usual channels” and more staff for Select Committees) failed and only an increase in Select Committee chairs’ salaries was agreed on (Kelso 2009a: 122-6).

However, attempts to reform parliamentary agenda powers did not come to an end, and more recently, in the wake of the parliamentary expenses scandal (see Koß 2011a: 175-7), some far-reaching reforms were indeed agreed on. The newly appointed Wright Committee proposed reforms to improve MP’s “ability to set its [the House of Commons’, MK] agenda and take meaningful decisions, and ensure the business of the chamber is responsive to public concerns” (House of Commons Reform Committee 2009: 7). According to this statement, all three rationales of parliamentary reforms were touched upon. The emphasis on responsiveness indicates that increasing parliamentary legitimacy had now become part of the reform efforts, too. Remarkably, the newly elected Conservative-Liberal coalition promised to pass all reforms proposed by the Wright Committee. The following overview will only touch upon those reforms related to parliamentary agenda powers.

To begin with, there are three reform initiatives particularly aiming at increasing parliamentary effectiveness, i.e. the ability (mostly of backbench MPs) to hold government accountable and to check the influence of the “usual channels” of coordination between the major parties’ whips. Firstly, there were procedural changes favouring backbenchers against parliamentary officeholders. For instance, Select Committee chairs are not merely appointed anymore after coordination among the “usual channels” but secretly elected. This allows for specialisation of Select Committees, whose chairs are now liberated from direct whip control (see Sturm 2010: 746). Since Select Committee chair elections follow the alternative vote (AV) system, the minority is guaranteed some chairs (which it would not receive under a strictly majoritarian system). Similarly, the House of Commons’ deputy speakers are now also elected under an AV scheme (Hitchins 2010), a reform which also weakens the “usual channels”. Secondly, there were changes to the rules underlying control of the agenda in the House of Commons. Previously, the opposition could only set the agenda on 20 days per year, a “time ghetto”, as Cox and McCubbins (2011: 462) rightly term it. In the wake of the Wright report, a Backbench Business Committee was created which can now set the agenda for 27 days per year (as opposed to the 35 days envisaged by the Wright Committee), dealing with all business that is not strictly ministerial. The crucial impact of this reform is not the increase in the number of days with no executive agenda control but rather the opportunity for backbenchers to coordinate their actions in future hierarchy conflicts (since the cross-party members of the Backbench Business Committee are also elected secretly). Thirdly, a newly appointed procedure committee (chaired by a backbencher) monitors unsatisfactory and late answers to written parliamentary questions as well as new election procedure for the Speaker (Kelly 2011b: 3).

As for the administration of the House of Commons, recent reform plans reach even further. Just like the rules underlying the parliamentary agenda, the resources to make use of these
rules followed a path-dependent development up to 2007. At that time, the so-called Tebbit Review proposed “to build organisational and executive capacity and promote effectiveness, accountability and value for money” (Kelly et al. 2008: 6). This goal was in line with the lean parliamentary administration largely supporting MP’s ability to promote parliamentary control of the executive. Accordingly, the Tebbit review only proposed some marginal changes to the administrative structure of the House of Commons. Significantly, the only far-reaching proposal (to allow for a more external audit system) was vetoed by the House of Commons Committee which was in charge of administrative issues (Kelly et al. 2008: 14). Up to that time, parliamentary administration was not envisaged as a means to increasing parliamentary legitimacy, on the contrary, its sole purpose was to help MP’s fulfilling intra-parliamentary business. However, after the 2010 expenses scandal, this goal shifted considerably when a new strategy for the House of Commons’ administration was passed (House of Commons Management Board 2010). The focus of this strategy “is now outward looking, including an aim to increase public respect for Parliament, rather than inward looking and concerned primarily with providing services for MPs” (Nicholls 2010: 9). Goals such as achieving an “open and transparent way of doing business”, “encouraging public participation in parliamentary business”, “developing our outreach and education services“, and “engaging proactively with the media to encourage full and accurate reporting of House matters” (House of Commons Management Board 2010) underline that rather than increasing parliamentary effectiveness, the organisational resources of the House of Commons should now be used to sustain its legitimacy. Whether this will also bring about structural changes to the administration (e.g., a more sectoral and less partisan structure) remains to be seen.

What renders significant future organisational reforms likely is the amount of institutional reform proposals which also emphasize the need to increase parliamentary legitimacy. For instance, the House of Commons will allow for more public participation in legislation. In August 2011, a website for e-petitions went live. The Coalition Agreement set out commitments on ensuring that petitions securing 100,000 signatures would be eligible for debate in the House of Commons (Kelly 2011a: 1). There will be a Public Reading Day when online proposals will be discussed (see Maer 2010b). To increase control of constituents over their MPs, a recall system will be introduced, most likely to allow ten per cent of the former to make a sitting MP step down and face a new election in the constituency (see Sturm 2010: 747). Additionally, the planned House Business Committee, whose task will be to assemble a draft agenda to put to the House in a weekly motion, will further decentralise the parliamentary agenda in Britain.\footnote{At the moment, it is still not clear whether the House Business Committee will replace the Backbench Business Committee or work along it and whether whips or backbenchers will dominate it. For the options which are discussed, see House of Commons Reform Commission 2009: 59-62.} If one bears in mind that, according to Kelso (2009a: 43), “strengthening the corporate identity of the House of Commons
by way of a legislative business committee is simply antithetical to the norms and values around which successive efficiency reforms have been built”, it becomes clear how far-reaching the institutional and organisational reforms the House of Commons recently implemented (or is about to implement) are. Whereas the focus of all reform efforts since the 1870s was on increasing parliamentary efficiency (and, to a lesser extent, its effectiveness), the recent reforms paid much more attention to strengthening its legitimacy. Consequently, parliament will be looser coupled to its environment, which still displayed the basic majoritarian features of the Westminster model, even though “hollowed out” by internationalisation (Saalfeld 2003).

Germany: Business as usual – on the surface

As opposed to Britain, where agenda powers were largely determined by institutional choice, Germany can be regarded as an example of institutional adaptation. Here, proportional agenda control was established as early as during the 1860s in the Prussian Lower Chamber (Franke 1987: 40-4). Since then, the so-called Seniorenkonvent (later the Ältestenrat, Council of Elders) informally decided about parliamentary business (see also Schüttemeyer 1998: 75-7). This path was chosen independently from the (then majoritarian) electoral system, but reinforced by federalism and, later on, the Constitutional Court (Hönnige & Sieberer 2011; Sieberer 2006; Loewenberg 2003). Hoffmann Slagter and Loewenberg (2003: 473) refer to “norms of fairness” prevalent in German parliaments. These “norms of fairness” go back to a common interest in enhancing parliamentary legitimacy and effectiveness rather than entering an efficiency conflict with the (still extra-parliamentary) government during Imperial Germany (Koß 2011b). Since then, proportional, informal, and consensual agenda control rules were sustained despite considerable regime changes (Loewenberg 2003). As opposed to their British counterparts, German governments have no institutional means to control the agenda, they even lack the right of a last amendment to legislative proposals. On the contrary, parliamentary minorities enjoy far-reaching privileges (Hönnige & Sieberer 2011: 24). The Council of Elders informally decides upon parliamentary business, with almost no legal stipulations (something very exceptional in the German political context) and with the President of the Bundestag de facto depending upon the collective will of the parliamentary business leaders (the German equivalent to the British whips) in procedural questions (see Loewenberg 2003: 24).

According to Hoffmann Slagter and Loewenberg (2009: 475), these principles brought several advantages with them, most importantly, they avoided time-consuming roll calls and thus ensured efficiency in a busy legislature. However, it was not the rules that ensured efficiency. Rather, the rules strengthened parliament was vis-à-vis government since the former conducted its business independently from the executive despite personal overlap. This points to the important role of strengthening both parliamentary legitimacy and effectiveness through collective action. It
was the high levels of party unity that ensured that the institutional aims underlying agenda control in the Bundestag had no detrimental effects on parliamentary efficiency (Hönnige & Sieberer 2011: 35). One could argue that behavioural cohesion ensured that institutional provisions for legitimacy (i.e. proportionality and openness) and effectiveness (i.e., minority rights) could be maintained without affecting the Bundestag’s efficiency (i.e., its legislative capacity).

In line with the hypotheses on the relationship between basic conflicts about agenda powers and parliamentary administration, the German parliament indeed developed significant non-partisan organisational resources after 1949. Especially enhancing parliamentary legitimacy made it necessary to enlarge the Bundestag’s administration since the mid-1950s (Schölzer & Winter 2008: 104). However, the last expansion of its scientific staff occurred at the end of the 1960s, the only exception being the creation of a new unit for European affairs in 1990 (Schindler 1989: 844-5; 1999: 3435). Since 1990, the number of scientific staff working in the central Bundestag administration stagnates (Schindler 2005: 770). Why was there no further expansion? According to Schöler and Winter (2008: 110), it had become clear by the early 1970s that the central parliamentary administration could not help MPs with their legislative tasks. For this reason, it was the staff of the parliamentary groups which organisationally expanded after 1970 (Schölzer & Winter 2008: 112). Put differently, the previous institutional isomorphism with the ministerial bureaucracy (i.e. a sectorally organised central administration) gave way to a more partisan structure, i.e. an isomorphism with the political parties (which started to increase the subsidies they received for parliamentary duties rather than their increasingly contested direct state funding, see Katz & Mair 2002).

We can conclude that the changes in the administrative structure of the Bundestag reflect a shifting rationale of these reforms: whereas increasing parliamentary legitimacy was the dominant paradigm during the early years of the Federal Republic (see Schindler 1989: 846), later reforms of the administrative structure of the Bundestag rather aimed to increase its law-making capacity, i.e. its efficiency. This is exactly the opposite direction we just discovered in Britain. As we shall see, the recent institutional development in Germany also contrasts with the British one: there are hardly any far-reaching reforms of parliamentary agenda control in Germany.

The last reform dealing with matters of agenda control occurred in 1995, when committees received the opportunity to hold public meetings. This minor change clearly reflected the will to enhance parliamentary legitimacy and was agreed on consensually by an all-party commission (Blumenthal 2009: 36-7). To illustrate the recent shifts of basic conflicts underlying parliamentary reforms, I will refer to an example not directly related to agenda powers, the 2000 introduction of legal stipulations for the conduct of parliamentary commissions of inquiry. Interestingly, this area remained unregulated since the early days of the Federal Republic. Why were parliamentary actors

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4 Whereas parliamentary groups had a staff of 50 in 1953, this number rose to 619 in 1986 (Schindler 1989: 849).
able to finally agree on a Parliamentary Commissions of Enquiry Act in 2000? This result is even more surprising since the finally passed act resembled one already proposed in 1990. According to Demuth (2009: 77) the agreement found in 2000 went largely back to the fact that MPs from all parties had now adopted to the reality of the “new dualism” between parliamentary majority and minority (which was not so new anymore, but nonetheless opposed to the old dualism between parliament and executive underlying the initial decisions about parliamentary agenda powers in Germany, see Schönberger 2001).

This adaptation to the “new dualism” implied that the majority was able to accept that the minority would use commissions of inquiry for political reasons. In turn, the minority ceased to call for far-reaching exclusive rights granting it full control of such commissions’ proceedings. The act provided both majority and minority with equal rights and thus rendered a minimum level of cooperation between the two necessary for successful investigations by commissions of enquiry (Demuth 2009: 78). In a wider context, the evolution of the new Commissions of Enquiry Act illustrates two things: Firstly, it provides an explanation for the general evolution of agenda powers in Germany. The cooperative interaction orientation and the aim to increase parliamentary legitimacy went back to the “old dualism” between parliament and the executive. Since efficiency initially played no role in German parliaments (with the executive not being responsible to parliament in Imperial Germany), parliamentary actors could indeed focus on increasing the legitimacy and effectiveness of their institution. Later on, this was still possible despite full responsibility for legislation due to the high levels of party unity. Secondly, the Commissions of Enquiry Act illustrates that this “old dualism” has finally been abandoned, possibly giving rise to a more efficiency-based logic underlying parliamentary reforms (as already discovered with respect to the administration of parliament). However, whether this also applies to reforms of parliamentary agenda control remains to be seen. Changes to the basic rules of the game are unlikely given the role of external veto players such as the Bundesrat (which can unravel narrow decision taken in the Bundestag in times of different majorities in both chambers, as they occur more and more often) and the Constitutional Court (which so far served as an advocate of minority protection in the Bundestag).

Conclusion
The major aim of this paper was to operationalise normative arguments about parliamentary change. The starting point of this operationalization was that, just as the sequencing of basic societal conflicts makes a crucial difference for the development of party competition (Lipset & Rokkan 1967), basic conflicts on parliamentary rules to have similar effects for the development of parliamentary competition. Special emphasis was given to temporal, organisational, and contextual variables. Figure 3 illustrates the relation between the aims to increase parliamentary legitimacy, effectiveness, and efficiency and parliamentary change.
Towards post-parliamentary governance?

Figure 3: Legitimacy, effectiveness, and efficiency and parliamentary change

<table>
<thead>
<tr>
<th>variables</th>
<th>relationship between basic conflicts and resulting agenda powers</th>
</tr>
</thead>
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<tr>
<td>temporal</td>
<td>post-parliamentarism: legitimacy dominant</td>
</tr>
<tr>
<td></td>
<td>neo-parliamentarism: efficiency &amp; effectiveness dominant</td>
</tr>
<tr>
<td>organisational &amp; contextual</td>
<td>agenda powers</td>
</tr>
<tr>
<td>(a) sequencing of basic conflicts &amp; institutional development</td>
<td>logic of appropriateness</td>
</tr>
<tr>
<td>(b) institutional development</td>
<td>(a) legitimacy conflict occurs independently of others</td>
</tr>
<tr>
<td>(c) organisational resources</td>
<td>(b) formal institutional choice</td>
</tr>
<tr>
<td>(d) relationship of agenda powers and constitutional rules</td>
<td>(c) large sectoral administration</td>
</tr>
<tr>
<td></td>
<td>(d) interdependence with constitutional rules</td>
</tr>
<tr>
<td></td>
<td>logic of consequentiality</td>
</tr>
<tr>
<td></td>
<td>(a) legitimacy and effectiveness conflicts in parallel</td>
</tr>
<tr>
<td></td>
<td>(b) informal institutional adaptation</td>
</tr>
<tr>
<td></td>
<td>(c) more partisan administrative resources</td>
</tr>
<tr>
<td></td>
<td>(d) agenda powers more endogenous to constitutional rules</td>
</tr>
</tbody>
</table>

Temporally, the sequencing of conflicts about parliamentary legitimacy, effectiveness, and efficiency and the institutional is expected to affect the direction of parliamentary change: whereas a turn towards post-parliamentarism is only informed by the aim to increase parliamentary legitimacy, the expected aim of neo-parliamentarism is to enhance both legitimacy and effectiveness. Since post-parliamentarism implies a far more fundamental change, it is expected to be the product of institutional choice, whereas neo-parliamentarism can be reached through mere adaptation.

To better understand the different logics parliamentary actors followed and the impact of the degree to which parliamentary legitimacy is disputed, we need to examine not only the institutional rights parliamentary minorities can rely on, but also their organisational resources. Since impartial information is one of the prerequisites of parliamentary legitimacy, a turn towards post-parliamentarism implies the creation of a sectoral parliamentary administration displaying an institutional isomorphism with the ministerial bureaucracy. In contrast, the bigger emphasis on parliamentary effectiveness as implied by neo-parliamentarism (where parliaments also strive for control of the executive and only compromise with respect to legislation) is expected to bring about a more partisan parliamentary administration which displays an institutional isomorphism with political parties.

As for the context, the different logics reforms towards post- and neo-parliamentarism follow challenge the assumption that parliamentary agenda powers are necessarily endogenous to constitutional features (see also Sieberer et al. 2011). Due to the cooperative interaction orientation, reforms resulting in post-parliamentary governance are expected to follow a logic of appropriateness which allows for a loose coupling of agenda powers and their institutional context. Contrastingly, neo-parliamentary reforms are expected to follow a logic of consequentialism since the aim to additionally increase parliamentary effectiveness implies a less cooperative style of interac-
tion. This in turn renders a closer coupling of parliamentary agenda powers and their institutional context necessary.

The recent reforms of the House of Commons indeed seem to fit into the post-parliamentarian pattern. Not only was the parliamentary agenda distributed more proportionally, the administration of the House of Commons is also to be restructured. Contrastingly, recent reforms in Germany seem to fit more into the neo-parliamentarian pattern. Here, reforms not only aimed to strengthen parliamentary legitimacy, but also its effectiveness (by means of the Commission of Inquiry Act). However, it might well be that the logic underlying reforms in Germany recently changed, with the genuine aim to increase parliamentary legitimacy losing its importance just like the “old dualism” between parliament and government underlying it. If this was the case, it would rather be the institutional context with a high number of veto players which ensured the proportional distribution of agenda powers in Germany.

The growing importance of non-legislative activities in European parliaments (Green-Pedersen 2010) might well be a sign of a growing legitimacy conflict. However, the findings from Britain and Germany provide no evidence for such a clear-cut change. Even if recent British reforms are clearly informed by the aim to enhance the legitimacy of parliament, the underlying causality is all but clear. Parliamentary reforms in Britain could be a singular event invoked by situation-specific claims to increase parliamentary legitimacy in the wake of allegations of illicit party funding and the misuse of parliamentary expenses. However, they could also be structurally supported by previous reforms exclusively paying attention to matters of parliamentary efficiency and thus leaving the question of legitimacy unaddressed – which is why an incident like the expenses scandal could have such far-reaching consequences.

We can conclude that there is no clear trend towards post-parliamentary governance visible in both countries, even though the British case displays some features of a path change as implied by the post-parliamentarism argument. Most importantly, the findings of this paper need to be further fleshed out through systematic long-term comparisons based on in-depth episodes of institutional change in more countries allowing to establish causal relationships, and, subsequently, a refinement of the underlying hypotheses. Such an assessment of parliamentary agenda powers will enable us to find out why they change and in which direction. It is all but certain whether parliamentary legitimacy, effectiveness, and efficiency can be enhanced at the same time. Therefore, parliaments might well face a trade-off rather than a decline. The tentative results of this paper call for a more systematic inclusion of temporal, organizational, and contextual perspective into the study of parliamentary change.
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