Parliamentary committees in a party-centred context : structure, composition, functioning

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Chapter 2
Research on Committees: A Review of Theories and Literature

Other legislatures exist, of course. However, "the scholarly world of legislative studies is, overwhelmingly, a world that studies the U.S. Congress" (Gamm & Huber, 2002, p. 313).

Theories on Legislative Organisation - Congressional Perspectives and "Keeping Tabs"

ALTHOUGH the prior section argued that the persistence of the formula of 'the existence of strong parliamentary party groups is mutually exclusive to the existence of strong committees' is no longer valid, the theoretical treatment of the process of legislative organisation - of which committees are a central feature - is still characterised largely by the distinction between the established United States literature and the more recent non-U.S. literature.

The study of committees was put on the agenda by the classic study of Wilson who noted in 1885 that "it is not far from the truth to say that Congress in session is Congress on public exhibition, whilst Congress in its committee rooms is Congress at work." (W. Wilson, 1885, p. 69). The importance of committee work in the House of Representatives is also encapsulated by Bryce (1888, p. 159): "It is as a committee-man that a member does his real work. In fact, the House has become not so much a legislative assembly as a huge panel from which committees are selected". After these first acknowledgements of the importance of committees, a range of studies focused on the historical development of the committee system (Jameson, 1894; Avery, 1901; Fairlie,

1932). Mainly being descriptive, these studies did not question the underlying mechanisms of committee work. Interest in committees was sparked after particular congressional developments. One important incident was the end of the era of "Cannonism" (Haines, 1915, p. 696) in 1910 which stripped Speaker Joseph C. Cannon of his power.[13] The end of this era of Congress marked a final shift away from assignments influenced by the Speaker. The subsequent transfer of this power into the hands of the parliamentary party groups led the way for major organisational principles and norms which are important for understanding committee assignment research in the U.S.. First, it introduced a clear seniority rule for committee chairs[14] and a 'property rights norm' for committee membership. The custom of this norm by which members, once assigned, have a claim to their committee slot in the succeeding legislative periods, made members reluctant to switch committees.[15]

The development of these norms sparked research interest on the issue of legislative organisation. Committee assignments were studied as a major factor in this process. The issue of why committees are so important, what constitutes a 'good' assignment, why some legislators are more successful than others to be assigned to a 'good' committee, and more generally, how Congress is organised, attracted considerable scholarly attention. The extensive study of this legislature has led to the development of three distinctive perspectives on legislative organisation. Although the three perspectives were mainly produced in the 'golden era' of studies of legislative organisation between the 1970s and the 1990s, they have largely structured the scholarly debate on committees until

13 Speaker Cannon, a Republican from Illinois, gradually increased his power in Congress after his election in 1903. As chair of the Rules Committee, he was not only able to determine which bills would reach the floor for debate and a vote but he was also in charge of appointing committee chairmen and committee members. This era ended in 1910 when a resolution was adopted which removed the Speaker from the Rules Committee and transferred the ability to assign members to committees to the parliamentary party groups. This had important ramifications for the study of assignments. After 1911, when the Democrats won control of the House, they started assigning members to the committees by their own Committee on Committees, which consisted of the Democratic members of the Ways and Means Committee. Although the parliamentary party group conference of the Republican was allowed to appoint their committee members as well, they only established their Committee on Committees in 1917. The assignment of members via a steering committee was not a new system but had actually been established practice before the revolt since 1840 before it was abolished in the era of 'Cannonism' (see for a historical overview Avery, 1901).

14 Although never formally written down in the House or Senate Rules, the rule to assign the chair to the most senior senator of the majority parliamentary party group has overwhelming significance. The norm specifically rewards within-committee seniority and not House seniority.

15 This norm was not only applied to the distribution of committee membership and chairs but also for office space, letting authors conclude that "in no other place, perhaps, does seniority or length of service carry so much weight as it does in the Congress of the United States." (Galloway 1920; cited in Goodwin, 1959, p.412). Because the seniority rule was widely accepted violations of this principle gained immediate attention. An example is the deviant-case analysis by (Huitt, 1954) on the controversy about the committee assignment of 'bolter' Senator Morse who, after breaking ranks with Republican leaders over Dwight Eisenhower's choice of Richard Nixon as his running mate was denied his committee seat by the Republican Party. By contrasting the case of Morse to other incidents, Huitt's study gives insight into informal norms that influence the assignment process in the Senate (Huitt, 1954, p. 324).

now. These theories are usually referred to as the *distributive, informational and partisan* theories of legislative organisation. The only outlier to this congressional bias is a more recent perspective which argues that the internal organisation of legislatures aides to 'keep tab' on coalition partners. These four perspectives are presented in greater detail in the next section before the scientific debate is summarised.

The Distributive Theory of Legislative Organisation: 'High Demanders' in 'Outlying' Committees

The distributive theory of legislative organisation derives its name from the notion that committees are established to provide legislators with means for the distribution of particularistic benefits to their constituents. Proponents of this perspective argue that the internal organisation of Congress is structured in such a way as to help satisfy the electoral needs of its members.[16] Committees as one of the salient structures of Congress are primarily arranged to meet these electoral needs. During the late 1970s and 1980s a host of theoretical models of distributive politics (see e.g. Fenno, 1973, Niou and Ordeshook, 1985; Shepsle and Weingast, 1981, Collie, 1988) were formulated. The formalisation of the distributive perspective was highly influenced by the works of Shepsle and Weingast (Shepsle, 1978; Weingast, 1979; Shepsle & Weingast, 1982; Weingast & Marshall, 1988; Munger, 1988).

At its core, the distributive theory has the central assumption that legislatures are highly decentralised institutions which are dominated by geographical concerns. Legislators are ultimately interested in securing their own re-election. In order to facilitate this goal legislators engage in logrolling, i.e. the mutually beneficial exchange on influence in issues of high salience for their own advantage (*gains from trade*). This is done by trading their own votes on issues which are not important to their constituents in return for votes and influence on issues of more importance for their constituencies. As an example, legislators from rural districts are assumed to pursue particularistic agricultural benefits for their constituency to increase their re-election chances but would care less about policy areas which do not help to build a personal base in their home constituency.

[16] The perception that Congress follows a distributive rationale in its organisation has been a long existing theme in the analysis of Congress (see e.g. Matthews, 1960; Masters, 1961; Mayhew, 1974). Ground-breaking in multiple ways was Masters (1961) who argued that the "most important single factor" (Masters, 1961, p. 354) in the assignment procedure is whether a particular committee seat helps to secure the re-election within a narrowly obtained district. This re-election model is also known as Masters-Clapp model, see (Clapp, 1963). Matthews puts forward an occupation-related explanation which influences the committee preferences after observing that "in all but the most urban states, the farmers and sons of farmers choose Agriculture in larger numbers than do the other senators" (Masters, 1961, p. 156f). Here, the argumentation gave a first hint at what later became a core issue of the informational perspective of legislative organisation. Mayhew (1974) viewed committees as opportunity structures which assist members to successfully achieve their own re-election goals by engaging in three activities - advertising, credit claiming and position taking (see e.g. Mayhew, 1974; Fenno, 1973)

This, however, creates a dilemma. When all legislators have equal influence in the passing of policies, and no mechanism is available which breaks through this impasse, it is unlikely that a majority is established to pursue a particular policy. Without a clear majority of legislators to support a policy and little control over the successful passing of this proposal, a 'deadlock' is unavoidable. Consider, for example, the following game-theoretical model including three legislators who have to choose between three alternatives, spending money on agriculture, education or defence. Each one has a distinct, transitive set of preferences.

Table 2.1: Example of transitive preferences of legislators

Legislator	First preference	Second preference	Third preference
Legislator 1	Agriculture	Education	Defence
Legislator 2	Education	Defence	Agriculture
Legislator 3	Defence	Agriculture	Education

When only these three legislators vote, no alternative beats another under majority rule. One legislator favours increasing spending on agriculture, but so do other legislators on spending on defence and on education. Second and third preferences do not allow for a clear choice, either. This is known as cyclical majorities. Black (1948) showed that a stable outcome is unlikely when complex issues must be solved via majority voting. Similarly, Arrow (1951) argued that political outcomes are inherently unstable with simple majority rules. This voting paradox goes back to Condorcet's paradox (see for a literature overview Van Deemen, 2014) and occurs in a voting situation in which no alternative is available that beats every other alternative by a majority. It implies that even in a situation in which the preferences of individual voters are clear, collective preferences can be cyclical. Agreements between legislators may solve such a deadlock, but the absence of a system which enforces agreements reached through logrolling does not induce a stable situation (*equilibrium*).

One enforcement problem follows from the time-lapse of log-rolling bargains between legislators. After engaging in log-rolling and exchanging votes, legislators fear prospective defection. Support for a bill in exchange for future support by the other parliamentary party group creates a moral hazard problem. The "public perception of the issue may change, and the electoral effect of this change is observable solely to the representative it affects" (Weingast & Marshall, 1988, p. 140). Both legislators face a serious trust problem as they "discount the potential gains from a proposed trade by the probability that these benefit flows will be curtailed by reneging" (Weingast & Marshall, 1988, p. 138). To solve this, legislators seek additional mechanisms to maintain their bargains.

The distributive theory argues that institutions created by the legislature, and primarily the committee system, provide the solution to the 'deadlock' and the distrust among legislators. By dividing policy areas via committees, a

decentralised agenda control system is created. This gives interested legislators a chance to join their respective field and 'cluster' in committees. The committee system provides substantial protection against opportunistic behaviour and enables legislators to facilitate gains from trade. The collective legislative instability is 'stabilised' by institutionalizing bargains between their members. (see e.g. Tullock, 1981).

The distributive theory conceptualizes the assignment process of MPs to be driven by their dominant interests in their constituencies. Committees develop into relatively closed policy networks which protect existing programs. The House leadership is assumed to encourage this behaviour and accommodate committee requests of members as much as possible within the constraints of available committee slots. Parliamentary party groups play a subordinate and reactive role. This has led to the notion of committees being filled by a system of 'self-selection'. Subsequently, the composition of committees is predicted to be highly unrepresentative of their parent body and "committee members' preferences differ systematically from those of the larger legislature" (Krehbiel, 1990, p. 149). This is usually labelled as 'outlying' committees, as they are composed disproportionately of (so called) 'high demand' members. As an example, "urban policy committees are dominated by congressmen from cities; pork barrel committees by districts with high demand for construction activity and rivers and harbours projects; welfare committees by congressmen with poor constituents; and defence committees by congressmen with significant defence contractors or defence installations in their districts" (see Shepsle & Weingast, 1982, p.370).

This perspective provides "parsimonious, but nonetheless powerful, explanations" (S. Martin, 2014a, p. 355) of the stability of Congress. It views committees as autonomous power centres with an exceptional status and gate-keeping power. This 'textbook view of Congress' was the dominant theme in congressional studies for over a decade, remained conventional wisdom until the 1980s, and was considered the state of the art in handbooks of the U.S Congress (see e.g. Jewell & Patterson, 1966; Keefe & Ogul, 1968).

The Informational Theory: Committees as Representative 'Microcosms' of the Chamber

The informational theory of legislative organisation opposes the distributive theory with regard to its central concepts and its predictions. The informational theory departs from two assumptions of the functioning of Congress (see also Krehbiel, 1992). First, the inevitability that policies are selected in the "presence of substantial uncertainty about their consequences upon implementation" (Gilligan & Krehbiel, 1990, p. 533). Second, policies cannot be enacted without the consent of the majority of the legislature's members (*majoritarian postulate*). This emphasis on the uncertainty that legislators face in the policy-making process has important ramifications for the internal

organisation of legislatures.

A formal model was provided by Gilligan and Krehbiel (1990, p. 540). They model the legislative process as a two person-game under incomplete information between a standing committee and the entire legislature. Within a game of asymmetric information, in which the committee is better informed than the legislature, the floor has no incentive of ever adopting a bill which comes out of a committee (see Gilligan & Krehbiel, 1990, p. 547), if the committee does not reflect the preferences of the chamber. Even when a committee's preference differs only marginally from that of the legislature, the plenum can "no longer rationally believe the committee's bill will yield the legislature's ideal point" (see Gilligan & Krehbiel, 1990, p. 547). They conclude that reduction of uncertainty in mostly new and untried policies is unanimously valued by risk-averse legislators. It is argued that specialisation of committee members is a necessary condition to enhance informational efficiency, but it also provides opportunities for strategic use of this expertise. As a matter of prudence, a rational legislature anticipates these unwanted consequences and "to achieve informational efficiency, all the legislature must do is to appoint perfectly representative committees" (see Gilligan & Krehbiel, 1990, p. 549).

Based on this argumentation the authors claim that no legislature would allow self-selection by 'high-demanding' legislators unless it is rational for the legislature. The perspective depicts legislative organisation "as a process of selective delegation of parliamentary rights, in which the rationale for such delegation has much more to do with efficient use of policy expertise than with capturing gains from trade" (Krehbiel, 1992, p. 199). Since members cannot possess the necessary expertise about all issues coming before the chamber they try to minimise information asymmetries through institutional arrangements. To reduce uncertainty Congress uses the "endogenously selected institutional devices and resources to exploit the special talents of its exogenously elected members" (Gilligan & Krehbiel, 1990, p. 533). Legislative institutions (such as committees) are viewed as the prime organisational means to provide the possibility for specialised information to reduce the uncertainty regarding legislation and unintended policy outcome. The informational perspective argues that committees emerge to make legislative specialisation possible. Interested members self-select[17] to them to obtain superior information about intended or unintended outcomes of bills. However, the legislature is assumed to carefully "balance resources with preferences, concerns, knowing that each has implications for capturing collective benefits from informative committees in the presence of uncertainty" (see Gilligan & Krehbiel, 1990, p. 544f). According to this perspective, "legislative choices in salient policy domains are median choices" (Krehbiel, 1992, p. 263). Rather than being 'outlying', committees are ideological 'microcosms' of the legislature without an advantageous position vis á vis the legislature. In contrast to the

[17] With regard to the assumption of self-selection to committees, the distributive theory and the informational theory do not differ from each other.

distributive theory, which depicts committees as autonomous agenda setters, this perspective highlights the importance of congressional committees as "entities that ultimately are responsible to, and held accountable by their parent chamber" (Gilligan & Krehbiel, 1990, p. 535). This minimises the occurrence of unintended effects. Committees are merely agents of the chamber and purely instrumental (Krehbiel, 1990, 1992; Gilligan & Krehbiel, 1990).

Committees Controlled by the Parliamentary Party Group Leadership? The partisan theory

The two theoretical perspectives introduced so far, despite being contradictory in their predictions, share one common assumption: The absence of partisan organisation as major force in the organisation of the U.S. Congress.[18] This suited the general perception of parties in the political system of the U.S. as "empty vessels" (Katz & Kolodny, 1994). Parties outside of the legislature were seen as loose organisations which grant substantial autonomy to their candidates. Subsequently, the amount of partisan influences *inside* the legislature (via parliamentary party groups) was seen as limited as well.

According to Cox and McCubbins (1993) the dominant view on parliamentary party groups in Congress either saw them as floor voting coalitions with limited influence on pre-floor activities or as procedural coalitions which are not capable of changing the substance of legislation or as conditionally dominant, meaning that parliamentary party group leaders need to rely on the case-by-case support of parliamentary party group members. Parliamentary party groups were portrayed as limited in their capabilities. This dominant view followed the assertion by Mayhew (1974, p. 27) that "no theoretical treatment of the United States Congress that posits parties as analytic units will go very far". Even if party (or parliamentary party group) organisation was considered on occasion, their regularity in the assignment procedure was supposed to be "far down the list, and it seems to be invoked as a general rule only when two members in competition for the same post are nearly equal in other respects" (Hilsman, 1958). Although several authors acknowledged the influence of parliamentary party groups[19] in the organisation of Congress already before the formulation of the partisan theory (Masters, 1961; Manley, 1970; Westefield, 1974; Hinckley, 1983)[20] such partisan

[18] The distributive theory highlights the role of individual MPs in a decentralised legislature, the informational theory's focal point is the median floor preference. Committees bring stability either as mechanisms for structure-induced equilibrium or as means to reduce uncertainty on the floor.

[19] Authors in the American context, including Aldrich and Rohde as well as Cox and McCubbins, usually use the term 'party' in their theories. However, as their argument refers to parties in the legislature the term parliamentary party group is used.

[20] Westefield (1974, p. 1594), although primarily interested in the process of determining parliamentary party group ratios on committees and committee size, argued that committee positions serve as "a currency, a basis of exchange between the leaders and the followers". Parliamentary party groups were also discussed in the study by Masters (1961, p. 351) who

considerations were not widely accepted during the heyday of distributive and informational theory. Parliamentary party groups were not in the centre of the general discussion. Brady and Bullock III (1983, p. 623) assessed that "anyone reviewing the literature on elections, congressional reforms, and congressional policy making cannot fail to be impressed by the extent to which they show party declining in the United States".

However, adherents of a more prominent view of partisan forces perceived a resurgence of partisanship in Congress and argued that parliamentary party groups were gaining ground beginning in the 1960s (Owens, 1997; Aldrich & Rohde, 2000).[21] Acknowledging the existing partisan structures, a number of scholars criticised the non-partisan models of autonomous committees. It was not until the 1990s that coherent theoretical frameworks, which acknowledged the influence of parliamentary party groups on legislative organisation, were presented. This bulk of literature referred to as partisan theory consists of two branches of research, partisan procedural cartel theory (Cox & McCubbins, 1993, 2005, 2007)[22] and the theory of conditional party government (Aldrich & Rohde, 1997, 1998, 2000, 2001).

These perspectives claim that parliamentary party groups are driving forces in the organisation of legislatures (more specifically the U.S. Congress). From a European point of view, this notion seems obvious, but within the debate on legislative organisation in the U.S. Congress, the influence of partisan forces on individual legislators has been a bone of contention. Rather than serving individual legislators, the partisan theory argues that legislative institutions like committees, the plenum and the rules which guide the decision-making process are an extension of the majority parliamentary party group which controls them (Cox & McCubbins, 1993; Aldrich, 1994; Aldrich & Rohde, 2001). Instead of being passive and non-constraining for individual legislators, parliamentary party groups solve a variety of collective dilemmas which stem from the formally equal status of self-interested legislators. In this view, it is assumed that next to motivations such as internal advancement, good policy or

mentions the direct involvement of parliamentary party group leaders in the assignments to all major committees "to reward members who have been loyal and cooperative, and to reinforce the strength of their own positions by rewarding members whose loyalty may be suspected."

21 A turning point was the growing influence of the leadership of the Democratic Party parliamentary party group which engaged in various activities such as "scheduling committee legislation, structuring floor choices, mobilizing floor votes, and concocting other aspects of legislative strategy" (Owens, 1997, p. 259). This development was continued when Republicans won the majority in the mid-term elections of 1994. Under the leadership of Speaker Newt Gingrich, even more drastic changes were induced to enact the 'Contract With America'. The GOP continued to decentralise committees by violating the seniority principle with regard to committee chairs and members; imposing strict deadlines on committees, and sanctioning committees in the event that committees failed to deliver legislation which complied with the party programme (see Owens, 1997, p. 259).

22 The name should not be confused with the Cartel Party theory by Katz and Mair (2009). The name procedural cartel theory (sometimes cartel theory) for the Cox and McCubbins model is frequently used in the U.S. literature (see e.g. Finocchiaro & Rohde, 2008; Strahan, 2011; Jenkins & Monroe, 2012) and is therefore also used in this book. Cox and McCubbins refer to their theory as procedural cartel theory themselves as well (Cox & McCubbins, 2005, see ch. 2)

social prestige, all legislators in Congress share a re-election goal. The re-election chances depend, to a large extent, on the public record of a party, defined as a "central tendency in citizen's beliefs about the actions, beliefs, and outcomes attributable to the national party" (Cox & McCubbins, 1993, p. 110). Unorganised groups of re-election seeking legislators risk producing an overflow of particularistic-benefits legislation and not enough legislation which is beneficial to secure re-election. Parliamentary party groups help to prevent such electoral inefficiencies (Cox & McCubbins, 1993, p. 125). Controlling the committees means having scheduling power and allows the majority parliamentary party group to "keep issues off the floor agenda that would foreseeably displease significant portions of the [parliamentary party group]" (Cox & McCubbins, 2002, p. 109). The majority parliamentary party group is the primary principal of committees and uses them, together with the Speaker of the House, to secure its own agenda. Policy outcomes of negotiations in the committees are advantageous to the majority parliamentary party group rather than the minority parliamentary party group.

The partisan theory views committees as the agents of the majority parliamentary party group leadership which has several instruments at hand to control committees and affect committee decisions: the power to create and dissolve them, 'stacking' the deck in its own favour and by being able to control their resources. Cox and McCubbins reject the depiction of this process as one of 'self-selection', although they accept that "members' preferences for assignment are important and determine much of the pattern of actual assignment" (Cox & McCubbins, 1993, p. 186). In the hands of central parliamentary party group authority, committees become part of the reward system to induce loyalty. Loyalty to the parliamentary party group leadership is a substantive determinant of committee assignment. The results of their analysis indicate that "loyalty to the party leadership is a statistically and substantively important determinant of who gets what assignment." (Cox & McCubbins, 2007, p. 175). The effect is present in their analysis on initial assignments as well as for transfers.

Within this decision, the jurisdiction of a committee is an important factor in deciding how strictly a parliamentary party group acts. Considering the external effects of each committee (i.e. who is affected) the authors distinguish committees with uniform externalities (national scale), targeted externalities (narrowly targeted, regional) and committees with mixed externalities.[23] It is assumed that especially in those that have an effect on the national perception of the party (i.e. those offering uniform externalities) the preferences of the committee members "will tend to have contingents that are microcosms of their party caucus" (Cox & McCubbins, 2007, p. 184). This is the case because the

[23] Examples of committees with uniform externalities are Appropriations, Ways and Means but also the Committee on Public Works and Transportation as its work affects most districts. Committees which serve a very limited set of interests, for example, the Agricultural Committee, offer targeted externalities. This distinction is further subdivided in whether committees face more homogeneous or more heterogeneous groups of lobbyists (extramural effects).

policy decisions of these committees "have the potential to affect the electoral prospects of virtually every member" (Cox & McCubbins, 2007, p. 180). There might, however, be a bias towards the most loyal MPs. When self-selection is granted, parliamentary party groups are assumed to watch this carefully and decide whether the outcome is contradictory to their seat-maximizing strategy.

The partisan procedural cartel model of Cox and McCubbins deems parliamentary party groups to act as legislative cartels consistently. The conditional nature of parliamentary party group influence was highlighted by the theory of conditional party government. It was first proposed by Rohde (1994) and later amplified and formalised by Aldrich (1994, 1995). Afterwards, the scholars further elaborated on it jointly (Aldrich & Rohde, 1997, 2000, 2001). According to this view, parliamentary party groups' actions are 'conditional': The importance of parliamentary party groups[24] depends on the background situation in which they operate (Aldrich & Rohde, 1998, p. 3). The propensity to empower strong central leadership depends on the degree of intra-parliamentary party group preference agreement and inter-parliamentary party group[25] preference conflict. When intra-parliamentary party group ideological homogeneity and inter-parliamentary party group conflict increase, MPs are assumed to be more inclined to grant power to collective parliamentary party group organisations and a leader and to support their exercise of those powers in specific instances. When parliamentary party groups are heterogeneous, they have an overlapping distribution of preferences, thus "replicating the distribution of preferences on the floor much as a random sample replicates the population from which it is drawn" (Aldrich, 1994, p. 333). In such a scenario parliamentary party groups are essentially non-constraining. The authors do not dispute that the median floor preference still exerts a powerful force, but it is argued that parliamentary party groups act on some issues (see Aldrich & Rohde, 2000, p. 4), if the background situation is favourable for them.

A New Perspective: Keeping Tabs on Coalition Partners

These three congressional perspectives have largely structured the scientific debate on committees. There is one exception to the congressional bias in theories of legislative organisation. This new perspective is proposed by L. W. Martin and Vanberg (2011) who address the issue of legislative organisation from the angle of a central puzzle of multi-party government (coalition) situations: the tension between the coalition partners. This tension exists because coalition parties are forced to govern jointly and make compromises, but are held accountable *separately* at the next ballot box. This 'dilemma of coalition government' means that parties are concerned to be 'punished' for being "overly accommodating in their dealings with their

[24] From the context it is clear that the authors refer to parliamentary party groups.

[25] As indicated above, Aldrich and Rohde use the terms intra-*party* and inter-*party*. As their argument refers to parties in the legislature the term parliamentary party group is used instead.

coalition partners" (L. W. Martin & Vanberg, 2011, p. 3). To minimise this risk and attract voters parties try to monitor, or "keep tabs" on, their coalition partners. This "keeping-tabs" perspective builds on the portfolio allocation model (Laver & Shepsle, 1996). According to this perspective ministers become, once appointed, relatively autonomous 'dictators' in their policy areas. Ministers possess an informational advantage which makes it difficult for other ministers to fully oversee feasible alternatives of the policies which are proposed (ministerial discretion). The perspective argues that coalition partners try to limit a potential deviation from their own preferred position and seek for opportunities to monitor and amend legislative proposals.

At the cabinet level, within-government policing mechanisms exist in the form of junior ministers. These are often appointed as 'watchdogs' of one coalition parliamentary party group to 'shadow' a department led by a cabinet minister from another coalition parliamentary party group (see Thies, 2001). Apart from these within-government policing mechanisms, L. W. Martin and Vanberg (2011, p. 4) claim that parliaments (via the legislative process) also play a central role in coalition situations to "police the bargain" and control ministerial drift. Rather than relying on within-government policing mechanisms, the rank-and-file legislators in parliament are assumed to be more suited for the task of 'keeping tabs' because they tend to stay closer to the party's ideology. L. W. Martin and Vanberg (2011) argue that parliamentary institutions (and especially committees) are established to minimise agency loss in these coalition situations. It is argued that the legislative process is "an institutional device that coalition parties can employ to counteract ministerial discretion" (L. W. Martin & Vanberg, 2011, p. 18). The legislative committee system is the "single most important institution" (L. W. Martin & Vanberg, 2011, p. 34) to control for ministerial drift of the coalition partners. Committees are involved in the legislative process by scrutinizing, and potentially amending, drafting legislation. They, therefore, serve as means to acquire information and solve delegation and intra-coalition problems.

This theory contains elements of the congressional theories in some respects. There are aspects reminiscent of the informational rationale, with regard to the goal of minimizing uncertainty in the policy making process. However, the two theories employ a different principal-agent relationship as it changes from individual legislators to coalition partners which utilise the committee system to check on each other. Additionally, it shares certain assumptions with the partisan theory of legislative organisation. It highlights the fear of agency loss and risking of losing votes at the next election. However, it underlines enough distinctive elements in order to be treated as a fourth theory for this analysis.

The Debate on Committees: A Review

Committee Research in the United States of America

Several studies attempted to test the propositions of the three congressional perspectives on legislative organisation. Especially with regard to the theme of committee assignments, a rich body of literature is available on the U.S. Congress.[26] In a lively scholarly debate, new measures to determine outlying committees have been introduced and old ones have been challenged. After first focusing on the U.S. Congress researchers later turned to committee assignments in U.S. state legislatures (Overby & Kazee, 2000; Prince & Overby, 2005; Battista, 2006, 2009; Battista et al., 2012; Hamm et al., 2011) in order to broaden the focus. The variation of state legislatures has further complicated the task, as theories have been reinterpreted and altered.

Some studies have found evidence in line with the predictions of the distributive theory (Masters, 1961; Fenno, 1966; Niou & Ordeshook, 1985; Shepsle & Weingast, 1981; Hall & Grofman, 1990), especially when taking into consideration constituency characteristics and whether they match with the committee of the legislator (Adler & Lapinski, 1997; Adler, 2000; Frisch & Kelly, 2004). Based on committee request data to the Democratic Committee on Committees in the 86th-88th and 90th Congresses, Rohde and Shepsle (1973, p. 895) conclude that there is "a clear relationship between the type of district represented and the committees most requested". An analysis of the composition of ten House Appropriations subcommittees in the period of 1959-1998 by Adler and Lapinski (1997, p. 913) indicates that membership in several standing committees looked "much more extreme compared to the floor when we examine constituency characteristics rather than 'policy preferences"'.

However, the argument that constituencies disproportionately benefit from the distribution of government money when they are represented on the relevant committee did not go unchallenged (see e.g. Goss, 1972; Rundquist & Griffith, 1976; R. K. Wilson, 1986). The distributive theory faced more and more empirical challenges from the informational or partisan perspective. Scholars were unable to provide coherent empirical proof of a systematic and significant difference of preferences of legislators in committee compared to the floor. Krehbiel (1990, p. 150) argued that the evidence for "'preference outliers', 'high-demand committees', 'self-selection tendencies', and ultimately 'committee power' is inconclusive" (see for criticism Hall & Grofman, 1990). Instead, more empirical challenges underlined the predictions from the informational and partisan perspective.

Several studies found empirical support for the informational theory (Krehbiel, 1990, 1993; Hamm et al., 2011). Overby and Kazee (2000) found only a few outliers and the majority of committees are composed in such a way that

[26] The research is mostly conducted on the House of Representatives. The Senate is considered by many researchers to be much more diffuse than the House, in which "individual legislators benefit from a great deal of freedom to pursue their own goals" (Lazarus & Monroe, 2007, p. 604).

they are representative of the floor (see also Overby et al., 2004; Prince & Overby, 2005). Research by Hall and Grofman (1990) conclude that legislatures "tap the talents" (Hamm et al., 2011, p. 318) of their members. Their data indicate that members who possess advantageous policy-relevant knowledge and expertise are overrepresented on legislative committees.

The role of parliamentary party groups across legislative periods has been highly disputed (Krehbiel, 1993; Hedlund & Hamm, 1996; Carsey & Rundquist, 1999; Hedlund et al., 2009; Snyder & Groseclose, 2000; Kanthak, 2009; Mooney, 2013). Studies which supported the informational and distributive theories systematically downplayed the role of parliamentary party groups. Contradicting this view, Cox and McCubbins argue that these studies which provide evidence for the distributive and informational theories are inherently biased as they only focus on a subset of committees. They claim that apart from "substantial anecdotal evidence [...] [f]or only a handful of committees is there strong and consistent statistical evidence that constituency interests drive assignment requests" (Cox & McCubbins, 1993, p. 24). Partisan considerations were demonstrated in numerous studies. Hedlund and Hamm (1996) find over-representation of the majority parliamentary party group in almost all analysed committees in 10 state legislative chambers. Findings by Carsey and Rundquist (1999, p. 1167) are consistent with the general argument inspired by Cox and McCubbins "that the majority party organizes the committee system so as to benefit its members' constituencies". Kanthak (2009) concludes that loyalists are more likely to be assigned to desirable committees, thus supporting the prediction of the partisan theory.

The debate about these three theories is still ongoing with no theory prevailing across legislatures and time. Most studies on the issue of committee assignments have presented evidence for one of the theories without settling the debate. These varying results have been ascribed to the differences in estimating preferences and case selection (for methodological discussions see e.g. Snyder, 1992; Maltzman, 1995; Shepsle & Weingast, 1994; Sprague, 2008).[27]

[27] Londregan and Snyder (1994) argue that the two-type tests applied in several studies (Weingast & Marshall, 1988; Krehbiel, 1990; Kiewit & McCubbins, 1991; Cox & McCubbins, 1993) lead to incorrect inferences, as they create a bias against finding outlier committees due to systematically overestimating the variance of preference measures. The authors also identify several problems in combination with standard tests (Wilcoxon rank-sums tests and t-tests for differences between means, see (Londregan & Snyder, 1994, p. 236ff)). This review is in line with other methodological, conceptual criticisms, e.g. that roll call-derived measurements are inappropriate (Maltzman, 1995) or the argument by Snyder (1992) against the usage of interest group ratings for analysing committee composition. The usefulness of NOMINATE scores which are a calculation of legislators' ideological proximity derived from legislators' voting behaviour, has been criticised when testing hypotheses about preference differences among members of Congress (Shepsle & Weingast, 1994, p. 172f). Although NOMINATE ratings solve the problem of "artificial extremism" by including every roll-call vote, the inclusion makes these data even more inappropriate for testing "jurisdiction-specific hypotheses than are ratings from interest groups with a limited policy focus" (Maltzman, 1995, p. 660). The usage of one-dimensional roll call-based interest group scores was criticised by Hall and Grofman (1990) for being unable to test jurisdiction-specific hypotheses regarding outliers. Snyder (1992, p. 319) argued that interest group ratings "produce bimodal distributions of scores", i.e. overstate the degree of

How different choices for methodologies affect the results and thus the likelihood of identifying outlying committees was demonstrated by Sprague (2008).

Committee member selection has attracted much scholarly attention and is still the most widely tackled and disputed aspect of legislative organisation. Although this "initial focus on policy preferences and the composition of standing committees was, in fact, the most logical step in any attempt to disentangle [the congressional theories]" (Martorano, 2006, p. 207) only a few studies have gone beyond this issue. Compared to committee composition, formal committee characteristics have been remarkably understudied. A notable exception in the U.S. was provided by Martorano (2006) who applied the predictions of distributive, informational and partisan theories to the study of formal committee characteristics in 24 state legislative lower houses. Her analysis of committee system autonomy provides support for the informational perspective. When policy complexity increases, committee autonomy increases as well.

Committee Research Outside of the United States: Parliamentary Systems of Government and the European Parliament

Until the beginning of the 1970s, there was hardly any systematic research on committees in legislatures other than the U.S. Congress. Kornberg and Campbell (1978, p. 562) note in their overview of published research on the Canadian House of Commons: "Unfortunately, there are almost no micro-level analyses such as those carried out in the United States." Scholars noticing this "Washington bias" (Nelson, 1974, p. 120) argued for a comparative research agenda to provide a fresh perspective on committees. It was not until the late 1990s that the study of committees gained momentum.[28]

Outside the U.S., research on committees initially focused primarily on the European Parliament. This is not surprising. The committee system of the European Parliament is "one of the most distinctive and developed features of the legislature" (Settembri & Neuhold, 2009, p. 130). With numerous studies of the assignment of individual committee members (Bowler & Farrell, 1995; Whitaker, 2005; McElroy, 2006; Yordanova, 2009, 2011), which apply the congressional framework, the European Parliament is by now comparatively well-researched.[29] National legislatures of parliamentary systems did not

extremism. Because ratings are based on samples of roll calls (see for more information on interest groups' selection criteria of issues Fowler, 1982), moderate scores are assigned to only relatively few members a large fraction of members of Congress get assigned extreme scores which has important ramifications when using them for the assessment of outlying committees.

[28] This newly discovered interest can most likely be attributed to the reforms of committee systems mentioned earlier.

[29] Bowler and Farrell (1995) addressed the issues of committee specialisation and parliamentary party group leaderships' influence based on the U.S. theories of legislative organisation find support for the heterogeneous committee prediction made by the distributive theory. This finding was later backed up by a study on assignments of rapporteurs in the environment

undergo the same systematic analyses for a long time. Although a large body of literature is available which presents anecdotal evidence of the assignment procedure, analyses similar to those of the European Parliament or even the U.S. Congress are scarce.[30] A number of empirical studies argued that committee assignments are affected by electoral rules or candidate selection procedures (Cain et al., 1987; Stratmann & Baur, 2002; Pekkanen et al., 2006; Crisp et al., 2009; Gschwend et al., 2009).[31] More recent studies on committee assignments

committee which also proved that affiliation to green-minded interest groups is important in the assignment process (Kaeding, 2004; Yoshinaka et al., 2010). Whitaker (2001, 2005) also focused on the assignment process and the level of influence of political group leaders. Based on evidence gathered through interviews it is concluded that "most members are able to self-select their committee positions and many do so primarily on the basis of their own policy preferences rather than on that of the prestige of a committee or its relevance to constituents' interests" (Whitaker, 2001, p. 82). First signs of the influence of national parties in support of the partisan perspective are further provided by a later study (Whitaker, 2005). McElroy (2006) also finds occupational factors and interest groups ties, as well as strong evidence in support of a seniority norm in the assignment process. An influential study containing all parliamentary party groups and committees was conducted by Yordanova (2009). Her analysis of committees in the European Parliament uses U.S. theories of legislative organisation to deduce different rationales. The result of her analysis indicates that members with special interests have a higher likelihood of being assigned to interest-driven and mixed committees according to the distributive perspective, while education and professional expertise matter more in information-driven committees, as predicted by the informational perspective. Some of these findings contradict earlier research as there is, e.g. no support for the hypothesis that MEPs with trade union ties join the Committee on Economic and Monetary Affairs. The data shows hardly any evidence for the partisan rationale. The low explanatory power of the partisan perspective is attributed to the European Parliament as a legislature characterised by high turnover of members. In a more recent study Yordanova (2011) argues that the low control of political groups is due to the significant change in the European Parliament composition following the 2004 enlargement which brought along a large number of small national party delegations, reducing the political group leaders' control of individual assignments.

30 In the study on the Norwegian Storting Rommetvedt (1992, p. 63) argues that the wishes of MPs "are taken into consideration when party leaders make their decisions with respect to committee assignment. There is a clear tendency towards over-representation of farmers in the standing committees on agriculture, teachers on education committees, jurists on committees of justice, and so on". D. M. Olson (1998) provides anecdotal evidence about MPs committee assignments from their interviews with MPs in the Polish Sejm. In an analysis on the Korean National Assembly C. W. Park (1998, p. 216) states that "no clear-cut criteria for [committee] assignments are known, but it is said that party whips make assignments by taking into account factors such as a member's seniority, the top leader's preference, direct pressure from the member, and so forth". In case of the Russian state Duma the influence of the leadership is said to be particularly important in the larger parliamentary party groups, the Communist Party and Liberal Democratic Party but less important for smaller parliamentary party groups (Haspel, 1998, p. 195)

31 Stratmann and Baur (2002) analyse the effects of Germany's mixed member system on committee assignments. They argue that nominally elected MPs are strategically assigned to different committees than their colleagues which entered the Bundestag by a party list. By assigning them to those committees which allow them to please their local constituents the parliamentary party groups hope for electoral benefits at the next election. Their results show that committees which allow for the allocation of benefits to their geographic re-election constituency are stacked with FPTP legislators while committees which control funds that benefit their party's re-election constituencies are disproportionally filled with PR legislators (Stratmann & Baur, 2002, p. 513). Gschwend et al. (2009) put forward a similar argument, but argue that the committee assignment is dependent rather on the 'localness' of their members than on their mode of election. Using survey data from the German Candidate Study in 2005,

in national legislatures make explicit use of the congressional theories (Ciftci et al., 2008; Hansen, 2010, 2011; Battle, 2011; Fujimura, 2012; Mickler, 2013; Raymond & Holt, 2014). These studies have shown great variation in assignment patterns across and within systems.

The role of committees in coalition governments to 'keep tabs on coalition partners' has been demonstrated in several studies. The empirical implications of this argument are tested by an analysis of sixteen European parliaments (L. W. Martin & Vanberg, 2011). The results indicate that committees with a strong policing authority can be found in those countries with frequent coalition situations. This supports the notion that committees are used to monitor coalition partners. This argument is supported by several other studies (Kim & Loewenberg, 2005; Carroll & Cox, 2012). Carroll and Cox (2012) explore to what extent committee chairs from one coalition parliamentary party group "shadow" cabinet ministers of another coalition parliamentary party group in 19 parliamentary countries between 2001 and 2007. Their analysis indicates that with growing policy disagreement between the parliamentary party group of a minister and its coalition partners the likelihood increases that a minister is "shadowed". Across parliaments, the rate of shadowing is higher when committees are able to have an impact on legislation. This is interpreted as a means of enforcing coalition agreements by minimizing agency loss. In the German Bundestag, data by Kim and Loewenberg (2005) show that in a 40-year period, coalition parties distribute committee chair positions to be able to monitor each other's cabinet ministers.

Large-n comparative studies of formal institutional characteristics outside the U.S. are relatively scarce. There is a range of case studies available which analyse the workings of single or small-n selection of legislatures.[32] While these

they measure the 'localness'" of an MP based on the amount of local money acquired for the campaign, the mobilisation effort and amount of personal campaign effort at the local level and the local emphasis of the campaign agenda (Gschwend et al., 2009, p. 14). Their results support the prediction that "the more legislators made an effort to personally campaign in local contexts in 2005 the more likely it was that they were assigned to a district rather than a party committee" (Gschwend et al., 2009, p. 28). These studies do not make explicit reference to the congressional theories, as they are more interested in the effects of a mixed-member system than general committee assignments. However, in principle both studies assign a distributive logic to the allocation of committee seats, i.e. committees are dominated by representatives with the highest relative demand for the service.

[32] These studies focused on different countries due to a number of reasons. Scandinavian and Finnish legislatures were studies because of the strong standing of the legislatures vis á vis the government (Olsen, 1983; Raunio & Wiberg, 2008; Arter, 2008). Westminster Parliaments have attracted scholarly attention due to the special 'textbook' standing of the legislature (Kaiser, 2008; Monk, 2010; Hindmoor et al., 2009). In Scotland, committees' structural features in terms of capacity and outputs were studied as they were designed as to distinguish itself from Westminster which "served as a 'negative template' - a case study in 'worst practice'" (Arter, 2002, 2004). The German Bundestag was long considered an anomaly in terms of legislative organisation as it comprised strong parliamentary party group organisation and strong committees (Alter, 2002). For this legislature the work by Ismayr (1985, 2012) has given much insight into the internal structures of how parliamentary party groups organise their work in committees. Committees in legislatures of post-communist legislatures have attracted scholarly attention from an interest in the process of legislative institutionalisation (Khmelko et al., 2007; Clark et al., 2006; Lees & Shaw,

studies provide great insight into the workings of committees and are valuable due to their contribution to a larger debate, only a few studies relied on large-n cross-case analyses to account for variation in committees. One of the first truly comparative analyses on the structure, procedures and power of committee systems in eighteen legislatures was provided by Mattson and Strøm (1995) who analyse formal committee structures using the distributive, informational and partisan theories of legislative organisation. This study is extended by Yläoutinen and Hallerberg (2008) to include parliaments in Eastern Europe. S. Martin and Depauw (2009) analyse causes of variation in committee structures across 31 democratic assemblies. Their measurement of committee structures and powers relies on nine items. Their results indicate that legislatures tend to have stronger committee systems in countries with coalition governments, thus providing support for the argument by L. Martin and Vanberg (2005) that a need to 'keep tabs' on coalition partners impacts the committee structures and powers.[33] A more recent analysis by S. Martin (2011) provides insight into the relationship between electoral institutions and the internal organisation of legislatures. His analysis of committee structures in the 39 legislatures indicates that committees "tend to be stronger where the electoral system provides incentives for personal vote gathering, but only when fiscal particularism is the [mechanism to cultivate a personal vote]." (S. Martin, 2011, p. 357). Despite these notable exceptions, committee characteristics and their variation are not widely studied.

The study of actual decision making and conflict resolution in committees has attracted little scholarly attention. Sartori (1987) argues that committees are consensus building institutions and an ideal arena for conflict resolution. Not much research has since then tackled this issue. On a theoretical level Damgaard (1995) provides insight into the question how parliamentary party groups may control or constrain the behaviour of their committee members, focusing on three dimensions.[34] Despite being essential for understanding how parliaments work in Western Europe the author concludes that none of these three questions is hitherto well-researched (Damgaard, 1995, p. 312). The author is able to disentangle a number of factors that might influence the

1979; D. M. Olson & Crowther, 2002). Additionally, the functioning and assignment mechanisms of committees in presidential democracies have also attracted scholarly attention (Pereira & Mueller, 2004; Santos & Renno, 2004; Calvo & Sagarzazu, 2011; Crisp et al., 2009). Special interest was also given to particular types of committees, most prominently European Affairs Committees from a comparative perspective (Bergman, 1997; Raunio, 2005) or country studies (Hegeland & Mattson, 1996; Mickler, 2011).

33 S. Martin and Depauw (2009) also test, among other variables, whether more consensus-oriented legislatures establish stronger committees. Such countries might establish these committees because of their overarching democratic ideal which attempts to include opposition parties from political decision-making as much as possible. However, a coalition government is a better predictor of committee structure than Lijphart's measure of consensus.

34 First, how committee members are appointed to committees; second, the interplay between members and the parliamentary party groups in initiating and processing legislative items; and third, the possible sanctions of parliamentary party group leaders in case of deviations from the parliamentary party group line.

assignment procedure and relationship between individual committee members, but he does not subsequently test these assumptions. Rather, they are presented as a possible research agenda (Damgaard, 1995, p. 323). Andeweg and Thomassen (2011) view differentiation into policy experts (which then cluster in committees) as an important pathway to party unity. They argue that legislators frequently take their cue from party specialists in areas outside of their own portfolio when it comes to a vote on an issue. Via this division of labour committees allows for a form of negative coordination and to deal with heterogeneous preferences within a parliamentary party group (Andeweg & Thomassen, 2011, p. 657).

Empirically, the view of committees as vital co-operative structures in which a compromise can be achieved by unanimity was challenged by Damgaard and Mattson (2004). They analysed the level of conflict and consensus in committee based on a selection of 608 bills submitted to committees in 17 legislatures in Western Europe in the 1980s. Their findings are surprising as there seems to be non-unanimity in the vast majority of cases. They conclude that "to paraphrase Sartori: the parliamentary committees fail to function in dealing with more than every other bill!" (Damgaard & Mattson, 2004, p. 119). Even more striking is the finding that conflict is more common in strong committee systems, a conclusion that goes against the Sartorian view of committees which implies "a positive correlation between strong committees, consensus in committees and strong parliaments" (Damgaard & Mattson, 2004, p. 114). The comparative study thus provided further support for earlier single case studies of Sweden (Jerneck et al., 1988) and Norway (Rommetvedt, 1998). Support for Sartori's view on committees was given by an analysis of consensus and conflict in committees of the 5th and 6th European Parliament by Settembri and Neuhold (2009). Their results show that when votes take place, "votes in all committees and under all procedures are virtually unanimous" (Settembri & Neuhold, 2009, p. 153) (average majorities are 94.8 per cent and 95.1 per cent). This leads the authors to conclude that committees are very successful in building a consensual deal.

The main empirical micro-level analyses concerning the actual decision making and conflict resolution in committees stem from the European Parliament (for a discussion on the Tweede Kamer see Andeweg & Thomassen, 2011). In his study on the European Parliament, Ringe (2010) argues that committees serve parliamentary party groups' needs for expertise. By allowing their members to specialize in committees this expertise is eventually transferred from committee contingents to the rest of party group members. The author combines the informational and partisan congressional theories of legislative organization to capture the process of how parliamentary party groups deal with preference heterogeneity and informational uncertainty. The other members rely on the expertise of their colleagues in a division-of-labour arrangement. The individual experts serve as 'focal points' whose advice on how to vote is usually followed (see also Ringe, 2005). Within parliamentary party groups in the European Parliament Ringe (2010) argues that non-experts and

experts form a strong bond: The non-experts get "digestible information [from the experts] that allows them to make informed choices that match their outcome preferences while providing a justification for the decisions they make" (Ringe, 2010, p. 99), while the experts are able to influence policy outcomes.

Conclusion: What is Missing?

The actual state of affairs with regard to committee research can be briefly summarised as follows: The interest in the U.S. Congress and U.S. state legislature committees has 'cooled down' slightly after the 'golden era of committee research' and is stuck on methodological issues. Nevertheless, the study of legislative organisation and committees in Congress was classified as "an example of what serious 'science of politics' in fact looks like. [...] 'Messy', but also 'progressive, without necessarily being linear" (Eulau & McCluggage, 1985, p. 228). Scholars outside the U.S. have taken up the torch and have tried to broaden the applicability of the congressional theories to other legislatures. In this sense, a newly found interest in the underlying mechanisms of committee assignments can be attested. Several analyses applied the predictions of the three congressional theories to empirical studies on committee assignments. The results are, however, hitherto inconclusive. As they all highlight different issues there is still a lot to learn about why committees are structured in the way they are. The formal structures, as well as the working procedures, are still mainly unstudied. Additionally, researchers who rely on the congressional framework are inconclusive on whether they actually help us to understand committees in other institutional settings as well. This state of affairs of the literature, as well as the academic debate on the applicability of the congressional theories, serve as starting point of this dissertation.