A normative institutionalist explanation of legislative organisation in European Union affairs

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Abstract
The aim of this paper is to move in the direction of a theoretical explanation of legislative organisation in European Union (EU) affairs. It proposes a normative institutionalist explanation according to which parliamentary actors decide on organisational reforms on the basis of their constitutional preferences and subject to constitutional norms that underpin existing legislative institutions. The paper argues that the normative institutionalist explanation captures well what we currently know about national parliaments’ institutional adaptation to integration. First, integration has created a context in which organisational reforms become possible. Second, parliamentary actors have stable, ideology-based constitutional preferences regarding EU-related institutional choices. Third, they act on the basis of these preferences when they reform EU-related parliamentary rules, yet, subject to the constraints imposed by existing legislative organisation.

Keywords: European integration, Legislative organisation, Normative Institutionalism, Parliaments

Introduction
Throughout the member states of the European Union (EU), national parliaments have agreed on reforms of legislative organisation. They have acquired stronger information rights, built new EU committees, re-arranged inter-committee coordination, and adjusted rules of legislative-executive relations. These reforms have happened gradually, as European integration has progressed, and to varying degrees across countries. The question of this paper is why reforms of legislative organisation in EU affairs happen.

The focus of the existing literature lies in the study of the empirical correlates of parliamentary adaptation to integration (for reviews, see Goetz and Meyer-Sahling 2008; Raunio 2009; Winzen 2010). Besides the observation that the deepening of European integration has triggered legislative adaptation (e.g. Raunio and Hix 2000), scholars tend to agree on two sets of conditions. On the one hand, we observe more extensive organisational reforms where populations are sceptical of integration and parties are sceptical of empowering the European Parliament (EP) (Raunio 2005; Winzen 2013b; Winzen et al. 2014). On the other hand, parliamentary reforms tend to re-produce the strength of organisational rules that are not specifically about dealing with the EU, such as the committee system or plenary agenda control (Dimitrakopoulos 2001; Karlas 2012).

In addition to these findings, scholars have begun to investigate the operation of EU-related organisational reforms in daily parliamentary politics. This literature includes contributions that question whether new rules have any meaningful effects on the way parties and parliamentarians operate in their scrutiny of EU affairs (Pollak and Slominski 2003). In contrast, other studies note that the new rules are particularly helpful for opposition parties that have even fewer opportunities to...
obtain information about and exert influence on the government’s participation in EU policy-making (Holzhacker 2002; Auel 2007). For government parties, organisational reforms additionally create the potential problem that, through cumbersome parliamentary proceedings, they might reduce the efficiency of EU level negotiations (Auel and Benz 2005).

The aim of this paper is to connect these insights to theoretical explanations of institutional change in parliaments and in the EU. Scholars involved in the comparative study of European parliaments have recently proposed a rational institutionalist (RI) account of organisational reform (Sieberer et al. 2011). They see organisational choices as a result of party competition over policy and office, constrained by higher-order institutions and electorates. The problem, however, with the RI account is that it expects organisational reforms that either strengthen the governing majority at the expense of the opposition or, in the absence of such re-distributive implications, the ability of all parliamentary parties to work efficiently. Yet, what we observe in EU affairs is a gradual strengthening of legislative organisation, including of rules that threaten efficiency and benefit the opposition more than governing parties.

The fundamental issue at stake is that, in the RI view, legislative rules lack substantive meaning for parliamentary actors. Rules are, as normative institutionalists have criticised (March and Olsen 1984), no more than the framework within which parliamentary actors pursue their goals. It is plausible, then, that these actors will try to re-shape legislative organisation until it is ideal for their pursuit of policy and office. Yet, whether the assumption that rules lack meaning holds depends on the political context and the rules one studies. In the context at hand, parliamentary reforms are also democratic reforms – measures that institutionalise principles of parliamentary democracy in EU policy-making. The parliamentary choice for reform in itself reflects a political decision in favour of strengthening parliaments in EU affairs, and in favour of a particular way of doing so, namely through empowering national parliaments in addition to the EP.

The paper proposes an alternative way of thinking about legislative organisation that stands in the normative institutionalist tradition (March and Olsen 1984), and that draws inspiration from normative institutionalist studies of democratic change in European integration (Jachtenfuchs et al. 1998; Rittberger 2005; Rittberger and Schimmelfennig 2006; Schimmelfennig 2010). The building blocks of a normative institutionalist explanation of legislative organisation are the following: (1) actors have constitutional preferences; (2) constitutional norms evolve as institutions consolidate; (3) institutional change becomes possible in new social situations; and (4) the choices of parliamentary actors are normatively constrained in the sense that they take place on the basis of constitutional preferences and subject to existing constitutional norms.

I contend that these arguments capture what we currently know of legislative reform in EU affairs (see above). First, European integration has created a situation in which fundamental principles of parliamentary democracy appear challenged, and legislative organisational reform appears to be a conceivable solution. Second, parliamentarians, parties and electorates have stable, ideology and identity based constitutional preferences regarding EU-related institutional choices. Notably, they differ in whether they regard the national parliament or the EP as the appropriate remedy for the EU’s democratic deficit. Third, parliamentary actors’ organisational reform efforts are normatively constrained. Parliaments that are composed of EP-critical parties, and that encounter Eurosceptic electorates, implement the most extensive organisational reforms. Yet, at the same time, reforms...
are constrained by constitutional norms reflected in the existing rules and structures of legislative organisation.

Figure 1. EU-related oversight institutions in member state parliaments

Note: Romanian data is missing except for 2010. For the underlying data and aggregation procedures, see Winzen (2013b). Source: Winzen (2013a: 49), updated from Winzen (2013b).

**European integration and organisational change in national parliaments**

Figure 1 supports the assertion that national parliaments have implemented EU-related organisational reforms. The specifics of these reforms have been discussed extensively elsewhere...
(e.g. Maurer 2001; Raunio 2005; Karlas 2012; Winzen 2012). The main point here is that member state parliaments have strengthened their ability to monitor governmental participation in EU policy-making. They have, for instance, created information rights, EU committees and procedures to involve sectoral committees in the scrutiny process. Parliaments have also agreed on rules that constrain the government’s ability to ignore the parliamentary arena, such as the requirement that negotiation strategies obtain formal parliamentary approval or that the government does not commit to a position before the parliamentary monitoring process finishes. Also evident in the Figure is cross-national variation, with the factors cited in the introduction helping us to tell what parliaments implement more or less extensive organisational reforms in order to adapt to European integration.

The rational institutionalist perspective on legislative organisation

Existing explanations of legislative organisation in European parliaments are a reasonable starting point in the search of an explanation for legislative organisation in EU affairs. Yet, even though legislative organisation has been a prominent theme in studies of the US Congress (Shepsle and Weingast 1994; Krehbiel 2004; Cox 2006), the topic has attracted less attention in the European context (cf. Sieberer et al. 2011; see also Martin and Depauw 2011; Martin 2011). Although there evidently is considerable cross-national diversity in legislative organisation in Europe’s parliaments (e.g. Döring 1995), efforts to devise comparative explanations have only recently begun to emerge.

I take the contribution of Sieberer and colleagues (2011) as a starting point because, to my knowledge, it is currently the only explicit effort to formulate a comparative, rational institutionalist explanation of legislative organisation in European parliaments. Sieberer and colleagues (2011) argue that parliamentary outcomes, including organisational choices, are the result of competition among parties that seek to attain policy and office goals. Whenever a change of rules helps (coalitions of) parties to achieve their goals, and reform obstacles can be overcome, parties will change the rules. As Sieberer and colleagues (2011: 953) put it, ‘institutions can be understood as an equilibrium emerging from an underlying game in which actors constantly decide whether to abide by or change established ways of doing business.’

Organisational reforms become possible when the parliamentary distribution of power changes – most importantly, when a new majority emerges that prefers different rules in the pursuit of its goals. In keeping with their view that legislative organisation is endogenous to party competition, Sieberer and colleagues (2011: 953) that successful reforms ‘based on changes in actor constellation are likely to be of the redistributive type, i.e. advance interests of some actors, usually the current majority, at the expense of others, usually opposition parties.’

We might, however, see a different pattern of reform, if environmental conditions change in ways that make reforms beneficial to all actors alike, what the authors call ‘efficient’ reforms. For instance, ‘[e]xternal developments often pose challenges for all parliamentary actors alike and are thus likely to result in efficient changes supported by all or almost all actors’ (Sieberer et al. 2011: 953). It is important to note, though, that the majority would still be expected to agree only to reforms that either re-distribute power in its favour or, at least, lack distributive implications (for a more elaborate discussion of this argument, see Kreppel 2003).
Finally, three factors might prevent majority-friendly reforms (Sieberer et al. 2011: 954). First, majority parties may face institutional obstacles (‘second-order institutions’) that they cannot overcome given their voting power. Second, parties might refrain from rule change when transaction costs are too high to justify spending less time on other pursuits. Third, voters may punish parties for reforms that they regard as ‘tinkering with fundamental rules of fairness.’ Furthermore, the time it takes for new rules to enter into effect, and uncertainty over how rules might work, could reduce the benefits of reform for majorities.

Applying these arguments to legislative organisation in EU affairs, we encounter problems. Whereas Sieberer and colleagues (2011) suggest that majority parties would prevent opposition-friendly reforms, and rather change legislative rules to their own advantage, we observe a gradual strengthening of organisational oversight rules and structures in EU affairs. Against the background of the view that formal oversight rules are in the opposition’s rather than the majority’s interest (e.g. Saalfeld 2000: 363), EU affairs seem to have witnessed opposition-friendly reforms, rather than the stagnation or even dismantling of opposition powers that the RI arguments suggest.

It is also difficult to regard EU-related organisational reforms as ‘efficient reforms’. Sieberer and colleagues (2011: 964) argue that ‘external developments [, including European integration,] should usually lead to efficient reforms that help all parliamentary actors deal with new or changed demands and maintain the reputation of parliament as a collective body.’ The reference to the parliament’s reputation may be in line with arguments made below but remains unclear here. The main issue, however, is that the RI approach thinks of efficient reforms as being in the interest of all parliamentary actors alike, helping them to work efficiently. Yet, this view collides with either one of two alternative positions in the literature on the efficiency of EU-related reforms.

Several scholars underline the point that oversight institutions do not benefit government and opposition alike. While acknowledging that some EU-related information rights can help government supporters to monitor EU policy-making, Auel (2007), nevertheless, stresses that rules that force the government to share its negotiation position or have it formally approved in a committee are primarily in the opposition’s policy or electoral interests (see also Holzhacker 2002). Moreover, the government faces the risk that cumbersome parliamentary procedures handicap its capacity to negotiate successfully at the European level (Auel 2007; Auel and Benz 2005). Other scholars disagree with these arguments and, instead, argue that organisational reforms are dysfunctional (Pollak and Slominski 2003). Their operation does not come close to their intentions on paper. We do not yet know which of these views is right. The point, however, is this: If institutions operate as intended, they are unlikely to be consensual. If institutions are dysfunctional, they are puzzling given the RI emphasis on functional reforms that help all actors to work efficiently.

Finally, the RI explanation does not capture several findings of the literature. While parties’ electoral interests may explain the impact of popular Euroscepticism, it is puzzling why party support for empowering the EP should affect legislative organisation (Winzen et al. 2014). Moreover, the observation that EU-related organisational choices are path-dependent (Dimitrakopoulos 2001) does not fit well with the RI account of stability. In the RI view, path dependence results from second-order institutions or voters. However, in EU affairs voters have encouraged organisational reform. And, since opposition parties stood to gain from reforms, majorities have not found it difficult to overcome voting thresholds. Furthermore, exogenous players such as constitutional courts or second
chambers have rather enhanced than undermined reform, as in the case of the German Constitutional Court (Beichelt 2012).

Elements of a normative institutionalist explanation of legislative organisation

My argument stands in the normative institutionalist tradition and builds on the literature on democratic change in European integration. As I explain in this section, the normative institutionalist point of view is that actors care about the substantive meaning of institutional choices. And they seek to realise their preferred institutional designs, subject not only to the constraints of formal rules but also to shared constitutional norms. The section to follow argues that this line of thinking captures legislative organisation in EU affairs well.

Constitutional preferences

The starting point of the normative institutionalist explanation is that political actors, most importantly political parties, have constitutional preferences, that is, views about the right way to organise the parliament and the political system more generally. This starting point does not so much deviate from the conventional set of policy, office and electoral goals (e.g. Strøm and Müller 1999) than emphasise a different domain of politics. The policy-office-votes triad focuses on party competition within institutional constraints. Strom and Müller (1999: 19-24), for instance, explicitly argue that parties make ‘hard choices’ between these goals within a given institutional environment. When we shift attention from politics within institutions to politics over institutions, we have to consider the possibility that additional or different preferences become relevant for parties and other parliamentary actors.

The view that parties have constitutional preferences does not simply mean that they prefer one institutional alternative over another in a particular decision situation. Whereas Sieberer and colleagues (2011) derive positions on institutional change from parties’ government or opposition status, the normative institutionalist take is that positions on institutional change result from parties’ identities and ideologies. According to Jachtenfuchs and colleagues (1998: 410), for instance, political parties have ‘normative ideas about a legitimate political orders’ or, in short, ‘polity ideas’, which change rarely and slowly. Rittberger (2005: 17) speaks of ‘internalised norms and ideas’. Formal political institutions are not ‘simply arenas within which political behaviour, driven by more fundamental factors, occur’ (March and Olsen 1984: 734). They have substantive meaning for political parties that, depending on their identities and ideologies, prefer one institutional arrangement over another.

The idea that parties have ideologically motivated constitutional preferences is in fact not uncommon. Consider two examples. First, party researchers classify party ideology on the basis of a GAL-TAN2 dimension in addition to a left-right dimension (e.g. Benoit and Laver 2006; Bakker et al. 2012). This dimension does not only tell us something about parties’ public policy preferences in matters such as the environment or migration but also about institutional choices related, for instance, to political participation rights, transparency of political decision-making or participation in international institutions (e.g. Hooghe et al. 2002). Second, in the evolution of parliamentary democracy, parties have always held constitutional preferences. Congleton (2011), for instance,

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argues that besides changing economic conditions and political incentives, shifts in prevalent normative theories and ideas shaped parties’ preferred organisation of the parliament and the political system throughout the 18th, 19th and 20th century.

If we add constitutional preferences to the list of concerns that parties pursue, we also expand their set of ‘hard choices’ (Strøm and Müller 1999). How do we know whether parties act on the basis of policy or office goals, as the RI explanation assumes, or on the basis of constitutional preferences? Institutional theorists have given a range of responses to this or similar tensions between behaviour based on identities and behaviour based on other concerns (March and Olsen 1998: 952-4). Thus, it may be the case that one set of concerns is really only a specific case of the other. It may also be that the preferences that are most directly and clearly relevant to the question at hand dominate in actors’ minds.

I propose a combination of both arguments. First, it makes sense to think of constitutional and policy preferences as special cases of parties’ identity and ideology-based preferences. Both policy and institutional choices require parties to give priorities to some values and normative goals for society over others. They make these choices on the basis of their ideology and identity. Yet, while this reasoning reduces the tension between constitutional preferences and policy preferences, it does not tell us when parties act on the basis of constitutional preferences or more issue-specific policy preferences. It neither tells us when parties pay more attention to office concerns rather than ideology.

Thus, a second argument is that parties will make institutional choices on the basis of constitutional preferences. Situations of institutional choice raise the relevance of constitutional preferences and reduce the relevance of other concerns rooted, for instance, in policy or office goals. Whereas constitutional preferences often have a clear and direct connection, policy and office goals often have an unclear and indirect connection to institutional choices. For instance, parties that want to see a meaningful role for parliamentary actors in policy-making have clear stakes in the question how a parliament’s committee system should be designed. After all, ‘[s]trong committees, it appears, are at least a necessary condition for effective parliamentary influence in the policy-making process’ (Strøm 1998: 47). However, the beneficiaries of this fact change over time as the composition of the government changes. Thus, a reform of the committee system does not promise clear advantages to any given party that has a regular chance of government participation beyond the short-term. The point is not that policy or office goals are irrelevant for institutional choices. Rather, institutional choices raise the relevance of constitutional preferences and reduce the relevance of other concerns. Since preferences that are clear and directly relevant at a particular point in time tend to prevail over preferences that are unclear and indirectly relevant (cf. March and Olsen 1998: 952), constitutional preferences are often more important for our understanding of institutional choices than policy and office goals. The argument also implies that office and policy concerns become more important if an organisational question affects them strongly or affects constitutional preferences little.

**Constitutional stability**

Although political conflict over legislative organisation happens, a normative institutionalist perspective is, first and foremost, in line with the view that legislative organisation is characterised by considerable stability. Martin (2011: 349), for instance, argues ‘that committee structures are, like other political institutions, sticky and relatively constant over time.’ Yet, whereas the RI explanation
regards restrictive rules and exogenous obstacles as the primary sources of stability, normative institutionalism emphasises the convergence of constitutional preferences and the evolution of social norms as institutions consolidate. Following a developmental logic (March and Olsen 1998: 953), politics over institutions becomes more normatively constrained, and change less likely, the longer institutions persist.

The starting point for understanding institutional stability is that institutions are constructed on the basis of the constitutional preferences of parliamentary actors. Since constitutional preferences are rooted in parties’ identities and, thus, are stable over time (see above; Jachtenfuchs et al. 1998), the parliament’s aggregate constitutional preferences do not change for as long as the parties and their seat shares remain stable. Moreover, changes in the composition of the parliamentary majority matter only if the constitutional preferences of the new differ from the old majority. Yet, when new parties with deviant constitutional preferences enter the parliament or the parliamentary majority, they might cause institutional instability. In this respect the normative and RI explanations are similar. Yet, what sets the normative and the RI perspective apart is the view that institutions consolidate over time as actor preferences converge and even evolve into constraining social norms.

Institutional consolidation happens through three mechanisms: discrimination, self-selection and socialisation. First, institutional insiders set up rules that reflect and protect their own constitutional preferences. Such rules might, for instance, require parties to be of a certain character – e.g. internally democratic or in compliance with values stated in the country’s constitution – before they can form or compete in elections. By making rules that they meet themselves and that other parties do not necessarily meet, existing parliamentary parties make it more difficult for new parties to establish themselves in parliament. Moreover, within any given party most parliamentarians go through long periods of prior screening as they move through local and regional party and public offices before becoming candidates for and members of national parliaments (Müller 2000: 327-8).

One should note that the maintenance of discriminatory rules and practices is likely to operate particularly smoothly because it additionally helps parliamentary parties to protect themselves from policy and office competition, and stabilises their access to public funds (e.g. Katz and Mair 2009). By restricting access to parliament for parties and individuals that do not meet their standards and expectations, parliamentary insiders stabilise the ideological common ground amongst themselves.

Discrimination alone does not reinforce the convergence of constitutional preferences within parliament. One way how such convergence happens over time is self-selection. In the normative institutionalist perspective, political actors join institutions because of compatibility between their own identity and the norms and values embodied by the institutions in question. The argument is popular in the study of the EU and other regional organisations, saying that states join organisations whose identity they share (Abbott and Snidal 1998: 23-6; Schimmelfennig 2001). Yet, it also applies elsewhere when, for instance, individuals join parties or choose careers on the basis of their identities. Similarly, parties themselves join organisations such as party groups in the EP based on ideological compatibility (McElroy and Benoit 2010). Following this line of thinking, individuals and parties whose constitutional preferences correspond to the way the parliament is organised are more likely to strive for a parliamentary career than individuals and parties who object to the prevailing legislative organisation. While one would not expect that the details of legislative organisation affect a party’s political career choices, one would expect that parties make few efforts to enter a parliament that is designed according to (in their view) illegitimate norms and values.
time, recurring self-selection processes reduce the likelihood that the parliament harbours actors that fundamentally oppose the basic principles underlying its organisation.

A final mechanism that promotes institutional consolidation in parliaments is socialisation. Due to the connection of socialisation with role theory, which has become “unfashionable” in legislative studies (Searing 1991: 1240-3; Saalfeld and Müller 1997), this mechanism is often regarded with scepticism. Such scepticism, however, is not necessarily justified if we avoid exaggerated expectations regarding what socialisation is or does. Three issues stand out in this respect. First, socialisation plays no role when self-interest or earlier socialisation induces actors to play by the prevailing norms of their environment. For instance, it is (largely) futile to search for an effect of socialisation on party unity, because parliamentarians already vote with their party almost all the time from day one in parliament (even then some studies still find a small effect. See Kam 2009: 189-204). Second, it is misleading to equate socialisation only with actors changing their identities (Checkel 2005). While this is the extreme outcome, socialisation may begin (and stop) with actors learning how to operate effectively in their new environment, and developing habits instead of calculating the utility of every move they make. Third, socialisation does not work on actors that fundamentally oppose the norms and values of their environment. For instance, it is unrealistic that a Eurosceptic parliamentarian becomes an EU enthusiast as a result of working in the EP (Scully 2005). Instead, socialisation works on actors that are open to socialisation, that is, actors that enter a new, unfamiliar environment and that are already in principled agreement with the values and norms that prevail among the older actors in this environment. Such actors are most likely to adapt to and even internalise social expectations, in no small part because they have entered the institution with a principled willingness to do so (cf. Checkel 2005: 813-4).

These arguments allow us to understand to what extent socialisation promotes the consolidation of legislative institutions. First, new parliamentary actors will have few alternatives to learning basic organisational rules and practices if they want to work effectively. They will also have to develop habits because they lack the time to question all the procedures they follow continuously (note that Sieberer et al. 2011 also highlight such opportunity costs). Second, the pre-parliamentary processes of discrimination and self-selection already promote ideological convergence among new parliamentary entrants. Such pre-parliamentary processes together with the necessity for parliamentarians to form habits mean that socialisation processes do not need to have unrealistically strong effects. On the contrary, socialisation works on a population of parliamentarians and parties that want to learn how to operate in their new environment, and that agree with the basic principles underlying legislative organisation. Thus, the conditions are such that parliamentary actors are likely to come to regard existing legislative organisation as acceptable and appropriate over time.

Together, processes of discrimination, self-selection and socialisation encourage the normative entrenchment of legislative organisation. As, over time, parliaments exclude actors with constitutional preferences that deviate from those of the insiders, and encourage convergence among favourably disposed newcomers, legislative organisation becomes less the result of a temporary compatibility of the constitutional preferences of the majority, and more the expression of shared constitutional norms of the constituting actors. Using the terms of studies of international institutions, parliamentary institutions become ‘community representatives’ (Abbott and Snidal 1998: 24). The parliament is then best understood as a ‘cultural environment’ (cf. Schimmelfennig 2004: 424-6) – that is, an environment in which actors pursue their goals against the background of shared constitutional norms and values. As the basic rules and principles of legislative organisation
represent these shared norms and values, they are not the subject of day-to-day party competition over policy and office.

The forces of stability in normative institutionalism are considerable. The approach captures situations in which the constitutional preferences of major parliamentary actors have converged, choices over the design of legislative organisation have been made, and social norms have evolved to enshrine the constitutional consensus. This description might not be far from the situation in the older Western European parliamentary democracies. Few parties pursue fundamental alternatives to the constitutional status quo, in and beyond the parliament (cf. Mair 2008: 212-6).

Constitutional change

Nevertheless, normative institutionalism leaves room for changes in legislative organisation. First of all, the conditions for stability need not always apply. This is the case if either the organisational reforms under consideration have no evident link to actors’ constitutional preferences, or actors do not even have clear constitutional preferences. In this case, parliamentary actors make organisational choices in order to put other goals into practice such as maximising their policy influence or office opportunities, in the manner Sieberer and colleagues (2011) explain. Moreover, in situations in which parliamentary actors have very different constitutional preferences and common constitutional norms do not exist, we expect to see actors seeking to put their preferred organisational design into place.

For instance, the normative institutionalist conditions for stability are unlikely to hold in young parliaments. Here processes of discrimination, self-selection and socialisation have not had time to promote a convergence of constitutional preferences among the major actors. At the same time, fundamental choices over legislative organisation still have to be made. It may even be the case that the parties lack stable ideological roots that could inform their constitutional preferences. Under these conditions, we expect institutional instability.

But even against the background of stable legislative rules, reforms are possible in case a new social situation emerges that lets existing institutions appear dissatisfactory given the constitutional preferences of parliamentary actors. As Rittberger (2005: 17) explains, ‘institutional creation and change is a response to a perceived lack of resonance between internalized norms and ideas and a social situation.’ As in the RI approach, one could think of the emergence of a new social situation as an exogenous development that disrupts the prevailing institutional stability. However, it is important to note that the new social situation does not affect the principles that different actors want to see reflected in organizational choices. The new situation rather affects actors’ evaluation as to whether existing institutions still represent their constitutional preferences.

Given a new social situation, constitutional conflict over reforms of legislative organization emerges. Parliamentary actors try to fill the gap between existing arrangements and the demands posed by the new situation in a manner consistent with their constitutional preferences. Moreover, similar to the bargaining process that the RI explanation envisages, it matters what coalitions of actors have sufficient voting power to implement their preferences.

This similarity to the RI explanation is, however, only superficial. What sets the normative institutionalist perspective apart is the view that bargaining over legislative reforms is normatively constrained. First, parliamentary actors operate on the basis of ‘internalised norms and ideas’
(Rittberger 2005: 17), ‘polity ideas’ (Jachtenfuchs et al. 1998: 410) or, the term used above, constitutional preferences. Thus, in contrast to the RI approach, differences between parliamentary actors over how to react to a new social situation do not reflect differences in the current distribution of power related to party competition over policy and office. Consequently, it is not possible to predict the intensity of conflict and the conflict lines on the basis of government and opposition status. Whether there really is conflict over how to reform legislative organisation depends on the nature and configuration of constitutional preferences.

Second, even though new situations may expose discrepancies between how different parliamentary actors prefer to respond, all actors nevertheless formulate their preferred response against the background of the constitutional norms and values that underpin existing parliamentary institutions (see previous section). Consequently, whatever actors prevail, they are likely to implement organisational reforms that build on, rather than undermine, the basic rules and principles that characterise existing legislative organisation. Furthermore, even if some actors propose organisational changes that collide with existing constitutional norms, they are likely to meet widespread opposition of those who uphold and subscribe to the parliaments’ constitutional consensus.

A normative institutionalist explanation of legislative organisation in EU affairs

This section argues that the normative institutionalist approach can explain the empirical picture of national parliaments’ adaptation to European integration. In order to develop this argument, I first show that European integration has created a context in which parliamentary parties and parliamentarians have reason to consider reforms of legislative organisation. On the basis of the current literature, I further highlight that actors in and around parliament have stable preferences, rooted in their identity and ideology, regarding institutional choices in European integration. On the basis of these constitutional preferences, they decide on EU-related reforms of legislative organisation, albeit subject to the constitutional norms that underpin existing legislative institutions.

European integration as a challenge for legislative organisation

In the normative institutionalist perspective, new social situations make reforms possible if actors perceive a discrepancy between their constitutional preferences and existing legislative organisation. European integration creates such a situation because it lets existing organisational structures in legislatures appear inadequate to upholding important principles and practices of parliamentary democracy.

European integration threatens to cause a “decline of parliament” or “de-parliamentarisation” in the sense that it limits the authority of the parliament as a political institution and the relevance of parliamentary actors in policy-making. As Table 1 summarises, the EU’s gradual expansion into ever more and more important policy areas means that domestic democratic politics has increasingly less to decide in terms of policy (Schmidt 2006). The EU’s legal system implies that national governments and parliaments have to implement and apply EU legislation without the need for domestic ratification. Thus, national parliaments lose their “legislative sovereignty” (Schmidt 1999). The spread of majority voting and the empowerment of supranational organisations mean that parliamentarians of the majority (or opposition) might not even matter in EU policy-making if they interact closely with their government and executive bureaucracy – the country could be outvoted or supranational
actors may have autonomous powers. Thus, instead of being ‘the next step of delegation and accountability’ (Bergman 2000), integration disrupts the democratic delegation chain (Rittberger and Schimmelfennig 2006). Finally, parliamentary actors operate far away from the main arenas of legislative and policy negotiations in integrated policy areas. The result is a problem of distance (Dahl 1994). It becomes difficult for parliamentary actors to monitor and understand who does what in policy-making (for a more detailed discussion of these arguments, see Winzen 2013a: 10-3).

Table 1. The “decline of parliament” thesis in European integration

<table>
<thead>
<tr>
<th>Dimension of integration</th>
<th>Example</th>
<th>Challenge</th>
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<tbody>
<tr>
<td>Functional expansion</td>
<td>States grant the EU more competences</td>
<td>Politics without policy</td>
</tr>
<tr>
<td>Legal transformation</td>
<td>No ratification requirement for legislation</td>
<td>Legislative sovereignty</td>
</tr>
<tr>
<td>Pooling and delegation</td>
<td>Shift from unanimity to majority voting</td>
<td>Broken delegation chain</td>
</tr>
<tr>
<td>Political centralisation</td>
<td>Policy process shifts to the European level</td>
<td>Distance</td>
</tr>
</tbody>
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Source: Winzen (2013a: 11), with minor adaptations.

These concerns are sometimes downplayed because, under conditions of party government, the parliamentary majority shares the political priorities of the government. Yet, the empirical evidence shows that the party ideology of national governments is at best a marginal explanation for the stances that civil servants and ministers take in Council of Ministers negotiations (e.g. Thomson 2011). Governments have to address national and international policy problems and face pressure from domestic organised interests (e.g. Moravcsik 1993); for lack of time or interest, they delegate extensively to civil servants (Häge 2007); and they operate in an EU institutions that practices mutual intergovernmental accommodation and bargaining restraint (Lewis 2005). Against this background, it is a mistake to believe that parliamentary parties (whether in government or opposition) could infer the government’s negotiation position from its party ideology.

Without adjustment, the organisation of member state parliaments does not satisfactorily secure important principles of parliamentary democracy, which we can summarise as the view that ‘assemblies of representatives elected by the people make and/or decide on the state’s laws and budget, appoint state officials and hold the executive accountable’ (Roederer-Rynning and Schimmelfennig 2012: 954). Given the way that EU policy-making operates, there are no guarantees that parliamentary parties have access to information on what their government negotiates and on what basis. It is neither certain that parliaments will receive the chance to interact with the government before final legislative decisions are made in Brussels. The existing rules of legislative organization are not entirely ill-suited: parliaments can rely on existing committees and information rights to obtain information and engage with the government. However, studies of national parliaments and the EP make clear that these rules and structures are perceived by parliamentarians as inadequate guarantees of parliamentary democracy (e.g. Rittberger 2005; Schimmelfennig 2010; Auel and Benz 2005; Sprungk 2010).

European integration, thus, creates a context in which existing rules of legislative organisation become the subject of discussion among parliamentary actors and might be reformed. In the normative institutionalist view, reform discussions and choices will be normatively constrained: they
take place on the basis of constitutional preferences; and against the background of the shared constitutional norms enshrined in existing legislative organisation.

**Stable, ideology-based constitutional preferences**

In the first place, the normative institutionalist view assumes that political actors have constitutional preferences. The preferences that political parties, parliamentarians, electorates across Europe hold regarding institutional choices in European integration have been studied extensively. The literature makes clear that these preferences are predominantly rooted in the identities and ideologies. The most fundamental common denominator of relevant policy-makers in Europe is the belief that principles of parliamentary democracy should be maintained in the context of European integration (Rittberger 2006; Rittberger and Schimmelfennig 2006; Schimmelfennig 2010). Further studies refine this view.

Jachtenfuchs and colleagues (1998) show that political parties across the member states have stable “polity ideas”. They seek to design the EU as ‘intergovernmental cooperation’, ‘federal state’, ‘economic community’ or ‘network’ (Jachtenfuchs et al. 1998: 419). Importantly, ‘the enormous development of the Euro-polity both in terms of its institutional structure and its impact have left domestic actors rather unimpressed at least in their basic ways of conceptualizing legitimate European governance’ (Jachtenfuchs et al. 1998: 433). Rittberger (2005) demonstrates that these polity ideas help explain why political parties have preferred alternative strategies to strengthen parliamentary democracy in the EU. For instance, subscribers to intergovernmental polity ideas – one might think of the British Conservative Party – are inclined to strengthen national parliaments rather than the EP.

Whether parties support the transfer of power from national to EU institutions generally depends on their ideology. A parties’ left-right orientation helps explain its support for integration, with the centre of the political space in favour and marginal parties opposed (Hooghe et al. 2002). Even the opposition to integration at the margins seems to be motivated primarily by ideological objections to economic and cultural openness rather than by the desire to differentiate a party from the political mainstream (Statham and Koopmans 2009). Even though there have been debates as to whether parties become more supportive of integration when in government rather than opposition, the reality, according to expert survey data, is that there is at most very little temporal variation in party positions towards European integration (Bakker et al. 2012; Winzen et al. 2014).

Regarding the question as to whether national parties support to give powers to the EP in their attempts to overcome the democratic deficit, the key factors are their general support for European integration (see previous paragraph) and the extent of their cultural conservatism (Hooghe et al. 2002; Winzen et al. 2014). Party support for the EP, as support for integration in general, is a manifestation of a party’s ideology and, as a result, very stable over time. For instance, using survey data, 95 percent of the variation in party support for the EP at a given point in time can be explained on the basis of previous levels of support (Winzen et al. 2014).

Wessels (2005: 452) shows that individual parliamentarians across the member states have different views regarding, for instance, the question of whether there is too little parliamentary supervision of the EU Council of Ministers; or whether the EP or national parliaments provide the EU’s democratic legitimacy. In Sweden, for instance, 76 percent of deputies favour the national parliament whereas,
in Germany, 60 percent favour the EP. Furthermore, Wessels indicates that parliamentarians’ views of how democracy in the EU should work are connected to more general conceptions of how parliamentary democracy and elite-citizen interaction should work. He also traces German parliamentarians’ responses through time and finds only limited change. Wessels (2005: 458) concludes that ‘the preferences regarding the political order of the EU are not mere reflections of instrumental interests but of deeper understandings or preferences concerning the ways of vertical legitimacy and the working of parliamentary democracy in one’s own country.’

Studies of public support for European integration (for overviews, see Hooghe and Marks 2005, 2008) show persistent cross-country differences. For instance, the citizens of Scandinavian countries have long been more sceptical of integration than the ones in Southern Europe. At the individual level, support for integration is rooted in both instrumental calculations and identity. However, the latter appears to be the strongest predictor (Hooghe and Marks 2005). In particular, citizens that identify exclusively with the nation are more sceptical of integration than those with an inclusive identity (see also Carey 2002). The views of individuals are also intertwined with the views of political parties (see above). However, it is difficult to disentangle ‘who’s cuing whom’ in the party-individual relationship (Steenbergen et al. 2007; Gabel and Scheve 2007).

In conclusion, ample evidence at the level of parties, parliamentarians and voters shows that the preferences that key actors in and around parliament have regarding institutional choices in European integration are rooted in identities and ideologies and are highly stable over time. Thus, we have reason to speak of internalised norms and ideas, polity ideas or constitutional preferences. Yet do these preferences also determine EU-related reforms of legislative organisation?

**Normatively constrained reforms of legislative organisation**

From a normative institutionalist perspective, reform choices in legislative organisation are normatively constrained. First, decision-makers operate on the basis of their constitutional preferences. Second, they operate within the framework of constitutional norms and values that underpin existing legislative institutions. Thus, their reform choices build on rather than challenge or undermine existing legislative organisation.

The view that political actors make institutional choices in relation to European integration on the basis of their constitutional preferences is disputed. On the one hand, many transfers of competences in the EU’s major treaty reforms can plausibly be explained on the basis of policy area specific problems and pressure by domestic interest groups. Institutional choices such as the empowerment of the Court of Justice or the Commission help countries to make credible commitments to each other and to enhance efficiency (Moravcsik 1998; Pollack 2003). On the other hand, ideologies and identities of political actors have acquired a more important role in European integration since the late 1980s (Hooghe and Marks 2008). In particular, the constitutional preferences of political parties and domestic populations constrain government’s positions in intergovernmental negotiations and the ensuing treaty outcomes (Finke 2009; Hooghe and Marks 2008; Schimmelfennig and Winzen 2014).

Yet, even though the dispute over the impact of constitutional preferences on European integration continues, it has been least pronounced in one area: namely, choices over the institutionalisation of parliamentary authority in EU policy-making. Choices that give powers to the EP or that strengthen
national parliamentary rights and organisational structures are hard to explain as attempts to strengthen the efficiency of the policy process or credible inter-state commitments (Pollack 2003; Rittberger and Schimmelfennig 2006). At the same time, the question how to secure parliamentary democracy in the EU is ‘directly linked to the fundamental political norms of a liberal community’ (Rittberger and Schimmelfennig 2006: 1160). It is a question that speaks clearly and directly to the constitutional preferences of parliamentary and other actors.

There already are explicit normative institutionalist explanations of the empowerment of the EP (Rittberger 2005; Schimmelfennig 2010). These studies begin with the observation that European integration challenges parliamentary democracy (see above). In response, political actors committed to principles of parliamentary democracy draw attention to democratic deficits. These actors notably encompass political parties in national parliaments and the EP, as well as in several member state governments. However, there have always been disputes between countries with Eurosceptic governments and national parliaments being reluctant to empower the EP. Nevertheless, pro-EP governments, the EP itself and pro-EP national parliamentary parties have proven able to put pressure on their opponents by drawing attention to the democratic deficit and stressing the necessity for institutional responses in the form of EP empowerment.

Yet, this analysis does not only apply to the development of the EP but extends to the organisational adaptation of national parliaments to European integration. Here we take up the observation that national parliamentary (and other) actors have stable, yet different, views on how to reinforce parliamentary democracy in the EU (see the previous section). Scholars of the EP have focussed on how such differences affect constitutional bargaining at the EU level. Yet, the constitutional preferences of parliamentary parties also affect whether they seek to strengthen the national parliament in EU policy-making. Thus, recent studies show that parliaments implement more extensive EU-related organisational reforms if they are composed of parties that are sceptical of the empowerment of the EP and, thus, prefer to institutionalise parliamentary democracy in European integration via national parliaments (Winzen et al. 2014; see also Cheneval et al. 2014). For actors that seek to strengthen national parliaments, legislative organisation does not merely serve the purpose of efficient policy-making or of obtaining an advantage in day-to-day party competition. Instead, legislative organisation gives expression to party preferences over the right way to secure the EU’s parliamentary legitimacy.

The literature also shows that parliamentary parties respond to the constitutional preferences of their voters. In countries in which electoral scepticism of European integration is widespread, parliamentary parties have implemented the most far-reaching organisational reforms (Raunio 2005; Winzen 2013b). Indeed, we find the strongest oversight instruments such as the requirement that the government lets the parliament formally approve its negotiation mandate predominantly in countries with Eurosceptic populations (Winzen 2013b).

However, normative constraints on legislative reforms do not only manifest themselves in the observation that actors pursue their constitutional preferences. Organisational reforms are also normatively constrained in the sense that actors operate within norms that underpin existing institutions. Indeed, Dimitrakopoulos (2001: 405) stresses that parliamentary responses to integration ‘display an incremental logic marked by slow, small and marginal changes based on existing institutional repertoires.’ This view has to be qualified in the sense that parliaments evidently create new organisational rules and structures in EU affairs. However, it is in line with the
recurrent finding that parliaments that have strong rights or organisational structures in domestic politics – such as control over their legislative agenda or a well-developed committee system – implement more extensive EU-related organisational reforms than weak parliaments (Raunio 2005; Karlas 2012; Winzen 2013b).

It is important to note that this pattern is not the result of change-resistant rules that produce institutional path-dependence as the in the RI approach. Parliaments actually implement institutional reforms – existing institutions constrain the nature of these reforms but they do not prevent them. The impact of existing institutions is more likely to come about because these institutions reflect shared constitutional norms of most parliamentary actors. In countries where parliamentary parties and parliamentarians are committed to a strong national parliament with important organisational assets such as committees and agenda rights, they are particularly concerned over the EU’s challenge to parliamentary relevance. Thus, they decide on particularly strong organisational responses. In line with this reasoning, we also see that parliamentarians in strong national parliaments are most reluctant to embark on institutional experiments such as the creation of a new EU-level institution of national parliaments (Winzen 2013a: 52-71).

Finally, while the normative institutionalist perspective makes sense of many positive findings of the literature on national parliaments and European integration, it also avoids two of the problems that are especially difficult for the RI approach. First, the normative institutionalist account does not find it problematic that, in response to integration, we observe a trend towards stronger EU-related organisational rules and structures, even though such formal parliamentary rules are said to benefit opposition parties more than government parties. From a normative institutionalist perspective, these reforms reflect the constitutional preferences of parliamentary actors that are not directly linked to a party’s government or opposition status.

Second, the normative institutionalist account does not expect that organisational reforms will necessarily be functional in day-to-day policy-making. In fact, the potential for inefficiency and malfunctioning of institutional choices has been one of the central concerns of normative institutionalists from the start (March and Olsen 1984). It may well be that, once organisational choices are made, the relevance of constitutional preferences recedes into the background and other concerns such as government-opposition conflict or coalition management re-gain prominence (Auel 2007; Holzhacker 2002; Pollak and Slominski 2003). These concerns may cause the new legislative rules to operate in ways different from what was intended at the time of their creation.

Conclusion
Why do the parliaments of the EU member states implement reforms of legislative organisation? While a significant number of insightful empirically-oriented responses to this question have accumulated over the past years, there is a lack of theoretical explanations that connect the findings of these studies. In the search for such an explanation, this paper has first considered the validity of a recent RI account of legislative organisation. This account, however, has problems explaining the main patterns and empirical findings about parliamentary reforms in EU affairs.

In want of an alternative, I turn to normative institutionalism. This choice is motivated by the observation that normative institutionalism has informed studies of other democratic reforms in European integration (e.g. Rittberger and Schimmelfennig 2006; Schimmelfennig 2010). It highlights
the view that EU-related organisational choices have substantive meaning beyond creating formal constraints and opportunities for parliamentary actors. They are also democratic reforms that seek to strengthen principles of parliamentary democracy in EU policy-making. In order to develop this argument, I suggest a number of elements of a normative institutionalist explanation of legislative organisation. Most importantly, such an explanation emphasises that parliamentary actors change their rules subject to normative constraints: that is, they act on the basis of their constitutional preferences, and subject to prevailing constitutional norms.

In a final step, I argue that a normative institutionalist perspective captures what we know of national parliaments’ institutional adaptation to European integration. First, integration creates a context in which parliamentary parties and parliamentarians come to consider changes of legislative organisation. Second, these actors have stable, ideology-based constitutional preferences regarding institutional choices in European integration. Third, they decide on reforms of legislative organisation in line with these preferences, yet, under the constraints of constitutional norms reflected in existing parliamentary institutions.

The argument suggests that cross-national differences in how strongly parliaments adapt their organisational structures to European integration will persist as they are rooted in constitutional norms and constitutional preferences of parliamentary actors. Yet, notwithstanding enduring differences across countries, the argument also indicates that we are likely to see more parliamentary reform efforts in the future: first, because the EU continues to expand its authority into areas of core state competences (Genschel and Jachtenfuchs 2013) and, thus, produces greater democratic concerns; and, second, because these developments in the EU’s competences could gradually raise Euroscepticism among voters and help Eurosceptic parties overcome entry hurdles to parliament or win additional votes.

Finally, regarding the question as to whether the normative institutionalist explanation also applies to legislative organisation beyond EU affairs, empirical evidence will be needed to find out. On the one hand, the normative institutionalist explanation should apply if the organisational reforms under study are relevant for the constitutional preferences of parliamentary actors. On the other hand, other areas of legislative organisation might affect the policy and office concerns of parliamentary parties more directly, meaning that constitutional and other preferences compete for relevance. More generally the applicability of normative institutionalism depends also on whether actors have constitutional preferences in the first place and whether constitutional norms have evolved. These conditions need not prevail in all research contexts.

References


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