

EUROPEAN PARLIAMENT

# European Integration and the Future of Parliaments in Europe

Symposium held at Luxembourg,  
2-3 May 1974

Foreword by  
Cornelis Berkhouwer

President  
of the European Parliament  
1973-1975

Papers and Report  
of Proceedings

Secretariat  
Directorate-General  
for Research and Documentation

October 1975







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**Symposium**  
on  
**European Integration**  
and  
**the Future of Parliaments**  
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Academic Papers and Summary of Proceedings

SECRETARIAT  
DIRECTORATE-GENERAL FOR RESEARCH & DOCUMENTATION

October 1975

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## FOREWORD

*It should be self-evident that there can be no question of progress towards a united Europe without democratic institutions to support it. It is a fundamental feature of the European Communities that they are solidly based on parliamentary democracy, and it has always been the concern of the European Parliament to do all in its power to prevent the Community's institutions degenerating into a mere technocracy. It was therefore with the greatest enthusiasm that, when I took over the Presidency of the Parliament from Walter Behrendt, I pursued the idea he had put forward to the Bureau that there should be a Symposium organised to study the future of Parliaments in Europe and their relationship to European integration. The Bureau had approved the proposal in October 1972 and the Conference of Presidents of national Parliaments held in Strasbourg in January 1973 took note of this as the first step in its progress.*

*The idea of the Symposium was in some respects unique because it was probably the first occasion on which Members of Parliament met together with academic experts engaged on studying these problems to discuss how to make parliamentary democracy work better and adapt itself to the situation of the 1970s. It was also the first such Symposium ever to be held by a Parliament in Europe.*

*After careful preparation, to which I gave every encouragement, the Symposium took place on 2nd and 3rd May 1974 in Luxembourg. The participants included a wide cross-section of academic experts and observers, from all Member States of the Communities, from several other European countries and from North America. They included some of the most distinguished authors and teachers in the field of political and parliamentary studies in their own countries. In Luxembourg they were able to meet on their own ground — the Chamber of the European Parliament — Members of the Parliament nominated by their political groups, but also including independent Members, thus representing all shades of political opinion in the Community.*

*The problems faced by the participants were, and still remain, formidable. Every country has experienced a loss of confidence in the ability of parliamentary institutions to solve the problems of their peoples, and these difficulties are not made easier by the fact that it is to a considerable extent young men and women who have become the most disillusioned. However, Sir Winston Churchill once pointed out that democracy was one of the worst systems of government that could ever have possibly been devised with the sole exception of every other system that had been devised, and the proceedings of this Symposium certainly show that the participants shared a fundamental appreciation of the necessity to seek solutions of the crises facing Parliaments in Europe and not simply to call attention to their defects.*

*It is with this encouraging fact in mind that I have pleasure in introducing in book form the papers and a full summary of the debates submitted to the Symposium which took place both in plenary session and in the three working groups set up. It is my hope and belief that this publication, which represents a very considerable body of expertise, both theoretical and practical, will be of the utmost value both as a record of what thinkers and practitioners of politics consider should be done to revitalise parliamentary democracy and as a basis for ensuring that the Europe of the future will be firmly based on its principles.*

Cornelis BERKHOUWER

*President of the European Parliament, 1973-1975*

## CONTENTS

Section I — <i>Introductory Papers</i> .....	9
1. Basic trends in the development of the functions of parliament in Western Europe — Professor Klaus von BEYME .....	11
2. Introductory study to papers on national parliaments — Professor David COOMBES .....	23
Section II — <i>The National Parliaments of the Member States</i> .....	27
1. The Belgian Parliament within the political system — Mr J. GERARD-LIBOIS .....	29
2. Functions of parliament in the Danish political system — Mr Erik DAMGAARD .....	38
3. The German Bundestag — the guardian of democratic stability — Dr Uwe THAYSEN .....	49
4. The French Parliament — Professor Pierre AVRIL - Mr Julien FEYDY .....	61
5. The role of the Irish Parliament — Professor Mary T. ROBINSON .....	75
6. The role of parliament in Italy — Professor Andrea MANZELLA .....	93
7. The Luxembourg Chamber of Deputies: a microcosmic image of a small country — Miss Colette FLESCH - Mr Michel DELVAUX .....	114
8. Parliament in a system in flux: The Netherlands — Mr J. KOOIMAN - Mr J. VIS .....	133
9. The British Parliament — Mr John P. MACKINTOSH .....	156
Section III — <i>The Role of Parliamentary Institutions in Europe</i> .....	169
1. Interaction between parliamentary institutions Mr Gianni BONVICINI .....	171
2. Parliament and European Union — Mr Donald CHAPMAN .....	180
3. Parliament & the Political System: the case of the European Parliament — Dr Johann de VREE .....	198
4. The role of the Italian Parliament in the political system — Professor Alberto PREDIERI .....	200
5. The European Parliament, the National Parliaments and the principle of responsible cabinet government — Professor Erik RASMUSSEN .....	211
6. Electing a European Parliament — Professor Richard ROSE .....	225
7. The role of the Parliamentary Institution in European Integration — Professor Georges VEDEL .....	236
Section IV — <i>Supplementary Information</i> .....	245
1. Biographies and Publications of authors of Symposium papers .....	247
2. Parliaments in Europe — a Bibliography .....	261



Section V — <i>Symposium Summary Report</i> .....	269
1. Plenary Session Thursday, 2 May 1974 .....	275
2. Working Groups:	
a) Parliament as a focus of opposition .....	287
b) Parliament and Administration .....	293
c) Parliament and Public Opinion .....	299
3. Resumed Plenary Session, Thursday 2 May 1974 .....	307
4. Plenary Session, Friday 3 May 1974 .....	313
5. Working Groups:	
a) Working Relations between the European Parliament and National Parliaments	325
b) The Powers of the European Parliament in a European Union .....	333
c) Direct Elections to the European Parliament and the rôle of political parties	339
6. Resumed Plenary Session, Friday 3 May 1974 .....	345
7. Alphabetical list of speakers participating in the Symposium .....	350
Section VI — <i>Postscript</i> : .....	353
On the improvement of the functions of parliaments — Mr K. Helveg PETERSEN	355

**SECTION I**  
**INTRODUCTORY PAPERS**



## BASIC TRENDS IN THE DEVELOPMENT OF THE FUNCTIONS OF PARLIAMENT IN WESTERN EUROPE

Note by Professor Klaus von BEYME, *Tübingen University*

### A COMPARISON OF THE FUNCTIONS OF PARLIAMENT

Almost all the national studies prepared for the symposium begin by listing the functions of Parliament. The basic assumptions of systems theory underlying function-typologies of this kind originally categorized Parliament among the output functions of the political system, although the term 'rule-making function' was preferred to 'legislation' in an attempt to take into account changes in the norm-setting process, since laws as a relatively infrequent and solemnly promulgated norm are the exception rather than the rule in influencing the lives of citizens. However, recent theorists who still adopt the systems approach no longer view norm-setting as the main function; in that case a clear categorization of the functions of Parliament is only possible as a streamlining of outputs.

Communication rather than legislation then appears as the main subfunction of Parliament. A distinction can be drawn between six principal functions of Parliament in the input and output sectors of the political systems:

1. The representation and articulation function.
2. The communication function.
3. The controlling function.
4. The function of participation in the appointment and dismissal of the executive.
5. The legislative function.
6. The recruiting function.

Depending on the approach adopted in the national studies varying emphasis is placed on these individual functions. The more juristic the approach the greater will be the emphasis placed on functions subject to strict formal control, such as functions 3 - 5 (especially in the case of France); when decision theory is the guiding factor the first two functions move into the forefront (Denmark, United Kingdom, Netherlands). Significantly the recruiting function is barely mentioned in all these papers; an empirical study of this function would require a complex accumulation of social background data or survey data (exceptions: B, page 29; NL, page 133).

None of these papers reaches a clear verdict on the principal function (the most pessimistic note is generally struck in the paper on Great Britain where the Mother of Parliaments seems to have degenerated into a consultative council or sounding board (GB, page 156).

A clear assessment is difficult to reach in a study of individual parliamentary systems and generalizations become quite impossible in a comparison of the new EEC systems. The strength and functions of the parliaments are determined by a series of external constraints:

### 1) Juristic constraints

a) *The norms of the constitution* which influence many functions of parliament, most significantly the interplay of power between parliament and government in the fourth function e.g. in the elevated status of the President under the semi-presidential parliamentary system of the Fifth French Republic or in the incompatibility provisions in the Netherlands which mainly influence the recruiting function.

b) *Organization and infrastructure of parliaments* shaped by historical developments. These aspects are most strikingly reflected, as far as the legislative function is concerned, in the pattern of organization of the parliamentary committee system; special attention was therefore given to the committee system in the national studies especially when deviant cases or striking changes occur (GB, page 156; F, page 61; DK, page 38).

### 2) Socio-economic constraints

a) The party system which mainly influences the government-forming function but also helps to shape policy output and decide which party or coalition will exercise the legislative function and which must be confined to the bill reviewing function (DK, page 38).

b) *The system of interest groups and institutionalized channels* available for the expression of interests in the system ranging from methods of direct democracy, (e.g. referendum or popular initiative) to the formation of special bodies to represent interests (e.g. social and economic councils).

#### 1) *Representation and articulation function*

The representation and articulation function is dependent on several factors:

a) *The organization of the parliament in one or two houses* which has been almost completely disregarded in these studies (exception Ireland, page 75). There are widely varying forms of organization.

- 1) single chamber systems (Luxembourg, Denmark since 1953; para. 28)
- 2) uniformly elected chamber divided into two houses (Norway, para 73)
- 3) Elected second chamber on a different territorial basis (France, Art. 24, 3; Italy Art. 57; Belgium, Netherlands)
- 4) Federalistic chamber with a council system (appointed representatives of the Länder governments, e.g. Federal Republic of Germany)
- 5) Nomination of some members of the second chamber (Ireland, 11 out of 60 senators; Italy 5 senators, Art. 59, 2).

The greater the emphasis on the different territorial (especially in a federalist system) or functional bases of representation of a second chamber, the greater the influence of the pattern of organization on the representation function.

### b) *Differentiation of the protective function*

Auxiliary functions to defend the interests of underprivileged groups have developed in a variety of forms in the parliaments. The petition committees formed in many parliaments have generally tended to decline in importance with the development of a constitutional system since early 19th century constitutionalism. Work in the petition committees is quite often little more than a duty for parliamentary freshmen which earns little publicity<sup>(8)</sup>.

The position of the ombudsman based on the Swedish example<sup>(4)</sup> which has developed in some of the EEC parliamentary systems (England, Denmark, Norway, defence commissioner in Germany<sup>(5)</sup>) has acquired an important protective and controlling role in some cases. But it can scarcely be described as an organ of parliament and has not infrequently come into conflict with the latter, especially in the case of the German defence commissioner<sup>(9)</sup>.

In the context of parliamentary reform the improvement of the articulation function has, however, played a role in reviving and facilitating the earlier right to put questions or in the introduction of the 'topical hour' (see GB, page 156<sup>(7)</sup>), an instrument which has so far achieved little more than a streamlining of inputs and demands.

### c) *The plebiscital component*

In parliamentary systems the plebiscital component is hardly a threat to the legislative authority of parliament. The risk is greatest where a semi-presidential system favours the manipulative use of the referendum (cf. the French referendum in 1969 in which de Gaulle linked two questions).

In the case of innovations such as the peoples' pension issue in Sweden in 1957, on the occasion of referendums in 1963 and 1969 in Denmark (DK, page 38), the referendum of October 1968 which led to the rejection of amendments to the constitution in Ireland, and in the case of the threat of a referendum used by conservative groups to oppose the divorce law in Italy, parliamentary majorities have in some cases appeared more progressive than the majority of the electorate at large<sup>(8)</sup>. The shortcomings of the articulation function and the function of representing interests have not, however, disappeared through the mere existence of the plebiscital norm-setting process in the EEC countries. Protest movements have contested parliamentary systems with or without referendums.

### d) *Institutionalization of the articulation of interests in parliament*

Side by side with the attempt to channel and control the influence of interest groups in parliament (by registering lobbyists, developing public hearings, party laws and the setting of maximum contributions to election funds) the highly institutionalized form of interest representation outside parliament has developed particularly strongly in the countries of the European Community. Economic councils with constitutional status (Conseil Economique et social in France, Consiglio Nazionale dell'Economia e del Lavoro in Italy) have been formed, or councils which are part of an economic organization under public law such as the Sociaal-Economische Raad in the Netherlands or the Belgian Conseil Central de l'Economie; in Denmark, on the other hand, the Economic Council has a coordinating function only. Sometimes these councils have the possibility of influencing parliament directly; this right may even be institutionalized, as in the case of the right of representatives of the French CES to speak in Parliament or the right of the Italian CNEL to introduce proposed legislation<sup>(9)</sup>.

The risk of a secondary parliament which has frequently been referred to has never in fact materialized. These economic policy advisory bodies have not even led to the disappearance of all the drawbacks for the interest representation function in the parliamentary chambers such as the lobby system in parliament, even though most of the national studies note the growing tendency for direct contact with the executive (especially with strong unions) thus bypassing contact with parliament (IRL, page 75; GB, page 156; DK, page 38; NL, page 133).

For the countries of the European Community there is still a lack of recent pressure group studies offering roughly comparable material, so that it is not really possible to make any general comment on the importance of the factor of interest representation by groups <sup>(10)</sup>.

## 2) *The communication function*

Some authors have lately emphasized the communication function between the people and the government as the most important role of parliament <sup>(11)</sup>. But recent left-wing criticism of the parliamentary system has described this function as being particularly weak although this process of weakening is generally measured against highly superficial indicators such as the frequency of participation by members, the decline of parliament as a debating body and the reduction in the number of plenary sittings <sup>(12)</sup>. Survey studies are also repeatedly quoted as evidence of the disappearing communication function. According to a survey in 1965, 28 % of a population sample in the Federal Republic thought that the Bundestag was the government and 14 % were unable to give any answer <sup>(13)</sup>.

The loss of parliamentary legitimation has not infrequently been associated with the inadequate exercise of the communication function (GB, page 156) and the development of mass communication media — especially the tendency of heads of government and party leaders to perform the communication function telecratically by television — has also helped to weaken parliament's role in this area.

## 3) *The controlling function*

In the early days of the parliamentary system there was a sharp distinction between the present EEC countries in regard to the controlling powers of parliament. In general a distinction may be made between two traditions: <sup>(1)</sup>. The development of the *right to put questions* which matured only slowly into the right of interpellation with motions or even a formal vote of no-confidence (the constitutional monarchies in Germany and Scandinavia, generally based on English parliamentary practice) <sup>(2)</sup>. The early development of a right of *interpellation* with motions (*ordre du jour*, *ordine del giorno*) in the French sphere of influence where, with a greater fragmentation of the parliamentary groups, the motions of the day stood, at the end of an interpellation debate, like a permanent sword of Damocles, over the head of the government and contributed a great deal to the instability of the cabinet (France, Belgium, Italy) <sup>(14)</sup>.

After the second world war these differences were balanced out by the harmonization of rules of procedure on the one hand and the more stable hegemony of the government groups in several EEC countries <sup>(15)</sup>.

With the reduction in the tendency for governments to be overthrown by a formal vote of no-confidence (see below) elements of the British controlling system, such as question time, were also taken over by other countries.

The development of the rights of opposition members and minorities is not, however, a risk to the stability of government as the hegemony of individual parties is stronger in several EEC countries than it had been before the second world war, which meant that many traditional means of control such as committees of enquiry, budget law, controlling committees and the more recent devices such as hearings, question time or ombudsmen became fairly ineffective in confrontation with the relatively stable domination of bourgeois majorities <sup>(16)</sup>.

This may be one of the reasons why the controlling function has not been dealt with in detail in most of the national studies (exception NL, page 133). The controlling function has been referred

to in the greatest detail in connection with the establishment of the budget, as here the independent initiative of parliament was assumed to exist in every case (see GB, page 156; IRL, page 75; NL, page 133).

In the modern European parliamentary systems the fronts have been reversed. In the age of a constitutional dualism between the government of the king and the bourgeois representatives of the people, penny-pinching parliaments were proverbial; today on the other hand the government generally has to defend its budget estimates, based on austerity programmes or stability measures, against the would-be generosity of political groups which subscribe to a concept of democracy backed by electoral hand-outs.

#### 4) *The function of participation in the appointment and dismissal of the executive*

##### a) *Participation in forming the government*

Participation in forming the government depends largely on constitutional norms which have been shaped very differently depending on the parliamentary tradition and constitutional continuity. The following variants are conceivable:

- 1) Election by the Parliament (Ireland, Art. 13,1).  
In Ireland (as in the FRG) the function of the Dáil was purely formal except when the hegemony of Fianna Fáil was threatened as in 1948<sup>(17)</sup>.
- 2) Appointment of the head of government by the head of state symbolizing election by parliament (FRG, Art. 63; Italy, Art. 92, 2; 94, 3).
- 3) Appointment by the head of state without elections of parliamentary investiture (Denmark, para. 14; France, Art. 8).

In other countries an investiture vote became standard practice. The legal participation of Parliament, reflected in a formal election or an investiture vote for a head of government appointed by the head of state is, however, less decisive than the factual participation of parts of Parliament in the process of government. This appears all the more complicated the more fragmented the multi-party system is. Unlike England, France and the FRG, the government-formation process in Italy, Belgium or the Netherlands not infrequently requires the arrangement of consultations with the outgoing head of government, the President of Parliament (especially in Italy and the Netherlands), the party and group leaders and what are known as 'informed sources' (especially in Belgium and the Netherlands)<sup>(18)</sup>.

The process of consultation and formalization of the consensus reached in it until coalition agreements have been worked out, means that parliamentary involvement in an 'official vote' is increasingly becoming a pure formality. Only in a few countries where minority government has often been necessary, particularly in Denmark and in Italy, may it still be a problem<sup>(19)</sup>.

##### b) *Overthrow of the government by a parliamentary vote*

The determination of parliamentary responsibility and the possibility of parliament imposing sanctions have counted among the main concerns of the draftsmen of constitutions in all more recent constitutional assemblies. In EEC countries the following models have arisen:

- 1) Dual responsibility of ministers *de jure* to Parliament, *de facto* to the president (see F, page 61 as in the case of Pompidou 1962, Chaban-Delmas 1969 and Messmer 1973).
- 2) Unrestricted vote of no confidence (United Kingdom, *de facto* irrelevant since the second world war, Benelux countries, Norway, Denmark).



- 3) Disciplined vote of no confidence tied to specific conditions (France, Art. 49, 2; FRG, Art. 67; Italy, para. 94).

In all three types of parliamentary EEC countries the overthrow of the government by a vote in parliament no longer plays an important role. Even in cases where it has occurred (Denmark 1947, France 1962, Netherlands 1966, Norway 1963) it was frequently not consciously used to dissolve a coalition by a counter-coalition ready and willing to govern, but rather a kind of parliamentary industrial accident. This is particularly true of the few instances of votes of no confidence against individual ministers (e.g. Luxembourg 1958) which generally led to the breakdown of the ruling coalition. After the second world war the break-up of the coalition had become the main reason for the dissolution of a government in the EEC countries, and the parliamentary no-confidence machinery has seldom been used. President Coty of France once deprecatingly said 'People forget that governments are no longer overthrown by assemblies today. We live in the nuclear age. Governments generally just disintegrate as in a classical tragedy, they go off to die in the wings, and not on stage' <sup>(20)</sup>.

The social and political bases of parliamentarianism therefore have a more decisive influence today on the existence of the government than the limitation of the right of Parliament to participate in the formal sense.

c) The *dissolution of Parliament* as a weapon used by the government to oppose the influence of Parliament on the fate of the government.

The dissolution of Parliament is also strongly governed by normative provisions.

The following variants exist in the EEC countries:

- 1) No right of dissolution (Norway).
- 2) Dissolution of Parliament by the head of state without counter-signature by the head of government (France, Article 12).
- 3) Unconditional dissolution by the head of state at the initiative of the head of government (Great Britain, Ireland, Article 13, 2, 2; Lux., Article 74; Belgium, Netherlands, Article 114).
- 4) Conditional dissolution by the head of state at the initiative of the head of government (FRG, Art. 63, 4; 68, 1; Italy, Art. 88; Denmark para. 32, 2).

The dissolution of parliament as a counter-measure taken by the government has declined in importance simultaneously with the reduction in the tendency for parliament to use its strongest instruments of control of the government.

As to the motives for the dissolution of parliament (conflict between parliamentary majority and government, deadlock in the two chamber system, coalition crisis, disciplinary measure against groups, substitute for referendum, as has occasionally been suggested in countries where parliament cannot be dissolved, such as Norway <sup>(21)</sup> a conflict between parliament and government is very infrequent (Luxembourg 1958, Denmark 1967, Netherlands 1958, FRG 1972, France 1962). In the case of the most frequent reason for the cabinet to be dissolved, i.e. breakdown of the coalition, because of the fragmentation of the party system the dissolution of parliament would not generally help to solve the government crisis but would sometimes even worsen the situation, e.g. Denmark 1973 <sup>(22)</sup>.

### 5) *The legislative function*

It is unanimously agreed in almost all the national studies that the legislative function has increasingly degenerated to a bill-reviewing role (DK, page 38; NL, page 133). The smaller the right of initiative,

the greater the development of controlling functions should be (see above). In many countries private members bills do not even represent one tenth of the initiatives tabled and they are not infrequently confined to specific issues on which governments do not like to enforce a whip because they are questions of conscience (e.g. GB, page 156). The success rate is generally even lower (in Denmark 1 % of all initiatives; DK, page 38). The same applies to Italy where the number of laws tabled by individual members is comparatively high <sup>(23)</sup>.

In some countries the reduction in the number of bills tabled by private members has been accompanied by a painful learning process, especially in the FRG where the SPD, which was in opposition until 1966, often used to table counter-proposals until it found that it could influence the legislative process more consistently by painstaking amendments in committee rather than by drafting its own bills <sup>(24)</sup>.

The legislative function is influenced quite considerably by the structure of the internal organization of parliament and not only by the strength of the government. In all the EEC Member States the legislative output after the war was very high as the need for regulations on many issues was particularly great, especially in countries which were badly hit by the war. To that extent the organization of parliament, the efficiency of its infrastructure and above all its committee system, is no more than one important intervening variable. Depending on the genesis of the internal structural organization of parliaments a committee system has developed to differing degrees in the EEC countries according to the criteria of 'degree of specialization' and 'extent of powers':

- 1) The *British model*, in which all experiments at setting up more highly specialized committees since 1966 (cf, GB, page 156) have failed to succeed <sup>(25)</sup>.
- 2) The *German model* with strong specialization on the individual spheres of Government responsibility.
- 3) The *French model* with its limited number of six committees coupled with a kind of 'personality cult' (F, page 61) <sup>(26)</sup>.
- 4) The *Italian model* of committees which take decisions. Where there is a strong tendency towards fragmentation of legislation the system of highly specialized committees appears to make for greater efficiency. The flood of laws may be swollen still further by a special provision such as exist in Italy where bills may be adopted by committees (Art. 72 of the Constitution); this possibility is made use of in about three-quarters of all cases <sup>(27)</sup>.

On the other hand in the two chamber system the possibility of utilizing the expert knowledge of the upper chamber has frequently not brought about the desired improvement of the legislative function. In Great Britain technically complex but politically relatively uncontroversial bills are first introduced in the upper house in about one quarter of all cases <sup>(28)</sup>. In the FRG the Bundesrat plays only a small part in the legislative process <sup>(29)</sup> despite its executivistic composition and in countries with a system of two chambers which have almost identical rights, as is the case in Italy, the legislative activity of the senate is significant.

Much of the discussion of parliamentary reform in all the EEC countries seeks, through technical improvement of the infrastructure (F, page 61; GB, page 156), to improve at the same time the legislative function; it is only recently that the close links between material competence and the recruiting function of Parliament have been recognized more realistically.

#### 6) *The recruiting function*

In most of these studies little mention has been made of the recruiting function (exceptions NL, page 133; F, page 61), although its importance is growing in parliamentary systems with a tendency to increase the number of executive offices constantly. The change is particularly noticeable in the

FRG which in the space of a few years, by copying British institutions such as parliamentary secretaries of state and ministers of state, has more than doubled the number of executive posts to which appointments are made from parliament, this increase has only been surpassed in Italy where the number of sottosegretari is now generally twice as great as the number of cabinet posts<sup>(80)</sup>. In Ireland an attempt has been made to contain the increase in the number of offices by fixing it at seven; the number of areas of responsibility which is fixed by the constitution in some countries (Norway, Denmark, Luxembourg)<sup>(81)</sup>.

The recruiting function is sometimes also shaped by the normative framework of the system, although this parliamentary function may be traced back to the social basis of the system rather than to normative regulations. The incompatibility provisions in the Netherlands system, which became obligatory in 1938, or the requirement for parliamentarians in the Fifth French Republic to resign their mandate when they accept a ministerial office has had a considerable influence on recruitment, although in both countries the trend to recruit from party leaders with considerable experience of parliamentary business has not been halted by this<sup>(82)</sup>. The French innovation which ran counter to the established parliamentary practice of the 3rd and 4th French Republics, did not have the destructive consequences on the 5th Republic which publicists feared when it was first introduced<sup>(83)</sup>, and parliament has remained the normal school of politicians. The trend to form closely knit elites and change positions has not been heightened in EEC parliamentary systems with or without incompatibility provisions. In Great Britain this is felt to be a shortcoming (GB, page 156), because there is a lack of leaders with management experience<sup>(84)</sup>.

Little comparative study has been made of the quality of the recruiting function, as it would require a vast amount of quantitative data. The gerontocratic tendencies, the predominance of middle class social groups and certain professions (e.g. lawyers) or regional and religious imbalances have so far only been studied for individual EEC Parliaments at three levels:

- 1) By *social background-data studies* of the national Parliaments<sup>(85)</sup>.

Recruiting studies could only become truly relevant to parliamentary research going beyond a contribution on the social mobility of politicians if the recruitment input were correlated with the legislative output, a problem that has only been seldom discussed (exception NL, page 133). On the other hand it has been found that the pre-parliamentary background data seldom has a bearing on the subsequent attitude of parliamentarians or on the output.

- 2) By *studies of the choice of candidates* at the pre-parliamentary stage<sup>(86)</sup>.
- 3) By *survey studies of the role concept of parliamentarians*

Because of the backwardness of behaviourist methods in Europe comparatively little work has been done in this area so far<sup>(87)</sup>.

However, most of the analyses provide more information on socialisation at the pre-parliamentary stage than on parliamentary activity as such. Comparative material is not available because of the highly descriptive studies, which lack a theoretical basis of the recruiting function in the EEC countries.

## Summary

### *The positions of parliaments in the political systems of the EEC countries*

The national studies mostly enumerate characteristics on the basis of a typology of the functions of Parliament, but generally avoid any comment on the dominant function. Especially in the case of multi-party systems with complex cabinet-forming procedures (DK, page 38; NL, page 133; F, page 61) the socio-economic basis, as it affects the party system, is dealt with in greater detail.

The main variables are:

- 1) the number of parties.
- 2) the number of parties eligible to participate in a coalition.

In the EEC a distinction may be made between:

- 1) Quasi-two and a quarter party systems with alternative government (FRG, Great Britain, Ireland).
- 2) *Multi-party-systems* in which practically all parties are eligible to participate in a coalition because no single party has more than a relative preponderance (Denmark, Netherlands, Belgium).
- 3) *Multi-party-systems in which major groups are not considered eligible to take part in a coalition*, with the result that the biggest coalition party enjoys a hegemony (France, Italy).

Even where an approach has been made towards a strong vertical structure, the fragmented party system on the whole brings the parliamentary mechanisms comparatively close to their goal while systems with one party hegemony, tends towards a 'correntocrazia' in which, the main compromise decisions are taken in the biggest parliamentary group and the quasi-two party systems tend towards greater dependence of the group on the party organization at national level.

In all three party systems there is a high level of cabinet stability which leaves less latitude for the machinery to call ministers to account before parliament than in parliamentary systems between the two world wars or even in the 19th century<sup>(38)</sup>.

Italy and Belgium are exceptions to this rule because of the super imposition of further cleavages on the principal social conflicts, e.g. the conflict between Flemish and Wallonen sectors of the population in Belgium.

None of these three types escapes the criticism levelled against West European parliamentary systems by modern radical theories of democracy. The distortion of the will of the electorate is greatest in systems with long-term domination by a hegemony party (France, Italy). The second type in which almost all parties are eligible to take part in a coalition is also open to criticism: in this type of party system an increase in the number of electoral votes may even mean that the chance of entering the government is reduced rather than increased, and that the rational decision of the elector who wishes to elect a particular group may be not to follow his first preference (e.g. the election of agricultural and centre parties in Scandinavia)<sup>(39)</sup>. In the quasi-two party system with alternating government the will of the electorate seems to have the strongest effect on the personal composition and on the policy content of the governments. But here too anti-democratic consequences have been repeatedly criticized, because the position of the government in these prime-ministerial systems seems particularly strong vis-à-vis the parliamentary majority, and the tendency for the concept of democracy to be reduced to the Schumpeter-Downs concept of an elitist democracy is observed particularly frequently in this type of party system<sup>(40)</sup>.

In addition to the party system the nature of the representation of interests by interest groupings is tending to play an increasingly important role. The more traditional the pattern of ownership and statutes of enterprises, the more authoritarian the interests of capital will be in the economy, the less the tendency for parliament to still act as a forum for expression of the conflict of interests and the sharper the tendency for the government to negotiate directly with the most powerful interest groupings. With the growth in the power of the unions and the increasing politicization of the working classes since the great protest movements of the late 1960's there has been a similar tendency to bypass parliament in some countries, especially where the unions are founded on materialist theories (France and Italy), or in countries where the unions have an important say in the strength of membership of the Labour parties (Great Britain, Norway).

The social situation founded on a debate among social equals which existed until the first world war in some of what were later to become the EEC Member States with their entrenched bourgeois

parliamentary establishment no longer exists. A debating parliamentarianism with situations which are in principle open and not yet programmed, protected by a strictly regulated procedure against excessively close interest groupings and the cumulation of members' roles on the one hand, and against impulsive expressions of popular will outside parliament on the other, is today the exception rather than the rule (41).

In the modern parliamentary system of the EEC states, parliament still exists as the highest formal level for the settlement of conflicts. The increasing tendency to settle conflict in the system of interest representation outside Parliament and the recurrent crises of parliamentary legitimation in which plebiscital or even anomic forms of expression of latent interests, which had hitherto scarcely been represented and aggregated, repeatedly occur characterise European parliamentarianism since the end of the period of socio-economic calm during the phase of European reconstruction which ended in the late 1960's.

## BIBLIOGRAPHY

- 1) G. ALMOND - G. B. POWELL: Comparative Politics. A Developmental Approach. Boston 1966, p. 108.
- 2) J. BLONDEL: An introduction to Comparative Government. London 1969, p. 321, idem: Comparative Legislatures. Englewood Cliffs 1973.
- 3) Cf. for the FRG: K. von BEYME: Interessengruppen in der Demokratie. Munich, 1971, p. 92.
- 4) W. HALLER: Der schwedische Justitieombudsman. Zürich, 1964, p. 82ff.
- 5) J. G. STEENBEEK: De parlementaire ombudsman in Zweden, Denemarken en Noorwegen. Haarlem 1963; W. GELLHORN (ed.): Ombudsmen and others. Cambridge/Mass. 1966; F. STACEY: The British Ombudsman. London 1971; G. NAPIONE: Il controllore della pubblica amministrazione. Milan 1969.
- 6) W. R. VOGT: Militar und Demokratie. Funktionen und Konflikte der Institution des Wehrbeauftragten. Hamburg Berlin 1972.
- 7) Cf. U. THAYSEN: Parlamentsreform in Theorie und Praxis. Opladen 1972, p. 112ff, 147.
- 8) B. MOLIN: Tjänstepensionsfragan. Göteborg 1965, p. 59ff.
- 9) B.-O. BRYDE: Zentrale wirtschaftspolitische Beratungsgremien in der parlamentarischen Verfassungsordnung. Hamburg Frankfurt 1972, p. 148.
- 10) The main studies are: A. LIJPHART: The Politics of Accommodation. Pluralism and Democracy in the Netherlands. Berkeley Los Angeles, 1968; J. La PALOMBARA: Interest Groups in Italian Politics. Princeton 1964; J. MEYNAUD: Nouvelles études sur les groupes de pression en France. Paris 1962; L. SKOV MADSEN: Interesse-organisationerna og det offentlige. Copenhagen 1969; A. POTTER: Organized Groups in British National Politics. London 1961; P. H. CLAEYS: Groupes de pression en Belgique. Brussels 1973.
- 11) BLONDEL: Comparative Legislatures, op. cit., p. 135.
- 12) Cf. H. APEL: Der deutsche Parlamentarismus. Reinbeck 1968, p. 149.
- 13) Emnid-Information. Bielefeld 1965, No 9, p. 2f.
- 14) Cf. K. von BEYME: Die parlamentarischen Regierungssysteme in Europa. Munich 1973, p. 417ff.
- 15) On the formal differences between means of control, cf. the comparative study of three EC countries: H. WOLLMANN: Die Stellung der Parlamentsminderheiten in England, der Bundesrepublik Deutschland und Italien. Den Haag, 1970, p. 144ff.
- 16) N. GEHRING: Parlament, Regierung, Opposition. Dualismus als Voraussetzung für eine parlamentarische Kontrolle der Regierung. Munich 1969, p. 282ff.
- 17) B. CHUBB: The Government and Politics of Ireland. Stanford 1970, p. 167.
- 18) Cf. v. BEYME, 1973, op. cit., p. 535ff.
- 19) Cf. E. DAMGAARD: The Parliamentary Basis of Danish Governments. Scandinavian Political Studies, Vol 4, 1969, p. 30-57.
- 20) Quoted in: J.-P. HARCOURT: La dissolution de l'Assemblée du 1<sup>er</sup> décembre 1955. Thèse. Caen 1958, p. 208.
- 21) Cf.: F. CASTBERG: Spørsmålet om innførelse av oppløsningsrett for kongen. Oslo 1954, p. 22.
- 22) J. VELU: La dissolution du parlement. Brussels 1966; v. BEYME, 1973, op. cit., p. 833-884.
- 23) Statistical summaries for the first parliaments in: G. SARTORI (ed.): Il parlamento italiano. Naples 1963, p. 213ff.

- 24) G. LOEWENBERG: *Parlamentarismus im politischen System der BRD*. Tübingen 1969, p. 323.
- 25) Cf. B. Crick: *The Reform of Parliament*. London 1969.
- 26) E. GUICHARD-AXOUB - Ch. ROIG - J. G. RANGÉ: *Etudes sur le parlement de la V<sup>e</sup> République*. Paris 1965, p. 94ff.
- 27) K. von BEYME: *Das politische System Italiens*. Stuttgart 1970, p. 34; R. von LUCIUS: *Gesetzgebung durch Parlamentsausschüsse?* *Archiv des öffentlichen Rechts*, Dec. 1972 (568-595), p. 571.
- 28) P. A. BROMHEAD: *The House of Lords in Contemporary Politics*. London 1958, p. 139; S. A. WALKLAND: *The Legislative Process in Great Britain*. London 1968, p. 83ff.
- 29) H. LAUFER: *Das föderative System der BRD*. Munich 1973, p. 81.
- 30) Cf. v. BEYME: *Das politische System Italiens*, op. cit., p. 62.
- 31) CHUBB: op. cit., p. 170.
- 32) On the 'apartheid' of ministers and parliament, cf.: E. van RAALTE: *The Parliament of the Kingdom of the Netherlands*. London 1959, p. 30ff.
- 33) On this debate, cf.: K. von BEYME: *Das präsidentielle Regierungssystem der Vereinigten Staaten in der Lehre der Herrschaftsformen*. Karlsruhe, 1967, p. 67f.
- 34) For the FRG, cf. Klaus von BEYME: *Die politische Elite in der BRD*. Munich 1971, p. 155ff.
- 35) Cf. F. DEBUYST: *La fonction parlementaire en Belgique: mécanismes d'accès et images*. Brussels 1967; R. CAYROL - J.-L. PARODI - C. YSMAL: *Le député français*. Paris 1973; D. HERZOG: *Karrieren und politische Professionalisierung bei CDU/CSU, SPD und FDP*. In: J. DITTERBERNER - R. EBBIGHAUSEN (ed.): *Parteiensystem in der Legitimationskrise*. Opladen 1973, p. 109-131; P. FERNETI: *Sisteme politico e società civile*. Turin 1971, Chap. 2, *la classe politica italiana*, p. 115ff.
- 36) B. ZEUNER: *Kandidatenaufstellung zur Bundestagswahl*. Den Haag 1970; U. KEMPF: *Zur Kandidatenaufstellung in Frankreich am Beispiel der Union pour la Nouvelle République und ihrer Koalitionspartner*. Berlin 1973; A. RANNEY: *Pathways to Parliament*. London 1965; M. RUSH: *The Selection of Parliamentary Candidates*. London 1969. G. di CAPUA: *la scelta dei candidati*. In: M. DOGAN - O. M. PETRACCA (ed.): *Partiti politici e strutture sociali in Italia*. Milan 1968, p. 579-608.
- 37) An exception: G. J. Di RENZO: *Personality, Power and Politics. A Social Psychological Analysis of the Italian Deputy and Parliamentary system*. Notre Dame, London, 1967.
- 38) K. von BEYME: *Party Systems and Cabinet Stability in European Parliamentary Systems*. In: H. St. SOMMAGER et al. eds: *Festschrift für Karl Loewenstein*. Tübingen 1971, p. 51-70.
- 39) Cf. A. De SWAAN: *Coalition Theories and Cabinet Formations*. Amsterdam London 1973, p. 29of.
- 40) Cf. K. LENK: *Wie demokratisch ist der Parlamentarismus?* Stuttgart 1972, p. 34.
- 41) Cf. N. LUHMANN: *Legitimation durch Verfahren*. Neuwied 1969, p. 15.

## INTRODUCTORY STUDY TO PAPERS ON NATIONAL PARLIAMENTS

Note by Professor David COOMBES, *University of Loughborough*

1) To study the role of Parliament in European integration is to come to the heart of the problem of legitimacy in the European Communities. A problem of legitimacy arises when the procedures and methods by which political authority is exercised are not acceptable to its subjects. (In this sense the causes of the problem might include inefficiency as well as unresponsiveness.) Why such a problem exists in the European Communities, and why it is likely to grow in importance, are not questions which need detain us here, although we should remark in passing that one's view of the importance of the problem must depend on one's view of the real purpose of the European Communities. I shall assume in this paper, however, that there would still be a problem of legitimacy even if one were to maintain that the European Communities should not expand in function or scope. A question on which it would be much more difficult to find agreement is what should be the role of Parliament in providing that legitimacy. It is essentially on this aspect of the problem as it faces the European Communities that the present symposium has been focused.

2) In spite of the relatively limited role entrusted to the European Parliament in the founding treaties, the Parliament has seen its own development as being crucial to the problem of legitimacy. In particular the Parliament has sought to employ two provisions of the Treaty of Rome in order to encourage its own development: that concerning direct elections, and that concerning budgetary procedure. While its efforts regarding the first of these seem to have been blocked and those regarding the second have met with only partial success, attention in recent years has turned to wider aspects of its role, in particular, its functions in the legislative process of the Communities. The other institutions, and especially the Commission, seem in the last few years, to have paid rapidly increasing attention to the powers of the Parliament, and the Vedel Report has provided a widely-debated and influential account of ways in which those powers could be extended to provide greater legitimacy for the Communities. There is, therefore, an increasingly important and influential school of thought which maintains that the problem of legitimacy in the Communities is intimately associated with the functions of Parliament, and that in this respect it is necessary to increase the powers of the European Parliament until that function is properly performed. This reasoning is based, not only on the view that legitimacy is lacking in the Community institutions as they are now but also on the related view that the transfer of functions from a national to a Community level weakens the national Parliaments and that some substitute parliamentary function must be provided at a Community level. What is needed in this argument, however, is a much more precise and realistic understanding of the role of national Parliaments. What has been particularly lacking is an articulation of what parliamentary functions really are.

3) However, there are many who would place much less emphasis on the role of the European Parliament in relation to the problem of legitimacy in the Communities. Some would see the strengthening of the European Parliament primarily as a threat to national Parliaments and would oppose it on those grounds. Of course, if this argument rests on opposition to the transfer of powers to the Community level, in general, then there is not much we can say about it here, because we do not wish to discuss the desirability of European integration. However, our study might be useful, if it showed whether Parliaments in the Member States could reasonably hope to retain effective influence



and control over Community affairs. On the other hand, there are more general objections to seeing the European Parliament as essential to legitimacy, also based on assumptions about national Parliaments, but arguing that Parliament's role as a source of legitimacy is exaggerated. In a variety of ways it is true that some scholastic and legalistic accounts of the role of Parliament give a misleading impression of the dominance of Parliament in the systems of Government operating in our Member States. In many respects there is dislocation between the role of Parliament in modern practice and the traditional, normative view of the central role of Parliament in a liberal democracy whether expressed in written constitutional terms or in conventions or in works of scholars. Thus disillusionment or sheer scepticism about the importance of Parliament within the Member States leads many people to question the realism or the desirability of concentrating on the European Parliament as a step to greater legitimacy in the Communities. In recent years this attitude may well have influenced the reaction of some representatives of 'Member States Governments and of the Commission' (and even of some members of the Parliament themselves) to proposals for strengthening the powers of the European Parliament.

4) Given this vital difference of view about the role of Parliament in general, a substantial part of the symposium is being devoted to studies by experts from the Member States of the role of their national Parliaments. The authors take as their focus the relationship between, on the one hand the traditional view that Parliament is the primary source of legitimacy in a liberal democracy and on the other the modern functions which Parliament actually performs. The aim has been more than simply to provide a list of the functions of national Parliaments, or to give purely constitutional descriptions of their role. The authors have been asked to concentrate on the constraints and unforeseen consequences which make it difficult or impossible for Parliaments to exercise the functions expected of them. By this means we hope to learn more about the circumstances which have affected the role of Parliament in practice. Can one say, for example, that the constraints are such that Parliament's functions must be different from those which it is supposed to exercise, or can adjustments be made to adapt the role of Parliament? At the same time it is important to see how far the circumstances as well as the norms of Parliament's role differ from one State to another. Do we share a common conception of what the role of Parliament should be? How far can the problems which confront our national Parliaments be explained by conditions peculiar to one or more countries?

5) Obviously with such a broad perspective, the authors will find it necessary to treat their subjects with some generality. They have been given a great deal of flexibility in approaching their task and, rather than lay down a rigorous form for the contributions on each national Parliament, we confined ourselves to agreeing on the focus of interest just described. At the same time it was thought helpful to have some kind of common framework, if only as a list of what topics might be considered relevant and as an analysis of these into different types of issue. A framework of this kind was produced in draft form and discussed at an earlier meeting by all the contributors of studies on national Parliaments. There was broad agreement that it covered the main, relevant issues which the authors would need to consider and I shall paraphrase it here as an introduction to their contributions.

6) By far the most difficult aspect in organising these studies of national Parliaments was deciding what we expected the functions of Parliament to be. It seemed important to make some suggestions about this, since in the end it is the functions of Parliament in modern circumstances that we shall be trying to assess. Realising, therefore, that authors would probably wish to add to it or to amend it in various ways, the following analysis of the functions of Parliament was offered:

- a) First, Parliaments exercise an *elective* function, in that some Governments are actually recruited from Parliament, and most depend on its support.
- b) Secondly, there is what might be called Parliament's *representative* function, which has two rather different aspects. First, there is its role as a 'forum of the nation', in which public opinion finds expression and in which the actions and policies of Government can be openly discussed and challenged. At the same time, as the place where opposition is institutionalised, Parliament is an instrument of consensus, a means by which Governments can get support for their policies and actions.

- c) Finally and the most difficult to identify there is the function of Parliament in controlling administration, which is probably best described as its *managerial* function. Two aspects of administration can be important to Parliament from this point of view: the relationship between the administration and individual members of the general public (an aspect in which the *fairness* or *regularity* of administrative action is most important); and the effectiveness of the administration in carrying out the tasks assigned to it (where it is *efficiency* which is mainly in question).

The extent to which these functions are performed and their relative importance will vary from country to country, and over time, depending upon a variety of conditions which will now be summarised.

7) The formal, constitutional powers and rights of Parliament may vary considerably, and clearly have a very fundamental influence on the way its functions are performed. They may be considered under five general headings:

- a) Relationship with the executive (e.g. power of appointment and dismissal, nature of ministerial responsibility, compatibility of parliamentary and executive membership),
- b) Functions in procedure for making laws (e.g. the scope of Parliament's legislative rights, the use of committees, powers of amendment and approval).
- c) Functions in budgetary procedure (e.g. limitations on right to propose increases in expenditure, comprehensiveness of the budget, role in a *posteriori* control of expenditure),
- d) Control of the administration (e.g. rights of inquiry and scrutiny, special procedures for presenting individual grievances and settling them),
- e) Degree of independent status (e.g. organisation of time-table and power to hold sessions, arrangements for presiding over sessions and for determining and upholding procedure, parliamentary staff and other services).

8) Influencing the way these powers and rights are exercised in practice is another set of fundamental factors, not all of them constitutional and legal in nature, arising from the general nature of the system of Government in which Parliament operates. The constitutional nature of the State concerned must obviously be considered before the role of its Parliament can be understood: in particular the extent to which the constitution provides for a separation of powers between executive and legislature (this aspect overlaps with 7 (a) above), whether it is a unitary or federal system and in general what relationship exists between central and local Government. The influence of constitutional factors will itself depend to some extent on the continuity of the constitution, what form it takes and what methods are adopted for amending it. Also relevant is the way in which public administration is organised, particularly, its relationship with the executive and the status and rights of its own members. Parliament's role in relation to the administration must depend partly on the extent to which public agencies and corporations are given autonomy, and also the extent to which the work of the administration is directed and controlled according to a separate system of administrative jurisdiction. Perhaps the most important basic political factor determining the role of Parliament will be the nature of the electoral system, although this must be considered in relation to other, more sociological aspects of the political system, such as the nature of the political parties. This in turn needs to be related to the role of interest groups, how they are organised and what channels of access to Government they normally seek and use. Sometimes there may be deep-seated conflict about some issue or issues, which is itself a determinant of the party system or of political behaviour in general, and this may alter the way Parliament's formal powers and rights can be exercised. Finally this brings us to purely sociological, economic or geographic factors which sometimes account for practical differences between one Parliament and another: for example, the degree of ethnic, religious and linguistic homogeneity in the State concerned, its level of economic development, the distribution of its population and so on.

9) In addition to these basic constitutional and political features there are a number of considerations of a more immediate and practical kind which can place constraints on the function of Parliament. These are divided here into four categories:

- a) *Ideas and methods of representation* which tend to diminish the role of Parliament. We would include here both theories of representation, such as the notion of the electoral mandate or belief in direct consultation of the people through referenda and so on, and actual developments such as the growth of disciplined political parties based on mass support and the introduction of direct election of the executive. The tendency of Governments in modern circumstances to prefer direct consultation of pressure groups to the use of purely parliamentary channels is also relevant, although it could also appear elsewhere in this analysis.
- b) *Growth in the scope and size of Government*. It is worth emphasising here that in most Member States there are certain areas where the executive enjoys prerogatives or rights which exclude parliamentary control (functions associated with national security and defence, emergency powers and so on). The expansion of state activity into fields such as economic and social policy, however, seems to have greatly extended the areas in which executives can successfully claim exceptions to Parliament's general powers. The adoption of medium- and long-term financial or economic programmes is one example of this, but even short-term, conjunctural economic policy is an area where Governments normally demand a good deal of discretion. Membership of the European Communities itself (like many other aspects of relations with foreign States, although to a much greater degree) obliges executives to demand greater independence from Parliament.
- c) *Direct effects of technological change*. Two particular consequences for Parliaments can be singled out for mention here. First, the development of new techniques of decision-making in Government requiring expensive and elaborate resources beyond Parliament's means; and secondly the rise of new forms of communication between Government and public opinion such as radio and television.
- d) *Inadequacies in Parliament's own resources*, including many which result directly from factors we have already considered. Thus some Parliaments may have reacted better than others to demands placed upon their time, upon their ability to obtain and use information, and upon their staff and facilities in general by the challenge of modern Government. Some would even see in this a challenge to the whole concept of the member of Parliament as an 'amateur' or 'layman'; others would wish to question the social representativeness of Parliament; others the adequacy of the relationship between members of Parliament and their electors. One could well raise here the whole question of Parliament's management of its own public relations and how it can adapt its rôle as a channel of communication.

10. If the papers on national Parliaments are written with this analysis and this focus in mind, then it should be possible to derive from them a general assessment of the extent to which national Parliaments can and do exercise their traditional functions under the circumstances of modern Government. This information will be invaluable, both for assessing the impact of the European Communities on parliamentary functions at the national level, and for deciding what functions it might be both theoretically and practically desirable for the European Parliament to perform at the Community level. The rest of the papers contributed to the symposium will deal with this wider Community aspect of the problem, whether by attempting a general survey of the role of Parliament in Western Europe, by dealing with the relations between the national Parliaments and the European Parliament, or by considering what sort of conclusions should be drawn regarding the future of the European Parliament itself. The kind of analysis which is presented here and in the other papers cannot be of much practical value unless it is placed in the context of the political problems involved in the process of integration. However, if it is accepted that the question of legitimacy is basic to that process and is becoming ever more crucial in the development of the Communities, then a realistic understanding of the actual and potential rôle of Parliament would seem to be essential.

SECTION II

**THE NATIONAL PARLIAMENTS OF THE MEMBER STATES**



## THE BELGIAN PARLIAMENT WITHIN THE POLITICAL SYSTEM

Paper by M. Jules GERARD-LIBOIS, *Director General of the Centre for Socio-Political Research and Information, Brussels*

On 16 November 1919, for the first time in Belgium, the rule 'one man, one vote' — universal suffrage, though excluding women until 1949, was applied at the parliamentary election. This innovation, introduced just after the war without amendment of the constitution, profoundly modified parliamentary representation and brought about a fundamental and lasting change in the Belgian political system.

The basic unit in Belgian parliamentary elections is the *arrondissement*: it is essentially at this level that the system of proportional representation operates for the election of deputies and directly elected senators <sup>(1)</sup>. This formula — enshrined in the Constitution and implemented by the law is one of the factors encouraging pluralism, the relatively large number of lists in all the *arrondissements*, even if, on the whole, it tends to serve the interests of lists or parties which have strong regional ties rather than those of political groups whose ideologies and representative character are less specific <sup>(2)</sup>.

Compulsory voting, universal suffrage, proportional representation at *arrondissement* level <sup>(3)</sup> — all this led in 1919 to a new situation: no list or party now had an absolute majority in the two Houses, so no homogeneous government could be formed on the basis of a corresponding parliamentary majority. Under such a system the only possible solution was *coalition government*, its form and programme to be worked out by members of different parties, endorsed by those parties or their executive committees and then approved by a non-homogeneous majority in the two assemblies.

This situation, which calls for coalition governments, because of the distribution of seats in parliament, thus became a permanent part of the system <sup>(4)</sup>.

The '*coalition government — majority parliamentary groups*' tie-up is the key element and one which has political significance for the real exercise of power and in decisive relationships.

In practice, as Carl H. Hojer points out <sup>(5)</sup> the character of the parliamentary system is most clearly revealed in the formation and dissolution of governments. The government becomes the dominant

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<sup>(1)</sup> The House of Representatives numbers at present 212 members, the Senate since the elections of March 1974, 181 members, of whom 106 are directly elected, 50 are chosen by the Provincial Councils and 25 are co-opted. The Senate may also include one or more ex-officio members, viz. the sons of the King or, where there are none, the princes of the branch of the Royal Family required to rule on attainment of the age of 18.

<sup>(2)</sup> Articles 48 and 53 of the present Constitution assume the existence of political *parties*. The same is true of Articles 115 a, 116, 118 a and 170 of the electoral code.

<sup>(3)</sup> Moderately influenced by the political alliances reflected in the lists at provincial level.

<sup>(4)</sup> One exception: from 1950 to 1954, as a result of the royal question, the Christian Socialist Party (PSC) enjoyed an absolute majority in the two Houses and a homogeneous government (with three different Prime Ministers) could be formed.

<sup>(5)</sup> The Parliamentary System in Belgium from 1918 to 1940, Carl-Henrik Hojer, Uppsala 1946; reprinted by CRISP-Brussels 1969 (in French).

part of the system. This is not something peculiar to Belgium — it is common to all the Western democracies in varying degrees, even to Great Britain, but in Belgium the need for coalition governments assured of the support of a composite majority in Parliament is by no means a subsidiary factor.

For this reason, the press, the opposition, the public and sometimes even members of the majority group, condemn 'the crisis of Parliament' and 'the parliamentary role': the Assemblies, it is said, fail to reflect the wishes of the electorate, no longer being a vigorous arm of the legislature, an active and effective centre for government control. More and more, Parliament gives the impression of being simply a rubber stamp for decisions taken elsewhere, by those who have the ability to manipulate the parliamentarians and take their place.

Former Prime Minister and present Speaker of the Lower House, Achille Van Acker, had this criticism to make in 1973: "the major decisions are taken outside Parliament and the governments formulate both the conditions of application and the basic commitments, thus usurping the role of Parliament."

That the real powers of Parliament have been eroded, that the government not only exercises executive authority in an ever-widening sphere and constantly extends its responsibilities but is also the driving force and/or the dominant arm of the legislative authority — all this can hardly be disputed: it has been the subject of thorough analysis, in Belgium <sup>(1)</sup> and elsewhere. These studies of the functioning of the socio-political system have highlighted the widening gap between the rule of law, on the one hand, and the real decision-making process and the exercise of authority on the other.

Certain criticisms of Parliament and its working methods will appear in this study, but Parliament will be seen as a *mirror of the crises and tensions* manifested in Belgian society and the State. A distinction must also be drawn in this analysis between the basic phenomena produced by the overall socio-political system and those, such as absenteeism, the formalism of certain debates and voting procedures, which are bound up with practices, methods, customs and procedures which the Assemblies could, at least in part, modify themselves by amending their standing orders or restructuring their services. The theme 'reassessment of parliamentary work' leads on to a series of draft reforms which only touch on the real exercise of their constitutional powers by the Upper and Lower Houses.

The creation of a Belgian State in 1830 is coming to be seen less and less as the logical outcome of an aspiration, or of a national achievement by Belgians, long-standing and permanent, or even as a linear translation or projection in terms of a national State of a living and culturally homogeneous community.

In fact, the Belgian State was born of the will of leading citizens and the general consensus of the populations in the Belgian provinces of the Netherlands, accepted or tolerated by the European powers, the guardians of the system of continental equilibrium established by the Congress of Vienna.

From 1830 until the end of the century, or possibly up to 1914, Belgium was the concern of leading citizens, French-speakers from Flanders and Wallonia, representatives of a liberal bourgeoisie and capitalism; upholders of a constitutional regime based on the separation of powers, parliamentary in type and monarchical in principle. In the second half of the XIXth century, the only important dividing line between the parties — Catholic and Liberal — was the school issue, the main point on which tension between Church and State came to a head. This tension remains constant in Belgium's political life even though, as a result of successive clashes and compromises, an institutional pluralism has eventually been recognized, particularly in the areas of education, health and culture guaranteeing the existence of (subsidized) systems, sociological projections of the Catholic world.

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<sup>(1)</sup> For the most up-to-date view of the situation in Belgium see *Pouvoir de fait et règle de droit*; W. J. Ganshof van der Meerch; Bibliothèque de l'Institut belge de science politique; Brussels 1957; *La décision politique en Belgique*, J. Ladrière, J. Meynanud and F. Perin; Cahiers de la Fondation Nationale des Sciences Politiques; Lib. Armand Colin; Paris 1965 - *Le Régime parlementaire en Belgique*, H. van Impe; Ed. Bruylant; Bruxelles 1968.

From this cleavage on the school issue, under an 'elitist' vote system — property-based and later plural <sup>(1)</sup> — emerged parliamentary majorities and homogeneous governments, the two parties tending to alternate in government. It was at this time that Belgian society began to develop other tensions but these were not given adequate expression in Parliament until universal suffrage had been established. These tensions and divisions were of two kinds: those engendered by industrialization and the development of a proletariat on the one hand and those linked with the development of Flemish national pride on the other (specific cultural character and communities; linguistic under-valuation; social under-development within the unitary Belgian state).

The creation of social, economic and workers' organizations and the awakening of a Flemish national spirit were enough to call in question the myths on which the State of 1830 had been founded: Belgium's cultural and linguistic homogeneity, institutional unitarism and centralism; the primacy of individual values and liberties over the needs and rights of communities (of class, of culture).

In terms of representation of the various social groups, universal suffrage has led to a marked improvement. In 1919, in fact, the workers' party and the mass organizations which formed its basis secured a parliamentary representation commensurate with their following (70 deputies, based on a 36.6 % share of the vote). The democratic movement gained in strength within the cartel of Catholic forces and the first 5 representatives of Flemish nationalism were elected to the Lower House.

The House of Representatives and the Senate are certainly less homogeneous than they were before the war, but the groups represented there are a more faithful reflection of social realities. The dominant position of a certain French-speaking 'bourgeoisie' in Flanders was weakened, then destroyed; the language problem acts as a catalyst around parties and men who look ahead to the day when — within or without the framework of the Belgian State — language and territory, cultural community and political institutions may meet, coincide, and derive benefit from each other. Simultaneously and sometimes in concert, the organized workers' movement — essentially socialist and Christian — proved able to organize itself quite impressively <sup>(2)</sup>. It subsequently demanded and obtained measures to protect and safeguard employment, income and health even challenged the monopoly of economic power acquired by a highly concentrated capitalism through both complex and ubiquitous holding companies.

In relation to the 3 traditional divisions, *Parliament* — with its successful and less successful periods — appears as a *truly representative national body*, but not necessarily in the sense whereby the Constitution defines each elected member as representing the nation entire and abstract, as opposed to representing a group, a region, or a social category. These 3 divisions are represented in Parliament, sometimes appearing within the same party: they are the products of alienation from the Church (Church-State relations in a pluralistic society), industrialization (economic power and the workers' movement), and emotive feeling (equal regard for different cultural communities and political institution-alization).

At the present time, in the Lower House, the 'traditional parties' i.e. those which have a permanent 'government vocation' — are represented by 162 out of a total of 212 members: 67 Christian Socialists (20 French speaking, 47 Flemish-speaking); 61 Socialists (32 French-speaking, 29 Flemish-speaking); 34 PLP Liberals (15 French-speaking, 19 Flemish-speaking). These parties have lost considerable ground since 1965: the Christian Socialists have lost 10 deputies: the Socialists 3 and the PLP 14. On the other hand, those parties which demand the introduction of federalism are

<sup>(1)</sup> In 1835, under the property-based system, Belgium had only 23,000 voters for a population of 4,165,953. After the property qualification was lowered, there were 70,000 voters in 1848. Male and plural universal suffrage was introduced in 1893 following strikes and demonstrations by workers. This was reflected in a tripartite representation in the Upper and Lower Houses, including representatives from the Social Democrats' Parti Ouvrier Belge. Just before the 1893 reform 136,775 electors out of a population of 6,195,355 had voted at the previous elections.

<sup>(2)</sup> In 1970, 61.29 % (1,925,381 members) of all wage-earning and salaried staff belonged to trade unions. The rate was 79.99 % for workers. But in 1930 the percentage of trade union membership was already 35.05 % (800,000 members); research by Jean Neuville, the CRISP Weekly Bulletin.



increasing their representation (1): 24 deputies for the Front démocratique des bruxellois francophones (FDF) — Rassemblement Wallon (RW) as compared with 5 in 1965; 21 for the Volksunie (+ 9). The Communist Party has 5 deputies as before.

Within the various parties and groups, in varying degrees depending on particular circumstances, social and communal divisions (Fleming-Walloon relations) tend to be reflected in procedural rules or in practices, providing for equilibrium, arbitration or relations between them (sometimes also dominant positions) and to find expression in groups, sub-groups and wings.

Equipped with representative assemblies, the country still has to be governed. Executive authority — the King acting under ministerial responsibility, in the words of the Constitution — belongs to the government within which has gradually evolved the dominant position of the Prime Minister, supported by one or two deputy Prime Ministers, who are the leaders within the government of the majority party or parties.

The formation of a coalition government and the assurance of its continued existence are at once a necessary objective and a delicate operation.

Even before the elected members take their seats in parliament, consultations and negotiations are begun. The King traditionally consults the party chairmen before appointing a 'formateur' (initially, sometimes, an 'informateur'), capable of successfully conducting negotiations between the various parties, of proposing a government formula that has a good chance of not being blocked at some future stage, of achieving or endorsing an acceptable distribution of portfolios (2), of working out with the various partners a government programme which will form an inter-party contract, be the subject of a statement in both Houses and be supported by a vote of confidence from the parliamentary majority groups.

At this stage of the negotiations — the party leadership, and with their support — leading figures well placed to obtain a portfolio if the operation is successful, generally play a decisive role. Before any division takes place in the Houses, the government formula and the government agreement must be endorsed by the conferences or general councils of the coalition parties; they will normally be defended by the 'formateur' within his own party and by the negotiators. For the parties and subsequently for the majority groups in the two Houses (3), the problem now is whether to ratify or reject the coalition formula and the government compact. The question of possible modifications is no longer relevant.

Here the majority parliamentary groups have to express their opinion on the matter by a vote of confidence which constitutes at once a real *investiture of the government*, virtually all of whose members have been chosen from among them, and a pledge: to support in the future the projects and policy of the government and to refrain from action — either in the legislative sphere or in the shape of questions to members of the government — liable to split the coalition. Thus, a bond of solidarity — with all the discipline this demands from the groups and parliamentarians — is forged between the government and the various majority parliamentary groups.

Facing this 'government-majority groups' partnership stands the opposition: (possibly) a traditional party excluded for a while from the coalition and whose behaviour is determined by past events

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(1) In 1971 the FDF obtained 34.49 % of the vote in the Brussels' cantons, the Rassemblement Wallon 20.86 % in the Walloon cantons and the Volksunie 18.77 % in Flanders.

(2) The apportionment is complex. The revised Constitution (Art. 86 a) makes linguistic parity obligatory for ministers 'with the possible exception of the Prime Minister' but does not formally require it for secretaries of state. A political apportionment between the parties represented in the coalition is inevitable. Furthermore, portfolios must be so distributed between senators and deputies as not to offend either House. In order to take account of Belgian social realities, care must also be taken in allocating portfolios to avoid conflict with important pressure groups.

(3) The Rules of Procedure of the House of Representatives (8 February 1962) and the Senate (8 June 1971) recognize the existence of political groups in the Upper and Lower Houses. Furthermore, Article 46 of the Constitution tends to give these Rules of Procedure the status of written sources of public law. At present the Chamber has 7 groups, the Senate 5, both of which have recently been given small secretariats.

and the image it forms of itself as a future government party; the Communist party, for which establishment of a parliamentary front is by no means a matter of priority and which cannot always express itself in committee; the Federalist parties (the Volksunie and the FDF-RW) which have never known the responsibilities and advantages of participation in government, which challenge the very structure of the Belgian State, which seek to polarize all tensions around the community antagonisms, and which seek to put pressure on certain elements of the majority, especially those that fear competition from them on their territory but who are constrained in their attitude by the compromise accepted within the framework of the coalition in power. These parties also seek, to some extent in Parliament but mainly outside it, to present a credible alternative to the traditional coalition formula.

The chief task of the majority groups is to install the government, to keep it in being and to promote its policies for as long as the party leaderships are so minded. Priority is thus given, even in legislative matters, to government action: four out of every five acts of Parliament are introduced by Ministers <sup>(1)</sup> while those originated by Parliament had to be given the go-ahead by Ministers. The annual voting of the budgets has been totally 'politicised': it is a case of the majority against the opposition. A parliamentarian from the majority group is not normally entitled to put questions to a Minister without the consent of his group, which also decides which speakers shall take part in debates. His right to initiate legislation — by tabling a bill or an amendment — is generally subject to the same conditions and limitations. Any serious breach of discipline may be penalized either by the parliamentary group or by an official party body and the sanction, in its harshest form, may involve the 'offender's' being removed from the lists of candidates for the following elections, participation in the poll to draw up the list of candidates and the order of their presentation being increasingly limited to a minority of loyal members (a few percent of the electorate at best), the polling procedure itself increasingly giving way to the "standard list" of candidates proposed by the party committees.

At first sight, therefore, a member of the majority group is merely a pawn in a game designed to ensure the survival of the government coalition, which can also make use of 'the big stick' i.e. the right to dissolve the Upper and Lower Houses in a crisis. However, the situation is in fact more complex than this. Certain members of parliament belong to the highest echelons of their party and, where the coalition gets bogged down on problems of substance or problems connected with appointments, the government — or, more frequently, a few ministers of acknowledged political influence — convoke a 'summit' confrontation with the party leaderships in order to start a process of arbitration and compromise. At these strategic moments, it is not necessarily the ministers' arguments that carry the most weight.

Furthermore, in the parliamentary committees <sup>(2)</sup>, lively confrontations take place and amendments may be made although the presence of 'the other side' may slow down or even obstruct debates or amendments likely to embarrass the coalition. It is above all at the weekly meeting of each majority group that the process of controlling or questioning the government is most openly conducted; where the minister concerned belongs to the same party as the group, 'delicate' matters can be dealt with among themselves, without serious risk of 'leaks' or political complications; where the matter is not within the province of a minister of the same party, the group summons a member of the government of its own political colour who is thought to be specially qualified to discuss the particular matter; the latter may not be able to answer all the questions put to him or to commit himself as the actual holder of the portfolio might, but he can transmit information, particularly to the Cabinet.

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<sup>(1)</sup> H. Van Impe, op. cit. believes that 'the Upper and Lower Houses have retained a subsidiary or residual legislative power' and that 'Parliament plays only a marginal role in legislative matters'. Where the Cabinet has agreed on a Bill, it is customary for its spokesman to present it as a decision, as if the subsequent vote of Parliament were purely a matter of form. In fact, before 1919, the legislative initiative of the members of the Chambers was even more circumscribed.

<sup>(2)</sup> Each assembly has approximately 20 standing or special committees. These committees are represented by 23 members in the House of Representatives and 22 in the Senate chosen according to the rules for the proportional representation of groups. Committee chairmen are chosen according to rules of relative proportionality, based on a tradition of 'fair play'.

If he represents a pressure group or lobby — and two-thirds of all Belgian parliamentarians do — a member of the Government majority is not completely without influence: his image depends in no small measure on the kinds of terms he is on with the ministers and the kind of hearing he is given in committee <sup>(1)</sup>.

He has the right to put questions to Ministers <sup>(2)</sup>, albeit within certain limits. In budget discussions he has the chance to express the worries felt or demands made by his own region or particular social groups and to reach the public via the information media covering debates without, however, being able to bring about a negative vote or even an abstention. Written questions to ministers — an average of 1 500 a year — also constitute such a channel, limited but not without importance. There is nothing (except the fear of supplying the opposition with ammunition) to prevent a member from putting an oral question <sup>(3)</sup> at a public sitting of the House: this is the gentlest and most moderate way of exercising control over ministers and it cannot lead to a debate since the minister's reply constitutes the last word. Similarly, before any issue is decided by the party, the group and/or the government, any member of the Government majority who wishes to do so — may call a press conference, get an article published in a newspaper or make a public statement in order to make known his personal views which may well not be those of the majority even if he has to vote differently in Parliament out of allegiance to his group.

This position — enforced but in fact inevitable — in which the parliamentarian of the majority finds himself undoubtedly contributes to the general feeling that 'the nation's representative' is not the parliamentarian of song and story, independent of the executive which he controls, a mouthpiece for the aspirations and grievances of the people he represents. In reality, this state of affairs is dictated by the system; it is a necessary feature of coalition dynamics. If, in a given situation, he feels compliance with the system incompatible with the minimum of loyalty required of him or if he feels it to clash with what he believes to be political necessity or even his own interests as spokesman of a group, the parliamentarian can always resign or attempt to make so vigorous a stand that the government is forced to change its attitude or the coalition is broken up.

If the majority breaks up, a member of that majority will very seldom have the chance of voting against the government in a public sitting and forcing it to resign: if one of the parties composing the majority wishes to withdraw from the coalition the Prime Minister will generally offer his resignation to the King without waiting for the sanction of Parliament.

The position of *the opposition* in Parliament is a difficult one unless it is chiefly concerned with making a big impact on public opinion without really seeking to influence decisions. It will of course vote against the government formula and programme and the proposed budgets. It can also put questions to members of the government at public sitting but it knows that, even if it has no intention of tabling a motion of no confidence, the Upper and Lower House will avoid committing themselves on the substantive issues being debated by adopting, in priority over any other motion, the simple agenda or a vote of confidence in the government. Proposals for legislation emanating from the opposition — inasmuch as they upset the Government's timetable and, even more, its plans — have to follow a course that gives them little chance of becoming law: the only comfort the opposition can take is that, where the issue is taken up by the information media, it can get a certain amount of publicity and can present the voter with an alternative to the coalition's proposals.

As far as exercising control over the government is concerned, there is in principle very little the opposition can do. It can ask questions and demand explanations but in debate, even with the aid of its modest Group secretariat, it is technically in a weak position vis-à-vis the Minister, who is

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<sup>(1)</sup> Pressure groups are more concerned with gaining direct access to the government and the administration than to the public forum of Parliament, but the one does not exclude the other, particularly if the parliamentarian who has received a mandate or in whom the group is recognized agrees to perform the services required or is likely to become a minister.

<sup>(2)</sup> An average of 50 per session.

<sup>(3)</sup> An average of 40 per session.

backed by the services of both his 'cabinet' <sup>(1)</sup> and the administration <sup>(2)</sup>. This applies with particular force to parties outside the government coalition. The electoral progress of the Federalist parties, however, does have some influence on ministers and Government majority parties: the latter cannot ignore the threat they pose and very often questions are 'set in orbit' simply because federalist parties make them subjects of extra-parliamentary propaganda and action.

The attitude of the parties to the realities of government determines in large measure their ideas on enhancing Parliament's role and the image of the parliamentarian.

The research departments of the 3 traditional parties (Christian Socialists, Socialists and PLP Liberals) have jointly formulated recommendations pertaining to the work of Parliament and based on the 'irreversible' specialization' of duties and the need for rationalization. These recommendations are aimed at securing:

- a drastic reduction in the number of plenary sittings in Parliament <sup>(3)</sup>. These would be reserved for government statements on general policy and for major questions to members of the government, for budget discussion of ways and means, the economic plan, matters dealt with by the Finance Committee and voting. Other matters would be channelled to permanent, specialized public sections. Whether a given matter was of major political importance and of general scope would be decided, in doubtful cases, by *the Chairmen's Conference*.
- The time thus saved on public sittings would be devoted to the standing committees, where the real legislative work is done — but at present all too slowly.

Very little has been done about these recommendations since they were submitted in 1968-69. Even where working methods are concerned, resistance to change is very strong. Some commentators attribute this to the unyielding ultra-conservatism of the Speakers of the Upper and Lower Houses <sup>(4)</sup>, who fear it would 'erode their prestige' and also to the fact that 'the present situation has advantages, especially for the government, which makes full use of them... for in a Parliament invested with greater power, it would not be easy to reduce the opposition to silence' <sup>(5)</sup>. These assessments are incomplete, but they cannot be ignored.

The parliamentarian who explained to the Lower House the reasons for the modifications proposed by the research departments of the PSC, the PSB and the PLP did not mince his words: 'The failure of Parliament to keep pace with its responsibilities as they evolve is manifest (..) the two Houses of the legislature have scarcely made any changes in the working methods they adopted in 1831 (..) the deplorable rate of absenteeism is due to the slight amount of interest that debates have for four-fifths of the members (..) in spite of the considerable amount of time devoted to the discussion of budgets, parliamentary control is illusory' <sup>(6)</sup>.

The Walloon opposition (RW) for its part — mostly through its leader, F. Perin, professor of public law — proposes measures to restore Parliament's role but stresses that the real crisis of the regime cannot be solved by amending the Standing Orders of the Upper and Lower Houses and that the very structure of the unitary State needs to be changed.

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<sup>(1)</sup> There has been a striking increase in the number and size of ministerial 'cabinets'. At present the Prime Minister has 8 cabinets and in 1973 the 36 ministers and secretaries of state were served by 45 very large cabinets (see the address made by Mr Vlerick to the Senate on 7 November 1973).

<sup>(2)</sup> Over 230,000 employees in the State administrations, not including semi-public bodies.

<sup>(3)</sup> The parliamentary session is opened on the second Tuesday in October and has to last at least 40 days (Article 70 of the revised Constitution). In 1970-71, the Lower House sat for 376 hours, 15 in public sittings, and the Senate 366 hours. In the same year, the Lower House held 364 committee meetings, the Senate 392. Often, though admittedly not for the 1974 financial year, budgets are submitted well behind schedule and the close of sessions is marked by feverish and sometimes quite disorderly activity, which certainly does not help to improve parliament's image in the eyes of the public. It should be noted that, in December 1967, the Lower House's Committee on Standing Orders, voted in favour of referring questions of local importance addressed to members of the government to permanent public sections, if approved by the Chairmen's Conference.

<sup>(4)</sup> *La Libre Belgique*, 9 October 1973. The then Speaker of the Senate, Mr Paul Struye, is now the foreign-policy editorialist and columnist of this newspaper.

<sup>(5)</sup> *Ibid.*; same date.

<sup>(6)</sup> A. d'Alcantara; 1972-73 session, House of Representatives; Doc. 503-1.

The RW's proposals are undoubtedly coloured by its experience in opposition, but they also indicate a desire for a more efficient system, a stable executive and a Parliament effective in its vital functions. They include proposals for ensuring that questions to Ministers are not ruled out by the expedient of a vote on the orders of the day, which takes, priority, for endowing Parliament with more adequate powers with which to discharge its constitutional responsibility for budgetary functions and control <sup>(1)</sup>; for limiting the number of ministerial portfolios to 12; for averting artificial government crises in the course of a Parliament's life; for increasing the value of committee work and reducing the number and duration of plenary sittings; for new ways of giving publicity to debates <sup>(2)</sup>; for revitalizing Parliament's rights regarding commissions of enquiry as provided for by the Act of 3 May 1880, etc.

The similarity between the various recommendations for improving Parliamentary work and methods is indicative of similar assessments of the present situation, if not of equal confidence in the possibility of giving the system a new dynamism.

Parliament's role, the basic conditioning factors of which are described above, is also affected by new constitutional provisions stemming primarily from the decade of tensions between the two communities.

The revised Constitution of 1971 provides for a number of *institutional reforms* <sup>(3)</sup>: Belgium consists of two territories separated by a rigid linguistic boundary and four linguistic regions (one French-speaking, one Dutch-speaking, the bilingual region of the capital, Brussels, and a German-speaking region); Belgium has three cultural communities (French, Dutch and German) with certain limited and defined powers; Belgium is also required to have regional assemblies and executives for its three regions — Flanders, Wallonia, Brussels — (Article 107c of the Constitution), while economic decentralization is reflected in the creation of regional economic bodies. These reforms affect the two Houses and their members. In each House each parliamentarian must belong to a linguistic group (Dutch or French). Where the Constitution has so provided (special majorities prescribed by Article 1 (4); 3 a (3); 107c or the 'alarm bell' system of Article 38 a), the linguistic groups vote separately. Furthermore, all parliamentarians of a given linguistic group sit on the corresponding Cultural Council <sup>(4)</sup> which is empowered to legislate by decree on the matters with which they are concerned.

On the regional bodies statutorily created pursuant to Article 107c, parliamentarians will have seats, though the final arrangements have not yet been worked out. In addition there are parliamentarians in the regional economic councils and in the regional development corporations.

Besides these new developments, there is the fact that many parliamentarians sit on local councils, sometimes even in the capacity of mayor, or on the Executive boards of supra-communal authorities. Pressures towards dispersion are thus very strong and, in fact, proposals for restricting the number of offices that can be held have been tabled or supported by organs of public opinion and the spokesman of the traditional parties' research departments feels that the creation of new institutions 'makes it more than ever necessary to rationalize parliamentary work'.

On certain major topics that divide opinion, such as education and culture, the government parties seek to conclude long-term *pacts* and thus prevent these matters from becoming subjects of permanent controversy. The school pact signed between the three parties, the PSC, the PLP and the PSB in 1958, which is now being re-negotiated, constitutes an interesting precedent, politically speaking, but

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<sup>(1)</sup> The RW recommends appointing Inspectors of Finance as budgetary and financial advisers to the Assemblies. The Audit Court, whose members are appointed by the Lower House, submit annually to the Assembly a general State Account, accompanied by observations, but these concern only the legality and correctness of operations whereas the RW would like to see Inspectors of Finance give their opinions on questions of efficiency.

<sup>(2)</sup> Public debates enhance the value of draft legislation appreciably by making choices and alternatives more comprehensible. The RW feels that after their closed meetings, all parliamentary committees should hold corresponding public meetings.

<sup>(3)</sup> See: *Les Institutions politiques de la Belgique régionalisée*, Dossier du CRISP, No. 6, Brussels, 1973.

<sup>(4)</sup> The Councils also set up specialized Committees but it was soon found advisable to reduce the number from thirteen to eight (4 December 1973).

makes considerable inroads on the legislative powers of the two Houses in these matters. A similar development has occurred in the areas of economic and social policy: the government deals directly with both sides of industry and any agreements they reach constitute virtual *faits accomplis* for the two Houses (<sup>1</sup>).

When Belgium joined the European Communities and NATO, the powers not only of Parliament but also of the government were affected. A clear illustration of this is the question of the deployment of Belgium's military forces, in peacetime as well as in wartime. In the European context, the problem of the erosion of powers has arisen several times: in the coal sector, for example, the power vested in the national 'Directoire' in matters of prices and subsidies had to be relinquished to the ECSC, Parliament already having transferred these powers to the High Authority by its ratification of the Treaty of Paris of 1951. The question also arose in connection with the 'Leburton legislation' on regional aid and also in connection with agricultural prices, transport and Belgium's contribution to the various European funds (EAGGF, EDF, the Social Fund, etc.).

On the whole there has not been much resentment at this erosion of powers, as various European measures felt to be necessary have made it possible to avoid or limit national political responsibilities that seemed likely to arouse negative public reaction; above all, since Belgium's international situation (<sup>2</sup>) — as regards foreign trade, monetary policy and the need for political cooperation — is very seldom at variance with the Treaty of Rome, and the institutional mechanics and the organized system of decision-making safeguard the interests of the small Member States in the Community.

When the Rome Treaties were ratified, the Belgian Parliament insisted on being supplied each year with a government report on the implementation and application of the treaties. The House of Representatives — not the Senate (<sup>3</sup>) — set up in February 1962 — a Committee for European Affairs composed of 23 members to report on the work of the Belgian delegations to the European Parliament, the WEU Assembly, the Consultative Assembly of the Council of Europe and the Inter-parliamentary Council of Benelux, based on information supplied to it by the government on the implementation of the Treaties of Rome and on observations supplied by Belgian parliamentarians with seats in these assemblies.

In fact, this committee has not come up to expectations: bills for the approval of international treaties remain the preserve of the Foreign Affairs Committee (including the treaties of accession/enlargement of the European Communities); the report of the European Affairs Committee which is supposed to be submitted annually, fails to appear on time (<sup>4</sup>) and is always linked in public sitting with the foreign affairs and development cooperation budget so that it never gets the limelight in a debate and is approved 'implicitly' by the vote on the budget.

European matters are not therefore fully covered by this committee; far from it. It is through the budgetary discussion procedures, questions to Ministers and matters of national importance that they reach the Upper and Lower Houses and even then only when they have a direct influence on Belgian affairs as is increasingly the case with the oil crisis, inflation and regional aid.

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(<sup>1</sup>) Both sides of industry and the major interest groups are represented in a vast network of advisory bodies of greatly varying effectiveness. On the other hand, as such, or through 'round table' or labour conferences or meetings between the government and the National Committee for Economic Development, these major groups strongly influence decisions in a constantly expanding economic and social field. There are some who favour integrating all these elements by remodelling the Senate so that it represents all the various interests and occupations. In fact, the two Houses have identical powers though there are some who would like to see the legislative role of the Senate strengthened with the Lower House concentrating specially on control and finance.

(<sup>2</sup>) Before the enlargement of the EEC, the EEC accounted for two-thirds of the EUBL's imports and three-quarters of its exports. The EUBL and its production centres (goods and services) associate themselves entirely with the liberal objectives of the treaties. EUBL: Economic Union of Belgium and Luxembourg.

(<sup>3</sup>) The Senate decided that information on the European Assemblies would be included in the report on the foreign affairs budget. The importance of this part of the report therefore depends on the Committee and the rapporteur.

(<sup>4</sup>) No report was compiled between 9 March 1967 and June 1970.

# FUNCTIONS OF PARLIAMENT IN THE DANISH POLITICAL SYSTEM

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## I — INTRODUCTION

The Danish constitutional structure has evolved gradually from the foundation laid down 125 years ago. The 1849 constitution did away with royal absolutism and introduced a system of Government according to the classical theory of representative democracy. From then on representatives of the people shared law-making power with the executive. About fifty years later Parliament also obtained the right to appoint and dismiss cabinets. At a still later stage (1920) Parliament itself was reformed with the introduction of universal suffrage and a proportional election system. Finally, in 1953, a unicameral Parliament, the *Folketing*, replaced the old bicameral one.

Though of course very important, this basic constitutional structure is only a framework for political life. Within this formal setting we find political parties and a number of important organized interest groups (farmers, workers, employers, etc.) none of which existed during the first decades of democratic government. In addition, the administrative bureaucracy has grown tremendously and assumed increasing importance for the functioning of the political system.

From early in the 20th century until very recently the 'four old' parties were the main actors on the political arena. These four parties traditionally appealed to different social groups: Liberals (*Venstre*) to farmers, Conservatives to business and higher public employees, Social Democrats to the working class, while the Radical Liberal (*Radikale Venstre*) Party's voter support was more diversified although it originally received support from smallholders in particular. Since 1906 no party has managed to win a parliamentary majority. Thus Danish politics essentially became politics of compromise. Traditionally, cooperation took place primarily between Social Democrats and Radical Liberals on the one hand and Liberals and Conservatives on the other. This pattern of coalition politics changed towards the end of the 1960s following the emergence of the Socialist People's party. Cabinet formation then became dependent upon whether there was a parliamentary majority of Social Democrats + Socialist People (1966-67, 1971-73) or Liberals + Radical Liberals + Conservatives (1968-71) though defence and foreign policy (including European policy) still aligned the four old parties against the Socialist People's Party regardless of which parties were in office<sup>(1)</sup>. At the election of December, 1973, however, the voters returned a highly fractionalized *Folketing* of no less than 10 parties, and a weak Liberal minority Government based on only 22 seats came to power. The further political consequences of that election are not yet known, however.

The aim of this paper is to describe the present role of Parliament within the Danish political system. First, in Section II, I shall discuss the general problem of delimiting parliamentary functions, and for reasons that hopefully will be clear from that discussion, the paper will next concentrate on three important parliamentary functions with a section on each (III - V). In Section VI I conclude by describing the most significant consequences of EC-membership for the functions of the *Folketing*.

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(1) A systematic analysis of Danish Government formations in this century may be found in Erik Damgaard, 'The Parliamentary Basis of Danish Governments: The Patterns of Coalition Formation', *Scandinavian Political Studies*, vol. 4, 1969, pp. 30-57.

## II — THE FUNCTIONS OF PARLIAMENT

Since our general conceptions and definitions of Parliaments usually constitute a frame of reference for assessments of the role and performance of a Parliament it is imperative that we put first things first by asking a seemingly innocent question: What is a Parliament? Instead of reviewing innumerable suggested definitions, I shall refer only to the conclusion drawn by a distinguished student of legislatures. He identified two structural characteristics of political bodies variously called Parliament, congress, legislature, diet, Chamber of Deputies, representative assembly, etc.: (1) their members are formally equal to one another in status, distinguishing Parliaments from hierarchically ordered organizations; and (2) the authority of their members depends on their claim to representing the rest of the community, in some sense of that protean concept, representation. <sup>(1)</sup>

These two characteristics, formal equality and representation, apply to all Parliaments and can thus serve to define a Parliament. The only possible trouble with the definition lies in the concept of representation which is certainly not unequivocal. A number of scholars have written about the problem of representation <sup>(2)</sup>. On this occasion, however, I am not going to immerse myself in the question of what the concept of representation entails. I simply want to emphasize that the definition of Parliament above demonstrates that representing the people of a society is an essential function of Parliament, but it assumes no more than that about parliamentary functions.

In any attempt to describe the rôle of a Parliament, in this case the Danish *Folketing*, it would be reassuring if some classification of legislative functions was available such that the assessments could be made in a relatively systematic and comprehensive way. Without some *a priori* notions of parliamentary functions the odds are that the resulting evaluations will rest on an arbitrary and subjective basis, and that important aspects of legislative activity are ignored. Therefore, we should be advised first to look for classifications of parliamentary functions for possible use as analytical tools in specific studies.

With the fairly encompassing definition of Parliament in mind we may ask, first, which functions are generally performed by Parliaments in various political systems, and, secondly, which important functions are performed by the Danish *Folketing* in particular.

As to the first question, it turns out that the abundant literature on Parliaments contains an almost bewildering variety of functions attributed to Parliaments <sup>(3)</sup>. In part, this diversity is due to variations in national political structures and constitutional practices, but no less to differences in vocabulary, conceptualizations, and perspectives of the authors. In addition, the more recent literature on Parliaments, though it aims at precise measurement and comparative statements, focuses on the behaviour of individual legislators with a tendency *not* to ask functional questions about Parliaments as collective bodies. On the other hand, the traditional literature on legislatures *does* have much to say about parliamentary functions. *What* it says, however, is usually couched in vague and impressionistic terms with a mixing of description and prescription <sup>(4)</sup>.

Given this state of affairs, the best we can do probably is to identify the most frequently mentioned functions of Parliaments, and, thereby, presumably also the most important ones. These appear to be *representation* (by definition), *lawmaking*, and *control of the executive*, although different labels for essentially identical types of parliamentary activity are often used <sup>(5)</sup>.

<sup>(1)</sup> Gerhard Loewenberg, *Modern Parliaments. Change or Decline* (Chicago, New York: Aldine Atherton, 1971), p. 3.

<sup>(2)</sup> One of the best analyses is Hanna F. Pitkin, *The Concept of Representation* (Berkeley: University of California Press, 1967).

<sup>(3)</sup> Reading a book like Allan Kornberg & Lloyd D. Musolf, eds., *Legislatures in Developmental Perspective* (Durham, N.C.: Duke University Press, 1970), should remove any possible doubt about that.

<sup>(4)</sup> These points are elaborated and documented in Robert A. Packenham, 'Legislatures and Political Development', in Kornberg & Musolf, *op. cit.*, pp. 521-582.

<sup>(5)</sup> These three categories were used by, e.g. Gerhard Loewenberg in his excellent study, *Parliament in the German Political System* (Ithaca, N. Y., 1967). German edition, *Parlamentarismus im politischen System der Bundesrepublik Deutschland* (Tübingen, 1969).



Though perhaps not surprising, it is noteworthy that these functional categories fit very well with the role attributed to Parliament by classical theory of representative democracy. Parliaments were created as a means to achieve two basic objectives: To ensure that the executive behaved within the constraints outlined by decisions of the legislature, and to ensure that the general rules established by the legislature were produced collectively by men who had the confidence of the people. As has most recently been emphasised by J. Blondel it was originally held as axiomatic that the function of legislatures was to make laws — i.e. to pass the most general rules under which countries were to be governed, the argument being that: “If the ‘people’ are to be sovereign, or at least as powerful as possible, their representatives should be concerned primarily with the most general rules. Executives are needed to keep the country going, but legislatures could and should decide on the general rules”<sup>(1)</sup>.

Now, the important thing to realize is that laws are no longer what they used to be. To quote Blondel once again:

“Locke and Montesquieu looked at societies in which state involvement in social and economic matters was minimal if not non-existent. For them, statutes did not mean education or housing acts; they covered problems of private property, individual rights, family law — in short the regulation of private relationships between individuals. Slowly the balance tilted, through the nineteenth and twentieth centuries, toward public legislation establishing new agencies and regulating social and economic matters. But no one drew the conclusion that this entailed a different type of involvement for legislatures.”<sup>(2)</sup>

The conclusion that must be drawn is that, due to technological, economic, and social developments over the last one hundred years which led to the complex societies of the modern world, Parliaments can no longer make the laws as assumed by classical theorists. Today, the Government supported by its bureaucracy and a variety of subject-matter experts, has the upper hand in law-making. Once we realise this we avoid falling into the trap of inferring actual functions of Parliaments from legal rights. Also we avoid the error of comparing current legislative practices with antiquated ideas of parliamentary functions lamenting the ‘decline’ of Parliament. This is not to deny that Parliaments still play a role in law-making, but the exact nature of this role has to be determined empirically; it cannot be deduced from constitutional theory.

Another corollary follows from the limited capability of Parliaments to make the laws of the land: If Parliaments by and large must rely on Government initiatives in legislative work it becomes all the more important for Parliament to control Government, i.e. to decide upon who are to form the cabinet and to constantly check and review Government policy.

Before turning to the assessments of the role of the Danish *Folketing* with respect to political representation, law-making, and control of Government I want to make an important reservation. What follows is by no means an exhaustive account of *the* role or *the* functions of the Danish Parliament, but a rather short description of some activities that traditionally have been considered important functions of Parliaments. This ought to be kept in mind throughout the remaining pages of the paper.

### III — PARLIAMENT AND POLITICAL REPRESENTATION

#### *Parties and Representation*

By conventional yardsticks the Danish political system is very ‘democratic’: Suffrage is universal (with a voting age of 20 years), and the *Folketing* is elected according to a proportional representation formula. Elections have to take place at least every four years, but usually they occur more frequently

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<sup>(1)</sup> J. Blondel, *Comparative Legislatures* (Englewood Cliffs: N.J.: Prentice-Hall, 1973), p. 4.

<sup>(2)</sup> *Ibid.*, p. 13.

(on the average each 2.7 years in the post-war period) since the Government has the right to call elections at any time. New political parties may participate in elections if they have succeeded in collecting about 17,000 signatures from persons eligible to vote. Parties obtain a share of the parliamentary seats which corresponds to their share of the vote provided they acquire at least 2 per cent of the total vote.

Since 1960 turnout at *Folketing* elections has varied within the range of 86 - 89 per cent which is very high considering the fact that voting is not compulsory. Until recently, election outcomes tended to be rather stable from one election to the next. During the 1960s new signs of electoral mobility and volatility appeared, however, as exemplified by the emergence of the Socialist People's Party, a surge of the Radical Liberal vote after a long period of decline, and an increasing number of votes for new small parties that did not pass the electoral threshold of 2 per cent. These new developments culminated in the election of December, 1973, which suddenly increased the number of parties in the *Folketing* from 5 to 10, and, for the first time ever, reduced the strength of *all* established parties simultaneously. As indicated above, the four old parties (Social Democrats, Radical Liberals, Liberals, and Conservatives) used to command an overwhelming proportion of the seats. Thus, before the election of 1973 they jointly held 90.3 per cent of the seats, but after the election only 59.4 per cent. The 5 new parties (Progressive Party, Centre Democrats, Christian People's Party, Communists, and Justice Party) captured 34.3 per cent of the mandates, while the Socialist People's Party obtained 6.3 per cent.

All established parties thus lost ground in the electorate, at least temporarily, and obviously the PR election system facilitated this development. From the point of view of these parties the outcome was an agonizing experience, signifying a grave governmental crisis or even potential political chaos. From the more 'party-neutral' perspective of prevailing Danish democratic ideology, however, the results of the election must be interpreted as implying that a great many voters were dissatisfied with the current state of affairs and with the performance of the old parties, and consequently, they switched to new alternatives. Only the future can tell whether the election results reflect short-term 'protest-forces' or whether a more permanent change of the party system has finally been brought about after many decades of remarkable stability<sup>(1)</sup>. Anyhow, and this is the point to be made here, we may conclude that the party composition of the *Folketing* represents the party preferences of the voters almost as accurately as PR can possibly do.

The problem of political representation is not settled by this conclusion, however. In a multiparty system, where no party has a majority, politics necessarily means coalitions and compromises. A voter is represented by the party he votes for (or perhaps the candidate within the party he might have picked on the ballot). He does not have such direct influence upon government formation, however, since he cannot control, and sometimes not even predict, the strategy of his party in dealing with other parties in this respect. In a two-party system a vote for a party is also a vote for a Government of the same party. In a multiparty system the voter has a wider range of party choice, but he also has less chances of influencing government formation. Therefore, uncertainty and possibly frustration is experienced by some voters, who might prefer a certain party over others while at the same time disapproving the coalition partner chosen by his party.

Little research has so far been done on this intricate problem of democratic Government, but at the very least I can illustrate the point by mentioning a few results from the national Danish survey carried out in connection with the election of 1971. The data show, for example, that although a clear majority of Social Democratic voters wanted their own party to form a Government, there were also divergent views on preferred coalition party: 12 per cent wanted the Socialist People's Party to join and another 12 per cent wanted the Radical Liberal with the Social Democrats in Government. Among supporters of the Radical Party 12 per cent preferred the Government to be formed

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(1) Further information on the party system may be found in Erik Damgaard, 'Stability and Change of a Party System: Denmark in Half a Century', *Scandinavian Political Studies*, vol. 9, 1974 (forthcoming).

with the Social Democrats, while the majority preferred the continuation of the then existing Liberal-Radical, Liberal-Conservative Government. On the whole, though, Radical Liberal voters were significantly less enthusiastic about that Government than were Liberal and Conservative voters.

### *Representation and the Referendum*

The most common argument for the necessity of a representative assembly, is that direct democracy is impossible in today's world. The presumption is that representatives will make decisions in accordance with at least the majority view of the electorate. However, the Danish constitution allows, and in some instances requires, that a referendum is held on policy matters. In the last decade four referenda took place. We therefore have an opportunity to test the degree of congruence between the policy position of members of Parliament and of voters.

In 1963, a set of bills, dealing with acquisition and use of land, had been adopted by a majority of Parliament (Social Democrats, Radical Liberals, and Socialist People's Party). Though these parties represented 56 per cent of the members of Parliament all four bills were defeated by the electorate with a 'no'-vote per cent ranging from 57 to 61 of the valid votes (turnout 73 per cent). Clearly then, the *Folketing* did not in these cases represent the majority position within the electorate. A similar situation arose in 1969 when a bill proposing a lowering of the voting age from 21 to 18 years, supported by 61 per cent of the *Folketing* members present and voting, was defeated at the referendum by a 'no'-vote of no less than 78 per cent of the valid votes (turnout 64 per cent). In 1971, the Government introduced a bill granting voting rights to the 20 year olds which passed the *Folketing* by a 91 per cent affirmative vote. At the referendum it was approved by 56 per cent of the valid votes cast (turnout 86 per cent). Finally, in 1972, the question of entry into the European Community was put to a popular vote <sup>(1)</sup>. The law had been adopted by a 81 per cent majority in the *Folketing* whereas the division of the electorate was 63 per cent in favour of membership with 37 per cent opposing (turnout 90 per cent). Thus, in the former two cases Parliament did *not* represent the majority view of the electorate, while it *did* so in the latter two cases even though electoral support for the issues was not quite as strong as parliamentary support.

To sum up the discussion thus far we must conclude that the Danish *Folketing* represents the citizens as manifested in their party choice, but, as we have just seen, not necessarily on all policy issues of the day.

### *Interest Groups and Representation*

There is still another aspect to political representation. While parliamentary parties represent groups of voters in a *general* political-ideological way, organised interest groups represent categories of citizens in more *specific* areas.

Research on Danish interest groups is still in its infancy, but there is no doubt whatsoever that some groups play a very crucial role in Danish politics. Traditionally, workers', farmers', and employers' organisations have maintained close relationships not only with political parties but also with relevant government departments. They are not merely 'pressure' groups, but rather fully accepted actors in the policy-making system — from initiation to termination of the process — as far as the interests of their membership are concerned. Their consent and cooperation are usually essential no matter which party is in office.

More recently other groups than those mentioned have also developed strong organisations, such as, e.g., public employees and white collar workers. In fact, almost any conceivable social and

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<sup>(1)</sup> A preliminary analysis of the referendum is to be found in Nikolaj Petersen & Jørgen Elklit, 'Denmark Enters the European Communities', *Scandinavian Political Studies*, vol. 8, 1973, pp. 198-213.

economic group is today mobilized in some sort of interest organisation. As a result of this development the feeling is widespread that Government and *Folketing* have actually lost control of the development of society, as they are accused of having yielded to constant pressure from efficient interest groups concerned only with their own advantage. In the 1971 national survey, respondents were asked whether they agreed or disagreed with the following question: "The big trade unions and employers' associations have obtained a power which properly belongs to the *Folketing*." The distribution of answers shows that 48 per cent agreed with the statement, while only 22 per cent disagreed and 30 per cent neither agreed nor disagreed <sup>(1)</sup>.

Evidence about the perceived influence of interest organisations vis-à-vis government institutions came even more forcefully from the answers to the questions: "Whichever parties are in power it is a few big organisations that determine what will be done." No less than 74 per cent agreed to the statement, while only 13 per cent disagreed and another 13 per cent neither agreed nor disagreed <sup>(2)</sup>.

Though one should never push the interpretation of such findings too far, no one can deny that the results furnish information on the power relations within the political system as perceived by the electorate which is inconsistent with classical notions of democratic government. One possible implication of these findings is, that, if measured at the psychological level in contradistinction to normative analyses at the level of democratic theory, political representation by parties in Parliament and Government may very well be less important than interest group representation, at least in matters of interest to the organization's membership.

#### IV — PARLIAMENT AND LAW-MAKING

The original idea with the establishment of Parliaments was, as indicated above, that representatives of the people should determine the general rules of the country, i.e. make the laws. Today it is obvious that few parliaments, if any, actually perform this function although, of course, they are needed to *pass* the laws <sup>(3)</sup>.

The Danish *Folketing* is no exception to this general observation. About 10 per cent of the bills proposed are private member's bills, but only about 1 per cent of those enacted are proposed by private members of Parliament <sup>(4)</sup>. In other words, the Government has acquired a *de facto* monopoly in proposing what is to be the law of the land. The *Folketing* is not equipped with facilities and resources required for playing an active and leading role in law-making. The Government, on the other hand, has the bureaucracy and other informational and technical services at its disposal.

Nonetheless, the infrastructure of Parliament is still basically reflecting the idea that the primary function of Parliament is to make laws. In the latest decades, however, some procedural changes have been introduced, all of which may be interpreted as attempts to redefine the role of Parliament in the political process.

First, whereas rules allocating time for debates on bills were originally non-existent, a number of amendments to the rules of procedure since the 1930s have gradually limited the time to be spent on floor debates. Secondly, increasing work load has been put on the committees of Parliament. In the first phase the solution adopted was to set up a steadily growing number of *ad hoc* committees

(1) In reporting these results I have added the percentages of response categories 1 and 2 as well as 4 and 5 of the original distribution which is: 1) completely agree: 25.7, 2) partly agree: 21.8, 3) neither agree nor disagree: 30.1, 4) partly disagree: 10.2, 5) completely disagree: 12.1.

(2) As in note 1. Original distribution: 1) completely agree: 48.5, 2) partly agree: 25.4, 3) neither agree nor disagree: 12.9, 4) partly disagree: 7.6, 5) completely disagree: 5.5.

(3) This is the conclusion that Packenham arrived at, cf. Kornberg & Musolf, *op. cit.*

(4) This, and related information, is contained in Erik Damgaard, 'Top Civil Servants and Politics in Denmark: The Political Role of Non-Political Bureaucrats' (esp. Section II on the development of executive domination) in Mattei Dogan, ed., *The Political Role of Top Civil Servants*, (Sage Publications, 1974, forthcoming).

for each particular bill introduced. But in the 1960s, a number of permanent, specialised committees was gradually set up, culminating, in 1972, with a complete reorganisation by which a system of about 20 permanent, specialised subject-matter committees was created. This committee system now constitutes the nucleus of parliamentary law-making activity.

These two developments illustrate how Parliament adapted to, and tried to cope with, the changing conditions for participation in the law-making process. Relatively speaking, there is less time for public debates of bills and more time is spent on scrutinizing Government bills in committees. The stated objectives of the procedural changes were to achieve greater efficiency in parliamentary work, which, to a very high extent, narrowed down to the question of how to handle the great number of bills proposed by the Government in a satisfactory manner <sup>(1)</sup>.

Furthermore, a couple of other innovations were introduced, again reflecting that ancient rules of parliamentary procedure were no longer in tune with the needs perceived. First, from 1947 onwards, time was set aside for short questions to ministers. The question hour has since assumed increasing popularity among members of the *Folketing* as the following figures show: In the 1950s the average number of questions per session was 58, in the 1960s it was 204, and since 1970 it has been about 350.

Secondly, a new device for initiating general debates on broadly defined policy areas without connection to specific bills was introduced in 1953. This is the 'review' (*redegørelse*) by a minister of some selected important policy issue or problem area, which is then followed by a general debate without possibilities for motions of censure as during other types of debates <sup>(2)</sup>. In the 1960s there were 6 such review-debates on the average per session.

Even at a high risk of oversimplification it is tempting to conclude that these various developments, which I admit only to have touched upon, tend to confirm the assertion that the *Folketing* has no real law-making function. It might more appropriately be called a 'bill-reviewing' function. In addition, other types of parliamentary activity seem to have assumed increasing importance, such as the raising of a variety of current problems by means of short questions on any conceivable subject, and debates on important political issues of the times — without dealing with legislation at the same time.

Though this general characterization is valid to some extent, it needs qualification in at least one respect. Thus it does not take into account that the role of the *Folketing* — or more precisely the role of non-Government parties — varies according to the parliamentary basis of the Government. It is true that most bills in Denmark are passed unanimously because they involve no, or only little, controversy among the parties <sup>(3)</sup>. But if disagreement exists it makes a difference whether the Government has its own majority to support its proposals or it has to seek the support required from other parties. A minority Government, like e.g. the present Danish Government, is forced to pay attention to the demands of parties in Parliament either before proposals are introduced or during subsequent committee bargaining.

On the basis of this line of reasoning one might therefore argue that the legislative role of Parliament in some situations may approach a real law-making function. Still, I would maintain that the term 'bill-reviewing' is more adequate than 'law-making' as a general characterization of the role of the *Folketing* in legislative work, even if it must be granted that the 'review' in some instances may leave a distinct imprint on the final product.

J. Blondel concluded his comparative study of legislatures by stating that law-making and Government formation are "simply not the 'functions' of legislatures", adding that:

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<sup>(1)</sup> Cf. 'Betaenkning og indstilling om ændring af forretningsorden for folketinget (afgivet af udvalget for forretningsordenen den 31. august 1972)'.

<sup>(2)</sup> Such as the interpellation debate, which is also sometimes used without the intention of attacking the Government.

<sup>(3)</sup> Documentation available in Mogens N. Pedersen, 'Consensus and Conflict in the Danish Folketing', *Scandinavian Political Studies*, vol. 2, 1967, and Erik Damgaard, 'Party Coalition in Danish Law-Making 1953-1970', *European Journal of Political Research*, vol. 1, 1973, pp. 35-66.

The function of the legislature is to provide a means of ensuring that there are channels of communication between the people and the executive, as a result of which it is possible for demands to be injected into the decision-making machinery whenever they exist and for the executive decisions to be checked if they raise difficulties, problems, and injustices. (1)

Now, if the previous exposition of the Danish situation is correct, should we then perhaps endorse Blondel's conclusion? Aside from the somewhat suspicious claim to have discovered the whole truth, there is certainly much to be said for this 'communication-channel' model of Parliament in the Danish case as well. The *Folketing* is found not to perform a real law-making function, and most of what was said in this and the previous section may be interpreted in communicational terms. Further, other types of legislative activities might have been mentioned to support the idea of Parliament as a communication channel such as, e.g., the 'errand-boy function' that MP's perform to the benefit of their constituents.

On the other hand, there are some difficulties related to this way of looking upon Parliaments. In the first place, does the communication model differ from the traditional notion of representation, or is it just a modern way of saying that Parliament represents the people? Secondly, there are other channels of communication between the people and the Government (e.g. interest groups and the mass media) which beg the question of how Parliament differs from these other structures in performing a communication function. Finally, Blondel's view of the role of Parliament explicitly excludes what in the Danish context must be considered the most important function of Parliament: the formation, maintenance, and control of Government, to which I shall now turn.

## V — PARLIAMENT AND THE FORMATION AND CONTROL OF GOVERNMENT

The previous exposition of parliamentary functions in Denmark adds up to the following preliminary conclusion: The *Folketing* represents the citizens in a most general way, but not necessarily on all possible policy issues. Nor is Parliament the only structure for political representation: In specific areas interest group representation may be a more important and efficient way of exerting influence as seen from the standpoint of individual voters. Nevertheless, the *Folketing* represents the voters in terms of their *basic political orientations*. In this sense it performs a unique representative function in the polity. At each election aggregated decisions of individual voters assign a new weight, in terms of parliamentary seats, to each party. The *Folketing*, it was further argued, does not perform a law-making function, but rather a 'bill-reviewing' function, since the Government has obtained prevailing influence. However, the 'weights' assigned to parties by the electorate also determine the basis for formation of Governments.

The Danish constitution stipulates that no government can remain in office against the will of a parliamentary majority. This principle of cabinet responsibility is the cornerstone of the whole constitutional structure. If two or more parties with a majority in the *Folketing* agree to form a joint coalition government, it will be formed. If no agreement is achieved a minority Government may be appointed if inter-party bargaining has shown that it will not immediately be defeated by a parliamentary majority. I cannot review the complex set of parliamentary norms that has crystallized around the formation of Governments in Denmark. The important point is that, with respect to the formation of Governments, and *only* in this respect, do we find a *truly unique and exclusive function* of the *Folketing* in the Danish political system. To this we may add the facts that cabinet members as a rule are recruited from the *Folketing* and that they keep their seats in that body while serving as ministers.

It is commonplace to assert that parliaments have 'declined' vis-à-vis the Government over the years. In some respects this is obviously true. But the import of this allegation is less significant in

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(1) J. Blondel, *op. cit.*, p. 135.

a parliamentary system like the Danish where Parliament has the power to appoint and dismiss Governments than in systems where this is not the case. No matter how difficult it is for Parliament to control Government policies, it still remains true that all policies must be based on the support of a parliamentary majority. This is, after all, a significant *sine qua non*.

If there is a problem of political control, and I think there is such a problem, it is less a problem of *Folketing*-Government relationships than a problem which more generally involves the political leadership versus the administrative bureaucracy and the interest groups. The constitutional theory of the Danish system is constructed in the following way: Universal suffrage, free elections, and proportional representation assure democratic legitimacy of Parliament. Majority support in Parliament (or at least absence of majority opposition) confers legitimacy upon Government. The Government, in turn, on the basis of its derived legitimacy, is in charge of a complex bureaucracy which assists in preparing and executing policies. The administrative system, however, is to a high extent structured along the lines of the major interests of society (farmers, workers, industry, education, etc.), to some extent even representing those interests. Therefore, the question that one must finally ask is: How can 12 ministers, or 20 for that matter, without any politically appointed assistants whatsoever, possibly make sure that the development of society even in the short run follows the course defined by stated political objectives? This problem, however, is considered to be outside the scope of the present paper.

In summarizing we may conclude that the *Folketing* is influencing policy not only by 'reviewing' or amending Government proposals, but also, because of the principle of cabinet responsibility to Parliament, by determining *which parties are to propose* legislation. In the last analysis the latter way of exerting influence is presumably the more important one.

So far I have analytically separated three functions of Parliament in an attempt to look at the role of the *Folketing* from different angles. Since *the* role of the *Folketing* in the Danish political system could not be described, for the good reason that it does not exist, I had to be selective in my presentation. My justification for structuring the paper according to the three functions was given in Section II. At this point, however, it behoves me to emphasize that if one starts out, not from such abstract categories but from 'the real world of politics', one will find that almost any political situation or event may be viewed from the perspective of such notions as representation, law-making and control of Government (and indeed from many other perspectives). Law-making invariably involves representation of interest or ideas and important pieces of legislation are inseparably tied to the question of the very existence of Governments. The political structures that unite these functions in the real world are, of course, the political parties.

Perhaps these remarks sound rather platitudinous, but the fact that all functions of a Parliament are inexorably intertwined in complex political processes has crucial implications for the question to be discussed in the concluding section: the consequences of European Community membership for the functions of the Danish *Folketing*.

## VI — CONSEQUENCES OF EC-MEMBERSHIP FOR THE FUNCTIONS OF PARLIAMENT

### *The 'Danish Solution'*

It is obvious that decision-making in Denmark is strongly affected by membership of the EC, in substantive as well as procedural terms. From the point of view of Parliament the question becomes: How is the *Folketing* to influence decision-making at the European level which often has a strong and direct impact on Danish society?

Although there are Danish members of the European Parliament, it is of course still the *Folketing* that represents the Danish citizens. The European Parliament is no alternative — at least not at present. Now, given the political structure as described in this paper, and the nature of the Community political system, it follows that *parliamentary influence can only be exerted through the Danish Government*. This leads us to a very important point.

The most significant effect on parliamentary functions has to do with changes in the conditions for controlling the Government. The Vedel Report argues that national Parliaments have been weakened because important decisions are made in the Council of the EC, and since national Parliaments cannot easily control these decisions, it follows — according to the Vedel Report — that the European Parliament ought to be strengthened: “The logic of the democratic system seems to demand a compensation at the European level for this weakening of Parliaments at the national level” (my translation from Danish language edition, p. 42).

This argument is quite a strong one. But it is also possible to use another kind of logic which seems just as persuasive: If as Denmark’s experience with the European Community has already shown, parliamentary control of Government by normal means is difficult or impossible with regard to Danish Ministers in the Council, one ought to find new procedures to remedy the defects of the old ones. This, in fact, is what happened in the Danish case.

In order to ensure parliamentary control of Danish policy in the EC, the law by which the country decided to join the Community specified that the Government shall: (1) report to the *Folketing* on the developments within the EC, and (2) inform the *Folketing* market committee about proposed Council decisions which will immediately be applicable in Denmark or to the fulfillment of which parliamentary action is required. No sooner had membership become a reality, however, before the first crisis arose around the parliamentary control problem. The three opposition parties (Liberals, Radical Liberals, Conservatives) accused the Social Democratic minority Government of having committed Denmark to an unsatisfactory compromise on agricultural commodity prices in defiance of its demands, stated in advance, which were supported by the opposition parties. The three parties therefore asked the Government how it would make sure in the future that it had political support before committing Denmark to major decisions in the Council of the EC. To the Government the situation was critical. Not only was the united front of pro-EC parties seriously shaken, but the Socialist People’s Party, which generally supported the Government on domestic policy issues, was as always sceptical about any Danish commitments within the EC. The party agreed that the Government had not behaved properly in this matter, and utilized the crisis situation to impose more specific obligations upon the Government. Thus the Government was forced to accept that it should obtain the consent of the *Folketing* to its negotiation position and, if negotiations in the Council required so, also to present changes in bargaining positions to the market committee.<sup>(1)</sup>

A few months later a more elaborated set of procedural rules aiming at the strengthening of parliamentary control along these lines were agreed upon by all five parties then represented in the *Folketing*.<sup>(2)</sup>

This outcome, I think, must be understood not just as a product of party-political manoeuvrings, but rather as evidence for a major point of this paper: that formation and control of Government is a most important function of the Danish Parliament. Any event that might seem to jeopardize this bastion of the *Folketing* will predictably cause a response to redress the balance.

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<sup>(1)</sup> *Folketingets forhandlinger* (Parliamentary Records) 1972/73, sp. 3269-3366.

<sup>(2)</sup> See ‘Beretning fra markedsudvalget (afgivet den 29. marts 1973)’, and the market debate of 16-17 May, 1973 (*Folketingets forhandlinger*), 1972/73, sp. 6263-6293, 6362-6493.



### *A Word on the Future*

Perhaps this conclusion appears too conservative and pessimistic to those who favour further European integration and a strong European Parliament. Thinking about the future, however, my own interpretation would be a rather different one. Thus I would stress the point that any scheme for reforming the EC system should deliberately take into account the role that Parliaments play in their national political systems. As far as I can see this means, first and foremost, that high priority should be given to the question of the relationships between the European Parliament and the national Parliaments. To accept the premise that any Government in a parliamentary democracy must be responsible to its parliament is not to preclude that those relationships can be developed in such a way that they function to the advantage of the EP as well as to the national Parliaments. It is likely, though, that the strategy for strengthening of the EP should be revised according to a new approach. On the other hand a new course might lead faster toward the ultimate goal, which is not just to enlarge the powers of the EP but, as I view it, to ensure democratic influence upon, control of, and support for decisions made within the framework of the European Community. Therefore, there is a role to be played by the EP as well as by the national Parliaments.

# THE GERMAN BUNDESTAG

## THE GUARDIAN OF DEMOCRATIC STABILITY?

Paper by Dr. Uwe THAYSEN, *Hamburg University School of Social Sciences*

A review of 25 years of parliamentary government.

### *Summary*

*Preliminary Note:* The following summary was prepared by the services of the European Parliament. The lengthy working document contains a number of diagrams and detailed references which have not been included in the summary. The reader requiring supplementary information is requested to get in touch either with the author or with the Directorate General for Research and Documentation of the European Parliament.

### I — The Concept of the Report

The role of Parliament must be determined from its 'setting', i.e.: its historical context, its institutional background, etc. Opinions differ widely on the actual importance of the Bundestag in the political system of the Federal Republic; these opinions reflect the many theories concerning the dominant institutions and forces in this country.

The importance of the Bundestag is to be determined by reference to the theories of the State dominated by parties, interest groups or administrative structures. It is therefore necessary to ascertain how parliamentary power is circumscribed by the power of the parties, interest groups and administration, and the decision-making forces not provided for in the Constitution of the Federal Republic (in 'grey areas'), which undermine the Bundestag's constitutional political sovereignty. These questions will be answered by examining how Parliament discharges its functions.

The major problems in this report lie in the review of Parliament's functions. There are no reliable (practicable) categories of measurement for assessing the importance of a Parliament. Bagehot's catalogue of parliamentary functions is used below; the question is, how far does the Bundestag fulfil the functions of this classic catalogue, which Bagehot gave as follows in order of importance:

- 1) the elective function,
- 2) the expressive function,
- 3) the teaching function,
- 4) the informing function,
- 5) the legislative function.

*What are the real effects of parties, interest groups, administration and the 'grey areas' on these classic parliamentary functions in the German Bundestag?*

## II — Historical Background

The author reviews the development of the parliamentary system in Germany and points out that in contrast to the parliamentary law of the Weimar Republic, that of the Bonn Parliament has been based primarily on the British and American model:

Following the British example, question time was extended in 1952 for the benefit of the individual deputy (§ 110 GO-BT); on the American pattern, public hearings (§ 73 GO-BT) were introduced in the same year. On the other hand, the agreements reached in 1955 for dealing with supplementary questions (Appendix 4 GO-BT), the directives introduced in 1960 for question time (Appendix 2 GO-BT) and the discussion of topical matters which has been possible since 1965 (Appendix 3 GO-BT) are based on British tradition. Of the innovations made in the 'minor reform of Parliament' in 1969, the extension of the technical and scientific premises of parliamentary work and the reinforcement of the powers of the Bundestag committees (including the right of own initiative reporting, § 60 (2) GO-BT), the introduction of committees of inquiry to prepare decisions on complex matters (§ 74a GO-BT) and the efforts to achieve greater transparency in lobbying are based on American patterns; the numerous attempts to animate the Assembly (§ 3 et seq. GO-BT), and in particular the option of holding committee meetings in public (§ 73 (2) GO-BT) are based on the example of the British Parliament.

## III — Functions of the Bundestag

It is perhaps superfluous to point out that there is no clear demarcation between Bagehot's parliamentary functions. The author has resisted the temptation to extend the Bagehot catalogue of functions by a further three. With Klaus von Beyme he first wanted to add a 'recruiting function' and, on the basis of recent research and discussions, a 'cultivating function' (in the sense of a sublimation of political culture) and a 'ruling function' (in which Parliament is seen primarily as a machinery for ruling and discipline). Closer examination showed that Bagehot has covered all these functions, even though he has not given them the importance frequently ascribed to them in the present discussion. In the following, the recruiting function (for political personnel in general) is considered in conjunction with the elective function (particularly of the government/cabinet), the cultivating function is considered in conjunction with the teaching function, and the ruling function in conjunction with the expressive function.

### 1) *The Elective Function: appointment of the Government*

In the basic law the political system of the Federal Republic of Germany is clearly defined as a parliamentary system of government. Having been appointed by direct election, the Bundestag itself becomes the elective body — not only for the Chancellor (Art. 63 of the basic law), who, together with his government, can be forced to resign by a vote of no confidence (Art. 67 of the basic law), but also for a number of other organs, bodies and authorities.

In fact, the Bundestag has always been in a position since 1949 to elect a government. The only situation in which this power was in danger — the stalemate situation after the failure of the vote of no confidence and the loss of the majority by the SPD/FDP Government of the sixth Parliament on 28 April 1972 — was taken as an occasion to bring about a premature dissolution of the Bundestag for the purpose of restoring the elective function to parliament as soon as possible by means of further elections. The fact that the stalemate still lasted half a year (from 28 April to 22 September, the date of rejection of the Chancellor's motion for a vote of confidence); the fact that this period included several weeks of parliamentary recess and that there were a further 8 weeks without a parliament during the election campaign (until the election on 19 November 1972) and almost a further 4 weeks went by before the constituent session of the 7th Bundestag (on 13 December,

1972), all goes to show that this was a period of great weakness for the Bundestag — especially since the constitution of the 7th Bundestag was followed by the familiar '100 days grace' of the government (which was even extended in 1973). Nevertheless the final result was a positive one — the clear re-establishment of the elective function.

The stability of the elective function of the Bundestag can be explained against the background of the many factors in the exceptionally stable development of the West German party system. There is a clear trend towards a three party system with the two strongest parties having a clear advantage.

In the Federal Republic the parties actually hold the monopoly for nominating deputies to the Bundestag. The small proportion (between 10 % and 30 %) of active party members narrows the circle of those actually having an influence to about a quarter of a million electors. The local and regional levels of the party organizations jealously guard their right of nomination; the parliamentary groups have only a very marginal influence on the list of candidates for the Bundestag. The importance of the nominating party bodies can be clearly seen in the fact that about two-thirds of the electoral districts of the Federal Republic are considered 'safe' for one or another party, so that it is actually these bodies which determine future candidates for the Bundestag.

In the recruiting of the deputies, therefore, the main power lies with the parties. Does the same not also apply to the recruiting of the Federal Chancellor and his government? Is the Federal Chancellor really elected by the Bundestag, as stipulated in the Basic Law, or is it not rather the parties and/or electors which decide the issue? The author comes to the conclusion that in the election of the first Chancellor, Konrad Adenauer, the Bundestag actually did take the deciding vote. The subsequent elections of the Federal Chancellor in 1953, 1957 and 1961 were decided in advance by the electors. These elections were 'Chancellor elections'. The transition from the fifth Adenauer Government (1962) to the first Ludwig Erhard Government (1963) was again effected by the Bundestag, in exactly the same way as occurred later (1966) in the transition from the second Erhard Government (1965) to the first and only Kurt Georg Kiesinger Government (1966). The first and second Willy Brandt Governments (1969 and 1972) were again predetermined to a greater extent by the result of the election (much more so in 1972 than in 1969). The Adenauer/Erhard and Erhard/Kiesinger changes were made by Parliament in a procedure which was primarily internal to the CDU/CSU group.

In its elective function the Bundestag has successfully passed two critical tests. One was the change-over of the major groups in government and opposition. In 1969 the SPD replaced the CDU/CSU as the dominant government party. The second was the successful survival of the period of parliamentary weakness in the stalemate from April to December 1972. It has sometimes been said that the parliamentary stalemate of the summer and autumn of 1972 showed that individual deputies were able to decide freely, independently of party, or even change their group, and that the parties were powerless against this. The equilibrium situation was also said to show that the parties were helpless and Parliament powerless. The opposite is true. *The stalemate situation demonstrated the power of the parties and the sovereignty of Parliament.*

The role of the Parliament is similar to that of the parties: at the time of the greatest impasse during the stalemate situation the Bundestag demonstrated its full power with respect to the government. In this Republic — in great contrast to the Weimar Republic which failed 42 years ago — it is impossible to govern if Parliament does not wish it or (and this is important in contrast to Weimar) if Parliament cannot govern i.e. cannot muster a clear majority for a government.

In the process of recruitment of the political elite of the Federal Republic the Bundestag has become increasingly important. Party research shows the Bonn Parliament clearly to be a point of selection for this political elite. In the first 23 years, just 90 % of the 89 federal ministers had been members of the Bundestag at some time before their appointment. (In the Weimar Republic just half of the cabinet members held a seat in the Reichstag).

The ideological handicap of the parliamentary system in Germany — the impact of the dualistic view of the state and society and Bismarck's treatment of Parliament and parties — resulting from

the traditional esteem for supposedly neutral experts in the form of the non-party 'expert minister', in contrast to the 'deputy/minister' who is regarded with suspicion and contempt, seems to have disappeared.

All in all — despite the limitation described above — the political assessment of the Bundestag's fulfilment of the elective function can be a favourable one.

## 2) *The Expressive Function : Does the Bundestag reflect or distort the will of the people?*

The expressive function is the expression of the opinion of the people. This function is not stated in so many words in the Constitution of the Federal Republic, but it can be deduced as an intergral constituent of the sovereignty of the people from the democratic principles of the Basic Law. The author proceeds from the assumption that society in the Federal Republic holds a wide variety of opinions and there is no homogeneous, universal 'volonté générale' of the type referred to by Rousseau which can be determined in advance. The author is convinced that those interests which cannot be organized or come into conflict are at a great disadvantage in this multiplicity of opinions. Initially, however, he puts this conviction in the form of a hypothesis to test it against the subject under investigation, the German Bundestag. This requires an investigation of the social composition of the German Bundestag. How far does the social profile of the Parliament on the Rhine differ from the structure of the population between the Elbe and the Rhine? It also requires an analysis of the substance of the laws adopted by the Bundestag. In whose interests and in whose favour were the laws of the Bundestag adopted? Finally, it is also necessary to examine in what way and to what extent the interests of the people are expressed in the assembly of the Bundestag — and elsewhere. To quote Max Weber, we must ask: 'How much' and 'what' is done in the German Bundestag?

I. — One variable in the context of the expressive function is the social composition of the Parliament. A significant factor in a comparison of the German Reichstag (1881-1912) and the German Bundestag (1953-1961) is the drop in the number of farmers and clergymen. 'Since 1945 in Germany the cassock and the clerical collar are clearly no longer in the political forefront'. The fall in the number of civil servants, which was mainly attributable to the low representation in the first Bundestag was only temporary. There is a clear trend on the other hand towards a rise in the numbers of trade unionists, political officials, (other) members of associations and the professional occupations, and finally in the number of teachers, of which there is slight evidence in these statistics. In spite of these changes in the social profile of the parliaments of the Empire period and the Bonn democracy period, there is a remarkable consistency in the social composition.

In the sixth term (1969-1972) every third deputy came from the public service. This rise marks a clear over-representation of officials in the German Bundestag. There is also a marked over-representation of businessmen. In spite of the clear reduction in the number of farmers referred to above, these are also still over-represented, as are retailers. Although the category is a dubious one, the 'workers and their officials' are the most under-represented in the Bundestag.

The heavy over-representation of civil servants is exemplified by the 103 deputies belonging to the Union of Public Service, Transport and Traffic which has the highest representation of any individual union, and typically by the fact that this union is followed by the Education and Science Union with 41 deputies; the members of the latter are also mainly public service employees.

The social structure of the Bundestag has not fundamentally changed to date (the author quotes):

- 1) The Bundestag deputies come from the upper and middle classes, they are almost never recruited from the lower classes...
- 2) From the middle and upper classes certain professional groups are also particularly strongly represented: officials and employees of the public service, employees of associations and parties (union and party staff, particularly in the case of the SPD), lawyers, journalists.

- 3) The occupational groups of the lower classes are almost without direct representation in Parliament: specialized workers, skilled, semi-skilled and unskilled workers, paid workers and employees in the services industry and in agriculture and forestry.
- 4) About 25 % of the deputies have had only the standard state education compared with 82 % of the total population (1962 census). There is a disproportionate number of university graduates compared with the total population.

II. — Representation is not an abstract quantity but involves representing, presenting and asserting interests. Economic freedom and private property were and are constituent elements in its formation. The increase in such activities in dealings with the state is attributable to the increasing intervention of the modern state in the economic sector. The restoration and preservation of the conditions of property ownership existing prior to the constitution and the granting of privileges to property owners during the period of 'reconstruction' from the ruins of the war, a period of reconstruction of capitalism which was only slightly tempered by social considerations, were on the programme of the first Bundestags. Reconstruction, the German 'economic miracle', was based to a great extent on the legislative guarantee of

- 1) privileges for small and medium-sized business;
- 2) social integration of the working class by a system of public aid expanding quantitatively rather than qualitatively to improve the welfare of the 'masses';
- 3) a system of *laissez-faire* in the administration of capital and, closely associated with this;
- 4) a tax policy for concentrating wealth and safeguarding the existence of small and medium-sized businesses.

The factors of economic concentration and the falling rates of growth since 1960 have, on the one hand, increased the concentrated influence of big business. On the other hand, the increasing awareness of the 'disparity in certain areas of life' i.e. the appearance of deficiencies in areas of the infrastructure such as transport, health, education, housing — has brought in legislation since 1969 for 'internal reforms', but for many reasons this has remained at modest levels. The considerable achievements of the years 1949-1969 in the social sector include the integration of 12 million refugees by means of the equalization of burdens scheme — 'an unprecedented, carefully administered social revolution's the war victims pension scheme; the introduction of the index-linked pension; co-determination in the iron and steel industry; the law governing workers' representation; the rules on the payment of children's allowances and training assistance; the above-mentioned quantitative spread of wealth; publicly assisted housing. The fact that this has been combined with strong economic growth is certainly no mean achievement, however important the above-mentioned reverse side of the coin.

The other side of the coin is marked not least by the fact that the large number of trade union members in the Bundestag does not exert a corresponding influence on the legislative process. Because of the diverging interests of the individual trade unions and the precedence which group discipline has been able to claim over trade union discipline in cases of doubt, it is not possible to speak of a 'trade union group' extending through all parties. The fact that as early as 1949 the leadership of the German Trade Union Association gave the parliamentary system precedence over the requirements of trade union interests can therefore be considered a decision of historic importance.

The review of the substance of the legislation therefore largely confirms the result of the outline of the social profile of the Bundestag. It cannot be said that the interests of the population are accurately reflected.

III. — *How* are interests looked after in the Bundestag? As a rule the government submits bills to Parliament in which the compromises between the civil service and interest groups have already been incorporated. These compromise bills are submitted to a parliament in which again at least 30 % of the deputies represent certain interests. For Loewenberg's category of professional politicians (22 %) it is possible with Hennis to proceed from the following observation: "With such a

wide variety of groups in the basic composition of the German parties, since 1945 there has been no further use for mere group representatives *at the higher levels*. The party comes before the group." It is, however, exceptionally difficult for the leadership of the groups to help the party argument to prevail. In the assembly itself the group establishment again holds the floor, not least in order to protect the compromises which have been reached against competing claims as effectively as possible. It is an important difference from British and American practice that below the assembly level, on the other hand, members of the departmental administration not only have right of access, a right to speak and therefore a right to take part, but that the lobbyists themselves can even make approaches to the committees. It is very difficult to determine whether and to what extent this form of division of work secures achievement of the common good (in the sense used by Ernst Fraenkel), or is used as an instrument of an appeasement strategy to secure the loyalty of the masses who have been 'short-changed'.

IV. — In any case the social ambivalence of the parliamentary system of the Federal Republic — on the one hand an instrument of sovereignty in the possession or at the disposal of a minority and on the other hand an emancipation factor — cannot be denied. The verdict of the New Left is contained succinctly in the following statement by Johannes Agnoli: "The principle of representation — the core of the parliamentary system — was conceived, intended and implemented as a constitutional standard with a precise repressive function which was, from the very beginning, in the nature of an appeasement. It was intended to keep the majority of the population away from the centres of power of the State, peacefully but effectively". It is exceptionally difficult to assess how the German Bundestag takes care of the expressive function. There is no 'prevailing opinion' of political science. On the basis of various premises the authors arrive at opposing views. Those who believe, with Bagehot, that there must be government and that 'dominance as such' is not to be condemned, those who again believe with Bagehot that a parliament fulfills its expressive function as long as it prevents social civil war in the country, can arrive at a predominantly favourable conclusion. From this point of view the German Bundestag, in contrast to the Reichstag of the Kaiser period and the Weimar Republic, has fulfilled its task — not perhaps despite, but *precisely because* of the powerful forces of society which were represented in it. On the other hand, those who dispute the need for dominance in principle and believe in a Rousseau-like concept of democracy, or that any agreement between parliamentary expression and the will of the majority is due to a manipulated, objectively false 'awareness of the situation' (Frank Deppe) on the part of the majority, will have a predominantly or wholly unfavourable view of the expressive function.

### 3) *The Teaching Function : Does the Bundestag activate or delay policy ?*

The author agrees with Bagehot that the elective and expressive functions are the two most important parliamentary functions. For Walter Bagehot the teaching function of Parliament consisted in instructing the Sovereign, and today the people, as to how the respective society could be improved. Bagehot made the following assumption: "A great and open council of considerable men cannot be in the middle of a society without altering the society ...". In this view therefore, Parliament ought to take the initiative: "... It ought to alter it for the better."

Bagehot's comparatively strong emphasis on the teaching function can be explained in the author's view by the historical context. In Bagehot's time Parliament — as a symbolic institution for the citizens' claim to participation — was still clearly indebted to the enlightening impetus and stimulus of civil revolutionary movements: it was to be the pacemaker of 'political' development (but not encroach upon the autonomy of social economic development).

The author discusses the more recent view of the teaching function and limits himself to some more general comments about this function, to references to the division of roles in this connection between Parliament and the government and — under the heading 'Parliament and the Public' — to certain remarks about the form in which the teaching function is practised by the German Bundestag.

I. — In the dualistic constitutional system of the Kaiser period the Parliament enjoyed a clear position of superiority and initiative was necessary if it was to be opposed. It is very much more difficult for

the Bundestag to take up a position: the men in the government are parliamentarians, men from the smallest circles of leadership of the respective majority group(s). To take the initiative against them would mean taking the initiative against oneself. The teaching function has passed over to the opposition, but the latter does not have the majority of the population behind it — like the majority in the Kaiser period which provided even greater opposition to the government and administration. In Parliament the deputy of the majority group has become a government man, no longer primarily available to the elector as an advocate against the government. The social divisions are no longer so clear either. The compartmentalized society of former times no longer exists.

II. — Like all parliaments in parliamentary systems of government the Bundestag is not so much an initiator as a sounding board for what the people expect from the government. The West Germans' 'misconception' of the structures of their democracy, which Wilhelm Hennis rightly emphasizes, is therefore due to the fact that the view of Parliament held by citizens and deputies, together with certain constitutional lawyers, is still largely based on the dualistic (constitutional and presidential) model of the pure division of powers between Parliament and government and thus the teaching function is assigned in the political system to Parliament. In fact this is not so.

The periods for which and within which decisions have to be made are becoming increasingly long. The administration is in a much better position than Parliament for obtaining clarity as to the premises for its decisions. The primary problem for the Bundestag today is simply the question of its participation in the preparation of premises for decisions by the administration and no longer primarily the question of working out and formulating these premises itself. In this sense Parliament is much more representative than is assumed as a rule: like the majority of the citizens, Parliament 'only plays a reactive part in the political process, marking the boundaries'. As Ralf Dahrendorf assumed, it can in fact be shown that 'parliaments are only capable of taking the initiative to a very limited extent'.

III. — The relation between the Bundestag and the public has been characterized on the one hand by phrases such as 'Journalistocracy', 'Democracy by television', or 'Democracy by interview'. On the other hand references were made at a very early stage to 'Parliament in secret' and to the fact that in Bonn nothing remained secret except matters dealt with in the assembly of the German Bundestag.

There is no point nowadays in deploring the advantage which the mass media have achieved over Parliaments in providing and obtaining information. The situation cannot be reversed, however complicated the schemes. There is also a positive side however in being kept 'up to date' by the press about the Parliament. This probably also applies to all other countries. In addition there are certain specific reasons in Bonn for the transfer of political discussion out of the assembly. In particular, the Federal Republic coalition groups constantly need to commit themselves by public statements to a certain course, which they can then defend in Parliament as far as possible without challenge as a joint course. Like the situation in the present opposition group: the CDU and CSU and CDU-Social Committees on the one hand and the Economic Council of the CDU e.V. on the other, also put pressure on one another in public to reach agreement.

From the point of view of information theory the Bundestag, to quote Julien Feidy, extends, receives or recirculates rather than innovates.

A summary of the scientific discussion on the teaching function provides approximately the following picture: (ad 1) Parliament is 'only capable of initiative to a very limited extent' (about 10 to 20 %) (Dahrendorf). (ad 2) It leaves this largely (correspondingly 80 %) to the government and the civil service and the large (and small) business associations. (ad 3) Compared with the basic concept of the teaching function, the degree of secrecy in the Bundestag has exceeded the tolerance limit (60 %). The agenda for parliamentary reform therefore includes the introduction of public committee meetings, as demanded recently on excellent empirical or constitutional grounds by Heinrich Oberreuter and Heinhard Steiger.



4) *The legislative function : joint government by parliament in the committees of the Bundestag*

Bagehot only lists the legislative function in fifth place. In the context of the remarks on the teaching function there was a great deal to be said for the informing function taking precedence as it does over the legislative function. On the other hand, the specifically German concept of parliamentary control cannot be implemented without a prior presentation of the legislative function and legislative practice of the German Bundestag.

The legislative authority of the German Bundestag is expressly guaranteed (Article 76 of the Basic Law), the issue of ordinances having the force of law by the government is subject to authorization by laws adopted by the Bundestag in which the 'content, purpose, and scope of the authorization so conferred' must be set forth (Article 80 of the Basic Law). These provisions, the re-establishment of a constitutional state, the securing of the means of existence and 'reconstruction' in and from a country left in ruins in every respect by national socialism and the restitution and appeals which were made necessary by allied law explain the number of laws with which the Bundestag had to cope, particularly during the first periods of legislation. In addition there is the constant growth of federal power at the expense of the federal constituent states shown by at least 20 out of a total of 31 amendments to the basic law by the end of 1972. Attention should also be drawn to the particular character of the development of budgetary law in Germany. The budgetary authority of the parliament was originally directed against the extravagance of the monarchs. Today it is the extravagance of the parliament, particularly in election years, which is a vital problem which England and the dominions hoped to overcome by withdrawing from the parliament the right of initiative for laws involving expenditure. Despite this British practice, as a result of painful experience in the Weimar Republic the German Bundestag retained the right — as a reaction to the removal of power from the parliament by national socialism — to prevent bills from the centre of the house having financial effect.

The author then discusses:

- 1) problems of the practice of 'joint government by Parliament' which is also specifically German;
- 2) problems arising for the legislator from increasing state planning and;
- 3) the removal of political decisions to 'grey areas' which remove the seal of democracy from the political decisions taken there.

I. — The substantial amount of legislation issued by the German Bundestag is illustrated by tables.

The figures confirm the findings about the teaching function: almost exactly three-fifths of all proposals came from the government, something less than two-fifths from the Bundestag, and the rest from the Bundesrat, the second German chamber. As is so often the case, however, the figures alone do not show the whole truth, since in the case of a bill stemming from the majority of the house there is no indication whether and to what extent it has actually been prepared by the civil service. This can be assumed in many cases. Most proposals 'from the middle of the house' of course originate from the opposition and it is equally obvious that they are regularly rejected (or usurped !) by the majority of the government coalition. This explains why, of the laws introduced by the parliament, only slightly more than one-quarter have been adopted. Compared with the provisions of the converse British parliamentary law, the number of independent motions by deputies which do not contain any bill — but do involve massive financial effects under paragraph 96 (4), is rather high (2188 !). The esteem in which its legislative initiative is held and the value which the government places on its actually dominant role in the legislative process can be clearly seen from a number of provisions in its rules of procedure. The strong position of the government in the legislative process is expressed in a form which not infrequently offends the legislative authority of the Bundestag, namely the large number of departmental officials which the government sends to meetings of the committees of the Bundestag. This again is not comparable with British and American parliamentary practice.

Interest groups usually make approaches direct to the government. Figures — admittedly not too recent — show, for example for the Federal Association of German Industry, that 83 % of its opinions on draft bills were directed to the government and only 7 % to the Bundestag. Only when they are unsuccessful there, according to one of the most informative and frank deputies, when big business 'has been unable to push through its demands satisfactorily at the executive level', does it turn to the Bundestag, sometimes even at the instigation of the civil service.

II. — In substance the law of the modern intervention state is 'the answer (to rapidly changing) situations, measures, plans, and instructions for the administration'. 'Political planning', 'state planning' define the latest development trends. Political planning seems to be 'the new form of policy'. The plan, however, is not covered by the traditional legal formulae: 'It is neither administration nor legislation, it is not a norm in the sense that the realization of an abstract set of circumstances produces certain legal consequences; it is not intervention in the sense of a definite change in the legal position of the individual. Nevertheless the plan 'has a much more decisive effect on individual freedom than intervention as covered by the principles of the constitutional state. While intervention affects freedom or property only here and there in the form of a definite act, the plan determines the limits and conditions of the possibility of individual freedom'. Particular emphasis is placed on those problems of planning in which the other Member States of the European Community in particular can be assumed to have an interest because the Federal Republic of Germany is the only country of the Community with a federal state structure. The example of the Federal Republic can show how much the necessities of political planning lead to the centralization of decision-making powers. We have already mentioned the 20 amendments to the constitution out of a total of 31 which primarily transferred powers to the Bund at the expense of the constituent states. The trend, which is shown in areas such as 'protection of the environment' and the provision of infrastructures as a whole, will increase. Other losses of autonomy at lower levels caused by the extension of state planning can be seen in the cooperation of the constituent states with one another and the cooperation between the Bund and the constituent states at conferences of prime ministers and ministers, in which agreements and treaties are prepared and made 'ready for ratification' for the parliament with parliaments largely excluded.

This all happens at the level of the executive, so that the term 'government federalism' has been rightly applied to this form of removal of power from 11 constituent state parliaments. The Budgetary rights of the state parliaments are undermined by the 'dictation by supply' (Seeger) utilized by the central state: the Bund controls more than 75 % of the revenue from the Bund and the constituent states and it can make the award of money to the individual states dependent on conditions which the latter can only reject at the cost of total loss of all payment.

III. — Finally, increased intervention by the state leads to the transposition of a number of decisions from the traditional structures of parliamentary policy-making to bodies which are not democratically authorized or only inadequately so. Expressions such as the Kressbronn circle, the Economic Policy Council, the Economic and Social Council, Fiscal Planning Council, planning committees for community tasks, conferences of ministers or prime ministers and concerted action indicate a constant, apparently incessant loss of authority by the political administrative system, especially its parliamentary component. The central institutions for reaching agreement, our parliaments, are weakened by such processes to precisely the same degree that they need to operate perfectly. The constantly increasing pressure of the problems with which we are faced makes it more necessary than ever to have open, i.e. public ways and means of achieving effective but peaceful and social compromises.

For the European colleague of a German member of the European assembly it may be useful to recognize precisely those problems facing a German deputy, as distinct from his European Community colleagues, when the democratic lawfulness of European Community decisions is under discussion. The problems arise to a great extent from Article 235 of the EEC Treaty. For the federalistic structure of the Federal Republic this means: the Bund (Central state) can also make use of those sovereign rights of the constituent states (individual states) which, under Article 79 (3) of the Basic Law, cannot be encroached upon even with a qualified majority because they form

part of the indispensable substance of the federalistic individuality of the constituent states. European Community law is therefore intervening in internal German constitutional law. There could be no objection to this — apart from the regulation in Article 79 (3) — if the authority of European Community decisions were at least adequately democratically established. This is not the case, however, since the law of the European Community is not laid down by a parliament but by a Council of Ministers which, not being elected, cannot be controlled by an assembly which is only advisory and has no power of legislation and budgetary power, because it cannot be suspended. 'Grey areas' of acts of sovereignty without adequate, democratic authorization have also arisen in this sense in the European Community's decisions.

For the other European Community members it may be useful to note the following chain of development of the loss of legal authority in West German policy: the numerous transfers of power from the individual states of the Federal Republic of Germany to the Bund has clearly strengthened those land governments which cooperate with the federal executive. They have clearly lowered the status of the Land parliaments; but the Federal Parliament in Bonn has not been given any adequate means of influence to match the increase in the powers of the Bund. If power is to be transferred in the same way to the Council of Ministers, while retaining the existing European Community decision machinery, we would then inevitably arrive at the 'Europe of the Technocrats' which the European democrats cannot want.

All in all a review of the legislative function of the Bundestag shows that the government's pre-eminence in the actual process of legislative policy-making is indisputable but that — in comparison with Great Britain — there is a large measure of 'joint government' by parliament; and that planning as '*the new form of policy*' has not yet been given adequate parliamentary authority and that the transfer of policy-making processes into 'grey areas' of decision-making is contributing to the loss of legal authority not least in the course of European integration.

#### 5) *The informing function: Is the Bundestag a corrupt guardian?*

The informing function of parliaments is shown by the following *list of rights of the German Bundestag*.

- 1) Vote of no confidence.
- 2) Guarantees of free mandate:
  - such as: Indemnity,
  - such as: Right to speak,
  - such as: Right to change group.
- 3) Public proceedings of the Bundestag:
  - right of every member of the Bundestag to summon a federal minister,
  - major questions, minor questions,
  - oral questions at question-time,
  - supplementary questions.
- 4) Budget:
  - budgetary and financial control.
- 5) Joint government by parliament and the Bundestag Committee in legislation:
  - bill,
  - motions,
  - provision of information by the government and the implementation of parliament's resolutions.

- 6) Commission of enquiry for the preparation of decisions on wide-ranging and important matters.
- 7) Petitions Committee.
- 8) Defence Commissioner.
- 9) Committees of investigation.
- 10) Impeachment.

1) A brief survey shows that the control of the government by parliamentary appointment or dismissal emphasises the considerable stability of the governments of the Federal Republic. The only vote of no confidence hitherto (against Federal Chancellor Brandt on 27 April 1972) only just failed. Only once was a Chancellor (Willy Brandt on 20 September 1972) forced to a vote of confidence on which he obviously wanted a negative decision in order to obtain the right to dissolve parliament and thus find a way out of the stormy situation in the summer of 1972 described earlier. There has only been one motion of disapproval against a Federal Chancellor (Ludwig Erhard) which was rejected by a majority. Five Federal Ministers have successfully survived such a motion of disapproval, and in no case were they abandoned by 'their' majority in the house. On the other hand, three out of five motions for the dismissal of a Federal Minister were passed by a majority in the house. Such sparing use of the most severe form of punishment in parliamentary systems of government bears witness to the solidity of parliamentary practice.

2) Deputies of the majority groups — particularly in the case of a narrow majority for the government coalition — can sanction the government very effectively, after exerting their right to speak in the assembly, by changing to another group. The free mandate, with its guarantee of a change of group membership, has proved to be a legally guaranteed, effective means of control which can be used in anticipation, ad hoc and ex-post.

3) The public proceedings of the Bundestag suffer from the fact that, compared with the British Parliament, the Bundestag meets much less frequently and, therefore, escapes current ad hoc control in the mass media perhaps more than would be possible in the case of a large number of sittings. The complaint is often made that it is rare for anything new to be said in the Bundestag. The lack of a suitable chamber has done a great deal to make it difficult to achieve a style of dialogue and controversy in the discussions between the Government and the Opposition. There is too much declamation and lecturing. The reforms of order of speaking, speaking time and mode of speech in 1969 did not result in any decisive change. Political careers are certainly still built in the assembly of the Bundestag, but there is a lack of the continuous public controversy in which day to day parliamentary control is effected. The restriction of the opportunity to speak to a few individuals, as a result of the hierarchical structure in the groups, has contributed considerably to this situation.

The 'major questions' have developed primarily into an instrument for provoking wide-ranging public discussion and the associated control of direction. Minor questions are not designed to obtain information but to provide it, the purpose being to provide information which directs, corrects and very often hastens progress. Information on subjects and achievements takes pride of place. At Question Time the individual deputy can put oral questions. The number of oral questions is rising constantly.

4) However, much (bureaucratic) diligence is ascribed to the Bundestag, even in general for its committee work, most of the studies on the exercise of its budgetary authority come to a critical conclusion. In general it is shown that parliament's influence on the preparation of the federal budget is diminishing.

5) Joint parliamentary government in the committees has already been described. Here, in connection with information, we find that this joint government is a two-edged matter: opposition which collaborates in the 'improvement' of a law — and in non-public sittings — becomes jointly responsible for all the deficiencies of the law.

Particular problems are raised by control over political planning. The incongruity between long-term planning and the allocation of authority which is limited in time by elections will continue to increase. In the Federal Defence Ministry plans had already been made in 1969 for the period up to 1985 and thus decisions had partly been taken in advance. There will, however, be at least 4 elections before then and at least potentially one or more party political changes in the government.

- 6) The development from merely 'reactive opposition' to individual evils which have already occurred, into the comprehensive 'active control of future development' has led to the use of comprehensive scientific advice on policy. This advice has been concentrated on the side of the executive. The Bundestag has only been able to cover the most essential backlog requirements by the extension of its scientific services. The possibility, which has existed since 1969, of establishing committees of enquiry, is in our view a potentially extremely powerful instrument.
- 7-8) In contrast to the question of petitions, the Defence Commissioner is finding increasing approval. The number of the submissions to the Defence Commissioner is constantly rising and the figures for favourable decisions show a positive trend.
- 9) The effectiveness of the Committees of Investigation is far removed from the original intentions of the right of enquiry.
- 10) There has not been an instance of impeachment in the Federal Republic.

It is difficult to give a scientific assessment of the extent of the control exercised by Parliament over the government. Parliamentary control cannot be quantified, in fact one could say that in the parliamentary system of government the majority at least are keen on allowing control to be completely non-measurable, so that its non-measurability could be considered as an essential feature of parliamentary systems of government. Anyone who expects parliamentary control to provide ad hoc, visible, short-term coercive measures has by definition an unrealistic view of the parliamentary system of government of the Federal Republic. Control by parliament does not in fact take place in this way or only to a diminishing extent. On the other hand, those who take account of the many-sided nature of control indicated in this paper will come to a different conclusion.

## THE FRENCH PARLIAMENT

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### A — General observations on the French political system

Before considering Parliament itself, some information must be given about the foundations of the present system.

1) *Primacy of the President of the Republic.* The executive power is essentially presidential, although the 1958 Constitution established a parliamentary-type system (distinction between the head of the government and the head of state, answerable to parliament). The election of the President by direct universal suffrage, instituted in 1962, is one of the elements of this primacy.

2) *Parliamentary majority.* Since the October 1962 dissolution there has been a majority in the National Assembly based on an electoral regrouping defined essentially by its loyalty to the President (the group fought the elections of 4 and 11 March 1973 under the name 'Union of Progressive Republicans Supporting the President of the Republic').

Since he effectively has the right of dissolution, the President controls the fate of this majority.

3) *Ambivalence of the system:* the institutions of the Fifth Republic combine two principles:

- presidential government, implying the independence of the President (not accountable to Parliament) and the separation of powers;
- parliamentary government implying a disciplined majority loyal to the government which leads it.

These two principles both operate to the advantage of the presidential government which can alternate the executive/legislative function, to ensure its independence, with the majority/opposition mechanism, to assert its parliamentary leadership.

### B1 — Parliament and the executive

The Constitution of 4 October 1958 was based on a reaction against the abuses of parliamentary sovereignty. While in theory maintaining a parliamentary system, it severely limited the powers of the national representatives over the executive.

#### a) Powers of appointment

The President of the Republic appoints the Prime Minister and, on his proposal, the other members of the government (Article 8). Parliament therefore has no say in the formation of the government, which depends on the Head of State.

#### b) Responsibility of ministers to Parliament

1) The government is responsible to Parliament, but this responsibility can only be put into effect in the National Assembly and only according to the procedure laid down in Article 49, which provides for the following three possibilities:

- pledge by the government of its responsibility with regard to its programme or a declaration of general policy (Article 49, 1). Theoretically this provision requires a vote to be taken on the programme after the government has been formed. This procedure was in fact followed until 1962 but has since been interpreted as being optional.

The government therefore has no need to ensure that it has the approval of the majority as long as there is no majority censure. It may find it advisable to ask for a vote on a declaration of general policy, either after its formation (Mr Pompidou, 13 December 1962, Mr Messmer, 10 April 1973) or during its term of office (Mr Chaban-Delmas, 16 September 1969, 15 October 1970 and 23 May 1972).

- a *motion of censure* carried by a majority: only the supporters of the censure take part in the vote (Article 49, 2); twelve such motions were tabled against the government between 1959 and October 1972.
- a 'question of confidence' raised on the adoption of a bill according to a procedure which is a combination of paragraphs 1 and 2 of Article 49 (see below B2-3). Eight motions of censure have been tabled under these circumstances.

2) The Constitution lays down that the Prime Minister must hand in his resignation after a motion of censure has been carried (or approval of his programme or if a declaration has been refused). This has happened only once, on 5 October 1962, but the President dissolved the Assembly and did not accept the Prime Minister's resignation until after the new elections when he reappointed him. Although this is not laid down by the Constitution, the government is primarily responsible to the President of the Republic through a sort of constitutional custom. The replacement of Prime Ministers has been decided by the President alone: twice during a term of office (Mr Debré in April 1962 and Mr Chaban-Delmas in July 1972), once after the parliamentary elections (Mr Pompidou in July 1968) and once after a presidential election (Mr Couve de Murville in June 1969).

3) Outside the three possible situations laid down in Article 49, there is no machinery which would bring the government's responsibility to Parliament into effect except through information: declaration without a vote, written or oral questions with or without debate, but never followed by a vote. The Assemblies cannot pass resolutions on policy.

### c) *Compatibility between the parliamentary mandate and ministerial office*

Article 23 of the Constitution lays down that these are incompatible. Members of Parliament appointed to the government must resign within one month; they are replaced by 'substitutes' who must be put forward with each candidate at an election and who occupy the seats which fall vacant through promotion to ministerial office or death of the incumbent until the end of Parliament's current term of office.

In fact, almost all the members of the government are chosen from among the deputies (very rarely from among the senators). See paragraph D1.

It should be added that the incompatibility does not apply to locally elected offices.

## B2 — Legislative role of Parliament

Both the Prime Minister and the Members of Parliament have the right to initiate legislation (Article 39). The number of laws of parliamentary origin (private members' bills) is, however, small in comparison with government bills as is the case in most European countries.

Of a total of 1,299 laws passed during the first four parliaments (1958-1973), 1,129 were government bills and 170 private members' bills.

## a) *Types of legislation*

1) Laws are passed by Parliament (Article 34), but the Constitution limits their domain by listing the matters which must be settled in a legislative form. Everything else falls within the competence of the government's statutory power.

Theoretically, therefore, Parliament cannot pass any laws which fall outside this domain, and the government has the right to challenge a private member's bill or an amendment as being within its own competence, (Article 41) and to refer it to the Constitutional Council. However on rare occasions it does not oppose such inadmissible measures.

2) Parliament may authorize the government to take, through *orders*, measures that are normally within the domain of the law (Article 38). Such authorization must have a limited aim and duration; a bill for the ratification of orders which come into force immediately must be tabled within a period of time fixed by the enabling act, otherwise they become null and void.

The formal *tabling* of a ratifying bill is sufficient to keep orders in force even if they are not ratified (as is generally the case). An unratified ordinance can now be amended only by a law but does not itself have force of law: it retains the character of an administrative act and can therefore be challenged in the administrative courts.

Since 1958 there have been eight enabling acts under Article 38, four of them concerning the implementation of EEC directives.

3) The pledge of responsibility by the government can, however, be combined with the legislative procedure under Article 49, 3: if the government asks for a vote of confidence on a draft, the latter is 'considered adopted' unless a motion of censure has been tabled and carried by an absolute majority. A law can therefore be promulgated without having been positively approved by Parliament.

This procedure which has been used for four bills, has led to ten pledges of responsibility by the government (twice on three readings) and to the tabling of eight motions of censure.

4) Parliament can be deprived of its legislative powers without its consent in two situations:

- when the President of the Republic decides to put a government or private member's bill to a referendum, as provided for in Article 11. This has been used five times.
- when the President of the Republic decides to invoke Article 16, which gives him the right in a serious crisis to take all the measures required by the circumstances in question. Article 16 has only been used once, in 1961.

## b) *Rôle of committees*

1) All government and private members' bills are referred for examination:

- either to a *special committee* set up to examine a particular draft, by request of the government or by decision of the Assembly. This procedure was introduced in 1958 and is relatively rarely used — up to December 1972 it had only been employed 38 times in the National Assembly and 17 times in the Senate. The standing committees are opposed to a formula which encroaches on their responsibilities and the government is afraid of the risks involved.
- or to one of the six *standing committees* of each Assembly (Article 43) whose terms of reference cover the following broad sectors: cultural, family and social affairs; foreign affairs; national defence; finance; laws; production and trade (in the National Assembly). Their limited number, which is intended to prevent excessive specialization and encroachment on the Civil Service, means that they are very large (60 to 120 members). Some committees therefore set up smaller working parties, but these have no official existence or powers. In practice, the absenteeism of committee members helps to offset the disadvantage of their numbers.



2) When a committee has been consulted, it may hear evidence from the minister (and for the past few years also from public figures or bodies concerned), and then comes to a decision on the basis of a report by one of its members. The committees do not work in public.

In the case of government *bills* the committee can only propose amendments in its report to the Assembly which has before it the original text (Article 42,4). On the other hand, it can amend private members' bills which are then passed on to the Assembly.

### c) *Right of amendment and adoption of laws*

1) Both Members of Parliament and the government have the right of amendment (Article 44, 1), but for Members of Parliament it is limited:

- by the restrictions stemming from the definition of the domain of law (see a/1 above);
- by a general restriction which excludes any proposal resulting either in lowering revenue or raising expenditure (Article 40);
- by the government's request for a single ballot on all or part of the draft under discussion, which enables it to dismiss an amendment or to link the adoption of one article with that of other provisions of the text (Article 44, 3). This 'package vote' which was very frequently used until 1968-69, was requested 121 times in the Assembly and 137 times in the Senate between 1958 and December 1972.

2) Despite these restrictions, the number of amendments gives a more accurate idea of parliamentary initiative than might be apparent from the small number of private members' bills passed. In 1972, for example, the National Assembly adopted 1,167 amendments, 685 of which came from committees, 158 from deputies and 324 from the government.

3) In theory, voting is *personal* and proxy voting is strictly controlled (Article 27). Despite a recent attempt to enforce compliance with this constitutional obligation, it is still not applied. In fact when deputies from the majority group are absent, the government uses their votes in open ballots (electronic voting) which it can always request to avoid being defeated by the deputies present voting on a show of hands.

4) All bills are examined in turn by the two Assemblies with the aim of adopting an identical text (Article 45). In case of dispute, the provisions still under discussion are 'shuttled' between the two Assemblies. The government, however, can end this process after two readings by arranging for a meeting of a *conference committee* consisting of an equal number of deputies and senators, which suggests a compromise text. If this procedure fails, the government can ask the Assembly to take a final decision.

Of the 1,299 laws passed between 1958 and December 1972, the conference procedure was used in only 149 cases, and the National Assembly gave a final ruling on only 50 laws. These involved the most political texts where the different composition of the two Chambers made agreement impossible.

## B3 — Budgetary powers

Each year Parliament passes the budget law which plans and authorizes deployment of all the state's resources.

1) The budget law is divided into two parts:

- the first part authorizes the collection of public revenue and lays down how the budget will be balanced;
- the second part fixes the estimates needed to carry through the legislation already in force over the next year ('continuing services') and the '*new measures*' correcting these.

The basic unit of the estimate for each ministry is the budget chapter, but Parliament no longer passes the budget by chapter: it takes a total vote on the 'continuing services' and adopts the 'new measures' according to title and ministry (the eight titles classify the estimates according to kind). The distribution of estimates by chapter is carried out by the government. In all, the appropriation bill requires just over 250 votes during the first reading in each Chamber.

2) The finance committee plays an important part in the budgetary procedure. It appoints a chairman who leads the discussion and about 50 special rapporteurs who are given extensive powers of investigation. The other committees appoint an equivalent number of rapporteurs for opinions.

3) The passage of the budget law must take place within very strict time limits:

- the National Assembly must come to a decision within 40 days after the bill has been tabled;
- the Senate then has a time limit of 20 days.

The conference procedure is put into action immediately after the first reading. If Parliament has not taken a final decision within 70 days, the government can bring in the law by order (so that the budget can come into force on 1st January; this situation has never actually arisen).

4) Between 24 October and 21 November 1973 the National Assembly spent a total of 200 hours on budget debates. This haste, which is an annual phenomenon, provokes much criticism, all the more so since such intense activity often seems out of all proportion to the results:

— strict controls on initiative do not allow Parliament to amend the law submitted to it and it adopts it virtually unchanged, subject to some adjustments negotiated with the Minister of Finance;

— control at this point is limited because of the nature of the budget law, which is the main instrument of the government's economic policy, questioning of which comes under general policy, and because of the time limits which hardly allow a detailed examination of Civil Service activities.

Grievances can be aired during the budget debate; sometimes some of the provisions are dropped (especially relating to taxation) and some of the estimates amended, but this is not a true control.

5) The two other types of budgetary law give the same impression: the supplementary budget law which ratifies the amendments decided during the year at the end of the financial year, and the budget discharge law which is passed two years after the budget, but does not involve a detailed critical examination of the management of public resources.

#### B4 — Control of the Civil Service

##### a) *Rights of investigation and enquiry*

"Is Parliament so blinded by the Constitution that it can only see through the government's eyes?" Is it "condemned to know only what the government decides to tell it?", Joseph-Barthelemy asked forty years ago. The question is of special importance in a country where the Civil Service is centralized, large and for the most part autonomous.

The traditional forms of control operate through ministers: Members of Parliament refer to them for information and the theoretical assent to this is the political responsibility of the government. Parliament knows only the ministers and therefore has no direct relations with the Civil Service departments.

##### 1) *Committees of Inquiry and Control*

This principle, which restricts checks on the Civil Service to written or oral questions, has two exceptions:

The committees are strictly controlled: they cannot function for more than four months. They cannot investigate any matter that is sub judice: their meetings are held in secret and only the Assembly to which they belong can decide to publish their reports. They do not have any defined powers, so that Civil Servants may only give evidence with the permission of their superiors and no one can be forced to appear before them.

However, these committees have acquired considerable importance over recent years. The first committee of enquiry was set up within the Senate in December 1970 to look into the scandal of the La Vilette public slaughterhouses, and the Assembly set up one in December 1971 on building societies; seven committees of control have been set up, two in the autumn of 1973 (on the national telephone service and on the financial management of French radio and television).

In order to get over the restrictions on these committees, the Senate has also used '*fact-finding commissions*' which enjoy the prerogatives of the budgetary rapporteurs sitting on them.

2) *The budgetary rapporteurs* 'continuously follow and check the use of appropriations, working on the spot and on the basis of records'. They must be provided with all information with the exception of matters of national secrecy (defence, foreign affairs, state security).

The advantage of this form of control was shown in October 1973 when a minister refused to supply an Assembly rapporteur of an Opinion with a Civil Service document. The bureau of the Assembly decided that the privilege of direct communication would be reserved for special rapporteurs.

The problem of the supervision of public undertakings is more complex, since they are not involved in the budget except when grants or loans are involved, and do not come under the direct authority of ministers. For this reason they are largely exempt from parliamentary control.

3) Mention must also be made of a new form of supervision relating to the detailed application of laws. Sometimes the relevant texts drawn up by the Civil Service only appear some years after the laws have been passed and in this way paralyse some measures and totally misrepresent the wishes of the legislature. The Assemblies are at present working out appropriate procedures.

#### b) *Defence of personal rights*

Since the legal and administrative courts are normally in a position to ensure protection of personal rights, recourse to Parliament is very rare.

1) A private person can ask a Member of Parliament to intervene on his behalf either informally or by means of a written *question*; he can send a *petition* to the Assembly which is examined by the appropriate committee (in spite of its advantages, this procedure has rather fallen into disuse).

When matters are raised that go beyond individual cases, Parliament can use the investigation procedures described above. However, the restrictions prove to be particularly limiting when the matter has legal implications or when it questions state security or national defence secrets. Thus the Senate Committee set up in June 1973 on telephone tapping met with a refusal from the Prime Minister to allow it to carry out investigations in the departments concerned. It was therefore unable to take any further action.

2) The law of 3 January 1973 appointed a '*mediator*' to receive via Members of Parliament the complaints of anyone who considered that a public body had not functioned within its terms of reference in its relations with that person. The mediator is appointed by the government and is only empowered to make recommendations; however, he can make them public if he does not get a satisfactory reply. It is too early to pass judgment on this procedure; in any case Parliament is only marginally concerned.

## B5 — Independence of Parliament

Parliament's independence cannot simply be evaluated from a formal point of view: account must be taken of the political structures, and it will be seen that the influence of the majority added to government prerogatives has the effect of reducing this independence considerably.

### a) *Timetable*

1) Parliamentary sessions: Parliament meets by right in two ordinary sessions, one opening on 2 October and lasting 80 days, and the other on 2 April and not exceeding 90 days, in other words, a maximum total of 170 days.

Special sessions can be called by the Prime Minister or by a majority of the deputies. In this case the President of the Republic recalls Parliament by decree. These sessions are very short and infrequent; none has ever been called on the deputies' initiative.

2) Agenda: the government has a general priority in determining the use of Parliament's time except for one sitting per week which is reserved for oral questions (but a motion of censure can override this priority).

The Assemblies cannot therefore determine how their time is used, except within the limits of the priority agenda: this is 'the supplementary agenda' which is fixed by the 'Presidential Conference' (consisting of the President and the Vice-Presidents of the Assembly, the committee chairmen and party leaders, whose vote is weighted according to the size of their party). The Conference's proposals are submitted to the Assembly.

3) The Conference may also decide how a debate is to be organized, i.e. how long it should be and how speaking time is to be divided among the parties.

### b) *Role of the President*

The President of the National Assembly is elected for the whole term of office of the government, the President of the Senate at the triennial elections. He is advised by a 'bureau' which is elected each year.

1) The President leads the debates, makes sure that the rules of procedure are observed and takes the necessary initiatives. More specifically, he can consider the constitutionality of a matter, and refer to the Constitutional Council cases of disagreement with the government on a question of legislature inadmissibility or on the conformity of a bill to the Constitution. He can authorize a speaker to reply to the government, ask him to wind up a debate and so on.

2) The President does not actually chair all the sittings, since he is represented in turn by each of the six Vice-Presidents. This means that the extensive powers of the presidency are normally not fully used, since the Vice-Presidents, who are elected for a year at a time, are not endowed with the same authority as the President, who is elected for five years.

### c) *Influence of the majority*

All the decisions taken by the Assemblies are taken on the basis of a majority vote, all Members of Parliament having equal status. Their sphere of autonomy as laid down by the Constitution is therefore virtually controlled by the government majority, and the part played by the minority in the work of the Assembly depends to a large extent on this majority (matters are slightly different in the Senate, where the government majority parties are in a minority).

The only statutory restrictions on this monopoly concern the Bureau which must 'reflect the political profile of the Assembly', and the legislative committees, which are set up on the basis of proportional

representation of the political parties. The other appointments (to the European Parliament, the Conference Committees, the committees of control and enquiry, the High Court of Justice, etc.) are made by majority vote. The decision to set up a committee of enquiry or a committee of control is taken in the same way.

On the other hand, since the majority rule applies to the running of the bureau and its committees, the majority again prevails both in fixing the supplementary agenda (including the choice of oral questions) and appointing committee rapporteurs. The scope given to the minority and their initiatives therefore depends on the goodwill of the government majority, which is obviously not likely to encourage anything which could jeopardize one of its own policies. The extent of this domination also depends on the ratio of the various forces in Parliament; thus the composition of the fifth legislature elected in March 1973 has worked in favour of a more normal participation by the minority (appointment of rapporteurs not belonging to the majority group, appointment of Communist deputies to the European Parliament for the first time since 1958).

### C — Limits of a practical nature

#### *C1/a Differences in the notion of parliamentary representation: role of the political parties*

The problem of the role played by the political parties in a parliamentary system implicates the very basis of this system, especially according to J. L. Parodi's model (see in particular the introductory paper read to the round table conference at the Fondation Nationale des Sciences Politiques held on 6 and 7 November 1970), whereby 'flexible parliamentary government or parliamentary government by representatives' is contrasted with 'structured parliamentary government or parliamentary government by parties'; each parliamentary system combining the two in variable proportions.

All that will be said here is that since 1958 the French parliamentary process has been dominated by the maintenance in power of a stable majority coalition, and this situation has certainly tended to reduce the degree of autonomy of the parliamentary groups, and of the Members of Parliament in relation to these groups, with considerable variations from one parliament to another. However, it should be noted that this majority coalition is made up of three groups (UDR, RI and the majority centrists) whose customs and party discipline are very different depending on their own particular traditions and short- and medium- term prospects. The bonds that hold them together are not parliamentary ones, since their last electoral campaign was centred on the figure of the President. This is why a 'majority delegation' has to try to achieve a flexible basis for cooperation which can be developed as required.

#### *C1/b Direct consultation*

French parliamentary tradition was always so hostile to the referendum procedure (apart from the special case of the Constitution referenda of 1945-46) that recourse to it in legal texts and in constitutional practice was rarely willingly made. The various legal battles which aroused particular public interest, such as in 1962, were in particular distinguished by the refusal of an entire political class to accept that the national will could no longer be expressed exclusively within the bounds of Parliament.

Today this conflict seems to have subsided, although it flared up again on the occasion of the failure of the 1969 referendum on regionalization.

In particular the constitutional controversy on the use of Article 11 relating to revision of the Constitution may be considered as closed; although it may be irregular, the procedure was clearly ratified by the electorate and even the failure of the 1969 referendum does not seem to have affected the position.

It must also be observed that the revision, at present in abeyance, of the provisions relating to the length of the President of the Republic's term of office has this time been approached through the 'usual' channels of Article 89, with the involvement of both Assemblies.

#### *C2/a Domain reserved to the executive: security and defence*

The problem of the difficulties encountered by Parliament when investigating matters affecting national defence, the police force or 'State secrets' calls for two observations:

— The problem is legally difficult to grasp since legislation laying down Parliament's right to look into these affairs is either vague or non-existent. For example, the secrecy of national defence is covered by the provisions of Articles 75, 76 and 78 c of the penal code, but nowhere is it clearly stated how it should be applied to the parliamentary committees of enquiry and watchdog committees (see M. Ceoara, 'Parliamentary committees of enquiry under the Fifth Republic', University of Paris I 1972), and for the moment it is a matter for the executive to decide; it is not easy to see how a disagreement on this point could be settled.

This type of impasse recently arose when the Senate committee of enquiry on the tapping of telephones was refused any opportunity of checking or proving the existence of suspected illegal practices and could only report the unhelpful attitude of the executive.

— These affairs, including a good many problems of foreign policy, are largely under the control of the Presidency, which is constitutionally and politically even further from Parliament than the rest of the executive. This makes it all the more difficult to obtain any information.

#### *C2/b and c Discretionary powers (economic policy) and multi-year decisions*

The problems raised by the participation of Parliament in Government planning and economic policy have not changed fundamentally since the studies carried out by Professor Delvolvé and Professor Lesguillons in 1964 ('Parliamentary control over economic and budgetary policy', PUF 1964). Despite the government's obligation, since the law approving the Fourth Plan to submit a preliminary draft of the main options of the Plan, Parliament, though not entirely excluded from participation in planning, scarcely has a chance to intervene until it is practically too late to alter the decisions proposed by the government. Without prejudging any improvements which may result from discussions in Parliament on the RBS programmes<sup>(1)</sup>, it must be admitted that in planning, even more so than in strictly budgetary matters, the problem of possible alternatives to the choices proposed by the government remains technically insoluble. In addition, the fact that planning is done on a multi-year basis reduces the scope of the Assembly's vote even further: the constant rethinking of objectives presupposed by flexible economic planning such as our own is carried out by the government in the light of the changing economic situation, and it is difficult to see on what basis Parliament could sanction the various divergences at the end of the process. Reference may be made on this point and on the problem as a whole to the paper presented by Professor Nizard to the round table conference at the Fondation Nationale des Sciences Politiques on 6 and 7 November 1970 'Reflections on the true reasons for Parliament's inability to influence the planning process effectively'.

#### *C2/d Membership of the Communities*

France's membership of the European Communities does not appear on the whole to have had any ill effects on the French Parliament's exercise of its powers.

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<sup>(1)</sup> See C3/a.

Nevertheless, the following may be noted:

- Considerable delegation of powers to the executive in matters concerning European policy, which may be explained both by its frequently highly technical nature and by the traditional discretion of the French Parliament on anything relating to foreign policy, as pointed out above.
- The difficulties described by Mr Triboulet (*Le Monde*, 6 April 1973); according to Mr Triboulet, who chaired the European Democratic Union Group at the European Parliament, of the 15 members of his group, six have not succeeded in obtaining re-election despite a strong position locally, and it seems that the electorate took particular objection to their 'excessive' efforts to defend and publicize European attitudes.

### *C2/e Role of the autonomous public bodies*

The problem of the extent and means of control exercised by Parliament over the public undertakings has existed since the introduction of nationalization (see in particular G. Vedel, 'Control by parliamentary committees over the management of nationalized industrial undertakings and of mixed investment companies', *Droit Social*, 3 March 1955, pages 137-145).

Under the Fifth Republic a number of texts have confirmed or defined Parliament's powers in this field. For example, Order No. 58 1100 of 17 November 1958 states that 'committees of control are formed to investigate the administration and the financial and technical management of public services or national undertakings, with the aim of informing the Assembly which set them up of the results of their investigation', and Order No. 58 1374 of 30 December 1958 lays down that the committee responsible for auditing the accounts of public undertakings should send its annual report and other special reports to Parliament, and that Members of Parliament appointed to evaluate the management of national undertakings and mixed investment companies should have right of access to 'any administrative document of whatever nature relating to the running of the undertakings, companies or establishments subject to their supervision'.

It must be emphasized that these committees are only in existence for four months at a time under the Fifth Republic, although under the Fourth Republic there was a standing sub-committee of the Finance Committee which was responsible for the national undertakings.

It is, however, within the budgetary sphere discussed above that supervision can in theory be most easily carried out.

However, the whole subject still raises delicate problems which are particularly well outlined in Mr Griotteray's report on the national undertakings within the context of the 1972 Budget (A.N., 1st session 1971-1972, No. 2010). While accepting that Parliament was still 'a very good forum for debating the major technical problems of the national undertakings', the rapporteur noted the lack of cooperation given by some undertakings, the confusion of the legal statutes, and above all the general absence of clear criteria for evaluating the activities of public undertakings, whose future development was outlined only in the vaguest of terms in the National Plan.

### *C3/a Technological constraints: new decision-making techniques*

New techniques of decision-making at the level of the executive, in particular the Rationalization of Budget Selection (RBS), a French version of the American PPBS, have for the moment had no direct effect on the voting of the budget in Parliament.

However, from this year, three ministries will present an RBS version of their financial programme as an appendix to their budget. It is planned that this practice should be progressively extended to all the other ministries, in the form of an appendix, and that within five or six years the budget will be discussed with direct reference to these papers.

Discussion on the RBS programmes would theoretically be an advantage for Parliament, since they apparently give some idea of the possible alternatives and the associated costs.

### C3/b *Competition with the mass media*

In France, as apparently elsewhere, the development of radio and television has meant that basic political debates now take place outside Parliament at the expense of its traditional role as a platform and a 'sounding box' for changes in opinion. The trend has increased over the past four or five years with the success of televised confrontations between political figures. Although little less conventional than the ritual of a parliamentary forum, the 'staging' of an exchange of ideas makes it very much more personalized and, at the same time, more dramatic.

However, it must be recognized that parliamentary debate is not very successful on television. The problem of broadcasting parliamentary sittings was studied in all its aspects at the symposium organized in 1968 in Geneva by the Inter-Parliamentary Union, but it would appear that no totally satisfactory solution has since been found in France. Neither the unduly brief extracts shown during television news programmes nor the direct transmission of some of the more important debates — squeezed in between the regular programmes and poorly advertised — give television viewers a satisfactory idea of the work of the Assemblies.

### D1 — Parliament and the composition of the government

#### a) *Influence on the composition of the government*

1) The government is formed through the President of the Republic, but this principle must be combined with the majority principle: the ministers are almost invariably chosen from among those elected by the majority group (in 1973 the Union of Progressive Republicans Supporting the President of the Republic).

Of its 27 members, there were ten who were not Members of Parliament in the first government of the Fifth Republic (1959), but since the 1962 elections there have been fewer outsiders: there was only one in 1968, none between 1969 and 1973, and three since then.

The only structural change in the majority group since 1962 has been the inclusion in the government of deputies from the democratic and progressive Centre who supported Mr Pompidou's candidature in June 1969. Mr Messmer's government, formed in April 1973, is made up of 24 UDR, 7 independent republicans, three democratic and progressive centrists, one non-aligned and three non-members of Parliament (there are no longer any senators, although there was one until 1972).

2) Since the choice of ministers is discretionary, in theory Parliament can bring no influence to bear. However, governments are always made up of proportional numbers of members of the majority parties, and efforts are made to encourage changes in personnel while at the same time 'neutralizing' the more turbulent majority deputies. The incompatibility rule which obliges deputies to resign from Parliament on joining the government imposes a serious limitation on this change in personnel.

#### b) *Access to government posts*

The 120 or so persons who held government office between 1959 and 1973 have had very varied careers, but some common characteristics may be discerned:

- Between 1959 and 1968 the ministerial posts relating to the President's domain (foreign affairs and defence) were held by 'specialists'. Mr Jobert's appointment in 1973 is in keeping with this tradition. The same is true of cultural affairs.
- of the 38 members of the present Messmer government, two (including the Prime Minister) were ministers before being deputies; 18 were elected for the first time in 1967 or 1968, which shows that a period of service in the Palais Bourbon is not a decisive factor, even though from now on it will be necessary in order to get into the government. What they have done before



often counts for more. For example, 14 had passed through the Ecole nationale d'administration, and most of them had then worked in ministerial departments.

On the whole, three categories of ministers may be picked out:

- the prominent personalities — men of standing in the Assembly or in their own party, or in both. These stay in the government for a long time, and sometimes leave it to hold parliamentary posts before returning. They form the élite under the system;
- the young men, normally senior civil servants who have gained their experience in ministerial departments rather than in parliament, who get themselves elected, quickly become Secretaries of State and, if they are lucky, graduate to the first group;
- the transient figures — deputies appointed Secretaries of State who never get beyond this stage and are subsequently forgotten. Their modest promotion is either a reward for long service or represents an attempt to pacify the turbulent. There is a higher turnover among Secretaries of State than among Ministers.

The National Assembly only superficially acts as a source of recruitment, since in reality it has no formative function. Parliamentary experience is not on the whole considered to be an essential quality for belonging to the political and administrative élite.

## D2 — Parliament and public opinion

Because Parliament is now in competition with the mass media, (many of the basic debates taking place outside Parliament), its most widely recognized and ancient rôle as a forum being challenged.

Generally speaking, within the constitutional limits, the Assemblies have tried to keep up with events, especially by developing the system of current events questions which makes the oral question procedure slightly more flexible. However, it is unlikely that there will be any return to the old system of interpellation which allowed Parliament to summon a minister at any time to justify his actions, as suggested recently by deputy A. Simon-Lorière. However, the problem does not perhaps lie simply in a technical improvement in procedures, but also in rethinking the very function of Parliament. Should Parliament really be only a 'mirror of opinion' ? One might be tempted to say, like Jean Cocteau, that perhaps mirrors 'do not reflect enough', and that the most specific function of Parliament should be to maintain and develop a constructive dialogue with the public, rather than to limit itself to following the public's wishes. It should be stressed that Parliament already plays a particularly constructive rôle in this respect — one which could be developed and made better known to the public — in the routine hearings that are carried out by committees for some important bills. It is significant and encouraging for Parliament as an institution that associations and groups with the most varied interests are literally jostling each other at the doors of the National Assembly's Social Affairs Committee, to put their point of view on the proposed reform of the abortion laws. Despite the temporary adjournment of the debate until the next session, the fact that public opinion has found its way back to Parliament on a matter which has been as widely debated in the press as this, is the sign of a trend that could be exploited by holding more frequent hearings of this nature.

## D3 — Parliament and the Civil Service

How does Parliament contribute to the efficiency of the Civil Service ? This is a delicate question, since it also depends on what is understood by 'efficiency'.

If the efficiency of the Civil Service is measured by the technical quality of the draft legislation that it produces, it is true that parliamentary discussion is traditionally seen as having a clarifying function. Some see it as the intuition of a body of non-specialists restoring some commonsense to bureaucratic jargon; others see it as the legal competence of the ruling political class in the Assemblies and the quality of the specialized study services of the parliamentary departments. No doubt both can coexist. It may be observed that, while government bills sometimes have to be worked on and improved, this is done mainly at a very informal level, in the constant exchange between the rapporteur and the civil servants responsible for drafting the text when a report is being prepared for the specialized committee. In actual debates it becomes part of the complex process of the right of amendment.

If the efficiency of the Civil Service is measured by its abilities to 'persuade' the public, the help that it may receive from Parliament lies in the general 'legitimization' given by the parliamentary vote, and in the public relations work carried out in his constituency by each Member of Parliament in favour of the legislation he has passed. The help given to the Civil Service is therefore based on the general logic of the majority system.

As for ensuring the equitable government of the country, French parliamentary tradition makes this the business of each individual Member of Parliament. At any rate, this is true if the concept of equity is understood as bending the rules in special cases. Surveys made of the official correspondence of Members of Parliament (e.g. Escarras et al., *the parliamentary function*, Presses Universitaires de France) confirm that the electorate continue to expect their Member of Parliament to intervene with the government on their behalf on a wide variety of sometimes trivial matters in order to speed up the administrative machinery and make it more flexible. It is interesting to note that Members of Parliament are expected to have a broad 'influence' linked with the status that they are assumed to have, as much as, if not more than, taking specific action in Parliament (written or oral questions, tabling bills, and so on). Although it is not as pronounced as under the Third Republic, this image of the parliamentary function has been encouraged by the return in 1958 to voting for one Member only in each arrondissement.

Parliament's basic problem with regard to the processes of change is how it can influence government decisions. In fact, since the new definition of the domain of the law in 1958, many often quite important decisions do not even have to pass through Parliament.

Parliament may intervene in a government bill after a prolonged period of administrative gestation during which the basic choices have been made, the necessary go-aheads given to the upper echelons of power, and negotiations with the interested parties (unions, various pressure groups, party leaders) have already been embarked on more or less informally. This may appear to be quite obvious, but it is still true that the debating and decision-making apparatus of Parliament often leads it to underestimate the 'submerged part of the iceberg': as a general rule the crystallization of decisions is fairly well advanced by the time a proposal reaches Parliament, so that opportunities to change things at this stage are very limited. All this is obviously accentuated in France by the fact that there has been a stable majority coalition for 15 years, backed by efficient procedural methods (control of amendments and the agenda) which allow a text to be forced through if necessary.

Under favourable conditions and providing the government is so inclined, the Assemblies may become a very effective working instrument. A recent study (Alain Brouillet, *The right of amendment under the Constitution of the Fifth Republic*, PUF 1973) has shown that the passing of the Land Bill of 1967, after a debate in which almost one thousand amendments were tabled in the two Chambers, gave Parliament the opportunity to exercise all its prerogatives through the right of amendment (initiative or control) and to modify the text under discussion extensively and constructively.

However, because of the French majority system, the trials of strength which actually influence the government in some way tend to take place within the majority-government relationship, rather than between the government and Parliament as a whole. The recent postponement of the Abortion

Law Reform Bill is a particularly typical example of this: in all probability the bill would have been passed, but it would have been against the government majority. Similarly, under pressure from the UDR in December 1971 the government withdrew two drafts on the compulsory purchase of private property (*Le Monde*, 16 December 1971).

## THE ROLE OF THE IRISH PARLIAMENT

Paper by Professor Mary T. W. ROBINSON, *Trinity College, Dublin*

A paper on the Irish Parliament, if it is to be of value to this Symposium, should provide an assessment of the role which that Parliament plays at the national level, and examine the extent to which it has adapted to or been modified by membership of the European Community.

I propose, therefore, to divide the paper into three sections:

*The first section* will examine the role and effectiveness of the Irish Parliament in the exercise of the three principal functions of a parliament, namely,

- a) Political orientation,
- b) Legislation, and
- c) Control of Government.

*The second section* will look at the exercise of power outside the parliamentary sphere — in particular by administrators — and the role of pressure groups.

*The third section* will focus on the adaptation of the Irish Parliament as a direct result of membership of the Community, and the effect which this is having both at the national and European level.

The necessary background information on the composition and nature of the Irish Parliament, as set out in the 1937 Constitution, is contained in Annex 1. I shall assume familiarity with this factual background for the purposes of the analysis which follows. A short Bibliography is contained in Annex 2.

### *Section 1*

## THE FUNCTIONS OF THE IRISH PARLIAMENT

### Political Orientation

The function of the Irish Parliament in providing political orientation must first be examined briefly in its historical context. The Constitution of the Irish Free State, enacted in 1922, reflected the complex blend of the success of the movement for independence and the special Anglo-Irish relationship so deeply influenced by British constitutional norms and by a shared common law. The sovereignty of the people was proclaimed in Article 2, which declared that 'All powers of government and authority, legislative, executive and judicial in Ireland, are derived from the people of Ireland'. However, the Free State was to remain a member of the British Commonwealth and contained many of the symbols and institutions considered appropriate for a Commonwealth country, such as the provisions for a Governor General, for an oath of loyalty and for a system of government which followed the British pattern. Some attempt was made at innovation, by provisions for a referendum, for the concept of an 'extern minister' outside the Cabinet and for the possibility of

popular initiative promoting legislation. However, these innovations were not a success and were gradually removed by a number of amending Acts which reflected a tendency to accept the Cabinet system of government based on the Westminster model. A further series of amendments excised from the Free State Constitution the trappings of a Commonwealth country, and provided a background to the enactment of the present 1937 Constitution with its emphasis on the republican nature of the state.

The 1937 Constitution reiterated that the basis of all governmental authority, including the authority to enact the Constitution itself, came from the people of Ireland. Consequently, although the Government proposed the text of the Constitution, and secured its approval in the Parliament, it was in fact enacted by a plebiscite of the people. It was not, however, until 1949 that the formal link with the Commonwealth was broken. The Republic of Ireland Act, 1948, provided that the external affairs of the country would be exercised by the President acting on the advice of the Government and that 'The description of the State shall be the Republic of Ireland'.

This brief historical sketch gives some indication of the complex threads running through the development of the Irish Constitution and the influence which this has had on the evolution of the Irish Parliament. It is ironic that, as the emphasis on the republican nature of the State increased, the capacity to innovate in an institutional sense actually diminished, so that the present parliamentary system is a rather unimaginative reflection of the British model.

Irish politics, and the differences between the political parties, must be examined in this historical context. The establishment of the Irish Free State was followed by a civil war in which the Government of the time, which had negotiated the Treaty with Britain, subdued the more militant republican party led by Mr. de Valera. However, this party won increasing support through succeeding elections, and came to power after the General Election of 1932. From this date the major amendments to the Free State Constitution concentrated on removal of reference to the British Crown, until it was replaced by the 1937 Constitution. The Fianna Fail Party remained in power for 16 years, when it was defeated by a Coalition Government in 1948. This Government lasted until 1951, when it was replaced by another Fianna Fáil Government. In 1954 the Coalition regained power but was defeated in early 1957 by Fianna Fáil, which remained in power until March 1973 when the present Coalition Government came into office.

The pattern which emerged was one of very stable government, in which the appeal by the two main political parties was framed in this historical context. The electoral system, based on proportional representation, did not lead to the emergence of a number of small parties representing minority interests. The third political party, the Labour Party — which is a partner in the present Coalition Government — is in fact the oldest of the three political parties. It does not share the same historical reference; nor has it managed, however, to attract the support of more than a relatively small minority of the Irish electorate. Professor Basil Chubb comments in his work 'A Source Book of Irish Government', that:

"The existence of large nation-wide parties and the establishment of an 'ins and outs' pattern, combined with a cabinet system on the British pattern, would of itself make the resemblance between Ireland and some Commonwealth countries obvious enough. The internal organization of the major parties and the distribution of power within them will further heighten the resemblance. The constitutions and rules of the three major parties reveal only the formal structure, of course, but this is markedly similar to the British parties. As in Britain, the branches and constituency organizations are primarily vote getting agencies manned by local politicians and voluntary and unpaid enthusiasts. To a large extent dormant, sometimes almost moribund, between elections, these local organizations spring to life at election time. While they receive guidance and advice from the centre, as well as some material help, they must rely to a large extent on their own efforts and resources."

This pattern has led to a conservatism in Irish politics, in which political attention has only recently begun to concentrate primarily on social and economic issues. This was illustrated by the victory of the present Coalition Government in March 1973 on the basis of an election manifesto which

concentrated on a commitment to economic and social reform. The troubles in Northern Ireland could give new impetus to the historical perspective and revitalize the old causes and divisions. However, the political solution which appears to be emerging should release the political parties from this historical vicehold, and enable them to concentrate on the practical implications for Ireland of membership of the European Community and the economic and social problems generated by the world power crisis.

The electoral system, based on proportional representation and the single transferable vote, has eliminated the concept of a 'safe seat'. This has tended to discourage people of ability who are outside the political party structure from standing for election. Consequently there has been a certain inbreeding in Irish political life, allowing a seat to pass from father to son or to the political widow in trust for a future generation.

Also, a certain tension has been building up as a consequence of migration to the cities and large towns in Ireland. Because of the strict constitutional proviso that Dail deputies must represent not less than 20,000 or more than 30,000 of the population, there has been a decline in the number of rural deputies and a complementary enlargement of the constituencies and numbers of deputies representing urban areas. This has led to a regional imbalance for which there is no direct institutional counterbalance in the Constitution itself. The resulting tension is one which cuts across party political allegiance and has heightened the demand for regional devolution with new structures for better control and participation at the regional level.

### Legislation

As is the case with other modern parliaments, the Oireachtas does not draw up and enact legislation, but rather approves of draft legislation placed before it by the Government. This draft legislation will have been prepared by the appropriate Department of the civil service, and framed in technical language by the parliamentary draughtsmen. The legislative process is similar to that of the Westminster Parliament, in that a Bill must pass through the various stages in both Houses, the Dail and the Senate. However, it is rare to find that any substantial or significant amendment is made during this process; and if any amendments are accepted they usually relate to minor aspects or even grammatical points. There is the possibility of individual or opposition party initiative in the form of a Private Members' Bill, but, unhappily, the Irish parliamentary tradition has not favoured this mechanism and, with a few isolated exceptions, all legislative initiative has come from the government of the day.

Since the Oireachtas clearly does not legislate in a significant sense, its main contribution is one of providing publicity and education through debate. Any Bill which is publicly debated in both Houses over a number of weeks, and commented on at length by political correspondents in the daily newspapers, will come to the attention of the interested individuals and groups in the community. The particular interest groups will probably have been aware of the text of the Bill before it was laid before the Oireachtas, and may have been consulted about its contents. However, it is exceptional to get a White Paper in advance of a Bill outlining the options open to the legislature.

One important distinction between the Oireachtas and the Westminster Parliament is that the Oireachtas is not a sovereign parliament but is subject to the Constitution. Article 15,4 provides that:

- '1) The Oireachtas shall not enact any law which is in any respect repugnant to this Constitution or any provision thereof.
- 2) Every law enacted by the Oireachtas which is in any respect repugnant to this Constitution or to any provision thereof, shall, but to the extent only of such repugnancy, be invalid.'

Also, the Oireachtas may not declare an act to be an infringement of the law which was not so at the date of its commission. There is power under Article 26 to refer a Bill to the Supreme Court for a decision as to whether such Bill or any provision of such Bill is repugnant to the Constitution. The Courts have the power to review legislation in order to determine whether it is constitutional and there are numerous examples of sections of Acts which have been found to be repugnant to the Constitution, and therefore of no validity and effect.

### Procedure

The procedure in both Houses of the Oireachtas is very formal and has minimized the creative contribution which can be made during the passage of a Bill. There are no specialist subject committees, and when the Committee stage of a Bill is reached in either House the normal procedure is for that House to sit in committee. If the Bill is particularly complex, there is provision for the establishment of a special committee to examine its contents in detail and report to the House. The fact, however, that the whole House usually sits in committee has been criticized as being time-consuming and wasteful of the resources of the parliament. An informal Committee to review the procedure followed in Dail Eireann was established in April 1971. It reported nearly two years later, but confined its deliberations to minor points of procedure. Indeed, paragraph 5 of the report confesses by implication the very limited nature of the deliberations:

'So as not to delay our report unduly we decided to concentrate on putting forward recommendations as to how the existing procedure and practice of the Dail might be improved. We do not say that new procedures might not be desirable to enable Members to participate more fully in the affairs of Government. Indeed we believe that a wide ranging examination might with profit be undertaken to establish how effectively the Houses of the Oireachtas are discharging their functions in present day circumstances. We would envisage that any such examination would comprehend the whole relationship between the Houses and the public at large and in this connection the question of the broadcasting of debates should be specially examined. Other matters that should be examined without delay should include the relationship between the Houses and State-sponsored bodies, and the effect on the work of the Houses of the adoption of recommendations of the Public Service Organisation Review Group. It is, also, of particular importance that new parliamentary procedures adopted as a result of participation in the Parliament of the European Communities should be kept under review and strengthened as the necessity arises.'

### Control of Government

Article 28 of the Constitution provides that the Government shall be responsible to Dail Eireann, that it shall meet and act as a collective authority, and that it shall be collectively responsible for the Departments of State administered by members of the Government. The Constitution goes on to confer certain exclusive responsibilities on the Dail, for example, to consider the Estimates of Receipts and Expenditure of the State, to approve international agreements involving charges upon public funds and to assent to a declaration of or participation in war.

Day to day control is exercised through the use of Parliamentary Questions, debates on the adjournment and substantive motions which may be put to a vote. It is in this area that certain useful recommendations of the informal Committee on Dail Procedure have been implemented in order to make better use of parliamentary time. Deputies are still, however, hampered by insufficient information and resources to probe deeply behind the ministerial reply, and by the absence of select committees which could evolve the necessary expertise in a particular area of governmental activity.

## Budget

The Dail has the major parliamentary authority in relation to the finances of the State, the role of the Senate being limited to a delaying power of twenty-one days. The annual statement of the Minister for Finance, in which he submits his Estimates of Receipts and Expenditure for the current Financial Year has traditionally been made to the Dail in April or May of each year, but this will be altered to comply with the commitment towards economic and monetary union. This statement outlines the Government's proposals regarding new taxation, and indicates any variations which it is proposed to make in existing taxes. It is followed by a debate in general terms and by the passing of the annual Finance Bill based upon the financial resolutions accompanying the Budget. The aura of secrecy which precedes the Budget, and the fiction that the Government could be defeated on a vote, no longer seem relevant in an age which has shifted to long and short term economic planning, and in which the major budgetary decisions will be taken increasingly at the European Community level.

## Committees

As has already been stated, although various committees are appointed at the commencement of each new parliamentary session — such as the Dail Committee on Public Accounts and the Committee on Procedure and Privileges — there is no detailed structure of specialist subject committees to allow for more sophisticated scrutiny and examination of Government administration. One surprising omission is the lack of a Select Committee on nationalized industries, or state sponsored bodies as they are called in Ireland. This is a serious defect because of the range and diversity of these state sponsored bodies, and because of the substantial proportion of Irish industry and services so controlled. It is a sharp example of the failure of the parliament to exert its influence and control over a vital sector of the economy. There have, however, been positive indications recently of an intention to establish a Select Committee on state sponsored bodies during this parliamentary session.

## Absence of Alternative Controls

The underdeveloped and inhibited nature of the control exercised by the Oireachtas is more serious in view of the absence of alternative mechanisms. There is no equivalent in Ireland to the Ombudsman or Parliamentary Commissioner, with power to review abuses of administration or individual complaints against maladministration at central and local levels. Although a number of advisory bodies have been established in various areas of economic and social activity, none of these have real teeth with which to control or exert positive influence on Government or administration. There is no equivalent to the Law Commissions which function in England and Scotland and which make such an important contribution towards law reform. There is no organised system of citizens' advice bureaux, so that the Dail deputy must spend a large proportion of his time as 'grievance man' in his constituency and hence has less time or energy to devote to the legislative process itself. It is more important for the advancement of his political career to get medical cards, agricultural grants, etc., than to research a particular legislative proposal or to examine governmental activity in detail. As a result, the debates on legislation and on the performance of the Government are often poorly informed and at a superficial level.

Another limit to the extent to which the Oireachtas can exert control over the Government stems from the rigid operation of the party whips. As we have seen, legislative proposals come before the Houses of the Oireachtas too late for there to be the possibility of seriously influencing the policy and contents of such proposals. The draft Bill will have been agreed by the Government party or parties, and then viewed as a form of holy writ. Government prestige hinges on not allowing substantial amendments, and in using the majority vote if necessary to prevent any amendments being carried.



The Oireachtas lacks a strong backbencher tradition, so that there is little danger of criticism from Government deputies — either of the performance of the Government in its executive capacity or of proposed legislation. The whips in the parties exert great power, and there are numerous examples of disciplining which are enough to curtail any members who might wish to vote by conscience rather than by party line. Hence, the possibility of a defeat for the Government on the floor of the House is a mere fiction, and the vote itself is reduced to a gimmick to augment the publicity value of the debate which preceded it.

## *Section 2*

### THE EXERCISE OF POWER OUTSIDE THE PARLIAMENTARY SPHERE

#### **Administrative Power**

A detailed report was published in 1969 by a committee set up by the Minister for Finance with the following mandate:

‘Having regard to the growing responsibilities of Government, to examine and report on the organization of the Departments of State at the higher levels, including the appropriate distribution of functions as between both Departments themselves and Departments and other bodies.’

This report, known as the Devlin Report, recommended the establishment of a new Department for the central coordination of organization, management and personnel within the public service. This Public Service Department was eventually established last November, and has begun the major task of retraining, reorganizing and restructuring the public service.

Chapter 11 of the Devlin Report deals with the strengths and weaknesses of the public service, some of which are relevant to the relationship between Government and administration. It is pointed out at paragraph 11, 3 (2) that:

‘At the higher levels, the work of the civil service consists of:

- (i) policy formulation,
- (ii) execution of policy,
- (iii) overall control and direction of the organization.

Secretaries and Assistant Secretaries, who are primarily concerned with this work, are so involved in the press of daily business that they have little time to participate in the formulation of overall policy for the Departments’ functional areas. This involvement of senior officers in day-to-day business follows directly from the doctrine of ministerial responsibility embodied in the Ministers and Secretaries Acts. The acts of each civil servant are the acts of his Minister and can be questioned in public and in Parliament. The Minister is forced to concern himself with the details of executive action and the Secretary of his Department must, therefore, be equally involved to the detriment of his role as policy adviser and director and controller of the organization.’

The impression which emerges from studying the analysis in the Report is that Parliament exerts a significant and cramping control over the Minister through the doctrine of ministerial responsibility, and that this forces both the Minister himself and his senior civil servants to pay too much attention to less important matters of detail so that they have insufficient time for policy formulation. The consequent recommendation is that the Minister’s responsibility to the Dail should be limited by a restructuring of the administration separating the functions of policy formation and its execution.

However, if the recommendations of the Devlin Report were implemented, dividing the policy-making function from the executive function — by allowing the Minister and his closest advisers to be concerned with policy, overall direction and control and providing that the executive activities of the state would be carried out by 'the executive area' — this would *increase* rather than diminish the real scope of ministerial responsibility. It would enable members of the Oireachtas to examine and assess the policy formation in each Department and to demand real accountability for the planning and overall direction of such departmental policy. This dimension of parliamentary control is not dealt with in any depth in the Report because it was compiled from the perspective of administrators. What is now required is a complementary assessment of the parliamentary function and how it must adapt to the greatly expanded role of government in a modern society.

### Administrative Response to Membership of European Community

Membership has placed a great strain on the public sector in Ireland. Many of the senior civil servants departed to fill the Irish quota in the Community Institutions, and others to man the permanent delegation in Brussels. At the same time, the work-load in particular Departments increased radically and became much more complex because of the European dimension. The response in the Departments has been one of gradual adaptation to new problems as they have arisen, rather than of more deliberate reform. The Department of Foreign Affairs has overall responsibility for coordinating the implementation of Community directives and has established a separate enlarged EEC section to cope with these substantial new demands. The extent to which senior civil servants must commute regularly between Dublin and Brussels has caused delay and frustration in implementing domestic policies. It is realised that the present problem will be greatly aggravated when Ireland assumes chairmanship of the Council of Ministers for the first half of 1975. A strong recruitment policy has already begun, and the way in which Denmark coped during the latter part of 1973 has been examined in detail.

The Oireachtas is largely unaffected by this challenge to the administration. No overall study has yet been made of the precise changes in structure within the Departments, or the methods of sharing responsibility for European policies which cut across existing departmental responsibilities, such as the Community environmental policy. For the individual deputy or senator it may be more difficult to trace a particular official, or take longer to receive information requested, but there is no accountability in a general sense for structural adaptation — however radical — which may be taking place within the public sector.

### Publicity

It is possible to curtail significantly the role of parliament as an organ of control over Governmental action simply by bypassing it. There has been a tendency for Government Ministers to make important announcements relating to their Departments, or affecting in a significant way the political or economic life of the nation, at venues outside the Oireachtas, such as formal dinner parties, seminars or public meetings. This is popular with the organisers of such functions because of its publicity value to them, and it is an easy way to avoid the interrogatory questions which might follow if the announcement had been made on the floor of the House. The Minister can proclaim without having to justify; and it may be many weeks later, if at all, that the Oireachtas has an opportunity to debate the issue either when considering the estimates of the Minister's Department or in the form of a parliamentary question or Motion. This tendency to use organs of publicity outside the Parliament has increased since Ireland joined the European Community. Ministers returning from meetings of the Council of Ministers prefer to make statements at press conferences than on the floor of the House, where there would be a precise record of every such announcement and the possibility of real accountability through probing questions from Members of the House.

## Pressure Groups

One of the traditional functions of a parliament has been to provide a forum for the airing of individual grievances or the views of particular pressure groups. Deputies and senators are accustomed to receiving letters from constituents or more sophisticated lobbying from such pressure groups. However, there has been a tendency in recent years for pressure groups to bypass the parliamentary process altogether and to try more direct ways of achieving their object. The present operation of the doctrine of ministerial responsibility holds a Minister responsible for all acts by civil servants in his Department, and the corollary is that the Minister's word is law at every level in that Department and must be implemented without question. Pressure groups now realise that the most effective way of ensuring that their particular interest is catered for is to lobby the Minister directly, or to lobby one of his more senior civil servants in the hope that he will attempt to convince his Minister. If this succeeds, then the word will be passed down through the Department to the particular official responsible for the implementation. Obviously, this form of lobbying can be much more effective than asking an elected representative to table a parliamentary question, or sending detailed memoranda to deputies and senators. Once again, if the recommendations contained in the Devlin Report were to be implemented, so that the Minister was confined to responsibility for the policy-making function, the possibility of exerting this form of pressure would consequently diminish.

### Section 3

## ADAPTATION OF OIREACHTAS TO MEMBERSHIP OF EUROPEAN COMMUNITY

### Constitutional Change

The 1937 Constitution had not envisaged participation by Ireland in a supra-national grouping such as the European Community. It conferred exclusive legislative power on the Oireachtas, exclusive judicial power on the Irish Judiciary, to be exercised in Irish courts, and exclusive executive power on the Government. It was obvious that if Ireland wished to assume the obligations of membership of the Community there would have to be an amendment of the Constitution, or else any subsequent domestic legislation in this area would be repugnant to the precise terms of the Constitution. Amendment involves the passage of a Bill through both Houses of the Oireachtas and its approval by a majority of the people by way of referendum. The decision was taken not to try to amend the specific articles or sections of the Constitution which were in conflict with the obligations of Community membership, but to insert a general interpretative clause enabling Ireland to join the three Communities and stating that:

'No provision of this Constitution invalidates laws enacted, acts done or measures adopted by the State necessitated by the obligations of membership of the Communities or prevents laws enacted, acts done or measures adopted by the Communities, or institutions thereof, from having the force of law in the State.'

This Bill, the Third Amendment of the Constitution Bill 1971, was passed by both Houses of the Oireachtas on 8th March 1972 and approved by over 80 % of the electorate in May of that year.

### Legal Changes

During the debate on the Irish *European Communities Act* 1972 it was realised by deputies and senators that the Oireachtas was no longer the sole legislative body for Ireland, but was superseded in some areas by the Treaties and Community Secondary Legislation. This diminution of parliamentary control was felt more sharply in the case of a new Member State than by the existing mem-

bers, who had participated in the evolution of Community legislation. There was a strong demand for the reinforcement of local parliamentary control, both through statutory mechanisms and through the establishment of a Joint Committee of the Oireachtas to scrutinise Community Secondary Legislation. Subsequently, when it was discovered that the original control mechanism in the European Communities Act was inadequate, the new Coalition Government introduced an amending Act which varied this form of control and established on a statutory basis the Joint Committee on European Community Secondary Legislation.

### European Communities Act 1972

This Act is short to the point of terseness, consisting of six sections, of which the first is a definition section and the last gives the short title of the Act. The definition section defines the 'European Communities' and the 'Treaties governing the European Communities' of which the dates of entry into force are dates not later than the first day of January 1973.

Section 2 provides that these treaties, and the existing and future Acts adopted by the Institutions of the Communities 'shall be binding on the State and shall be part of the domestic law thereof under the conditions laid down in those Treaties.' This section was necessary in order to render Community law part of the domestic law of the State. The Third Amendment of the Constitution Act 1972 had amended the 1937 Constitution to *enable* this to be done, but it was still necessary for the Oireachtas to pass implementing legislation in this way because of the provisions of Article 29 of the Constitution. Article 29, Section 6, provides: 'No international agreement shall be part of the domestic law of the State save as may be determined by the Oireachtas.' It is doubtful, therefore, whether Irish Judges would have been willing to recognize and enforce Community law in the Irish courts without such implementation by the Oireachtas, despite the fact that certain provisions of the Treaties and Regulations under Article 189 would be regarded as self-executing.

Section 3 allows an Irish Minister of State to make regulations 'for enabling Section 2 of this Act to have full effect'. The power is a very wide one, giving a discretion to the Minister as follows:

'Regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister making the regulations to be necessary for the purposes of the regulations (including provisions appealing, amending or applying, with or without modification, other law, exclusive of this Act).'

The only limit on the power of the Minister in making such regulations is that he shall not create an indictable offence. This limitation was introduced during the debate in the Senate, where it had been argued that with such a wide enabling power given to the Minister it would be almost impossible to find that he had acted *ultra vires* or gone beyond the powers conferred on him by this Section.

Section 4, which provided for a control mechanism over domestic regulations made under section 3, has been repealed by the amending Act and a new system of control has been introduced. The original system provided that regulations made by an Irish Minister of State under section 3 'shall have statutory effect, and, unless they are confirmed by Act of the Oireachtas passed within six months after they are made or are regulations merely revoking wholly regulations previously made under this Act, they shall cease to have statutory effect on the expiration of that period, but without prejudice to the validity of anything previously done thereunder.'

It was argued that this gave effective control to the Oireachtas, in that the regulations required to be confirmed within six months if they were to continue to have validity as part of Irish law. However the first — and indeed the only — confirmation Act under this section, *The European Communities (Confirmation of Regulations) Act, 1973*, which was passed on the 1st June 1973, illustrated how minimal the role of the Irish Parliament was in reality. This confirmation Act consisted of two sections and a schedule. The first section referred to the 22 Ministerial Regulations in the schedule and stated that they were 'hereby confirmed'. The explanatory memorandum to the Bill stated:

'The purpose of this Bill is to confirm the undermentioned regulations made under the European Communities Act 1972. Section 4 (1) of that Act provides that regulations made under the Act shall cease to have statutory effect unless they are confirmed by Act of the Oireachtas passed within six months after they are made or are regulations merely revoking wholly regulations previously made under the Act. As the first regulation under the Act requiring confirmation was made on 13th December 1972, it is necessary to provide for enactment of a confirmatory Bill by 12th June 1973 at the latest.'

There then followed a very brief note on each of the regulations. This did not give a clear indication of the particular department which had responsibility for its implementation, nor the effect on pre-existing Irish law, nor the extent to which Irish interests had been consulted as to the mode of implementation nor indeed a precise account of the text of such regulations. The regulations themselves were laid in the library of the Oireachtas, but were not sent to individual deputies or senators. The debates in both Houses revealed that very few deputies or senators had bothered to look at the complete text of these regulations, and were in fact confirming blindly regulations which had been part of Irish law for the previous six months — for the purpose of continuing them in force ! It was as a result of severe criticism of this procedure, particularly in the Senate, that the Government undertook to bring in an amending Bill to give the Oireachtas a more positive role.

Section 5 of the European Communities Act 1972 provides that:

'The Government shall make a report twice yearly to each House of the Oireachtas on development in the European Communities.'

This in effect means that there must be four debates each year in the Oireachtas on developments in the European Communities, and as such it provides a useful opportunity to comment both on such developments and on the performance of Irish representatives at the Council of Ministers. The first Report was circulated and debated in both Houses in June. It was criticised for giving the sort of minimal information on the Communities which is available from other sources, and for not indicating the particular problems facing this country in different areas, or outlining the actual state of negotiations. The second Report, laid in November 1972, gave fuller disclosure of Government policy in relation to the Community proposals.

*The European Communities (Amendment) Act 1973* which was tabled on the 18th July and passed by both Houses of the Oireachtas on 26th July 1973, introduced a different system of parliamentary control. It amended the earlier Act by deleting Section 4 and substituting a section providing expressly for a Joint Committee. The new Section 4 (1) states that ministerial regulations will have statutory effect and dispenses with the need for a confirmation Act, of which we had the single example. Instead, sub-section (b) refers to the Joint Committee to be set up and provides as follows:

'If the Joint Committee on the Secondary Legislation of the European Communities recommends to the Houses of the Oireachtas that any regulations under this Act be annulled and a resolution annulling the regulations is passed by both such Houses within one year after the regulations are made, the regulations shall be annulled accordingly and shall cease to have statutory effect but without prejudice to the validity of anything previously done thereunder.'

Sub-section 2 allows for the recall both of the Dail and of the Senate on the motion of at least one third of the members of either House to implement this procedure if the Houses stand adjourned.

The effect of this amending Act has been to substitute for the original procedure of having ministerial regulations operative for six months, and then lapsing unless confirmed within that period by a confirming Act, a procedure whereby these regulations have statutory effect but are subject to possible annulment if the Joint Committee so recommends. Attempts were made to give a power of recommending *amendment* as well as *annulment* to the Joint Committee but this proposal was refused by the Government.

## Joint Committee on European Community Secondary Legislation

This Joint Committee consists of twenty-six members, including the ten Irish delegates to the European Parliament, ten representatives from the Dail and six from the Senate. The terms of reference of the Joint Committee are as follows:

‘That the Joint Committee shall examine:

- (i) such drafts, prepared by the Commission of the European Communities and submitted to the Council of those Communities, of regulations, directives, decisions, recommendations and opinions, of the Council.
- (ii) such acts of the institutions of those Communities,
- (iii) such regulations under the European Communities Act, 1972 (No. 27 of 1972), and
- (iv) such other instruments made under statute and necessitated by the obligations of membership of those Communities.

as it may select and shall report thereon to both Houses of the Oireachtas.’

The Joint Committee had its first meeting at the beginning of August 1973 at which certain procedural decisions were taken. These included a decision to have a verbatim report of the sessions of the Joint Committee itself, but with a possibility of having private sessions and a general rule that meetings of the various sub-committees would not be reported. It was appreciated that the work of this Joint Committee would be two-fold: on the one hand to examine the draft proposals from the Community as to how they would affect Ireland and as to what domestic legislation or regulation would be involved: and on the other hand to analyse the domestic ministerial regulations issuing from time to time, as to whether there might be a recommendation to annul them under the powers given by the European Communities (Amendment) Act 1973.

At a subsequent meeting of the Joint Committee a structure of sub-committees was agreed upon. There are four such sub-committees dealing with the following matters:

- 1) Regulations under the European Communities Act 1972 and such other instruments made under statute and necessitated by membership of the Communities;
- 2) Matters falling within the purview of the Department of Agriculture and Fisheries and the Department of Lands;
- 3) Financial, industrial, legal, scientific, educational and related matters;
- 4) Political matters and second stage European policies, for example, regional policy, social policy, environmental policy, transport policy, etc.

The membership of these four sub-committees reflects a political balance, but it is clear from the views expressed at this and subsequent meetings that there will be a bipartisan approach by the political parties towards draft proposals from the European Community. There was constant repetition of the theme that the primary concern of members of the Committee would be to examine the effect of such proposals on Ireland, the advantages or disadvantages which might ensue, and the consequences for domestic legislation and regulations. Having ascertained the volume and complexity of these draft proposals from the European Community, together with the backlog which had piled up, it was decided that the Joint Committee would meet at very regular intervals in order to be able to report within a time scale that would allow it to influence the attitude taken by the Irish Ministers when the particular subject matters came up for consideration at the Council of Ministers.

*First Report.* The Joint Committee's First Report, laid before the Dail and Senate in early November, examined and reported on the Communities' draft proposals for the establishment of a Regional Development Fund, namely:

- a) Proposal for a Council Regulation establishing a Regional Development Fund. COM (73) 1170-25.7.73.
- b) Draft decision by the Council on the creation of a Committee for Regional Policy. COM (73) 1171-25.7.73.
- c) Proposed Financial Regulation to special provisions to be applied to the European Regional Development Fund. COM (73) 1218-25.7.73.

The format of the Report is interesting, in that it has established a precedent for future reports of the Joint Committee, and in that it is based on the European model rather than the Irish tradition of reports by parliamentary committees. It begins by 'Having Regard' to specific documents: the Preamble to the EEC Treaty and Article 2 of that Treaty; the Paris communiqué; the Commission's proposals contained in the Thompson Report of May 1973, and Protocol No. 30 to the Treaty of Accession which made specific reference to Ireland. The report then expresses the opinion that:

'The Commission's proposals for a Regional Policy are inconsistent with the guiding principles outlined above and represent a radical departure from what until now has been universally accepted as fundamental Community philosophy.'

It then lists specific criticisms of the proposals themselves, followed by a final paragraph which refers specifically to the role of the Commission and states:

'Whereas the Treaty of Rome places a solemn obligation on the Commission to propound policies which are genuinely based on Community principles, and to protect the interests of smaller countries, and whereas it is more difficult for the Commission to carry out this obligation when it cannot rely on specific provisions of the Treaty but must, as in the case of the regional policy proposals, rely on the general authority of Article 235, the Governments of the Member States must ensure that the Commission retains its freedom to act in the interest of the Community as a whole.'

The object of this Report was to provoke an informed and relevant debate in both Houses of the Oireachtas on the Community proposals for Regional Policy, and also to strengthen the hand of the Irish Foreign Minister at the Council of Ministers when the matter came up for decision.

A second Report is in the final stages of preparation by the sub-committee concerned with domestic ministerial regulations consequent on membership of the Community. This will make general observations on and criticisms of the ministerial regulations issued subsequent to the European Communities (Confirmation of Regulations) Act which was passed in June 1973. It is not anticipated that there will be a recommendation for annulment of any of these regulations at this stage, but there is sharp criticism of the lack of uniformity as between the various Departments of State in the method and language used to implement Community directives. This Report may also be debated in either House of the Oireachtas, or it may achieve its purpose merely by being published.

### Growing Pains

The Joint Committee has aroused considerable attention both in the Oireachtas itself and in the press and public debate. It is the first such committee with power to examine the merits of proposals, and with power to recommend the annulment of domestic regulations. However, it lacks the specialist staffing and back-up service to enable it to discharge fully the statutory functions conferred on it. The sub-committees cannot function effectively without the assistance of expert officials and adequate secretarial staff. There is some doubt about the degree to which civil servants in the various Departments can cooperate with these sub-committees, and the exact relationship between the Joint Committee and the administration has not yet been clarified. As a result, there is a danger that the Joint Committee will take too long to report on a specific issue, so that its reports will lack impact by missing deadlines at the European Community level.

However, despite these handicaps, the Joint Committee has already had a significant impact on the Oireachtas, and will undoubtedly be a fore-runner for other similar committees relating to Irish domestic legislation. The members of the Joint Committees have a sense of relevance and have begun to acquire a useful expertise. Outside interest groups, such as the Confederation of Irish Industries and the Irish Congress of Trade Unions, have sent representatives to hearings of the Joint Committee and submitted memoranda for the information of its members. If the present momentum can be maintained, and if the staffing problem is resolved, this Joint Committee has a vital role to play in helping to carve out the relevance of the Irish Parliament to the process of European integration and in revitalising that parliament at the domestic level.

### Irish Delegates to the European Parliament

Ireland sends ten delegates to the European Parliament under the interim procedure provided for in Article 138 of the EEC Treaty (as amended by Article 10 of the Act of Accession and modified by Article 4 of the Adaptation Decision), pending the introduction of direct elections. Each political party has a quota for which it can choose its own deputies or senators, and the present ratio is 5 Fianna Fáil, 3 Fine Gael and 2 Labour. The three political parties have not tried to provide a united Irish front at the European level, but instead each has joined a different political grouping in the European Parliament. Fine Gael joined the Christian-Democratic group, Labour joined the Socialist group and Fianna Fáil joined the European Progressive Democratic group.

The major problem for these delegates in adapting to their new role as members of the European Parliament has been a physical one. The distance between Dublin and either Strasbourg or Luxembourg, aggravated by the absence of direct flights, involves tedious and time wasting journeys. It is easier to attend the Committee sessions in Brussels, but even an hour-long session there necessitates an overnight stay. Consequently, the strain of the double mandate is felt more severely by the Irish delegates than by their counterparts from other Member States; and this strain is augmented by the knowledge that the system of proportional representation rules out the comfortable prospect of a secure majority at home. The ten 'missionaries' — as they are called by their colleagues — also complain of a lack of secretarial assistance and of the necessary information to discharge their parliamentary functions satisfactorily at the European level.

Communications between Dublin and Luxembourg/Strasbourg have proved to be totally inadequate, so that often the unfortunate delegate is en route to Europe while the necessary documentation is en route the other way to his home in Ireland! The combination of coping with new languages and procedure, adjusting to a different parliamentary tradition and suffering from a lack of adequate briefing has diminished considerably the attraction of a seat in the European Parliament. The ten delegates, of course, are also members of the Joint Committee of the Oireachtas, and perform a useful liaison function between the two parliaments. However, their impact is lessened by very irregular appearances, and by the temptation to air their frustrations and grievances to the other members of the Joint Committee in the hope of rallying support for improving the conditions under which they labour.

### Conclusion

In assessing the role played by the Irish Parliament, both at the national level and in adjusting to membership of the Community, it has been necessary to be critical. The Oireachtas is still basically a 19th Century debating forum, which has failed to adapt to the greatly expanded role of government. Its methods of control are much too primitive to impinge effectively on the complex structures of modern administration. Because of the absence of alternative institutional devices, too much of the average deputy's time is taken up resolving individual grievances and complaints against mal-admin-



istration. The combination of the part-time status of most deputies and senators, and the archaic procedures which surround their parliamentary life, reduces them to the unhappy status of amateurs playing on the fringes of the complex business of government.

There are lessons to be learned from this critical appraisal. It is frequently stated that national parliaments are the bulwarks of democracy in the Member States, and that the European Parliament must be modelled accordingly. It is clear from the Irish example that this would be a totally inadequate approach, and that care must be taken not to repeat at the European level the defects and limitations which exist in the parliamentary system at the national level.

## ANNEX I

### BACKGROUND MATERIAL ON IRELAND SUPPLIED BY EUROPEAN PARLIAMENT

#### *Nature of Constitution*

The Constitution is unitary; the executive is Parliamentary; the Parliament is bi-cameral (Seanad and Dáil Eireann).

#### *Nature of Electoral System*

By the Constitution, no Member may represent less than 20,000 or more than 30,000 of the population. The constituencies are revised by the Dáil at least every 12 years.

The electorate for the members of the Seanad comprises the members of the Dáil and Seanad and the members of every county or county borough council. In addition 11 members of the Seanad are nominated directly by the Prime Minister and 6 are elected by two Universities. The elected Members of the Seanad are chosen by the system of proportional representation (single transferable vote) and by secret postal ballot; Members of the Dáil are elected by the single transferable vote system in multi-member constituencies.

#### *Number of Members*

Dáil: 144 to be increased to 148 by Electoral (Amendment) (No. 2) Bill 1973.

Seanad: 11 nominated by Prime Minister,

6 elected by 2 Universities

43 elected from panels of candidates possessing knowledge and experience in certain fields.

#### *Qualifications for membership*

Electors require to be Irish citizens, ordinarily resident in their constituency, and to be 18 years of age to qualify to vote for elections to the Dáil. There is no such residence qualification for election to the Dáil or Seanad, but the holders of certain public offices and many civil servants are not permitted to stand for election.

#### *Salaries, Expenses and Pensions*

A salary is paid to Deputies and Senators. All Members living more than 10 miles from the Parliament House receive an accommodation allowance; others receive an attendance allowance. Salaries are taxable with the exception of the first £1,000. Allowances are tax-free.

Only the leaders of the two Opposition parties receive an allowance in respect of office staff. All Members receive unlimited free travel between Dublin and their home or constituency. 300 letters a week may be sent free of postage from the Parliament House and there are free postal facilities from Members' homes.

There is a compulsory contributory pension scheme for all Members. Pensions are payable after 10 years' service: Ministers receive non-contributory pension payments after 5 years' service.

### *Facilities*

There is insufficient office accommodation for Members.

Members of both Houses are assisted in general by the Secretariat in each House. The Chairman of each House supervises the organisation and working of services.

### *Length of Sessions*

The Constitution provides that at least one session should be held every year. Between 1958 and 1962, the Dáil met for 372 sittings and the Seanad for 123.

### *Timing of Sittings*

By Standing Orders the Dáil meets every Tuesday and Wednesday at 15.00 hours and every Thursday at 10.30 hours and adjourns not later than 23.00 hours on Tuesday and Wednesday and 17.30 hours on Thursday. The days and hours are, however, subject to variation depending on business.

By Standing Orders the Seanad meets on Wednesday and Thursday at 15.00 hours and on Friday at 10.30 hours. Sittings are largely dependent on the volume of business sent from the Dáil.

### *Reports of Debates*

A verbatim report of debates is normally published within two days of the relevant sitting.

### *Bodies responsible for organisation and procedure*

The Chairman of the Dáil (Ceann Comhairle) is the sole judge of order while presiding over sittings. The Chairman examines every question, motion or amendment to ensure that it complies with Standing Orders; if it does not, he may amend or disallow it.

The Chairman is also in control of and responsible for the Secretariat of the Dáil. He is ex officio Chairman of the Committee on Procedure and Privileges.

The Chairman of the Seanad (Cathaoirleach) exercises powers and carries out duties similar to those of the Ceann Comhairle.

### *Voting procedure*

Decisions in the Dáil are usually taken by verbal assent. When a difference of opinion occurs, a division is held and Members' names and votes are recorded as they pass through two lobbies.

### *Committees*

Committees are of three main types:

- a) Special Committees are appointed as necessary to consider legislation.
- b) Select Committees consider Bills also on occasion, but are normally committees of enquiry, appointed to make a detailed investigation of the matter referred to them. Witnesses may be summoned from the public and from Government Departments, and the evidence they give is usually published. A Committee of Selection nominates Members of Select Committees, in proportion to Parliamentary strengths in each House.

c) Joint Committees of the Dáil and Seanad are set up, some in every session to deal with domestic Parliamentary matters, and others from time to time to investigate Bills or other subjects of enquiry, such as EEC legislation.

Committees do not normally meet outside Parliament.

*Broadcasting*

None.

*Staff*

Selection, nomination, control of staff administration, retirement, etc., are governed by two Acts of Parliament. The total staff serving both Houses is 142.

*Parliamentary Commissioner (Ombudsman)*

None.

## ANNEX 2

### BIBLIOGRAPHY

#### *Irish Constitution*

- J. M. KELLY, *Fundamental Rights in the Irish Law and Constitution*, 2nd Ed., Allen Figgis & Co., Dublin 1967.
- B. CHUBB (ed.), *A Source Book of Irish Government*, Institute of Public Administration, Dublin 1964.
- B. CHUBB, *The Constitution of Ireland*, 3rd Ed. (Revised), Institute of Public Administration, Dublin 1970.
- Report of The Committee on the Constitution, December 1967, Stationery Office, Dublin 1967.
- Leo KOHN, *The Constitution of the Irish Free State*, Allen & Unwin 1932.
- K. C. WHEARE, *Modern Constitutions*, Oxford University Press, London 1951.

#### *Irish Parliament*

- Report of Informal Committee on Reform of Dail Procedure, 1972, Stationery Office, Dublin.
- First Report of the Joint Committee on the Secondary Legislation of the European Communities, 1973, Stationery Office, Dublin.
- John McG. SMYTH, *The Houses of the Oireachtas*, 3rd Revised Ed., Institute of Public Administration Dublin 1972.
- John McG. SMYTH, *The Theory and Practice of the Irish Senate*, Institute of Public Administration, Dublin 1972.
- Thomas Garvin, *The Irish Senate*, Institute of Public Administration, Dublin, 1969.

#### *Administration*

- Report of Public Services Organisation Review Group, 1966-69, Stationery Office, Dublin.
- The Devlin Report, *Administration* Volume 17 No. 4, Winter 1969.
- John Collins, *Local Government*, 2nd Ed. Desmond Roche, Institute of Public Administration, 1963.
- Local Government Reorganisation - White Paper*, February 1971, Stationery Office, Dublin.

## THE ROLE OF PARLIAMENT IN ITALY

Paper by Professor Andrea MANZELLA, *Italian Chamber of Deputies*

### I — Introduction

The Italian constitution makes no functional differentiation between the Chamber of Deputies and the Senate of the Republic. The two Chambers occupy exactly the same position, even to the extent of having the same life of five years since the 1963 constitutional reform which abolished the Senate's six year term of office.

The punctilious maintenance of equality in the political weight of the two Chambers which has hitherto impeded any practical moves towards functional specialization is tied up with the essential similarity in electoral systems. Electoral law does, in fact, provide for majority elections of senators but, in practice, this procedure is rarely used since it requires a quorum of 65 % of voters not often obtained. In the absence of such a majority, the Senate resorts to a proportional system which produces essentially the same political results as the Chamber's list system.

The present political composition of the Italian Chambers, after the 1972 elections, is as follows:

	CHAMBER	SENATE
Christian Democrats .....	266	136
Communist Party .....	175	82
Socialist Party .....	61	36
National Right .....	56	26
Social Democrat Party .....	29	12
Liberal Party .....	20	10
Republican Party .....	15	5
Independent Left .....	4	11
Others .....	4	4
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	630	322

(including 7 life Senators)

The difference in the number of Members elected to the two Chambers (630 for the Chamber, 315 for the Senate) has had no influence on their roles, neither has the fact that the Senate also includes five life members chosen by the President of the Republic amongst citizens who have distinguished themselves in the social, scientific, artistic or literary fields (in addition to former Presidents of the Republic).

The practical introduction of the regional system in 1970 lent a certain credibility to the view of the Senate as a 'regional chamber', an idea based on Article 57 of the Constitution, but no practical results have yet been forthcoming.

The political similarity of the two Chambers, emphasized by the links between parliamentary groups representing the same party, makes a serious conflict between them unlikely; there may be differences of opinion over technical matters but not over the actual political content of a given issue.

The Chamber and the Senate also occupy the same position in relation to the government. After being appointed by the President of the Republic and sworn in, the government must, within ten days, obtain the support of both Houses. A vote of no confidence in either of the two Houses brings down the government. All these factors seem to justify a single treatment of the working of the Chamber and Senate in the Italian parliamentary system.

## II — The Role of Parliament

### A. — *The political role*

#### 1) *Parliament's part in choosing the general political line and the composition of the government*

The political role consists of defining the broad lines of national policy and choosing the appropriate solutions (governmental, legislative or administrative).

This role, rightly considered to have a *unifying* influence with respect to other state activities, rests mainly with the political parties. Parliament's position here is secondary to that of the party and, in fact, derives from it.

In Italy, in the normal case of a coalition government, the first general indication of policy emerges from the agreement by the majority parties on a political platform. They commit themselves to collaborating in a government based on this platform before deciding on the allocation of posts to individuals.

After the Prime Minister and other ministers have been appointed, the agreement on which the government is based is spelt out in the *government's programme*, which is introduced in the Chambers by the Prime Minister. Article 94 of the Constitution requires that the Houses vote on the programme in a reasoned motion of confidence. In practice, however, after the debate on the question of confidence a simple vote by roll-call is taken on a parliamentary document which refers to the government's points.

The fact that the aims and the means by which they are to be pursued are chosen outside Parliament is not counterbalanced by any real parliamentary involvement in choosing members of the government. After the parties forming the coalition have agreed on the number of posts (ministers and under-secretaries) to be allocated to each of them, a further sharing out takes place within each party according to the weight of each faction. The need to share out the spoils twice explains, while not of course justifying, the excessive number of members in the Italian Government (86 — of which 28 are ministers and 58 under-secretaries) which, owing to its size, has on occasion been referred to as a third Chamber.

This situation could perhaps be improved to some extent by implementing the recent proposals of the CD secretariat. The Christian Democrats have obtained a relative majority of votes for the last 28 years. The proposed reorganization would make Parliament the real judge of the ability of politicians and the parliamentary group an accurate reflection of the dedication and political acumen of its deputies or senators. Unless Parliament acquires this power of judgement as a positive precaution, the door of government will inevitably remain barred.

This line of argument makes it clear that, of the three demands on the time of an Italian member (his constituency, party faction and parliamentary work), the last is not always the most important criterion for getting into the government. The most important factor is the importance of each

candidate within his faction. This criterion of political choice is however applied subject to certain minimum conditions which, according to a tacit but firmly respected convention, are based on parliamentary seniority. This implicit code can be summed up by the following rules:

- (i) only those who have been Members of Parliament for at least two terms may belong to the government (although the constitution allows non-parliamentarians to hold posts in the government);
- (ii) only former under-secretaries or the national leader of the party can become a minister.

### 2) *Parliament's powers over the enforcement of the government's programme. Parliamentary timetable*

Though Parliament's role in establishing the political orientation of the government and choosing ministers and under-secretaries has, at least up to now, been negligible, it acquires important decision-making powers over the planned policy once the government assumes office. This happens primarily because the rules of procedure of the two Chambers give the Conference of the group presidents the authority to fix the plan and time-table of parliamentary work.

If the conference reaches a decision unanimously, it is binding on both the assembly and committees. Strange though it may seem in a difficult political system such as the Italian, this unanimity on procedure is obtained fairly frequently (though for shorter periods than envisaged in the rules of procedure, i.e. generally less than 15 days). There are a number of reasons for this:

- In Italy today, it is less difficult to agree on the priority to be given various problems than on how to solve them.
- The Presidents of the Assemblies make a special effort to mediate between the groups and between the groups and the government.
- It is in the interest of the opposition to come to some agreement rather than being dominated by the majority in the Chamber.
- Even at the expense of making some concessions to the opposition, it is in the interest of the majority groups to establish a period of planned work not liable to be upset by surprise votes on the agenda since its members would otherwise have to be permanently mobilized to guard against this risk.

For all these reasons, Parliament which, as has been pointed out, is almost excluded from the determination of the government's political tendency, has significant powers, which may be exercised by agreement or through compromises between the majority and opposition, over the chronological order of legislation, a factor capable of influencing the political content.

### 3) *Parliament's powers in defining the line of sectoral policies*

However, if we consider the timing rather than the content of measures, Parliament's influence on overall policy remains essentially extraneous whereas in the case of sectoral policy, the Chambers can intervene in the process of fixing the broad political content.

Article 117 of the Chamber's rules of procedure, which corresponds to Article 50 of the Senate's rules of procedure, may be considered the basic rule in this field. It stipulates that each parliamentary committee may vote on resolutions illustrating general tendencies or defining aims for particular matters which fall within its terms of reference. The use of this instrument is reconciled with the need for an overall approach by giving the government the power to place the question (and the vote on the resolution) before the Chamber again whenever it considers that general policy is involved.



The use of these provisions cannot yet be accurately assessed since they were only introduced in the reform of the rules of procedure in 1971. However, they did not spring out of the blue and some evaluation of the associated practices and their first applications is possible.

a) Parliamentary resolutions have been most widely used in the field of public administration, and nationalized industries in particular.

These resolutions may be tabled under the following circumstances:

After a hearing with the minister or those responsible for specific sectors of public administration and public corporations;

After checking data on public financial management provided for the Parliament by the audit board;

After considering reports presented by the government or other public bodies on progress in the sectors falling within their terms of reference.

In all these cases, the Chambers are endowed with an instrument for influencing overall administrative policy in the various public sectors with the possibility of de facto involvement in drawing up governmental directives on public administration and nationalized industries.

It should be noted that the government tends to resist this sort of parliamentary intervention in the traditional sectors of central public administration, i.e. the sectors in which there is efficient hierarchical cooperation between the minister and the upper echelons of the ministerial bureaucracy. On the other hand, the government's reluctance is noticeably less marked where autonomous public corporations and nationalized industries are concerned. The weakness of the government, in relation to this type of administration, endowed with considerable social powers (money, press, links with the opposition and other technostructures...) gives cause for concern. Parliament's intervention at least enables the minister responsible to re-acquire mediatory powers and therefore effectively helps the government in that directives ratified or even drawn up by Parliament acquire greater authority.

b) The *political* consequences of the findings of exploratory investigations may also be a committee resolution, though, in theory, they should result in the simple adoption of a document stating results.

This affords the parliamentary committees the opportunity to perform the important task of aggregating political demand, since they can use proposals, opinions and suggestions from those outside the traditional sphere of influence on general policy in fixing the lines of sectoral policy.

#### 4) *Parliament's powers in defining the line of policy in Community affairs*

Use of the resolution instrument is, however, excluded in the case of *preliminary* debates on Community matters which in the Chamber, take place in the appropriate standing committee and, if several fields are covered, in a special ad hoc committee and in the Senate, in the Standing Committee on European Community affairs.

Eight senators or, in the Chamber, a group representative may make the official request for a preliminary debate on the Commission's proposals published in the *Community Official Journal*, pending the insertion of these proposals and other points in the agenda of the Community Council of Ministers.

Owing to a desire to avoid tying down the government by peremptory formulations when it is preparing for Community negotiations, the possibility of concluding these debates with a *resolution* is explicitly excluded.

Despite this limitation, the debates give Parliament an effective means for intervening in the definition of the broad lines of national policy in Community affairs.

It should be stressed that, in these debates and the annual debate on the government's report on Community problems, Members belonging to the Italian delegation to the European Parliament

are invited to attend the meeting of the Chamber's committee (or the Senate's Standing Committee) in which the discussion takes place. This is the only case in which the Rules of Procedure of the two Chambers provide for members to attend a committee by virtue of their role rather than membership of a group. The functional link between the national Parliament and the European Parliament therefore actually supersedes the structural characteristics of the parliamentary system. In addition, this emphasis on the difference of their institutional role certainly tends to give the behaviour of European members a different value to that of national members.

Therefore, in this important field as well, Parliament plays its part in determining the lines of policy by using areas of jurisdiction and experience acquired outside the classic environment of government — Parliament — parties which, in this context, leads to a significant decrease in emphasis on the majority-opposition struggle.

##### 5) *Parliament's powers in defining the line of constitutional policy*

Parliament's role in determining what may be called the *constitutional tendency* is in some ways similar. This role has become more substantial and increased in importance since the regions were set up and the present transformation of the centralized state into a regional state begun.

At this stage, it became clear that institutional relations between the central state apparatus and the regions could not be satisfactorily arranged by legislative formulae or verdicts of the Constitutional Court. Between the two extremes of a legislative framework and the intervention by the Constitutional Court, a power vacuum has emerged in which Parliament mediates between state and regional politico-legal bodies. The result of this liaison can be seen in advice concerning the government's legal behaviour, which certainly comes under the category of acts with constitutional implications.

This is reflected, for example, in the motion, adopted by the Senate on 18 December 1970 which provides a guideline for relations between the central and regional administrations, defining the respective levels and means of decision-making in the exercise of administrative roles.

Another notable example (though arising in a legislative context) is furnished by the opinions which the *Joint Committee on Regional Questions* delivered on the criteria for transferring the administration (and various offices) from the State to the regions and the ensuing reorganization of the central State administration.

Another important example is furnished by the Senate Budget Committee's exploratory investigations and the resulting document on the relationship between state and regional budgeting and planning.

In all these cases involving large hearings with regional representatives, Parliament tends to assume an impartial role with the tacit consent of both regions and government. The general policy which emerges from this role as arbitrator is not therefore a 'majority' policy, at least in the technical parliamentary sense of the word. The regions governed by the opposition, whose political autonomy is guaranteed by the constitution, would obviously reject a majority policy; Parliament's intervention in its new role of a mediator seeking compromises between constitutional entities, hitherto unknown in Italian parliamentary history, falling as it does outside the traditional pattern of relations between government and parliament, prevents this from happening.

##### 6) *Possible developments in connection with the new planning procedures*

Parliament's role is therefore minor and extraneous in defining the lines of overall policy but significant in determining the lines of sectoral, Community and regional-constitutional policy.

This picture, however, seems bound to change when and if planning is introduced.

Planning policy suffered a serious setback in Italy after the first plan (1967-1971) was legally adopted. This was due more to an awareness of cultural inadequacies of a politico-juridical nature in its initial stages than to the crisis of the centre-left coalition or economic and monetary difficulties.

The legal purpose of the planning document was unclear since it seemed to provide a normative complex and bind economic behaviour for no clear purpose. It therefore became evident that the document should set out to establish a coordination procedure. As a result, no procedure capable of shaking the administration out of its pigeon-hole mentality and encouraging Parliament to produce legislation designed and timed to fit in with the plan's aims emerged from this law.

It seems that the Ministry for Budgets and Planning has now become aware of these errors and is turning to a different approach, stressing procedure and instruments rather than aims.

In this new perspective, Parliament's role in defining the lines of policy will increase to the extent to which the Chambers play a part in drawing up and adopting the general programme choices.

In a planned economy, the government's programme and overall policy must necessarily fall within the wider framework of the 5-year plan and be designed largely to implement it.

If Parliament played a significant part in drawing up and choosing the plan, the situation would therefore change in the same direction as the tendencies noted for some sectoral policies. Apart from balancing the system for economic decision-making which at present centres on the triangular relationship between the government, trade unions and large firms, the part which Parliament could play if granted powers over drawing up the plan would in many ways be restricted by the greater urgency of the problems of the government in office.

Since the logically superior pattern of one government, one plan, one legislature does not seem feasible in practice, it might be logical to choose a plan which, insofar as it had the stamp of parliamentary approval, was legally and politically binding on the programmes of future governments.

Though the conflict between the government majority and opposition would abate when making planning choices, it would always revive when, deciding on the lines of policy of the individual governments, either within the framework of the plan or its revision.

#### B. — *The legislative role*

##### 1) *The plurality of the sources of parliamentary legislation: the problems of coordination. Some remarks on the relations between the majority and the opposition*

As is well known, the Italian system for making laws is characterized by the possibility of their adoption by parliamentary committees.

As there are 14 of these committees in the Chamber and 12 in the Senate (apart from the possibility of setting up special committees), there are 28 centres for producing legislation in the two Chambers of the Italian parliament.

Under the circumstances it is difficult to coordinate legislative work. The government, which is only now beginning to realize the value of the Ministry for Relations with Parliament, is often helpless in the face of 'corporative' committee pressure unanimously supported by the majority and opposition. In order to introduce some logic and mutual compatibility into the legislation produced, the binding opinion of the Budget Committee and the Committee for Constitutional Affairs and Public Employment has been made a necessary condition for proceeding, as this seems the best method available. By checking the opinions of these two horizontal committees, the government, and the majority and opposition who have similar problems in supervising legislative initiatives, can in practice keep track of the most important draft laws. Mistaken or unsuitable draft laws are nevertheless often corrected and amended in the other House. The perfect bicameralism of the Italian system thus shows its use, since, as the bill shuttles from one Chamber to the other, the legislator has a chance to reconsider his decision.

The extreme disorder in lawmaking, which seriously affects the quality of the laws adopted and the coherence of the system, would certainly not be alleviated by making less use of the advisory committees which, at present, produce 80 % of Parliament's legislation.

The truth is that the Italian administrative system is atrophied by rules having the force of law and, therefore, even the smallest modification or deferral requires the adoption of a law. In the same way, new analogous situations are logically covered by law. The enormous number of corporations which depend on public subsidies, including those granted by law must also be mentioned in this context.

Therefore, despite the large productive capacity which results from the pluralism of the system (on average, 1,800 laws are adopted in each legislature), the demand for legislation is largely unsatisfied. In addition, requests for minor legislation, backed by administrative and corporative pressure on committee members are more easily met than the demand for major laws, though the political and cultural commitment should obviously be stronger and more responsible in the latter case. Quality, therefore, tends to be sacrificed to quantity.

Faced by this situation, most students of the system have wondered whether there was a tendency to sectoral *delegation*, empowering the government to control by administrative rules certain fields hitherto controlled by law. The opposition has always strongly resisted any such proposals. The technical reasons for this, viz. the complete lack of any guarantee of democratic involvement in normative administrative procedures, are at least partly acceptable. It is also recommended that the regions should completely fulfill their legislative role, though this is probably over-optimistic and not founded on any clear idea of the true reasons for legislation (see Sec. 2).

The technical objections to such delegation, though well-founded, can, however, be overcome whereas the political objections which also explain the opposition's hitherto mediocre fate in the Italian parliament, are less easily dismissed.

The opposition has, in fact, refused to deprive the parliamentary committees of any authority over the details of legislation and has made itself felt through the power to amend legislation (according to the constitution, an opposition of one tenth of the Members of the Assembly or one fifth of committee members is enough to force a draft law to follow the longest passage through Parliament) rather than by providing plans for *alternative government*, though faced by a majority incapable of formulating programmes or implementing them.

Parliament's working therefore fell back into the pattern of administration by law, though it should be stressed that tradition has been followed and the detailed administration of these laws left to the ministry, whose power is progressively declining.

The rising public sectors, which have considerable political importance, rely on formal legislation only for endowment funds. The necessary parliamentary proceedings are carried out at a speed which never fails to amaze observers and, once they are over, normal administration is carried out by the use of wide discretionary powers.

The advisory committees are therefore a key element of the Italian parliamentary system and essential to understanding of the true nature of the relationship between majority and opposition. On one hand, it is widely known that at least 80 % of Italian legislation is adopted with the opposition's broad agreement, indicating a closer identity of interests than analysis of national society generally suggests. On the other hand, the *nature* of the opposition is indicated by its resistance to plans for rationalizing the system of legislative production, which affects the extent of parliament's realized powers.

## 2) *The legislative role of the regions*

Article 70 of the Italian constitution states that 'legislative duties are carried out jointly by the two Chambers'. This seems to make this role exclusively Parliament's domain but, on the contrary, the constitution also gives the *regions* legislative authority over a number of fields (Article 117) and makes collective labour agreements negotiated by the trade unions binding for all persons belonging

to the categories to which the said agreements refer (Article 39). Two further sources of legislation have emerged in practice — the European Community and, on a special level, the Constitutional Court.

Therefore it is obviously not possible to make an accurate assessment of Parliament's legislative role without first establishing how the existence of these other sources of legislation affects it.

This is all the more important because there is a noticeable tendency for these constitutional organs to intervene indirectly in the legislative process by *playing a part* in or *amending* parliamentary procedure. This indirect intervention is often considered to be of greater political importance than their direct normative influence.

The regions furnish the most obvious example. Within the limits of the fundamental principles established by the laws of the state, the region legislates in regard to the following matters, provided that such legislation is not contrary to the interests of the nation or of other regions: organization of the offices and administrative bodies dependent on the regions; town boundaries; urban and rural police; fairs and markets; public charities and health and hospital assistance; professional and artisan training and scholastic assistance; museums and libraries of local bodies; town planning; tourist trade and the hotel industry; tram and motor-coach services of regional interest; roads, aqueducts and public works of regional interest; lake navigation and ports; mineral and spa waters; quarries and peat-bogs; hunting; fishing in lake and river waters; agriculture and forestry; artisanship and other matters indicated by constitutional law.

Clearly, for some of these matters, in particular, health and hospital assistance, town planning and agriculture, it is very difficult to identify a regional interest as distinct from a national interest, especially when the latter is defined in a context of supra-national cooperation (e.g. agriculture).

This is why the regions tend first to exercise their legislative policy in Parliament which has to adopt laws establishing the fundamental principles which provide the framework for all subsequent regional legislation. The range covered by 'regional matters' is also so wide that terms of reference frequently overlap even in the case of laws which mostly operate in fields not usually covered by the region's legislative authority. This leads to further requests for indirect legislative intervention by the regions in fields not included in the above list but which have some effect on them.

It might be said that the discussion of all laws of any importance in Parliament now leads to a request by the regions for a *legislative hearing*. The presentation of *draft laws* (often the result of collaboration between several regions) or, of *proposed amendments*, through the channel of local parliaments to texts under discussion may be considered other forms of indirect regional intervention.

This phenomenon was to be expected. The constitution itself emphasizes the need to adapt 'the methods of legislation to the requirements of local autonomy' (Article 5). Now that the regions have been set up and the extent of their participation in Parliament's legislative process is known, the Chambers are trying to find a better system for rationally organizing such regional intervention. It seems most rational to give the *Committee for Regional Questions*, consisting of 20 deputies and 20 senators, general preliminary competence since, though its original terms of reference were fairly restrictive, it soon showed itself to be a useful link in relations between the regions, Parliament and government.

In any case the most important point in this context is that the Parliament's legislative role is now extensively conditioned by the existence of the regions. As we have seen, this is largely the result of indirect intervention by the regions in the process of state legislation rather than the inability to legislate over regional matters unless fundamental principles are concerned.

### 3) *The powers of the trade unions to intervene in the legislative process*

The *trade unions* are also able to intervene in a similar way in the parliamentary legislative process.

As already pointed out, Article 39 of the Constitution recognizes that the trade unions have legislative powers in their own field. This possibility has however never been exploited since the trade unions have always refused to conform to the legal control (registration, personality, checking of membership) which it requires. For some time a second best measure was used and the right to give collective agreements legislative form delegated to the government. The Constitutional Court soon stopped this practice which was evidently contrary to the constitution.

This leaves open the road of indirect participation and the trade unions have used it widely particularly since, in 1969, they withdrew their leaders from Parliament, unilaterally declaring trade union office incompatible with a parliamentary mandate.

The trade unions' influence on the legislative process is particularly strong, and detrimental to Parliament's decision-making autonomy when it concludes a normative agreement with the government, which the latter presents as a draft law. This occurs most frequently in the fields of pensions and public employment. In such cases, the Chambers can choose between rubber-stamping decisions made elsewhere or amending the text of the agreement, which may, and often has provoked anti-government strikes.

There is in practice a third possibility. Parliament may invite the contracting parties (government and trade unions) to further meetings to amend specific points of the agreement in which case, parliamentary procedure is suspended pending the new terms of the contract. Clearly, under these circumstances, the traditional concept of the legislator as supreme, bound only to respect the constitution within the limits of possible interpretations, is sacrificed. These procedures seem more acceptable and justified if they are considered as a substitute for a constitutional mechanism (the collective agreement being universally binding without any intervention by Parliament) which does not function for the reasons cited above.

By contrast, intervention through legislative hearings falls under normal legislative procedure, open to the parties involved. These hearings are frequently informal and take place in a select committee charged to present a sufficiently detailed text to the committee.

The same phenomenon may occur here as in the context of regional intervention. Almost all legislative processes of any importance are accompanied by requests for the trade unions to participate, particularly since their interests have expanded from the conditions of the proletariat to the more complex problems of the quality of life.

An optimistic appreciation of Parliament's rôle would be to see it as the political arbitrator on points not resolved at the first encounter between trade unions and government.

The trade unions have so far made only negative contributions. In other words, they have urged the Chambers *not* to pass laws, prejudge talks in progress, or force matters which should be settled by collective agreement into a rigid legislative framework. According to the trade unions, the constitution implicitly reserves such fields for contractual settlement.

All these considerations seem to indicate that the drawing up of legislation and, in certain sectors, even legislative policy, is largely conditioned by the trade unions and Parliament, in any case, accepts their intervention, leaving procedure wide open to them.

#### 4) *The Community's role in making laws*

The increasing importance of Community regulations and directives is another important factor which conditions the system of legislative decision-making.

Two problems arise here: the limitation of legislative authority and the method of legislation in fields relevant to the Community.

Parliament has tackled the first problem and, in its 1971 rules of procedure, seemed to have accepted that the Community's normative acts should be automatically included in the Italian system. This

decision applies pending the verdict of the Constitutional Court which has been asked to pronounce on this point and, in any case, reflects the opinion of most students who justify the limitation of legislative authority by the Treaty of Rome by recourse to Article 11 of the Constitution. ('Italy ... agrees, on conditions of equality with other states, to such limitation of sovereignty as may be necessary for a system to ensure peace and justice between nations'.)

The rules of procedure of the Chamber and Senate consider that it is quite unnecessary for Parliament to take any action as a result of the Community's normative acts and that what steps it does take need not be legislative. They deal with the possible need for administrative or direct legislative measures to harmonize the rules introduced by the Community, with juridical situations not directly covered by them. Where it does not occur automatically, the parliamentary rules of procedure therefore describe a procedure for further adaptation for additional consequences peculiar to the Italian system.

The problem of which legislative method to use in fields relevant to the Community, with or without Community directives, presents greater difficulties.

The Chamber's rules of procedure establish the possibility of appointing a special committee, consisting of two deputies from each Standing Committee and the 18 deputies belonging to the delegation to the European Parliament, to consider draft legislation which concerns several sectors of Community activity. Consideration of draft legislation relating to individual sectors is entrusted to the committee under whose terms of reference it falls and the *Standing Committee for Community Affairs* recently set up within the Committee for Foreign Affairs delivers an *opinion*. The Senate's rules of procedure, on the other hand, require the special *Commission for affairs of the European Communities*, consisting of 22 senators, to deliver an opinion on any draft laws on the application of agreements concerning the European Communities.

The organs of Parliament are largely entrusted with running this mechanism and they must give an opinion on conformity which, in every field, defines the fundamental criteria for compatibility with Community policy. Given the complexity of the reference points and the lack of objectively defined parameters, this task is obviously not always easy. It is becoming increasingly clear that, in addition to taking steps to improve internal organization (technical staff capable of following the main aspects of Community policy), Parliament must make it possible, through the Under-Secretary for Community Affairs, for Community officials to be summoned to committee hearings.

In any case, Community requirements condition legislation just as much as the other factors hitherto considered. Though the Community as a political force is not yet comparable with the regions or trade unions, its essential nature has important consequences.

The horizontal element cutting across the sectoral terms of reference of the various parliamentary committees, acts as a most effective means of breaking or at least splitting the corporative and class interests harboured in them.

Due to petty anti-Community rearguard battles, the opposition on the left has taken some time to awake to these points but is now aware of them and is therefore trying to transfer its critical rôle to the establishment of the Community's normative policy. Parliament's legislative powers, which have become a lost cause with regard to national committees and assemblies must now be defended at the level of the European parliamentary institutions.

##### 5) *The powers of the Constitutional Court to intervene in the legislative process*

The Constitutional Court decides whether contested laws are constitutionally admissible. When it declares that a law is constitutionally inadmissible, the law ceases to apply from the day after the decision is published. The Chambers are informed of this 'so that, should they consider it necessary, they can provide for constitutional means' (Articles 134, 136 of the Constitution).

This constitutional definition of the court's activity would not seem to justify describing it as a source of legislation. However, it does not confine its decisions to choosing between a declaration of

legitimacy or suspension and often prefers to pass *conditional* verdicts indicating either that only one of the possible interpretations of the law in question is constitutionally admissible, or manipulating the actual substance of the law by deleting particular sections of the original text or actually supplementing the contested legislative provisions which would be ineffective without an accompanying provision of this nature.

The Court justifies its free interpretation in terms of constitutional policy by saying that it wishes, as far as possible, to avoid leaving dangerous gaps in the legislative system.

This justification is certainly well-founded and the part played by the Court in rationalizing and democratizing the Italian legal system should also be appreciated.

In our terms of reference, however, the Constitutional Court's influential role is clearly another factor which qualifies Parliament's legislative authority, particularly if it is noted that the Constitutional Court has used *excessive legislative power* as grounds for a contested provision being constitutionally inadmissible. In seeking to establish these grounds (mutually contradictory provisions, only formal compliance with the constitutional rules, etc.) the Court covers the same ground as the legislator and therefore acts as a source of legislation.

The number of rulings issued by the Court gives some idea of the importance of its activity: 129 in 1957, 127 in 1962, 156 in 1967 and 224 in 1972.

The 1971 rules of parliamentary procedure included provisions which established a link between the Court and Chambers so as to eliminate the danger of gaps in legislation and, hence, the justification for the Court's quasi-legislative activity. The appropriate parliamentary committees are entrusted with examination of the Court's verdicts, after which, in the Chamber, they deliver an opinion on the need for a legislative initiative, indicating the reasons, whereas in the Senate they may adopt a *resolution* inviting the government to take the appropriate legislative or administrative action.

These rules, like all those introduced in 1971, are still at the experimental stage and may come too late in the day to change the tendency of such important constitutional behaviour.

#### 6) Possible developments in connection with the new planning procedures

Parliament's performance of its legislative rôle is therefore greatly conditioned by external factors which are difficult to coordinate within the Chambers. The picture becomes more complex if, rather than merely surveying the bodies involved in the legislative process, one attempts to classify the laws adopted, which leads to a more diverse functional classification. There is inevitably a crisis of identity in the laws corresponding to that of the legislator.

Under these circumstances, *planning procedures* seem to be the only way to introduce some rationality into the legislative machine without changing the entire system.

After initial mistakes in planning, it seems that the new plan will consist of a number of *social projects*, with exactly quantified costs and adequately articulated procedures. In other words, there will be a complex of provisions easy to translate into full draft laws once the plan is adopted.

The national plan thus conceived would be a plan of plans. Much trade union and regional pressure, at present exercised on Parliament, would be brought to bear at the moment of drawing up the plan.

For these *coordinated* projects it would also be politically advisable to *delegate* extensively to the government. The reluctance to use this instrument could be completely overcome by increasing the powers of the special parliamentary committees set up to watch over delegated legislation, which at present have only consultative powers, even to the extent of enabling them to recall a draft to Parliament.



The existence and the implementation of 'planning legislation' would certainly also have a beneficial effect on the committees' control over the details of legislation. The horizontal committees previously referred to (see note 1) would have infallible means to arrest any action incompatible with the choices of the plan. The present system for organizing parliamentary work in the 28 centres referred to would find a logical line of communication and the Chamber and Senate would be able to act in conjunction at the preliminary investigatory stage of 'planning legislation' in the informal context of the select committees.

It is obvious, however, that even when all this has been achieved, Parliament will never regain its mythical monopoly over the legislative rôle.

This sort of plan conceived outside the Chambers, would further limit Parliament's freedom to make laws, though this might be politically and legally rational. Every project becomes merely an element in carrying out a plan which is more extensive than the powers of the Assembly or the committee responsible for adopting it.

The constitutional circumstances under which the legislative role is exercised have therefore changed irreversibly. Parliament is no longer the supreme legislator but has its own special force in the privileged capacity of mediator, coordinator and aggregator of legislative demand.

### C. — *Supervisory Rôle*

#### 1) *Changes in the traditional idea of parliamentary supervision*

Parliament's marginal rôle in appointing the government and defining the lines of general policy (see A, 1.), also accounts for the crisis in the concept of parliamentary supervision.

The traditional idea of parliamentary supervision of the government's activity was based on the assumption that two factors existed: a *political responsibility* to assert and a *sanction* (dismissal) to enforce it.

Today these factors are only found outside Parliament. The political parties involved in devising the coalition *platform* are usually entrusted with the task of ensuring that the government is politically responsible by use of the dismissal threat. The governmental crisis provoked by Parliament's supervisory procedure (which, in the Italian system, should obtain majority support) now hardly exists outside school text books.

It would, however, be wrong to conclude from these remarks that Parliament does not perform a critical watchdog rôle which may lead to dialectical opposition between the Chambers and government. On the contrary, the present parliamentary system can be seen to allow most of these changes for opposition.

This partly depends on objective conditions which have been spelt out by modern sociology and politics. The difference in institutional roles between the government apparatus with its technostucture and concentrated powers of decision-making and the Assembly with its diffuse non-executive power creates a real split of political classes within a party, between members of the government and Members of Parliament.

The political system is also such that cracks tend to appear in the government - majority continuum whereas, if it were solid, the opposition would be left with nothing but residual and hypothetical possibilities for parliamentary supervision. The Italian norm of coalition governments made up of parties which are extensively split into factions means that Parliament always tends to be split beyond the group level. For example, it is easy to find a government faction and an opposition faction, (left or right) adopting the same position in the Chambers, contrary to the official coalition line.

However, these splits usually seem to stop short of breaking party discipline (at least in votes of confidence which are taken by open ballot). So, they cannot be exploited to give teeth to institutionalized supervisory procedures by raising the threat of a vote of no confidence.

Instead, these tensions result in government supervision and criticism of a form which may lead to dismissal by *indirect means*, by creating unrest in the governmental team, public opinion and, hence, the political parties which occupy the key position in the system.

This criticism of the government's activity usually leads to changes in particular aspects of general policy. The *resolution* instrument (see A, 3.) provides a formal political expression of the *results of investigation* which, apart from the disproportionate and unwieldy weapon of the motion of no confidence, would not otherwise exist.

Two aspects of Parliament's rôle of government supervision may therefore now be detected: criticism of governmental activity which may *indirectly* lead to dismissal, and criticism resulting in procedures which *partially change overall policy*.

## 2) Ministerial responsibility and relations between the parliament and public administration

This review of the concept of supervision in the light of the results of procedure must be accompanied by an equally profound revision in the light of the government's *political responsibility*.

The major problem which arises here is the relationship between Parliament and the public administration, the latter being taken to cover both the traditional administration organized in ministries and the autonomous corporations and public industries. The differences between public sectors are, however, extremely relevant in this respect.

The scheme of the government's political responsibility still retains a certain credibility in relation to ministerial activity. The Italian central administration is still mostly organized in the 18th century pyramid structures which were in use when the theory of ministerial responsibility was asserted. So far, not even the establishment of the regions has changed it. Owing to the absence of modernization its workings are so unclear that it is impossible to establish the responsibilities of those put in charge of the decisions of the overall machine. The power of the *bureaucracy* is naturally widely recognized but Parliament is the only outside force which can pin it down and make it politically responsible. The myth of ministerial responsibility therefore lives on, strongly defended by the ministers (see A, 3.).

The situation as regards autonomous corporations and nationalized industries is very different. Ministerial responsibility naturally also exists here on the part of the minister charged with surveillance of the corporations or the *minister for state partnerships*. Nevertheless, in these cases, responsibility for management is clearly attributed. The limits of ministerial responsibility for corporations and industries which enjoy wide autonomy and often, as a result of their structure and economic importance, are much more important than the minister who is in theoretical control of them are also very clear. It is therefore natural that, under these circumstances, Parliament should seek to establish the direct responsibility of the managers of these corporations or industries who, above all, have a much longer term of office than most ministers, rather than the responsibility of *the appropriate minister*.

Having set aside the scheme of ministerial responsibility, we see that Parliament controls the new type of *political power* exercised by the great public managers. This control can in many ways be seen as supporting the government's efforts to reintroduce operative unity into the intricate world of autonomous public undertakings.

The results of this supervision must, however, be passed on to the government. Parliament has no institutional powers over corporations and industries despite increasingly insistent requests to be consulted by right on the appointment of their directors. Since the Chambers cannot use powers

of direct sanction, they follow a procedure already described (see C, 1.) and employ indirect methods of influencing the bodies which have the authority to dismiss the directors or, more often, to change the lines of policy pursued.

### 3) *Parliament as a constitutional guarantee*

The classical scheme of political responsibility also needs to be revised in respect of relations between Parliament and other constitutional bodies. In the Italian system, the President of the Republic, the Judiciary, the Constitutional Court, the regions and political parties are certainly not tied by any political responsibility to Parliament so that it would be technically wrong to talk about Parliament's supervisory rôle over them.

It is nevertheless indisputable that, despite all the formal provisions to the contrary in the Rules of Procedure, Parliament has always tried to ensure that these constitutional bodies were making correct use of their constitutional powers, particularly through the indirect use of instruments of inspection (particularly questions and interpellations).

Parliament's rôle as a *constitutional guarantee* which is linked to, but distinct from, the supervisory rôle may also be identified. This is an important rôle in the Italian political system and Parliament's ability to fill it, providing a safeguard against authoritarian degeneration of public power, has probably been its most important contribution in the 25 years of the Republic's existence.

In the period immediately after the constitution was established, a climate of great international tension prevailed so that Parliament's position as a frontier in the civil cold war, which justified obstructionism, resulted in a series of agreements between the majority and opposition, all the more important because any opposition came to be considered off-side.

Later, there was an internal constitutional thaw corresponding to the relaxation in international tension and Parliament became a balance between constitutional powers, as originally intended, rather than a safeguard in the conflict between political forces. This restrictive stabilising influence, appropriate to a body which is the direct expression of popular sovereignty, has been illustrated both in practice and theory, in a number of constitutional difficulties involving Parliament's intervention as a guarantee.

Parliament has acted as a guarantee over the exercise of various powers by the President of the Republic (for example, power to grant pardons, powers held ex-officio as President of the Supreme Defence Council, etc.) by means of both 'indirect' questions and Parliamentary enquiry. The latter course of action was taken in the crisis of July-August 1964 and in relation to the activities of the Secret Service since, in both these cases, the opposition was interested in establishing the responsibility of the current President. There have also been many interventions in relation to the activities of the judiciary. In particular, a large number of questions relating to the judges' increasing politicization and division into factions have been tabled, but the parliamentary enquiry into the mafia, devoted to the behaviour of the Sicilian judiciary, should also be remembered. More recently, questions have been asked about the political stand adopted by the President of the *Constitutional Court*. Instruments of inspection are also used in relation to regional activity — the two parliamentary enquiries on local criminality conducted in Sicily and Sardinia for example also concerned the behaviour of regional bodies. Questions about the activity of political parties have been used in particular to denounce the continuing existence of organizations of a military character, which are forbidden by Article 18 of the Constitution, or attempts to reorganize the Fascist party, forbidden by Final provision XII of the Constitution.

This type of action makes it possible to regard Parliament as defender of the constitution, ensuring that the state organs and other bodies make correct political use of their constitutional powers, even those not bound to Parliament by any specific responsibility and, over which it, therefore, has no real control.

#### 4) *The instruments for parliamentary inspection*

The Chambers can only establish ministerial responsibility, politico-administrative responsibility on the abuse of constitutional powers referred to above (3) after they have used the instruments of inspection at their disposal to ascertain the exact details of the behaviour question. The various instruments of inspection must therefore be examined in order to discover the effectiveness of Parliament's supervisory procedure.

This problem can be tackled in a number of ways but the most useful is to distinguish between the instruments which require the government's cooperation to establish facts and those which do not.

a) The government's cooperation is not required when the inspection is carried out through a Committee of Enquiry; a watchdog committee; the examination of reports on the management of corporations audited by the Audit Board; requests to the Audit Board for information, clarification or documents; examination of government expenditure which the Audit Board has declared illegal; examination of the progress reports on various sectors which are required by law.

aa) A parliamentary inquiry, described by Article 82 of the constitution, may be conducted into any matter 'of public interest'. It is carried out by a parliamentary committee specifically appointed for this purpose and composed to represent the proportions of the various groups.

The Committee of Enquiry carries out its investigations with the same powers as the judicial authorities and is, therefore, the most powerful instrument of inspection available to the Chambers. It is, however, subject to the same limitations as judges' powers of investigation i.e. the barrier of political and military secrecy and the additional requirement that a majority resolution is needed before a parliamentary inquiry is initiated. ('minority' inquiries are not allowed).

These restrictions have led to the recent advancement of the somewhat paradoxical theory that, in the Italian system, the parliamentary inquiry is an 'instrument of majority government'. In reality, the fact that the Republican Parliament has so rarely initiated an inquiry (12 times in the 25 years, from 1948 up to the present, of which only 6 were *supervisory* i.e. to establish political and administrative responsibility) shows that it is an instrument which exceptional circumstances (e.g. pressure from public opinion, division on behaviour between the coalition parties, requests from the grass roots of the governmental parties) force the parliamentary majority to use with all the appropriate precautions. In any case, the sporadic nature of the inquiry makes it a politically undesirable and inefficient systematic organic check on political and administrative activity.

ab) The action initiated by the *watchdog committees* in relation to certain sectors is, on the other hand, both organic and systematic. Their permanent powers to inspect the services being checked, the ability to contact the managers of the sector and, in some cases, to interfere with administrative decisions, all make them a modern instrument of parliamentary inspection.

The committee for supervising radio and television possesses the same characteristics except that its powers are limited by the private character of the concessionary firm for radio transmission. The other watchdog committees in the Italian parliamentary system, which deal with public debt, the broadcasting institution, the deposit and lending fund and provident funds and the national board for nuclear energy, are much less prominent.

ac) The *Audit Board issues reports* on the management of corporations which benefit from an annual state financial contribution. By examining these reports in committee Parliament can therefore carry out a systematic check on the activity of the enormous sector 'outside the budget', ranging from the large corporations which distribute social services to the powerful public holdings (but not the operating firms which depend on the latter).

If the committees consider the data given in the report to be inadequate they may, in addition, 'invite' the Audit Board to provide further information or relevant material. In other words the parliamentary committees may request use of the Audit Board's considerable investigatory powers

in this field, even to the extent of having a representative magistrate on the Councils of administrators of the most important corporations, i.e. those which get a capital contribution from the state. The committee may conclude its examination with motions for a *resolution* concerning the running of the corporation. In the Senate, the Budgets Committee may also present a general report to the Assembly giving an economic and financial outline of the management of the subsidized corporations and assessing their adherence to the plan for economic development.

As a result of the number of reports presented every year (now 119), the inability of the Chamber and Senate to agree on any division of labour or obvious lack of interest, compared to the problems of supervision, from the committees responsible for corporative legislation, this form of parliamentary inspection after a promising start ran into a number of organizational difficulties. In this context, it is significant that the Chamber's rules of procedure forbid the committees to meet the legislature, during the period devoted to examining the budget, the general state report and other documents concerning national economic policy and the management of public funds.

ad) The request to the Audit Board for *information, clarification and documents*, within the framework of the powers of inspection into public administration attributed to it by law, is also a general instrument and may be used regardless of the existence of a Board report.

In the Chamber the request may be made by a committee chairman or a group president whereas in the Senate this delicate instrument may only be used by a committee majority. However, the possibility of a complementary relationship between the Audit Board and Parliament has not so far been sufficiently exploited in this field either.

ae) The *examination of decrees registered with reservations* by the Audit Board is a more marginal instrument. The Board finds the administrative outlay illegal but nevertheless registers the decrees pursuant to the order of the Council of Ministers, reserving the right to inform Parliament of them.

These decrees are examined in the appropriate committee which, after hearing the minister responsible, may conclude its examination with a resolution. As already mentioned, this procedure is very rarely used though a recent case which led to a resolution condemning the government's behaviour brought it once more to general attention.

af) *The examination of reports on the running of certain sectors* is by contrast a normal instrument of parliamentary inspection. In many bills organizing or advocating financial contributions, Parliament inserts a clause obliging the government or corporation in charge of the sector to prepare a report (usually annually) giving the results obtained, criteria used and prospects. Recently, Parliament has adopted financial bills which explicitly make prior presentation of a report a precondition for receiving the annual contribution from the state.

This instrument is effective insofar as it forces the administrators responsible to explain administrative policy in the sector and therefore present programmes and parameters which can be easily checked from one year to the next. The planning report on state partnerships is particularly important. As in the case of the Audit Board's reports, the Chambers have not yet found a method of organizing their work. The Chamber's rules of procedure allow these reports to be considered together with the state budget or separately. In the latter case, the examination may conclude with a resolution. However, Parliament does not yet treat these documents with sufficient application.

b) In contrast to the above instruments of inspection, government's cooperation is required to obtain access to data when carrying out investigations by means of questions and interpellations; committee hearings with ministers; requests to ministers for information; news and documents; hearings of the directors in charge of publicly administered sectors and public corporations.

ba) *Questions* are the most frequently used instrument of inspection. There are three types of questions: (*questions presented in the Assembly, questions requiring a written reply and questions requiring a reply in committee*) which, between them, account for the greatest number of parliamentary initiatives. In recent Parliaments there have been on average more than 7 000 per annum in the Chamber and 2 500 in the Senate.

They are tabled for a wide variety of reasons — often simply to obtain publicity for critical points which they more or less explicitly contain. There are so many demands that it is impossible to reply to them all — only 30 % actually obtain a reply in the Assembly and the remaining 70 % obtain a written reply.

Interpellations differ from questions in that they are designed to discover the government's attitude in a certain field, rather than some particular fact, and therefore to lead to a brief discussion of overall policy which, according to the Chamber's rules of procedure, may then widen to include the whole Assembly and presentation of a motion.

On average, 260 interpellations are presented each year in the Chamber and 140 in the Senate. About 20 % of these actually obtain a reply.

The government may declare that it is unable to reply to a question or interpellation but it uses this right very rarely and often chooses to remain silent. In any case, questions and interpellations preserve visible and comprehensive contacts between Parliament and government, and between parliament and public opinion, but have lost any real supervisory value. The political and administrative intricacies of the modern state can no longer be unravelled in occasional exchanges of repartee in the Assembly.

bb) Article 64 of the Constitution also obliges ministers to attend the meetings of parliamentary committees if called upon. Committees may also ask ministers to attend to clear up administrative and political questions which fall within their field of reference. *Hearings with ministers* are generally sought by making mutual concessions. Though a minister rarely refuses a request for a hearing, he frequently accepts only subject to the exclusion of certain subjects or to certain deadlines. The hearing is one of the instruments most favoured by parliamentary committees and is certainly useful for obtaining an overall picture of the running of the sector from the point of view of administration or legislative policy.

bc) *The request to ministers for information, news and documents* was only introduced in 1971 and is therefore, as yet, difficult to assess in practice.

It differs from the question, which is put by an individual, in that requests are made by a committee and that it is directed at the administration, through the minister, rather than at him personally. A request may also be made directly to be given documents, in this case without the intermediary of the Audit Board. The minister may of course reject such requests, but when he replies in the affirmative, he in practice authorizes direct contact between his administration and the parliamentary committee.

This new instrument, which is the subject of recent research, is characterized by the fact that, pursuant to the Chamber's rules of procedure, the committee's request follows automatically from a request by a group representative, though in the Senate the usual requirement of committee majority is applied. If this rule is adhered to in practice, this will be the one instrument of inspection by means of which a minority request can initiate collegial activity.

bd) The instrument of *hearings with managers in charge of public administration sectors and public corporations even if autonomously run* was introduced in Parliament's rules of procedure in recognition of the crisis in ministerial responsibility referred to above. It represented, however, a very prudent reaction which respected the scheme with which it largely overlapped. In fact, it allows the appropriate ministers to organize the attendance of officials and administrators. Hearings with administrators of the major public holdings, which are the most common and politically significant, have in practice demonstrated full recognition of the political role performed by these managers. In any case, there have been no complete refusals of ministerial authorization — the minister would have to give his reasons for any such refusal. More recently, committees have tended to obtain hearings with officials and administrators in the framework of *exploratory investigations* (see C5) involving a free procedure, i.e. the parliamentary rules of procedure do not require prior ministerial authorization.

### 5) *Parliament's other investigatory instruments*

The instruments of parliamentary investigation which have been examined so far all possess some coercive force, as distinct from Parliament's other instruments for obtaining *information*.

This coercive force has been seen to vary widely, ranging from the judicial powers of the Committee of Inquiry to the simple obligation for the government to explain its refusal to attend a hearing or reply to an interpellation or question. Any procedure for obtaining information initiated by Parliament on the other hand has no obligatory nature. The Chambers may, however, obtain information which can be used in future supervisory processes.

The prominence which exploratory investigations by parliamentary committees have in practice recently acquired in the Italian Chambers must, therefore, be stressed.

They may be used for any matter of public interest. The procedure is very simple since the committee may decide to carry out an exploratory investigation subject only to the organizational condition that it provides a programme which obtains the support of the Assembly's president.

Statements from representatives of public and private interests, documents, contributions from experts and on the spot investigations enable the parliamentary committee to reach a conclusion on the question in a relatively short space of time. A document giving the results obtained should be adopted after the investigations are finished.

The procedural flexibility of exploratory investigation has its counterpart in the absolute freedom of the subjects questioned and absence of sanctions in the case of false declarations, which some consider to be a negative factor.

So far as the first matter is concerned, it should be noted that, in seven years of experience, (the first exploratory investigation was conducted in the Chamber in 1957) there has been no case of unjustified refusal to appear before a parliamentary committee. The second objection is to some extent met by the fact that, though the investigation is conducted to obtain information and is expressly forbidden by the Senate's rules of procedure to attempt to establish guilt, it has a cross-examination structure which makes false statements fairly risky and relatively useless.

The lack of coercive powers in itself means that the exploratory investigation reflects the true role which Parliament has assumed in the system. This role gives it an authority in dealing with public and private subjects greater than any power which it could hope to wield by conducting exploratory investigations with coercive powers.

Other formal procedures for obtaining information enable the Chambers to use the services of the *Central Statistical Institute* (ISTAT), which some have seen as the first step towards destroying the institute's traditional dependence on the government and making it a neutral body guaranteed by Parliament, and the studies and investigations of the *National Council for Economics and Employment* (CNEL). These procedures are, however, rarely used, partly because the activities of these institutes have, at present, run up against certain objective limits.

Parliament may also obtain information through its own internal services — i.e. by informal means. The parliamentary bureaucracy is continually being organized and adapted, to divide its staff into specialized categories responsible for research, preparing data, drafting dossiers etc. contrary to the old image of the generalist official clerk.

The internal organization of the Chamber and Senate is based on departments and *special offices* which are minor entities with horizontal terms of reference cutting across departments.

The Chamber's organization consists of 14 *departments* (Assembly; parliamentary committees; prerogatives and immunity; relations with European Community institutions; verbatim reports, shorthand; research, legislation and parliamentary investigations; library; archives; parliamentary statistics and documentation; administration and supplies; personnel; treasury; international and

ceremonial relations), and six *special offices* (laws, rules and conventions; parliamentary supervision; historical archives, general electronic register; legal affairs; general affairs and public relations).

The Senate's organization consists of 8 *departments*: (secretariat; parliamentary committees; verbatim reports; research; library; police; personnel; accountancy) and four *special offices* (general affairs; current documentation and press information; relations with the European Community bodies; electronic classification of data and parliamentary information).

The Chamber and Senate's departments and offices are run by the respective Secretaries-General who are responsible to the President.

#### 6) *The national limits of Parliament's supervisory powers. The role of the European Parliament*

Despite the number and variety of the means of investigation available to the Chambers, parliamentary information suffers from serious deficiencies and delays.

This is certainly largely the result of inefficient use of the means available, and scepticism by members concerning the results of investigations and supervisory activities.

The main cause of defective information is, however, the difficulty of obtaining a good grasp of the international causes and dimensions of the phenomena in question. It is immediately obvious that any public action directed at the fundamental issues of Italian society — regional policy, type of industrialization, planning etc. is to a great extent, conditioned by the international context. Lack of information about this context implies inadequate knowledge of the national facts related to them.

But, even in the rare case where there is sufficient information, Parliament does not possess the means to enable it to use this information for supervisory purposes. The examples cited above are illustrative.

Regional policy, typified by the problem of the *Mezzogiorno*, certainly cannot be judged outside the framework of European attitudes in this matter. This framework must include not only the Community's official decisions but also the legal and incidental factors which in various countries are now encouraging the tendency for production to concentrate in economically over-heated zones. If Parliament is to control these phenomena it must use instruments capable of operating outside the national sphere.

The choice of the type of industrial development in a country such as Italy, where the inadequacy of investment is added to the country's structural weakness, is largely conditioned by the problem of multinational firms. It is a serious political matter that it should be necessary to choose between inadequate investment and an industrial plant which destroys the environment; this problem can only be satisfactorily solved by developing methods of controlling and influencing the behaviour of international capital by public action. Though it may seem paradoxical, parliamentary control over nationalized industries also suffers from a lack of information on the policy which nationalized industries often conduct abroad where they are safer from indiscreet inquiries than in their own country.

The extent to which the influence of multinational firms and foreign behaviour of nationalized industries escape from public control will also have an effect on Parliament's chance to influence planning choices.

All these phenomena are therefore examples of the disequilibrium between the level of politico-constitutional powers and the level of economic power defined by recent theories. The national dimension is the limit in practice now most likely to lessen the constitutional significance of the supremacy of democratic values.

The national parliament cannot restore this balance by its action alone and, at present, neither parties nor trade unions are able to help it. Limited economic sovereignty can only be restored within economic and fiscal sovereignty over a larger area i.e. the Community. The supervisory powers of the national Chambers must ally themselves to the powers which the European Parliament can exercise over a multinational area.



Parliament's supervisory powers, and the associated exploratory powers, are most in keeping with its new role, its capacity to absorb all social phenomena and authority in leading public and private autonomous bodies to a common discussion.

It is interesting to note that though, in relation to the policy and legislative roles, the European dimension acts as an effective limit on autonomy in relation to Parliament's key role (viz. supervisory), it is an aim which must be achieved in order to perform this function effectively.

This means that the development of the parliamentary institution in every Community state is now closely linked to the development of the European parliamentary institution.

### III — Conclusion

The analysis of the changes in the Italian Parliament's roles therefore leads us to the following conclusions.

- In defining the lines of overall policy, Parliament merely ratifies decisions taken by other bodies elsewhere. Its powers of codetermination are confined to sectoral procedure in an overall framework which has already been defined. A chance arises for Parliament to recover its political importance, in relation to the government, the regions, trade unions and large public and private firms, through its involvement in general planning procedure.
- Parliament's legislative activity is increasingly conditioned by the existence of new centres of aggregation of legislative demand. The normative choice is therefore reduced to coordinating the demands made by these new centres (the regions and trade unions, and, most conspicuously, the EEC). In most cases, legislative choice is therefore arbitrary and the parliamentary solution emerges as a compromise between the 'maximum' requests of both sides of industry. The concept of Parliament autonomously deciding the details of the problem becomes increasingly remote from reality.

It is therefore rare for a question to be first raised in Parliament, though when it is, the question may still be important. On the contrary, this is often how major diffuse interests, which lack cooperative representation but have a wide effect on the life of individuals, suddenly cluster.

- The naïve concept generally held of Parliament's supervisory role is the main difficulty which arises. The ideas of ministerial responsibility and dismissal, the traditional lynch-pins of the procedure for Parliament's supervisory procedure, no longer describe the tendencies in the Chambers which though not institutionalized, involve significant political responsibility. Parliament attempts to rectify political conduct rather than bring about dismissals, presenting itself as a guarantee of the general politico-constitutional equilibrium.

This important development in Parliament's role suggests an image which, in many ways, differs from the usually accepted model.

The fiction of Parliament as producer of original decisions in relation to political demand which is diffuse or aggregated through parties and groups, is replaced by the reality of Parliament *mediating* and *arbitrating* between demands previously aggregated by institutional centres other than the party or group.

The fiction of Parliament as a privileged watch-dog of the government is replaced by the reality of a *centre coordinating* the autonomous public organizations and constitutional powers and seeking to destroy the scheme of ministerial responsibility to establish the political responsibility — which has not been institutionalized — of the effective wielders of public power.

The fiction of Parliament as a representative organ is replaced by the reality of a Parliament which has become an *instrument of direct participation* by classes, interests and competencies in public decision-making. The exploratory stages of parliamentary procedure have become so important that they actually affect the quality of the final decision.

The new and varied character of the Italian Parliament is best described as a *guarantee*. In the inevitable complexity of democratic decision-making procedures in an industrial state, it acts as a guarantee by exercising its *supervisory* powers, referred to above, ensuring the *correct procedure* and hearing interests and, at the same time, providing a centre where the demands of the government and other political forces involved in the proceedings may be compared on equal terms.

In technical legal terms the Italian Parliament's recent development fits perfectly into the line of procedural evolution of the democratic system which theory singled out some time ago as the logical line of legal development of the system.

In the terms of political science, there seems to have been a reversal of the tendency for Parliament to become progressively less powerful, which at a certain point seemed irreversible. In recent stages, Parliament has effectively been accumulating power, though not in the decision-making field, and exercises a democratic *authority* which cannot be confused with other types of public supremacy.

The present meaning of governing with Parliament's consent is certainly different and more complex than the traditional description of the relationship between the government and parliamentary majority.

## THE LUXEMBOURG CHAMBER OF DEPUTIES A MICROCOSMIC IMAGE OF A SMALL COUNTRY

Paper by Miss Colette FLESCHE, *Member of the European Parliament and of the Luxembourg Chamber of Deputies*, assisted by Mr Michel DELVAUX

This study, drawn up for the 'symposium on European integration and the future of Parliaments in Europe' organized by the European Parliament, does not pretend to offer a detailed analysis of Luxembourg's political system or even of its parliamentary institution. It is simply intended to help the outside reader to place in its proper context what is the smallest, and perhaps the least known, of the Community's parliaments and to provide him with some information on its functioning. Domestically, it can be seen as a contribution to an astonishingly sparse literature on Luxembourg's political institutions.

Conscious of my political commitment, I have endeavoured to remain objective in my presentation, but would not presume to claim that I have been able to detach myself entirely from my opinions or deep convictions. The reader has been warned.

My thanks are due to those who have been kind enough to help me in this task. I am grateful to the Office of the Clerk to the Chamber of Deputies, and particularly to Mr Pierre Dillenbourg and Mr Paul Hansen, especially for providing the hitherto unpublished statistical data contained in Annexes II and III.

My thanks go above all to Michel Delvaux for his assistance, as generous as it was effective, in the preparation of this work.

Colette FLESCHE

Luxembourg, 1974

### I — INTRODUCTION

While it is true that the size of a country does not determine its political system or the character of its parliament, in trying to understand Luxembourg's political system, its functioning and its problems, we cannot remind ourselves often enough of the fact that it is a very small country.

#### 1. Outline of geography and economy <sup>(1)</sup>

Luxembourg extends for 57 km from west to east and 82 km from north to south. It has an area of 2,586 km<sup>2</sup> and a population of 348,000.

Its population statistics are catastrophic. The birth rate (9.6 % in 1972) is the lowest in the Community, and since 1967 deaths for the native population have exceeded births. This has resulted in

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(<sup>1</sup>) Georges Als, *Le Luxembourg: profil géographique et économique*, Ministère d'Etat, Service Information et Presse, Luxembourg, 1973.

considerable immigration to supplement the needs of the economy. Between 1950 and 1960 average net annual immigration exceeded 1,000 persons; the figure rose to over 2,000 from 1960 to 1970; and must now be around 2,500. The number of foreign residents rose from 29,000 in 1947 to 41,500 in 1960 and to 62,800 in 1970. Today it must be in the order of 72,000. Foreigners thus account for 20 % of the total population but do not participate in the country's political life.

Luxembourg's prosperity dates from the late 19th century and is due to the establishment and development of the large iron and steel industry. In the second half of the 20th century successive governments have deliberately and successfully pursued policies of diversification, but metallurgy remains by far the country's most important industry.

The rate of economic growth has been relatively modest, the rise in GNP averaging 3.2 % over 1950-1970. It is subject to considerable fluctuations, reflecting mainly the situation in the steel market.

Despite this unspectacular rate of growth, Luxembourg has been able to attain an exceptionally high standard of living. The per capita GNP is among the highest in the EEC, 3,600 dollars in 1971. At the beginning of 1972 Luxembourg held the leading place in the EEC for the proportional number of private cars (289 per thousand inhabitants), telephones (324 per thousand inhabitants) and hospital beds (1174 per hundred thousand inhabitants). Housing statistics show a similar picture: all dwellings have electricity, nearly all interior running water, and approximately two-thirds have a bathroom. Approximately 60 % of households are owner-occupiers.

In the services sector attention must be drawn to Luxembourg's rapid rise in the financial market. Between 1955 and 1973 the number of banking establishments nearly quadrupled, increasing from 13 to over 70, and leading to the creation of many new jobs.

Overall, Luxembourg can be described as a prosperous, highly industrialized country, with full employment and a remarkably calm social atmosphere. Despite its large foreign population, it represents a homogeneous whole.

## 2. Constitutional structure <sup>(1)</sup>

The state of Luxembourg is a representative democracy in the form of a constitutional monarchy.

The political system is based essentially on the separation of powers which, without being formally written into the constitution, is implied both by its arrangement and context:

- the exercise of *executive power* pertains to the Grand Duke backed by a responsible government;
- *legislative power* is exercised jointly by the Grand Duke and the Chamber of Deputies;
- *judicial power* is exercised by the courts and tribunals.

The Luxembourg parliament is unicameral, but the Council of State functions to some extent as the deliberative chamber.

### a) *The Council of State*

The Council of State — patterned on the French model but with a far more important role — sits primarily as a legislative assembly when it issues its opinions, which are an obligatory requirement, on all bills sponsored by the government or the deputies.

The Council cannot initiate, but it can amend — and uses this right frequently. No bill can be voted by the Chamber before the Council of State has given its opinion. It must be consulted on

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(1) Pierre Majerus, *Les Institutions de l'Etat luxembourgeois*, Ministère d'Etat, Service Information et Presse, Luxembourg, 1973; *l'Etat luxembourgeois*, Saint Paul, Luxembourg, 1970.

all amendments, important or minor, whether tabled by the government or by the Chamber in the course of debate. Thus, any bill amended during the first reading must automatically go back to the Council of State for its new opinion.

In addition, to compensate for the absence of a second chamber, the constitution provides that all bills must be put to a second vote in the Chamber, unless the Chamber, by agreement with the Council of State, decides otherwise. If the Council refuses to dispense the Chamber from the constitutional obligation of the second vote, at least three months must elapse between the first and second voting. The Council of State thus enjoys the right of an effective suspensive veto, since it can impose on the Chamber a period for reflection — which, however, in practice does not exceed three months.

In theory the Council of State even has an indirect right of prolonged or indefinite veto. For if it failed, or refused, to issue an opinion on a bill, it would be quite impossible for the Chamber to vote on it. Although there is no time-restriction on the Council's suspensive power, such a case has never occurred in practice.

#### b) *The Chamber of Deputies*

Under the terms of the constitution the Chamber of Deputies represents the country.

The number of deputies is at present 56, to be increased to 59 at the May 1974 election. Elections are normally held every 5 years. Ruling coalitions have generally been able to sit out their term of office. Agreements between the parties forming them have enabled them to resist pre-dissolution pressures.

The country is divided into four electoral districts of very unequal size and there is one deputy for 5,500 inhabitants.

Direct elections to the legislature are by universal suffrage and electors cast their votes for a list of candidates. Voting is compulsory and secret. Seats are distributed according to the rules of proportional representation, on the principle of the lowest electoral quotient.

Though voting is compulsory, abstentions, blank and spoiled ballot papers, and incomplete utilization of the votes on valid ballot papers, mean that the effective valid vote is of the order of 80 % <sup>(1)</sup>.

Until 1971 the deputies generally belonged to one of the four so-called traditional parties: The Social Christian Party, the Luxembourg Socialist Workers' Party (POSL), The Democratic (liberal) Party and the Communist Party. After a split in the socialist party in 1971 the socialists are now represented by both the POSL and the Social Democratic Party.

## II — THE NATURE OF THE POLITICAL SYSTEM

### or the levels of democratization

The history of parliamentarism in Luxembourg has been marked by thorough-going pragmatism and deep suspicion of sudden change. The system has been changing from within, with no sudden jolts. It has been able to evolve mechanisms for adaptation and adjustment, whereby a well-established body of practice has been grafted onto the formal constitution. The 'democratization' of public life has been an orderly process in which the parliament, the political parties, the trade unions and the bodies specifically concerned with social partnership have all played their part.

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<sup>(1)</sup> Ministère de l'Economie nationale, Service Central de la statistique et des Etudes Economiques, Bulletin du STATEC 'Les élections législatives de 1945 à 1968', No 8/1969.

## A — Historical development

The governed democracy.

1) Despite as many as four revisions, in 1919, 1948, 1956 and 1972, the text of the constitution of 1868 remains to a large extent a *document of its age*.

In the political history of the country this has been reflected in: property voting qualifications limiting the electorate to the well-off strata of the population; the exclusion of women from public life; the absence of political parties, in the sense of stable organizations with permanent channels of influence and the will to exercise power directly by seeking popular support, and not simply of factions or *ad hoc* electoral committees (<sup>1</sup>).

In 1868 the Parliament was a simple counter-weight to the Grand-Ducal power. The essential prerogative of this truncated chamber was the exclusive right to approve taxes and to determine the budget appropriations from year to year. The functions of the Chamber, the Government and the Crown were confined respectively to those of control, governing and reigning.

This was the system called 'governed democracy' which is characterized by the absence of organized political parties with well-defined doctrines (<sup>2</sup>).

1919 marked the turning point when liberalization of the constitution emancipated social groups which until then had been denied access to the machinery of parliamentary representation. The right to vote was extended to all men and women aged 21; the property qualification was abolished.

This was soon to result in a re-shaping of the parliament's social configuration. Before reform there were few members who were not either lawyers or landowners. In 1918 landowners accounted for one-fifth of all the members of Parliament; three years later there were only 4 out of 48.

### 2) *The influence of usage*

In a study intended to describe and analyse the Grand Duchy's parliament it is essential to draw attention to the decisive role played by usage in the development of cooperation between the executive and the legislature. Adjustments in the functioning of the parliamentary institution have not been recorded in the statutes. The constitution is not very explicit on the internal procedures of interaction between the government and the nation's representative body.

In Luxembourg, probably even more than elsewhere, the extension of the executive's scope of action and intervention and the increasingly technical nature of bills presented in Parliament, have not been accompanied by a parallel increase in the possibilities of investigation, information-gathering and control for the legislature. Members of the Chamber of Deputies know all about the crisis of parliamentarism now affecting all the countries of Europe !

## B — The political parties — The role of parties

### 1) *Parties not recognized*

The constitution does not recognize the fact that the process of democratization of the institutions has advanced through the specialized agency of the political parties. It perpetuates the fiction according to which 'the deputies shall vote without referring to their constituents and solely in the general interests of the Grand Duchy' (Art. 50).

(<sup>1</sup>) La Palombara Joseph, Weiner, 'The origin and development of Political Parties', La Palombara, Weiner, *Political Parties and Political Development*, Princetown, N.J., Princetown University Press, 1966.

(<sup>2</sup>) Charles-Léon Hammes. 'Le Gouvernement du Grand-Duché', *Le Conseil d'Etat, Livre jubilaire*, Bourg-Bourger, Luxembourg, 1956, p. 484.

And so in 1974 the parties still remain *de facto* associations without any legal basis. There is no mention of them in the constitution and no legislation to regulate the structure and finances of political parties. In recent years such legislation has repeatedly been asked for. These proposals have so far met with little enthusiasm from the majority of those directly concerned. Nevertheless, one or two political parties tend to bring up the question of the parties' legal status in their programmes.

## 2) A dominant Catholic party

The peculiar party-political structure in Luxembourg is another factor which tends to explain the long survival of 'governed democracy'. The erosion of the Crown's power was completed in 1919, when Article 32 was revised to state formally the principle of national sovereignty and limit the powers of the sovereign to those laid down in the Constitution.

The introduction of universal suffrage hastened the decline of organizations lacking popular support, such as the liberal party. It favoured, on the other hand, the progress and consolidation of the Catholic party which in an explosive social situation — there were largescale strikes in 1917 and 1921 — took the name of the party of the right.

It is interesting to examine the meaning of this label which to a Frenchman, used to the ideological 'leftism' of his country's political life, seems paradoxical. The party of the right, which is the party of consensus, is above all the party of the ordinary people. A historian put it like this: 'From the start the right made a point of presenting itself as an aggregative party, with supporters ranging from the middle classes, through the country folk, to the working proletariat ...' <sup>(1)</sup>. He goes on: 'Only the high bourgeoisie and the upper fringes of the middle bourgeoisie escape its grasp.' This observation is interesting, and while the analysis is on the whole correct, it requires somewhat subtler shading. In particular, it should be noted that, even in the past, old bourgeois families never made any secret of their allegiance to the Catholic party and that certainly today the author's last reservation no longer applies.

A lasting consonance has set in between the party of the Right and the basic system of values prevailing in the Grand Duchy. <sup>(2)</sup> Catholic education flourishes in a society where 95 % of the population is Catholic, if only in name; <sup>(3)</sup> it instils unbounded loyalty to the Crown; it models the country's social institutions in the image of co-operative participation preached by the Church. The party of the Right has a reliable communications network covering the whole country and is seen to be present in all the constituencies, whereas the influence of rival groupings is more localized.

### *Consequences for the Parliament*

Continuously in power since 1919, with the exception of a brief interlude in 1925-1926, the party of the Right — transformed into the Social Christian Party in 1945 — has been meeting a *functional need of the political system* by providing it with stability and continuity and by uniting, within a coalition held together by Christian sociological beliefs, individuals representing nearly all the classes of the population.

*At the parliamentary level*, the pre-eminence of such a political set-up could not fail to produce direct consequences. The country is dominated by one party. Therefore the structure of power within this organization must also condition the functioning of the political system. Thus the chairman of the party and the leader of the parliamentary group are subordinated to the real chief of the organization, that is, the Prime Minister. This leads of necessity to some diminution of the legislative's

<sup>(1)</sup> Gilbert Trausch, 'De l'opposition au pouvoir. Aux origines du parti chrétien-social 1912-1922', *Luxemburger Wort*, 20 January 1974.

<sup>(2)</sup> Michel Delvaux in 'La paix sociale; le Parti chrétien-social'; *Letzeburger Land* No 50/1973 and No 1/1974 develops, with reference to the Grand Duchy, the arguments, propounded by Frank Parkin. (See 'Working-Class conservatives', *British Journal of Sociology* (Sept. 1967) and *Class Inequality and Political Order*, Mac Gibbon and Kee Ltd., 1971.

<sup>(3)</sup> André Heiderscheid, *Les Luxembourgeois, Un peuple épris de sécurité*, Université Internationale de Sciences comparées, Luxembourg, 1970, pp. 126-141.

power, deputies of the dominant party — and in consequence of the majority — being obliged by voting discipline to moderate their criticism of those they have entrusted with authority.

### 3) *Role of the other parties*

The Social Christian Party has been the unquestioned leading political force since 1919 and the other parties, which recognize its superior strength, have had to self-identify in relation to the major partner.

In any analysis of the role of the parties according to their functions in the country's political system, and particularly with respect to the parliamentary institution, the Social Christian Party becomes the constituent <sup>(1)</sup> group, in that it provides the political framework within which the inter-party struggle takes place.

Here too, as we have seen, the letter of the Constitution leaves great scope for custom and usage.

The remaining three traditional parties — the democratic/liberal party, the socialist party and the communist party — have by their other functions — latent and manifest — made their contributions to the system. (For the sake of clarity, in a description which does not claim to be exhaustive, the disfunctions will not be mentioned.)

*The democratic party*, heir to the liberal tradition, had a structure best adopted to preserving a considerable autonomy of the Parliament. Its looser organization allowed the deputies scope for more independent action and greater latitude in expressing criticisms or opinions. The democratic party has been essentially performing a recruitment function since 1919, in promoting to the Government or to the Chamber men whose personal qualities enabled them to transcend their party's electoral score. Since the end of the Second World War the democratic party, the home of proponents of a liberal policy, has taken part in half the successive governments and has had to adopt a more closely-knit structure to become a party of the voters.

*The socialist party*, formed in 1902, has benefited less immediately from the introduction of universal suffrage than the party of the Right. It is a party of the masses, in which local organizations and the national conference are the principal authorities.

A party of the workers, the socialist party remained isolated in an uncompromising attitude until 1937, when it agreed to share governmental responsibilities with the Right on which it had just inflicted a heavy blow by leading the opposition against the referendum on a public order bill aimed against allegedly subversive organizations. The socialist party has repeatedly taken part in post-war governments, acting both as an initiator of policies and performing a recruitment function.

Following the last elections there was a split in its ranks, the right wing reforming as the Social-democratic Party. The Luxembourg Socialist Workers' Party, which remains the main opposition force, has embarked on a thorough reorganization.

*The Communist Party*, the only one among the traditional parties opposed to the system as such, has throughout its history closely adhered to the principles of democratic centralism and has always defended the Soviet model of socialism. It is as much an opposition of principle as *on* principle.

## C — A stable political scene

Luxembourg's parliamentary history has evolved against the background of a remarkably stable political scene. <sup>(2)</sup>

<sup>(1)</sup> Theodore Lowi, 'Party Policy and Constitution in America', Chambers, Burnham, *The American Party Systems, Stages of Political Development*, London, Oxford University Press, 1967, pp. 239-241, 275-276.

<sup>(2)</sup> See Annex I. See also André Heiderscheid, *Les Luxembourgeois, un peuple épris de sécurité* pp. 116-123; Gilbert Trausch, 'Un demi-siècle d'histoire contemporaine luxembourgeoise', (1914/1918-1973), *Cinquantenaire Chambre du Travail Luxembourg*, Chambre du Travail Luxembourg, 1973, pp. 105-109.



The picture of political affiliations has shown very little change since 1919. As far as the political parties embodying these persisting currents are concerned, their relative strengths have undergone only minor alterations. It should be remembered, however, that the proportional vote is less sensitive to variations in the voters' political attitudes than the straight majority system.

The fluctuations registered in 14 elections point to a falling trend in the Social Christian Party's support, which has been much more apparent in a rise in the floating vote than in any steady and permanent ascent of another political force.

Up to the present, all attempts to launch a new political party (with the exception of the formation of the Communist Party in 1921) have failed. As a general rule, short-lived newcomers on the Grand Duchy's political scene have not been able to escape absorption by one of the larger parties.

Political observers at this moment are wondering whether the lowering of the voting age from 21 to 18 years and of the age of eligibility from 25 to 21 years, introduced in 1972 and to come into effect for the first time in the 1974 elections, will change the pattern. The reform must certainly produce some effect, but from past experience we should expect modifications of trends rather than political upsets.

#### D — Institutional social integration

Since 1924 the Grand Duchy has had an elected Labour Board, composed entirely of workers, through which the working population can participate in the drafting of laws and regulations which particularly concern it. Its formation was inspired by the social thinking of the Right which would like to see in Luxembourg the emergence of a corporate organization on a vocational basis (Ständestaat). This is opposed by the socialists who see in it a threat to trade union prerogatives.

In addition to the Labour Board there is the Private Employees' Board, the Chamber of Trade, the Chamber of Commerce, the Rural Association acting as an Agricultural Board, and the Civil Service Board.

Between the Trade Boards and the professional organizations which together account for nearly the whole active population of the country, there is an interaction which strengthens the social consensus. Other mechanisms for conciliation and concertation are being gradually introduced, such as the National Labour Council created in 1936, which in 1945 became the National Arbitration Board and whose task it is to settle collective disputes or the Economic and Social Council, a consultative body set up in 1966, on which both employers and trade unions are represented.

There is a high level of union membership. In 1970/71 the overall level was 64 %, with higher percentages in metallurgy and among private employees <sup>(1)</sup>. 'Social partnership' exists in Luxembourg at all levels. The political parties, divided as they are by ideological differences, find in addition that their scope for action is curtailed by well-organized pressure groups acting in narrowly defined economic and professional interests. <sup>(2)</sup>

The French sociologist, George Lefranc, made a prediction about the future of trade unionism which seems to be coming true in Luxembourg. <sup>(3)</sup> From a movement, it might be transformed into an institution on the pattern of the evolution of the communes which began as a 'league' of the bourgeoisie *against* authority to become an organ of administration *in conjunction* with authority. Trade unionism, which set out to become integrated with the state, is becoming integrated within itself in the twin names of unity and duty.

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<sup>(1)</sup> Jules Stoffels, *Le Syndicalisme au Luxembourg et en Europe*, Université Internationale de Sciences Comparées, Luxembourg, 1972, pp. 106-108.

<sup>(2)</sup> Gilbert Trausch, 'Un demi-siècle d'histoire contemporaine luxembourgeoise'.

<sup>(3)</sup> Georges Lefranc: *Le Syndicalisme dans le monde*. Que sais-je ? No. 356, Presses Universitaires de France, Paris, 1969.

Indeed, one of the determining reasons for the decline of a particular form of parliamentarism could be the competition of other institutions rather than lack of interest in things public. And the major trade-union organizations' growing preoccupation with the future of society as a whole might increase the confusion between institutions and areas of responsibility.

### III — THE PARLIAMENT

Compared with the vocational institutions, Parliament has by its nature, the advantage of being the sole representative of the whole nation. The deputies are expected to concern themselves solely with the general good, over and above their particular ideological differences. They share with the people the enjoyment and exercise of legislative power, for Article 51 of the Constitution provides that 'the electors may be asked for their opinion in a referendum in cases and circumstances to be statutorily defined'. This referral to the people, having the force of a consultation, has only been used on two occasions, both critical for the political future of the country, in 1919 and 1937.

#### A — Statutory functions

As in all the countries of Western Europe, the constitutional functions of the parliament are those of law-making and control over governmental activity.

##### *Law-making*

Article 46 of the Constitution states that 'every law requires the assent of the Chamber'.

In fact a distinction should be drawn between, on the one hand, the right to initiate laws and the voting of the laws themselves, and, on the other, between internal legislation and supra-national laws.

##### 1) *The right to initiate*

Both the Executive and the Chamber of Deputies have the right to initiate laws. In fact, the ratio of members' bills to government bills has been steadily decreasing. Not only are there few bills emanating from the Chamber but those that are ultimately passed are fewer still. <sup>(1)</sup>

##### 2) *Voting of laws*

Parliament does have the final word on the content of every act, both by its right to vote it and by the auxiliary rights to consider individual items of a bill and propose amendments.

It is the Executive's task to draft the regulations and decrees necessary for the implementation of the act. In Luxembourg, regulations have the nature of subsidiary normative measures. 'Enabling laws' or 'special powers' may confer on the Grand Duke exceptional statutory powers for a specific matter.

As regards international treaties, there is no provision for 'agreements in simplified form'. To become effective, treaties must be implemented consistently with the Constitution, but, once in force, they are — according to recent judicial interpretations — above the law. 'The powers exercised by the Chamber in this case are the powers of control over an act accomplished by the Grand Duke and not, as in the case of laws, discretionary drafting powers.' <sup>(2)</sup>

<sup>(1)</sup> See Annex II.

<sup>(2)</sup> Pierre Pescatore, 'Essai sur la notion de loi', *Le Conseil d'Etat, Livre jubilaire*, p. 401. See also by the same author, *Conclusions et effets des traités internationaux selon le droit constitutionnel, les usages et la jurisprudence du Grand-Duché de Luxembourg*, Office des Imprimés de l'Etat, Luxembourg, 1964.

Legislative procedure requires that, after examination of the bill by the Council of State, the Chamber of Deputies should vote on it four times: the bill is voted article by article, there is the vote on amendments, the vote on the whole of the bill and finally the second 'constitutional' vote, if the Chamber and the Council of State cannot agree on dispensing with this.

In fact, here, too, practice has deviated from the letter of the Constitution. According to the Constitution, the second 'constitutional' vote <sup>(1)</sup> is the rule and its omission the exception. Actually, the reverse is the case: it is today customary to dispense with the second vote and it is only in very exceptional cases that the Chamber is required to give its decision by means of the second constitutional vote <sup>(2)</sup>.

The following usage has become established between the Council of State and the Chamber of Deputies as regards omission of the second constitutional vote. If the Council of State in its opinion declares itself *absolutely opposed* to a particular measure, Parliament knows that to disregard the opinion will entail refusal of the dispensation. The Council of State uses this weapon very sparingly and the Chamber for its part, does its best to avoid conflicts with the Council on such issues. These may concern both the form and content of the bill.

### 3) *Disruption of the legislative function?*

Under the Treaties of Paris and Rome, Luxembourg, like other Member States, has been obliged to accept a reduction of its powers of autonomous decision and even a transfer of some sovereignty. This was expressly sanctioned by the constitutional revision of 1956, on the eve of the Grand-Duchy's accession to the Treaties of Rome. Article 49 b, written into the Constitution at that time, provides that 'the exercise of the prerogatives reserved by the Constitution to the legislature, executive and judiciary may be temporarily vested by Treaty in institutions established under international law'.

Extensive use has been made of this provision in the course of the Community's development. This is particularly so for economic questions and notably in the agricultural area. The transfer of powers from the national to the Community sphere has been mainly at the expense of the legislature's power. Community decisions are essentially acts of the executive — of the Commission and, above all, of the Council — since the European Parliament's powers are at best embryonic. The highly technical nature of the greater part of Community regulations gives exceptional importance to the national and Community bureaucratic nexus. The role of the 'techno-structure' is therefore particularly great in the Community and is not calculated to contribute to the openness of the decision-making process. This is obviously not a peculiarly Luxembourg phenomenon, but it is resented by Luxembourg deputies for the same reasons as by their colleagues in the parliaments of other Member States, and goes to explain the feelings of frustration sometimes aroused by the Community in parliamentary circles.

To this must be added the fact that a small country is economically dependent on its neighbours. Luxembourg's direct dependence has meant that since 1921 its monetary fortunes have been linked with the Belgo-Luxembourg monetary union; its less direct dependence arises from the fact that the country needs not only external markets but also foreign labour, capital and know-how. It might therefore be supposed that the policy of industrial diversification pursued by the Grand Duchy since the end of the Second World War, relying as it does on multi-national enterprises, would lead to conflicts between national and foreign legislation or prevent the introduction of 'inopportune' social legislation 'in advance' of other countries. While the stable social climate has always been one of the country's assets, and while the Luxembourg approach has always been one of reason, the Grand Duchy has not been afraid to be an innovator in social legislation and is preparing to introduce a system of worker participation in management which will be one of the most progressive in the Community.

(1) It will be remembered that the second constitutional vote cannot take place before three months have elapsed from the vote on the whole of the bill. See p 3 above.

(2) Alex Bonn, *La Constitution oubliée*, Imprimerie Centrale, Luxembourg, 1968, pp. 3-16.

## B — Effective functions

### 1) *Information and warning*

Because, as there is hardly need to remind you, Luxembourg is a very small country, its Parliament is very close to the citizens. Its role has been compared to that of the municipal council of a large town in a highly decentralized state. All the political parties are deeply attached to the principles of parliamentary democracy.

The Chamber of Deputies, which meets in public session, performs the traditional parliamentary function of 'the voice of the people' and often draws the government's attention to the complexities of a problem or to the inopportuneness of a proposal. Thus a number of bills never complete their passage through the House (see Annex II), others are amended, usually in committee, others again are redrafted by the government in the light of their reception in the House.

Parliamentary debates are regularly reported in the press of the traditional political parties which have dailies promoting their cause. There is no 'independent' newspaper in the Grand Duchy. After Japan, Luxembourg is the world's greatest *per capita* 'consumer' of printed news. Every household receives a summary record of parliamentary debates free of charge.

The Chamber of Deputies is also a political sounding-box, used increasingly as such by groups which have remained outside the established organization. For example, students' and women's movements have recently turned to Parliament to obtain a hearing for their case.

### 2) *Organization of the Chamber*

The business of the Chamber of Deputies is managed by a Bureau elected at the beginning of each session and consisting of a President, three Vice-Presidents, five Secretaries and the Clerk of the Chamber. The Bureau decides the agenda, is responsible for the entire internal management of the House and fulfils the tasks which in other countries are the responsibility of the treasurers (questors).

The Procedural Committee, consisting of the chairmen of the political groups, or their representatives, has the important task of coordinating the Chamber's work. In some circumstances (special acts, some Grand-ducal decrees) it can exercise real legislative power in the Chamber of Deputies' stead. Votes in the Procedural Committee on such a decision are then weighted according to the strength of the political parties' representation.

It is only recently that the Luxembourg Chamber of Deputies has acquired a structured organization.

Until 1965 the section system was used: the House divided itself by lot into three sections which debated all the bills in parallel. This had a detrimental effect on Parliament's work, since the highly specialized government departments were dealing with general committees whose composition was a reflection more of the laws of chance than of their members' particular competence. It is worth noting that in Great Britain the Committee of the whole House — an archaic usage most closely resembling the Luxembourg system before 1965 — comes in only after second reading, before final approval.

Under the new rules of procedure of 1966 a system of committees, both standing and special, was introduced. On the whole, spheres of interest of the permanent committees parallel the competences of the various ministerial departments, but the correspondence is not exact. The special committees are set up rather infrequently to deal with bills which are either highly technical or do not precisely fall within the scope of one (or of only one) standing committee.

### 3) *Making and breaking governments*

A deputy's mandate is incompatible with membership of the Government. Since members of the Government are appointed and dismissed by the Grand Duke, non-elected personalities can be

included in the government. Recent governments have thus been able to call in a number of experts, who presented themselves for election only after having held office.

The choice of Prime Minister and the coalition configuration are determined by the result of the general election. By common consent, the Grand Duke is effectively bound to call first on the leader of the party which obtained the largest number of votes. In practice only on one occasion, in 1964, could there have been room for discussion when the socialist party polled more votes than the social-christians, who, however, retained a larger number of seats. Inter-party negotiations are always carried on by reference to the parliamentary majority which constitutes an essential condition for any government activity.

In formal terms, the Parliament can exercise great power over the Government, whose members are answerable before it. They can be called to appear before the Chamber; conversely, ministers have access to the Chamber when they ask for it. Lastly, it is the Chamber alone which has the right to impeach Government members. These constitutional provisions should, however, be seen in the light of practical politics and particularly of the strength of the dominant party. Even so, in 1967 the coalition government of social-christians and socialists was overthrown on the issue of the abolition of conscription, with the aid of votes of deputies belonging to majority parties.

## C — The Deputy

### 1) *Social background*

In general the political parties (with the exception of the Communist party) are careful to put forward socially 'balanced' lists of candidates at election time. They feel that a broad 'representative' spectrum of the population will ensure a fairer deal for the interests involved. The choice of personalities eminent in their walk of life is of considerable electoral importance.

Nevertheless, the composition of the Chamber <sup>(1)</sup> gives a rather distorted image of the social cross-section of the country. While it is true that the number of lawyers, traditionally over-represented in the House, was halved from one election to the next (there were 13 lawyers in 1964 and only 6 in 1969), non-salaried persons (representing only about 12 % of the active population) account for 40 % of the parliamentary deputies. But if the number of workers remains low, that of civil servants, employees and trade unionists is constantly increasing, indicating that the Grand Duchy is gradually becoming a 'white collar' country. It might be added here that 43 % of the active population (35 % in 1947) is employed in the tertiary sector, 47 % in the secondary (industrial) sector, and 10 % (25 % in 1947) in the primary sector of agriculture and viticulture.

The most obvious 'under-representation', however, is that of women: at the last elections only three women were elected to the Chamber.

### 2) *The deputy within his party*

It will be evident that since electors vote for a list of candidates, deputies are elected on the basis of their party's political programme which they are committed to pursue. By the same token it could be said that, broadly speaking, it is the parties, and particularly their leaders, who hold political power: it is the parties who make the important political choices, who take part at all levels and in all areas in political decision-making, who make and break majorities and governments and who draft the government's programme.

Government-sponsored bills are essentially instruments for the implementation of this programme and it is not often that deputies are allowed a free vote.

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<sup>(1)</sup> See Annex III.

Nevertheless, it must be said that the national parties' hold over the parliamentary groups depends on the party and on how tightly it is organized. Accepted and clearly proclaimed in the Communist Party, it is certainly more apparent within the Luxembourg Socialist Workers' Party than in the Social Democrat, Social Christian, or Democratic parties. <sup>(1)</sup>

Conversely, but as part of the same trend, the role of the parliamentary group in the party's decision-making process varies according to the party's internal organization and the structure of its controlling bodies. It is a fact that the role of the parliamentary group (or of a Minister even if he holds no particular office within the party) in decision-making is greater in the Social Christian or the Democratic party than in the Luxembourg Socialist Workers' party. <sup>(2)</sup>

The question of the party's control over the deputies became highly topical in recent years in connection with the split within the Socialist Party.

Not long ago the chairman of each political party was asked in an interview whether candidates standing in parliamentary elections would undertake to tender their resignation to their party if, as deputies, they find themselves in disagreement with the party leadership. The Social Christian party, the Democratic party and the Social Democratic party replied in the negative.

It is significant that the Luxembourg Socialist Workers' party, whose statute contained such a provision, decided to delete it after the 1971 split in the conviction that should a conflict arise the provision would not be respected in any event. As for the Communist party, it let it be known that 'the activities of members elected to the Chamber ... are subject to the guidance and control of the party. They follow the guidelines laid down by the party authorities. Their mandate is in the hands of the Central Committee'. <sup>(3)</sup>

We thus see that in Luxembourg, as elsewhere, an increasingly important role is played by the political parties which have become firmly established as essential components of the political machinery. Parliamentary institutions and practices have largely evolved in relation to what is laid down in the constitution.

### 3) *The office of the deputy*

The duties of a Luxembourg Deputy essentially consist of his participation in the drafting of laws. He does, of course, serve his constituents, take up individual cases of every kind, but — since he has been elected from a list — he is far less strongly identified with a local electoral group than he would be in a country where candidates stand singly before the voters.

The parliamentary session begins on the second Tuesday in October and continues until the following July, and often into September or even October. There are short adjournments for Christmas, Easter and Whitsun, and a longer one in the summer, lasting theoretically from mid-July to mid-September. The committees normally meet in the morning. Plenary sessions are held on Tuesday, Wednesday and Thursday afternoons. Evening sittings are rare and continuation into the night almost unheard of. The business is thus transacted at a regular pace with astonishingly little drama. Against that must be set the fact that a Luxembourg Deputy is required to attend sittings three times a week for eight to nine months of the year.

Even so, it is still generally considered that the office of deputy is a secondary occupation. It is thus that deputies are paid not a salary but a tax-free allowance of 100,000 B.F. per annum at a base index of 100, and are not granted further expenses or facilities (as for example postage costs). This is roughly equivalent to 200,000 B.F. a year.

<sup>(1)</sup> On the problem of banning the imperative mandate, see Alex Bonn, *La Constitution oubliée*, Imprimerie Centrale, Luxembourg, 1968, pp. 17-24.

<sup>(2)</sup> Nico Schaeffer, 'Les Forces politiques au Grand-Duché de Luxembourg', *Mémoire présenté à l'Institut d'Etudes politiques de l'Université de Paris*, Paris, 1961, unpublished.

<sup>(3)</sup> Jean Jaans, 'Luxemburg, deine Parteien', *Revue*, No. 7, 7 July 1973, pp. 22-23.

Compared with the arrangements in other parliaments, the office and administrative facilities available to the Luxembourg Deputy — though they have been substantially improved over the last ten years — are practically non-existent.

He is allocated no assistant and no funds for hiring one. Parliamentary political groups do have appropriations which should enable them to function. In practice, these are only sufficient to pay for the services of an assistant and/or a secretary.

The office of the Clerk to the Chamber of Deputies has been substantially expanded in recent years. It now consists of the Clerk and the Assistant Clerk, five assistants responsible for the secretariat of the committees and for editing the summary reports, two officials dealing with general office work and the verbatim reports, and four secretary-typists. This staff is fully occupied by the preparation and current work for the sittings and it is not their task to help deputies in drafting their reports. There is no proper documentation and information service and no reference library.

Such a state of affairs serves to strengthen the dominant position of the executive as far as information is concerned. The deputy has to rely to a large extent on his personal knowledge and contacts and for any information he may need he is dependent on the executive or on pressure groups. This leads to a dilettantism which, while undoubtedly courageous, is not necessarily in the best interests of the exactitude and objectivity which should characterize the drafting of legislative texts intended to govern economic, legal and technical matters as complex as they are extensive in scope.

#### IV — CONCLUSIONS

The first conclusion to be drawn from even a brief account of the Luxembourg Parliament is that it is an institution on a human scale. The Chamber of Deputies is a down-to-earth assembly, close to the people and their daily problems, comprehensible to the outside observer and the citizen. It fits the country.

The trends in the composition of the Parliament since 1919, shown by the figures in Annex III, are interesting and significant in several respects. While, as already indicated, lawyers no longer occupy the dominant position which they held at the beginning or in the middle of the twentieth century, it is still true that non-salaried classes are heavily over-represented. Since the war, however, we have been witnessing a new development, a new generation of 'full-time politicians' among whom must be included both trade unionists and civil servants (the latter by the Act of 5 August 1968 have been granted the right to stand in elections with the provision that if they accept a parliamentary mandate they shall automatically be retired with a right to a special pension and the possibility of re-joining their department in a position similar to that occupied when they were elected, once their mandate ceases<sup>(1)</sup>). Other professions are also coming very close to 'full time politics' for example, journalists and workers, most — if not all — of whom combine their parliamentary mandate with the functions of trade-union officials and/or membership of workers' delegations.

Other factors, which are not obvious from the statistics of Annex III are nevertheless important. Thus, while it can be said that the influx of workers who arrived from Italy at the end of the nineteenth and beginning of the twentieth century and their descendants have been now completely integrated at the general and social level, the same is not true of the political domain. They have not become part of the political body of the country. But it cannot be long before they take up their responsibilities in this field too.

More importantly, Luxembourg has experienced in recent years a certain change, a radicalization of the social climate.

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(1) Local authority employees who are allowed to continue in office are shown in the 'civil servants' column of Annex III.

The trade unions have been evolving over the years a new concept — more comprehensive and more political — of their role and task. Trade union struggles have also taken on a more radical aspect, both in the public and the private sector. Parliament and government are faced with a growing number of increasingly far-reaching demands, presented ever more vigorously not only by trade unions and professional associations but also by various movements — students, womens' movements, and associations for the defence of the interests of various citizen groups.

We are witnessing, in this respect, a change in mental attitudes, a desire to catch up with earlier developments in neighbouring countries in the relationship between the social partners on the one hand and the trade unions and government on the other <sup>(1)</sup>.

Despite the deficiencies described (over-representation of certain social and vocational classes, the absence of foreigners from the parliament of a country with a 20 % foreign resident population), and despite the changes in the concept of social relations — the Chamber of Deputies seems to be broadly representative of the country.

What is more, it is so perceived by public opinion as a whole. It is, of course, vaguely recognised that the Assembly is not particularly well equipped to discharge its legislative duties in the modern world and that institutional reform is needed, but the existence of the institution itself is not basically opposed or questioned.

It is sometimes argued in Luxembourg, as elsewhere, that Parliament is no more than a rubber-stamping body. It is true that very frequently the Chamber confines itself to adopting without amendment bills tabled by the executive. But, as has been already indicated, the Chamber does more than rubber-stamp. For one thing, there is an important amount of discussion, adjustment and amendment in committees; for another, deputies belonging to the majority are often able to modify, readjust, or clarify projected policies at the 'inter-group' sessions at which ministers and majority deputies meet before crucial stages in the legislative process.

In short, it can be stated that the Chamber of Deputies does fulfill its essential task. It is the institutional projection of a stable, rational, moderate and individualistic society.

At the same time, it is a safety barrier, not devoid perhaps of a certain amount of demagogy, but reliable nevertheless, against grandiose projects conceived without reference to the realities of practical problems. It is, above all, a transmission channel relaying to the government the feel of public opinion, but, at the same time, passing information and guidance in the opposite direction, from the government to the people.

The real importance of the parliament — that traditional, though not exclusive, training-ground for the responsibilities of government — is to be seen essentially in a two-way movement which constitutes the background to a fruitful interaction between the legislature and the executive.

The Chamber of Deputies, in a word, is an accurate institutional image of a people that sets great store by security, no doubt, but also by freedom, fairness and common sense.

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<sup>(1)</sup> See on this subject the more recent trade union publications, particularly: *Confédération Générale du Travail, Arbeit, Der Proletarier*; *Confédération luxembourgeoise des Syndicats chrétiens, Soziale Fortschritt*; *Fédération des Employés Privés du Grand-Duché de Luxembourg, l'Employé*; as well as editorials and reports on social problems in the general press.



## ANNEX I

Percentage votes polled by the various political parties: 1919/1968 <sup>(1)</sup>

Year	Party of the Right/ Social-Christian Party				Luxembourg Socialist Workers' Party				Liberal/Democratic Party				Communist Party			
	<i>Electoral</i> Centre		<i>Districts</i> North East		<i>Electoral</i> Centre		<i>Districts</i> North East		<i>Electoral</i> Centre		<i>Districts</i> North East		<i>Electoral</i> Centre		<i>Districts</i> North East	
1919	45.2	36.8	64.5	75.1	20.8	25.1	9	—	30.5	18.7	—	—				
1922	43.1	—	59	—	12.7	—	8.3	—	42.3	—	—	—	1.8	—	—	—
1925	36.1	32	53.1	57.9	12.5	34.7	9.4	—	9.2	16.5	—	—	—	3.1	—	—
1928	32.4	35.9	—	63.3	—	48.2	—	—	—	9.3	—	—	—	—	—	—
1931	38.2	37.3	56.1	—	23.9	43.8	13	—	12	—	2.6	—	1.3	5.5	—	—
1934	—	33.9	—	60.5	—	41.6	—	—	—	14.5	—	—	—	7.3	—	—
1937	36.6	—	58.4	—	30.5	—	16.5	—	16.2	—	8.7	—	—	—	—	—
1945	39.8	35.5	61	58.2	25.7	30.6	16.3	7.3	25.9	9.9	19.7	19.5	8.3	20.7	3	2.3
1948	—	31.6	—	50.4	—	43.6	—	20.5	—	6.5	—	26.6	—	18.3	—	2.5
1951	36.3	—	51.5	—	39.9	—	24.1	—	19.7	—	22.7	—	4.1	—	1.7	—
1954	42.3	36.5	60.7	56	33.7	40.0	24.9	20.5	17.4	4.8	12.9	21.8	3.5	15.1	1.5	1.7
1959	37.5	33	47.4	49.6	30.8	40.2	28.8	21.6	27.7	10.2	23.8	28.8	4	15.3	—	—
1964	34.1	29.8	45.6	46.4	33.7	41.8	33.1	25.1	16.5	5.3	15.6	19.4	9	17	2.5	3
1968	36.6	31.8	46.4	47.6	28.3	35.8	30.1	22.7	25.2	10.1	19.1	23.9	9.4	22	4.1	5.1

<sup>(1)</sup> André Heiderscheid, *Les Luxembourgeois, Un peuple épris de sécurité*, Université Internationale de Sciences Comparées, Luxembourg, 1970, pp. 116-123.

## Parliamentary business since 1922

<i>Session</i>	<i>Bills emanating from the Government</i>		<i>Bills emanating from the Chamber</i>		<i>Bills for Grand-Ducal Decreets</i>	
	Tabled	Passed	Tabled	Passed	Tabled	Passed
22/23	40	25	8	1		
23/24	25	27	6	0		
24/25	29	20	9	2		
25/26	17	11	19	1		
26 extr.		6		0		
26/27	39	35	21	5		
27/28	17	22	18	5		
28/29	47	34	18	1		
29/30	36	33	15	4		
30/31	17	13	7	0		
31/32	18	15	15	3		
32/33	14	17	13	1		
33/34	14	21	6	0		
34/35	16	15	11	2		
35/36	26	23	20	4		
36/37	16	15	18	1		
37/38	31	27	19	4		
38/39	20	19	5	3		
39/40	16	14	7	0		
45 extr.	4	—	—	—		
45/46	28	17	7	—	25	31
46/47	35	28	12	—	33	33
47/48	25	21	11	1	19	14
48	12	4	5	—	1	4
48/49	43	41	5	1	17	7
49/50	34	42	5	—	8	8
50/51	33	16	4	1	3	6
51 extr.	5	10	2	1	3	2

## Parliamentary business since 1922

Session	<i>Bills emanating from the Government</i>		<i>Bills emanating from the Chamber</i>		<i>Bills for Grand-Ducal Decrees</i>	
	Tabled	Passed	Tabled	Passed	Tabled	Passed
51/52	27	29	5	1	5	5
52/53	49	47	1	—	4	3
53/54	43	27	2	—	5	4
54 extr.	—	1	—	—	2	1
54/55	26	36	3	—	2	5
55/56	36	28	3	1	1	1
56/57	52	32	3	—	2	2
57/58	44	56	3	—	5	5
58/59	14	7	—	—	2	2
59 extr.	28	20	2	1		
59/60	50	43	4	—	5	5
60/61	43	49	3	1	12	11
61/62	38	27	6	—	10	9
62/63	51	59	—	1	5	5
63/64	77	53	2	—	2	2
64 extr.	7	—	—	—	2	2
64/65	59	69	12	2	3	4
65/66	47	52	3	—	4	3
66/67	51	52	5	—	3	3
67/68	98	65	3	1	1	1
68/69	4	6	1	1		
69 extr.	44	39	4	—		
69/70	58	44	1	—		
70/71	78	64	9	—		
71/72	69	78	11	—		
72/73	86	—	6	1		

## Composition of the Chamber of Deputies

Session	Doctors	Lawyers	Notaries	Architects	Graduate engineers	Manu- facturers	Tradesmen	Craftsmen	Landowners	Farmers/ vinegrowers	Employees	Journalists	Civil servants	Clergy	Workers	Trade unionists
18/19	3	11	3	—	3	—	6	2	11	5	1	—	—	1	8	—
19/20	5	11	3	—	3	—	6	2	10	5	1	—	—	1	7	—
20/21	5	10	3	—	3	1	6	2	10	6	1	—	—	—	7	—
21/22	4	12	2	—	1	3	4	—	4	9	8	—	—	—	1	—
22 extr.	4	13	2	—	2	4	3	—	6	7	7	—	—	—	1	—
22/23	5	12	2	—	2	4	3	—	6	7	7	—	—	—	1	—
23/24	5	12	2	—	2	4	4	—	6	7	6	—	—	—	1	—
24/25	5	10	1	—	2	3	4	1	7	6	5	—	—	1	—	2
25/26	5	10	1	—	2	3	4	1	7	6	5	—	—	1	—	2
26 extr.	5	8	1	1	1	4	4	1	7	6	5	—	—	1	—	2
26/27	5	8	1	1	1	4	4	1	7	6	5	—	—	1	—	2
27/28	5	8	1	1	1	4	3	1	8	6	5	—	—	1	—	2
28/29	6	8	1	—	1	5	4	—	9	7	6	—	—	1	2	3
29/30	6	8	1	—	1	5	4	—	9	7	6	—	—	1	2	3
30/31	6	8	1	—	1	5	4	—	9	7	6	—	—	1	2	4
31/32	5	9	1	—	—	5	4	—	9	6	7	—	—	1	3	3
32/33	5	10	1	—	—	5	4	—	9	6	8	—	—	1	3	3
33/34	6	10	1	—	1	4	3	—	9	5	8	—	—	1	4	3
34/35	6	9	—	—	3	3	3	—	7	6	11	—	—	1	3	3
35/36	5	9	—	—	3	4	3	—	7	6	11	—	—	1	3	3
36/37	4	8	—	—	3	5	3	—	7	6	12	—	—	1	3	3
37/38	5	10	—	—	2	2	3	—	6	6	14	—	1	1	3	2
38/39	5	10	—	—	2	2	3	—	6	6	14	—	1	1	3	2
39/40	5	9	—	—	1	2	3	—	5	7	15	—	1	1	4	2
1945	4	7	—	—	1	2	2	—	1	5	11	—	1	—	3	2
1948	6	6	—	—	1	2	3	1	—	7	10	5	1	1	4	4
1951	6	6	—	—	2	1	4	1	—	8	9	3	2	1	5	4
1954	3	9	—	—	3	1	2	3	—	8	10	5	1	—	4	3
1959	4	14	—	—	2	1	2	1	—	8	8	3	3	—	4	2
1964	3	13	—	—	—	2	2	1	—	6	13	2	1	—	7	6
1969	5	6	1	—	2	1	2	3	—	4	11	3	7	—	6	5

## SHORT BIBLIOGRAPHY

- ALS, Georges, *Le Luxembourg, profil géographique et économique*. Ministère d'Etat, Service Information et Presse, Luxembourg, 1973.
- ALS, Georges, 'La collaboration entre les pouvoirs publics et les organisations professionnelles au Luxembourg.' *Revue Internationale du Travail*, Bureau International du Travail, Genève, Vol 93. No 6. (June 1966) pp. 688-709.
- Chambre du Travail, *Cinquantenaire Chambre du Travail, Luxembourg*, Luxembourg, 1973.
- Conseil d'Etat, *Le Conseil d'Etat du Grand-Duché de Luxembourg, Livre jubilaire 1856-1956, Bourg-Bourger, Luxembourg*, 1957.
- DELVAUX, Michel, 'Démocratie et société au Luxembourg', *d'Letzeburger Land*, No 50/1973 to 5/1974.
- FLESCH, Colette, 'Le Parlement du Grand-Duché de Luxembourg.' Rapport présenté au Colloque Européen des Jeunes Parlementaires, Paris, 9-10 November, 1970. Unpublished.
- HEIDERSCHEID, André, *Aspects de Sociologie Religieuse du Diocèse de Luxembourg*, Vols I and II, Saint-Paul, Luxembourg, 1961.
- HEIDERSCHEID, André, *Les Luxembourgeois, un peuple épris de Sécurité*. Université Internationale de Sciences Comparées, Luxembourg, 1970.
- JAANS, Jean, 'Luxemburg, deine Parteien', *Revue No 7*, (July, 1973).
- KIRSCH, Raymond, 'Luxembourg 1870-1970: Un siècle de mutations économiques et sociales', 'Reflets économiques, Association des Diplômés Universitaires, Politiques et Sociales', Cahiers économiques, Year X (1973), No 1/2.
- La PALOMBARA, Joseph, Weiner, *Political Parties and Political Development*, Princeton University Press, Princeton, New Jersey, 1966.
- LEFRANC, Georges, *Le Syndicalisme dans le monde*, Que sais-je ? Presse Universitaire de France, Paris, 1969.
- LINDEN, Camille, 'Le Régime politique du Grand-Duché de Luxembourg', Conseil de l'Europe, Doc. 16.427/01.21,AS/Parl. (21) PV 6, 1969.
- LOWI, Theodore, 'Party Policy and Constitution in America', Chambers Burnham, *The American Party Systems, Stages of Political Development*, London, Oxford University Press, 1967, pp. 239-241, 245-275.
- MAJERUS, Pierre, *l'Etat Luxembourgeois*, Saint-Paul, Luxembourg, 1970.
- MAJERUS, Pierre, *Les Institutions de l'Etat Luxembourgeois*, Ministère d'Etat, Service Information et Presse, Luxembourg, 1973.
- Ministère de l'Economie Nationale, Service Central de la Statistique et des Etudes Economiques, *Bulletin du Statec*.
- PESCATORE, Pierre, *Conclusion et effets des traités internationaux selon le droit constitutionnel, les usages et la jurisprudence du Grand-Duché de Luxembourg*, Office des Imprimés de l'Etat, Luxembourg, 1964.
- SCHAEFFER, Nico, 'Les Forces politiques au Grand-Duché de Luxembourg', Mémoire présenté à l'Institut d'Etudes politiques de l'Université de Paris, unpublished, Paris, 1961.
- STOFFELS, Jules, *Le Syndicalisme au Luxembourg et en Europe*, Université Internationale de Sciences Comparées, Luxembourg, 1972.
- THILL, Jean, *Documents et textes relatifs aux constitutions et institutions politiques luxembourgeoises*, Centre de Documentation communale, Saint-Paul, Luxembourg, 1973.
- TRAUSCH, Gilbert, 'De l'opposition au pouvoir', Aux origines du parti chrétien-social, 1912-1922, *Luxemburger Wort*, 26 January, 1974.

## PARLIAMENT IN A SYSTEM IN FLUX: THE NETHERLANDS

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### 1 — INTRODUCTION

The major changes which occurred in Dutch society after the Second World War have not been without effect on the position and function of the Dutch Parliament. So long as the Netherlands enjoyed the tranquil existence of a traditional society with more agriculture and trade than industry, the political situation too evolved in a calm and leisurely fashion. It is interesting to note that even after the introduction of universal suffrage (1918 for men, 1922 for women) the political map of the Netherlands did not change to any great extent.

Post-war political developments (loss of colonies, abandonment of the policy of neutrality) and social and economic changes (industrialization, urbanization, higher birth rate) brought an end to this stability. Now the post-war generation has reached voting age, large sections of the population seem to have become more politically involved than before; the balance between political forces now shifts fairly quickly; modern media (T.V. !) have made Parliament a more familiar institution; the different political currents are now more clearly defined. Traditional parliamentary functions are performed differently, sometimes less punctiliously than before, and new functions have been added to the old.

The rules of the game, sanctioned for a long time, don't count any longer or at least are being tested for relevance; structures unquestioned are under assault and some of them erode rapidly. It probably needs no explanation that the role and function of parliament cannot remain unscathed in such a system in flux. In the search for new ideas and forms Parliament at times plays an active role, and once in a while even an initiating one; in other aspects it is more passive or reacts to movements taking place elsewhere in the system.

The purpose of this study is to focus attention on the problems arising in connection with the performance of traditional tasks, and on the new functions and their implications for the position and role of Parliament. We shall also consider a number of proposals and suggestions recently put forward for solving the problems that have emerged.

In the following we shall consider the role of the Dutch parliament and some aspects of its position within three subsystems of the wider political system, the constitutional system, the party system, and the policy system.

The constitutional system relates in particular to rights and duties, and to the delimitation between, for instance, the Crown, the Ministers and the two Chambers of 'the States General'.

The basic rules of the constitutional system are some times taken rather seriously by practising politicians and not only by professors of constitutional law. In that respect such rules constitute stable guidelines for political behaviour. In other cases the rules are reinterpreted under the pressure of new demands and new situations. Often, however, existing rules do not furnish solutions for the problems men of politics are having to face, or else new power equations, a new codification of lines of demarcation between the organs of State are required.

Apart from those realities (and fictions) of constitutional law, politicians are confronted with the realities (and sometimes the unrealities) of party politics.

In the Netherlands party political system with all its parties, many of them represented within Parliament, intersecting in all manner of ways, with sometimes stable, sometimes unstable government coalitions, Parliament is very sensitive to movements and unrest within the party world. It registers movements between the parties precisely and if they seem to be of a serious nature, those movements will be of consequence for parliamentary behaviour sooner or later.

In the third place, but not to be underestimated, Parliament has to face the realities of the world of policies and policy demands and changes taking place there. While often not easy to detect, such realities are nevertheless quite fundamental, since they form the hard core of what politics is about. One of the underlying tendencies here seems to be that a traditionally rather de-politicized world of policy-making becomes in many respects more political and this both behind the scenes and in public.

Naturally this sketch will be a limited one, mentioning only a few of the more conspicuous elements.

The facts and figures quoted are taken from a survey of all Members of Parliament made in 1968 by the University of Leyden, with assistance from the Dutch Organization for Pure Scientific Research (ZWO).

## 2 — PARLIAMENT IN THE CONSTITUTIONAL SYSTEM

### 2.1. Main characteristics

The Dutch constitution is rather complicated in structure and is also rather complicated in the way it works. It is not easy to gain an idea of how the policy works from constitutional rules and conventions. Firstly, the structure is characterised not so much by separation of powers, but by cooperation of powers, which often means an overlapping of responsibilities and duties — what is known as ‘common determination’. Secondly, there has been a tendency to record new developments in constitutional texts. Because the procedure for such adaptations is of a rather rigid nature, the time-lag between actual developments and codification is considerable. This also means that very important rules do not figure in constitutional texts, while others are quite outdated.

Parliament consists of two Chambers, the more powerful one being the Second Chamber, elected directly on the basis of universal suffrage (18 years and older), for a period of four years. It consists of 150 members, elected nationally in accordance with a system of pure proportional representation. The First Chamber, consisting of 75 members, is elected indirectly on the basis of the political composition of the (directly) elected Provincial Councils. The political composition of Second and First Chambers may for that reason be different, but until recently any such difference have generally been minimal.

Membership of the Second Chamber has for all practical purposes become a full-time job, a process which was hastened by a salary arrangement which has since 1969 made it rather unattractive for an MP to have additional paid functions. Membership of the First Chamber is unsalaried; most of its members have their primary employment elsewhere in the public sector (e.g. as mayors) or private sector (many professors).

Government ministers in Holland have no seat in Parliament. They have access to both Chambers and speak but do not vote. The general practice is that ministers attend meetings of Parliament only when a subject for which they bear responsibility is on the agenda. The Prime Minister only defends the general governmental programmes at the beginning of each annual session, and a few matters having to do with the Crown. Otherwise he only attends at times of great political tension.

But even then he seldom speaks. Government ministers are nominated and discharged by the Queen, in accordance with the political will or acquiescence of Parliament. Ministers are responsible for their respective Departments: together they form the Government.

The Prime Minister, as chairman, has for the most part the status of 'primus inter pares'. While ministers are responsible in Parliament for their departmental affairs, the Government is responsible for its general policy. Where there is conflict with Parliament, the Government can decide whether to make an issue a matter of collective responsibility: that is to say the Government may decide that one minister should be dismissed or that the life of the Government as a whole is at stake. A basic constitutional rule is that a minister who loses parliamentary confidence has to resign (the same holds for the Government as a whole).

Government and Parliament together exercise the law-making function. Parliament controls and has the power of the purse, the government is responsible for the execution of policies from a constitutional point of view. On the practical level, it initiates and prepares almost all governmental actions.

## 2.2. Parliament and the formation of the Government

The formation of the Government is one of the most crucial events in Dutch political life. The part played by Parliament in this process has gained in importance in recent years and influences considerably the way in which the traditional tasks are carried out. While it is true that the written Constitution does not contain any specific provisions concerning the formation of the Government and, formally, this process is effected under the direction of the Head of State, in practice it is the will of Parliament that proves decisive. The confidence on which, according to the fundamental rule of the parliamentary system, every Government should be based is normally developed (or perhaps one should say 'organized') in what are usually lengthy and complicated negotiations between the main parliamentary groups, which will eventually be the pillars of the coalition — the latter always being composed of minority parties.

The negotiations concern the programme of the Government to be formed, the political key governing the allocation of the different ministerial posts to the aspiring coalition partners and staff appointments. The procedure varies from case to case, but the basic pattern remains more or less the same. The Queen appoints a 'formateur' or, if the political situation is very complicated — which is usually the case — an 'informateur', who is less closely involved in party politics than the formateur. As a result of these negotiations, a certain equilibrium is eventually reached, but only after considerable time because of the number of partners taking part. That is why the formation of the Government may be considered one of the weakest points in the constitutional system. In fact there has been no shortage in recent years of suggestions as to how to remedy this weakness. The present Government has announced its intention to reform the Constitution so that it will provide for the direct election of the formateur, i.e. he would no longer be appointed by the Crown. But there is considerable opposition to such a reform on the grounds that it could undermine the parliamentary system: might the elected formateur not invoke the mandate given him by the voters, thus placing Parliament in a position of constraint? What would happen if a formateur had the confidence of the voters but not of the majority of Parliament?

The introduction of proportional representation (in 1918) meant that it was no longer the result of elections that determined the formation of the Government. Elections no longer produced majorities among parties forced by the system to cooperate, and that is why, since 1918, the decisive negotiations have always been held after the elections.

It was obvious that this change would increase the role played by Parliament in the formation of the Government. The fact that this did not happen immediately was partly due to the distribution of forces and the political structures prevailing at the time. The denominational parties of the



centre dominated the scene, especially since the Social Democratic Labour Party offered only an 'opposition of principle', the main features of which were pacifism and a latent anti-monarchism. Unlike the Socialists in the other countries of Western Europe, the Dutch Socialists had to wait until 1939 before penetrating to the centre of political power: the Government.

During the period of reconstruction after 1945, a strong spirit of cooperation prevailed among the different political movements. This came to an end only in 1958 when the PvdA (Labour Party), the successor to the SDAP (Social Democratic Labour Party) became the opposition party. As a result of the increased number of political currents, of keener political commitment, of greater interest on the part of political parties and voters, Parliament in subsequent years acquired a very important role in the formation of the Government (Parliament in this case meaning the Second Chamber; the First Chamber is not involved in the formation of governments).

The important nature of this role can be illustrated by a number of factors:

### 1) *By-elections*

In the past, the Monarch had the prerogative of dissolving the Government in the event of conflict between it and Parliament. Although this prerogative is no longer used, this does not mean that Parliament always lasts out its constitutional 4-year term of office. Since 1958 the Government has been dissolved prematurely and new elections called three times as the result of a Government crisis. Twice it was argued that the general elections were due to be held shortly afterwards anyway but in 1972 they had taken place just a year before. Although the crisis was not the result of a parliamentary defeat but of internal disagreement, no serious effort was made to resolve the conflict. It was considered necessary to appeal to the voters, thereby acknowledging by implication the important role to be played by the (newly elected) Parliament in the formation of the Government. It remains to be seen whether this single instance of recognition of Parliament will become an unwritten constitutional rule.

### 2) *More publicity in regard to Government formation*

Until 1965, the formation of a Government always took place behind closed doors. The official reason was always that any publicity, such as publication of recommendations made by party leaders to the Queen, might endanger the principle of the Monarch's inviolability. It should be remembered in this connection that any action taken by the Monarch during the formation process cannot be attributed to a politically responsible minister — the outgoing Government bears no responsibility for the formation of the new Government.

There was also an important political reason: increased publicity would reduce the scope for political manoeuvre of the political leaders, not so much because the public would know what they were doing but above all because their political colleagues would be better informed.

The introduction of a certain measure of publicity has in fact reduced the scope of political leaders. In the sixties and seventies, unlike in the forties and fifties, it has no longer been the party leaders who have succeeded in forming Governments but rather politicians not so closely involved with Parliament. Of the 14 formateurs or informateurs appointed over the last 11 years, only 2 have been party leaders; neither of them was successful in forming a Government.

It is becoming increasingly clear that publicity in the formation of the Government (above all the publication of proposals concerning the government's action programme) gives the different political currents in parliamentary groups a greater opportunity of influencing proceedings.

### 3) *Responsibility for the formation of a Government*

The Second Chamber is showing an increasing interest in the question of who is responsible for certain essential factors in the formation of a Government. Although the neutral, but occasionally

important, role played by the Queen is accepted, ways are being sought of calling the formateur to account in Parliament itself. (The role played by the Head of State varies in accordance with the degree of unity existing between the parties — the greater the dissension, the more scope for personal initiative on the part of the Queen.)

In 1971 an unsuccessful attempt was made to have the formateur appointed by the Second Chamber. After the lengthy process of formation in 1972/73, it was suggested that the formateur be given the status of Minister without portfolio, thus making it possible for the Second Chamber to call him to account during the process of formation.

The role played by Parliament in the formation of a Government is illustrated by the number of formateurs having a parliamentary background.

Table 1

*Background of (in)formateurs in the period 1946-1971*

	'Formateur'	'Informateur'	Total
Parliamentary background .....	11	5	16
Governmental background .....	12	2	14
Outsiders .....	<u>5</u>	<u>11</u>	<u>16</u>
Total .....	28	18	46

As table 1 shows, as a source of recruitment, Parliament is on equal terms with the government sphere and with outsiders.

The total of 46 refers to 20 persons involved in the formation of 15 cabinets since 1946, because some of them figured several times in this role: one Roman Catholic 'cabinet-maker' even 9 times, one socialist 5 times, another Catholic 4 times.

When formations are lengthy the number of 'outsiders' grows: when the professionals do not succeed, others may have a better chance (e.g. politically active academicians!).

*Parliamentary parties and the result of the formation.*

The involvement of parliamentary parties with the result of the formation depends on the degree to which bargaining has taken place on the basis of programmes, and the extent to which the parties have to stick to the outcome of that process.

Of the 15 formations since 1946, 6 turn out to be 'after consultation', that is to say that parties are not definitely tied to the result of the formation, and 9 'in agreement with', that is to say they are stuck with the result.

On one occasion it was said that only the leaders of the parliamentary parties (who carried out the deliberations) were bound to the result of the formation, and not their groups. In practice this meant, however, that the groups also were tied to the Government they had supported.

Sometimes these agreements are of a rather general nature, which leaves the parliamentary groups with some leeway; at other times these agreements are quite detailed, which means that little room is left for the groups later in the Government period.

Table 2

*Programmatic agreements during formation process*

	Second Chamber %	First Chamber %
In favour .....	29	24
In favour, on broad lines .....	17	24
Depending on the situation .....	39	41
Not in favour .....	15	11

As can be seen from the data in table 2 a large majority in both Chambers is in favour of some kind of programmatic agreements during the formation process.

How do Members of Parliament themselves evaluate their influence on the formation process ?

Table 3

*Influence of the Second Chamber on Government formation*

	Second Chamber %	First Chamber %
Too much .....	6	14
Adequate .....	49	50
Too little .....	37	23

A little less than half of the MPs are of the opinion that the influence of the Second Chamber is sufficient. More than one-third feels this influence is not enough.

From these data one might conclude that no great pressure can be expected from Parliament itself to change the basic rules according to which the formation process is being played. Some parliamentary groups — especially on the left — carry some of these changes in their programmes, but too much should not be expected of that.

The major role played by the Second Chamber in the formation of Governments has a number of disadvantages.

The holding of by-elections in the event of a Government crisis has rendered precarious the existence of many parliamentarians, particularly as this practice was introduced in a period characterized by rapid changes in political forces. The more insecure their existence becomes, the more inclined members are to leave Parliament, as a result of which its quality inevitably suffers.

Besides, elections tend to halt or slow down legislative activities. The consideration of essential Bills is repeatedly postponed, either because the existing Government is on its way out or the new one still has to get settled in.

The prospect of elections also weakens parliamentary control: Parliament becomes one of the arenas of the election campaign.

Programmatic agreements also have their drawbacks. They often mean that Parliament has its hands tied 'during the ride' as it were. Parliamentary control in these cases amounts to little more than supervision of whether the agreements made are respected. Parliamentary groups are co-responsible to a considerable extent for the implementation of policy. They tend very much to identify themselves with the Government and are not very keen or able to assess things critically. It is this attitude in particular which often leads to extensive delegation of power to the Government. Of course the Opposition complains, and accuses the majority of a sell-out of Parliamentary powers. However, once the Opposition comes into power, it often resorts to the practices which it had accused others of using. The result is a sort of downward spiral.

### 2.3. The day-to-day contest between Parliament and Government

When a Government has been formed, the daily confrontation between Government and the two Chambers develops. In practice it is a many-sided relationship, with the Government enlarging its sphere of influence, and then Parliament hitting back. Crisis and conflict situations occur in the contact between these two branches of government and they receive much attention. More frequent however, and more natural in a way is a pattern of cooperation, a mutual effort to come to a satisfactory solution of political problems and issues.

#### *Ways and means of parliament*

From the start of the constitutional system as a parliamentary democracy in the middle of the last century, Parliament has gradually gained a number of formal resources it can bring into the battle with the Government to get what it wants. Obtaining a formal right is one thing, using it is another, and using it effectively is still another matter. This last point in particular gives rise to doubts among many observers of Parliament at present and, as we will see, M.P.s themselves share some of these doubts.

The most important of Parliament's resources is the right to ask for information and the duty of the Government to answer. Parliament is quite dependent on the Government for its information. For that reason this right is of central importance for the proper functioning of Parliament. If this channel were closed, or confidence in its trustworthiness were lost (of course, taking political techniques to evade exact answers, etc., into account) a heavy bill would be drawn upon the working of the parliamentary system. For that reason one sometimes sees adherents and opposers of a certain Government stand out jointly for the right of Parliament to receive necessary and appropriate information. This does not mean, of course, that the information provided will always give satisfaction. It is then possible, however, to seize more powerful tools, if that is felt to be necessary and politically appropriate.

The simplest way to get information is through questions. They can be put in written or oral form. The written form is the most usual, the oral form not so common.

Oral questions are considered to carry more weight politically than written ones. Additional questions may be asked (which within strict limits may lead to a miniature debate), and the press pays more attention to oral questions. Interpellations carry still more weight. Approval is needed from the chamber to hold an interpellation, which, however, is almost always given. The interpellation as such has become the key means to get something on Parliament's agenda at rather short notice which otherwise would not get there. The agenda is usually quite full, predominantly with subjects prepared by the Government. Using interpellations, Parliament itself takes the initiative, however. Usually the interpellation ends with a motion, submitted for a vote. For that reason alone, interpellation is politically a more significant resource for use by Parliament and especially, but not exclusively, by the Opposition. A rather rarely used constitutional instrument at parliament's disposal is the so-called parliamentary inquiry. With the inquiry an elaborate procedure is set up (like hearings in the American Senate) and witnesses can be examined under oath. The inquiry

has rarely been used: the last time was about the conduct of the Government in exile during the Second World War.

Hearings can also be held by parliamentary committees on special subjects. This is not a right, but something Parliament itself introduced some years ago. It serves predominantly as a means of gathering information, independently of the Government. As such it is in the nature of an indirect weapon against the Government.

Besides these means of acquiring information, Parliament is able, if it wishes, to express an intention or an act of will, to submit motions and amendments, to reject proposals for laws, in part or as a whole, and to change or reject the budget.

As regards motions as a weapon, there has been a tendency to make more use of them, as of written questions.

A motion can be used for different purposes:

- to get something done by the Government,
- to embarrass the Government or the other side of the House,
- to underscore one's own intentions as a political gesture chiefly for the world outside. The use of motions for this purpose has grown rapidly.

Finally, the House has the right of initiative. In practical politics this has not proved to be a very powerful weapon. To prepare initiatives the House (or groups) has few resources at its disposal, although the recent introduction of staff for parliamentary groups, has helped to meet their need for assistance.

Altogether since the introduction of the right of initiative in its present form in 1888 till 1971, 132 initiative legislative proposals have been introduced, of which 23 % were successful; 66 % of those came from the Opposition side of the House. The most successful have been initiatives coming from a 'mixed' background, in cooperation between Government and Opposition members.

Table 4

*Use of traditional rights of the Second Chamber*

	<i>Second Chamber</i>		
	too much %	sufficient %	too little %
Written question .....	49	45	4
Oral question .....	1	30	67
Interpellation .....	1	61	35
Motion .....	68	32	—
Inquiry .....	1	40	49
Amendment .....	5	93	2
Initiative .....	2	39	58

The only rights, according to the MPs, that are used to an adequate extent are the right of amendment and the interpellation (Table 4). Too much use is being made of the motion, while the

written question is also felt by many to be over-used. According to them, the oral question and the parliamentary inquiry are not used enough by Parliament in its confrontation with the Government.

Thus Parliament itself does not seem to be altogether satisfied with the way it uses its own powers and traditional rights, a dissatisfaction which varies depending on which groups the members belong to.

The parties forming the government coalition at that time believed there had been misuse of the traditional rights of Parliament. The Opposition on the left is not of the opinion that any of these rights of parliament are being used too much. It should be noted here that at the time of the survey these parties had been in opposition for about ten years.

The Opposition on the right agrees with the left on this score.

### *Ways and means of the government*

Confronted by the resources Parliament (1) has at its disposal, the Government does not stand helpless. Its mightiest weapon is the fact that the initiative almost exclusively has to come from the Government: it takes the practical steps needed to get policies introduced and decisions taken.

In answer to the intentions, wishes or demands expressed by Parliament, the Government has to implement the necessary actions: its simplest defence is not to take such actions, although rarely is refusal made in direct and blunt terms. If Parliament really wants to have its way, it has to bring heavier weapons to bear, to retaliate, with all the inherent risks. In the Dutch situation, kicking a Government out (as a last resort) is not so difficult, but forming a new Government is.

If a minister feels that he cannot bear the responsibility for what Parliament wants him to do, he will declare Parliament's demand to be unacceptable. This is a heavy weapon: if a majority imposes its will, he, the minister, or if the Government so decides, the Government as a whole, will resign. Most of the pressure used by the Government is aimed at its 'own side'. Only when desertion to the Opposition is a menace are such methods of last resort employed. A minister who uses those weapons does harm to the rule of 'common determination' and loses his political credit quite quickly. The same — albeit less pronouncedly — can be said of a minister who regularly ignores the wishes of Parliament. Parliament will often find ways of penalizing such ministers sooner or later.

Table 5

### *Use of the Government's 'weapons'*

	<i>Second Chamber</i>		
	too frequent %	sufficient %	too little %
Ignoring motions .....	39	59	2
Declaring 'unacceptable' .....	42	53	5
Threat with personal mandate .....	18	39	43
Threat with collective mandate.....	43	51	6

(1) 'Parliament', as used in this paper, is synonymous with the Second Chamber, which is composed of the directly elected representatives of the people. The position of the First Chamber, elected indirectly and less bound by party politics, is in many respects different. The relation between the pro-Government majority and the Government itself is less rigid. Yet it is not true that this gives the First Chamber more scope. Being indirectly elected, it seeks to avoid any confrontation with the Government. No Government has ever fallen because it lost the confidence of the First Chamber.

As can be seen from the data in table 5, the opinions prevailing within Parliament itself about the use of the means Governments have at their disposal are rather divided. That ministers can put motions aside and the frequency with which this occurs is approved by a sizeable majority of the Members; one-third disapproves of this practice.

Of the other three weapons, a majority considers their use either too great or too little.

As far as the threat of the 'unacceptability' of motions or amendments is concerned, 40 % of the members of the House feel that this is a procedure used too frequently. This can be seen as an expression of the fact that in Parliament there is a tendency to believe that ministers should be more sympathetic to the wishes of Parliament. They should not throw their political weight in the scale too rapidly in matters where more often than not Parliament is not convinced that what a majority really wants does not agree with the policy line of the minister.

The same can probably be said of the heavier weapons of the threat with collective mandate. As can be seen from the data, about 40 % of members feel that the Government is using this excessively. Too little use is made of the possibility that a minister may leave if he does not get his way, and too much use of the threat that the life of the whole Government is at stake. One gets the impression that within Parliament the view is rather widespread that the Government, often unnecessarily according to its Members, wants to crack nuts with sledgehammers. This happens — as we will see later — in a situation where the Government is already quite dominant in its relation to Parliament.

#### 2.4. Constitutional tasks of Parliament

In the foregoing we have given an outline of a few aspects of the place of Parliament in the constitutional system, especially in relation to its role in the formation of Governments and in working with the Government.

Seen from a different angle, three traditional constitutional tasks are given to Parliament: law-making, budget control and supervision of the administration.

##### *Co-legislative role*

Parliament's role as co-legislator is becoming increasingly difficult:

- a) because of the complexity of the subject-matter and
- b) because the Government is obliged, when determining many of its policy aims, to give more heed to the aid forthcoming from certain sectors of society than to that from Parliament.

In general it can be said that Parliament's co-legislative role is limited by the fact that the information required is monopolized by the Government. More than once, Parliamentarians have urged the Government — with little success — to provide alternatives. Parliament's co-legislative role is further restricted by the fact that governments tend to have short lives.

Protracted negotiations to form Governments also result in much loss of time. Since the end of the sixties there has been an increase in the number of private member's bills. This is due in no small part to the emergence of new political groups keen to infuse new life into the parliamentary system.

A current bone of contention is the question of how Parliament should meet the problem of its own lack of expert knowledge. Should parliamentary staff be increased or should the various parliamentary groups engage more personnel? In practice there is a marked inclination to opt for the latter solution.

### *Budgetary powers*

The exercise of budgetary powers has in fact shrunk to an annual exchange of views between Parliament and Government on proposed expenditure and income — an exchange of views concentrating more on the material content than the financial aspects. The discussion begins in October, before the beginning of the new fiscal year, and continues until far into the new year. The First Chamber often only gives its fiat after the first three months of the new year. All attempts to begin the budget debate earlier in the year have so far been unsuccessful, mainly because of Civil Service opposition. Attempts to synchronize budget debates in the various European Member States have also had a detrimental effect. The same applies to efforts to conclude multi-year agreements on certain important categories of expenditure.

The Dutch Parliament has never shown much interest in analysing expenditure. This is partly due to the important role played by social pressure groups in the political parties. Experts in parliamentary groups often have close ties with pressure groups and therefore incline towards increasing expenditure rather than decreasing it.

A new development is the introduction of 'counter-budgets' by opposition groups in Parliament, which makes for a more responsible decision-making process. Lack of information, however, appears to have misled the Opposition more than once.

Another recent development is the tendency among political parties during election campaigns to put forward programmes containing not only proposals for expenditure but also proposals for obtaining funds to cover such expenditure. Although this does introduce a more realistic element into election promises, it also reduces the politicians' freedom to manoeuvre during the negotiations to form a Government. It is doubtful whether the political parties will ever again put forward such detailed financial policy plans as they did for the last elections (1971 and 1972).

### *Control*

Parliament's function of control is seriously hampered by the lack of genuine powers of sanction, which means that Parliament is in fact powerless whenever it finds itself in conflict with the Government. Withdrawal of confidence in individual members of the Government will lead almost certainly to a Government crisis, probably followed by new elections, but certainly by a lengthy process of Government formation with uncertain outcome.

Dissolution by the Monarch and an appeal to the voters by Parliament and the Government is impossible because the Government collapses in the event of a crisis and can no longer appear as a single entity before the voters.

The parliamentary majority — composed of different parties — regards as its highest duty the maintenance in power of the Government coalition; the minority applies itself to overthrowing the coalition, but is handicapped in this by the knowledge that, in any future coalition, it will have to cooperate with one or more former opponents. Concern for their individual tactical positions predominates in the various groups in Parliament; as a result, concern for the controlling function of Parliament is considerably reduced.

In fact, the dualism required by the constitution between the Government on the one hand and Parliament on the other exists only in theory.

The existence of many small groups — the result of proportional representation — also hampers performance of the controlling function. Small groups wish to be represented on as many parliamentary committees as possible, which makes for very large committees (hence less likelihood of agreement) and little expertise (hence poorer opposition to the government).

As a result of the uncertainty regarding Parliament's life, there has been an increasing tendency for the latter to concentrate its control function on issues with good publicity value, whether or not under the influence of pressure groups.



As in the case of legislation, the close relation between the government and certain social groups also affects the control situation. The Government can frequently defend itself when criticized by claiming that talks have still to be held with social groups or have not yet been concluded, and that the Government is consequently not yet in a position to adopt a definitive standpoint.

A further obstacle to control is the increasingly interwoven nature of the different components of Government policy, as a result of which it is unclear just which ministers are responsible for what part of government policy. Efforts are made during the formation of Governments to achieve a clear demarcation of departmental responsibilities, but occasionally they seem to conflict with the claims of the aspiring coalition partners.

Outside responsibilities of high government officials are not compatible with the dogma prescribing political neutrality for members of the Civil Service.

Table 6  
*Constitutional tasks of Parliament*

<i>Second Chamber</i>						<i>First Chamber</i>					
Budget Control		Influence Law Making		Influence Administration		Budget Control		Influence Law Making		Influence Administration	
%		%		%		%		%		%	
Sufficient	Too Little	Sufficient	Too Little	Sufficient	Too Little	Sufficient	Too Little	Sufficient	Too Little	Sufficient	Too Little
26	74	79	20	42	55	46	54	87	11	54	43

As can be seen from table 6 only influence in law making is considered by a large majority of the members (79 % of the Second Chamber, 87 % of the First Chamber) to be sufficient. (The alternative answer 'too much' got only one or two points.)

A majority in the Second Chamber feels that influence on the administration (control of execution) is insufficient; for the First Chamber the result is the exact opposite. A large majority of the Second Chamber feels that its influence on the budget is not enough.

Altogether the Second Chamber feels that in two of these three constitutional functions, it presents an insufficient counterweight to the influence of the Government. The First Chamber (probably within the limited tasks it has) sees Parliament in a better position on this score.

### 3 — PARLIAMENT AND THE PARTY-POLITICAL SYSTEM

#### 3.1. Developments within party politics

Relations between parties in Holland are complicated and in considerable flux. Since the introduction of proportional representation in 1919 there has been something like an equilibrium between the existing parties, with five regularly dominating the scene, with smaller ones coming and going.

Basically the situation is that three 'confessional' parties constitute the political centre, the Catholics (KVP), the Anti-Revolutionary Party (ARP) and the Christian Historical Union (CHU). Their total

voting strength together diminished from about 50 % after the Second World War to about 30 % now, mainly through the decline of the Catholics. The left (in socio-economic terms) consists of a Communist Party (around 4 %), a small Pacifist-Socialist Party and the Labour Party (PvdA). The last one is the largest party in the country now and has varied in strength between 20 and 30 % of the vote.

Two new smaller parties figure in the progressive sector, the Democrats '66 (with constitutional reform as their main issue) and a Radical Christian Party (PPR), originally a splinter party from the Catholics, at the moment dominated by radical calvinists.

The right consists of a Liberal/Conservative party (VVD) with around 10 % of the vote, and a number of smaller right-wing parties like a Farmers Party and two sectarian calvinist parties. A new party in this sector is the Democratic Socialist Party (DS'70), a split-off from the Labour Party.

Lijphart suggests persuasively that 1967 might have been the winning point in which the 'accommodation' era came to a conclusion and, according to his theories, the transition to another type of democracy, 'the cartel', might have set in. Even if one does not necessarily wish to agree with Lijphart about the future, it seems sound enough to assert that in the mid-sixties drastic changes were taking place in the party-political system. And one may assume that some of these are of such a structural nature that a realignment of political power may well be expected in the years to come.

Four aspects can be mentioned:

- the erosion of the political centre formed by the three confessional parties, especially the breakdown of the Catholics;
- the electoral success of new parties;
- the hardening of party-political differences;
- the growing politicization of aspects of social life.

Some of these developments originate in the political system itself (e.g. the changing function of political parties), others stem from changes taking place in the social system (changes in value patterns) or in the economic system.

For the party-political system, all this means new relationships within the parties themselves (a new Left within the Labour Party), new parties (Democrats '66, Christian radicals 1968, Democrats socialists '70) and new relationships between parties (closer cooperation between the confessional parties themselves and among the progressives).

On the one hand more fluid elements can be detected, such as new parties and great fluctuations of electoral strength. On the other hand a greater toughness and rigidity is noticeable in the system because of a trend towards political polarization.

These tribulations within the party field have their ramifications for the functioning of Parliament as a whole, such as a more difficult policy-formation process, and growing dependence on the Government. But also at the level of the parliamentary groups, the fluctuations — and the resultant high degree of uncertainty within the party system — influence their work, e.g. causing greater dependence on party bodies during the formation of Governments, etc. Events are also affecting the position of individual members. In connection with the movements within the party system mentioned above, other expectations arise and other behaviour patterns can be discerned, notably in regard to the pattern of internal and external parliamentary activities.

### 3.2. Recruitment for Parliament

Recruiting for Parliament takes place almost exclusively through political parties. The system of proportional representation encourages this. If somebody 'wants to go into politics' the most

common thing to do is to become active in one of the existing parties — and the choice in that area is abundant. But it is also quite possible, in the Dutch situation, to start a party of one's own. At most elections several new parties take part, some of them with fair success. Several one-member parties are formed in most sessions of Parliament, some long-lived, others ephemeral. Besides this coming and going of small groups, within the more established parties the flow of new members into the two Chambers of Parliament is quite considerable. At the last elections (1972), almost one-third of the seats in the Second Chamber changed hands.

A number of factors may influence candidates for membership of the Second or First Chambers. There are three main channels: functions within parties, functions as representatives of lower public bodies, and other non-representative functions of relevance, however, to the political arena.

In the case of both Chambers, about one-third of members have been on the national board of their party. Members of the First Chamber have been more active at regional party level, and members of the Second Chamber at local party level.

Many members hold — as might be expected — more than one party function at the same time. Altogether, only one-third of the members of both Chambers have never been on a party board.

The second main channel for the recruitment of MPs is through membership of lower representative bodies. Studies in other countries have shown that a great many MPs have been local councillors, mayors or members of regional councils. The same is true of the Netherlands.

A little less than half of the members of the Second Chamber have been (or still are) members of such a lower representative body. For the First Chamber this number is even higher. Almost all of them have been (or still are) members of a local council or provincial board. Members of the First Chamber have, in this respect, more experience than their colleagues in the Second Chamber.

In the First Chamber there is an even greater accumulation of representative functions. This is understandable if it is remembered that membership of the Second Chamber is these days a more or less full-time job, while being a member of the First Chamber means, in general, one or two days' work a week.

Comparing party activity and on other representative bodies experience, it can be seen that in the Netherlands there is a higher recruitment from pure party politicians in the Second Chamber and a much higher percentage of persons with accumulated political and representative experience in the First Chamber.

Considering the other factors which may lead a person to seek membership of Parliament, it is possible to distinguish the following trends:

- Members of the First Chamber not only are or have been political officials like mayors and aldermen, but also persons who have been Government ministers before;
- In the Second Chamber there are, relatively speaking, rather more persons who have been civil servants before becoming MPs;
- Members of the First Chamber have been (or still are), strongly affiliated with organizations in the social-economic sector, like trade unions and employers' groups. In the Second Chamber the number of members with an affiliation to farmers groups is striking.

### 3.3. Candidacy and role of parties

*Parties* differ quite a lot in the way they organize their recruitment. Recruiting candidates used to be — and still is — an important function of parties — certainly in the past when local party bodies were often called 'electoral organizations'. Representatives of political groups were more than just representatives; they were leaders at the same time, who in 'accommodation' democracy had to

secure for their own socio-denominational group at least a proportional part of the prizes to be divided. In such a situation recruiting within the socio-denominational groups was not left to chance, but selection took place very carefully. As regards the final result of the recruiting process, the central organs of the parties had, and still have in most parties, a relatively strong hold on the selection of persons making a political career within those parties.

Besides these centralizing tendencies, decentralizing pressures are also encountered. In addition to tensions between central and local organs which probably exist in all political parties, moves to give the grassroot followers more say in party matters have led in several parties to diminishing influence of the 'smoke-filled rooms' where party leaders used to decide who was going to run.

It can be said that MPs themselves favour a more decentralized or, at least, a mixed form of nomination procedure within the parties. Only 14 % of them favour a more centralized way of recruitment for Parliament. This does not mean, however, that ideas to extend popular nomination in the form of 'primary elections' are also favoured. When questioned on this matter, very few MPs were in favour. The same is true of suggestions to make it easier for candidates to be elected on 'preferential votes', which is to say that voters, by not voting for the candidate heading the list (which is quite usual in practice), vote somebody into Parliament who is low on the party list, and in so doing change the order determined by the party.

There has been some debate in the Netherlands about making the rules for a 'preferential' election of this kind easier, to diminish the control of the party bodies on the composition of its representation, by giving the voters a greater say in the matter. In practice, MPs themselves seem to be fairly satisfied, however, with the existing regulations on this questions. Only about one-third of them favour giving the voters more say in this matter in one way or another.

#### 3.4. Consequences for MPs of the changing role of parties

The role of political parties within the wider political system seems to be changing somewhat in the Netherlands. While considering the traditional preparation of programmes for the elections, the composition of lists of candidates and the organization of campaigns to be their main tasks, new and other activities are coming more and more to the forefront. These are especially intended to remedy what is called the 'alienation' of the average citizen from political life: lack of interest in, knowledge of and even contempt for the work of parties, politicians and political life in general.

Parties are taking this phenomenon rather seriously and many of them are taking measures — not all of them entirely successful, however — to remedy this situation.

This changing role of the parties has certain consequences for the work parliamentarians do. As the communicating link between citizens and the world of politics, MPs play an ever-increasing role. Party work takes up a great deal of the time available, especially on the days when Parliament is not in session (usually on Mondays and Fridays and during the time around Christmas, Easter and in the summer). Such activities consist not only in sitting on party boards locally, regionally and nationally, but grassroot activities also take up more and more time of the average Member.

In constitutional texts it is stated that representatives may act without 'instruction or consultation'. Because political parties do not exist in the Constitution, this rule is hardly more than a fiction. The same is true of the maxim that parliament represents the whole Dutch population. In the practice of politics, these rules are valuable in so far as the first one gives the representative a certain degree of independence and the second one may provide some little protection against an unduly centrifugal tendency. Although practice is less definite than the constitutional texts would seem to wish, stress is clearly placed on the 'representation' of groups and strata of the population — sometimes in an extreme form — in the Dutch political and parliamentary culture.

A survey of the kind of activities members spend their time performing shows that 'external' activities take up a lot of time, especially where members of the Second Chamber are concerned. Not all the time spent on other than regular parliamentary work is connected with party activities, but most of it will be related in some way or another with the 'representative' role.

Table 7

*Time activities take*

% mentioning as ' <i>quite time consuming</i> '	Second Chamber	First Chamber
Attendance plenary sessions .....	39	21
Attendance committee meetings .....	36	3
Attendance meetings parliamentary groups.....	30	9
Preparation of meetings .....	55	39
Attendance meetings of party boards .....	11	20
Speaking engagements .....	30	11
Correspondence .....	25	1
Talks with social groups/organizations .....	12	7
Visiting hours for members of the public .....	13	4

4 — PARLIAMENT AND THE POLICY SYSTEM

4.1. Patterns of policy-making

In the foregoing discussion about the relation between Parliament and Government, the focus has been on the conflict rather than on the cooperation between them. The more regular pattern, however is that Parliament needs the Government (with the civil service and its enormous resources) for information, initiative and preparation of its work. The Government needs Parliament not only for the formal approval of its plans and actions, but also for support and legitimization of its policies.

Especially in the case of important legislative measures it needs to have broad support. So the Government will not only take into account the views and wishes of its own side of both Chambers, but also the Opposition. It is not only Parliament that counts, but even more so public opinion, or the many specialized 'public opinions' existing around policy areas. No Government will wish to alienate important opinion sectors, and most of the latter have their bridgeheads within Parliament; often on both sides of both Chambers. Experts in Parliament, and they are the persons the Government or the ministers have to deal with in day-to-day political life, quite often come from specialized areas of social life and keep their contacts there.

This intermixture of functions inside and outside the immediate field of politics contributes, in the highly segmented political system in Holland — although probably less now than previously — to a more or less flexible policy machinery. Matters are not unnecessarily taken to extremes, while basic principles like proportionality are not pushed into a corner too much.

An important element in all this, especially in the socio-economic area, is the institutionalizing of contacts between the partners in the game: employers, trade unions and the government. All important matters in this area are in accordance with procedures fixed by law, the subject of extensive organized bargaining between those partners. Matters which in other countries are subjects of heavy political infighting over many years were largely taken out of the immediate political arena in Holland some 20 years ago and 'prepared' in those institutional settings. Solutions reached within those structures, particularly when they are unanimous, carry great weight in the political and parliamentary world. On the one hand this means that Government and Parliament can sometimes stay clear of difficult problems and, on the other hand, important areas of policy are removed from the responsibility and thus from the power of Parliament (and to a lesser extent from the government).

What applies to the socio-economic world also applies to other areas of social life — though less systematically. Much is prepared in official or unofficial committees and councils. Members of Parliament seldom take part in those deliberations; they are often not even aware of them. That would, according to the accepted norms, mean an undesirable mixture of politics and administration, of preparation and legitimization. It is also true in this sphere that the more unanimity between the partners, the less influence parliament will have in its review of the final product, presented as 'proposals' to parliamentary bodies. Intermixture of functions and the creation and maintenance of communication channels between the social and the political arenas are what makes a member either an informed MP or an outsider — which is sometimes a question of political life or death.

Undoubtedly the other side of the coin is the separation of responsibilities, which becomes more difficult. This erodes the prestige of Parliament as an independent organ within the political and policy system. Some recent trends in thinking on the role of Parliament brings this particular aspect to the forefront. Democrats '66 and other groups within the progressive camp make quite an issue out of the separation of functions of Parliament as a body and of members individually. One result of this drive has been that members (on a voluntary basis) are requested to declare all their outside functions.

In the following pages we shall say something about the position of Parliament in the policy system in the contexts of:

- parliament and policy formation,
- parliament, pressure groups and their institutionalization,
- parliament and the centre of policy making.

#### 4.2. Parliament and the policy process

In practice — as already mentioned — the preparation of policies is almost exclusively in the hands of the Government with the help of the civil service. Long-term planning and policies, for instance in the form of white papers on special subjects, also come from the Government. This practice does not meet with everybody's approval. Some people argue that it is the task of Parliament to set out the main lines of policy, and the task of the Government to implement those guidelines and eventually carry them out. As can be seen from table 8, this opinion is not shared by the majority of the members of both Chambers.

Table 8

*Parliament, government and policy-making*

	2nd Chamber %	1st Chamber %
Government makes policies, Parliament judges .....	62	74
Government and Parliament make policies together .....	20	13
Parliament makes policies, Government carries them out .....	18	13

The great majority of the members of both Chambers agree that the Government is predominant in the area of policy-making.

#### 4.3. Parliament, pressure groups and institutionalization

As we have already mentioned, a remarkable aspect of the relationship between the political arena and the social environment is the high degree of institutionalization of the contacts between them. In the socio-economic area the Social and Economic Council, one-third of whose members represent employers, one-third the unions and one-third the government ('Crown Members'), plays an important role. Being primarily an advisory institution for the government, the question may be asked to what extent such a body (surrounded by a whole structure of sub-councils and committees) influences the work of Parliament. Does it make its work easier or more difficult; does the SER strengthen the government's position or does it make its position weaker by entrenching pressure groups in a fixed structure of procedures?

A notable section of parliamentarians are of the opinion that bodies like the SER strengthen the position of the Government, and that, in respect of Parliament, their activities do not make too much difference. The importance of pressure groups in such a pattern of institutionalization is certainly not diminished.

What in general is the opinion of MPs about the influence of pressure groups?

Earlier we noted that linked with the socio-denominational, segmentalized pattern of Dutch politics, social groups and organizations belonging to a given 'segment' could easily find representation within the parties and parliamentary groups and, for that matter, within the parliamentary arena. But not only there. They also have their representation in the structures of consultation we have just described. They thus gain access to the sphere of government and official policy centres.

In which direction can their influence be rated as most effective: with the parties, with the Government or in Parliament?

Looking at the Second Chamber in its totality, opinion seems to be that the influence of pressure groups is greater on Parliament than on the Government. The least influence, according to the Chamber, is exerted on the parties. The First Chamber does not see much difference as far as exertion of influence on the Government or on Parliament is concerned. They also feel the influence on parties ranks third.

Aside from the amount of influence exerted by pressure groups, it can be asked how this influence is evaluated.

Is such influence seen as negative, burdensome or interfering, or is a more positive attitude taken towards this phenomenon, e.g. is it regarded as supporting parliamentary activities ?

The largest group of the members of the Second Chamber seems to have a positive attitude towards pressure groups in relation to the work of parliament.

Members of the First Chamber are more outspoken in their opinion as to the value of pressure groups. They have in general a more positive opinion about what pressure groups contribute to Parliament's work.

#### 4.4. Who has the principal say in policy-making

Finally, the questions may be asked: looking at the policy process in general terms, where would the main point of decisional political powers be located ? In two centres, according to constitutional theory: Government and Parliament. Political theory (and reality) say that parties, pressure groups and the civil service too play a role, although different trends in such theories put more emphasis on one or other of these 'other branches of government'.

As table 9 shows, one conclusion emerges quite clearly: Members of Parliament have no doubt that the greatest say in political policy-making is with the Government, with Parliament itself a good second. As far as the next three choices are concerned, no such unanimity exists. For the Second Chamber in its totality, the influence of pressure groups and the civil service are rated equally in the third and fourth place; parties come last. For the First Chamber the order is more as follows: civil service third, pressure groups fourth, parties last.

The parliamentary groups differ in their opinions on this question. In the First Chamber the members of the confessional parties rate the influence of parties relatively high.

The Left attributes weight to pressure groups, the right to pressure groups and to the civil service.

In the First Chamber the differences of opinion on the role of the parties are not very marked, unlike those on the influence of pressure groups and the civil service.

It is interesting to note that, especially where the members of the Labour Party and the Liberals in both Chambers are concerned, opinions on the influence of pressure groups and the civil service are (relatively speaking) almost the exact opposite.

Table 9

*Principal say in policy-making*

	Second Chamber	First Chamber
Position on a scale from 1 to 5		
Government .....	4.4	4.3
Parliamentary groups .....	3.6	3.6
Party board .....	1.9	2.1
Pressure groups .....	2.4	2.2
Civil servants .....	2.4	2.4



## 5 — FUNCTIONS OF THE SECOND CHAMBER;

In the foregoing we considered the role of Parliament within the political system from certain aspects of its position within three sub-systems: the constitutional, the party-political and the policy system.

In this final section we should like to combine these three to a certain extent in the form of answers to a question put to the members of the Second Chamber. In this question they were asked what, in their opinion, was the most important function of the Second Chamber: the formation of a Government, law-making, pronouncing on government policies, scrutinizing budgets or expressing the special wishes of groups or individuals.

They were also asked which function they personally performed best.

Table 10 shows the results which reveal the following trends:

- Looking at the function of the Second Chamber in its totality, law-making was considered to be the most important function followed by pronouncing on policies, while budget control and government formation were rated less important. The expression of special wishes as a function of the Second Chamber was not mentioned by anyone.
- Looking at the functions as performed by the parliamentarians themselves, quite a different picture emerges if compared with the functions of parliament as a whole.
- Personally, members of the Chamber accord first place to pronouncing on policies, thus ousting law-making, which for most members personally comes second. The same goes for government formation and scrutinizing budgets in the third and fourth places.

It is rather striking that almost 10 % of the members, while not regarding expression of wishes of groups and individuals as a function of Parliament, credit themselves with talents on that score.

We present these data, because these discrepancies between the functions as perceived to be important for Parliament as an institution and for members on an individual basis seem to be a rather good indication of built-in tensions in the functioning of the Chamber, tensions stemming from the fact that the Second Chamber (and to a lesser extent probably also the First Chamber) functions over a cross-section of the three subsystems, as described above, and that at the same time the members themselves have to function in these three different worlds.

Evaluating the data in this paragraph (against the background of the data presented above) we would suggest that the members, individually, seem to have a rather good idea about where they stand in the world of parliamentary politics; that, in their opinion the Second Chamber as an institution, however, lags behind considerably in adjusting itself to the realities of its role and function in the political system of today.

Table 10

*Functions of the Second Chamber and of the individual Member*

	Functions of the Second Chamber %	Functions of the member himself %
Important role in Government formation .....	10	6
Law-making .....	41	29
Pronouncing on government policies .....	29	36
Scrutinizing budgets .....	6	9
Expressing wishes of groups or individuals .....	—	9
All equally important .....	14	6

## 6 — CONCLUSION

In the foregoing we have attempted to outline the position of Parliament in the Dutch political system by indicating its role and function within, and in relation to, three more or less separate spheres, that of constitutional rules, that of party-political reality and that of policy. All three are in a state of flux and, in some cases, Parliament itself plays an active role in developments, in others it remains passive.

In conclusion, we should like to summarize briefly the position of Parliament by defining its place within the context of these developments and the opportunities which the latter hold out for Parliament.

Constitutional rules generally fulfil a consolidating rather than an innovating function. Occasionally they are used as a means to stimulate a certain development, but examples of this are rare. Just recently, however, there has been a tendency to see amendment of the Constitution as an instrument for drastically influencing the political situation. The Democrats '66 Party even makes it the main plank in its platform. Yet these efforts meet with little response from politicians or from the people. It is not therefore wise to expect too much from these attempts in the way of fundamental changes. Changes are conceivable and, perhaps, politically feasible in certain sectors: giving voters a rather greater say in the formation of the Government, or modifying the electoral system so as to promote cooperation between parties, for instance. Parliament is not very enthusiastic about these ideas, and will not in fact be much affected by them. Parliament's views on these proposals are dictated to a large extent by the party-political situation. Changes in this field affect parliament considerably. It is there that developments are strongest. Election results differ more widely than they have done for tens of years; positions which seemed virtually unassailable are now gradually crumbling. But even in the field of party politics, reality prevails over theory. Attempts to promote cooperation between the parties have met with more difficulties than many anticipated. While there is a willingness to establish clearer-cut majorities in order to facilitate the formation of Governments, the parties are at the same time anxious to keep their identities as distinct as possible. That is why the various forms of cooperation which have arisen recently have hardly ever proved viable.

It seems, however, as if the trend in Dutch politics towards a more definite division into two sides is going to continue. There is a need for clearer definition of political positions, which it seems can only be achieved at the expense of the political centre, the confessional parties. This development is encouraged by the effect on politics of the secularization of society, which has removed some of the power of attraction of parties with a religious basis. Finally, this increased polarization is likewise a reflection of social currents which, whether neo-Marxist or not, will tend to intensify social polarization, for instance in the social and economic sphere.

These trends will have a marked effect on parliament. Uncertainty in the party-political sphere serves to link the groups more closely to the Government. Life is becoming 'tougher' in Parliament, the trend towards polarization of political parties continues inside the very walls of the parliament building.

Parliament has hardly any influence on the more fundamental developments. It registers to a certain extent in the political composition of the parliamentary groups what is going on outside Parliament in the party-political field. Obviously the groups support their parties in this game, but the margins are fairly narrow. Lengthy periods of the formation of governments have reduced considerably the public's goodwill vis-à-vis elections; this means a close link between government parties and the Government, a strong sensitivity on the part of Parliament to happenings in the immediate present, and a high degree of uncertainty as to the consequences of certain political measures. It is evident that, in these circumstances, the traditional tasks of Parliament, such as law-making and controlling Government policy, have suffered. Nor has the none too strong position of Parliament vis-à-vis the Government been improved.

Even Parliament's position in the sphere of practical policy is changing. Much of what is known as 'the structural weakness' of present-day parliaments is found in this sphere. Lack of information, highly complex problems, over-full agendas, all these are problems that weaken Parliament's grip on essential developments. In the case of the Netherlands there is an additional factor: the traditional frameworks within which important problems were initially processed, the socio-denominational segments, are crumbling. Within this segmentalized structure Parliament had a safe, albeit non-dominant, place. In a period of transition to different social structures, of controversy about the direction in which society will evolve, it is much more difficult for Parliament to find a firm foothold. As the forum for central debates on such issues it is inadequate, the subjects are less well suited to such debate, and political dissension is also too great. Too rarely are the 'major' issues really dealt with in debate. Occasionally a glimpse is caught of possible new political alignments on such matters as prosperity versus well-being as the aim of society or a society concerned with well-being versus one concerned with performance.

The advisory structures, particularly those in the social and economic sphere, are under discussion. In this sphere there are possibilities for Parliament to regain lost ground, and to acquire a place of special importance.

But the problem of pressure groups that negotiate directly with the government, thus pushing Parliament aside, is a difficult one to solve. An important element in this context is the fact that many pressure groups have close contacts with political parties. Parliamentarians whose careers began in a pressure group setting are generally not very interested in judging too critically the role played by their previous employers. Moreover, it is noticeable that the combined roles of a pressure group leader/Member of the Second Chamber occur much less frequently now than before.

Weighing up the different developments and possibilities, we come to the conclusion that Parliament's most serious problem is that of party politics in the current sense. In addition to a certain structural weakness, which can be observed in parliaments of other countries too, the Dutch Parliament has to contend with a confused and uncertain party-political scene, whose development Parliament can influence to a limited degree only. At all events, Parliament's role and function would certainly benefit if Parliament were to define clearly its responsibilities vis-à-vis the Government and the pressure groups, as this would in turn improve its communication with the people of the country. A certain amelioration can be expected from procedural measures, but these will only be marginal.

## SOME RECENT LITERATURE IN ENGLISH

- H. DAALDER, The Netherlands: 'Opposition in a segmented society', in R. A. DAHL, ed., *Political oppositions in western democracies*, 183-236, New Haven 1966.
- A. LIJPHART, *The politics of accommodation: pluralism and democracy in the Netherlands*, Berkeley 1968.
- E. van RAALTE, *The Parliament of the Kingdom of the Netherlands*, London 1959 is the only source on Dutch Parliament written in English.
- K. R. GLADDISH, 'Two-party versus multi-party. The Netherlands and Britain', *Acta Politica* 7 (July 1972) 342-361, gives a keen analysis of criticisms of the political system.
- H. DAALDER, S. HUBÉE-BOOUZAAYER, 'Parliament and the budget, procedures and politics in the Netherlands', chapter in David COOMBES, ed., *The power of the purse*, to be published soon, London.
- For surveys of the Dutch party system, see: P. BAEHR, 'The Netherlands', in S. HENIG and J. PINDER, ed., *European political parties*, London 1969, 256-281. A. LIJPHART, chapter on the Netherlands in R. ROSE, ed., *Electoral behaviour: a comparative handbook*, New York.
- H. DAALDER and J. G. RUSK, 'Perceptions of party in the Dutch Parliament', in S. C. PATTERSON, J. C. WAHLKE, ed., *Comparative legislative behavior*, New York 1972, 143-198.
- See for a survey of the whole socio-economic structure: J. P. WINDMULLER, *Labor relations in the Netherlands*, Ithaca 1969.
- For the role of civil servants, see J. KOOIMAN, chapter on the Netherlands in M. DOGAN, ed., *New mandarins of Europe*.

## THE BRITISH PARLIAMENT

Paper by Mr John P. MACKINTOSH

A major problem in understanding the British Parliament is that much of the description and many of the forms date from previous periods when the British political system was quite different and therefore when the role of Parliament was different. But because the language and procedures are often unaltered, it is hard to distinguish the underlying changes of substance.

In Britain there has always been a strong executive and for some six hundred years of Parliament's existence, this executive was the Crown. The Crown governed the country with and through ministers, the early functions of Parliament being to agree to taxes, to approve new laws, to present popular petitions and grievances and to act as a focus of loyalty to the sovereign. The disputes of the seventeenth century, as far as Parliament was concerned, turned on the extent to which the Crown could ignore or even act contrary to the interests of the groups represented in Parliament. The defeat of the Crown meant not that Parliament governed or appointed the executive but that the Crown would not retain ministers who did not have the confidence of Parliament nor would the Crown act in a manner fundamentally prejudicial to interests of those represented there.

Throughout the eighteenth century, the Crown appointed its ministers, occasionally changing them under Parliamentary criticism though Parliament's real power was to make or reject legislation, to vote taxes and to scrutinise expenditure. As a result, the expression of grievances in Parliament received very careful attention.

The move towards a wide right to vote based on property (achieved in 1832) led to changes in the composition of the House of Commons, a strengthening of the party system and a reduction in royal powers of patronage so that the Crown (in the 1840's) ceased to be able to choose its own ministers. From this period onwards, the effective power of the Crown ceased and ministers were chosen by Parliament.

If being governed by Parliament means a situation in which the popularly elected house appoints and can dismiss the executive, then Britain was governed by Parliament only from the 1840's to the 1880's. After the Reform Act of 1884, the electorate was large enough and the party system sufficiently formalised for the choice of governments to pass from the House of Commons to the electorate. For virtually a hundred years, people in Britain have voted at elections in order to choose a government and normally this government lasts either till its legal limit (since 1911, five years) expires or it decides to submit itself to the electorate once again at an earlier election.

Many of the current descriptions of the British political system and of Parliament's role date from the period between the 1840's and 1880's as this was a period of success for the country and of great pride and interest in its institutions. But, in practice, the conditions prevailing since the electorate took over the power to make and unmake governments have been very different. In reality, Parliament's relationship to the executive is now not unlike its previous relationship with the Crown only the present executive is in Parliament and, in this way and through the party system, has a more direct control over the House of Commons.

Thus Parliament is best understood to-day as a supportive institution. It is elected at the same time as the executive and a majority of the members consider that their primary task is to back

up the government. They must attend constantly, give the government a majority in every vote, speak for it, ask sympathetic questions at question time and keep explaining and promoting its policies in their constituencies.

For the opposition, the basic task is not to defeat the government (normally that is impossible) nor to amend or improve its laws (they are the responsibility of the government) but to keep explaining to the electorate outside Parliament why the government is making mistakes and why the opposition should be returned to power at the next general election. The members of parliament in the opposition support their leaders in the same way as the majority supports the government.

Thus the chief function of parliament is a supportive one. The government, for its part, operates through Parliament using the outlets there as a means of explaining its policies and of rallying support among its followers in the country. For many British MPs, their activities between elections is merely a way of preparing for the next one. The House of Commons is about power and its task is to enable the opposition to campaign against and the government to defend itself again and again till the issues at the next election become clear and familiar to the public. The House is organized to make this possible, its best moments being clashes between the party leaders on the great questions of the day and all other forms of legislative activity are subordinated to this basic function.

Compared to many other parliaments the influence of the average British MP is low because of this basic supportive role and because of the strength of party allegiance. A number of factors both illustrate and reinforce this position. Britain is a small, largely homogeneous country, very few MPs having local connections which are so strong that they are more important than party loyalties. Thus what matters is the party nomination which is given or withheld by local activists for whom loyalty to the party leadership is a prime consideration.

British MPs almost all come through the party system, having been kept party workers and often candidates in unwinnable seats before they are chosen for a seat where they can win. Their interests and those of the party leadership are therefore virtually identical. They want to see their leaders succeed and their party go from strength to strength. The chief credit they will get locally and from their parliamentary colleagues will be for excelling in supporting their party and in scoring points off the other side.

Within Parliament, while some MPs have no further ambition, many hope to become members of the executive. It is this rather than any posts as committee chairmen that attract the able and ambitious members. Governments now have some eighty members in the Commons so that about one in four on the majority side has a ministerial appointment of some kind. As many or more aspire to such posts. On the opposition side, almost as many 'shadow' appointments are made. Criticism or disloyalty may occasionally win an MP a post but more often this will lead to permanent exclusion.

So all these forces combine to keep MPs in line behind their leaders. They are so strong that it is barely necessary to use any pressure, though machinery does exist to organize support and, rarely, to employ sanctions. This machinery consists of the party whips who are appointed by the party leader (or, in the case of the Labour Party in opposition, elected by the parliamentary party). The whips keep MPs on their side informed of business, summon them to vote, keep a record of what happens, advise the party leader about tactics and put pressure on any dissident members who might be inclined to step out of line. The ultimate sanction is 'withdrawal of the party whip' as this means the MP cannot be renominated. But it is rarely, if ever, used as normally the constituency party takes action long before this. In the rare cases where the local party is not prepared to act (as over the many rebellions of Mr Enoch Powell), there is no point in external pressure from the whips.

This then is the primary function of Parliament and the control of members through a party system which is in the hands of the government on one side and the shadow government on the

other determines the principal features of the life of the House of Commons. It is this governmental control which those accustomed to other legislatures often find it hard to appreciate. For example, the Government controls the timetable of the House. Every Thursday the minister in charge of the House announces the business for the following week. By use of the Government's majority, he can impose this timetable bringing in closure or guillotine motions which ensure that business is concluded at the prescribed time. The opposition find this tolerable because it is allotted 30 days a year on which it can choose the subjects for debate; but the House as a whole or individual backbench members can do little to alter or delay the Government's announced programme.

Similarly, the Government, by use of its majority can decide whether there are to be any changes or reforms in Parliamentary procedure. The executive thus decides whether the House is to have any select committees to scrutinise the work of the executive, what powers such committees will have, who are to be the members and the chairman, what terms of reference will be given to the committees and how long they will last. At present, the House has no settled procedure (see below) for scrutinising or debating legislation by the European Community. The Government had to get opposition agreement (which was withheld for some months) before it appointed a Select Committee on this subject. The Government chose a majority of the members and the opposition nominated the minority. The Committee has reported but it is not (in January, 1974) known whether the Government has accepted its recommendations or what it intends to do. Till the Government makes up its mind and tables proposals, the British Parliament will be without any form of procedure to deal with Community decisions which have the force of law in Britain.

Because of these powers over Parliament, the executive can control the information which it will give to members and the conditions in which they work. It is because it is inherently easier for governments to work in secret and because Parliament has virtually no powers to extract information that British government is largely conducted behind closed doors — unlike the 'open government' practised in Brussels. Thus all negotiations between pressure groups and the civil service (Whitehall) preceding legislation occurs in secret and if pressure groups divulge what has happened, they are punished by being excluded from the negotiating process. The British Parliament without an established committee system dealing with the major departments, with no foreign affairs committee, no economic policy committee and no defence committee is no better informed than any private person who studies the newspapers and such information as is divulged in official reports.

Finally, the executive determines the pay of members of parliament, whether they may have or share an office, whether they can have a part-time secretary or a car allowance and this is one reason why Scottish MPs are, in all these respects, the least satisfactorily equipped of any parliamentarians in the major industrialised countries of the west.

Now that the distribution of power has been set out it is appropriate to consider the current working of the traditional functions of Parliament; those which were built up in the many centuries when Parliament aided, advised and occasionally checked the Crown in the running of the country. One of the principal functions was to legislate. The procedure of the House was designed to suit a period when legislation was fairly simple and was often introduced by private members. As a result, there is a First Reading when the title is read out, warning MPs that a Bill is being produced. Then the Bill is printed and a Second Reading debate takes place on the principle of the measure. When this stage has been passed, the Bill is either taken (if very important) in Committee of the whole House or is sent to a Standing Committee. These Standing Committees have no powers of investigation or interrogation. They are simply a smaller reproduction of the full House, the membership is not specialised on the subject of the Bill, there is a government majority led by a minister, an opposition minority led by a shadow minister, a chairman in place of Mr Speaker and the normal rules of procedure apply. The Bill is debated by the Committee and passed clause by clause. There is then a Report Stage when the whole House can consider the Bill as amended in Committee and a final Third Reading Debate. If the House of Lords makes any amendments, these also have to be debated and accepted.

Thus the procedure of the House allows for the maximum consideration of legislation after the Bill has been published and dates from the period when Parliament did not approve or appoint the executive and when legislation was not therefore treated as a matter of confidence in the government. Now that Governments bring in virtually all important legislation and treat every major vote as an issue of confidence, all this elaborate procedure has become simply an opportunity for the Government to explain its case for the legislation over and over again and for the opposition to repeat, equally often, its objections.

The real process of legislation has moved back into the period before a Bill is actually published. The sources of legislation are mixed. In many cases, civil servants find they cannot proceed satisfactorily with their existing powers. They want them altered and this has to be negotiated with outside interests involved and with other departments (with the Treasury, if money is to be spent). When an acceptable conclusion is reached, this is then given a place in the legislative timetable and published as a Bill. Other sources are Royal Commissions or Committees, usually nowadays of outside experts or prominent persons rather than of MPs and the Party programmes. Parties in opposition work out proposals, include some in their manifestos and then, if elected, these are negotiated by the civil service in the normal way.

Parliament does have some effect on legislation but it is relatively small. A Government clearly has its supporters in the House of Commons in mind when it is preparing legislation; after a life-time in the same party, ministers know how their colleagues will react. Most legislation on non-political topics can be altered if unexpected gusts of public opinion arise. When the topic is highly controversial, amendments are less likely to be accepted. A recent study of a three-year period (by Professor John Griffith) has shown that of over 3,000 amendments moved by private MPs, about a hundred were carried while of over 900 moved by the government, all but one were carried. The Labour Government of 1964-70 withdrew two Bills, one before it was published and the other during its passage through the House. The first was on Industrial Relations where pressure from the trade unions and trade union MPs led the Cabinet to change its mind and the second was on reform of the Lords where the government never lost a division but found that the Bill was taking too much time. In fact, it feared it could not carry the usual motion for limited debate (a guillotine motion) because the Conservatives were not officially opposing the measure but there was much unofficial opposition on both sides. The Conservative Government of 1970-1974 has been defeated twice, once on a motion about the export of live animals to Europe and once on immigration regulations, both matters of great moment to the Conservative party rank and file. These defeats of each government have to be set against the mass of controversial issues between parties and across parties, which were carried in the form that the Government desired.

There is a small amount of Bills introduced by private members, a handful of which pass each year but few even of these are the idea of the MP who is successful in the ballot for the right to introduce such a Bill. A mass of MPs enter for the ballot and most of those who are successful accept a minor measure drafted ready for them by their whips' office. A few accept major items of social reform (on abortion, homosexuality, capital punishment and divorce) because the parties do not like to take official stands on such matters of conscience but here again the Bills are prepared by Government Departments or by the special pressure groups concerned. It is a mistake to regard this as in any way a major function of Parliament or one restoring any real measure of influence or capacity to act to the private MP

The second main function of Parliament was to sanction taxation and scrutinise expenditure. The procedure in this case was built up in the eighteenth and nineteenth centuries of the House of Commons, the House of Lords (see below) having always been excluded as taxation was, in theory, levied and granted by the Commons. The procedure as established by the 1860's involved an annual 'circle of control'. The civil service departments laid their estimates before the House in the Spring of each year. The Commons could, and in the earlier part of the century did, debate and sometimes cut down (it was prohibited by standing order from increasing) such estimates.



Then the total expenditure was put together in a Budget in April which combined expenditure and the taxation to pay for it. The House went into a Committee of Ways and Means, later called the Finance Committee to scrutinise the taxation proposals and into a Supply Committee to look at the expenditure. This Supply Committee could sit at any time during the year as it could consider any policy which involved spending money. By the end of the summer, the two aspects were put together in a Finance Act and an Appropriation Act. The last stage in the 'circle of control' was when the Public Accounts Committee went over the previous year's accounts to see that every penny was spent as authorised by law. This Committee, set up in 1860, was chaired by a leading member of the opposition and serviced by the staff of the Comptroller and Auditor General.

By the end of the century, the estimates had become too complex to be dealt with on the floor of the House and the days in Committee of Supply (now 29 a year) were used as opposition days on which the opposition could choose any aspect of government policy which it wanted to debate and criticise. To fill in the gap this left, a Select Committee on Estimates was created in 1913. However, this Committee had no staff, it was precluded from summoning ministers or considering policy and its sub-committees were not allowed to specialise. They looked at different random items of expenditure each year. As a result, no body of specialist knowledge was accumulated and little was achieved.

In the early 1960's, the Treasury largely gave up planning expenditure on an annual basis and went over to a five year rolling programme, each year the government taking hard decisions for year three ahead while years four and five were simply projections. The Select Committee on Procedure of the House pointed out that as a result of all these developments in this century, Parliamentary control over expenditure had virtually ceased while control over taxation was very limited. The Committee recommended a Select Committee on Expenditure (in place of the old Estimates Committee) with a staff, permission to call ministers, to consider policy and to specialise. It also recommended that the Government should publish the five year rolling programme of expenditure and the medium term economic survey of expected resources available and that there should be an annual two-day debate on these two documents.

On the taxation side, the Committee recommended that the Finance Bill be split, issues of general principle being considered on the floor of the House while the detailed proposals were debated in a normal non-specialised standing committee of the House but they also proposed that an extra sub-committee be added to the Expenditure Committee with proper staff to examine the broader aspects of existing and projected taxation.

The Labour Government agreed to publish the two documents, to have an annual two-day debate and to split the Finance Bill between the whole House and a Committee while the Conservative Government after 1970 accepted the Expenditure Committee but rejected the proposal for a special sub-committee on taxation.

It would be hard (though the author was a member of the Committee on Procedure that called for these changes) to say that the result has been an unqualified success or that it has in any substantial way restored the House of Commons' capacity to scrutinise expenditure or taxation. The Government has felt free, on embarrassing occasions, to refuse to publish the Medium-term Economic Assessment. The annual two-day debate on planned public expenditure has not become a major parliamentary occasion largely because the implications of the changes are not always clear and they are, in any case, a little too far off to feel the kind of immediate flare-up which is the forte of the House of Commons. The division of the Finance Bill has proved helpful in that it has saved some of the time of the House at a crowded period in the session though this does nothing for the powers of the Commons; rather it aids the Government to get through the rest of its legislative programme. But it must be said that governments have given way to suggestions and amendments in the Finance Bill Committee more than they have done on the floor of the House or in other committees. The reason is that with detailed tax changes, the Treasury refuses to indulge in prior negotiations with the pressure groups for fear of leaks. Thus the negotiations take place and difficulties are ironed

as the Bill proceeds through Committee. This means that pressure groups do bother to brief MPs on the Committee and when the Government changes its mind on some points or irons out anomalies, this looks like and in some cases may be concessions to points actually put in debate across the floor of the Committee.

On the other hand, the Expenditure Committee has forced the Treasury to explain and clarify the information it publishes while specific sub-committees have had an impact on officials in the special areas allotted to them. Together with the old Public Accounts Committee which has swung more to 'value-for-money' and 'sound policy' rather than mere legality audits, a fairly constant pressure is maintained on Whitehall. But the overall political control of expenditure and taxation remains with the Government while the House of Commons reacts in its usual fashion, the opposition attacking and the majority defending the proposals of the Cabinet as part of the Government's general record and evidence of its philosophy.

The final traditional function of the House of Commons, the voicing of grievances and the transmission of popular complaints to the executive is by far the most effective, largely because it can easily be combined with the existing main function of being the focus of the political struggle between the two principal parties. This function is fulfilled at a number of different levels. At the highest level of controversy, it arises in the major clashes in debates on the Queen's Speech (the annual legislative programme of the Government), in debates of censure, the Budget Debate and on the chief topics selected by the opposition for Supply Day debates.

This same atmosphere pervades most of the debates on the floor of the House. Emergency debates can be called for on a special procedure (Standing Order No 9) and some four or five occur each year. Question Time used to be mainly an occasion for private MPs to press specific cases but now batches of questions are organised by each side and the exchanges rapidly develop into party battles between the two front benches.

At a rather different level, all MPs, government and opposition, seek to represent the grievances of individuals in their constituencies. The bulk of this is done by letter, the MPs often writing direct to the appropriate senior civil servant. Some of this spills over into question time, most of the half hour adjournment debates and occasions such as Consolidated Fund debates and debates on the motion that the House should go on holiday are dominated by MPs presenting individual or constituency cases. At this level, working through an MP does not usually produce a change of decision but it always speeds up the process of administration, it provides an answer from an authoritative source and it does, from time to time, uncover genuine abuses.

There is a third level at which this function is performed and that is within the parties. The Conservative and Labour Parliamentary Parties each have their own organisation. For the Conservatives, it is called 'The 1922 Committee' and no ministers are present. It divides into subject committees each with some staff and these committees can be fairly influential. The Parliamentary Labour Party elects its own officers as well as the Leader of the Party and the Chief Whip but though it too has subject committees, these are far less coherent and therefore less important than those in the Conservative Party. These forms of organisation enable MPs to put pressure on their own leaders but to them must be added all the myriad avenues of contact which exist when over six hundred people work for a considerable portion of the day in the same building. There are official deputations to see ministers, unexpected encounters over meals or drinks and the clear sense of approval or disapproval which ministers (real and shadow) get when they perform in the House.

In assessing the efficacy with which the House discharges this function, the answer depends on the objective intended. On the floor of the House, the object is not to change proposals or to defeat the government in the subsequent division; it is to build up a climate of opinion outside the House which will support the persons and party trying to put their case. For these purposes, the House is admirably organised. It can put on a superb show. Most leading politicians in Britain are good debaters, quick on their feet and they enjoy the cut and thrust. The media revel in such encounters

and try to reproduce them on television and report them in the press — not the speeches but the clashes. It is this that keeps alive the public's lingering notion that Parliament must be influential because it is the centre of so much of the controversy about public issues in Britain.

At the level of constituency grievance presentation, the system is also reasonably effective in that most constituents seem better pleased with their own MP than with politicians in general. Careful constituency work is increasingly common among MPs (called community politics by the Liberals) and rapid and reasonable answers are poured out to constituents.

But if the purpose of this function of grievance presentation is to affect changes in public policy, it is far less satisfactory. Governments seldom give way to criticism in the House. If this is the criterion, however, then backbench pressure largely in private from within the governing majority is far more likely to produce results than any amount of open attacks by the opposition across the floor of the House. The reason is that pressure from inside the governing party is often an indication of alarm or disagreement among the party's supporters in the country and if they are alienated, then the next election might be in jeopardy. Thus a Labour Government pays far more attention to rebellions by normally loyal, middle of the road Labour MPs as this will only arise if there is real disaffection among solid party activists. Similarly, the Conservatives do pay attention to any strong-voiced doubts held by their regular and reasonable members.

There are, in addition to these ways of pressing the Government, some other, less significant methods available. The House of Commons has no system of committees specialising in the work of the various departments. An experiment of this kind was tried after 1966 but largely abandoned in 1970 (see below). As a result, though the House does have a variety of committees, they are all on rather special subjects. The first of these was the Select Committee on Nationalised Industries set up in 1956. To this was added a Select Committee on Statutory Instruments (to scrutinise secondary legislation), a Select Committee to watch over the work of the Parliamentary Commissioner (the Ombudsman), a Select Committee on Race Relations, a Select Committee on Science and Technology and a Select Committee on Scottish Affairs. Although all these are supposed to be permanent, that is standing committees, the last of them was not reappointed in the 1973-4 session.

The distinguishing feature of these committees is that none of them scrutinises the normal working of a Whitehall department and its policy-making. They all tend to follow the older pattern of Select Committees in that they take up specific problems (in the case of Nationalised Industries, one particular industry or aspect of an industry) and conduct an investigation producing a report with recommendations for future action. As a result, they do something to keep civil servants working in these fields alert, they help their members to acquire a certain expertise and they do produce some valuable suggestions for future policy but they do not add in any substantial way to the House of Commons' capacity to press grievances or policies upon the Government.

In addition to these three traditional functions of Parliament, legislation, control of finance (Commons only) and pressing the views of the populace on the Government, there are some other functions which have been performed in the past as well as the present but which are sometimes now described separately. Such headings are 'the educative function' 'the training function' and 'the legitimising function'. The first of these is the function of explaining important issues to the public and of casting them in a manner which makes it easier for public opinion to form and be brought to bear on the Government. In this role, the House of Commons is aided by its capacity to stage major political clashes on the important issues of the day. These are eminently newsworthy and though the popular press no longer prints extensive reports of speeches in the House (as it did a hundred years ago), all collisions between the parties and government announcements are covered and the leading members are invited to repeat their performances on radio and television. Indeed, the House of Commons is such an important single source of news that when it is in recess, the coverage of domestic political problems in the media virtually ceases. On two occasions in the last five years, the question of whether the proceedings of the House itself should be televised has been put to a free (that is non-party) vote and lost. The basic reason for this was that the majority

of backbenchers, who take a relatively minor part in the work of the House, feared that constituents and party workers would be critical if they failed to see their member regularly and yet, inevitably, most coverage would go to the front bench speakers and other star performers. But it is doubtful whether televising the House could do much to increase the House's capacity to dramatise, clarify and bring home issues to the public. It is possibly true that as an educator, the House over-emphasises the immediate and exciting issues and also those that lend themselves to two-party controversy while it may under-emphasise long-term issues on which the parties are agreed or confused or which they do not wish to discuss. But it is hard to catch public attention on such issues in any case and the Commons probably performs this function as well as it could given that the more vivid excitement of seeing a proposal defeated is very, very rare while to see a government overthrown is virtually unknown except in times of dire peril during a world war.

The training function arises from the fact that the executive is chosen from among MPs, the vast majority of ministers being members of the House of Commons. In some countries, the political system permits men to be drawn into political leadership after prominence in other fields. In Britain, Prime Ministers have usually been members of the House of Commons for over twenty years. As a result, British politicians are highly political and articulate in the manner encouraged by a debating chamber where quick-wittedness is at a premium. The difficulty of acquiring these characteristics later in life has been shown by a succession of men who have been taken in after successes in other fields and who have not done as well in the House of Commons. It can be argued that there are disadvantages in this system in that British politicians, who have often spent almost all their adult life in Westminster, may lack contacts outside politics. Also, the days when prominent industrialists, trade unionists and professional men were ready, at a later stage, to take seats in the House has largely disappeared. As a result, British cabinets do contain numbers of men and one or two women who have no experience of managing large organizations and, as has been said, little experience of other occupations. Their capacity for communication may be good and their political antennae well-developed but this may not equip them well for dealing with able senior civil servants nor may it give them the breadth of knowledge and judgment necessary when governments have to work so closely with and through the other power blocks in the community.

The legitimising function is hard to pin down but it was held to be that authority and acceptability given to laws and policy decisions just by the fact that they had been taken by ministers and had then received the approval of a majority elected by the public at large. There is no doubt that some sense of such legitimacy does exist. A government which is in difficulties and then holds and wins an election does receive an accession of strength. However, it is not clear that there is any particular respect for law just because it has passed through Parliament. Governments in recent times have tended to make policy announcements over television direct to the people rather than in the House of Commons. When powers are needed to operate new policies, they tend to carry out the policies at once while they are in process of guiding the necessary legislation through Parliament. The public's attitudes to politicians and Parliament have now been studied systematically for the first time and are mixed. There is some respect for the local MP and some disrespect for politicians as a whole. People respect the old kind of laws about crime, financial probity, prohibitions on anti-social action and so on but do not accord the same respect to laws regulating matters which had hitherto been left to private agencies or forces such as laws on wage restraint. Governments now accept far more wide-ranging duties in the community and failure discredits not only the persons and parties concerned but also the institutions. Thus while Parliament does legitimise governmental actions, the approval thus ensured is not absolute; the approval will decline if the regulations or laws are not clearly necessary and advantageous or if the government's overall policies are failing. Parliaments are accepted as the best way of conveying legitimacy but they arouse little positive enthusiasm.

To complete this picture of the existing operations of Parliament, it is necessary to look briefly at the House of Lords. A chamber with equal powers to the Commons in all matters except finance, it had been of considerable political importance in the eighteenth century. Once the Commons began

to represent a wider electorate and once this became its justification for choosing ministers (after 1832), the power of a hereditary House was bound to wane. The difficulty was that the House of Lords had an automatic Conservative majority. For some decades, it took the view that matters clearly and definitely demanded by the electorate — that is policies reendorsed by a second election victory — should be let pass even if they were disliked by the Lords. If this did not happen, a constitutional and political crisis arose, the only way out being a wholesale creation of non-Conservative peers so as to reverse the majority in the Lords. This was threatened in 1832 but the situation did not recur in the nineteenth century as the Liberals, when challenged by the Lords (in the 1880's and 1890's) failed to win the subsequent general election.

The House of Lords emasculated most of the legislation of the Liberal Government elected in 1906 but when it rejected the budget of 1909, two general elections followed and the power of the Lords was permanently reduced to a delaying period of two sessions. In 1949 this was cut to one year and in 1963, powers were taken to create life peerages. As a result, the House of Lords seldom, if ever, defeats proposals which are a definite part of government policy. The work of the House is done by some hundred and fifty peers, a majority of whom are life peers, men and women appointed because of some special capacity or experience. The House is useful in that it allows governments to employ some ministers who would not wish to go through the hurly burly of elections to the Commons. It is a place to which members of the Commons can be promoted, thus creating vacancies for special incomers in the Commons. In the Lords, the Government can introduce and do most of the work on non-controversial legislation and can review and tidy up controversial Bills which have already passed through the Commons. The debates in the Lords are often of a high quality though they have little impact and are virtually unnoticed by the media. To sum up, the Lords is useful as a kind of legislative committee where ministers can get through much work for which the House of Commons has little time but it has no significant place in British politics or in the struggle for power which is the chief function and interest of the House of Commons.

The question that remains is how adequately Parliament performs these functions and what is its place and role in the British political system. On this, two broad views exist, with some minor variants. The first view is that Parliament still has considerable power in Britain. There has always been a strong executive except for the short and abnormal period from the 1840's to the 1880's when the House of Commons could and did dismiss the executive and re-write its proposals. For the last hundred years, the position has been back to normal with the House providing a political arena in which the supporters and critics of the government conduct their struggles. According to this school of thought, the House may not often force changes in personnel or policies, but its influence is pervasive. Governments know instinctively how far they can go, weaknesses are probed, men and policies are tested and the scene is set for the struggle for power at the next general election. This view would be accepted with some modifications by most ministers. Some of them emphasise the lack of information among members and how seldom they find anything useful coming out of a debate. Others find the House positively tedious and a waste of time but all agree that they want to perform well there and that they do try and anticipate any political trouble, particularly from their own side. The ardent devotees of this school of thought and those who take a far more positive view of its powers are the star performers outside ministerial ranks such as Mr. Enoch Powell and Mr. Michael Foot. They have no time for legislatures that want to become involved in decision-taking and endless committee work and factfinding. For them, politics is about power. The real politicians, in their opinion, are those who can sense the issues that will rouse the public and dwell on these time and time again till a political point has been made and one party or the other obtained a real advantage. For them, the procedure of the House is admirable as it allows the maximum opportunity for this kind of exchange and indeed subordinates all other activities to such clashes. At times these 'Chamber Men' have indicated worries but they have been about declining attendance in the Chamber, the tendency of ministers to ignore the House and speak to the people directly over television and the reduced standing of the House in the eyes of the public. As has been said, their attitude to changes in procedure coincides with that of most ministers who recognise that the supportive

and political conflict functions of the House are essential but want to stop it acquiring any of the powers to penetrate the largely secret process of administration enjoyed by some other legislatures.

The critics of this school may be broadly described as the parliamentary reformers. They became prominent in the late 1950's and included a number of the most prominent academic students of Parliament, much of the quality press and many of the younger MPs elected in 1964 and 1966 as well as some more senior members. Their general view was that there was no point in trying to undo the effect of strong party bonds. It was impossible and perhaps undesirable to try and return to the brief period of genuinely parliamentary government when the executive was appointed by the House of Commons and not by the electorate. But since that date, the central government had expanded so much in size and in points of contact with the citizenry and the process of legislation had become an elaborate negotiation between pressure groups and the bureaucracy and yet the House of Commons had confined itself to one major function alone, that of supporting and attacking the overall political position of the government. The reformers in no way denigrated the importance of this function and they wished to retain it in its pre-eminent position. But they argued that the civil service lacked an adequate countervailing power which could question its methods as well as its policies and take up grievances and approaches to particular problems irrespective of the overall merits of the government. In addition, in the process of legislation, it was important that some organised body represented the unorganised, the citizens, taxpayers and consumers and this could only be done by Parliament. Their case was that government had become complex and included many centres of power and policy-making in addition to the central political direction provided by the Cabinet. It was therefore necessary for Parliament to develop a variety of different methods of scrutinising in addition to its main activity of defending and attacking the Cabinet.

The main method proposed by the reformers was the creation of a series of select committees. These committees were to be 'standing' — that is permanent — and were to have powers to consider policy and to interrogate witnesses including civil servants and ministers. They could produce reports but this was not the main objective. Previous select committees had been set up to examine a single topic on which ideas or recommendations were needed so that a report and a debate on the report by the House were essential but the object of these new committees was not one report, or a series of reports, but the effect of their work. The effects were supposed to be first to expose the workings of departments and their relations with pressure groups to the public; that is to remove the web of secrecy so that the public could find out what was happening and react before the final decisions were taken. Secondly, pressure groups might then be encouraged to state their views openly and come to the House of Commons (or the appropriate committee) instead of confining themselves to Whitehall. Thirdly, it was hoped that the result would be to produce a group of well-informed M.Ps. whose questions and contributions would be improved by the knowledge they had acquired. If this happened, then ministers would face more competent critics in the House and oppositions in forming their policies would also have an expert group on whom to draw.

The reformers had other ideas as well. Some wanted the timetable of the House altered so that it sat in the mornings rather than late at night. A further demand was for easier alterations of the timetable so that emergency debates could be held on immediate topics of great moment. There was a general demand for facilities for M.Ps. so that they had at least an office, a telephone and a secretary. More important was a suggestion for developing the proposed select committees so that they also handled the committee stage of bills. This would have been in place of the existing standing committees which are non-expert microcosms of the House and debate the published bills exactly like the full House. In their place, the select committees would contain M.Ps. who had specialised and who had powers of interrogation and examination so that the whole tone and nature of the committee stage would alter from being a repetition of the party political battle which takes place at the second reading debate into a re-examination of the framework and content of the measure.

The disingenuous point about the reformers' case was their claim that while such changes would make Parliament more effective, they would not alter or weaken the position of the executive. In fact, unless this happened, the whole exercise would be pointless. What the reformers meant was

that the existence of the government between elections would not be jeopardised. But they did anticipate and want the changes to make all sections of the executive more responsive to public opinion and this was bound to increase the burdens of the executive. Explaining one's actions and justifying them is always hard work and irritating. It would require extra staff in the main departments and take more of busy ministers' time.

Throughout the late 1960's, the argument between the two schools continued. The case made by those content with the existing situation varied between assertions that the political conflicts which could be so well staged in the Commons were all that mattered and the further, more elaborate case, that to make the changes demanded by the reformers would spoil this major virtue of the House. It was argued that service on committees prevented MPs from attending debates in the House and thus weakened the primary function of the House. It was said that committee work led to consensus politics because MPs on the committees heard all the reasons for the Government's actions and if they made no great outcry, their party colleagues could scarcely do so when the matter reached the whole House. Committees, it was maintained, actually helped the executive because matters could be buried there till all concerned had been convinced or mollified. What Governments really feared was a blow-up in the House and there would be less of these if the committee system was introduced. The whole idea of introducing the MPs to the process of prior bargaining and policy-making was to make them into quasi civil servants rather than the spearpoint of opinion as they should be. And for this purpose, more information was not necessary. A reading of the papers plus real political intuition was all that was required.

The reformers replied that MPs failed to come to debates in the House not because they were at committees (attendance was as thin whether committees were sitting or not) but because what was said was so ill-informed and the results of debates were not evident. They pointed out that while much political controversy could be based on average general knowledge, proper investigations were necessary in some cases before the political dimensions of an issue could be made known. If governments could conceal the cost of projects, or actions taken against expert advice or collusion in secret with foreign powers, then no political reaction was possible. Only a few MPs could take part in the great clashes on the floor of the House and there were so many more capable of good work yet living pointless lives. As the executive was now able to act in so many ways on the public, the public's representatives had to develop an equal number of points of contact and supervision. Parliament's reputation was declining just because its work was not evident to many people who encountered the executive but saw no process of popular control.

In practice, some reform proposals were tried between 1966 and 1970. Mr. Richard Crossman, as leader of the House, persuaded the Cabinet to agree to changes on the general principle that for every reform that gave more powers to the backbench MPs, another reform would make it easier for the government to get its business through the House. An experiment was attempted with morning sittings, but it proved too unpopular. Emergency debates were made more obtainable and this proved to be a success though it was disliked by the Party Whips. The passage of the Finance Bill was made easier by dividing it and sending the less contentious sections to a committee. But by far the most important innovation was the appointment of two select committees, one on agriculture and one on science and technology. These were on an experimental basis though Crossman told a backbench group of reforming Labour MPs that he hoped that they would become permanent and that each year two more would be appointed.

In fact, the committees aroused great resentment, especially the Agriculture Committee. It began to probe the work of the Ministry, to press on tender points and to seek to travel to Brussels, thus annoying the Foreign Office. Ministers became hostile and Crossman was forced to accept that the Committees were temporary. Science and Technology was not aimed at a particular department, so it was allowed to remain but Agriculture was abolished and replaced by one on Education. Then it was abolished and replaced by one on Scottish Affairs. In the end, the incoming Conservative Government in 1970 gave up the experiment, though it is almost certain that if the Labour Party had won the election, it would have done likewise. The one committee reform that was accepted

and retained by the Conservatives after 1970 was the replacement of the former Estimates Committee by a more specialised Expenditure Committee largely because the Treasury as well as the Conservative Cabinet felt that it might be marginally useful in explaining the need for restraint in public expenditure to the Commons and the country.

Thus the outcome of a decade of pressure and five years of experimental reforms was two gains for the Commons — easier emergency debates and the Expenditure Committee — though these were offset by gains for the executive (chiefly the easier process on the Finance Bill). The total result was simply to underline the points made at the start of this paper. The executive controls the procedure of the Commons and naturally does not wish to allow changes which increase the pressure backbench MPs can bring to bear. MPs of both parties — though they almost all liked the select committee experiment — failed to resist the cancellation of these reforms because the ablest of them were more concerned with joining the executive than with restricting it and because a majority agreed that the primary task of the Commons was to fight the party battle. It is unlikely that there will be any further major effort to alter the balance of power in Parliament for a long time to come.

The situation is well revealed by considering the proposed arrangements for the scrutiny of E.E.C. secondary legislation. A select committee was set up to look into this matter and reported almost a year after Britain had been a member. The Committee was dominated by traditionalists on the Conservative side and by anti-reformers on the Labour side. As a result, they were concerned to gear E.E.C. legislation into the primary task, as they saw it, of the House; that is the staging of political battles. They proposed a permanent select committee with a staff to look at all regulations and directives coming from the Community. The Committee was not to debate the merits of the legislation but simply to decide whether it was politically contentious. If it said this was the case, the matter was to be debated directly on the floor of the House. Otherwise it was to be accepted without comment. In practice, this would mean between six and a dozen major debates a year when something happened which the opposition wanted to use to press the government or where the government felt it could claim a great victory; there would be, for example, debates on the size of juggernaut lorries to be allowed on British roads, on the size of the regional fund, on the latest C.A.P. price levels and on the level of the British budgetary contribution. In addition, a minister was to be set up to answer questions and make statements on events in Brussels.

The fascinating aspect of this is the way each of the E.E.C. Parliaments has reproduced its own strengths and weaknesses in dealing with its own executive when it has fashioned its method of handling European legislation. It is to be noted that though a Committee of the Commons has made these proposals, their acceptance or amendment depends on the government which has not, at the time of writing (January 1974), indicated its views. In addition, the Commons cannot give detailed scrutiny to the mass of E.E.C. legislation as it has no specialist committee system and such work cannot be done on the floor of the House. So, of necessity, the majority of the regulations cannot be gone over and have to be accepted by the House in the same way as it has, in practice, to accept the secondary legislation of the British executive. Also and perhaps worse, the House has no machinery for examining E.E.C. policy where no legislative proposals are being made so that it cannot come forward and point out to the British Government where initiatives ought to be taken, where regulations are not 'political' just because nothing is being done and opportunities are being missed. In this again, the proposals mirror the Commons' inability to make positive proposals on domestic matters and the House's position as an agency for defending or attacking the policies emanating from the executive. But what the Commons would do under such a procedure (probably better than other national parliaments) is to stage a limited number of highly dramatised clashes on disparate E.E.C. proposals which were open to attack. A weakness of this, from the Community point of view, is that while this approach on domestic matters always finds the executive defending its own policies and backed by a majority of loyal MPs, on E.E.C. matters, there may be attackers but no defenders as the Government may deny responsibility or keep saying simply 'this is the best we could get'. The result which is often negative enough even in national politics may be to focus attention on those Community policies least suitable for Britain while failing to highlight those that are beneficial.



Thus it cannot be said, in conclusion, that the British Parliament is at a particularly happy period in its history. There has been, over twenty-five years, an increasing tendency for governments to deal more and more directly with the major pressure groups in the country; with the trade unions, with industry and the principal professions. Then it announces its decisions directly to the public over the media and looks for approval to tests of electoral opinion such as by elections and opinion polls and finally to the next general election. The more this happens, the more men and women of ability in industry prefer to work there rather than go into Parliament. Leading trade unionists have more influence in national affairs by becoming the general secretaries of their union rather than by becoming Labour MPs. Britain is run increasingly by the leading of the major interest groups working with senior civil servants under the supervision of the Prime Minister and a few senior colleagues. In all this, Parliament acts as a consultative council, a sounding board, a place in which policies can be explained, defended or attacked but it is neither the forum of the nation or is it essential for effective government. It is there and it can be useful to the politicians competing for public support but this is neither a central nor a very glorious rôle for the Mother of Parliaments.

SECTION III

**THE ROLE OF PARLIAMENTARY INSTITUTIONS  
IN EUROPE**



## INTERACTION BETWEEN PARLIAMENTARY INSTITUTIONS AND POLITICAL FORCES <sup>(1)</sup>

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In the process of European integration, begun as long ago as 1951 with the creation of the ECSC and continued in 1957 with the launching of the European Economic Community, political progress has not kept pace with economic development. This is now a well known and universally acknowledged fact. Multinational concerns of considerable size have emerged, powerful pressure groups have arisen at Community level, but the political vacuum remains and there is no significant indication to give us hope that things might change. The inertia of European political forces is creating paradoxical situations: there are demands for new authority and powers for the Commission and the Council at the expense of the national authorities, yet no serious attempt is made to establish an effective and binding political control at Community level. The European Parliament is left with the crumbs of power transferred from the national to the Community domain.

Such is the case, for instance, with the introduction of the Community's own resources (and hence the beginnings of a Community budget) provided for in the Treaty of Luxembourg of April 1970. Under its terms, by 1978 the financial contributions of Member States are to be gradually replaced by agricultural levies, by revenue from duties under the Common Customs Tariff, and, from 1975 onwards, by a proportion up to 1 per cent of value added tax (VAT). Who is to control the utilization of these vast resources? The Luxembourg Treaty states that this task should be entrusted to the European Parliament, but with an important restriction viz. that the Parliament's power of final decision shall be limited to the Community's *administrative expenditure*, which, according to reliable estimates, will amount to 4-5 per cent of the total budget. The remaining 95-96 per cent, including all the expenditure of any political significance, such as that of the Agricultural Guidance and Guarantee Fund (EAGGF) or of the Social Fund (ESF), are, removed from Parliament's control under Article 4 of the Luxembourg Treaty, thus detracting from its theoretical right to amend the final draft of the budget presented by the Council which remains the sole master of the situation <sup>(2)</sup>.

Another problem will arise in the years to come over the plan for Economic and Monetary Union (EMU), launched laboriously by the Council on 22 March 1971 and designed — if it goes ahead — to set in motion a number of common policies — monetary, industrial, fiscal, regional — not envisaged fully, if at all, by the Treaty of Rome which established the European Economic Community. These policies, and the machinery devised for their implementation, will increasingly limit the freedom of choice of individual Member States, making large inroads into their powers of decision to the

<sup>(1)</sup> The final draft of this contribution was prepared in collaboration with Adriana Sabini Ruggiero who did the bibliographical research.

<sup>(2)</sup> For further information on the question of control over the Community's budget see: European Parliament Secretariat: *The European Communities' own resources and the budgetary powers of the European Parliament*, October 1972, or: David Coombes and Ilka Wiebecke, *The Power of the Purse in the European Communities* London, Chatham House and PEP, 1972.

advantage of the Community. But this inevitable loss of sovereignty will be accompanied by a loss of political control by the national Parliaments, without any provision for a corresponding transfer of powers to the European Parliament.

This move to delegate powers from the national to the Community sphere, even if it remains limited and tentative for the moment, has lately been compounded by another dangerous trend in the Community decision-making process; this is the trend towards increasingly frequent Summit meetings of heads of state or government and the creation of diplomatic or political committees operating outside the Community framework. All of which, obviously serves only to exacerbate the problem of control by European political forces, and the uncertainty which surrounds it.

This apparently dual and in some respects irreversible tendency of the Community, first to involve all our individual interests ever more directly in a decision-making process that is gradually slipping from the national into the Community sphere, and secondly, to move away this selfsame Community sphere towards a Europe of diplomacy, prompts one question: to what extent are the political forces in Europe aware of the situation and, above all, how far are they trying to remedy it? In other words, is there anyone today capable of ensuring that the process of European integration evolves according to a pattern of greater political and democratic control? Or, in the final analysis, which political grouping is at this point able to propose and hence promote at the European level a genuine political discussion conducive to integration, and, more important still, to act accordingly?

Any survey of the current political situation in Europe must begin with what are the political forces par excellence, the *national political parties*. Their role in the process of European integration was discussed in November 1968 at a meeting in Bruges<sup>(1)</sup> organized by the Association of Institutes of European Studies (AIEE). Not unexpectedly, the conclusions reached were rather discouraging: the part played by national political parties in tackling and resolving European problems is very much superficial and haphazard. *Superficial* — because real political activity for these parties is confined to the acquisition and control of power in the national sphere — indeed it is only at this level that they can share in the exercise of power. *Haphazard*, because they are only reminded of the existence of Europe at election-time, when a small part of the electoral programme is given over to general professions of European faith, or when national parliaments are asked to ratify some new European treaty. In the latter case, as Sidjanski pointed out at the Bruges meeting “having taken an interest in a particular subject or a proposed reform, the national parliaments, and hence the national political parties, lose track of the problem and the whole matter is passed on to the Community institutions and escapes all control”.

But it should be made clear at this point that in practice control passes to the Council, and to some extent to the Commission, but not to the European Parliament; apart from its severely limited budgetary powers mentioned above, Parliament has no more than a purely consultative say on the Community matters envisaged in the Treaty of Rome. Control by national political parties can at most be exercised through the governments that are directly concerned, in the Council or at a Summit, in formulating the principles or details of Community policy. Undoubtedly, however, in the present Community institutional framework, so fundamentally different from that in which they are accustomed to working, the political parties are much less forceful and far-sighted than socio-economic groupings and business interests which succeed in bringing stronger and more effective pressure to bear on national administrations and hence on the governments themselves<sup>(2)</sup>.

The political parties, on the other hand, have never so far undertaken a real campaign or exerted pressure at Community level, at least not on the scale that one might expect.

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(1) Association des Instituts d'Etudes européennes: *Les partis politiques et l'intégration européenne*, Colloque de Bruges, Annuaire 1969-70, Genève.

(2) On the role and organization of pressure groups, see: Sidjanski and Meynaud: *Les groupes de pression dans la Communauté européenne*, Institut d'Etudes européennes, Bruxelles, 1971.

There have been sporadic attempts to establish a European programme or a European political platform, but bold political action has never followed the words. For instance in France, the Independent Republicans, Giscard d'Estaing's party, have on several occasions sought to make clear their own concept of Europe. As early as October 1966 there appeared in 'France moderne' an outline of a European programme which set against the Gaullist concept of a 'passive Europe' from the Atlantic to the Urals the idea of an 'active Europe' based on common political action and a common ideological message: it was thus proposed to create a European Senate with the task of giving a second reading to all national legislative bills which it was considered desirable to harmonize or approximate. As a result of their interest in Europe, the Independent Republicans formed a 'Europe group' led by Jean de Broglie, Bernard Destremau, Michel d'Ormandy and Roland Boscardy-Montseverin, which in March 1969 adopted a complex programme of studies on the most urgent European problems.

Nor is this kind of interest confined to the minor French parties, since the three major international movements represented in Europe — liberal, christian-democratic and socialist — all say they are 'in favour' of European integration. The trouble is that each national party is content to delegate one or more experts to deal with European problems and considers that it has thereby fulfilled its European duty. This gives rise to a 'kind of federalist (or confederalist) conformism' — to use an expression coined by Brugmans — capable of stifling the best of intentions. The result is that every attempt so far made by the political parties to project themselves on the European scene has failed, leaving them with everything still to be done.

What, then of inter-party co-operation in international political movements? Here too, as we shall see, results have so far been extremely disappointing to say the least and there are many voices calling for profound changes in strategy and organization.

The three principal ideological movements, apart from belonging to the Internationals which have virtually no influence on the European scene, have for some time been associated in European trans-national party organizations.

The Christian-Democrats have formed the European Christian-Democratic Union (ECDU) which in 1965 succeeded the 'Nouvelles équipes internationales' (NEI). The ECDU has a fairly well-developed organizational structure, with a Congress which is the general assembly, a Political Bureau which formulates the Union's policy and implements the directives established by Congress, an Executive Committee, a President and a General Secretariat.

The organization of European socialist parties is not very different. The standing Bureau (Bureau of the Social-Democratic Parties in the European Community) is the hub of the movement and occasional congresses are held to decide on the broad policy lines of European socialists.

The *Liberals* belong to the 'Liberal Movement for a United Europe' which was formed by the liberal parties of the countries represented in the Council of Europe. The organization has a special youth section and is a member of the Liberal International.

The performance of these trans-national organisms, however, has fallen far short of expectations; conscious of this, the christian-democrats and the socialists have been trying ever since the end of the war not only to strengthen their organizations but to associate themselves with other, more active, bodies or with political pressure groups.

As far back as 1958, for example, the christian-democrats of the NEI (now the ECDU), set up a 'Conference of Presidents and Secretaries-General of the Christian-Democratic Parties' to co-ordinate party activities. The conference could be convened by the President and, in addition to the presidents and secretaries-general, members of the Executive and group representatives had the right to attend. The irregularity of the meetings and the lack of a clear strategy soon made the limitations of such an arrangement apparent, and on 27 April 1970 it was decided to convert the Conference into a permanent body (the Permanent Conference of the Six). This new organ met at least three times a year and included, in addition to party officials and representatives of national parliamentary groups, representatives of the corresponding group in the European Parliament. Since the Permanent

Conference met with considerable success it was decided on 7 April 1972 to incorporate it definitively in the ECDU (Art. 11) as the 'Political Committee of Christian-Democratic Parties in the European Community', thus realizing the double aim of strengthening the ECDU organizationally, and of concentrating to some extent at least on Community problems.

The approach of the socialists to European cooperation has been somewhat different. Their efforts were mainly directed at setting up movements parallel to the official organization of socialist parties.

In February 1947 on the initiative of the Independent Labour Party (a small British party, not to be confused with the Labour Party) there appeared in London the 'Movement for the Socialist United States of Europe'.

One of the original aims of the *socialist* movement was the creation of a 'united' and 'socialist' Europe, the two adjectives being considered synonymous by definition.

This forthright and dogmatic view was reappraised when in November 1948 the organization was re-named the 'Socialist Movement for a United States of Europe', with the Movement, and not Europe, labelled as socialist. The change of name was the result of a change in tactics: the prime objective became European unity, while party interests took second place. This new course brought the Socialist Movement into collaboration with other European organizations, and more particularly, prompted a co-ordination of effort with the European Movement.

Yet another name, as well as a fresh impetus, came from the Tenth Congress of the Socialist Movement held in Luxembourg in February 1961, at which the 'European Left Movement' was born. The rejuvenated movement, now with a name even further shorn of political connotation ('Left' instead of 'Socialist') considered its chief goal to be the construction of a federal Europe on socialist foundations. Organizational changes were made, the supreme authority now being the Congress, under whose supervision the national Committees exercise authority on the regional plane. The 10 national sections (in addition to the six original countries of the European Community the movement comprises Austria, Greece, Switzerland and the United Kingdom), meeting in congress, appoint the International Committee and the Executive Bureau. In theory, Congress meets every year, though in practice this rule is not strictly observed.

Despite an attempt by the Italian Executive Bureau in July 1970 to put fresh life into the 'European Left' <sup>(1)</sup>, the movement has never succeeded in becoming more than a simple pressure group. Its relations with the Bureau of the Socialist Parties in the EEC have remained informal, though there is a certain amount of interdependence.

At the same time efforts were made to strengthen the Bureau: much was expected of the Eight European Socialist Parties' Congress which, after many postponements, was held in Brussels from 28 to 30 June 1971. But because of strong internal resistance the only change to go through was the removal of the word 'Liaison' from the official title of the Bureau (it had been 'the Liaison Bureau' until then).

Here it should be said that, as christian-democratic and socialist representatives themselves admit, the ECDU and the Bureau have so far had very little impact, even though as we have seen and will again see, attempts have been made to improve the organizational machinery of the ECDU by adopting more sophisticated methods of action and a new approach.

It is perhaps worth quoting the observations of that reputed fighter and Dutch socialist MP, H. Vredeling, who was also a member of the European Parliament until recently:

"How does the Liaison Bureau work and what does it do? The answer is: nothing; if we disregard the occasional declaration, of the kind recently made in connection with the Hague Summit Conference, it does nothing at all... From time to time the Bureau meets; to these meetings the national executives

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(1) On the 'new start' programme of the European Left, see: *Iniziativa Europea*, Rome, year XIII, No. 141, March 1971, p. 16.

will send their assistant-secretaries at most, or perhaps simply an ordinary member who is interested in European affairs. Half the participants arrive generally an hour and a half late, the others an hour and a half too early. Sometimes the Congress actually takes place: the last was held in Berlin in 1966. These gatherings have no powers of decision, their resolutions, even when passed unanimously, have to be approved by the national executives. No one has yet dared to propose introducing a majority rule, but as things are this would be meaningless, since the decisions are not binding in practice on anyone.

There is no common programme. At one time an agricultural plan proposed by Vondeling was under discussion. Many meetings were devoted to it, but it has never been adopted by any of the parties in the EEC countries, nor has it ever appeared on their agendas; it has all been shadow-boxing, nothing more' (1).

The fact is that the European party organizations lack a unifying factor such as would be provided by some form of supra-national or national power. They have no direct and valid link either with the European 'top', which at the moment is represented by the EEC Council and, partly, by the Commission, or with the national 'base', that is the national political parties, which are still not bound by decisions taken by the European and international bodies to which they belong and are still free to relegate to the limbo of pious intentions all their resolutions and declarations.

In view of the futility of the efforts made at national and European level, some theorists and politicians have on various occasions tried to 'conjure up' and launch a political party with a supra-national structure. Of these more or less realistic projects, all aimed at constructing that great political force which would at last attain the dimension demanded by the times and the economic situation, we shall mention three of the most important and recent. The first arose from a proposal by René Montant, who, with others, started in 1968 within AGEN 'Action Committee for the Formation of a European Socialist Party', which has now been succeeded and given fresh impetus by the 'Study Committee on the Federation of Socialist Parties in the European Community' (2). The second project, for a European progressive party, was championed by the socialist Vredeling at two separate meetings, in May and October 1969, held in Bemelen (Holland) (3). Finally, the third proposal was put forward on 20 June 1970 by Westerterp at a seminar of the Dutch section of the European Christian Democratic Union (4).

All three documents start from the same premise: that there exists a political vacuum and that the political forces in Europe are too weak to stand up to multinational economic groupings. But the strategies chosen to resolve the difficulty are different.

Vredeling and Montant consider that it would be virtually impossible to reach the national socialist parties through the existing European bodies, the Bureau and the Congress, and would like to begin with an action group or committee whose task it would be to gather together, singly and gradually, the socialist and progressive forces at national level. Vredeling defines the aims of the European Progressive Movement, or the Party of European Progress (PEP in its English abbreviation) as follows: 'The main purpose in launching the PEP idea was to create a shock effect in the national parties. And then it was hoped to form the nucleus of a group which could establish European links between national progressive parties. The PEP has always tried to be a movement in which existing parties could in the first instance recognize their own image and in which they could ultimately be absorbed' (5).

(1) H. Vredeling: 'Verso un partito progressista europeo' in *Socialismo* 70, June-July 1970, No 17-18, pp. 93-94.

(2) Information on René Montant's initiative will be found in Vincenzo Guizzi, 'Un tentativo di rinnovamento della sinistra in Europa', in *Socialismo* 70, June-July 1970, No 17-18, p. 73. Full details of Montant's project were published in cyclostyle form by Agen on 2 September 1968 under the auspices of the 'Comité d'initiative pour la création d'un parti socialiste européen', and another more recent version was published on 29 October 1973 by the 'Comité d'étude pour la fédération des partis socialistes de la CEE'.

(3) Information on this project is given by the author H. Vredeling in: 'The Common Market of Political Parties', *Government and Opposition*, No 3, 1971 and in *Socialismo* 70, op.cit.

(4) The Westerterp project has been published in the *C-D Europa* bulletin of the Christian-Democratic Group in the European Parliament, Doc. 315/70, Luxembourg, C-D Group Secretariat.

(5) H. Vredeling: 'The Common Market of Political Parties', op. cit. p. 452.



Apart from the frequently irreconcilable differences of opinion on programmes and their content, the crux of the problem is how this kind of party could integrate itself into the national and European power structures (on the assumption that the latter do exist), having started life outside them. Vredeling himself, in fact, admits that the exercise of power will be a problem of vital importance to the future European political parties. Criticism was soon forthcoming on this and other points. In Italy, too, the problem raised by Vredeling found an echo. In an article published in 'Critica sociale', Gianfranco Speranza, already an opponent of the programme and its "progressive" label, too vague and politically vacuous to his mind, came to grips with the thorniest question of all, on which he wrote: "A party has a valid *raison d'être* if it sets out to provide leadership in a particular organized political sphere, such as the national state has been until now, and such as does not yet exist, except in matters of marginal importance, in the European sphere ... The creation of a European party becomes an almost desperate venture if the aims of leadership cannot be thoroughly defined: general aims which can equally well be pursued by movements or loose associations are not enough to make its existence essential'. And Speranza adds later: 'one cannot expect a European party to be formed purely to "promote" or "encourage" or advance objectives which can be attained by other means' (1).

Be that as it may, the idea of forming a European socialist party (or at least a federation of European socialist parties) was subsequently taken up by the Bureau itself, which early in 1972 sent out a questionnaire to all the socialist parties in the Community, including those in countries which were soon to accede. The questionnaire asked the following three questions:

- 1) Would the formation of a European Socialist Party be timely or premature?
- 2) If timely, in what practical way could more fruitful cooperation between the Socialist parties in the European Economic Community be achieved?
- 3) What changes must be immediately effected to improve the functioning of the Bureau of the socialist parties? (2)

The way in which the questions were formulated left the respondents free to opt either for creating a new European party from scratch (as proposed by Vredeling) or concentrating on strengthening the existing inter-party machinery. The Bureau's initiative found a certain response, at least in Italy, where the review 'Critica sociale' published reactions in Italy (Lionello Levi Sandri, Luciano Bolis, Antonio Valeri, etc.) and abroad (Pierre Rimbart and Vredeling himself) (3). The issue, however, turned not so much on the above alternative as on the exercise of political power and the dilemma of whether this was to be achieved before or after the formation of a political party: in other words, was the establishment of effective political power at European level a necessary prerequisite for marshalling the political forces in Europe?

The Christian-Democrats seem to have no hesitations on that score. The plan by their Dutch colleague Westerterp, already referred to, relies essentially on strengthening the existing European bodies, while leaning also on national political realities. Westerterp recognizes the Community bodies, particularly the Council, as the seat of one form of effective power — power transferred to them by the Member States in virtue of the Treaties. 'This situation in which Community legislation comes into being without the intervention of either the representatives of the peoples of Europe (the European Parliament) or of the representatives of individual nations (national parliaments) certainly cannot continue in the long run' (4). Sooner or later, therefore, the European Parliament's consultative function will have to be transformed into a joint exercise of law-making power. At

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(1) Gianfranco Speranza: 'Partito progressista partito socialista europeo' in *Critica Sociale*, Year 61, 20 December 1969, p. 733.

(2) *Critica Sociale*, Year 64, 5-20 May 1972, p. 314.

(3) See the following issues of *Critica Sociale*:

Year 64, No 13, p. 428;

Year 64, No 16-17, p. 538;

Year 65, No 3, p. 59;

Year 65, No 14-15, p. 341.

(4) C-D *Europa*, op. cit., p. 2.

that point the members of the European Parliament, invested with effective powers of control, will emerge from the state of political non-responsibility which at present tends to make it immaterial whether or not they belong to a European political party organization that acts as a link between 'top' and 'base'. Westerterp goes on to ask what the relationship between the European parties and the present national parties should be, and comes up with two possibilities:

- 1) no formal commitment to existing national parties, which implies, however, direct action by the European party; or
- 2) a link, whereby the European party acts through one of the national parties, the latter becoming collective members of the European party' <sup>(1)</sup>.

Westerterp inclines towards the second solution and considers that the Conference (now the Political Committee) of the christian-democratic parties and parliamentary groups in the six EEC countries and in the European Parliament — the permanent body which we have already described — would provide an appropriate framework for promoting and amplifying the concept of the nascent European Democratic Party by linking it with the organizational structures already existing in the Community. But on condition — Westerterp adds — that 'the leadership of the European parties is truly supra-national in character, as is the case with the political groups in the European Parliament' <sup>(2)</sup>.

This last point brings us to the question of the political groups in the European Parliament and their role in the process of European integration.

Can they, after possible readjustment and consolidation, produce the thrust towards integration that would help to fill the political vacuum of which we have spoken? Given that the impetus will not be forthcoming either from the national political parties, totally absorbed as they are in the struggle for power at a merely national level, or from the Internationals or European party associations, these being cut off from the European power structure, it would be interesting to ascertain whether the European Parliament political groups would be capable of assuming such a role themselves.

To begin with, it can be stated without fear of contradiction that the political groups of the Strasbourg Assembly are the true mainsprings of the European Parliament and that no aspect of parliamentary life lies beyond the scope of their concern and action. Not only have they taken over parliamentary methods from the national parliaments of the Member States and introduced a few innovations (such as the financing of the groups by the Parliament itself) but they have also succeeded by steady and patient work, in partly modifying in the European Parliament's favour the institutional balance within the Community as laid down by the Treaty of Rome. The clearest example of this is the acquisition of partial budgetary powers and the constant improvement of the links between Parliament and Commission on the one hand and Parliament and Council on the other. An annual report from the Commission to Parliament, explanations by the Council in cases where the Parliament's opinion has been rejected or not taken into consideration, a special multi-stage procedure for the examination of the budget drafted by the Council, an annual 'colloquy' with the Council on the main topics of Community policy, the Commission's obligation periodically to inform the Presidential Committee of the European Parliament on progress in the practical implementation of programmes scrutinized and approved by the Assembly — these are some of the many improvements in consultation and 'control' procedures which have been introduced in recent years, mainly through the efforts of the political groups in the Parliament. That much can certainly be said as far as the practical working methods and the 'legislative' activities — so to speak — of the political groups are concerned.

The political verdict is different, both inside and outside the European Parliament: the prevailing opinion is that the political groups fulfil only imperfectly the function of promoting and channelling interests. Taking first their internal political activity, the political groups are generally reproached

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<sup>(1)</sup> C-D *Europa*, op. cit., p. 4.

<sup>(2)</sup> C-D *Europa*, op. cit., p. 4.

with not attempting to raise the level of discussion on Community matters, with not trying to extend the discussion to other areas, such as foreign policy, which go beyond the Treaties, with not being sufficiently resolute with the Commission with whom Parliament deals directly. The fact is that matters of Community interest are what they are, restricted and sectoral, and it is not possible to go beyond this ambit when Parliament is asked to exercise its obligatory or optional consultative function; this is why the discussions in the Strasbourg debating chamber are for the most part highly technical and of limited political appeal.

But this is not to say that even in such specialized matters there are no important political interests to channel or protect. And it is at this point that, according to many indignant observers, occurs the most serious infraction of the imperfectly defined Europeanism of the parliamentary groups — the occasional defence by national elements within the groups of the interests of their own country rather than those of the political group as a whole. However, too much should not be made of this, because national interests are no more strongly defended at the European level than are regional or sectional interests on the national scale. If there is anything to deplore, it is rather the contrary, the fact that all too often political groups as a whole attach too much importance to the achievement of almost complete unanimity on resolutions tabled by the group on Community decisions: political militancy becomes so dissolved in a generalized 'European attitude' that the political vitality of an Assembly that should direct rather than submit to the process of European integration is sapped.

Here lies the root of the problem of relations between the Parliament and the Community executive organs, and particularly the Commission. According to the Treaty (Art. 144), Parliament can theoretically pass a motion of censure on the Commission. Why is it that it has never used this right? On several occasions the groups found themselves in a position where they had at least to consider this possibility, but each time they stepped back from the brink, either through institutional deficiency (indeterminacy of the relationship between Parliament and Commission) or from political calculation — fear of undermining the European institutional structure, consciousness of their own political weakness and limited powers, the fragility of outside links with the national political forces, have always acted in this restraining sense.

The external links with national political forces have been the subject of much thought, both as to assessment of the existing situation and speculation on future developments. Certainly, an outside observer cannot but feel sceptical about the present state of relations between the political groups in the European Parliament and the national political parties. Apart from the direct personal links of individual members of the European groups with their national parties — which could be discussed, but would in any case be of little importance — the only true organic link between the European groups and national parties is provided by the existing European inter-party organizations. But these have so far been, as we saw, 'a useful meeting point for the various national members' and, in practical terms at least, nothing more.

As we have said, the disadvantages of such a situation have lately begun to be realized and, though accompanied by a great deal of controversy, minor organizational changes and adjustments of balance have been initiated; the European Christian-democrats have perhaps gone furthest along this way by introducing, first in the permanent Conference and now in the Political Committee, machinery for political co-ordination between and mobilization of the associated parties in the process of European integration. Their principal innovation was to recognize the crucial role of the Christian-Democratic Group in the European Parliament and to assign to it a more important place in the Political Committee structure.

In short, it has now become recognized that, whatever can be said of them, only the political groups in the European Parliament are capable of providing the driving and co-ordinating force in the process of Europe's integration. The participation of the political groups of the European Parliament in the European inter-party organizations has been increased. The Christian-Democrats have set up a joint ECDU-European Parliament C-D group working-party (concerned with Community institutions, the European programme, etc.) 'and, further, the chairman of the ECDU and the

chairman of the European parliamentary C-D group will act as joint chairmen of the Political Committee of the C-D parties of the Member States of the European Community'. The Socialists have appointed a single secretary-general for the inter-party Bureau and the Socialist Group in the European Parliament.

In other words, in the absence of practical initiatives from the national political parties, moves continue to be initiated 'at the top', thus paralleling the process of European unification which itself was launched from above, with no grass-root movement to back it. This gradualistic approach is at present seen by many as the only possible way of attaining at least partial coordination between political forces and national parties in a Community framework: and it is obvious that in such a set-up the political groups in the European Parliament are destined to play a role of primary importance. But how far will they be able to shoulder this task and how can they become the spokesmen for the national parties in the creation of European political parties? Undoubtedly, on the gradualistic hypothesis, the political groups in the European Parliament have an essential role to play in exerting pressure and providing encouragement: they are the forerunners of the first assembly of future European political parties which will be attained through confederation, followed by the emergence of a political movement, and, finally, by the mobilization of public opinion and of national political parties to form European political parties. According to some, these are unlikely to come into being, not only because the European Parliament lacks real wide-ranging powers, not only because there are no direct elections to the Strasbourg Assembly, but especially because of the fragmented nature of the process of European integration which nullifies the universality that is an essential basis of all party organizations.

Those who believe that the mobilization of public opinion and of national political parties is the precondition for the formation of a European political party, evidently attach less importance to the role of political groupings in the European Parliament: for them, the mobilization of national political forces and of public opinion, together with direct elections to the European Parliament are the first steps that should eventually lead to the emergence of European political parties.

It is clear at any rate that in a situation of political vacuum at Community level, such as we are experiencing, the political forces (and not only they but trade union forces, too) will have somehow or other come to recognize that they must participate more directly in controlling and guiding the process of European integration.

## PARLIAMENT AND EUROPEAN UNION

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This paper will be concerned with what is feasible for the European Community rather than with ideal solutions; and it will concentrate not on some vision of a united Europe or even on the year 2000 AD, but on what is within our grasp for the last two decades of the century. On the other hand, and unlike many recent writings, it will use a framework of political diagnosis to suggest what is possible. After the postwar enthusiasm of federalists — and the reaction in the de Gaulle era of the 1960s — it has rather seemed fashionable, as K. Neunreither has observed <sup>(1)</sup> to think only in pragmatic and immediate terms, 'avoiding definition of longterm goals and expectations'; and treating the EEC as *sui generis*, relatively cut off from the experience of history.

The respective functions of a European Parliament and of national Parliaments in the decades ahead are, in fact, likely to depend on four *interacting* sets of factors: western ideas about and experience of the liberal state and any effort to build in or strengthen some of its parliamentary features in developing a Parliament for Europe; the nature, the present stage and the varying success of national models among the Nine; western experience of federal-type systems, including the EEC so far; and the 'Union in 1980' — with its institutional and party structure — that will result from the Summit decision, under the pressure of world events and national reservations.

### Parliament in the liberal state

The functions of Parliament can be listed as follows:

- the power to decide over the duration of government,
- providing members of the government and determining government membership,
- the power to make rules binding on the government — legislative power; power over the budget; power to receive and approve the general and detailed policy of the government,
- confrontation between government and opposition, focusing political choice for the electorate, through the party system,
- the focal point also for interest groups and expression of grievances, acting as a point of communication between citizen and government.

Before we look at how these functions are carried out in individual national models, a general word must be said about the extent to which they have been modified in present-day practice in Western Europe. The tendency, all too often, is to ignore this when prescribing for a European Parliament. Talk of 'parliamentary decline' is accompanied by an uncritical and optimistic belief that we can revert to a pure form of the first three direct controls in building for the future. But is this so?

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<sup>(1)</sup> Some reflections on the European Community and the Function of Parliament. Paper for the Congress of the International Political Science Association, 1973.

In one way and another, governments have escaped the rigours of direct parliamentary control and have themselves come to have a great deal of control over assemblies. In the 19th century, when the electorate often came from a narrow social base, and before mass parties existed, some assemblies were able to have a unique power to choose and control the executive. But the coming of the mass parties has effectively changed the system: with party discipline marshalled behind a government in power and often sitting in the assembly, the relative independence of the assembly has tended to decline. The party systems, operating through the electorate, usually control the real choice of government, making the assembly into a mandated electoral college. Members of the majority party know that undue assertion of independence over the life of the government, over rule-making or sectional claims, will result in collapse, advantage for the opposition and, probably, in dissolution and defeat. The power of patronage — the hope of being invited to join the government — gives to government a further power of discipline over party members. In coalition situations, even the choice of individual ministers may be pre-empted by the parties staking claims to various portfolios. When it comes to rule-making, less than five per cent of laws and rules originate in parliaments; the rest are executive-proposed, are pushed through by party discipline under standing orders favouring government business — and only committee-based parliaments make some show of retaining power over details.

Indeed, as many writers point out, the more one examines the real functions of present-day assemblies, the less they appear to be decision-making organs. 'European assemblies can be seen as "nodal points" of communication; the meeting place of a number of routes issuing from and to the electorate, but others as well which link parties, organised interests and the government.' 'The trappings of legislative power help to sustain the illusions.'<sup>(1)</sup>

If it were possible to recreate the United States' system in the original form intended by its founders — a separate Congress making the rules of an executive merely administering them, — then the early independence could be regained. For reasons that will be given below, that is very unlikely in Europe. Instead, and because, government today involves more than administering laws, is immensely complex and needs day to day decisions by a small group, assemblies give power of direction and initiative to government; and in return for legitimising its main proposals and giving it support on behalf of the electors, they build a system of influence and general guidance, reciprocal understanding and give-and-take. The immediate lessons for a European Parliament need to be faced. Parties in governments of the Nine are aware of these trends in power: they cannot be expected to listen to what they believe to be naive calls for return to that too-simple list of controls over whatever form of European executive is created. Indeed, if a European system involving identity and consequent sympathy between an assembly majority and the executive cannot be created, then governments may not favour even tentative steps along the road to real assembly powers, unless the proposals positively face up to and provide barriers against a 'deputy-centred' system. Once we get some idea of the form of Union, we shall need to return to this point in outlining the role for parliament.

### National models

The varying stages of the development of national models in the Nine will further affect and limit what is possible inside Union. There is differing experience of unification and separation of powers, of civic culture, of party patterns and of emphases in parliamentary activity. They will influence the form of Union demanded and the make-up and instincts of the parliament.

The British system is possibly the easiest to summarise, though with all the dangers that arise from brief descriptions of this kind. The main outline is well-enough recognised. Government originates from and sits in Parliament; the Commons are elected on the simple-majority, single-member

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<sup>(1)</sup> Politics in Western Europe by Gordon Smith, pp. 213 and 187.

constituency basis; the Lords are increasingly a nominated revising chamber without power. British civic culture shows respect for and pride in government: progress from absolutism to democracy occurred through an intervening period of government by 'enlightened gentlemen of means', the problems of popular democracy were faced one by one, and little distrust of executive authority has survived. The party system is simple because only one politically relevant cleavage operates, based on economic issues, left versus right. 'Class is important — indeed central — in British politics because nothing else is.' (1) Religion is no longer a force in politics; and industrialisation has produced a homogeneous society with only 3 % still on the land.

The government dominates parliament and can dissolve it virtually at will. Parliament functions mainly as an arena for government/opposition confrontation ready for the next election, and this applies even to the detailed study of draft laws. As a result, Parliament's independent control over legislation and the budget is sacrificed in favour of conflict about the policies behind them. But government accepts guidance and influence in return for support and legitimisation of its laws, while firmly conserving the right of initiative and the right to govern. Subject-committees found elsewhere are replaced by a small number of specialist or expenditure-head committees, investigating in a relatively non-party atmosphere the government's choice of policies and its effectiveness and economy in pursuing them. Patronage, government control of standing orders, and the absence of deep-running group grievances in society, add strength to party discipline in the continuous plenary confrontations.

It is important to estimate the effect of familiarity with this system on the attitude of the two major parties to European Union. Although the Conservative government has championed membership of the EEC, it must be remembered that the party initially preferred an industrial free trade area, and then exceptional terms for EEC membership, before finally accepting the Community as it is. Conservative leaders obviously expect that the remnants of opposition and doubt in the party will decline (as occurred in the Six) as the next few years and elections go by. But any attempt to force the pace unduly and to legislate for Treaty amendments creating, say, a European government responsible to an elected European Parliament seems out of the question for as far ahead as one can see. The loss of sovereignty over, for example, foreign affairs or sensitive areas of economic policy, would probably be unacceptable at this relatively early stage after entry.

Be that as it may, there is a limit to what can be done in UK conditions in the teeth of opposition by the alternative government. Decisive steps towards any form of federal Europe almost certainly need consensus. For the time being that is impossible. The Labour Party's opposition to the terms of entry, and the demand for 'renegotiation' cannot be entirely explained in terms of internal British politics and irresponsibility when out of power. In December 1973, the Opposition spokesman on foreign affairs, scornful of the failure to reach agreement in Brussels on a Regional Fund, openly revived the idea of going back to a free trade area; and the absence of EEC unity in the oil crisis added reinforcement. More important, perhaps, was the reply of Mr. Michael Foot, MP, the Opposition spokesman on Europe, to Chancellor Brandt's plea for more speed towards Union: 'I do not wish to be a member of a super-state. If you do that, you are destroying the British parliamentary system. As a Socialist I believe that the fulfilment of Chancellor Brandt's aim and ideal would mean the permanent entry of this country, and in particular *my party, into what I describe as continental coalition politics.*'

This last point is not rhetoric. Many British socialists, and they carry a majority of the party with them, regard the British system, with its simple left/right cleavage and continuous parliamentary confrontation — the concentrating on differences rather than agreement — as the one which offers the best chance for radical challenge to the economic status quo; whereas the 'coalition politics' (which complex European party patterns entail) muffle that challenge and force parties of the left to cooperate in working the free enterprise economy broadly as it exists. The British approach to parliament is seen as more important than independent parliamentary power to make rules or

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(1) Comparative Government by S. E. Finer.

exercise direct controls over the executive, and this power is freely sacrificed if need be. Furthermore, the British system is thought best able to involve the voter by its drama and to harness his enthusiasm in the choice between distinct alternatives, helping the final breakthrough to a socialist society. It is this argument which is likely to endure even if Labour, in or out of government, becomes reconciled to the Rome Treaty, and as attention shifts to questions of European Union.

The subsidiary effects of British parliamentary experience on attitudes to the work of a European Parliament are being seen already as UK members make proposals for changes in procedure. Because there is no sense of alienation from the executive, there is less interest in wide-ranging and consensus parliamentary reports, examining every aspect of EEC policy as the 'separate and sovereign representatives of the people.' Selective criticism and exposure of differences, combined with sharing power through influence — these are the emphases being recommended.

The Italian and French — and to a smaller extent, the Dutch — experience and traditions are different. In Italy, as Professor Manzella's paper has shown, the parliamentary system is in a testing period. It is, again, a unified system; but the variety of parties, the civic culture and the approach of parliamentarians all make it difficult to operate. The sharp polarisation between the Roman Church and advocates of a secular society divides the parties and the interest-groups throughout society. It is more important than the economic cleavage which is itself deep. To these are added urban/rural contrasts, with varying influence of landholding patterns on political allegiances. Because of past authoritarian history, there is substantial alienation and positive distrust of government and its bureaucracy: the anti-system parties on left and right complicate parliamentary life and government formation. Although economic development, the steady decline of religion as the dominant political force, and the exit from agriculture (still taking 25 % of the work-force), will gradually modify Italian politics, the cross-cutting divisions will complicate parliamentary development for some time yet. The Christian Democrats do not usually get an overall majority and are dependent on other parties to form a government; proportional representation helps to maintain a multi-party situation; and governments restricted by agreement on a short-term coalition programme have to face two equally powerful chambers, where the protests of the alienated elements hinder reasoned confrontation. Legislation is hampered by strong pressures in committee on behalf of powerful interest-groups outside.

Because Italy is in this period of social and parliamentary transition, its influence on the form of a European parliamentary system may not be pronounced or demanding. But the Italian share of an elected parliament is likely to display the sharp divisions mentioned above; and its parliamentarians will be more familiar with an assembly concentrating on legislation than on clear party confrontation based simply on economic conflict in urban society.

There is less uncertainty about French influence so long as the Gaullist Party controls both presidency and parliament. The Fifth Republic's constitution is a reaction to the alleged failings of the parliament of the Fourth and dominates the Party's approach to Europe. For historical reasons, the Prime Minister, though emerging from and responsible to parliament, had evolved as not necessarily the leader of the largest party. Although cleavages in French society are less pronounced than in Italy, they are similar — creating a multi-party position which was fortified by proportional representation and provided no stable majority. 'A general distrust of government power, from the days when the Republic had to oppose first the monarchy then the Empire, outlived these regimes in the minds of the deputies and in the procedure of the Assembly.' <sup>(1)</sup> Government power was automatically suspected of being arbitrary. Committees appeared to dictate to government in day to day matters, and replaced government draft laws with texts of their own. Fracturing demands of outside interest-groups were strongly pressed regardless of the fate of governments, and the Assembly ended with undue concentration on minor laws, 'immobilisme' on fundamental problems and, at the height of the Algerian trouble, with hostile armed forces gathering ominously.

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<sup>(1)</sup> Politics in France by Pierre Avril, p. 47.



In reaction to these last years of the Fourth Republic, the Constitution of the Fifth is a parliamentary/presidential hybrid. The directly elected President, making up for the absence of a stable majority, appoints the government, presides over the Cabinet and is the source of major policy. The Assembly's power to dismiss the government is limited and regulated and the provincial-based Senate has lost power. It is a legislative assembly, dealing to a timetable with government-proposed bills which, by a package vote or confidence procedure, can escape amendment. Since interest groups have been provided with many consultative councils for direct contact with government, they take little interest in parliament. But in recent years, and despite the handicaps, an atmosphere of confrontation has developed between a government now supported by a majority and an Opposition steadily finding unity on an election platform. The presidential system, as in the USA, is helping to polarise the parties.

This history, added to the Gaullist desire to revive the independent power of France in the world, accounts for the reservations about the parliamentary future of Europe. The present French government is determined to resist all dangers of a 'régime d'Assemblée'; they will want firm assurances about the limits of parliamentary control and they are bound to be in favour of some form of separation of powers in a confederacy of nation-states. In the Parliament itself, the Gaullists refuse to sit with Christian Democrats, claiming that they are not simply a party of the Right.

There will no doubt be some change if the Left wins power in presidential or parliamentary elections. They are committed to reduce the power of the president and to return to a government more actively responsible to the National Assembly. But even in Opposition, the Gaullists will have an authoritative and restraining influence on surrender of power in Europe, just as Labour will have in Britain. In both countries it would be virtually 'unconstitutional' to go very far without consensus. And is it not at least possible that a socialist/communist alliance, once in power and able for the first time to make substantial changes in France, will be reluctant in its early years (and with alternating governments in prospect) to go at top speed for European federation?

In contrast again, practically all parties in the Netherlands favour early moves towards an advanced form of parliamentary democracy at the European level and the country has a constitution providing for surrender of powers to international authorities. At home the Catholic/Protestant/secular cleavage cuts across the left/right divisions and has produced a diffused party pattern that is fortified by strict proportional representation for elections. But it is a weak form of sectionalism: the three main rightwing religious parties are accustomed to working together in government and, latterly, to a common election programme. In recent years a left alignment round the Labour Party has paralleled the 'Christian' bloc and, after presenting a government team to the electorate, has come to power. A realignment of the party structure, based more on left versus right, may be in the making. The Cabinet comes from, but does not remain in parliament: there is a good deal of reciprocal influence and cooperation. Parliament's main chamber goes so far as to lay down in advance certain limits on the coalition's policy, but does not attempt to govern or to dictate day to day policy. Once again we see a form of separation of powers, an acceptance of permanent coalition, but with a parliament less bitterly divided and hostile than in France or Italy and therefore perhaps more easily restrained in the use made of parliamentary power. But breaking points do come and coalitions have fallen regularly when divisions have again become uppermost.

The West German constitution is federal, with powers distributed. The second chamber is composed of Land government representatives and possesses a veto over measures affecting the Länder. Also resulting from earlier German history, it is based theoretically on a separation of powers: the Chancellor, once elected by parliament, selects his ministers, is responsible for policy and can be removed only by electing someone in his place. Other features are added to avoid the pre-1939 instability of governments: parties which get less than 5% in the voting by proportional representation are denied seats in the Bundestag; and the relative autonomy of parliament and Chancellor is further stressed by preventing easy dissolution.

Almost unexpectedly a stable party structure has emerged. Earlier cleavages in society, including religion, have largely declined. Trust in government has been restored. Even in traditionally agricultural Bavaria the exit from the land has gathered speed and reduced urban/rural difference. And a virtual two-party system — conglomerates of left and right, plus a small 'liberal' party — now operates. But parliamentary functions are not sacrificed, on the British pattern, to permanent party confrontation. There is a sense of legislative independence, though not of antipathy to the government, when draft laws are being considered in the all-important committees (plenary sessions number about 60 days per year compared with 160 in Britain); and, within the limits of the need of the majority to support its Chancellor's drafts, there is much give and take, expert study and party negotiating in order to get a compromise version. This has been helped by the Social Democrat Party's move, in its 1958 programme, towards the centre. But there could be a change if electoral defeat, inflation or a sudden end to rapid economic growth reopened deep policy conflicts inside the party.

German experience has already had a considerable effect on the existing European Parliament, mainly because its delegation was the most united of the large groups of the Six. The European Parliamentary committees work like the German — relaxed study of drafts with Commission officials, long consensus reports for the plenary, almost the sense of a supervisory board calling in the management to go over its budget and its work, suggesting changes and criticising its drafts. The federal situation and the partial separation of powers — together, of course, with truncated Germany's search for safety and strength in the West — may help to explain growth of interest in moves towards Union. In his November 1973 speech to the European Parliament, Chancellor Brandt spoke of steady progress through functional integration to a 'sensibly organised European government' which would be 'subject to parliamentary control' and would be 'in charge of the economic and monetary community, the social community, perhaps also the educational community, definitely the community of foreign affairs' and, one day, defence security.

This brief look at some of the national models has not been in order to present an exhaustive analysis, but only to show differences and to indicate problems that will arise when the institutions of Union come to be clearly defined. For a start, the party systems are at varying stages of development: their policies and programmes reflect greatly different political history and present-day social conditions, with frequent cross-cutting conflicts in society. Europe-wide elections would mirror this for a considerable time, giving a diffused set of parties or, at best, a smaller number of weak coalitions. These would be in danger of each fracture, particularly if voting carried real power of decision over laws or the executive. Social democrats, for example, influenced by their national conditions, are not one homogeneous bloc, frequently have to leave delicate issues to free votes in the plenary sessions of the present European Parliament, and have divergent ideas on such matters as industrial affairs, agriculture and European integration. Inside each bloc, and complicating the party groupings, would be the extra cleavage of nationality, putting party unity under additional stress when party and state interests fail to coincide — and where, as in Denmark, there is a national veto on such an important issue as progress towards supra-nationality. All this is already evident in the existing Parliament, and the prospect might be of shifting allegiances and temporary alliances on various matters if voting carried real power. The executive, however composed, might be in repeated difficulty, unable to find a stable majority for its policies.

The party systems of the models also show the variety of historical and of present-day constitutions, the differing relationships of assemblies to the executive, and conflicting ideas about the role and main functions of parliament. For some the confrontation is important, perhaps all-important; for others it is the surveillance of the executive, or non-partisan work on budget or legislative details. The final blend, the final emphasis, will take a decade or more to create, and greatly affects relations with the executive.

Reverting to what was said earlier about government fears of a deputy-centred system, seeking to dictate rather than to influence, we can see that the uncertainties and the complexities in the make-up and instincts of an elected European Parliament will give governments pause and perhaps arouse misgivings when planning the institutions for Union. Given real powers, would the parliament be

unstable, a permanent anti-government, attempting to assert its power over nation-states' interests as well as the executive? Can we find a form of Union which both reconciles the differing party and national approaches and, at the same time, guards against these dangers in its pattern of powers and institutions? It is therefore to a consideration of federal experience and of the likely form of Union that we must turn.

### Western experience of federal-type government

It is important to begin by stating the sense in which the words 'federal' and 'confederal' will be used. The Swiss Confederation, for example, is really a federation and the words are frequently used synonymously. 'Federal' will be used to mean a system in which there is an independent central government responsible for certain matters, and independent regional or state governments for the rest — and in which the central government 'is not subordinate to the others'.<sup>(1)</sup> By contrast, 'confederation' will be taken to imply that the central political authority remains subordinate to and is effectively the agent of the Member States of the 'confederacy': it can, at the extreme, be a unity based merely on a set of treaty relationships.

The historical experience of federations is, of course, a vast subject. The aspects that are particularly relevant for us here are the methods used to keep a balance between states' rights and central government, and the position in decision-making of the parliamentary assembly.

In the case of the United States of America, what is often forgotten is that the 1777 Articles of Confederation preceded the federal constitution of 1787. States' delegates, voting as a bloc, formed the first single-chamber Congress, which possessed only limited powers to act for the states — over peace and war, coinage and foreign relations. Success of that early system depended upon cooperation of the states, and when they encroached on each other's commerce, issued their own paper money and failed to honour treaties, the Confederation began to falter. The 1787 gathering at Philadelphia was a result of dissatisfaction, but it was divided as to how powers should be distributed between the national and the state governments. In the end the sharing was agreed — a Congress with apparently limited powers over defence, taxes, foreign and inter-state commerce and coinage, and including a states-nominated Senate sharing power with the executive in foreign affairs and major appointments to the Supreme Court and the administration. Despite this balance, argument continued for a century over the extent to which central government was still the agent of the states.

As to executive/parliament relations, two points are significant: some of the delegates in 1787 wanted a plural or collegial executive so as to keep power out of the hands of one man; and the final agreement was not on a government originating from or responsible to the directly-elected chamber — for that would have run the risk of making it too powerful both vis-à-vis the states and the states-appointed Senate — but a separately elected executive President.

For some decades after 1787 the President did remain a mere administrator of laws, leaving policy-making to Congress. By today, the balance has changed. The Senate has been directly elected since 1913, but still guards a good deal of power on behalf of the states. And constitutional amendment, judicial interpretation and the needs of the modern economy have combined to make the presidency more powerful. Congress has surrendered much of its initiating role and has become more a critic and an investigator of the executive like other assemblies. The legacy of the history is that the extreme separation of powers has resulted in a slow-moving system, the executive unable to be certain of getting its legislation through, and presidents finding themselves unable to put through the policies on which they are elected.

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<sup>(1)</sup> Federal Government by K. C. Wheare, p. 35.

The Swiss federation is also interesting for European unity. Before the Napoleonic invasion, the thirteen separate cantons, with differing forms of democratic and autocratic government, were a 'sort of miniature league of nations. Their individual rights were so preponderant and their federal organisation so loose that historians have generally been led to declare that there was no such thing as a Swiss state' (1). Napoleon's centralised constitution was repealed after his fall, reaction and conflict followed and, after a brief civil war against a secessionist group of cantons, a new constitution was agreed in 1848. The American form of government had long been admired and it influenced what was chosen: a parliament with two co-equal chambers, one being a Council of States; and, this time, a collegial executive chosen by the Federal Assembly, for a fixed term of years and without the power to dissolve parliament. This pattern survived a major revision in 1874, increasing the power of the central government. The constitution enumerates the powers of the government, and residual powers belong to the cantons. The referendum by which federal laws can be challenged 'if 30,000 voters or 8 cantons' demand, is a popular check on federal laws, balancing a constitutional provision that federal laws override those of the cantons. It is also a check on and a vehicle for constitutional amendments, and has been frequently used for this purpose. The outcome is a careful blend of state and federal powers. Once again we see not only a chamber from the states, but also avoidance of a government responsible to a popular chamber (and therefore in danger, when in alliance, to override states desires).

Divisions of language, religion, culture and economic interest are all important in Switzerland. The system is worked so as to bridge these divisions as well as to preserve state rights. The main parties are represented in the Federal executive according to their share of seats in the popular chamber. Whereas a president helps to force the party structure towards two main parties, this preserves the several parties, and government by consensus among them is what results. But some events in the 1960s show how conflict between institutions can arise even in such a stable form of government built on coalition and compromise (2). When the costs of buying some new fighter aircraft escalated before delivery, the Assembly refused to pass a supplementary budget and cut the number of aircraft instead. This led to something of a constitutional crisis. The executive insisted that the parliament's role under the constitution is to advise and to recommend, but not to interfere this far in government administration. Until then it had generally been assumed that the parallel coalition complexion of executive and parliament would avoid such clashes. The consequence of the quarrel is that a parliament that was previously amateur in its methods and committee enquiries has set about equipping itself to gather expert advice and to pursue methods of interrogation that will, it hopes, make it better able to control the executive. This kind of crisis can, of course, occur regularly in the United States of America. But it does illustrate again that these forms of separation of powers can lead to indecision or imperilling of government policy, perhaps based on incomplete information or capricious voting. Parliamentary claims to 'have the last word' can create these problems when reciprocal government/parliament controls are absent and when there is no marshalled majority supporting its government.

It is a problem which will not have escaped Western European governments who do not face it in their home parliaments and may not, therefore, wish to leave such things entirely to chance in creating European Union.

Germany is another example of steady change from a confederation towards a federation. The Empire of 1871-1918 was a confederacy of twenty five states. Its Council, consisting of states' delegates voting as separate blocs, was more important than the Reichstag. After 1918, when the clear sense of identity as a nation could no longer be denied, the Weimar Republic remained a federation only in name. Power passed to the Reichstag, to the detriment of the states. Voting in the Reichsrat ceased to be by blocs, but the chamber could still force a referendum on constitutional amendments.

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(1) The Government of Switzerland by W. E. Rappard, p. 16.

(2) Le Contrôle du Parlement sur les Dépenses Publiques en Suisse paper by Paolo Urio, 1971.

As has been described earlier, today's constitution reverts to a federation, in which bloc voting and a veto over states' rights are restored to the Bundesrat. As in Canada and Australia (where federal constitutions reflected the UK pattern of government at the date they were granted) the federal government is now responsible to the directly-elected chamber — though causing less complaint from the states about the safety of their rights than in the former UK Dominions.

The Netherlands are yet another country showing this historical progression. The constitution of the United Netherlands, dating from the late 16th century, had a States General composed of delegations from the Estates and the consent of all seven provinces was needed for important matters. The modern nation dates from 1815, but the fragile union of north and south was broken when the south revolted in 1830 and became the independent state of Belgium. A federal feature has survived, in that one of the chambers in the Dutch parliament is elected by the provincial councils.

When federal experience is examined in this way, there is a ring of familiarity about what is evolving under the Treaty of Rome, even though it was meant as functional integration when more grandiose schemes for political union had collapsed. The policy areas chosen for central decision are what would be expected: it is a customs union and it shows increasing interest in moving — beyond the Treaty terms — into common foreign policy. (Because of special and modern-day conditions, first emphasis included a common agricultural policy inside the customs union; and there is now agreement on diversifying into items of social policy and protection of the environment as well as moving forward to economic union.) The collegial government which makes rules on behalf of the constituent states (comparable to examples quoted above) is the Council. The novelty is in the addition of an associated executive, the Commission, given powers of initiative so as to be the driving force towards the union mentioned in the Treaty's preamble. It should perhaps be thought of as a group of departmental economic ministers attached to the collegial 'government'. And, of course, there is a separate parliamentary assembly, which has a subsidiary and advisory role (again like others in history) but can dismiss the Commission. The pattern proves to be a variation on the classic confederal systems of history: it is somewhere on the road between a gathering of nation-states and a Community or possible eventual federation.

We do not need to attempt an exhaustive analysis of how the EEC is working in practice. Instead, and with an eye on possible progress along that road, and in the manner of other examples, we can point to some trends in central decision-making and in institutional development:

1) It is first of all obvious that the EEC Council is not working as intended. The 1965/66 'Disagreement' has brought regular search for consensus instead of the voting system in the Treaty. A new Committee of Permanent Representatives does a great deal of the bargaining and testing whether agreement is possible. In this sense, the Community has remained obstinately stranded: it is working very much as a collection of nation-states, using diplomatic bargaining, the beginnings of a confederacy in fact. This disadvantages the Assembly, for when a single objector in Council can force Commission-proposed texts to be put aside, there is little point in the Parliament's insisting that Commission texts should not depart from what the European Parliament wishes to see — and hopes might be carried if a vote took place in Council. The Commission has to be left with freedom to manoeuvre and to amend texts in the light of known national positions, so as not to see more of its texts simply rejected. As the Vedel Report has emphasised, power in the system has, in consequence of all this, passed more to the Council than the Treaty provided, and the Commission's role is reduced. Its duty as 'driving force' and 'European conscience' has also been impaired by the growth of regular Summit conferences. It is these which now set the pace of policy-making and institutional progress both inside the Treaty and in areas allied to it. The Council is given straightforward instructions about subjects to be tackled and time-tables that are to be followed. The Community is moving away from the 'High Authority' solution towards a confederacy.

2) Nevertheless, the Parliament's activities have expanded in other ways that go well beyond the letter of the Treaty. It is consulted on all Commission draft proposals of importance and not

simply as listed in the Treaty, and Council has now formally agreed not to proceed to a decision before receiving the Parliament's opinions. Direct relations with the Council have been created, despite absence of arrangements in the Treaty. Council has agreed to join in debates and discussions after its answers to Questions and on the final draft of trade agreements with third countries; 'to be represented during Parliament's important debates and in certain cases to participate in them;' <sup>(1)</sup> and to report formally to Parliament when it cannot accept advice on important matters. Council's representatives, usually the president-in-office, have made regular progress reports as statements in Parliament and now answer questions afterwards, and have taken part for some years in colloquies on agreed subjects. It has recently proposed <sup>(2)</sup> that the debates on the Annual Report, when the president-in-office opens discussion, should include plans for the year ahead — that he will, in effect, make a statement of 'government policy'. The budget procedure has included direct Council/Parliament meetings about proposed amendments, and the plenary session on the budget and supplementary budgets involve increasing Council participation.

3) Similarly, relations with the Commission have advanced. For example, the Commission, when attending committee meetings to explain texts and policy progress, takes committees more and more into its confidence about ideas under consideration, and the Commission President makes regular reports on general progress to the expanded Bureau of Parliament. A Commissioner is charged with relations with Parliament and reports at each part-session on what has been done about texts or amendments voted last time. It has proffered <sup>(3)</sup> its willingness to take part in general debates and suggests that they should be on subjects with greater political impact. In the same vein, it recommends Parliament to extend committee work to include 'hearings' into Community and Commission policy and, as detailed below, into spending. None of these points in paragraphs 2 and 3 may seem important when taken individually: together they represent a steady growth towards a democratic parliament/executive relationship, on the basis of well-tried methods.

4) The 1973/4 negotiations about budget control are full of significance for the future, since the changes proposed, if adopted by Council, will carry over into legislative control. In December 1973, after long negotiations with Parliament, the Commission has proposed <sup>(4)</sup> quite revolutionary progress in the European Parliament's powers. New auditors, appointed with Parliament's approval, are intended to work with a new parliamentary Accounts Committee, to watch the management of public funds. The Commission is also adding that 'if Parliament should decide to make the most of the latent powers at its disposal' it can use the power over accounts 'to examine and appraise any aspect of the common policies'.

Most important of all, the Commission is proposing that Parliament be associated with all decision-making that carries important budgetary consequences through a 'second examination' procedure plus a system of exhaustive 'compulsory conciliation' — 'which' it says 'would be political in nature' — between Council and Parliament. It is also recommended that the European Parliament should have control, the 'last word' over an increasing number of budget-headings which do not arise from the Council's legislative decisions, that it should fix the VAT rate needed to balance revenue and expenditure, and that Parliament's agreement should be necessary for any recourse to borrowing. Finally, the Commission recommends that Parliament should have the right to reject the whole budget.

The significance of all this is that if all or a substantial part of these proposals are adopted by Council now or in the coming years, then in addition to the mechanisms of a democratic relationship (paras 2 and 3) there will be substantial powers of codecision and investigation of the executive that are the proper content of it. In terms of the earlier phrase, the EEC will then be a good way along that road between a collection of states and a Community.

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<sup>(1)</sup> Statement by the President of the Council to the European Parliament, 17th October 1973.

<sup>(2)</sup> Ditto.

<sup>(3)</sup> Doc. COM(73)999: Communication to the European Parliament.

<sup>(4)</sup> Doc. COM(73)1000 final: Strengthening the Budgetary Powers of the European Parliament.

5) The revived interest, spurred by the spectacle of Europe's inability to play any significant role in stopping the 1973 Middle East war on its doorstep is in coordination of foreign policy. This is not provided for in the Treaty of Rome and attempts at creating a political union failed in 1962. But under the Davignon Procedure, it has been taking place to a limited extent since 1971 as purely inter-governmental cooperation — twice yearly meetings of foreign ministers, with more frequent meetings of officials. Reports are made to the Political Committee of the European Parliament, and the Commission is asked to give its opinion when the matters under discussion have implications for the EEC. The half-dozen main studies that were made in the first two years (on such policy areas as the Middle East and the Mediterranean) have led to some progress in harmonising foreign policies.

But the September 1973 'Second Report' from the foreign ministers stresses that the habit of working together is developing steadily and the 'collegiate sense in Europe is becoming a real force in international relations'. It believes that the colloquy with the Parliament's committee and the report of the President of the Council to Parliament's plenary session, have 'put into effect the desire of the foreign ministers to make a contribution to the democratic character of the construction of a political union'. Henceforth, ministers and officials will double the frequency of meetings, staff will be designated in each foreign ministry to develop and administer the system, and the Permanent Representatives in Brussels and other diplomatic staff are to become more deeply involved in the procedures. Contact with the Parliament is to be increased and is intended to become two-way. The Report is in fact a striking document: it shows that policy coordination is not only to be stepped up, but is to be brought more and more into contact with the Council and Parliament of the EEC, with a particular leading role for the president-in-office. Regardless of the argument about the seat of the new central secretariat, when it is finally created, it is not difficult to see that it will inevitably grow in a form attached to the EEC Council (as proposed in the recent Parliamentary Report drafted by Mr Mommersteg) <sup>(1)</sup>. The Parliament's role is bound to remain subsidiary since the work is clearly inter-governmental. Sovereign independence in foreign policy is rigidly guarded and main responsibility is before national Parliaments. In this matter the Nine will remain a confederacy for the foreseeable future.

6) With the customs union and common market achieved or well under way, we are left with economic and monetary union as the one remaining heading among the subjects chosen for central decisions. The Summit Conferences have repeatedly reaffirmed, most notably in the Paris Communiqué of October 1972, their determination 'irreversibly to achieve economic and monetary union' proceeding through clear stages 'with a view to its completion not later than 31 December 1980'. This may seem to give time enough for the technical and political problems to be solved, but the outlook is not encouraging. The progress is already behind schedule.

The target is ambitious and, if realised, will determine the future of European Union to a considerable degree. Conversely, one might say that, without it, any Union is bound to remain a loose and limited confederation. As originally defined by the Council, the Community must in the end:

- constitute a zone combining free movement not only of persons, goods and services, but also of capital;
- form a distinct monetary unit with currencies totally convertible fixed parities and a system for the Central Banks;
- have powers in the economic and monetary fields to organise the union, including key economic policy decisions and programmes (though with balanced sharing of detailed powers with the Member States);
- include a Regional Fund large enough, as the Summit put it, to correct 'the structural and regional imbalance which might affect the achievement of EMU'.

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<sup>(1)</sup> Doc. 12/73. Report on European political cooperation and unification.

The Summit Conference of 1976 is to review progress and make decisions on whether to go ahead to a final stage. But the earlier ones are proving difficult to reach for several reasons. Member States are apparently not very willing — or indeed able, given the speed with which economic and monetary convulsions blow up and given the chaos of the world monetary system — to coordinate short-term policies. Moreover, because the Member States are at varying stages of economic development, and because the correction of regional imbalances is more intractable and much more costly than first expected, there seems to be little chance of allowing capital to move freely and perhaps concentrate in the developed centre of the Community. On the monetary side, fixed exchange rates are already being abandoned in favour of a new plan for restricted flexibility — though this, according to a recent expert report <sup>(1)</sup> to the Commission, need not in itself prevent the start of a European monetary unit.

The new oil crisis, making all countries of the Nine liable to run large balance of payments deficits, is going to mean a recasting of the plan to pool reserves, intended to help countries in temporary deficit. It is now a new world in that respect and plans for Europe may have to wait for wider agreement among oil-importing countries.

Finally, even if all these technical problems can be solved or greatly reduced, there is as yet no agreement in prospect on the crucial distribution of powers over economic union between the states and the centre. For an economic union to work successfully it is probable that exchange rates, monetary supply and interest rates need to be centrally decided, with budgetary and incomes policies, at most, left to the Member States. But few states or political parties are certain to agree to this amount of Community direction, particularly in view of divergent ideas about how to tackle inflation or unemployment and of disagreement on such matters between left and right. It is also doubtful, as bitterness over the size of the Regional Fund has shown, whether there will be agreement on providing the immense funds that will be needed for the allied social, industrial and environmental plans in the Commission documents, drawn up to Summit instructions. As one of the main authors of the expert report to the Commission has put it: 'Only if this problem is overcome can EMU as at present conceived go ahead. As it does, more and more economic issues familiar in the national setting — growth; inflation and employment policies; competition for public expenditure; regional and social programmes; issues of public operations — would be fought out on a Community scale.' <sup>(2)</sup> The enthusiasts will say that unless the Nine will face up to this amount of decision-making in common, their prosperity and stability are doomed: the sceptics will deny this, though without at this stage knowing the alternative. And it is difficult to foresee how the matter can be resolved. What can be said is that if confederal agreement on these issues is so far off, then federal direction by a central authority, overriding states governments, seems indefinitely delayed.

### European Union and the role for Parliament

It is time to draw together the threads of argument in this paper and to review the form of West European Union they suggest, the appropriate institutions and the particular problem of a Parliament's powers and the shaping of its work.

History does have some lessons for the form of Union. Our western experience in recent centuries is mainly of states and provinces being combined to form today's nation-states, under the pressure of the desire to defend themselves and be free of foreign domination, a desire helped by geographical contiguity, racial or national similarity, and the hope of creating for emerging capitalism units of an economic size. When these factors have been less binding or imperative, when they have existed at the same time as the wish to retain independence for some important purposes, federal-type

<sup>(1)</sup> European Economic Integration and Monetary Unification. (Rapporteurs Profs. Dosser, Magnifico and Peeters.) Commission document No. 11/520/1/73E.

<sup>(2)</sup> Article in the Times newspaper by Douglas Dosser, 22 October 1973.



systems were often chosen. But we have little or no experience of unions achieved between nation-states, at the later and more difficult stage, when they have had for a long time (in some cases for centuries) a strong sense of separate national identity and when the economic systems have become the complex and separately-functioning units of advanced capitalism. We can, however, expect that since at the less developed stage states often went through a period of confederacy before federation, this path of evolution is even more probable in the case of the nationalistic states of today.

To this can be added other factors. K.C. Wheare, in his standard work on 'Federal Government' insists that, for federal government to be adopted 'the communities or states must desire to be under a single independent government for some purposes at any rate. That is essential. Unless they are prepared to go as far as this, the question of federal government does not arise ... they have not achieved the first prerequisite of federal government'. In the case of Western Europe today, it is hard to say that this condition can be fulfilled. The crucial areas, as we have seen, have regularly been foreign affairs, defence and economic affairs. There is as yet no sign of a widespread wish to be under a single independent government for foreign affairs. Even Chancellor Brandt's speech was about 'sensibly organised government' which could mean federal or confederal. Unity over defence is some way off because Denmark would not be willing to join a defence community, and the French are now outside NATO and its Eurogroup (and have repeatedly refused to return). It may be that joint arms procurement programmes and other functional forms of integration may have to precede moves towards a new defence community. Whatever the speed of progress the essential point is that a central and independent government in foreign affairs and defence would need to have real powers, or it would be a sham; and is Western Europe anywhere near the stage when we can expect to see such an independent authority — guided by an elected parliament, able to by-pass national Parliaments — deciding the basic issues of foreign policy, making treaties and enforcing them on Member States, and able to go so far as to commit forces, declare war and have the power of defence mobilisation and taxing that this entails?

There is perhaps less certainty, in the federal/confederal argument when we reach economic matters. In these the Nine have agreed to integration — a common market with all that this has come to imply — rather than harmonisation. Here again, however, our analysis suggests that the move forward to EMU will create fierce conflict about what economic decisions, in really binding form, need to be taken at the centre. This is quite apart from, and well ahead of, the even more contentious idea of putting them under independent government. Even the proposition that, without such central direction, Europe will soon have the sort of economic cataclysm that will force nationalism to be abandoned, does not rule out a confederal solution. There is, moreover, some further dispute: many believe that these problems already need decisions on the scale of the free world, or at least among its advanced nations, rather than simply at European level. The expected domination of the trade and industrial production of the free world in the 1980s by a handful of multinational companies reinforces this standpoint, as does the estimate that the main oil producing nations will by then hold two thirds of the reserves of currency and gold.

Finally there is, in any case, some doubt among analysts whether the weakening of national loyalties (by education, by contact between bureaucracies and by 'enlightened public opinion') will necessarily lead to a new 'European loyalty', and the demand for a direct form of government at that centre. Positive and sharp commitment, similar to that enjoyed by the nation states, may simply not grow in mass terms; functional integration is by no means certain to bring this; and the sense of the world scale of economic problems may dilute what does grow. Paradoxically, the withdrawal to regional loyalties illustrates the same point.

The present stage of government and party opinion in the Member States of the Nine reinforces the belief that a period, possibly extended, of confederacy is inevitable. Since this was set out at some length in the early pages of this paper, referring particularly to reservations and entrenched positions in France and Britain, there is perhaps no point in going over the ground again. The party systems of the Nine depend on and interact with the differing experience of constitutional development, reinforcing the delaying effect of nationalism. Politically relevant cleavages differ from

society to society, again limiting the prospect for easy unity. Europe-wide parties do not exist and reasonable identity of view among similar parties cannot always be reached because policies relate directly to their own country's stage of development. The first steps are being taken on the left to form some sort of European Fabian Society, which will start by examining these differences of approach among social-democrat parties. Perhaps President Pompidou was correct when he commented recently (3rd January 1974): 'Europe will probably be for a very long time a confederation of states very different from the Europe envisaged by the founding fathers.'

When we come to institutions, it seems that we must expect separation of powers and not any form of unified system. As we have seen, some federations, and those which have wished strongly to preserve states' rights, have deliberately avoided a unified system — fearing the power of a central government in alliance with an elected assembly. It might come to claim superior legitimacy over a nominated Senate and override small states. In a confederacy, separation, or some hybrid system as in France, seems inevitable, since for areas where the central 'government' is merely harmonising the policies of Member States, it must be the instrument of the states; and it can hardly originate from a parliament, with whatever political complexion that gives it at any time.

This brings us to the views of those who believe that the EEC should advance by making the Commission — regarded as a 'government in embryo' — into a central government, emerging from an elected parliament at some stage, while the Council becomes a states-nominated Senate. This view seems to neglect the considerations outlined here. Moreover, it is not, in fact, in accord with the present evolution of the Community. The gradual building of democratic power over the executive is proceeding most strikingly in the case of the Council, which shows no signs of 'withering away'. It is little use pleading that this is contrary to what the Treaty intended. The Council, in fact, is adopting the role of a confederal and collegial executive, with Commission technicians (originally given initiatory powers so as to keep up the momentum towards union) holding the departmental portfolios in economic affairs. The Council and Commission are both becoming responsible to the Parliament.

When we add the forward-looking commitments of the Summit conferences, the EEC appears in essence to be changing from a separate piece of functional integration into a more general confederacy. Foreign affairs, a political union, perhaps one day as history unfolds, defence and security — these are the stuff requiring straightforward confederal arrangements between governments. Inevitably, ministers of the nation-states become the central pivot of a grouping with these objectives, going beyond the initial technical matters suitable for a High Authority to lead. For this reason, those who wish to see a union covering foreign affairs and defence really need to abandon over-emphasis on preserving the central role of the Commission. It is worth adding that since Union could also cover, quite soon, central decision-making on other policies (postal arrangements, inter-state and international transport, even aspects of education) there is extra reason for moving away from the limiting effects of the High Authority solution.

If this alternative line of progress is followed through, then the institutions for Union, and the stages they may pass through, become less difficult to discern. President Pompidou may have shown the way forward when, in 1971, he suggested that executive power might come to rest with states-appointed ministers who, only in a final phase, would 'have nothing but strictly European duties and no longer be part of a national government'. In parenthesis, it is interesting to note that this has some similarities with what M. Michel Debré proposed <sup>(1)</sup> in 1950, at the period when federalism was at its postwar intensity. His project included an executive president ('Arbitre') assisted by a collegial body of national ministers, meeting alone for foreign affairs and otherwise assisted by departmental commissioners.

Union, which need not wait for the magic date of 1980, could thus be foreseen on the following lines. A Treaty would establish a Political and Economic Union of the Nine, open to any democratic state in Western Europe. It would be a clearly recognised confederacy and the basic document would

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(1) *Projet de Pacte pour une Union d'Etats Européens* by M. Debré.

not be difficult to draft following the large measure of agreement reached among the Five, and the efforts of Sr. Cattani to achieve a reconciliation with the French, at the end of the Fouchet plan discussions in 1962. (4)

The governing organ would be collegial, a group of deputy foreign ministers, based more or less permanently in Brussels. They would have a central secretariat for foreign affairs and would meet alone to coordinate foreign policy (thus bringing the developed Davignon procedure, and its plans to involve COREPER, within the full framework of a confederacy built on the EEC). They would have the assistance of Commission members, departmental ministers in effect, for economic affairs and would be free to add others — for any new matters to be added to the process of confederal decision. This solution would amount to a fusion of the present divided EEC executive but would still be in accord with paragraph 16 of the October 1972 Summit communiqué, which spoke of Union 'with the fullest respect for the Treaties already signed'.

The Treaty of Union would indicate that this is a starting-point. In the preamble or in a Declaration attached to the Treaty there would be a statement of intention to push on through new stages, perhaps giving a rough time-table in the manner of current Summit communiqués. These stages would include extra civil functions, steps towards joint defence policy and the next big leap forward when ministers in the executive would cease being active members of national governments and when a senate, nominated by the states and with powers to protect their interests, would be created. Rather in the manner, once again, of Summit communiqués, the institutions and the Member States would be invited to submit proposals on these last two points, for consideration by Heads of State and Prime Ministers and the necessary new treaty amendments.

It may perhaps be objected that this scheme may be the same, in final form, as the proposals criticised earlier for upgrading the Commission into a 'government' and states' withdrawal to a senate. The crucial difference is that the intervening stage of full political management by ministers who are senior members of national governments does two essential things: it establishes a recognised confederacy which can then include subjects like foreign affairs and, later, defence, which governments (and parliaments) wish to keep under their own final control while harmonising at confederal level; and it gives time, in this confederal period, for mutual trust and experience to grow — and for reflection on whether and how to proceed towards an independent central government.

The powers of an elected parliament should equally be treated in non-static terms. A confederal system of separation of powers, as outlined above, involves the problem of a ministerial executive not based in or ultimately responsible to the assembly, and unable to rely on its majority, or use controls over the assembly, to see its proposals get through. Once it is agreed, however, that parliamentary power should, in the main, be used as a basis for influence rather than for trying to govern and to dictate policy to the executive, the way ahead opens up. With these points in mind, let us take the direct control functions listed on page 1 — over the government's life, its membership and over rule-making as broadly defined (including legislation, budget, and policy). The aim should be to complete and to build on progress made in the EEC.

In the case of rule-making, the executive's decisions will be of two kinds. There will first be those which amount to coordinating policies of the Member States, to result in central directives, etc. At the date of Union, the Commission's 1973 proposals, mentioned above, will hopefully be in operation for those with budgetary consequences. Let us therefore take them first. The Commission has recommended a 'second examination' procedure in any case for all 'important rule-making decisions of general application' as a means of forcing the Council to make deliberate efforts to meet the Parliament's ideas. Then, for *new acts* with important financial features, it proposes 'compulsory conciliation' — i.e. a committee of Council members and parliamentarians, with the assistance of the Commission, intended to reach agreement by give-and-take. In effect this

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(4) See 'Towards Political Union' a Selection of Documents published by the European Parliament, January 1964.

institutionalises the less obvious methods of parliament/government influence seen in some national models. The essence is that neither should have the 'last word. It will be interesting to see whether the scheme can be made to work successfully if finally adopted. As M. Cheysson, the Commissioner handling these matters said to Parliament <sup>(1)</sup>: 'this meeting ... will constitute a most interesting development — the comparing of national points of view on the Communities' major problems with the political views held by the various groups in this Parliament'.

In the case of spending under *existing acts* (for example the current Common Agricultural Policy) the influence would be made felt at budget time when, as already occurs, a delegation of Parliament presses changes on the ministers who, however, retain the last word with a voting procedure. For this influence to be effective, Parliament will have to rely on its general sanctions over the executive, and they are discussed below.

The second category of rule-making with financial consequences concerns what we can define as spending that is really 'communautaire'. That is to say it involves spending on centrally devised and run programmes or projects that are outside the check of national assemblies and may involve executive discretion on how the money is used. The Commission's proposals define this rather differently — 'all expenditure which does not result automatically from previous longterm decisions' — but the items will probably be the same when they come to be settled. The grouping will extend the 'non-obligatoire' category from the 3 % of the budget (minor administrative expenditure) defined by the EEC Council in 1971 when interpreting the Luxembourg Treaty on these points, to make the category cover, it is assumed, spending heads such as overseas aid, the Social Fund, perhaps the Regional Fund, and funds proposed for protection of the environment. At least one member of the European Parliament, Mr. Dewulf <sup>(2)</sup> has seen the importance of the items which should fall into the new definition: he made a rough estimate that they could immediately amount to one quarter of the budget. For all these the Commission has proposed that, under the Luxembourg Treaty, Parliament should have the 'last word' and the right, as provided in the Treaty, to increase spending within defined limits. This will amount to considerable power, and the definition could apply to this type of spending under a confederation.

The importance of this last proposal concerning what M. Cheysson calls 'last word expenditure' should not be thought to lie in the extent to which parliament would henceforth be able to decide minor spending increases or definite decreases. Such new power will best be used with considerable restraint if trust is to grow. The significance is rather in the general sanction that is provided to back up general and detailed parliamentary proposals for budget changes and in the policy that lies behind budget items. For, most clearly, the Commissioner in charge, has at last confirmed <sup>(3)</sup> that 'your "last word" gives you the right to reduce appropriations to nil, which constitutes, indeed, a right of partial rejection'. If narrowly confined to the 3 %, the power can already be great enough almost to bring Community administration to a stop; but if widened as now proposed, it carries a substantial sanction over important policies as well as the working machine. Once the right to reject the whole budget is finally conceded, the armoury of sanctions will be formidable. Finally, referring back to that list of three direct controls in the list of parliamentary functions, there remains the power over the executive's life which, under Union, would still exist for those areas covered by the Rome Treaty and would give the right to dismiss the executive commissioners for economic affairs. The general parliamentary power to determine government membership would not apply, though some form of approval of states' nominations might be built in at some stage.

These remarks have been covering, in the main, power over decisions involving spending. But many common policies and the means to implement them (directives, statements, recommendations to Member States) involve no spending, or at least none from the central budget. But the principles which should come to be established in the budgetary field can be applied more widely. Once

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<sup>(1)</sup> Speech to Parliament, 18th October 1973, Official Journal, p. 120.

<sup>(2)</sup> Speech to Parliament, 4th October 1973, Official Journal, p. 35.

<sup>(3)</sup> Speech to Parliament, 18th October 1973, Official Journal, p. 121.

again, a clear confederal stage of development enables us to establish what is appropriate. Where the central decisions amount most obviously to harmonising national positions over which national parliaments jealously claim sovereignty (e.g. foreign affairs), the European Parliament's views as expressed in resolutions must remain advisory. When rule-making is involved, Parliament can at best expect to have powers to make the executive reconsider amendments or counter-proposals ('second examination') and, perhaps, some form of *navette* or 'compulsory conciliation' if it works successfully in budgetary procedure. The objective would be to let this relationship develop during the early years of confederal Union, with a view to moving to a real power of codecision at the stage when ministers of the executive cease to be members of national governments and when a senate is created as the special protector of states' rights. It is worth adding that the interim stage before codecision is reached is not one where Parliament lacks real power: it will have the budgetary sanctions, particularly the power to 'reduce to nil' expenditure on central administration, and they should under-pin parliamentary pressure and help a system of influence to grow and operate regularly.

The second kind of central decision is when the Union acts as a distinct personality, a unit not merely coordinating the will of Member States. Budgetary examples were mentioned above: creation of special funds with central administrative discretion (the Regional Fund or overseas aid funds, for example), central borrowing, and the fixing of the rate of VAT (or any other tax which comes to be chosen by agreement) needed for revenue. These matters fall outside the check of national parliaments. The Vedel Group<sup>(1)</sup> singled out an analogous group of decisions — its List A — which include revision of the Treaty itself, addition of functions to meet Treaty objectives, admission of new members, and ratification of international agreements. For these it is appropriate that some form of codecision, at least Parliament's right to say 'No' should apply from the outset of Union.

A good deal of conflict arises over powers. It is based mainly on a dispute, only half expressed, between those who expect strict adherence to the High Authority blueprint of the Treaty of Rome, so as to create quickly a virtual federal system, and those who, in effect, see the EEC as broadening in practice into a confederacy going well outside the Treaty. It is here suggested that the conflict can be at least partly resolved if the evolution is planned to include a clear confederal stage of Union, which can comprehend all that has been achieved in the Common Market and can be seen as preliminary to further progress along the road. The degree of power for an elected parliament then follows from a practical diagnosis of the extent to which groups of decisions involve or do not involve executive responsibility to national parliaments. If, moreover, the power is used as described here it can, despite the dangers of a constitution with separated powers, combine effective parliamentary control with firm executive leadership.

There remain the other parliamentary functions on the Page 1 list: confrontation between parties, focusing of choice for the electors, the expressing of group and individual grievances. They are the assembly's 'communications function' between citizen and government. The importance in national models has been described. Until its Working Party was set up in 1973, the present European Parliament has given too little thought to its practices in this respect. It has tended to complain bitterly about lack of attention from the media, without diagnosing the trouble.

In its early years the Parliament has sought unanimity as much as possible — in order to make its views effective when all it was allowed to give was advice; so as to show responsibility in the formative years; and because steady unity gave strength to demands to be taken seriously and to be given real powers. Moreover, the lack of identity with the executive and frank distrust of executive power, have led to over-emphasis on one aspect of committee work, the study of texts and progress reports. Parliament has seen itself as a sovereign independent body, delivering rounded and considered views on everything, in parallel with Commission and Council. And by the time these overlong and consensus Resolutions have been elaborated behind the closed doors of committees, the plenary session becomes robbed of natural party conflict, of its sparkle and of its drama.

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(1) Report of the Working Party under Professor Vedel, p. 53.

If a Europe-wide party system is to be developed so as to present real choice on European issues, so as to involve the voter, interest the media and attract interest-groups to the corridors, the recent steps towards increased confrontation should be developed. Political Groups have begun more frequently to use Oral Questions with Debate to stage party-inspired discussions. The Commission has been bold enough to suggest that general debates ought to be on topics of greater political interest. Many other suggestions have been made to get away from the consensus or coalition atmosphere and brighten the plenary — more debates on party motions without preliminary report from committee, for example; and critical amendments during debates on the Annual Report and on the plans for the Community's year ahead.

The Commission has also suggested that committee work be modified to include 'hearings' on vital aspects of policy. They could be effective if held, in varying towns and countries, on inflation, or, on, say, the common agricultural policy. Parliament has also been openly encouraged to make investigations into how policies are carried out and the use of public money. Such enquiries into waste of money in the C.A.P. or into whether the anticartel policy is working would soon attract the voter's attention. There could be contact with committees of national parliaments, helping to build mutual trust, sustaining loyalty to Union and deepening investigations into particular problems. To put it plainly, Parliament presently aims to operate only one half of Parliament's standard functions; and the other half happens to be the one which is really important for citizen involvement in Union and in pressing on further one day.

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This paper has tried to show that experience, in other centuries and in other countries than our own, does have a lot to offer when constructing Union and mapping out the role of Parliament. It has also tried to suggest that differing national and party approaches can be reconciled if we take a guarded view about the pace towards federation and a realistic view of Parliament's functions.

## PARLIAMENT AND THE POLITICAL SYSTEM: THE CASE OF THE EUROPEAN PARLIAMENT

Summary Note by Dr. Johan de VREE,  
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The article seeks to assess the position of the European Parliament on the basis both of an historical survey of, and a general political theory about, parliamentary institutions.

Such institutions provide legally defined channels of access through which politically important citizens and interests participate in a regular fashion in decision-making for a body politic. They are to be expected when political systems come to exhibit a certain measure of complexity, depending upon the tasks they face and the level of mobilization of the population. Not being necessarily democratic, they are made up of those whose collaboration is necessary in making the system function and survive, or who command enough resources to be able to put the system in jeopardy. Accordingly, the growth and development of parliamentary government is ultimately determined by such social and economic forces as the development of trade and industry, of technology, literacy, education, and organisation.

This is fully borne out by the history of European governmental and parliamentary institutions from the earliest times onwards. It is manifested in the rôle of the military nobility, of the clergy, and, somewhat later, of the towns, in Mediaeval governmental and (quasi-) parliamentary institutions; in the interlude of absolutist government in early modern times; as well as in the gradual growth of modern parliamentary government, and the composition of such institutions by means of elections on the basis of an ever widening suffrage in more recent times — in some cases via quite violent revolutions.

On the basis of a general theory of politics and political behaviour, of which the article describes the barest essentials, it is deduced that for a political system to survive and show a measure of stability, its institutional structure must be geared to satisfy this condition: to mobilise enough political weight to make and enforce decisions with regard to the issues fed into it, to induce participants to feed their demand behaviour into it rather than into some alternative system, and to make them comply with the outcomes reached through and by its processes, procedures and laws. This need not happen in a peaceful way, and it need not always rest upon the consent of the participants, but it does mean that the institutional structure provides for an opportunity to predictably and dependably construct such coalitions as command sufficient, i.e., dominant, strength with regard to the issues with which the system is confronted.

It is further argued that political systems of some scope and extension generally require a 'multi-layered' structure: issues to be decided by the system as a whole are to be processed through a set of more or less hierarchically arranged institutions dealing with aspects of the matter only, and articulating, aggregating, and organizing relevant demand behaviour on the part of citizens or groups and organizations of these. Parliamentary institutions provide one, important, link in this chain.

All this applies fully to the Western European political system and the European Parliament. We are witnessing here the slow gradual development of a political system. As a result of the growing interdependencies among the Western European states and societies, leading to a continuous increase

in the scope and intensity of the political processes going on between them, that is, an increase in the problems and tasks with which the system is confronted, this system is gradually building and strengthening a more elaborate institutional structure in order to more adequately cope with its increased political load.

It is argued that in the circumstances prevailing in contemporary Western Europe some kind of parliamentary institution is to be expected in this evolving political system, and that its growth derives from more fundamental forces and considerations than the mere wish to lend some democratic legitimacy to the enterprise and as a concession to current democratic ideology. But at the same time it appears that the rôle and position of such an institution can hardly be anything but limited and that this is not to be remedied by mere constitution-mongering — at least in present-day circumstances. However since both the process of European integration and the development of parliamentary institutions therein derive from very fundamental forces that may be expected to grow in the long run, there does not seem to be any reason for despair here — although it should be recalled that historically such processes tend to take much time and are normally to be counted in generations rather than years.



## THE ROLE OF THE ITALIAN PARLIAMENT IN THE POLITICAL SYSTEM

Paper by Professor Alberto PREDIERI, *University of Florence*

1) The observation that the role of Parliament has changed is as common as it is self-evident. It would, indeed, be a highly improbable claim that the Parliament of a liberal-oligarchic state, based on small and medium-sized private enterprise, restricted suffrage, and parties founded on electoral patronage, can perform the same function in an industrialized society, with private and public economic power concentrated in business and financial conglomerates, popular parties, organized and widespread interest groups, mass media and economic planning in both public and private sectors and a political system whose climate, requirements and solutions have considerably changed.

It is hardly necessary to argue that opinions about the crisis of the parliamentary system, hand-wringing apart, need to be carefully examined — not with the aim of refuting self-evident diagnoses, but because we need to identify the parameter which will enable us to see and measure the extent of the change; of course it is not easy to find a reliable gauge either in the dimension of space or of time, dimensions which are in fact inter-dependent. At any rate, it is essential, in a study of this kind to define a reference model, bearing in mind that we also need to dispel the myth concerning the rôle of parliament (as indeed, of all the constitutional bodies with respect to other, more relevant and powerful, even if less emblematic, social mechanisms), both in its diachronic and synchronic aspect; both in the context of constitutional bodies (particularly in their interaction with the government), and in the context of institutions (and I mean here those institutions which are not constitutional bodies — political parties, trade unions, public enterprises, public corporations, as, for instance, the Central Bank or the television, in those countries where a public monopoly operates, etc.), as well as in the framework of the society within which economic forces are at work, and the technostructures (which control and plan production and distribution, in turn, independently of, alternatively to, in substitution for or in conflict with, public authorities, and the government's consequent predominance in initiating legislative output).

If I may be allowed to repeat some platitudes, even in regard to a typical and perhaps, as we shall see later, a main parliamentary function today, that of law-making, an analysis of the activities of parliaments in Liberal-oligarchic states shows that even in that golden age, the role of parliament in terms of legislative output was considerably smaller than certain commonly accepted opinions and traditional accounts might, at first sight, lead us to believe. If we take the British example, *common law* had long been the core and basis of laws both as regards their number and the consensus of general opinion; indeed, it remains so in the view of many jurists. *Common law* still represents the basis of normative output or what might be called general legal principles.

In the British experience, a balance was achieved between the judiciary and parliament, the two great sources of law-making. On the continent, too, despite the absence of *common law* and of the principle of *stare decisis*, a balance has been struck between parliamentary and non-parliamentary legislative output, with codification and delegated legislation being in practice subtracted from the power of parliament which is restricted to the function of approval. If we look through the proceedings of the Italian Parliament of 1865 or 1883 or 1877, we shall find there the same procedural devices that we find used today in the French or Italian parliament for the approval of the economic plan, as for instance, the adoption of an act in three articles only, the appendix to which

is a legal code or an entire plan. Indeed, in Italy, the practice was carried further, as in 1865, when parliament debated a bill for which the appendices were the texts of acts on the Council of State, on the administration of communes and provinces, on public safety, on administrative litigation, on public works and public health: in fact, the entire basic legislative corpus of the newly-United Kingdom.

Thus, in the two versions of parliamentarism, that in which the civil body rests on *common law*, and that in which it is based on a code of law, there is achieved, by different technical means, a political and constitutional balance between the non-elected magistrates and the elected parliament (at least in the case of one chamber), as in the British example, and between the draftsmen (officials and magistrates) of the codes and delegated legislation and the elected parliament (at least in the case of one chamber). In both systems, a large area, which is, indeed, becoming the greater part, of the ordinary dealings between citizens as economic units is regulated by laws originating not in parliament but essentially with the bureaucracy or the administration, since it remains in the hands of a body of legislators, notably magistrates, who are not elected.

Of course, there are chronological disparities between the English version, which was the earlier, and the continental versions, including the Italian, which appeared later.

Even in the 19th century liberal states, parliament enacted laws which were not part of the organic and permanent body of judicial legislation (*common law* or codes) but were of a circumstantial and mobile type, in which a law is a policy, a tool of the government, or, in itself, an act of government. The difference lies largely in the type of activity with which the law is concerned, in the kind of interest which it is intended to regulate or protect, in the transition, in other words, which we are today witnessing in some parliamentary systems (I am thinking of the Italian case, but also of that of the Federal German Republic) towards sectoral and sub-sectoral legislation.

It hardly needs saying that, even in the 19th century systems, there were large areas of activity over which the powers of parliament were extremely weak. We only need to reflect on the policy-making process (and to remember the role of secret diplomacy, of secret treaties on which volumes could be written, of military undertakings, of the Franco-British Suez intervention in 1956, of Vietnam, and so on).

2) In fact, to demand the 'demythification' of the conveniently idealized models (which are frequently shaped by conservative and backward-looking political values) is not to deny the reality of the loss of parliamentary powers, which has been taking place particularly in two directions, one to do with the relationship between parliament and the electoral body and the other with the relationship between parliament and the constitutional institutions.

The principal intermediaries in the relationship between parliament and the electorate are the popular political parties and organized interest groups; so much so that the representative system: electoral body-parliament, electoral body organized in political parties — parliament, is now flanked by a new sub-system: electoral body-interest groups, linked as strongly to the government-bureaucracy nexus as to the parliament, with details of the inter-relationships differing from country to country, but, nevertheless, institutionalized as a whole to the point of having become a *convention*, or fundamental principle in the primary stages of law-making (the principle having been first formulated in fact in British delegated legislation) and then in the process of the drafting of laws at the pre-parliamentary-government stage. The institutionalization is seen as much in the organizations concerned (commissions, committees, etc.) on which interest groups, the bureaucracy and the ruling party experts are represented, as in the procedures (more or less formalized) of consultation and participation in decision-making which, at a later stage, in the European case (the North American experience being different) extend from the governmental to the parliamentary sphere, by the use of methods inspired and more or less modelled on congressional *hearings*. This interest sub-system influences both the output of the parliament which, in many cases, as in Italy, (which I shall consider in paras. 8 and 9), was increasingly forced to legislate in response to the sectional requirements of

interest groups, and its working methods. Parliament adopts increasingly an *inquiry approach*, and less that of the general debate, it becomes an assembly where one does not speak but listens to others speaking and re-establishes contacts with social forces which otherwise would seek a dialogue with other institutional bodies: this is the experience of the American *hearings* which has been repeated almost simultaneously in the British and the Italian parliaments and which the Federal German Republic's parliament seems about to follow.

3) There is a close connection between the shift of the basis of representation, its fragmentation into sub-systems, the pressures of social groups demanding that their conflicting interests be defended by public intervention in the economic and social sphere, and the loss of parliament's powers vis-à-vis the government or administration. The latter acquires more power not only because it is better technically equipped (for instance, in monetary problems, credit control, shortterm economic policy, etc.) but also because of its closer links with the interest sub-system which offers it information and approval and enables it to carry out its administrative policy for favours, rewards, privileges and bribes on a scale which grows as the administration's responsibilities increase in the economic, research and development sectors. The administration evolves into a structure of more or less autonomous sub-systems; in Italy for example, the administration has become sub-divided into a system of the traditional departmental bureaucratic machinery, linked at the top by ministers who are politicians, plus a system of local governments (communes, provinces and regions) with political top administrators and a bureaucracy recruited largely on a competitive basis, plus a system of public enterprises whose chiefs are party nominees according to the *spoils system*, itself dependent on the pattern of party factions, and the administrations of the private-sector type (for example, insurance institutions, hospitals, etc.), plus a system of public corporations where the top appointments are filled on the *spoils system* and the civil service administration is recruited on a competitive basis. Through all these sub-systems there are struggles and tensions all the more acute because they are not allowed to express themselves in relations between the bureaucratic machinery and private individuals, all bureaucratic machinery being usually regarded automatically as an enemy by the others.

In the case of Italy the politicization of administrative sectors of the newer type (state-controlled enterprises, corporations, etc.) was principally promoted by the majority party, as part of a colonization design dating back to 1950, which has contributed to the proliferation of sub-systems (which I have just described and which has thrown out of gear the mechanisms provided by the constitution). We need only look at the contradiction between the functional decentralization of public corporations and enterprises and regional territorial decentralization. Whereas the first was introduced, another 25 years were to elapse before the regions, the centres of policy-making legislation and administration, were to be set up, though these constituted the essence of the reform of state administration under the 1948 constitution which should have made Parliament the coordinator, through the enactment of skeleton laws, of all activity in the regions.

The politicization of the sub-system comprising public corporations and enterprises has resulted for the parties in increased influence by factions close to the centres of power (and hence in the diminution of the political strength of the parties themselves, relative to the size of the majority and the amount of government and parliamentary activity) and, on Parliament's side, in a shrinking of its scope of intervention and the effectiveness of its control function (because, although fragmented on certain points, the majority is basically united): and this acquires particular importance in a political system such as the Italian, where a strong political party which is not ideological but widely-based remains constantly in power, while a strong Communist party has, in the last analysis, a position somewhere between that of the legitimate opposition and forming part of a leftist majority; this in the minds of some people implies the danger of a headlong slide of the Chilean type, and persuades them that in Italy a two-party system would not only be imperfect but institutionally deficient.

This is why the parties extend their power by systematically taking possession of more key posts in the administrative apparatus, in the case of the majority party, and in the case of the other parties, including those which do not participate in the central government but have strong influence

in the sub-system of local administration, by acquiring ever greater influence in an ever-extending area, ranging from public enterprises to hospitals. The nexus of linked interests and financing circuits between the administration and interest groups, between enterprises and political factions, has been growing to the point of exploding in the present crisis in which the generally known, even if not proven, cases of bribery are used as evidence and argument for obtaining official financing of the political parties.

4) Overall, the position of Parliament has become that of an instrument of mediation between the party — electoral sub-system, and the interest group sub-system, the bureaucracy and the administrative sub-system (e.g. the central authority - regions sub-system).

This analysis still does not exhaust all the possibilities: even in a constitutional system such as the Italian, which unlike the French, does not reserve certain decisions to the executive, Parliament does not exercise its power in a number of exceptionally important areas; for instance, in respect of the control of television services the first legislation in our country came in 1974; similarly, price control for certain articles came in the form of legislation only in 1973 (it is not so for the prices of newspapers, which being controlled, but not by Parliament, find their very existence threatened). Nevertheless, Parliament does make, or takes part in making, the fundamental decisions on the distribution of power, deciding how the machinery of the State is to be organized, and thus establishing the structure of the State apparatus (and therefore also the potential spheres of activity, including law-making activity, of the other bodies, e.g. *Gesetz zur Förderung der Stabilität und des Wachstums der Wirtschaft*) and always takes, directly or indirectly, decisions regarding expenditure (though it may do so by authorizing other bodies to make particular expenditures). This power of expenditure acquires a particular importance in a state which provides the financing for private economic activities and intervenes in the economic process not so much as overall planner but by means of (outline) sectoral planning, depending principally on the financing of private and public enterprises. The actual areas of Parliamentary intervention outside the prerogatives reserved to Parliament by the constitution vary today substantially from country to country. And not only as regards the individual types of institutions controlled (e.g. whether it is public enterprises or the central bank). Thus, the Italian Parliament could perfectly well debate the functioning and long-term objectives of public enterprises whenever it is called to adopt bills for the financing of such bodies, but such discussions never take place and the bills are approved at an amazing speed (see for example paragraph 7(b) below), whereas in Great Britain these things are discussed by Committees which lay down the long-term aims. But the difference of approach is manifest also in general parliamentary activity (for instance, the extent of Parliament's contribution to the process of law-making); there is a British way (few laws on society's major problems and the general structure of the administrative apparatus, with very extensive use of government-sponsored or delegated legislation), there is also the somewhat specific Belgian way, and the approach embodied in the constitution of the Fifth Republic, and there is the Italian way (a multiplicity of 'little laws', the micro-sectional laws, originating with Parliament, and a few major laws plus a multiplicity of 'little laws' sponsored by the Government). The amount of legislative output is the first differentiating factor between the British - Belgian - French approach and the Italian (and in fact also the German). A numerically high output of necessity means that many of the laws produced are of the sectional or micro-sectional type, and are concerned with limited aspects of the administrative process (and in the last resort are in fact simply administrative measures), and not major decisions. This fact, in its turn, determines the character of the legislation: in the first approach we have skeleton laws which refer to detailed regulations, in the second a large number of very detailed minor laws.

The second aspect we have mentioned, the balance of parliamentary and governmental initiative, is another useful discriminant, provided we remember that the crude statistics need informed interpretation (parliamentary initiatives can be broken down according to the proponents' party allegiance; in a multi-party system one must bear in mind that a number of rival proposals differing to a greater or lesser extent from each other may be put forward on the same subject by the different parties, etc.).

- 5) If we apply these criteria in an assessment of the role of the Italian Parliament, for example, we can obtain a first estimate from the following six statistics:
  - a) There were 2,317 bills adopted in the First Parliament, 1,897 in the Second, 1,785 in the Third, 1,769 in the Fourth and 841 in the Fifth; or, approximately 220 acts per year.
  - b) In the Fifth Parliament 42.1 % of the bills were adopted without amendment, the rest adopted with amendments.
  - c) The majority of the bills were adopted by committees acting with legislative power (74.4 % in the First Parliament, 76.3 % in the Second, 76.3 % in the Third, 77.1 % in the Fourth and 77.6 % in the Fifth Parliament).
  - d) Of these acts, those originating in the Parliament accounted for 11.3 % in the First Parliament, 25.5 % in the Second, 27.2 % in the Third, 33.1 % in the Fourth and 26 % in the Fifth.

It is interesting to note that in the Fifth Parliament the proportion of proposals sponsored by deputies of the majority party rose to 74 % of Parliament-initiated acts.

- e) Of these acts, over the life of the first four Parliaments, the micro-sectional laws accounted for 39 %, the sectional ones for 25 % and private legislation for 7.5 %; in the Fifth Parliament micro-sectional and private legislation rose to 76.1 % while public legislation accounted for 6.4 %. Laws benefiting sectional, micro-sectional or private interest are suggestively, but loosely, called 'little laws' (leggine) because of their limited application and short texts; in the Fifth Parliament 55 % of the acts had less than 4 articles, 32 % had from 4 to 9, 12.3 % more than 9 articles; in the First Parliament the respective proportions were 68.2, 22.5 and 8.9 %.
- f) There were 78 instruments of delegated legislation in the Fifth, and 46 in the Sixth Parliament (for the period from 25 May 1972 to 31 March 1974).
- g) The majorities by which the acts are passed differ in general from the size of the government majority; in the First Parliament opposition to the government rose to peaks of 45.3 %, whereas the average size of the vote against bills was 21.6 %; in the Second Parliament the respective figures were 49.5 % and 16 %, in the Third 49.7 and 1.1 %; in the Fourth 58 and 23.4 % and in the Fifth 52.4 and 24.8 %.

To the above analysis we should add the fact that:

- h) Outside the legislative process government crises (which all originate and are resolved outside Parliament, that is without a vote of confidence being taken) are frequent and often prolonged in Italy (the average life of the government has been 319 days).

If we compare these data historically with the situation in the Italian Parliament and instantaneously with those in the Parliaments of other countries, we can begin to see the major characteristics of the Italian Parliament's legislative output.

The following statistics can be compared:

- a) Number of acts: in Great Britain 76 acts were passed in 1971-72, 89 in 1970-71, 63 in 1968-69; in Denmark from 1960 to 1966 the annual average was 129 acts passed; in France, under the Fifth Republic, there were 147 acts passed in 1966, but in 1959 only 51, in 1960, 89, in 1961, 103; in contrast, under the Fourth Republic the figures were 244 in 1947; 331 in 1948; 276 in 1949; 257 in 1950; 272 in 1951; 184 in 1952; 239 in 1953; 237 in 1954; 197 in 1955; 140 in 1956; 198 in 1957; with an annual average of 234 acts passed; in Sweden in 1966, 285 acts were passed; in Federal Germany during the Third Parliament (1957-1961) 424 acts were passed and during the Fourth Parliament (1961-1965), 426, or about as many as are passed in a year by the Italian Parliament. In Belgium in the period 1948-1951, there were about a hundred acts, and subsequently, in the decade 1958-1968 879 acts, or an annual average of 87.9 (to be compared with 11094 decrees of general application, that is an average of 1109 per annum), with peaks of 117 in 1962-1963 and 1963-1964 and a trough of 29 in 1967-1968.

b) Parliamentary initiative: in Great Britain there have been sessions in which no bill originating in Parliament was passed, as in 1966-67, or where only one such act was passed as in 1961-62; the maximum number, 15, occurred in 1964-69, for which period the government-sponsored acts accounted for 60.6 % of the legislation; in the German Federal Republic, out of 1904 acts passed between 1949 and 1965 those originating in Parliament numbered 463 and the proportion of bills approved, as opposed to those introduced, was 88 % for government-sponsored legislation and 39 % for that originating in Parliament.

In the Netherlands, from 1945 to 1967 only one bill initiated by Parliament was adopted; in Belgium (for the period 1948-1958) about one-sixth of Parliament-initiated bills were approved; in France the figure was less than 2 % (under the Fourth Republic 29.45 % of legislation was Parliament-initiated); in the United States 73 % of acts passed in 1967-68 (the 90th Congress) were of Parliamentary origin.

6) Faced with the increased demand for legislation, typical of present-day societies, the Italian parliament chose the 'parliamentary' solution, as opposed to the delegated-legislation solution (the British or Belgian method) in which government initiatives predominate in the legislative output.

The Italian solution is 'parliamentary' not only in the formal sense (preference for parliamentary acts over delegated legislation) but also in the substantial, in that a large proportion of the acts are initiated by parliament and are the subject of parliamentary bargaining.

These points require further clarification. Parliamentary initiative can mean a number of different things, depending on whether the individual member concerned belongs to the ruling party or to the opposition.

In the Italian system, the rate of success of parliamentary initiatives for the Christian-Democrats, the party which has been continuously in power since 1944, was 25.7 % overall for the first four parliaments, and 19.4 % in the fifth; for the Italian Communist Party the respective figures are 17 % for the first four parliaments and 2.5 % for the fifth; and for the Italian Socialist Party, 21.6 % in the first parliament, 19.7 % in the second, 8.3 % in the third, 13.3 % in the fourth, and 12.9 % in the fifth. (It will be noted that the percentage declined when the Italian Socialist Party (PSI) was in government.)

Parliamentary bargaining means that over certain bills there are considerable struggles on amendments; the texts of government-sponsored bills of particular importance (e.g. the economic recovery plan for Sardinia, or the housing reform, or the freezing of urban rents of November 1969 which preceded the housing reform) are frequently substantially changed. Decree laws are converted into parliamentary laws with considerable modification.

Another bargaining device is the 'package deal' embracing one or more bills from the majority and the opposition side, the opposition agreeing in return for its passage not to send back government- or majority-sponsored bills submitted to the Assembly.

7) All of this is not to say that government initiative has been reduced. Two further indicators will be useful here:

a) The rate of success is greater for government-sponsored than for parliament-initiated legislation (the respective percentages were: for the first parliament 88.7 against 11.3; for the second parliament 74.5 against 33.1 and this trend has been more pronounced in recent times (e.g., in the fifth parliament, under the Andreotti centre-right government, 74.5 % of the acts were government-sponsored, and 26 % parliament-initiated); it should also be remembered that during the centre-left period in the fifth parliament there was a monthly average output of 10 acts as against 18 under single-party Christian-Democrat governments;

b) The average time of passage through the Assembly (which influences the chances of a bill's success) is 118 days for a government bill and 164 days for a parliament-initiated bill; to appreciate the effect of the time of passage it should be noted that appropriations for the financing of public

enterprises are granted at remarkable speed. For instance, Law No. 113 of 5 February 1968, increasing the endowment fund for ENI (the National Hydrocarbon Resources Board) by 256 billion lire, took 58 days to adopt, but the actual parliamentary passage required only 18 days.

8) We have seen that on the whole the Italian Parliament's legislative activity is characterized by a large output of frequently unrelated and incoherent sectional-interest acts, largely to the exclusion of major laws, whether for structural reform or tidying-up and modernizing existing legislation. (To this day, the laws on public safety, the penal code and laws governing criminal proceedings are those of the fascist era from which articles contravening the present constitution were deleted, not by acts of parliament, but only through the intervention of the constitutional court; the administration of communes and provinces is governed by a hotchpotch of laws dating from 1934, with some going back to 1915; company law is that of 1942, family law is of the same date and so on, and so on.) The list could be extended indefinitely. All these are laws with a smaller political content than those described above, sometimes they are examples of private bills having a certain political colouring in the context of the existing system. But such laws parliament does not debate, does not enact; it goes on producing microsectional legislation, the 'little laws'.

Of course, such minor legislation, filling in the details of the prevailing policy and regulating the country's activity with respect to the prevailing law, is necessary and has an important role in the law-making process. But that is not the fundamental point. Parliament is criticized not so much because it produces many minor detailed laws but because it fails to bring out major laws.

9) The technique of microsectional legislation, of the making of the 'leggine', has a different character and importance, depending on whether it is viewed in the context of the parliamentary or legislative system or of the political system. From the point of view of the effectiveness of parliament as a lawmaker, the production of the 'little laws' is proof of inefficiency. Parliament is failing in its task, wastes time on administrative measures which should be left to the administration or, at most, delegated to the government. This results in reduced efficiency of both administration and government which are interlinked and interdependent. Particularly so, since parliament most frequently intervenes to lay down provisions on the civil service. And it often intervenes in this and other matters at the request, or order, of certain sections of the administration which itself, is active also in areas other than that of parliamentary initiative.

Seen in the context of the overall political system in which it is the instrument for the drafting and promulgation of the minor laws in particular, parliament assumes a different role. Legislative inefficiency becomes a kind of political efficiency when we remember that it is desirable for the system to tend towards equilibrium, towards integration. In such an assessment, of course, we neglect any criticism that might be made of the function of equilibrium in society or on the relative importance of balance and conflict between social groups. Even more obviously, we suspend any value judgment on the type of equilibrium that is achieved or on the stability of the integration that is pursued. It would be as relevant to debate whether Euclidean or non-Euclidean geometry is 'better' or 'more conducive' to the happiness of societies.

If we accept the axioms (whether they be Euclidean or non-Euclidean!), and hence the desire to maintain the equilibrium of the system (and of the system as it was without application of the constitution), certain consequences and corollaries inevitably follow. Disregarding stories which properly belong to the folklore of legislation, stories of not the law, but the 'leggina' having become king, stories worn in repetition and of facile effect (of how parliament concerns itself with the stripes on the carabinieri's uniform, with the red ant, with the classification of the tunny fish) the fact remains that this method of producing minor legislation, of administration by law-making, does represent a certain equilibrium, does introduce a certain restricted and marginal, but nevertheless real 'joint rule', an amount of participation by the opposition in the exercise of power, in governing the state apparatus; the whole amounting to a certain distribution of power at the local level, a complicated balance of 'sharing out' in which an area of decision-making is allotted to the

parliament precisely because it is the body in which opposition groups are active, in which the decisions can be subject to the corrective influence of the opposing groups, because the system is such that majority-opposition interplay cannot take place over time, by relying on the traditional 'swing of the pendulum', but must take place instantaneously, and therefore in spatial terms, either in one joint body or over a number of geographical regions having different political majorities, by means of a sharing-out of power — this time among the electorate.

As far as the Italian case is concerned, it need hardly be said that this kind of balance, or *modus vivendi* (whatever one's value-judgment about it may be) is based on a distortion of parliament's legislative function as it is envisaged in the constitution. The legislative function is not exercised on major issues, that is precisely those which according to the principles of the system should be specifically reserved to parliament and should determine the lower levels of the legislative provisions. Parliament, in abstaining from its policy-making function, is reduced to a secondary role. It is obliged to concern itself with minor legislation, with administrative matters in their most restricted and traditional meaning, thus encroaching upon an area which could perfectly well be regulated by the government and the administration. What is more, the administration itself is still of the traditional type and not of the new entrepreneurial kind.

Since parliament hardly ever concerns itself with the major issues, living instead from day to day, from one 'little law' to another, it is inevitable that a frightening volume of arrears must build up. There is a whole series of bills left over from the first parliament which is regularly re-introduced in each subsequent legislature. Admittedly, the great bulk of this unfinished business is fictitious, because it consists of proposals which everybody knows will never be discussed (and which are not discussed often precisely because they would introduce major and far-reaching laws). If we analyse the numbers of bills introduced, weeding out the multi-plets, that is identical proposals formulated differently by various political parties, and the old proposals which drag on through successive parliaments, we shall see that, for example, in the first year of the third parliament, 836 out of 1222 bills were concerned with new and novel subjects.

10) These observations apply to all the parliaments. Certainly, there has been a transition from parliamentary situations in which the tensions between the majority and opposition were stronger to those where greater emphasis is laid on integration of the opposition. Examples of the first case were provided by the cold-war period; then, too, there were head-on clashes and veritable riots in the Assembly, but the majorities which the bills commanded in committees were such that the average total of the members (in the Assembly and in committees) voting in favour of the bills was 78.4 % in the first parliament and 83.9 % in the second parliament, one reason for this being that the Communists (PCI) and Socialists (PSI) tended at that time not to stay on the sidelines.

As regards the second case, the tendency to integration of the opposition, of towards "joint rule", has been gradually growing since the Tambroni crisis of 1962 when the centre-right formula was dramatically switched to a centre-left configuration: we have, in fact, seen how in the fourth parliament the rate of success for Christian Democrat members' initiatives was 25.7 % while that for Communists (PCI) was 17 %.

Subsequently, after the economic crisis of 1964 and the failure of the centre-left to reform the state apparatus around a plan which would have changed the model of economic development, the growing political fragmentation was reflected also in legislative procedures, with majorities of varying size being evoked by different acts of major importance (e.g. the workers' charter, the housing act, the regional elections act). The situation was, in fact, not so much one of a democratic partnership, with interplay between parliament and government according to the traditional rules, or, if you prefer, according to the new rules of a majority-opposition debate, as one of latent ambivalence between this type of change (which in fact represents the historical compromise, or the conciliar republic, substantially in line with PCI ideology) and the maintenance of the power position of the majority party with a considerable shift to the right (in the fifth parliament the Communist (PCI) joined with the majority in 83.1 % of the cases, the MSI Socialists in 79 % of the cases, and the



extra-governmental Left in 53.8 % of the cases), in expectation of strengthening its position to the point where relations between government and parliament would also be reshaped. But throughout, from the first parliament to the sixth, the disparity between the input and output of the system has been very great; important decisions are avoided so consistently that the opposition does not even present its demands.

The demand which generates legislation tends to be reduced to the kind of demand that will not evoke fundamental political opposition, on which discussion or dialogue are *a priori* believed to be impossible — not only as regards the parliamentary opposition but even within the parties and particularly the party factions (always ready to align themselves with other parties or other party factions), which support, or ought to support, the government.

The greater the number and variety of sectional and micro-sectional demands, the weaker the transmission of general demands. The 'typical' bill, representing a little over a quarter of those tabled in parliament, is concerned with some measure modifying slightly the state administration, affecting the position of a small group of individuals, very often the actual staff of the administration. While for matters of general interest the role of the parties in initiation and formulation is fundamental, where sectional demands are concerned, this function has been taken over by party sub-systems, by sectional interest groups, by sectoral groups in the State administration, in public enterprises, etc.

As regards the role of parliament in the process, we see again and again that parliament fulfils its general task (that is one not restricted to the legislative process) of mediation, formation of the consensus, and of negotiation on multi-partite compacts and does so perhaps more when the political parties fail to fulfil their task of channelling demands and of supplying parliament's 'input'. (But we should always remember that parliament and parties constitute a continuous and interpenetrating whole).

In both the mediating and the negotiating function, *legislative activity, as determined by parliament's real attitude*, as I have described it, is of determining importance. The Italian parliament's function is *above all* legislative: measured against Bagehot's classical classification of parliamentary functions (the elective function, the expressive function, the teaching and informing function, the legislative function), it is apparent the Italian parliament has kept them all, if we consider it together with the party system and the attenuation and changes brought about by universal suffrage, the existence of mass parties, state capitalism, and mass communication media, but that it exercises principally the legislative function. I should add here that when I say 'the parliament' in this context I do mean 'the parliament' that is its two branches seen together as collegiate bodies in which there exists a majority and opposition groups, but in which only the majority counts and the minority groups only have the right to a negative vote. Parliament as a whole exercises the legislative function, with the obvious and important distinction between the positions of the majority and opposition groups, but without having descended to the role of an assembly endorsing all government policy by acclamation, much less to that of a parliament which 'sometimes amends, rarely rejects, usually approves' said by some observers to be typical of the legislative assemblies of our era. The Italian parliament does, pre-eminently and characteristically within the terms of the system, exercise the legislative function as a body which, on the one hand, is concerned with regulating and protecting interests, and, on the other, with integrating opposition groups by means of shifts and adjustments around the dominant party. In a multi-party system, when there is only one dominant party and where a two-party alternative does not exist, government changes can take place by rotation of the dominant party's ally within the range centre-right—centre-left.

Such rotation takes place also within the area of the legislative consensus which, as we have seen (paragraph 5), is not identical with the government majority. In the third parliament before the coming into power of the centre-left, the rate of success of socialist parliamentary initiatives was 8.3 %, and in the fifth parliament the rate of success of Communist-sponsored initiatives was 2.5; we see that it was in the law-making sphere that there first appeared the shift of alliances which was to be subsequently endorsed by the electorate: in the fourth parliament through support for

the centre-left and in the sixth, through increased support for those parties which were able to undertake the experiment of a centre-right configuration.

But, as I have been saying, the legislative function is exercised by the means, within the limits and with the aims that I have described, and dominates and determines both internal parliamentary dealings between the majority and opposition and the final results, parliament's visible 'output'. In the Italian case its character is determined above all by its area of activity, that is by the exclusion of decisions concerning administrative institutions and by the exclusion of the major political issues, and also by the discontinuous and fragmented nature of economic development, by the fact that resources are distributed generously but without real coordination and without clearly defined aims and responsibilities, by the refusal to countenance structural reform, by its inability to respond to more general demands, by its capacity, on the other hand, to respond to micro-sectional demands, that is in effect, to protect and promote weaker, more vulnerable, interests because the stronger interests resolve their problems elsewhere.

The result is growing loss of confidence in the administration and in Parliament (precisely because of its special position); and, notably, the vacuum left by Parliament's abdication of certain activities is filled, in a process of shifting of powers, by other institutions which however, cannot supplant parliament. Just as lacunae in major legislation cannot be made good by the 'fighting judges' ('pretori d'assalto') pronouncing on matters of labour legislation or environmental protection, nor by the Constitutional Court itself, nor even by the central monetary authority when it is made to bear the brunt, if not the entire weight, of responsibility for the economic policy; just as the channelling function properly belonging to the political parties cannot be replaced by the trade unions whose vicarious role in the 1969-71 crisis period is becoming predominant in the formulation of demands for legislation and in the legislative process, but which in the long term will neither be able to take the place of the parties (inefficient though these are) in their channelling function, nor to free themselves of their intrinsic party ties — despite the introduction of rules against combining union and party office and union office and the parliamentary mandate.

Parliament, then, performs the function of integration by its law-making; but it acts at the lowest level, abstaining from legislation at the higher level, when there is also no strong executive to act.

The Italian parliament in its function is rather similar, therefore, to a North American congress, in a system where there is no President and the government is of the 'congressional' administration type.

11) It will be obvious that in this long-standing crisis situation which, however, is now close to breaking point, and which arises from the fundamental pattern of political forces, parliament's working methods and the technicalities of parliamentary procedure become of secondary importance, even though many aspects of the legislative technique are significant; for instance the existence of committees which discuss laws, the distinction between the consequences of a vote of no confidence and a vote against the government on a particular bill, and so on.

A few main points should, however, be emphasized. The working methods are changing, because there is a growing tendency to adopt the *inquiry approach* (more in the fact-finding than the investigative sense): but even here the general trend, common to many parliaments (I have already said that modifications of working methods in committees, the introduction of *hearings* and methods of control over enterprises have been contemporaneous in Great Britain and in Italy) exhibits different time patterns and different results.

The Italian parliament's limited efficacy is illustrated by the transition from the 'parliamentary hearing' model to that of the 'fact-finding enquiry'. This is not a purely verbal distinction: while in a North American parliament *hearings* are conducted 'live', as part of the decision-making process and with the aim of arriving at a legislative decision, in a fact-finding inquiry the consultation and the evidence are not directly linked to the legislative decision, but have only the character of background research.

Nevertheless, this method of working, based on research through consultation, though it does not bring immediate effects, will produce results at a slower pace. Not least because the use of general fact-finding inquiries can, by the confrontation of opposing evidence and views lead to the widening of horizons, to a reaction against degeneration into a sectorialism concerned solely with the production of micro-sectional laws (in effect, of 'private bills'), and by publicising the inquiries can restore parliament's informative function and even, perhaps, its teaching function.

In this evolution of procedural and working methods we should note particularly the importance of the concerted and global nature of parliament's activities, the extension of its fact-finding and supervisory function, with the correlated considerable transformation also of what used to be traditionally called the function of control (it would be irrelevant here to enquire whether we can really speak of control or verification, in the legal sense), the significance of the 'recovery' of parliament's position *vis-à-vis* the bureaucracy as regards relations with the interest groups as well as increased involvement of the deputies, and the changed role of back-benchers, whose influence rises as parliament becomes less of a debating house.

I have dwelt on the effect that this method of working can have on the content of legislation and on the danger of the prevalence of sectoral concerns, a concomitant of which is the difficulty of undertaking major decisions (requiring a more complex methodical approach and faster action, which parliamentary procedures cannot ensure), particularly as regards short-term economic planning and conjunctural policy.

The ultimate result of the situation I have described may be that parliament will acquire a certain efficiency in the area of sectional interests thanks to its method examining and conciliating contradictory interests and views, but that the cost of this will ultimately be a loss of its power of decision in the area of major policies, which, while it may be compensated as regards certain rapidly-changing political strategies, may not be so as regards important long-term decisions pertaining to the legislative body in its traditional, if you like, function of introducing reform and updating the law.

We may expect in this context certain trends common in greater or smaller measure to all parliaments; for instance a greater interest and involvement in legislation on major social problems, with a greater contribution from individual parliamentarians or from opposition groupings, and the disappearance of certain traditional views on the role of parliamentary initiative (recent British experience seems to me significant in this case, with its considerable increase of parliamentary initiative seen in the enactment of very important laws, and a notable change in traditionally accepted attitudes; it would indeed be interesting to discover if there is a correlation between this recovery of parliamentary functions linked in the British model with a changed government-parliament relationship, and changes in the majority-electorate patterns which emerged in the last elections, suggesting a common tendency to a joint function, anticipating my forecast with regard to the Italian situation, prefiguring shifting parliamentary patterns around the dominant party, and an approach to the role exercised by the opposition in the Italian case, particularly in 1958-1963 in the third parliament and in 1963-1968 in the fourth).

But all these discernible trends while they imply a wider distribution of power within the Parliament also confirm the tendency to loss of authority to other centres of power, compared with the established models (in the historical sense, at least) in the area of major decisions.

# THE EUROPEAN PARLIAMENT, THE NATIONAL PARLIAMENTS, AND THE PRINCIPLE OF RESPONSIBLE CABINET GOVERNMENT

Paper by Professor Erik RASMUSSEN, *University of Aarhus*

## I — The Status of the Principle of Responsible Cabinet Government in EC and the Member States

The political systems of the nine EC countries are — France being to some degree an exception — based on the principle of responsible cabinet government. They are modelled on the British paradigm, making up, constitutionally, an easily identifiable family, to which belong (outside the European Communities) Austria, the other Nordic countries and some of the Member States of the Commonwealth of Nations. Even if each of the nine countries have developed their own peculiar ways of practising the principle — the result being a rich flora of different parliamentary and constitutional usages — a fundamental likeness remains a most conspicuous and in this connection certainly most relevant feature.

Obviously, such a likeness may be considered as in itself contributing to promote cooperation in the EC and the mutual understanding of the handling of problems within and between its Member States. But one may also put the question whether the principle of responsible cabinet government is less suitable *per se* than other basic principles of government to the promotion of a process of integration between sovereign states. One might e.g. hypothesize that the higher the degree of supremacy possessed by a parliament, the less may be its willingness to surrender parts of such supremacy and, consequently, the ability of governments to give way to demands for further integration. These are questions which will be touched on in the following pages.

In contradistinction to the Member States, the EC itself is *not* based on any principle of responsible cabinet government. The possibilities of the European Parliament to carry a vote of censure on the Administration are highly hypothetical and its powers of control truly modest. As to the Council of Ministers, the influence of the EP verges on *nil*.

If considered unsatisfactory, this state of affairs might be remedied or even altered by a strengthening of the position of the Parliament or, ultimately, by the introduction of responsible cabinet government in the EC constitution. As is well known, a rather heated discussion is going on as to the advisability of such measures.

It is obvious that any important strengthening of the influence of the EP will mean a cut in the influence of the national Parliaments. It might not mean a corresponding cut in the influence of the electorates of the nine countries looked upon as a whole. But it might entail a loss of influence considered from the point of view of the electorate of any single country, especially the electorates of the smaller Member States, which constitute, even if favoured, only a negligible percentage of the sum of EC electorates. Nevertheless, the Dutch, one of the smaller nations, are known to be the most eager spokesmen of far-reaching integration and, more specifically, of a strong and reformed European Parliament.

The purpose of this paper is to contribute to an analysis and an evaluation of the role of the principle of responsible cabinet government in the present situation and future developments of the EC. The

paper is based on Danish material, especially from the time after Denmark's accession to the Community. Its conclusions may, hopefully, be of some value to fellow EC citizens, to whom Danish points of view are *per se* of minor interest.

## II — Some Facts about Denmark's Accession to EC

Together with Great Britain and Ireland, Denmark joined the EC as from 1 January 1973.

The accession was the result of two decisions, one made by the *Folketing* (the Danish Parliament) on 8 September, the other by the electorate in a referendum on 2 October 1972. The final vote in the *Folketing* was carried by a majority of 141 to 34, the two Faroe members abstaining (the Faroe Islands were not covered by the Accession Treaty), and two other members being absent. In the referendum the *Folketing* decision was approved by 63.3 as against 36.7 per cent of the valid votes, the turnout being 90.1 per cent, which is the highest in any Danish election or referendum (\*).

Even if looked upon solely from an EC-supporter's point of view, these figures may be interpreted in more than one way. Both majorities seem solid, and so they are, especially when compared with the corresponding Norwegian results, the referendum in Norway ending up in defeat. The referendum left no doubt as to the will of the Danish people. Still, one must certainly add that, after all, the minorities were considerable, much too considerable to be ignored in Danish after-referendum EC-policies.

Table 1

*Support of and Opposition to Danish EC Membership, by Political Party, September 1972*

	Final vote in the <i>Folketing</i> 8 September 1972		Gallup poll <sup>(1)</sup> September 1972		
	For	Against	For	Against	Don't Know
Socialist People's Party .....	0	17	10	87	3
Social Democrats .....	58	12	41	38	21
Radical Liberals .....	22	4	59	27	14
Conservatives .....	31	0	76	12	12
Agrarian Liberals .....	30	0	84	10	6
	141	33 <sup>(2)</sup>			

<sup>(1)</sup> Published in *Berlingske Tidende*, 21 September 1972.

<sup>(2)</sup> In addition, one of the two members for Greenland voted against.

More detailed information on the distribution of support and opposition among and within the parties in the *Folketing* and in the electorate will stress the point. Some interesting observations force themselves upon the reader of Table 1. First, that only three of the five *Folketing* parties acted

<sup>(\*)</sup> For a brief, and brilliant, account of the prehistory of and the campaign for and against Danish accession to the EC as well as a preliminary analysis of the referendum results, see Nikolaj Petersen and Jørgen Elklit, 'Denmark Enters the European Communities', *Scandinavian Political Studies*, vol. 8, Oslo, 1973, pp. 198-213.

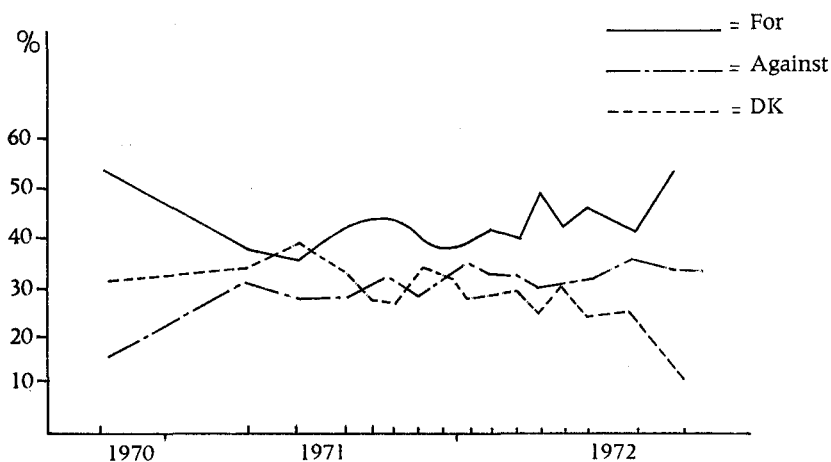
unanimously, whereas the Social Democrats and the Radical Liberals, the parties of the Prime Minister and his predecessor, split their votes. Secondly, that even if the stand of each party was supported by most of its sympathizers their support was in no case unanimous and the opposition to EC membership much stronger among the Radical and, especially, the Social Democratic rank and file than among their MP's, whereas the Don't Know's were rather numerous in both parties and among the Social Democrats easily enough to be able to cause a swing of the pendulum <sup>(1)</sup>.

Further elucidation is offered by Figure 1 <sup>(2)</sup>. It shows that from the latter part of 1970 till September 1972 the fight for or against EC membership appeared to be a rather close race, the solid victory of the pro's being the result of a last minute swing to their side by the Don't Know's.

Figure 1

*Attitudes to Membership 1970-1972*

(The end points of the curves represent the result of the referendum of 2 October, 1972)



Source: Releases of the Danish Gallup Institute.

The preceding campaign was both extensive and intensive. During most of the period 1970-72 the opponents were on the offensive, one of their chief points being the inadvisability of handing over any part of Danish sovereignty to a big and 'bureaucratic' Community, which the Danish Parliament and, ultimately, the Danish electorate would not be able to control or influence effectively. The main arguments of the counter-attack were to underline the economic advantages, especially to Danish agriculture and the rather precarious balance of payments, and to tune down the risks to Danish independence, a choice of tactics which was probably effective, but at the same time implied some sort of obligation to counteract future proposals of further narrowing of Danish sovereignty; open appraisal of European integration was nearly never heard <sup>(3)</sup>.

<sup>(1)</sup> In the 1971 election five parties had not been able to obtain the minimum of 2 per cent of the votes required for representation in the *Folketing*. Of these the Communists, the Left Socialists, and the Justice Party (single taxers) were opposed to, the Christian Democrats and the Schleswig Party (the party of the German minority) in favour of Danish accession to the EC.

<sup>(2)</sup> Petersen and Elklit, p. 204.

<sup>(3)</sup> Peter Hansen, 'Adaptive Behaviour of Small States: The Case of Denmark and The European Community', to be published in *The Sage International Yearbook of Foreign Policy Studies*, vol. 2, will afford an apt account and characterization of Danish pre-accession debate.

Table 2

*Voting in the Referendum by Party 1971\* and District, Percentages*

		Hammerum	Dalum	Enghave
Socialist People's Party .....	Yes	25	15	10
	No	75	85	90
	Total N =	100 71	100 201	100 512
Social Democrats .....	Yes	64	67	46
	No	36	33	54
	Total N =	100 629	100 1107	100 1367
Radical Liberals .....	Yes	87	77	58
	No	13	23	42
	Total N =	100 379	100 561	100 171
Conservatives .....	Yes	92	87	74
	No	8	13	26
	Total N =	100 467	100 900	100 196
Agrarian Liberals .....	Yes	95	86	76
	No	5	14	24
	Total N =	100 643	100 222	100 38

\* Only the five parties now in the Folketing.

A good impression of the final distribution of votes in the referendum among the sympathizers of the diverse parties can be had from Table 2 (<sup>1</sup>). It bears witness to the last minute swing as well as to the still remarkable split of especially the Social Democratic rank and file; at the same time it shows that Copenhagen was, in all parties, the stronghold of opposition to membership.

The seemingly convincing result of the referendum thus turns out to be no firm ground on which to build an integrationist EC policy and, more specifically, a policy which implies a far-going weakening or narrowing of the importance of the Cabinet's responsibility to the *Folketing*. These circumstances were reinforced by some peculiarities of the country's parliamentary and party system.

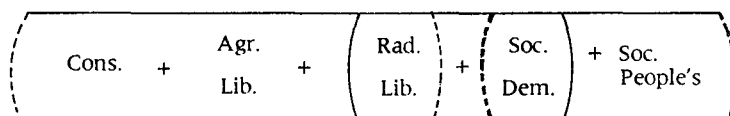
On the whole, the five parties of the *Folketing* interacted in accordance with a rather well-established pattern, especially with respect to government formation. This pattern is depicted in Figure 2. Since the adoption (in 1901) of the principle of responsible cabinet government most Danish Govern-

(<sup>1</sup>) Petersen and Elklit, p. 212. - In collaboration with the Danish Television some members of the staff of the Institute of Political Science at the University of Aarhus carried out a voting study in three polling districts by asking the voters, immediately after they had cast their votes, to fill in a questionnaire in a room nearby. 76.1-86.8 per cent complied with the request. The results of the study are very close to official results from the three districts. These were Hammerum, a rural district in Jutland, Dalum, a suburban white-collar district on Funen, and Enghave, a working-class district in Copenhagen.

ments have been either majority coalitions, as were the Social Democratic-Radical Liberal Government 1960-64 and the Radical Liberal-Agrarian Liberal-Conservative Government 1968-71, or minority one-party Governments which, in politically crucial questions, are regularly supported by one or more other parties, with the result that such Governments function more in the way of minority Governments; recent instances are the Social Democratic Governments of 1966-68 and 1971-73, both leaning rather heavily on the Socialist People's Party (<sup>1</sup>).

Figure 2

*Bases of Governments in the Folketing 1960-1973*



( ) : Government 1960-64 (in some respects 1964-66)

( ) : Governments 1966-68, 1971-73

{ } : Government 1968-71

It is important to notice that in EC questions, as well as in NATO affairs, the Social Democratic Government of 1971-73 would be backed by the non-socialist parties. That means that in these respects the life of Government was not dependant on support from the heavily anti-EC Socialist People's Party. Even so, the Socialists were not likely to allow the Government any steps in EC policies which were not immediate consequences of the referendum decision. The Government's own party being split on the question it is easy to understand that its range of action was rather narrow.

Nor were the non-socialist parties in favour of any rash strengthening of the EC ties. Danish policies with respect to the League of Nations present many precedents of what is now again demonstrated, that even if Danes and Danish parties are eagerly in favour of international cooperation they ordinarily agree on giving up the least possible of Danish sovereignty. So, the difference to the country's EC policies by having a Social-Democratic or a non-Socialist Government might be expected to be more one of nuances than of fundamental change.

These are facts that must always be kept in mind when trying to predict Danish attitudes to integrationist EC policies and, more particularly, to changes in the status of the European Parliament.

On 4 December 1973 new elections were held. The dissolution of the old *Folketing* took place for reasons unconnected with EC policies. The results, as shown in Table 3, were quite unprecedented (even if, thanks to opinion polls, not unexpected) in several respects. The number of parties represented was bigger than ever before, in sharp contrast to the elections of 1971 which resulted in fewer parties in the Folketing than since 1932. All parties represented before the election suffered heavy defeats. The four so-called old parties (Social-Democrats, Agrarian Liberals, Radical Liberals, and Conservatives), all dating back to the pre-World War I period and always between them commanding 80-90 per cent or even more of the seats, this time got slightly more than 60 per cent. The pronounced tendency of the years 1966-73 towards a two-bloc party system of Socialist versus non-Socialist parties came to a halt, as none of the latter were prepared to count on the support of the Progressives. Of the newcomers, the Communists and the Justice Party dated back to the twenties, but had been

(<sup>1</sup>) For further comments on the Danish party system and Danish Government formation, see Erik Damgaard's paper in this conference.



unrepresented since 1960. The Christian Democrats had, unsuccessfully, taken part in the 1971 election. But the most prominent victors were newly formed parties, the Centre-Democrats being formed just before the election by a Social-Democratic right-wing secessionist and the triumphant Progressives launched at the beginning of the year as an anti-tax protest party. An epoch of stable democracy, which had lasted for more than two thirds of a century, seemingly had come to an end.

Table 3

*The Danish Folketing 1973, as compared to that of 1971*

	1971	1973	gain/loss
Social Democrats .....	70	46	— 24
Radical Liberals .....	27	20	— 7
Conservatives .....	31	16	— 15
Justice Party (single taxers) .....	0	5	+ 5
Socialist People's Party .....	17	11	— 6
Communists .....	0	6	+ 6
Centre Democrats .....	—	14	+ 14
Christian Democrats .....	0	7	+ 7
Agrarian Liberals .....	30	22	— 8
Left Socialists .....	0	0	0
Progressives .....	—	28	+ 28
	175	175	
Greenlanders .....	2	2	—
Faroe Islands* .....	2	2	—
	179	179	

\* One of the Faroe representatives is a Social Democrat.

What will be the impact of these rather topsy-turvy changes on Danish EC policies? It will probably be slight, or perhaps there will be none at all. EC questions were not to the forefront of the election campaign, despite the efforts of the Communists and the Justice Party, which are both pronouncedly anti-EC; the modest success of the latter party may be ascribed to this fact. But all the other newcomers, with the possible exception of some of the Progressives, are all supporters of EC membership, the Centre Democrats even eagerly so. The number of anti-EC *Folketing* members slightly increased, but no real change took place. On the other hand, the new minority Government, formed a fortnight after the elections by the Agrarian Liberals, who among the old parties are certainly the most outspoken EC supporters, will be in no position to take a new lead, even if it might wish to.

It is a noticeable fact that opinion polls just before the elections showed that supporters and opponents of Danish EC membership now seem to balance each other, a heavy decline of support compared to the results of the referendum, but not to the polls of the preceding year. It is just as noticeable that this change of opinion did not markedly influence the election results. It may, possibly, influence Danish EC policies in a negative way, but probably not to a considerable degree.

No EC debate has taken place in the new *Folketing* so far (15 January, 1974). What was said above makes it probable that the results of the analysis of debates prior to the 1973 elections will, on the whole, still hold true. The preconditions of Danish EC policies have not been changed, certainly not fundamentally, perhaps not even slightly.

### III — Introduction of Responsible Cabinet Government in EC Some Theoretical Considerations

Theoretically, the principle of responsible cabinet government may be applied to the problems of the EC/Member State relationship in two different ways, leading to mutually opposite conclusions. In the Member States the said principle is the governing principle. In between the EC institutions it is not.

The consequence is that any adherent of the principle — and in Denmark as in most other EC Member States it is considered fundamental and a necessary prerequisite to effective 'government by the people' <sup>(1)</sup> — is confronted with the choice between two alternatives.

*Either* he must opt for an introduction of responsible cabinet government in the EC, meaning that the loss to the principle by accession is compensated for within the EC framework, by means of establishing supremacy of the European Parliament in relation to the Council and the Commission, *or* he must wish to keep down transference of sovereignty at the lowest possible level and, at the same time, to maximize the influence of that EC institution, namely the Council, in which decisions by his native institutions carry the biggest possible weight.

Of course, the alternative is not all that simple. Several factors contribute to a blurring of the outlines, especially of those presented by the first alternative. Two, at least, are of major importance.

The first, which was touched upon above, is the fact that even if the principle were fully introduced and practised in the EC political system its implementation would not fully recompense the voters of any single Member State, and especially not a small one, for their loss of direct influence, as their representatives might easily be outnumbered in the divisions in a reformed European Parliament. So the combination of European parliamentary supremacy with an integrationist course of policy presupposes an unconditional acceptance of the application of the principle of *one man, one vote, one value* to both levels, the European as well as the national, in a way similar to that in which the inhabitants of a county do not dispute the supremacy of the decisions of the country's parliament to those of their own county council. Consequently, only if this condition is fulfilled, i.e. if the adherent of the principle of cabinet responsible government is at the same time a fully-fledged European, he will consider the reduction in importance of the national cabinet government system as fully compensated by the corresponding introduction of the principle in the EC system.

It goes without saying that a mere strengthening of EP will fail to recompense to the same degree in which it will come short of full parliamentary supremacy.

This leads up to the second factor which blurs the picture. That is the question of timing. If loss of importance of the principle of responsible cabinet government is to be evaded its introduction in the EC is, logically, a precondition to any strengthening of integration, however much it may seem probable that further integration might pave the way for the introduction of the principle. Otherwise, the sphere of 'government by the people' will be correspondingly narrowed, at least temporarily and with no guarantee against the principle's final failure. As nobody will judge the introduction of that principle to be a matter of, say, a few years, its staunch adherents, even among integrationists, are faced with some sort of precarious cost/benefit analysis.

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(1) It is quite obvious, of course, that responsible cabinet government as practised in these countries is no more comparable to 19th century paradigms, but rather a cloak for party government. However, as far as party government still depends on a majority in the Parliament, no substantial objection could be raised against the use of the term as a convenient shorthand expression of the state of things.

Adherents may, of course, be gradualists, as politicians, luckily, tend to be. They may look upon the supremacy of EP as the final step to be reached by laboriously climbing a number of lower steps on a ladder. Those lower steps might consist in the adoption of some of the proposals made in the Vedel Report or, in July 1973, by Mr. Cornelis Berkhouwer, all aiming at strengthening the Parliament, some of them amenable to the Treaty of Rome, others requiring a revision of some of its stipulations. Even so, gradualist adherents must, step by step, evaluate costs in the shape of giving up national control to the benefit of expanded possibilities of EP control, and do so impressed by uncertainty as to the probability of their ever reaching the final, or even the next, step of the ladder.

Such proposals might be as modest as those put forward by Mr. Berkhouwer: the obligation of the Council to take into real consideration the opinion of Parliament on the proposals of the Commission as well as on the Member Governments' proposals for appointments to the Commission. Other proposals might endow Parliament with the power to veto Commission proposals and even Council decisions, a course which might eventually lead to the introduction of responsible cabinet government in EC affairs. Needless to say, a host of in-between proposals have been put forward.

Any analysis of debates concerning the present and future status presupposes some sort of classification scheme. The following may be considered useful as a rough sketch:

- 1) Proposals within the Treaty of Rome;
- 2) Proposals beyond the Treaty of Rome not necessarily aiming at parliamentary supremacy;
- 3) Proposals beyond the Treaty of Rome involving parliamentary supremacy.

A fourth category,

- 4) Proposals concerning direct election of Parliament, needs some comment.

Theoretically, direct elections might, even if implying an amendment of the Treaty, be combined with moderate as well as radical changes in the constitutional rights of Parliament. Conversely, any such changes might be conceived of without the introduction of direct elections. However, European ideas of democracy being what they are, direct elections can be, and in Denmark certainly very often are, looked upon as a precondition of any far-reaching strengthening of the powers of the European Parliament and, specifically, of the introduction of responsible cabinet government.

Participants in a debate may react positively or negatively or not at all to any of the four categories of proposals; a positive reaction may be vague or definite.

Finally, reactions may be classified as to whether they are concerned with the near or some distant future.

These considerations end up in a scheme of analysis, which is certainly rough, but will, after all, permit some general conclusions as to opinions put forward during a debate. The scheme looks like this:

	Near future				Distant future			
	definitely positive	vaguely positive	no comment	negative	definitely positive	vaguely positive	no comment	negative
Category 1 .....								
Category 2 .....								
Category 3 .....								
Category 4 .....								

#### IV — Attitudes to the European Parliament in after-Referendum Folketing Debates

Reasons which were mentioned above make it, if not probable, at any rate possible that it was not thought wise to propagate integrationist viewpoints in the debates preceding the decisive referendum of 2 October 1972. That is why these prolonged debates are not taken into consideration in the analysis below, the object being to take the integrationist temperature of Danish EC policy with specific reference to the principle of responsible cabinet government.

Since the referendum only two *Folketing* debates have concentrated on this subject. One, which took place on 8 November 1972 <sup>(1)</sup> was occasioned by an interpellation by the anti-EEC Socialist People's Party after the Paris meeting of the chiefs of government on 19-21 October. The other followed on 1 February 1973 <sup>(2)</sup> originating in the dissatisfaction of the opposition parties with the results of and, more specifically, the procedure chosen by the Social-Democratic Government in connection with the negotiations of the Minister of Agriculture at the Brussels meeting in January.

Attitudes to the questions dealt with in this paper came to the fore more in the first than in the second of the debates. Even so, the first presented only a fragmentary picture, which can usefully be supplemented by considerations put forward during the latter debate. That is why it is preferable to analyse the contents of the two debates as if they were one. No change of views is liable to have taken place in the couple of months separating them.

The results of the analysis are given in Figure 3, the frame of which is identical with the scheme which was sketched above. Needless to say, the scheme is too rough to do justice to every detail or nuance in the attitudes of the several parties. Some of these defects will be mentioned in the comments.

Figure 3

*Analysis of Post-Referendum Folketing EC Debates concerning strengthening of EP*

	Near future				Distant future			
	definitely positive	vaguely positive	no comment	negative	definitely positive	vaguely positive	no comment	negative
Category 1 .....		C, AL, RL, (SP)	S		C, AL, RL	S, (SP)		
Category 2 .....		C, AL, RL		S, SP	C, AL, RL	S		SP
Category 3 .....				all parties			S, C, AL, RL	SP
Category 4 .....			C, RL	S, AL, SP	C, AL	S	RL	SP

AL: Agrarian Liberals.  
C : Conservatives.

RL: Radical Liberals.  
S : Social Democrats.

SP : Socialist People's Party.

The most salient feature is the fact that none of the parties commit themselves to any definite and concrete steps in the near future concerning a strengthening of Parliament. The three non-socialist parties are vaguely positive and definitely positive only with respect to some undefined future, whereas the Social Democrats mention a series of proposals without any future commitment. The

<sup>(1)</sup> *Folketingstidende* (the Danish Hansard) 1972/73, sp. 923-35, 958-1039.

<sup>(2)</sup> *Folketingstidende* 1972/73, sp. 3269-3366.

Socialist People's Party is expressly inimical to any strengthening of the European Parliament at the expense of the national ones, its appearance — in parentheses — in the columns of vague positivity indicates only a willingness to strengthen the powers of control by Parliament as against the Commission.

As to the questions discussed in this paper it is especially important to notice that all parties agree in opposing parliamentary supremacy in the near future, meaning that they want to preserve the control of the national Parliaments through the national representatives in the Council, and that the four pro-EC parties do not even comment on the distant future, whereas the Socialist People's Party is of course explicitly negative.

This picture seems to some degree to be blurred by the attitudes to the introduction of direct elections, some of the parties declaring themselves in favour of such a step some time in the future. Possibly, this is only a reflection of the fact that during the debates preceding the referendum those opposing accession made a point of teasing supporters by ridiculing the lack of direct popular mandate on behalf of the European Parliament.

It comes into the picture that in the debate on 8 November 1972 the Prime Minister, while commenting rather deprecatingly on the efforts of his Dutch colleague in favour of Parliament, pointed specifically to his own argument at the Paris meeting that what is needed is to strengthen and to make more effective the work of the Council.

Even if some of the speeches, especially that of the Conservative spokesman, who was himself a member of EP, did not lack an undertone of sympathy for integrationist tendencies, the overall impression is one of reluctance and, certainly, of strong commitment to the rather guarded mandate obtained through the referendum and the preceding public debates.

#### V — Predominance of the Principle of Responsible Cabinet Government in Danish EC Politics

Whereas the debate on 8 November 1972, the immediate subject of which was EC affairs, was certainly not one of the most brilliant performances of the Danish Parliament, the debate on 1 February 1973, the chief concern of which was the *Folketing's* own control with Government, was on normal level, the representatives knowing exactly what to say and how to manoeuvre.

The debate was occasioned by the opposition's dissatisfaction with the results obtained by the Minister of Agriculture in the negotiations of the Council in Brussels on 22-23 January. But the core of the debate concerned a long discussed, but until then not solved question of how to ensure parliamentary control of governmental handling of negotiations in EC meetings. By a stipulation of the Act of Accession the Government is obliged to notify a *Folketing* committee of any Council motion which will apply to Denmark directly. The obligation to notify is understood to imply Government's taking into consideration opinions put forward in the committee to such a degree that its management of negotiations will be considered consonant with the views of, at least, a majority in the *Folketing*. But what if in the course of Council negotiations Government will judge it necessary to accept a compromise far less satisfactory than foreseen during the Committee discussions? Apart from tactical manoeuvres motivated by a precarious parliamentary situation, the non-socialist opposition and the Socialist People's Party were agreed on securing *Folketing* control in such cases, and the Social Democrats willingly accepted a narrowing of Governments' freedom of action.

The final motion was carried by the Social Democrats, the Socialist People's Party, and the Radical Liberals. The Conservatives and the Agrarian Liberals abstained because the motion, contrary to one put forward by all three non-socialist parties, did not entail a censure on the Prime Minister's handling of the concrete situation. But that did not imply dissatisfaction with the procedure laid down by the majority.

The decision of the *Folketing* of 1 February 1973 obliges Government to inform all members of Parliament on current EC-affairs in order to make it possible to raise questions in the Market Committee and other standing committees, and to inform, in connection with future negotiations and decisions of major importance in the EC Council of Ministers, the Market Committee on Government's mandate to the negotiator in order to secure parliamentary support of the mandate and, in case negotiations render necessary another mandate, to submit this to the Market Committee.

So it is quite obvious that presented with the choice between the alternatives mentioned above Danish parties have all opted for the second one, eagerly maximizing their influence on EC affairs through the medium of the Council and at the same time showing but a slight interest in any immediate strengthening of the Parliament. The spokesman of the Agrarian Liberals, the one party which has since the fifties consistently advocated Danish accession to the EC, stated <sup>(1)</sup> his reason for this course of policy by referring to the ineffectiveness of democratic control at the European level, which made control by the national Parliaments through the national representatives in the Council the only way of securing necessary democratic backing. This makes it clear that even to Danish parties least afraid of steps towards further European integration 'democratic control', i.e. responsible cabinet government, is a major premise which must not be hazarded, even at the explicitly admitted risk of lags in the process of Council decision-making. Consequently, the question raised above as to whether allegiance to the principle of responsible cabinet government may *per se* be a hindrance to integration, probably must be answered in the affirmative.

Of course, adherence to a principle is not the single reason. Danish politics are generally not doctrinaire. Unanimous adherence is a symptom of compromising between outright opposition and more or less hesitant advocacy in constant fright of the opponents and therefore clinging to the mandate of the referendum. But the principle is more than a symptom. It is also a *symbol* with an independent value, representing concepts like democracy and sovereignty, which Danes are apt to confound in a rather self-righteous manner. So the symbol, convenient to rally around and difficult to transgress, is after all a reason in itself.

Having ascertained that much, a reconsideration of Table 3 may bring some consolation even to integrationists. It is, after all, remarkable that, with the exception of the Socialist People's Party, the *Folketing* parties did not object to a future strengthening of the European Parliament, some of them even advocating measures in that direction in the not too distant future. Table 3 may be read as a tender testimony to the applicability of a gradualist course of integrationist policies.

## VI — Value premises and strategic considerations

It is a commonplace in modern Social Science that any research is influenced by the researcher's explicit or implicit value premises. I do agree. At the same time I maintain the desirability of as accurate an ascertainment of 'reality' as possible, in the interest of science as well as of politics. Hopefully, the above exposition will testify to this desire of mine. Still some remarks about my own sympathies will help to facilitate the acceptance of my results as intersubjectively transmissible knowledge.

Personally, I am an integrationist. This conviction of mine dates back to the early thirties. Born during the First World War I just managed to develop some personal views before Hitler's *Machtübernahme*, which precluded the Second. Dread of war — a war which was, as some of my contemporaries will remember, widely expected to become the end of civilization — easily convinced young minds of the necessity of hailing internationalism as the only lasting remedy and European

(1) *Folketingsstidende* 1972/73, sp. 3269.

integration as the self-evident first step. A lot of water has flown under the bridges since then. The experiences of Nazi occupation of one's country made youngish dreams of internationalism and European brotherhood seem premature or even immature. It is a fact that the damage done by Hitler is even today not wiped out. Still, he somehow paved the way for the European Communities, which got under way in the fifties, and within a few years raised hopes of becoming some nucleus of European unity and peace.

Certainly, the EC is no perfect institution. Its defects and shortcomings were mentioned again and again during the debates preceding the Danish referendum, sometimes in an annoyingly self-confident way. But, to my opinion, to decline to join a community because in certain respects it does not correspond to one's ideas of how it ought to be is equivalent to refusing to join any community whatsoever. So I was rather an ardent supporter of Danish accession, accepting also as a consequence the necessity and desirability of further and, ultimately, full integration. It conveys to me a pleasant feeling of being fully in consonance with the ideals of my youth, a rare experience for a person in his fifties.

Still, wishing for ultimate integration is not equivalent to being in favour of integration immediately. Backlash is a possibility to be reckoned with. Evaluation of circumstances may very well dispose even the most wishful integrationist to prefer a Fabian strategy. What was said above makes it pretty clear that any rash measures towards the implementation of integrationist objectives might easily endanger the acceptance of the goals of the EC, and even of membership, in my country, especially if decreasing to any substantial degree Government's dependability upon and responsibility to the national Parliament. Is it preposterous to assume that Denmark is, even if perhaps integrationally the most backward Member State, not the only one in which considerations of this kind will carry a considerable weight? And that reluctance is still of much importance even in some of the six original Member States? If so, Denmark is perhaps a marginal case which exhibits clearly traits that are after all discernible elsewhere too.

Traditions differ in our nine countries. So does the style of politics. Maybe we are sometimes inclined to overestimate the differences. Still, Danes believe that ideas and — high principles — play a prominent part in Continental politics, in a way which makes them suspicious. I guess that any Continental with sufficient knowledge of Danish political life would find it dull and materialistic, and lacking in style. If such differences exist, if the Danes are really less inclined than some of their fellow Europeans to be inspired by visions and, perhaps, too impressed by obvious deficiencies, say the lack of EC solidarity concerning the Oil Crisis, the reason may be partly ascribed to a matter of style.

But only to a certain degree. Style, after all, is an expression of historical experience, a way of living. The role of vision was conspicuous in the initiating phases of the European Communities. Most Danes are unaware of that, as are probably many other Europeans, not only among the newcomers. But even if they knew about it they would be much more apt to form their judgments on the basis of recent experience, as they are wont to, rather haphazardly perhaps, in native politics.

So what seems most recommendable now, from the point of view of a Danish integrationist, is a strategy of steady growth in European cooperation, a gradualist course of policy which will knit together, step by step, the economies of the nine countries in a way that by convincing and constraining their peoples will, hopefully, pave the way for future strides. What is not advisable are eye-catching measures not in consonance with day by day experiences.

## VII — Some Conclusions

The chief subject of this paper is the reciprocal relationship of the European and the national Parliaments with respect to the principle of responsible cabinet government.

The analysis of the relevant *Folketing* debates bore out that the parties were vitally interested in securing control with Government's handling of affairs in EC negotiations and, more specifically, in the Council of Ministers, whereas even the pro-EC parties showed no immediate and as to the future no really obliging interest in developing possibilities of control through the medium of the European Parliament.

Probably, modest proposals of strengthening the position of EP towards the Commission will meet with no opposition in the *Folketing* majority and may, as indicated, possibly be backed even by some opponents of EC membership. But the major conclusion to be drawn is undoubtedly that any measure which might possibly weaken the control of the *Folketing* will, in a foreseeable future, be met with fierce opposition and, at best, half-hearted support, and undoubtedly be turned down, if not for other reasons, for fear of defeat in another referendum. Any Danish Government is likely to anticipate such a result and can be expected to act accordingly beforehand.

Some uncertainty may be said to prevail with respect to reactions to a proposal of introducing direct elections for EP. The seemingly "democratic" character of such a measure might appeal to the public to such a degree that it would meet with no substantial opposition from a majority. From a theoretical point of view this is rather paradoxical because, in my opinion at least, the introduction of direct elections would, even if not immediately, in the long run mean substantial increases in the formal powers of EP in order not to be simply obnoxious, and might be expected to entail in the meantime a dangerous confrontation, which luckily does not now exist, between the European Parliament and its national counterparts.

Several of those who spoke on behalf of their parties in *Folketing* debates were themselves members of EP. They may have experienced an unpleasant discrepancy between the atmosphere of Strasbourg and the cooler air of politics at home. None of them were able to convey to their parties any enthusiasm they may have shared during their stay in Strasbourg. By the way, several among them lost their seats in the next elections.

Eight years ago an American political scientist, Leon N. Lindberg (<sup>1</sup>), commenting on problems more or less identical with those treated in this paper, made the following remark: 'It is ... particularly unfortunate that the European Parliament has not tried to develop further its communication and cooperation with the national Parliaments with a view to perhaps developing together new techniques of legislative control or supervision.'

In view of the overriding importance attached to Cabinet's responsibility to Parliament in all EC Member States and of, consequently, a potential clash of interests between a reformed European Parliament and the national ones it seems wise to begin to consider any intended reform not exclusively in a European or in a national context, but in both contexts at the same time. What is certainly needed is an analysis and an evaluation of conceivable step-by-step procedures which might minimise, or at least concretise, risks of loss of power run by the national Parliaments and, eventually, make these less suspicious of integrationist endeavours by augmenting the influence of EP.

### Post scriptum

*Post scriptum.* - On January 30, 1974, another EC debate took place in the Danish *Folketing* (<sup>2</sup>). As foreseen, it did not entail much change in the basis of Danish EC policies. Of the newcomers, the Centre Democrats and the Christian Democrats declared themselves in favour of EC membership, whereas the Communists and the Justice Party were pronouncedly against it. Everybody knew that beforehand. The fifth of the new parties, the Progressives, was known to be divided on the question;

(<sup>1</sup>) 'The Role of the European Parliament in an Emerging European Community', Elke Frank (ed.), *Lawmakers in a Changing World*, Prentice Hall, Inc., Englewood Cliffs, M.J., 1966, p. 119.

(<sup>2</sup>) *Folketingstidende* 1973/74, ps. 1332-1408, 1454-1541.



their spokesman declared them to be 'sceptical', but not actively wanting Danish secession. The Foreign Minister, speaking on behalf of the Agrarian Liberal minority government, said that Denmark is best served by an 'organic' development of the EC, meaning that the working of the institutions ought not to accelerate more than needed or earlier than acceptable to the peoples of the member countries. His cautious remarks were appreciated by the Social Democratic spokesman, the former market minister. In these circumstances the Conservatives came out as the most positively integrationist party, speaking favourably on behalf of some future development of the EC into a political union and of, rather soon, a strengthening of EP vis-à-vis the Council. Rather typical of the debate as a whole was a pronouncement of the Centre Democrat: 'The slowest growing trees produce the strongest wood.'

## ELECTING A EUROPEAN PARLIAMENT

Paper by Professor Richard ROSE, *Strathclyde University*

The constitution of the European Parliament raises fundamental questions of political values and practical questions of political institutions. Any proposal to augment greatly the powers of the European Parliament must face the question of how its membership is chosen. An indirectly elected Parliament is likely to have less authority than a directly elected Parliament.

The advocate of election procedures in the abstract must have his arguments checked against concrete experience. Many, before making up their minds about the desirability of a European Parliament, will also want to know something about its mechanics. How could or would such a system operate? Equally, people will want to know which parties would do well, and which badly in a Europe-wide election.

The purpose of this paper is firstly to consider the necessary steps in the direct election of a European Parliament in the light of similarities and differences of national practice and, equally important, the broad political objectives of such an election. Secondly, the paper presents evidence of the most likely party-political outcome of such an election, and points out implications for the European Parliament.

### I — THE METHOD OF ELECTION

#### 1) *The size of a directly elected Parliament*

The present Strasbourg Parliament has 198 representatives. The number of representatives may be considered deficient on two grounds. The first is that the burden of work placed upon individual members, particularly considering the travel involved, is too great. The second is that the ratio of representatives to be represented is too low. Within the European Parliament, there is one member for every 849,000 persons registered to vote within the nine member countries. In national parliaments, however, the ratio in the four most populous countries of the Community is one deputy for every 65,000 electors; in the five smaller member nations, the ratio is one deputy for every 26,000 electors. The size of the present Parliament can be justified because it represents national units and not electors directly. Moreover, its workload is limited, albeit growing.

A directly elected European Parliament must inevitably be larger than the present assembly, because of the greater volume of work it would be expected to undertake, and because of the need to provide closer ties between representatives and those who elect them. The electorates of the nine nations now total 168,000,000 persons. A body with proportionally as many deputies to electors as the smaller European nations have would require more than 6,000 members; a body with the same ratio of deputies to electors as the four larger nations would require more than 2,500 members. Assemblies of such a size would be impossibly unwieldy, because of the difficulties they would present in terms of communication, in both a conversational and political sense.

As a basic norm, one might expect a European Parliament to have one deputy for every 500,000 inhabitants. (Setting a standard in terms of population avoids problems arising from national variations in qualifications to vote). On current population figures, this would result in an assembly of 505 representatives. A body of about 500 members would be familiar to the majority of its members, for it would be of the same scale as the national Parliaments of the four large nations in the Community, which average 556 members. The ratio of seats to electors would be about the same as in a United States Congressional district, and twice as favourable as the average for the United States Senate.

## 2) *The method of counting votes*

Broadly speaking, there are two contrasting methods of electing representatives: a proportional representation system, in which seats are assigned approximately in proportion to the popular vote of parties, and the simple plurality system, in which an individual who comes first in a single-member electoral district is elected, and no weight is given to votes cast for the 'also rans'. A form of the proportional representation system is used in seven of the nine Community countries today, and has been in use in France intermittently. In addition, one part of the United Kingdom (Northern Ireland) currently conducts important regional elections by this method.

The arguments for the use of proportional representation in electing a European Parliament are several. The first is that it would be consistent with existing practices of the bulk of the electorate. The second is that proportional representation ensures a more nearly exact ratio of seats to votes in a Parliament than does the simple plurality system. Thus, the former method is not only more familiar, but also more equitable. The argument for the simple-plurality system in a national context is probably a disqualification in a European context — that it is a system of disproportional representation, giving a greater share of seats to the strongest party than its share of votes. Within a nation, this can be justified as a means of producing government by a single party majority, even though it falls a few per cent short of an absolute majority of the votes. The acceptance of single-party rule requires a society with relatively few social differences, where the views of the majority may be represented by either of two parties. These conditions do not obtain within some European nations. Continental societies can be far more differentiated than the English, and have far more parties or political *tendencies*. Social and political variety are increased at the level of the Community. To adopt the British system in a European election would risk giving a majority of seats to a political group with between one-half to one-third of the vote. This would not be acceptable to Britons or to Continentals.

A proportional representation election requires multi-member constituencies. The larger the constituency, the more nearly seats can be apportioned exactly in proportion to votes. With ten seats in a constituency, a party need only take one-tenth of the vote to be sure of one seat. But the greater the number of deputies returned by a single multi-member constituency, the larger the constituency, and the less chance of personal contact. With large multi-member constituencies, Ireland, Denmark and Luxembourg might each be a single constituency, and a constituency in a larger nation might have up to five million people in it. The larger the constituency, the more heterogeneous its composition, and the more difficult it is for any one politician to be familiar with its problems or communicate its concerns.

In practical terms, multi-member constituencies might have anything from three to seven members returned. The fewer the number of representatives returned by a constituency, the more difficult it is for smaller parties to win any representation. The smaller constituencies would be more appropriate in countries where two parties predominate (e.g., Germany or Britain) and the larger in countries with considerable numbers of parties (e.g., Italy and the Netherlands). There is no need to require an equality in the numbers of members per constituency, within or between nations.

It would be theoretically possible to have single-member constituencies along with proportional representation, by adopting a variant of the German electoral system, in which some members of the Bundestag are elected from single-member seats, and the remainder are allocated among the parties to ensure a more exact ratio of seats to votes than by the return of members solely by multi-member constituencies. Unless a threshold of about five per cent were set for qualification such an arrangement would increase the voice of minor parties, e.g., neo-Fascists and nationalists. (See Federal Trust, 1972, p. 17.) Moreover, the idea of a Europe-wide supplementary entitlement, to be allocated by blocs of parties organized cross-nationally as in Strasbourg, would be much more difficult to operate than in a national context. Moreover, the fact that the resulting single-member constituencies would be more than ten times larger than in the Bundestag further argues against any attempt to constitute single-member constituencies within a European Parliament.

### 3) *The nomination of candidates*

Political parties must be intimately involved in the selection of candidates for European elections, if the men elected are to be representatives of major political forces within a country. To note this is not to reject the idea of independents seeking and winning election, but rather, to emphasize that a Strasbourg of politically independent deputies would owe its sense of common cause to a common isolation from national political forces. This would inevitably weaken the influence of the men elected, and the institution they wished to serve.

The preparation of a party list of candidates for contesting a multi-member constituency inevitably involves parties. A party is not only responsible for nominating candidates for a multi-member constituency, but also for agreeing the order in which the candidates are ranked, thus effectively determining who is most and least likely to be victorious. The size of the constituencies would force responsibility for the listing of candidates to the regional level or to a party's central headquarters. This would permit national party leaders to select as candidates for the European Parliament men whom they thought best able to make a contribution in the exceptional conditions prevailing there. If the voters were permitted to re-order candidates listed, should they disagree with their party's ranking, this would provide a restraint upon ill-advised attempts to match candidates to constituencies.

The Irish system of single transferable vote provides an alternative way of choosing among nominees. Each voter lists his candidate preferences in order, from first to last. He can thus endorse his party's nominees in any order he wishes, and intersperse candidates from other parties, insofar as he wishes to do so. The system works satisfactorily in the small, face-to-face communities of Ireland, (see Chubb, 1970, Ch. 6) but would not be so appropriate for large constituencies, where individual candidates would be less well known. Moreover, it is an invitation to factional competition between candidates of a single party, and also to fissionary competition between candidates of the same party living in different parts of a constituency.

### 4) *Timing an Election*

To constitute a directly elected Parliament, initially at least, all members would have to be elected at the same time; if elections were held within a nation only when the country itself had its general election, directly and indirectly elected deputies would be mixed together for several years. The latter alternative has the advantage of staggering the transition from indirectly (and therefore experienced) and directly elected (and often inexperienced) deputies. But it would hardly appeal to supra-nationalists, or to those nations at the extremes of the queue for national elections.

An election held at fixed intervals of four or five years, would avoid the problems of intermittent election 'scares', arising if an assembly can be dissolved at any time. Moreover, a four or five-year term would give members time to learn their arduous tasks, and enable politicians to leave the

mainstream of national politics with some assurance of time to establish themselves in European affairs. A provision for dissolution outside the normal timetable would be desirable to permit European opinion to be tested in emergency situations. An emergency dissolution might require an affirmative vote of a three-fifths or two-thirds majority.

### 5) *The Campaign*

An election held at the same time in each Community country could accurately be called a European election campaign. But habit, as well as political differences, would only slightly impinge upon national features of the campaign in each country. Even though the issues in question might be common to the whole Community, the candidates would be elected within a national constituency. Moreover, only as and when and where supra-nationalism is considered an electoral advantage, will any party wish to use endorsement by foreign parties or politicians as a prominent feature in their campaign. Moreover, many minor features of electoral law (e.g., provision for absentee ballots) might be determined by national legislation to avoid major irritation on minor matters. (Cf. Sternberger and Vogel, 1969.)

The significance of the campaign is twofold. From the candidate's point of view, popular election gives him authority *vis-à-vis* the Commission, the Council of Ministers and the national Parliament that he does not enjoy at present. In the course of the campaign, issues can be brought before voters that would otherwise be buried in Community documents or multi-lingual sources. Competition for electoral victory will encourage critics as well as proponents of Community policy to speak out. The total effect of such discussion would inevitably be beneficial to the Community. Deputies would become more sensitive to the acceptability within their constituency of ideas taken for granted in Brussels or Strasbourg. Citizens would benefit, because the campaign would inform them of Community activities and of differences of views about Community policy. They would also enjoy the ultimate sanction of voting for or against representatives.

The advantage of a campaign conducted separately from national elections is that it could provide greater publicity for Community affairs, and simultaneously detach Community politics from the intricacies of national politics. But such an election might fail to stimulate much popular interest or participation. Few things would be worse for a directly elected Parliament than that its members be returned in an election in which less than half of the electorate bother to ballot. To ensure popular interest and the mobilization of the electorate, the involvement of political parties in campaigning, as well as choosing candidates, is particularly advisable. The creation of pan-European parties is not a necessary condition of a Europe-wide election campaign, and the problems of co-ordinating as well as creating such parties might make them less than effective vehicles for organizing campaigns simultaneously in Calabria, Bavaria, Scotland and Copenhagen. The specific interests of national parties could be stimulated to organize campaigns on European issues within national contexts. Parties in government and in opposition would see an election to a European Parliament as one in which their standing is at stake, and strive to mobilize support.

## II — THE POSSIBLE OUTCOMES

While elections involve an element of uncertainty, there is little point in creating electoral institutions unless one has some idea of what can result. Socialists can hardly be expected to endorse a proposal that would effectively give Catholics a majority, and vice versa. Moreover, few democrats would welcome an electoral system that would fasten a permanent single-party majority upon a European Parliament. Hence, questions of principle must be related to the existing pattern of political preferences within Community nations to anticipate possible outcomes of a European election.

The established procedures of the European Parliament as presently constituted make explicit provision for the role of parties in the working of the assembly. The Parliament provides procedural and financial benefits for representatives who combine to gain recognition as a political group. To do this, at least 14 members must join together. The provision thus militates against small one-nation or one-member European (*sic*) parties.

Four political *tendencies* have found it relatively easy to form groups within a European Parliament, because they had pre-existing trans-national ties: Socialists, Christian Democrats, Liberals and Communists. The Socialists are the only party with electoral strength in every country of the Community; only the abstention of the British Labour Party prevents the Strasbourg group from having proper representation in every country. The Liberals have members from eight of the nine countries, and the Christian Democrats from seven countries. Communists can expect representatives from two countries, with the potential for additions from four more.

The parties that have found it most difficult to identify themselves with a European *tendency* are those that are neither Socialist nor Christian in origin, or, like the Liberals, inheritors of an economic and/or a secular ideology. The problem afflicts large as well as small parties. The French Gaullists remained a uni-national group until falling support at the 1973 French general election forced their 12 representatives to link with five Irish Fianna Fáil deputies to form a bi-national European Democratic Union. The European Conservative group with 18 British members and two Danish members forms another bi-national group. The relatively small size of the European Parliament and the filtering of selection by national Parliaments results in a small number of non-aligned representatives in the present Strasbourg Parliament. Enlarging the membership of Parliament by introducing popular elections could conceivably encourage the proliferation of parties beyond the six major *tendencies* listed above.

Politically, the most important point about the existing pattern of representation in the European Parliament is that no party group dominates the assembly. (Table 1.) The largest bloc, the Socialists, have less than one-third of the seats in the Strasbourg Parliament. If the seats credited to European Socialists but not taken up by the British Labour Party are subtracted, then their numbers go down to one-quarter, the same as that of the Christian Democratic group.

A second important feature is that there is no simple left/right dichotomy of *tendencies*. The 'left' appears more cohesive, because it has only two groups, the Socialists and Communists. But the two groups cannot be joined together, analytically or institutionally, because such a front is anathema to most members of the Socialist International. The potential claimants for the 'centre' ground are several and by no means in agreement about the relationship of their political views. The heterogeneity of views is further emphasized by the fact that the Liberals also differ greatly from country to country (see Mc Callum Scott, 1967) and two *tendencies* — the Conservatives and the Progressive Democrats — are marriages of convenience, created by determining the minimum size of recognized groups; they are not the expression of established historical and ideological ties.

The principal features of the existing pattern of political representation at Strasbourg are well known within the Community. (See Forsyth, 1969.) The prospect of a directly elected Parliament is thus best considered in terms of the question: to what extent would direct elections be likely to change the political balance of power in the Strasbourg Parliament? One reason why this might occur is that a directly elected Parliament would not be subject to any bias that might be found within national Parliaments. A second reason is that different formulae for allocating representatives to nations might, incidentally, alter the aggregate strength of party groups within the European Parliament.

The result of an election depends upon the range of parties put before the electorate, as well as upon the preference of individual electors. It is doubtful that elections to European Parliament would be contested by parties very different from those found within Europe today. The existing party alternatives within European nations are for the most part well institutionalized, reflecting social differences rooted in history. (See Lipset & Rokkan, 1967.) Any political tides that would

make well established parties collapse and substitute new parties in great strength would also have major (and possibly destructive) effects upon relations between member nations of the Community. Any expectation that the future development of the Community in a supra-national direction requires supra-national parties may be stating a condition that could be an obstacle to a stronger Community. Even if such parties were to form, decades would be required to make a transition to new trans-European political alignments. Any projection of the outcome of direct elections to a European Parliament must start with parties as currently established within the nations of the Community.

Ironically, as long as candidates for the European Parliament are nationals of the country they seek to represent and contest an election in the name of a national party, then popular choice of members of a directly elected European Parliament could not be determined solely on nationality lines. Given two, four or six candidates of the same nationality as himself, a voter would have to find some criterion other than nationality to use in making his choice. Insofar as there is a consensus favouring membership of the Community within the nation, then voting would not be on pro or anti-Community lines. Britain is today unusual in that a European election could, to some extent, be between pro and anti-Market parties. But even in Britain, the Labour Party today is not against the Community in principle, but rather in favour of changing its policies as a condition of maintaining membership.

If several countries had anti-Community parties contesting elections to the Strasbourg Parliament the final outcome would not be a national front against the Community, but rather the formation of a new cross-national front, constituting an alliance of 'anti-integrationist' parties in a European Parliament. Their integrationist opponents would similarly constitute a group or groups there.

The most likely outcome of a European election is that similar issues would be raised in each country, and similar divisions would appear. There would be no need for the elaborate mechanism of a poly-lingual political party to ensure that wages and prices would be discussed. Within each country proponents of growth would line up on one side, and defenders of stable currencies would line up on another. Distinctions between inflationists and deflationists transcend national boundaries. Similarly, questions concerning agricultural supports or regional policies are capable of dividing people within a nation, as well as linking partners to disagreement with counterparts in other nations. The national proportions on each side of an issue would probably vary more than the issues themselves.

In such circumstances, the most likely outcome of a European election is that electors would vote for candidates endorsed by the party which they normally support. (Rose, Richard, 1974.) This general tendency would not necessarily exclude independents or prohibit any 'over' or 'under' representation of Strasbourg parties by comparison with their strength in national Parliaments. But any projection of party strength in the European Parliament must start from the existing electoral strength of different types of parties in Europe today.

The projection of election results on a European basis requires several steps. First, the total vote for each party must be ascertained at the most recent national election in each member country. This task is relatively easy to accomplish. (All electoral data cited herein are derived from Mackie & Rose, 1974, or supplied by official reports from countries holding elections in 1973.) Secondly, the votes won by each party must be converted into seats in the European Parliament, according to formulae specified for assigning seats to nations, as well as votes to seats. Thirdly, the seats won by each party within a nation must be assigned to a specific party group to determine the aggregate pattern of party strength in a directly elected European Parliament.

The formulae for apportioning seats among national groups are potentially infinite. Three broad alternatives can be identified. The first is a European election with the present national allocation of seats at Strasbourg. The second is an electoral system in which national representation at Strasbourg is strictly proportional to national population. A third alternative would be to modify representation strictly in accord with population, to allow smaller nations a disproportionate share of Strasbourg representatives; because of the enlargement of the total numbers in a directly elected Parliament the element of disproportionality would be less than at present.

Table 1

*The Strength of Party Groups in the European Parliament,  
according to different methods of selection*

	Present Choice by National Parliament		Direct Election: Present Nar'l weight (A)		Direct Election by Population (B)		Direct Election: Modified Nar'l weight (C)	
	No.	per cent	No.	per cent	No.	per cent	No.	Per cent
1. Socialists .....	64 *	32	64	32	162	32	183	32
2. Communists .....	13	7	24	12	64	13	68	12
3. Christian Democrats .....	52	26	46	23	121	24	141	25
4. Liberals .....	24	12	21	11	53	11	63	11
5. European Conservatives (British, Danish) .....	20	10	18	9	51	10	52	9
6. European Progressive Demo- crats (Gaullists, Fianna Fail) .	17	9	15	8	32	6	35	6
7. Non-attached members .....	8	4	10	5	22	4	30	5
	198	100 per cent	198	100 per cent	505	100 per cent	572	100 per cent

\* Seats allotted to the British Labour Party but not taken up by its members have been assigned to the European Socialist group.

*A) Direct Election with present national weighting*

The figures in Column A show how small is the aggregate change in political colouring that would result from the direct election of a European Parliament, with seats allotted among the nations as at present, and the total number of seats remaining the same. Only the Communist *tendency* would gain significantly, with representation up from 7 to 12 per cent of the Parliament. This would result firstly from the fact that Europe's strongest Communist party, the French, tends to be under-represented in its national assembly. The increased Communist bloc (assuming that the French Communists could succeed, in European terms, in avoiding the electoral obstacles placed before them within France) would not be large enough to act as a pivotal group within the Parliament. In political terms, any Socialist-Communist alliance would be well short of a parliamentary majority — and almost certainly in reaction create better coordinated actions by the non-Socialist majority.

*B) Direct Election with representation proportional to population*

A system of direct election proportional to population as well as party would produce virtually the same political balance in an enlarged European Parliament as would exist in the present Parliament, weighted to over-represent smaller nations as at present. The only noteworthy difference, the larger proportion of Communists, would be a product of direct election (that is, of popular preferences reflected in proportional representation) and not of the relative reduction of the voice of smaller nations. The distinctive features of party systems are not correlated with differences in national size. Within the Community both large and small nations have multi-party systems with Christian and Socialist parties prominent; predominantly two-party systems can also be found in large and small countries.



C) *Direct Election with modified extra representation for smaller countries*

A European Parliament formed strictly proportional to population would hardly disturb the relationship of larger nations. Except for a slightly more populous Germany, the big four nations would be almost equal in numbers of representatives (Table 2). The chief changes in relative strength would arise among the five smaller members of the Community.

Table 2  
*Representation in the European Parliament by Nation*

Nation	Today No.	Proportional to Population
Germany .....	36	123
Italy .....	36	108
United Kingdom .....	36	108
France .....	36	103
	144	442
Netherlands .....	14	27
Belgium .....	14	19
Denmark .....	10	10
Ireland .....	10	6
Luxembourg .....	6	1
	54	63
Totals .....	198	505

All would decline in weight in relation to the four larger nations, and change significantly in relation to each other. Dutch representation would increase by comparison to Belgium, as well as by contrast with the smallest Member States. Two countries — Ireland and Luxembourg — would actually lose representation, even after allowance was made for a Parliament increased two and a half times in size. If one assumes that a reduction in numbers is politically impossible, especially when most nations are increasing seats, and that there is a minimum number of representatives that a country must have to maintain an effective presence in supra-national Parliament and to report back to national government, then there is a strong case for modifying a strictly proportional system of allocating seats.

There are several ways to ensure that these two difficulties are met without creating an unwieldy Parliament, that is, without increasing the numbers much above 600. One formula might be to double the representation of the smaller five nations to provide 126 seats rather than the 63 that their population would strictly merit. This would leave the total number of seats for the smaller five nations less proportionate than the present apportionment formula, and increase the Parliament to 568 members. A second alternative might be to assign each nation an initially equal number of deputies, say, 6 or 10 each, and add others in proportion to population at the same rate of one per 500,000. (The core group might conceivably be coopted by national parliaments to provide some

link with this important body.) This would increase a directly elected parliament to 559 or 595 members. If one takes the more disproportional of these amendments — the doubling of the seats of the smaller five nations (and exceptionally allowing Luxembourg to retain six representatives in view of its small population), a directly elected Parliament would rise to 572 members, a manageable size. Equally important, the balance of party groups within the Parliament would hardly be affected, and their rank order would remain the same (Table 1).

In the abstract, one might postulate that changes in popular support for parties within nations could lead to changes in the balance of political forces within the European Parliament. For example, one might hypothesize a long-term secular decline in Christian Democratic parties, counterbalanced by a rise in Socialist strength. Or an upsurge of votes for Communist parties, or for right wing neo-nationalist parties currently little represented in the Strasbourg Parliament. But such an argument appears relatively unlikely of realization — at least within the foreseeable future. One reason for this is that the electoral support for parties within European nations changes relatively slowly through time. More than half the parties in the nine Community nations saw their vote change by less than one-quarter of one per cent per annum in almost a quarter century since 1945. (See Rose & Urwin, 1970, pp. 314-319.) The second is that changes in support for single parties may often cancel out in a nine-nation context. For example, the decline in votes for the French Socialists has been counterbalanced by the rise of the German SPD. The relative volatility in support for Belgium parties is offset by the relative stability of parties in Britain. For any change in party strength to affect a universe as large as the present Community, it would have to be felt with equal intensity — notwithstanding the major differences in existing national party systems.

The most striking feature of these projections is that, *whatever alterations one makes in the allocation of representatives to nations, the aggregate results are virtually the same: no party group approaches majority status.* Each method of election allots almost the same proportion of representatives to each group — and each is very nearly identical to the allocation of representatives within the present nominated Parliament. (*Mutatis mutandis*, forcing a first-past-the-post simple plurality electoral system upon every Community nation might well result in the same broad outcome.)

It is equally noteworthy that small (and often extremist) parties would have little voice in a directly elected European Parliament. Electoral strength sufficient to garner a few seats in a national Parliament would often be insufficient to cross the threshold required for representation in the larger electorate of the European Parliament. Small national parties securing seats in a directly elected European Parliament would be under strong pressure to identify with an established party group, rather than maintain an independent alignment, to enjoy the advantages of augmented numbers in claiming procedural and other privileges.

The likely distribution of seats would allow three different coalition possibilities:

- i) The simplest coalition, in terms of the number of groups to be considered, would be a combination of Socialists and Christian Democrats. This would include representatives of every member nation, and both major German parties. It is a familiar alliance, in which each party tends to act as a moderating influence upon the other.
- ii) A Christian Democratic-Moderate Right coalition is the other major alternative. This would require the coalesce of four different *tendencies* within the existing Parliament: Christian Democrats, Liberals, British Conservatives and Gaullists. A coalition embracing up to 18 parties, including those as various as the Bavarian CSU, the British Liberals, the Gaullists, and the Irish Fine Gael party would be an extremely heterogeneous collection of politicians, difficult to be disciplined for long periods of time.
- iii) Excluding a politically improbable coalition such as Socialists, Communists and Liberals, the third alternative is that no coalition of parties could dominate the Parliament on an annual or longer-term basis, by commanding a reliable majority of votes.

The idea of a Parliament without a dominant party or cohesive coalition might seem undesirable to those Europeans wishing to create an assembly that could predictably and consistently endorse a clear and strong policy. This outcome would be found reassuring by those Europeans who prefer assembly rule, or are distrustful of placing substantial authority in an executive body endorsed by a majority of their compatriots, and would be even more distrustful of a body dominated by fellow Europeans perceived as foreigners.

If European elections are to be successful, then they must reflect, rather than grossly distort, existing realities. If there is a multiplicity of parties within European nations, the same must be found in Strasbourg. If there is no dominant party — or dominant ideology around which a pan-European party may be formed — then no *tendency* should approach a majority in a European Parliament. The two possible majority coalitions identified above — a Socialist-Christian or a Christian-Moderate Right bloc — would be weak rather than strong majority groups, divided by ideology on important issues, as well as by contrasting national perceptions. To seek to use electoral institutions to manufacture a majority in a supra-national Parliament would mobilize opposition to the development of European institutions, and invite those frustrated by a sense of impotence or the denial of fair treatment to return to their national political arena to raise there an anti-European cry.

In turn, the parties in the European Parliament will reflect the circumstances of the other major institutions of the European Community, the Commission and the Council of Ministers. The weaker the Parliament is in relation to other parts of the Community, then the less incentive there is for prominent national politicians to seek election to the European Parliament or for any European nationals to attempt to create cross-national party ties, whether in election campaigns or in voting blocs in Parliament. The influence is, however, reciprocal. The stronger the representative institutions of the Parliament, and the better able Strasbourg MPs to demonstrate that they speak with the authority of elected representatives, the greater the potential accretion of authority to the collectivity of the Community.

Whatever its powers and whatever the ability of parties and politicians to aggregate interests, the institution of direct elections to the European Parliament is unlikely to be greatly inconsistent with developments elsewhere in the Community and within Member States, for the same influences albeit in different weights, play upon the whole panoply of European institutions.

## BIBLIOGRAPHY

- CHUBB, Basil, 1970. *The Government and Politics of Ireland*, (London: Oxford University Press).
- FEDERAL TRUST, 1972. *Electing the European Parliament*, (London).
- FORSYTH, M. 'European Assemblies' in Stanley Henig and John Pinder, *European Political Parties*, (London: Allen & Unwin).
- LIPSET, S. M. and ROKKAN, Stein, 1967. *Party Systems and Voter Alignments*, (New York: Free Press).
- McCALLUM SCOTT, J. H., 1967. *Experiment in Internationalism*, (London: Allen & Unwin).
- MACKIE, Thomas and ROSE, Richard, 1974. *International Almanack of Electoral History*, (London: Macmillan).
- ROSE, Richard, 1974. Editor, *Comparative Electoral Behavior*, (New York: Free Press).
- ROSE, Richard and URWIN, D. W. 'Persistence and Change in Western Party Systems since 1945', *Political Studies* XVIII:3.
- STERNBERGER, Dolf and VOGEL, Bernhard, 1969. *Die Wahl der Parlamente*, (Berlin: Walter de Gruyter).

## THE ROLE OF THE PARLIAMENTARY INSTITUTION IN EUROPEAN INTEGRATION

Paper by Professor Georges VEDEL, *University of Paris*

1) It must be conceded that the authors of the Treaties of Rome and Paris have not, at least in the short-term, granted the parliamentary institution an important position among the Community instruments and the factors involved in European integration.

The Assembly — which the Treaties carefully refrain from calling ‘the Parliament’ — has no real decision-making powers; even its consultative function is fairly unobtrusive. The motion of censure it can pass against the High Authority or the Commission relates to an eventuality which was considered unlikely when the Treaties were drawn up. The deferment to a later date of elections to the European Parliament by universal suffrage, and the method by which its members are appointed from the national Parliaments, are further proof of the apparently secondary role reserved for the parliamentary institution.

2) If we determine the reasons for this attitude, its precise implications will become clear.

None of the governments in question was motivated by anti-parliamentary feeling nor was there excessive opposition to parliamentary government in the countries concerned. European integration did not present serious problems for the various governments in regard to their respective Parliaments. In France, the example of the collapse of the EDC had led the government to adopt the wise course of keeping Parliament informed of the progress of the Common Market and Euratom negotiations in Brussels and seeking Parliament’s consent at each major stage in the negotiations.

There are three real reasons for the secondary position granted to the Assembly in the 1957 Treaties:

The first is the suspicion evinced by the authors of the Treaties, not of European integration in itself, but of over-obvious external manifestations of integration — the use of terms indicative of supra-nationality, intrusive institutions which, particularly in France, would have provoked violent counter-attacks in support of national independence. If the Assembly had been given too much power the resulting degree of integration would no doubt have been greater than was politically acceptable at the time. Furthermore, to the extent that the election of the European Parliament by universal suffrage was envisaged, members of national Parliaments would have been faced with a number of social and professional problems (a reduction in the prestige of national parliamentary office, difficulties of choosing between national and Community politics) which would have been more of a hindrance than a help to European integration. In short — and this is the first reason — a European Parliament elected by universal suffrage and endowed with real powers would have been inappropriate to the political situation in 1956-1957.

The second reason is that the gradual establishment of the two Communities and in particular the Common Market was to require considerable economic and technical efforts; at this stage immediate and sustained action was necessary on the part of the Commissions and their departments, the governments, national civil services and experts of all kinds. The intervention of a parliamentary institution in which there might be protracted debates and delays in reaching decisions could represent an undesirable hindrance. While, in the opinion of the authors of the Treaty, the parliamentary institution was to benefit from European integration, European integration was not in a position to benefit immediately from the parliamentary institution.

The third reason for the Assembly's subordinate position is linked with the other two. The success of the Communities, the progress of the integration to be achieved not only in the economic but also in the political field would depend on Parliament's position in the Community structure being strengthened. Election by universal suffrage, as provided for in the Treaties, would be introduced within a short time and it was clear that this type of election would require an increase in the Assembly's power and influence (although the Treaties make no provision for this).

3) By comparison with these initial expectations, some of the results, as always, have been unforeseen.

In a sense, although the European Atomic Energy Community has not played the role assigned to it to the full, the Economic Community has been ahead of schedule in its development. In the economic field it has undoubtedly been successful; it has contributed to prosperity and progress in the Member States and even outside the Community. The founder States have never renounced the hope of achieving political union — although the terms in which they envisage this vary greatly.

However, in these fifteen successful years the European Parliament has seen no fundamental changes either in the way its members are appointed or in its powers. No doubt, in the budgetary field, the fact that the Community will cease to depend on finance from national budgets has finally led to Parliament being given real but restricted decision-making powers. But, apart from this, the members of the European Parliament are still recruited from the national Parliaments; parliamentary procedures have been evolved (notably questions) but have had little impact on Community opinion and decisions; the Council and the Commission regard Parliament as a respected partner but they do not always listen to its views. All these factors have already been pointed out by other experts; to discuss them in detail would be outside the scope of this report.

The most obvious indications of the European Parliament's subordinate role must, however, be mentioned. If it is acknowledged that politics are a by-product of personal ambition — as seems obvious — it is disturbing that the European Parliament has little attraction for the ambitious. In the Six, and now the Nine, political careers are forged in the national Parliaments and not in the European Parliament.

4) After these preliminary remarks, it is time to pass on to the real subject of this report. Understanding of the subject calls for a high degree of subjectivity or perhaps flexibility.

It seems that, in view of the extensive work done in the Community organizations and the Parliament itself on problems such as election by universal suffrage, increase of powers etc., the most useful approach in this report would be to take as a fairly simple basis a few fundamental points which are rarely specifically questioned but are not unconnected with the sort of inertia which often hampers progress in the European Parliament.

Somewhat arbitrarily, it must be admitted, we have chosen the three following questions:

- Would the development of the parliamentary institution in the Community in fact promote European integration?
- To what extent or in what way would the Community system have to be changed for the parliamentary institution to play a major role?
- How could the European parliamentary institution be integrated with the national parliamentary institutions?

## I — THE PARLIAMENTARY INSTITUTION AND INTEGRATION

5) The view is often expressed — and to some extent accepted automatically — that the development of the Community's parliamentary institution, in terms of election by universal suffrage and increased powers, would necessarily promote European integration.

This view, which is often put forward as self-evident, can be supported by sound arguments:

- By definition, a Community Parliament in which the votes are not determined by the nationality of the delegates is an integrated institution: — more integrated than the Council, which is composed of ministers who act as much in the interests of their governments as on the Community's behalf: — more integrated than the Commission, which may be essentially a supra-national power, but does not derive its power through directly democratic channels. Figuratively speaking, a Community Parliament invested with powers of decision would express the 'general Community will', a transposition of the national 'general will'.
  - Any political body tends to exercise powers as wide-ranging and intensive as possible; the European Parliament is no exception. If invested with real powers of decision, it would exercise them to the full and extend them. Any gain in parliamentary power would be a gain for European integration.
  - European integration suffers from one serious socio-psychological handicap, namely that all political terminology has a national bias. Ideologies in particular have retained many national connotations. Political careers, as mentioned earlier, are made in national politics. Community political terminology is confined to limited circles centred around the Commission (for example industrial executives or civil servants in contact with the Community apparatus). The national political parties have already been reorganized into political groups within the European Parliament, although this process is still incomplete. An increase in the European Parliament's powers would give it much greater significance. Election by universal suffrage might even lead to the formation of European parties presented as such to the electorate.
  - Finally, there are sectors of opinion to which the democratic legitimacy of the Community and of its structures and machinery seems inadequate. The transfer of national powers to the Community, generally regarded as a limitation of State sovereignty, *also* constitutes the transfer of powers belonging to the national Parliaments or under their control to organizations (the Council, the Commission) whose democratic legitimacy is very indirect. The development of the European parliamentary institution would facilitate the transfer of national powers to the Community and remove the above objection.
- 6) On the basis of this argument, it may be concluded that in general any progress towards European integration is dependent on the European Parliament's status being improved. It is at this point that difficulties arise since, as often happens with institutions, it is difficult to distinguish cause and effect in the correlation thus established. This is the root of the problems referred to in so many studies, projects and reports, and the proposed solutions differ:
- Must further progress be awaited in European integration and in particular in the political sector before the European Parliament's status can be improved? Or, on the contrary, should this be regarded as a priority measure which will lead to further integration?
  - In regard to the relationship between election by universal suffrage and the increase of Parliament's powers there are three possible attitudes (which are in fact upheld in various quarters):
    - election by universal suffrage must precede increased powers since its impact will be so great that the increase will follow automatically;
    - increased powers must precede election by universal suffrage, since it is impossible to disrupt or involve 150 million voters in the election of a body which is only a Parliament in the academic sense;
    - it is not necessary to draw up a timetable setting out the operations in chronological order; each one is urgent and necessary; whichever is most appropriate in the political situation must be implemented first, and the other will automatically follow;
    - as mentioned below, it is being asked in some quarters whether election by universal suffrage is desirable, at least for the time being, since it is likely to create rivalry between the Parliament of the Community and the national parliamentary institutions.

— Moving on to another subject, is it possible for the European Parliament's powers to be increased in accordance with the system traditionally adopted for national Parliaments: greater legislative power, political control of government and administrative bodies? if the particular characteristics of Community constitutional law are to be taken into account, should not the European parliamentary function be defined as a special case rather than in accordance with the traditional rules for national States and in particular without any reference to legislative or executive power?

7) However, before discussing these points, it might be asked whether the generally accepted correlation between the development of the parliamentary institution and the progress of European integration is not open to doubt or at least to certain nuances of interpretation.

The following is clearly not an attempt to deny that the development of the parliamentary institution in a political system with no elected bodies and few procedures for public discussion and majority decision is equivalent to democratic progress. The question is whether it is equivalent to progress towards *integration*.

The lessons of past experience are ambiguous. Democracy in itself is a 'form' or system of procedures. It is not determined by results, although the basis of democratic opinion is the assumption (usually correct) that, over a sufficiently long period and with a sufficient amount of experimentation, a democratic system of procedures will produce more satisfactory results for the individual and the community than any other system (to paraphrase Sir Winston Churchill's famous formula).

Thus, depending on the circumstances, greater democratic legitimacy in a political system leads either to integration or disintegration. To take a very simple example, the almost immediate effect of the democratization of relations between metropolitan France and the overseas departments brought about by the 1958 Constitution was not further integration but the disintegration of the unit thus democratized. In other cases, democratization has been a unifying factor and this explains the importance of universal suffrage in integration, even when it is strictly limited. Many developing countries, even those with a one-party system, have regarded this as one of the ways in which national unity can be moulded, cutting across ethnic, religious and even tribal barriers.

The question which must be discussed more fully — and which cannot be answered by slogans — is whether the development of the parliamentary institution, which undeniably constitutes a step forward for democracy, would also be a step forward towards integration.

8) Without embarking on a historical study of the integration process, one is inevitably struck by the fact that executive bodies (and to a lesser extent the judiciary, as American experience has shown) have played a major part in this process. It is true that experience of parliamentary institutions spans a shorter period than experience of monarchs and chiefs, which goes back thousands of years.

Speaking frankly, and without lengthy explanations, we are of the opinion that the creation of a democratic European presidency would have a far more decisive effect on the integration process than any major progress for the Parliament.

Let us try to imagine what the *first* 'European' election campaign would be like, at least in the initial phase. It seems clear that foundations for European political parties (except perhaps for a Communist party, which would not be in favour of integration) do not yet exist. No doubt parallel political organizations (socialists, liberals, christian-democrats, etc.) in various countries would exchange fine-sounding phrases but the motivation for the campaigning and voting would not be very different from the national elections — partly ideology, partly class and group interests and partly local interests.

The importance of executives in national political systems has also accustomed the voters to overestimating the initiative and veto function of the Parliament in the face of the integrated governmental decision-making system. This way of thinking would still be encountered if the European



Parliament was elected by universal suffrage. Despite the idealistic dreams, it must be supposed that many European delegates would be given a mandate by the electorate to defend national interests in the face of Community integration. To take just one example, agricultural policy would be a major consideration in such mandates.

It is difficult to weigh up these opposing factors. Members of Parliament elected in various countries to defend free enterprise or planning in Europe contribute towards integration because they bring their political struggles to the Community arena. Would members elected to defend the interests of French wine-growers, British housewives or the Italian Mezzogiorno be a factor in integration? With a powerful Community government our reply might be affirmative; they would act as a Community tribune. But it should not be forgotten that, in the present instance, the lack of integration in the Community's government machinery would have to be mitigated by the parliamentary institution. What is needed is not a tribune function but a decision-making function and, as we shall see the majority vote, on important questions, is a legal solution, but may lead to a political impasse.

9) We referred briefly above to the socio-psychological integration factors that would be involved in the functioning of a European Parliament invested with real powers and elected by universal suffrage: the pursuit of maximum power, possibilities for the reorganization of political forces on the basis of trans- or supra-national criteria; the formation of a European political 'corporation', etc.

In a sense, however, such an organization is likely to be less stable in the event of a crisis than an intergovernmental body like the Council or a non-elected body such as the Commission.

Firstly the development towards greater democratic legitimation, increased powers and prestige for Parliament is likely to throw the balance of national representation in the European Parliament into question once again. This balance elicits no criticism when Parliament has very little say in Community decisions. Would it be accepted without argument when it was a question of appointing a real Parliament? The opponents of integration would have a useful piece of election propaganda in the most densely-populated countries if they pointed out to their fellow-citizens that their votes were worth less than those of the electorate in the less populated states. And if we consider the example of the second federal Chambers whose purpose is to represent the Member States we are bound to regard the Parliament as constituted at present as only half a Parliament.

In any case, let us suppose that this problem has been solved, and consider the possibility of the Parliament having to deal with a serious crisis such as the Community has already experienced: the agricultural question, the problem of the underdeveloped regions, a monetary crisis. The Council may or may not reach a solution. Certainly this can be regarded as a crucial situation. But diplomacy between friendly governments where there is no risk of military conflict makes a rift unlikely or at least so far removed from actual conflict that nothing irreparable occurs. On the contrary, there is a risk that the development of a major conflict within the Parliament will be much more difficult to curb. It may happen that in a particular issue all the delegates of one of the Member States will be isolated from the others, and this is likely to give rise to personal and national resentment. If the matter is of great importance, a majority vote against one isolated country may lead to rejection, which is much harder to check in an Assembly sensitive to the formalities of public speaking, mobilizing public opinion in public debates, etc.

In short, the usefulness of the European parliamentary institution in promoting integration depends to a large extent on its ability to compromise. If it can do this successfully, the bargaining will lead to integration despite its irrationality. If, on the other hand, the majority decision becomes the only means of settling major problems, integration will still be promoted, but is liable not to be accepted.

10) All things considered, in a situation more favourable to European integration, one might perhaps question the value of the parliament's playing a major role in promoting integration. It would be wiser to develop the supra-national aspects of the other organs progressively side by side, and to increase Parliament's powers gradually. In other words, a priori, the development of the parliamentary institution appears to us to be a factor in integration, but not the most important factor.

But in the present circumstances it happens that the other paths to European integration have been blocked. For reasons which there is no need to discuss in detail, the Council is not prepared to allow the Commission to take more wide-ranging action than in the past few years. Furthermore, the Council is more than ever determined to behave like an intergovernmental body. The differences in national policies within the Community in regard to monetary questions and international relations are also well known. There is even a danger of secession from the Community.

When all the paths so far explored are blocked, one is compelled to try new, hitherto unexplored ways. As a last resort, the Parliament of the Community could be strengthened. Of course this presupposes agreement between governments, and it is debatable whether this agreement can be reached. The threats to European integration and their economic repercussions can however be considered grave enough for the national governments to realize the incalculable effects that the sudden disappearance or decline of the Community would have, and for them to show a sense of responsibility and, for example, agree to election by universal suffrage as promised in the Treaties.

In any case, if it is possible for the status of the parliamentary institution to be improved, we must now consider how.

## II — PARLIAMENTARY INSTITUTION AND COMMUNITY SYSTEM

11) It is often remarked that the power structure in the Community differs greatly from that in the Member States. Even allowing for the fact that the traditional definition of 'powers', more or less valid in the practical sense, is belied in many modern democracies from the structural point of view, the Community system still shows marked differences.

The Community makes no distinction between legislative and executive, either in a practical or a structural sense. In practical terms the distinction between regulations, decisions, directives, etc., bears no relation to the distinction between legislation and administration. The division of responsibilities between Council and Commission is not an organic distinction between basic legislative power and implementing or regulatory power. The Commission's powers of initiative, the sanctions attached to the Council's compliance or non-compliance with its proposals do not resemble the organization of any contemporary state. There is no need to reiterate that Parliament's position in this structure, as a consultative body recently granted budgetary powers, is reminiscent of certain obsolete political structures. Only the legal institution, namely the Court of Justice, could justly be compared with the national legal institutions (at least of the continental type).

12) Thus, there are a number of ways to ensure that Parliament plays a more important part in this unique decision-making system; their general outlines and the philosophy behind them are described below. It should, however, be noted that they can be amalgamated to a limited extent.

13) The first possibility is an *empirical* approach, or more accurately, the *maximum economy of means*. This calls for compliance with the fundamental balance of power laid down in the Treaties. No doubt it is scarcely to be expected that Parliament's role could be drastically altered without revision of the Treaties. But this revision could be reduced to a minimum and translated into practical terms in advance.

An example of this first possibility is to be found in the report by the *ad hoc* working party set up by the Commission to study the strengthening of the European Parliament's powers (report of 25 March 1973).

In essence this would involve (apart from the extension of unsystematized procedures, such as the arrangements for discussion between the Commission and Parliament, contacts between Council and Parliament, etc.) giving Parliament, in the first stage, powers of co-decision (that is powers of veto) on a number of 'constitutional' questions relating to the Community (revision of the Treaties, admission of new members, Community treaties, etc.) and more extensive consultative powers

(a suspensive veto similar to that in the British House of Lords). Then, in a second stage after an interval of several years, the powers of co-decision would be extended to all fields. In addition (and this would be very important in psychological terms) Parliament would be required to appoint the President of the Commission proposed by the governments and this President would be consulted on the constitution of the Commission under his authority.

Without commenting any further on this document, it is clear that it does not affect the basic tenets of the Community decision-making system. The power of decision, which cannot be divided between legislative and executive, still rests with the Commission and the Council. Finally, assuming that the changes advocated in this report were implemented, the result should be that Parliament could veto the decisions of the Council and the Commission and not impose its own decisions on them. Obviously the 'induced' effects of this system would have to be taken into account.

The possibility of Parliament's blocking the decision-making process may seem somewhat negative from the point of view of European integration, but every political theorist knows that 'preventive powers' can be used to positive ends. The way in which means of exerting pressure or influence are used is not determined by their nature. In particular, Parliament's power of co-decision could be instrumental in ensuring that the Council's decisions were *more* Community-orientated, in that any solutions that were not *sufficiently* Community-orientated would be rejected.

In addition, Parliament's budgetary powers, due to take effect with the introduction of the 'own resources' system, provide another channel for parliamentary influence.

Obviously there are many possible ways in which new powers could be integrated into the basic framework of the Treaties gradually and without disruption. This is merely a general outline. 14) A *second possibility* is the *rationalization* of the Community institutions, taking the present position as the skeleton or embryo of a genuinely integrated organization. In this case, the present unique organization of these institutions would be phased out. A more traditional structure would be evolved — an organization of federal States.

The structure, a familiar one, would be approximately as follows: in the present embryo stage of the Community, power belongs more or less indivisibly, to an embryo government (the Commission) and an embryo Confederal Diet (the Council). According to the laws of political evolution these primary organs would become increasingly differentiated and the organization would become more complex. Government power would be concentrated on the Commission, which would be appointed on a more democratic basis and would become a Directing Board rather than a Cabinet. The Council would evolve into a Senate representing the Member States, in which the influence of the national governments would be diminished or even eliminated and which would be one of the organs of Community legislative power. The Parliament — or rather the Assembly — appointed by direct universal suffrage, would be a Chamber made up of representatives of the citizens of the Federation.

With this system too, there are many possible variations; in particular, the Council could continue to be the government organization for certain decisions, and citizens and States could be guaranteed parliamentary representation by dividing the Parliament into two sections, each with appropriate methods of recruitment.

But the general principle is as explained above; drastic changes in the decision-making processes provided for in the Treaties would be necessary for this 'embryo' to become fully developed.

15) A *third possibility* would depend on experience of the way in which the Community institutions function. There are two problems in regard to relations between the institutions.

First of all, whatever the exact legal situation after the equivocal 'Luxembourg compromise', the rule of unanimity is applied in the Council, and this reduces the Community's powers of decision to a very large extent. No doubt, whatever the situation, the majority vote would not be insisted on when a question was really vital to one of the Member States. But the fact that this has more or less been stated has meant that a unanimous vote is considered necessary even when the matter is not crucial.

The result is a paralysis of the decision-making machinery which could be avoided — and this is the second problem. For instance, if the majority vote system was used, a minister in the Council could bow to an opposing decision, since he could prove to his national Parliament that he had defended his national point of view to the utmost. If, on the other hand, unanimity was required, and if the decision was taken, he would be considered to have betrayed his country's interests, since he could have prevented it but failed to do so; and it is for this reason that the decision is not taken. Moreover, the insistence on unanimity has the effect that any question which is likely to lead to a controversial debate is shelved; this is why many Commission proposals, although not formally rejected, remain unanswered.

The role of the Parliament could therefore be regarded as that of an 'arbitrator' intervening when the normal Community machinery is blocked; it would act like a monarch pronouncing judgment directly on the problems that the normal apparatus is not equipped to deal with, as was the case in France with certain legal matters or the role of the 'summit' in Community policy.

This special decision-making power would be exercised, for example, subject to certain time-limits and procedures, when the Commission and the Council were in opposition or when an urgent problem was left unsolved because one or other failed to take action.

Clearly this role would exceed the limits of the powers conferred on the Parliament. In fact Parliament would exert considerable pressure on the Commission (apart from its power of censure which would be revived) and the Council. With its power to intervene on unsolved questions it would persuade the Commission and the Council to reach a compromise. Through the Commission, which it could if necessary censure, it would in fact have the power to guide Community policy.

On the surface it does not seem that the revision of the Treaties which would be necessitated by the introduction of this system need to be very extensive. However, it must be appreciated that this system, more than any other, has a drastic effect on the decision-making procedure laid down in the Treaty. Although externally this power of arbitration bears very little resemblance to the normal parliamentary institutions and the model supra-national institutions, it is this power which is most parliamentary and most supra-national in character, parliamentary, because the other organizations would appear to be subject to its sovereignty, supra-national, because the real policy- and decision-making power would belong to a non-national assembly.

15) The above list is certainly not exhaustive. The possibilities of amalgamating these systems would also have to be considered, as would the feasibility of these changes in the Community decision-making processes. This is only intended to be a general outline.

### III — EUROPEAN PARLIAMENTS AND NATIONAL PARLIAMENTS

16) There are two aspects to relations between the European parliamentary institution and the national parliaments.

The first involves questions which are to some extent traditional in European affairs, and must be mentioned here:

— Firstly, in the event of election by universal suffrage, should simultaneous elections be held on the basis of a single electoral law? If I may be allowed to express a personal opinion with a brief explanation, it might be said that simultaneous elections would be highly desirable to prevent the campaign in one or other of the Member States being based on the results in another Member State. On the other hand, whether or not it is desirable, a single electoral law would simply not be feasible, since it is inconceivable that European countries in which there are so many different types of ballot could arrive at an agreement, within a reasonable time, on a uniform system.

— Should it be permissible for the national parliamentary mandate and the European mandate to be combined? Should there be a system of substitutes which would enable leading political figures to be represented in the European Parliament without their being forced to neglect their national political activities? These are important questions requiring careful consideration, but it seems that it would be possible for the two mandates to be combined — if the necessary arrangements can be made for substitutes — by a certain proportion of European members of Parliament, and for a certain time.

17) The second aspect of the problem to be mentioned here is in fact the most important. It concerns the conditions under which the major changes essential to the achievement of European integration could be implemented. The words of Jean-Baptiste 'Il faut qu'il croisse et que je diminue' ('His stature must grow as mine declines') could be applied to any national Parliament in relation to the European Parliament.

These changes can only come about if they are accepted more or less consciously; it is possible — although this possibility was not seriously considered before Great Britain's entry into the Community — that resistance to integration in the national Parliaments might be even greater (if the matter is handled too clumsily) than resistance from the governments.

Furthermore, European integration and the increased democratic legitimacy of the Community must not be accompanied by a reduction in participation at the lower levels. By definition, European members of Parliament will represent a greater number of electors than national members of Parliament and their constituencies will be larger and less homogeneous. The member of Parliament may seem too remote from the electorate, and the only links between them would be purely ideological or 'sectoral'. This would not be in the interests of democracy.

18) To counteract these difficulties as far as possible, it would no doubt be desirable, if it were decided that national and European parliamentary office should be kept apart, for this to be done in stages with a transitional period to allow the two parliamentary functions to be gradually segregated.

It would be equally desirable for fairly official links to be established between the two types of Parliament and members of Parliament. It has already been proposed in various quarters that the national Parliaments should be consulted on certain points, that joint committees should be set up to deal with specific subjects, that national Parliaments should report annually to the European Parliament, and vice versa; these proposals must be borne in mind.

Other suggestions could be made, but the aim of all proposals should be to lessen the resistance of the national Parliaments to the development of a parliamentary institution that they regard as a rival and to ensure that European members of Parliament maintain sufficiently close contact with their constituents.

19) Basically, the European political situation has simplified the problem dealt with in this report. At times it was questionable whether the development of the European Parliament's status would be the result of integration or the instrument for its achievement. In the present circumstances, it is clear that, in so far as integration can still progress, or at least will not regress, elections to the European Parliament by universal suffrage and the reinforcement of its role are essential stages. The strategy of integration is a one way process. But, like Napoleon, we know that tactics are 'the art of getting things done'. This report can therefore be no more than an introduction to the discussion.

SECTION IV  
**SUPPLEMENTARY INFORMATION**



## BIOGRAPHIES AND PUBLICATIONS OF AUTHORS OF PAPERS

(Note: Some authors have preferred not to submit a biography and a note of publications; this list is therefore incomplete.)

### Professor Pierre AVRIL

#### BIOGRAPHICAL NOTES

Pierre AVRIL, born 18 November 1930 in Pau (Pyrénées-Atlantiques), Doctor of Laws at the University of Paris, graduate of the Institut d'études politiques de Paris. Editor-in-chief of the *Cahiers de la République* until 1962 and of the *Documents et Informations parlementaires* until 1969. 'Agrégé' in public law and political science (1972), professor at the Universities of Poitiers and Paris X (Nanterre).

#### PUBLICATIONS

- *Le régime politique de la V<sup>e</sup> République*, 2nd edit. 1966, Librairie Générale de droit et de jurisprudence, 20, rue Soufflot, 75005 Paris
- *Politics in France*, Penguin Books Ltd., Harmondsworth, Middlesex, England (1969)
- *Les Français et leur Parlement*, Casterman, 66, rue Bonaparte, 75006 Paris (1972)
- *UDR et Gaullistes*, Dossier Thémis, Presses Universitaires de France, 108, boulevard Saint-Germain, 75006 Paris (1971).

### Dr Gianni BONVICINI

#### BIOGRAPHICAL NOTE

- Secretary-General of the Institute of International Affairs, Rome.
- Publicist.

#### PUBLISHED WORKS

- 'Towards a European currency', International Spectator collection, 1970 (study of the proceedings of the Turin Convention, June 1970);



- ‘*Europe and the Summit*’ (edited by Gianni Bonvicini and Cesare Merlini), International Spectator Collection, 1972, from which ‘The History and functions of Summits’ was taken;
- ‘Italy’s Presence in the EEC during 1971’, International Spectator, No 1/1973;
- ‘*The role of the political groups in the process of European integration*’, Italy and Europe, European Law quarterly, July-December, 1973;
- ‘*European Integration Policy*’, Italy in International Politics (1972-1973), Community publication, 1973.

*In preparation*

- ‘*The Political Groups of the European Parliament*’, ad hoc research;
- ‘*A Programme for Europe*’, study of the proceedings of the IAI of November 1973;
- ‘*Report on European Integration Policy in 1973*’ for Italy in International Politics 1973-74.

**Professor David COOMBES**

*Name:* David COOMBES; *Age:* 33; *Nationality:* British; *Present Post:* Professor of European Studies, Loughborough University, Leics., Great Britain. *Education:* Saltash County Grammar School, Cornwall and Brasenose College, Oxford; *Previous Posts:* Lecturer in Political Studies, University of Hull, Lecturer in Politics, University of Reading, Research associate of Political and Economic Planning. *Extra-Mural offices and activities:* Visiting lecturer and member of the International Advisory Board, International Course on European Integration, University of Amsterdam; Visiting professor at the College of Europe, Bruges; Part-time Director of Research at the European Community Institute for University Studies, Brussels; Member of the Study of Parliament Group.

*Note:* In July 1974 Professor COOMBES is taking up a new post as Director of a Programme of research undertaken by the Hansard Society for Parliamentary Government in London on the subject: ‘The future of Parliamentary Institutions in Europe’. The programme, which lasts for three years, is financed by the Ford Foundation.

**PUBLICATIONS**

1) *Books*

- *The Member of Parliament and the Administration: The Case of the Select Committee on Nationalised Industries*  
1966, George Allen & Unwin Ltd., London, 218 pp.
- *Politics and Bureaucracy in the European Community: A Portrait of the Commission of the EEC 1970*, George Allen & Unwin Ltd., London, for Political and Economic Planning, 336 pp.
- *State Enterprise: Business or Politics?*  
1971, George Allen & Unwin Ltd., London, for Political and Economic Planning, 239 pp.

2) *Monographs, Published Papers*

- *Towards a European Civil Service*, 1968  
PEP/Chatham House, London, European Series No 7, 68 pp.
- *The Power of the Purse in the European Communities*  
1972, PEP/Chatham House, London, European Series No 20, 103 pp.

### 3) *Articles, Conference Papers & Other Contributions*

The Scrutiny of Ministers' Powers by the Select Committee on Nationalised Industries, *Public Law*, Spring 1965, pp. 1-29.

The Civil Service and the Common Market, in *State Service*, November 1967.

(With Richard Norton-Taylor) Renewal in Belgian Politics: The Elections of March 1968; *Parliamentary Affairs*, Vol. XXII, No 1, Winter 1968/69, pp. 62-72.

The Relations between ministers and the boards of the nationalised industries.

(Memorandum submitted to the House of Commons Select Committee on Nationalised Industries.) First Report from the Select Committee on Nationalised Industries, Session 1967-68, Vol. III, pp. 238-248.

(With Prof. A. H. Hanson and Mr. S. A. Walkland.) Parliamentary Scrutiny of Taxation.

(Memorandum submitted to the House of Commons Select Committee on Procedure.) Second Special Report from the Select Committee on Procedure, Session 1969-70, pp. 181-188.

The Political Institutions of an Economic and Monetary Union, *Lo Spettatore Internazionale*, Vol. VI, No 3, July/August 1971, pp. 271-289.

The Implications of British Entry to the European Community for the Party Groups in the European Parliament. *Lo Spettatore Internazionale*, Vol. VII, No 3-4, July/December 1972, pp. 135-146.

The Conservative Party and Public Ownership: Some recent developments in British Public Enterprise. *Rivista Trimestrale di Diritto Pubblico*, Anno XXII, No 2, 1972, pp. 819-832.

(With Avi Shlaim.) The European Communities: Political Unity and British Interests, in M. Leifer (ed.). *Constraints and Adjustments in British Foreign Policy*, Allen & Unwin, 1973.

Introduction, and (with Prof. M. Beloff and N. Johnson) Study of Parliament Group Paper on the Consequences for Parliament of British Membership of the European Communities, in *Westminster to Brussels: the significance for Parliament of Accession to the European Community*. PEP Broadsheet 540 January 1973, 28 pp.

## Professor Erik DAMGAARD

### BIOGRAPHY

Erik DAMGAARD, born in 1943, obtained his university degree in political science (*statskundskab*) 1968. Since 1969 he has been associate professor (*lektor*) at the Institute of Political Science, University of Aarhus, Denmark. In 1971-72 he was visiting fellow at Yale University. Currently he is chairman of the *Institut for Statskundskab* at Aarhus University. His main fields of interest include Danish legislative politics and public policy analysis. In the next two years he will be doing a study on policy-making in Denmark concentrating on the role of the *Folketing* within the framework of theories of democratic government and coalition behavior.

### PUBLICATIONS

- 1) 'The Parliamentary Basis of Danish Governments: The Pattern of Coalition Formation', *Scandinavian Political Studies*, vol. 4, 1969, pp. 30-57.
- 2) 'Party Distances in the Danish Folketing 1945-1968', *Scandinavian Political Studies*, vol. 6, 1971, pp. 87-106.
- 3) 'Noter til diskussion af politisk output analyse', *Statsvetenskaplig tidskrift*, 1972: 1, pp. 107-122.

- 4) 'Party Coalitions in Danish Law-Making 1953-1970', *European Journal of Political Research*, vol. 1, No 1 (April, 1973, pp. 35-66).
- 5) 'Top Civil Servants and Politics in Denmark: The Political Role of Non-Political Bureaucrats', in Mattei Dogan (ed.), *The Political Role of Top Civil Servants*, Sage Publications, Los Angeles, 1974, forthcoming.
- 6) 'Stability and Change of the Danish Party System in half a Century', *Scandinavian Political Studies*, vol. 9, 1974 (forthcoming).

**Professor Dr J. K. de VREE**

**BIOGRAPHY**

Born 1938; studied 'political and social sciences', at the University of Amsterdam; since 1967 attached to the 'Europa Instituut' of same University; since 1973 Professor of International Relations at the University of Utrecht.

Research and teaching have been centred around the philosophy of science, the formation of a general political theory, and the theory of political integration.

**PUBLICATIONS**

- De wetenschap der politiek: het vraagstuk van een definitie, *Acta Politica* IV, 1968/9, 55-81;
- Over theorievorming, *Acta Politica* IV, 1968/9, 275-98;
- Opmerkingen over 'theorie' en 'praktijk', *Sociale Wetenschappen*, XIII, 1970, 12-36;
- Le thème européen dans les élections générales de 1967 aux Pays-Bas, *Annuaire de L'AIEE* 1969/70, 69-83, Genève;
- Political integration: the formation of theory and its problems (diss) Mouton, Den Haag 1972;
- Behaviour, learning and conversion: elements of a general theory of politics, Amsterdam 1972, Mimeo;
- Syllabus Inleiding Internationale Betrekkingen, Utrecht 1973.

**Professor George Ghita IONESCU**

**BIOGRAPHY**

Born: 1913, British - Professor of Government, University of Manchester. Editor of 'Government & Opposition' a Journal of Comparative Politics. Member for Western Europe, Area Studies, Social Science Research Council.

**PUBLICATIONS**

- The politics of the East European Communist States, 1966 (French and German translations).
- Opposition, with I. de Madariaga, 1968 (German translations).
- The new politics of European integration (Ed.), 1970.
- Between Sovereignty and Integration (Ed.), 1974.

*Forthcoming*

The Political Thought of Saint-Simon.

The political crisis in Britain and in the EEC.

**Professor J. KOOIMAN**

**BIOGRAPHY**

Age 42. Professor of Public Administration at the Graduate School of Management, Delft, 1974. Has been Secretary to the Labour Party in the Lower House of Dutch Parliament, and also lecturer in political science and public administration at the University of Leiden.

**PUBLICATIONS**

Publications on decision-making, relations between officials and politicians, and the role of bureaucracy in the Dutch political system.

Is working on a book on the role and function of Parliament in the Dutch political system.

**Mr Jules GERARD-LIBOIS**

**BIOGRAPHICAL NOTES**

Avenue du Houx 28, 1170-Bruxelles - Belgian nationality.

Doctor of Laws at the University of Liège - Studies in Germanic philology at the University of Liège.

*Previous career:* Professional journalist; member of the staff of the ECSC Spokesman's office; Head of the Publications Division at the Commission of the European Communities; temporary Director of the Directorate for Information Media at the Directorate-General for Press and Information of the Commission;

President and Director-General of the Centre de Recherche et d'Information socio-politiques (CRISP), 35, rue du Congrès, 1000-Bruxelles.

President of the Centre d'Etude et de Documentation africaine (CEDAF), Brussels.

Director and member of the Bureau of the Institut belge de Science Politique (IBSP).

**PUBLICATIONS**

- Editor of the 'Congo' series, CRISP, Brussels (9 volumes);
- Author of 'Secession in Katanga' (published in French by CRISP and in English by the Wisconsin University Press);
- Co-author, with José Gotovich, of '*L'an 40, la Belgique occupée*', published by CRISP, Brussels;
- Contributor to '*La décision politique en Belgique*', Cahiers de la Fondation française de Science Politique, published by Armand Colin, Paris;
- Contributor to the series '*Année Politique en Belgique*' published by the Institut belge de Science Politique;
- Contributor to *Res Publica*, *Courrier Hebdomadaire et Travaux Africains* (CRISP), *Revue Nouvelle*, *Etudes congolaises*, etc.

Mr John P. MACKINTOSH

BIOGRAPHY

*Personal details:* Age 44, married, 4 children, 3 stepchildren.

*Academic qualifications and honours*

- 1) MA First Class Honours in Modern History, Edinburgh 1950.
- 2) BA (later MA) with Second Class Honours in Philosophy, Politics and Economics, Balliol College, Oxford 1952.
- 3) MA in History, Princeton University 1953.
- 4) D. Litt. awarded by Edinburgh University for published work in the field of British and African politics in 1967.
- 5) Elected Fellow of The Royal Historical Society in 1973.

*Teaching appointments*

- 1) Assistant Lecturer in History, University of Glasgow 1953/4.
- 2) Lecturer in History, Edinburgh University 1954/61.
- 3) Senior Lecturer in Government, University of Ibadan 1961/3.
- 4) Senior Lecturer in Politics, University of Glasgow 1963/5.
- 5) Professor of Politics, University of Strathclyde 1965/6.
- 6) Visiting Professor of Government, Birkbeck College, London University in 1972, for three years.

*Political Experience*

- 1) Contested and lost Pentland division of Edinburgh, General Election 1959.
- 2) Contested and lost Berwick and East Lothian, General Election 1964.
- 3) Contested and won Berwick and East Lothian, General Election 1966.
- 4) Contested and held Berwick and East Lothian, General Election 1970.
- 5) In the House of Commons served as member of the Select Committee on Procedure, 1966 to 1973; as Vice-Chairman of the Select Committee on Agriculture 1967 to 1969 and as a member of the Select Committee on Scottish Affairs 1968-70.

*Other Posts Held*

- 1) Member of the Anglo-German Conference Steering Committee since 1967.
- 2) Member of the Anglo-Polish Conference Steering Committee since 1969.
- 3) Vice-Chairman Great Britain/East Europe Centre since 1969 (Chairman of the Anglo-Czechoslovak Conferences of 1970 and 1972).
- 4) British Governor of the Atlantic Institute for International Affairs in Paris since 1970.
- 5) Appointed by the Conservative Government to the British Comité d'Initiative for Anglo-French contacts and conferences since its formation in 1972.
- 6) Member of Chatham House Research Committee since 1973.

## PUBLICATIONS

### Books:

- 1) *The British Cabinet* (Stevens 1962), 2nd edition published by Stevens and as a paperback by Methuen 1968.
- 2) *Nigerian Politics and Government* (George Allen & Unwin 1966).
- 3) *The Devolution of Power* (Charles Knight, Hodder & Stoughton), also published as a Penguin Special 1968.  
(Second edition being prepared.)
- 4) *The Government and Politics of Britain* (Hutchinson University Library 1970), reprinted 1971, second edition 1974.
- 5) *British Prime Ministers in the 20th Century* (Weidenfeld & Nicolson), edited by John P. Mackintosh, due to appear in 1974.
- 6) *The Intellectual and Power: Analysis of proceedings at The Aspen Institute Conference in 1973* (due to appear in 1974).

### Chapters in books

- 1) *A Radical Future*, edited by Ben Whitaker (Jonathan Cape 1967) Chapter on 'Parliamentary Reform'.
- 2) John Cyinbo *Nigeria: Crisis and Beyond* (Charles Knight & Co. 1971) introductory chapter.
- 3) *Towards an Open Society*. Proceedings of a seminar by The British Humanist Association (Pemberton Books 1971) Chapter on 'The role of Parliament in an Open Society'.
- 4) *Modern Parliaments: change or decay?* Edited by Gerhard Lowenberg (Aldine Atherton 1971). Chapter entitled 'Reform of the House of Commons: the Case for Specialisation'.
- 5) *The Backbencher and Parliament*, edited by Dick Leonard and Valentine Herman (Macmillan 1972). Chapter on 'Parliament Now and a Hundred Years Ago'.

### Evidence to Royal Commissions

- 1) *Royal Commission on Local Government in Scotland*,  
*Written Evidence* HMSO 1967, pp. 3-18,  
*Minutes of Evidence* 7 Feb. 1967, pp. 3-33.
- 2) *Commission on the Constitution*,  
*Written Evidence* HMSO 1972, pp. 116-130.

### Articles and booklets

- 1) 'The Role of the Committee of Imperial Defence Before 1914', (*English Historical Review*, vol. LXXVII, July 1962).
- 2) 'Electoral trends and the tendency to a one-party system in Nigeria', (*Journal of Commonwealth Political Studies*, vol. 1, No 3, November 1962).
- 3) 'Federalism in Nigeria', (*Political Studies*, vol. X, October 1962).
- 4) 'The Nigerian Federal Parliament', (*Public Law*, Autumn 1963).
- 5) 'Politics in Nigeria: The Action Group Crisis of 1962', (*Political Studies*, vol. II, No 3, November 1964).

- 6) 'Devolution, Regionalism and the Reform of Local Government: the Scottish Case', (*Public Law*, Spring 1964).
- 7) 'Nigeria's External Relations', (*Journal of Commonwealth Political Studies*, vol. II, No 6, November 1964).
- 8) 'Regional Administration: Has it Worked in Scotland?' (*Public Administration*, Autumn 1964).
- 9) 'Scottish Nationalism', (*The Political Quarterly*, vol. 38, No 4, 1967).
- 10) 'The Prime Minister and the Cabinet', (*Parliamentary Affairs*, vol. 21, No 1, Winter 1967/68).
- 11) 'What is Wrong with British Parliamentary Democracy?' (*Westminster Bank Review*, May 1968).
- 12) 'Britain in Europe: Historical Perspective and Contemporary Reality', (*International Affairs*, vol. 45, No 2, April 1969).
- 13) 'The Royal Commission on Local Government in Scotland 1966 to 1969', (*Public Administration*, Spring 1970).
- 14) '40 Years On?', (*The Political Quarterly*, vol. 41, No I, March 1970).
- 15) 'The Problems of Agricultural Politics', (*Journal of Agricultural Economics*, vol. 21, No 1, January 1970).
- 16) 'The Influence of the Backbencher, Now and a Hundred Years Ago', (*Manchester Statistical Society*, March 1970).
- 17) 'Specialist Committees in the House of Commons: Have They Failed?', (*Edinburgh University Occasional Papers*, No 1, April 1970).
- 18) 'Political Pressures on Agriculture', (*Proceedings of the 25th Oxford Farming Conference*, January 1971).
- 19) 'The House of Commons and Taxation', (*Political Quarterly*, March 1971). This was reprinted as a chapter in a Pelican Original, *Taxation Policy*, edited by Robson and Crick in 1973.
- 20) 'The Report of the Review Body on Northern Ireland, 1970: The Macrory Report', (*Public Administration*, April 1971).
- 21) 'The Problems of the Labour Party', (*Political Quarterly*, vol. 43, No 1, March 1972).
- 22) Gemeinsame Europäische Aussenpolitik, (*Europa Archiv*, June 1972).
- 23) 'Socialism or Social Democracy? The Choice for the Labour Party', (*The Political Quarterly*, vol. 43, No 4, October-December 1972).
- 24) 'A British View of the Institutions of the Common Market', (*The Round Table*, Spring 1973).
- 25) 'The Kilbrandon Report', (*Political Quarterly*, vol. 45, No 1, January 1974).
- 26) 'Agricultural Politics and European Integration', (to appear in *The Economic Journal* in 1974).

#### *Press articles*

- 1) 1968 to 1970: political columnist with *The Times*. Since 1973: monthly columnist with *The Scotsman* and *British Journal of Hospital Medicine*.
- 2) Also regular contributor to *The Guardian*, *New Society*, *The Spectator*, *The New Statesman Encounter* and *Times Educational Supplement* and occasional contributor to *The Observer*.
- 3) Since 1969: Member, Editorial Board of *The Political Quarterly*.
- 4) Since 1971: Member, Editorial Board of *The Round Table*.

Professor Andrea MANZELLA

BIOGRAPHICAL NOTES

Born 1933, in Palermo

- Lecturer in constitutional law;
- Lecturer in regional law at the Department of Political Science of the University of Genoa;
- Parliamentary adviser at the Chamber of Deputies, in charge of the office responsible for the coordination of legislation and relations with the government.

*Principal publications*

- 1) *Note sull'organizzazione dei lavori parlamentari* (in 'Tempi Moderni', No 32, Rome 1967).
- 2) *Prerogative e immunità parlamentari* (in 'Il Regolamento della Camera dei Deputati', Colombo, Rome, 1968).
- 3) *Il rapporto maggioranza-opposizione in Parlamento* (in 'Indagine sulla funzionalità del Parlamento', II, Giuffrè, Milan, 1969).
- 4) *Note sulla questione di fiducia* (in 'Annali Facoltà Giurisprudenza Università di Genova', 1970).
- 5) *I controlli parlamentari* (Giuffrè, Milan, 1970).
- 6) *Sul lavoro della Commissione parlamentare per le questioni regionali* (in 'La via italiana alle regioni', Comunità, Milan, 1971).
- 7) *Interrogazione e interpellanza parlamentare* (in 'Enciclopedia del Diritto', XXII, Giuffrè, Milan, 1972).

Professor Alberto PREDIERI

BIOGRAPHICAL NOTES

Alberto PREDIERI, born in Turin on 7 March 1921, graduated in Law, and is now Professor of Italian and Comparative Constitutional Law in the Department of Political Sciences, University of Florence.

He has a legal practice and acts as adviser to public and private organizations.

His research has been concentrated in the following principal fields: the Italian Parliament, the institutional and legal aspects of economic and urban planning, intervention by the public authorities in the land sector, the problems of data processing in government administration. He has published over fifty essays and articles in various periodicals, the most important of which are listed below, arranged according to subject:

PUBLICATIONS

- A) *Lineamenti della posizione costituzionale del Presidente del Consiglio dei ministri*, Florence, Barbera 1951, 161 pp.
- La produzione legislativa*, in SOMOGYI, S., LOTTI, L., PREDIERI, A., SARTORI, G., *Il Parlamento italiano, 1946-1963*, ERI, Naples 1963, pp. 205-263.
- Contraddittorio e testimonianza del cittadino nei procedimenti legislativi*, Milan, Giuffrè 1964, 325 pp.



*Tesi e ipotesi sul processo legislativo in Italia*, Milan, Giuffrè, 1974, 450 pp., vol. I. This volume is the first of a series of six, some already published and some in the press, presenting the results of a programme of research on the legislative process in the Italian Parliament, financed by the National Research Council.

- B) *Pianificazione e costituzione*, Milan, Comunità 1963, 630 pp.  
*Il programma economico 1966-1970. Aspetti giuridici*, Milan, Giuffrè 1967, 211 pp.  
*Le società finanziarie regionali, Problemi giuridici*, Milan, Giuffrè 1972, 176 pp.
- C) *Urbanistica, tutela del paesaggio, Espropriazione*, Giuffrè, 1969, 469 pp.  
*La riforma della casa*, Legge 1° giugno 1971 n. 291 e legge 22 ottobre 1971 n. 865, Milan, Giuffrè 1971, pp. 1-48; 74-178; 477-488.
- D) *Gli elaboratori elettronici nell'amministrazione dello Stato*, Quaderni dell'IRSTA, no. 1 Bologna, Il Mulino 1971, 151 pp.  
*Nuove tecnologie dell'informazione e nuove istituzioni: un rapporto problematico.*  
*Razionalità sociale e tecnologie dell'informazione*, edited by ROSITI, F., Milan, Comunità 1973, III, pp. 216-299.

#### Professor Erik RASMUSSEN

Erik RASMUSSEN, professor, Dr. phil. Born 1917. Cand. mag. (MA) 1942, dr. phil. 1955 (University of Copenhagen), professor of Political Science, University of Aarhus, 1959. Member of IPSA Executive Committee 1967-70. Editor of *Scandinavian Political Studies*, vols. 6 and 7 (1971-72).

#### PUBLICATIONS

- *Indien. Samfundsforhold og Moderne Historie* (India: Social Relations and Modern History), Gyldendal, Copenhagen, 1942;
- *Kurantbankens Forhold til Staten 1737-53* (Relations between the Courant Bank and the State 1737-53), with an English Summary, (diss.), Det Danske Forlag, Copenhagen, 1955;
- *Det Radikale Venstre 1905-55* (The Radical Liberal Party 1905-1955), together with Roar Skovmand, Det Danske Forlag, Copenhagen, 1955;
- *Statslånskrisen 1919. En Redegørelse for dens Forløb, med Særligt Henblik på Folketingsparlamentarismen* (The Public Loan Crisis of 1919: An Account of a Danish Political and Constitutional Conflict, with Special Reference to the Principle of Parliamentary Government Based upon the Lower House), with an English Summary, Universitetsforlaget i Aarhus, 1957, second edition, 1970;
- *Velfærdsstaten på Vej* (The Welfare State on Its Way), Danmarks Historie, vol. 13, 1913-1939, Politikens Forlag, Copenhagen, 1965, second edition, 1971; abridged German edition, 'Auf dem Wege zum Wohlfahrtsstaat', in *Geschichte Dänemarks 1830-1939*, Karl Wachholtz Verlag, Neumünster, 1973, pp. 323-443;
- *Komparativ Politik* (Comparative Politics) I-II, Gyldendal, Copenhagen, 1968-69, second edition, 1971-72; Swedish edition, *Komparativ politik* 1-2, Bokförlaget Aldus, Bonniers, Stockholm, 1969; rev. edition, 1971;
- *Ideologi og Politik* (Ideology and Politics), Gyldendal, Copenhagen, 1969. 'Some Comments on the Concept of the Political System', *Scandinavian, Political Studies* vol. 5, Universitetsforlaget, Oslo/Columbia University Press, 1970, pp. 11-19.

Articles on Political Science subjects in Danish periodicals.

Professor Mary ROBINSON, M.A., LL.B., LL.M.

BIOGRAPHY

Lecturer in European Law, Trinity College, since 1972; born 1944; married 1970, 2 children; BA Dublin 1967 (1st Cl. Mod. in Legal Science), LL.B. Dublin 1967 (1st cl.), LL.M. Harvard 1968 (1st cl.), M.A. Dublin 1970; Barrister, King's Inns Dublin 1967 (1st cl.) and Middle Temple (1973), Member representing Dublin University in Irish Senate 1969; Irish Legal Expert, Vedel Committee on Institutions of the EEC, 1971; Member of Joint Committee on EEC Secondary Legislation, Irish Parliament; Member of Select Committee on Statutory Instruments, Irish Senate; Vice-Chairman, Irish Council of the European Movement; Executive Council, Trinity Trust.

*Address:* 27 Merrion Square, Dublin 2.

*Details of Studies and Academic Posts held*

Having been awarded an entrance scholarship to Trinity College, I read for the degree in Legal Science which is a four years honours course in law. I was awarded a scholarship in Legal Science in 1965, and got first class honours in the degree in 1967. I also got first class honours in the LL.B. degree and I read concurrently for the degree of Barrister-at-Law at King's Inns, Dublin, which I was awarded with first class honours in June 1967. I have since been called to the Bar of Middle Temple in London. On graduation from Trinity College I was awarded a fellowship to Harvard University Law School, where I read for the LL.M. degree. It was here that I developed an interest in European studies, and did my thesis for the LL.M. degree on the role of the Court of Justice and the national courts in enforcing the competition policy of the European Community. While at Harvard I followed a seminar course in legal aspects of the European Community given by Professor Henry Steiner. I was awarded the LL.M. degree with first class honours in June 1968.

On return to Ireland I practised at the Irish Bar and was appointed the Reid Professor of Constitutional Law, Criminal Law and Penal Legislation in July 1969 at Trinity College, Dublin. This is a five year appointment for a member of the Irish Bar, and it will expire at the end of the current year. Meanwhile, since 1972, I have been lecturing in European Law to the final year students in Legal Science. My main academic interest now is in European Law, and I am specializing as a barrister in legal problems relating to the European Community. As the Irish legal expert on the Vedel Committee on the European Parliament I had a unique opportunity to view the working of the Institutions of the Communities, and this has been of benefit in my role as a member of the Irish Senate and in particular as a member of the Joint Committee of the Irish Parliament on EEC Secondary Legislation of which I am the only Independent Member. I was elected to the Irish Senate for the first time in August 1969, and re-elected in May 1973.

PUBLICATIONS

Contributions to the Harvard Journal of International Law, the Irish Jurist, the Common Market Law Review, Government and Opposition, the University of Western Australia Law Review and others.

## Professor Richard ROSE

### BIOGRAPHY

Born 1933, St. Louis, Mo., USA.

Married; three children.

#### *Educated*

Johns Hopkins University, BA 1953.

1953-54 London School of Economics.

1957-60 Oxford University, D. Phil.

#### *Career*

1954-55 Political public relations, Mississippi Valley.

1955-57 Reporter, St. Louis Post-Despatch.

1961-66 Lecturer in Government, Manchester University.

1966- Professor of Politics, Strathclyde University.

Election Correspondent, The Times, 1964, 1966, 1970.

Secretary, Committee on Political Sociology, International Sociological Association, 1970.

Executive Committee, European Consortium for Political Research, 1970.

Member, UK/UK Fulbright Committee, 1971.

### PUBLICATIONS

- The British General Election of 1959 (with D. E. Butler) 1960.
- Must Labour Lose? (with Mark Abrams) 1960.
- Politics in England 1964.
- Studies in British Politics (editor) 1966.
- Influencing Voters 1967.
- Policy Making in Britain (editor) 1969.
- People in Politics 1970.
- European Politics (ed. with M. Dogan) 1971.
- Governing without Consensus: an Irish perspective 1971.
- International Almanack of Electoral History (with T. Mackie) 1973.
- Electoral Behaviour: a Comparative Handbook (editor) 1974.
- Contributions to academic journals in Europe and America.

## Dr Uwe THAYSEN

### BIOGRAPHY

Uwe THAYSEN, Dipl.-Pol., Dr. phil., lecturer at the social sciences seminar of the University of Hamburg (Hamburg 13, Von Melle Park 15). Studied political science in Tübingen, Berlin and Hamburg. From 1972, editor-in-chief of the *Zeitschrift für parlamentsfragen*.

## PUBLICATIONS

- *Parlamentsreform in Theorie und Praxis.*  
Zur institutionellen Lernfähigkeit des parlamentarischen Regierungssystems. Opladen 1972, 325 pp.
- Zur institutionellen Lernfähigkeit des parlamentarischen Regierungssystems, in: *Politische Vierteljahresschrift, Sonderheft 4/1972*, pp. 343-369.
- Contributions to various periodicals notably the *Zeitschrift für parlamentsfragen*.

## Jacob Jan VIS

### BIOGRAPHY

Born 30 October 1933, at Wormerveer, Holland.

#### *Studies*

Press Institute, University of Amsterdam (1955-1957).

Law Faculty, University of Rotterdam (1967-1971), Doctor of Law.

#### *Present Position*

Temporary lecturer in constitutional law, State University of Groningen.

#### *Career*

Held various positions in journalism. *Haagsche Courant* (1953-1956), *Algemeen Dagblad* (1956-1960), press adviser United States Information Service, The Hague (1960-1963), parliamentary correspondent of GPD (largest chain of provincial dailies in The Netherlands, 1963-1967), chief political desk and commentator on domestic political affairs of *NRC Handelsblad* (independent liberal daily and leading national newspaper on political affairs). Produced various TV-programmes on the relationship of the citizen to the Government. Writes a two-weekly column in *NRC Handelsblad* on current political and constitutional affairs. Is preparing a study on the position of the Dutch parliament during the various cabinet formations.

In his academic work, he emphasises the strong influence of the political situation on juridical structures.

## PUBLICATIONS

### *Articles*

Cabinet formation and publicity - *Socialisme en Democratie*, January 1972.

Polarisation or not? Dutch political parties in transition - *Ons Erfdeel*, March 1972.

The longest cabinet formation - *Intermediair*, 5 October 1973.

For or against Den Uyl; the political guerilla goes on - *Ons Erfdeel*, March 1974.

### *Books*

H. Gruijters and J. J. Vis:

29-11-1972: Elections - Utrecht, 1972.

J. J. Vis:

Cabinet formation 1973 - Utrecht, 1973.

## Professor Klaus Von BEYME

### BIOGRAPHICAL NOTES

- 1934 Born in Saarau, Silesia.  
1954 Completed schooling in Celle, Lower Saxony.  
1954-1956 Training in publishing with the George Westermann-Verlag, Braunschweig.  
1956-1962 Studied politics, sociology and history at the universities of Heidelberg, Munich and Paris.  
1959-1960 DAAD exchange student at the Lomonosov University in Moscow.  
1962-1963 Research Fellow at the Harvard University Russian Research Center.  
1963-1967 Assistant lecturer at the Institut für Politische Wissenschaft, Heidelberg (Prof. Carl-Joachim Friedrich).  
1967 Qualified as lecturer in Heidelberg.  
From 1967 Professor of Political Science in Tübingen.  
1969 Deputy head of the Department of Social and Behavioural Sciences.  
1971 Briefly, Rector of the University of Tübingen.  
From 1974 Professor in Heidelberg.

### PUBLICATIONS

#### 1) *Original works*

- Der Federalismus in der Sowjetunion. Heidelberg (Quelle & Meyer) 1964, 160 pp.  
Die politische Soziologie im zaristischen Russland. Wiesbaden (Hamsewitz) 1965, 166 pp.  
Das präsidentielle Regierungssystem der Vereinigten Staaten in der Lehre der Herrschaftsformen. Karlsruhe (C. F. Müller) 1967, 78 pp.  
Die verfassunggebende Gewalt des Volkes. Tübingen (Mohr) 1968, 68 pp.  
Politische Ideengeschichte - Probleme eines interdisziplinären Forschungsbereiches. Tübingen (Mohr) 1969, 59 pp.  
Interessengruppen in der Demokratie. Munich (Piper) 1969, 234 pp. 3rd Edit. 1971 (in Engl. London 1971), 4th Edit. 1974.  
Die Parlamentarischen Regierungssysteme in Europa. Munich (Piper) 1970, 1025 pp. 2nd Edit. 1972.  
Das Politische System Italiens. Stuttgart (Kohlhammer) 1970, 187 pp.  
Die politische Elite in der Bundesrepublik Deutschland. Munich (Piper) 1971, 241 pp. 2nd Edit. 1974.  
Vom Faschismus zur Entwicklungsdiktatur. Machtelite und Opposition in Spanien. Munich (Piper) 1971, 260 pp.  
Die politischen Theorien der Gegenwart. Munich (Piper) 1972, 2nd Edit. 1974.

#### 2) *Contributions to other publications*

- Robert von Mohl. Politische Schriften. Köln Opladen (Westdeutscher Verlag) 1966.  
(With Lehmbruch and Fetscher) Demokratisches System und politische Praxis der Bundesrepublik. Munich (Piper) 1971.  
Theory and Politics. Jubilee publication for C. J. Friedrich. The Hague (Nijhoff) 1971.  
Empirische Revolutionsforschung. Opladen (Westd. Verlag) 1973.

## PARLIAMENTS IN EUROPE - A BIBLIOGRAPHY

This bibliography is based on an exhibition of literature displayed in the Library of the European Parliament during the Symposium on European Integration and the future of Parliaments in Europe, 2nd - 3rd May 1974.

It does not claim to be a comprehensive listing of literature on this topic.

### GENERAL

UNION INTERPARLEMENTAIRE. Genève: Parlements. Une étude comparative sur la structure et le fonctionnement des institutions représentatives dans cinquante-cinq pays. 2<sup>e</sup> éd. Paris, P.U.F., 1966.

ROBERTSON, A. H.: European Institutions. Co-operation-Integration-Unification. 3rd ed. Publ. The London Institute of World Affairs London, Stevens & Son., New York, Matthew Bender, 1973.

EUROPEAN INTEGRATION: Selected readings. Edited by Michael Hodges. Middlesex, Penguin Books, 1972.

WALLACE Helen: National Governments and the European Communities. London, Chatham House-PEP, 1973.

KUBY, Heinz: Politische Souveränität für Westeuropa. München, Bavaria, 1964.

MEERSSCHE, Paul van de: Europa Morgen: Integratie of Desintegratie? Rotterdam, Universitaire Pers. 1972.

PEDINI, Mario: Une Chance pour l'Europe: Problèmes d'une intégration. Bruxelles éditions de l'Université, 1974.

PENTLAND, Charles: International Theory and European Integration. London, Faber & Faber, 1973.

WHEARE, K. C.: Modern Constitutions. London, Oxford University Press, 1951.

IONESCU, Ghita: The New Politics of European Integration. London, Macmillan, 1972.

ROTH, Andrew: Can Parliament Decide ... About Europe ... Or About Anything? London, Macdonald, 1971.

STICHTING GROTIUS SEMINARIUM: Limits and Problems of European Integration. The Conference of May 30 - June 2, 1961. The Hague, Nijhoff, 1963.

HOGAN, Willard N.: Political Representation and European Integration. International Political Science Association, Munich Round Table Meeting, August 31 - September 5, 1970.

FURLER, Hans: Im Neuen Europa, Erlebnisse und Erfahrungen im Europäischen Parlament. Frankfurt am Main, Societäts-Verlag, 1963.

SPINELLI, Altiero: L'Europa non cade dal cielo. Bologna, Società editrice il Mulino, 1960.

HOGAN, Willard N.: Representative Government and European Integration. Lincoln, University of Nebraska Press, 1967.

- ASSOCIATION DES INSTITUTS D'ÉTUDES EUROPÉENNES: Les Partis Politiques et L'Intégration Européenne. Colloque de Bruges, Annuaire 1969/70. Genève, 1970.
- HAAS, Ernst B.: The Uniting of Europe. Political, Social and Economic Forces 1950-1957. Publ. The London Inst. of World Affairs. London, Stevens & Son, 1958.
- HAAS, Ernst B.: Beyond the Nation State. Functionalism and International Organization. California, Stanford University Press, 1964.
- DEHOUSSE, Fernand: L'Europe et le Monde. Recueil d'études de rapports et de discours, 1945-1960. Paris, Librairie Générale de Droit et de Jurisprudence, 1960.
- COOMBES, David: Towards a European Civil Service. London, Chatham House PEP, 1968.
- VREE, Johan K. De: Political Integration: The formation of theory and its problems. The Hague - Paris, Mouton & Co, 1972.
- WILDHABER, Luzius: Treaty-Making Power and Constitution. An International and Comparative Study. - Basel und Stuttgart, Helbing & Lichtenhahn, 1971.
- THE EUROPE WE BUILD: A GLYC Pamphlet on Europe's Future by Allan Gregory (e.a.). - London, Greater London Young Conservatives, 1973.
- L'EUROPE AU CARREFOUR: Société d'études politiques et sociales, cahier No 8, by J. Vandamme (e.a.). - Bruxelles, L.P.O. Editions Renardeau, 1972.
- BASTIANETTO, Mario: Gli Stati Uniti D'Europa. Soluzione federale e vecchi stati sovrani. - Firenze, Bulgarini, 1973.
- POLITICAL OPPOSITIONS IN WESTERN DEMOCRACIES: edited by Robert A. Dahl. - New Haven & London, Yale University Press, 1966.
- NIBLOCK, Michael: The EEC: National Parliaments in Community Decision-Making. - London, Chatham House PEP, 1971.
- SYMPOSIUM EUROPA 1950-1970: Edited for the 20th anniversary of the College of Europe by the Alumni Association of the College. - Bruges, College of Europe, 1971.
- KAISER, Karl: L'Europe et les Etats-Unis. L'avenir de leurs relations. - Paris, Laffont. Aspen Institute for Humanistic Studies, 1973.
- COOMBES, David, WIEBECKE, Ilka: The Power of the Purse in the European Communities. - London, Chatham House PEP, 1972.
- COLLOQUE PARLEMENTAIRE EUROPÉEN. (Strasbourg, 15 et 16 mars 1972.) L'état de l'unification européenne et le rôle des Parlements. Compte rendu in extenso des séances. - Luxembourg, O.P.O.C.E., 1972.
- INSTITUT DE LA COMMUNAUTÉ EUROPÉENNE POUR LES ÉTUDES UNIVERSITAIRES: Etudes Universitaires sur L'Intégration Européenne, No 6 1970, recherche. - Bruxelles, O.P.O.C.E., 1970.
- INSTITUT DE LA COMMUNAUTÉ EUROPÉENNE POUR LES ÉTUDES UNIVERSITAIRES: Etudes Universitaires sur L'Intégration Européenne, No 7 1972, recherche. - Bruxelles, O.P.O.C.E., 1972.
- EUROPAISCHE POLITISCHE EINIGUNG 1949-1968: Dokumentation von Vorschlägen und Stellungnahmen. - Bonn-Wien-Zürich, Siegler & Co., 1968.
- OCCHIMINUTI, G. R.: Les Relations entre l'Exécutif et le Législatif dans L'Europe Elargie. Le cas des budgets nationaux et du budget communautaire. - 1970.
- MEYNAUD, Jean, SIDJANSKI, Dusan: Les groupes de pression dans la Communauté Européenne. Tome I-II. (Série ronéotée, No 4, Hors Commerce.), 1969.

EUROPEAN ASPECTS. A collection of studies relating to European Integration. Jalons dans L'Europe unie. 22 textes sur l'intégration européenne. Edité par S. Patijn. - Leyden, Sijthoff, 1970.

AVRIL, Pierre: L'Avenir du Parlement à travers le rapport de la Commission Monroney. (Analyse & Prévision, Tome III, mai 1967, numéro 5, p. 353-365.)

BENNETT, M.R.F.B.: Un défi à la démocratie parlementaire. (Bulletin Interparlementaire. 1972 No 1, p. 10-16.)

BEYME, Klaus von: Repräsentatives und Parlamentarisches Regierungssystem. - (Politische Vierteljahresschrift. 6. Jahrgang. Heft 2. Juni 1965, p. 145-159.)

BEYME, Klaus von: Parlamentarismus und Rätssystem eine Scheinalternative. - (Zeitschrift für Politik. Jahrgang 17, Heft 1, April 1970, p. 27-39.)

NEUNREITHER, Karlheinz: Les rapports entre le Parlement Européen et les Parlements Nationaux. - (Annuaire Européen, vol. XV, p. 52-81.)

RASMUSSEN, Erik: Some comments on the concept of the political system. - (Scandinavian Political Studies, vol. 5/1970, p. 11-19.)

ROSE, Richard, MOSSAWIR, Harve: Voting and Elections: A Functional Analysis. - (Political Studies, vol. XV. June 1967, No 2, p. 173-201.)

ROSE, Richard, URWIN, Derek W.: Persistence and Change in Western Party Systems since 1945. - (Political Studies, vol. XVIII. Sept. 1970, No 3, p. 287-319.)

## EUROPEAN PARLIAMENT

PARLEMENT EUROPÉEN. Luxembourg: Règlement. (A.D.F.I.N.E.). - Luxembourg, 1974.

GINESTET, Pierre: Le Parlement Européen. - Paris, Presses Universitaires de France, 1963.

MANZANARES, Henri: Le Parlement Européen. (Institutions Politiques d'Aujourd'hui.) - Paris, Editions Berger-Levrault, 1964.

HOFFMANN, Wolfgang: Zusammensetzung und Befugnisse des Parlaments der Europäischen Gemeinschaften. Inauguraldissertation... - Bonn, 1961.

POLITICAL AND ECONOMIC PLANNING: The Parliament of the European Communities. Vol. XXX, No 478, 9 March, 1964. - London, 1964.

WANKE, Otto: Das Europäische Parlament. - Wien, 1965.

REIFFERSCHIED, Albert: Die Ausschüsse des Europäischen Parlaments. - Bonn, Pontes-Verlag, 1966.

BEHRENDT, Walter: Das Parlament und die Politische Integration Europas. - Heule-Bruxelles-Namur, Internationale Universitaet fuer Vergleichende Wissenschaften, Luxembourg, 1972.

BUBBA, Elena: La Mission du Parlement Européen. Heule-Bruxelles-Namur, Université Internationale de Sciences Comparées. - Luxembourg, 1972.

BEHRINGER, Ruprecht: Die Mitwirkung der Gemeinsamen Versammlung und des Europäischen Parlaments auf dem Gebiet der Assoziierung. Inaugural-Dissertation... - Köln, 1967.

COMMISSION DES COMMUNAUTÉS EUROPÉENNES. Bruxelles: Rapport du groupe ad hoc pour l'examen du problème de l'Accroissement des Compétences du Parlement Européen. (Rapport Vedel.) - Bruxelles, Bulletin des Communautés européennes. Supplément 4/72.

ROBINSON, Mary T. W.: The Political Implications of the Vedel Report. - (Government and Opposition. Vol. 7. No 4, Autumn 1972.), p. 426-433.



SCHEUNER, Ulrich: Bestandsaufnahme und Prognose zur Fortentwicklung des Europäischen Parlaments. - (Zeitschrift für Parlamentsfragen, No 4, Dezember 1972, p. 496-515.)

PATIJN, Schelto: Het Europees Parlement. De strijd om zijn bevoegdheden. Voorwoord van M. van der Stoep. - Rotterdam, Universitaire Pers, 1973.

PARLEMENT EUROPÉEN. Luxembourg: Selected texts of resolutions: I. Resolutions on general reports of the executives 1958-1971; II. Resolutions on the extension of Powers of the European Parliament 1963-1970. - Luxembourg, P.E., 1973.

PARLEMENT EUROPÉEN. Documentation Parlementaire et Information (Direction Générale). Luxembourg: Les Ressources propres aux Communautés Européennes et les pouvoirs budgétaires du Parlement Européen. Recueil de documents. Préf. de Mario Scelba. Introd. de Georges Spénale. - Luxembourg, O.P.O.C.E., 1970.

PARLEMENT EUROPÉEN. Documentation Parlementaire et Information (Direction Générale). Luxembourg: Les Ressources propres aux Communautés Européennes et les pouvoirs budgétaires du Parlement Européen. Les débats de ratification. Analyse de documents. Préf. de Walter Behrendt. Introd. de Georges Spénale. - Luxembourg, O.P.O.C.E., 1971.

COMMUNAUTÉS EUROPÉENNES. Commission: Communication ... au Parlement européen sur les mesures pratiques destinées à réaliser le renforcement des pouvoirs de contrôle du Parlement et à améliorer les rapports entre cette institution et la Commission. (Doc. P.E. 103:73, 1973-1974.) 18 juin 1973. - Bruxelles, C.E., 1973.

COMMUNAUTÉS EUROPÉENNES. Commission: Communication ... au Conseil sur le renforcement des pouvoirs budgétaires du Parlement européen. (Doc. P.E. 124/73, 1973-1974.) 3 juillet 1973. - Bruxelles, C.E., 1973.

HOUDBINE, Anne-Marie: Le Parlement Européen et la Démocratie. Mémoire de Science Politique. - Paris, 1955.

GARNIER, Claude: Les Assemblées Européennes. Thèse ... Université de Poitiers, Faculté de Droit. - 1959.

KRONENBURG, Rolf: Das Verhältnis der Staatenvertretung zur parlamentarischen Versammlung beim Europarat und den Europäischen Gemeinschaften. Inaugural - Dissertation. - Köln, 1966.

PARLEMENT EUROPÉEN. Commission Politique. Luxembourg: Pour l'élection du Parlement Européen au suffrage universel direct. Recueil de documents. Préf. de Mario Scelba. Introd. par Fernand Dehousse. - Luxembourg, O.P.O.C.E., 1969.

BURBAN, Jean-Louis: L'Élection du Parlement Européen au suffrage Universel. Thèse... - Paris, 1973.

PELLEGRINI, Luciana: L'Elezione del Parlamento Europeo a Suffragio Universale Diretto. Tesi di laurea... - Roma, 1961-1962.

ISTITUTO DI SCIENZE POLITICHE DELL'UNIVERSITA DI PAVIA: Il Parlamento Europea e il Problema della sua Elezione a Suffragio Universale. - Milano, 1973.

DELL'OMODARME, Marcello: Ruolo e Azione del Parlamento Europeo per l'Elezione a Suffragio Universale Diretto dei suoi Membri. - Pavia, 1971.

SPINELLI, Altiero: Le Elezioni del Parlamento Europeo. - Bologna, 1965-66.

KNUTH, Harald: Direkte Wahlen zum Europäischen Parlament. - (Zeitschrift für Parlamentsfragen. No 0, Dezember 1969, p. 48-55.)

DRAETTA, Ugo: Il Parlamento Europeo e le sue Tendenze Evolutive. - Milano, 1970.

BRUNI, Michele: Lo sviluppo del potere di controllo dell'Assemblea Comune e nel Parlamento Europeo. Tesi di Laurea... - Firenze, 1967-68.

CHITI-BATELLI, Andrea: L'Assemblea Consultiva del Consiglio d'Europa nei primi anni della sua attività. - Roma, 1970.

KUMAR SEN, Asit: Die Stellung des Europäischen Parlaments in der Europäischen Wirtschaftsgemeinschaft bis zur Fusion der Exekutiven: Das Problem der Einflussnahme auf den Entscheidungsprozess. Inaugural-Dissertation... - Heidelberg, 1969.

KERR, Henry Hampton: The European Parliament and European Integration: The Effects of Participation in an International Parliamentary Assembly. A Dissertation... - Michigan, 1970.

NIBLOCK, M. J.: The Consultative Role of the European Parliament in the Decision Making Process of the EEC, 1958-30th June 1965. Thesis... - London, 1968.

PARLEMENT EUROPÉEN. Recherche et Documentation (Direction Générale). Luxembourg: Pour une Cour des comptes européenne. Recueil de documentation. Introd. par Heinrich Aigner. Préf. de Cornelis Berkhouwer. Av.-pr. de Georges Spénale. (D.E.F.N.I.Da.) - Luxembourg, O.P.O.C.E., 1973.

COCKS, Barnett: The European Parliament. Structure, procedure, and practice. - London, H.M.S.O., 1973.

## NATIONAL PARLIAMENTS

### GERMANY

APEL, Hans: Der deutsche Parlamentarismus. Unreflektierte Bejahung der Demokratie? - Hamburg, Rowohlt, 1968.

BEYME, Klaus von: Die politische Elite in der Bundesrepublik Deutschland. - München (Piper), 1971.

BEYME, Klaus von: Die politischen Theorien der Gegenwart. - München (Piper), 1972.

ELLWEIN, Thomas: Das Regierungssystem der Bundesrepublik Deutschland. - Köln, Westdeutscher Verlag, 1963.

GEHRIG, Norbert: Parlament - Regierung - Opposition. Dualismus als Voraussetzung für eine parlamentarische Kontrolle der Regierung. - München, Beck, 1969.

GLUM, Friedrich: Das parlamentarische Regierungssystem in Deutschland, Grossbritannien und Frankreich. - München, Beck, 1965.

HERETH, Michael: Die Reform des Deutschen Bundestages. - Opladen, Leske, 1971.

HOFFMANN, Reinhard: Haushaltsvollzug und Parlament. - Tübingen, J.C.B. Mohr (Paul Siebeck), 1972.

KAACK, Heino: Wer kommt in den Bundestag? Abgeordnete und Kandidaten 1969. - Opladen, Leske, 1969.

LAUFER, Heinz: Der Bundesrat. Untersuchungen über Zusammensetzung, Arbeitsweise, politische Rolle und Reformprobleme. - Hamburg, Girardet & Co., 1972.

LOEWENBERG, Gerhard: Parliament in the German Political System. - New York, Cornell University Press, 1966.

RASCHKE, Joachim: Der Bundestag im parlamentarischen Regierungssystem. - Berlin, Colloquium, 1968.

THAYSEN, Uwe: Parlamentsreform in Theorie und Praxis. - Opladen, Westdeutscher Verlag, 1972.

ZILLER, Gebhard: Der Bundesrat. - Düsseldorf, Droste, 1973.

## BELGIUM

CENTRE DE RECHERCHE ET D'INFORMATION SOCIO-POLITIQUES. Bruxelles: La Décision Politique en Belgique. Le pouvoir et le groupe. Sous la direction de Jean Meynaud, Jean Ladrière et François Périn. - Paris, Colin, 1965.

DEBUYST, Frederic: La Fonction Parlementaire en Belgique: Mécanismes d'Accès et Images. - Bruxelles, C.R.I.S.P., 1967.

GANSHOF VAN DER MEERSCH, W. J.: Pouvoir de Fait et Règle de Droit dans le fonctionnement des Institutions Politiques. - Bruxelles, Editions de la Librairie Encyclopédique, 1957.

HOJER, Carl-Henrik: Le Régime Parlementaire de 1918 à 1940. - Bruxelles, C.R.I.S.P., 1969.

IMPE, Herman Van: Le Régime Parlementaire en Belgique. - Bruxelles, Bruylant, 1968.

## DENMARK

DAMGAARD, Erik: The Parliamentary Basis of Danish Governments: The Patterns of Coalition Formation. - (Scandinavian Political Studies. Volume 4/69, p. 30-57.)

MILLER, Kenneth E.: Government and Politics in Denmark. - Boston, Houghton Mifflin Co., 1968.

MILLER, Kenneth E.: Parliament and Local Government Reform in Denmark. - (Parliamentary Affairs, Vol. XXIV, No 4. Autumn 1971, p. 321-337.)

PEDERSEN, Mogens E., DAMGAARD, Erik, NANNESTAD OLSEN, P.: Party Distances in the Danish Folketing 1945-1968. - (Scandinavian Political Studies, Vol. 6/71, p. 87-106.)

## FRANCE

AVRIL, Pierre: Les Français et leur Parlement. - Belgique, Casterman, 1972.

AVRIL, Pierre: Le gouvernement de la France. - Paris, Citoyens Editions Universitaires, 1969.

AVRIL, Pierre: La Modernisation Politique et le système local français. - (Analyse & Prévision Tome XII, Nov. 1971, No 5.)

AVRIL, Pierre: Politics in France. - Middlesex, Penguin, 1969.

AVRIL, Pierre: Le Régime Politique de la V<sup>e</sup> République. - Paris, Librairie Générale de Droit et de Jurisprudence, 1967.

AVRIL, Pierre: U.D.R. et Gaullistes. - Paris, Presses Universitaires de France, 1971.

BAECQUE, Francis de: L'Administration Centrale de la France. Collection U, Série Droit Public Interne. - Paris, Colin, 1973.

CAYROL, Roland, PARODI, Jean-Luc, YSMAL, Colette: Le Député Français. Travaux et recherches de science politique 23. - Paris, Colin, 1973.

DELVOLVE, Pierre, LESGUILLONS, Henry: Le Contrôle Parlementaire sur la Politique Economique et Budgétaire. Travaux et Recherches, Série 'Droit Public', No 1. - Paris, Presses Universitaires de France, 1964.

GUICHARD-AYOUB, Eliane, ROIG, Charles, GRANGE, Jean: Etudes sur Le Parlement de la V<sup>e</sup> République. Travaux et Recherches, Série 'Science Politique', No 2. - Paris, Presses Universitaires de France, 1965.

PONDAVEN, Philippe: Le Parlement et la Politique Extérieure sous la IV<sup>e</sup> République. - Paris, Presses Universitaires de France, 1973.

## IRELAND

- BUNREACTH NA hEIREANN. (Constitution of Ireland.) - Dublin, Gov. Publ. Sale Office, 1942.
- CHUBB, Basil: The Government and Politics of Ireland. - California, Stanford University Press, London, Oxford Univ. Press, 1971.
- ROSE, Richard: Governing without consensus. An Irish Perspective. - London, Faber & Faber, 1971.
- ROSE, Richard: The Dynamics of a Divided Regime. - (Government and Opposition, Vol. 5, No 2. Spring 1970, p. 166-192.)
- SMYTH, John McGowan: The Theory and Practice of the Irish Senate. - Dublin, Institute of Public Administration, 1972.

## ITALY

- BONANNI, Massimo: L'Italia Nella Politica Internazionale, anno primo: 1972-1973. - Milano, Edizioni di Comunità, 1973.
- GUIZZI, Vincenzo: Italia L'Azione del Parlamento Italiano in favore dell' Elezione a suffragio universale del Parlamento Europeo. - (Bollettino Di Informazioni, Anno 23 - N. 1, 1972.)
- ISTITUTO PER LA DOCUMENTAZIONE E GLI STUDI LEGISLATIVI: Indagine sulla Funzionalità del Parlamento. Vol. Primo, Vol. Secondo. - Milano, 1968.
- MANNINO, Armando: Indirizzo Politico e Fiducia: nei rapporti tra Governo e Parlamento. - Milano, 1973.
- MANZELLA, Andrea: I controlli parlamentari. - Milano, Giuffrè, 1970.
- MANZELLA, Andrea: Prerogative e immunità parlamentari. (In 'Il Regolamento della Camera dei Deputati'.) - Roma, Colombo, 1968.
- PARLAMENTO (Il) Italiano, 1946-1963, par S. Somogyi (e.a.). - Napoli, Edizioni Scientifiche Italiane, 1963.
- PREDIERI, Alberto: Tesi e ipotesi sul processo legislativo in Italia. Vol. I. - Milano, Giuffrè, 1974.

## LUXEMBOURG

- MAJERUS, Pierre: L'Etat Luxembourgeois. Manuel de droit constitutionnel et de droit administratif. - Luxembourg, Bourg-Bourger, 1959.

## NETHERLANDS

- LIJPHART, Arend: The Politics of Accommodation. Pluralism and Democracy in the Netherlands. - Berkeley & Los Angeles, Univ. of California Press, 1968.
- RAALTE, E. van: Het Nederlandse Parlement. - 's-Gravenhage, 1971.
- VIS, J. J.: Cabinet Formation 1973. - Utrecht, 1973.
- VIS, J. J.: De openbaarheid van de kabinetsformatie. - (Socialisme en democratie, Jaargang 29, No 1, januari 1972.)
- VIS, J. J.: 29-11-1972: Elections. - Utrecht, 1972.

## UNITED KINGDOM

- BAGEHOT, Walter: *The English Constitution*. - London, Oxford University Press, 1952.
- BEYME, Klaus von: *Le système parlementaire britannique: un exemple pour une constitution européenne*. - (Les Problèmes de l'Europe 27, p. 13-24, 1965.)
- BIRCH, A. H.: *The British System of Government*. - London, Allen & Unwin, 1973.
- BUTLER, David, STOKES, Donald: *Political Change in Britain. Forces shaping electoral choice*. - Middlesex, Penguin, 1971.
- COOMBES, David: *State Enterprise. Business or Politics*. - London, Allen & Unwin, 1971.
- COOMBES, David: *The Member of Parliament and the Administration. The case of the select Committee on Nationalized Industries*. - London, Allen & Unwin, 1966.
- COOMBES, David, BELOFF, Max, JOHNSON, Neville: *The Consequences for Parliament of British Membership of the European Communities*. - London, Hansard Soc., 1972.
- CRICK, Bernard: *The Reform of Parliament*. - London, Weidenfeld & Nicolson, 1964.
- JENNINGS, Ivor W., RITTER, Gerhard A.: *Das britische Regierungssystem*. - Köln und Opladen, Westdeutscher Verlag, 1970.
- MACKINTOSH, John P.: *The British Cabinet*. - London, Stevens & Son, 1962.
- MACKINTOSH, John P.: *The Backbencher and Parliament*. Edited by Dick Leonard and Valentine Herman. Chapter on 'Parliament now and a Hundred Years Ago'. - London, Macmillan, 1972.
- MACKINTOSH, John P.: *The Devolution of Power*. - Charles Knight, Hodder & Stroughton, 1968.
- MACKINTOSH, John P.: *The Government and Politics of Britain*. - Hutchinson University Library, 1974.
- MACKINTOSH, John P.: *The Intellectual and Power*. - Analysis of proceedings at the Aspen Institute Conference in 1973.
- MACKINTOSH, John P.: *Modern Parliaments: Change or decay?* Edited by Gerhard Löwenberg. Chapter entitled 'Reform of the House of Commons: the case for specialisation'. - Aldine Atherton, 1971.
- MACKINTOSH, John P.: *A Radical Future*. Edited by Ben Whitaker. Chapter on 'Parliamentary Reform'. - Jonathan Cape, 1967.
- MACKINTOSH, John P.: *Towards an Open Society*. Proceedings of a seminar by The British Humanist Assoc. Chapter on 'The Role of Parliament in an Open Society'. - Pemberton Books, 1971.
- MACKINTOSH, John P.: *The Prime Minister and The Cabinet*. - (Parliamentary Affairs. Vol. XXI, No 1, Winter 1967/68.)
- PETERSMANN, Hans G.: *Die Souveränität des Britischen Parlaments in den Europäischen Gemeinschaften*. - Baden-Baden, Nomos, 1972.
- ROSE, Richard: *Electoral Behaviour: a comparative handbook* - 1974.
- ROSE, Richard: *European Politics*. - Edited with M. Dogan, 1971.
- ROSE, Richard: *International Almanack of Electoral History*. - With T. Mackie, 1973.
- ROSE, Richard: *Policy Making in Britain*. - 1969.
- WHEARE, K. C.: *Federal Government*. Issued under the auspices of the Royal Institute of International Affairs. - London, Oxford University Press, 1963.

**SECTION V**  
**SYMPOSIUM SUMMARY REPORT**



## LIST OF SPEAKERS IN DEBATES OF SYMPOSIUM

THURSDAY, 2 MAY 1974

	Page	Page	
<b>Plenary Session</b>			
Formal opening by Mr C. Berkhouwer	276	Burgbacher	288
Chair taken by Professor G. Vedel	277	von Hassel	288
Introductory speech by Professor Klaus von Beyme	277	Predieri	289
Introductory speech by Professor D. Coombes	278	Vedel	289
Preliminary remarks by the Chairman, Professor G. Vedel	279	von Beyme	290
<i>Other speakers</i>			
Dooge	280	Ionescu	290
Faure	281	Steffani	291
Carettoni Romagnoli	282	Humblet	291
Petersen	283	Siotis	291
Mastroianni	283	Premoli	292
Ionescu	283	Thaysen	292
Guizzi	284	<b>Working Group No 2</b>	
Mackintosh	285	<b>'Parliament and Administration'</b>	
Chapman	285	Chairman: Professor J. Kooiman	294
<i>Working Group No 1</i>			
<b>'Parliament as a focus of Opposition'</b>			
Chairman: Professor A. Manzella	288	<i>Other speakers</i>	
<i>Other speakers</i>			
Koops	288	Aigner	294
		Scheuner	294
		Chapman	294
		Aigner	295
		Avril	295
		Patijn	295
		Barclay	295
		Ehlermann	295
			271



	Page		Page
Scheuner .....	296	Resumed Plenary Session .....	307
O'Hagan .....	296	Chairman: Professor G. Vedel .....	308
Kirk .....	296	<i>Other speakers</i>	
Aigner .....	296	Kooiman .....	308
Audland .....	296	Manzella .....	308
Patijn .....	296	Petersen .....	309
Aigner .....	297	Scelba .....	310
Wheeler-Booth .....	297	Vedel .....	310
Flesch .....	297		
Jozeau-Marigné .....	297	<b>FRIDAY, 3 MAY 1974</b>	
Kirk .....	298	<b>Plenary Session</b>	
Chapman .....	298	Chair taken by Professor G. Ionescu ..	314
		Introductory speech by Professor C. J. Friedrich .....	314
<b>Working Group No 3</b>		<i>Other speakers</i>	
<b>'Parliament and Public Opinion'</b>		Faure .....	316
Chairman: Mr Helveg Petersen .....	300	von Hassel .....	319
<i>Other speakers</i>		Gladwyn .....	320
van der Sanden .....	300	Damgaard .....	321
Lenihan .....	300	O'Hagan .....	322
Sarogni .....	301	Friedrich .....	322
Behrendt .....	301	Grégoire .....	322
Lious .....	301	Behrendt .....	322
Tames .....	302	Toncic-Sorinj .....	323
Hjortdal .....	302	Dailly .....	323
Dewulf .....	303	Nederhorst .....	323
Behrendt .....	303	Vedel .....	324
Hansen .....	303		
van der Sanden .....	303	<b>Working Group No 1</b>	
Dooge .....	304	<b>'Working Relations between the European Parliament and National Parliaments'</b>	
Beamish .....	304	Chairman: Miss Colette Flesch .....	326
Behrendt .....	304		
Dewulf .....	304		
Sarogni .....	304		

	Page
<i>Other speakers</i>	
Petersen .....	326
Humblet .....	326
Grégoire .....	327
Nederhorst .....	327
Mackintosh .....	327
Lyon .....	328
Mitchell .....	328
Guizzi .....	329
Peel .....	329
Kooiman .....	330
Lious .....	330
Sarogni .....	330

#### Working Group No 2

#### 'the Powers of the European Parliament in a European Union'

Chairman: Mr M.A.M.J. Dewulf .....	334
------------------------------------	-----

#### *Other speakers*

Chapman .....	334
van der Sanden .....	335
Ronzitti .....	335
Kirchner .....	336
Schwed .....	336
van Erve .....	336
Chapman .....	337
van der Sanden .....	337
Dessart .....	337
Fugmann .....	338
Kirchner .....	338
Chapman .....	338

#### Working Group No 3

#### 'Direct Elections to the European Parliament and the Role of Political Parties' Resumed Plenary Session

Chairman: Mr S. Patijn .....	340
------------------------------	-----

#### *Other speakers*

Rose .....	340
Vedel .....	341
Yeats .....	341
Scheuner .....	341
von Hassel .....	341
Scheuner .....	342
Kuby .....	342
Yeats .....	342
Beamish .....	343
Rose .....	343
Bonvicini .....	343
Kuby .....	344
von Hassel .....	344
Wijsenbeek .....	344
Rose .....	344

#### Resumed Plenary Session

Chairman: Professor G. Ionescu .....	346
--------------------------------------	-----

#### *Other speakers*

Faure .....	346
Patijn .....	346
Chapman .....	346
Flesch .....	347
Ionescu .....	347
Berkhouwer .....	348

<i>Alphabetical List of Speakers participating in the Symposium</i>	350
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**THURSDAY, 2 MAY 1974**

**PLENARY SITTING**

*Plenary session — 10.00 am.*

Mr BERKHOUWER, President of the European Parliament, opened the symposium with the following address:

'Your Excellencies, Ladies and Gentlemen, as host I should really welcome you all personally. However, the number of distinguished people here today is so large that if I were to list all of them we should never get down to the actual purpose of this meeting, which is to discuss European integration and the future of Parliaments in Europe.

I should however, like to make a few exceptions for the representatives of the Luxembourg Government, of the Community institutions and of the other parliamentary bodies, of the Council of Europe, the Western European Union and NATO.

Then I should like to convey my thanks to all those from the academic world who have made this symposium possible in preparatory meetings and by writing discussion papers. I should particularly like to mention Professor Carl Friedrich of Harvard University in the United States and Heidelberg University, Chairman of the European Research Committee of the International Association of Political Science. At the request of the enlarged Bureau of the European Parliament, then under the presidency of my predecessor, Dr. Walter Behrendt, he has from the beginning played an active part in bringing about this symposium.

In giving its formal approval for this symposium, the Bureau's intention was to establish a connection between science and daily parliamentary work. This idea arose specifically in the European Parliament precisely because we all necessarily belong to two parliaments and are therefore faced more than anyone with the struggle every parliament in the world wages anew each day to defend the rights and the political ideas of the citizen.

I should like to make two observations here. Firstly, at this particular stage in its existence the Community seems to be faced with a dark forest of obstacles.

A sense of reality should induce us to admit that the Community has been shaken to its

foundations. Despite all the setbacks we always thought that certain achievements were invulnerable. We have now seen even the free movement of goods—the keystone of the customs union—affected. But *pacta sunt servanda*, and it is the foremost duty of every parliament to point this out to the authorities when they are at fault. This applies both at Community level and to us as representatives of the peoples living and working in the Community.

My second observation is that we should stop tiring ourselves out with crocodile tears about crises. That only leads deeper into a crisis.

If there are holdups, whether or not they are due to default or inactivity by other Community Institutions, then it is our duty as representatives of the European peoples to be the driving force pushing the Community forward. And if we say nothing about failure to implement the Treaties, who will?

It is clear that parliamentarians who must keep up with political life from day to day, cannot always find sufficient leisure and time to make a fully scientific study of these driving forces. It is for that very reason that we have called you together to provide us with new ammunition for our continuing struggle.

In my opinion, this symposium must not be regarded as part of the pause for thought in the process of European unification which some people have been proposing. This is hardly the place or the time to start a discussion on the pause. I am still of the view that in the present economic situation events are succeeding each other with increasing rapidity and that every day we are again being faced with a number of essential decisions. One cannot bring the machinery of integration to a stop or contemplate pauses.

This applies above all to our budgetary powers, which derive from the Luxembourg Treaty of April 1970, creating the Community's own resources. The transfer of revenue from the Member States to the Community should, according to that Treaty, run parallel with the transfer of budgetary powers from the national parliaments to the European Parliament. This agreement was confirmed by the Paris and Copenhagen Summit Conferences and ought to

be observed in due time, before 1 January 1975.

Nor can the political development of the Community, especially as regards the part played by its major institution, the parliamentary assembly, be allowed to stand still. All the agreements made to extend the powers of the European Parliament must be implemented in full.

Now is the time to break out of the vicious circle which is too often used as an excuse. The circle supposedly arises because no powers can be given to a parliament which is not elected, while no one is going to elect a parliament with no powers.

In this space age we must regard further development as a three-stage rocket: powers, elections and the Community-wide political parties these will necessitate. But at any rate the first stage, the powers, is the most important for us at the moment. Nor do they seem to me at all to contradict the present concerns of the Community.

Any government which wishes to revise the Treaties in any way must accept the constitutional and institutional consequences of this demand. The Treaty of Rome itself lays down the ways in which modification of the Treaty is possible, and an essential part in the modification procedure is assigned to our Parliament. Accordingly, every country which is a member of the Community, and in particular a country which is in favour of modifying the Treaties, should be fully represented in all Institutions of the Community. This also implies that all the parliaments of the Member States, as long as the Treaty obligation of direct election has not yet been met, should appoint from their midst a full delegation to the European Parliament with a numerical strength in accordance with Article 10 of the Act of Accession.

Ladies and Gentlemen, the symposium which I have the privilege to open is devoted to the position of parliaments in the new Europe. This is a very broad topic. Parliamentary democracy is a delicate and precious thing. Let me say in passing that all is not dark here. The recent developments in Portugal have thrown some hopeful light.

You are going to discuss parliaments. The important thing for me at the moment is the relationship between the parliaments of the Member States of the Community and the parliamentary democratic control institution of the Community, the European Parliament. There is too little awareness that important aspects of national parliamentary control have been dropped in the process of European integration, without the lost powers being replaced by our Community-level powers. A vacuum has thus arisen in parliamentary democratic representation in the Community. If government by consent is important for parliamentary democracy, there is a clear failing here.

I hope that the theoretical and practical experts gathered together here will not only devote the necessary attention to this matter of vital importance for our European members of parliament, but also be able to arrive at practical proposals and solutions.

*It is in that hope that I declare this symposium open.*

Mr BERKHOUWER passed the Chair to Professor VEDEL.

Professor VEDEL, honorary Dean of the Faculty of Law and Economics, University of Paris, thanked Mr Berkhouwer for the happy introduction given to the work of the symposium, saying that it was for him a great honour to be Chairman of the meeting. Professor Vedel then called upon Professor von Beyme to make his introductory speech to the symposium.

Professor VON BEYME of Heidelberg University then gave the introductory academic address to the symposium.

Professor von Beyme outlined the role which he and Professor Coombes would have to play, namely to draw together the main threads in the studies of the parliamentary institution in the different Member States. He would concentrate on the national parliaments, while Professor Coombes would deal mainly with relations between the national parliaments and the European Parliament.

Professor von Beyme regretted that the paper he had submitted to the symposium on 'basic

trends in the development of the functions of Parliament in Western Europe' was incomplete, because important studies on West Germany, Luxembourg and Italy had not been available when he wrote it; furthermore it had not been possible to draw up a uniform questionnaire for the individual authors. Nevertheless, all the papers showed agreement on the six most important parliamentary functions, variously stressed according to each author's method of presentation.

Modern parliamentarianism had been subjected to strong criticism lately from political scientists (especially in West Germany, France and Italy), and it had been alleged to have lost some of its functions. Perhaps, however, it would be more appropriate to speak of a modification rather than of a loss of functions.

Professor von Beyme then evaluated the six parliamentary functions, concluding that the communication function had been the most seriously eroded (e.g. through public discussion, opinion polls etc.), while the legislative role no longer consisted in laying down general rules affecting *all* citizens but rather in enacting individual laws relating to group interests. The recruiting function on the other hand had grown more important.

A general assessment of the position of the parliaments could not be based solely on a study of the parliaments themselves but must also take into account the underlying social system into which the parliaments were integrated. In the Community there were three different party systems: what might be called the 'two and a quarter' party system with alternating governments; the multi-party system in which all parties were eligible to participate in a coalition, and the multi-party system in which only certain parties were eligible to participate, so that one party enjoyed a hegemony. Obviously the parliamentary institution was strongest in the second type; surprisingly, however, there was a general tendency towards greater cabinet stability.

Political science had come to recognize that there was no ideal type of parliamentary system and that all were open to criticism. The position of parliaments also depended on the kind of interest groups outside parliament; the more traditional the structure of under-

takings and the more capital-dominated the economy, the weaker the parliament's role as mediator. This could be clearly seen in certain cases such as Italy where reference was now being made to 'legislation by the trade unions'.

Parliament's usefulness today could be gauged by the degree to which it represented the underprivileged; modern parliamentarianism could only survive in coexistence with pluralism and the principle of effective democracy.

Professor COOMBES, University of Loughborough, said he would not refer individually to the papers that had been submitted on the national parliaments and say complimentary things about their authors. This he would certainly be justified in doing, as all the papers were of such a high quality, but it was now unnecessary in view of Professor von Beyme's excellent analysis. There were two points, however, that he would like to stress particularly.

First of all, he would like to refer to the choice of subjects for the working groups, and secondly, he would like to comment on the way that academics could organize their studies so as to make them of the greatest possible value both to the national parliaments and to the Parliament of the European Community.

He went on to say that he was honoured to speak under the chairmanship of Professor Vedel who not only enjoyed an international reputation as a scholar in the field of political science but was also head of the well-known Vedel Group. He might have the distinction of being the first Frenchman ever to be appointed head of what had been seen originally as a sort of British Royal Commission, and while the reports of such Commissions were often filed away in obscurity, he felt that this group had had an influence on thinking about Community institutions. What it had not considered was the working of parliament and the political institutions at national level in the Member States. This work could be of great value in leading to an understanding of how Community government can be made to function more effectively. We had a great deal of ground to make up in applying at a Community level what was already known about the working of political institutions at national level.

There was often an unfortunate dichotomy, Professor Coombes said, between the way in which parliament was considered on the national and the Community levels. People who were always ready to spring to the defence of the rights of national parliaments seem less ready to defend the Parliament of the European Community, but parliamentary institutions on the two levels had much in common and this should be realised. Study of the Community in its present transitional phase tended to be left to experts in international relations, but this was undesirable.

Referring to the choice of subjects for the working groups, he said that these were not chosen at random but that they were a result of modern studies on how national parliaments could function most effectively, and it was hoped that by studying these topics, one might pass from an understanding of parliament at national level to a realisation of how much could be contributed to the effective functioning of parliament at European level.

The subject for the first working group was the topic of parliament as a focus of opposition. He said that he might mention in this context the current discussions on the question of 'renegotiation'. Some people were speaking as if this request for renegotiation was something that undermined the entire working of the Community, but it should be seen as no more than the expression of opposition. It should be possible to effect change without threatening the whole structure; parliaments had an important role to play in providing for continuity and peaceful change. He referred to Professor von Beyme's exposition of the elective function of parliament, by which the executive was appointed by parliament, and said that in a parliamentary system the executive and the forces of opposition should be able to sit down in the same place and discuss any matter freely.

The topic for the second working group was parliament and administration and the question of how far parliaments could be effective in control of administration. One instance of this was parliamentary budgetary powers; if these were better understood in the context of national parliaments, they could be better understood at Community level.

The topic for the third group was parliament and public opinion. This would be considered in two ways: firstly, how the public could have access to parliament and how far the parliament was responsive to the voice of public opinion; secondly, how the parliament itself communicated with the public and kept the citizens informed of its proceedings and of its views.

Professor Coombes went on to say that he was the last academic to speak that morning and that he was glad to be followed by practising parliamentarians. He said that the study of parliaments by academics was something that was now coming back into fashion in political science, but that it was important that it should always be carried out in conjunction with the practitioners of the art of politics.

He cited the example of the British Study of Parliament Group of which he himself was a member, saying that it had published some valuable studies on national parliaments and that it worked in harmony with the Hansard Society for parliamentary government. He referred to a research programme about to be undertaken by the Hansard Society on the subject of the future of parliamentary institutions in Europe, to be financed by the Ford Foundation; he was in fact relinquishing his professorship to direct this research programme. He also referred to similar studies being carried out in other countries, notably in France by the Centre des Études Parlementaires and in Germany by the Vereinigung für Parlamentsfragen.

He concluded by saying how significant it was that these studies were being carried out, especially in view of the close collaboration between academics and practical politicians that went into them, and expressed the hope that the meeting of minds between academics and parliamentarians at the symposium would be very valuable and fruitful.

The CHAIRMAN introduced the general debate by pointing out that the parliamentary institution itself was undoubtedly undergoing change. He suggested therefore that the debate might well be centred on this concept, and, with this in mind, proposed five subjects for discussion:



- (i) what is the use of a Parliament today?
- (ii) what is the use of a Parliamentarian?
- (iii) what techniques exist already or may be devised which may give the parliamentary institution more public impact?
- (iv) is the parliamentary institution an influence for integration?
- (v) any other topic which might be proposed by the meeting.

The session was briefly suspended before general discussion was resumed.

Mr DOOGE, Chairman of the Irish Senate, said 'My first words today must be words of thanks and congratulations to you, Mr President, and to your Bureau for the initiative you have shown in convening this symposium. The subject of the symposium is one which has been a matter of concern to parliamentarians, whether members of a national parliament or of the European Parliament. The form of the meeting is also a matter for congratulation. If solutions do exist to the problems we are to discuss, then these solutions will be more easily found by calling on the knowledge and the talents of all who concern themselves with the work of Parliament. Gathered here today we have Presidents of the national parliaments and their deputies, members of the European Parliament, Secretaries General of the parliaments, and academic experts from many countries. All of these have a contribution to make to the formulation of the lines along which the democratic institutions of the Community should evolve.

Procedure, practice and conventions differ from parliament to parliament. Under the convention of our parliamentary institutions in Ireland, the Presidents of the Houses are precluded from discussing matters of policy that are the subject of debate between political parties. It is fortunate, therefore, that many matters in regard to the Community and the European Parliament are widely agreed upon in Ireland, so that I can speak on such topics without breach of this convention.

As all present are aware, the people of Ireland voted by referendum in favour of membership

of the Community, the vote in favour being over 80%. It is generally agreed that they were moved to do so not merely because of the real economic benefits to be gained from membership, but also because of a real belief in the ideal of a united Europe. We in Ireland have always maintained a sense of identity with Europe. It has been a very long time indeed since the island of Ireland was physically separated from the land mass of continental Europe. It is quite some time since the ancestors of the Irish people abandoned the heartland of Europe and retreated to the western edges of the continent. Despite this, the Irish people have down through the centuries maintained a sense of kinship with Europe. The fact that there is another island between Ireland and the mainland of Europe did not diminish this sense of kinship and indeed at times helped indirectly to nourish it.

We hear much nowadays of the need for a sense of participation by the public in every political and social organisation. All too often the voters feel less and less identified with those who are referred to as their representatives and members of national parliaments have difficulty in maintaining a sense of identity with their electorate. This problem is naturally intensified within the Community where it was necessary not only to found institutions but also to develop traditions. It may be readily agreed that the indirect mandate of the members of the European Parliament and the indirect mandate of the Council of Ministers are too tenuous to give the members of the public a feeling of participation in the Community institutions. Failure to remedy this situation, failure to solve this problem, failure to create a real sense of belonging will inevitably result in a stagnation under which the Community will become incapable of fulfilling the hopes of all our peoples.

What can be done during the next two days is to make a start in regard to this problem. Any attempt to do more would be to risk disaster through an over-simplification of the problem. It is not our task in this symposium to reach a solution but rather to ensure that the search for a solution is well begun. If we do this by frank discussion and careful listening, we will have made a real contribution to the solution of the problem.

Such a solution would be of value not only to the European Parliament but also to the very life of the Community, since failure to find a solution would rob the Community of any lasting vitality. To find a solution for this problem of participation on a European scale would also be of value to the national parliaments. Many members of these parliaments are concerned with their increasing alienation from their electorate, but are inhibited by the rigidity of their institutions and the inflexibility of their traditions from adapting to meet this new situation. Solutions of these problems on a European scale could be of value in pointing the way towards solutions on a national scale as well.

It is for these reasons, Mr Chairman, that I conclude these few remarks as I opened, by words of thanks and congratulations for the initiative shown by the European Parliament in relation to this important and pressing question.'

Mr FAURE, President of the French National Assembly, said, 'I should like to speak this morning, Mr President, because I attach great importance to this symposium which Mr Berkhouwer has had the happy idea of convening and I propose, as I have already indicated to you, to present a paper tomorrow, to which I attach a certain importance. As far as today is concerned, I gladly take up your invitation, but I do not know whether I shall be following a very rigorous method in dealing with the five points you set out a little while ago. I recall your asking what purpose a parliament served and also, I believe, what purpose parliamentarians served. These questions are closely linked. I would answer in this way: the parliamentarian is essentially a mediator, a mediator between the citizens and constituted authority. This mediator exercises his role in the two different situations that may exist: either he is the creator of this power, in which case the power emanates from parliament, or he is not the creator of this power, if such power has another basis; in both cases, the normal role of the parliamentarian is one of mediation. Now, the problem is posed today in different terms from those of the classical hypothesis, the well-known hypothesis of the philosopher Alain, namely the citizen against the constituted authority.

What has changed are the techniques of power: power has exceptional technical resources at its disposal. The parliamentarian must, therefore, be the mediator between the technical element of a problem and the non-technical element of that problem, i.e., its emotional content. Problems cannot be solved without the aid of the decision-making techniques provided by computers and other means. But account must also be taken of the non-technical aspects of a decision. If it is proposed to demonstrate to a man, by means of a computer, that he is happy although he knows he is not, he must be able to say so. One aspect of the parliamentarian's role which corresponds to this notion is often held up to ridicule and this is very wrong—I refer to the aspect which consists in informing the public or in transmitting its demands concerning the trivial matters of daily life. Fun is often made of parliamentarians who are all day long forwarding letters about social insurance matters. The first letter I received was from a man who wished to change an artificial limb which he was given as a result of a war injury. People said: 'How ridiculous.' I said: 'It is not at all ridiculous,' because if this man has to apply to a Deputy to settle such a simple matter, that proves that the administration is not functioning properly. In reality, those of us who study their role in a scientific sort of way are well aware that each petition has no great importance in itself, but we have adopted the habit of calculating the number and drift of such petitions. If, out of 100 letters I receive, 50 are about hospitals, I can be sure that the hospital administration is not functioning properly. At the moment, most of the letters we receive have to do with education, which proves how important this question is to the population and also that it is not being dealt with satisfactorily, especially in rural districts. I shall leave this question and return—trying not to exceed the time allotted to me—to the concept of the parliamentarian's role in parliament.

There is, first of all, a political role which is perhaps to create or dissolve authority. At present, in France, we no longer have the role of creating authority, but we still have a dissolving role. We can thus dismiss a government—which is basically a control function—when we feel that the governmental authority, which does not emanate from us, ceases to discharge

its proper mandate from the people. Leaving aside this political role, I shall dwell briefly on the legislative role: at one time, the only role was a voting one. A deputy voted for the law or against it. The procedure is now more complicated and the important role of the parliamentarian just as important as voting legislation, is, at the higher level, the elaboration of legislation and, at the lower level, control of its implementation. The parliamentarian must be better associated in the process of elaborating legislation, failing which the technician imposes his project and parliament cannot adequately amend it. We have examples of this, at least in my own country. And, after a law has been enacted, parliament and the parliamentarian must be able to control its implementation. It sometimes happens, at least in our country, that a law is not put into effect for one or two years, failing an implementing decree, or that it is distorted by implementing decrees. This is where the parliamentarian fully comes into his role of mediator, because what interests the citizen is not whether a law has been passed but how that law applies in his own case. I shall say no more on this subject, except, as it were, to prepare the address I shall be giving tomorrow by pointing out that this role of mediation between the technical and non-technical elements in problems, a role which characterises the parliamentarian in the national context, must be assumed within the European framework, for Europe must not be built simply on a technical level. If there is sometimes alienation from our problems, it is because the public is not particularly interested, for example, in calculations about agricultural refunds. Europe must be technical, but it must be more than just a technicality and this is the parliamentarian's role, to establish yet again a link between the technical and the subjective; it is on this subject that I shall make a concrete proposal tomorrow. Thank you, Mr President.'

Mrs CARETONI ROMAGNOLI, Vice-President of the Italian Senate and Member of the European Parliament, thanked the European Parliament for having arranged the symposium. She said that the grave crisis through which Europe was passing could only be resolved at the political level, even though something

could also be learned from a study of its technical aspects. One of the main concerns of public opinion in Europe was the transfer of powers from the national parliaments to the Council of the EEC, that is to say, from a parliamentary to a non-parliamentary institution. Although pronounced legitimate by the Italian Constitutional Court, the process had perplexed many students of political affairs and politicians.

She went on to point out that the problem of parliamentary control over Community acts had engaged the attention of the Italian Senate and the Chamber of Deputies. In 1968 the Senate had set up a standing committee on European affairs, initially with advisory powers only. In 1971 new rules were drawn up giving the Committee extensive new powers, including the authority to report back to the Senate. In point of fact, the Committee discussed the Foreign Minister's report at its meetings and drew up its own report for the Assembly, outlining the objectives which the Government ought to be pursuing and commenting critically on past action. The members of the Italian delegation to the European Parliament took part in those meetings. In its advisory capacity the Committee was called upon to deliver opinions on bills concerning Community matters, on resolutions of the European Parliament and of other European assemblies as well as on regulations and directives published in the Official Journal. In addition to this, it could initiate a debate on Commission proposals or on Community matters at the request of eight senators or a fifth of the members of the delegation to the European Parliament, this debate being held in the presence of the Minister responsible. The Committee could also organise fact-finding surveys but it did not pass resolutions. For corresponding measures taken by the Chamber of Deputies, the speaker referred her listeners to the study carried out by Professor Manzella.

Mrs. Caretoni Romagnoli concluded by observing that the national parliaments were also going through a crisis, caused chiefly by the expansion of society. But answers to both national and Community problems could only be found if they acted with firm political resolve, conscious of the need to make Europe a reality.

Mr PETERSEN, Danish Member of the European Parliament, thought that it would obviously not be possible to engage in a discussion in the limited time available. He regarded the symposium more as the first of a long series of joint attempts to clarify and then to act on the very general subject on the agenda.

He said that parliaments' working methods had not kept up with developments. It was difficult to change them since traditions were deep-rooted. Parliaments' decisions affected the daily life of citizens, but it was difficult for them to change their own working methods.

Parliaments usually devoted too much attention to detail and lacked a broad vision. The power of organisations and the dependence on other countries also escaped their attention.

Members of Parliament did not have an overall picture, since committees were formed according to the spheres of responsibility of the Ministries. In his opinion a great deal of valuable and factually sound work was done in committee, but at the same time a comprehensive approach was lacking. It was not realized that the whole was more than its component parts and that changes in one part often affected another. This meant that parliaments had constantly to adapt and revise decisions adopted, which in turn could mean that the electorate was not sure what actually was intended.

In his opinion, parliaments devoted most attention to current business and thus often failed to consider long-term issues which in turn made it difficult to solve short-term problems. He felt that the Community had considerable responsibility in this sector and should initiate a progressive debate. Democracy was not a once-only gift; it had to be fought for continually, he concluded.

Mr MASTROIANNI, a lawyer employed on the staff of the Italian Delegation to the European Parliament, said that in his introductory remarks the Chairman had clearly spelt out the chief purpose of the symposium, which was to find new ways and means of developing the European Parliament. The speaker noted that highly effective procedural instruments were already to hand, such as resolutions, agendas, and the budget debates, by means of

which Members of Parliament could initiate useful dialogues with their respective governments and compel them to take a more practical approach to the problems of Europe.

But this was not enough. In order to achieve practical results 'political will' was necessary, but even this was of no avail unless it was backed by effective 'political power'. This had its source in public opinion, the one force which gave effective power to representative bodies and gathered to it the full forces of capital and labour as the key protagonists on the political scene. But the European Parliament was screened off from public opinion, which meant that people were not directly aware of what it did. The Press, for instance, was a channel for conveying information, but so narrow that very little reached the public.

It would help a lot, he said, if the European Parliament's debates were televised. One of the many advantages of this would be that it would give viewers a keener awareness of what was happening in Parliament and would improve the quality of the debates.

In this connection Mr Mastroianni reminded his listeners of the enormous power enjoyed by the United States Congressional Committees as a result of live screening of their meetings. He realised that this would hardly be feasible over the usual television channels, but one possible way of doing it would be by cable television.

The speaker maintained that there were no insurmountable technical or financial obstacles to a project of that kind. It would give a large number of Europeans the opportunity to familiarise themselves at first hand with the problems of Europe.

He concluded by stressing the vast power which the European institutions would derive from such a close and intimate relationship with public opinion and the effective contribution which it could make to the achievement of that European unity to which they all aspired.

Professor IONESCU, University of Manchester, began by saying that he would deal with question four which he considered to be the most relevant of the questions raised. Question 4

concerned the integrative effects of parliamentary systems in Europe; the most important task was to examine the functions of the European Parliament as they existed, but these had to be related to the functions of the national European parliament today.

Professor Ionescu then went on to say that various bodies were interested in the functioning of national parliaments today.

He hoped that on the first day of the symposium, they would deal with national parliaments as they now operated and that on the second day they would investigate these functions. They might discuss, for instance, what Parliament ought to be.

Parliaments were historical expressions or mirrors of the history of their nation. They had influenced the building of nation states. The speaker illustrated his point by referring to French history, in particular the French revolution. He described how the Jacobin party, France's first national political party, was formed out of the Breton regional group. Subsequently, the French National Assembly abolished through the Le Chapelier law the professional associations, guilds, syndicates etc. They were viewed as useless relics of the past.

The speaker then referred to the English Parliament which had the longest historical continuity. In general European governments had successfully administered their nations' affairs and had enabled their countries to make great progress.

Decisions were imposed in a sovereign way on everyone, everywhere.

But, society had changed and was still changing. Decisions made by governments were being challenged, sometimes even defied in modern industrial societies. Such decisions were less effective and less real.

Two kinds of forces operating in national societies were to be considered:

- 1) International forces where events in one country could 'blow off course' the policies of another country.
- 2) Corporate forces. The modern technological society had enabled these forces not only to influence but to impose decisions.

There were three kinds of corporate forces:

- 1) Firms or corporations,
- 2) Local Government, especially regional authorities,
- 3) Trade unions or syndicates.

All these forces sought autonomy which implied de-centralisation; they were sometimes indifferent, if not actively hostile to national parliaments.

In modern society multinational corporations could impose decisions on nation states by transferring capital and investments from country to country.

Regions could refuse to implement national legislation, or would prefer to have their own parliaments. Trade unions imposed decisions by interrupting the functions of society until they gained their ends. These bodies doubted the present importance of parliament.

Members of parliament were sometimes responsible to particular interest groups, trade unions or regions. In some cases the representative might become a delegate.

Parliament should continue to be a forum and not become an arena of confrontation. Modern parliaments were undergoing a kind of disintegration. A new type of parliament was needed with new institutional devices. The European Parliament might look for new approaches.

In his address Dr GUIZZI, of the Italian Chamber of Deputies attempted an answer to the question whether Parliament could be regarded as a force for integration. Judging from experience in France and to some extent also in Italy, he would have to deny it. The speaker's view was that the causes of the crisis of Parliament and of the Community were not technical but purely political. In practice, what this meant was that we were reluctant to admit that the realities of politics had changed profoundly and that we were faced today not with classical parliamentary rule but rather with a government of political parties.

Dr Guizzi went on to say that the Community seemed at this point to be marking time. There was a lack of political resolve to make Com-

munity instruments function effectively, and the political parties seemed not to be conscious of a European dimension. He felt that if the process of integration were to be got under way again, a more important role would have to be given to the European Parliament. This would also be to the advantage of the national parliaments, whose powers had, to some extent, been transferred to the Community.

Dr Guizzi concluded by saying that what was at stake today was the very survival of the democratic system, both at national and Community level. It was essential that all political forces should move speedily to fill the present vacuum, thus forestalling other forces, which in many cases stood for purely sectoral interests.

Professor MACKINTOSH, University of London and Member of the British Parliament said that he wanted to take up a point made by Professor von Beyme when he had said that his view of the powers of the U.K. Parliament was too pessimistic; in fact he felt that it had been over-optimistic.

He wished to make the following points concerning the threats to the British Parliament. In the first place the main function of the House of Commons was as an arena of political conflict; it was not a decision-making body. Governments now met pressure groups outside parliament and took decisions outside. Under the previous Conservative administration this had been known as tripartism—a system where the Prime Minister met, for example, trade unions and employers at No 10 and a bargaining process took place—this was in fact a legislative process at the end of which parliament was asked to endorse the decisions taken. The new Labour Government behaved in the same way when they incorporated their agreement with the unions into their election manifesto and then expected the new parliament to endorse this. Such behaviour reduced the importance of parliament; he could remember the chairman of the group of miners' MPs being excluded from talks between the miners' trade union and No 10.

And now the party in power believed in a new principle, that of the referendum. Hitherto, matters had been settled by a majority in the

House of Commons but now they might be settled by a majority outside Parliament; this was an attack on the principles of parliamentary democracy.

In all western countries Parliaments had lost power to the executive and to pressure groups, but it might be possible to arrest this process. For example, in the case of Britain, entry into Europe might have helped for a while. Legal powers might have been lost, at the same time new areas for parliamentary discussion might have been opened up. An example of this was that since 1947 the British Minister of Agriculture for three months in the year did not see any MPs with agricultural interests while he was negotiating prices with the N.F.U. Now, however, the discussion of agricultural prices was a European matter and British MPs knew the arguments in Brussels and could make their views known. But this could only be successful if the British Parliament would adapt its procedure to handle Community legislation; unfortunately, this had not happened as Parliament had not allowed for proper detailed scrutiny. All they would have was between six and twelve debates a year on issues which excited political controversy. The trouble was that while that followed the pattern of parliament's conduct on domestic issues, in the latter case, the executive had a majority in the Commons to defend its position but the EEC Commission had no one to put its case in the House and so the whole process could be negative and not only be inadequate as a scrutinising process but also negative as regards European policy-making.

Professor CHAPMAN, University of Sussex, said that as an academic and an ex-MP, he wanted to speak frankly to the parliamentarians present. They had been asked what was the use of Parliament. They had to consider the six functions of Parliament and to get the balance right. The first three functions were direct controls over the executive, namely the life of a government, its composition, and rules to control it. However, both in the European and national parliaments, they had tended to forget the other three functions because all MPs were Ministers manqué. Committees laboured over texts which nobody would read and in the case of the European Parliament they worked in parallel with the Council and

the Commission showing how they would govern if they really did.

There should be greater communication between citizens and government and there should be confrontation between government and opposition in Parliament allowing the electorate a real choice. Parliament's investigatory work in committee could also be improved, they spent too much time in the necessary work on legal texts but not enough on investigation: he cited the common agricultural policy as a case in point. The same was true of inflation

where committees would have better occupied their time investigating and reporting after hearings in various countries of the Community rather than with broad economic reports which said nothing effectively. They would have to see what needed to be done to keep the balance right between the search for political power and a proper investigatory role.

The Chairman thanked Mr Chapman and declared the plenary session adjourned until 5.00 p.m.

**THURSDAY, 2 MAY 1974**

**Working Group No 1**

**'PARLIAMENT AS A FOCUS OF OPPOSITION'**



*The meeting commenced at 3.00 p.m.*

*Chairman:* Professor Andrea MANZELLA, attached to the Italian Chamber of Deputies.

The CHAIRMAN reminded the meeting that the topic for discussion in Group 1 was Parliament and Opposition.

In his introductory remarks he observed that in a changing Parliament the Opposition was also changing, adding that there were two main factors making for change in the traditional relations between opposition and majority. The first was political and had to do with the emergence of what was known as extra-parliamentary opposition in all its various forms; the second had to do with the existence of corporate bodies of various types and with the fragmentation of public power, which today was wielded through a greater variety of channels (public undertakings and regional authorities were cases in point).

These two factors gave rise to major problems for majority parties and opposition parties alike.

Such experiments as the 'Grand Coalition' in Germany or the recent attempt at 'historical compromise' in Italy showed an awareness of this on the part of the political parties, even though opposite reactions had occurred in various countries in an attempt to break the pattern (regional referendum in France during the crisis of the first Gaullist period; forthcoming divorce referendum in Italy; mooted referendum in Great Britain on the renegotiation of terms of entry to the European Community).

A further point was that the opposition had begun to take a different approach to traditional parliamentary machinery (watchdog function, legislative process, etc.), seeking to use it as a means of sharing in decision-making processes.

The Chairman invited the members of the working group to comment on and explain similar changes within their own national parliaments.

Mr KOOPS, Clerk to the Second House of the Dutch States General, drew attention to the

fact that in several countries there was a minority government with the majority in opposition. The term 'minority' is therefore not always identical with the term 'opposition'. He would therefore like to define the term 'opposition' as follows: parties not represented in or without allies in a government.

Mr BURGBACHER, German Member of the European Parliament, asked the following questions:

- 1) Was democracy the control of the minority by the majority? If so, who took account of whom?
- 2) What did the working group think of the 'imperative mandate', under which parliament or the individual delegates were not responsible to their own consciences as under the 'free mandate' but bound by specific instructions?
- 3) Was democracy compatible with the fact that there were now forces which claimed a political mandate without being politically accountable to anybody?

Mr VON HASSEL, Vice-President of the German Chamber of Deputies, answered Mr Burgbacher's second question as follows: He had seen in the Federal Republic of Germany the vital need for every parliamentary democracy to reject an imperative mandate. Parliament could only function on the basis of free decisions dictated by the conscience of the individual.

The protection of the rights of the minority was the first essential in a parliamentary democracy. When his party had been in the majority in the Bundestag it had been particularly concerned to defend the minority.

Today, however, he had observed that the present majority, which had formerly been in opposition, often neglected the rights of the minority. The delegates of today's majority coalition came with preconceived, one might even say pre-agreed views, to committee meetings and automatically rejected the opposition's arguments. The present majority's practice of deciding in advance what stand to adopt could be explained by the fact that they had not always been sure of their majority. But even

when they were sure of it they constantly felt compelled to demonstrate it by a united stand.

The next speaker was Professor PREDIERI from the University of Florence, who took up the chairman's suggestion for a discussion from various angles of the situation in the various national parliaments, especially in the Italian parliament with its apparently curious relationship between majority and opposition.

In Italy, there is a large and powerful party of the Left which is seen by some as being frankly hostile to the system. At the same time the majority party has enjoyed unbroken power. What we are witnessing in Italy today is a process, operating through the production of legislation, in which the party of the Left is being integrated into the government majority.

The Italian parliament produced about 220 laws every year, a remarkably high figure.

This he saw as a response to the demands of the system; other countries, such as Britain or the Federal German Republic, have tended to produce fewer laws and a greater volume of delegated legislation.

The majority of Italian laws, about 77%, are adopted in the various parliamentary committees.

Legislation was to a great extent narrow and sectoral; 40% of the laws passed being no more than largely administrative provisions, adopted under the influence of pressure groups; the result is that major debates on important issues are frequently not held at all or postponed. It should be added that 33% of all laws are initiated by Parliament and that 42% of them are passed with amendments.

The conclusion from this, he said, was that the pressure groups, as the real initiators of sectoral legislation, brought pressure to bear on majority and opposition alike.

Discernible through this body of legislation is a genuinely effective association between opposition and majority in what could be termed administrative activity. While opposition to the government at present takes in about 45% of the Parliament, legislative opposition is con-

finied to 20%, in other words 80% of bills go through with the support of all political groups in parliament. The line of demarcation between government and opposition is therefore much different from the traditional concept.

This, he argued, bore out the contention that in discharging its legislative function the Italian parliament kept hold of its crucial function as a mediator, despite all the changes that had occurred.

In certain respects the Italian parliament did not conform to the traditional British pattern, nor even to that apparent in the French Fifth Republic or in Germany. It could be more readily compared with the United States Congress, with the sole difference that the latter had a very different relationship with the executive and enjoyed great stability, whereas in Italy there was a government crisis on average every 319 days.

Whether it deviated or not from the standard model, the Italian parliament did have one destructive feature—the degree to which it could be penetrated by pressure groups; these formed a sub-system entirely outside the party system and acted on Parliament in such a way as to produce a measure of cross-fertilisation between government and opposition. In this way they enhanced the government's role in integrating and mediating between the various political forces.

The Chairman then called Professor VEDEL who sought to give a definition of the notion of opposition. He pointed out that there were, in fact, different types of opposition: internal opposition in the party, as in the single party system; opposition to the government and to the majority, which was what we most naturally understood by the term; opposition to the regime and, finally, opposition to society, which could also be designated as 'protest' and emanates essentially from young people.

Opposition always existed; nowhere was there unanimity. The speaker stressed the fact that the traditional opposition to the majority within our parliamentary system was only a special instance of the general opposition situation. It did not call in question the rules of the game. Professor Vedel then looked into

the conditions of maintaining such an opposition within the strict framework of the British type of parliamentary system. These conditions were, as he saw it:

- 1) the credibility of a change of government;
- 2) the possibility of alternation;
- 3) the existence of an ideology shared by all the citizens of the same country.

The speaker then considered the hypothesis according to which conflicts with the opposition were no longer based on party ideologies, i.e. on antagonism between the majority and the opposition, but on antagonism between the executive and parliament. In other words, the executive as such would constitute the majority and the entire parliament the opposition.

Consequently, within the framework of an integrated Europe, parliamentarism could follow two divergent paths. The first was the classic situation in which a parliamentary majority supported the government while the opposition looked towards the future, constituting a virtual majority of the future. The second situation was less classic: parliament became a forum for claims, grievances and compromises where an ideal was pursued in opposition to an executive which governed in terms of the possibilities. This made it possible to avoid the danger constituted in a classic parliamentary framework by the formation of purely national oppositions. The European Parliament might then not be a force in decision-making but a force for putting through demands, a place for channelling opposition, in a pursuit of the ideal, to decisions dictated by circumstances.

The Chairman then called Mr VON BEYME who answered questions raised by Mr von Hassel concerning the right of expression of the minority and the danger of the imperative mandate.

He pointed out that in the Federal Republic of Germany the minority was fairly well protected. There was, in fact, a Charter of minority rights. The minority was able to table amendments which were taken into consideration.

The two-chamber system offered certain guarantees to the opposition, inasmuch as it curbed or modified the majority will. In both the UK and West Germany, an effort was made to consult the opposition, although the latter was not always inclined to associate itself with government policy. Mr von Beyme felt, however, that in times of crisis—and was not the present period a time of crisis par excellence?—the solution of a conflict might be more important than the granting of guarantees to the minority.

Turning to the problem of the imperative mandate, the speaker indicated that he was personally opposed to it, not because it would mean the end of parliamentarism—which had nothing to fear as long as pluralism was guaranteed—but because, on the one hand, it would involve great expense and, on the other, it would make things too easy for the pressure groups: the best organised and most powerful interests would be able to grant or withhold the mandate, as they pleased. The imperative mandate could also be used by party authorities to rid themselves of 'undesirable' parliamentarians.

In large organisations or bodies the imperative mandate could never really endanger parliamentary democracy.

Professor IONESCU asked whether or not oppositions really oppose, if Governments can no longer be said really to govern in the classical sense. Nowadays, in the classical sense of the expression, it was important to distinguish between opposition as it existed in parliament and opposition as it existed in modern industrial countries. It had been suggested that corporate opposition might in the future replace the systems based on party opposition. But how responsible to parliament is this opposition and how responsible will it be in the future? It was important to ask what was meant by responsible opposition: opposition which of its very nature was opposed to the system in its entirety should be considered outside it. In the United Kingdom, two recent governments (1964-1970 and 1970-1974) had attempted to involve opposition of a sectoral kind in the business of government. One of the reasons they failed was that the trade unions regarded themselves as being by definition not

capable of forming a substitute government. What kind of opposition could be seen developing in Europe? Quite possibly, the European Parliament was better able to act as a forum for interest groups (regional, generational or sectoral) than the national parliaments, and this was something which might be developed. However, it would still be important to reconcile these different kinds of opposition. Professor Ionescu also distinguished between extra-parliamentary and anti-parliamentary opposition. When parliaments showed too much bipartisanship on some controversial issues, extra-parliamentary opposition developed. But extra-parliamentary opposition was not opposed to the institution of parliament as such. It only helped from outside to make parliament aware of questions which agitated public opinion.

Professor STEFFANI, University of Hamburg, commented particularly on Mr Burgbacher's and Mr von Hassel's remarks on the significance of the imperative mandate. He said they had obviously both been speaking from recent experience in the Bundestag. In the past, as now, the opposition in plenary sittings of the Bundestag could generally only consider *faits accomplis*. In the committees, however, it had previously had considerable power to influence decisions, although recently this had obviously been restricted, since the parties of the government coalition obeyed a strict party mandate.

Mr von Hassel had asked what the political scientists meant by an imperative mandate and what they thought about it. A parliamentary mandate authorised delegates to take binding decisions on behalf of others. This authorisation could legally take two forms. It could be 'free', that is, not legally binding on the mandatee. Under the 'imperative mandate', on the other hand, the mandatee would immediately lose his mandate if he failed to comply with instructions.

Mr HUMBLET, Clerk to the Belgian Senate; brought the discussion back to the central theme, namely, the role of the opposition, and made the following observations:

1) To his way of thinking, the imperative mandate was, at least in Belgium, a fiction, for the elected parliamentarian represented

the whole country. However, the political groups were acquiring more and more influence and there was no longer any question of independence, within either the majority or the opposition. The imperative mandate did not, therefore, exist in law, but only in fact.

2) As regards the attitude of parliament towards the opposition the situation of the opposition was roughly that of the government, since it possessed a whole range of parliamentary methods or techniques for making itself heard, e.g. question-time; it could also find expression in all the parliamentary organs.

In conclusion, Mr Humblet felt that Private Members no longer existed, decisions being taken by groups; or, if they did exist, they no longer had any powers.

The next speaker was Professor SIOTIS from the University of Geneva. He first remarked that in referring to national parliaments at this meeting, speakers always had the European Parliament in mind, hoping to discover what could be done specifically to develop its structure.

The speaker distinguished between two types of opposition: opposition to the government and opposition to the regime, though the latter did not necessarily mean opposition to the system as a whole.

This was to look at the whole matter in political terms, but it could also be approached from a more sociological standpoint, by introducing the class concept, for instance, and, with it, a Marxist vision of the world.

However, everyone would agree on one thing, i.e. that in European democratic systems the opposition was seen as the alternative government.

Looking to the future at European level, Professor Siotis expressed concern at the lack of an opposition in the European parliamentary system and, what was worse, of any foundations on which it might be built.

He believed that two serious mistakes had been made. The first was to envisage European Union as a process of agreement, whereas

there were actually quite frequent opportunities for disagreement. The speaker said that Europe could not be founded on consensus; if it were it would not be a democratic reality.

In the second place it had been a serious mistake to see European opposition in terms of antagonism between opposing bodies. Essentially, this approach had deprived us of a genuine democratic system, since it reflected an exclusively institutional line of thought. He seriously doubted whether a genuine opposition was feasible in the absence of a valid alternative.

The Swiss government, he added, might be quoted as an example. Since the end of the Second World War, the government coalition had included about 95% of all political forces in the country. During the last elections however, members of parliament had, in a sense, rebelled against their parties, arguing that the opposition had virtually ceased to play an effective role. As a result, they had looked for other ways of expressing valid opposition. The speaker concluded by suggesting that the working group might consider whether an effective comparison could be drawn between the Swiss situation and that of the Community.

Mr PREMOLI, Italian member of the European Parliament, began by describing the acutely embarrassing situation of the opposition in Italy and the resulting debasement of its parliamentary function. In plain words, the dignity of Parliament was offended and even trampled underfoot, and the speaker quoted in this regard some personal experiences which he had had as chairman of the Committee on Health, all of which pointed to a complete lack of any information service for members of Parliament.

Even questions in Parliament were not answered promptly, and the replies, when given, always took the form of a defence of official positions and were never found

satisfactory by the questioner. Thus, even this major instrument of parliamentary control was being downgraded.

One method of strengthening the opposition would be to give careful consideration to draft legislation submitted by it; in practice, bills submitted by the opposition were dismissed in record time and were certainly not given serious attention.

The speaker concluded by requesting that the opposition should be accorded greater respect and dignity, through better use of existing parliamentary machinery.

Professor THAYSEN, University of Hamburg, stressed that means of strengthening the opposition and protecting its rights did exist. Views differed regarding the crisis in the institution of parliament. It did exist certainly and reforms were needed. Structural tensions had to be overcome through institutional means; there was clearly a future for both the imperative mandate and the opposition. The imperative mandate was, moreover, quite compatible with parliamentary democracy, for democracy involved different kinds of mandate from the electorate. The imperative mandate could be assigned by the electors, the parties or the political groups.

The opposition must be given the chance to influence the legislative process, although it might fail to avail itself of that chance. Professor Thaysen thought it very important to enlighten the general public about the value of the opposition's work and the scope for opposition activities.

The CHAIRMAN concluding the meeting, said that three main issues had been raised; how opposition might best be defined; the increasing power of pressure groups; and how opposition at a European level might best be organised.

**THURSDAY, 2 MAY 1974**

**Working Group No 2**

**'PARLIAMENT AND ADMINISTRATION'**

*The meeting commenced at 3.00 p.m.*

*Chairman:* Professor J. KOOIMAN, University of Delft.

The CHAIRMAN began by making certain announcements about the interpreting system, the speaking time allotted to speakers, the need for speakers to speak slowly and to identify themselves, etc.

Coming to the topic to be discussed in the working group, he said that the subject of Parliament and Administration was not a particularly exciting or glamorous one; at the same time, the basic hard core of parliament's work revolved around administration.

As Professor von Beyme had said in his speech that morning, the legislative function of parliament was receding somewhat into the background and other functions such as the control function were coming to the fore. We might see this control function being exercised in certain important areas, such as, for instance, budgetary administration, the control of long-term planning, the control of day-to-day administration etc.

The Chairman also referred to a threefold distinction made in the matter of parliament's control function—the classical control function, an ad hoc control function and what is sometimes called the 'ante-control' function, which has to do with the checks and supervision that parliament can exercise over long-term planning control for the future.

He suggested that the discussions might be structured along this distinction and invited contributions from all the members of the group present.

Mr AIGNER, German Member of the European Parliament, raised the question of how far Parliaments could still be regarded as an autonomous element in the classical definition of the three different powers. He thought that in a great many states a distinction could be drawn between the government and the parliamentary majority which supported it on the one hand, and the opposition on the other. This division of power was not embodied in the constitution but was evident in political

practice and must consequently be taken into account in any analysis of parliamentary control.

There were also developments within the individual parties which did not conform to a literal interpretation of the constitution. The individual Member of Parliament who wished to have any practical influence over policy had to follow the party line. It was mainly the party leaders who determined parliamentary activity, and their first concern was to gain a parliamentary majority for their party in future elections. This meant in practice that the activities of the groups were very largely determined by their likely impact on the mass media.

Professor SCHEUNER, University of Bonn, agreed basically with Mr Aigner's analysis, but thought there were areas in which parliamentary functions could be precisely distinguished and defined. He then discussed the way in which plans were drawn up and adopted in Parliaments. He referred to the findings of a German commission of enquiry, which in 1972 had recommended giving the 'Länder' parliaments a share in state planning. A recently published report by the commission of enquiry on the need for a total revision of the Swiss constitution contained a similar proposal.

It was essential for parliaments to be able to exercise control over the actual details of legislation. Particularly with long-term budgetary planning—as carried out today—Parliament must be involved right from the start, otherwise it would have no more than an auditing function.

Professor CHAPMAN said that he would like to give an outline of the British experience in the areas referred to by Mr Aigner and Professor Scheuner.

He referred to a special committee set up by the British House of Commons to study the entire question of parliamentary participation in forward planning. The work of this committee highlighted the fact that preventive control was the all-important factor. For instance, in the matter of budgets, only about 30% of proposed expenditure could be changed in a budget at the time when the

budget was announced, as credits would have been earmarked possibly for years in advance for specific expenditures such as education, defence, etc. For this reason, Parliament must be involved in forward planning of these expenditures if it was to have any real control in budgetary matters.

He agreed with the point made by Mr Aigner that party political matters tended to be fought between governments and opposition, even in matters affecting the public welfare generally. People tended to want to score political points, to catch the eye of people who mattered and generally to make capital of the political opportunities afforded by committee debates. However, if the committee was properly constituted and run, this weakness could be minimised. He saw the proper venue for party political battles as remaining in the so-called classical control function situations.

Mr AIGNER pointed out that the European Parliament's power to influence the budget was even less than the figure of 3% might suggest, since the governments had much wider freedom of manoeuvre in implementing the budget.

Professor AVRIL, Universities of Poitiers and Paris, stressed the importance of committee work, where it was easier to bring out the real aspects of problems; once the discussion became public, in plenary sitting, each member of parliament re-aligned himself on party lines.

The CHAIRMAN felt that differentiation between the political and technical aspects was extremely difficult because the very means of planning had become political: even the most technical and new budgetary planning systems had a considerable political element in them.

Mr PATIJN, Dutch Member of the European Parliament, believed that there were great difficulties in discussing and debating general outlines because of the pressures which grew up to force governments and parliaments to change long-term decisions. He cited the example of the closing of the dykes in Holland when environmental pressure groups had recently called into question the decision taken

many years ago. He also talked of the disadvantaged position of parliamentarians, small in number and with small staffs, trying to provide budgetary alternatives in a situation where the administrative expertise of the bureaucracy created a one-sided battle. He felt that administrations never offered two choices to parliaments and that parliaments never asked for such choices.

Mr BARCLAY, Secretary of the UK Delegation to the European Parliament, thought that the British Government tried to give such a choice to the British Parliament by explaining to what degree their estimates were firm or realistic and what major changes to them would be involved by changing the policy. The choice he felt was between a confrontation approach and cooperation both between parties and between parliament and the government. Where party positions were taken up before examination in depth of problems it was extremely difficult to get information and hence to make the policy flexible. He believed that the pre-legislation process of for example the 'green paper' where the government set out its preliminary thinking was extremely useful. He mentioned the committee examination of the proposed tax credit system of the previous government in the United Kingdom where opinions had been sought before firm positions had been taken up.

Mr EHLERMANN, of the European Commission in Brussels, compared the powers of control of national parliaments with those of the European Parliament. He thought parliamentary control depended on three basic factors: the work of the committees, the role of the parties and the position of the government.

Assuming that control by committees was most effective when they met in secret, then the European Parliament's power of control could be considered particularly effective. The same was true of the role of the parties. If it was held that the national parliaments were unable to exercise real control because the position of the government was secured by the majority party, it should follow that the opposite was true at European level where the party system did not apply. The Commission was much more prepared to cooperate with the Euro-



pean Parliament than a national government with its parliament. The Parliament's committees could obtain all the information they required provided they were insistent enough in asking for it.

On this assumption the European Parliament was in a better position to influence the executive than a national parliament.

Professor SCHEUNER shared Mr Patijn's view that it was extremely difficult for Parliament to exercise preventive control because of the uncertainty of future developments.

Professor Scheuner spoke of the advantages of the federal system for the exercise of parliamentary control. The opposition party had more power in the central parliament because it exercised executive functions in the regions and therefore had at its disposal an administration which could provide it with the information required for effective action.

Lord O'HAGAN, United Kingdom Member of the European Parliament, agreed that committees were an excellent political instrument if they would use the powers given to them to get information. He felt that the Commission should work closely with committee chairmen so that the latter could ask for information about Community proposals still in a formative stage. In this way, the committee structure might sometimes be more useful to the Commission vis-à-vis the Council, as suggested by Mr Ehlerman.

The CHAIRMAN felt that there might be some danger to the independence of the Parliament if it proceeded in that direction.

Lord O'HAGAN was concerned that information to the people about the Community was usually provided by national governments and that oppositions should use the committee structure in the European Parliament so that better information for home consumption could be provided if the Commission was willing to be used in this way. This need not affect the independence of the European Parliament.

Mr KIRK, United Kingdom Member of the European Parliament, thought that the main

dispute in Parliament tended to be the political clash between individual parties of the various Member States and that this made comparison between the European Parliament and the national parliaments invalid. He felt that in the national parliaments committees were hindered in their investigatory role by the administration using its majority on the committees to block the investigatory process each time a committee seemed to be getting too close for comfort. He felt that unless the legislative and the executive branches were completely divorced, which he felt unlikely for some time, it would be difficult for parliaments to keep to a purely representational role.

Mr AIGNER wished to examine the reality of the present situation in which powers were divided between national and European levels. He believed that if parliament had a fully investigatory power it could do without certain legislative powers. He mentioned the history of the Equalisation of Burdens law in the Federal Republic of Germany as a case in which governments and parliaments had been and were tied to a decision taken many years ago. He felt it important to establish the role of the national parliaments and then to establish a link between the national and European legislatures.

Mr AUDLAND, Deputy Secretary General of the Commission of European Communities, agreed with the importance of the investigatory power of national Parliaments which he felt should be more fully exploited. He believed that British Ministers, for example, were less worried by set piece debates of one or two days than by in depth scrutiny by specialist committees. He felt there were limits to the extent to which government supporters in a committee could foreclose discussions potentially embarrassing for it. Indeed any sign by a government majority that it wished to stop further investigation would be likely to incite a minority opposition to pursue the matter. He believed that a thorough investigation could often throw up new facts which would cause the administration to accept the need for changes in its policies.

Mr PATIJN, said that most parliaments only thought about planning in the period immedi-

ately preceding an election and then forgot about it. Thus, the administrators had an advantage over them because they continued planning all the time. When a parliament wanted an alternative, it had to refer back to an administration which had drawn up the original. There was normally no independent staff available to advise parliamentarians. He asked whether it was possible for parliament to provide an alternative to a plan it had rejected. He added that planning was out of the question in the context of the European Parliament, because it was only a spare-time activity for most. The best they could do was to react.

He pointed out that planning was central. All the Parliament could do was query and investigate other people's work; the only possible action was rejection.

However, the consequences of rejection were serious, as there had to be an alternative. In fact, one was obliged to refer the problem back to the original planners, and the parliamentarian could do very little unless he had his own people preparing plans.

Mr AIGNER observed that even if Parliament had the right to reject a plan it could not exercise that right since its objections did not generally warrant such drastic action.

Mr WHEELER-BOOTH, Secretary to the British Delegation to the European Parliament, pointed out that since the decisions of the Council of Ministers were supposed to be legally binding, once agreed, it followed that the legislative scrutiny of EEC proposals at the national parliament level had to be pre-legislative in nature. There were some matters, e.g., of a technical nature which were as well considered by civil servants using objective criteria as by parliamentarians. The one place where a parliament could play an effective part in policy formation was in Washington where Congress could have plans drawn up by its large staff without having to depend on the administration.

The CHAIRMAN pointed out that comparison with the U.S. was difficult as the systems were quite different. They also had two bureaucracies to cope with.

Miss FLESCH, Luxembourg Member of the European Parliament, said that Europe had ten bureaucracies, nine national and one European. She then referred to Mr Patijn's point about governments having a monopoly on expertise. She felt the question was essentially what was parliament's rôle—to take part in the actual planning or to consider the alternatives and decide? She felt the latter was the true rôle of Parliament.

Mr JOZEAU-MARIGNÉ, French Member of the European Parliament, speaking in his capacity as former chairman of the Committee on Legislation of the French Senate, reiterating the doubts expressed by Miss Flesch who had questioned whether planning was within parliament's province, mentioned the various ways in which relations between parliament and government were regulated in the different countries. In France, for example, where Articles 34 and 37 of the Constitution organized the separation of powers between parliament and government, the former enacted laws, while the latter issued decrees and regulations. However, whatever the arrangements, parliament always retained control over the use of appropriations. And this power was of considerable importance, although requiring extreme tact in its use. The committee chaired by Mr Jozeau Marigné, preferred prior, direct contact on all contentious matters, not with experts but with the responsible minister himself. The committee then used the budgetary argument prior to any conflict. Successive governments, impressed by this power of control, had often preferred to submit the text of decrees and regulations to the appropriate parliamentary committee for prior opinion. Considerable differences were to be noted within the European Parliament. The community system did not rest on a strict separation between executive and legislative power; the latter, at all events, was not vested in the European Parliament. There nevertheless existed a power of control in the hands of the European parliamentary committees, where a consensus frequently emerged among parliamentarians and members of the executive Commission. It was not, strictly speaking, a form of control but rather one of consultation and preliminary agreement.

Mr KIRK, stated that the British Government had plans to provide funds for the parliamentary parties to have organizations to carry out research and study problems for them—some-what similar to the European Parliament's system of providing secretariats for the political groups.

Professor CHAPMAN, said that a really determined parliamentarian could get any information he wanted. It was not correct to say that only governments could do so: specialist staff were by no means difficult to get.

*The meeting concluded.*

THURSDAY, 2 MAY 1974

Working Group No 3

**'PARLIAMENT AND PUBLIC OPINION'**

*The meeting commenced at 2.45 p.m.*

*Chairman:* Mr Helveg PETERSEN, Danish Member of the European Parliament.

In his opening remarks, the CHAIRMAN suggested that the most practical use that could be made of the limited time available was to have a 'brainstorming' session to get ideas which could be put to the plenary session. For this purpose he suggested the work could be dealt with under two headings: Parliament's access to the public and people's access to their Parliaments.

On the first point, he asked how parliaments could change to make it easier for the general public to follow what they were doing. He asked, too, how parliaments could step up their own information work through the mass media and here he laid special stress on television, special publications and educational institutions.

Turning to people's access to Parliament, he asked how the average citizen could gain easier access to his parliament through public hearings, party organisations and the organisation of general debates amongst the electorate on important issues.

Finally, he asked how the general public could be more involved in the decision-making process, apart from general elections and referenda. Could use be made of cable television? Would it be possible to ascertain what people thought on the very same day as decisions were taken? How, finally, could cable television be used for internal information so that parliaments could see the consequences of decisions they were taking.

Mr VAN DER SANDEN, Dutch member of the European Parliament, wished to confine his observations to the interaction between the work of the European and national parliaments, and the way this work was perceived by the public. He was not advocating full, direct television coverage of meetings of the European and national parliaments. The essential aim was to get the highlights of parliamentary life across to the public. Most parliamentary activities, however, consisted of debates on technical points, which if broad-

cast, would kill public interest in direct television coverage. The middle way would be to transmit summaries of debates. The parliamentarians should not, however, do this themselves, but leave it to the professional parliamentary press.

Summarising, the speaker said that full coverage must be treated with great caution; he called for the introduction of a regular programme on Parliament with clear summaries, as objective as possible and with the principle of fair representation of all opinions being observed by the professional press.

Mr LENIHAN, Irish Member of the European Parliament, agreed that the previous speaker had been right to emphasise the dangers of television coverage of the work of parliament. He also felt that the work of parliament itself might be in danger of being frustrated by those seeking to make an appeal through television screen rather than getting down to the proper business of parliament.

He advanced a case for the provision of permanent radio and television studios in parliamentary buildings in which provision could be made for commentary, summary, interviews on matters of significant topical importance and special interventions by prominent parliamentarians.

He felt too that there was a place for better reporting of the work done by parliamentary committees. In this field there was a big job to be done in educating the public. Parliaments had a dual role to play both in devising legislation and in reacting to matters of topical interest. It was important to improve methods of combining these two aspects of the parliamentary function. He made a distinction between the parliaments of the United Kingdom and Ireland which were, he thought, to be preferred for their methods of dealing with urgent motions and with questions, and those of the countries of the Six which were more effective in their committee procedures to achieve a consensus of opinion. He said that the two aspects of initial comment on topical matters and committee work should be given equal attention.

Mr Lenihan referred briefly to the question of participation and feedback. He did not agree

with the use of referendum except as a means of amending constitutions. He considered that it was an avoidance of parliamentary responsibility to refer back to the electorate matters which the elected representatives should be competent to decide. The presentation of a black and white question to the electorate might so simplify the issues as to be virtually dishonest. Finally, he said that he thought public opinion polls represented a dangerous intrusion into the working of parliament and elections and that they should be banned during election campaigns.

Doctor SAROGNI, from the Secretariat of the Italian Senate, said that the man in the street was completely cut off from parliament and needed to be better informed of what it was doing. Parliamentary problems with all the new and changing factors involved, should be introduced into the schools where interest was keen. Information given in the schools should not only be about the national parliaments but also about the European Parliament.

She saw summary reports of proceedings as a possible means of disseminating information on parliamentary activities. At the present time, however, these summary reports had only a limited distribution, although it would be very desirable that they should reach all citizens.

In Italian constitutional law and in regulations enacted by both Houses of Parliament, provision was made for petitions as a means of expressing 'common needs'. If this practice were to be expanded and given real significance, said the speaker, it could lead to vastly improved relations between the public and parliament.

The Rules of Procedure of the Italian Senate (new 1971 version) made provision for publicising not only the work of the Assembly but also the deliberations of the Standing Committees when these were exercising legislative power.

Dr Sarogni concluded by saying that it was essential to create greater public awareness of the matters discussed at meetings similar to the Symposium.

Mr BEHRENDT, Vice-President of the European Parliament, stressed the need for the work of the groups to be made public. As in Bonn the groups of the European Parliament should issue press releases after their meetings; committees should do the same and it was for the committee chairmen to see that this was done. The European Parliament's press releases might also be published on occasion in the bulletins of the national parliaments. It was more difficult when the Council was meeting at the same time as the Parliament; the Council's meetings naturally took precedence with journalists, as it took the final decisions.

Mr Behrendt thought more use should be made of invitations to members of the public to visit the European Parliament; he thought members of the Parliament should invite not only schoolchildren, students and representatives of interest groups, but also journalists—especially from local papers. He could not agree with Mrs Sarogni that greater use of petitions would do much to improve the European Parliament's public relations. It was most important for the Community's citizens to be able to identify themselves with the decisions made in Parliament; only then would they be prepared to support the State. This was why public relations were particularly important.

Mr LIOUS, Secretary-General of the French Senate, as a former publicity consultant, wished to draw the attention of the participants at the symposium to the concrete experience gained by the French Senate in the field of information and public relations over the past few years.

With regard, first of all, to relations with the press, the Senate issued rapidly drafted communiqués after each sitting and each committee meeting.

As far as audio-visual media were concerned, all experiments so far tried had proved disappointing. The daily televised news bulletins could only broadcast truncated accounts of parliamentary proceedings which were often incomprehensible to the general public.

When proceedings were broadcast in full, the public was found to get bored very quickly. It

was true that certain very topical debates (e.g. on abortion) were likely to interest a great many people but such debates were rare. Nor could there be any question of creating a special television channel for broadcasting parliamentary proceedings. This was not possible for financial reasons.

The experiment tried with the television programme 'la parole est à l'Assemblée nationale', in the form of a political forum, also ended in failure because it very quickly turned into a series of monologues. Another formula was now being suggested which consisted in bringing one or two parliamentarians into extra-parliamentary discussions.

As to other means of communication and public relations, the Senate had, in 1969, tried experiments in direct publicity: at that time, General de Gaulle had proposed doing away with the Senate by referendum and, in response to this project, the Senate had issued, before the referendum, some 600 000 copies of a publicity booklet. To the same end, the Senate now published a short weekly bulletin presenting the main work of this Assembly, which was very well received. It was now being circulated to about 3 500 people, including journalists and the 'active forces' of the country (trade unions, employers, etc.). The Senate was considering preparing a volume for students with the aim of encouraging them to follow its work. It was also considering organising, in collaboration with the ORTF, a kind of civic instruction course for secondary schools with special emphasis on the parliamentary institution.

Finally, the Senate organised luncheons bringing together representatives of the specialised press and the 'active forces' when an important project or bill was being discussed within a parliamentary committee. This experiment had also proved a success.

Mr TAMES, Hansard Society London, said that the Hansard Society was originally formed to promote understanding of the work of parliament. It had thirty years of experience and it was ready to place this at the disposal of others.

Mr Tames had the following suggestions to make:

- parliaments should seek advice from educationists and practising teachers on education techniques and materials;
- they should direct their efforts to teachers who were active in civic education and those who trained teachers;
- MPs should be invited to talk to young people. As MPs tended to be busy, the Hansard Society had drawn up a list of former MPs, officials and journalists with suitable experience who were prepared to perform this task.

He went on to say that he thought there was a case for better facilities in the parliamentary constituencies. It was sometimes hard to track down one's MP. The MP was, none the less, the only point of access to the vast and baffling governmental machine.

Parliaments were not the only institutions undergoing a crisis of legitimacy but they were the most visible and they had to restore the confidence of the public, starting with the European citizens of tomorrow.

Mr HJORTDAL, Secretary-General of the Folketing, referred to press coverage of the proceedings of parliament. Nowadays, people had less time to keep abreast of events in newspapers and were not keen on reading full reports of parliamentary proceedings. Journalists therefore prepared summaries, but it was difficult to make them readable without laying themselves open to criticism. The result was often a subjective report expressing the writer's political convictions.

In Denmark television was regarded as an alternative. There was a permanent television studio in the Folketing and programmes could be transmitted at any time. The system had been favourably received, and there was no desire to limit it. In his opinion there had been no abuse of transmissions from the Folketing. Question time especially was of interest to television, which was an effective information medium.

As to the problem of keeping young people informed, Parliament's working methods often seemed to them strange and difficult to understand. The language alone often caused astonishment. Teachers kept schools and

young people informed, and special programmes about the Folketing were transmitted to schools. The Folketing had now decided to transmit a series of programmes for schools showing the progress of a Bill from the time it is conceived until a law is finally enacted.

The CHAIRMAN asked whether any one had comments on the associations of voters and the contributions they made particularly in the selection of candidates.

Mr DEWULF, Vice-President of the European Parliament, said that a Member of the European Parliament was in a paradoxical situation. In the first place, he represented his constituency, and as such was at the service of the electors, who were concerned in the first instance with their own immediate interests. As a Member of the European Parliament, however, he also had much wider responsibilities, but if he moved into other constituencies, his colleagues did not like it. An attempt was, however, made to deal with issues going beyond regional interests. Furthermore, a personality cult continued to prevail among the public. A Member of the European Parliament was thus limited both by his geographical basis and by the jealousy of his colleagues.

On the basis of his experience, the speaker felt that in future the European Parliament would have to work in harmonious collaboration with the national parliaments. The European Parliament was shutting itself into an artificial circle. It assumed that all powers originated from the Member-States, but the national institutions also had something to say. The European Parliament was at present cut off from the national parliaments. It ought however to maintain contact with them, and Mr Dewulf would invite the Bureau to do so. The future lay in absolute harmony between the national parliaments and the European Parliament.

As long as the European Parliament did not have the courage to collaborate with the national parliaments, it would not succeed in its task. Parties also could only achieve their objectives in a European context.

Mr BEHRENDT spoke first about voters' initiatives. He believed that Members of Parliament should enlist the help of experts on the formation of public opinion. A wide audience could be reached by means of public hearings, debates arranged, for instance, as part of the secondary school programme or by employers' associations. These debates worked in two ways, by passing on information to the public and by conveying the electorate's views and encouragement to the Members of Parliament.

Voters' initiatives had been highly successful in the 1972 elections in the Federal Republic. Even the practice of carrying placards—as in American elections—helped to enlist the public's participation. Other means which the Federal Republic had found very effective during its last election in 1972 were advertisements in local newspapers, giving the Member's name and position, leaflets distributed in factories, and public meetings addressed by artists and writers.

The CHAIRMAN suggested that experts might be summoned to engage in a public dialogue with politicians.

He then asked the speakers present to explain how their individual countries provided support for their political parties to enable them to pursue informational and political activities. What funds did they receive for these purposes?

Mr HANSEN, representing the Speaker of the Folketing, said that in Denmark state aid was not granted to political party organisations but to provide expert support for parliamentary work, depending on the number of members. During the EEC campaign, however, a certain amount of state aid was granted for information purposes. Youth organisations received indirect aid from local authorities and other sources.

Mr VAN DER SANDEN said that no subsidies were granted in the Netherlands, though the research services of parties represented in the Parliament were subsidised. They received a flat rate payment plus an amount in proportion to their number of seats in the Second Chamber. Fairly large subsidies were granted



for youth work. The latest developments in television technology opened up so many possibilities that as soon as the cost problem could be solved, continuous television reports on Parliament would have to be introduced.

Mr DOOGE explained that in Ireland allowances were granted to political parties on a small scale. These were intended for secretarial services and to some extent for research. A large grant had been made in the year preceding the referendum on accession, to the Irish Council of the European Movement. The small grant at present available to the Irish Council of the European Movement was used largely for the purpose of explaining the work of the Community. In addition, grants had been made directly in the past to bodies such as the Young Farmers Association. A grant was made now to the National Youth Council. The subsidy received by the latter was quite substantial and was allocated by them to various youth organisations. These were the only payments to political or quasi-political organisations so far as he could recall without investigation.

Sir Tufton BEAMISH, British Member of the European Parliament, explained that political parties in the United Kingdom received no support from public funds. The European movement, however, was given a little help. It was his view that the work of the European Parliament was newsworthy but it was given little coverage by the press, radio and television. He wondered whether the public relations organisation of the European Parliament was adequate to discharge its immense task.

The European Communities' information offices in London had done a good job in providing the public with information during the negotiations for Britain's membership of the EEC. Since then, however, their work had declined in quality and scope. The literature was no longer up to date or even relevant. Economic questions were too difficult for the public to understand unless reduced to bread and butter issues such as pensions and food prices. Experts were needed to make such issues fully comprehensible to the public.

Sir Tufton had noted a great deal of interest in Community affairs. What the public required was a simple explanation of events in Europe. The public relations department of the European Parliament was not given enough money to carry out its job satisfactorily. Not only Europe but other parts of the world were interested in European affairs. A recent lecture tour he had undertaken in the United States, especially at a number of American universities, had shown this very clearly. He had been astonished to discover the degree of ignorance of European affairs there. During the course of his visit to the United States he had occasion to visit the Commission's delegation in Washington headed by Mr Krag, a man of great ability. His staff were doing a very good job but it was far too small.

More money and skilled experts were needed to get across to the public the European Community's achievements and goals. Great improvements could be made in this direction both in Europe and in the rest of the world to explain the role of the European Community in the promotion of peace, stability and prosperity.

Mr BEHRENDT said that the German Bundestag financed the staff of the political groups (e.g. the SPD group maintained a staff of 150 assistants) and refunded the election expenses of any party which won over 2.5% of the electorate vote at the rate of DM 3.50 per voter.

He stressed the parties' need for public aid to enable them to perform their constitutional function.

Mr DEWULF said that in Belgium no subsidies were granted to political parties. The Christian-Democrats and the Socialists had asked for a subsidy. There were subsidies for the press. The parliamentary parties were not financed. There were indirect subsidies through the Departments of Culture and of Economic Affairs.

Dr SAROGNI said that a law providing for public financing of political parties had just been passed in Italy with the approval of all the political groups in the parliament, except the Liberals.

In conclusion, the CHAIRMAN thanked all those who had participated in the day's proceedings. The problems with which they were concerned had been intelligently discussed. They had not been expected to reach conclusions but merely to raise issues for further consideration.

Their work would be continued by the Directorate-General for Research and Documentation with a view to further studies. This had been a valuable initiative from which they had all learned a great deal. The European Parliament had benefited greatly.

*The meeting concluded.*



THURSDAY, 2 MAY 1974

**RESUMED PLENARY SESSION**

The resumed Plenary Session commenced at 5 p.m.

*Chairman:* Professor Georges VEDEL, University of Paris.

The CHAIRMAN opened the plenary session by calling upon each of the rapporteurs of the working groups to deliver his summary.

Professor KOOIMAN, University of Delft, first took the floor to report on the discussions that took place in the Working Group on Parliament and the Administration.

Professor Kooiman first stated that giving a summary of the deliberations was a difficult task particularly as far as conveying the atmosphere during the discussion was concerned. The exchange of views by the working group on parliamentary control of the administration was very satisfactory. It had concentrated on three main areas of control namely:

- 1) pre-legislative control;
- 2) *ad hoc* control and
- 3) *post hoc* control (e.g. oral and written questions, etc.).

The working group then expressed the wish to examine the pre-legislative form of control most closely.

The main points which came out during the discussion were the following:

The question of policies—one of the points which was raised was whether in fact parliamentary control actually existed in this area. Frequently governments were not very willing to give detailed information in the planning stages. This was clearly a political problem which was not always clear-cut. However, there were areas of government policy which were more 'non political' than others. It appeared that in the U.K. such policies were tending to be discussed in parliamentary committee meetings. Governments always had to choose exactly the right moment for parliament to come into action. In the planning stages parliament had to be rather ingenious in its relations with the government if it wished to obtain maximum information.

The matter of budgets—budgetary procedures and techniques usually did not allow much room for manoeuvre. The planning and financial aspects of the budget had to be dealt with simultaneously by parliament. A British report did suggest that certain 'non-political' subjects be debated on some days every year. However, politicians had not as yet shown much interest in the long-term aspect of problems. Political life still tended to be stronger than procedural life.

Finally, the rapporteur stated that most participants felt that a determined parliament, whatever forms of procedure existed, could make a real use of its investigatory powers.

Professor MANZELLA, rapporteur for the Working Group which had discussed the role of opposition in parliament, said that the debate had focussed on two topics: the changing concept of opposition, and the influence exercised by pressure groups from outside Parliament on relations between majority and opposition parties.

The changed concept of opposition had been examined with particular reference to the action of political and social forces outside the Parliament. As Professor Vedel had pointed out, the term 'opposition' can be understood today not only in the traditional sense of parliamentary opposition or opposition to the government but also in the sense of social confrontation.

In this connection Professor von Beyme and Professor Ionescu had emphasized the need to draw a distinction between extraparliamentary opposition (or 'sectoral opposition', according to the terminology proposed by Professor Ionescu) and antiparliamentary opposition.

The general conclusion was that these forces outside parliament must be included in any accurate definition of the modern concept of opposition.

The second topic on which the Working Group had concentrated, namely, the influence of pressure groups on relations between majority and opposition, had been dealt with mainly by Mr Burgbacher, Mr von Hassel and Senator Premoli, all of whom had emphasized

the threat of genuinely binding ties between such groups and Members of Parliament the effect of which would be to change the normal dialectic between majority and opposition to the detriment of minorities.

On the other hand, Professor Steffani, Professor von Beyme and Professor Thyssen, arguing from the experience of Germany, urged the need to rationalise this phenomenon—which in a modern parliament should not be regarded as a weakness—by institutionalising the contribution made by these external groups in order to strengthen the representativity of the system.

A third view was taken by Professor Predieri. Referring to Italian experience, he stated that pressure groups operating as an independent sub-system, exercised the same degree of influence on opposition as on the majority. This was changing the traditional pattern of relations between these two component parts of Parliament, as was demonstrated in practice by Italian legislation, 80% of which was passed with a substantial measure of support from the opposition.

The Working Group then sought to transpose these changes in the relationship between majority and opposition to the level of the European institutions. One speaker recalled that Professor Ionescu had emphasized that by expanding the institutional framework, it would be possible to free the relationship between majority and opposition from the constraints imposed at national level. Professor Vedel, on the other hand, had invited the Working Group to consider if the relationship between majority and opposition within the EEC might not be better envisaged as a relationship of opposition between institutional roles. The relationship between Congress and President in the United States could be transposed to the European Community as a relationship of dialectic between Parliament and Commission. Professor Siotis did not agree with this hypothesis and insisted instead on the need to find room in the European context for a politically more advanced opposition, arguing that this was necessary for the Community's development.

The conclusion reached by the Working Group, as reported by Professor Manzella, was

that in a changing parliament, opposition could not but change also. The direct confrontation between the two traditional protagonists of parliamentary debate had been tempered by the weakening of the powers of parliament and even of the government; in these circumstances, an attempt should be made to reconstruct political power on a higher institutional plane i.e. at European level by contrast with Italian constitutional frameworks.

Mr PETERSEN reported on the conclusions of the working group which had discussed the topic 'Parliament and public opinion'.

He said that the debate had not been a very profound one but that some important points had emerged from it. The group had begun with the assumption that the work of Parliament could not be communicated to the public in an interesting way unless the work itself was seen to be interesting and this led to a discussion of Parliament's working methods and their effectiveness. It was pointed out, for instance that speeches made in Parliament were often found, especially by young people, to be very boring and uninteresting, and that it was very hard to make reports of meetings of parliamentary committees into exciting reading.

The group then went on to discuss various aspects of communicating Parliament's work to the public, for instance, communication with youth and the schools, relations with the mass media and with journalism, etc. Various suggestions were discussed with regard to the presentation of more effective and more substantial press reports. It was pointed out that the press was often less interested in the really important aspects of parliamentary work than in sensational or human interest stories, but this was something which must be worked at. Reference was also made to publications issued by parliament and how these could be distributed both at home and abroad to greatest effect.

The group had devoted special attention to the question of interesting youth in the work of parliament. Reference had been made to the possibility of distributing information material to the schools and arranging visits to parliament for groups of young people and making them as interesting and enjoyable as possible.

Another point discussed by the group had been how contact with the public could be fostered in other ways, such as the possibility of more members of the public being present at parliamentary debates. A special instance cited was the idea of having public 'Hearings' of experts. The possibility of having public petitions presented to parliament by deputations from the citizens was also discussed.

The group had concluded by stressing its conviction that parliaments must use every modern means, especially the most modern electronic techniques, to communicate their work to the people they were elected to serve. The work of parliament must be made meaningful to the citizens, especially to the young. This was an essential political problem which every effort must be made to solve.

Mr SCALBA, Italian Member of the European Parliament, made a number of comments on the reports presented to the symposium.

It would be wrong, he said, to judge the European Parliament by comparison with the parliaments of the national democratic states. The European Community was not yet a State, but a political society in a state of evolution. The Community had not yet got a government, and this had many practical consequences. According to the Treaties the Parliament enjoyed advisory but not decision-making powers.

The authors of certain reports had clearly not fully understood the ways in which the European Parliament had developed and the opportunities inherent in certain gains it had made.

Referring to budgetary powers, he said it was true that the Parliament's decision-making power did not extend to more than 4 to 5% of the budget, but it meant that Parliament had the final say with regard to the operation of the institutions, including the Council of Ministers. This meant that the roles of the two institutions had been well and truly reversed. Under the Rome Treaties it was for the Council to approve the Parliament's budget, but today it was for Parliament to approve the Council budget. This was an important political weapon given into Parliament's hands.

Parliament could also reject the entire budget and thus force the Council to negotiate.

Under the Treaty of Luxembourg, it was for the President of the Parliament to record final approval of the budget. Where the budget was rejected by the Assembly, the President simply declared that the budget was not approved, at which point the consultation procedure was set in motion. This conferred enormous power on the European Parliament.

The European Parliament, as representative of the peoples of Europe and the voice of democracy, had already won many successes:

- 1) It had reduced the absolute power of the Council,
- 2) It had achieved a policy in line with the objectives of the Treaties,
- 3) It had worked to improve the living standards of the peoples of Europe,
- 4) It had worked to create a European-minded political class through the unified action of the political groups,
- 5) It has secured for itself powers of co-decision with the Council through the Commission, and
- 6) It had endeavoured to enlarge the Community's area of responsibility which was even more important than its own powers.

Professor VEDEL said, 'Mr Scelba, even if you have criticised the professors, you can be sure that they have listened to you, as has the entire audience, with the greatest interest. I confess that my function is a very unrewarding one; we have a song in our country which runs "He had swallowed a clock"; you may have thought that that applied to me and, if so, I apologize.

I was to have given a summary of the day's proceedings and, in order to keep within our schedule, I shall confine it to the five minutes we have left. This is a pity, because our work is extremely complex, and affords us a great deal of useful material.

What are we left with at the end of the day? I would say this: I have the impression that the parliamentary institution in the contempo-

rary world is considered essential but, at the same time, its exact role is not precisely known. The old system we were used to, born of a series of practices and ideological syntheses, derived from the most diverse countries of Europe, presented parliament at one and the same time (the terms used varied from one country to another) as the expression of the national will, of the popular will, of the mandate given by the electors, etc. It was a fundamental centre of decision-making, it was the place where the system of government came into being.

It must be admitted that this image has been partly destroyed, at least in some countries. We have the feeling that the decision-making system, without ceasing to pass through parliament, makes extensive use of extraparliamentary channels. The rise of governments as centres of decision, the rise of the technocracy (with which we have had little to do today, but which was, I am sure, present in all your minds), the growth of extraparliamentary consultation (examples have been given of governments dealing directly with trade unions and pressure groups), all these factors destroy the old image of parliament at the heart of national decisions. I would add that the opposition itself is decentralised in relation to Parliament. Certain forms of opposition are not integrated in the institutional system: I mean all those (and in Europe, they are quite numerous) which challenge the political system, and sometimes society itself. We are dealing here with extremely powerful forces even in those countries which like to consider themselves safe. Above all, we have an enormous opposition system of groupings which has a fold over the whole of society and produces the rather bizarre result that, when one adds up the number of groupings opposing a government, the opposition turns out to have a majority. Fortunately for governments, the sum of these opposition groups does not make up an overall opposition.

What purpose does parliament then serve? We have been seeking to define its functions throughout today. We have heard about mediation and communication. I would say, for my own part, that parliament, in the uncertain situation in which we find ourselves, and

naturally without overstating the fact that the decision-making system partly escapes its influence has at the same time a personality and a force of legitimacy. As an institution, it is essentially a living being, which is to say that power does not exist in isolation. Power does not stand alone and conduct a monologue: it is always exposed to approval or condemnation. Parliament is also a force of legitimacy. We are aware in all our countries that, even if we are in the minority, even if we are in violent opposition, we are constrained by the fact that, perhaps with a majority of only one vote, it is "the others", I will not say who are right, but who have won the day.

The position of the parliamentary institution in our European countries and, generally speaking, in many other countries too, is both a lesson and a subject of thought for the European Parliament. A lesson because it is evident (and on this point, I feel that Mr Scelba a little while ago exaggerated the professors' desire to systematise) that to seek to model the parliamentary institution on the national parliaments (please excuse this personal opinion) does not perhaps make much sense. It makes no sense first of all because the Community system is something other than the national governmental systems and also because, within nations themselves, the old parliamentary model is outdated and the present model, as we have already said, is seeking an identity and has not yet found its way.

Does this mean that the European Parliament is of no importance, either intrinsically, or in relation to European integration? I believe exactly the opposite, because it is precisely that force of legitimacy which is lacking in Europe. A little while ago, when we were discussing the problem of transferring the powers of the national parliaments to the European Parliament, we raised this very question, and I am sure we shall be discussing it again tomorrow. We also lack the function of representing the governed vis-à-vis those who govern. This is perhaps a vague notion, but it leaves room for the imagination. And, finally, what if the European Parliament were the place where claims are pressed? One may well ask: what claims? Obviously, if we were to become bogged down in sectoral or geo-



graphical claims, it would not amount to much, but perhaps Parliament could be the place where European claims were put forward; this would give it its most profound role, a role it already fulfils but with insufficient vigour, because the development provided for by the treaties have not yet been put into effect.

So much so that, on the evening of this first day, which has been filled with such out-

standing contributions and addresses which I, like each one of you, have particularly appreciated and which have taught us a great deal, I wonder if the problem which is more or less consciously present in our minds, namely what models the national parliaments have to offer the European Parliament, cannot be replaced by another problem, perhaps of a rather dreamlike quality, but possibly a reality of tomorrow: "What model can the European Parliament offer our national parliaments?"'

**PLENARY SESSION**

**FRIDAY, 3 MAY 1974**

*The Plenary Session resumed at 9.30 a.m.*

*Chairman:* Professor G. IONESCU, University of Manchester.

The CHAIRMAN opened the meeting with a reminder about the practical arrangements for speakers. He was pleased to announce that Mr Gregoire, President of the Luxembourg National Assembly, had given those attending the symposium invitations to lunch. He noted that some very distinguished members were due to speak including Mr Edgar Faure but said that there would be a further opportunity for contributions at meetings of the three working groups in the afternoon.

The second day's discussion should go straight to the heart of the future shape of Europe in contrast to what had been heard on the previous day about the state of the national parliaments. This discussion would focus on what the European Parliament was, what it would be and what it should be. He looked forward to hearing the summing up by the three chairmen of the working groups on what the European Parliament in particular should be.

He drew attention to the exhibition in the library of the European Parliament. Professor Mackintosh had commented to him that this provided a complete bibliography on the subject of the symposium.

Professor FRIEDRICH, University of Harvard, paid tribute to other speakers who, he said, had dealt with many of the points better than he could. He referred particularly to Mr Vedel and Mr von Beyme. Like them Professor Friedrich said there had been a very great divergence of experience with parliaments. This made it difficult to draw conclusions for the European Parliament. He was very reluctant to make any prophecies. The public was always asking for prophecies but it was not a promising enterprise to predict the course of events in politics.

Professor Friedrich referred to the work occasioned by the symposium particularly on direct elections and greater powers. He referred too to the issue of relations between the national parliaments and the European parlia-

ment and the attempt to assess the difficulties of this relationship. This was, he said, a long-time issue in the United States where reforms now pending concerned what the relationship between the national parliaments and its constituent components should be. After applying a federal system for over 100 years in the United States neither political scientists nor other experts felt that they had got the right answer. The speaker said it was too early to say what the answer might be.

He then turned to the talk of democracy and the use of such popular phrases as 'participation'. He was surprised about the extent to which practitioners and theorists assumed that democracy was beyond question or doubt. This was simply not true. It was in doubt precisely because democracy meant everything to everybody. He referred to his Russian colleagues in the International Political Science Association and said that in conversation he had now reached agreement with them to the effect that democracy in Moscow was perfect because everyone was satisfied that it was as it should be and imperfect in the United States because there no one was satisfied that it was as it should be.

He went on to speak about the legitimation of government and said that nowadays this was not determined as much as it formerly was by popular elections, as election results did not prove as much as was claimed for them. To-day there was 'success' legitimation, which meant that as long as the system of government worked it was legitimate. It reminded one of the Chinese Emperor of ancient times who was believed to be the Son of Heaven as long as the dams did not break. But when they did any rival was free to set himself up as a legitimate claimant to the throne.

This applied to the European Parliament. It was not necessarily true that what succeeded was right and what was bigger was necessarily better, but this was the philosophy of our time and had to be borne in mind in speaking of the European Parliament, which was bigger than any national parliament.

The critics of the European Parliament were aware of this trend of thought and countered it by saying that if Europe was becoming more prosperous, this was not because of the Euro-

pean Parliament; it would have happened anyway. They asked whether the European Parliament was a good thing at all and added that in difficult historical situations, too much talking was not the most effective method.

The speaker commented on the documents that had been drawn up on increased powers for the European Parliament and said that they bore out what he had been saying—they were extremely well drawn up documents ranging over all the possibilities and factors involved but not coming to firm conclusions.

He went on to say that in some respects, the modern enthusiasm for parliaments was a throwback to the nineteenth century enthusiasm for constitutions. At this point he pointed out that if his hearers were to understand his message, they really needed to be familiar with his theoretical writings as he was using certain political terms in a changed sense, a sense which they did not have in earlier and more traditional writings on this subject. To return to his argument, he said that nowadays success conferred legitimacy, or rather that the former enthusiasm for constitutions and legitimacy was a thing of the past. He pointed to the example of certain twentieth century revolutions and also to the setting up of post-colonial national states in Africa and elsewhere. In these instances, the people setting up these national states had to have a constitution drawn up for them, largely because it was the thing to do, but without any real enthusiasm for constitutional legitimacy. In fact, Professor Friedrich said, much of the blame for the disastrous Nigerian civil war could be laid at the door of the Nigerian constitution drafted in this way.

Professor Friedrich said that Professor von Beyme was right in making the legislative function of parliament only one of its six functions, where formerly it was the first and most important function. He said that nowadays the problem for all modern states was to keep parliaments out of policy making. He cited United States foreign policy as an example and said that it was bedevilled by the unnecessary participation in it of democratically elected representatives. Every man who was voted into Congress by his electorate thought that he had a right to make foreign policy and

the result was chaotic. The weakness of democracy was that the electorates, the masses of people, knew little about the realities of foreign policy making—they felt that they wanted peace but they always seemed to want things that could only be got by making war.

Professor Friedrich went on to ask whether a parliament for Europe was really necessary at all. When the great European nation states were being built up, the concern of the rulers was to muzzle their parliaments and to take vigorous and effective action on their own initiative, and this had been successful in building up the modern European states. As other instances of increased strength and effectiveness derived from by-passing the normal democratic channels and processes, he cited George Washington and Konrad Adenauer. Washington let Congress do the talking, but made the decisions himself, and if he had not done so there would have been no United States. Adenauer also was a true democrat in that he let the Parliament talk but did much of the work himself. He also cited the British Parliament as an example of effectiveness in spite of democracy, rather than because of democracy. He went on to develop his argument about the inherent weaknesses of democracy, which may never be questioned, and asked whether one had to democratise Europe in order to make it legitimate.

When people were arguing about democracy and parliament, no one dared question democracy. No one asked was democracy a good thing although it had often been pointed out that it can only work under special conditions, such as small size, rural population, etc. In the US, democracy was more talked about than anywhere else. However, Jefferson's ideas on democracy were not followed. Almost everyone was an employee today, therefore, there could not be effective democracy.

The speaker said that, when someone advocated the democratisation of an institution, he was really calling for its destruction. Democracy is not lived and if institutions such as General Motors were to be democratised, they would disappear. The big trade unions were the greatest advocates of democracy—but it did not exist within them.

It was fantastic to think that it was possible in Europe. He did not agree that, to be legitimate, Europe had to be democratic; if it succeeded it was legitimate.

Mr FAURE then said, 'Mr Chairman, ladies and gentlemen, I am afraid that this contribution of mine should not be considered as a logical follow-up to the address given by Professor Friedrich, which I followed with much interest. As I explained to you yesterday, I wish to submit to this meeting a concrete and specific proposal, which, for this very reason, is a modest one. I have already had occasion to mention this proposal at a lecture I gave in Bonn, some months ago, and those of you who would like a copy of the document in question, have only to ask for it, since I had some prepared especially for this purpose. This proposal is for the creation of an institute I have called the "European Institute of Parliamentary Research". This institute would be based on the activities of representatives of parliaments, i.e. parliamentarians, and also of university staff, that is to say, two categories which exercise a role of intellectual stimulus and act, as it were, as disseminators, since university staff are in contact with students and researchers, while parliamentarians are in touch with the population at large. These two categories, both represented here, have in common a teaching, informational and mediating role. I defined the purpose of this institute in my first address as an institute of research into parliamentary democracy, the fundamental problems of growth and international relations. This idea fits in well with the concerns that led to the organisation of this symposium. There was perfect, if fortuitous, harmony between the ideas of the President of the European Assembly, in convening you today, and my own suggestion. In short, this institute would be what you yourselves are and would do what you yourselves do; it could extend, organise and exploit the research we have been carrying out together since yesterday. I should like to state the four basic formulae on which my proposal is based: first, the problems of the parliamentary institution exist in each of our countries; it is therefore logical for us to coordinate our work of analysing and adapting this parliamentary institution. That is my first proposal. We could, by this same means,

prepare the development of the parliamentary institution in the Community—this is the second basic formula. Thirdly, I believe that Europe's true identity is to be found in the similarities in its institutions combined with geographical proximity. Europe must assert itself not only as a grouping of economic interests, but also as an entity of thought and conscience. My fourth and last point, which is of a strategic and operational nature, is that the groups we represent here—namely parliamentarians and university staff—having an official but non-governmental status, are particularly well placed to impress popular thinking on reticent governments.

I should like to look briefly at certain aspects of these different points. First, the problems of the parliamentary institutions facing our different countries are rather similar. It is fair to say that the heroic times when parliaments made possible the fights against autocracy are largely forgotten, and today we meet with two similar types of reaction. Among young people in advanced societies, which are often very affluent, the reaction is often one of "It's all the same to us", "Democracy, we couldn't care less". On the other hand, among the poverty-stricken and the wretched, the reaction is rather one of "That is of no interest to us, we have more tangible needs to satisfy first". The liberty represented by our whole set of institutions is thus seen as being limited to a purely legal liberty, felt to be without substance. In actual fact, it would appear very precious to us if it was taken from us; those of our countries which have been deprived of this liberty, even when it has been of a purely abstract and legal kind, have fully appreciated its worth. Unfortunately, it is not possible to use the deprivation of liberty, in a theoretical way, to demonstrate to the people, by depriving them of it, how pleasant their freedom, in fact, is. It must also be said, however, that there is a problem of substance because changes are taking place both in the extent of power and in the means of exercising power—in the extent of power because power is moving into new areas, particularly economic areas, which are highly technical.

And then there are changes in the means of solving problems and in the means that can be used to falsify them. We have new means of

solving problems such as the computer and opinion polls, but we also have the means of falsifying problems because these scientific methods can be used to manipulate public opinion and not simply to reflect it: the problem now is not only to ensure balance between the executive and the legislature considered as analogous powers, but of ensuring balance between scientific procedures designed to aid in decision-making and the decision itself. This will require a great deal of research and reform perhaps and means must be given to parliamentarians to help them define their role. I have no intention of proposing that opinion polls should be banned, but we must study this question from the point of view of a true democracy for we can see, for example, from the polls on the presidential election in my country that, in the space of two weeks, opinion swung from one position to another, which possibly existed in its subconscious; from then onwards, corrections may be made as the campaign proceeds, but it would be very dangerous, on any given question to consult public opinion simply through a poll taken once only, since it might reflect superficial rather than underlying trends of opinion. We must, therefore, be wary of a democracy which seeks to replace the procedure of elaboration and parliamentary debate by instant consultation procedures, even if these offered every guarantee of sincerity. How many new problems we have, even so, to consider; this morning, for instance, I read in the newspaper that Mr Nixon had distributed a voluminous document recording his own telephone conversations. Are we to arrive at a type of democracy in which the official journals covering parliamentary proceedings are replaced by an official account of the telephone conversations of ministers? This is, of course, a problem and must be considered as such; but there are many others.

What I wanted to say, for my time is short, is that, as we are faced with common problems of modern democracy, we ought to consider them in common; first, because that is more convenient and, second, because I feel that only in this way can we save the democratic model. I think that the democratic model should be adapted to cover a large area; that is why I feel that Europe should be democratic but that the democratic model should be on

a European scale. We must have, in fact, an institutional model comparable to that existing in the economic field; here, power is very wide; it covers considerable areas, it is multinational. We must therefore propose an ambitious political model. On this point, I would reverse J. J. Rousseau's idea that democracy is only suitable for a small country; I think that democracy can only survive if it covers an extensive area. Otherwise, one might have a small country which is democratic within but dominated from outside—this would be contrary to democracy.

My second observation is that, while undertaking this work of developing the democratic model, the institution I propose could also play a role in European construction itself. We should not miss the fact that, at the moment, parliaments play little part in the work of European construction; attention focuses on the decisions of governments, even on meetings of the Commission, but hardly on the work of the European Assembly. This is not the fault of this Assembly—it is just a fact. So the parliamentary role must be strengthened and at the same time—this is stipulated in the Acts and Treaties—the political institutions must be prepared. This is the role of the European Assembly but, for it to be performed, it seems to me that the Assembly must be able to count on the assistance of the national parliaments and that, around the European Assembly, which is naturally the competent body, we must be able to unite a great body of initiatives and support in the national parliaments and also among national streams of thought, particularly in the universities.

I should like to raise a very important question here: should direct elections to a European Parliament be organised? This question is often falsified by internal policy attitudes. I should like an independent and respected body emanating from all the parliaments and the greatest universities to be able to define such a directly elected parliament, its advantages or drawbacks and its operation. As this is only the opinion of Mr Edgar Faure, it may be worth something but it is not an opinion which has to be followed. But if you have a research body backed by the European

Assembly and by the national parliaments, enlisting the help of recognised researchers, this opinion would be very important for public opinion.

My third point is that we should seek to proclaim a European identity. This European identity cannot be limited to a "zollverein", a set of customs measures, or even to common technical policies. There must be a European conscience and thought; to a great extent it is up to us, parliaments and universities, for we are gathered here in these capacities—and certain of us, myself included, can combine them—to promote this European consciousness and thought. Someone with whom I was discussing this said to me: "In short, you want to take us back to the eighteenth century, the period of enlightenment", and it is true that, at that time, there was a European intellectual community. It would not be such a bad thing to go back to that situation, but in reality, it is not simply a question of going back to the past, because we would be taking a great step forward. The concept of the intellectual Europe of the eighteenth century is very attractive, but it is an elitist concept; it was only of benefit to men who belonged to a type of aristocracy; it is, rather, at the level of democracy, the peoples and the masses, that we should be concerned with this culture—a political culture and a general European culture. And what should some of its applications be? I would like to take up again here the subject of Europeanisation of the universities. I laid a great deal of stress on this when I was Education Minister, and so did others, but finally virtually nothing was done about it. Now, if we have an institute like the one I am advocating, it could set about this undertaking. Our students and professors must be able to pursue a European career; a French student who spends one of his four years in Germany should be able to credit that year to his course, because it is certain that, with three years in France and one year in Germany, he will have a wider culture than if he spent four years in a single place. But these rules are given very little application at the present time. Our European universities must be able to specialise; each must be able to attract experts of all nationalities in order to create powerful centres of research and progress.

A word now about the economic aspect, for I should not like there to be any misunderstanding about this. Some of our colleagues have been afraid that I wished to give this institute an economic role which would encroach on the province of the European Parliament. That is not my intention. I shall make myself very clear. When I broached the question of economic prospects, I wished, above all, to deal with the very important problem of the concept of growth. All over the world the problem exists of how we should view growth and eminent Europeans, such as Mr Mansholt, have taken up strong positions on the matter. Some think that growth must be stopped, others that it must be guided; we have the work of the Club of Rome and various other groups, but we do not know what it is worth. Why should we not have a truly European study of this model of growth and why should we not have an authority which could suggest certain guidelines?

In all these matters and in all questions concerning the protection of nature, ecology, common regulations for green spaces, the fight against pollution and other problems, the Institute could be useful in collaborating with the governments of the Communities and the Assemblies.

Finally, with apologies for taking up so much of your time, I should like to say one more word about the study of international relations. Naturally, the problems of daily diplomacy and defence are government problems and if Europe attains a certain sovereignty, they will be problems of the European governments or the European bodies. But we, within the framework of the institute, could raise general questions of international relations, such as security, arbitration, the possibilities of disarmament, studied in a scientific and impartial manner; at the same time, we could study the systems of relations between our Community and other countries. I should like to cite a concrete example for we are, at least some of us, politicians and we are interested in politics. One problem facing the European Community concerns relations with the United States. This is an inescapable problem. It is often said that these relations are based on the imperative of defence. That is possible. This idea must not be dismissed. But

leaving aside for the moment what is known as the American umbrella, there is the striking fact that Europe, as I conceive it, is characterised by its democratic institutions and geographical proximity. It is only natural that it should have special relations with a country like the United States which, although geographically distant, has institutions analogous to ours. It is only natural that we should seek some kind of special relationship between the European democratic grouping and the American democracy; this does not mean that the Community will not have any dealings with or consideration for countries which do not have the same political system. But do you not think that, through the Institute I am proposing, we could open an objective dialogue with men and women belonging to peoples attached to institutions which seem so strange to us? Does this not offer a means of attempting to tackle these problems of confrontation between different types of life and civilisation?

The Institute I propose must not be a ponderous organisation with buildings, administration machinery and employees; that is not how I visualise it; on the other hand it must be something more enduring than a symposium. It must call, in the main, on services which already exist as well as on disinterested assistance. There is a great deal of this. I should like the European Assembly to be at the heart of this effort and a sort of entente or council to be organised. I envisage, for example, the Presidents of our national parliaments or their representatives, and in each of the countries a special parliamentary group composed of members of all parties and an extra-parliamentary group composed of university staff and researchers. This grouping could constitute the basic structure of the Institute. Let me say once again that it is not my intention to take power away from the European Assembly but, on the contrary, to consolidate and assist it. The national parliaments must also follow this path. Each national parliamentarian must consider himself as being, already, a European parliamentarian even if he has not been personally delegated to the European Assembly. Naturally the delegates have an institutional authority, but around this parliament composed of delegates, there must be in each parliament and around those parliaments in turn, a force

of proposal, a force of support—in short, a kind of lever bearing on public opinion to oblige governments to meet the aspirations of their peoples who are, in general, more European than their governments. That is my proposal—it may seem modest but, as Montesquieu said, “It is not the means that must be brilliant, but the end”; it is the goal, and I think all of us here conceive of this goal in the same way. I would be very happy if you agreed to work with me in this direction.”

The CHAIRMAN thanked Mr Faure warmly for his attendance and contribution, and expressed the hope that his very interesting proposal would be taken up.

Mr VON HASSEL welcomed collaboration between parliamentarians and academics. He expressed strong support for Mr FAURE's proposal concerning the establishment of a European political research institute.

Mr von Hassel also referred to President Berkhouwer's introductory address and spoke of the need to persevere in the search for new models and methods for Europe. Referring to Professor Friedrich's remarks he asked what alternative there could be to the democratic system. The European Parliament deserved great appreciation for its valuable work in difficult times. Personally he could not imagine the unification of Europe without the European Parliament. He urged the members of Parliament and those responsible in the Member States to break the vicious circle in the debate as to which should come first, elections with universal suffrage or an increase in the powers of the European Parliament. He thought the different problems mentioned by President Berkhouwer should be tackled as far as possible simultaneously. Members of the Council were parliamentarians too, and stronger pressure should therefore be put on them at national level. Mr von Hassel urged the parties in the Member States to help create at long last European political parties. The national parties should provide funds to assist in the construction of Europe. He stated that the German Bundestag had just made an amount available for this purpose.



Professor WOLF, of the Institute for International Relations, Basle, in connection with the proposal presented by Mr Faure, referred to two events which had taken place in the previous week.

The first was a lecture given in Basle by Commissioner Dahrendorf on the Future of the European Communities. The lecturer asserted that the European Communities had not only an economic, but also a political future, that their progress would, however, be slow in the next few years during which time the opportunity for reflection must be seized. In conclusion, Mr Dahrendorf had put forward the idea of setting up a sort of 'Constitutional Council' composed of members of the European Parliament, members of the national parliaments and experts on constitutional law and political science.

The speaker thus noted a convergence of ideas which seemed to him significant.

After developing his ideas on the Declaration of Human Rights, promulgated in the same year (1789), and independently in France and America, the speaker arrived at the second event which he wished to link with the first. A measure had recently been adopted in Luxembourg to create a post-graduate International University Institute in Luxembourg, one of whose departments—the Centre for European Studies and Research—was already operating under the direction of Mr Pescatore, judge at the Court of Justice of the European Communities and Professor at the University of Liège. In the opinion of Professor Wolf, the Luxembourg university body could act as a reception facility for the Institute proposed by Mr Faure. Professor Wolf invited participants at the symposium to consider this suggestion.

He hoped that the implementation of Mr Faure's very interesting project for collaboration between parliamentarians and university academics would prove one of the positive results of the symposium.

Lord GLADWYN, United Kingdom Member of the European Parliament, expressed gratitude to Mr Faure and Mr von Hassel for their defence of democracy and for Mr Faure's brilliant exposé of the scheme for the creation

of an international institute. He had, however, been impressed by the large number of experts who had the impression that the European Parliaments generally were going through a period of decline.

It was clear, of course, that in an age of television, automation and the nuclear bomb the nature of all our institutions had to change. But it was surely the duty of those who had experienced another age to see to it that such changes did not simply result in a new barbarism. If, indeed, the parliamentary system collapsed power would pass to regimes controlled by co-opted officials, perhaps legitimised by referenda, with parliaments merely acting in an advisory role, rather in the way that the Supreme Soviet acted as a sort of Greek chorus to the Præsidium in the USSR.

Lord Gladwyn did not necessarily accept this gloomy prognosis but he recognized that unless a central authority was developed in Europe then the small and medium nation states would, under the pressure of world events, with spiralling inflation and unmanageable deficits, have to have recourse to the equivalent of separate wartime regimes that would in the long run come under the political influence of the Soviet Union.

Yet if, out of necessity, such a central authority was created it would, in default of some popular and legitimising element inevitably evolve towards a kind of Empire in which power would tend to be assumed by those who had the strength to wield it.

How then, could European parliamentarians convince Ministers and public opinion of the grave dangers besetting Europe and the continuing necessity of preserving ancient liberties by parliamentary means?

Lord Gladwyn considered that they should not aim too high and thus terrify the uninitiated by huge federal projects; he did not believe that democratic control over the essential European authority could be exercised by an assembly which would in any way resemble existing parliamentary institutions. What was needed was some institution in which the various oppositions in all the countries concerned—and the great pressure groups—could be adequately represented and which possessed

the negative power of dissenting, by given majority, from any major decision taken by the Council which would itself have to take such decisions by a qualified majority vote on the recommendation of an independent Commission. Once this possibility was grasped by the nation states and the various electorates, then Lord Gladwyn believed that the necessary political enthusiasm would be engendered and direct elections could become a real possibility, but not before.

Lord Gladwyn believed that the simplest and best way to start in this direction was to induce the Ministers to give to the existing European Parliament certain limited powers immediately and then to get it directly elected on a national basis. If the Council could not immediately discard the unanimity rule they should nonetheless modify the existing method of arriving at decisions and transfer at least some of the powers now resting with COREPER to the Commission in accordance with the evident intention of the Treaty of Rome. Lord Gladwyn felt that such a small step forward could now be taken by all the governments concerned—even by the British Government if it obtained some satisfaction in the coming negotiations—without any great popular outcry.

Perhaps it would be necessary to undergo some great economic crisis involving much unemployment and general misery by which time, of course, it might be too late. But equally it might then be apparent, even to Ministers, who had to reflect popular opinion, that only by unity could Europe produce by itself enough food to eat, enough substitute raw materials and energy to keep the wheels of industry turning and enough conventional weapons of a modern type to ensure the physical defence of Europe. Lord Gladwyn did not, therefore, feel that exaggerated pessimism was justified, although the dangers were great. The existing Community might not be popular, but few would seriously believe that they would be better off if it collapsed. He believed this even applied to Britain where, if it was fully explained what the grim consequences of withdrawal would be, the people would not approve such an action. He believed that unless there was some breakdown of all industrial

societies induced by international events over which Europe had little control, the Community would go on as it was until such a time as Ministers were induced to take what he referred to as a small but crucial step forward. If they did, things would snowball.

Mr DAMGAARD, President of the North Atlantic Assembly, felt that it was necessary to re-examine the nature of the problem of European integration. Calling for direct elections to a European Parliament implied the selection of a federal course which would encounter opposition: this in itself should not impede progress although it involved certain disadvantages which should be aired.

He believed that by the creation of a federal state, Europe would be travelling along the same lines—the creation of a super block—for which, the United States and the Soviet Union were criticised. Some of Europe's problems, those relating to energy and the environment, for example, could be solved outside the context of a federal state simply by cooperation between all the developed countries.

He wondered whether the establishment of a federal state was not somehow an outmoded concept. He said that the Scandinavian experience showed that states could be extremely close but a federal solution seemed inconceivable. Some believed that international cooperation would be slowed down if Europe chose a federal route. It was necessary to evolve new systems to regulate and control the problem of American investment in Europe and this could only be done through cooperation between Europe and the United States. He felt that European integration should take place in clearly restricted fields and that with the problem of direct elections, no speedy solution should be sought.

He welcomed Mr Faure's idea of a research institute which could take account of the global problem involved in European integration and the increase in the powers of the European Parliament, for if Europe rapidly developed into a super-power there would clearly be violent opposition in parts of the Community.

Lord O'HAGAN began by saying that he had heard too much gloomy talk about Europe's future; he supported the previous speaker's optimistic attitude and he wished to dissociate himself from those who took a pessimistic attitude; it was also important to discard the notion of the 17th century nation state. The defects of national parliaments were directly due to the decay of the nation states, whose products they were.

The idea of parliamentary democracy was no less important because it had become somewhat outmoded in the form now practised in Member States.

In considering the future of the European Parliament it was important not to pay too much attention to historical experience of national parliaments, as the European Parliament was something quite new.

He did not agree with the widely held idea in the UK that the Common Market had suddenly ravished British sovereignty; for example the multinational companies had been doing this for years and Britain was part of the international monetary community. British parliamentarians and public opinion were beginning to realize the new situation that had developed in Europe and the rest of the world. In Britain, the European Community was being used as a handy scapegoat during the painful process of getting used to Britain's new position in the world. The best way Britain could control the future development of Europe was to extend the democratic nature of the Community, in particular by supporting the principle of direct elections to the European Parliament. It was necessary to make the Community Executive directly responsible to the people. Britain's best future lay in the Community. He hoped that the Symposium would constitute a useful staging-post on the long dangerous road leading to Europe's accountability to its people.

Professor FRIEDRICH speaking on a point of personal privilege in reply to Lord Gladwyn, simply wished to make it clear that the latter's implications were not correct. Any one who had read his writings would know that. Just because one was in favour of scientific investigations being carried out in certain fields did

not mean that one advocated the continuation of the conditions under investigation.

Mr GRÉGOIRE, President of the Luxembourg Chamber of Deputies, declared his support for Mr Faure's proposal for the creation of the European Institute of Parliamentary Research, as well as Professor Wolf's suggestion that this institute could be established in Luxembourg. The Institute needed to maintain relations with the European Parliament and the Council of Europe. Mr Grégoire also favoured the idea put forward by Mr Behrendt when he was President of the European Parliament, of bringing together the Presidents of the national parliaments from time to time to discuss European problems. In conclusion, he declared that Luxembourg was ready to receive a new European Institute of Parliamentary Research.

Mr BEHRENDT thought the symposium had already demonstrated the need for politicians and academics to be able to meet for mutual inspiration regarding future progress towards European integration. Obviously the symposium could not provide the answers sought at this time of 'stocktaking' in the Community, nor solve the crisis in Europe, which had not been envisaged at the time the symposium had been planned.

He summarised his conclusions under the following headings:

- 1) Studies and study meetings were essential for the further development of the European Communities and particularly for the European Parliament, not least in connection with the strengthening of its powers;
- 2) European politicians should continue in future to enlist the help of political scientists;
- 3) Attempts must be made to make political practice consistent with academic thinking on the subject;
- 4) The national parliaments and the European Parliament must come together;
- 5) Studies of the institution of parliaments in the Member States should be encouraged;

- 6) The great European foundations should be given financial support for research into European political problems.

Common action by all the Member States was conditional on the adoption of a common position at European level.

Mr TONCIC-SORINJ, Secretary-General of the Council of Europe, began by saying that he was sure that the gathering would welcome some information from him on the Council of Europe and its Consultative Assembly, which was now celebrating its twenty-fifth year of existence.

He spoke of the anxiety expressed originally that the Council of Europe should be under the control of the Council of Ministers, even to the extent of having its agenda drafted by it, something which was resisted and eventually did not come about. He also referred to the election of the secretaries-general which the Council has so far had and said that while the Council of Ministers nominated the first two secretaries-general, the last election of a secretary-general had been carried out by the Consultative Assembly in a secret ballot. He thought that these facts and their implications would be of interest to the European Parliament.

Membership of European Parliamentary Assemblies created great difficulties for members of national parliaments with home constituencies to look after and constituency work to do. It was no secret to those present that many European members had lost their seats in their own national parliaments. This was leading to a situation where Europe could not call upon the best political talents from the national parliaments. This led in turn to the conclusion that there was a need for direct elections to the European Parliament, however this might be worked out in practice.

Looking at the future of the European Parliament, Mr DAILLY, President of the Senate of the French Republic, asked himself on what basis the Community should advance: federalism or confederalism.

He noted that the federalist cause was losing ground and that it no longer constituted in the

short, or even in the medium, term the best way to strengthen the European Parliament. It assumed direct election by universal suffrage, which raised many technical and political problems.

If the confederal scheme could be defended, it was still necessary to agree on its content. Mr Dailly was strongly opposed to re-adopting the Fouchet Plan, for this would rapidly lead to the substitution of intergovernmental bodies for the Community executives. The Fouchet Plan would also have the effect of restricting the European Parliament to a purely consultative role without the national parliaments being compensated for the powers they had lost.

In his opinion, the problem of the powers of the European Parliament must be settled in the near future, for the report on European Union had to be drawn up in 1975. In 1975, too, the Communities were to be wholly financed from their own resources. In France's case, this meant 10 000 million French francs not subject to parliamentary control; and the 'second reading' procedure would not compensate for this loss.

Mr Dailly felt that a strengthening of the powers of the European Parliament could unblock the functioning of the European Institutions, which was now marked largely by the absence of real balancing structures; this explained the sharp tensions, not to say confrontations, in the Council of Ministers. He saw another reason for developing the powers of the Parliament in the fact that the latter was the only institution in which the minority opposition was represented.

In conclusion, he gave his support to Mr Faure's proposal for the creation of an Institute of Research into the democratisation of European institutions.

Mr NEDERHORST, Vice-President of the First House of the Dutch States General, began by expressing his agreement with Mr Faure's proposal. There was a need for permanent contact between academics and politicians. The troubles of the present time were common to all democratic countries of Europe. The work of the Symposium ought therefore to be con-

tinued in one way or another. Academic research could back up the work of politicians.

Although the speaker thus welcomed Mr Faure's ideas, he also warned against a proliferation of European institutes. He was therefore pleased that Mr Faure also did not want his institute to be too cumbersome; for the moment a work programme was enough. There should be a limitation on its tasks, but participation should be extended to the European countries which maintained links of association with the Communities.

Professor VEDEL felt that Professor Friedrich's address was both refreshing and exaggerated. One must guard against a certain parliamentary enthusiasm and consider three things:

- First, no integrated institution could exist without a parliament because there had to be a dialogue with opinion;
- The parliamentary institution was essentially flexible. For this reason the evolution of the European Parliament, its development and its problems must be the prime subject of research of the future

European Institute of Parliamentary Research whose creation was requested by Mr Faure. It was already clear that the European Parliament was the body which could examine, resolve and pass judgment upon issues at the European level;

- Finally, what else could be done over and above strengthening the powers of the European Parliament? Government had, up to now, announced and proclaimed that European construction must be achieved through them. Considering the results achieved to date, there was reason to doubt this. In fact, the only voice open to the construction of Europe would be that of the European Parliament.

The CHAIRMAN, in closing the morning session, regretted that there had been so little time for general discussion. He welcomed the widespread agreement which had been expressed to Mr Faure's proposals, and announced that the working groups would resume at 2.45 p.m.

*The session adjourned.*

FRIDAY, 3 MAY 1974

Working Group No 1

**'WORKING RELATIONS BETWEEN THE EUROPEAN PARLIAMENT  
AND NATIONAL PARLIAMENTS'**

*The meeting commenced at 2.45 p.m.*

*Chairman:* Miss Colette FLESCH, Luxembourg Member of the European Parliament.

Before opening the proceedings, the CHAIRMAN gave a brief introduction to the problem of relations between the national parliaments and the European Parliament; she referred to a report presented some time ago to the European Parliament by Mr Furler.

These relations were generally approached solely from the angle of the dual mandate, although the problem had not yet given rise to many scientific studies or parliamentary debates.

The first question that came to mind was whether the holder of a dual mandate could be considered as an ambassador of his national parliament to the European Parliament or as a European ambassador to his national parliament.

The second question might be in what way relations between European Parliament and the national parliaments could be improved; this question was all the more important since, within the framework of the Community institutions, some of the powers of the national parliaments had been transferred not to the European Parliament but to the Council of Ministers.

Finally, it was to be noted that the national parliaments had adopted widely varying methods for controlling Community activities (special or ad hoc committees, foreign affairs committees, etc.). It was therefore necessary to define means of harmonising procedures and of establishing better cooperation between the various bodies concerned.

Mr PETERSEN, stressed four further points:

- 1) Members of the European Parliament should as a matter of course have seats on national committees dealing with Community problems. This was both necessary and natural because of the desire for good relations between the European Parliament and national parliaments;
- 2) It should be possible for national committees and their counterparts in the European

Parliament to collaborate. In his opinion, some of the European Parliament's committees were ahead of the national committees; they had particularly valuable material that could be used by the national parliaments and their committees.

It would also be reasonable, he added, to set aside a few days in each national parliamentary session for the purpose of discussing Community affairs. A more relaxed attitude towards Community problems could, he felt, be achieved in national parliaments, which generally tended to deal with the more controversial Community issues, if they worked in close collaboration with the European Parliament and exchanged information with it;

- 3) He thought that an effort should be made to send summaries of the European Parliament's proceedings to all members of national parliaments and to make them available to the press;
- 4) Finally, he felt it would be desirable for separate meetings to be held between the national parliaments and the European Parliament. This could take the form of delegations discussing further cooperation between the European Parliament and national parliaments.

In conclusion, he felt it was important to take practical steps along the lines he had just mentioned as soon as possible.

Mr HUMBLET regretted that the proposals made at the conference held on 15 January 1973 in Strasbourg by the Presidents or Speakers of the Parliaments of the Member States of the European Communities and the European Parliament had not been followed up. The speaker recalled that this conference had closed with a final communiqué stating that moves would be made to improve cooperation between organs of the national parliaments and the European Parliament. The present situation was unsatisfactory, as the only communications made by parliamentarians sitting in the European Parliament amounted most of the time, within the national parliaments, to use of the written or oral question procedure and very exceptionally to that of motions for resolution.

In conclusion, Mr Humblet suggested the adoption of a procedure already applied in the Bundestag, which gave national parliamentarians the possibility and opportunity of analysing documents prepared by the Commission before submitting them to the Council.

Mr GREGOIRE submitted to the working group a proposal he had presented to the Luxembourg deputies. This was a proposal for instituting a European Parliament Day at the Luxembourg Parliament; this day would enable European Parliament representatives to report on their activities. In addition, the speaker felt that parliamentarians should in future be able to profit from the work done in the other national parliaments or within the European Parliament and proposed to this end that a central information body should be made responsible for developing this exchange of information between the different parliaments.

Mr NEDERHORST felt that Members of national parliaments who were interested in the activities of the European Parliament received every conceivable support from the European Information Service in their own country. The fact that little use was made of the many opportunities was a result of parliamentarians' lack of time. Members of the European Parliament did try to keep their party colleagues in the national parliament informed, but the major problem was again lack of time.

There was no advantage in the proposal by Mr Petersen and Mr Gregoire to have the European Members of Parliament make a report to their national parliaments. How could this be arranged? At least one representative from each party, and a whole series of experts, would have to speak on the numerous problems of Europe. This would all have to happen in one day. Moreover the press was not interested in reporting what had already taken place; the press was only interested in what was actually happening.

It was however much more important for the national parliaments to call their own governments to account for the position adopted in the Council of Ministers. In the Netherlands,

the government was required to report on the line it had taken in the Council of Ministers. Here again the problem was that of not being too late. Moreover, the intention was as far as possible to let those who were not Members of the European Parliament speak. The issues were, however, frequently too technical, so that the national Members of Parliament were not sufficiently competent to speak on them.

Closer contacts should be established between the committees of national parliaments and of the European Parliament. The committee meetings of the European Parliament ought not to be secret. Members of the national parliaments should be granted access to the meetings of the European Parliament committees whose terms of reference corresponded to those of the national parliamentary committees on which they sat.

Professor MACKINTOSH said that the difficulties facing an elected representative active both in his own country and in the European Parliament were particularly acute in Britain. The problems in the typical single member constituency were becoming more arduous year by year, and members found that they were expected to be continuously available to their constituents at any time. Indeed, the strain of running a British constituency and attending the European Parliament was becoming virtually intolerable. It had been found that membership of the European Parliament would be held against a member of the House of Commons who would be stigmatised as being always absent in Europe. Any member who took an active part in the work of the European Parliament had to be resigned to the fact that he was unlikely to progress in his UK parliamentary career. He was sure that the problems were much more difficult than was generally realized; to play an effective part in Europe, the British MP would either have to have a very safe seat, to be on the point of retirement or, indeed, to be a member of the House of Lords. This chain of circumstances meant that the UK representatives to the European Parliament were not truly typical of British parliamentarians.

Mr Mackintosh argued that to make progress towards direct elections before the Community



had achieved a reasonable degree of independent authority could lead to a situation in which the European Parliament might be discredited because of a low turnout for the elections. He thought that direct elections must be seen as being some way in the future. He invited the working group to consider the compromise proposals put forward by the former British Foreign Secretary, Michael Stewart, who had suggested the election of supernumerary members of the House of Commons, on a regional basis, at the same time as a general election. Such a scheme would have the advantage of freeing these members from constituency ties. It would, however, be necessary to ensure that a proportional basis of election would maintain the overall balance between political parties.

It should be borne in mind that European representatives would be elected or defeated not on European grounds but by reference to the public attitude to national political parties at the time. It was important to avoid such mechanistic solutions as the European Day: in particular, it should be remembered that conflict, clash and division were interesting while the mere reporting on reports lacked excitement.

The CHAIRMAN thanked Professor Mackintosh for his contribution, saying that clearly the points he had made were of common application in all Community countries. She found the ideas of Mr Stewart provided an interesting compromise which was worthy of consideration at a time when there seemed to be no immediate chance of securing direct elections to the European Parliament.

Mr LYON, Secretary of the French National Assembly, as a former Deputy Clerk of the European Parliament, wanted his address to be technical rather than political. As he saw it, the problem of relations between the European Parliament and the national parliaments stemmed from the isolation of the national delegations. The Rules of Procedure of the National Assembly stipulated that the European delegation must draw up an annual report on its activities within the European Parliament. But this was just another of the many written documents that weighed down

the lives of parliamentarians. It was therefore ineffective even among the specialised services.

To solve this problem, Mr Lyon proposed the development of human relations between the members of the parliamentary committees at national and European level. Meetings could take place when there were important debates; at such meetings the committees of the European Parliament would be able to receive the chairmen and rapporteurs of the committees of the national parliaments and vice versa. This system would ensure that parliamentarians were effectively briefed and meetings held in the different capitals would have a greater impact in the press.

Professor MITCHELL, University of Edinburgh, said that he had known Professor Mackintosh for a number of years which had been characterised by a friendly atmosphere of alternate agreement and disagreement. He proposed to continue that tradition. He accepted that the Michael Stewart proposals had substantial merit but thought that his solution was a choice forced by despair and that members thus elected would within the United Kingdom Parliament be regarded as second-class citizens; in the past, there had been precisely such a group of parliamentarians (he referred to the Irish members). They would be, or would risk being, so regarded in the House as emerging by a different process and having in the House more limited functions than the ordinary members.

The connection between the two parliamentary levels was fundamental because of the 'educational' role of Parliament. Hence the importance of links between the European parliamentarians and those whose interests were primarily national or regional. The work of the national parliamentarians in the European Parliament might be improved if the dual responsibility were removed, but it was doubtful whether the realities of the European questions would be any better understood in the individual national capitals.

There was a point of view which argued that national parliaments should concern themselves closely with the detail of draft community instruments etc.—this was what West-

minster was concentrating on at the present time. But there were great dangers in this because of the different focuses of that legislation and those who were examining it were adjusted by different educational processes.

He preferred to take an optimistic standpoint and to assume that some evolution towards economic union would soon be possible: this might, he thought, provide an impetus to the reawakening of interest in the European Parliament and the problems of this group. In that context, the connection between the two levels was even more important. He was not convinced that total exclusion of the double mandate was desirable. If political parties would take their European roles seriously, it would be possible for them to ease considerably the problems of the member who was obliged to play a dual role.

Dr GUIZZI spoke on the relations between the national parliament and the European Parliament. He said that there was a department attached to the Italian Chamber of Deputies with special responsibility for relations with the European institutions, and in particular with the European Parliament. In addition, European Parliament resolutions were announced in the House, printed, distributed and discussed where appropriate at committee meetings.

He also recalled the interesting experiment tried out in Rome in 1970, when there had been a meeting between the Bureaux of the Committees on Social Affairs of the various Member States and the European Parliament's Committee on Social and Economic Affairs. The declared purpose of this meeting was to harmonise Community and national legislation on social matters.

Finally, he put forward a concrete proposal for speedier harmonisation of national legislation. He suggested that following hearings with interested parties, the European Parliament should draw up outline plans, which it would then be for the national parliaments to translate into law.

Sir John PEEL, British Member of the European Parliament, proposed to introduce one or two practical points as distinct from the

philosophical and theoretical side. He found himself very much in agreement with Professor Mackintosh, although he considered that the latter tended to exaggerate in order to make his points.

He welcomed a greater degree of consultation and contact between the committees of the national parliaments and those of the European Parliament, but thought that it was not really possible for all committee meetings to be held in public. There were many unofficial, party political, behind-the-scenes committee meetings which were essential to the smooth working of parliament. On the other hand, standing and specialist committees could rightly hold public meetings and might well be suitable for joint meetings.

He questioned whether it was correct for Professor Mackintosh to say that it was impossible for a British MP to do both jobs. Of course, their political opponents would make the most of periodical absences in Europe, but the last UK election did not make it seem that it was too difficult to combine both roles from the electoral point of view.

It was likely that the more importance the Community attained, the more interested would the electorate become in their representatives being members of this European Parliament.

Sir John Peel, one of the longest serving British members of the various European assemblies, thought that he could detect even now at this time of crisis that the British were becoming more interested in the European Parliament and were, therefore, likely to be less critical of British members of Parliament being members of the European Parliament as well. There must, he said, be an eventual solution to the problem of workload and the ideas of Mr Michael Stewart came nearest to the mark; he did not, however, accept that such a system would lead to the creation of what might be derogatorily termed second class members of Parliament, if the directly-elected European representatives were entitled to attend and participate in appropriate debates in their national parliaments without having a right to vote on matters of purely domestic concern. But whatever system was adopted, it was imperative to maintain

the connection between the two parliamentary institutions at the present stage.

Direct elections were inevitable because the burden of work was really very heavy indeed.

He affirmed his belief in the future of the Communities and of the European Parliament; he thought that, at the present stage, membership of both parliaments was necessary, that this imposed a great burden which could only be relieved by direct elections, that the maintenance of direct contact was essential and that there must be no more talk about second class members of parliament. The stronger and better the Community became, the more interested would the electorate become in it. He advised against impatience and pessimism which would only encourage the enemies of European integration.

Professor KOOIMAN felt that in discussing relations between the European Parliament and the national parliaments too much attention was paid to procedural matters, whereas in fact political factors were more important. There was no point in talking about relations between the European Parliament and national parliaments unless the functional relations were taken as a basis. The structural roles only had a meaning if they related to the functions carried out.

The speaker further drew attention to the importance of the so called 'legitimation of success'; when the relationship between the European Parliament and the national parliaments attained political relevance, it would automatically be reflected in the structure.

Mr LIOUS mentioned the meeting of 15 January 1973 attended by the Presidents of the various Assemblies. Three months after that meeting, in accordance with the wish expressed at it, the French Senate set up a European Affairs Service; this service provided, among other things, information on what was happening in Europe and sought, with the modest means at its disposal, to establish closer links between the various parliamentary institutions. Mr Liou was wanted some form of interaction between the different parliamentary committees of the European

Parliament and the national specialised committees.

Turning to the European Community institutions, the speaker expressed the hope that the procedure followed in the Bundestag would be adopted by which draft Community legislative proposals were submitted to it before their adoption by the Council of Ministers or the Commission. Mr Liou was aware, however, that this proposal would be quite difficult to implement in certain countries.

Concerning the dual mandate, he could see the drawbacks of the system but emphasised that they need not necessarily exist, citing as an example Mr Poher, France's second citizen and, at the same time, a Member of the European Parliament.

Dr SAROGNI pointed out in her opening remarks that at European level we members were faced not only with political problems but also with important practical problems.

There was no doubt but that national parliaments were taking on a different kind of role; but it was also true that the European Parliament too was looking for new fields of action.

This was clearly a political problem, but it was nevertheless necessary that the administrative departments should take a hand in solving it, and a decisive one at that. In fact at both official and national parliamentary level there was often a lack of information on what was happening in the European Parliament.

Referring to the valuable experience gained from the preparation of summary reports of proceedings in the national parliaments, Dr Sarogni proposed that similar reports be prepared for sittings of the European Parliament. They should be published immediately in the various languages and edited by a specialist team of officials.

What was needed, in other words, was a closer link between the two administrative services, European and national, and the most highly qualified officials should be selected from both administrations for this purpose.

In addition, joint studies could be undertaken by means of staff 'exchanges' designed to bring

the two administrations closer together. As things stood at present, the national administrations with a few laudable exceptions, know little or nothing of the work of the European Parliament and vice versa.

Some political effort was clearly required if all this was to be organised. In this connection it was pointed out that the Italian members of Parliament were very active at both European Parliament and national level, in promoting endeavours to alert public opinion to the principal European problems.

An important step forward in this area was the setting up of a committee for relations with the parliaments. With the help of members of the European Parliament, of secretaries of delegations and of European Parliament officials, such a committee could map out

forms of cooperation between European Parliament and national parliaments and pick out the most important resolutions of the European Parliament and promote discussion of these topics at the national level.

Dr Sarogni concluded by expressing the hope that practical cooperation on those lines would become a reality since truly effective action depended on the support of all concerned.

The CHAIRMAN said that Mrs Sarogni had been right to draw attention to the need for the distribution as soon as possible of a summarised version of debates in the European Parliament. She thanked the working group for making their contribution so precise and to the point.

*The meeting concluded.*



FRIDAY, 3 MAY 1974

**Working Group No 2**

**'THE POWERS OF THE EUROPEAN PARLIAMENT  
IN A EUROPEAN UNION'**

*The meeting commenced at 2.45 p.m.*

*Chairman:* Mr Maurice A. M. J. DEWULF, Vice-President of the European Parliament.

The CHAIRMAN declared the meeting open and apologized for the absence of Mr Bertrand, who had to take part in an important vote in his own country. He suggested that Professor Chapman should be appointed Rapporteur and that Professor Chapman should be the first speaker on the European Parliament and European union.

Professor CHAPMAN said that he could be brief as he had already put forward his views in his paper for the Symposium; but he thought that their discussion that afternoon could fall into two parts.

Firstly, what form of union was there likely to be in 1980 and the years immediately following? He hoped that their discussions on this would be practicable so that they could report back to the plenary session with concrete ideas as to the probable kind of European union. Would it be federal or confederal—how was public opinion moving? When he talked of federation he envisaged a form of central government with independent powers over the Member States. Confederation, on the other hand, meant central government or a directing body which would remain the instrument of the Member States with no great degree of independent power. Naturally, these categories shaded into each other but they might help their discussions.

The second part of their discussion might be concerned with the role that Parliament should play following union, but this of course would depend on what sort of union was likely to emerge.

In his view the time had come for them to say that the Treaty of Rome should no longer be regarded, as so many still regarded it, as a blue-print for quick progress towards a federal form of Europe. Under that view the Treaty made the Commission the blue-print of a future, post-union, government responsible to the European Parliament which would be directly elected. The Council of Ministers

would then wither away into something approaching a Senate.

This, however, was no longer likely: the situation had changed since the Treaty was drafted. In the first place, the UK, Denmark and France were against any quick move towards a Federal Europe by 1980. Secondly, there was no trans-European party system which could give stability to a European Parliament in which a European Government would have to operate. It was far too early for this. Thirdly, the lessons taught by the history of other federations were important; the EEC was not unique and they could draw useful lessons from Germany and America; frequently federation was preceded by the confederation of nation states.

There were two other points against the blue-print argument. Firstly, in the daily workings of the Community the provisions of the Treaty were often being put aside; the Council of Ministers had become a collegiate body and it had achieved a direct relationship with the European Parliament. Moreover the scope of the Treaty was constantly being extended to such matters as the environment, foreign policy and now there was even talk of a common defence policy. Certainly foreign and defence policy would not work within a federal framework in the near future though they would more likely be successful within a confederation.

Secondly, economic and monetary union now seemed to be an unattainable aim. If it was to be achieved this would be by confederation. Key issues would continue to need central decision and this was hard enough to envisage in confederal terms, let alone by a central independent government. In this sense the Treaty of Rome was outmoded.

As far as the second part of their discussion was concerned, if they agreed that confederation was likely, then it might be that the powers envisaged for the European Parliament in the 1970s would be the right sort of powers under confederation in the 1980s. This went with the Commission's current budgetary proposals. Where the Council of Ministers decided on the harmonisation of national policies, then Parliament's powers would have to be limited in some way; the most they could hope for

was a conciliatory role with no final word. But where a genuine Community activity started then Parliament should be able to have the last word; and that too was in the proposals of the Commission, since Parliament would have a right of rejection by reducing appropriations to zero, and they could always dismiss the Commission if need be.

A confederal Europe could be built on the present basis of the likely distribution of powers. He suggested then that they should divide their work and describe what sort of union was likely and what role Parliament would have to play.

Mr VAN DER SANDEN was disappointed with Professor Chapman's paper and with what he had just said. A confederation could never be a solution for Europe. The goal should be to put national interests in second place. An extreme example of defence of national interests was the energy crisis, which had caused so much harm to Europe. The ideal of a federal Europe ought not to be given up because the Labour Party was making difficulties or because France for the moment did not like it. Europe should also take a single line on defence and foreign affairs. If this was not achieved, other powers would control our affairs in these areas.

The requirements for a federal Europe were a single decision-making centre and a genuine parliament. This need not mean that all national powers would have to be transferred. Cultural differences too should continue to exist. An example of a federal state in which certain matters were left to the component parts was the Federal Republic of Germany, where education was in the hands of the Länder. There were also many similar examples from the United States.

As regards the relationship between the Council, the Commission and the Parliament, Europe was no stronger than its weakest link, to wit, the Council.

Opinion surveys in Europe the previous year had shown that both the people and the representatives were clearly pro-Community. The stagnation in Europe was to be blamed on the political will of the governments. In

conclusion the speaker pointed out that the concerns of the people were not reflected in the policy pursued by the governments of the Member States.

The following speech was delivered by Professor RONZITTI of the University of Pisa:

'On the whole I agree that the debate on the future European political union should be about whether this union ought to take the form of a federation or of a confederation. Having settled this matter, however, we shall then have to decide what role to assign to the European Parliament in the one or the other case. For the moment, however, I feel compelled to appeal for a realistic approach to the problem, which would take a clear-sighted look at the present situation and distinguish what is possible from what is merely desirable. If we do this, the debate will not peter out in mere academic verbosity.

In this connection it is well to point out that a notable feature of the present situation is the return to methods of intergovernmental cooperation, a type of cooperation which puts a premium on national sovereignties to the detriment of supranational bodies, especially of a parliamentary nature. This would carry with it the danger of exacerbating conflicts between national states or at least of causing a standstill in endeavours to mediate these conflicts.

In order to prove the truth of this assumption, it is sufficient to refer to the dichotomy, which by now seems to have become a definite reality, in the process of European integration. Two fairly distinct structures are in fact discernible. On the one hand, we have what is termed political cooperation between the Nine; although separate administrative bodies exist for this purpose, they are no more than forms of intergovernmental machinery—we need only mention the Summit Meeting of Heads of State or Government, the Conference of Foreign Ministers, the Political Committee of Directors of Political Affairs in the Foreign Ministries of the Member States and other such groups. Consideration has recently been given to setting up machinery, which would be necessarily intergovernmental in character, for outlining a common approach



by the Nine to crises which occur outside the Community. But this common approach has yet to be seen in action. We need only mention a number of crucial problems, such as relations between Europe and the United States, relations between Europe and the Arab countries and the recent energy crisis.

As far as European integration, as envisaged by the constituent Treaties, is concerned, it should be pointed out that intergovernmental decision-making machinery has been strengthened all along the line, beginning with the so-called Luxembourg Agreement. Joint policies have difficulty in getting off the ground or fail to do so altogether, with the result that of the three possible alternatives facing the Community—expansion, regression or stagnation—some see stagnation as being the most likely.

Looking at the machinery which should link up the two structures we have just briefly outlined we can see that the European Parliament forms a rather tenuous link. All that is provided for is a "colloquy" between the Foreign Ministers and the members of the Political Affairs Committee of the European Parliament, plus a communication from the President-in-Office of the Council to the European Parliament on the state of progress towards European Union.

All this tends to confirm that the Community process, whether in relation to European political union or to European integration, is an intergovernmental process, which stands out as a fact of foreign policy and is difficult to control by the national parliaments in the absence of a European Parliament with effective powers. This is certainly true of those areas covered by the Treaties of Rome, areas which belong only to internal policy and are managed by joint agreement (by means of an intergovernmental procedure) at Community level. Experience shows that this machinery favours national executives and, in states in which there are coalition governments, such as there is in Italy, the leading party in the governmental majority. Given the ineffectual control of members of parliament over foreign policy, this means that the leading party can put certain policies into effect without any significant control over them by political forces which operate at the national level.'

Mr KIRCHNER, Economic and Social Committee, was suspicious of the relevance of historical precedents for the situation which was facing Europe. He was not convinced of the relevance of the distinction between federation and confederation. It had been seen how progress was made via joint decision-making on neo-functional lines and the slow transference of powers to the European Parliament.

Mr SCHWED, Commission of the European Communities, emphasized that the supra-nationality dispute should now be considered outdated. There were some areas which could be organised along federal lines and others along confederal lines such as foreign affairs, defence and, to a lesser extent, currency.

The role of the European Parliament, the second subject for thought suggested by Mr Chapman, was worth going into more deeply. In answer to the question as to whether decisions should be taken by the Nine independently, the speaker replied that this procedure was already being followed. The European-Arab Conference, decided by the Foreign Ministers, was one example of this. At all events, a European Parliament was essential, even within the framework of a confederation. But what place and role was it to have?

Professor VAN ERVE, University of Tilburg, said the question as to whether we were heading for a confederation had again arisen. From 1975, 9 000 million guilders would be taken from the budgets of the Member States; this money would be voted by the Council without control by the European Parliament. It should further be borne in mind that under the 1970 Treaty, decisions on agricultural expenditure were taken away from the national parliaments. The Communities' own resources, especially as regards agriculture, therefore already entirely fitted into the federative pattern. The whole agricultural policy was in advance of the rest of the Community policies insofar as its autonomous decision-making rested on a federative structure; there was however no control. Mr van Erve drew the conclusion that the federal road should be taken.

Professor CHAPMAN, correcting certain misunderstandings of his original paper, affirmed that he was not in favour of Europe being merely a loose association of states. Confederation he regarded simply as a first step, principally because of the problems associated with the making of common decisions in the field of foreign affairs, defence, and monetary policy. This confederation should, however, lead in time to a situation in which members of the supreme body ceased to be members of their national governments, and in this way a true federation could be established gradually. For all this the EEC Treaty was an inadequate blueprint. The most important question was how to preserve the Commission's powers of initiative, given the fact that there was a risk that they would be replaced by those of an intergovernmental conference. The answer to this question perhaps lay in the fact that Member States at the Copenhagen Summit had pledged themselves to progress which would not involve any going back on Treaties and Agreements already signed. So union could comprehend the economic activity of the Rome Treaty, including the Commission's powers of initiative.

Mr VAN DER SANDEN thought that for a thorough debate on European union a full three days would be necessary. He considered the first sentence of Professor Chapman's report somewhat unobtrusive: 'This paper will be concerned with what is feasible for the European Community rather than with ideal solutions; and it will concentrate not on some vision of a united Europe or even on the year 2000 AD, but on what is within our grasp for the last two decades of the century.'

Mr van der Sanden wished to develop the idea of a power centre in Europe with a European government responsible to the European Parliament. He was of the opinion that the legitimate rights of the states should be honoured, but he wished to give the ideal of a united Europe priority. Instancing the Bertrand report, which envisaged three stages before union (firstly without amendments to the Treaties, secondly with limited amendments to the Treaties, and thirdly with fundamental amendments to the Treaties), he pointed out that the Paris Summit Conference had already

decided on a fundamental amendment to the Treaty.

The speaker did not wish to tie himself down to the achievement of full union by 1980, but wished to remain realistic while still basing himself on the ideal. There was a Rubicon to be crossed and there was no way back. But before crossing that Rubicon, which should be done even at the first stage, Mr van der Sanden did not want to give up the last line of defence: resistance to any form of confederation. In his view, the goal ought to be a federal Europe. Even in the Davignon procedure in connection with political union, Europe now spoke with one voice, while another question closely connected with the idea of confederation, namely defence, had finally been brought up in the European Parliament following on the Mommersteeg report.

The speaker concluded that if he, as a realist inspired by an idea, set his sights on European union, he did not need the Fouchet plan, and rejected it in principle.

Professor DESSART, University of Brussels, believed that European union, which had to be achieved by 1980, would aim above all at bringing about economic and monetary integration. This being so, it would be difficult to settle for the organisation of Europe on a confederal basis. If the intention was to institute a single currency, the Member States would have to surrender a large part of their national sovereignty, as employment and inflation problems influenced strongly the possibility of an approach to monetary union.

The example provided by the United States of America showed that political unification had been achieved long before the monetary system of the Federal Reserve Bank, which appeared as late as 1913. As far as European integration was concerned, the intention was to institute monetary union at the same time as European union.

The speaker then went on to ask whether it would be desirable to give the European Parliament extensive powers to manage the economy. He recalled in this connection that a year or two ago the Belgian Parliament had empowered the government to decide whether the monetary parity ought to be modified. This

renunciation of power had been necessary in order to make it possible to take a rapid decision in the monetary field protected by secrecy up to the very last moment.

The CHAIRMAN thought that a federation must be the ultimate aim but in certain areas a confederal approach would have to suffice for the time being. The sensitive question of sovereignty arose in all the countries. There was an increasing tendency towards a more global approach to these problems.

Mr FUGMANN, Assistant Secretary of the Christian Democratic Group of the European Parliament, commented on the first part of Professor Chapman's study (the federation/confederation issue).

Professor Chapman's arguments in favour of a confederal future for the Community were unconvincing; he suggested, since it already possessed federal as well as confederal features. In the European Parliament the view was generally held—and confirmed by a reading of constitutional law—that the Community should be regarded as a *phenomenon sui generis*.

The federal aspects included:

- the Communities' power to enact laws directly affecting citizens and without recourse to national authorities (even though the Council of Ministers might be said to function virtually as an inter-governmental body),
- the Communities' budgetary powers; they already had their own resources and, from 1975 onwards, would be entirely financed by such resources, to which the Member States had no claim, being simply responsible for forwarding the funds.

On the other hand, the absence of any reference in the Community treaties to federal loyalty, in contrast to current German constitutional practice for instance, could be regarded as a confederal element. There was no clause in

Community law preventing claims by the Member States against the Community.

These examples showed the hybrid nature of the Community. It hardly seemed profitable therefore to argue whether it was federal or confederal. If, however, the talk of confederal elements was meant to influence the features of the future Union (for example, insistence on the unanimity principle, rejection of direct elections or of any extension to the European Parliament's powers), such an argument was dangerous.

Mr KIRCHNER, felt that in the next five years emphasis would have to be placed on the obstacles to be overcome in order to achieve European union as laid down in the Communiqué of Paris and in Article 35 of the Treaty of Rome.

Professor CHAPMAN, was of the opinion that a useful report could be drawn up in view of the fruitful discussions held during the Working Group. All the participants regarded a federal Europe as the ultimate aim and ideal. However, the blueprints of the Treaty of Rome for a federal union to be achieved by 1980 did not strike him as being very realistic. He could not envisage the European Commission becoming a European Government by 1980. Clearly, a confederation would have to precede a federation of Europe, especially for matters such as foreign and economic policy. When a constitution for Europe was eventually drawn up it would have to contain a mixture of federal and confederal elements.

Meanwhile, he stressed that the importance of the European Parliament should increase, not least because of the loss of powers of national parliaments and the control of powers by the European Parliament.

He agreed that the next stage of integration was linked to the hard core of national sovereignty. The will for confederation had to be strengthened still further.

*The meeting concluded.*

**FRIDAY, 3 MAY 1974**

**Working Group No 3**

**'DIRECT ELECTIONS TO THE EUROPEAN PARLIAMENT  
AND THE ROLE OF POLITICAL PARTIES'**

*The meeting commenced at 2.50 p.m.*

*Chairman:* Mr S. PATIJN, Dutch Member of the European Parliament.

The CHAIRMAN opened the meeting and, after making a few technical announcements, proposed that the following agenda be adopted:

- 1) A uniform system for direct elections.
- 2) The combination of a European mandate and a national mandate.
- 3) The number of seats of the European Parliament.
- 4) The relation between direct elections and extension of the powers of the European Parliament.
- 5) Consequences of direct elections for national political parties.

It was agreed that Professor Rose should introduce points 1 and 3, that the Chairman should introduce points 2 and 4, and that Dr Gianni Bonvicini should present the 5th. The agenda was agreed to and the chairman asked Professor Rose to introduce the discussion.

Professor ROSE, Strathclyde University, Scotland, started by making two related points; firstly that the mechanics of elections in the country in which an individual was brought up seemed the most natural to that individual; secondly, he thought it important to consider the question: why have elections? He felt that Professor Friedrich had overlooked the concept of representation, of which Parliament was one form. It was impossible to have a representative parliament without elections. If the Common Market was to become more important, the authority of the Community would depend on representation. He felt that loyalty to the Community would be a vital element and that that loyalty would be increased if the people had a say in the constitution of the Community.

Professor Rose thought that consideration of a system for direct elections could be divided into two parts: the mechanism for the election and the question of who would have power

under that system. He believed that the question of power was the more important. In his view, the implications of a system of direct representation would be clear. First of all, under any conceivable representative system there would be no majority party, or even a preponderant one. The eventual system could well resemble the state of parties in Luxembourg, for example, where the arrangement was slightly less fluid than in Holland or Belgium, but it would not be the same as in Italy, Ireland or Germany with major parties obtaining nearly 50% of the vote. Under any likely system, there would be a majority when two out of three groups, Christian, Liberal or Socialist, coalesced. Clearly, this would be different from the system which existed in the United Kingdom. In his paper, he had pointed out that the maximum range of seats in a directly elected parliament would be between 200 and 1000. But, in fact, neither the number of seats selected nor the relative weight accorded to Member States would fundamentally affect the balance between the groups: Christian, Liberal or Socialist. Under any scenario, there would still have to be a coalition.

As regards the mechanics, it would be necessary to have a system which most people would regard as recognisable. If you had a uniform system of election, it would be the British system that would need to change the most. Clearly, if the decision were on the question of proportional representation, four fifths of the community would be in favour.

Should the system be uniform? Professor Rose thought that it would be dangerous not to have certain minimum standards with some common provision. As to whether the elections should be coincidental, this raised the question of the implementation of the direct elections system. Some Member States might be prepared to introduce such a system in the next three to five years. Could, or would, the others stop them? Clearly, if one waited for the most reluctant Member States, the wait would be very long. If it were left to volunteers, one could see that the small countries might demonstrate the possibilities of such a system. At some stage, the scales would be turned and the remaining half of the members unelected would want to be elected.

Professor Rose believed that it was desirable that the turnout of votes in such elections should be high and this evoked arguments as to whether or not the elections should be held at the same time as national elections. He believed the turnout should be at least 51% because below that, the authority of the European institutions would be weakened.

According to Professor VEDEL, methods of election provided a professor with delightful opportunities for juggling with electoral systems. But he was a convinced European who wanted to see direct elections finally becoming a reality. As he saw it, the necessary and obvious conditions for bringing this development about were two-fold:

- 1) There could be no uniform electoral system at this stage;
- 2) Voting must take place everywhere on the same day.

He felt that a uniform system would take years to introduce and would be more difficult to arrive at than the United States of Europe.

With regard to election day, he felt that, if this day was not the same in all countries, each Member State would look to the electoral results of the other countries; that would be contrary to the principle of universal suffrage. He felt that these two questions must be put to one side if the proceedings were to advance.

Mr YEATS, Irish Member of the European Parliament, began by saying that he did not intend to discuss the principle of the question of direct elections to the European Parliament, but simply to make some remarks on the practicalities.

He was in favour of the direct election of all members of the European Parliament on the same day and he felt that much of the benefit of the entire system would be lost if this were not done, in view of the possibility of the voting results in different countries swaying the results in other countries.

With regard to the system of election to be employed, he did not feel that it was realistic

to press for a uniform method of election, in view of the fact that different countries had so many different systems. It was not fair to impose upon the voters of any country an electoral system with which they were not familiar and which they could not use to the best possible advantage.

The next question was one of the apportionment of seats to the different countries. He quoted some figures to show that it would be unfair to smaller countries to make their number of seats in the European Parliament directly proportional to their population—he said that this would be obviously unfair to smaller countries like Ireland and Denmark, and even more so to Luxembourg. It did not look as if a one-man-one-vote system would be possible.

The CHAIRMAN summed up the discussion as follows: (1) a uniform method of election was desirable, but it was too much to hope for in the near future; (2) the group agreed on the principle of elections on the same day, and (3) the representation in the European Parliament should be more proportional, but a full one-man-one-vote system would never be achieved. He then invited further contributions from the group in amplification of these points.

Professor SCHEUNER felt that each Member State could have its own system of direct election for its representatives to the European Parliament. As to the number of seats per country, the speaker felt it was unacceptable for the smaller States to have to observe the principle of 'one man, one vote'; the ratio of 1 to 4 between small States and large States for the number of representatives was a good one.

Professor Scheuner felt it necessary to organise European elections on the same day as national elections; he thought there was a risk that fewer people would vote within the framework of the European election alone, with the result that the members of the European Parliament would not be representative of the electorate.

Mr VON HASSEL was in favour of applying national electoral systems and of holding

European elections in the first instance concurrently with national elections.

On the question of apportioning seats, he advocated a system of weighting, in favour of the smaller states and referred to the system in the Federal Republic which gave Länder with small populations a proportionally higher share of votes in elections to the Bundesrat (Second House). The Bundesrat also presented an example of a parliamentary body functioning successfully although constantly renewed through the elections in the Länder. By analogy a system might be found for the European Parliament whereby the delegations were renewed at different times through national elections.

The CHAIRMAN pointed out that since smaller countries had proportionately greater power in the Council of Ministers in relation to their size and population, he felt that this meant that, in matters where co-decision was called for, there did not seem to be as much need for an upward weighting of European Parliament representation in favour of smaller countries.

He then went on to explain the second and fourth items on the agenda he had drawn up for the Working Group, namely the question of the double mandate and the further question of the relation between direct elections and extended powers for the European Parliament, and invited contributions from the Group on these two points.

Mr VON HASSEL was convinced that the extension of the European Parliament's powers and the introduction of direct elections had to be considered and tackled at one and the same time. He also suggested that the dual mandate would be unavoidable for some time. He thought the extra work devolving on the European delegates could be reduced if they had the right only to speak and not to vote in the national parliaments, as in the case of the Berlin delegates in the German Bundestag. The European delegates could then be retained as advisers in the national parliament.

Professor SCHEUNER agreed with Mr von Hassel and thought that a solution must be

found for elections to the European Parliament by universal suffrage, even if the fight for the enlargement of its powers had not been won. The speaker proposed that four or five seats be reserved in the European Parliament for eminent figures from the national parliaments when important questions were debated.

Mr KUBY, Honorary Director of the European Parliament, stressed the political significance of the dual mandate. As things stood at present, power lay with the national parliaments. So long as political power could only be exercised at national level no delegate could be expected to give up a national seat with power for a European seat which had none.

Commenting on Mr von Hassel's comparison between the European Parliament and the Bundesrat, Mr Kuby said that there was an essential difference between the two bodies in that the Bundesrat had no influence whatsoever on the formation of the government. It should be realised that if elections to the European Parliament were linked with elections to the national parliaments there would be no chance of forming stable majorities in the European Parliament. Yet it had to have stable majorities if it were to influence the composition of a European executive—even if this was only the Commission—and a parliament was powerless without an executive on which to exert influence. At present it was in the Member States, not at European level, that political power was won, retained or lost. The national parliaments with all their weaknesses and problems remained the centres where this power was concentrated and distributed. The dual mandate admittedly imposed a heavy burden on the individual delegates, but a single European mandate in present circumstances would further diminish political influence.

Mr YEATS said that all members were agreed that the problem of the dual mandate was very difficult because of the conflicting requirements of attendance at the European Parliament and at home parliaments, often at the same time. Also, there were difficulties with regard to dealing with one's constituents. The difficulties would increase rather than decrease.

However, equally intractable problems could arise with direct elections. It would be difficult to work out who the member would represent. He would not be bound up with the political work of his own country and could become an expert on a European level without any knowledge of home problems.

It first must be decided why a European Parliament was wanted. It was wanted in order to have a strong democratic element in the Community, to represent the various needs of people at home and the conflicting viewpoints of the various political partners.

If the members of the European Parliament were not members of their national parliaments, they might be less representative than present members. The speaker was attracted to the suggestion that some members be directly elected and some appointed. It was necessary to keep some connection between the national and European parliaments.

Sir Tufton BEAMISH considered it was almost impossible to combine active work in both parliaments. In sixteen months, he had never felt that he had enough time to do both jobs to his own satisfaction.

He agreed that close contact with the work of the national parliament was essential. He did not see why a dual mandate should mean dual loyalty. The member is supposed to take a community view of community problems, while bearing home problems in mind. He felt that, while direct elections on a uniform community basis could come later, some kind of half-way house was necessary—certainly in the case of Britain.

Professor ROSE referred to the pointlessness of having someone in Strasbourg who was unimportant at home. He felt that the political parties could play an important role. If the parties co-opted people to the European Parliament, they would choose people they were prepared to listen to at home.

The CHAIRMAN, concluding the discussion on direct election, said that every one agreed that the dual mandate was not to be ruled out; it could or should be maintained in some way. He mentioned the relation between direct elec-

tions and the powers of the European Parliament. However, it was for the politicians to decide when they had enough powers, and also, on the most appropriate time for direct elections.

Professor BONVICINI of the Institute of International Affairs in Rome, discussed the problems of relations between the European Parliament and political forces. He said he was not convinced that there was any definite relationship between the problem of direct elections to the European Parliament and the development of political forces at European level. In order to obtain some idea of the present situation, it was first necessary to consider the national political parties and their attitude to the process of European integration. Seen from this angle, the role of the political parties had always been a superficial and sporadic one. They were interested in Europe only at particular times.

European party organisations at Community level had also been a negligible factor so far. The one positive development was perhaps the improvement in operational machinery, for instance, in the bureau of the Socialist Parties of the European Community and in the Union of Christian Democratic Parties; amongst other things, the Union had set up an ad hoc political committee for Community questions.

Likewise important was the attempt to incorporate the respective political groups in the European Parliament into the party organisations. This was especially relevant to the possible creation of European political parties. Professor Bonvicini was therefore critical of the arguments advanced by Mr Vredeling and by Mr Mansholt that a European Party could exist in a state of detachment from the national political parties and from the European party organisations.

He wound up by pointing to the positive and negative factors in the present situation. The natural tendency of the EEC political parties to meet amongst themselves to discuss Community problems was a positive factor. Like the Socialist and the Christian Democrats, the Communist parties had also taken the same course with their recent convention. A negative feature, however, was the limited powers of



the European Parliament which prevented direct communication between the base and the summit, as was the sectoral character of the process of European integration. These restrictions made the development of European political parties even more difficult.

Mr KUBY thought that attempts made so far to achieve cooperation between parties did not amount to very much. One reason was that parties were organisations concerned with integrating interests and winning the political power required to achieve specific objectives. The natural context for their activities was the society of the particular state and its constitutional system. This limited the scope for international cooperation: a Western European society with interests requiring organisation on a trans-national scale did not as yet exist. The majority of West Europeans saw their interests in national terms— even though Community factors were increasing—and the parties took account of this, or even deliberately encouraged it.

Then again, the political parties were finding it difficult to reconcile the conflicting interests in their own society. In the smaller Member States, no less than in the larger ones, it was becoming more and more difficult to achieve coherence in the parties. Voting with affiliated parties with partially different aims and methods only brought further problems and was at best an unhappy compromise. It also encouraged the formation of party wings which were even more difficult to integrate than the main national parties. The parties

were having difficulty even in preserving the status quo of their organisations. There was no sign of forces able or willing to break up the national party groups and gradually transform them into Community parties.

Mr VON HASSEL thought Mr Kuby too pessimistic. At least the situation he described did not exist in his party, the CDU, in which there was no tension between national and European identity.

Mr von Hassel thought that the creation of European party groups depended principally on financial resources. The Bundestag had already promised to release funds for this purpose, and it was to be hoped that other parliaments would follow suit.

Mr WIJSENBEEK, Chef de Cabinet of the President of the European Parliament, referred to the difficulties political groups had in finding a complete programme on which they all agreed. It might be better if they each had at least a joint European paragraph in their respective party programmes.

Professor ROSE pointed out that they were not discussing the normal kind of election whose end result was to form a government. The question related to a representative assembly—19th century Germany was possibly more relevant than 20th century Germany, for in the former, the assembly could comment upon but not depose the executive.

*The meeting concluded.*

**FRIDAY, 3 MAY 1974**

**RESUMED PLENARY SESSION**

*The resumed Plenary Session commenced at 5 p.m.*

*Chairman:* Professor G. IONESCU, University of Manchester. The CHAIRMAN called upon Mr Faure to take the floor.

As the suggestion for the establishment of the European Institute for Parliamentary Research seemed to have been favourably received by the participants in the symposium, Mr FAURE proposed that a preparatory committee or a working group should be formed at once. The President of the European Parliament and the Presidents of the national parliaments and assemblies could be included in this working group. Members of parliament from countries other than the Nine could also act as consultants.

Mr PATIJN reported on the discussions in the Working Group on Direct Elections to the European Parliament. There had been an exchange of views on five items:

- 1) The need for a uniform electoral system. The general opinion was that in the short term it was not possible to unify electoral systems; for the moment elections could be arranged according to the national systems.

It would be desirable, though not essential, for the elections to be held on the same day.

- 2) Number of seats per Member State. At present the small Member States were over-represented. More proportionality was necessary. On the other hand, however, the 'one man-one vote' principle need not be too strictly adhered to. The number of representatives from small countries should not be below a certain minimum. A possible basis would be for Luxembourg to retain its present number of seats.
- 3) The maintenance of the double mandate. In general, the working group was of the opinion that this could be maintained for the moment. The link with the national parliaments and the parties was important for the role of a European member of parliament.

- 4) The postponing of direct elections until Parliament was granted full powers. Full powers were not an absolute requirement. Direct elections need not be postponed until the powers were obtained. However, if direct elections were to be held, simultaneous strengthening of powers was desirable.

- 5) The political parties were not yet adjusted to the European scale. There was as yet no significant cooperation at European level. The national parliaments, in cooperation with the national parties, should make funds available for the formation of European parties.

In general there had been broad unanimity in the working group discussions.

Professor CHAPMAN, reporting on the work of Working Group No 2 on the Powers of the European Parliament in a European Union, stressed the necessity for Europe to move forward at all times and by every possible means in the direction of federal union. He said that his Working Group saw a certain danger in the use of the word 'confederation', as this might be taken to indicate a kind of lowest common denominator of the action that could be taken by many Member States working jointly.

He said that the end-product of the discussion in the Group was an agreement that one had to think in terms of two kinds of action, federal and confederal. In some matters progress would be made federally, in others confederally.

He instanced economic and monetary union as an example of the distinction between these two modes of action. For monetary union one had to think on a federal level, whereas for economic union, the approach was rather confederal in the sense that Member States all trading in the same currency would all be fighting hard to protect different interests and advantages.

On the road, therefore, towards European union, there were some areas where action would be federal as already described, where there was question of central decision-making at Council of Ministers level and other areas

where action would be confederal, with all the Member States trying to hammer out as much agreement as was possible, and consistent with defending their own position.

He stressed the need for the European Parliament and all those who were concerned for its future to work for greater and more real powers for the European Parliament on every occasion, especially in areas where central decision-making and co-decision were in question.

He concluded by saying that the discussion had been a very valuable one and that he himself and, he felt sure, all the participants had learned very much from it.

Miss FLESCH reported on behalf of the working party on relations between the European Parliament and the national parliaments. After outlining the difficulties affecting these relations, she set out a number of remedies in her summary of the working party's conclusions.

The present difficulties were essentially due to the existence of a dual mandate. She stressed that because of the dual allegiance of parliamentarians to their national parliament and to the European Parliament, they all too often had insufficient time to devote themselves fully to their duties within the European Parliamentary Assembly, particularly as their career was still mainly dependent on their activities within their national parliaments. Various solutions had been proposed in order to minimize these difficulties: one such solution mentioned by Miss Flesch was the possibility of members of the European Parliament sitting in their own national parliaments as supernumeraries, without the right to vote. This would have the advantage of enabling them to be freely available for their European activities, while assuring for them a personal link with their national parliaments.

As to the possibilities of ensuring better relations between the different parliaments, Miss Flesch suggested the creation of a European Day on which national parliamentarians would be invited to study the activities of the European Parliament. She also proposed a regular exchange of parliamentary personalities

and a regular flow of information between the national parliaments and the European Parliament.

The CHAIRMAN set forth the conclusions he had drawn from the second and final day's proceedings.

It was a happy coincidence, he thought, that the participants had been able to hear three reports, all of great interest and, on the same day, Mr Edgard Faure's proposal.

The reports had been submitted by three different working groups on three different matters. They dealt with topics of immediate practical importance and also looked far into the future.

The report most concerned with current reality had come from Miss Flesch's group. Their report discussed the present position of members of the European Parliament and the conflicting loyalties with which they had to contend. The Chairman expressed his admiration for the work they had carried out so well.

Miss Flesch's report proposed a European Day aimed at developing public awareness of the functions and activities of the European Parliament. This was something new and thought-provoking, and which could well be adopted by national parliaments in the future.

The Patijn report was much more speculative in character, the Chairman continued. It posed the question whether Europe's parliaments and political parties of the future would be organised as at present or along quite different lines. The report made very far-seeing remarks on the formation and evolution of the European political parties.

The Chapman report belonged to the realm of political science fiction. It attempted to divine the most likely political form European union would take in the target year 1980. This was one of the most important questions, but, alas, it did not seem topical in the present conditions.

The three reports were all quite impressive. They reflected an awareness that, more than anything else, imagination was needed if European union were to be made a reality. The European Parliament should not slavishly re-

produce the features of the national parliaments. Innovation was important. New institutions might and indeed should differ from their models, just as the political process of industrial Europe differed from the political processes in the European nation states in the 19th Century.

It was here that the 'coincidence' was revealed. The symposium had helped to show how fruitful discussions between academics and politicians could be. Mr Faure's idea of an Institute for the Study of European Parliaments would be the continuation on a permanent basis of the symposium, for which he wanted once more to congratulate the organisers.

Mr BERKHOUWER concluded the symposium as follows: 'Your Excellency, ladies and gentlemen, at the end of this two-day symposium, I should like to put forward some considerations to round off this particularly valuable meeting.

In the first place I wish to thank once more all those who have enriched this symposium with their contributions in this European House of Parliament in which we have sincerely tried to make you welcome.

May I now touch very briefly on some aspects which have struck me: not only ought we to strive towards one or more European universities along the lines of what we already have, but I think it is also useful to strive towards Europeanising university education using the techniques available, television and so on, especially between universities which are close together, particularly if they are on different sides of frontiers, such as Aachen, Maastricht and Liège.

We were extremely interested to hear the ideas and proposals of President Edgar FAURE, who spoke to us with his usual brilliance.

I think that the specific proposals he made for a joint institute bringing together academics and political authorities will have to be studied further by our Parliament through its responsible committees.

A further elaboration might be the setting up of a joint committee of representatives from the European Parliament and the national par-

liaments of our nine Member States plus representatives from the world of political science.

In this connection we may welcome the hospitable offer by Luxembourg to accommodate such an institute in the capital of the Grand Duchy.

Ladies and gentlemen, apart from all this I should like to make a few practical observations. Where have we actually got to? Where do we stand at present?

The dual role of the representatives who have to do the practical work of European parliamentary democracy has repeatedly come up. Let this symposium make it perfectly clear to public opinion and to our national parliaments as representatives of that public opinion that the double mandate is daily becoming a more unbearable burden for all of us on whom it is imposed, since our human powers are limited.

This fact by itself must necessarily lead to the bringing about in one way or another of European popular representation by members who have only one mandate.

I should like here to recall what Miss Flesch said in connection with the ideas of Michael Stewart who has had some particularly noteworthy thoughts on the matter. There is a similar situation in the German Bundestag as regards the representatives for Berlin, that is, the free sector of Berlin. All sorts of variants on this are possible even in the existing state of affairs, even if Article 138(3) of the Treaty of Rome is not implemented in the short term. The double mandate to national parliaments and the European Parliament places too high a mental and physical load on members.

Is the fundamental question facing us here not still that the national parliaments no longer have the dimensions to deal with European matters, and that on the other hand there is as yet no European representative body with powers to match the demands imposed by European construction as regards the extent of democratic representation which exists in the European Community?

Do we not find that technology, industry and trade are further integrated here than we are

politically, using the term politics in the sense of the consideration of all matters which concern jointly all citizens of the Community?

Ladies and gentlemen, in bringing this brief closing speech to an end, I should like once more to express my heartfelt thanks, and last of all to say the following. The word symposium first occurs in world literature in Plato's famous dialogue. Like other dialogues of Plato, the Symposium does not end with resolutions and conclusions. Nor is this the case with our symposium of today and yesterday. This does not change the fact that all who have been here can feel themselves enriched by the inspired contributions made by the important representatives of the national parliaments who have been here in our midst.

I hope that all those present who are members of national parliaments will urge in those Parliaments and on their governments, who are responsible to the parliaments, that the governments should now implement the

agreement they made in Luxembourg in 1970 to strengthen the powers of the European Parliament.

Apart from all the other desires you have expressed, this is a binding obligation on the governments of all nine Member States.

That is what we have discussed together here, a question of political will, of common political will which we shall force out of each of the nine governments.

Finally in that connection the vicious circle—powers, elections and so on. Here I once more launch, for the last time, the three-stage rocket—rights, power, elections—the European machinery will start working once the increased power is there. Elections for the people who are to exercise this power, and political party groupings at European level to delegate these people.

Ladies and gentlemen, with these final words I declare this symposium closed (5.50 p.m.).

## ALPHABETICAL LIST OF SPEAKERS TAKING PART IN THE SYMPOSIUM

- AIGNER, Heinrich, German Member of the European Parliament
- AUDLAND, Christopher, Deputy Secretary-General of the Commission of the European Communities
- AVRIL, Pierre, Professor at the Universities of Poitiers and Paris
- BARCLAY, Hugh, Secretary to the United Kingdom Delegation to the European Parliament
- BEAMISH, Sir Tufton, United Kingdom Member of the European Parliament
- BEHRENDT, Walter, Vice-President of the European Parliament
- BERKHOUWER, Cornelis, President of the European Parliament
- BONVICINI, Gianni, Professor, currently with the Institute of International Affairs in Rome
- BURGBACHER, Friedrich, German Member of the European Parliament
- CARETTONI ROMAGNOLI, Mrs Tullia, Vice-President of the Italian Senate and Member of the European Parliament
- CHAPMAN, Donald, Professor at the University of Sussex
- COOMBES, David, Professor at the University of Loughborough
- DAILLY, Etienne, President of the Senate of the French Republic
- DAMGAARD, Knud, President of the North Atlantic Assembly
- DESSART, Michel, Professor at the University of Brussels
- DEWULF, Maurice, Vice-President of the European Parliament
- DOOGE, James, Chairman of the Irish Senate
- EHLERMANN, Claus, European Commission in Brussels
- FAURE, Edgar, President of the French National Assembly
- FLESCHE, Miss Colette, Luxembourg Member of the European Parliament
- FRIEDRICH, C.J., Professor at the University of Harvard
- FUGMANN, Friedrich, Deputy Secretary of the Christian Democratic Group of the European Parliament
- Lord GLADWYN, British Member of the European Parliament
- GRÉGOIRE, Pierre, President of the Luxembourg Chamber of Deputies
- GUIZZI, Vincenzo, Official of the Chamber of Deputies in Rome
- HANSEN, Erik Ninn, representing the Speaker of the Danish Parliament
- HJORTDAL, Helge, Secretary-General of the Danish Parliament
- HUMBLET, F., Clerk to the Belgian Senate
- IONESCU, Ghita, Professor at the University of Manchester
- JOZEAU-MARIGNÉ, Léon, French Member of the European Parliament
- KIRCHNER, Emile, Economic & Social Committee, Brussels
- KIRK, Peter, British Member of the European Parliament
- KOOIMAN, J., Professor at the University of Delft
- KOOPS, M.W., Clerk to the Second House of the Dutch States General
- KUBY, Heinz, Honorary Director of the European Parliament
- LENIHAN, Brian, Irish Member of the European Parliament
- LIOUS, Pierre, Secretary-General of the French Senate
- LYON, Jean, Secretary of the French National Assembly

- MACKINTOSH, John, Professor at the University of London, and Member of the British Parliament
- MANZELLA, Andrea, Professor, attached to the Italian Chamber of Deputies
- MASTROIANNI, Gabriele, Secretariat, Italian Delegation to the European Parliament
- MITCHELL, J.D.B., Professor at the University of Edinburgh
- NEDERHORST, G.M., Vice-President of the First House of the Dutch States General
- Lord O'HAGAN, Charles, United Kingdom Member of the European Parliament
- PATIJN, Schelto, Dutch Member of the European Parliament
- PEEL, Sir John, United Kingdom Member of the European Parliament
- PETERSEN, Helveg, Danish Member of the European Parliament
- PREDIERI, Alberto, Professor at the University of Florence
- PREMOLI, Augusto, Italian Member of the European Parliament
- RONZITTI, N., Professor at the University of Pisa
- ROSE, Richard, Professor at Strathclyde University
- SAROGNI, Dr Emilia, Secretariat of the Italian Senate
- SCELBA, Mario, Italian Member of the European Parliament
- SCHEUNER, Ulrich, Professor at the University of Bonn
- SCHWED, J.J., attached to the Commission of the European Communities
- SIOTIS, Jean, Professor at the University of Geneva
- STEFFANI, Winfried, Professor at the University of Hamburg
- TAMES, Richard, Hansard Society, London
- THAYSEN, Uwe, Professor at the University of Hamburg
- TONCIC-SORINJ, Luigi, Secretary-General of the Council of Europe
- VAN ERVE, Pierre, Professor at the University of Tilberg
- VAN DER SANDEN, P.J.A., Dutch Member of the European Parliament
- VEDEL, Georges, Honorary Dean of the Faculty of Law and Economics, University of Paris
- VON BEYME, Klaus, Professor at the University of Heidelberg
- VON HASSEL, Kaj Uwe, Vice-President of the German Bundestag
- WHEELER-BOOTH, Michael, Secretary to the United Kingdom Delegation to the European Parliament
- WIJSENBECK, Florus, Chef de Cabinet of the President of the European Parliament
- WOLF, Ernst, Professor at the Institute for International Law and International Relations, Basle
- YEATS, Michael, Irish Member of the European Parliament.





SECTION VI  
**POSTSCRIPT**



## ON THE IMPROVEMENT OF THE FUNCTIONS OF PARLIAMENTS

by Mr K. Helveg PETERSEN, M. P., former Minister of Education and Culture, Denmark. Member of the European Parliament and Chairman of a Working party of the Symposium.

### Introductory remarks

Throughout both the papers and the debates of the Symposium, and, indeed, in political discussions in the Community generally, the term 'parliamentary crisis' is being used more and more frequently. It is clear that the influence of our parliaments is declining and that a gulf can rightly be said to exist between parliament and public. It is quite common for the peoples of various countries to be dissatisfied with the achievements of their parliaments, and there is every reason for devoting all possible attention to this problem and suggesting solutions. This was the aim of the Symposium, and the notes below attempt to highlight some of the questions raised and to call attention to some important themes which should be followed up in the future.

### I. General remarks about parliaments and the steering process

#### (a) *Technological developments*

Technological developments are becoming an increasingly decisive factor. They are in many cases crucial to the political decisions taken. In theory, the legislative power can resist technological innovations, but in practice this will not happen since our whole present-day society is based on the greatest possible technological progress. The structure of economic life and of society in general is constantly changing : large institutions and undertakings are getting larger, quite irrespective of the importance attached in political circles to preserving small undertakings. New means of production and working methods evolve, and in every country technological developments are seized upon in the desire to raise the people's standard of living.

As a result, parliaments are continually obliged to revise the law to keep pace with the demands of technical development and even to promote it ; and the very speed with which changes occur throws a further burden on parliamentary work. This leaves them with too little time to consider more long-term problems and prevents them from gaining a lead in these matters. Parliaments have, in fact, little enough time to cope with day-to-day problems.

#### (b) *Dependence on the outside world*

Dependence on the outside world, on both world and regional events, is growing. This dependence will vary according to the size and nature of the country, but in all cases the fact of being dependent on other countries means that national legislation and administration must take this aspect fully into consideration and this inevitably means that parliaments are often left with little choice of action. The greater the technical development, the greater the dependence. The more trade and relations there are between countries, the greater the need for common solutions — which is in fact a guiding principle of the institutions of the European Community. The present world crisis clearly indicates the importance of co-operation across the frontiers and of common solutions. National isolation is virtually impossible.

(c) *Organisations and pressure groups*

Various types of organisations and pressure groups exert an ever-increasing influence, and it is true to say that — generally speaking — the members of these organisations feel more allegiance to them than to political or constituency organisations. The way these organisations and interest groups function in relation to parliament may vary from country to country, but the power of the large organisations is unmistakable in all countries (1).

(d) *Limitation of parliament's influence on the legislative process*

Several contributors to the Symposium pointed out that parliament's influence on even the legislative process has become more and more restricted. The parliamentary contribution is often confined to amending Bills introduced by the government : in practice there is no possibility of putting forward major alternative proposals. Characteristically, the view was put forward at the Luxembourg Symposium that even 'the mother of parliaments' — the United Kingdom's House of Commons — is practically reduced to a kind of advisory body (2). This is partly due to the fact that only the government has sufficient staff to draw up major Bills, which, as society gets more and more complicated, become more and more complex (see comments on technological developments above). In this connection it was pointed out at the Symposium that even though the public sector in the Member States is generally increasing the extent of its responsibilities, there has been no comparable increase in the number of Members of Parliament. This means that the same number of elected representatives have to cope with an ever-increasing number of laws whilst, as international cooperation is extended, there is an ever greater need for an outward-looking contribution (3).

As a result, Private Member's Bills, in other words, Bills drawn up by individual members of parliament or party groups, are seldom passed and fewer will be passed in the future.

Even if most Bills are drawn up by the civil service, commissions or committees, their actual content originates from large trade organisations or from public bodies such as universities. For example, educational reforms are often proposed by members of the educational profession and educational institutions. The same is often true of the social services, trade matters and so on.

Altogether, parliament's influence as regards which Bills should be introduced, and when, is rather limited. Generally speaking, it is difficult to get a coherent picture of parliamentary work. The lack of planning and cohesion (4) in the organisation of the daily work makes it even more difficult. Although this is primarily an inconvenience to parliament, it also contributes to the public's lack of knowledge of and interest in public affairs.

One facet of this is that parliamentary work tends to be organised solely round government programmes, and parliaments become caught up in the need of governments to improvise and their own desire to decide themselves how to dispose of their time. The result is an inefficient use of the individual Member's time and abilities so that the proceedings become superficial, formal and uninspired.

Although it can be said that there has always been a lack of cohesion and clarity in legislative activity, it is more marked now than previously precisely because of the number of laws and their complexity, and finally because societies are dynamic. More static societies would find the absence of the requisite comprehensive view less of a setback. The process of disillusion is, moreover, increasing : it is characteristic of many young people occupied with society's problems to think that there is a need for sweeping changes.

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(1) See paper by Professor A. Manzella, p. 93. paper by Professor Uwe Thaysen, p. 49, Mr John Mackintosh, Summary Report p. 287, Professor Ionescu, Summary Report, p. 285, Professor von Beyme, Summary Report, p. 279.

(2) See paper by Professor K. von Beyme, p. 11.

(3) See paper by Professor Rose on the number of members of parliaments, p. 225.

(4) See e.g. paper by Professor Predieri, p. 200.

### (e) *The problem of information*

It was pointed out repeatedly during the Symposium that the way in which information about parliamentary work is presented leaves much to be desired <sup>(1)</sup>. Although admittedly this is largely due to parliamentary working methods, it is also due to the tendency prevalent among the mass media to deal first and foremost with current problems and material developments, and also to dramatise political events.

The advent of television opened up new communication possibilities that have penetrated political life with far-reaching results : the public can now in some countries follow parliamentary debates on television and watch discussions between leading politicians and others. There is no doubt that this centralisation of political debate makes for diminished interest in political discussion in the constituencies. One result is that the public often gain impressions from television programmes about parliament which, because of the fragmentary presentation <sup>(2)</sup>, are liable to cause dissatisfaction with the proceedings. The fact that there are often few members present at debates surprises the public and arouses resentment. For they are not always aware of the amount of committee work in which politicians are involved. The very language of politics with its traditional forms also has an effect. What is most crucial, however, is the almost daily appearance of leading politicians on the television screen : the public's attitude towards them is not at all the same as when they were more distant figures.

The ever more frequent sounding of opinion among the electorate (Gallup polls and the like) in recent years to determine how much support the parties have was given various assessments at the Symposium. But it is certain that the information so collected has an effect on political life <sup>(3)</sup>. It is inevitable that the tactics the parties adopt are influenced by the ratings they are given in the opinion polls. A degree of unpredictability thus affects political patterns of action.

## II. How can parliaments be strengthened ?

Considerable changes will have to be made if there is to be any hope of strengthening parliamentary influence on the development of society.

There is obviously no general formula that can cover all aspects in all the Member States, but the following points are probably relevant in most cases :

### 1) *A better overall view of legislation*

Parliaments must be given a better overall picture of the consequences of legislation. To this end, data must be obtained on the effects of technological developments on legislation. Dependence on other countries must also be evaluated and where possible quantified. The undue and sometimes clandestine pressure of organisations and pressure groups must be circumscribed, while giving, such organisations the opportunity to put forward their wishes so that they can be taken into consideration before legislation is drafted <sup>(4)</sup>. Consideration should be given to the possibility of establishing a special body, composed of the leading members of the main organisations, that would function as a mouthpiece for the desires of the organisations concerned <sup>(5)</sup>.

In order to enable parliaments to play their proper role vis-à-vis governments, consideration should be given to the increasing of staff to serve the parliament, so that the latter may effectively defend

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<sup>(1)</sup> See e.g. Miss Sarogni, *Mr Liou's Summary Report*.

<sup>(2)</sup> See e.g. Mr Lenihan, *Summary Report*.

<sup>(3)</sup> See e.g. Mr Liou's, *Summary Report*.

<sup>(4)</sup> In Sweden the Government forwards Bills to Parliament together with a documentation of views and wishes expressed by organisations, the central administration, counties, municipalities, etc.

<sup>(5)</sup> See examples mentioned in various papers by e.g. Prof. Gerard Liboi, Koiman and Vis, etc.

its interests in relations with the government. However, in view of the size of the civil services of the various Member States, the increase in influence to be gained in this way would in general be limited. Given the large number of specialists in the civil services, they will always be in a considerably better position than the parliaments.

A prerequisite for change is that members of parliaments should in all instances be able automatically to consult the civil service and its employees when drafting bills, etc.

## 2) *Parliaments and the drafting of legislation*

If the position of parliaments is to be strengthened, they must under all circumstances be involved in the drafting of legislation at an earlier stage than is the case at present, when they are generally presented with Bills in their finished form. There is much to be said for involving parliaments in the legislative process at the planning stage. In a sense it is possible to talk of legislative control *before* Bills are drafted<sup>(1)</sup>. This could be achieved by having important Bills submitted to parliaments in draft form while there is still a chance to choose between alternatives. At the same time the consequences of the various alternatives should be set out. In this connection consideration should be given to the holding of more general political debates in parliaments.

There would thus be greater certainty that things would be seen in a broader context, without any predetermined restriction as to form, as is the case when Bills are submitted in their final version. It should be a prerequisite that papers (in the United Kingdom called 'Green Papers') on important areas of legislation should be furnished for discussion in all the interested circles — constituency organisations, trade organisations and so on. The way would thus be opened for the people to exercise greater influence than at present on Bills to be introduced in due course. The mass media should obviously also be able to make a considerable contribution towards this.

Obviously, certain technical problems will arise in connection with such a procedure. There will be a time lag between general debates and discussion of Bills. But, in addition to being better informed of the views held by parliament and constituency organisations, governments will acquire a better basis for the technical preparation of the Bills.

Another consideration, which is a direct extension of this, is the desirability of discussing simultaneously Bills on related subjects. A better overall picture can then be formed, and simplification is made possible.

These comments should be seen in the light of the fact that the electorate often regard parliamentary discussions as of little interest. To them, the discussions are reminiscent of lawyers presenting opposing points of view, without there being any real debate. The electorate know that the real political debates are often held in parliamentary committees, which are not normally open to the public. It is obvious that prior consideration of important Bills in connection with general political debates in parliaments, during which the guiding principles for legislation in a given area could be established, would increase public interest and such debates would be an important element in improving the position of the parliament<sup>(2)</sup> as it is viewed by the public.

## 3) *The use of 'hearings' by Parliamentary Committees*

Many references were made during the Symposium<sup>(3)</sup> to the possibility of improving or extending the system of 'hearings' by parliamentary committees, whereby they interview representatives of interested parties in order to obtain better background for their work. Where complex areas of

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(1) See Professor Kooiman's report from the working party on the relationship between parliaments and civil services, Summary Report.

(2) See the paper on the effects of public planning on the legislative branch by Professor Thaysen.

(3) See e.g. Mr. Behrendt, Summary Report.

legislation are concerned, experts, civil servants, industrialists, etc., depending on the field in question, should obviously be invited to participate and civil servants given the maximum possible freedom to express themselves. Written material should not be excluded, but the emphasis should be laid on oral communication between the person or persons appearing and the parliamentary committee. Whether the persons involved, the 'witnesses', should themselves have the opportunity of questioning the committee members is another question; it would undoubtedly make the meetings more lively. It is important also that the hearings should, whenever possible, be in public.

The procedure for hearings must obviously vary from country to country, according to local practice. The important part is to attempt to achieve the objective of putting important questions of public policy before parliaments while they still have a chance to consider alternatives.

#### 4) *Referenda*

The system of representative democracy is based on the idea that the electorate chooses representatives to look after its interests for a given period, depending on how often elections are held. However, can this be regarded as a definitive solution? Many voters find it unsatisfactory only having to decide at arbitrary intervals which party to vote for. As the party programmes — despite ideological differences — come increasingly to resemble each other, it can be difficult to decide on election day which party to choose.

There is also the strong argument that it is rather absurd to appeal to the electorate to widen its knowledge of political affairs and legislative matters if they are not called upon to take part in the decision-making process. There comes a time when a person, having acquired extensive knowledge of a subject, wishes to have a say in further developments relating to it. This is where the referendum comes in.

At the Symposium in Luxembourg, opinions varied <sup>(1)</sup>. A majority of participants considered that the principle of the referendum could be allowed to play a more organic part in the legislative process <sup>(2)</sup>. In certain countries of the Community, it is possible to hold a referendum on a Bill provided certain conditions are met, e.g. a certain number of Members of Parliament must request a referendum on a particular Bill, but the referendum is not widely used in any of the Member States. The country that holds the most referenda is Switzerland where, in fact, there is no question of a parliamentary crisis <sup>(3)</sup>.

In Switzerland, the referendum system has roots far back in history, but in every country, there is a need to break new ground in order to strengthen democracy. It would certainly seem to the writer to be a good idea to begin experiments — especially at local level, where there are numerous practical possibilities for citizens to take a direct decision on well-defined issues. In places where direct participation has been practiced, experience has shown that there is considerable interest in joint decision, whether it is a matter of town planning, the establishment of new institutions or other clear-cut matters which can easily be put to a referendum. It becomes more difficult in cases where the problem is not so clear-cut and citizens may have difficulty in answering a question with 'yes' or 'no'. In any case, it is absolutely necessary, if it is desired to put a matter directly to the electorate, to ensure that sufficient background information is provided.

It is often objected that the use of referenda may result in people opposing changes at a time when changes are unavoidable, as they are today. It is argued that people may not know enough to take

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<sup>(1)</sup> See e.g. paper by Professor K. von Beyme, Mr Lenihan, Summary Report, Professor Coombes.

<sup>(2)</sup> There was, however, also strong opposition to the idea which became an important issue affecting British membership of the European Communities. See 'The Case against a Referendum', Political Quarterly, January-March 1975, by Professor John Mackintosh, M.P., one of the participants in the Symposium.

<sup>(3)</sup> In Switzerland — depending on the type of Bill concerned — *referenda* are either *obligatory* or *optional*. An optional referendum must be held at the request of at least 30,000 voters or 8 cantons. There is also the right of *initiative*, which means that either 50,000 or any one of the cantons, any one Member of Parliament as well as the Nationalrat, the Bundesrat or the Ständerat have the right of proposing an initiative in order to amend the Constitution. An initiative is followed by an obligatory referendum.



decisions on problems and would be inclined to choose solely on the basis of the immediate situation ; the authority of Parliament would be undermined, and so on. Much depends on the way in which the public is furnished with information. If there is a referendum in conflict situations without sufficient public debate and public involvement, it is clear that the system will not operate satisfactorily. There must be time for a thorough, well organised information campaign covering all sides of the problem in question.

More time may possibly be required when dealing with specific Bills than would otherwise be the case, but more time should perhaps be allowed anyway. The rapidity with which developments take place and with which changes in the life of the individual take place should be a major consideration. It may be possible to counteract contemporary insecurity and rootlessness precisely by taking the time to explain the background of Bills to be implemented, so as to avoid the alienation from legislation and the administration which nowadays is so typical. There can be no doubt that, in every country, there is a great deal of scepticism, indifference and, in some cases, downright hostility to the steady stream of laws and instructions issuing from the central authorities. Much of this hostility undoubtedly stems from the fact that people are not sufficiently aware of what is going on. This may lead to strong reactions from the electorate and sudden shifts in the political constellation, which again have a direct influence on the power of representative democracy to steer developments.

A considerable psychological advantage of referenda would be that people would no longer be able to allege manipulation by the public authorities as they do at present <sup>(1)</sup>. If the people can ultimately have a decisive influence on whether or not a law is passed, they will feel powerful and no longer regard themselves as victims of manipulation. It would be hard to overestimate the far-reaching effects of a move to put proposed legislation to the public vote.

There is no doubt that the idea is gaining ground. This can be seen at local level where there are examples of authorities holding an experimental referendum without any obligation to do so and acting on the result.

Where complex matters are concerned, involving decisions on a series of problems, some of which may have side effects, it is much more difficult.

It has been suggested from various quarters that electronics would permit a referendum to be held quickly. It would, in fact, be technically possible to hold a referendum in one day by making use of the telephone system. This could be seen as an extension of the opinion poll, but in fact the use of such extended opinion polls, referenda that is, in connection with the political decision-making process would be a way of arousing a more active interest in political problems amongst the electorate. Whatever form the referendum might take, it is significant that increased participation in the decision-making process will create greater interest in understanding the problems. A great deal can be achieved by increasing information, but inevitably there comes a time when the people want to know what purpose such wider information serves if they have no means of taking part in the actual decision.

There is at present a definite loss of interest in political life, and widespread dissatisfaction with what is done and the way in which parliaments function. In the long run, it is an intolerable state of affairs that an increasing number of citizens should be satisfied with remaining passive and critical while others resort to non-parliamentary methods, which may be understandable as spontaneous reaction, but which do not really help to produce solutions. In these circumstances, a considerable effort must be made to find ways of strengthening representative democracy, something extra that will improve its functioning. I feel that the loss of power which has to be suffered by the decision-makers is fully compensated by the advantages resulting from the better contact and satisfaction felt by the electorate if it is directly involved in taking decisions on questions which concern the individual and the development of society.

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<sup>(1)</sup> See e.g. paper by Mr Damgard, p. 38, where it is shown that in Denmark 4 referenda on Bills led to rejection by the voters in two cases.

## 5) *Election of members of parliament*

The election of members of parliament is a problem which was discussed time and again at the Symposium <sup>(1)</sup>. It is often stated that in the various countries a type of political establishment grows up, in the form of political clans whose members continually appear on the political scene, and that there is not sufficient variety. There is a desire for renewal, and this is where the question of the electoral procedure comes in. It is important to ensure the best possible choice of political candidates, which means in particular that a greater part of the electorate should participate in nominating the candidates that are to run for office than is normally the case <sup>(2)</sup>.

This brings us to the problem of constituency organisations and their role in political life. In certain countries the constituency organisations have great difficulty in recruiting members. Many people are unwilling to attach themselves to a particular party, there is a desire to remain independent ; yet the constituency organisations have the important task of nominating candidates. The small membership of constituency organisations means that their financial situation is precarious, and the question should be considered whether the State ought to give these organisations financial support.

This is a solution which has been adopted in some countries <sup>(3)</sup>, but in most cases the individual organisations have to fend for themselves.

Another aspect of the nomination of candidates is the diversity of professions represented by politicians. In some countries there is an increasing tendency for public servants to take part in politics, while there are fewer representatives from the liberal professions and industry <sup>(4)</sup>. Many businessmen have difficulty in finding time to go into politics whilst simultaneously running their own concerns. Obviously, there is a danger of an unbalanced situation occurring here, and thought should therefore be given to how things could be put right. In this context it is natural to look at the relationship between the political organisations and their parliamentary representatives. There is an increasing tendency amongst those organisations to require their representatives in parliament to follow a particular line, e.g. to adhere to decisions taken at party congresses — which may to some extent be seen as an expression of the desire to obtain more direct influence on the decision-making process — but there is a certain contradiction between this trend and the right of the individual member of parliament to follow his own convictions <sup>(5)</sup>. Here, too, the referendum would be helpful, since it represents the necessary correcting factor in the conflict which may arise between the party's political programme and public statements and the personal views held by the individual member of parliament on specific political questions.

## 6) *Parliamentary information activities*

A brief description of the influence of the information activities has already been given. It is now necessary to consider the relationship between such activities and parliaments.

In every country reports and documents are distributed with information on parliamentary deliberations, but in general, it is true to say that they only reach a limited readership <sup>(6)</sup>. The question was therefore raised at the Symposium of publishing a parliamentary journal to appear weekly whilst parliament is in session.

There is undoubtedly a need for a well-written paper that would 'translate' parliamentary debates and decisions. Wider advertising in the daily newspapers would serve a twofold purpose by providing useful and necessary information and, at the same time, strengthening the position of the daily press.

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<sup>(1)</sup> See 'Recruitment in the United Kingdom': paper by Mr Mackintosh p. 156.

<sup>(2)</sup> Cf. e.g. the American 'primary system'.

<sup>(3)</sup> On public financial support to political parties see e.g. Mr Ninn Hansen, Mr Behrendt, Mr van der Sanden and others, Summary Report.

<sup>(4)</sup> See e.g. paper by Prof. Thaysen, p. 49.

<sup>(5)</sup> On the question of the imperative mandate see e.g. :Messr :Burgbacher, von Hassel, Thaysen, Summary Report.

<sup>(6)</sup> See e.g. Mr Liou, Summary Report, on French practice.

A documentation service centred on a parliamentary office and working in cooperation with the library network would be an effective way of increasing public access to information about what is going on, and would also provide a sort of feedback, whereby questions and requests arising throughout the library network would find their way to the documentation centre and thus be passed on to members of parliament.

One possibility would be to set up committees to receive and evaluate or pass on questions and suggestions from the citizen<sup>(1)</sup>. An institution of this sort would probably arouse considerable interest provided that it functioned as a genuine go-between and produced reactions from politicians.

Parliamentary press departments were mentioned several times at the Symposium<sup>(2)</sup>. One could consider the possibility of a parliament being granted a limited amount of broadcasting time on radio and television, e.g. one or two weekly broadcasts of a factual, informative nature. This would complement the idea of publishing special parliamentary journals or articles about legislative matters. Programmes of this sort could, in particular, serve as a source of preparatory information for the public debates prior to the formulation of important legislative proposals. They could also be used to publicise the hearings mentioned earlier. Special programmes of this sort should not, of course, involve any limitation on the freedom of expression of radio or television.

At the Symposium, it emerged that there were a great many objections to the way radio and television dealt with political activities<sup>(3)</sup>. There was reference in this respect to so-called 'instant' democracy, i.e. the fact that politicians often are allowed only a limited period of time on radio or TV in order to put forward their views and to comment on important Bills, party programmes, etc. So it frequently happens that politicians and parliamentary work are not given very satisfactory hearings on radio and television. In this respect, the introduction of one or more special weekly programmes prepared by parliaments would be likely to improve the situation. Obviously, clear rules should be laid down on how information provided by parliament on the radio or television should be presented.

## 7) *European Parliament*

Many of the ideas raised above may recur in connection with the European Parliament, but there are numerous other questions which have been discussed time after time, the most important being the requirement for the European Parliament to be elected by direct universal suffrage. Until this is achieved it is to be expected that the members of the European Parliament will continue to be appointed by the national parliaments, and an effort should therefore be made to strengthen this link as far as possible. Two questions arise. First, how can the activities of the European Parliament best be accomplished? Here, of course, reference should be made to many of the remarks already made concerning the work of national parliaments. One point worth considering when discussing the procedures of the European Parliament is whether debates should not be held in the European Parliament *before* the Commission draws up its proposals. Surely it would be better if Parliament did not always have to wait for proposals to be served up, ready-made, in documents from the Commission. Admittedly, some progress has been made in this direction: for example, the Commission submitted its environment action programme to the European Parliament for its opinion before beginning to work out definite proposals in this sector. This line of action should be extended to other fields, where problems are still at an early stage. Even if the European Parliament as a rule only has advisory powers, a procedure of this sort would produce useful effects.

The question of special European days was raised during discussions at the Luxembourg Symposium<sup>(4)</sup>. Even though one must avoid a rigid definition of the concept 'European days', in the sense that they were days on which certain subjects should be debated in all the European parliaments, the idea of

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(1) See also Miss Sarogni, Summary Report, on the Italian system.

(2) See e.g. Mr Behrendt, Summary Report.

(3) See e.g. Messrs van der Sanden, Lenihan, Licus, Dewulf, Summary Report.

(4) On European days: see Messrs Gregoire, Nederhorst, and Mackintosh, Summary Report.

a general debate, dealing with important legislative matters about to be considered or under consideration by the European institutions, could be attenuated in national parliaments. At all events, it would be highly useful if steps were taken to arrange wide-ranging discussions that linked the debates of the European Parliament with the work of the national parliaments. Further, even if debates were not held on precisely the same day, it would still be desirable if there was some degree of synchronisation between the Member States. If these were more or less simultaneous debates conducted across the internal borders of the Community, they could be coordinated with debates in the European Parliament and a two-phase system might thus be envisaged : debate in the European Parliament followed by debates in the national parliaments on Commission proposals. Clearly, advantage should be taken of the proposals circulating within the European institutions. Both Commission documents and the reports of votes in the European Parliament contain a great deal of material which would make a good basis for discussion in the national parliaments. It is absurd that the very valuable material produced at European level virtually never reaches the national parliaments (1).

All in all, there should be an attempt to break down the barrier between the national parliaments and the European Parliament and ensure that there are genuine exchanges between the two. The situation at present is obviously unsatisfactory. There is very little contact, and members of the European Parliament frequently have to admit that it is very difficult to obtain sufficient time at national party meetings to report on the situation in the European Parliament.

Consequently, the idea that emerged when the Presidents of the national parliaments met immediately after the enlargement of the Community to discuss relations between the European Parliament and national parliaments should be pursued. There should be an opportunity for committees from national parliaments to meet the corresponding committees of the European Parliament (2). There is nothing standing in the way of a procedure of this sort, provided the various countries regard it as the duty of Members of Parliament generally to take part in international work. On this point, there is a significant blockage. The current situation is that the electorate in the various countries does not consider it very important for elected representatives to participate in international work. What does seem important to the electorate is the extent to which they are concerned with local matters, and it may here be added that the knowledge that, as the main rule, the European Parliament has only consultative powers, has a strong negative effect.

### III. Final remarks

The world is in deep trouble. The population explosion, famine, the gulf between the industrialised countries and the poorest of the developing countries and the energy crisis are some of the headlines that indicate the character of the difficulties we are faced with. The combined sum of these tendencies threatens to precipitate a fundamental world crisis, which many observers compare with the crisis of the thirties. How is the world prepared to solve the great issues ? Very badly. One of the reasons is that international management is failing.

In view of these heavy challenges the EEC has a decisive role in the world of today. Not only for its own sake, but also for the sake of the whole mankind. The Community must support all efforts in order to promote a peaceful development in a world full of danger. It is highly important that the national parliaments of Europe and the European Parliament are as well prepared as possible to assume their part of the immense task ahead.

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(1) See Miss Sarogni, Summary Report.

(2) See on this, Mr Nederhorst, Summary Report.



**Previous publications of Selected Documents include**

- *The European University*  
December 1967, 109 pp., preface by Mr. Mario Scelba
- *The case for elections to the European Parliament by direct universal suffrage*  
September 1969, 350 pp., preface by Mr. Mario Scelba, introduction by Mr. Fernand Dehousse
- *The European Communities' own resources and the budgetary powers of the European Parliament* — Selected documents  
June 1970, 226 pp., preface by Mr. Mario Scelba, introduction by Mr. Georges Spénale
- *The European Communities' own resources and the budgetary powers of the European Parliament* — The debates on ratification  
October 1971, 192 pp., preface by Mr. Walter Behrendt, introduction by Mr. Georges Spénale
- *The Case for A European Audit Office*  
September 1973, 164 pp., preface by Mr. Georges Spénale, introduction by Mr. Heinrich Aigner.









