

The study of legislative committees

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The Study of Legislative Committees^a

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Virtually all legislating assemblies of any considerable size employ committees of some kind, that specialise topically and to which some significant tasks are delegated. Core roles include policy formulation, deliberation, and oversight activities.

Committees are ubiquitous, so they must be important. But how important? And, when, where, and why do they shape policy outcomes substantially? The answers to those questions are not easily found. Strøm (2007) rates parliamentary committees ‘among the most important features of legislative organisation in contemporary democracies’, and perhaps that first, hedging, word is critical. Showing that committees are *highly* consequential is not trivial.

The committee system has loomed large in the gigantic academic literature on the functioning of the US Congress, and, in particular, on that devoted exclusively to the US House of Representatives (see, for example, Cooper 1970; Fenno 1965, 1973; Jones 1961, Polsby 1968). The focus on committees dates at least from the late 19th Century, when future president Woodrow Wilson argued that ‘Congress in session is Congress on public exhibition, whilst Congress in its committee rooms is Congress at work’ (quoted in Evans 2011), a quotation which is ubiquitous in the literature.

For decades, much of the debate about legislative committees in the US has revolved around rival grand theories of how and why committees exercise power, and what purpose they

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serve from the point of view of the chamber membership writ large. *Informational* theories, strongly associated with Krehbiel and various co-authors, posit that a committee system facilitates the collection of information and exploitation of individual expertise (see, for example, Gilligan and Krehbiel 1987, 1990; Krehbiel 1992). *Distributive* theories focus on how segregation of decision-making by policy area can be a mechanism for ‘log rolling’, or vote trading (see, for example, Shepsle 1978, 1979; Shepsle and Weingast 1981, 1987; Weingast and Marshall 1988). A set of *partisan* theories articulate the effects of committees on intra- and inter-party conflict (see, for example, Aldrich and Rohde 1997, 2000; Cox and McCubbins 1993, 2005; Rohde 1991; Sinclair 2007).

The theories are plainly distinct, but not entirely incompatible, and much effort towards empirical adjudication has not really settled a great deal. For instance, it turns out to be sufficiently difficult to pin down whether committees are representative or, instead, outlying relative to chamber membership, in policy preferences, that dozens of published works have not fully resolved which is the more accurate characterization (see, for example, Adler 2002; Adler and Lapinski 1997; Hall and Grofman 1990; Groseclose 1994). Competing expectations about the frequency with which committee decisions should be reversed in floor votes are difficult to assess empirically without a precise model of roll-call generation. An interesting point about all of this work is that committees are almost always taken to be important in some respect. Partisan theories come closest to seeing committees as incidental, rather than consequential, but even they typically distinguish between conditions under which committees can and cannot be influential, relative to parties themselves. A smaller literature extending studies to the 99 U.S. state legislative chambers has introduced welcome institutional variance, but not succeeded in establishing the supremacy of any of these families of theories (see, for example, Battista 2009;

Francis and Riddlesperger 1982; Kanthak 2009; Lin 2015; Overby and Kazee 2000; Richman 2011).

A minimalist view might contend that a universal human experience is that large groups are unwieldy. Thus, because national (and sub-national) legislative chambers are almost always bigger than the optimal size for a seminar (12-15, perhaps), some organisational structure that reduces the number of participants involved in discrete tasks is imperative.

In turn, committees promote better deliberation, cooperation, and debate, by solving generic problems of scale. The partitioning of policy into distinct spheres could help to solve collective action problems, by organizing a legislative division of labor and making the complex policy world easier to manage. However, if, for example, committees tend to be microcosms of the whole, and/or if their decisions are normally subject to approval from the whole body, they might not exert much, if any, discernible influence on policy outcomes.

In the case of the United States, very few doubt that committees are very important and have been for a long time. Few would contest, either, that individual committees vary in significance and that there have been changes over the nation's long history in the relative rankings of these committees (Stewart 1992; Stewart and Groseclose 1999). Which committees are the most important, how and why, is worthy of attention. Many academics and practitioners have a rough sense of which committees are most and least attractive, and there are some quantitative indices aiming to provide precise scores (Stewart 1992, 2018; Stewart and Groseclose 1999) but these efforts have not, usually, been comprehensive or integrated with other work.

Clarifying what is meant by 'important' is immediately necessary, since committees vary on a large number of dimensions, some objective and others subjective and ambiguous. One

natural sense of importance is how consequential is the committee in shaping policy (Berry and Fowler 2018; Katznelson and Lapinski 2006; Russell and Benton 2011). Such an assessment remains ambiguous unless there is a baseline—does one wish to suggest that the composition of the committee matters, and that a given piece of legislation that passed through Committee X would have been different had that committee’s membership differed? Or does a claim of importance instead draw a contrast with a hypothetical alternative path in which no committee existed, or the bill in question was referred elsewhere and never taken up by X? Generally, assessments of policy relevance need not be confined to how committees matter in the passage of new legislation, but might include as well their roles in oversight of implementation of existing laws by the executive branch. In turn, there are many possible analytical strategies for measuring how much a committee (or a set of committees) appears to impact actual policy, over a given time period.

A good deal of effort has gone into descriptive work classifying committees by their power, functions, and composition, and comparing legislative chambers across democracies (e.g. Martin 2011; Martin and Vanberg 2004, 2005, 2011; Mattsom and Strøm 1995; Strøm 1998). Such work supports comparative claims, along the lines of ‘Standing committees in A possess far more formal powers than do their counterparts in B’ or ‘Committee hearings in chambers of type W are usually widely publicised, whereas they are often nearly invisible in chambers of type Z’. And the findings quite often work against the baseline broached above, by demonstrating that committees are not, by and large, fully representative or lacking in agenda- setting power. But are committees important on a level with parties, or are they nearly always weaker and much more marginally or conditionally relevant?

The assembled papers aim to demonstrate multiple fruitful avenues for further research into when, how, and why committees are important to legislative politics. Collectively, they cover multiple nations and chambers, and discuss diverse approaches to establishing whether and how committees have consequences and which ones are most effective in undertaking their work and performing various tasks ascribed to them. The special issue aims to offer additional tools for the kit of students of committees rather than an over-arching theoretical framework, a comprehensive cross-national analysis of one trait, or exhaustive study of a single case. A unifying premise is that committees vary across time and space in their significance, and that comparative scholarship on legislative organization and institutions needs to be sensitive to local circumstance and should be eclectic in the exploitation of useful variance.

Starting with the UK, in a prescriptive vein, Philip Norton (Lord Norton of Louth) offers a bird's eye view of a comparatively rare, under-studied, and in his view, promising function for select chambers, post-legislative scrutiny. Political battles over the wisdom of legislation need not end with passage and/or implementation of a law, of course, but Norton advocates not prolonging partisan posturing, but, rather, non-partisan, technical scrutiny of statutes in operation. The challenges to de-politicizing such assessment should not be minimised, but neither should the value in acknowledging that sensible policy-making is not merely passing laws, but evaluating how they are implemented, identifying gaps and flaws, and revising them accordingly. The House of Lords is perhaps unusually well suited to this activity, but it is probably different in kind, not degree, from many other chambers worldwide. In turn, the British case could usefully be viewed as a pilot or demonstration project by other legislative innovators.

Csaba Nikolenyi and Chen Friedberg examine the formal powers of legislative committees in Hungary and Israel, two cases in which the formal, institutional structure suggests

relatively powerful committees. The contrast is instructive because they find rather distinct *de facto* powers. In Hungary, formal powers are disproportionately in hands of members of the government-coalition parties, while representatives of the opposition enjoy almost none of them. In turn, the committees operate more as agents of the Government than the parliament. By contrast, they show that in Israel committees are less dependent on the government, and bills sponsored by the opposition have higher chances of becoming laws. Countries vary in the degree to which they allow members of the opposition parties substantial control of committee decision-making and resources, and this dimension of variation is plainly important. While in the United States committees seem to be an arm of the majority party, with all committees chairs members of this majority; in other countries committee chairs are distributed among most or all parties present in the legislature. This dimension clearly affects the role committees play in the legislative process, as centre of deliberation and oversight of the executive.

Mihail Chiru examines twenty years of experience with committee assignment in Romania (1992-2012). The legislatures established in Central and Eastern Europe after the collapse of communist autocracies remain under-studied, even though they constitute strong evidence for effects of legislative design in the absence of a long (democratic) history, a panoply of norms, or path dependencies. Other features of Romania's recent democratic history—high electoral volatility and ideologically fuzzy political parties prone to splitting and membership switches—are analytically useful as well. Chiru subjects hypotheses regarding effects of committee-membership on individual legislators derived mostly from American congressional theories of legislative organization to novel data and a fresh case. In doing so, he not only enriches our understanding of how committees work in a rather new democracy, but also subjects theories that aspire to generality, but have been perilously intertwined with

American cases and data, to an overdue trip abroad. Chiru finds that committee assignments follow a distinct logic: district characteristics matter the most when assignment decisions are made. In this way, they facilitate what Chiru calls ‘low-cost’ policy specialization.

As mentioned above, a key characteristic of committees is that they can serve as arenas where legislators become specialists in a particular area (Adler and Wilkerson 2008; Polsby 1968; Sheingate 2006). Specialisation matters because legislators become knowledgeable and develop expertise useful for the drafting, deliberation, and consensus building around bills. It also provides a continuity that helps in the oversight responsibilities of the committee. However, a necessary condition for specialisation is the tenure length of committee members: the longer the tenure on a committee the greater the specialization in the area. If a chamber has rules that impose limits in the number of years someone can be chair or member of a committee, then the incentives to invest time and resources in specialization decrease (Hall 2005). A legislator who knows that she will soon have to change committees lacks incentives to invest in becoming a specialist in a particular area. In this issue, Pablo Oñate and Carmen Ortega investigate whether committees in the *Congreso de los Diputados* in Spain can build unique expertise. Based on four distinct dimensions, they create a Committee Parliamentary Specialization Index that aims to measure the level of specialization in committees. They have an interesting finding: even though the level of turnover in the Spanish legislature in general, and in committees in particular, is high, committee chairs tend to be specialised in the issues of the committees they chair. That is, this paper tells us that it might be possible that specialization happens at the level of the chair even in a non-favorable environment, with high turnover rates.

Brian Gaines, Mark Goodwin, Stephen Holden Bates and Gisela Sin, in a replication and extension of Dunleavy and Muir (2013), employ a comparatively new approach to gauging

committee importance. Rather than cataloging activities, assessing formal and informal powers, or otherwise studying composition, we outsource the measurement of committee significance to the media. In particular, we gauge significance of parliamentary select committees in the UK, in search of evidence that these have gained in salience and visibility over time and after changes in the core tasks of select committees in the wake of reforms in 2010. If the actions of select committees are reported, they must matter (to readers, viewers and listeners, in the eyes of reporters, editors, etc.). With due attention to important changes in the ease with which media sources are searchable, one can document striking variance—across time and space—in the newsworthiness of committees. Defying the skeptical (textbook) view that such committees keep MPs busy, but have no other discernible effects, some have grown in visibility markedly since the implementation of the 2010 Wright reforms, designed to increase their power. That point alone does not establish that Governments cannot always or easily ignore Select Committees, but it is suggestive in regard to avenues of influence. They may, for example, be an increasingly useful vehicle for campaigning, agenda setting and mobilizing public opinion, and thereby influencing and/or constraining Ministers, possible at one remove.

In all, the articles fall into distinct areas that collectively, constitute interesting questions about committees. *Under which conditions do committees influence policy? How do legislators' characteristics affect committee outcomes? How important are committees? What should committees do?* These articles tackle the questions with a fresh view and novel data, giving a new understanding of committees from a comparative perspective.

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