

6. Legislative Process and the Mirroring Principle

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At the center of all democratic governments are legislatures. In all legislatures, members compete for access to a variety of valuable resources, such as floor time and committee or cabinet positions. The internal distribution of these resources fundamentally shapes the legislative process, and by extension, determines which individuals or coalitions can influence legislative outcomes. In this paper, I argue that, within a given legislature, the distribution of legislative influence tends to mirror the external checks and balances in the polity as a whole. In other words, as Lijphart (1984) has argued, just as polities with little separation of purpose (i.e., with limited diversity of interests and factions) tend to have more unitary governmental institutions than do polities with greater separation of purpose (which tend toward institutions that create separation of powers), so too will internal legislative institutions reflect the separations of purpose and power within a polity.¹ This law of organization is referred to as the *mirroring principle*.²

In making my argument, I consider legislatures generally and use examples from a wide range of parliamentary and non-parliamentary bodies. I argue that many elements of legislatures, as well as the ways that we think about them, are common across most (and perhaps all) legislatures. Thus, a goal of this paper is to present a general analytic framework within which many aspects of the world's diverse legislative bodies can be considered.

I proceed as follows: In the next section, I discuss the nature of legislative resources, and briefly review the various arguments about how they are allocated. The section after that deals with control over the legislative agenda. In the third section, I discuss two cases that illustrate the mirroring principle. I end with a brief conclusion.

¹ See Cox and McCubbins (2001) on separation of purpose and separation of power.

² McCubbins, Noll, and Weingast (1987) coined the term "mirroring principle," arguing that agency structure mirrors the political forces that create, oversee, and fund the agency. The concept is essentially the same as Ferejohn's (1987) "structuring principle."

1. LEGISLATIVE RESOURCES AND THEIR ALLOCATION

Broadly speaking, resources fall into four categories: The first is legislative time, including caucus time in cabinet or committee, time on the floor (i.e., in the legislature as a whole—sometimes called *plenary time*), or time in conference committees (in the cases of some bicameral legislatures, such as the U.S. Congress). The second is institutional positions, such as party and committee (or ministry), leadership spots and membership. The third is staff and funding (for either parties, committees, or ministries). And the fourth is legislative outcomes, including budget and appropriation decisions, tax decisions, and vetoes in presidential systems (i.e., the status quo).

Given the value of these resources, the method by which they are allocated is of obvious importance. In the case of majority-party-dominated parliaments such as the British House of Commons, it is widely accepted that the majority party controls resource allocation. In many other cases, however—and most notably in the U.S. Congress or the Japanese Diet—claims of majority dominance are not as widely accepted (this is also true for U.S. state legislatures). This is also the case for countries in which, due to electoral rules or other factors, legislators have strong incentives to act independently of their parties, or in which presidents possess legislative agenda setting powers (e.g. in Brazil). Accordingly, I spend a good deal of this section reviewing alternative explanations for the allocation of resources. Since these alternative explanations, dubbed the distributive theory of politics, are most fully developed in the literature on the U.S. House of Representatives, I focus primarily on the U.S. case in this section, before returning to a more comparative discussion in subsequent sections. In addition to reviewing these explanations, I outline problems with each of them and then turn to more detailed consideration of the majority-party explanation for resource allocation.

Scholars of the U.S. House have suggested a variety of bases for the allocation of resources, including universalism,³ logrolls,⁴ the regular order,⁵ the need for policy information, and partisanship. I consider each of these possibilities in turn, beginning with allocation on the basis of either *universalism*, whereby resources are distributed more-or-less evenly among all members, or by *distributive logrolls* (Shepsle and Weingast 1987; Weingast and Marshall 1988),⁶ whereby each gatekeeper⁷ (be it a committee, ministry, faction, or coalition)

³“Universalism” implies that all members of the legislature are beneficiaries of distributive policies (see Weingast 1979).

⁴“Logrolls” involve two or more legislators agreeing to trade their votes on one bill they care little about in exchange for another bill that is personally much more important to them.

⁵“Regular order” refers to the regular rules of procedure in the legislative chamber.

⁶The term “distributive” is used because, according to this model, the primary purpose of the House’s internal structure is to make it easy for members to distribute such benefits as government projects, spending, and pork to their constituents.

⁷A “gatekeeper” is someone who has access to or a veto over a particular policy or policy area.