

# **THE PARLIAMENT (FOLKETINGET)**

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## **Note to readers**

*This is a very rough draft indicating the themes and framing of the chapter. I did not manage to finish the draft in time, so the last sections only consist of bullet points to indicate the intended content of these sections. I have tried to include as much as possible focusing on content rather than format. I will of course carefully edit the chapter according to the editorial instructions prior to submission in February.*

## **Powerful, Professional, and Trusted?**

The Danish parliament, Folketinget, is a single chamber legislature with 179 elected members. Two of these are elected in the Faeroes Islands and two in Greenland. Members of parliament are by the constitution (§ 56) free to follow their own conviction and not take instructions from the voters. Political parties are crucial parliamentary actors even if they are not mentioned in the constitution (see Green-Pedersen and Skjæveland, this volume). Candidates are nominated by parties and run their campaigns under a party label. In parliament, parties organize daily work, assign committee positions, and party unity in legislative votes is only broken in very rare instances.

The first Danish legislature was institutionalized in June 1849 marking the transition from absolutism to representative democracy. This legislature consisted of two chambers. Folketinget was the first chamber and its 100 members were elected directly by all house holding men aged 30 or above. Landstinget was the second chamber and its 51 members were elected indirectly by delegates. Over time, the political system gradually democratized with a notable change in 1901, where the first chamber (Folketinget) obtained the power to remove the government. This negative form of parliamentarism – where no investiture vote is required but where a majority in parliament can make the government resign – is still in place to day. With the current 1953 constitution, the second chamber was dissolved as it was perceived as undemocratic and unimportant (Nissen 2004: 98-110).

The study of parliaments has a long tradition and is multifaceted as it has been the research object for all leading approaches in political science over time (Budge 1973). One important division is between the traditional institutional studies focusing on describing the characteristics of the

legislature as an institution and the behavioural studies focusing on explaining the legislative behaviour of individual legislators. New institutionalist approaches have tried to combine these two traditions by defining the parliament as the research object but theoretically incorporating the importance of actor preferences and behaviour. Across all legislative studies, a major concern has been to determine how powerful legislatures are (Fish and Kroenig 2009). The answer to this question is still debated. Some argue that with regard to lawmaking parliaments are little more than ‘rubber stamps’ passing the laws governments propose to a degree where the executive controls parliament rather than the other way around (Kreppel 2014). This claim is however disputed (Russell and Gover 2017). Others argue that the power of parliaments should not only be evaluated with regard to lawmaking but also with regard to the many functions, parliaments serve besides lawmaking. These include for instance scrutinizing government, representing, and aggregating citizen interests (Packenham 1970; Blondel 1973; Norton 1998; Kreppel 2014). To answer this main issue of power, scholars have focused on the institutional powers vested in parliament (Siberer 2011) as well as the resources and specialization of the parliament (Shepsle and Weingast 1987; Bowler and Farrell 1995). More recently, scholars have become increasingly concerned with linkages between parliament and external actors such as interest groups or citizens (Norton 2002, Leston-Bandeira 2004). Such linkages are perceived as an important source for legitimacy and public trust, which is crucial for the status and impact of parliaments.

In the light of this very short presentation of the main themes, discussions and developments in legislative studies, this chapter asks how powerful, professional and trusted the Danish parliament is. The analyses are based on a thorough review of existing studies of the Danish parliament as well as new data. In the first section, the institutional power of the Folketing is analysed based on a principal-agent framework suggested by Sieberer (2011), but extending the analysis by including

data on parliamentary activities to bridge the divide between the institutional and the behavioural approach. In the second section, the institutional resources of Folketinget is analysed under the headline of professionalization. This is used as a conceptual umbrella for uniting research on parliamentary resources such as staff and money, on patterns of parliamentary recruitment, and on the specialization within parliaments. All of these sub-disciplines relate to the professional capacities of parliament. The third section engages with the more recent research agenda within legislative studies analyzing how trusted the Folketing is among Danish voters and its interaction with civil society. The chapter concludes by summarizing the findings of the analysis and providing the best possible answer to how powerful, professional and trusted the Danish parliament is.

### **A Powerful Parliament?**

Power is as difficult to define and measure in legislative studies as in any other field of political science. However, since the question of power is so central to the discipline, scholars continually adventure into the study of power, even as they know “that measuring the powers of legislatures perfectly is a vain hope” (Fish and Koenig 2009: 1). Fish and Koenig (2009) have conducted the empirically most comprehensive study of legislative power to date. They ask 758 experts in 158 countries 32 questions regarding legislative power in parliamentary as well as presidential systems in the Legislative Power Survey. These questions were designed to measure influence over the executive, institutional autonomy, specified powers, and institutional capacity (ibid: 4). While all of these dimensions are relevant to legislative power, it is not clarified how they are connected or whether legislative power is theoretically understood as multi- or unidimensional.

With regard to the Danish case, the frequent formation of minority governments (Chap XX) has been argued to offer parties outside of government more influence than in systems with majority

governments (Strøm 1990; Ganghof and Bräuninger 2006). It can thus be argued, that parliament is stronger when the government is weak. However, this argument rest on a highly party based understanding of legislatures, judging the power of legislatures based on how much legislative power parties in and out of government have. Even though political parties are crucial parliamentary actors, parliaments may offer these actors different opportunities for exercising power. As an institution, parliaments make different tools ‘dispositional’ for the relevant actors (Dowding 1996: 3-4 cited in Sieberer 2011: 735), and there is therefore more to parliamentary power than the relative number of seats controlled by parties in and out of office.

Sieberer (2011) offers a cohesive theoretical framework to analyse the institutional powers parliamentary actors have at their disposal. In line with a rational choice new institutionalist perspective, the power of parliamentary actors is assumed to rest on institutional resources that allow them to influence the government to a greater or lesser extent (Ibid: 735). In parliamentary systems, the parliament is the principal vis-à-vis the government, and the relevant institutional resources are those that allow the parliament to control that government produces policy-outcomes in accordance with the preferences of the parliamentary majority. These institutions relate to 1) legislative influence, 2) ex ante selection control, and 3) ex post oversight control.

### *Legislative Influence*

Parliamentary actors may control policy-outcomes by limiting delegation to the government and control legislation on its own. The direct legislative influence of a parliament depends on the extent to which the parliament controls its own agenda, the law-making capacities of the parliamentary committees, and the influence parliament has with regard to the budget (Sieberer 2011).

According to the Danish constitution, the chair of parliament has the prerogative to set the parliamentary agenda (§ 39). In practice, the chair often involves the Committee on The Rules of Procedure when planning the parliamentary work, but the parliament sets the agenda, not the government. Rules of Procedure further specify that there must be at least 30 days between a proposal and the final vote to allow committees to consider the proposal. Bills can be proposed by members of parliament (private bills) or by the government (government bills). The committees cannot propose bills as committee bills, but their members may of course propose a bill as a private bill. In practice (as illustrated in Figure 1), the government makes most of the proposals, which are then assigned to the relevant standing committee (Mattson and Strøm 2004) (more on standing committees in the section about the professional parliament). During committee work, the committee may ask the minister questions related to the bill or receive input from external actors. The committee can only compel ministers to provide evidence (Mattson and Strøm 1995). Based on committee discussions and bill readings, the committee produces a report indicating the support for or against the bill. Compared to parliamentary committees in other countries, Danish committees have relatively high agenda setting power as the parliament decides on the parliamentary agenda and committees decides when to finalize their reports, but since they cannot write, rewrite, amend or split bills their drafting authority is limited (Mattson and Strøm 1995: 299).

Even though Danish MPs have institutional resources that allow them to influence policy-outcomes directly, Figure 1 shows that the government clearly makes most of the legislative proposals and it is more likely that a government proposal becomes law. This is the situation in most parliamentary systems, and it has not changed much over the years in Denmark. Actually, the number of private bills is slightly decreasing, and government tends to become even more successful in passing proposals through parliament.

<FIGURE 1>

The seemingly dominance of the government does however not reveal to what extent proposals have been pre-negotiated in a parliamentary majority coalition. The success rate of government proposals may thus indicate legislative influence rather than executive dominance. The formal power of MPs to propose legislation and hereby force legislation through parliament that the government does not approve of has been used (Ganghof and Bräuninger 2006) and may force governments to consider majority parliamentary preferences when formulating their proposals. Further, informal practices regarding legislative coalition formation (*forlig*) (see also chapter XX) offer political parties out of government significant power in blocking policy changes related to issues included in such legislative agreements (Pedersen 2010). Hence, the legislative rules as well as informal practices of the Danish legislature allow the parliamentary actors to influence policy-outcomes in accordance with the parliamentary majority. The main reason for why governments may still dominate the legislative process is party discipline that runs across the executive and legislative institutions. Since party leadership is often taking office when parties moves into government, they may be able to enforce discipline in government as well as in the parliamentary party group and hereby dominate the legislative process.

*Ex ante selection control*

Another way for parliamentary actors to control policy outcomes is to select an agent – a government – that is more likely to share and enact the preferences of the parliamentary majority. According to Sieberer elective power depends on who has the right to nominate, selection requirements (majority or qualified majority), and Procedure for voting (secret or open) (2011: 738-

42). Even though Sieberer argues in favour of including more positions when estimating this power, the most crucial power relate to the selection of the prime minister. In this case, the Danish Folketing must be categorized as comparatively weak, since there is no investiture vote. The prime minister or the cabinet is not required to win any formal vote among members of parliament before taking office. This is thus a negative version of parliamentarism, where a parliamentary majority can remove a government from office rather than a positive version where an explicit parliamentary majority is needed to take office. The negative form of parliamentarism has been argued to be part of the reason for the frequent formation of minority governments, which should in turn make parliament more rather than less powerful relative to the government.

The Danish government also have the opportunity to dissolve parliament. General elections must be held every fourth year (Elklit, Chap. 5 this volume), but the prime minister can call an election sooner if he for instance wishes to renew the government mandate, finds that parliament blocs salient legislation, or just sees an opportunity to maximize chances of regaining office. Just as parliament can send government out of office, so can the prime minister dissolve parliament and call for an election.

#### *Ex post oversight control*

Finally, an important dimension of parliamentary power is the extent to which legislative institutions allow parliamentary actors to scrutinize and sanction the government and hereby discover and correct if the government does not act in accordance with the preferences of the parliamentary majority. This include committees' rights to consult ministers and to require documents, the availability of parliamentary questions, and rules regarding votes of no confidence.

With regard to the vote of no confidence, the Folketing can express no confidence to single ministers or the government as such. The vote does not require that parliament agrees to support an alternative minister or government, and it only requires a simple majority to vote the government or a minister out of office. Votes of no confidence are very rare, but especially single ministers has been forced to step down facing a threat of such a vote. When it comes to committee rights, committees can ask ministers written as well as oral committee question related to any issue within the relevant jurisdiction. Committees can also ask for consultations with the minister (samråd). These consultations will be open to the public if at least three members of the committee ask for it. Most often, they are open to the public. Besides this, members of parliament may ask individual questions named §20 questions referring to the section in the Rules of Procedure they are described in. These questions may be oral or written, and ministers are required to answer within six days. A member of parliament or multiple members may also ask for an interpellation in which the relevant minister and members of parliament will debate a matter in plenum. The parliament permits these interpellations and only very few a denied. Finally, since 2013, a number of questioning hours are held in parliament. During these questioning hours only the prime minister answers questions. Questions are not submitted in advance, and party leaders often ask them, since they are also required to participate in these questioning hours. The Folketing thus offers its members plenty and powerful resources for scrutinizing the government.

< FIGURE 2 >

If we turn to how these controlling resources are used by the actors, Figure 2 illustrates the development in §20 and committee questions. There are three phases. From early 1970s until the early 1990s there is a steady but relatively modest increase in the number of §20 questions from

around 500 to about 1,500 per term. In the same period, the number of committee questions also increases steadily, but at a faster pace from around 2,000 to 8,000 committee question. From the mid-1990s to around 2006 the number of § 20 questions explodes reaching the maximum number of 7,642 questions in the 2005-06 term. The number of committee questions continues to increase but more gradually with a maximum of 9,674 committee questions in the 2004-05 term. After 2006 the pattern changes as the number of §20 questions starts decreasing while the increase in the number of committee questions accelerates.

The increase in parliamentary questions may relate to the increasing number of bills processed through parliament, but the number of questions per bill increases with the same pace as the absolute number of questions. Instead, Green-Pedersen (2010) offers a party competition explanation for the general increase in what he calls non-legislative activities across West European parliaments. Party competition has changed from primarily involving position taking and mobilization of core constituents to parties increasingly competing to determine the political agenda trying to push forward those issues they believe are beneficial to them. Especially opposition parties, who lack governing parties' control over the legislative agenda, can use parliamentary questions to influence the political agenda. In the Danish case, it is indeed primarily opposition parties that ask §20 questions, and Green-Pedersen (2010) shows that Danish MPs especially ask questions related to issues where their party has stronghold. To what extent questions are also used to nurture constituency relations is still only suggestively studied for the Danish case. However, party competition dynamics do not explain the sudden drop in §20 questions and increase in committee question after 2006. This change is caused by an institutional reform. From 2007 the parliament's Rules of Procedure specify that §20 questions should only be used for clarifying the position of the minister, whereas technical and other type of specific information should be obtained

via committee questions. This led to the evident change in question practices, and to the extent that we assume that parliamentary actors adjust according to the Rules of Procedure, we may also conclude that part of the increased §20 questioning activity prior to 2007 was due to information obtainment rather than intensified issue competition.

### *A Parliament with Powerful Institutions*

The institutional powers the Folketing offers parliamentary actors are substantial both with regard to direct legislative influence and with regard to control whereas the elective power is more limited compared to other parliaments. From an institutional perspective, Danish parliamentary actors have solid opportunities to make government act in accordance with the preferences of a majority within the legislature. Parliamentary actors – parties and individual MPs – have multiple motives (Strøm 1990b), but if their main motive is to pass legislation in accordance with their policy preferences, the Danish parliament provides the institutional power to make sure that a parliamentary majority is able to enact its will even if it contradicts the preferences of the government.

### **A Professional Parliament?**

It is not only the motives of parliamentary actors that decides to what extent the institutional power of parliament is used efficiently. Actors also need sufficient resources to make use of the institutional opportunities. Actors need time, expertise and staff support to make parliaments work professionally. Under the headline of parliamentary professionalism, this section analyses the Danish parliament in relation to three major issues concerned with changes and developments in legislative institutions. The first and earliest issue is the issue of legislative institutionalization (Kornberg 1973). Institutionalization is a broad and not very clearly defined concept (Damgaard 1977), but in empirical terms it often narrows down to describe developments in institutional

autonomy and resources. The second issue is the issue of legislative specialization, which refers to division of labour and expertise developments in legislatures and often involves empirical analyses of parliamentary committees. Finally, the third and latest issue is the issue of legislative professionalization referring to how politics increasingly becomes a profession of its own and focusing especially on changes in MP recruitment (Best and Cotta 2000; Norris and Lovenduski 1995).

### *Institutional resources*

The Danish Folketing has a stab of about 425 employees (Folketinget 2018). This includes committee secretaries, HR personnel, library and information staff, and maintenance employees. It does not include staff in institutions associated with parliament such as the ombudsman or the audit general. There are no official account describing developments in the legislative staff. Damgaard reports that the number of employees with college degrees in the parliamentary administration increased from 12 in 1954 to 21 in 1974 (1977: 65). Even though the current 425 employees are not categorized into any subcategories, the institutional resources in terms of parliamentary staff has increased over time.

The task of the parliamentary stab is to handle practical and administrative tasks and hereby support members of parliament so they can focus on their political tasks. Besides the parliamentary staff, the parliamentary party groups are supported financially. Each parliamentary group regardless of size and status as opposition or government party receive one basic amount (USD 63,163 per month in 2017) plus an additional amount per seat (USD 9,445 per month). The purpose is to support the parliamentary work of the groups and individual members. Since 1965 the support has increased significantly (Bille 2000: 133).

### <FIGURE 3>

Figure 3 shows the development over the last 15 years, where the subsidy has increased gradually, with a substantial increase in 2017. In 2016 parliament decided to increase the parliamentary group support by adding an expertise grant. The purpose was to strengthen the resources of parliament relative to the government, who has privileged access to the expertise in the central administration. The figure also shows that this state subsidy translates into significant staff support amounting to 274 full-time employees working within the parliamentary party groups in 2017. Taking parliamentary as well as party group staff into account, four staff workers on average support each MP to allow her to focus on the parliamentary work and make use of the available institutional powers.

#### *Specialization and expertise*

- Standing committees (Damgaard 1977; Jensen 1995; Damgaard 1995)
- Committee assignments (Hansen 2010)
- Parties' spokesmen (Jensen 2002; Bille 2000)
- Questioning practices (Figure 4)

#### *Politics as a Profession*

- Legislative recruitment (Christiansen and Togeby 2007; Jensen, 2004; Narud and Valen 2008) (Figure 5)
- Attitudinal and representative effects (Binderkrantz et al 2018; survey data)

### *A Parliament with Institutional Resources*

- Staff support
- Division of labour more than specialization?
- Limited professionalization

### **A Trusted Parliament?**

- Old concern – new research area
- Descriptive data: How trusted is the Danish parliament? (59% European Research Center)
- Potential explanation: Lack of Linkage (Norton 2002; Leston-Bandeira 2004)
- Linkages through parliamentary committees: Free access, screwed representation (Pedersen et al 2015)
- Linkage through social media: Nothing on parties and parliament – has profiles, MPs highly active and voters respond
- Question: Will increased linkage increase trust? Leston-Bandeira -> probably not – citation

### **Conclusion**

- Summing up the findings and answering the questions
- Indicating new and needed research avenues.

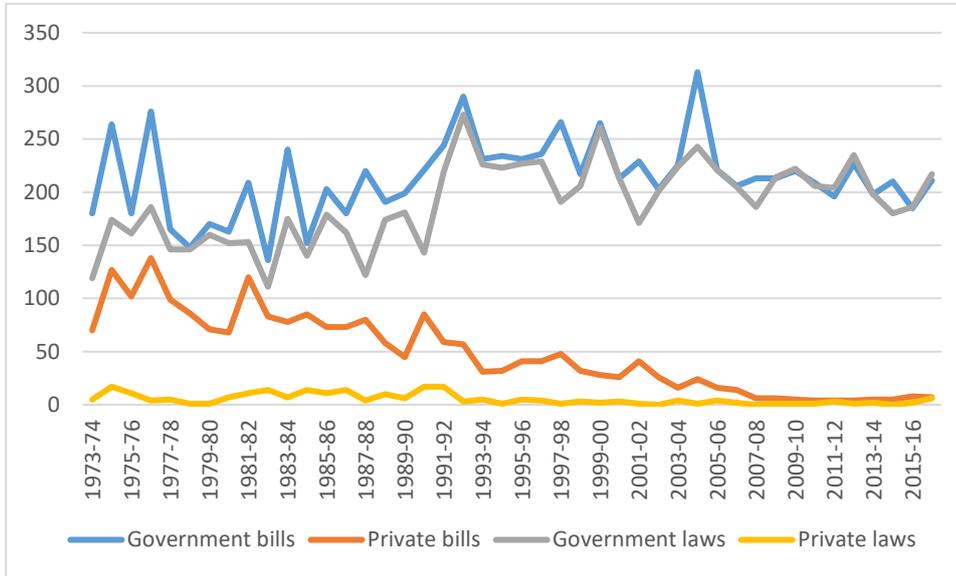
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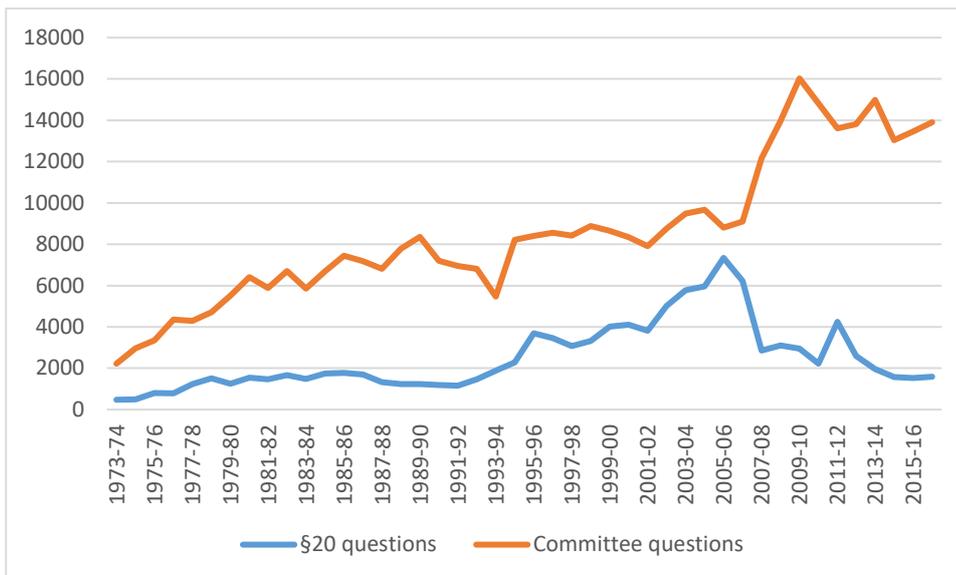
## Figures and Tables

Figure 1. Number of government and private bills and laws, 1973-2016



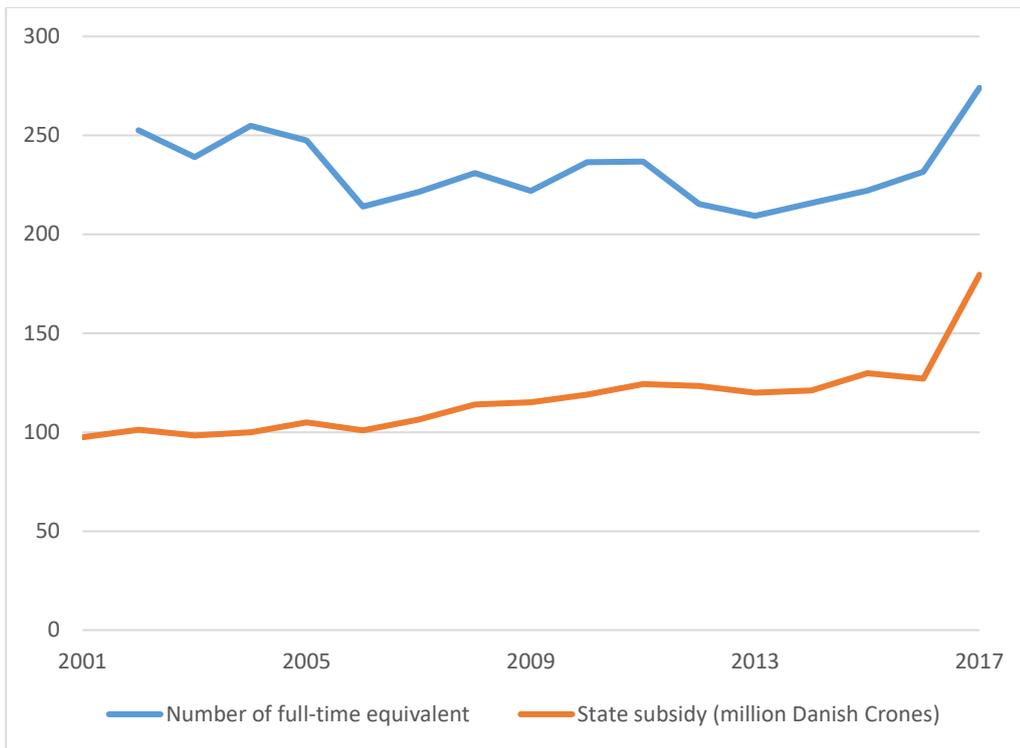
Source: Folketinget, Report on the 2016-2017 parliamentary term

Figure 2. Number of §20 Questions and Committee Question, 1973-2016



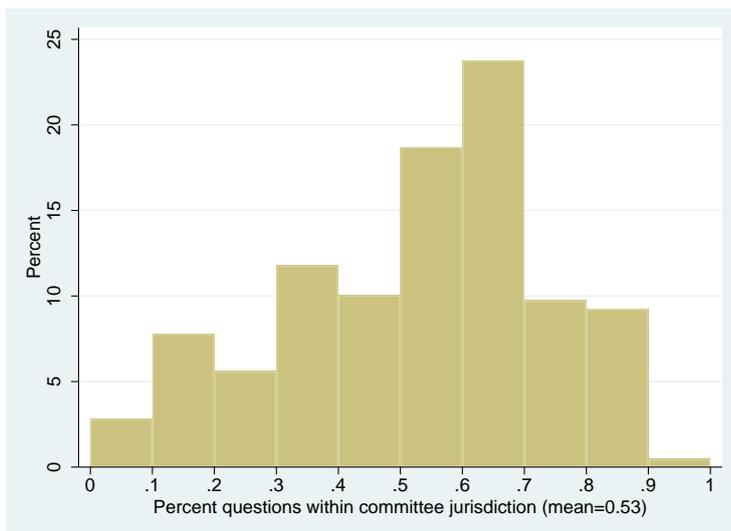
Source: Folketinget, Report on the 2016-2017 parliamentary term

Figure 3. Parliamentary Group Subsidy and Staff, 2002



Source: Parliamentary party groups' yearly financial accounts, <https://www.ft.dk/da/organisation/folketingets-administration/folketingets-regnskaber> (visited October 23 2018)

Figure 4. Questioning Specialization (2004-2012)



Source: Data made available by Christoffer Green-Pedersen

