

# **The Impact of Candidate Selection Rules and Electoral Vulnerability on Legislative Behaviour in Comparative Perspective**

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Legislators are political actors whose main goal is to get re-elected. They use their legislative repertoire to help them to cater to the interests of their principals. In this paper, we argue that we need to move beyond treating electoral systems as monolithic entities, as if all legislators operating under the same set of macro-rules shared the same set of incentives. Rather, we need to account for *within-system* variation, namely, candidate selection rules and individual electoral vulnerability. Using a most different systems design, we turn to Germany, Ireland, and Portugal to leverage both cross-system and within-system variation. We use an original dataset of 345.000 parliamentary questions. Findings show that candidate selection rules blur canonical electoral system boundaries. Electoral vulnerability has a similar effect in closed-list and mixed-systems, but not in preferential voting settings.

**Keywords:** representation; parliamentary questions; electoral systems; candidate selection; personal vote

## Introduction

To what extent do legislators operating in different electoral systems have similar behavioural outcomes because of candidate selection rules and electoral vulnerability incentives? In this paper, we explore what Shomer (2014: 543) dubs the danger of “amalgamating electoral systems and intra-party candidate selection processes”. Indeed, these are “two distinct institutions, both conceptually and empirically” (Shomer, 2014: 543). In addition to party-level variables, electoral vulnerability introduces within-system variation at the individual-level (André et al. 2015).

Our understanding of the consequences electoral systems for legislative behaviour has benefited from a voluminous body of scholarly attention (Carey & Shugart 1995; Shugart et al. 2005; Sieberer 2006; André & Depauw 2013). Yet, this literature overlooks the potential effects of *within-system* variation in legislative behaviour. To be sure, we do not belittle the importance of electoral system. We are wary, however, of treating legislators operating within the same type of system as monolithic, as if *all* legislators shared similar behavioural incentives. Instead, we model legislative behaviour as a by-product not only of electoral rules, but also of candidate selection (Hazan 1999; Hix 2004; Preece 2014) and electoral vulnerability (Fiorina 1973; Jacobson 1987). We examine how legislators use a tool of their repertoire – parliamentary questions – to pursue their reelection goal (Mayhew 1974). We choose to focus on reelection because the pursuit of any other goal – for example, policy and influence in the chamber – is intimately related, and dependent on, securing office.

Our paper contributes to the literature on legislative behaviour by making a comparative approach that allows us to leverage cross-system and within-system variation. Using a most different systems design, our argument is that electoral systems with different rules do not necessarily produce different outcomes. Instead, we argue that the effect of candidate selection rules and of individual electoral vulnerability may lead to similar patterns

of legislative behaviour across different systems. Consider, for example, a system with few incentives to cultivate a personal vote. Because candidate selection is defined at the party-level, in the same electoral system, the degree to which candidates cater to interests of a geographically confined constituency – for example, a local party structure – differs. Furthermore, a more vulnerable legislator will have more incentives to deliver benefits to the constituency that secure her reelection, even if macro-level electoral system rules introduce an incentive to benefit a competing principal. This example shows us how variables operating at the party- and individual-level can shape the dynamics of legislative behaviour.

To test our expectations, we turn to three European parliamentary democracies – Germany, Ireland, and Portugal. Our case selection helps us to maximize variation in electoral rules. The three cases can be placed along a continuum, where Portugal stands at one extreme, with few incentives to cultivate a personal vote. Ireland has a diametrically different organization, with high incentives to cultivate a personal vote. Germany's mixed-system offers a balanced combination with a combination of both systems in the same country.

Our legislative tool of choice to analyse legislators' behaviour is parliamentary questions. They offer a good empirical indicator to test legislators' focus of representation. One of their advantages, to which we should return later, consists in offering researchers observed behaviour, precluding self-reporting and selection biases.

### **Institutional Environment and Legislative Behaviour**

The institutional environment in which legislators operate shapes the representation relation established with their principals. Indeed, legislators adapt their behaviour to the rules of the game, whereby they anticipate potential negative consequences for their re-election goal if they fail to fulfil the wishes of their principals (Mansbridge 2003). Legislators have a vast repertoire at their disposal to deliver benefits to whomever holds the key to their re-election

(Strøm 1997). This repertoire includes parliamentary speeches, parliamentary questions, press releases and voting rights. By and large, representatives face manifold pressures and demands on how to use their repertoire. According to Pitkin, this is a “network of pressures, demands, and obligations” which makes for a “considerable disagreement among legislators about the proper way to perform their role” (Pitkin 1967: 219). Based on the *perception* they have of their constituency’s needs and wishes, legislators have to make hard-choices about how to best employ their limited time, money, and staff (Fenno 1977).

Carey (2007) explores the mechanisms behind legislators’ choices. The author shows that parties and districts are the two principals competing for legislators’ attention. In parliamentary democracies, political parties’ centrality in organizing the chain of delegation makes them a pivotal principal to all legislators (Müller 2000). The extent to which districts compete with parties for legislators’ attention is largely contingent upon the institutional environment in which they operate. Typically, legislators who have incentives to establish a dyadic representation relation with a geographically confined constituency tend to tilt towards the district at the expense of the party. Mayhew (1974) identifies three activities that help legislators signalling that they are working for their principals: advertising, credit claiming, and position taking. Legislators use their legislative repertoire to engage in those activities. Furthermore, the institutional design influences not only the type of activity, but also its intensity. Legislators who have incentives to focus on their district are more entrepreneurial (Kessler & Krehbiel 1996).

The canonical perspective of how legislators respond to institutional incentives tends to amalgamate the potential impact of candidate selection and individual vulnerability with electoral system rules by treating the former as inherent to the electoral system. However, we need to weigh in candidate selection rules and individual electoral vulnerability as two potential *complementary* explanations. Indeed, while electoral systems operate at the country level –

influencing *all* legislators – candidate selection rules are party specific and each legislator has its own vulnerability level. In what follows, we explore the mechanisms behind the moderating effect of candidate selection rules and individual electoral vulnerability on electoral systems' effects. First, we look at candidate selection rules. Second, we turn to individual vulnerability and how it creates within-system variation.

### *Candidate Selection Rules*

To succeed in their re-election goal, legislators need, first, to survive candidate selection by guaranteeing a position in the party list. The latter bestows them with tangible benefits, such as access to party label, campaign machinery, and money (Sieberer 2006). Parties' monopoly in candidate selection – the organizational and functional feature that distinguishes them from other social and political organizations – gives them a pivotal power in shaping the menu of choices of the representation process. Schattschneider (1942: 64) famously said that “the nominating process [...] has become the crucial process of the party. The nature of the nominating procedure determines the nature of the party”. Crucially for our argument on the determinants of legislative behaviour, the author remarked that “he who can make the nominations is the owner of the party”.

Rahat and Hazan's influential work (2001) provides a framework to analyse candidate selection processes. Their taxonomy hinges on two dimensions: inclusiveness and centralization. These dimensions are theoretically and empirically distinct. The former defines who can participate in the selection process. According to Shomer (2014: 536), “the size of the selectorate determines variation in this dimension”. The more inclusive the candidate selection process – that is, the more individuals, bodies, arenas, and decision-making levels are involved – the more open and permeable the outcome. The latter defines the degree of geographical centralization. In Hazan's words, a centralized selection process is one whose “candidates are

selected by a national party selectorate with no procedure that allows for territorial and/or functional representation” (2002: 114).

For our purposes, we are particularly interested in examining how within-system variation in the level of centralization shapes legislative behaviour. We do not focus on inclusiveness because we are not interested in capturing the size of the selectorate. Rather, we want to understand how legislators deal with the tension in centre-periphery incentives in their use of legislative tools. For that, we focus on the extent to which district-level arenas (the periphery) are involved in the selection process.<sup>1</sup> The devolution of candidate selection to local activists, regional structures or corporate levels changes the nature of the candidate selection process. According to Shomer’s (2009) work, the most important consequence of candidate selection at the local or regional structures is the creation of higher incentives for localized legislative behaviour.

Our expectation is that party-specific candidate selection processes shape how legislators respond to their electoral system incentives. If they are to survive a reselection process in which the national party holds the monopoly in deciding who accesses the list and in which position, then legislators tend to focus on the party. If party rules include lower levels of party apparatus – for example, local or regional structures – then legislators will have to deliver benefits to that constituency to secure reselection, even if electoral rules give them a competing incentive (Gallagher 1988; Karlsen & Narud 2013). Crucially, if legislators fail to satisfy their reselection constituency, their path to re-election may be compromised.

Existing case-studies on the effects of candidate selection rules yield mixed evidence. Hazan (1999) finds that the adoption of primaries in Israel moved the focus of representation in the *Knesset* towards geographically concentrated areas. Even in a system with few incentives to cultivate a personal vote, legislators adapt their behaviour to survive the reselection stage. Shomer (2009), however, finds no such evidence. Instead, the author points out that seniority

is the key determinant of legislative behaviour in the *Knesset*. Looking at the Lithuanian mixed-system, Preece (2014) finds that legislators' voting behaviour in the chamber is influenced by what she dubs the "selectoral connection". In line with our argument, the author claims that "the incentives created by candidate selection are distinct from the incentives created by electoral rules" (2014: 164). Preece finds that legislators elected in different electoral tiers have similar behaviour because of candidate selection incentives. For all their theoretical and empirical contributions, case-studies are inherently limited in the extent to which we can draw generalizing findings about them. We need to make a comparative work to model how legislators respond to different institutional constellations.

Endogeneity is a concern that could be levelled out against treating electoral systems and candidate selection rules as separate institutions. Indeed, parties might behave strategically, adapting their rules to take advantage of electoral system arrangements (Cox 1997). In their canonical work, Gallagher and Marsh (1988) argue that these are two conceptually and empirically separated dimensions. Indeed, if they were one and the same, we would see no within-system variation.<sup>2</sup>

Recent empirical work corroborates the conceptual separation between electoral system rules and candidate selection procedures. According to Kernell, "the electoral system does not dictate whether a political party will (or even should) centralize or decentralize [...] have primary elections or executive meetings to choose candidates" (2008: 8). Shomer's contribution further reinforces this point. In her work, the author concludes that "there is no causal link between electoral systems and candidate selection processes" (Shomer 2014: 543). In fact, Shomer concludes that "electoral systems are a country-level characteristic [...] while candidate selection procedures operate as a party-level characteristic" (2014: 543). Interestingly, Hazan and Voerman (2006) draw our attention to normative concerns. The authors claim that electoral systems establish rules that have consequences for the country's

political culture. In return, the latter sets the boundaries for what is considered to be a “legitimate or acceptable [candidate selection method]” (Hazan & Voerman 2006: 152).

The discussion above leads us to the following hypothesis, which aims to examine empirically whether three electoral systems with different rules have similar outcomes because of the mitigating effect of candidate selection rules:

*H1: The more centralized the candidate selection process, the less legislators will engage in legislative activities to cater to the interests of their district, independent of the institutional setting.*

### *Electoral Vulnerability*

For the duration of their term in office, vulnerable legislators are wary of their electoral performance in the previous election. This constrains their behaviour and their interaction with their principals. Political actors know the mechanical effects of the rules of game and how the mechanisms to translate vote into seats impact their re-election possibilities. In addition, there are also psychological effects that affect what Fenno (1977) dubs the “perception” of the principal-agent relation. The latter results of a combination of electoral rules and of individual specific performance at the previous election. Most work on legislative behaviour has overlooked this effect. In the words of André et al. (2015: 468), “studies that focus on the electoral institutions have largely ignored within-system differences in favor of differences across systems – as if legislators operating under the same set of rules all behave in a similar manner”.

Existing literature shows how electoral vulnerability impacts not only the nature of the principal-agent relationship, but also the responsiveness of political actors to median voter preferences (Bowler & Farrell 1993; Powell 2000; Immergut & Abou-Chadi 2014). More vulnerable legislators tend to pay more attention to the policy preferences of their constituents.

Furthermore, recent work shows that political parties are willing to assign vulnerable legislators to special positions (e.g., influential committee seats) where they can extract benefits to mitigate their likelihood of ejection in the next election (Riera & Cantú 2016). André et al. (2015) conclude that “in so far as legislators value re-election, incumbents who are vulnerable to defeat should choose to devote relatively more resources to the goal of re-election” (André et al. 2015: 467). Vulnerability also has normative implications for representation style. The more vulnerable the legislator, the more she should act as a delegate to her re-election constituency. Legislators who are less vulnerable have more leeway to develop a trustee style, in that they are more confident about their electoral fate (Davidson 1969).

Our argument is that vulnerability offers an individual-level incentive that legislators weigh in against the incentives of the electoral system. Our expectation is that legislators who share similar levels of electoral vulnerability to behave similarly independent of the electoral system in which they operate. In what follows, we explain how different rules lead to similar outcomes. Consider, first, a legislator who is highly vulnerable and whose previous election happened by a short margin. This legislator knows that her behaviour in the use of the legislative repertoire can mean the difference between being re-elected or failing. Parliamentary questions are part of the strategy of mitigating previous vulnerability by delivering benefits to specific constituencies.

In closed-list proportional representation systems, voters do not have any chance to express their preferences for a specific candidate. Parties hold the monopoly not only of candidate selection, but also of rank-ordering the list. Consequently, electoral competition is held exclusively at the inter-party level, which makes reselection virtually equal to re-election. The latter, however, is not equally similar across all incumbents. Candidates at the bottom of the list are highly vulnerable. Even a small change in the party’s aggregate score can dictate

their ejection from the parliament. Because the position on the list is an exogenous factor that they cannot change, legislators turn to what they can control: work to benefit their party label in their district. In return, they expect that a better result of the party heightens their re-election chances. Parliamentary questions are part of such strategy. To be sure, such behaviour entails collective action problems. Vulnerable legislators work for the aggregate benefit of the party brand, which benefits all legislators in the list, even those who are not vulnerable and have not contributed to the improvement of the party brand. Nevertheless, making more district focused parliamentary question is an optimal strategy for vulnerable legislators because they need to signal that their party is doing casework for the district. They expect that if their party brand improves in the district, even if marginally, that helps them in their re-election goal.

Preferential voting systems give legislators strong incentives to cultivate a personal vote. Thus, surviving the candidate selection process is a necessary, but not a sufficient condition. Competition happens both at the inter- and at the intra-party level, whereby voters have the possibility to rank candidates according to their preferences. Typically, legislators' results are a mixture of party brand and personal reputation – that is, “that portion of a candidate's electoral support which originates in his or her personal qualities, qualifications, activities, and record” (Cain et al. 1987: 9).

The nature of the electoral system facilitates legislators' efforts to heighten their legislative record (Swindle 2002). The more vulnerable they are, the more they need to invest in making parliamentary questions, speeches, bills, and casework to increase the likelihood of support in their district. To be sure, not all tools of the legislative repertoire are equally effective and each legislator has her own perception of the best winning formula (Fenno 1977). Preferential voting systems offer the advantage that legislators depend solely on their effort to improve their personal reputation. Legislators do not have the collective action problems

identified above. Thus, the more vulnerable they are, the more parliamentary questions they will make.

Mixed-member systems should be conceptualized as an electoral system on their own, rather than as the sum of two distinct electoral systems (Shugart & Wattenberg 2003). In most mixed-systems, there are “contamination effects” between the two electoral tiers, resulting in a homogenizing of legislators’ behaviour (Ferrara et al. 2005). Such harmonization includes the possibility to run as candidate in both electoral tier simultaneously, and from the same set of cameral rules under which they act (Crisp 2007). Thus, the personal vote-seeking incentives of mixed-member systems can vary, but are generally mid-ranged. Because most candidates run both in the party-list and as a district-candidate, we expect them to focus on their district as the key principal. This is an optimal strategy. By working to benefit their district, legislators not only maximize the reputation of the party brand, but also their individual re-election prospects in local districts. Parliamentary questions will follow these incentives. In mixed-systems, vulnerable legislators will focus on their district. If they are competing and expecting to be elected in a single-member district this is an optimal strategy to heighten their individual profile. If they are competing in a party list, a mechanism like closed-list systems exposed above applies. This discussion leads us to the following hypothesis:

*H2: The higher their electoral vulnerability, the more legislators will engage in legislative activities to deliver benefits to their district, independent of the institutional setting.*

### **Why Parliamentary Questions?**

Parliamentary questions are one of the most important tools of legislators’ repertoire. They serve a variety of purposes. First, legislators use them to extract information from the executive or the bureaucracy, to fulfil their accountability functions (Wiberg 1995). Second, they serve for legislators to gain publicity by surfing the wave of public opinion mood, to signal

strategic positions to the selectorate and the electorate (Rozenberg & Martin 2011; Sánchez de Dios & Wiberg 2011). Third, they assume a special importance for opposition oversight activities. Existing work shows that opposition parties are much more active in their use of parliamentary questions (Rasch 2011). Finally, parliamentary questions are useful as a coalition governance mechanism. In his innovative work on how parties use this legislative tool to keep tabs on coalition partners, Tzelgov (2017) shows that parliamentary questions “offer [...] parties a venue for signaling to future voters how their preferences differ from those of other coalition members”. Furthermore, in coalitions they serve to curb hidden information perils by allowing parties to “demand explanations and additional information by coalition members” (Tzelgov 2017: 98).

Recent empirical work on parliamentary questions has focused mostly on case studies. In Switzerland, for example, Bailer (2011) finds that parliamentary questions are chiefly used for legislators’ career advancement purposes, at the expense of being a channel to voice the interests of the citizenry and interest groups. For the Irish case, Martin (2011) suggests that legislators tend to favour the interests of their electoral districts by focusing their parliamentary questions on subjects of importance to their constituencies. Such results are in line with candidate-centred incentives of the Irish electoral system. Interestingly, in Italy, where there are few, if any, electoral systems incentives to cultivate a personal vote, Russo (2011) points out that there is a vast number of legislators who focus on their district in making parliamentary questions. The author suggests that career-related reasons and ambition to pursue a post-legislative position in local politics explain the willingness of some legislators to engage in such activities.

Most of the literature surveyed above hinges on the assumption that parliamentary questions are “amongst the most sincere measure of what interests legislators, free from party control” (Rozenberg & Martin 2011: 398). Such assumption, however, does not reflect existing

heterogeneity in access rules to questioning. As Rasch (2011) reminds us in his work on Norway, parties craft rules to control their members' use of parliamentary questions. In his work, the author shows, for example, that Question Time has more open access while Question Hour, where time constraints are more pressing, operates under a more closed access scheme.

In this work we focus exclusively on written questions, which have, as we will see below, similar access rules across our three countries of interest.<sup>3</sup> We assume that parliamentary questions are to some extent *articulated* between legislators and parliamentary party groups. In practical terms, this means that legislators act at their volition within the boundaries established by the party. Recent advances on the literature on speeches, another important legislative tool, help us to understand why parties and legislators coordinate their actions (Proksch & Slapin 2012). Parties need to shore up their brand to keep an attractive electoral before. Therefore, they design rules that help them monitor their members in their use of legislative tools.

Existing anecdotal evidence in the literature on European parliamentary party groups lends support to our claim that there is a somewhat coordinated action between legislators and their parties. In the Netherlands, Andeweg suggests that, "parliamentary parties [...] require their members to seek permission before making use of individual parliamentary questions, such as putting a written question to a minister" (Andeweg 2000: 99). For Germany, Saalfeld suggests that "questions, which have not been tabled as a result of an explicit decision of the parliamentary party group's caucus are expected to be cleared with the relevant party working groups, executive committees, and whips' offices" (Saalfeld 2000: 27). Ultimately, coordination will benefit both the party and legislators. As Cox and McCubbins put it, "the more favorable is the [...] party's record of legislative accomplishment, the better its reputation or brand name will be" (2005: 7).

Parliamentary questions offer several advantages to deal with our research question (see Martin 2011). First, their format lends itself to content analysis. Parliamentary questions contain information not only about the questioner, but also the topic and the government department to which it is addressed. Second, unlike interviews and surveys, which are plagued with biases and recollection problems, parliamentary questions are a direct measure of legislative behaviour. Third, unlike roll-call votes, in which the party leadership can make strategic choices to shore up the party brand (e.g., restrict roll-call to areas in which there is high cohesion in the party), parliamentary questions cover the whole spectrum of policy topics and are readily available to researchers (Carrubba et al. 2008).

For all its advantages, a cautionary tale can be made against using parliamentary questions to measure the linkage between legislators and their principals. Indeed, the latter do not possess the incentives to monitor all parliamentary questions that the former make. Existing literature has extensively demonstrated that the median voter is a cognitive miser (Lau & Redlawsk 2001), whose interest in politics does not give her incentives to keep tabs on parliamentary questions activities. Cain et al. (1987: 121 ff.) corroborate the apparent paradox between the time and effort that legislators spend in the use legislative tools and the seemingly disinterest of voters. There are, however, two reasons that give us confidence about the internal validity of such association. First, legislators are wary of their limited resources. Consequently, if they perceived their effort in making parliamentary questions – at the expense of other activities – to be useless, they would simply override its use. Second, constituencies are not homogenous. As Fenno's (1977) work illustrates, constituencies are made up of sub-constituencies, subdivided into geographical, re-election, primary, and personal, each one nesting into the other. Thus, we consider that, albeit the median voter might not be paying attention to parliamentary questions, legislators use them to communicate with specific sub-constituencies that are pivotal for their re-election.

### **Case Selection: Germany, Ireland, Portugal**

To test our argument, we turn to the cases of Germany, Ireland, and Portugal. These three cases have heterogeneous electoral rules. Our case selection helps us to make a most different systems research design – that is, to formulate “statements that are valid regardless of the systems within which observations are made” (Przeworski & Teune 1970: 39). We leverage within-system variation in our two key independent variables – candidate selection and electoral vulnerability – to understand if, and the extent to which, actors operating in different electoral systems have similar behavioural patterns. In what follows, we describe the institutional arrangements of each system, with an emphasis on parliamentary questions.

The German *Bundestag* is elected every four years under a mixed electoral system which combines the election of 299 legislators in single-member districts, and a slightly larger number of legislators from closed-party in 16 multi-member districts which overlap with the 16 German regions (*Länder*). The actual number of parliamentary seats varies from election to election due to the compensatory character of the system to maximize proportionality between votes and seats. The compensatory procedure works as follows. In a first step of the seat allocation process, parties are allocated their overall seat shares based entirely on their party list votes, conditional upon a 5% electoral threshold. In a second step these seats are then reallocated to their respective 16 party lists. In a third step, the number of single-member district seats won in the respective regions is then subtracted from the overall number of allocated seats, and remaining seats are filled from the party list.<sup>4</sup> The German system is characterized by having a widespread double candidacy phenomenon whereby most legislators run simultaneously as candidates in district races and in party lists.<sup>5</sup> Consequently, there are contamination effects across electoral tiers. Most legislators have incentives to converge into a similar behavioural pattern, in that a balance between party and district interacts to influence legislators’ behaviour (Zittel & Gschwend 2008; Sieberer 2010).

Typically, parliamentary written questions (*Schriftliche Fragen*) provide individual German legislators the opportunity to inform themselves about the work of the government in general, as well as about the specific activities of certain governmental departments. Written questions are addressed to individual ministers, their ministries or subordinate departments, which must answer these questions within a week's time. Legislators can ask up to four individual written questions per month, which averages to one per week (Siefken 2010). By and large, in a context with very strong parties, parliamentary questions provide legislators the most effective channel to build an individual profile in the *Bundestag* (Keh 2015). However, as Saalfeld (2000) shows, parliamentary party groups keep tabs on the content of written questions.

The Irish *Dáil* has 166 members, elected every five years under a Single-Transferable Vote proportional representation system. The country is divided in 40 constituencies where magnitude ranges from three to five legislators. Irish rules of the game create high incentives for candidates to cultivate a personal vote. Indeed, they need not only to compete at the inter-party, but also at the intra-party level. Legislators cater individual votes at the expense of their fellow party members, notably by promoting constituency work (Marsh 2007). The ballot structure heightens electoral personalization, in that it includes both the party logo and a candidate photograph (Gallagher 2005). In addition to the mechanical effects of the electoral system, Gallagher and Komito (2009) identify two further concerns. First, Irish legislators derive gratification from working for their constituency and from having tangible elements that heighten their profile (Norris 1997). Second, and in line with our argument, candidate selectors at the local level also benefit candidates with high profile of casework.

The Irish *Dáil* offers legislators the opportunity to ask an unlimited number of parliamentary questions (Martin 2011). Two factors explain the absence of limits to the number of questions that legislators can make. First, parliamentary questions are relatively cheap to

make, compared to other activities to cater to the interests of principals. Legislators need to spend more time and effort if they want to prepare a speech or to draft a bill than in making questions. Second, according to Gallagher (2009), most of these questions are not meant to be answered. Accordingly, parliamentary questions are not an “ingenious search for information but, in most cases, as part of the ongoing war of attrition against the government, which [legislators] hope to be able to embarrass” (Gallagher 2009: 172). In the Irish case, too, written questions have to be cleared with the party whips.

Portugal’s *Assembleia da República* is composed of 230 members, elected every four years under a Closed-List Proportional Representation system. The country is divided in 22 districts with high variation in magnitude, ranging from 2, in Portalegre, to 47, in Lisbon. Political parties keep a strict control of candidate selection and list ranking. In most cases, candidate selection and position in the list of a mixed-decision between the national leadership and regional/local party structures. Portugal constitutes a typical case of partitocracy, where voters’ limit their choice to the party label. Parliamentary questions are loosely regulated in the rules of procedure. Like Ireland, Portugal does not have any rules constraining the number of questions a legislator can make. However, parties do exert a close monitoring of the content of parliamentary questions. The only existing case-study on the use of parliamentary questions in the country shows that legislators have a strategic use of this tool depending on the moment in the electoral cycle (Fernandes et al. 2017).

## **Data and Methods**

The unit of analysis of this is the parliamentary question  $i$  posed by legislator  $j$ . Roughly 345.000 written questions have been retrieved from official online sources of national parliaments in Germany, Ireland, and Portugal.<sup>6</sup> For each country, we include a window of observation that covers an approximate number of legislative sessions. Germany is observed

from 2005 to 2013. Ireland from 2007 through 2016. Portugal from 2005 until 2015.<sup>7</sup> Each parliamentary question constitutes a row in our dataset. For each observation, we have coded two binary dependent variables – one measuring whether the question is focused on the district, another whether the question is focused on the party.<sup>8</sup>

The district-focused dummy variable takes a value of 1 if the legislator makes a question with a focus on the district by making an *explicit* mention to a geographical element of the district (city, village, parish, and so forth). For each country, we have used official sources from national electoral/statistical bureaus containing administrative divisions at the district level. This procedure helped us to leverage whether the legislator mentioned the electoral district's name or a sub-district administrative division. This geographically-oriented approach is not without its limitations. For example, it fails to capture situations in which legislators work for their constituents by asking question about a company operating in the district, a school, and so forth. Nevertheless, we have chosen to make an automated classification based on geographically available documents for two reasons. First, while this task could be done by human coders it becomes prohibitively expensive to process and classify a massive number of parliamentary questions. Second, this approach facilitates cross-sectional analysis, which is one of the contributions of our paper to the literature on legislative behaviour.

The party-focused dummy variable takes a value of 1 if the legislator is operating as delegate for her party. Measuring party-focus behaviour in parliamentary questions is not trivial. As we have seen above, parliamentary questions are instrumental as information retrieval tools. We adapt Krehbiel's (1991) framework to conceive legislative organization as a rational institutional answer to informational needs. According to the author's original formulation, legislators are agents of the chamber in committee for information acquisition and dissemination. In our approach, legislators are agents of parties in committees. Thus, parties expect them to acquire and disseminate information to the party. Our operationalization of

party-focused parliamentary questions reflects this rationale. The party-focused dummy variable is coded as 1 if the legislator chooses to focus on the governmental department shadowed by the committee in which she sits. This approach hinges on the idea that legislators would be providing collective goods (i.e., information) to their party, by specializing in a policy jurisdiction and using those skills to ask questions to that governmental department.

Both dependent variables take a value of 0 if legislators ask a trustee-style question. We assume that when a legislator is not working as a delegate to either of her principals, she is working at her own volition and acting based on her own decision-making. To be sure, we do recognize that the trustee category might be masking highly heterogeneous behaviour. However, from an analytical perspective, this is a useful baseline category against which we can compare the behaviour of legislators in a theoretical framework with a long tradition in the representation literature (Manin 1997).

Table 1 shows the descriptive statistics of parliamentary questions. While Germany and Portugal have a roughly similar number of parliamentary questions, the Irish *Dáil*, with only 166 members, makes up for most part of the sample. There are two reasons explaining this difference. First, Ireland does not constrain legislators in the number of questions they can make. Second, the preferential voting electoral system has high incentives to cultivate a personal vote, which heightens the need for legislators to have a personal brand that differentiates them from party-competitors.

Table 1 about here

The stark difference in the number of parliamentary questions across our three cases begs the question of comparability – that is, whether parliamentary questions are indeed the same tool in Germany, Ireland, and Portugal. We need to be cautious about the validity of procedures across different settings. To make cross-national research we must abstract away from some proprieties of the object under analysis to leverage the number of cases (Sartori

1970). To be sure, in the case of parliamentary questions, Russo and Wiberg (2011: 217) address the problem of comparability, affirming that it is impossible to “assume a perfect correspondence between procedures and personal motivations” across institutional settings. In this work, we follow the authors’ assumption that to make empirical comparative studies on parliamentary questions one must deal with functional equivalents. Our research design envisions parliamentary questions in our three countries as functional equivalents. Legislators in our three countries use them to retrieve information, to hold the government accountable, to help the opposition in its guerrilla warfare against the government, and to heighten legislators’ profile for re-election purposes. The shared functions across the three systems help us to have confidence in their comparability.

Our set of independent variables includes, first, *Candidate Selection Centrality*. This 8-point continuous variable gauges the degree of centrality in candidate selection procedures at the party level.<sup>9</sup> The higher the position of a party in the scale, the more centralized its selectorate. Our scale has been adapted and expanded from previous work by Lundell (2004). Information on parties in our sample has been drawn mostly from the Organizing Political Parties dataset (Poguntke et al. 2017).

Second, we include *Electoral Vulnerability*, following previous work developed by André et al. (2015). In their work, the authors develop a measure that helps us not only to measure cross-sectional variation, but also within-system variation. This variable captures how vulnerable legislators are, depending on their position in the list or rank preference in the previous election. By using such a measure, we can capture how legislators elected in different levels of vulnerability behave. The variable ranges from 0 to 1. The higher the value the more vulnerable the individual is.

We add to our models several controls common in the study of parliamentary questions. First, we control for *Election Proximity*, by measuring the remaining days until the next

scheduled election. Existing research has shown that legislators adapt their behaviour depending on the election cycle. Our control helps us to be sure that we are capturing permanent effects from the institutional rules and not some sort of conjecture effect (Weingast et al. 1981; Lindstädt & Vander Wielen 2011). Second, we include a dummy for *Government*, which is expected to exert a negative influence in the likelihood of asking a party-focused question. Opposition parties will be more likely to use parliamentary questions due to its capacity to be used as oversight tool (Rasch 2011).<sup>10</sup> Also, we control for *Seniority*, which is expected to have a negative effect in both instances. More senior legislators will have more secure positions, less need for credit claiming and position taking. Consequently, they should have more incentives to adopt a trustee style in parliamentary questions.

We estimate random-intercepts multilevel logistic regression models, in which observations are nested within legislators. Our models allow us to capture unobserved heterogeneity due to individual features not explicitly modelled, notably career trajectory, seniority in the party, ties with lobbies and organized interests. Furthermore, it helps us to control for the potential biases introduced by data distribution, particularly for differences in the number of questions across-systems.

We have chosen not to model countries or legislative terms as distinct levels insofar that we only have three countries with two/three terms in each country. Rather, we have included dummy covariates for each country. As our explanatory variables are measured at the legislator level or above, we do not estimate random coefficients within legislator clusters.<sup>11</sup> Thus, all regression coefficients, other than the random intercept, are constrained to be fixed across legislators. The model can be formalized as follows,

$$\log \left[ \frac{p_{ij}}{(1-p_{ij})} \right] = \beta_0 + \beta_1 x_{ij} + \beta_2 v_j + \mu_{0j} + \varepsilon_{ij} \quad (1)$$

where  $p_{ij}$  is the probability of the binary outcomes for parliamentary question  $i$  made by legislator  $j$  to be 1,  $x_{ij}$  is the question-level explanatory variable and  $v_j$  is the legislator-level explanatory variable. The fixed intercept component  $\beta_0$  and the slopes  $\beta_1$  and  $\beta_2$  are the parameters to be estimated. The error term for the model includes the question-level error  $ij$  as well as the legislator-level  $\mu_{0j}$ , in which the latter indicates the varying intercept across legislators.

## Analysis

Our empirical foray aims to explore the determinants of legislative behaviour in heterogeneous electoral systems.<sup>12</sup> Table 2 shows the results.<sup>13</sup> Recall that our first hypothesis states that candidate selection procedures influence legislative behaviour, blurring the canonical divisions across electoral systems in the incentives that legislators should serve their principals. Models 1 and 2 show the coefficients.

Table 2 about here

To help us interpret the results, Figure 1 plots the results of the interaction effect between candidate selection centrality and our three countries. This allows us to understand how the coefficient of interest operates across three heterogeneous institutional settings. The left-hand panel displays the predicted probabilities for legislators to make a district-focused parliamentary question depending on the level of candidate selection centralization in their party. Results support H1. The more centralized the candidate selection procedure, the less likely that legislators will cater to the interests of their district. The effect is stronger in Portugal, where we see a .70 decrease in the probability of a question to be district-focused, between the least centralized and the most centralized parties. This effect is consistent with the country's strong party-centric system. German and Ireland have less pronounced effects. In the Irish case, for example, a legislator who runs as an independent has a .40 probability of making

district focused parliamentary question. Members of the Socialist and the Labour parties – operating under the most centralized rules in the Irish system – have a .30 probability of focusing on their district in their parliamentary questions. The German case also shows a decreasing trend in the likelihood of making district focused questions as the role of the party’s leadership in reselection increases.

### **Figure 1: Candidate Selection Centrality and the Use of Parliamentary Questions in Three Electoral Systems**

Figure 1 about here

The right-hand panel in Figure 1 shows the opposite effect. Results suggest that the more centralized the candidate selection procedure, the higher the likelihood that legislators will make parliamentary questions to serve the party leadership. The slope is steeper for Portugal and Germany, which is consistent with the strong party setting in both countries. In the Irish case, our findings suggest only a modest impact of candidate selection rules on the likelihood of making a party-focused question.

In Models 3 and 4, we test our second hypothesis about the influence of within-system variation in electoral vulnerability. Our expectation is that, within the same set of electoral rules, legislators have different perceptions of their vulnerability and adjust their behaviour accordingly. Figure 2 plots the results of the interaction between electoral vulnerability and electoral systems.

The left-hand panel displays results for district-focused parliamentary questions. Findings are mixed. Evidence on Germany and Portugal is consistent with our expectation that the higher their electoral vulnerability, the more likely legislators will focus on their district.

In Portugal, they do it to improve the party brand and to expect to collect some benefit of an improvement from the party's aggregate result. In Germany, the double-candidacy phenomenon makes district focused behaviour an optimal strategy. Legislators cater to the interests of the district in their single-member district candidacy and as party members in the list candidacy.

Against our expectation, in the Irish case, an increase in vulnerability leads to a decrease in the likelihood of making more district focused parliamentary questions. While more research should be devoted to this, our intuition is that, above a certain vulnerability threshold, parliamentary questions are not efficient. In a highly-personalized system, legislators turn to other strategies – for example, spending more time in their district – as a mechanism that will allow them to heighten their re-election goal.

## **Figure 2: Electoral Vulnerability and the Use of Parliamentary Questions in Three Electoral Systems**

Figure 2 about here

The right-hand panel shows the results for the likelihood of making party-focused parliamentary questions. Overall, the evidence is consistent with the findings on district-focused behaviour. More vulnerable legislators are less likely to focus on their party. The effect is more pronounced in Germany and Portugal, particularly the latter. Interestingly, in Ireland there is a slightly curvilinear effect. Legislators with mid-range vulnerability have a small marginal increase in the likelihood of making party focused parliamentary questions.

Our models are robust to the inclusion of our control variables. Crucially, they remain statistically significant despite the inclusion of country fixed-effects. Furthermore, the

potentially confounding effect of time does not interfere with our findings. This suggests that our results are not being driven by election-cycle strategic behaviour. Rather, they are consistent throughout the legislative period. Also, legislators belonging to government supporting parties have a higher likelihood of focusing on their district at the expense of contributing with public goods (information) to their parliamentary party. In line with previous research (Rasch 2011), this shows that opposition parties make more use of parliamentary questions for oversight purposes. Legislators from governing parties have more leeway to devote time to their districts. Seniority has a negative effect across the board. This is consistent with our expectation that more senior legislators tend to work more as trustees.

## **Conclusion**

This paper was motivated by our interest in understanding how within-system variables have the potential to blur canonical boundaries across different electoral systems settings. Legislative behaviour should not be treated as monolithic within a certain type of electoral system. A more realistic approach to the politics of electoral systems begs that we model not only macro-level variables, but also within-system variation at the party- and individual-level. Specifically, we examined how candidate selection rules and electoral vulnerability influence legislative behaviour. We used a most different systems research design to explore the extent to which within-system variation matters for legislative behaviour.

To test our argument, we turned to Germany, Ireland, and Portugal. Our case selection helped us in maximizing variation in electoral systems design. We retrieved and analysed an original dataset of parliamentary questions. Our paper is, we believe, the first paper in the literature to make an extensive comparative analysis of legislative behaviour using parliamentary questions. We make two contributions to the literature on electoral systems and representation.

First, we show that candidate selection blur electoral systems' boundaries. Party-level candidate selection rules have an effect in the legislative behaviour that political actors adopt in making parliamentary questions. We find that legislators who share party rules tend to converge in the way they use parliamentary questions. In three highly heterogeneous electoral systems, our results suggest that the more centralized the candidate selection the more legislators will focus on the party as their predominant principal. The novelty in this finding is that this happens even in systems where macro rules, i.e., the electoral system, would have competing incentives.

Second, our second contribution suggests that within-system variation matters to understand legislative behaviour. We build on previous work by André et al. (2015) by showing that legislators of similar vulnerability levels also tend to have similar behavioural patterns. Our findings, however, have a caveat. While legislators operating in mixed-systems and closed-list settings have similar behavioural patterns, those operating in preferential settings diverge. Evidence suggests that the latter do not have incentives to make a more intense use of parliamentary questions if they are vulnerable. Our interpretation is that, in this case, legislators turn to other strategies – for example, to spend more time in their home district or allocating more staff – that can prove to be more efficient than making parliamentary questions. Further work should focus on investigating whether there is indeed the case.

Our case selection accounts for important variation in the degree of personal vote-seeking incentives. However, we need to address how generalizable our findings are, particularly in flexible- and/or open-list PR. Existing research dwells on how open-list systems affect party discipline. Mainwaring and Perez-Liñán (1997) show that, in Brazil's open-list system, party-specific candidate selection methods affect party discipline. In a comparative work, Shomer (2017) corroborates this finding by showing that centralized candidate selection methods help parties to enforce discipline, in that legislators anticipate potential threats of

being removed from the list. Our intuition is for the use of parliamentary questions to follow a similar trend. In open-list PR systems, the centrality of parties in candidate selection heightens party focus.

Turning to a generalization of our electoral vulnerability findings, we are more reluctant to make a definitive statement. André et al. (2015) show in their survey-based research that the already strong personal vote-seeking incentives of open and flexible-list systems grow even stronger as legislators' electoral vulnerability increases. However, the authors' case selection does not include any STV system. Furthermore, our findings do not show that Irish legislators make more district focused questions as their vulnerability increases. Recall that our intuition is that Irish legislators turn to other tools when they face high vulnerability levels. Such behaviour, however, might be an idiosyncrasy of STV systems – that is, a consequence of what Carey and Shugart (1995) dub a lack of vote pooling. On the contrary, in open- and flexible-list systems votes are typically pooled among candidates, which could create incentives to deploy questions to cater the interests of the constituency. Overall, our intuition is that our findings for Ireland are not generalizable to open- and flexible-list systems because of the vote pooling nature of the Irish system. Rather, electoral vulnerability should have, in tendency, similar consequences as in closed-list PR systems.

For all data difficulties, future research should deal with more cases, including more heterogeneous arrangements in electoral systems. This would allow us to deal with questions such as the moderating effect of electoral systems' vote pooling arrangements in the use of legislative tools. Furthermore, future research should include how legislators make trade-offs in the use of parliamentary questions, speeches, constituency contact, and bill initiation.

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<sup>1</sup> In an extreme cases of closed-list proportional representation, the party can even shape the ranking of candidates.

<sup>2</sup> The three case studies included in this work provide empirical support to this statement. We observe three countries, with highly heterogeneous electoral rules, and in all of them we see within-system variation in candidate selection rules.

<sup>3</sup> In each system, there is, of course, inter-party variation. However, it is difficult to create an empirical indicator that gauges the rules that each party implements. Parties are secretive about revealing this kind of procedures.

<sup>4</sup> If a party wins more single-member district seats than their overall seat share in that region, it can keep the surplus seats (so-called “overhang” seats).

<sup>5</sup> Parties require their list candidates to run in a district simultaneously for spilling over personal votes into votes for the party, and candidates’ electoral performances are considered when parties allocate promising list positions (Manow, 2013). Similarly, by being able to shield district legislators from the uncertainty of reelection in their districts, party selectorates in the PR tier hold carrots in their hand to make district legislators follow the party line.

<sup>6</sup> German parliamentary questions have been collected in the context of the PATHWAYS project ([www.pathways.eu](http://www.pathways.eu)). Irish data have been collected from the online archive at [www.kildarestreet.com](http://www.kildarestreet.com). For Portugal, data have retrieved from the parliament’s official website at [www.parlamento.pt](http://www.parlamento.pt).

<sup>7</sup> Portugal has three legislative terms compared to Germany and Ireland. We decided to include three legislative terms for Portugal because the 2009 legislature had a government early termination. This allows us to keep a window of observation of roughly 8-10 years in each country.

<sup>8</sup> We have chosen not to pool the two categories onto the same variable because they are not completely mutually exclusive.

<sup>9</sup> Please see Appendix A for full information on the coding scheme and the parties covered in our sample.

<sup>10</sup> Recent advances in the literature also suggest the differentiating use of parliamentary questions as a coalition governance mechanism (Tzelgov 2017). However, in our sample, all governments, except for two in Portugal, are multiparty. To include a separate variable to account for this effect would be highly collinear with the Portuguese country dummy.

<sup>11</sup> For a developed technical explanation on this choice see Gelman and Hill (2006: 279).

<sup>12</sup> Appendix B displays a baseline model, similar to the full model, but without the independent variable. The plot shows the effects of electoral systems (country dummies).

<sup>13</sup> Our model also includes several quadratic terms to account for non-linear effects.

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## Tables and Figures

**Table 1: Descriptive Statistics**

Country and Year	N	Share Party PQs	Share district PQs
DE 2005	12 791	0,383	0,065
DE 2009	20,13	0,475	0,064
IE 2007	111,075	0,192	0,265
IE 2011	173,861	0,117	0,242
PT2005	10,271	0,158	0,242
PT 2009	9,426	0,354	0,204
PT 2011	12,316	0,19	0,258
Total	345,158		

**Table 2: Determinants of legislative behaviour in the use of parliamentary questions**

	Model 1	Model 2	Model 3	Model 4
	District	Party	District	Party
Candidate Selection Centrality	-0.10*** (0.00)	-0.00 (0.00)	-0.10*** (0.00)	-0.00 (0.00)
DE X Candidate Selection Centrality	0.00 (0.06)	0.10+ (0.06)		
PT X Candidate Selection Centrality	-0.80*** (0.05)	0.07*** (0.02)		
Electoral Vulnerability	-0.72*** (0.12)	0.20 (0.16)	-0.60*** (0.13)	0.81*** (0.17)
Electoral Vulnerability <sup>2</sup>	0.33*** (0.09)	-0.50*** (0.12)	0.19* (0.1)	-0.87*** (0.12)
DE X Electoral Vulnerability			1.00 (0.98)	-3.31*** (0.65)
PT X Electoral Vulnerability			6.93*** (0.97)	-14.51*** (0.87)
DE X Electoral Vulnerability <sup>2</sup>			-0.11 (0.76)	1.79*** (0.50)
PT X Electoral Vulnerability <sup>2</sup>			-3.44*** (0.67)	8.29*** (0.64)
Election Proximity	-0.81*** (0.06)	0.73*** (0.07)	-0.78*** (0.06)	0.67*** (0.07)
Election Proximity <sup>2</sup>	0.84*** (0.06)	-0.71*** (0.07)	0.82*** (0.06)	-0.67*** (0.07)
Government	0.36*** (0.01)	-1.21*** (0.02)	0.35*** (0.01)	-1.18*** (0.02)
Seniority	-0.03*** (0.00)	-0.07*** (0.00)	-0.03*** (0.00)	-0.08*** (0.00)
DE	-2.21*** (0.22)	0.17 (0.21)	-2.64*** (0.30)	1.80*** (0.21)
PT	5.54*** (0.33)	-0.44*** (0.10)	-2.43*** (0.31)	4.97*** (0.27)
Intercept	3.71*** (0.34)	4.20*** (0.25)	1.79*** (0.13)	4.62*** (0.28)
N	345,158	345,158	345,158	345,158

Note: + p<0.10, \* p<0.05, \*\* p<0.01, \*\*\* p<0.001; coefficient estimates from a random-intercepts multi-level logit model with parliamentary questions nested at the legislator level. Standard errors in parentheses. Ireland serves as the reference category where country dummies are used.

Figure 1

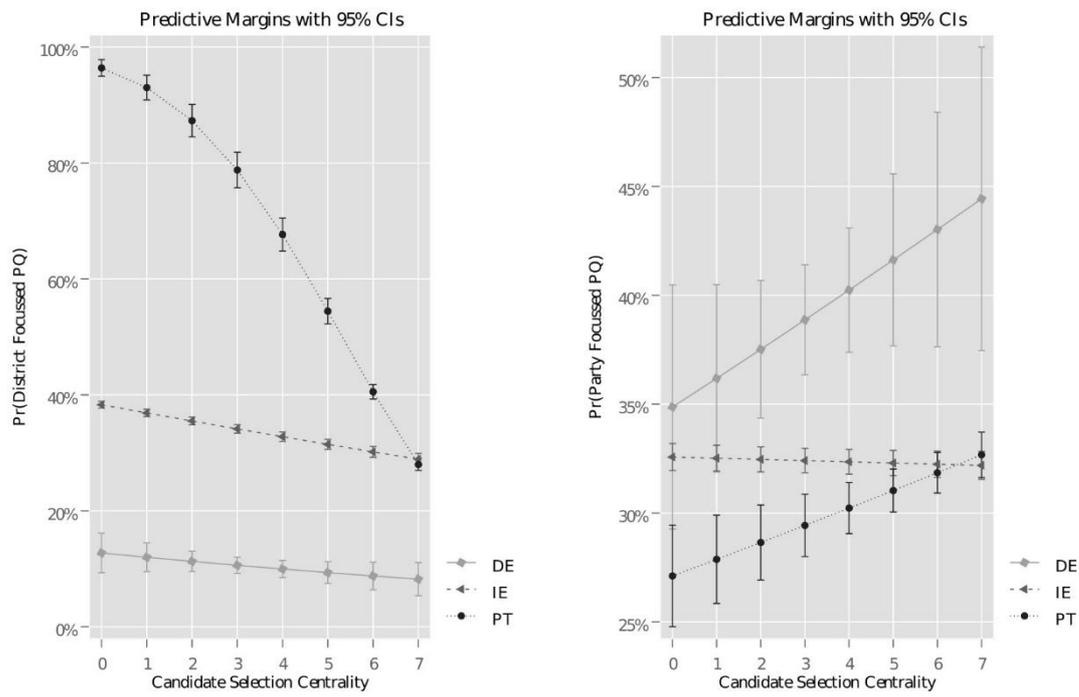


Figure 2

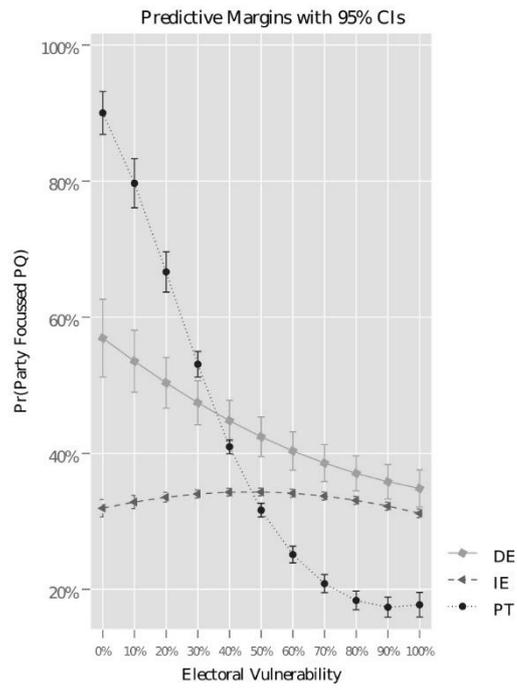
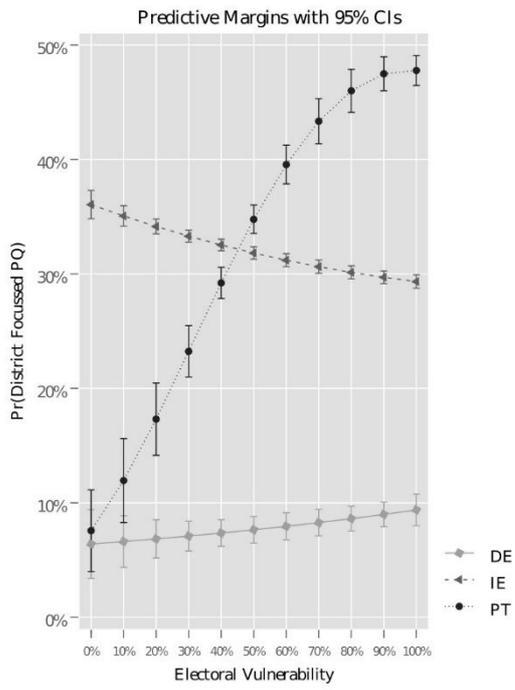


Figure 3

