« Comparing the EU Parliament and the US House of Representatives: theoretical and methodological challenges »

AFSP MEETING- STRASBOURG, September 2011

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First draft

Comparing legislatures implies numerous challenges to capture the complexity of democratic logics playing in these institutions, especially when these legislative bodies are embedded in institutional settings and present features that are seen as unique. This paper aims to present our reading of the comparative legislative research on two unusual legislatures: the US Congress and the European Parliament. We will discuss and retrace, not exhaustively, what has been done in this field, what comparative questions have been raised, what cases have been chosen and what theoretical and methodological challenges have emerged.

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Each legislative body involves at various degrees party politics, electoral constraints, institutional competition, and collective action issues that embodied the very principles of democratic representation. Legislative bodies are often assumed to be a unique combination of institutional, historic, cultural and geographic features that have shaped over time their structure and functioning. Each legislature, each characteristic of the legislative process is constrained by the broader nation polity, and

by the formal institutional or constitutional arrangements that support a given balance of power. In the same time, legislative bodies also obey to elements specific to the institution itself, as an organization made of internal rules, procedures, routines and norms of actions that constitute the framework in which legislators will view and perform their functions (legislating, debating and/or overseeing executive action).

At least, two levels of analysis are involved in the study of legislatures[1]: a first one would be endogenous to the institution and imply the study of the organization of the assembly, the norms and rules surrounding legislators' behaviors and roles. A second would be external to the institution and related to exogenous variables that shape the institution itself (cultural, historical, constitutional variables) and influence the insertion of the legislature in the policy making process.

As far as we know, these perspectives or these two levels of explanation are to be conceived together if we seek to understand how legislatures operates and how they impact the policy making process, especially in comparative perspective. But while by and large these institutions present comparable organizational features (committees, floor processes), their insertion in political system may widely vary. In that sense, a major problem involved in any comparative perspective on legislature is that divergent macro-political contexts have to be considered together with the particular rules and norms of a given legislative organization to understand the stakes, incentives, power relations among political actors that affect the policy making process. General elements such as the kind of political regime, the electoral system, the link to the constituency, must be considered together since they shape the day-to-day work of legislators and how they behave.

Henceforth, legislatures embedded in very specific institutional settings, such as those we are focusing on this paper, the US Congress and the European Parliament, are not expected to perform the same functions than in other political systems. Individual legislators are not expected to behave the same way, to meet the same incentives in a parliamentary or in a presidential regime.

The distinction used in English between "Legislature" and "Parliament" captures the divergent functions legislative bodies perform in a presidential regime and in a parliamentary system. As explained by Laver (in Weingast & Wittman, 2009), the

[1] As explained by Power and Rae, 2006 a fundamental question driving modern legislative studies is to determine whether the determinant of the legislative process, of legislators' behavior is inside or outside the assembly itself, or how these two types of constraints mix.

term “legislature” refers to a legislative body in a separation of power regime, which main function is precisely to legislate. A Parliament does legislate, but more than that, it holds the executive power responsible to it (Laver, 2009, p121). To put it shortly, institutional settings, involving government independence or responsibility to an Assembly, are central to understand how national politics work.

Important institutional divergence among parliamentary or presidential forms of democracy has long slow-down the development of comparative works between these two clusters of states. Especially, the American Congress has long been left apart from European comparative studies (and vice versa) precisely because of its ‘unusualness’ questioning the very comparability among institutions that appear to have very few functions and roles in common (Power and Rae, 2006; Loewenberg, Squire, Kiewet, 2002, especially chapter 1; Laver, 2009). Among other, Owens and Loomis (2006, p281q) mentioned: “*As Dahl observed among the countries most comparable to the United States and where democratic institutions have long existed without breakdown, not one has adopted our American constitutional system. The US system is an exceptional one, and the institutional Congress contributes a great deal to this exceptionalism*”.

From a European perspective, Congress diverged from Parliamentary type of democracy that characterizes European countries. From an American perspective, Congress was mostly thought as a “sui-generi legislature, made of idiosyncratic features” that did not especially need to look at other legislatures to understand it” (Loewenberg, Squire, Kiewet, 2009).

In the case of the European Parliament, another unusual legislature, a comparable isolation from comparative works has long been the norm. Because the European Parliament is largely a “sui generis legislature” as well, which was first consultative before becoming a co-legislator of the European Union, only recently has the research community on European legislatures begun to include it in their cluster of cases and to recognize the European Parliament as a “normal legislature” (for the “normalization thesis”, see Kreppel, 2006; Neuhold & Settembri, 2009).

As explained by Hix, Raunio and Scully (2003), research on the EP grew along with the increase of its powers and functions. In that sense, the first general election of its representatives in 1979 increased researchers’ interest. From this

moment, works that were first mostly institutionalist (that seek to explain the institution and its procedures) became gradually more sophisticated and borrowed methodologies and approaches that were widely used for the study of national Parliaments. These works were interested in the "general development and functioning of the legislature", in "political behavior and EP elections", on "the internal politics and organization of the EP", in "examinations of inter-institutional bargaining between the EP, the Council and the Commission" (Hix, Raunio and Scully, 2003). However, several steps still need to be done to integrate more systematically the European Parliament to comparative works. Its very nature as a Parliament (in a parliamentary system) is questioned since its political parties, its independence from the executive (the Commission), its initiative power, tend by several respects to make it clothier to a legislature in a presidential system. However, the EP doesn't share key features of presidential regimes (for instance regarding the Executive- Legislative autonomy, as the EP can dismiss the Commission). At least these questions are debated (see for instance Hix, 1997). But by and large, the sui-generis nature of this Assembly, its mixed features make it a priori more difficult to integrate in a comparative framework.

As we will try to show in the following parts of this paper, despite challenges linked to strong institutional variables and divergent research traditions, more comparative works have recently integrated the US Congress and the European Parliament. Congress' academic isolation changed somewhat as new methodologies, developed for Congressional studies, have been translated to the study of other legislative bodies. This new generation of works has build on approaches and more sophisticated methods that have been first created and tested in Congressional studies, and that can constitute a common ground on which building a comparison. But while the US has been a lead in this renewal of methods, only a few (still) comparisons integrate it as an equal case. Most of them by contrast consider it as a model, or as the reference case (see for instance Power & Rae, 2006). Linked to the "exceptional" nature of this legislative body, a cultural and historical bias still seems to restrain the possibility of a comparison.

European Parliament studies have benefited early from these new methods (RCVs, "Nominate"). However, comparisons between Congress and the European

Parliament are also scarce, precisely because of the mixed levels of government and the nature of the relationship between the central level and the "state" levels. Whereas in the US case, the federal level remains the main source of action (monopolizes the decision and the implementation functions), in the EU, the sub-units keep a "front role". This clearly asks the extent by which it is possible today to refer to the EU as a federation. Comparisons among National Parliaments and the European Union Parliament are also rare. One of the reasons lies on the evaluation of the EU "parliamentarization" process. Many political developments in the 1990s prone for the growing "parliamentarization" of the EU political regime- which could legitimate a comparison between the EP and, for example, the British House of Commons-. However, from a more dynamic perspective, it appears clearly that the EU is not a parliamentary regime (Magnette, 2009).

In the first part of the paper, we focus on the US Congress and retrace how it has been compared until now. We highlight important methodological and theoretical challenges to such projects and provide insights on what we think could be a research agenda for the future.

In the second part of the paper, we focus more specifically on the EU Parliament as target of comparative work, and more specifically on the possibility of a comparison between the EP and the US Congress. Despites criticisms, these two assemblies present strong macro-political similarities that allowed several researchers to fruitfully apply methodologies and data used in the context of the US Congress to the European parliament. Again, we will describe these works, their strengths and weaknesses, the main challenges these researches face.

1) INTEGRATING CONGRESS IN COMPARATIVE LEGISLATIVE RESEARCH.

a- Literature review: what has been done? How Congress and EP have been compared? With which parliament?

Founding researches on comparative legislatures emerged throughout the 1970s and 1980. At a time where the European Parliament made its first steps, their approach did integrate the Congress, but from a perspective that was mostly based on a macro perspective, aimed to understand legislatures' insertion in broader political systems and place in the policy-making process. In these works, strong institutional and cultural specificities of Congress were pointed out, in a focus that was more prone to highlight divergence among these legislatures than their possible convergence.

a- Institutionalist comparative perspective: the uniqueness of the US Congress

Generally speaking, the first generation of comparative studies on legislatures was more interested in macro questions about the insertion of legislative institutions in the broader political system than in the explanation of complex behaviors and functioning of the organization per se. They mostly considered exogenous variables that constrained and shaped the role of legislatures and placed the concept of legislative "strength" or legislative "capacity" at the center of their studies, whose main objective was to understand broader democratic logics. These studies, aimed at building ideal types of legislatures, developed general concepts to compare their insertion in the policy making process and their policy role (Mezey, 1979[2], Loewenberg & Patterson, 1979), or their "legislative viscosity" (Blondel 1970), meaning the ability of legislators to initiate, transform, amend policy. Would it be more accurate to consider one legislative body as an arena of debate or as transformative legislature (Polsby,

[2] Mezey's central focus in *Comparative Legislatures* (1979), was to assess and compare the role various legislatures take in the policy process. This research question became known as the "Mezey Question". However, as explained by Arter, (2006, p247): "the problem with the 'Mezey question' is not so much the question as the absence of precision tools with which to calibrate the extent of a legislature's policy power, which in turn has fed a tendency tacitly to accept, or at least work with, the existing 'policy power'-related labels".

1975)? What would be the likely logics driving legislative works? Would it be driven by majoritarian logics such as Westminster democracy or would parliamentary work be driven by a logic of negotiation and coalitions as observed in Consociational legislatures (Lijphart, 1987)?

Several accounts of the historical development of comparative legislative studies already exists (see for instance Loewenberg & Patterson, 1979 ; Costa, Kerrouche, Magnette, 2004, Loewenberg, 2002, Laver, 2009), it is not the aim of this paper to retrace this dynamic. Instead, we would like to highlight that in such a comparative apparatus, the US Congress was often associated to a textbook case, a radically divergent case, and an archetype of a "strong legislature" in a separation of powers regime. Specific features were highlighted as unusual: its strength first related to the weakness of the President (Mezey, 1979), the weakness of its political parties (Sartori, 1976), the autonomy of its legislators and standing committees (Mezey, 1979, Shuggart, 1998), the unusually strong electoral connection between Members of Congress and their constituency (Mayhew, 1974), the constitutional preeminence of the legislative power over the executive power (Owen & Loomis, 2006). The specificity of this assembly was consequently linked to strong institutional variables, mostly exogenous to the institution itself. Separation of power indeed implies that the functions of government are separated. Contrary to parliamentary regimes, legislatures in presidential system would have the full initiative on legislation. The President has no formal agenda power, neither been able to dismiss the Chambers (Laver, 2009)[3].

As mentioned above, a common perspective all these studies shared was to consider macro variables (the constitutional repartition of power among the legislative and the executive, the party system, the electoral system) and deduct from them the power a legislature would have in the policy making process. The broad focus of these studies raised important questions in terms of comparative politics, however, one of their main bias was not much the variables they highlighted but the data on which they relied, which were partial and disparate. This unavailability may partly explain the slow development of this field of research, at least until the development of new approaches for the study of Congress, based on endogenous variables. These

[3] See also Owens & Loomis (2006) for a compréhensive analysis on the specific features of Congress

new methodologies, using a rational choice paradigm, have been gradually integrated to comparative legislative studies and strongly contributed to the renewal of this field.

In particular, as more sophisticated studies on parliaments spread, the validity of "strong" institutional variables to account concrete legislative behavior have increasingly be questioned. Empirical researches showed that these broad variables were not accounting their observations and that within a same cluster of legislative bodies, against expectations, divergence in legislative outcomes as well as in legislators' incentives appeared. For instance, the general assertion that political parties would be weaker (more fractioned and less homogenous) in a Presidential regime, and even weaker in a federal system was contested: empirical and quantitative attempts showed that against all expectations, constitutional variables were not able to account all cases, and made their weaknesses clear. Brazil, for instance, presented features of party unity stronger than expected (Figueiredo and Limongi, 2000), which could be explained at a more "mezzo level of analysis" by a conjunction of cultural variables and structure of incentives (Morgenstern, 2003). More precise observations also put into question the "rigid separation" of the executive and the legislative power in Presidential regimes, as Cheibub, Przeworski, and Saiegh (2004) showed that frequently the President was parting with the legislative majority to pass his agenda[4].

By and large, the gradual development of new methodologies to study legislatures, mostly created in the context of the US Congress and made of middle range explanatory variables, gave a second birth to comparative legislative studies and help researchers overtake the institutionalist perspective implied in this first generation of comparative works. As Owens and Loomis (2006, p259) put it: "*The days when political scientists made only constitutional or stylised comparisons between political systems have long passed. Our focus now rests on second, third and fourth tier explanations that examine how politicians act purposively within different institutional and constitutional configurations to effect change and how institutions and processes constrain them*."

In the next paragraph of this paper, we will briefly retrace the diffusion of these new approaches, characterized by a rational choice theoretical framework applied to the study of legislative behaviors.

[4] See Carey (2007) for further presentation of these studies.

b- The Rational choice paradigm of congressional studies: how to export it?

From the 1970s indeed, new data and methodologies were developed and more sophisticated analysis of Congress were released. These works were firstly case studies, not comparative attempts. They mostly build on observations derived from American Legislators' behavior[5]. Their rise may be linked to a shift from a sociological and systemic paradigm to a more behaviorist approach based on the premises of the rational choice (Shepsle & Weigast, 1995). From the 1950 to the early 1970s, classical studies of Congress were interested in role analysis (how legislators viewed their role), the norms of actions and behavior specific to institutional routines (the way they felt constrained by the party leadership, their constituents or by the committee leaders), and the ways they socialized to the ongoing norms of the institution. They painted a complex world of interactions, influence, and gradual learning of a role, highlighted a world of closed standing committees, stable, hierarchic and normed[6].

From a methodological perspective, this rich amount of research adopted mostly a qualitative approach, made of participant observations, interviews, debate analysis, Legislative archives analysis. Very few quantitative analysis were led. However, the focus on internal and closed logics of the legislative process mostly composed of case studies, did not favor the development of comparative approaches. Neither qualitative methodology was adapted to a comparative angle. In that sense, functionalist tradition was more about emphasizing the historical and cultural specificities of the US Congress, than developing variables that could be generalized to other settings.

The diffusion of the rational choice paradigm from the 1970s shifted Congressional research agenda to more quantitative data and methods that gradually contributed to reopen the comparative debate. Research questions also changed, increased attention was paid to coordination issues and collective action dilemmas among individual legislators. Researchers' interest turned to the stability of policy-

[5] The next paragraphs mostly builds on Loewenberg, Squire and Kiewet, 2002 (ch.1). See Also Shepsle & Weingast, 1992, 1995, and Owens & Loomis, 2006.

[6] Manley (1970) for instance, devoted his research to the study of the Ways and Means committee and explained its legislative behavior by considering the norms, the incentives, the leadership of its Chairman, dominating the committee. See also (Matthews, 1960, Wahke & al. 1962, Kingdon, 1973, for other examples).

making as they thought to explain "why congressional policy-making seemed to exhibit so much stability and incrementalism" (Firejohn & Fiorina, 1975; Tullock, 1981; quotation: Laver, 2009) despite of electoral shifts.

This diffusion was gradual and went through several generations of work (Shepsle & Weingast, 1995; Laver, 2009). First studies were abstract theoretical works applying the rational choice premises on legislative behaviors (for instance Downs, 1957).

On the basis of these findings, beginning in the 1970, more technical literature developed and tried to apply this paradigm to empirical observations of Congressmen behavior. Fenno (1973) tried to explained the committee logic of action with the notion of gain from exchange and jurisdiction stability on specific policy sectors. Firejohn (1974) theorized the notion of Pork barrel negotiations, as Mayhew (1974) emphasized the electoral connection linking members of Congress to the demands of their constituents[7]. These seminal researches, emphasizing the value of rational choice to understand the concrete operations of Congress, were mostly based on a distribution perspective (Shepsle & Weingast, 1995) that soon contributed to paint what has been known as the "textbook Congress"[8].

They adopted the premise that legislators' actions are first and foremost based on the quest for favorable distribution of benefits that could be of different nature (pork, committee assignments, policy outcomes). In that sense, "*in the language of positive political theory, congressional politics reflects the gains from cooperation in which legislators make themselves better off through exchange and concerted action*" (Shepsle & Weingast, 1995, p11). Several issues are noted by the authors regarding this first generation of "positive theories of congressional institution"[9]: apart from this contestable emphasis on distribution, they highlighted the fact that these models were institutionally sparse and did not enough integrate institutional constraints in the predictions of legislators behavior or in legislative outcomes. However, they did not pay enough attention to the informal structure of politics in Congress. Contrary to "parsonian structural functionalism" studies they did not seriously seek to capture the norms of the committee system and more generally the norms of action of Congress.

[7] For a comprehensive review of this litterature, see also Shepsle & Weingast, 1995. Among those Works : Fiorina, 1974, Shepsle, 1978, Arnolds, 1979, Fiorina, 1979.
[8] See Owens & Loomis, 2006 for a more complete description of the "textbook Congress"
[9] This term refers to rational choice formal modeling of congress actors actions and behavior.

Linked to the rise of rational choice new institutionalism (Hall, 1996), second generation of these theories paid more attention to the institutional structure of Congress and how they shape legislators behavior and even "*channeled expressions of self interest*" (Shepsle & Weingast, 1995). These works described an "*ongoing game of strategic interaction played in a context of both structural arrangements (committee, jurisdiction) and procedural routines (agenda setting, sequential voting, restrictive rules)*". All of them described a situation of uncertainty and imperfect information (Austin Smith, Riker, 1987, Austin Smith, 1990, Banks, 1991, Gilligan & Krehbiel, 1989, Krehbiel, 1991). Standing committee structure characterizing the "textbook congress" as well as the role of political parties were gradually thought in terms of providing solutions to collective action dilemmas (Krehbiel, 1991 on the Committee side; Rohde, 1991; Cox & McCubbins, 1993 on the party side). These works constituted a third generation of researches building on instrumental rationality. They still relied on distributive models, but increasingly complicated it by taking into account the constraints and externalities members of Congress have to face in order to legislate: congressional institutions are seen as a way to resolve collective action problems, to make the policy making process more efficient, not only to provide gains to individual legislators. Committees and parties appear instrumental to legislators, they are different organizational means to secure legislatives games in a situation of conflicting demands from constituency, from economic interest and from the executive.

Going along, and maybe constituting their main contribution in terms of comparison, was the methodological apparatus built to support these rational choice theoretical premises. American legislative analysts, during this period of conceptual re-foundation, worked at developing more formal models of legislative behaviors. Congressional data became increasingly innovative. Especially, roll call vote analysis developed. First traces of research based on roll call votes studies date from the first half of the XXth century (Rice 1925, 1928; Turner, 1951), but were very scarce at that period, especially because of technical obstacles to large-scale studies. From the 1970, with the development of computer based analysis, Roll call votes analysis became increasingly numerous and sophisticated. More sophisticated ways to measures legislators preferences and voting behavior were created, known in particular as spatial analysis of members preferences (Poole and Rosenthal, 1997, 2005) because they positioned legislators' individual preferences on a right-left axis.

New models formalizing power games between two assemblies in a bicameral system were build (Tsebelis, Money, 1997), or between the legislature and the bureaucracy. These new methods could be generalized and used in a comparative framework much easier than qualitative data derived from case studies.

The diffusion of these new methodologies and paradigms in legislative studies has been massive for now fifteen years, while somewhat uneven[10]. It has allowed the development of new analysis, either case studies or comparisons, focusing on the internal organization of legislatures, on endogenous variables to the institution, instead of exogenous variables that characterized first generation of studies. By adopting a level of analysis focusing on individual legislators' actions and behavior, on the internal logics to these organizations, instead of broad institutional variables, the scope of research questions has become more limited, but also more linked to the specific logics of legislative institutions. In that sense, the gradual diffusion of the rational choice paradigm among the legislative study community led to an important shift from what had been the mainstream angle of previous studies.

Going along with this new theoretical framework (actors' centered), and these new data, research questions in the study of various legislatures have become more similar and really prepared the ground for more detailed comparative approaches studying the role of legislative committees, the measurement of legislative preferences and the level of party cohesion, the link to the constituency (Tavits, 2009). From a methodological perspective, roll call vote analysis developed, as well as sophisticated methods to measure members' preferences (see for instance Morgenstern, 2003).

The shift of methodologies and theoretical background was important in Europe, since legislative studies until then have been characterized by strong emphasis on structures and institutions, instead on individual behavior and social choice. When studying legislative actors, European studies tended to rely more on structural variables (for instance studying Parliamentarians' career paths, their social or economical background), than on strategic and individual variables (Kerrouche,

[10] For instance, several accounts on the mixed importation of rational choice based methodologies in France already exist. See for instance Rozenberg, Kerrouche, 2009. The authors highlight in particular that the rational choice premises and quantitative modeling characterizing US legislative studies delayed the reception of these works, because of a strong tradition in France of institutional (public law) and sociological works in political science.

2004). This more sociological tradition still endures today, since important comparative studies of European Legislators social properties and recruitment have been recently led (Best, Cotta, 2000) and sometimes extended to the US (Norris, 1997). This perspective is all the more relevant considering the widespread movement of professionalization of legislative institutions.

But by and large, the diffusion of the rational choice paradigm has contributed to renew comparative research questions, to improve data available to comparative projects, and consequently to improve – and enlarge - the very possibility of a comparison among legislative bodies. Several recent European comparisons built on methodologies developed in the American context (see for instance Döring & Hallerberg, 2004, Norton, 1990, 1998, 2002, Bjorn & Tsebelis, 2010, Wehner, 2011). For instance, they look at criteria such as the number of hearings, the impact of a "personal vote" on the committees' consensus building function. These studies adopt a member driven approach, based on instrumental rationality. They also aim at reconsidering the theoretical approaches of the EU political regime at large. Regarding more precisely the EP, studies (Farrell & Scully, 2006) which examine the EP through the lens of the "aims" or "interests" of its members are found.

Recent research integrating Congress:

Despite of the increase of comparable data between European Parliaments and the US Congress, Congress' integration in systematic comparative projects is recent[11] and still remains somewhat partial. On this matter, Power and Rae (2006, introduction) note that "*The disconnect between congressional research and the burgeoning field of comparative legislative studies is all the more disheartening if we consider the present dynamism of each stream of literature. Exiting and sophisticated work continue to appear on the US Congress, while the comparative study of legislatures*

[11] As explained by Matthews (in Loewenberg, & Patterson, p17sq), the structuring of modern comparative legislature community, from the US, dates from the early 1970s : « The founding of the Consortium for Comparative legislative studies Under the auspices of the Agency for International Development, stimulated and Advanced legislative research in third-world countries (for reports on this research, see Kornberg & Musolf, 1970; Boynton & Kim, 1975 ; Smith & Musolf, 1979 ; Kim, Barkan, Turan and Jewell, 1984). Finally, at the 1977 meeting of the American Political Science Association, an informal legislative studies group organized under the leadership of Samuel . Patterson. This group brought together, for the first time, scholars working in the US Congress, U.S. State et locale legislatures, and legislative assemblies abroad. This group sponsored « unaffiliated » panels at the Association's annual meetings, began publishing an occasional news-letter, and issued and annual directory of scholars active in legislative research. »

has been reinvigorated". Especially, comparisons with European parliaments remain scarce and limited in scope in terms of cases and research questions.

A major reason for this isolation remains linked to important institutional disparities among European parliamentary systems and the US separation of power regime. National institutional settings (exogenous variables) still appear to constrain research designs and puzzles. Facing divergent politics and incentives, members of parliaments and congressmen's behavior potentially obey to very different logics. The link to the constituency or the "electoral connection" which has been identified in the American case as one of the most powerful explanation of legislators' behavior (Mathews, 1974) and legislative organization (Shepsle, 1978), appears significantly weaker in the European Parliamentary systems, either because European parliaments have less resources to nurture the link to the electorate (Cain, Ferejohn, Fiorina, 1987 on the British House of Commons), and because political parties strongly constraints reelections. "Distribution" as the keystone of the rational choice paradigm means very different things in those settings: in the US case, distribution may means something for your district (pork) or a policy outcome that would please your electorate or the firms established in your district, or also may mean a covet position in a prestigious standing committee, whereas in Parliamentary systems, "distribution" may rely in the promise of a cabinet function. Different legislators' roles directly derives from this divergent structures of incentives, their autonomy from their political party, their cohesion is deeply affected. Research questions are consequently divergent. As noted by Laver (2009), a major puzzle of Congressional research, given the strong internal fragmentation of the legislature and the autonomy of individual legislators from their political parties, relied in "why coordination happened among individual legislators". This question is the ground on which every attempt at explaining legislative institutions in the US rely, on which every variant of the distributional theory builds. On the contrary, European Parliament observers have been more interested in the reverse question: in a context of strong incentives for parliamentarians to be loyal to their majority, why would they not be interested in coordination? Why would they ever defect their party lines?

Strong institutional variations among Congress and European legislatures have long undermined the comparability of these cases. Congress Comparison was rather limited to other national settings that were considered as clothier or at least more "comparable" to the US. For this reason, an important volume of comparisons

emerged mostly restricted to other presidential regimes, such as the Latin America legislatures, which are for most of them bicameral and taking place in presidential regimes. An important amount of comparative research developed in this area (Shuggart & Carey, 1992; Morgenstern, 2004, Carey in Power & Rae, 2006). But as we will show in the next few paragraphs, a more limited focus on legislative institutions per se (mezzo perspective), has recently opened a way to new comparative frameworks transcending the classical institutional distinction between Parliamentary and Presidential types of legislatures (see for instance Tsebelis, 2002).

From our perspective, we can distinguish three major trends and sets of research questions in which Congress has been recently taken as a comparative case.

The first trend takes Congress as a reference point or as a model.

They use the methods and approach – based on the instrumental rationality – developed by recent US legislative studies. Their comparative dimension may be explicit but is often in perspective and simply constitute a background helping interpreting the results observed in the cases chosen. This literature is massive, almost every scientific publication in English now refers to more or less explicitly to American approaches of the study of legislatures and adopt a rational choice new institutionalism theoretical framework that has proved to have become the dominant paradigm of international legislative studies. They seek to explain variations in legislator's behavior by considering the impact institutional variables of medium range can have in shaping legislative politics (see for instance Morgenstern, 2004).

Several questions developed in the context of the Congress have been approached by single case studies or comparisons (excluding Congress): questions dealing with the nature and strength of the electoral ties linking a legislator to his constituency: (how different levels and nature of "electoral connection" affect the behavior, incentives and carrier of individual legislators, Norris, 2004, Morgenstern, 2003). What is the role of political parties within the legislature? (Ames, 2002; Diermeier & Federsen, 1997; Bowler, Farrell & Katz, 1999, Mainwaring and Shugart, 1997; Laver & Shepsle 1996; Huber, 1996) What is the role of congressional committees? What

rules and procedures determine the agenda setting process? (Loewenberg, Squire, Kiewet, 2002).

Studies considering Congress as a "model" for other legislatures adopt from our reading a similar approach. This perspective has been lately particularly dynamic in the context of the third wave of democratization (Huntington, 1991). A central question in this perspective is linked to the problem of Democratic efficiency and performance and is related to the problematic of congressional practices' diffusion among new legislatures (Power & Rae, 2006). This literature is not exempt from normative implications and, in the context of Congress, its growth has been sustained and supported by organizations such as the US agency for international development. One major theme of these researches is about the diffusion of Congress institutions in developing countries, or the impact of specific institutional arrangement, such as the electoral rules, can have on legislators behavior (see for instance Norris, 2004).

The second trend is more encompassing; it adopts a historical perspective and considers evolutions of legislative institutions in general and of their relationships with the executive.

This perspective may be understood as the continuation of the tradition of the 1970s that clearly linked the study of legislatures to democratic theories and comparative politics.

Central questions guiding these researches relate to the evolution of democratic institutions in a time of widespread reinforcement of executive governments. Are legislative bodies in general in a process of weakening? (Loewerberg, 1970). This idea became known as the de-democratization thesis" (Breitmeier in Underdal & Young, 2004, ch.11) and was linked to the observation of new forms of government in a time of increased complexity and uncertainty for policy makers. The "Modern governance" (Koiman, 1993) did not rely firstly on the representative democracy as a source of legitimacy but rather on policy outputs, expertise and on the efficiency of the policy making process. Scharpf's (1999) distinction between input and output democratic legitimacy, as well as Robert Dahl's observations (1994) that "*the increasing output oriented legitimacy achieved through the extension of governance coincides with a decrease in the ability of people to influence policymaking in a*

democratic polity" (Dahl, 1994, p28, quoted in Breitmeier, 2004) were two of the many works highlighting a crisis of the "representative democracy" (Manin, 1997).

The thesis of a weakening of legislatures is however not uniformly accepted, even though historic evolutions of Parliaments during the XXth Century are widely recognized (see for instance Costa, Kerrouche, Magnette, 2004). The enlargement of the prerogatives of executive governments may have led to a decline in the "lawmaking function" of the Parliaments, but increased studies rather insist on a shift in legislative institutions' roles, as they become more based on expertise and on executive oversight. Even more, some recent studies suggest a partial legislative resurgence in many countries (Power & Rae, 2006).

This stream of literature raises interesting comparative questions, it considers institutional logics in time and uses findings developed by the boarder historical new institutionalism literature. Legislative bodies in this perspective are not perceived as static, they evolve, not unilaterally since institutional change is seen as path dependent. As Loewenberg, Squire and Kiewet (2002, p17) put it: "*To a considerable extent, the structural and procedural development of legislatures is path dependent. Decisions about Committee prerogatives taken in the 1990s reflect decision made in the same legislature in prior decades*."

In that sense, evolutions of Congress since the 1970s, constituting what is now known as the "post reform congress" (Rhode, 1991), toward more centralization of the legislative process and party influence, offers the ground to compare these new logics with European Parliaments. As mentioned by Owens and Loomis (2006, p278) in their enlightening criticism of Congress "exceptionalism", the reinforcement of Congress parties, increased loyalty of their members have made – at least the House of Representatives – closer to European Parliaments: "*In the present congressional era of a Republican majority, the influence of the leadership over House floor proceedings increasingly resembles that found in many parliamentary regimes, and their actions are legitimized by reference to the party's continuing majorities at the polls. Following the 1994 elections, Gingrich removed various procedural protections afforded committees. This was to permit the majority leadership to intervene more easily at the post- committee or floor legislative stage to mould legislation more closely to the priorities of the Republican Conference.*"

From this perspective, the study of the evolutions of the executive - legislative relationships, especially if based on empirical methodologies focusing on actors

coalitions – at a micro level –, could be an interesting ground for comparative works adopting such a "political development" angle[12]. In fact, adding a time element to a geographic comparison could be a way to re-raise broad questions on democracy and the evolution of the State, such as the questions that have been raised by the 1970s broad attempts that we previously mentioned.

Finally, a the third stream of comparative researches bases its research questions and approaches on middle range variables – or mezzo institutional variables.

Their focus is more on internal organizations of legislatures, comparing for instance legislative procedural rules, the committee system, or the party system. Huber (1992) analyzed the use of restrictive legislature procedures in the French Assemblée Nationale and in the US Congress, and shows the strategic usage made by the party leaders of them in both cases. Restrictive procedures appear in this work as a tool for majorities to enhance their leverage on the legislative process and circumvent obstruction from the minority. This perspective recognizes unusual features of Congress, but going further in the explanation of the internal logics of the legislative process provides new grounds for comparison. It represents at the same time new questioning and new empirical methodologies.

Tsebelis' "veto player" theory (2002) is from this perspective well known. Drawing on Blondel (1970) lager concept of "legislative viscosity", and building a formal model, Tsebelis shows that institutional or political veto players do exist in every political system, and in every legislative assembly. The author offers an angle able to bypass the traditional institutional opposition. Instead of considering the diversity of political regimes under the angle of formal institutional arrangements, the author considers the number of veto players present in the legislative process. In his perspective, the more institutional or political veto players would be present in a policy making process, the more stable the political status quo would be. As a consequence, the US policy-making process is seen as extremely decentralized and fragmented, allowing several veto players to block or slow down the passage of legislation. On the basis of this theory, interesting questions could be related to the empirical study of how much legislative procedures and the organization of the policy

[12] We are referring in particular here to the Stream of literature called American Political development studies (see for instance Zelizer, 2006).

process involve veto players. In the case of the Congress, the very features of the policy making process involve several entry points for different veto players: as explained by Owens & Loomis (2006, p268):

"*The legislative process in Congress is deliberately cumbersome. The process includes: (1) bill introduction; (2) referral to committee(s) and subcommittee(s); (3) requests for reports from executive agencies; (4) hearings; (5) mark-ups (bill-writing); (6) reports to the House or Senate; (7) requests for a special procedural rule in the House – which determines whether a bill or res- olution will be considered, for how long, and under what conditions it will be debated – and, therefore, how the majority controls the floor agenda41 or consideration in the Senate from the majority leader; (8) floor debate in both chambers, typically preceded by an important vote in the House on a special rule, which the majority party must win; (9) a House–Senate conference committee to resolve House–Senate differences; and (10) the presidential signature or veto, which if denied requires even more steps. This is a breathtaking set of serial requirements to pass a single measure*".

Comparative questions from this perspective raise immediately: how different the legislative process in other legislature would be? Furthermore, we can even ask if there is a sectoral difference: does the policy domain matter? Would it be more veto player in a sector seen as particularly conflictual or attractive for legislators' constituency?

Another interesting question would be to take the opposite perspective than the one taken by Tsebelis and to look at the reverse side of the veto player theory: does it exist a positive legislative actor that could be understood as a "policy entrepreneur" (individual or collective), that would support programs for reform and negotiate with the veto players, build coalitions? Does procedural rules of assemblies allow these legislative entrepreneurs to be heard and to pass their programs? To what extent?

b- Theoretical and methodological challenges at comparing the US Congress and the European Parliament.

While there has been a considerable effort at developing comparable data and methods in the studies of different legislatures, numerous challenges remain to the development of comparative works integrating the US Congress and other national

Parliaments. One major challenge would be linked to the profile of the US Congressmen portrayed in US legislative studies, and would have epistemological implications. Another major challenge would be to overcome the duality among endogenous/exogenous kind of explanations to concretely assess, from an internal perspective, how "institutional variables" shape legislative politics as well as the broader politics of a given political system.

Epistemological challenges to adopting a comparative rational choice framework

From our perspective, a first challenge to integrating Congress in comparative works is related to the approach dominating Congress studies. What can we expect to learn from the generalization of rational choice methods that have been developed in a specific context, in a specific time and in a specific place, that deeply rely on internal organization of Congress during the "Committee era"? What can teach congressional micro sociological analysis of legislative politics to other national settings? Is it relevant to simply adopt these methods, for inductively looking at what would result next? Especially, is the "distribution" thesis that characterized the "textbook Congress" still accurate today in what can be called the "post-reform Congress" characterized by increased party influence over the policy making process (Rhode, 1991)? By several respects, this theory may appear outdated, and an oversimplification of the reality. Even without questioning the instrumental rationality theory, we should ask whether constituency driven behaviors that characterized the "text-book Congress" (Laver, 2009) of the 1970s and 1980s, are a permanent feature of American legislators? Would evolutions in the Assembly norms and cultures be able to significantly shift the theories that have constituted the vast cluster of congressional literature?

We have especially in mind the archetype of the American legislator that emerges from these seminal congressional studies: an autonomous legislator, mostly driven by individualistic motives and the quest for benefits such as reelection and bringing home pork. In broader terms of policy outcomes, our understanding of the role of a legislature in policy development may strongly be influenced by these presumptions: if we consider a Parliament or Congress composed of individualities only driven by personal motives, we would be more prone to only assess the policymaking role of a legislative assembly in terms of veto points, or in terms of enterprises aimed at

maximizing the electoral benefits, which is a bias that suffers a lot of policy analysis, relying more or less explicitly on this oversimplified interpretation of rational choice based legislative studies.

While not putting into question the improvements that congressional studies have realized in shifting the level of analysis from a structural and functionalist perspective to an actor based framework, it may be necessary to take some distance with the "distributional" focus of most of them. We are not denying that Members of Congress or Parliament are not purposive and animated by the quest of benefits – of different sort, but as prominent theorists of the rational choice put it, a focus on the "demand side" (meaning explaining actual institutional arrangements in light of Member's of Congress demands for personal benefits) may not capture the whole logics of legislative action, which appear to be irrational as well and obey to norms, routines, power games that are not necessarily captured in this theory. "Supply Side" analysis, emphasizing the structural constraints that legislator face, the collective action problems, and the very function of legislating may be of importance. Informational framework and partisan framework (Shepsle & Weingast, 1995) as well as all studies emphasizing imperfect information (Austin-Smith, 1990), may help resolve some of these issues. Loewenberg, Squire and Kiewet (2002) and others deplore the shortcomings of the rational choice perspective. They plead for a better integration of Congress in comparative works to overcome these weaknesses and generalize the findings of congressional research to other legislative institutions. In some ways, as they notice, the various kind of explanations developed in the rational choice framework, mostly the "distribution", the "informational" and the "partisan" thesis, which are often opposed, provide the same results and suffer from what they called "observational equivalence". Their predictable value appears equivalent: they notice that congressional studies based on rational choice are today in a theoretical impasse since the three major models explaining legislative behaviors (distributional, informational and partisan) result in highly similar empirical predictions. The relative merits of the various theories cannot consequently be clearly distinguished. In their perspective, "*Observations of legislature outside of the US might well help us to choose among alternative theoretical explanation*". (Loewenberg, Squire and Kiewet, 2002, p15).

The difficult integration of macro, meso and micro variables:

Another important challenge to further comparative attempts integrating Congress is related to how dealing with macro variables, divergent polity and politics. This challenge is related to the very question of the comparability among legislative bodies. Even if they may have common internal organizational features, such as standing committees, party leadership, restrictive rules for floor debate, their functions and policy outcomes vary widely. A fundamental question in comparison would consequently be how to overcome institutional variables such as presidential vs. Parliamentary regime, the nature of the party system, or even the constraints of the electoral system?

Our discussion in the last few paragraphs already showed some lead to overcome these oppositions. Especially, the "veto player" framework (Tsebelis, 2002) is an effort to provide a common theoretical ground to the study of unusual legislatures, it may be interpreted as an effort to overcome this "macro" institutional obstacle by studying the consequences of these exogenous features on legislative outcomes under the angle of the change – vs. status quo perspective. A fundamental question raised by Tsebelis is about the opportunity for political actors, groups or coalitions to take part in the decision making process, by blocking it. This analysis is less static than purely institutional ones since it assess the "opening" of a political system to actors, its degree of pluralism, that fundamentally impact the government capacity to pass law. Tsebelis analysis, from our point opened an important prospect for comparative legislatures that would be the study the relationships between endogenous and exogenous variables, and study the process by which exogenous variables become endogenous and are integrated by policy makers as part of their margin of maneuver and incentives structures. That is to say how do legislators seize broader institutional logics and how do these logics shape their roles, behaviors and incentives.

From a comparative perspective, this idea implies to consider together micro and macro level of analysis, to consider institutional variables as an independent variable explaining the divergence in policy outcomes, in legislators' behavior and in the structure of incentives. In sum it would require to go back to broad comparative questions raised by researchers in the 1970s, such as the strength of a legislature, its relationships with the executive, its ability to comprehensively transform of initiate

legislation, by focusing on a micro level on actors or groups of actors (factions, party, coalitions), and how these exogenous elements shape their behavior. That is also to say that comparative studies involving radically different organization of political power must somewhat abandon the micro focus on internal legislative games that characterized rational choice congressional studies, to consider the process by which a nation polity impacts on legislative politics and policy outcomes.

2) COMPARING TOGETHER TWO UNUSUAL LEGISLATURES: ARE THE EUROPEAN PARLIAMENT AND THE US CONGRESS AS DISTANT FROM EACH OTHER THAT IT SEEMS AT THE FIRST SIGHT?

a- Literature review : comparing the EP with the US Congress. What has been done? How Congress and EP have been compared to each other?

- *The European Parliament, a marginal assembly ?*

  - French researches

The EP has long been left apart from French political science, mostly because this Parliament is recent, and has originally very weak prerogatives. Furthermore, the institutional architecture and its margin of autonomy from other EU Institutions (such as the Commission or the Justice Court), seems all the more unfamiliar with regard to national traditions. For all these reasons, a statist reading of the EU has long dominated French political science research on the EU. According to these approaches, there is not, properly speaking, any "European institution" per se, the EU being only a simple object of study for international relations, because governed by the states.

The EU democratization in the 1990, as well as the gradual extension of legislative prerogatives led to an increased of francophone research on the EP. Several

stream of literature developed from that period (Costa, Rozenberg, 2008), studying consequences of the universal suffrage (Cautrès, 2003), legislative partisan politics (Hix, Noury, Roland, 2006), the Parliament insertion, (Tsebelis, 1999), its Relationship with national of local European assemblies (Delwit, De Waele, Magnette, 1999), or the euro-deputies profiles and roles (Navarro, 2009).

- Anglo-Saxon studies: a quantitative approach

Anglo-Saxon studies, especially issued by the European Parliament group (EPRG) chaired by S. Hix, have strongly improved information and knowledge on the EP. These studies, highlighting in the 1990s the "exceptional" character of this Assembly (Lord, 2003; Costa, Kerrouche, Magnette, 2004).- based chiefly on the absence of a party bipolarity that is supposed to increase the deficit in politics (Duprat, 1996) -, have showed on the contrary since the beginning of the 2000s, a gradual structuring of parties, along a right-left axis (Hix, 2008). This trend, according to these authors, takes part to a dynamic of « normalization » of the EP, which has beneficial effects on its legitimacy.

These works have strongly renewed the methodological approaches used to study this assembly. Authors, such as A. Kreppel or G. Tsebelis have introduced roll call vote studies, whose use is frequent in the context of Congress studies. In that sense, they constitute a particularly rich empirical resource.

However, because they often limit MEPs political engagement and action to the floor proceedings, these works also overshadow the diversity of activities structuring committee work, especially the importance of negotiations and discussions, which illustrate the extent by which MEPs defend their interests and their party interests. Not only have these limitations undermined the thesis of a EP normalization by showing that partisan structuring of the assembly is still limited, but it also show that comparing the EP and the Congress is a real opportunity of theory testing.

- *The European Parliament : an Assembly in a process of normalization ?*

The European Union in general has recently been the subject of several researches trying to extract it from other domains of political science: Works on the European Constitution have in particular initiated a series of comparative works between the Union and other federal systems (Nicolaïdis, Weiler, 2006). In the collective book directed by A. Menon et M. Schain (Menon, Schain, 2006), K. Nicolaïdis for instance tries to determine to what extend a federalist Framework borrowed to the American model is present in the project of constitutional treaty. However, these increased comparative dynamic has hardly spread to other institutions, especially the EP. From our reading, practically no studies integrate the EP in a comparative perspective at the moment. This weakness is rather surprising since the scientific community agrees on the gradual increased of the EP powers. It is now able to weight on the legislative process thanks to a renew budgetary power, as well as renewed amendment, veto and co-decision powers, just like other western assemblies (Kreppel, 2002; Schackleton, 2002)

- *Comparing the EP and the US. Congress : What has been done ?*

The 2006 article, written by A. Kreppel, constitutes the first attempt at formalizing a comparison between the EP and the Congress. The author offers a comparison based on the notion of federalism: « *the goal is to link some several institutional and environmental characteristics related to federalism to the character of the European legislature. It is to evaluate the usefulness of a comparison between the US and EU legislatures through the lens of federalism, to consider the extent to which a comparative federalism approach helps us to understand the structure, functioning and roles of the EP* » (Kreppel, 2006, 246). Kreppel supports the idea that two legislative bodies in different political systems can develop, independently, common features as an answer to their institutional environment. The author shows that in the case of the EP, the observed similarities with Congress are due, less to a movement of

« exportations » or a conscious imitation of the American model, than to closer (geographically speaking) neighbors. She suggests that the determinants of legislative behaviors are dependent to exogenous variables and must be searched outside the assembly.

Her approach has two main interests:

First, this approach directly addresses the question of the very nature of the European political regime. Her comparison shows indeed that with regard to institutional arrangements, the EU can be read as a federal system in a somewhat flexible meaning (since there is a cooperation between two levels of government in the decision making process). Second, this approach allows analyzing more precisely a number of specificities supposed to encourage the understanding of the EP as a marginal Assembly. The author for instance shows that the absence of a « right-left » political cleavage, seen, as a brake to the politicization and democratization of the EU is not a weakness, but a consequence of the federal dimension of the EU political régime: « *there can be little doubt that the EU is effectively a federalist system* » (Kreppel, 2006, 13).

However, two limits of this approach could be underlined: first, a definition of "federalism" very extensive. Second, a comparison exclusively focused on the "macro" level approach. Based on these first conclusions, we aim in the next part of the paper at proposing some alternative suggestions for a EP-US Congress comparative framework.

b- Theoretical and methodological challenges at comparing the US Congress with the European Parliament.

- *What can a comparison between the PE and the US Congress bring to legislative research?*

At the first sight, the interest of this comparative choice is not apparent: differences are numerous between the US and the EU, to the point that the comparability may appear as a problem, for several reasons. Firstly, from an historical perspective: the current American political system is an heritage from the 18th Century and from the 1787 constitution, while the EU origins dates from WWII. As a consequence, objectives assigned to the building of these two different systems depart strongly: Philadelphia Constitution aimed at building unity in the territory, whereas the creation of the ECCA, as a preliminary step to the EU, was firstly meant to establish a durable peace between France and Germany. American federalism has on the contrary contributed to slavery persistence until the adoption of constitutional amendments subsequent to the Secession War and fed tensions among States.

For these historical reasons, federalism does not play the same way in the US and in the EU and does not involve similar institutional arrangements. In the US, Congress has a dominant place in the decision making process, while state legislatures has almost no decision power. On the contrary, the EP is comparatively weaker in the lawmaking process than national Assemblies. In addition, the American executive is monocephalic, contrary to the EU.

At the level of their legislative bodies, several differences can also be noticed: the youth and still uncertain maturing of the EP strongly differ from the stability and rationality of Congress; the bipartisan of the American political system also differs from the multi-partism of the EU and the ideological distance among parties in the EP is weaker than the one between the republican and democratic parties.

In that sense, a priori, the interest of a comparison may appear limited: firstly the comparison does not really allow understanding the nature of the EU political system and the specific form of federalism that gradually characterized the EU. It indeed relay less on a pyramidal structure than on a network structure. Secondly, the comparison does not really help understanding the specificities of collective action in the European Parliament: in Congress, lobbies exercise their activities directly on individual legislators, while in the EU system, the European Commission is the first target of interest groups and social organizations. The envisioned comparison appears consequently incapable to account the conditions of preferences' aggregation that operated within the EP. Finally, another limit rely on the very legislative "function": a comparison appears hardly able to enlighten on MEPs legitimization processes, in the absence of a strong "electoral connection" (Mayhew, 1974) that characterized the mainstream of the studies of the Congressmen.

Nevertheless, in a context where each assembly appears gradually to loose its "exceptional" character (see the first part of the paper), decisive similarities increasingly appear and allow to overcome the limits we just mentioned. Our aim is not to deny them, simply from our perspective, if we observe the two structures from a more dynamic point of view, points of divergence have to be moderated. Firstly, the two assemblies have often opposed for their "bipartisan" (Congress) of "multipartisan" (PE) character. However, from a more dynamic viewpoint, partisan organization reveals in both cases a strong internal heterogeneity. This point appears more important than the opposition bipartism / multipartism. In fact, to study the two process of majority coalition building for instance, what is important is not that much the number of parties "per se" than their degree of internal cohesion and the discipline of their members. The focus on internal cohesion better accounts the difficulties to gather support for policy programs; and on that point, several similarities between Congress and the EP can be noticed.

The two assemblies have also frequently been opposed regarding their ability to initiate legislation: Congress, contrary to the EP, enjoys full and monopolistic initiative. Yet, a more flexible understanding of "power" highlights an influence capacity in the two system that can be compared: it has been showed that the veto power enjoyed by the EP is as significant (if not more) than its initiative power (Tsebelis, 1994).

More structurally, the two Assemblies have three main elements in common: first of all, a principle of separation between the legislative and the executive power; Secondly an extensive and influential committee system; finally voting floor coalition that are often bipartisan.

The first similarity relies on the separation of power between the executive and the legislative. This independence implies shared responsibilities in the legislative process, providing consequently to these assemblies a real role in the policymaking process. The independence of the institutions in the EU, while also different structurally than that which exists in the USA fulfills the same purpose : the MEPs cannot be dismissed; the EP cannot remove the members of the Council. As a result, and similar to the American case, there is no need for a stable coalition supporting the government within the EP. Elected representatives are not subject to any direct threat from the executive and their party leadership. On the contrary in political systems in which we observe a fusion between executive and legislative powers, the former is generally considered as indebted to the later, constraining it to more loyalty. This remark does not mean that legislative institutions in parliamentary systems have no power, but the executive supremacy on legislative proceedings is clearer than in presidential systems (Von Beyme, 1987). On the contrary, the separation of power principle involves a truly effectiveness of the legislative power in the decision making process. For instance, the US Congress clearly has the power to override presidential veto if it gathers a two third majority. But above all, recent statistics show that the use of the President veto is decreasing, as well in a divided as in a unified government (Barrett, 2007).

As a second similarity, Congress and the EP both dispose of a standing committee system, able to support the legislative work and to access to independent sources of information. The strength of such committee systems, particularly regarding their permanence and their executive oversight power, are indicators of power over the policy-making process (Longley & Davidson, 1998)

Finally, parties' weak organization translates in both Assemblies into very variable or uneven vote coalitions. Elected Representatives appear to gather less in function of their political affiliations than in function of the very proposal being discussed. Several works realized on the EP, such as those of S. Hix, have confirmed the flexible dimension of vote coalitions.

All these elements concur to highlight several interests in a comparison between the US Congress and the EP: first from the perspective of the EP, a comparison allows to discuss a number of assertions generally admitted on this legislative body and its insertion within the EP political system, especially the link between consensus and weakness. In fact, a comparison with Congress, and especially with its lower Chamber, the House of Representatives, allows asserting that it does exist a European political system at a supranational level, working pretty well, independently from the member states. Second, such a comparative project can be useful from a Congress perspective, even tough, as we mentioned, Congress' studies are very rich and dynamic: such a comparison could allow nuancing the "exceptionality" of American legislative institutions, such as defined by S. Lipset (Lipset, 1996). By underlining the fact that the European Parliament shares attributes that were supposed to constitute Congress' exceptionality, it is possible to lessen this presumption that in turn has been the point of departure of most works on Congress.

Furthermore, rational choice approaches endorsed by most congressional studies appear, as mentioned in the first part of this paper, in a state of theoretical impasse: « *while the rational choice approach has produced a consensus on a set of central research questions, it has not reached a consensus on the theoretical explanations for the observations of Congress it has generated*» (Loewenberg, Kiewiet, 2002, 7). Indeed, methodologies used are all if not diverse, which present the advantage to make their result more solid and empirically sound. However, in the same time, they lack more qualitative observations, especially through an attention to the testimony of its actors.

Comparison allows finally questioning what was considered as the foundation of congressional standing committees: their initiative power, an important number of subcommittees and an important staff (Arter, 1997). Comparisons with EP standing committees, which do not enjoy any initiative power, neither have such numerous staff or an elaborate subcommittee system, allow to show that committee's strength rely maybe less on formal or legal prerogatives than on the behavior the committee system induce on its members, around common norms and loyalty practices.

In the same way, comparing the EP with a Parliamentary regime legislative Assembly reveals several limits. In the Maastricht and Amsterdam treaties, EP competences have been significantly increased. O. Costa and P. Magnette explained that this movement « *s'explique par le poids dans les conceptions des dirigeants de la matrice parlementaire qui constitue, dans les termes de Di Maggio et Powell, une forme d'isomorphisme normatif. Socialisés dans un creuset national marqué par le schéma constitutionnel parlementaire, souvent de formation juridique, les dirigeants européens raisonnent spontanément en termes parlementaires* » (Costa & Magnette, 2003). Put it in a different way, parliamentary logic grew on in consequence of a tacit association between democracy and parliamentarism. And as a matter of fact, EP functions have gradually increased in that sense: the Assembly can issue a vote of no confidence against the European Commission, it approves or reject its composition at the beginning of each legislature. For these two main reasons, the EP has appeared as a decisive actor of the Commission nomination (Falkner, 1997). We observe also that sanctions against a Commission that would be from the same party or coalition as the legislative majority, while rare, can arise (for instance, the British EPP-ED MEP Helmer), in a very comparable fashion as what can be observed in parliamentary regimes. It appears at the end of the day that MEPs from more or less the same political movement as the Commission have to tacitly support it. Other reasons, more dynamic, linked to the EP's activity, could also justify the choice to compare the EP with Parliaments from parliamentary regimes : for instance a high level of bills introduced by the Commission are adopted, Legislator's actions being limited to simple adjustments, instead of deep changes in the structure of the bill (Polsby, 2004).

However, limits to a comparison with a parliamentary regime appear significant and structural, to the point that, as explained par C. Lord, the parliamentarism developed in the EP reminds more the American Congress than Assemblies in European Parliamentary systems. Thereby, MEPs' role in the nomination or resignation of the executive is relatively limited, what is rather contrary to the European Model, characterized by Assemblies' ability to be more influential in their executive oversights function than in their lawmaking functions. C. Lord reminds indeed that if « *the fundamental principle of West European Parliamentary democracy is that the executive must retain the support of the legislature* » (Lord, 2003, 17), then the EP does not fit the model since the Commission can stay in office even without the support of the legislative majority. In most member states,

Assemblies tend to guarantee executive legislative initiatives, but not governments political subsistence. On the contrary, the EP is not really a threat to the executive permanence, but it does show more criticism toward its investiture on one hand, it offers few guaranties to pass its legislative program on the other hand (Hix & Lord, 1996)

Furthermore, selection and nomination of the Commission Chair are not a legislative exclusive prerogative; it also involves the European Council. That is to say that the functioning of the EU rely more on a "trilogue" than on a dialogue as on traditional parliamentary regimes.

European Parties' weak ideological structuring appears also as a constraint to comparisons between the EU and a parliamentary regime, in which elected politician's allegiance to their party leaders are more obvious.

Finally, the interests representation is more open in the EU context than in other Parliamentary systems: it is channeled by a multitude of forums (associations, European interest groups, etc.).

On a more dynamic viewpoint, while the EP has a right to investigate the Commission, as in other parliamentary regimes, the use of this right is very limited (Maurer, 1999), the vast majority of questions asked to the Commission being written. Overall, the "Question time", that constitutes the heart of parliamentary activities in Westminster, is rarely used and invested by the European legislators (Corbett et al., 2006).

On a more political standpoint, the bipolar logic of politics in parliamentary regimes makes two antagonistic poles, with a specific status, confront. The majority coalition appears consequently stable. Cross-partisan consensuses are very rare, except regarding very technical issues or bills, or for bills answering an emergency situation (for instance a natural catastrophe, or a sanitary crisis, etc.). This doesn't mean that opposition between a "right" and a "left" is absent from the EP, or even in the US Congress (Hix et al., 2008), but numerous other kind of cleavages limit de facto a bipolar understanding of party politics.

In other words, we do not think that comparisons among the EP and other parliamentary Legislatures is particularly auspicious, neither methodologically, nor to generalized. Such an enterprise hardly answers the requirement of "explanatory potential", formulated by A. Lijphart (Lijphart, 1971).

- *What kind of comparisons among the EP and the Congress ?*

In this context, the accuracy of a comparison between the EP and the Congress can hardly been contested. Several lines of study can be explored: the first one would concentrate on the question of the very nature of the EU political regime. The second one would concentrate on the question of comparative internal legislative organization (meaning opening the institutional "black box") and the last one would concentrate on the actors, at a more micro level of analysis.

- A macro level of comparison:

The aim of this approach is to study the nature of the EU political régime. European treaties saying very few on this question, a comparison with an assembly from a Presidential type of political regime can help better understanding the institutional environment in which the EP is taking place. This choice implies especially to concentrate on the nature of the executive vs. legislative relationships. Considering the EP and the Congress, we are facing two assemblies whose power over the executive – while evolving over time – is hardly contestable. They both present an important degree of legislative "viscosity" (Blondel, 1970). Under the codecision procedure, more than 80% of the EP amendments are adopted by the other institutions and converted into law. This is an unprecedented success rate when compared to the national parliaments of the member states.

In this perspective, it could be fruitful to compare legislative oversight practices between the two bodies. It could for instance imply a comparison of legislative hearings of the members of the Presidential administration, and of the Commission candidates. What kind of control do these two assemblies exercise?

Another research question could be to wonder what makes the autonomy of the Legislatures ? Indeed, criticisms of the EP tend to focus on the absence of the power to initiate legislation directly; the criticism is made despite the fact that the ability of members to independently introduce proposals without Government backing in the Legislature of the member states is in most cases an empty power (fewer than 15% are successfully adopted in any form; Marsh & Read, 1995). It seems then necessary to look at other criteria to evaluate the "power" of a legislative institution toward the Executive.

- A meso level of comparison:

At a meso level, the objective is more centered on explaining the process of Lawmaking. EP and Congress present indeed two characteristics that insulate them from European Parliaments: a very developed committee system and a rather weak party system (in both cases party leaders have no formal sanction mechanism to ensure the loyalty of their members). Considering these two common features, we are inclined to suppose a parallelism in the organization of the lawmaking process: does empirical observations confirm this hypothesis? Do committees' development and strength have the same consequences and manifestations in day to day legislative work in the EP and in the Congress? Since committees are often considered as consensus builders, what tools do they concretely use to encourage consensus and negotiation? How does the Committee staff vehicle information necessary to the legislative work?

- A micro level of comparison:

The micro level of comparison is probably the most neglected approach of current comparative works on Congress. However, a look at the legislators' behavior, focusing on the "electoral link" for example, could be fruitful. Whereas a simple monograph of the EP could lead us to conclude to the weakness of the electoral link on one hand, and to the consensual practice and to the absence of a right-left cleavage – a comparative analysis with the Congress invite to be more cautious. In fact, while Congress is known for the strength of the electoral link between its Members and their voters, Congress unpopularity is at the same time a key feature (Mann, Ornstein, Malbin, 2009). According to their statistics, 47% of US voters think that their representative is more conservative than they are and only 23% of them have a good image of Congress. The lack of stable voting coalitions is another aspect of this problem.

In these circumstances, the comparative study of elected members vis-à-vis of their voters or, more generally their constituencies (which may also be the national parties), could help renew our understanding of the representative link.

To conclude, a comparison between the EP and the US Congress seems fruitful:

a. From a methodological point of view :

- To understand to what extent the comparative tool could be used to understand the strictures and the legislative processes in Legislatures

b. From a « political regimes » point of view :

- To understand non parliamentarian regimes.

c. From a « legislative studies » point of view :

- To understand the pertinence of the « exceptionalism » adjective dealing with Legislatures? Is this still pertinent given the variety of tools the comparative approach offers?

3) DISCUSSION/ CONCLUDING REMARKS: WHERE DO WE GO NOW?

As we saw, comparative research between European Legislatures and US Congress may fruitfully grasp classical themes of legislative studies, such as political parties, electoral politics, executive-legislative relations, legislative resources and autonomy to explain phenomenon observed at a more micro level like the legislators very incentives to legislative in a specific direction. Helped by Loewenberg, Squire and Kiewet (2002) analysis, we can distinguish several types of comparative questions considering together these different levels of analysis, to, in the last resort, explain legislatives behaviors and policy outcomes.

a- The limits of macro and micro approaches

First, a challenge related to how dealing with macro variables, divergent polity and politics. This challenge is related to the very question of the comparability among legislative bodies. Even if they may have common internal organizational features, such as standing committees, party leadership, restrictive rules for floor debate, their functions and policy outcomes vary widely. As we saw, the "F" word remains highly controversial in the case of the EU; besides, there are other dissimilarities regarding the Executive-Legislative relationships (independence, control prerogatives). Another difficulty is the parliamentary nature of most of the European regimes. A fundamental question in comparison would consequently be how to overcome these irreducible institutional variables?

Besides, while several attempts at a micro level revealed similarities in the rules employed in the legislative process, for instance the use of restrictive rules as weapons for the majority party to enforce its legislative priorities, or a comparison of legislative hearings process (see Loewenberg, 2006, for a comparison between Congress and the German Bundestag), their scope of analysis is necessarily restricted, since obstacles derived from more encompassing exogenous variables prevent them from generalizing their work.

LEVEL OF ANALYSIS	EXPLANATORY VARIABLES
Macro level, national political institutions (strong institutional variables)	Party system Executive / legislative relations Electoral system Separation of power regime vs. parliamentary regime Federalism
Meso level, legislative institutions and internal organization	Legislative expertise, type of majorities (majoritarian, coalition), legislative parties strength and homogeneity, procedural arrangements and rules, standing committees function and strength.
Micro level, legislators' behavior, incentives	Legislative roles, career paths and incentives, cohesion among legislators, collective action problems.

Figure 1.Three comparative frameworks

b- Micro and macro approaches intertwined

A first lead in overcoming this "macro" and "micro" obstacles would be to study the consequences of these exogenous features on legislative outcomes and legislators'

behavior. To put it differently an important prospect for comparative legislatures from our perspective would be to study the relationships between endogenous and exogenous variables, and study the process by which exogenous variables become endogenous and are integrated by legislators as part of their margin of maneuver and incentives structures. That is to say how do legislators seize broader institutional logics and how do these logics shape their roles, behaviors and incentives.

From a comparative perspective, this idea implies to consider together micro and macro level of analysis, to consider how institutional variables explains the divergence in policy outcomes, in legislators' behavior and in the structure of incentives. Helped by Loewenberg, Squire and Kiewet (2002) analysis we can distinguish several types of comparative questions considering together these different levels of analysis, to, in the last resort, explain legislatives behaviors and policy outcomes.

- *The "Electoral connection" focus*:

Congressmen's link to their district is a privileged theme of Congressional studies since the important book from David Mayhew (1974). It even represents the classical "textbook Congress" before the post-reform area. It offers, in the American context, a broad framework of interpretation of most legislative activities: committees organization may be seen from this perspective in terms of gains from exchanges (Fenno, 1973; Shepsle, 1978), allowing members of Congress to specialize in policy area that are relevant to their district and potentially satisfy their electorate's expectations. Furthermore, the very sociological characteristics of a district, the voting habits (blue, red and purple districts, whether a constituency is seen as "safe") are a privileged perspective to explain the policy preferences of American legislators, the legislative gridlocks or stability.

On the contrary, regarding the EP, the weakness of this link is commonly presented as a way to understand many of the peculiarities of the institution, especially the frequent recourse to "consensus".

In that sense, from a comparative perspective an interesting question would be the relations between the electoral system and the composition of legislatures, on legislators' attentions to their constituents' demands and even on their political behavior. For example, to what extent is the consensual voting behavior linked to the

peculiarities of the electoral system (would it be different if in the case of the EP, there were such rules as smaller electoral districts and open-ballots?) (see for a general discussion on the electoral rules and their consequence on legislators' behaviors Norris, 2004, 2006 – in Power & Rae).

A related question would be about the impact of legislators' career incentives on legislative outcomes and institutional stability. This theme of research is more developed in comparative researches between Congress and Latin American presidential regimes. For instance, Morgenstern (2002) research on the diffusion of roll call voting in Latin America and in the US shows how nominative votes have been crucial in increasing the accountability of legislative representatives to their constituents. In Europe, this perspective seems less developed. The strong partisan loyalty rates and the weak autonomy of legislators from their majority tend to cover the question of individual legislators link to their district. However, using more sophisticated methodology that has been recently developed and allowed researchers to differentiate between committee works and negotiations and floor votes may help understand the less visible and maybe more informal logics of electoral accountability in parliamentary systems.

- *A focus on political Parties*:

In a parliamentary system, parliamentary elections are more about choosing a government than choosing lawmakers. For this reason, elected politicians have different incentives for choosing to run for an Assembly whether they evolve in a Parliamentary system or in a Presidential system. For instance, in a parliamentary regime, entering in the government is often considered as a major incentive for explaining Members of Parliament's behavior. Party loyalty is also more important in Parliamentary systems, as they appear as "de facto gatekeepers to high political offices" (Laver, 2009, p126).

By contrast, in Presidential systems, politics and incentives for legislators are different, the executive power is weaker, the President has less mean to influence or initiate legislation. The legislature tends to dominate the lawmaking process. Legislators are more prone to favor a legislative career by itself since symbolic and material rewards are more important. Consequently, the internal organization and structure of power within the legislation is more attractive to legislators.

Congressional career are generally longer than in parliamentary systems and sought for themselves. Because of these peculiarities, political parties theme was not studied.

However, a focus on political parties has recently emerged in the US legislative literature as a major theme of research. As explained by Shepsle and Weingast (1995) studies of the parties and the role of legislative leadership has recently re-emerged in the congressional literature, following increased observations of renewed party influence over the legislative process (Rohde, 1991, Cox & McCubbins, 1993, 2005; Aldrich & Rhode, 2000, Sinclair, 1981, 2005). New questions have emerged, such as the procedural rules that parties and the legislative leadership have in hand to drive the legislative process, the gains legislators find in providing more leverage to their party, the link between party polarization and increased party control over the legislative process, the tools leaders have in hand to partially "control" their members (pork barrel politics, campaign fundraising)

In a comparative perspective, research questions could then focus on how would a given partisan structure and organization impact on legislatures outcomes? This would imply to measure legislators preferences and homogeneity within a party. This could also imply to measure party influence on legislators' behaviors, as well as the institutional tools and incentives they have in hand to discipline their members: how are political parties able to influence Member's of a given legislature career (within the institution, by providing the financial and symbolic resources necessary to be reelected, or by controlling the committee assignment process). To what extent the nature of the tools partisan leaders have in hand impact the nature of the outcomes, the length of the procedure, or even the extent of conflicts with the Executive?

- *A focus on standing committees*

Standing committees long appeared key to Congressmen career patterns, since the position of Committee chair, which has long been dependent on the seniority rule, was key to have a major impact on a specific policy sector. "We find a case for seeing congressional committee chairs as fulfilling at least some of the roles in the US system, that are fulfilled by cabinet ministers under parliamentary government" (Laver, 2009, p136).

In the European context, the role of standing committees is less clear: whereas in the EP and in some European Legislatures (Nordic countries or Italy), the key role of committees is consensually admitted (Mattson & Strom, 2004 for Nordic countries), in other Assemblies such as the British House of Commons, their role in the legislative procedure are non-existent.

In a comparative perspective, one could for example compare the US committees with the EP/ Nordic Legislatures committees and look at the ways they help legislators in the legislative process, how they help to promote the interests of the legislative institution toward the Executive. In this context, one could for example focus at the ways committees afford expertise, information on the legislative proposals.

- *A focus on Policy outcomes?*

A last we wish to mention another comparative perspective that appears from our point promising: trying to assess the diverse role a legislature can have in the policy making process. This research question goes back to Mezey's (1979) question on the policymaking role of a legislature, but while ancient, very few researches endorse it as a part of their comparative designs. More generally, even case studies on the policy role of a given assembly are not really developed today. Reasons from this weakness are mostly due to the complexity of the question itself. Questioning the policy role of an assembly involves to considers multiple variables: the specificities of the policy itself have to be considered, as well as the specificities of the political system an Assembly is inserted in. In Mezey perspective, this problem was mostly addressed from institutional variables. The balance of power between the executive and the legislative was a major explanation of this general prospect on the "policy role" of an assembly: Would an assembly have the power to initiate or block legislation or the executive policy agenda? What degree of support does legislative bodies enjoyed among the citizen?

Studying the policy role of a legislature means considering legislative outcomes, the legislative process itself, its centralization or its fragmentation, the degree of pluralism that characterized the political system. It requires considering how effective a representative body would be to enact a policy program. Recently, works have tried to assess the efficiency or the "performance" of a legislature, or of the legislative process. For instance, Arter, (2006) distinguished between "legislative capacity" (its autonomy, its institutional insertion in decision making process) and "legislative efficiency" (its ability to pass law): "*In seeking to define and measure the strength and weakness of legislatures – and gauge their 'policy power' – at least two criteria are discernible in the literature. First, there is the degree of legislative efficiency and on this basis a strong legislature would be one that is able to act efficiently and decisively to make informed policy decisions. Collective efficiency is the core variable. Second, there is the extent of legislative autonomy – or, in Joel Barkan's words, the extent to which 'the legislature is an institution of countervailing power'. On this basis, as John Carey, Frantisek Formanek and Ewa Karpowicz note, 'autonomous legislatures are those that can and do make decisions and take action independently from the executive'. 'Can' and 'do' of course are two quite different things and point up a tendency to conflate 'legislative capacity' and 'legislative performance'" (p248).*

This analysis opens a way to study legislative policy outcomes per se, more qualitatively, and to concretely assess legislative behavior in action. Instead of simply trying to understand why do legislators in different Assemblies behave the way they do, such an approach is more interested in asking "what do they do"? Several possible answers already exist: again, the veto point framework may be useful since it (implicitly) assesses that democratic representation at various degrees slows down the policy making process, or is "inefficient by design". The veto player framework considers to what extent pluralistic logics plays in legislative bodies. The reverse theory, literally the "policy entrepreneur" model (Kingdon, 1994) implies to focus on the initiative role of an assembly: coalitions of actors involved in a reform attempt, negotiations with interest groups, the role of the party leadership as a cohesive and programmatic actor, Committees policy actions etc.

Challenges to a comparative study of the impact diverse legislatures can have on policies are however numerous. While several empirical data and sources are available (for instance it is possible to account the number of Laws passed during a legislature, delays and obstruction practices, and even analyzing the contempt of the amendments passed), General studies may not, from our point, capture the divergence among different kind of bills. Legislative behavior appears susceptible to widely vary according to the nature of the bills that are discussed in parliamentary arenas: conflictual policy sectors reforms are not likely to be treated the same way as technical or less visible sectors. Demands and attention from the constituency, the structuring of the sectoral interest groups, in short the very specific "politics of the policy" may be lost in such general studies on "legislative efficiency". Even the priorities of the party agenda (or of the executive agenda) are susceptible to a considerable extend to vary, and consequently to modify legislative logicss. That is to say that a comparative approach on legislative policy outcomes, while a promising lead, must involve a sectoral comparative perspective in addition to its broader comparative research design.

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