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Informal Agenda-Setting Power of Governments: The Swiss Case

Paper presented at the ECPR Workshop
“The Role of Governments in Legislative Agenda Setting”
Granada, 14-19 April 2005

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Berne, March 2005

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Abbreviations

abbr.	abbreviated
FC	Federal Constitution of the Swiss Confederation (SR 101)
MO	Parliamentary motion
MP	Member of parliament
PI	Parliamentary initiative
PR	Proportional representation
SFA	Federal Statute on the Federal Assembly (SR 171.10)
SPR	Federal Statute on the Political Rights (SR 161.1)
SR	Systematic database of Swiss federal law (http://www.admin.ch/ch/d/sr/sr.html)

1. Theoretical perspectives on government-parliament relations

In theory, the democratically elected parliament determines the policy outcome, whereas the government executes the parliament's decisions. Formally, the parliament takes every major political decision by majority and controls both the executive and the administration. In practice however, policy making as well as the relation between the two bodies is much more complex. In any system, be it presidential, parliamentary or mixed, policy-making is a negotiation game between the parliament - or at least a selected number of actors in a parliament - and the government. In the majority of cases several other actors such as important political pressure groups or relevant branches of the administration are also participating in the decision making. Hence, parliaments and governments interrelate in various ways in different political systems.

Who has the power in reality? Earlier research focused on the consequences of political systems for political stability (Linz 1996). Basically, representation is better guaranteed in parliament, but if the government is dominant and the legislature only reactive, the democratic accountability and the responsiveness is rather weak. More recently, scholars as Lijphart (1999) or Tsebelis (2002) focused on the policy consequences of different types of regimes. While the relation between the legislative and the executive shapes policy outcomes, it is, however, not so clear how this is achieved.

This paper explores the influence of the Swiss parliament (Federal Assembly) in the decision-making process to the government. We argue that especially the Swiss case requires that one distinguishes between formal institutions and informal power.¹ Even though the Swiss parliament formally has a very strong position towards the government, in reality the parliament is rather weak. Real power therefore derives not only constitutionally, but also from the power to determine, influence and control the political agenda which is highly relevant for policy outcomes (Shepsle and Weingast 1982: 369). In Switzerland, this includes formal and informal processes as well as pre- and post-parliamentary stages.

Nevertheless, the relation between the parliament and the government is not evident. Traditionally, scholars have focused on the distinction between presidential and parliamentary systems and some combination of the two (Lijphart 1999). However, there is scholarly agreement that this distinction falls short of adequately explaining real divisions of power within the different systems (Eaton 2000). Lijphart did not stick with this distinction either. Rather, he used a measure based on cabinet durability. With this "index of executive dominance" (p. 131f.) he shows that the longer a cabinet is in place, the more dominant it becomes. Tsebelis (2002) argues that it is the rules for agenda setting that matter rather than the presidential-parliamentary dimension itself.

¹ In this paper, "informal agenda setting" does not mean that it is unlawful, hidden or secret, but that it deviates from what can be expected when reading the relevant statutes.

Consequently, the ties between the government and the parliamentary majority in a parliamentary system are much stronger and the agenda control of parliament much weaker (Tsebelis 2002). Prime ministers are therefore expected to be more powerful in terms of agenda setting than an independently elected president.

To understand the relation of power between the two it is important to understand how the agenda-setting mechanisms between governments and parliaments are structured. Aleman and Tsebelis (2002) identify three dimensions that matter for the agenda setting. First, an institutional dimension which determines the distribution of the agenda-setting power between both the legislatures and the government, i.e. who controls the agenda under what conditions. Second, a positional dimension determined by how much discretion the agenda setter has, meaning how large his choice set is. Third, a further positional dimension stipulating that the position of the agenda setter matters with respect to the power of moving a proposal in one direction. While veto players become more influential by being extreme, agenda setters become more influential the more moderate they are (Aleman and Tsebelis 2002).

In recent years, the focus on the agenda setting rested primarily on the institutional dimension. According to Cox (2000) two institutional categories of agenda control can be distinguished: The power to put the bill on or keep it off the floor agenda and the power to protect bills from amendments to the floor. More specifically Döring (1995) mentioned seven institutional dimensions that matter for the agenda control (which were later used by Tsebelis (2002):

- Control over the plenary agenda
- Initiation of “money bills” as prerogative of government
- Plenary majority establishes the principle of a bill before it is sent to committee
- Can committees rewrite government proposal
- Control of the timetable during committee stage
- Final adoption of bills: can obstruction be curtailed
- Lifespan of a bill before lapsing

In the few existing comparative studies, the placement of Switzerland on the dimension of government influence on the agenda control is, however, quite puzzling. Using Lijphart’s definition on cabinet durability as an indicator of executive dominance, Switzerland would have a very dominant government because since 1959 the same parties – although not the same persons – form the government. Lijphart did not trust this indicator, however, and set the executive dominance for Switzerland “impressionistically” (Lijphart 1999: 134) to the lowest possible score without giving much of a reason why he did so. At least this value reflects more the findings put forward by Döring (1995). In Döring’s seven dimensions of agenda control the Swiss parliament’s control is rated very high while government control is rated low. The same is true for several other institutional dimensions of agenda control as mentioned by Rasch and Tsebelis in the outline of

this workshop (see chapter 2.2). Hardly any of these constitutional mechanisms of governmental agenda control exist in Switzerland. Thus a lot of formal power is given to the Federal Assembly – potentially even more than in the context of the U.S. Congress - while the government’s position is formally weak.

However, Swiss experts tend to disagree. According to Klöti (2001: 20), the Federal Council, the Swiss government, has a wide range of powers and is in a comparatively strong position vis-à-vis the parliament (even though the parliament has gained strength in previous years). Kriesi (2001) states that while “the decline of parliamentary power [in other countries] may be less dramatic than usually maintained, the weakness of the Swiss parliament appears to be particularly severe” (p. 60). According to Kriesi, this results in a “unenterprising and rather timid” Federal Assembly, (p 61). However, Kriesi’s main arguments do not relate to formal agenda-setting instruments of the parliament but to informal factors such as resource gap. And where there is a reference to empirical studies on the use of formal instruments, these are dealing years before 1992 when parliamentary structures were even more non-professional than today.² Furthermore, Kriesi (2001: 62) also asserts that “parliament has the capacity to inject uncertainty into the decision-making process, thus representing a possible veto-point with respect to governmental proposals” (see also Papadopoulos 1997). According to Linder (1999), the finding about the strong institutional position of the parliament corresponds with real power only in the early phase of the Swiss federation in the 19th century. From then on, despite the unchanged institutional division of power between government and parliament, the power has shifted constantly towards the government.

At least with regard to formal agenda-setting instruments (and their practical usage), there is no need today to speak of a decline of parliament in Switzerland. Such a view, however, was popular among constitutional law scholars in post-war Switzerland until the 1980s. In their view, the parliament with its traditional semi-professional structures had a hard time against an ever growing federal administration. Views of a “partial abdication of the parliament” and of a parliament “walking on administrative-governmental crutches” which was “helpless without the Federal Council” were mentioned (Eichenberger 1949, 1965; Schmid 1971). While empirical results questioned this pessimistic view (see Zehnder 1988, and chapter 3.1), a reform of the parliamentary structures in 1992 further strengthened the formal position of the parliament vis-à-vis the government (see Lüthi 1997a, 1997b). The reform substituted the previous system of parliamentary ad hoc committees by standing committees. This enhanced the parliament’s ability to supervise the government and to determine the parliamentary agenda. Yet this was only one part of a broader plan to reform and professionalise the Federal Assembly. The second part including higher remuneration of the deputies and higher financial contributions to the party groups’ infrastructure costs failed in a

² e.g., Poitry (1989) for the period 1971-1975; Graf (1991) for the period from the 1960s up to 1991; for the most recent account on the professionalism of the Swiss parliament in a comparison of 20 OECD countries, see Z’graggen and Linder (2004) and chapter 2.2.

referendum in September 1992 (for details see Kriesi 2001). Since then, the Swiss parliament obtained a more professionally structured committee system, but no adequate financial resources to make good use of its increased supervision power.

The main hypothesis of this paper is the following: While Switzerland has indeed strong formal mechanisms of parliamentary control of the decision-making process including the power to determine the agenda in a significant way, the power of the parliament is very limited in reality. We see the following reasons for this:

- *Resources:* According to Martin (2004) and Döring (1995), crucial for agenda control are time and resources. As simple as this may sound, it is highly relevant. In order to influence or to set the agenda MPs need resources in order to gain expertise on complex issues. Basically this means that parliament and MPs need staff to actively develop expertise independently from government and interest groups. In Switzerland, being an MP is not even considered as a full time job and individual MPs as well as parliamentary groups or committees have very little staff at their disposal.
- *Informal control of the process:* Legislation in Switzerland starts long before the parliamentary process. Usually the administration, led by the government, drafts new bills, which then enter the pre-parliamentary consultation where parties are consulted only as one group among many others (such as the 26 cantons or major interest groups). Government officials, to the contrary, take part in all parliamentary committee meetings and during the parliamentary debates. This means that a substantial part of legislative negotiation takes place before a proposal enters the parliamentary phase with the government usually being well-formed informed about the intentions of the parliament.
- *Information advantage:* Processes of internationalisation and Europeanisation strengthen further the government (and parts of the administration) in terms of resources and informal control of the process (Moravcsik 1994). On the one hand, the government has direct access to the international or European level which leads to information advantages that parliamentary actors can hardly compensate. In this regard, international negotiations also confer governments with additional sources of ideological legitimisation and can alter the stock of ideas employed in domestic debates. On the other hand, the government can present international negotiation results as unchangeable and in addition, put time pressure on the parliament to ratify international agreements. This greatly enhances governmental control of the decision-making process (for details on foreign-policy decision making in Switzerland, see Goetschel et al. 2005).
- *Symmetric bicameralism:* The symmetry of the two parliamentary chambers and their incongruence (the lower house is elected by proportional representation, the upper house is elected by a majority voting system) form an additional hurdle for the successful use of

strong parliamentary agenda-setting instruments since both houses have to consent to their application.

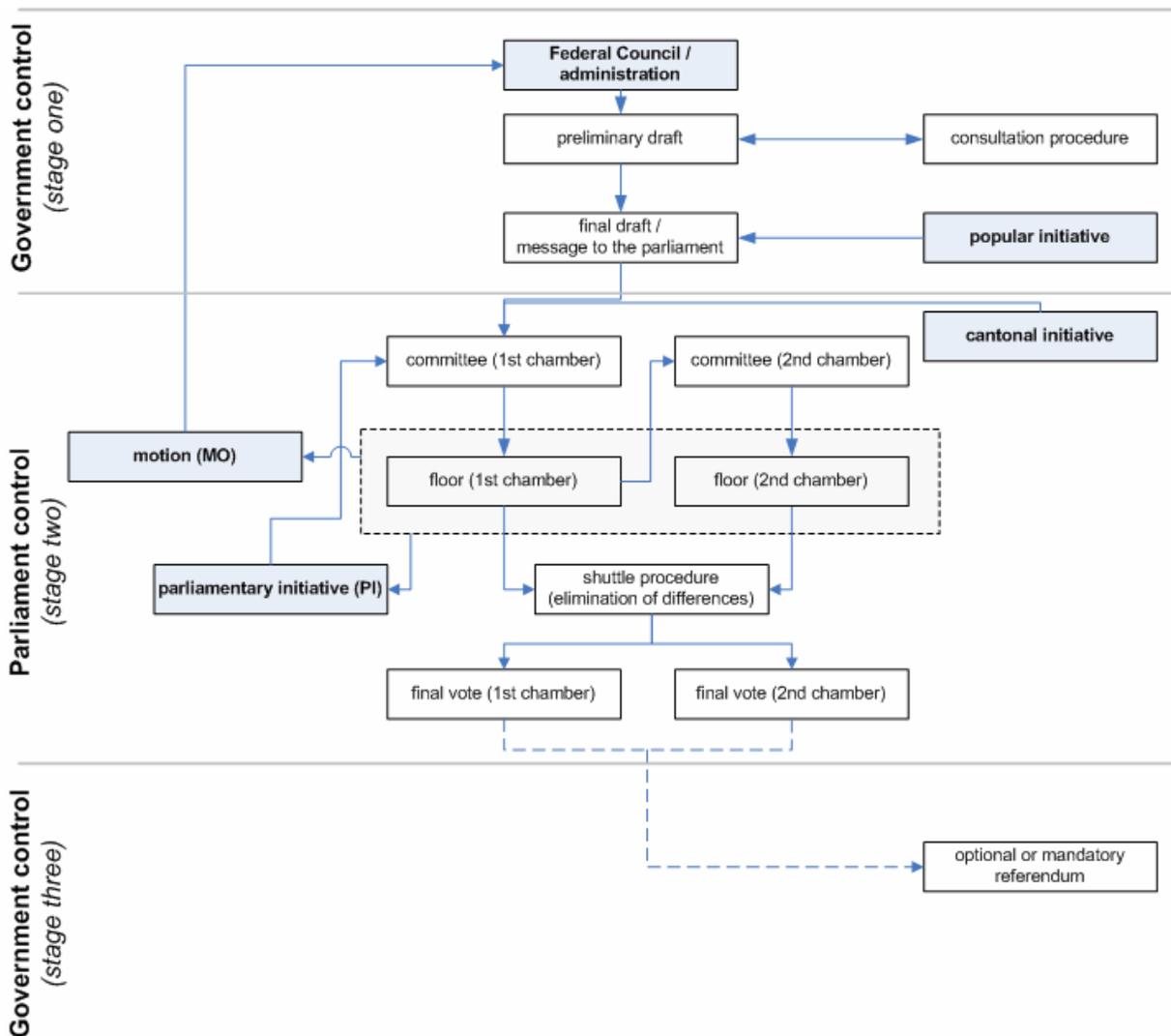
- *Pattern of party competition and direct democracy:* In Switzerland no single party had more than about 25 percent of the votes in parliament (since the introduction of PR in the lower chamber in 1919). As a consequence of the direct-democratic instruments in the Swiss system, the four major parties have all been represented in government since 1959. In order to avoid a referendum or having a good chance of winning a referendum vote, an oversized majority is usually needed to draw up legislation. This further increases the need of interest balancing within government and in the whole legislative process where the government plays a central role.

Formal and informal procedures related to agenda control will be further described in part two of the paper. The third part presents empirical evidence and exemplifies the mechanisms of agenda setting with two case studies of decision-making processes.

2. Formal and informal agenda-setting power of the Swiss government

The legislative procedure in Switzerland can be divided into three agenda-setting stages (see figure 2.1). In each stage a clearly identifiable institutional actor exercises main control on the lawmaking procedure and holds formal agenda-setting power in its hands. As can be seen in figure 2.1, the identity of the formal agenda setter is alternating, with the parliament being in a “sandwich position” between two stages of government control.

Figure 2.1 Agenda-setting stages in Switzerland



Source: Parliamentary services; own adaptations.

The following sections present the formal agenda-setting instruments in the three stages in detail. At the same time informal agenda-setting powers are named which put the formal instruments into perspective.

2.1 Pre-parliamentary process in the hands of government and administration (stage one)

The executive enjoys broad formal agenda-setting rights in the pre-parliamentary sphere. The Federal Council is not restricted in the elaboration and submission of own drafts for legislation to the Federal Assembly, neither regarding time and number, nor subject matter.³ This leaves the government with a wide opportunity to define the fundamentals of a new bill (first-mover advantage) and puts the parliament (and its committees) in a “reactive” position. The main reason can be found in the pre-parliamentary process - in particular, in the consultation procedure. Most government proposals which are deliberated in parliament at a later stage went through the consultation procedure. This frequently leads to a compromise draft resembling a Pandora’s box designed to win a majority both in parliament and in a possible referendum. The consultation procedure is mandatory “for the preparation of important legislation and other projects of substantial impact, and on important international treaties”.⁴ In those cases (which are further defined in a related bill) the government is compelled to submit its first draft proposal to the cantons, the political parties, the important associations (employers’ association, labour and farmers’ unions, environmentalist organisations, and the affected circles in general). Therefore, it is difficult for the parliament to challenge a compromise formula that has passed this lengthy procedure. Consequently, parliamentary committees mostly refrain from completely rewriting or refusing a government proposal unless there is a specific need to do so.

However, the consultation procedure has a double-edged effect for the government. The government’s agenda-setting role is only strengthened if the procedure produces a proposal that has the chance of surviving parliamentary deliberation and a possible referendum. Otherwise the government is not legally obliged, but politically expected to fundamentally revise or completely withdraw the proposal if it wants to avoid serious opposition or failure in parliament or in a subsequent referendum. Whatever the feedback in the consultation procedure is, government and administration have an important filter function in the pre-parliamentary decision-making process (Papadopoulos 2001). They shape and narrow the content of a bill, try to find a broad-based compromise solution or withhold a proposal from parliament.

³ Art. 181 of the Federal Constitution (FC; SR 101); a notable - albeit not legally established - exception are inner-parliamentary affairs which are considered as prerogative of the legislature.

⁴ Art. 147 FC

These formal agenda-setting options are further strengthened by a huge gap between government and parliament in terms of resources. The resource gap is probably the most important informal agenda-setting factor and is most effective in the pre-parliamentary sphere. To be sure: from a comparative perspective, the executive may not have excessive financial resources - the Swiss government is still considered to be quite lean, despite a growing tendency in expenditures and staff over the last decades. But the parliament (and party groups) still operate in semi-professional manner without a fully developed parliamentary administration that could effectively counter-balance the government's professional structures. The degree of professionalisation of parliaments in 20 OECD countries has recently been analysed by Z'graggen and Linder (2004). The authors ranked the Federal Assembly at the 19th position - after Luxembourg, but in front of Spain that has the least professionalised parliament of the countries entering the comparison. This does not mean that the output of the Swiss legislature is worse than in more professionalised legislatures, but the semi-professional structures do not correspond to the independent law-making and supervising position of the Federal Assembly in Switzerland's institutional framework. The latter has more in common with the U.S. checks and balances system than with the British Westminster parliamentary system.

2.2 Parliamentary process: no formal agenda-setting power of the government (stage two)

The government loses its control over the process as soon as the final government proposal is forwarded to the parliament. First of all, the proposal is sent to the "Coordination Conference", a joint body of both "Offices" (steering authorities) of the National Council (lower house) and the Council of States (upper house). The "Coordination Conference" allocates the first reading of a government proposal to one of the two chambers and arranges the schedule of deliberations.⁵ The Federal Council has merely an advisory role at this stage. Members of the Office are the president and vice-presidents of the chamber, the counters of votes and in the National Council also the party group leaders.⁶ Government representatives have no say in this body. Afterwards, the Office of each chamber works out a detailed schedule and assigns the committee that will examine the government proposal. At this stage of the procedure, the main focus lies on the planning and coordination process. Remind that time is a particularly scarce resource in Switzerland's semi-professional parliament whose regular meetings take place quarterly (four sessions a year of three weeks each), with an option to set extraordinary sessions if the workload requires to do so. While the government's agenda-setting power is weak at this stage, it can be sure that its proposals will

⁵ Art. 37 of the Federal Statute on the Federal Assembly (SFA) (SR 171.10).

⁶ Art. 35 SFA; for the Office of the National Council see for details Art. 8 and 9 of the Standing Orders of the National Council (SR 171.13), for the Council of States Art. 5 and 6 of the Standing Orders of the Council of States (SR 171.14).

reach the floor because there is no formal right of the Offices or committees to permanently obstruct a proposal. It cannot be ruled out that the Office or committee re-schedules the debate on a proposal for strategic reasons, but this does not influence *whether* but only *when* a proposal is discussed. However, we find obstruction techniques (and thus agenda-setting interventions) on the floor in that the instruments of “non-entry” or “rejection” decisions are used (see further below).

An unresolved yet potentially relevant question is whether the Office can influence the agenda when selecting the committee that is assigned to examine the government proposal. As proposals can fall into the policy scope of several committees the majority of the Office might choose the committee whose composition leads to results that correspond to the majority’s political preferences (e.g., there might be a significant difference in outcome whether a proposal to combat international tax fraud is discussed in the Foreign Affairs Committee or in the Committee for Economic Affairs and Taxation). In practice, such (rare) conflicting cases are resolved by giving all interested committees the right to write a concomitant report on the issue. Furthermore, the Office also sets a time limit for committee deliberation which means again that there is only a very restricted possibility to permanently obstruct a government proposal at committee level. The time-limit is binding and can be enforced by the Office or the plenary by majority vote (see also Döring 1995).

The committee stage is generally characterised by weak formal government control. Committees are free to amend or re-write the government proposal according to the committee’s preferences. When discussing government proposals, a member of the Federal Council or administration is usually present in committee meetings in order to give additional information and explain the proposal, but with no formal voting right.⁷ Taking into account that the government representative often has better expertise than the committee members and that the government often has an informational advantage (especially in security policy and international affairs), the government can compensate its lack of formal agenda-setting power by informal influence.

The committee discusses the proposal article-by-article and formulates own petitions to the floor. At this point, the strong agenda-setting power of the parliament sets in, depending on the petitions filed by the committee⁸ and later adopted on the floor:

- “Non-entry petition” (which means that the chamber is not even willing to deal with the proposal). A non-entry vote is a political “slap” in the government’s face: the government proposal irrevocably dies, the project is buried. Because of the mutually independent position of Switzerland’s executive and legislative institutions, there is no need for the government to resign in such cases – even if it were a prestige project for the Federal Council.

⁷ Art. 160 SFA

⁸ Petitions can not only be filed by the committee’s majority, but also by any outvoted committee minority, any party group or single member of parliament.

- “Petition for entry and rejection to the Federal Council” (which means that the chamber accepts the project in general but considers its content too premature for debate on the floor). The parliament’s majority may gain some time with such a decision but is also handing the agenda-setting initiative back to the government; with regard to parliamentary agenda setting this is not an optimal instrument.
- “Petition for entry and rejection to the committee”: The committee is given some additional time to deliberate the issue and propose additional amendments. There may be various reasons for such a move. One reason is to temporarily obstruct the government proposal without giving the agenda-setting power out of the parliament’s hands.
- “Petition for entry into detailed deliberation” with or without additional amendment petitions for single articles.

The formal position of the government remains weak during detailed deliberation on the floor. Two features are characteristic for this: First, the responsible member of the Federal Council is present during debates and has the constant right to intervene verbally.⁹ However, as members of the Federal Council are never members of parliament, they have the status of a parliament’s guest and not of a leader of the ruling parliament’s majority. There are no formal pressure means for the government (such as threatening with a re-election, adjourning the debate, or vetoing the result); it can only present its arguments (see also Döring 1995). Since government bills never “die” unless rejected by a vote, the government also has no possibility to speed up the legislative process. However, one should not underestimate the informal agenda-setting power of verbal arguments that stem from a well-prepared government member based on the professional expertise of the administration.

Second, the Federal Assembly applies the amendment floor voting procedure when voting on alternative amendment proposals to the same content.¹⁰ This procedure is actually common in the Anglo-Saxon world and some Scandinavian countries; other European countries usually apply the successive procedure (see Rasch 2000). In the context of the Swiss amendment procedure the government alternative is brought to the floor in the second last vote already; the last vote is exclusively assigned to the alternative of the committee majority which then competes with the winning alternative of the previous amendment voting process (either the government alternative or the one that has outvoted it).¹¹ The government proposal thus often suffers from a procedural disadvantage in parliamentary floor voting (see Senti 1998).

⁹ Art. 41 of the Standing Orders of the National Council (SR 171.13), for the Council of States Art. 35 of the Standing Orders of the Council of States (SR 171.14).

¹⁰ Art. 78 and 79 SFA

¹¹ Art. 79, § 3. There is of course always the possibility that the alternative of the committee majority and the government proposal are identical. In such cases the government proposal is not brought to the floor as a separate alternative.

Furthermore, the Swiss constitution usually provides for simple majorities of those voting. However, a supermajority of the members of the chamber is required in three cases: 1. the declaration of urgency of bills; 2. provisions granting subsidies, authorising credit lines, and establishing spending ceilings which cause new one-time expenditures exceeding 20 million Swiss francs, or new recurrent expenditures exceeding two million Swiss francs; 3. an increase of the total expenditures in case of extraordinary payment requirements.¹² While the supermajority threshold for the declaration of urgency is mainly a means against excessive executive demands for “fast” legislation, the two financial provisions aim at curbing public spending excesses of the parliament. However, the same rules also apply to government proposals for increased spending and therefore cannot be counted as a formal government agenda-setting instrument.

The Swiss government not only has a weak position toward its own proposals, it furthermore has to accept the potential effects of strong parliamentary instruments that allow the Federal Assembly to formulate binding law-making instructions to the government (motion; abbr. MO) or to initiate own law-making projects bypassing the government (parliamentary initiative; abbr. PI).¹³ The evaluation of the use and effects of these instruments is somewhat controversial (see chapter 3), but they nevertheless constitute important and potentially far-reaching tools for parliamentary agenda setting. It is important to see that both motions and parliamentary initiatives only materialise when both chambers in Switzerland’s bicameral system vote in favour (MO) or adopt the bill (PI). This is an essential difference compared to parliamentary “veto power” regarding government proposals. Here it suffices when only one chamber refuses entry into debate or sends the proposal back to the government or committee. It is an interesting but unexplored question how Swiss bicameralism with symmetric and incongruent chambers (i.e., both chambers have identical competences but are elected by different electoral systems; see Kriesi 2001 and Lijphart 1984) affects the use of formal parliamentary agenda-setting instruments. In addition, it remains unclear what consequences the recent electoral drifting-apart of the two chambers will have on the future usage of these instruments.¹⁴ As will be seen in chapter 3, the bicameral system rather limits than expands the success rate for motions and parliamentary initiatives and therefore constitutes a restricting element in parliament’s agenda-setting role. While this political change may further limit the

¹² Art. 159, § 3 FC

¹³ See for details Art. 120-122 (motion) and Art. 107-114 SFA (parliamentary initiative).

¹⁴ In the 2003 general elections the two “opposition forces” within the oversized consociational government coalition - the national-conservative People’s Party and the Social-Democrats - gained a potential veto position in the National Council if they form “unholy alliances”, while centrist Christian-Democrats and right-to-centre Free Democrats still hold a majority in the Council of States. The Swiss system of mutual independence of government and parliament allows for dissenting behaviour among the coalition parties which must be considered as a “minimal necessary coalition” (Tsebelis 2000; Volden and Carrubba 2004) without stable majorities in parliament.

parliament's agenda-setting power, it does not serve the government's position either since also government proposals may suffer from this watered-down form of "divided government".¹⁵

In sum, comparing our list with the agenda-control factors put forward in the workshop outline, *formal* government control of the parliamentary agenda is weak in Switzerland:

- There are neither time constraints that would benefit government proposals nor are there any restrictions for the parliament regarding time and content when amending government proposals (as, e.g., closed rules, last-offer authority, or sequencing rules).
- The same vote-counting rules apply to government and parliamentary proposals and the voting order is even at the disadvantage of the government proposal (if a dissenting committee proposal exists).
- There is also no possibility for the government to refrain the parliament from debating and deciding on issues which fall into the constitutional competence of the Federal Assembly. The starkest instruments in this respect are the parliamentary initiative and the motion. The Federal Council's only legislative competence is restricted to ordinances to which the government has to be empowered by the constitution or statute.
- Only in the field of decisions that increase spending above a certain limit, the vote-counting rules require a supermajority of the Assembly's members (which, however, also applies for respective government proposals).

2.3 Post-parliamentary process: handing agenda-setting power back to government (stage three)

The post-parliamentary process refers to the rules of enactment and implementation of adopted bills. In the case of Switzerland this also includes the rules of direct democracy. About 15 percent of the entire legislative output (including ordinances of the Federal Council) are subject to the optional or the mandatory referendum (Linder 1999). With regard to legislation subject to an optional referendum, about seven percent reach the necessary popular support of 50'000 signatures to be put to a vote. All other legislation is enacted and implemented without a popular vote.

As noted in section 2.1, the expectation that a law-making project is subject to an optional or mandatory referendum is an important factor in the pre-parliamentary consultation procedure. Avoiding an optional referendum or building an (oversized) coalition in order to win a referendum

¹⁵ At this point an interesting link can be drawn to the "bicameralism conjuncture" by Lijphart (1984) and Sjölin (1993) who assume that bicameralism favours the forming of oversized coalitions if both chambers have substantial influence on legislative outcomes and no minimal winning coalition in either chamber has a majority in the other chamber (see also Volden and Carrubba 2004).

vote is widely seen as the primary aim of the consultation procedure. As with the pre-parliamentary stage, agenda setting in the post-parliamentary process is again in the hands of the government. Thus, both the beginning and the end of the decision-making process are dominated by the government with the parliament's core agenda-setting function situated in-between - depending from what happens before and after. But what exactly are the agenda-setting options of the government if a referendum is looming, given the fact that referenda in Switzerland are opposition instruments of pressure groups and decided by "the people" (and therefore largely out of government or parliament control)? The answer is agenda setting by scheduling and credibility, as will be further explained in the following paragraphs.

The arrangement of the voting calendar and the definition of the focus of the referendum campaign are almost exclusively in the hands of the government. There are only few binding guidelines for the government for scheduling referenda. Hence, the government enjoys broad political discretion which can also be used for strategic purposes. This begins with the tactical question of what subjects should be combined in a popular vote in order to optimise the expected results in favour of the government position. A recent example is the government's decision to set different dates for the referenda on Switzerland's joining of the Schengen/Dublin treaties of the EU (June 2005) and the extension of the bilateral treaties on free movement of people to the new members of the EU (September 2005)¹⁶ - even though the parliament deliberated and adopted the two issues in the same session in December 2004. Sometimes the government also consciously decides to vote on similar matters on the same day. An example is the vote in June 2002 when the people had to decide on a government/parliament proposal to partly legalise abortion and a pro life initiative. With regard to government/parliament proposals, the government is not legally bound to any time limits - but postponing a referendum is usually not in its interest since this would prevent enacting its own proposal. Deferring the vote on a popular initiative may be much more in the interest of the government. Thus, there are legal time limits for such cases requiring a vote within 40 months after submission of the initiative.¹⁷ However, only this overall 40-months-time-span is really binding. In a case where a popular initiative has reached final vote in parliament say within 20 months, the government can wait another 20 months to bring the issue to a vote. Moreover, the binding time limit is a recently established principle only. Before 2002, there was no such provision at all, giving an even stronger agenda-setting position to the government. An example is the popular initiative "SOS - Switzerland without snoop police" which was submitted in October 1991. The initiative's target was to curb the authority of the Swiss intelligence. It took two and a half years until the Federal Council forwarded the initiative to parliament, another two years and three months until the

¹⁶ For details, see the press release of January 19, 2005 "*Programme des votations 2005 – Information du porte-parole du Conseil fédéral*", <http://www.admin.ch/cp/f/41ee755d@fwsrvg.html>.

¹⁷ The legal provisions regarding the time limits for popular initiatives are quite complicated to find and understand. Most information can be found in Art. 74 of the Federal Statute on the Political Rights (SPR; SR 161.1) and Art. 97-106 SFA.

parliament decided on it and another two years until the popular vote (in June 1998). The initiative was rejected by a 75 percent margin.

Besides scheduling, the government's agenda-setting power in the post-parliamentary stage is also based on credibility. Composed of a politically broad-based oversized majority of (usually) technocrats rather than controversial political leaders, the Federal Council's opinion towards the subject matter of a vote can often be more trusted than those of pro- or contra-groups which are mostly formed on a clearly partisan basis. The government's credibility considerably increases the agenda-setting power: 1. it may pledge to the people concerning the concrete implementation of the bill after adoption (e.g., with regard to related ordinances that have to be formulated) which cannot be ignored by the parliament after the vote; 2. it may express some discontent with single parts of the proposed bill and thus signal that it would not be unhappy if the bill fails so that an amended version (according to the preferences of the government) can be drafted. The latter point is particularly interesting with regard to agenda setting. It shows the strong post-parliamentary government agenda-setting position when the parliament adopts a bill which is contrary to the government's views (which is - as we have seen in section 2.2 - possible in Switzerland). There are two recent examples for this: 1. the counter-draft of the parliament to the popular initiative "Avanti – for safe highways with high capacity" (February 2004) and the referendum on the "Federal Statute on the amendment of acts in the field of taxation of families, ownership of housing, and stamp taxes" in May 2004. In both cases the Federal Council signalled discontent with the proposals resulting from parliamentary log-rolling processes that led to politically overloaded and expensive solutions. The government however did not want to provoke a power game with the parliament and therefore carried out its duty and (half-heartedly) campaigned for the proposals while the people (supported by the media) recognised the differing views of the two institutions. Again, the two episodes also draw attention to the resource question as the parliament's majority was completely unable to bridge the "engagement gap" with own activities and campaigning strategies. Thus in the post-parliamentary phase the government has the reins tightly in its hands.

3. Empirical evidence of the use and effect of (in)formal agenda-setting instruments

3.1 Activity of the parliament as a measure for its agenda-setting role

The mix of presidential and parliamentary institutions in Switzerland raises the question about the nature of the Swiss parliament: is it a *law-making* body like the U.S. Congress or rather a *law-giving* one like the British parliament (Norton 1993)? Several empirical studies examined the question how “active” the Swiss parliament is when deliberating on government proposals. Activity is defined here as the amendment rate of government proposals by the parliament (with the four categories: no/insignificant, minor, medium, and major changes). While the amendment rate may give some hints on the formal agenda-setting position of the parliament during parliamentary debates, it is not an adequate measure for the parliament’s overall agenda-setting role in the whole law-making process (including pre- and post-parliamentary spheres; see sections 2.1 and 2.2). The two case studies in section 3.2 shall help to complete the picture.

The following studies considered three different legislative periods with a comparable methodological approach, so the results can be taken as three records of the parliament’s agenda-setting role: Zehnder (1988) analysed lawmaking in the 39th legislature (1971-1975) of the National Council (lower house), Jegher and Lanfranchi (1996) in the 44th (1991-1995) and both Jegher and Linder (1998) and Jegher (1999) in the first two years of the 45th legislature (1995-1997). The empirical results of these studies presented in table 3.1 (columns 1-3) suggest that the Swiss parliament is a *law-making* institution, with over one third of all proposals coming from the Federal Council being significantly amended. Some 25 percent of the government proposals receive at least a non-minor change during legislative debates, while major amendments are only in some eight percent of the cases made.

The findings of these earlier studies are also supported by first results of a recently launched legislative research project at the Institute of Political Science of the University of Berne (mandated by the parliament). Since 1995, the National Council’s electronic voting system records all votes (not only roll-call votes). The parliamentary administration in 2004 for the first time disclosed the complete voting database for the period December 1996 until October 2004 (i.e., three years of the 45th legislature, all of the 46th legislature and the first year of the 47th legislature). Since the validation of the data is demanding (as they need some additional coding work) we are not in a position to present an in-depth analysis in this paper. However, the analysis of the amendment rate comparable to those in the earlier studies presented above shows a similar amendment level (38.6 percent) for the most recent period 1996-2004 (see table 3.1, last column).

Table 3.1 Amendments to government proposals in the Swiss National Council

	1971-1975	1991-1995	1995-1997	1996-2004
Total number of government proposals ¹⁸	312 (100%)	490 (100%)	162 (100%)	378 (100%)
- with no or insignificant amendments by parliament	203 (65.1%)	278 (56.7%)	104 (64.2%)	232 (61.4%)
Total number of government proposals amended by parliament	109 (34.9%)	212 (43.3%)	58 (35.8%)	146 (38.6%)
- with minor changes	34 (10.9%)	n.a.	18 (11.1%)	n.a.
- with medium changes	52 (16.7%)	n.a.	26 (16.0%)	n.a.
- with major changes	23 (7.4%)	n.a.	14 (8.6%)	n.a.

Sources: Zehnder (1988), Jegher and Lanfranchi (1996), Jegher and Linder (1998), Jegher (1999); own calculations.

The view of the Swiss parliament – at least of the lower house – as a rather active and presumably influential law-making body is also largely confirmed by table 3.2. The first row of the table presents the failure rate of government proposals in the very first stage of parliamentary floor debates, the so-called “entry debate”, in which the parliament decides whether to enter into subject-matter (for detailed deliberation of the single sections and articles of the bill) or to reject the proposal altogether and send it back either to the Federal Council or the responsible parliamentary committee for further clarifications.¹⁹ Some seven percent of the proposals that are put to a vote on entry are rejected. The total number of government proposals in parliament between 1996 and 2004 - i.e., also those which had not been challenged in entry debate - was 586, however. Thus, the failure rate at this stage drops to 2.9 percent which can be considered a low rate.²⁰

During subsequent article-by-article deliberations the quota of government defeats in parliament sharply raises to nearly 63 percent in the 1996-2004 period. However, we express some reservation to that result since it is calculated on the basis of a smaller, non-validated part of the dataset which only included 151 out of 2’888 votes on government proposals in the detailed deliberation phase. It nevertheless is a strong hint to a significant agenda-setting (or rather *agenda-amending*) role of the National Council.

¹⁸ For the years 1996-2004 (last column) only the first reading stage is included.

¹⁹ It is important to see that parliamentary committees have to bring any government proposal to the floor (see also chapter 2.2). If the committee’s majority is not happy with the proposal it can file a petition for rejection to the Federal Council which must be decided upon by the plenary. Committees have only very limited options to delay a government project.

²⁰ But see Sjölin’s (1993: 175-176) argument that the government failure rate is a doubtful measure as a parliament with strong formal rights tends to amend a government proposal rather than to reject it.

Table 3.2 Failure rate of government proposals in the Swiss National Council (1996-2004)

	Total number of votes on the floor	Number of failures for government	in %
In entry debates (only disputed government proposals) ²¹	234	17	7.3
In entry debates (all government proposals)	586	17	2.9
During detailed deliberations ²²	151	95	62.9
In common/final votes	1'187	4	0.3

Source: own calculations.

The perfectly symmetric architecture of the Federal Assembly (consisting of the National Council and the Council of States) makes it necessary that both houses have to consent on the final wording of a bill. Thus there are two different kinds of vote on the final draft: the “common vote” when the first chamber votes on the result of its own deliberations (before the draft bill is sent to the second chamber), and the “final vote” after both chambers have agreed on a joint draft. A negative result in any of these votes means that the entire project dies. As can be seen from table 3.2 this happens very rarely: in only four of almost 1'200 cases, the National Council voted against the result of its own deliberation of a government proposal.

Do these figures place the Swiss parliament closer to presidential or parliamentary systems of government? The hurdles for Swiss government proposals to overcome the entry debate are certainly higher than in strictly parliamentary systems and are at a similar level than in the U.S. Congress. According to Edwards and Barrett (2000), presidential initiatives in the long period 1935-1996 reached agenda status in the U.S. Congress in 97.6 percent, but a rather high number of them subsequently failed at the committee stage. Therefore only around 60 percent of the presidential initiatives pass the House of Representatives *or* the Senate. The corresponding is much higher in Switzerland, as we have seen: only about three percent of the Federal Council's proposals fail during parliamentary debate in the National Council, a figure that places the Swiss context presumably much closer to European parliamentary systems than to the U.S. system of checks and balances.

An interesting comparison in this regard can be drawn with older studies of the Swedish, Norwegian and Finnish parliament. Sjölin (1993) shows that in the period 1971-1988 the rate of “substantial” amendments of parliamentary committees in the Swedish *Riksdag* was 16 percent

²¹ There is only a vote if entry is disputed and/or a petition for rejection of the proposal is filed. The total number of

²² Weak statistical basis; the 151 cases comprise amendment votes when a governmental proposition was involved (according to the non-validated database). Please note that the figure only takes into account controversial cases, i.e. when a vote took place.

(the overall rate was 34 percent). Stordrange's (1988) analysis of the Norwegian parliament (1979-1983) resulted in a substantial rate of amendments of about ten percent (overall rate: 30 percent). And Anckar (1992) reports for the Finnish parliament a substantial amendment rate of 20 percent (overall rate: 35 percent) in the two years 1972 and 1983. From this perspective, the amendment activities of the Swiss parliament seem somewhat higher than in these Scandinavian countries.

So far, the figures only referred to the fate of government proposals. An additional question is related to parliament's own instruments to set the agenda, sometimes even against the will of the government. As explained in section 2.2, the two strongest law-making instruments of the parliament are the parliamentary initiative (PI) and the motion (MO). In table 3.3 we see that between 10.5 and 13.5 percent of all proposed PIs and MOs are finally accepted in both chambers (i.e., fully successful). In absolute figures this means that the parliament using its own agenda-setting instruments within a four-years term works out (or amends) up to 34 bills (in the case of PI) and charges the Federal Council in some 100 cases with the elaboration or amendment of a bill (in the case of MO).

Table 3.3 Use of parliamentary agenda-setting instruments, 44th-46th legislature (1991-2003)

	44 th legislature 1991-1995	45 th legislature 1995-1999	46 th legislature 1999-2003
1. Parliamentary initiatives (PI)			
Newly introduced PI (both chambers)	190	261	282
Discussed PI (both chambers)	200	201	252
- % of which are supported in phase one, but fail in phase two ²³	8.0	13.9	19.8
Fully successful PI (resulted in a bill adopted in both chambers)	24	21	34
- in % of discussed PI	12.0	10.4	13.5
2. Motions (MO)			
Newly introduced MO (both chambers)	n.a.	930	1'106
Discussed MO in first chamber	n.a.	851	854
- % of which are adopted and sent to deliberation in second chamber	n.a.	22.6	23.7
Discussed MO in second chamber	n.a.	164	201
- % of which are finally adopted	n.a.	51.2	48.3
Overall success rate (%) ²⁴	n.a.	11.6	11.4

Sources: Parliamentary Services, <http://www.parlament.ch/homepage/ed-berichte-parlament.htm>

²³ E.g. when a PI, which is supported in the first chamber, leads to a formulated bill that is rejected by the second chamber.

²⁴ Approximate figure because deliberations in first and second chamber do not necessarily happen within the same legislature.

It is not easy to say whether these figures indicate an influential or rather insignificant role of the parliament. A success rate of only little more than 10 percent seems to be quite low at first glance. This view is corroborated by Graf (1991) who calculated a MO success rate of 24.1 percent for the 37th legislature (1963-1967), while in the 43rd legislature (1987-1991) only about eight percent were finally adopted. Graf also counted 218 PIs for the time period between 1964 and 1990: here 51 (or 23.4 percent) resulted in a new or amended bill. One can argue that these results point at a dramatic decrease of relevance of the PI instrument because today only some 13 percent of all PIs are fully successful. However, the absolute figures tell another story: in the recent 46th legislature, the parliament discussed more PIs than in the whole 27-year-period of Graf's investigation. Between 1999 and 2003, the absolute number of fully successful PIs was two third of the number in the period from 1964-1990. This may be a clear hint that parliamentary activity independent from government initiatives has increased considerably, particularly since 1991, and is further on the rise.

3.2 Two case studies

In this section, we substantiate and refine our empirical findings by two case studies: the minimum wage regulation in the Bilateral Treaties with the EU (1999-2000) and the constitutional amendment on the national languages (1991-1995). The cases focus on stage two - the committee stage - where *formal* control of the government is generally characterised as weak. However, our first case displays the strength of the government in the context of international policy coordination; the second case, to the contrary, shows how parliamentary actors can claw back policy-making power.

3.2.1 Bilateral Treaties with the EU (minimum wage regulation)

The new minimum wage regulation was part of a domestic bill package for passage of the Bilateral Treaties between Switzerland and the European Union.²⁵ The basic issue was that workers from EU countries could be employed at lower wage levels which would have consequences for the general (high) wage level in Switzerland. The question was under what conditions minimum wages - a novelty in liberal Swiss labour market policy (see Kriesi 1998: 371) - should be introduced. For the trade unions the Bilateral Treaties created a window of opportunity to achieve goals - the introduction of a minimum wage - that they otherwise could not achieve in the domestic arena. Conversely, the business organisations had a very strong interest in successfully passing the

²⁵ The first round of the Bilateral Treaties between Switzerland and the EU of 1999 comprised seven agreements on: free movement of persons, research, public procurement, technical barriers to trade, agriculture, civil aviation, and overland transport. The corollary domestic bill package comprised protection measures against "social dumping" by low-wage workers from the EU.

international agreement in order to promote their vital export interests. Many actors - including the business organisations - considered the referendum threat of the trade unions as critical, since combined opposition of the trade unions with (right-wing) opponents who refused the Bilateral Treaties in principal would involve a high risk for rejection in the referendum vote. The trade unions made the first move, claiming that they would vote against the Bilateral Treaties in case their demands for protection measures would not be met. These preferences were also communicated as immutable (Fischer 2003). Relevant for a potential referendum of the trade unions were two amendment articles in the domestic labour contract law, related to the agreement on free movement of persons:

1. *Conditions for the introduction of minimum wages*²⁶: Here, the debate revolved mainly around appropriate formulations: the governmental proposal, representing a compromise solution that was worked out in the pre-parliamentary consultation procedure, suggested that minimum wages should be introduced when there was repeated misuse in salary dumping. Right-wing deputies wanted to introduce minimum wages only when the misuse was clear and occurred several times; left-wing deputies, in turn, wanted to introduce minimum wages already when there was misuse (without any further specification). The compromise solution that found a majority in both chambers was the governmental proposition of “repeated misuse”.
2. *Quorum for introduction of minimum wages*²⁷: The other contested provision was whether in case of misuse the introduction of minimum wages would be dependent on the consent of a specific quorum of employers and employees. While left-wing deputies contested any quorum of employers (the only acceptable quorum would be 30 percent of employees), the governmental proposal included a 30-30 quorum (30 percent of employers and 30 percent of employees), and right-wing deputies demanded the consent of a 50 percent quorum of employers and employees to introduce minimum wages. Again, the governmental proposal with a 30-30 quorum was eventually accepted by both chambers.

The final vote on these protection measures (the domestic bill package) was 160-29 in the National Council and 44-0 in the Council of States (October 8, 1999).

This case underlines our basic argument of a strong informal agenda-setting position of the Swiss government despite weak formal or constitutional agenda power. But it also displays the complexities of the Swiss case. On the one hand, the Swiss “checks-and-balances-like” system does not preclude MPs of trying to re-write proposals presented by the government (see chapter 1 and 2.2). While in a classical parliamentary system, disagreement, deliberation, and policy re-writing on part of government MPs always threatens government stability, legislators in the Swiss

²⁶ Art. 360a of the Federal Statute on Obligations (SR 220).

²⁷ Art. 2, § 3bis of the Federal Statute on General Binding Collective Labour Agreements (SR 221.215.311).

system are free to contest and to re-write governmental policy proposals without doing so. This also happened in case of the Bilateral Treaties, where right-wing politicians - particularly in the committee of the Council of States - made an attempt to re-draft the government compromise proposal in favour of business interests. On the other hand, the space for re-writing the governmental proposal was extremely small. Confronted with the course of deliberations in the Council of States' committee, the trade unions threatened again that they would organise a referendum if the parliament did not stick with the governmental compromise solution (Fischer 2003: 51). The government thus could take advantage of this situation by urging MPs to follow its compromise proposal. In the committee debates, the Federal Councillor in charge was very active in the deliberation process, vigorously defending the government compromise solution, even against MPs from his own party ranks. Moreover, the time span for parliamentary negotiations was very short - it lasted only from May to September 1992. And finally, although Swiss committees are formally allowed to summon experts or interest groups for hearings, neither the first nor the second chamber committee did make use of this possibility. Thus, by renouncing from obtaining additional information committee members had to rely upon the information provided by the government and the administration. Confronted with a small win-set (and a point fixed by the trade unions using first mover advantage and a credible threat), time constraints and dependence on governmental and administrative information, MPs that opposed the government proposal failed to work out an alternative proposal. In sum, the strong role of the government was its ability to impose a choice among policies that were lying within the domestic win-set. A majority of parliamentary actors eventually accepted that the government compromise proposal was the only formula that would avoid a referendum of the trade unions and potentially leading to their least desired outcome (i.e., a rejection of the entire Bilateral Treaties in a referendum vote).

As Mach et al. (2003) demonstrate, a similar, even more marked pattern of informal governmental power also materialised in other internationalised policy fields. In the present case of minimum wage regulations, the Federal Council - together with the administration - played an unusually active role in the preparation of the bill. Potential opponents were already marginalised during the pre-parliamentary phase. Consultation periods were very short, and other domestic actors - including parliament - were presented by the administration with international and EU policy models and specialised knowledge from scientific actors. Moreover, losers of the reform were also granted specific concessions. The parliament was put under time pressure, and the conflict level of these internationalised policy fields also remained low in parliament (the latter point is also corroborated by a statistical analysis of legislative acts in the period between 1995 and 1999, see Sciarini, Nicolet and Fischer 2002). On these premises, the government was able to overcome the veto points of bicameralism and the optional referendum.²⁸

²⁸ The referendum vote, demanded by a small right-wing party without any trade union support, was held on May 21, 2000. The Bilateral Treaties had been adopted by a clear 67.2 percent margin.

3.2.2 Constitutional amendment on national languages

The second case study focuses on an issue where the policy position of the government was not successful toward the policy position of the parliament: the constitutional amendment on national languages. The origin of the new language article was a parliamentary motion of MP Martin Bundi in 1986 to safeguard and improve the position of the Romansh language.²⁹ In March 1991, the government worked out a proposal to amend the constitution mentioning both the principle of freedom of language and the territoriality principle (stipulating that people who belong to another linguistic region have a duty to assimilate and learn the language of the respective canton with no possibility of being instructed in another official language). "Weakening" the territoriality principle should provide Romansh speakers with more flexibility to preserve their language. However, when the bill was introduced in the committee of the Council of States, French-speaking deputies argued that while freedom of language as a principle would be important, codifying it in the constitution would involve unforeseeable dangers - particularly the danger of "germanisation" in French-speaking areas as German speakers could demand German schools on a constitutional basis. While in the Council of States' committee, a majority still wanted to follow the government, the floor deliberations re-drafted the government proposal by only mentioning the territoriality principle in the constitution. Deputies in the National Council could not agree with this solution and worked out a compromise solution which mentioned none of the principles. With no consensual solution forthcoming (which deputies also considered necessary to pass legislation in the mandatory referendum), there was a motion to abandon the whole project to preserve linguistic peace in Switzerland. Two French-speaking Councillors of State, fearing that Romansh speakers could feel discriminated by such a decision, then worked out a new minimal proposal which found approval in both chambers: it provided that none of the principles would be mentioned, but that the federation should help endangered linguistic minorities if cantons asked for it. In October 1995, the bill finally passed with 152-19 votes in the National Council and 43-0 votes in the Council of States.

Compared to our first case on the Bilateral Treaties, the parliamentary deliberations on the language article developed in a fairly different manner. In the committees of both chambers, MPs summoned experts for an extensive hearing. In addition, the committee in the National Council also organised a fact-finding visit to a Romansh speaking municipality. And with no compromise formula forthcoming, it assigned a sub-committee to work out a compromise formula. In contrast to the case of Bilateral Treaties, the government did neither put the parliament under time pressure - the parliamentary deliberations lasted almost four years - nor did it play an active role trying to urge MPs to consent with its position. In the committee deliberations, the overall rate of (recorded) governmental interventions in the two committees was 5.7 percent of all interventions (with interventions of the administrative experts this amounted to 6.5 percent). Compare this to the rate

²⁹ Romansh is spoken by some 35'000 people, mainly in the mountainous canton of Grisons.

of government interventions in the deliberations on the protection measures in the context of the Bilateral Treaties: here the overall rate of government interventions in the two committees was 10.8 percent (with the interventions of administrative experts this amounted even to 16.5 percent). In other words, neither the government nor the administration exercised a strong control over the parliamentary decision-making process of the language article. Quite to the contrary, the government tried to play the role of a moderator from the beginning and was highly accommodating of MP demands and arguments.

How can we explain these differences of decision-making between the two cases?

- First, the article on the national languages was primarily a domestic issue with very few international links. As Mach et al. (2003) find, issues with little regulatory pressure from the international level and where - due to a strong heterogeneity of interests - only solutions at the lowest common denominator are found in the pre-parliamentary consultation procedure, the parliament manages to claw back agenda control. Under such conditions, the parliament becomes the centre of decision, working out more far-reaching reform packages than proposed by the government.
- Second, in the case of the language article, both committees involved a number of MPs that were highly competent in linguistic matters, particularly with regard to providing other actors with information on the potential consequences of the article.
- Third, the issue was also less polarised (also in terms of partisanship) than the protection measures in the context of the Bilateral Treaties. Several MPs engaged in finding optimal solutions and there was a certain openness among MPs toward finding new solutions. This led to negotiation phases where true deliberation took place, with actors being reflective toward their initial preferences and also changing their opinions (Bächtiger and Steenbergen 2004).

Thus, in case of a domestic and less polarised issue where specialised knowledge is available within the committee and where opinions change in deliberation, the control of the government tends to weaken. To the contrary, in issue areas with strong polarisation opinions tend to be much more fixed, allowing the government to anticipate the win-set in advance. If this is combined with information advantages of the government (as we typically find it in internationalised policy fields) and time pressure, the government control strongly increases.

4. Conclusions

The paper agrees with the notion of agenda-control power being an important factor for the determination of policy outcomes, contrary to traditional views seeing the legislative as the formal law-making body. And we are also in line with the argument that examining formal intervention rights of the government during the parliamentary process is an important starting point in assessing the agenda-setting power of governments. The analysis of Swiss government-parliament relations, however, requires that one has to take into account additional dimensions when doing comparative research on government agenda-setting power:

1. *Informal influence*: Broadly speaking, informal influence is always a matter of resources, be it finances, staff, information, know-how, time, experience. The Swiss parliaments has many constitutional and statutory rights (i.e., formal power), making it even more powerful than the U.S. Congress in theory. But it has scant resources to implement its formal power. Switzerland may be an extreme case in this respect, but one can assume that the effects of informal agenda-setting instruments also come into play in other countries.
2. *Pre-parliamentary and post-parliamentary processes*: The Swiss parliament is in a “sandwich position” between a pre- and post-parliamentary process that both are controlled by the government. Evaluating the parliament’s agenda-setting role by merely looking at the parliamentary stage would therefore be too narrow since government proposals often undergo an extensive consultation procedure and reach the parliamentary committees as compromise drafts. Why should MPs have an incentive to open a Pandora’s box? Moreover, when a referendum vote takes place, it is again the government that is taking the reins and can even influence future related law-making projects.

Yet, the empirical findings and the two case studies also show that despite such unfavourable *informal* conditions, the Swiss parliament’s agenda-setting power is neither marginalised nor can we speak of a real decline. A formally strong and informally weak parliament can recapture agenda-setting power if there is:

1. little pressure from the international level and issues are mainly domestic;
2. strong heterogeneity of interests, but not strictly along party lines;
3. specific know-how and expertise around inside parliament.

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