

# **Patterns of parliamentary questioning in Europe. The cases of UK, France and Spain**

**By**

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Paper prepared for presentation in the Second Conference on Parliamentary Accountability of the Standing Group on Parliaments of the European Consortium for Political Research. Université de Sciences Po, Paris, 12-14 March 2009

## **Introduction**

In this paper one is going to pay attention to forms of parliamentary questioning in three countries: the UK, France and Spain. The goal is to understand and compare the different patterns of questioning assuming that, as Wiberg (195, 184) explains, there are no two parliaments with exactly identical questioning forms.

Our point of view is mainly institutional (Coppelan and Patterson, 1997,151). It means that we are interested in identifying the activity of parliaments that operates in a regular and predictable way with procedures, practices and patterns of behavior that allow parties and MPS to make accountable the executive. Our focus is on the different patterns of institutionalization of parliamentary questioning in those parliaments, thus we can compare the degree of scrutiny those parliaments have developed.

By understanding which procedures are the most relevant and how have they been structured the analysis tries to identify the main features of the present parliamentary democracy. First the new developments produced to improve accountability of the executive and therefore the quality of democracy. Second to

realize how information asymmetry is combated in the European parliamentary systems and, finally, to evaluate the patterns of executive–legislative relationship in its different modes: opposition mode and cross party mode.

We compare three different forms of organizing parliamentary government with different models of party government. One is the majority system of the UK based mainly on adversarial competition in parliament of two parties that alternate in government. Another is the semipresidential government of France usually based on coalition governments. The last one is the consensual democracy of Spain with a multiparty system where there is a mixture of majority and minority governments. We consider just the activity of the lower chambers between 1997 and 2007.

In the paper we first pay attention to the context of the parliamentary questioning in every country. We consider that the real importance of parliamentary questions must be understood under the general scheme of parliamentary accountability that every country has. Second we are going to examine the different procedures of questioning each country has and the way they are used. Finally we discuss the common features the three countries share.

## **1.- THE CONTEXT OF PARLIAMENTARY QUESTIONS:**

### **A) Parliamentary accountability in the UK**

Political accountability in the UK is chamber-based. The House of Commons gives the opportunities to the opposition to debate and scrutinize the measures and actions of government (Norton 1998, 22). Accountability operates both on the Floor of the House and throughout parliamentary select committees.

The main determinant of political accountability in the UK is the adversarial relationship of two parties. Parliamentary proceedings are based on that. In fact the scrutiny of the executive is partly constrained, and partly enabled, by the adversarial party battle. It is more dominated by party battle when the executive actions involve the high politics of the government of the day (Moran 2005, 199). In any case the relationship between the majority and the opposition is not balanced because the

Government usually has a secure parliamentary majority in the House. Therefore accountability resources remain relatively weak when faced with a strong and determined Government which is confident of its ability to use the voting support on the floor of the House to overcome any challenge. (Forman and Baldwin 2007, 258).

#### A.1) Accountability on the Floor of the House

General debates on the floor of the House of Commons take on a motion before the House. They can be substantive motions or adjournment motions. A third form is Early Day Motions. Substantive Motions express a definite view coercing the Government into a specific course of action or policy. Debates on substantive motions arise from different sources. Every year there 20 days the opposition has capacity to determine what is debated (Opposition Days) and proposes motions that are voted by the House. The Leader of the opposition decides how 17 days are used. There are usually between 35 and 40 debates per annual session in opposition days.

#### **UK: Debates held in opposition days**

<b>Year</b>	<b>N</b>	<b>Year</b>	<b>N</b>
2007-08	38	2004-05	8
2006-07	35	2003-04	41
2005-06	37	2002-03	39

Source: Sessional Information Digest

A second source of accountability is the three Estimates Days of every fiscal year spread out through the calendar. They are used to hold the Government to account for the way in which it spends money. A third resource is motions for emergency debates under SO 24 proposed by MPs. In fact very few motions receive the permission of the Speaker to be debated. During the 2007-2008 Session, there were 3 applications and 1 successful. The last time a debate was requested was on 2006 and the previous successful application was on 2002 (Kelly, Gay and Cowley, 2007, 108)

Among the motions proposed by the opposition there are motions of censure expressing no confidence in the Government or a specific Minister. By convention, the Government always allots its own time to debate such a motion. They come as adjournment motions, EDMs, etceteras. Only 10 governments have brought to an end in a 35 years period because of a vote of no confidence.

There are also some other general debates originated by the government. The debate on the Queen's Speech sets out the Government programme for each session. The Government must win approval for it. Topical debates under SO24A came into effect for the 2007-08 Session. They take place on "a specified matter of regional, national or international importance" for up to 90 minutes each week. The subjects for debate are selected by the Leader of the House (the Cabinet Minister who co-ordinates Government business in the Commons). In the year 2007-08 there were 25 topical debates.

An adjournment debate (on the motion 'That the House do now adjourn') is simply a way of having a general debate without a substantive question on which the House comes to a decision. There are three types: the daily adjournment, the debate holiday adjournment and Government adjournments. All must be about matters of administration rather than calling legislation. By convention, adjournment debates at the end of each sitting provide an opportunity for backbenchers MPs to raise constituency matters relating to government administration or policy and to obtain a response from a Minister. The motion for a holiday adjournment is usually debated for three hours. This time is by convention used by backbenchers to express their views with a reply by the Leader of the House. Finally adjournment motions are also used when the Government wants a debate without a specific motion. This is commonly used in connection with foreign affairs debates.

An Early Day Motion (EDM) is a colloquial term for a notice of motion given by a MP for which no date has been fixed for debate. Additional MPs can sign an EDM and put down amendments to them. It is a much-used device to publicize the views of individual MPs, and to demonstrate the extent of support among MPs for a particular cause.

Tabling an EDM often produces local media coverage when constituency issues are raised but it virtually never has any direct consequence in the parliament. Still some EDMs put down by the opposition can lead to a debate. A good example is the motion of censure which led to the fall of the 1974-79 Labour Government that started out as an EDM.

## EDMs tabled from 2001 to 2008

Year	N	Added names	Amendments	Year	N	Added names	Amendments
2001-02	1864	34124	103	2005-06	2924	53711	73
2002-03	1939	97487	294	2006-07	2193		
2003-02	1941	99053	285	2007-08	2727		
2004-05	1033	103707	214				

Source: Sessional Information Digest

### B) Accountability by Departmental Select Committees (DSCs)

The departmental select committees (DSCs) were set up in 1979 as a means of increasing the accountability of government to parliament. They constitute the most important parliamentary reform of the 20 century in the UK. They have introduced a degree of specialization and expertise and of institutional complexity (Norton 1998, 34). MPs consider that those committees as the most effective way in which Parliament held Government to account and the ministers see them as a threat rather than as an opportunity (Judge 2005, 62).

The composition of the DSCs reflects the party political balance in the House therefore the opposition mode restricts the scope of the committees, especially in terms of their choice of inquiries. In spite of that, the culture of the committees often suppresses much of the partisan debate and unites MPs in a common pursuit of scrutiny modifying the adversarial competition (Moran, 2005, 201, Judge, 2005-56). As explained by Norton (1997, 19; 1998, 32) the departmental select committees have proved to be magnets for representations from organized interests. Select committees tend to be more powerful when the government of the day has only a very small majority or not majority at all (Forman and Baldwin 2007, 257).

Select Committees have power to call witnesses and demand documents both from departments and other public agencies. The committees have an impressive record in this kind of scrutiny (Moran 2005,201) . Their findings are normally written up in substantial reports that are “answered” by the government by means of “special reports” also published by the DSCs.

Most of their sessions are evidence-taking sessions covered by the media. Consequently the salience of DSCs has increased. An ongoing issue for select committees is the limitation on their ability to question department officials. Successive

governments have argued that officials can only appear before select committees on behalf of ministers and under their instructions and that select committees have no right to call named officials to evidence.

### Activity of Departmental Select Committees

<i>Year</i>	<b>Reports</b>		<b>Evidence</b>	
	<i>N</i>	<i>Especial *</i>	<i>Sessions</i>	<i>Oral**</i>
2007-08	165	102	68	188
2006-07	135	82	59	180
2005-06	138	98	n.d	n.d
2004-05	132	19	n.d	n.d
2003-04	152	84	n.d	n.d
2002-03	144	15	n.d	n.d

\* Special reports: mainly Government responses to reports; \*\* Approximately.  
Source: Sessional Information Digest

### C) Parliamentary accountability in France

The main determinant of government accountability in France is the executive preeminence. Even though the French Fifth Republic is formally and structurally a parliamentary government (Avril, 2002, 268), its parliament has a subordinated position (Fabius, 1998a, 152). The parliament's weakness is mainly due to the fact that the government has always been responsible to the President of Republic and not to parliament (Avril, 1998, 1515), because it is a semi-presidential system (Elgie, 1998) with a strong tendency to presidentialism (Aromatario, 2007, 752). The last reform of the presidential mandate has weakened even more the parliamentary accountability (Chaltiel, 2006, 306)

The Fifth Republic has also taken the shape of a rationalized parliamentary system with the aim of assuring that the executive can effectively direct parliament's activity (Auvret, 1998, 1517). Parliamentary accountability has been rationalized by eliminating interpellations and by establishing specific procedures for a vote of censure. As a consequence check on the executive is mainly based on information given by the government to the chambers and by parliamentary debates without a vote at the end. Since it is no possible to approve a substantive motion it is difficult to effectively criticize or give *indirizzo* to the executive. The executive can only be sanctioned by a motion of censure or when it loses a confidence vote; however to remove the

government is almost impossible because of the existence of a stable, coherent, and disciplined majority.

In reference to France's party government, the main characteristic is alternation between coalition governments. They are based on a one-dimensional party system that has a tendency towards bipolarization. (Thiébaud, 2000,502), Coalition governments and, even more, multiparty coalitions tend to reinforce parliament activity. This is so because the decision process is based on constant negotiations needed for managing the plurality with coherence and for avoiding the risk of a blockage in Assembly.

There is a prevailing opinion in France that control of the executive needs to be further developed (Fabius, 1998b, 1306). P. Avril (2002, 277) points out that control activity is very reduced due to legislation's priority, majority's shyness and the opposition's incapability to exercise it. That is why in recent years, some reforms have been made in order to improve parliament's powers. The most important of these reforms are that of the Standing Orders of the National Assembly, in 1994, and the 1995's constitutional reform. In the first case, greater importance was given to the committees' work and parliamentary control was improved (Jan, 1995, 991). But the second reform was much more impressive (Chrestia, 1999, 35), as it established an agenda's control one day a month by the National Assembly and the "unique period" of legislative sessions. As a result the accountability of the government has increased in the latest parliaments. Another relevant reform was the creation of "parliamentary missions" in 1997 with the goal of reporting about government policies. It is considered a new pattern for parliamentary accountability (Vanderdriessche, 2001, 63).

In the *Assemblée Nationale* there are debates on the floor that arise from confident votes after the President's government nomination and government declarations, which is a frequent procedure. In addition a number of failed motions of censure are voted every parliament.

Enquiry committees are specific mechanisms of parliamentary accountability. Their composition is based on a proportional parties' representation so that opposition has limited capacity to control the government. According to Frears, (1990, 35), they are ineffective instruments of control without impact on public opinion. In fact they have not been very numerous.

Much more effective are parliamentary subcommittees: offices and informative missions. They have become more and more important with the time due to the lack of specialization of standing committees and to difficulties to set up a committee of inquiry

(Maus, 1999, 80). The “offices” are parliamentary delegations that inform the parliament around a particular policy. The “missions” are set up temporarily by the permanent committees with the goal of evaluating the implementation of laws and particular policies. They are very numerous and have similar powers to the inquiry committees (Pontherau, 2004- 109). The most important is the Mission of Evaluation and Control (MEC) set up by the Committee of Finances of the National Assembly for reporting about the efficacy of public expenditure (Chevilley-Hiver, 2000).

Parliamentary offices, missions and inquiry committees evaluate policies and give some orientation to the government under a cross party mode. The result of their activity is a high number of hearings and reports. There is also some scrutiny from the six standing committees. Even though they are not specialized by government areas and they are mainly used for legislative purposes, nowadays they have increased their control of the executive by means of hearings and reports, as we can see in the table below ( Avril and Gicquel, 2005, 273)

#### **Parliamentary accountability in France (2002-2007)**

<b>Procedure</b>	<b>N</b>	<b>Procedure</b>	<b>N</b>
GENERAL DEBATES		NON LEGISLATIVE REPORTS	
- Government declarations	26	- Standing committees	169
- Confidence votes	5	- Offices and delegations	203
- Censure motions	7	- Informative Missions	139
INQUIRY COMMITTEES		HEARINGS (non legislative)	
- Proposed	173	- Standing Committees	1.130
- Created	8	- Government	- 498
MEC/MECSS	11/6	- Offices and Missions	2.050
INFORMATIVE MISSIONS	16	- Government	-114
TEMPORARY MISSIONS	76	- Inquiry committees	937
		- Government	- 18
		TOTAL	4.117

MEC: Evaluation and Control Mission; MECSS: : Evaluation and Control Mission of Social Security;  
Source: [www.assemblee-nationale.fr](http://www.assemblee-nationale.fr)

#### **D) Parliamentary accountability in Spain**

The main determinant of parliamentary accountability in Spain is primacy of the executive. The *Cortes Generales* have a central position in the institutional system, but the parliamentary government is not based on the idea of parliament’s centrality. One can say that the Spanish parliamentary model is the most pro-executive in Western Europe (Heywood, 1992; Lopez, 1997, 189), because its constitutional design was

thought to protect the government from parliamentary crisis (J. Capo et al, 1990, 100). In Spain, there is a rationalization of parliamentary government throughout the investiture vote and the constructive vote of censure that are good resources to protect minority governments (Sanchez de Dios, 1992, 268).

Parliamentary accountability depends also on the party government. In thirty years of Spanish democracy there has been alternation of two parties sometimes with a majority government and others with a minority one. With minority governments the Spanish *Congreso* serves as an arena to debate, negotiate and look for consensus, as it was conceived (Powell; 2000, 421). There is cooperation and *indirizzo* of small parties (the nationalist minorities) with the government. On the contrary, with solid majorities the *Congreso* loses centrality and influence in the policy making but it is no completely subordinated to the government as opposition parties are able to control the government in a very competitive and adversarial way.

One can state that the Spanish parliament has been “highly active” in controlling the executive and, as a result, the Spanish democracy has a great vitality from the accountability point of view (Capo, 2005, 108). Parliamentary accountability has steadily growing in Spain and it has become very precise and specialized with time thanks to a great variety of procedures which are clearly differentiated.

Scrutiny of the government takes place both on the floor of the *Congreso* and on standing committees. Parliamentary committees are very relevant (Sanchez de Dios, 2006, 570). They are specialized by departmental areas and have legislative capacity and scrutiny power. They can be considered as instruments of party coordination (Mattson and Strom, 1995, 6). Due to the strong party discipline and leadership of Spanish parties (Sanchez de Dios, 1999), committees can be considered the extension of party power to solve problems of coordination. Each party is allocated representatives and votes on committees according to their parliamentary strength. Committees can call for persons and papers and MPs have the opportunity to scrutinize and question the government in detail.

The basic means of accountability on the floor are the vote of censure and the confidence vote requested by the government, but they are not frequent. A general debate that takes place every year is “state of the nation” debate where the general policy is analyzed. Other general debates are produced by government declarations.

In addition to questions and interpellation the Spanish *Congreso* controls the executive by means of motions, non-law propositions, hearings, inquiry committees and other resources.

Motions are tabled after interpellations and permit an evaluation in a second debate and government position's vote on a policy. The efficacy of motions is closely linked to the strength of the opposition. Their relevance is due to the publicity surrounding their debate. The same happens with non-law propositions on the floor (also called resolutions) that are usually tabled after a government communication. There are also non-law propositions in committee. All of them are substantive motions used to give orientation to the executive.

Hearings can be requested by the House or a committee or can be decided by the government itself. Usually they are requested by the opposition parties. In committee not only ministers but also other government members, civil servants and citizens are subject to this procedure. Less than 5% of the hearings held in committee are related with bill debates and about 50% are of Ministers.

Inquiry committees are a very powerful procedure of control because they can ask for any person to inform and, since 1994 they are open to the media. They are more effective with minority governments. In fact during the 2004's parliament there were 16 proposals of investigative committees, but only one was set up. On the other hand subcommittees for gathering information about minor problems are becoming more and more relevant.

### Parliamentary accountability in Spain (2004-2008)

On the Floor		In committee	
Procedure	N	Procedure	N
Government declarations	4	Non law propositions	
Motions		- Tabled	2504
- Tabled	232	- Voted	848
- Voted	116	Hearings	
Non law propositions		- Tabled	3257
- Tabled	648	- Held	2592
- Voted	89	Inquiry committees	
Hearings		- Requested	16
- Tabled	101	- Created	1
- Held	28		

Source: [www.congreso.es](http://www.congreso.es)

## **2°.- PARLIAMENTARY QUESTIONS**

### **A) Parliamentary questions in the UK:**

Even though parliamentary questions are reinforced by other mechanisms of control needed for properly scrutinize the central government and its agencies (Forman and Baldwin 2007, 257), they are considered as vital instruments in the hands of MPs for securing ministerial accountability. Questions have an institutional and symbolic significance (D, Judge, 2005, 54).

The main principles ruling questions are set out in Erskine May. Among them is the principle that parliamentary questions must be drafted as concisely as possible and conform to the existing parliamentary conventions regarding decorous language and respect to the crown, the judiciary and Members of both Houses. A parliamentary question must either a) seek for information (what, how many, when ...?) or b) press for action (if he will..').

Requirements to Ministers to give accurate and truthful information and to be as open as possible are established by “The Ministerial Code” and the “Guidance to officials on Drafting Answers to parliamentary Questions” issued by the Cabinet Office. The Freedom of Information Act passed in 2000 has also increased openness and accessibility of government. The Public Administration Select Committee is in charge of monitoring whether Ministers adhere those resolutions.

#### A.1: Oral questions

Oral questions are asked and answered on the floor of the House of Commons. In addition to ordinary questions debated on “Question Time” there are urgent questions and cross-cutting questions. Question time is a well-developed feature of parliamentary life. It dates from the mid-XIX century when it was formalized (Chester and Browning, 1962, 23) and its practice and purpose has not changed since the Second World War. According to Standing Order 21 the question period lasts about an hour on each day (from Mondays to Thursdays). The Departments are organized into a rota by the Government and appear to answer questions once in a four week cycle.

Tabled questions by MPs to a particular Department are subject to a random computer ballot (shuffle) to decide which question will be published and in what order

they will be taken. The number of questions to each department (quota) depends on the available time. One oral question per MP may be tabled for each question time slot on a particular day, subject to an overall maximum of two questions per day to any Department. Questions must be tabled at least three days in advance of the session. E-tabling questions is accepted. Ministers answer questions in person sometimes accompanied by junior ministers who share the task of responding to MPs.

Once a question is answered, the MP is able to ask a supplementary question which is often the main point of the exercise. After that the Speaker may call other Members to put supplementaries, usually alternating between the Government and the opposition. The Speaker controls the pace of Question Time and decides the number of supplementaries.

Since the eighties questions have increased in the degree of their use for partisan purposes (Norton 1998, 21) and nowadays they have transformed from a time for backbenchers to a significant part of the battle between major parties R. Kelly and O Gay (2008, 3). The content of the debate of questions is usually predictable, with speakers sticking to the party line and typically delivering prepared speeches. There are also partisan techniques employed to protect ministers from penetrating scrutiny such as sycophantic questions, syndicated questions, supplementary questions and organized pre-briefing sessions of backbenchers by frontbenchers and whips to protect government ministers from embarrassment from opposition MPs (Judge, 2005, 54).

Questioning of the Prime Minister was introduced in 1961. The PM currently answers questions every Wednesday from 12:00 to 12:30. It is usually the standard questions asking about the PM's engagements for the day. After the answer the questioning Member can put, as a supplementary, virtually any question that relates to the PM responsibilities or to almost any aspect of Government policy, consequently an element of surprise is given to the supplementary. Logically they touch on highly topical matters. The leader of the opposition is permitted three or four supplementaries in succession and the leader of the next largest opposition party is allowed two. Often the discussion becomes diffuse because such a variety of points are raised.

The Prime Minister's Question Time is the most extreme version of the adversarial party battle on the Houses. It is dominated by a battle between the Prime Minister and the Leader of the opposition. In this case nobody pretends that the occasion is about holding the executive to account, it is also doubtful that the battle makes any significant impact on the public opinion, but according to Moran (2005,

199), its main effect is within the Commons. The Leader of the opposition can hang on whether opposition backbenchers feel their leader is doing well in the debate.

Urgent Questions are a special procedure for questioning Ministers when a problem of public importance needs to be raised at once with a Minister concerned. It is not required to give advance notice because the matter has arisen suddenly and urgently. It is to the Speaker to decide whether to allow an Urgent Question. Where allowed, Urgent Questions are taken immediately after question time or at 11 am on Friday. Procedure on Urgent questions is similar to ordinary oral questions.

Cross-cutting questions appeared in 2003. The cross-cutting question sessions are to enable questions to be asked on a topic that covers the responsibilities of a number of Government Departments. There are not many sessions by year.

## A.2 Written questions

Questions for written answer (WQs) are used by MPs to try and extract more detailed information from the Government than would be available from an oral question or to press for action. WQs may be handed in the Table Office by Members or e-tabled via the parliamentary intranet. The proportion of questions which were e-tabled in 2003-4 was 15 per cent; it increased to 21 per cent in 2004-05, to 30 per cent in 2005-06 and to 36 per cent in 2006-07.

The convention is that the MP can expect a WQ to be answered within seven days of the question being tabled. Some WQs are originally tabled for oral answer which were successful in the shuffle but were not reached at Question Time. These must receive a written answer on the day of the oral session. Some WQs have priority because they are “named Day” questions and must receive an answer on the date specified by the Member tabling the question (at least three days after tabling). There is a daily quota of five Named Day Questions per MP. Answers to these questions may include a “holding reply”, which promise a substantive answer as soon as possible (about 7% of WQs receive a holding replay).

Written questions are probably the most vital instrument of sustained accountability that MPs have. The executive rates WQs as a highly effective means of holding the executive to account, but the effectiveness is open to dispute among MPs. In 2003 only 43 % rated questions very or quite effective in fulfilling the purpose of holding the executive to account. (Judge, 2005, 54).

The departments that have answered the highest number of written questions in 2006-07 are Health, the Home Office and the Treasury.

### House of Commons: WQs in 2006-07

Department	WQs
Health	7653
Home Office	5736
Treasury	4520
Communities and local government	4045
Defense	3683

Source: Kelly and Gay, 2008, 6

In the UK there has been a big increase of the number of WQs. According to a Memorandum to the Procedure Committee of 2007 and the opinion of Rogers and Walters (2006, 336-7) the main reasons for the increases are: a) the rise in the numbers of Members' staff, who may see generation of questions as one of their functions; b) the introduction of e-tabling that makes easier to table questions; c) The fact that MPs have become used to the question as a free research facility and questions are being used to attain information and not to inquire into aspects of government policy; d) the outside pressure from the media and websites that have led to focus on parliamentary activity rates monitoring the number of questions tabled by MPs and e) the fact that the number of tabled WQs serves as an informal means of assessing members' activity.

### Parliamentary questions in the UK (1997-2007)

	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007
OQ-T	8113	5008	5747	2780	6528	4118	3687	1438	5353	3736
OQ-A	3382	1936	n.d	n.d	2201	2254	2254	1529	2734	1769
Sup	4740	283	n.d	n.d	4191	4018	3590	847	5280	3848
OQ- A+S	8132	4774	5343	2591	6392	6272	5844	2376	8014	5617
UQ	28	12	9	7	10	10	12	4	14	9
WQ-T	52652	32149	36781	16417	72905	55436	54875	22292	95041	57825
WQ-A	51451	31649	36067	16687	67651	51614	50009	21176	96016	58175

OQ-T: Oral questions tabled; OQ-A: oral questions answered; Sup: oral questions supplementaries; OQ-A+S: oral questions answered plus supplementaries; UQ: Urgent questions urgent; WQ-T: Written questions tabled; WQ-A: Written questions answered. Source: Sessional Information Digest

Related to the increase of volume of WQs are the concerns about the quality of the answers. The main consequence of the big number of questions is that they add a lot of pressure to department officials. In fact WQs have overloaded departments and, as a result, it has been created a centralized parliamentary answering unit in the departments

and questions are not yet answered by the official actually charged with the policy. (Kelly, Gay and Cowley 2006,108).

## **b) Parliamentary questions in France**

According to P. Jan (205,108) parliamentary questions are a manifestation of vitality of the parliament because they permit MPs to debate with the government. Questions appeared in France in the time of the Third Republic, but they become a relevant procedure in 1958 because interpellations disappeared. (Kimmel, 1991,210). In some way they have transformed the parliamentary government of the Fifth Republic. By means of questions opposition parties look for information and ask the government for explanation about any imaginable problem or policy and at the same time they don't need to vote a motion on the parliamentary confidence of the cabinet. Questions separate sanction from scrutiny and make easy the government accountability (Avril, 2002, 275; Vanderdriessche, 2001, 63).

### B.1) Oral questions

As we will see oral questions have an increasing political interest. There are three types: questions without debate, questions to the government and budgetary questions. Oral questions with debate have disappeared from the National Assembly .

Oral questions without debate are ruled by art. 48 of the Constitution. That establishes that “at least one sitting per week ... priority shall be given to questions from Members of Parliament and to answers from the Government”. The procedure is ruled by the Standing Orders of the Assembly and the General Instruction of the Bureau of the Assembly. The interpreter of the Constitution, the Constitutional Council, has given some restrictive instructions about the procedure ( Avril and Gicquel 2005, 434).

The Bureau of the Assembly is in charge of determining the manner of tabling, notifying and publishing questions for oral answer and the Chairmen's Conference is in charge of the arrangement of sittings at which questions are asked. Oral questions must be drafted concisely and they must relate to a mater for which a Minister is responsible. Questions about the general policy of the Government must be put on the Prime Minister. The PM decides which member of the Government should answer the questions and the asking MP cannot reject this decision.

Every party can table a number of questions proportional to its parliamentary strength. The chief whips of every party chose the questions to be registered and asked. About 25 questions can be tabled per session. Every oral question is asked by an MP in a two-minute speech. Then there is the intervention of the Minister and of the MP who has five minutes more to answer the Minister.

Oral questions without debate were inspired by the British Question Time (Kimmel, 1991, 218), however in practice they are similar to British adjournment debates (Frears 1990, 34) . They are not directed to topical issues because a considerable time elapses between the tabling of the question and its appearance on the agenda (more than one month), and they tend to be technical or constituency-related. They have always been referred mainly to small local affairs or very particular cases. (Amellier, 1964, 177).

Oral questions without debate are not relevant at all because of the day they are answered, the Friday, when MPs come back home for the weekend. Ministers are not interested on them and usually some members of the government acting as representatives of the whole government read the answers to several questions. Consequently parliamentary sittings are boring and monotone due to absenteeism of ministers and MPs that can be substituted. That is why it is a devaluated procedure (Avril and Gicquel, 2005, 270). Only if the government's attitude changes this procedure can be a functional mechanism to combat the bureaucratic abuse, the lethargic behavior of the administration and to give orientation to the government (Kimmel (1991, 230)

Questions to the government are ruled by conventions. They appeared in 1974 because of the restrictive interpretation of art. 48 of the Constitution by the Constitutional Council. According to the General Instruction of the Bureau of the National Assembly they have an spontaneous nature thus, that they are not tabled, not notified nor published. In the debate of the questions every party has a limited time according to its parliamentary strength, though majority and opposition share the same time. The debate can be seen on TV (France 3 and LCP-Assemblée Nationale) and on internet (direct and deferred), which makes it a very important way of control.

The National Assembly dedicates two days per week to those questions. They are debated Tuesdays and Wednesdays afternoon for one hour (from 15:00 to 16:00). In advance of every session and before 14:00 hours, every group that can participate, should give to the President of the National Assembly the name of the authors of their

questions and signal the ministers to whom the questions are put. It is not necessary to communicate the topic of the questions. The first questions of every monthly session are dedicated to European Union subjects.

Once in session the President call the questioners, taking care that every parliamentary group begins one session and that questions of the majority alternate with questions of the opposition groups. Every question last about five minutes included the Government intervention, though the Prime Minister has no time limitation. About fifteen questions are answered every sitting. Sittings are very often attended by ministers and about 3/4 of questions are answered by ministers.

Questions to the government open the possibility of a precise, short and vivid debate. They are similar to Question Time at Westminster: short topical questions fired at Ministers without prior notice with a proper share of time for the opposition. Very often questions are about salient political topics even in case that they are referred to local problems. This is the moment for opposition parties to show, if possible in a noisy way, their determination to combat a bill or criticize some aspects of foreign policy or the general policy of the government. The only critic to this procedure is that there are not supplementary questions (Kimmel, 1991, 236)

Budgetary questions appeared in 1978 and are based on a conventional rule. Every fiscal year the second part of the budget is analyzed by oral questions. The procedure is similar to the “questions to the government” one but based on shorter interventions of ministers and MPs.

## B.2 Written questions

Written questions are asked of a minister by a deputy with the aim of obtaining additional information about particular legislative points or about government policies. The minister has one month to answer. If there is no answer, after that time the MP can demand its transformation into an oral question. However, ministers may state that it is not in the public interest (for example military interest) for them to answer, or ask for additional time of up to one month in which to assemble the material needed for an answer.

Due to the laziness of ministers in answering WQs, a procedure of “signaling questions” was introduced in 1995. Every week in the meeting of party presidents the chief whips indicate a number of questions with priority to be answered. The number

signaled by each party must be proportional to its strength. The Ministers must answer those questions in ten days. Paradoxically the procedure of signaling questions has increased the ministers' laziness, because they tend to be just interested in answering the relevant questions signaled by the chief whips. (Jan, 2005, 109)

WQs are usually referred to local problems and very often they ask for information about a fact that has a legal connotation. Their goal is to attract a minister interest in relation to a topic, such as an administrative action that limits the exercise of some civil rights or about a malfunction of public services. According to Jan (2005, 108) the relevance of WQs is bigger than the interest researchers have on them. Written questions are very relevant from the legal view point since their answers usually explain the "administrative doctrine" in relation to legal problems. In sum, WQs have a double nature: they point out a national problem and at the same time they look for the authoritative interpretation of a law.

Written questions are very relevant, because of their big number. Their success is explained by four facts: a) they are permanent because they can be tabled at any time, b) they are personal since they are due to an individual act of an MP c) above all, they have no limit and d) they considered as a "public service of free information" (Jan 2005, 108). Frears (1990, 34) points out that WQs are almost entirely minor constituency queries destined to demonstrate the MP is looking after local interests.

**France: WQs in 2006-2007\***

Departments	WQS
Economy, finance and employment	3119
Health, youth and sports	2968
Ecology and development	1735
Home office	1391
Agriculture	1336
Education	1231

\*Selected data. Source: [www.assemblee-nationale.fr](http://www.assemblee-nationale.fr)

The number of WQs as doubled In the last 30 years with the result that the object of the questions has lost relevance and the answering process becomes very slow. As a result this procedure has been devaluated. In the year 2006-2007 the departments that answered more written questions were Economy, Finances and Employment, Health, Youth and Sports and Ecology and Development.

## Parliamentary questions in France - National Assembly- 1997-2007

	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007
WQ-T	15559	15521	16058	14972	13431	21734	21799	26424	30703	17850
WQ-A	12962	13721	13779	13081	8137	16282	18647	22658	25293	16882
WQ-S	n.d	n.d	n.d.	n.d	n.d	627	630	648	645	322
OQ-ND	452	450	254	295	268	432	405	388	408	197
OQ-TG	756	719	762	678	420	771	744	659	688	436
OQ-PM	n.d	n.d	n.d.	n.d	n.d	41	34	34	49	10

WQ-T: Written questions tabled; WQ-A: Written questions Answered; OQ-ND: Oral questions without debate; OQ-TG: Oral questions to the government; OQ-PM: Oral questions to the Prime Minister. Source: [www.assemblee-nationale.fr](http://www.assemblee-nationale.fr)

### c) Parliamentary questions in Spain:

In Spain there is a general agreement among political scientists about the fact that parliamentary initiatives of scrutiny and control of the executive have taken on greater importance (Capo 2003, 124). The presence of the government and senior civil servants before the House or the committees to give explanations is more and more frequent. As a consequence the scrutiny function of parliament has been institutionalized. The increasing scrutiny of the government seems a general tendency and not specially linked to minority governments, though they were relevant in consolidating the trend. Guerrero (2006,170) points out that scrutiny by means of questions and interpellations in the Spanish case leads to a political control of the executive focused on influencing the public opinion.

Questions are ruled by section 109 of the Constitution and there are several types: oral questions on the floor (Question Time), urgent questions, oral questions in committee, interpellations and questions for written answer (WQs)

#### C.1.- Oral questions and interpellations

Oral questions and interpellations are regulated by section 111 of the Constitution that states that any interpellation may give rise to a motion in which the House states its position. More precise regulation is found in the Standing Orders of the *Congreso* and Resolutions of the Speaker (Question Time had a new regulation in 2008).

A general rule is that every week when there is an ordinary plenary sitting, a minimum of two hours shall be set aside for questions and interpellations, however the

sitting lasts four hours and some times even more. Another rule is that the Speaker is entitled to group questions and interpellations on the agenda together for simultaneous debate when he or she considers they relate to the same or connected subject matters. Finally, the Bureau of the *Congreso*, upon consultation with the Board of Spokesmen, decides about the admissibility of questions or interpellations.

Question time takes place every Wednesday morning and questions should be tabled the Thursday before. Questions are submitted in writing and should request an oral reply in a plenary sitting, otherwise the reply is given in the appropriate committee. In every plenary, a total of 24 oral questions are answered by ministers, among them three by the Prime Minister. The debate can be seen on TV. The Speaker, in consultation with the Board of Spokesmen, is in charge of specifying the number of questions tabled for each setting, and the criterion for distribution among members of each parliamentary group. The number of questions is proportional to parties strength but it includes at least one per party (10 for the big groups and 1 for the small ones). Priority is given to those questions raised by Members who have not yet submitted any in the same session.

In the debate there are two interventions of the MP and two replies by the minister. The time allocated for the debate cannot exceed five minutes and, when the time allocated to any Member has run out, the Speaker automatically grants the floor to the next person entitled to speak, or pass on to the next question. Any questions not considered must be repeated if it is to be maintained the next plenary sitting.

Urgent questions can be tabled in two ways. First, Fridays afternoon MPs can demand information about decisions adopted by the Cabinet in its weekly meetings. Second, Monday mornings MPs can ask for a debate on topical issues. In both cases they must substitute any other questions tabled in advance. The Board of Spokesmen decides about the substitution of the tabled questions.

According to Sole and Aparicio (1984:228) the Spanish Question Time fulfils its scrutiny function well enough but it does not have the political impact that it has at Westminster. It is a useful tool of the opposition in the face of public opinion (Capo 2003,127), though one has to pay attention to the fact that the majority has half of the time for questioning and talks in favor of the government.

Oral questions in committee may be answered not only by ministers, but also by secretaries of State and under-secretaries. Participation of department officials is more and more frequent. The questions must be tabled one week in advance. The debate of

every oral question takes 15 minutes (raise, replay and rejoin the question). At the end of a session, any outstanding questions are converted into question for written reply.

Oral questions in committee are very important because the committees have the relevant features explained by Mattson and Strom (1995, 30): drafting authority and agenda control. Specialization makes committees to be efficient informational structures. Through committee questions opposition parties combat informational symmetries related to sectorial policies. Obtaining information by committee questions is not very common in Europe. Just Denmark and Spain have this procedure. In both cases committee questions are quite important with an increasing political significance (Damgaard 1994, 50). The Spanish government has a broad margin for flexibility and about one third of oral questions are answered. The departments that have answer more oral questions in the *Congreso* are Home and Justice, Foreign Affairs and Defense.

**Spain: Oral questions answered in committee (1979- 2004)\***

Department	N
Home and Justice	692
Foreign Affairs	694
Defense	640
Education, Culture and Sports	541
Industry, Energy and Tourism	462
Social policy and employment	420
Agriculture, livestock and fisheries	368

\*Selected data; Source: [www.congreso.es](http://www.congreso.es)

Interpellations are a traditional means of control in Spain .There three interpellations every week, debated after Question Time. . Interpellations are concerned with the general policy of the Cabinet itself or of any Ministerial Department. Since 1983 urgent interpellations have become the normal procedure. They are tabled one week in advance. Each session every party has a quota of interpellations proportional to its strength: one interpellation for every ten members or fraction belonging to a group. Priority in the entry of interpellations in the agenda is given to those parliamentary groups who have not taken full advantage of the quota in the session''

Interpellations give an opportunity to the interpellant to explain the same, to the Cabinet to reply, and to each party to rejoin. Each has fifteen minutes. Following those speeches, a representative of each parliamentary group may speak for five minutes to make know the group's position. Any interpellation may give rise to a motion that

permits an evaluation on vote of the government's position on a policy. The motion should be tabled by the interpellant group.

Interpellations are efficient when the opposition is strong with minority governments and a motion can be voted giving orientations to the government. Since Interpellations are debated after oral questions they lose the interest of the media that mainly focus on oral questions. Less than one third of them remain unanswered.

### C.2) Written questions and administrative reports.

Written questions must be answered within twenty days following their publication, a term which may be extended for an additional period of up to twenty days. If there is not a reply within this period the questioner can request that the question be treated as an oral question of the appropriate committee. Around 90% of WQs are answered, that is why it is considered a good source of policy scrutiny but they are usually answered late, in more than two months and a half (Portero, 1981, 111).

As in other countries the number of written questions has increased constantly. The high number of WQs is due to the fact that there is neither limit nor any control by parties on the number each MP can table (Porrás, 1981, 113). The high number of questions takes a lot of time of the ministerial department officials.

WQs are a good resource to fight informational asymmetries, in particular when an MP wants to know how a particular policy related to his district is brought about (Guerrero 2006, 176). In a study of written question in the 1980's Porrás (1981,124) found that the main part of written questions, about 50%, demand an administrative intervention. Of the total, a proportion of 25% are questions about the legal activity of the administration and another 25% looks for particular information or requests administrative reports.

Administrative reports requested usually to the central administration became with the time an important means of control. Administrative reports are close to WQs but they give a more precise information to MPs. Thank to them, MPs obtain the documents related to the decision process, that is a kind of information without the political filter that answers to WQs have (Guerrero, 2004:228). The big amount of reports requested has produced a rejection of them by the administrative services because they are overloaded. As a result officials usually write a very general report in response to the request and some times they wait until the decisions are taken and give

up a report that is the main and general explanation of the decision (Guerrero, 2006, 177)

### Spain: WQs and administrative reports (2004-08)\*

Department	N
Home Affairs	28022
Transport	17034
Treasury	15738
Social policy and employment	15442
Environment	12444
Industry, Tourism and Trade	6478

\*Selected data. Source: [www.congreso.es](http://www.congreso.es)

### Parliamentary questions in Spain (1997-2007)

	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007
<b>WQ-T</b>	11030	9450	5265	13416	20582	26764	22878	33618	42480	45026
<b>WQ-A</b>	10820	9031	4245	13227	20230	25645	20327	33003	40737	41342
<b>Rp-T</b>	891	753	394	912	862	1038	1821	873	570	643
<b>Rp-A</b>	861	664	288	877	830	997	1770	845	512	524
<b>I-T</b>	62	68	53	86	89	104	66	82	97	78
<b>I-D</b>	55	58	44	60	70	71	47	63	63	61
<b>OQF-T</b>	619	556	401	643	621	619	444	599	617	560
<b>OQF-A</b>	511	490	140	515	542	551	372	525	518	495
<b>OQC-T</b>	917	856	301	908	1846	932	405	1033	1348	874
<b>OQC-A</b>	343	272	101	390	425	179	138	277	487	295
<b>OQC-C</b>	517	420	181	435	1360	729	232	670	684	506

WQ-T: Written questions tabled; WQ-A: Written questions answered; Rp-T: administrative reports tabled, Rp-A: Administrative reports answered; Interpellations tabled; I-D: Interpellations debated; OQF-T: Oral questions on the floor tabled; OQF-A: Oral questions on the floor answered; OQC-T: Oral questions in committee tabled; OQC-A: oral questions in committee answered. Source: [www.congreso.es](http://www.congreso.es)

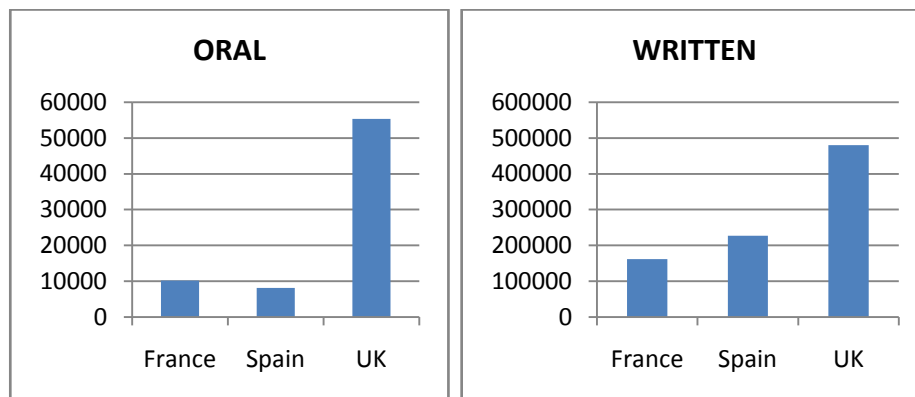
### 3) CONCLUDING REMARKS: common features and differences

First of all there is the relationship between questions and the general structure of parliamentary accountability. In the three countries one can see that Question Time is just one way of accountability of the executive and there are some others. Question Time is the main way in France, it is also very relevant in the UK but less relevant in Spain. In France parliamentary accountability is not so well developed as it is in the other two countries. In France there are some general debates on the floor but the main resource to make the government accountable in addition to questions are subcommittees created for evaluating government policies in a cross party mode. On the

contrary in the UK parliamentary accountability is highly institutionalized. In addition to Question Time there are a number of resources to make accountable the executive. General debates are mainly held in the 20 opposition days and the 3 Estimate days and the opposition MPs can point out some problems to the government through adjournment and early day motions. In Spain in addition to questions and interpellations there is a very formalized variety of resources to have general debates on the floor. Among them there are hearings and non law propositions or motions. However the most relevant feature of the Spanish system of accountability is the special role that specialized standing committees play by means of hearings and substantive motions.

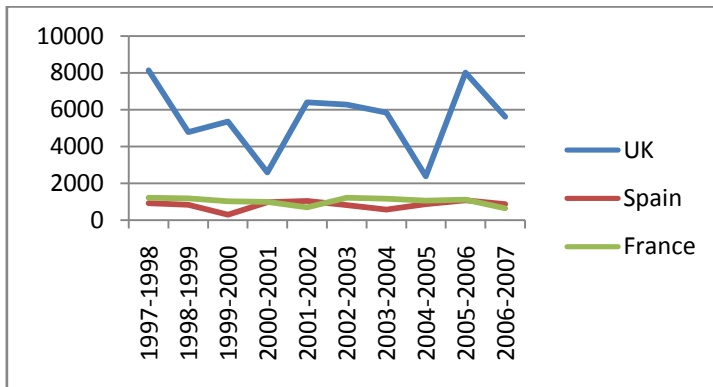
The three countries share some common features in relation to parliamentary questioning. They have oral and written questions although with a different structure. The UK has the biggest number of questions answered both oral and written between 1997 and 2007.

**Questions answered between 1997 and 2007**



In the UK there is a great development of Question Time that takes place four days a week. In France there are three different types of question but only one with real transcendence: questions to the government. In Spain in addition to oral questions on the floor there are interpellations and oral questions in committee, however in the final analysis the Spanish government answers less oral questions than in the UK and France. Another common feature is that the government spends at least 4 four hours a week to answer questions but it seems that in France scrutiny is less efficient since only two hours are dedicated to question time.

## Oral questions in the UK, France and Spain



UK: oral questions plus supplementaries; France: oral questions without debate plus questions to the government; Spain: oral questions on the floor plus oral questions in committee and interpellations

In the three cases Question Time plays a fundamental role in controlling the executive. It is very relevant because of its influence on the public opinion since it is broadcast by TV. Consequently it has become one of the main resources for the party battle in parliament. In spite of that, the structure of question time is completely different in every country. It looks like in the UK is more developed. QT takes place four days a week in UK and the debate of every question needs more time than in the other countries since the debate of supplementaries permits to open a general debate with the intervention of different MPs and parties. In France and Spain Question Time takes place only one day a week and there is only a short debate between the minister and the asking MP.

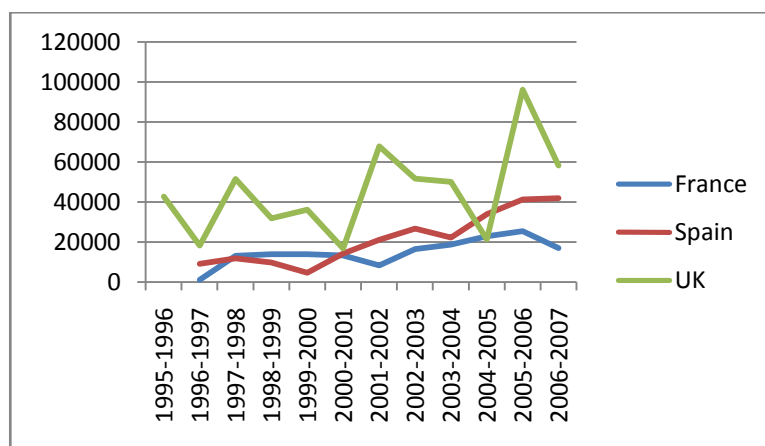
The three countries have introduced oral questions to the Prime Minister in the last decades. As a result the Prime Minister question time has become a central characteristic of the parliamentary accountability that fits with the general trend of strengthening the executive leadership. In the UK and Spain the Prime Minister has to go every week to the low chamber to answer questions put on by the leaders of the opposition. The debates are seen on TV. In the UK it has become more developed since the Prime Minister spends half an hour every week answering questions in the House of Commons. It is about 12, 5% of the whole Questions Time. In Spain the PM only spends 15 minutes every week that is about 6,25% of the total question time. In France the Prime Minister QT only occupies about 3,5% of whole time devoted to all oral questions. Question time of the prime minister is more relevant in the UK and Spain

because the prime ministers are the head of the government, while in France the President of the Republic is the head of the government.

In the three countries more and more time is devoted to topical debates and urgent questions. The questions to the government of France are the best example of topical debates. Their success is due to the fact that current issues are debated in a very vivid and flexible manner. In the UK it is possible to debate about daily problems by means of urgent questions that can be tabled and answered immediately. Supplementaries added to questions, in particular to the PM, is another mechanism to debate up-to date issues. In Spain urgent debates are more formalized than in the other two countries. The principal mechanism is urgent interpellations that open topical debates in which all parties participate and there are also urgent questions that have to be tabled at least two days in advance.

Another common characteristic of the three countries is that questions for written answer are the vast majority of questions and their high number has been growing a lot the last decade. In the UK the increase is bigger than in France and Spain due to the fact that it is possible to e-table WQs. That growth shows the great relevance that WQs have nowadays. There are different reasons for the increase. First, one can see a change in the activity of control of the executive by the chambers. Nowadays the scrutiny of the government is becoming more and more based on written resources. Not only the number of WQs has grown but also of the administrative and government reports that are requested by MPs and parliamentary committees.

### Written questions answered in the UK, France and Spain



Spain: WQs plus administrative reports.

Second, it looks like the growth is mainly due to the fact that MPs consider WQs as a free research facility to look for information. Third, there is also a technological explanation for the growth: answers are published in the parliamentary webs and internet makes visible the activity of MPs requesting administrative action in their electoral districts. In France and Spain, that a very similar administrative system, WQs are a resource employed to know the legal activity of the administration and to have the administrative doctrine in relation to its actions.

In the three cases the increase of written questions had an effect on the quality of the answers. Departments are overloaded and the officials are subject to a lot of pressure, as a consequence department officials answer questions in a general way without specifications and the time needed for answering questions has been enlarged. That is why in the three countries some mechanisms have been established to force the government to answer the most relevant questions.

If we pay attention to the number of WQs put on in relation to government departments in the three cases we can see that there are two departments with more WQs than any other: Home Affairs and Treasury or Economic Affairs. So, one can consider that scrutiny of administrative activity is mainly centered, on the one hand, in protecting civil liberties and fighting bureaucratic abuse and, on the other, in controlling public expenditure. The number of questions related to Health is relevant in France and UK but not in Spain since it is a competence of the regional governments. Environment is another department that rates high in WQs in France and Spain

Finally it is important to point out that the modernization process of parliamentary scrutiny has been very developed in UK with the introduction of some changes such as e-tabling and the provision of cross-cutting sessions with the possibility of Ministers from several departments answering questions on a common theme. These changes have to be seen as an attempt to bring a greater degree of efficiency to the procedures of the House. In France and Spain the modernization has been just based on the development of the Question Time.

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