# Electoral Incentives and Individual Parliament Members' Rights

#### Abstract

Cameral procedures define the modus operandi of a parliament. I examine how the electoral environment affects parliaments' rules of procedures and legislators' rights. I argue that when the electoral environment motivates legislators to act individualistically and intensifies legislative fragmentation governments are incentivized to restrict cameral procedures to curtail legislators' behavior. Materializing such incentives depends on the government's ability to pass restrictive procedural changes. To test the assertions I examine four decades (1967-2007) of amendments to the Israeli Knesset's rules of procedures and provide support for co-variation of the electoral environment and restrictive Knesset's procedures. The analysis then details the factors that enabled Israeli governments to pass such restrictive procedures. Indeed, governments seem to use the rules of procedures strategically in their attempt to improve their control and curtail legislators' behavior.

Parliamentary procedures define the modus operandi of the legislature, with various types of procedural rules shaping the legislative arena. A parliament's standing orders include regulations concerning government formation and termination (Müller and Sieberer 2014); positive and negative agenda-setting powers (Cox and McCubbins 1993; 2005; Döring 2001); rules that define the legislative-executive interaction (Müller and Sieberer 2014); and rules that define the rights of individual Members of Parliament (MPs). Absent any parliamentary procedures, parliaments are characterized by legislative bottleneck and inefficiencies (Cox 1987; Müller and Sieberer 2014). However, cameral procedures are not a static institution; rather, they are manipulated in an attempt to influence political outcomes.

In this paper, I present a theory of cameral procedure amendments that result from changes in the electoral environment. I argue that when electoral environment produces a factionalized legislature and promotes individualistic behavior, governments are incentivized to restrict cameral procedures, as the executive control vis-à-vis the legislature as well as amongst the ruling coalition partners is weakened. On the other hand, when the party system is simple and when party leaders control rank and file members, who in turn are not incentivized to behave in an individualistic manner, the government faces no incentive to restrain MPs.

Changes to the electoral environment that increase fragmentation, motivate legislators to emphasize their personal behaviors, and restrict governments' capabilities to ensure discipline do not necessarily lead to changes in cameral rules. Indeed, even if the government is incentivized to change the rules, it is not always capable of doing so. After all, the same MPs who are elected under individualistic electoral rules need to approve restrictive changes to the procedures. In addition to the governmental majority in parliament and the ease of re-introducing procedual amendment to the floor, I content that in order to solve the collective action problem of restricting the rules, governmental political entrepreneurs seek to mobilize MPs to adopt procedural change. They do so by framing and justifying the change as beneficiary to all legislators.

I test my theory using four decades (1967 through 2007) of Israeli Parliament (Knesset)

procedural changes. During the 1990s, the Israeli electoral environment underwent major changes: the introduction of the direct elections for Prime Minister (PM) and major parties' adoption of party primaries. These institutional changes led to the Knesset's hyper fragmentation and motivated MPs to emphasize individualistic behavior. Hence, they weakened the government's capacity to ensure a predictable and efficient legislative process, since not only were opposition Knesset Members (MKs) incentivized to behave in individualistic manner, but also the coalition could not trust its own members in the legislative arena. I hypothesize and demonstrate empirically that these changes in the electoral environment led to the adoption of cameral procedures that restricted MKs' rights. I also show how the adoption of these restrictive changes became feasible.

Specifically, I apply three different tests to support my theory. First, I provide evidence for temporal co-variation between the exogenous institutional reforms and restrictive cameral rule changes. Next, I augment this analysis with 'straw in the wind' process tracing tests of instances in which political actors justify or object to the proposed procedural changes in terms of limitation to individual MKs' rights. The cases I examine illustrate how these arguments are framed in terms of a link to the primaries, the direct elections for the PM, and the weakening of coalition discipline. Lastly, I examine qualitative data to ascertain my claims concerning the government's ability to pass such restrictions.

# Cameral Procedure Change

Most research to date focused on procedural effects and procedural changes in the U.S. Congress. Only recently did comparative scholars begin to study procedural effects and changes elsewhere, minimizing the theoretical and empirical gap. Most scholars who explain U.S. House rules changes adopt a partisan perspective. Cox and McCubbins (1993; 2005) presented the Cartel Party model, arguing that the majority party designs the rules to its (re-distributive) advantage and will use negative agenda powers to prevent bills the majority

opposes from reaching the floor. According to the Conditional Party Government (CPG) account for House rules changes, the majority party strengthens its agenda control when it is unified and its ideological preferences do not overlap the minority's (Aldrich and Rohde 2010; Rohde 1991). Similarly, Binder (1996; 1997; 2006) argues that the majority's incentive to limit minority rights is tightly related to minority obstructive behavior and that the strength of the majority party (operationalized in terms of its size and levels of cohesiveness) positively relates to its ability to restrict minority rights.

In contrast to these partisan accounts, Schickler's (2000) non-partisan explanation focuses on the floor's ideological balance of power. Schickler argues that the closer the floor median is to the majority party's median, the greater the likelihood of rules changes favoring the majority, whereas when the closer the floor's median is to the minority's median, the greater the likelihood of rules that empower the minority in the legislative process.

Scholars adopted the American perspective of procedures as an extension of policy preferences to the study of other parliaments. For example, Sieberer, Müller and Maiko (2011) argue that when a parliament's external environment is altered or the composition of the political actors changes, a sufficiently large majority of MPs might expect a higher payoff in maximizing their substantive goals from reforming parliamentary rules. Similarly, Sieberer's analysis of the German Bundestag is based on the assertion that agenda-setting affects policy outcomes (Sieberer 2005). Sieberer contents, among other things, that the simplistic nature of the German party system, which made bargaining a straightforward task and reduced uncertainty, deemed it unnecessary to adopt restrictive rules. Along a similar yet opposite logic, Huber (1996) and Hayward (2004) argue that France's 1958 constitutional changes introducing the confidence vote and package vote aimed at weakening the parliament, which was blamed for the weak governability during the Fourth Republic.

Taylor (2006) examines how exogenous institutions might affect internal parliamentary rules and uses a cross-national analysis to empirically test hypotheses concerning determinants of legislative procedures in 55 legislatures. He claims that procedural variation can be

explained by the chamber's size, its power via-à-vis the executive, and to a lesser extent the degree to which elections encourage a personal vote.

Akirav, Cox and McCubbins (2010) focus on the 16<sup>th</sup> Israeli Knesset (2003-2006) to examine how the coalition controls the Knesset's agenda. They find that the government allocates negative agenda powers (blocking rights) to its members, making it quite unlikely that a coalition party be rolled on either a governmental bill or a private member bill. While their project is significant, the authors do not account for procedural changes over time, examining only the last period of the roughly 40 years of procedural changes examined in this paper.

# Theorizing Procedural Changes of MPs' Rights

I present a theory that explains procedural changes and adaptations that result from conditions and circumstances external to the institution (Cox 1987). I specifically adopt Taylor's (2006) view and argue that changes in procedures are not merely "an extension of legislators' policy preferences" (324), but also the result of exogenous institutions (see also Gamm and Huber (2002)), including the electoral environment and the degree to which it encourages personal vote seeking incentives and fragmentation.

Adopting a partisan rationale, I argue that if the opposition (minority) (ab)uses its rights and obstructs the legislative process, the government (majority) is incentivized to restrict opposition MPs' behavior (Binder 1996; 2006). However, unlike the U.S. partisan theories, I argue that in a hyper-fragmented and personalized legislature, where the government cannot control even its **own** MPs in the legislative arena, it is incentivized to restrict **all** MPs' rights. This logic is similar to the one presented by Hayward (2004) and Huber (1996), who argue that when the French government during the Fourth Republic understood it will not be able to command a disciplined parliamentary majority, it altered the rules of the game (mainly constitutionally) "to enable the government to legislate with the advice and little changes by parliament" (Hayward 2004, 80). My theory also mimics Sieberer's (2005) rationale that

an uncomplicated party system reduces governmental uncertainty over the legislative process and fosters simple bargaining, therefore reducing the need for restrictive parliamentary rules favoring the executive. I adopt his rationale and investigate also the opposite scenario, whereby in a complicated, highly fragmented, and dis-unified legislative party system, governments are incentivized to limit and restrict legislators to gain better control over the legislature.

An individualized and fragmented legislature impedes the government's ability to control both opposition and coalition MPs. When MPs are motivated to behave individualistically, and as party leaders are less able to control them, MPs are less disciplined and may opt to deviate from party leaders' instructions regarding how to vote on policy issues (Bowler, Farrell and Katz 1999). MPs may raise many questions on the parliamentary floor so as to appear active and attentive to constituents' concerns (Müller and Sieberer 2014; Soroka, Penner and Blodook 2006); they may speak frequently in an attempt to enhance their name recognition and increase their media exposure; and they may introduce many particularistic, parochial private member bills (PMBs) (Crisp, Escobar-Lemmon, Jones, Jones and Taylor-Robinson 2004).

When MPs initiate many PMBs and amendments, offer numerous questions and speeches, and otherwise demonstrate lack of discipline, the legislative process becomes less predictable and more erratic (Crisp et al. 2004; Döring 1993). When MPs uncontrollably pursue personal reputations, a collective action problem or a common pool resource problem may arise (Cox and McCubbins 1993). Indeed, each individual legislator would prefer that her co-partisans vote together, maintaining the collective party record, while she is free to defect and vote her constituency's preferences. Moreover, a common pool resource problem might occur when every MP prefers that all other MPs be constrained from initiating numerous PMBs and amendments while she remains free to initiate as many of these as possible (Diaz-Cayeros, McElwain, Romero and Siewierski 2003; Lancaster 1986). Legislators generally seek to provide their constituents with concentrated benefits and more widely distributed costs (Hallerberg 2004). Thus, left uncontrolled, personal vote-seeking incentives increase legislative transaction

costs, crowd the legislative agenda, and render the legislative process inefficient (Mattson 1995).

Hyper-fragmentation of the parliament intensifies these personalized incentives and leads governments to seek better control over MPs by restricting their rights. In a fragmented legislature characterized by individualistic behavior, both the legislature and the coalition are uncontrollable. In fact, the government is concerned not only about the opposition MPs, but also about its own control over its rank-and-file MPs; this situation incentivizes the government to restrict *all* MPs' rights.

The electoral environment affects MPs' motivation to emphasize their personal reputation and shapes the legislature's fragmentation levels. Indeed, electoral systems and candidate selection processes have been linked to personal vote-seeking incentives (Carey and Shugart 1995; Hazan 2000)<sup>1</sup>. Electoral systems and selection processes might also affect the tools at a government's disposal to ensure unity. When party leaders control legislator's electoral fate (through their control over either the nomination process or the electoral ballot structure), they may punish a reluctant MP by prohibiting him from running under the party's banner in future elections. The electoral environment also affects legislative fragmentation levels. It influences the number of parties through the electoral formula and threshold (Amorim-Neto and Cox 1997). An electoral system that encourages voters to 'split ticket' their vote may also impact fragmentation levels, as it may minimize larger parties' seat share while increasing the effective number of parliamentary parties (ENPP)(Hazan and Diskin 2000). Thus, external electoral environment changes may yield a hyper-fragmented party map coupled with individualistic legislators, which in turn motivates the government to restrain MPs' rights (Hallerberg 2004)<sup>2</sup>.

H1: As electoral environments change, increasing individualization and fragmentation levels, the government becomes incentivized to restrict cameral rules relating to individual MPs' rights.

With regards to Israel, I content that when the external institutional environment encouraged MKs to act individualistically (due to the introduction of primaries) and fragmented the

legislative party system (due to the introduction of the direct elections for the PM), the government was incentivized to restrict MKs' rights. In the personalized and hyper-fragmented Knesset, not only is the government unable to control opposition MKs, but also it faces difficulties trusting its own coalition MKs. To overcome these difficulties, the government resorted to curtailing all MKs' rights while increasing its collective grasp over the legislative arena.

# Governmental Ability to Restrict MPs' Rights

Notably, not any change in the extra-legislative institutional environment that creates motivations for legislators to behave individualistically, restricts the government's ability to enforce discipline and increases fragmentation automatically leads to a cameral rule changes. Rule changes also necessitate that the government solve a collective action problem and overcome resistance from 'backbenchers' who are elected under individualistic electoral rules to pass restrictive procedures.

A government's ability to legislate procedural modifications relates to the size of its majority: the larger the coalition, the easier it is for it to pass restrictive procedures. As the coalitions' size grows, the PM is better capacitated to pass changes and can pass amendments despite several coalition MPs' revolt.

H2: Given governmental incentives for restricting procedures, the larger the government majority the more likely it is to pass restrictive procedures.

Yet, the government's ability to curtail MPs also depends upon its capability to convince MPs to support these changes. Thus, one might wonder why legislators (s)elected under individualistic electoral rules would agree to restrict their own rights. Whereas Sieberer et al. (2011) argue that procedural reforms that result from changes in the external environment must have led a sufficiently large majority to expect higher payoffs under the new rules, I content that such an effect is not directly necessary. Under these circumstances, legislators might face a collective action problem. Some members of government might act as political

entrepreneurs who convince the necessary majority that it, too, would be better off changing the rules. To overcome the collective action problem, the political entrepreneurs frame the change as an 'efficient' change and justify it as improving *everyone's* utility, while downplaying the redistributive effect of the proposed change (Müller and Sieberer 2014; Tsebelis 1990).

Thus, the government might convince MPs to restrict their own rights by framing the current uncontrollable legislative process as damaging the legislature's and MPs' image and diminishing public trust in politicians generally and in the parliament in particular. Likewise, the government might remind opposition MPs that today's opposition might be tomorrow's coalition and that they too will suffer from their peers' nonconformist behavior. The government might also stress the need for restraint when facing economic hardship or war.

H3: Given governmental incentives for restricting procedures, the government will frame it as an 'efficiency' change.

Lastly, passing a restrictive procedure may take the government several attempts. The easier it is for the government to (re)introduce a procedural change, the more likely it is to re-present a restrictive proposal after parliament voted it down.

H4: Given incentives for restricting procedures, the easier it is for the government to (re)introduce a procedural change the more likely the government is to pass restrictive procedures.

Absent changes in the electoral environment that create motivations for legislators to behave individualistically, increase fragmentation, and limit the government's ability to ensure discipline, I anticipate the existing electoral environment to shape the PM's and government's incentives to either restrict or loosen cameral procedures. If the electoral environment encourages MPs to behave in a party-centered manner, the government might be willing to adopt permissive cameral procedures that seemingly strengthen MPs and expand their rights. Under restrictive electoral environments, governments know that de-jure permissive cameral rules will not de-facto be translated into reluctant MPs' individualistic behavior and a governmental loss of control over the legislative arena (Sieberer 2005).

# Research Design and Data

I test my assertion concerning the relationships between electoral incentives and cameral procedures on the Israeli Knesset. My data includes procedural changes adopted between 1967 and 2007, gathered from the Knesset's archive. I use the 1967 version of the Knesset's procedures as a baseline <sup>3</sup> and examine each and every amendment.

I first show that as the electoral environment started changing, the sheer frequency of procedural changes increased dramatically. I then look at the co-variation of electoral environment, individualization, legislative fragmentation, and cameral rules. I use two different examinations of cameral procedures. The first analyzes all procedural changes and the second analyzes five main mechanisms available for MKs in their request to promote their own agendas: private member bills (PMB), amendments, questions, speeches, and motions to the agenda (MTAs)<sup>4</sup>.

For each of the examinations (of either all procedures or the five mechanisms) I code each article in an amendment into three categories: +1 if it restricted MKs' rights, -1 if it empowered MKs and 0 if the change did not pertain to MKs' rights or its impact was neutral on balance (Schickler 2000; Zubek 2014)<sup>5</sup>. Then, for each given Knesset, I sum these codes up to present a measure of the overall balance of procedural changes. In this measure, a negative number indicates that on balance, most amended procedural articles empowered MKs, whereas a positive number indicates that most restricted MKs and a zero indicates that the changes counter-balance <sup>6</sup>.

I use two measures to observe individualization in the Knesset. First, I use the percentage of MKs that were selected by primaries as an institutional measure of personalized incentives, since the introduction of the primaries has been argued to be one of the major causes for the intensified personal vote-seeking incentives MKs faced (Hazan 2000; Hazan and Rahat 2010). I also use a behavioral measure of individualization-namely, the total number of PMBs introduced on the floor at each Knesset. Lastly, I measure legislative fragmentation using the ENPP measure (Laakso and Taagepera 1979).

Showing co-variation is a first step in establishing causality but is insufficient in and of itself. I augment it with three types of 'straw in the wind' tests. If my hypothesis is correct, we should find evidence that in their speeches, MKs identify the causal mechanism I portray in the paper. To this end, we should first find that supporters of the restrictions framed the change in terms of restraining MKs' ultra-personalized and uncontrollable behavior. Second, we should find objectors arguing that the government is trying to curtail their rights due to its incompetence in enforcing coalition and party discipline. Third, we should find politicians' statements directly mentioning how the primaries led to over-individualization that needed to be restricted.

The last part of the analysis demonstrates my claims concerning the government's ability to pass restrictive procedures. Not only do I show that many of the major restrictions were adopted when the coalition enjoyed a large majority, but also I provide anecdotal support to the argument that the government convinced MKs to curtail themselves by framing the redistributive change as an 'efficiency' change that benefit of all MKs.

# **Analysis**

# Changes to the Electoral Environment

This section presents the specific institutional changes that took place during the key decade of the 1990s, which increased individualization and fragmentation. Indeed, the major political parties democratized their selection processes by adopting primaries. Until 1992, almost all parties in Israel selected their candidates using some form of party organization. However, in 1992, Labor first used primaries to select its list, and prior to the 1996 elections, Likud, Meretz, and Tsomet decided to adopt primaries as well. In the years following the 1996 elections, additional parties reformed their selection procedures, occasionally restricting it and sometimes using primaries. The forth panel from the top of Figure 2 depicts the percentage of MKs who were selected via primaries. Evidently, the 13<sup>th</sup> and 14<sup>th</sup> Knessets witnessed a dramatic

increase in MKs selected via primaries. Hazan and Rahat (2006) claim that the adoption of primaries weakened parties' control over MKs, while further loosening governmental control over the legislative process by intensifying intra-party competition, which motivated MPs to behave in individualistic way. Indeed, the adoption of primaries is claimed to have been associated with an increase in the total number of PMBs (Hazan and Rahat 2000; Rahat and Hazan 2001).

In March 1992, the Knesset ratified direct elections for the PM, which took effect in the 1996 elections (and was canceled in advance of the 2003 elections). Citizens received two ballots: one enabling a vote for one of the 119 MKs under the Closed List PR system and the other enabling a direct vote for PM via a majority runoff. The electoral reform subordinated the second-order parliamentary elections to the more important Prime Ministerial race (Hazan and Rahat 2000) and enabled a split-ticket vote, which increased legislative fragmentation by weakening the two major parties and increasing the number of smaller parties (Hazan and Diskin 2000). By weakening the coalition and the Prime Minister's ability to ensure coalition discipline and by increasing legislative fragmentation, the adoption of the direct elections for the PM further intensified the government's incentive to curtail MKs' behavior by restricting Knesset rules.

Although the Knesset voted to abolish the dual system in March 2001 and revert to its former system from the 2003 elections onwards, the negative consequences of the reform remained. The third panel from the top of Figure 2 presents the ENPP in each of the 11 Knessets examined in this paper. Clearly, from the 14<sup>th</sup> Knesset onwards, the ENPP increased dramatically. The average ENPP prior to the electoral reform was 3.97, whereas this average in the post-reform era is 6.83. Note that despite the abolishment of the dual ballot system, the ENPP remained quite high.

The changes Israel underwent during the 1990s affected MKs' motivation to engage in individualistic behavior, while weakening the tools at the government's disposal to ensure an efficient legislative process. In this decade, Israeli governments faced rising fragmentation in

the legislature and struggled to control individual MKs from both opposition and the coalition. The bottom panel of Figure 2 offers behavioral evidence, depicting the total number of PMBs initiated during the 11 Knessets.

#### The Number of Changes in the Knesset's Procedures

Figures 1(a) and 1(b) present the number of procedural amendments and procedural articles changed in each of the Knessets examined. The dotted line represents the adoption of the Direct Elections for the Prime PM and the increase in MKs who are selected via primaries. Clearly, more procedural alterations were made in the post-reform era. Whereas the average number of amendments and articles adopted prior to the 13<sup>th</sup> Knesset were 5 and 11.86 respectively, these numbers were 12.75 and 37.5 during the last four Knessets examined. Were these changes aimed at limiting individual MKs' rights?

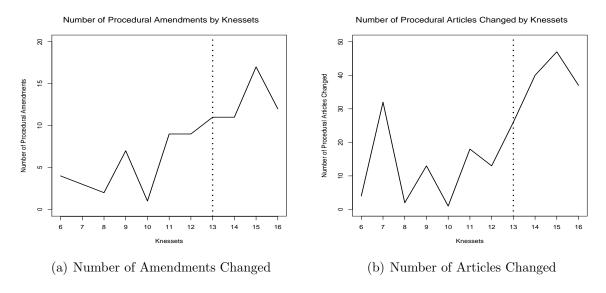


Figure 1: Number of Amendments and Number of Procedural Articles Changed by Knesset

# The Restrictiveness of Changes in the Knesset's Procedures

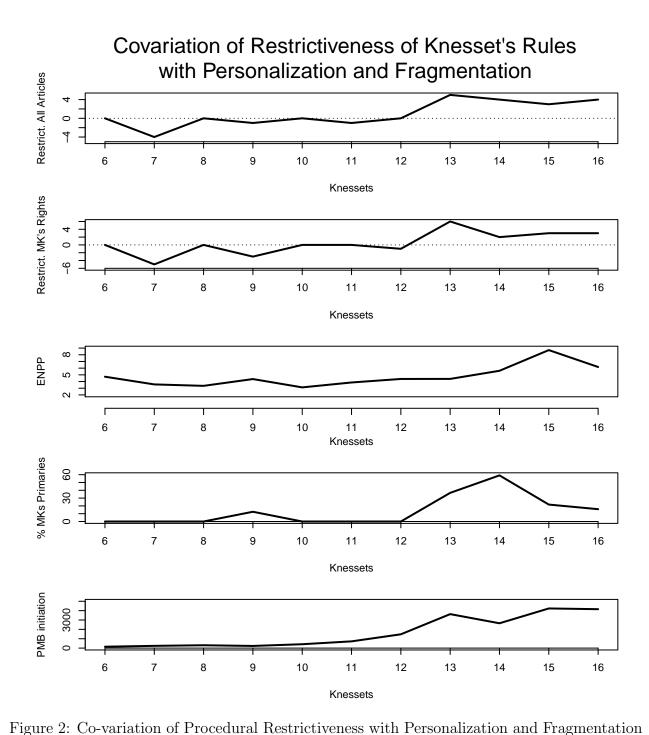
Figure 2 presents the co-variation of the direction of procedural changes with the measures of legislative fragmentation and personalization (both institutional and behavioral), where the

top panel presents restrictiveness of all articles the Knesset modified, whereas the second panel from the top presents this measure for articles that relate superficially to MKs' rights. Recall that positive numbers indicate curtailment of MKs. The third panel, as mentioned, presents the ENPP to measure legislative fragmentation, whereas the forth and fifth present institutional and behavioral measures of personalization, respectively. Clearly, through the  $12^{th}$  Knesset, where neither fragmentation nor individualization characterized the Israeli Knesset, the few procedural changes the Knesset adopted either empowered MKs or left their rights unchanged on balance.

For example, the Fifth Amendment (of July 10<sup>th</sup>, 1971) introduced major changes to Articles 30 through 34, increasing the time allocated for discussing individual MKs' proposals. Instead of devoting one meeting every two weeks to MKs' initiatives, the Fifth Amendment stipulates that the Knesset devote a weekly meeting to the matter. Furthermore, the Amendment reduced content restrictions on MTAs by limiting to special circumstances the Knesset Speaker's prerogatives to disapprove a MTA. Likewise, Amendment 26 (July 27<sup>th</sup>, 1988) strengthened MKs by restricting previous procedures that allowed a minister to be replaced by another when answering a question and mandating that the substitution only take place upon the initiator's consent. The 28<sup>th</sup> Amendment (of July 27<sup>th</sup>, 1989) further empowered MKs as it shortened the maximum timespan from the submission of PMB until floor discussion from two months to 45 days.

As individualization increased (evidenced by both institutional and behavioral measures), the measure of restrictiveness of procedural changes rises to positive numbers, indicating that on balance, the procedural articles adopted during the 13<sup>th</sup> Knesset onwards curtailed MKs' rights. During the 13<sup>th</sup> Knesset, when about 40% of the MKs were selected by primaries, and the total number of PMBs initiated climbed to over 3,500 and the restrictiveness measure rose to 5 in all articles and 6 in articles specifically addressing MKs' rights (at this point, Knesset fragmentation was only slightly above the average in the pre-reform era.)

For example, Amendment 36 declared that when a committee prepares a PMB for first



reading, it must invite the Minister of Finance to clarify whether it fulfills Article 39a in the Budget Foundation Law (1985). This Article defines 'budgetary legislation' as "A bill proposed to the Knesset whose enactment involves a financial expense, a commitment to a budgetary expense or decrease in the State's revenues." It stipulates that proposed 'budgetary

legislation' must elaborate its method of finance, accompanied by the Finance Minister's cost estimate. Additionally, Amendment 44 (of August  $2^{nd}$ , 1995) stipulated that if the initiator of an amendment is absent whilst it is debated and voted on, the vote is canceled<sup>7</sup>. Similarly, on February  $27^{th}$ , 1996, the Knesset decided that the initiator of an urgent MTA must be present during the Knesset Committee's discussion regarding his appeal of a Speaker's decision to reject the urgency of the motion.

As more MKs were selected via primaries (59.1%), PMB initiation continued to be high (2,651 PMBs), and levels of fragmentation increased (5.6), the Knesset continued to adopt procedural changes that curtail MKs' rights. For example, Amendment 48 restricted MKs' ability to appeal an Ethics Committee decision to expel them from meetings. Whereas prior to the change, an MK was entitled to appeal whenever the committee expelled him, the Amendment mandated the appeal process takes place only if the MK was expelled from four or more days' sittings, was deprived his speaking rights for over four sitting days, or was prohibited from submitting oral questions, PMBs, and MTA for a period that exceeds two weeks.

Notably, even when institutional individualization began to decrease, the behavioral measure indicates the Knesset was still characterized by highly individualized behavior (over 4,000 PMBs initiated). Moreover, levels of fragmentation increased drastically as well (8.7 and 6.2 during the  $15^{th}$  and  $16^{th}$  Knessets, respectively). Consequently, during this period, on balance, procedural changes aimed to curtail MKs' rights.

For example, the  $71^{st}$  Amendment requires that a preliminary debate on a PMB be postponed at least 45 days from the date on which the bill was submitted, unless the government agrees otherwise. (Prior to this change, a preliminary debate would take place no earlier than two days and no later than 45 days from the PMB's submittal.) On July  $8^{th}$ , 2003, the  $77^{th}$ Amendment stated that when preparing PMBs, the committee must ask the Finance Minister to provide an estimate for its budgetary cost in accordance with Article 3c of the Basic Law: the State's Economy and Article 39a of the Budget Foundation Bill. Article 3c of the Basic Law: the State's Economy was adopted in 2003 (Amendment 6 to the Basic Law). It solidified into law a temporary order (approved on June  $15^{th}$ , 2002) that declared that a 'Budgetary Bill' (or amendment) must be approved with a majority of at least 50 MKs in all readings. Budgetary Bills (and amendments) are those whose enactment would cost five million NIS or more and whose budgetary costs the government neither introduced nor approved.

The co-variance analysis of procedural changes juxtaposed with individualization and fragmentation levels affected by the electoral system and selection processes supports my assertion that intensification of personalized incentives coupled with a weakening of the government's capacity to control the legislature due to decreased coalition discipline and increased legislative fragmentation triggered changes in the Knesset's procedures. I find that changes adopted after 1992 aimed mainly at curtailing MKs' rights to initiate PMBs and amendments, restricting their usage of questions, and improving the government's control over individual MKs and the Knesset as a whole. The analysis also reveals that the one area that bothered the government the most in the post-reform era was PMBs. MKs, eager to take credit for their initiatives and attain newspaper headlines, introduced as many PMBs as possible. The inflation of PMBs clogged the legislative processes, and the passing of many new pieces of legislation burdened the country's budget. In fighting this phenomenon, the government chose to alter the Knesset's procedures and limit MKs' behavior.

#### Three 'Straw in the Wind' Tests

Having demonstrated the existence of co-variation between personalization, fragmentation, and the restrictiveness of the Knesset's procedures, I now augment the analysis by applying three inter-related types of evidence to causally support my hypothesis that as external institutions changed and levels of individualization and fragmentation increased, the government rationally decided to manipulate cameral procedures so as to restrain reluctant MKs and gain control over the legislative arena.

First, if my hypothesis is correct, we should find supporters of restrictive procedures fram-

ing its need in terms of fighting populism and misbehavior. Indeed, regarding to the  $77^{th}$  Amendment restricting PMB initiatives, Ofir Paz-Pines, Chairman of the Knesset's Constitution, Law and Justice Committee, said during the  $220^{th}$  meeting of the  $15^{th}$  Knesset: "this proposal started from a wish to restrain...after many very expensive bills were passed in the Knesset, given the lack of coalition discipline or because the coalition lacked a majority in here."

On July  $13^{th}$ , 1993, when passing Amendment 39 enforcing disciplinary actions against reluctant MKs, MK Hagai Meirom claimed that the restrictions are necessary in fighting populism. Similarly, regarding the  $46^{th}$  Amendment that toughened punishment on misbehaved MKs, MK Eliahu Ben-Elissar said during the  $427^{th}$  meeting of the  $13^{th}$  Knesset (on 27/2/1996) that "reality is especially wild, and I do not think we can afford to have this Knesset and future ones continue this tradition of misbehavior."

A second type of evidence to support my hypothesis might come from objectors to the restrictions, who might argue that the government is trying to revoke their rights only because it cannot control the legislature and the coalition. For instance, MK Zevolun Orlev objected to the  $77^{th}$  amendment's restrictions on PMBs and said during the  $329^{th}$  meeting of the  $15^{th}$  Knesset:

This is a bill to cancel the Knesset.... Instead of enforcing discipline... you now forbid [the actions of] the individual MK.... This is a leadership of weaklings. This is a leadership that cannot enforce coalition discipline; a leadership that cannot run the government, every man for himself.

MK Yigal Bibi agreed with Orlev and stated during the  $321^{st}$  meeting of the  $15^{th}$  Knesset:

This change can be described in one sentence: 'the government does not trust its own coalition'... it does not believe in itself, does not believe it can enforce discipline, so it comes and says: 'let's put a cage, let's put a bridle, tie MKs' hands, since we cannot function.'

MK Ilan Gilon objected during the  $329^{th}$  meeting of the  $15^{th}$  Knesset to the need for 50

MKs to approve a budgetary PMB. In his words: "So they fear each MK will become his own party a king and do whatever he wants. But we can shut down the store, the Knesset." MK Orlev further argued during the same meeting that

This is a proposal of a frightened leadership...instead of treating coalition partners according to the government's procedures and the coalition agreement, they search of an easier route: restraining the individual MK.... This is a leadership that cannot enforce coalition discipline, that cannot run the government...there is no discipline.

Third, if my hypothesis is correct, MKs are likely to directly argue the primaries led to over-individualization and populism that must be curtailed. Indeed, MK Naomi Blumenthal said an interview with "Parliament" (Blumenthal 2000) that she agrees with the limitation on budgetary PMBs because, in her opinion, the particularistic interest in the Knesset reigns supreme due to the primaries, making it difficult for the government to block legislation. She noted, "even if an MK knows there is no chance his PMB will pass, he will still initiate it since he will gain media coverage and his constituency will know he did something." Zvi Zeharia wrote in an article about the proposed 50-MK requirement for passing budgetary PMBs that "limiting the possibilities to initiate PMBs might create a conflict between the Knesset and the government because MKs want to stand out in their legislative work for the sake of their constituents." (Zeharia 2003)

MK Anat Maor (Maor 2009, 139-141) states in her book about PMBs that

the primaries drastically changed MKs' role in politics and MKs' behavior... This has an effect on the balance of power between representatives and parties... The primaries created dual legitimacy problem for MKs leading to the tendency to act regardless of the groups and bodies an MK belongs to, such as the coalition, the opposition, and the party; hence, we see a drastic rise of individualistic and populists politics.

Maor specifies that one of the major explanations for the increase in PMB initiation and

acceptance rates concerns the primaries. She claims that "[w]ith the intensification of PMB initiation and in light of the ever-growing weakness of governments... a significant battle to limit PMB started" (Maor 2009, 178). Likewise, MK Begin claims that primaries weaken parties, sanctify the candidate, hurt the Knesset's functionality and increase politicians' dependence on media (Begin 1996).

Seemingly, therefore, not only do we observe co-variation between external institutional changes (which led to hyper-fragmentation and individualization) and restrictiveness of the Knesset's procedures, but MKs themselves describe the restrictive procedural changes (either favorably or unfavorably) as a way to battle populism. Moreover, MKs have noted directly that the hyper-personalization and fragmentation generally results from the external institutional reform that characterized the Israeli political arena.

#### How the Government Restricted the Procedures

Governmental incentive to curtail MKs' rights due to increased individualization and fragmentation caused by the external electoral environment does not necessarily translate into a restrictive outcome; indeed, the government must have the ability to pass such restrictive procedures and convince MKs who were (s)elected under personal vote-seeking systems to restrain themselves. In the theoretical section of the paper, I presented three hypotheses that relate to the governmental ability to pass restrictive procedures and overcome the collective action problem of approving them. I argued that governments with larger majorities are more capable of passing restrictive procedures and contended that governments will try to frame such curtailment as benefiting all legislators. Lastly, I argued that the fewer barriers exist for re-introducing procedural changes, the more capable governments are of passing procedural curtailments. In this section, I provide anecdotal evidence to support each of the hypotheses. Notably, this section does not put the hypotheses to a direct empirical test, as this would necessitates collecting data on all attempts made by the government to alter the Knesset's procedures, which is beyond the current research scope. Rather, I provide suggestive evidence to support my theoretical claims, which must be tested further in future research.

I argue that as the majority size of the coalition increases, it becomes easier for the government to pass restrictive procedures. Thus, unsurprisingly, most of the few changes that limited MKs' behavior prior to the 1990s were approved by large coalitions (the  $21^{st}$  and  $23^{rd}$  governments, each consisting of 97 out of 120 MKs). Moreover, governments comprised of a large majority approved some of the major restrictions adopted from the  $13^{th}$  Knesset onwards. For example, a grand coalition of 81 MKs was in power when the one-year temporary order to restrict the passage of budgetary amendments and PMBs was approved in 2002. Similarly, this grand coalition also approved the  $71^{st}$  Amendment mandating a 45-day waiting period for PMBs and severely restricting the Knesset Committee's ability to fast-track PMBs.

As noted above, in convincing MKs to support restrictions, the government may mask the redistributive nature of the change and frame it instead as an 'efficiency' change. I propose three types of such framings. First, the government may evoke the need for drastic measures (especially regarding fiscal restraint) in situations of war or economic hardships. Indeed, Prime Minster Sharon argued during the government's weekly meeting that "the economy cannot withstand the plethora of PMBs and hence this phenomenon needs to be stopped." (Channel-Seven 2002). Similarly, in his attempt to convince his fellow MKs to support a temporary order to restrict usage of PMBs, MK Paz-Pines stated in July 2002, a mere two months following the end of Operation Defense Shield:

[t]his is by no means a standard proposal...Whoever looks at the State's economy in this period, which is also a period of war, must forgo...other considerations...and understand that we have got to vote for the temporary order to restrain our own legislation.

Paz-Pines justified the need for 50 MKs to approve a budgetary PMB, saying that "good as it may be, if the proposed legislation costs a lot, it leads to a loss of control over the State's budget... The danger is a collapse of Israel's economy...Responsibility must win over emotions and individual interest."

MK Mishani exposed the governmental exploitation of the 'efficiency' framing (as did MK Maor (Maor 2009)) regarding this issue. During the 329<sup>th</sup> meeting of the 15<sup>th</sup> Knesset, Mishani said that he and many other objectors are willing to accept that "especially in trying times, it is impossible that after the governmental budget is approved, MKs legislate bills that...increase the deficit and force the government to look for the budget to finance those bills." However, rather than supporting the government's proposal, the MK proposed an alternative: any PMB approved after the annual budget is affirmed will be implemented only in the following budgetary year, so that it will not force the government to break budgetary framework. Needless to say, the government declined this proposal.

Second, the government may frame the need for restraint in terms of improving the Knesset's declining image. For example, during the 427<sup>th</sup> meeting of the 13<sup>th</sup> Knesset, MK Elie Goldschmidt said that the situation with misbehaved MKs "is indeed intolerable, and current MKs...defamed the Knesset's name...[I have] almost no meeting with students in which the students or teachers fail to ask why MKs behave so inappropriately." Likewise, in justifying the proposal that an amendment's initiator must be present for it to be debated and voted on, MK Meirom discussed the Knesset's image. During the 372<sup>nd</sup> meeting of the 13<sup>th</sup> Knesset, he said:

we often get comments from the public saying that they do not understand how the Knesset votes during the night on amendments proposed by MKs who are not present to vote on their own amendment...I ask the Knesset to approve the proposal [to] make our debates more respectful and our votes less ridiculous.

MK Meirom mentioned on July 13<sup>th</sup>, 1993 the Knesset image in justifying restriction on MKs' behavior on the Knesset podium, claiming that many MKs damage the Knesset's image and public regard. He said: "we wish to defend the Knesset from itself and protect its public image." During that same meeting, the Knesset Speaker, MK Shevach Weiss, said that the amendment is a reaction to the public's loathing of the Knesset.

Third, the government may convince opposition MKs to support the restrictive measures

by reminding them they, too, may comprise a government in the near future and would then be incentivized to curtail reluctant MKs. Indeed, in trying to convince MKs to support the need for 50 MKs to approve a PMB, Ofir Paz-Pines said:

You should not behave differently when you are in the opposition and when you are in the coalition...I tell the opposition: think you might one day be in the coalition...I suggest we all understand that the chairs are like 'music chairs' and our public integrity should be the same no matter what position we take, in the coalition or in the opposition.

Lastly, I argued that the easier it is for the government to re-introduce procedural amendments it is more likely to succeed passing restrictions, as it may negotiate and compromise on the proposed restriction and re-introduce it to ensure a supportive majority or simply re-introduce the same proposal in the hope a different composition of MKs will approve the change. Knesset rules are lenient regarding the passage of procedural amendments and their re-introduction. Procedural amendments need to be approved by a regular majority, with no quorum requirements. Moreover, no time limitation exists concerning re-introducing a procedural change on the Knesset's floor. Indeed, in various instances, governments kept sending a proposed change to the floor (occasionally with some modifications) in the hope that it will be approved.

For example, prior to passing the restriction requiring 50 MKs for the approval of a budgetary PMB, the government sent proposals to the floor in which this threshold was 60, and later 55. The government also negotiated the definition of a budgetary bill. Earlier versions of the proposal defined budgetary PMBs as those requiring over 2.5 million NIS, whereas the final version defined these as eliciting a spending of over five million NIS. In the  $323^{rd}$  meeting of the  $15^{th}$  Knesset, Finance Minister Silvan Shalom even promoted the modification as "a softened version compared to the ones we brought before" Likewise, when MK Meirom introduced Amendment 44 during the  $372^{nd}$  meeting of the  $13^{th}$  Knesset, he said that an identical version of the proposal was rejected by the Knesset two months earlier, bluntly stating that

"since there is no limitation on re-debating the issue and bringing it again to a vote, I proposes the change."

# Conclusion

This paper examines the relationships between electoral incentives and MPs' rights. I argue that a government will curtail legislators' unbridled behavior by restricting cameral procedures if it possesses both the incentives and the ability to do so. When legislators are motivated by the electoral system and selection processes to act individualistically, and as legislative fragmentation increases and the government looses control over both the legislature and its own coalition partners, the government is incentivized to restrict procedures. Its ability to do so depends on several factors, including its majority size and its ability to convince MPs and help them overcome the collective action problem.

I support my arguments through analysis of 40 years of procedural changes in the Israeli Knesset. I classified all procedural changes according to whether they restrict or empower MKs' rights. Moreover, I focused on five tools available for MKs and examined whether procedures restricted them, empowered them, or had no impact. I demonstrate that as external electoral institutions changed, the frequency of procedural changes increased drastically. Thereafter, I show co-variation between restrictiveness of procedures, institutional changes, individualization, and fragmentation levels. Thus, I provide support for my claim that as levels of individualization and fragmentation increase due to changes in the electoral arena, governments resort to restraining MKs' rights. I further support this claim with three 'straw in the wind' tests. Lastly, I provide supportive evidence that major restrictions were adopted while the government enjoyed a large majority; that the relatively effortless process of re-introducing rejected procedural amendments helped the government fulfill its goal of restricting MKs' rights; and that in seeking to convince MKs to pass restrictive measures, the government downplayed the redistributive nature of procedural changes and framed them as 'efficiency'

measures that benefit all.

Focusing on a single country enables me to control for various independent variables and idiosyncrasies of countries that may have rendered a comparative analysis more difficult. However, to further validate the theory and provide greater support for my hypotheses, I intent to carry out a cross-national analysis. If my theory is correct, then countries with personal vote-seeking electoral systems (Carey and Shugart 1995), should demonstrate more restrictive cameral procedures compared to countries characterized by party-centered electoral systems. My theory thus helps explain variation in legislative organization across democracies, as well as cross-temporal variation and changes in cameral procedures over time. Moreover, we know that intended consequences of institutional reforms are not always materialized. It would be of great interest to examine, in future research, whether the procedural limitations put forth by the government succeed in overcoming MKs' individualistic behavior.

This paper contributes to our theoretical and empirical understanding of parliaments and of legislators' behavior by shedding light on an often-neglected institution that shapes the way parliaments work and the means MPs use to represent their constituents' interests: parliamentary rules of procedures. It shows that the external institutional environment affects a parliament's inner workings and thus helps blur the lines between external and internal institutions.

# Notes

<sup>1</sup>The more inclusive and decentralized candidate selection is, the greater the intra-party competition and hence legislators' motivation to behave individualistically (Depaw and Martin 2009; Hazan and Rahat 2006).

<sup>2</sup>This account is contrary to Taylor's weakly-supported argument that personal vote seeking systems should be correlated with decentralized procedures (Taylor 2006).

<sup>3</sup>The first officially approved version of the procedures was approved on July, 26th 1967.

<sup>4</sup>Table 1 in the online appendix details procedural changes of the five mechanisms. I also use Mattson's classification (Mattson 1995) and analyze five categories of limitations: numerical restrictions, time limitations, content limitations, technical requirements and 'killing in committee'.

<sup>5</sup>I used speeches on the Knesset's floor as well as deliberations in the Knesset's Committee to help interpret the change's effect.

<sup>6</sup>The measure gives an equal weight to each change. In future research, I will weigh the changes based on their relative importance.

<sup>7</sup>Under special circumstances, the MK can request a-priori in writing that his amendment be voted on despite his absence.

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# On-Line Appendix

Knesset Date	Date	Change	Strengthened/Weakened	Conceptual Framework
7th	10/8/71	Increase time allocated for discussion of	Strengthened	PMB time Limits
$7 \mathrm{th}$	10/8/71	Canceling Limitation on length of answers to	Strengthened	Questions time limits
7th	10/8/71	Limiting the Speaker's right to disapprove an MK's MTA or rejecting its urgency status and giving the MK the right to appeal such a	Strengthened	MTA content limits
7th	10/8/71	decision Allowing MK to ask a defeated MTA moved to a committee for	Strengthened	MTA technical limits
$7 \mathrm{th}$	10/8/71	MK are allowed to abrogate a. MTA	Strengthened	MTA technical limits
$9 \mathrm{th}$	20/11/79	Recess days will be counted towards the time allotted to ministers to answer MKs'	Strengthened	Questions time limits
$9 \mathrm{th}$	20/11/79	questions MKs' speeches in factional debates will last no less no less than 8 minutes	Strengthened	Speeches time limits

Knesset Date	Date	Change	Strengthened/Weakened Conceptual Framework	Conceptual Framework
11th	/85	The Speaker and Deputies will not approve a PMB they perceive as racist or as denouncing the existence of	Weakened	PMB content limits
11th	24/3/86	the State of Israel as a Jewish state Lifting the presence condition for a minister to answer an MK's question: despite an MK's absence,	Strengthened	Questions technical limits
11th	98/2/9	the minister will give his answer and if he wishes, he may read it When the government wants to postpone a PMB vote, and the proposer agrees, the Speaker will ask if there is an	Neutral	PMB technical limits
11th	17/12/86	objection, and if so the Knesset will vote on the proposal to postpone Changing the number of weeks on which no debate on MTAs and PMBs occurs from 4 weeks to any week in which the Knesset debates the budget	Weakened	PMB/MTA time limits

Knesset Date	Date	Change	Strengthened/Weakened	Conceptual Framework
11th	27/7/88	Mandating that the minister who was asked a question give the answer, unless the proposer of the question agrees that another minster will answer, or unless the Speaker thinks there are justifiable circumstances	Strengthened	Questions technical limits
12th	68/9/9	Giving the initiator of a PMB the right to ask the bill does not go back to the committee that prepared it for the preliminary vote	Strengthened	PMB: killing in committee
12th	27/7/89	Decrease MKs' justification time when proposing a MTA from 5 to 1 minute	Weakened	MTA time limits
12th	27/7/89	Shortening the maximum time from submission of a PMB until the Knesset debates it from two months to 45 days	Strengthened	PMB time limits
12th	12/2/91	Giving MKs the right to ask the knesset Committee to intervene in case 6 months have passed since a PMB/MTA were assigned to a committee, and the later did not send it back to the floor	Strengthened	PMB/MTA killing in committee

Knesset	Date	Change	Strengthened/Weakened	Conceptual Framework
12th	18/3/92	Mandating that the minister of Finance (or his representative) clarifies to the committee that prepares the PMB whether it is a 'budgetary legislation'. If so the bill	Weakened	PMB/amendments content limits
13th	22/3/93	the method for its finance clarifying that if in MTA and PMB the government asked to postpone the vote, and the Speaker ask if there is an oblication that government.	Neutral	PMB/MTA technical limits
13th	13/7/93	can object and the Knesset will vote on the objection to postpone If an MK presents over the podium an object or act inappropriately, the Speaker can, if he sees fit, order the MK to step down and take away	Weakened	Speech Content Limits
13th	3/4/95	his speech rights. Such an MK will not be able to give a speech for 3 sitting days When a PMB is co-sponsored the MKs are entitled to determine the order of names	Strengthened	PMB: technical limits

Knesset	Date	Change	Strengthened/Weakened	Conceptual Framework
13th	3/4/95	An MK has to clearly announce if the topic of his PMB or a similar topic was already introduced in a different PMB (either in the same Knesset	Weakened	PMB content limits
13th	12/6/95	Adding that the faction will determine, given its quota for the session, the date each of its members can introduce MTAs	Weakened	PMB/MTA time limits
		and rimbs, provided that each member is given an opportunity to introduce all the proposals he is entitled to		
13th	2/8/95	Mandating the presence of the initiator of an amendment during its vote	Weakened	Amendments technical limits
13th	27/2/96	mandating the presence of the initiator of an urgent MTA when the Knesset Committee debates its urgency status	Weakened	MTA technical limits
13th	27/2/96	The ethic's committee can revoke an MK's, who was removed by the Speaker, rights to initiate PMBs, questions or MTAs for a period to be determined by the committee but no longer than till the end of the session	Weakened	MTA/PMB/questions technical limits

Knesset	Date	Change	Strengthened/Weakened	Conceptual Framework
14th	1/12/97	Changes in the article that discusses re-tabling of PMBs that the Knesset rejected.  Left the time limitation on 6 months	Neutral	PMB time limits
14th	19/6/98	Prohibiting ministers and deputy ministers from initiating PMBs.	Weakened	PMB numerical limits
14th	19/6/98	Mandating that if an MK goes back on a PMB a group of MKs proposed, his name will be removed from the bill, which	Weakened	PMB technical limits
		stays on the agenda. In the past such reversion led to the bill being removed from the agenda		
14th	1/12/98	An MK may ask the Knesset	Strengthened	PMB/MTA
		months have passed since a matter was referred to a committee and the later did not include it on its agenda		
14th	1/12/98	A committee shall not prepare its chair's bill for first reading, as long as a different proposal is on the committee's agenda for more than 6 months,	Strengthened	PMB killing in committee
15th	3/1/00	Adding the 'one minute speech' tool	Strengthened	

Knesset	Date	Change	Strengthened/Weakened	Conceptual Framework
15th	3/1/00	Adding the 'motion for the	Strengthened	
		debate in the committee' tool		
15th	3/1/00	When an MK continues to speak	Weakened	Speeches
		dafter his time is up, the		technical limits
		Speaker may, in addition to		
		stop the protocol also shut		
		down his microphone		
15th	31/7/00	Extending the 'one minute speech	Neutral	
		tool for an additional $1/2$ a year		
15th	31/7/00	Extending Adding the 'motion	Neutral	
		for the debate in the committee,		
		tool for an additional $1/2$ a year		
15th	31/7/00	Extending the 'one minute speech	Neutral	
		tool for good		
15th	3/1/01	Canceling the 'motion for the	Weakened	
		debate in the committee' tool		
15th	8/1/02	The debate on a PMB will not	Weakened	PMB time limits
		take place before 45 days		
		have passed since it was put		
		the Knesset's floor unless		
		the government agrees to		
		schedule an earlier date		
15th	23/7/02	A committee that prepares PMB for first reading is	Weakened	PMB killing in committee
		entitled, at any time, by its		
		own initiative to bring before		
		the Knesset a proposal to divide the PMB into two proposals		

Knesset	Date	Change	Strengthened/Weakened	Conceptual Framework
15th	13/11/02	No amendment will be added to a bill proposal if it includes insults, cursing or swearing	Weakened	Amendments content limits
16th	8/7/03	Mandating when preparing a PMB/Amendment to verify whether the initiative is a budgetary bill (involves spending over 5 million NIS and the government did not approve of it) in accordance with article 3c of 'the basic law: the State's Economy' and article 39a of the budget foundation bill, which means it has to be approved with a majority of at least 50 MKs	Weakened	PMB/Amendments content limits
16th	22/3/04	The Speaker is given the right to change a question wording to adjust it in accordance with the rules of procedures and its precedents (in addition to the right to disqualify a question althorether)	Weakened	Questions content limits
16th	8/11/04	Despite the minimum 45 days waiting period to debate a PMB, if a similar proposal is initiated it will be brought to discussion at the same time as the first proposal	Strengthened	PMB time limits

Knesset Date	Date	Change	Strengthened/Weakened Conceptual Framework	Conceptual Framework
16th	8/11/04	The MK who proposed a similar PMB to another proposal already on the Knesset's agenda, will justify his proposal for only up to 3 minutes (instead of 10 minutes	Weakened	PMB time limits
16th	6/12/05	Restricting the ability of an initiator of an urgent MTA to send a replacement in the appeal on the Speaker's decision about the motion's urgent status before the Knesset Committee	Weakened	MTA technical limits
16th	22/11/06	6 Shortening the time allotted for ministers to answer a question from 21+21+7 days to 21+7 days only.	Strengthened	Questions time limits