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Politically triggered de-institutionalisation of parliament and the measurement of parliament powers.

I. The research questions

A recurring thesis of legislative research is the ‘decline of parliaments’ that originates from Bryce (1921) and develops the idea that governments dominate the parliamentary arena. The Hungarian case has fit well in this stream (Ilonszki, 2007; Zubek, 2011) with the strengthening of the power of the executive. Recently, however this trend seems to carry more weight in the transformed Hungarian political landscape, the loss of the democratic parliamentary capacities contributes to the deterioration of democracy itself. The decline of parliament has been interpreted as part of the de-democratization process (Szymanski, 2018). In our paper we would like to contribute to this approach by mapping the process of the decline. We argue that the current trends and events go beyond the decline thesis and can be interpreted as a process of de-institutionalisation that is indeed an inherent part of the de-democratization process itself.

The paper aims to dwell on two specific research questions. The first is the de-institutionalisation of parliament in Hungary where formerly, in parallel with the regime change in 1989-1990, parliament had been established as one of the basic democratic institutions. In the past decade however new rules and procedures have been introduced and as a result of these changes and the transformation of the ‘political environment’ the institution has lost several of its former functions. Academic literature writes extensively about the demise of democracy regarding the Hungarian case but there is no systematic research on how this process has been taking place with regard to parliament. We shall claim that the Hungarian parliament has been substantially transformed and this transformation be understood as de-institutionalisation, which appears as a further ‘risk of destabilisation’ (Schuler and Malesky, 2014: 2) in the demise of democracy. Thus, the conceptualisation and the analysis of parliamentary de-institutionalisation can add not only to parliamentary studies but to the de-democratization literature by unfolding the process itself.

The analysis of the de-institutionalisation process connects to the second research question which targets indicators of parliamentary power. We ask whether the indicators that are commonly used to unfold parliamentary powers are fully applicable under these conditions. Can they rightly measure the powers of parliaments in cases where both transformation and the elevated role of political triggers of this transformation are obvious? While our test case is one country we claim that ‘...attention to specific cases can spur recognition of dilemmas’ (Adcock and Collier, 2001:539). It is a real dilemma that even the more recent studies measuring

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parliamentary powers place the Hungarian parliament on a relatively high ranking position indicating a certain institutional autonomy and capability (Chernykh and al 2017).

In the second and third part of the article we shall briefly present how the de-democratisation literature and the literature about non-democratic parliaments can be connected to our de-institutionalisation case. Then in the fourth part the steps and the process of de-institutionalisation will be introduced for the Hungarian case through the institutional reforms that indirectly or directly influence the workings of the Parliament. Finally, in the fifth party we dissect the indexes of parliamentary power in order to test their adaptability to the Hungarian case.

II. The literature on the demise of democracy – and their relevance on studying parliamentary de-institutionalisation

Between the 1970s and 1990s academic literature was overloaded with the theme of democratization whereas in the past two decades de-democratization attracts attention. In this process various well based arguments emerged to explain the change and establish typologies of the evolving regimes. Indeed, the notion of hybrid regimes pesters academic literature for more than two decades now (Collier and Levitsky, 1997; Levitsky and Way, 2002) that is the typology of regimes that would not qualify as either democracy or autocracy. The hybridisation theme – while had touched upon the post-communist region from the start - has become increasingly relevant in some of these third wave democracies, including Hungary where the democratic credentials of the regimes have been seriously undermined. It is not our task here to provide an overall summary of this field of academic research, but it is unavoidable to focus on three aspects that are instructive for parliamentary de-institutionalisation and for Hungary.

First, as to the country case, it seems that the typologies applied often vary, due to the different indicators and measures they are built upon. Hungary is clearly placed among the defect cases but significant differences can be observed. For example, Tomini and Wageman (2017) place Hungary among the cases of democratic regression (as opposed to breakdown), while Mainwaring and Bizzarro (2019) step back from qualifying the case as either democratic erosion or breakdown. *Second*, varied typologies hint that other approaches might also be necessary in understanding de-democratization. Some of the broader de-democratization literature also warns that the process and the steps are often neglected aspects of de-democratization. For example, Bogaards (2018) notes the complexity of the Hungarian case claiming that as the defects of the regime are several, more in-depth analysis is needed to dig up the nature of the transformation. This is very much in-line with our argument, namely that specific episodes of the transformation that we conceptualise as de-institutionalisation will illuminate how de-democratization is taking place. Tracing the process and outlining the critical steps and strategies that guide the transformation will demonstrate the time-line, the direction, and the dynamics of the change – thus will provide a fuller picture of the transformation. More recently, in a broad comparative frame the importance of the process of de-democratisation has been eloquently demonstrated, exceeding the dichotomous approaches (Lührmann and Lindberg, 2019). They claim that ‘any move away from [full] democracy (:5)’ points towards autocratization and this move (or rather moves) provide evidence that help grasp the true nature of the regime. This move with its incremental changes is what we aim to follow up in the de-institutionalisation frame of parliament. De-democratizations should connect to de-institutionalisation with a nuanced analysis of the steps, the process itself and the consequences of course. With regard to parliaments this direction is virtually missing from the de-democratization literature altogether. There is a *third* aspect that should be noted as have

relevance for understanding de-institutionalisation. That is the causes of the process. In harmony with the academic findings we accept that among the potential causes the politically triggered nature of de-democratisation appears with a force in the Hungarian case (Ágh, 2016). Put it bluntly, it is not some economic or political crisis or international blow that can be found in the background. This has implications for de-institutionalisation, draws attention to the importance of agency and the steps and processes as well.

III. Parliaments in non-democracies - and the problem of de-institutionalisation

As referred to above, Hungary is regarded to proceed on the autocratisation track. While the literature on democratization prompted researchers to compare institutions in newly democratized countries to ‘old democracies’ and their institutions, the autocratisation literature motivates us to compare the Hungarian parliament to ‘established’ parliaments in non-democracies. Can we better grasp the essence of de-institutionalisation by comparing our case to non-democracies? Parliaments do exist in authoritarian and even in totalitarian regimes. Are their workings and their functions instructive about a parliament that formerly had been a legitimate institution in a democratic regime but it has been under attack and losing ground? In what sense can they be similar and in what sense the differences are pronounced?

We shall argue that de-institutionalisation offers a special context which explains the differences. The particularity of the Hungarian case lies in the process of de-institutionalisation itself, which makes it different from most authoritarian regimes. At the same time similarities can also be observed. We shall limit this discussion to the major aspects that appears in the literature about authoritarian legislatures, the opposition function and the legitimacy function.

There are two major issues concerning the function of parliaments in non-democracies: why is opposition accepted and what functions it fulfils, and more broadly why do parliaments exist in those regimes at all? There seems to be a change in the focus of the literature on parliaments in non-democracies as formerly the question had been what was the purpose to maintain the opposition while more recently the main question is how the parliament per se serves the benefit of the regime (Schuler and Malesky, 2014). Regarding the opposition it has been found that even dictators make concession to the opposition in terms of policies as this will cost them less than a possible internal conflict or serious challenge. This is so even if in the final count the outcome of the concessions is arbitrary (Gandhi and Przeworski, 2006). Thus the opposition gets benefit and might enjoy rent seeking in an authoritarian legislature (Loidolt and Meecham, 2016) above and exceeding its genuine interest, namely to maintain its visibility for the next round of elections.

It seems that in established authoritarian regimes the small benefits appear as big achievements. In contrast, in our case among the conditions of de-institutionalisation the two sides (governing forces and opposition) formulate their goals differently and evaluate the context differently. In the process of de-institutionalisation those in power do not want to give concessions rather they aim to go to the ‘wall’ and constrain the opportunities of the opposition to the extreme. The opposition facing the pressure reach a point when they find only counter attack as a possible strategy. On their side, the ‘feeling of failure’ is pronounced, which often seems to have a paralysing effect: they react late, they are disoriented, they miss important issues. De-institutionalization provides not only declining opportunities but also give the opposition a feeling that sucks their force. Occasionally building up new allies and even co-optation might serve the interests of the authoritarian regime and its leaders. In the process of de-institutionalisation this is out of question: the aim is to make the opposition defunct. Thus, in this first important aspect we can rightly claim that differences between authoritarian legislatures and our case are obvious.

With regard to the mere presence of the parliament, that is why do they exist at all, similarities can be found. For the existence of legislatures in non-democracies an obvious reason is the international attention: parliament serves as a source of legitimacy for international as well as for national audience. Schuler and Malesky argue that ‘If the legitimacy argument holds, the regimes in question are not necessarily required to set up the parliament as a credible constraint on their rule in order to achieve their aims. Instead, the regime will only grant the parliament as much power as necessary to legitimize itself before its intended audience, be that domestic or foreign.’ (Schuler and Malesky, online) This is exactly what we can observe in the de-institutionalisation process in Hungary. The international context remains sensitive and attentive to formalities, structures. At the same time however it will leave the incremental steps unnoticed, including steps and processes that have a detrimental effect on the institution and even on the broad democratic context.

These observations lead us to two further points that should be included in the analysis of parliamentary de-institutionalisation: the dynamics of the process and the context of the process.

As Sieberer et al have demonstrated parliamentary institutions often change. These changes can take various forms such as additions, deletions, modifications, can either address efficiency issues or redistribute power among parliamentary players and can range from substantive to more nuanced changes (Sieberer et al, 2016). Still the concept of de-institutionalization is not applied for most of those transformations, for good. The threshold is whether a qualitative transformation is going on. Former research on Hungary documented the quantitative transformations: how the initially central role of the parliament diminished with rationalisation, noting even marginalisation tendencies and more recently with more attention to the partisan context even the potential threats to its democratic working (Ilonszki, 1996, Ilonszki 2007, Olson and Ilonszki 2011). These former adjustments cannot be regarded as de-institutionalisation however. In this paper we claim that it is the post-2010 decade that can be analysed within the de-institutionalisation frame as they represent qualitative transformation. The time frame is important as it is relatively fast thus this seems to contrast the findings that (similarly to institutionalisation) de-institutionalisation is a slow – and possibly even a slower – process (Wilson and Woldense, 2018). While de-institutionalisation indeed happens step by step it cannot be regarded as slow. Our argument in this regard connects to the politically triggered nature of the transformation: the main actors were decisive and institutionalised the transformation within a relatively short time frame.

The analysis of de-institutionalisation requires a more context driven approach than the analysis of stable institutions, parliaments included. Without considering the actors and their impact the true nature of the institution is difficult to grasp (Cox and McCubbins, 2005). There are three developments that demonstrate the importance and the effect of the context: the governing force in Hungary, i.e. the Fidesz party is a totally unitary actor; it enjoys a 2/3rds constitutional majority in parliament; the unitary party is highly personalised and single leader centred. These features imply that party (and its leadership) takes hostage of parliament. The process of de-institutionalisation can be understood on these grounds.

How can de-institutionalization be conceptualized and how is it different from the decline of parliaments? We argue that *the decline of parliaments* is conceptualized as the dominance of the government over the parliament where the government effectively utilizes the tools available in the parliamentary arena to its advantage. In most cases however the government can only effectively exercise this dominance under specific circumstances: one party governments with stable majority. *The de-institutionalization process* is conceptualized as the *capture* of the parliament by the government. It is feasible under specific circumstances when

the government enjoys qualified majority that enables it to not only exercise its dominance in the given parliamentary cycle but to *cement* it through institutional changes. Finally, the government *consolidates* the total capture through the repeated (mis)use of the modified rules. Thus the de-institutionalization process is complete if we can observe the three Cs fully obtained: the *capture* of the parliament, the *cementation* of the institutional changes and the *consolidation* of the new rules through their repeated (mis)use.

IV. De-institutionalisation in practice

The working of the Hungarian Parliament is embedded in a wider institutional framework which changed radically when the new Hungarian constitution, the Fundamental Law of Hungary entered into force on 1 January 2012 along with seven amendments introduced between 2012-2018. The constitutional redesign of the institutional system was complemented with a new set of regulations regarding most aspects of the Hungarian political system among others local governments (2011), the electoral system (2012) and public procurements (2015). Here we focus on the changes that related directly to the workings of the Parliament while keeping in mind that the systemic shift of the power structure is present in most aspects of the political context. First, we briefly analyse the changes to the contextual factors namely electoral system and the external veto-players then we introduce the internal changes namely the new law on the Parliament and the reform of its rules of procedure.

The new electoral law (Act CCIII of 2011 on the Election of Members of Parliament) was passed in 2011 and first applied at the 2014 general elections. The new regulation reduced the membership of the parliament from 386 to 199 elected in Single Member Constituencies, SMDs (106) and party lists (93). The new system strengthened the majoritarian element of the mixed electoral system through various measures such as the increased proportion of MPs elected in SMDs, the shift from absolute to relative majority requirement in SMDs and the compensation of winners in SMDs (for a detailed analysis see Várnagy – Ilonszki, 2017). The shift towards majoritarian logic increased the disproportionality of the electoral system resulting in lower threshold of gaining qualified majority for the dominant party.

Regarding the veto-players present in the legislative process the Constitutional Court and the Fiscal Council should be mentioned. The Constitutional Court can intervene in the legislation process mainly through the constitutional review of the legislation. In this dimension we can observe the increase of minority rights in the Hungarian Parliament as before the reform of the Constitutional Court only the Speaker of the House could initiate such review, while now one fifth of the MPs can ask for a constitutional review. However, since 2010 the Court's authority was severely restricted by reducing the scope of constitutional review. Also, the composition of the Court was modified in a procedure that Vincze call 'Court packing'. It refers to the staffing of the court by loyal members by the increase of the number of its members from 11 to 15 in 2011 and by the changes introduced to the nomination process of the candidates that weakens the influence of the opposition (Vincze, 2014:92-93). In the framework of the new Hungarian Constitution and the Stability Act, a Fiscal Council was established in order to enforce the budgetary policy target and combat public debt. According to Kovács it gave the Council 'a public law role in the process of drafting the annual budget act, or a 'veto right' to put it simply, in so far as in addition to providing opinion prior to the submission of the draft budget, the prior approval of the body is also needed for the closing vote of the budget bill. They can allow a budget bill to get to the closing vote only if it satisfies the requirement of the fundamental Law concerning the reduction of public debt-to-GDP ratio. If the Fiscal Council refuses to grant its prior approval, the procedure has to be repeated until the proposal submitted to the body satisfies constitutional requirements, and the fiscal council gives its prior approval necessary for the acceptance of the bill.' (Kovács, 2016:318).

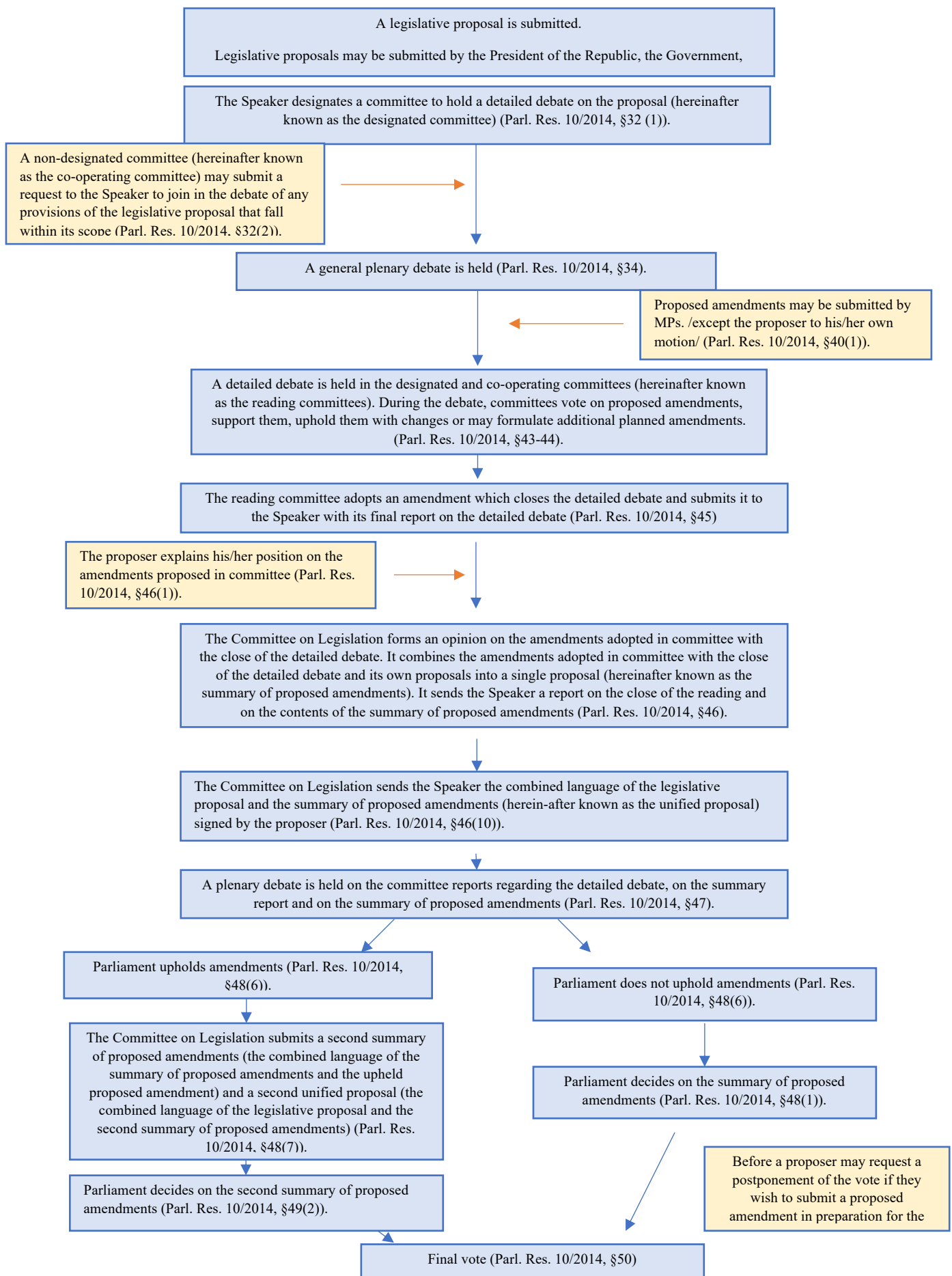
The direct reform of parliamentary work was introduced through the Act of XXXVI of 2012 on the National Assembly and the Resolution 10/2014 (II. 24.) OGY on certain provisions of the Rules of Procedures. While this was not the first time that the rules of parliamentary work changed, we argue that this reform enabled a critical shift in the parliamentary power structure favouring the government and considerably weakened the control function of the parliament. In order to support this claim a short overview of changes is due: the first democratically elected parliament functioned under the resolution on the rules of procedure issued in 1956 that was amended by the last non- democratically elected parliament three times (twice in 1989 and once on its last sitting in 1990) in order to enable the formation of the newly elected parliament and to accommodate some basic democratic elements. The regulation was deemed transitory and with the launch of parliamentary work in 1990 the need to rationalize became apparent so in 1990 a committee was designated to work out the new rules of procedures for the parliament. But the need for qualified 2/3rd majority impeded the reregulation of the rules of procedures thus, instead of an overall reforms, eight amendments were introduced to address efficiency issues such as the introduction of extraordinary procedure, the filtering of amendments by the committees and the special procedures for legislating upon budgetary issues. In the second parliamentary cycle, the social-liberal coalition possessed the necessary qualified majority to introduce a new regulation redefined all of the critical dimensions of the parliamentary work. Concerning the legislative work, the most important change was the introduction of the filtering function of committees that were enabled to assess the viability of bills and amendments. Also, a stricter time schedule was established for debate and the informal arrangements (for example the organisation and the role of the House Committee) were institutionalized. Also PPGs were strengthened: an increase in the number of MPs necessary to form a PPG was accepted and strong control over how MPs can change PPGs (after serving six months as independents) along with the limits on individual MPs work (such as the committee control over single member bills and the fact that only PPG leaders can speak before the orders of the day) were introduced. While the ruling coalition possessed the necessary majority to legislate upon the rules of procedures, the legislation was accepted consensually with more than 90% of votes of MPs.

In the second half of the '90s there were only minor changes in the rules of procedures. In the parliamentary cycle of 1998-2002 four amendments got the required majority out of which two incorporated corrections necessary for legal harmonisation and two dealt with issues of MPs' immunity and their financial declarations. In the next parliamentary cycle (2002-2006) the rules of procedures were amended three times out of which two addressed the new parliamentary tasks resulting from Hungary's EU membership and one decided to publish committee reports on the Internet in order to promote transparency of the parliamentary work. These changes are clearly the result of the need for adaptation which is one of the driving forces behind parliamentary reforms (Sieberer et al, 2011). The need to address constitutional deficiencies pointed out by the Constitutional Court brought along a set of modifications in 2007 that strengthened the individual MPs' rights with special regards to independent MPs. Also, the minimal number of MPs required to form a PPG was decreased from 15 to 10 persons to ensure that parties reaching the 5% threshold at the election can form a faction. In 2007 the five parliamentary parties introduced the amendment together and its acceptance was higher than 90% at the final voting. Basically, we can observe the dominance of consensual decision-making about parliamentary rules prior to 2010 with a strong emphasis on questions of efficiency.

After 2010 the reform of the parliamentary work was a two-step process with the new law on the Hungarian Parliament accepted in 2012 and the modified rules of procedures accepted in 2014. Here we will analyse the two phases as one reform due to the fact that these regulations are inherently intertwined and complement each other. The new regulation touched upon the

legislative process, the control function of the parliament and the opportunity for political debate. Regarding the legislative process, we can observe a shift of powers to the committees. This shift consists of various elements such as the approval of reports submitted to the parliament as part of the monitoring process or the shift of the detailed debate of the tabled bills solely to the designated committees (assigned to each bill by the the Speaker of the House) This latter modification redesigned the legislative process itself: after a general debate which usually consists of the introduction of the policy and main guidelines of the legislation, the meticulous work of dissecting the proposal takes place only in committees (see figure 1). In this phase the committees also decide about the introduced amendments. The legislation also introduced a new actor: a Committee on Legislation was founded that enjoys a high political status since it reviews the amendments adopted in committees and together with its own amendments, combines the original bill and the modifications into a single proposal. This single proposal called the summary of proposed amendments is to be discussed on the plenary floor.

Figure 1: The legislative process of the Hungarian National Assembly



Regarding the control functions of the parliament, the formation of committees of investigation became dependent on the will of the parliamentary majority as the plenary is to vote on the initiatives for committee formation. Also, the lack of sanctions for refusing to cooperate with the committees remained.

As for the opportunities of debate, we can observe strict limitations: first with the detailed debate taking place in committees an important aspect of the legislative process becomes hidden. However, this aspect needs to be assessed empirically as a certain trade-off is present between the potential negative and positive consequences: professional work can prevail in committees while plenaries enable politicians to talk to their voters. Second, the limitation of the two-minute contributions during the debate results in the loss of what Szabó calls the 'vitality' of the debate, the opportunity to react real-time to the arguments presented (Szabó, 2014:4). Finally, but most importantly the debate became controlled to a certain extent by the Speaker who gained stronger disciplinary rights in the Hungarian parliament.

According to the new rules, the Speaker can apply an arsenal of disciplinary tools as s/he can give warnings to MPs, withdraw their right to speak, reprimand the MP, exclude the MP from the parliamentary session (with the National Assembly taking vote on the proposal for exclusion without debate), decrease the remuneration payable to the MP (with the National Assembly taking vote on the proposal for exclusion without debate) and suspend the exercise of the Member's rights (in case of repeated conduct). The functions of the disciplinary power is to secure the undisturbed proceeding of the sittings, to safeguard the reputation of the National Assembly and the chair and to safeguard the measures taken by the Speaker. The Speaker can order the newly formed Parliamentary Guard to assist with the task of keeping order.

V. Old measures – new realities

In this section we aim to review two indexes – the Fish-Kroenig index and the index developed by Sieberer (2011) – that measure the power of legislatures based on various variables. Following Adcock and Collier (2001) we address the pitfalls of building valid measurements of parliamentary power applicable to defected democracies. Adcock and Collier present the tasks of conceptualization and measurement as a step by step process in which the validity of the concept, the operationalization and the measurement should be checked and if necessary fine-tuned at various steps of the process. Parliament and parliamentary power are contested concepts that regularly relate to the functions of the parliament and to the autonomy of the institution. The literature on parliamentary powers relies heavily on the traditional concept of parliamentary powers that is best captured in Döring's seminal work, 'Parliaments and Majority Rule in Western Europe' (1995) on parliaments that has shaped the assumptions and guidelines of research ever since. While the indexes that are based on this tradition are suitable to measure the power of parliaments in their original context (Western democracies) and were applicable to newly democratized states to assess the level of institutionalization of their parliaments, the route of de-institutionalization cannot be evaluated in this framework. The problems can occur at all levels of the process: regarding scores the lack of variation can limit analytical insight, concerning indicators we can observe the lack of some variables and encounter the problem of contextual specificity of measurement validity. In our case it means that certain indicators do not measure what they are supposed to measure or they have an inverse effect – for example stronger committees can reduce the time spent on plenary debates.

Contextual specificity should also be considered regarding the behavioural aspects: the rules cannot be interpreted without regarding the behaviour of agents who apply those rules and adopt strategies to exploit them. Clearly, a government which behaves as a one-party government and has a qualified majority has the power of exploitation and can profit even from rules that are designed to safeguard against the dominance of the majority in parliaments.

Academic knowledge argues that strong democracies parallel strong parliaments (Fish, 2006) thus measuring the power of parliaments contributes to our understanding of the quality of democracy in a given country. However, the quantification of institutional power proved to be an academic challenge and scholars often chose to focus on individual elements of the parliamentary setting such as committees or veto-players or legislative processes. The Fish and Kroenig Legislative Powers Survey 2009 (32 variables) was among the first comprehensive attempts to conceptualize and measure parliamentary powers. The endeavour attracted substantial criticism (Desposato, 2012) partly on the grounds that subtleties are not captured in the index and thus the different modes of how certain tools are applied in legislatures are not reflected, which leads to problems of scoring. The vote of no confidence is a great example as different types of votes align with different realities: in the Hungarian case the vote of constructive no confidence implies the need for a consensual new prime ministerial candidate which effectively ties the legislature in knots. Clearly the survey itself intended to ask yes/no questions which in our case makes it difficult to track nuanced changes linked to de-institutionalization that often maintain the legal skeleton of a given institution while stripping off its effective powers. While we argue that the changes of 2012-2014 brought along a significant shift of parliamentary powers, this is not reflected in the index which is calculated for the pre- and post-reform period in table 1 even if indicate changes regarding the strength of a given power.

When comparing the two periods based on the Fish and Kroenig index we observe a certain stability of the institutional setup in which only two changes can be detected: *the weakening investigative powers of the legislature and its decreasing capacity to oversee agencies of coercion*. These changes are of different magnitude and thus carry different consequences regarding the behaviour of actors. *The right to investigate* is conceptualised as the legislatures' capacity to conduct independent investigation of the chief executive and its agencies which happens in committees of investigation in Hungary. According to the previous regulations investigation committees were formed automatically upon the initiative of one fifth of MPs. While the post-reform regulation still allows for the establishment of committees of investigation upon the initiative of one fifth of MPs, the decision needs to be approved by the plenary which effectively introduces the majority as a veto-player in the process. While already in the previous parliamentary cycles (1994-2014) only one third of the initiatives led to the effective establishment of a committee of investigation, in the 2014-2018 parliamentary cycle none were formed. Clearly this implies that the new regulation disabled this function. As to the second aspect, part of the control function of the parliament is realized through *the oversight of the agencies of coercion*.

Table 1: Parliamentary Powers Index Score – Hungary (based on Fish-Kroenig, 2009:305 and own calculations)

Influence over executive	pre-2014	post-2014	institutional autonomy	pre-2014	post-2014	Specified powers	pre-2014	post-2014	Institutional capacity
1. replace	X	X	10. no dissolution			19. amendments	X	X	27. sessions
2. serve as ministers	X	X	11. no decree	X	X	20. war			28. secretary
3. interpellate	X	X	12. no veto	X	X	21. treaties	X	X	29. staff
4. investigate	X	x	13. no review			22. amnesty	X	X	30. no limits
5. oversee police	X	x	14. no gatekeeping	X	X	23. pardon			31. seek election
6. appoint pm	X	X	15. no impoundment	X	X	24. judiciary	X	X	32. experience
7. appoint ministers			16. control resources	X	X	25. central bank			
8. lack president	X	X	17. immunity	X	X	26. media	X	X	
9. no confidence	x	x	18. all elected	X	X				

While the changes introduced to the parliamentary rules did not affect the parliamentary powers in this regard, the changes introduced to the Hungarian constitution and the Defence Act curtailed the control rights of the Committee of National Security (Till, 2014). Regarding the behavioural aspect we should also include the boycott of committee meetings, a tool applied by government MPs who decided to abstain from committee sittings convened by the opposition Chair of the committee. Their boycott of the committee sittings resulted in the lack of quorum and thus the government obstructed parliamentary oversight of its activities.

In addition to the above scoring problems the widely used indicators also raise concerns about their validity in the analysis of de-institutionalisation. Among the variables of the Fish-Kroenig index the right to initiate bills allegedly reflects the power of parliament but in an authoritarian regime with a hegemonic party this ‘power’ does not show the power of the representative institution rather represents an escape route of the government. By introducing policies as private member bills to the floor, the government is not obliged to bureaucratically handle the policy (the preparatory phase of bills introduced by the government is managed by the ministries while in the case of private member bills this pre-legislative phase is missing thus the process, especially the social consultation is less transparent). Other problematic variables refer to the electoral functions of parliament. The Hungarian Parliament has indeed the right to appoint the judges of the Constitutional Court by a 2/3rd qualified majority which should be a safeguard against the political dominance of the Court. However, with the government having 2/3rd of parliamentary seats this right enabled the ruling majority to capture the Court through the nomination and selection of favoured candidates. With regard to legislative powers, this step effectively led to the government-capture of one of the few veto-players in the legislative process.

The critics of Fish and Kroenig does not only question the lack of variation but also the lack of attributing different weight to different variables: Is not there a hierarchy among the powers of parliament (Chernykh and al 2017) or are the powers equally relevant (Desposato, 2012), they ask. In an attempt to address this question Chernykh and colleagues weighted the Fish and Kroenig parliamentary power indicators based on an expert survey. The hierarchy of the indicators established a more dynamic picture of parliamentary powers among countries and

also transplanted many countries as compared to the original Fish and Kroenig placement. For example, Hungary's position has changed from the 4th to the 20th place as a result, meaning that according to the weighted indicators Hungary's parliament is the 20th most powerful out of the 158 states under review. This number/grade in itself would call for further analysis in face of the findings presented above: according to the expert survey the power of investigation was considered the most important among the parliamentary powers while our analysis has pointed to its significant weakening. Not to mention here the comparative perspective, e.g. the fact that Sweden's parliament is placed only the 24th or Portugal the 48th according to the Weighted Parliamentary Powers Index.

Exceeding ranking and weighting Sieberer (2011) introduces a complex and nuanced multidimensional index of parliamentary powers based partly on previous seminal works on parliaments and on indexes developed by the author. Sieberer convincingly demonstrates that the index and its variables are capable of measuring parliamentary powers in the Western democracies analysed in his research. The question we address here is whether we can analyse parliament in a non-democracy with the same questions, with the same analytical tools applied in stable democracies? Overall it seems that it also incorporates a bias towards democratic parliamentary regimes. Out of the 14 variables included in the index, five refer to the strength of committees which have long been established as crucial elements in developing institutional autonomy and conducting professional work (Döring, 1995). But what if the strengthening of committees actually reduces the powers of parliament? This is exactly the case in Hungary: the fact that the detailed debate of bills takes place in committees could strengthen the role of committees in the decision-making process and enable MPs to contribute to the debate without the added pressure of the media and public attention paid to plenaries. But the data suggest that there is a perverse effect: on the one hand, committees do not seem to embrace the possibility and responsibility of detailed disputes as the amount of time spent in committee meetings actually decreased from 2010-2014 to 2014-2018 by almost 45-50% (Országgyűlés Hivatala, 2018) which points to the void of professional debate (Orbán, 2014). On the other hand, the lack of detailed debates on the plenary severely limits the opportunity to present policy alternatives or express diverging views on the floor.

Regarding the role of committees, Sieberer's index explicitly incorporates Döring's stance on the importance of amendments or the possibility of rewriting government bills (1995:236). While the committees in the Hungarian Parliament still have the right to propose amendments to the bills tabled for debate, it is the Committee on Legislation that reviews the amendments adopted in committees and together with its own amendments combines the original bill and the modifications into a single proposal. It means that most of the amendments reach the plenary floor only if they were successfully integrated in the single proposal. While the MPs can request the debate of a certain amendment on the floor, the parliamentary bottleneck prompts the actors to revise only the viable proposals and not waste time on amendments that are not supported by the committees thus by the government. This shift towards the revision of the viable document (along with the committee reports though) weakens the potential of presenting, revising and debating alternatives and diverting policy ideas.

Above we have demonstrated the problematic nature of how certain variables are conceptualized and also how contextual specificity can modify the ability of certain indexes to measure the power of parliaments. Here, we should add another aspect to our assessment of the proposed measurements which relates to the lack of certain variables. One prominent example in the Hungarian case is the strengthening of the disciplinary powers of the Speaker of the House. One of the main drivers behind the change was to hinder obstruction, a tool that actually has not been widely used in the Hungarian Parliament. The other reason was to enable the Speaker to deal with the new methods of communication occurring in the Hungarian Parliament

such as the use of megaphones, banners and such. These rules do not only exist in theory as in the 2014-2018 parliamentary cycle there were 22 proposals to decrease the remuneration of MPs.

A further concern relating to the often used parliamentary powers indices that they neglect exogeneous variables more specifically external veto-players. When assessing fiscal autonomy that is an integral if not crucial part of institutional autonomy both the Fish-Kroenig index and Sieberer's work solely focus on indigenous variables: Fish and Kroenig assess whether the executive has the right to impound funds appropriated by the legislature and whether the legislature controls its own resources while Sieberer incorporates a variable of legislative budget institutions based on data of the OECD and the World Bank. This variable consists of six sub-variables such as the time allocated to the parliament to work on the budget bill, the legislative budget capacity and the role of committees in approving the budget. However, in the Hungarian case the parliamentary power over the budget is not limited from the inside but rather by the Fiscal Court (see above). Cox (2014) has underlined the importance of the executive's complementary powers when discussing the legislatures' power over the purse which he regards as a crucial element in institutional autonomy and power. Related to the purse, he explicitly seeks to address the question of 'how authoritarians succeed in preserving the appearance of legislative accountability while avoiding its reality' (2014, online). In Cox's terms the introduction of the Fiscal Court as a veto player to the legislative process on the budget can be labelled as executive-favouring reversion.

The dissecting of the two measures of parliamentary power suggest that their applicability is indeed problematic: the lack of nuanced scores limit our analytical insight and the problem of contextual specificity prompts certain variables to behave perversely while traditional measures fail to include all significant variables in the evaluation. These problems severely damage the applicability of these indexes to the Hungarian case.

VI. Conclusions

Going back to Adcock and Collier, we should ask ourselves where does the problem with the indexes occur? Shall we apply more nuanced tools? That would indeed offer a clearer picture about the level of government's dominance but would still miss important variables such as the disciplinary powers of the Speaker. Shall we include modified and/or new indicators? While it would offer a more complex set of tools to measure the power of parliament, the importance of contextual specificity suggests that there is a need to dig deeper and address the systematized concept or even the background concept applied to the measurement of the power of parliaments. The indexes that we analysed are based on the systematized functions of parliaments (legislative functions, control functions and representative functions in terms of political alternatives). By measuring the parliaments' capacity to fulfil these functions in fact the power of parliament is measured.

In our paper we argue that the Hungarian Parliament is not declining as it is understood in the academic literature. De-institutionalisation has particular and different properties. The Hungarian Parliament is captured because the overwhelming dominance of the government is derived from contextual factors that go far beyond the parliament itself. In a sense the parliament is a reflection of the changes that reshape the constitutional and political context. Instead of an institutional equilibrium where certain rights of the institution to control are balanced, we can observe a total takeover: the parliamentary legislative process is controlled by the government, its scope is limited by the Fiscal Council (established and staffed by the government), its output controlled by the Constitutional Court (curtailed and staffed by the

government). This is what we call Capture of the parliament which is Cemented partly through the introduction of points of control such as the Committee on Legislation, the disciplinary Speaker and external veto-players that limit the input side of the legislation (Fiscal Council) and the output side as well (Constitutional Court). Cementation of further ensured by the use of regulations that require qualified majority. The analysis of the behavioural aspect of parliamentary processes suggest that the repeated use of these rules Consolidates the capture. The establishment of committees of inquiry is repeatedly refused by the plenary and opposition MPs are repeatedly fined by the Speaker. Based on this three Cs we argue that the Hungarian case can be labelled as a case of de-institutionalization.

The process can be understood as de-institutionalisation in terms of parliament, and de-democratisation in terms of the system. De- institutionalisation is a qualitative transformation, when the role of the parliament is both externally and internally undermined resulting in the weakening of its the legislative and control function with only legitimization left.

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