

South Korean National Assembly: the Role of Committee Staffers as Information Providers and Network Managers in the Scrutiny of Government Law Bills

Submitted by Deogyo Seo, to the University of Exeter as a thesis for the degree of Doctor of Philosophy in Politics, May 2017.

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Acknowledgements

Doing a Ph.D. outside my country was the last thing that I had thought to do in my life. The heavy workload of a legislative staffer in the South Korean National Assembly did not allow me to prepare the application to study abroad. The special aspects of my family (an autistic daughter) made me worry about whether I could manage to do both academic research and family life even in my home country. This work could not be completed – it could not even be started – without love, help, support and insights provided by the people and institutions surrounding me. This thesis is not my own work, but the work of all of them who have supported me.

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Abstract

The aim of this thesis is to investigate the role and impact of the committee staff of the South Korean National Assembly in the scrutiny of government bills. It also explores the factors affecting their role and impact focusing on the scrutiny of government bills. Parliamentary staff globally have not drawn much academic attention with the exception of those in the U.S., and it is difficult to apply the theories and concepts in American studies to staff in the legislatures of other countries due to the peculiarity of legislatures in the U.S. Moreover, previous literature on parliamentary staff has not given much attention to the roles of staff in mediation and negotiation between policy actors.

This research sets out the framework consisting of macro-level institutions, network, actors and the interaction between actors, and uses the perspectives of policy network theory and new institutionalism to derive key concepts, in the context of the South Korean National Assembly, on the features of network; the capabilities and orientations of MPs and committee staff members; and historical contexts affecting the evolution of institutions. In order to collect and analyse empirical data, this research conducted qualitative interviews with 38 committee staff members; amendment analysis on 787 amendment opinions in the scrutiny of law bills; and legislative case studies on four cases of the legislative process.

The thesis argues that the committee staff provide information and guide the scrutiny; consult with and mediate between policy actors; and play a limited role in setting the items of the subcommittee meetings. Generally speaking, the impact of them is found to be strong, as evidenced through the interview data and amendment analysis. This is because the orientation structures and capabilities of MPs and committee staff members are conducive to MPs' delegation of detailed scrutiny to committee staff members; staff members' participation; and MPs' agreement with them according to the interview data. In addition, political controversy affects the role and impact negatively, but technical complexity affects positively according to the interview data and amendment analysis. These findings are also supported by the legislative case study. The committee staff conducted substantive roles in the scrutiny of uncontroversial bills, but their roles in amending bills were limited to the translation of the agreement between parties in the scrutiny of controversial bills although they specified detailed amendments

and conducted scrutiny in the aspects of legal structure and wording in technically complex matters.

The contributions of this research are as follows: First of all, it sheds lights on the network managing function of parliamentary staff generally and in Korea in particular in their roles such as consultation and mediation. In addition, it also sheds light on the nature of issue as the factors affecting the role and impact of parliamentary staff differently. Last, but not least, it can be a base of comparative research on the legislative staff through studying non-partisan committee staff. The major limitation of this research is that it does not address whether the findings can be applied to the legislatures of other countries. This limitation is due to the peculiarity of South Korean National Assembly, although it shares some features of the legislative process with those in the U.K. and U.S. But then, this is a major problem with all kinds of comparative social science research and ought not to be an excuse not to engage with these important issues. Thus, the conduct of a comparative research about parliamentary staff of different countries with a consistent framework is suggested as the direction of future studies.

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1. Introduction

1.1. Research Question and the Importance of the Study

The purpose of this study is to analyse the role and impact of the committee staff of the legislature through examining those of the committee staff in the South Korean National Assembly focused on the legislative process of government law bills. The research question is summarised as 'What are the roles and impact of the committee staff of the South Korean National Assembly in the legislative process of government law bills?; and which factors affect them?' This study exploits the perspectives of policy network theory and new institutionalism which emphasise the interdependence of the policy process and the resources, capabilities and orientations of policy actors in the policy process.

The legislative staff organisation has become an important ingredient in the establishment of a robust legislature. Members of the legislative branch who are politicians are likely to have lower policy expertise than the executive officials (Aberbach, Putnam and Rockman, 1981, pp.5-6), and the executive branch are likely to dominate the policy information channel in the legislative process (Whiteman, 1995, p.2). This is an important disadvantage for the legislature in facing complex policy problems as an institution dealing with policies. One of the efforts to overcome this difficulty is the establishment of the legislative staff and support organisation. In the literature about the institutionalisation and professionalism of legislatures, the institutionalisation of a quality staff organisation has been conceived to be important for the establishment of a robust legislature (e.g. Hibbing, 1988; Polsby, 1968; Rush, 2001, ch.5).

Research on the legislative staff is conducted vigorously in the U.S. According to Hammond's (1984; 1996) two comprehensive reviews, studies in the U.S. include those describing the institutional features of staff organisation; those focused on individual staff members (background, recruitment and career patterns); those about staff role and functions; those about the relationship between staff and legislative performance; and those about staff impact. Needless to say, those studies have dealt with staff who work for the most influential legislatures in the world – the U.S. Congress or state legislatures in the U.S.

Research about the legislative staff also has been conducted outside the U.S., but the research is almost all descriptive, institutional and prescriptive. The number of studies about the real role and impact of legislative staff has been small compared with that in the U.S. Moreover, theories, concepts and research hypotheses developed in the U.S. are rarely used in studies about the legislative staff in other countries as Hammond (1984, p.306) states. If we are to understand the legislature as a whole, however, it is necessary to study the legislative staff. This is not just because they are the institutional basis of the legislature, but also because they are actors in the policy process who have their own capabilities and orientations, and occupy a position where they could exercise an impact on public policy basically by providing legislators with information.

1.2. Contributions of the Study

Several contributions are expected from this study. First of all, exploiting the policy network perspective, this study gives its attention to the network managing function of the legislative committee staff, for example, the consultation with and mediation between policy actors, as well as the information and intelligence function which has been focused on in the previous literature. The importance of the network managing function in the policy network has been recognised in governance literature (e.g. Kickert, Klijn and Koppenjan, 1997a; Rhodes, 1997a). Because of the interdependence of the modern policy process and the feature of the legislative process as the policy process, the network managing function would be required during the legislative process, and the committee staff could be a candidate for the network manager. Although the mediation function of the committee staff has been recognised in American literature as the integration function (DeGregorio, 1995; Patterson, 1970; Sidlow and Henschen, 1985), the focus of American literature about the role of the legislative committee staff has been on the information and intelligence function as discussed in chapter 4 (also see Hammond, 1996).

On top of that, exploiting the policy network perspective and new institutionalism which emphasise the resources, capabilities and orientations of policy actors, this study gives its attention to the nature of the issue under scrutiny as a factor affecting the role and impact of the committee staff. As discussed in chapter 4,

the literature in the U.S. has recognised human factors (chair's character or leadership style and partisanship or expertise of staff members) and administrative factors (the structure of staff organisation, committee's terms of reference, chair's tenure and official power of staff) as important factors. However, those factors would not be important in legislatures which were in different institutional contexts from the U.S., for example, the South Korean National Assembly where the committee staff are non-partisan staff and the committee chair has no practical power in the appointment and operation of the committee staff is different from the U.S. Congress. This study focuses on the nature of the issue – the political controversy and technical complexity of the issue under scrutiny – because it affects the value of resources, capabilities and orientations of important policy actors – committee staff members and MPs in this study – in the legislative process.

Thirdly, examining the role and impact of the legislative staff outside the U.S., this research could be a base on which staff in the legislatures of diverse countries are compared. The need for comparative research on the legislative staff has been stressed as Hammond (1996) stated 20 years ago, but most studies in this field are on the U.S. congressional staff who have a different status – partisan staff – from those in many legislatures of other countries, and do not have leverage to give implications to the studies of legislative staff in other countries. The committee staff in the South Korean National Assembly are non-partisan staff and permanent employees of the institution. The legal status of the staff gives the opportunity to compare them with those of the legislatures in other countries who have similar legal status.

Last but not least, this research could present implications for the legislatures of newly-democratised countries in the aspect of the institutionalisation of the legislative branch. South Korea is the 24th with France – the second highest in Asian countries after Japan – in the democracy index 2016 (The Economist Intelligence Unit, 2017), and the 13th economy in the world according to GNI (PPP) in 2015 (The World Bank Group, 2016). It is a country that has achieved both democratisation and industrialisation and could be a good model for newly-democratised countries. When it comes to the institutionalisation of the legislature, the case of the South Korean legislative staff could give insights for them if the competitive staff organisation is found to be helpful for a robust legislature.

1.3. The Context

This research analyses the role and impact of the committee staff of the legislature through examining those of the committee staff in the South Korean National Assembly focused on the legislative process of government law bills. Firstly, this research pays attention to the legislative process of government law bills. A government law bill is a manifestation of a policy of the executive and the executive tries to pass the bill in the legislature to achieve its own policy preference, so the legislative process of government law bills reveals the relationship between the legislature and the executive well and is a policy process in which the legislative staff function as a resource of expertise of the legislature to overcome the discrepancies of policy information and expertise between the legislature and executive. Thus, it is possible to see whether the legislative staff contribute to the policy capacity of the legislature and alleviate the asymmetry of information and expertise by investigating the role of legislative staff in the scrutiny of government law bills.

Secondly, this research focuses on the committee staff. This is because the committee stage is the core of the legislative process in committee-centred legislatures such as that of South Korea and it has been demonstrated that the committee staff play a more significant role in the legislative process than other staff studied in previous literature – especially those about the U.S. congress. Moreover, the reinforcement of committees has been emphasised for the improvement of the legislative process even in plenary-centred legislatures (e.g. the British House of Commons) due to the expertise and non-partisan atmosphere of committees (Brazier, 2004) and the consolidation of the committee staff system can be a measure of the reinforcement.

Finally, there are several reasons for selecting the National Assembly of South Korea as the context of this research. First of all, the committee staff in the South Korean National Assembly are non-partisan staff and are immune to political appointments as are those in many countries except the U.S. where the committee staff are appointed and dismissed by committee chairs or ranking minority members usually on a partisan basis. Therefore, this research could provide different implications about the relationship between MPs and staff members from those of research in the U.S. which are difficult to apply to other legislatures where staff are non-partisan. On top of that, the committee staff in

the South Korean legislature can present their reviews on bills and suggest their opinions at the committee and subcommittee meetings. This unique procedure enables investigation of the impact of the committee staff, and the study of the committee staff, who can advise MPs on the policy aspect at official committee meetings, could provide implications for discussions about the improvement of the legislature's policy expertise in the legislative process by the reinforcement of the legislative staff system. Finally, the researcher has been a legislative staff member in South Korea, which gives an insight for this research and enables easier collection of data and conducting of research about the legislature.

1.4. Theoretical Perspectives and the Basic Arguments of the Thesis

The role and impact of a policy actor in the policy process derive from the interactions that the actor has with other policy actors. Therefore, if the role and impact of a policy actor are to be investigated, the interactions and relationships among actors have to be examined. The interactions and relationships are affected by the features of actors, the policy network and macro-level institutions in which the actors and network are embedded (Marsh, 1998a, pp.192-197; Marsh and Smith, 2000, pp.4-10; Scharpf, 1997, ch.2). Actors are direct agents of interaction (Dowding, 1991, p.10). Networks provide the locus in which the actors behave, and actors are bearers of their positions in the network (Marsh, 1998a, p.194; Marsh and Smith, 2000, pp.6-7). Networks also affect the setting of issues and solutions and the way they are dealt with (Marsh, 1998a, p.195; Marsh and Smith, 2000, p.6). Macro-level institutions exert influences on the change of networks (Marsh, 1998a, p.195; Marsh and Rhodes, 1992a, pp.257-258; Marsh and Smith, 2000, pp.7-8; Smith, 1993, pp.93-97) and affect actors' capabilities and orientations (Goodin, 1996, p.17; Marsh and Smith, 2000, pp.6-7; Pierson, 2004, p.169; Shaprf, 1997, pp.12, 40). One more important point to be mentioned is that the formation of macro-level institutions is affected by historical contexts (Thelen, 1999, pp.382, 384).

Therefore, it is necessary to analyse the features of those elements (interaction among actors, actor, network, macro-level institutions and historical contexts) and the relationships between those elements. For the purpose of this study, it is necessary to analyse the features of actors and networks relevant to the

legislative process and macro-level institutions surrounding the legislature and the mechanism through which their features affect the interaction between committee staff members and MPs in the legislative process. In this study, policy network perspectives and new institutionalism are adopted for the work. The policy network perspective is useful for the analysis of the features of a network and the relationship between network and actor (especially the capabilities of actors) and between the network and interactions among actors. New institutionalism is useful for the analysis of features of actors and the relationships between: actors and interaction among actors, actor and macro-level institutions, and the network and macro-level institutions. It (in particular, historical institutionalism) is also helpful for the analysis of the origins and formation of macro-level institutions affected by historical contexts.

When it comes to the policy network perspective, the focus is on the interdependence due to resource dependency and on network management. First of all, a resource dependency approach is useful for the explanation of how the interdependence in a network affects the capabilities of policy actors and interactions among them. According to the approach, policy resources are dispersed among policy actors and they need to interact with each other to exchange or transact resources that they want (Kenis and Schneider, 1991, p.36; Klijn, 1997, p.22; Rhodes, 1986a, p.17; 1999, pp.78-79; Van Waarden, 1992, p.31). The capabilities (power) of policy actors are based on the resources they have and the way resources are transacted (Klijn, 1997, p.22; Rhodes, 1986a, p.17; 1999, pp.78-79; Smith, 1993, p.59).

On top of that, the focus on the network management emphasises that the feature of the network as a mechanism of collective action requires the function of network management in the interaction among actors in the policy network. The aims of network management are coordinating actors with different interests and orientations to a policy issue and enhancing the joint problem solving ability of a policy network (Kickert, Klijn and Koppenjan, 1997b, p.10; Kickert and Koopenjan, 1997, p.45). Thus, facilitating negotiation and consultation between actors is one of the foci of network management (Kickert and Koppenjan, 1997, p.44). The abilities and skills required a network manager include those of negotiation or mediation, a certain amount of expertise, impartiality and

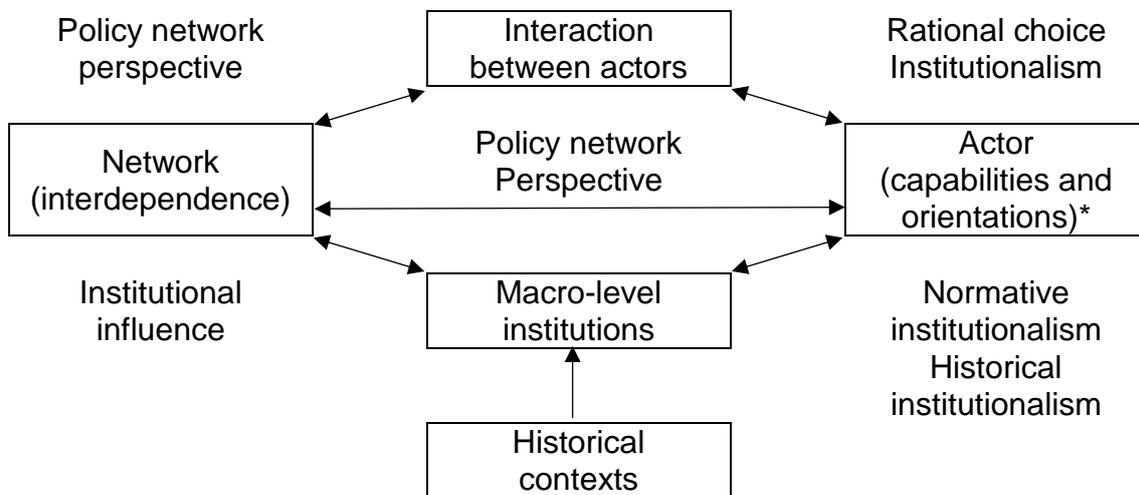
independence, and other actors' acknowledgement of the network manager's legitimacy (Kickert and Koopenjan, 1997, p.58).

Among the diverse approaches of the new institutionalism, this study pays attention to rational choice, normative and historical institutionalism. First of all, rational choice institutionalism pays attention to individual actors' intentional behaviour to maximise their own utility (Peters, 2012, p.51). It is useful for the explanation of strategic interaction among actors that is affected by their capabilities and orientations (Hall and Taylor, 1996, pp.945, 951; Scharpf, 1997, pp.5-6) and for the examination of social actors' self-interested orientations. Normative institutionalism suggested by March and Olsen (1989; 1995; 1996; 2006) emphasised the logic of appropriateness that enforces actors to oblige with their socially expected role in a given circumstance (March and Olsen, 1989, p.160). It is helpful for the examination of the influence of macro-level institutions on the orientations of actors. Historical institutionalism focuses on the influence of decision making in the past and derives key concepts, such as path dependence (Hall and Taylor, 1996, pp.941-942; Levi, 1997; Peters, Pierre and King, 2005; Pierson, 2000; 2004; Thelen, 1999), critical juncture (Collier and Collier, 1991) and punctuated equilibrium (Krasner, 1984) to explain the influence. It is good at tracing the origins and formation of macro-level institutions affected by historical contexts.

In particular, when it comes to the orientations of MPs and committee staff members, this study refers to specific theories in the tradition of rational choice and normative institutionalism. For the orientations of MPs, Fenno's (1973) triads (re-election, influence within the House and good public policy); the orientations to re-election (Mayhew, 1974; Fiorina, 1989); Searing's (1994) four preference roles (policy advocate, parliament men, ministerial aspirants and constituency members); and Rush's (2001) three roles (a partisan role, a constituency role and a scrutiny role) are referred to. For those of committee staff members, the career-concern model (Dewatripont, Jewitt and Tirole, 1999a; 1999b; Dixit, 2002, pp.703-704; Holström, 1982) that focuses on the civil servants' orientations to promotion and growth in their career and public service motivation theory (e.g. Perry and Wise, 1990; Perry, 1996; Perry and Hondaghem, 2008a; Perry and Vandenaabeele, 2008) that emphasises altruistic and community-oriented

features of civil servants' motivations are referred to. The theoretical framework and perspectives discussed so far is summarised in figure 1.1.

Figure 1.1. Theoretical framework and perspectives



* Those terms – capabilities and orientations – are borrowed from Scharpf (1997).

The basic arguments of this thesis are derived from the application of those theoretical perspectives to the scrutiny of government law bills in the legislature of South Korea. When the discussion about the interdependence and network management is applied to the legislative process, the legislative arena is perceived as a network of interdependent actors in which each individual actor cannot monopolise all resources necessary in the legislative process. The capabilities of each actor in the network is based on the resources that they have. The legislative process is perceived as collective action among relevant policy actors. This interdependence requires the network management function in the legislative process. Therefore, the basic role of the committee staff may be to provide information during the legislative process due to their knowledge about the legislative process, technical knowledge in legislation and a certain level of policy expertise (from the resource dependence approach), and they also could be network managers who mediate and arbitrate among other policy actors (from the network management perspective) because the committee staff in the legislature of South Korea are non-partisan staff; do not have any direct stake in an individual policy; occupy the centre of the information channel among other actors; and conduct working level legislation.

The committee staff can exert a substantive impact through the roles of information provider and network manager due to the orientation structure of MPs and themselves. The orientation structure of MPs, who give their attention to their

diverse roles, may inhibit them from focusing on the scrutiny of government law bills. For MPs who have orientations to their own constituencies, parties and policies, the scrutiny of government law bills can have the feature of production of *public goods* in which there is no exclusive reward, but there is a cost of time and attention. Thus, they may delegate detailed scrutiny of government law bills to the committee staff. Conversely, for committee staff members, who are permanent employees of the legislature; have orientations to promotion and growth in their career; are in need of demonstrating their competency in the scrutiny; and have orientations to participate in the policy process and the public interest, the scrutiny of government law bills can have the feature of production of *private goods* from which they take exclusive rewards. Therefore, they may actively intervene in the scrutiny of government law bills.

For the factors to affect the role and impact of the committee staff, this thesis pays attention to the features of the issues under scrutiny – the political controversy and technical complexity in policy and legislation. This is because the two features affect the network and actors' capabilities and orientations. Firstly, political controversy increases the degree of conflict among actors and makes network management difficult. The committee staff who have no official authority have difficulty in conducting the network managing function. It also increases the values of resources that MPs have – official authority and political knowledge and skills – and draws the attention of them because of the high political stakes and opportunities to raise their profile. Conversely, due to the norms of impartiality and anonymity, committee staff members have low motivation for active engagement in the scrutiny. Secondly, technical complexity increases the values of resources that committee staff members have – technical knowledge in legislation and a certain level of policy expertise. In addition, committee staff members have high motivation because they can demonstrate their competency. Conversely, due to the bigger costs of time and attention, MPs may have low motivation. To sum up, political controversy has negative effects on the role and impact of the committee staff, but technical complexity has positive effects.

1.5. The Overview of the Thesis

The next chapter introduces the contexts surrounding the subject of this thesis. The chapter presents an overview of the South Korean National Assembly. First of all, the historical change of the role and function of the legislature is introduced. Secondly, the election, nomination and roles of MPs are explained. Thirdly, the organisation of the legislature – important posts, committees, party and legislative support system – is described. Finally, the operation of the legislature – the legislative process and parliamentary politics – is explained. In the introduction of contexts, the features of institutions affecting the features of the network and actors are explained through tracing the historical origin and change.

Chapter 3 is the introduction of the committee staff system in the South Korean National Assembly with a comparison to those in other countries' legislatures at a descriptive level. The legislatures compared are those of the U.K., the U.S, Australia and Germany. The selection is to explore the influence of formal institutions – the government system (parliamentary system and presidential system), the status of the upper chamber (strong and weak) and the status of committees in the legislative process (committee-centred legislative process and plenary-centred legislative process) – on the roles of the committee staff in the legislature. The organisation, role and function, legal status and norms of the committee staff in those legislatures are described and the differences in the roles of committee staff are highlighted. The committee staff system in the legislatures of those four countries are not referred to again in this thesis, not only because the focus of this study is on that in the legislature of South Korea, but because the aim of the description of those legislatures is to expedite the understanding of that in the legislature of South Korea through the comparison.

Chapter 4 reviews previous literature about the legislative staff. The review basically aims to give a comprehensive review of the studies about the legislative staff. When it comes to the studies in the U.S., however, the review focuses on those about the role, function and impact of the legislative staff. In addition, the literature in South Korea and Western Europe is reviewed. Through the review, the implications and limitations of studies about the committee staff are identified, and research needs and directions are derived.

Chapters 5 and 6 deal with theory and methodology. Chapter 5 discusses the theoretical framework and perspectives of this thesis. The framework consisting of actors, the network, macro-level institutions and historical contexts is

introduced. The policy network perspective and new institutionalism to examine the features of these elements in the framework and the relationship between them are discussed. In addition, from the application of the framework and perspectives, key concepts of this thesis are derived

Chapter 6 discusses methodological issues and explains data collection and analysis in this thesis. This study conducts interviews with the former and current committee staff members in the South Korean National Assembly; amendment analysis which investigates the initiator(s), significance and acceptance of amendment opinions in the scrutiny of government law bills; and legislative case studies which compare the role and impact of the committee staff during the scrutiny of bills that show different degrees of political controversy and technical complexity – the factors affecting the role and impact of the staff. Starting with the discussion of the challenges in studying the legislative staff, the reasons for the use of diverse methods are explained. Then, the methods of data collection and analysis are described as transparently as possible.

From chapter 7 to chapter 9, findings from the analysis of empirical data are reported. Chapter 7 examines the roles and impact of the committee staff. According to the interview data, in addition to the role as information provider, they guide the scrutiny of bills and conduct the consultation and mediation function among policy actors during the legislative process. The reasons they perform those functions are explained through the application of the policy network perspective. In addition, the impact of the committee staff is analysed through the interview data and amendment analysis.

Chapter 8 explains the factors affecting the role and impact. The sources of staff members' impact are identified from the interview data. Based on the sources of the impact, the mechanism through which the committee staff exert impact in the legislative process is traced. From the mechanism, the factors affecting the role and impact of the committee staff are examined. The effects of the two key factors of this thesis – political controversy and technical complexity – are investigated more by amendment analysis. In addition, the nature of staff members' impact is addressed based on the analyses in the chapter and chapter 7.

Chapter 9 is about the legislative case study that examines four cases of legislative process. The argument in chapter 8 that the impact of the committee

staff depends on the features (political controversy and technical complexity) of issues under scrutiny is examined by the in-depth case study. The cases are selected according to the logic of most similar systems design (Przeworski and Teune, 1982, pp.32-34). Through the case study, the concrete examples in which the role and impact of the committee staff vary according to the two key factors in this thesis are presented.

2. The Legislature of South Korea

2.1. Introduction

The aim of this chapter is to introduce the context of this thesis – the National Assembly of South Korea – and trace the relationship between the historical contexts and parliamentary institutions in South Korea. The Provisional Legislative Council convened in Shanghai in April 1919 (Japanese colonial era) could be identified as the first legislature of Korea as the legislative branch of modern democratic policy and the precursor of the National Assembly (National Assembly, 2012). After the liberation from Japan, the Constituent Assembly was convened in 1948 as the legislature of a new independent nation.

The legislature was conceived as weak in the era of the authoritarian regime. The legislature was dominated by the influence of the executive and the imperial presidency of South Korea (Kim, 2004, pp.30-32; Park, 2004a, p.45). Governing parties which were subordinated by the executive dominated the legislature (Lee, 2004, pp.95-96). The concentration of power in the President strengthened the party discipline of the governing party and exacerbated the subordination of the legislature to the executive (Park, 2004, p.277). The President saw the legislature as his subordinate or excluded it from the policy process (Chong, 2004, p.113). The legislature of South Korea was disregarded by the authoritarian dictatorship (Chong, 2004, pp.115-116). The National Assembly of South Korea played the role of rubber stamping to pass bills which the executive preferred (Kim, 2006, p.17).

The need for the construction of a political and administrative system appropriate for rapid economic development weakened the status of the legislature. The efficient mobilisation of limited resources and a focus on promising industries were considered as the way for economic development (Park, 2003, p.28). The executive was centred in the policy making process to implement development policy preferring economic rationality (Park, 2003, p.28). The executive monopolised information and human resources to achieve the goals of economic development (Kang, 2005, p.322). Elites in the authoritarian regimes considered the legislature as an inefficient decision-making body representing special interests or regional interests (Park, 2003, p.29). The

function of the legislature was shrunk under the authoritarian regimes emphasising efficiency (Kang, 2004, p.165; Park, 2004a, p.23).

After the democratisation in 1987, the National Assembly of South Korea began to gain autonomy and power. The power of the inspection and investigation of state administration was resurrected in 1987. Pre-appointment hearings on ministerial and other important posts were introduced in early 2000s. The number of private members' bills has skyrocketed since 1988 and the percentage of government bills rejected by the legislature has also increased (see section 2.4). The law-making activities of MPs have been invigorated and the influence of the executive in the legislative process has been weakened (Lim, 2010, p.33). The legislature has been gaining autonomy from the executive (Kim, 2009a, p.241). The National Assembly of South Korea can be conceived as a policy-influencing legislature in the typology of Norton (1990) (Kim, 2006, p.20).

Legacies from the past, however, also remain in parliamentary politics. The National Assembly of South Korea still focuses on the function of being a safety valve or tension release, rather than on law-making or administrative oversight (Park, 2003, p.100). The conception of the legislature as the arena of political strife still exists, which had the feature of democratic resistance to the authoritarian regimes in the past. Policy capabilities of parties, which were organisations for election campaigns (governing parties) or those for democratic movement (opposition parties), is still weak (see section 2.3). The strengthened power of the legislature has become the weapon of political strife in the legislature and exacerbated conflicts between parties rather than increased the policy capacity of the legislature (Park, 2001, p.72). The National Assembly of South Korea can be conceived as exerting 'strong political control and weak policy control' (Park, 2001, p.72).

This mixed status of the legislature is influenced by the historical contexts of South Korea. The following sections introduce institutions surrounding policy actors in the legislative process of South Korea and provide linkage between the institutions and historical contexts influencing them. The next section is about election, nomination and MPs. Along with the introduction of the election and nomination system and official power, privileges and duties of MPs, the features of electoral cleavages and MPs' roles are explained. The section is followed by the introduction of organisations in the National Assembly of South Korea. After

the explanation of the historical cause of the unicameral composition of the legislature and introduction of important posts (the Speaker, deputy speakers and committee chairs), the features of committees and parties are discussed. Finally, the operation of the legislature is explained. The introduction of official process and features of the legislative process is followed by a discussion about the realities of parliamentary politics. The discussion recalls the mixed status of the legislature of South Korea.

2.2. Election, Nomination and MPs

2.2.1. Election

The official system and its history

The 20th National Assembly in South Korea has 300 MPs. MPs can be classified into two categories by the way they are elected: One is local constituency members, and the other is proportional representatives. The number of local constituency members is 253 and that of proportional representatives is 47. The election of local constituency members is through the first-past-the-post system (*Public Official Election Act 2005, art. 188(1)*). One MP is elected in a constituency. If there is a vacancy in the local constituency, a by-election would be held in the constituency where the vacancy happened (*Public Official Election Act 2005, art. 200(1)*). The constituency of proportional representatives is the whole country (*Public Official Election Act 2005, art. 20(1)*). Candidates for proportional representatives are nominated by parties which decide the rankings of candidates to be elected before the election. The seats are allocated to parties in proportion to the votes obtained (*Public Official Election Act 2005, art. 189*). If there is a vacancy among the proportional representatives, the next candidate according to rankings of candidates succeeds to the seat (*Public Official Election Act 2005, art. 200(2)*). Candidates for MPs should be over 25 years old (*Public Official Election Act 2005, art. 16(2)*). The term of MPs is four years (*The Constitution of the Republic of Korea 1987, art. 42*) and the National Assembly is not dissolved in this term.

The history of the general election system is summarised in table 2.1. One important feature is the distorted allocation of proportional representatives under the authoritarian regimes supporting the interests of the President and governing

parties. The system of proportional representatives was introduced in the 6th general election (in 1963) after the military coup in 1961. The majority party which won the most seats in the local constituency election was guaranteed to secure half (from 6th to 8th) or two-thirds (11th and 12th) of seats allocated to the proportional representation system. The President appointed proportional representatives in the 9th and 10th National Assemblies. The proportional representative system along with multimember districts (2 MPs per local constituency) in the 1970s and 1980s exacerbated the unrepresentativeness of parliamentary elections. For example, the governing party occupied 62.8 per cent of total seats (135 / 231) in the 10th assembly although they obtained only 31.7 per cent of votes (Ho, 2005, pp.231, 239). The electoral legitimacy of the governing party was not secured (Park, 2004a, p.219).

Table 2.1. The history of the general election system in South Korea

General Election	1 st – 5 th (Until 1960)*	6 th – 8 th (1963, 1967 and 1971)	9 th and 10 th (1973 and 1978)	11 th and 12 th (1981 and 1985)	After 13 th (After 1988)
Electoral formula	First-past-the-post	First-past-the-post	Plurality	Plurality	First-past-the-post
The number of local constituency members per constituency	1	1	2	2	1
Ballot structure	Single non-transferable vote	Single non-transferable vote	Single non-transferable Vote	Single non-transferable vote	Single non-transferable vote
Proportional Representatives	No	A quarter of all MPs	One-third of all MPs	One-third of all MPs	Variable (being decreased)
Allocation of proportional representatives	-	Majority party are guaranteed half of them**	Appointment by the President	Majority party are guaranteed two-thirds of them***	According to the number of seats or votes****

* When it comes to the 5th Assembly composed of two chambers, the electoral system for the lower chamber is described.

** Remaining seats were allocated according to the votes from local constituency elections

*** Remaining seats were allocated according to the number of seats from local constituency elections

**** According to the number of seats from local constituencies (13th and 14th, 1988 and 1992, but majority party are guaranteed half of them in the 13th); the votes from local constituency elections (15th and 16th, 1996 and 2000); and the votes to parties for proportional representatives elections (after 17th, after 2004)

Sources: Kim (1998, p.57) and electoral laws from 1948 to 2016

Moreover, the proportional representation system did not contribute to enhancing the expertise of the legislature through recruitment of professionals

from diverse fields. The system was introduced in order that politicians from the military who have no base in a local constituency take seats in the legislature (You and Moon, 2007, p.123). Opposition parties exploited the system to finance parties themselves rather than to secure expertise and representativeness of MPs (Chung, 1995, p.68; You and Moon, 2007, p.123). The committee activities of proportional representatives were not based on their expertise (Chung, 1995, p.73).

The low rates of incumbents' re-election

One of the important features of the general election in South Korea is the low rates of re-election of incumbents as demonstrated in table 2.2. This is because of public distrust of and disappointment in the legislature (Cho, 2000, p.117; Seo, 2010, p.65; Ka, 2013, p.75) due to political strife, fierce conflict and frequent stalemates in the legislature (The public distrust and its causes are discussed in section 2.4). Because of the public distrust, parties recruit candidates from outside and replace incumbents (Seo, 2010, p.65). The replacement of incumbent MPs in nomination is indirectly examined through the number of candidates as incumbent MPs in table 2.3. The real replacement figures in the nomination stage would be bigger because incumbent MPs who do not get the nomination of their own party could run for the election as independent candidates or candidates of other parties. These high rates of replacement of incumbents make professionalization of MPs and securing their policy expertise difficult, which becomes more explicit in the distribution of the numbers of MPs' terms (table 2.4).

Table 2.2. Re-election rates of incumbents in local constituency elections

General Election	The number of local constituency	The number of incumbents re-elected	Re-election rates of incumbents	Turnover rates of incumbents
13 th (1988)	224	66	29.5%	70.5%
14 th (1992)	237	118	49.8%	50.2%
15 th (1996)	253	102	40.3%	59.7%
16 th (2000)	227	118	52.0%	48.0%
17 th (2004)	243	88	36.2%	63.8%
18 th (2008)	245	129	52.7%	47.3%
19 th (2012)	246	108	43.9%	56.1%
20 th (2016)	253	138	53.5%	46.5%

Sources: Seo (2010, p.64) and National Election Commission (2016)

Table 2.3. Candidates as incumbent MPs

General Election	Incumbent MPs	Candidates as incumbent MPs	Replacement rates of incumbents
17 th (2004)	268	167	37.7%
18 th (2008)	291	198	32.0%
19 th (2012)	291	170	41.6%
20 th (2016)	292	192	34.2%

Sources: The report of the proceedings of the National Assembly (various issues) and National Election Commission (2016)

Table 2.4. The numbers of MPs' terms

Number of terms Assembly	1 st	2 nd	3 rd	4 th or more than 4 th
13 th (1988-1992)	174 (56.5%)	60 (19.5%)	43 (14.0%)	31 (10.0%)
14 th (1992-1996)	156 (45.6%)	90 (26.3%)	46 (13.5%)	50 (14.6%)
15 th (1996-2000)	159 (47.5%)	72 (21.5%)	52 (15.5%)	52 (15.5%)
16 th (2000-2004)	139 (44.4%)	89 (28.4%)	35 (11.2%)	50 (16.0%)
17 th (2004-2008)	206 (63.6%)	57 (17.6%)	43 (13.3%)	18 (5.5%)
18 th (2008-2012)	158 (47.7%)	91 (27.5%)	48 (14.5%)	34 (10.3%)
19 th (2008-2012)	171 (51.5%)	73 (22.0%)	53 (16.0%)	35 (10.5%)
20 th (2016-)	132 (44.0%)	70 (23.3%)	47 (15.7%)	51 (17.0%)

Sources: National Assembly Secretariat (2012) and personal correspondence with Proceedings Bureau in the National Assembly Secretariat (2017)

Electoral regionalism

The second important feature of the general election in South Korea is the regional cleavage. Each major party has a regional base where it has dominant status. The regional cleavage is basically divided between south-eastern and south-western areas as demonstrated in table 2.5. This regional cleavage appeared in the 13th general election in 1988. As the founding election after democratisation in 1987, this general election bears the responsibility for the four-party system in which the major four parties had regional bases (Cho, 2000, p.40; Kang, 2005, p.50). The current regional cleavage basically originated in this election. For this reason, the 13th general election was the critical election of Key (1955) that established electoral regionalism (Jung, 2008a, pp.29, 89; Kang, 2005, p.259).

Table 2.5. The rates of regional dominant parties' seats

Regions General Election	South-western area		South-eastern area	
	North Jeolla	Gwangju and South Jeolla	Daegu and North Gyeongsang	Busan, Ulsan and South Gyeongsang
13 th (1988)	100% (14/14) PPD	95.7% (22/23) PPD	86.2% (25/29) DJP	62.2% (23/37) PRD
14 th (1992)	85.7% (12/14) DP	100% (25) DP	68.8% (22/32) DLP	79.5% (31/39) DLP
15 th (1996)	92.9% (13/14) NCNP	100% (23) NCNP	40.6% (13/32) NKP	86.4% (38/44) NKP
16 th (2000)	90% (9/10) MDP	84.2% (16/19) MDP	100% (27/27) GNP	97.4% (37/38) GNP
17 th (2004)	100% (11/11) UP	70% (14/20) UP	96.3% (26/27) GNP	82.9% (34/41) GNP
18 th (2008)	81.8% (9/11) UDP	80% (16/20) UDP	68% (17/25) GNP	70.7% (29/41) GNP
19 th (2012)	81.8% (9/11) DUP	84.2% (16/19) DUP	100% (27/27) SNP	90% (36/40) SNP
20 th (2016)	70% (7/10) PP	88.8% (16/18) PP	84% (21/25) SNP	67.5% (27/40) SNP

Source: National Election Commission (2016)

PPD: Party for Peace and Democracy, DJP: Democratic Justice Party, PRD: Party for the Reunification and Democracy, DP: Democratic Party, DLP: Democratic Liberal Party, NCNP: National Congress for New Politics, NKP: New Korea Party, MDP: Millennium Democratic Party, GNP: Grand National Party, UP: Uri Party, UDP: United Democratic Party, DUP: Democratic United Party, SNP: Saenuri Party, PP: People's Party

Before democratisation, the main political cleavage was whether to support authoritarian regimes or not. The voting pattern is succinctly stated in the phrase of 'governing party in the countryside and opposition parties in the cities' (Cho, 1993, p.53). This cleavage was weakened along with the growth of democratisation. Under this situation, electoral regionalism is attributed to several historical contexts. Firstly, the ideological spectrum among mainstream parties was narrow and the difference in their policies was not big because the confrontation with North Korea and the experience of war kept progressive parties from entering mainstream politics (Cho, 2000, p.48; Choi and Park, 2010, pp.33, 253). Secondly, authoritarian regimes discriminated against south-western areas in allocation of resources and programmes in implementing economic development policies by focusing on south-eastern areas (Cho, 2000, p.48; Kang, 2008, p.473). The discrimination alienated south-western area and brought about regional sentiments (Kang, 2008, p.473).

Thirdly, politicians mobilised regionalism. The democratisation in 1987 was a compromise between the authoritarian regime and pro-democracy forces, and surviving authoritarian forces exploited regional antagonism in their leader's

home region (North Gyeongsang) for electoral interests in the presidential election and general election (Kang, 2008, p.473). Two prominent leaders (*two Kims*) in opposition parties under the authoritarian regimes – one was from Jeolla and the other from South Gyeongsang – constructed a charismatic status during the democratisation movements and also provoked regional sentiments to mobilise support in the elections (Kang, 2008, p.473). Fourthly, the electorate in those regions had the perception that the electoral victory of politicians from their region would be favourable for them from their experience of the implementation of development policies under the authoritarian regimes (Cho, 2000, p.89, 150). Even in Seoul metropolitan area outside the regions, electoral regionalism dominated the people who came from the regions. Finally, centralisation of power to the national government and hyper concentration to Seoul metropolitan area for economic development made the stake of national politics, which allocates resources and benefits, much bigger (Choi and Park, 2010, pp.33, 189). Mainstream politicians depended on electoral regionalism to secure their status in national politics (Choi and Park, 2010, pp.33, 189), and electorates reinforced electoral regionalism to secure their stake in allocation of national resources (Cho, 2000, p.89).

This electoral regionalism has had negative effects on South Korean politics as demonstrated in the following parts of this chapter. A couple of these are worth mentioning here. First of all, elections become zero-sum games between regions, which damages elected leadership and the political system's capabilities for conflict resolution (Park, 2004a, p.116). Parliamentary parties cannot help acting under the consideration of regional interests, which makes cooperation between parties difficult (Park, 2003, pp.80-81). On top of this, public policy does not become important in electoral campaigns (Kang, 2005, p.267); candidates of regions where electoral regionalism dominates depend not on manifestos or their performance in the legislature, but on nomination from the dominant party in the region, which damages the policy function of the legislature (Kim, 2006, p.21).

Generational and ideological cleavages

The third feature of the general election in South Korea is generational and ideological cleavages outside the southern area that electoral regionalism still dominates (Park, 2014). The cleavages appeared in the 2002 presidential election (Kang, 2008, pp.463-466, 473; 2010, pp.131, 138, 206; Kim, 2006, p.91;

Kim, 2009, p.200; Sheen, 2003, p.1). The appearance of the cleavages concurred with the retirement of the two Kims and the emergence of the so-called 386 generation who participated in the democratisation movement in 1980s and had relatively progressive ideology (Kang, 2008, pp.473, 475). Overall, younger voters are likely to be more progressive (Jung, 2008a, p.56; Kang, 2008, p.465) and richer voters are likely to be more conservative (Lee, Lee and Kim, 2013). Candidates from more conservative parties are likely to be elected from wealthier constituencies in Seoul (Park, 2014). This ideological difference has become important for mainstream parties (Kang, 2010, p.233).

The different historical experiences of generations affected the ideological difference between the generations. Older generations, who were poor and had experienced war, became conservative prioritising economic growth and a strong position against North Korea, but younger generations who had grown up in the period of economic prosperity and had no experience of war became relatively progressive prioritising environment and a soft position against North Korea (Auh, 1999; 2004; Jung, 2008a, p.56). South Korea had experienced rapid socio-economic changes after 1960s due to rapid economic growth, so each generation had a different experience in forming their own values (Jung, 2008a, p.60).

A couple of qualifications in interpreting the impact of the generational and ideological cleavages are worth mentioning. One of them is that, as discussed in section 2.3, the major parties in South Korea do not represent the progressive ideology that is important in Western European democracy. The right wing is close to the far right in its position to communism, and the relative progressive parties are not left wing, but close to centrists by the standards of Western European democracy. The link between parties and social classes are weaker than that in Western Europe (Kang, 2010, p.203). The other consideration is that regional cleavage still exerts an important impact. Major parties still have regional bases where they have a dominant status. The southern area dominated by electoral regionalism occupied 36.8% of seats for local constituency members (93 out of 253) and 35.9% of electorates in the 20th general election (2016) (National Election Commission, 2016). Electoral regionalism has even subordinated ideological cleavage in the southern area (Cho, 2004; Choi, 2001, pp.159-163; Kang, 2010, p.134; Moon, 2009). Relatively progressive policies promoted by parties based in the south-western area were opposed by parties

based in the south-eastern area, and the south-eastern area was mobilised to bear conservative ideology. When it comes to the south-western area, the mechanism is operated in the opposite direction. Support for parties and candidates is affected not by occupation or income, but by region and generation (Lee, Lee and Kim, 2013, pp.15-16).

2.2.2. Nomination of candidates

Candidate selection by parties for general elections in South Korea has not been democratic. Under the authoritarian regimes, nominations of governing parties had been at the whim of the President, and those of opposition parties had been as a result of a power struggle between internal factions (Kim, 2003, pp.8-14, 21). The proportional representation system exacerbated the top-down nomination (Kim, 2003, p.13). After democratisation in 1987, electoral regionalism made nomination by the dominant party in the region essential for electoral victory, and the regional support for the party came from that for the leader of the party. Therefore, party leaders monopolised the power of nomination (Cho, 2000, p.41; Kim, 1998, p.73; 2003, pp.14, 19, 20; Lee, 2003, p.42; Lee, 2003, p.102). Even outside the regions dominated by electoral regionalism, voters preferred candidates nominated by mainstream parties and party labels were important (Ho, 2005, p.324; Kim, 2006, pp.241-242). The proportional representation system still concentrated the nomination power in party leaders (Kim, 2003, p.23).

The top-down nomination system has remained dominant even after the retirement of charismatic party leaders (two Kims). The official nomination system for local constituency elections in general elections is based on primaries in constituencies, but the nomination committee in the central party decides candidates for the primaries and whether to hold the primaries. The committee even directly nominates the candidate for the general election when the committee decides not to hold a primary in a constituency. The rates of primaries in the nomination of candidates have been low as demonstrated in table 2.6. Therefore, the nomination system is conceived as top-down and undemocratic (Gill, 2011, p.299; Jeon, 2005, pp.222-224; Jung, 2008a, p.152; Kim, 2004, p.119; Park, 2008, p.49; Yoon, 2012, p.6, 30).

Table 2.6. Major two parties' nominations of candidates for local constituency elections in general elections

Parties General Election	Liberty Korea Party and its antecedents		The Minjoo Party and its antecedents	
	Committee's decision	Primary	Committee's decision	Primary
17 th (2004)	213 (93.7%)	15 (6.6%)	159 (64.4%)	84 (35.6%)
18 th (2008)	245 (100%)	-*	197 (100%)	-*
19 th (2012)	183 (79.6%)	47 (20.4%)	128 (61.2%)	81 (38.8%)
20 th (2016)	109 (43.6%)	141 (56.4%)	179 (76.2%)	56 (23.8%)

* Primaries are not applied in the 18th general election.

Sources: Gill (2011), Jung (2004, p.7), Park (2008), Yoon (2012, pp.21-22), The Minjoo party of Korea (2016) and News articles (Cha and Yang, 2016; Kim, 2016; Kim and Jeon, 2016; Lee, Hong, and Hyeon, 2016; Song, 2016; Yonhap news agency, 2016a; 2016b)

There are several factors in the maintenance of the top-down nomination system. First of all, party organisation has depended on personal leadership and has not been institutionalised (Gill, 2011, p.299). Party organisation had been the electoral organisation of politicians in South Korea (Ho, 2005, p.58; Kim, 2003, p.20; Park, 2003, p.72). The public had been mobilised as party members for the electoral needs of politicians. The percentage of party members who pay party fees is very low (Gill, 2011, p.300). Party members' rights in candidate selection are not a matter of course in South Korea. On top of this, the nomination of candidates has been the result of internal power struggles between factions. The faction holding power in a party wants to nominate more candidates to maintain their power and top-down nomination is appropriate for that goal (Park, 2008, p.58; Gill, 2011, p.306). For example, the then governing party's candidate selection for the 18th and 20th general election was called a 'nomination massacre' and 'stamp row' respectively by the media.¹ Lastly, parties have had a need for the top-down nomination system in order to secure their electoral prospects. Due to the public distrust of the legislature discussed in section 2.4, each party has to show a considerable degree of replacement of incumbent MPs in a general election. The top-down nomination system is helpful for the replacement and the recruitment of freshmen (Kim, 2003, p.15). A bottom-up system based on

¹ The minority faction of the governing party was largely excluded in the party's nomination for the 18th general election. In the 20th general election, the party's leader from the minority faction rejected to approve six critical nominations by nomination committee which are largely affected by the majority faction.

primaries by party members in constituencies is likely to be favourable for incumbent MPs, and incumbent MPs would not give way without top-down nomination from the central party.

2.2.3. MPs

Official power, privileges and duties

MPs have the right to participate in the work of the National Assembly. Firstly, they have the right to speak, debate and vote in committees and on the floor during the scrutiny of bills (*National Assembly Act 1988, art. 58, 60; ch.6, ss. 4, 5*). Secondly, they can introduce bills. Any National Assembly member can propose a bill with the concurrence of 10 or more National Assembly members (*National Assembly Act 1988, art. 79(1)*). There is no official favour to government bills compared with private members' bills in the proceedings of the National Assembly in South Korea. Finally, they have the right to question and demand testimony or submission of documents. They can question to the Prime Minister or ministers on the floor during government interpellation sessions (*National Assembly Act 1988, art. 122–2*). They can hear testimonies from ministers and senior officials of the executive during committee meetings or receive documents from the executive especially during the inspection of state administration or investigation of state administration (*Act on the Inspection and Investigation of State Administration 1988, art. 10*).

MPs have privileges and benefits for undertaking their work. The Constitution of South Korea specifies two legal privileges of MPs. The one is the privilege of exemption from apprehension. During the sessions of the National Assembly, no MP shall be arrested or detained without the consent of the National Assembly except in the case of flagrante delicto (*The Constitution of the Republic of Korea 1987, art. 44*). The other is the privilege of exemption from liability for one's speech in the National Assembly. No MP shall be held responsible outside the National Assembly for opinions officially expressed or votes cast in the Assembly (*The Constitution of the Republic of Korea 1987, art. 45*). According to the *Act on allowances, etc. for National Assembly members 1981*, each MP receives allowances and can employ seven staff members who support his/her work.

However, MPs also have other duties. The Constitution states that MPs should not concurrently hold any other office prescribed by Acts; that MPs have the duty

to maintain high standards of integrity; that MPs should give preference to national interests and should perform their duties in accordance with conscience; and that MPs should not acquire, through abuse of their positions, rights and interests in property or positions, or assist other persons to acquire the same, by means of contracts with or dispositions by the State, public organizations or industries (*The Constitution of the Republic of Korea 1987, art. 43, 46*). According to *National Assembly Act 1988* (art. 25, 155), each MP should maintain proper dignity as an MP; should attend the plenary session and committee meetings; and should comply with legislation and regulations regarding the proceedings.

MPs' roles

The work of an MP can be categorised into those of a representative of his/her constituency; those of a party politician; and those of a policy watchdog and entrepreneur. First of all, MPs have constituency work such as redress of grievances or securing a greater budget and more programmes for their constituency (Park, 1988, p.226; Yoon, 2010, pp.326-327). One of the most important motivations in MPs' constituency work is re-election; constituents expect MPs to be active in their constituency work, and they are more likely to vote for MPs who were active in their constituency work (Park, 1988, p.236; Yoon, 2002a, p.8; 2002b; 2010, pp.333, 341-343). Motivation, however, also comes from the sense of duty as a representative of the constituency (Yoon, 2000, p.165). On top of that, MPs have the role of being a party politician. MPs follow their party's position for political or policy issues in the National Assembly. One of the most important factors in MPs' decision making in the legislature is their party (Jung, 2009, p.163; Ka, 2009a, p.209; Park, 1998, p.218; Park, 1998, p.308). In addition, senior MPs want to assume party posts to increase their political influence and have lots of party work (Sohn, 2004a, p.218). Last, but not least, an MP has the role of being a participant in the policy process. They propose bills to fulfil their own policy preferences; scrutinise law bills and budget bills containing national policy; and oversee the executive through the inspection and investigation of state administration. According to Yoon (2004, p.186), there are MPs who prioritise their policy role and can be categorised into policy advocates in Searing (1994).

Many studies in South Korea have pointed out that the roles of constituency worker and party politician are prioritised rather than the policy role (Jung, 2009,

p.186; Ka, 2009a, p.196; Lee, 2004, p.360; Lee, 2009, p.297; Lee, 2009a, p.258; Lim and Seo, 2013, pp.68-69; Sohn, 2004a, p.218). The hierarchy of MPs' roles is affected by the historical contexts surrounding the legislature. As discussed in section 2.3, the dependence of local government on the central government due to the need for rapid economic development by the central government has made the MPs' constituency work more important. Moreover, there was no local election and elected local government between 1961 and 1995, which makes MPs important representatives of local interests. MPs' role as party politicians has been conceived as important because of the confrontational mode between the governing party and opposition party which originated from the era of the authoritarian military regime and strong party discipline due to the charismatic leadership of parties and the importance of party nomination based on electoral regionalism as discussed in section 2.3 and 2.4.

Even in the policy role, oversight of the executive and sponsoring private members' bills are more important to MPs than the scrutiny of legislation. Oversight of the executive through hearings draw greater media attention than committee meetings to scrutinise bills (Kim, 2006, p.146), which is more helpful for MPs' advertising and credit claiming mentioned in Mayhew (1974, ch.1). MPs' performance in sponsoring private members' bills is an important indicator through which non-governmental organisations or parties evaluate MPs (Ka, 2006, p.70; Kim, 2006, p.215). There is lots of work requiring resources (time and staff) besides the scrutiny of bills for individual MPs (Kim, 2006, p.210; Lee, 2006, p.9).

2.3. Organisation of the Legislature

2.3.1. The number of chambers and MPs

The Constituent Assembly was unicameral. The second constitution in 1952 adopted a bicameral system, but the election of an upper chamber was not held until 1960. After the democratic movement (the April Revolution) in 1960, the fifth National Assembly convened in 1960 had two chambers in which MPs of the upper chamber were elected by a multiple-winner system (from two to eight in a constituency). However, this legislature was the only National Assembly adopting bicameralism. With the coup in 1961, the fifth National Assembly was dissolved,

and the sixth National Assembly returned to a unicameral legislature. Since the 6th National Assembly, the legislature has maintained unicameralism. The number of MPs in each National Assembly is in table 2.7.

Table 2.7. The numbers of MPs

Assembly	1 st (1948-1950)	2 nd (1950-1954)	3 rd (1954-1958)	4 th (1958-1960)	5 th (1960-1961)
MPs	198	210	203	233	233 (lower) 58 (upper)
Assembly	6 th (1963-1967)	7 th (1967-1971)	8 th (1971-1972)	9 th (1973-1979)	10 th (1979-1980)
MPs	175	175	204	219	231
Assembly	11 th (1981-1985)	12 th (1985-1988)	13 th (1988-1992)	14 th (1992-1996)	15 th (1996-2000)
MPs	276	276	299	299	299
Assembly	16 th (2000-2004)	17 th (2004-2008)	18 th (2008-2012)	19 th (2012-2016)	20 th (2016-)
MPs	273	299	299	300	300

Sources: Park (2003, p.58)

One of the most important reasons that the legislature adopted unicameralism after the coup was to construct a political system appropriate for promoting rapid economic development. The authoritarian regime after the coup in 1961 emphasised efficiency of the developmental state, and unicameral legislature was preferred by them because of the needs for more a comfortable and rapid legislative process that supported policies of the executive (Cho, 2010, p.129; Park, 2003, p.59). The decrease in the number of MPs in the 6th assembly is also explained by that reason. The authoritarian regime thought that a smaller legislature would be more rational, considering the legislature's participation in the policy process as an inefficiency or disintegration (Park, 2003, p.59). The decrease in the 16th National Assembly was due to the atmosphere of austerity after the financial crisis in 1997.

2.3.2. The Speaker, deputy speakers and committee chairs

Election system, term and powers

The Speaker and two deputy speakers are elected through a secret vote on the floor, obtaining the votes of a majority of MPs (*National Assembly Act 1988, art. 15*). The term of the Speaker and deputy speakers is two years (*National Assembly Act 1988, art. 9*). The Speaker represents the National Assembly, regulates its proceedings, maintains order and supervises its affairs (*National*

Assembly Act 1988, art. 10), but the actual power of the Speaker is not strong. Conventionally, the order of business is set through negotiation among the floor leaders of parliamentary groups (usually parties). Deputy speakers have the power of acting for the Speaker (*National Assembly Act 1988, art. 12*). Beyond this, deputy speakers have no real power.

The chair of a standing committee is elected by a secret vote on the floor and the elected should obtain the votes of a majority of MPs present under an attendance of a majority of all MPs (*National Assembly Act 1988, art. 41*). The term of chairs is also two years. The chair represents the committee, controls the proceedings, maintains order and supervises the affairs of the committee (*National Assembly Act 1988 art. 49 (1)*). The chair determines the order of business and the time and date of the opening of the committee meeting after consulting with ranking members who represent their own parliamentary groups in the committee (*National Assembly Act 1988, art. 49 (2)*).

Chamber formation (Won gu seong)

In reality, the posts of the Speaker, deputy speakers and committee chairs are distributed between parliamentary parties through negotiations between them. The negotiation process is called *won gu seong* in Korean which can be translated as chamber formation in English. The process was established in the 13th National Assembly (Ka, 2010a, p.134; Park, 2003, p.141; Yoo, 2006, p.68). The majority party (usually the governing party) had usually claimed all of the posts (except one deputy speaker) from the 6th to 12th Assembly (Ka, 2010a, p.134). The governing party did not secure absolute majority in the legislature after the 13th general election, however, and they had to share the posts with opposition parties (Ka, 2010a, p.134). Chamber formation happens every two years because the term of the Speaker, deputy speakers and committee chairs is two years. The posts of committee chairs are distributed according to the proportion of each party's seats (Ka, 2010a, p.134). The negotiation is focused on which specific committee chairs are distributed to which parties.

The principal feature of the chamber formation is that the formation itself becomes a weapon of political strife. Opposition parties have tried to maximise their political interests from the chamber formation by linking the negotiation to other political agenda which is favourable to them (Yoo, 2006, p.96). Therefore,

the chamber formation has become an instrument of political transaction between parties and the start of an Assembly has usually been delayed (Park, 2004a, p.218). The delays are demonstrated in table 2.8. The delay is likely to be longer when the stakes of the political negotiation are bigger (Yoo, 2006, p.98). The pressure from public opinion is an important factor promoting coordination between parties in these situations (Yoo, 2006, pp.99-101).

Table 2.8. Delays in chamber formations

Assembly	13 th	14 th	15 th	16 th
Delays (days)	21 (1 st half) 0 (2 nd half)	125 (1 st half) 0 (2 nd half)	35 (1 st half) 79 (2 nd half)	17 (1 st half) 42 (2 nd half)
Assembly	17 th	18 th	19 th	20 th
Delays (days)	36 (1 st half) 21 (2 nd half)	88 (1 st half) 9 (2 nd half)	40 (1 st half) 25 (2 nd half)	14 (1 st half) -

Sources: The report of the proceedings of the National Assembly (various issues), Yoo (2006, pp.98-99)

2.3.3. Committee

Types of committee, appointment of committee members and powers of committee

There are two types of committee in the National Assembly. One is standing committees, and the other is special committees. The distinction was already established in the Constituent Assembly (*National Assembly Act 1948, art. 14, 16*). The plenary, however, had been the centre of the legislative process until the 5th Assembly and standing committees performed a complementary function in that a system of three readings on the floor was adopted in the scrutiny of legislation as in the British Parliament. It is from the 6th Assembly, convened after the military coup in which the three readings system was abolished, that the stage of standing committees becomes the centre of the legislative process.

Standing committees are permanent. They deliberate on bills and scrutinise the work of government departments in their own jurisdiction. Each standing committee shadows one or more government departments. There are 16 standing committees in the current 20th Assembly. The number of MPs in a standing committee ranges from 12 to 31. The MPs of a standing committee are appointed and replaced by the Speaker at the request of the floor leader of each negotiation group and in proportion to the number of MPs belonging to the negotiation group (*National Assembly Act 1988, art. 48(1)*). The Speaker cannot

be a Standing Committee member (*National Assembly Act 1988, art. 39(2)*). The term of the MPs in a standing committee is two years, and the term of a replaced MP in a standing committee is the remainder of the predecessor's term (*National Assembly Act 1988, art. 40(3)*).

The first power of a standing committee is the power of the scrutiny of bills in its terms of reference (*National Assembly Act 1988, art. 36*). A standing committee scrutinises law bills before the examination of the Legislative and Judiciary Committee. It also pre-examines the budget bills and the accounts settlements of government departments in its terms of reference before the examination of the Special Committee on Budget and Accounts. The second power of a standing committee is the power of scrutiny of the work of government departments in its terms of reference. A standing committee holds the inspection of state administration every year and the National Assembly can have a standing committee investigate a specific issue (*Act on the Inspection and Investigation of State Administration 1988, art. 2, 3*). It also holds pre-appointment hearings on the ministerial posts of the executive (*National Assembly Act 1988, art. 65-2(2)*). Finally, it deliberates on petitions. However, the rate of petitions accepted is very low. Only 0.9% of petitions (2 of 227) were accepted in the 19th National Assembly (National Assembly, 2016a).

A special committee is not permanent in principle, but there are two permanent special committees – the Special Committee on Budget and Accounts and the Special Committee on Ethics. The former examines budget bills, bills for fund operation and accounts settlements (*National Assembly Act 1988, art. 45(1)*). The term of the MPs in the committee is one year (*National Assembly Act 1988, art. 45(3)*). The ways of appointing MPs to the committee and the election of the chair are the same as those of a standing committee (*National Assembly Act 1988, art. 45(2), (4)*). The latter special committee examines matters concerning the qualification and discipline of MPs (*National Assembly Act 1988, art. 46(1)*). The way of appointing MPs to the committee, the term of the committee members and the chair, and the way of electing the chair are the same as those of a standing committee (*National Assembly Act 1988, art. 46(5)*).

Special committees are not permanent except those two committees. A special committee is established to examine matters related to the jurisdictions of several standing committees, or matters deemed necessary in particular (*National*

Assembly Act 1988, art. 44(1)).² The terms of reference of a special committee are specified by the resolution that constitutes the special committee. When a special committee is established, the term of its activities should be fixed provided that the period can be extended by resolution at the plenary session, and the special committee exists until the expiration term of its activities (*National Assembly Act 1988, art. 44(2), (3)*). The chair of a special committee is elected by the vote of MPs in the special committee (*National Assembly Act 1988, art. 47(1)*). The way of appointing MPs to a special committee is the same as that of a standing committee (*National Assembly Act 1988, art. 48(1)*).

The expertise of committee members

Many studies in South Korea have pointed out the low expertise of committees (Choi, 2010, p.96; Jun, 2010, p.229; Kim, 2004, pp.73-76; Kim, 2004, p.282; Kim, 2006, pp.154-161; Park, 1996, p.338; Park, 1998, p.216). The main reasons enumerated in the studies are: the high turnover of MPs; the short term of MPs in committees; the high rate of circulation between committees by MPs; and election of committee chairs regardless of seniority principle. The turnover rates of MPs in general elections are high and the rates of senior MPs are low as demonstrated in table 2.2 and 2.3. Many MPs change committees every two years as demonstrated in table 2.9. The fact that it is rare for MPs to build expertise in a specific committee makes the application of the seniority principle to the election of committee chair difficult.

Table 2.9. The rates of MPs changing committees between 1st half and 2nd half of an Assembly

Assembly	15 th	16 th	17 th	18 th	19 th
Rate (%)	51.6	42.3	51.4	47.9	48.8

- Comparison of the last list in the 1st half with the first one in the 2nd half of committee membership
Sources: calculated from the report of the proceedings of the National Assembly (various issues)

The short term of committee chairs and membership, and frequent committee circulation are based on the notion that committee chairs and memberships are not for the division of labour and building expertise, but for the distribution of

² Special committee on finance for local governments, special committee on countermeasures against school bullying and special committee on fairness of broadcasting are the examples of special committees in the 19th National Assembly. Special Committee on political reform are established conventionally before the general and local election to negotiate about electoral laws.

benefits and power (Seo, 2010, p.76). This notion had its root in the Constituent Assembly and 2nd Assembly (Seo, 2010, p.63). The condition that most MPs were freshmen emphasised egalitarianism among MPs and limited their term (Seo, 2010, p.64). The term of committee chairs was one year until the 5th Assembly (1961) and that of committee members was also one year from 1953 to 1961. Even in recent assemblies, the condition remains because considerable numbers of MPs are freshmen or in their 2nd term as demonstrated in table 2.3.

The reason that committee membership is conceived as a resource for the distribution of benefits and power is that MPs' preferences for committees are similar. Although specific committees preferred by MPs have changed, the preference is likely to be concentrated on small numbers of committees according to previous studies in South Korea (Cho, 2010, p.115; Chung, 1995, p.61; Ka, 2007, p.246; 2009a, p.212; Kim, 2006, pp.177-193; Lee, 2009, p.159; Park and Kim, 1997, p.463; Park, 1998, pp.296, 307). The concentration of preference remains in the 20th National Assembly as demonstrated in table 2.10.

Table 2.10. Most preferred standing committees by MPs in the 20th National Assembly

Committees	MPs	Rate in MPs responded (n=225)	Rate in total MPs (N=300)
Land, Infrastructure and Transport	53	23.6%	17.7%
Education, Culture, Sports and Tourism	37	16.4%	12.3%
Trade, Industry and Energy	24	10.7%	8.0%
National Policy	19	8.4%	6.3%
Agriculture, Food, Rural Affairs, Oceans and Fisheries	17	7.6%	5.7%

Source: Yonhap News Agency (2016c)

Committee memberships preferred by MPs have been those which can redress grievances of constituents more easily and effectively; those which can secure budget or programmes in their constituency; those which are in charge of economic policy affecting private firms; or those which are related to the status of MPs in the legislature (for senior MPs) (Jung, 2014, p.77; Ka, 2009a, pp.198, 212; Kim, 2006, p.193; Park, 1998, p.300; Park, 2004, p.253). The way to resolve conflicts in committee assignment among MPs is committee circulation under the condition that MPs' preferences for committees are similar and an egalitarian

atmosphere remains among MPs (Chung, 1995, p.62; Kim, 2006, p.211; Lee, 2009, p.160; Park, 1996, p.335; Park, 1998, p.296).

A couple of the important factors affecting MPs' concentrated preference in committee assignment are the centralised relationship between the central government and local governments, and the dependency of local governments on the central government in South Korea. The historical contexts surrounding the concentration of power in the central government are the confrontation with North Korea and the need for rapid economic development by the central government (Chung et al., 2010, p.103). The central government has monopolised most resources in the country and the budget of local governments has depended on resource allocation by the central government. The financial independence rate of local governments is only 52.5 per cent in 2016 (Ministry of the Interior, 2016, p.235). Moreover, the authoritarian regime after the coup in 1961 repealed local elections, so there was no elected local government between 1961 and 1995. In light of these situations, the important roles of MPs have been securing budget and programmes in their own constituency and redress of grievances for constituents using the resources of central government (Park, 1988, p.226). It has been very important for MPs to be selected as members of committees which are helpful for them to conduct those functions.

2.3.4. Party

Parties as parliamentary groups

The official political group in the National Assembly is a parliamentary group. Any political party having twenty or more members becomes a parliamentary group, but twenty or more National Assembly members who do not belong to other parliamentary groups can form a separate parliamentary group (*National Assembly Act 1988, art. 33(1)*). A parliamentary group is an important political unit in the National Assembly (Lee, 2009a, pp.260-265). The order of business on the floor is set through the negotiation between the floor leaders of parliamentary groups and the Speaker usually accepts the results of the negotiation (Lee, 2009a, p.260). MPs who do not belong to any parliamentary group are likely to be alienated from the operation of the legislature. Therefore, it is very important for a party to win twenty or more seats in the general election. The practice that the negotiation between parliamentary groups is important was

established in the 13th National Assembly due to the opposition parties' intention to prevent the monopoly of the legislature by the governing party (Lee, 2009a, p.263).

A parliamentary group tends to be composed of one party. There has been just one case in which two or more parties composed a parliamentary group since 1988. Therefore, a party is a central actor in parliamentary politics. The contemporary major parties in South Korea have organisations such as a Supreme Council, Policy Research Institute, Central Secretariat and General Meeting of MPs. The parliamentary party organisation is the General Meeting of MPs. The party's strategies in the legislature and positions on issues are decided or delivered to its MPs in the meeting. Usually, an Internal Affairs Committee and Policy Committee are established as permanent organisations to support the meeting. The head of the parliamentary party organisation is the Floor Leader.

Features of parties and party system

Parties in South Korea have received lots of criticism. Firstly, parties depend on the political influence of party leaders (Park, 1998, p.208; Park, 2012, p.35). Parties have tended to be a strong leader's personalised organisation or groups of factions dependant on prominent leaders (Ho, 2005, p.60; Jung, 2008a, p.112). The political fate of a party has been likely to be linked with that of its leader (Ho, 2005, pp.58-59; Park, 1998, p.208). Secondly, the degree of party institutionalisation is low. Party organisations have tended to be electoral organisations (Ho, 2005, p.311; Jung, 2008a, p.222). Parties have been formed, split, unified or have disappeared according to electoral results, political plots of politicians or the interests of party leaders (Gil, 2011, p.301; Ho, 2005, p.58; Jung, 2008a, pp.24, 91-92, 112; Park, 1998, p.208; Park, 2003, p.72). Thirdly, although the ideological spectrum between parties is being broadened currently (Ka, 2010b; Ka, Yoo and Kim, 2009, p.304; Kang, 2005, p.82; 2009, p.129; 2010, pp.171-191; Kim, 2009), the spectrum is still narrow (Choi and Park, 2010, pp.58-59; Kwak, 2009, p.132; Park, 1998, p.208; Park, 2012, p.36), especially compared with that in western democracies. Most of the political parties represented in the national legislature have been either conservative or centrist parties (Ho, 2005, p.304; Park, 1998, p.208). Finally, the party system has been based on the regional cleavage explained in the previous section since democratisation in 1988 (Gil, 2011, p.301; Jung, 2001, pp.205-208; 2002, p.8).

The historical trajectory of South Korea has affected the formation of those features. The separation and confrontation with North Korea had suppressed progressive ideology. The progressive parties were already excluded in the 1st general election. The party system in which conservative parties were and still are important actors was formed in the 1950s (Choi and Park, 2010, pp.62-66). The most important national policy of the military government in 1961 was anti-communism. The universal franchise awarded just after independence from Japan was not helpful for the formation of mass parties (Choi and Park, 2010, pp.73-74). The universal franchise without the experience of class struggle and wide ideological spectrum was not helpful for the formation of party identification according to class consciousness. The party system did not reflect the interests of social class (Choi and Park, 2010, p.74). The electorate was mobilised to support the authoritarian regimes (Choi and Park, 2010, p75).

In the era of the authoritarian regimes, the main political cleavage was between the authoritarian regime and opposition parties requiring the resurrection of procedural democracy. Governing parties were quasi-state organisations in that era (Kang, 2009, p.127). They were formed by leaders of the authoritarian regime in a top-down manner (Ho, 2005, p.59). The President held the leadership of the governing party (Jung, 2008a, p.250). They were organisations for elections and the spreading of propaganda (Lee, 2001, p.156). Their role in the legislature was to support the executive's policies (Kang, 2005, p.322). The roles of opposition parties were to criticise the regime's monopoly of power and emphasise the principle of democracy (Choi and Park, 2010, p.131). Opposition parties were the organisations of movement for democratisation, and the leaders of this movement constructed charismatic leadership in their parties (Lee, 2001, p.156; Park, 2003, p.55). During the authoritarian era, opposition parties were maintained as groups following small numbers of leaders (Choi and Park, 2010, p.149)

After democratisation in 1987, the cleavage changed into regional cleavage as explained in section 2.2. The cleavage surrounding the resurrection of procedural democracy disappeared, but the ideological spectrum between mainstream parties was narrow (Park, 2004, p.278). Prominent politicians (especially the two Kims) who had charismatic influence in their home region led major parties (Jung, 2008a, p.91). Regionalism became a successful strategy in electoral competition

(Kang, 2005, p.322). To make matters worse, the merger of three major parties in 1990 through which the President of the day intended to secure an absolute majority in the legislature alienated the south-western area and exacerbated the regional cleavage (Kang, 2005, p.260; 2008, p.473).³ Without substantive difference in ideology, presidents and governing parties had manoeuvred artificial political realignments through promoting defection of opposition MPs or merger of parties to secure the support of the legislature, and political groups had separated and united for their own interests in the general or presidential election (Kwak, 2009, pp.131-135).

Two influences of these features of parties and the party system on parliamentary politics are worth mentioning here. First of all, parties in South Korea have a centralised and undemocratic structure (Gil, 2011, p.302; Ho, 2005, p.308; Jung, 2008a, p.240; Kim, 1999, p.753). The internal power structure of parties has been oligarchic (Jung, 2002, p.10). Their decision making system has been a closed feature (Park, 2003, pp.176-177). Party discipline is very strong and MPs are mobilised in parliamentary wars between parties (Kang, 2004, p.153; Lee, 2009a, p.269). The fact that the nomination from parties is critical in elections exacerbates the problem of strong party discipline (Eom, 2010, p.71; Jeon, 2010, p.206; Jung, 2009, p.186; Kang, 2004, p.154; Lim, 2004a, p.92). On top of that, the policy capacity of parties is weak (Jung, 2008a, p.112; Ho, 2005, p.312). The executive was a principal actor making public policy and governing parties supported them in the legislature in the authoritarian era (Kang, 2005, p.322). Opposition parties did not have to develop their own policies because parliamentary politics was not about policy competition, but the protest for democratisation (Kang, 2005, p.322). The narrow ideological spectrum between parties and electoral regionalism made the party platform unimportant in elections even after democratisation (Kang, 2005, p.322).

2.3.5. Legislative support system

Personal staff

An MP can employ seven personal staff (*Act on Allowances, etc. for National Assembly Members 1981, art. 9*). A personal staff member is appointed or

³ Three of the four major parties of the day were merged except PPD that was supported by south-western area.

dismissed by the Speaker according to the recommendation of the MP that he/she will support. However, the appointment by the Speaker is pro forma, and the recommendation of the MP is critical. MPs are practically the employers of their staff. Personal staff members have the status of civil servants, but they are not career civil servants. The number of personal staff members, classified according to grades, which can be employed by an MP is represented in Table 2.11. In addition to this, an MP can employ two interns. There are many permutations in the way an MP uses personal staff. However, the typical case is that one chief advisor (Grade IV) works in the constituency of the MP and the other chief advisor works in the MP's office in the National Assembly. Usually, two senior secretaries (Grade V) support the MP's parliamentary activities (including the activities related to the MP's party). Three secretaries (Grades VI, VII and IX) tend to support activities of the MP related to petitions of constituents, the MP's schedule and administrative affairs of the office. Needless to say, there is no clear jurisdiction of an individual staff member.

Table 2.11. The numbers of personal staff classified by Grades

Grades	IV	V	VI	VII	IX
Staff number	2	2	1	1	1

Source: *Act on Allowances, etc. for National Assembly Members 1981, attached table 4*

Staff of each parliamentary group

A parliamentary group can employ its own staff working in the legislature for the group through the budget of the legislature. These staff members are called policy research members (*National Assembly Act 1988, art. 34*). The policy research members are appointed or dismissed by the Speaker according to the recommendation of the floor leaders of each negotiation group (*National Assembly Act 1988, art. 34*). As in the case of personal staff, however, the recommendation is critical and each parliamentary group is their practical employer. The total number of policy research members is 67. The number of policy research members classified according to grades is shown in Table 2.12.

Table 2.12. The numbers of policy research members classified by Grades

Grades	I	II or III	IV
Numbers	9	20	38

Source: calculated based on the *National Assembly Regulations about the Appointment of the Policy Research Members of Parliamentary Groups 1992, art. 5*

The number of policy research members which a parliamentary group can employ is allocated in proportion to the number of MPs who belong to the parliamentary group (*National Assembly Regulations about the Appointment of the Policy Research Members of Parliamentary Groups 1992, art. 4*). The policy research members support their own group's parliamentary activities. They help the floor leader to plan the party's parliamentary strategies; support the party's general meeting of MPs; undertake hands-on affairs related to negotiations between parties; and play the role of the channel that links the floor leader and the party's MPs in a standing committee and deliver the party's position to the MPs.

Legislative support agencies

There are four agencies to support the activities of the legislature: National Assembly Secretariat (NAS), National Assembly Library (NAL), National Assembly Budget Office (NABO) and National Assembly Research Service (NARS). The committee staff belong to NAS and direct assistance of proceedings on the floor is conducted by the Proceedings Bureau in NAS. The functions of each agency and the number of staff in those agencies are summarised in table 2.13.

Table 2.13. The functions and staff number of legislative support agencies

Agencies	Functions	Staff number
NAS	- To support the activities, such as legislation, examination of the budget and the settlement of accounts, etc., and to manage the administrative affairs of the National Assembly - Drafting and reviewing of the bills which MPs or committees request are conducted in Legislative Counselling Office in NAS.	1,353
NAL	- To administer affairs concerning books and legislative materials of the National Assembly - Research function related to legislation is conducted in Parliamentary Information office and Law Library.	304
NABO	- To research, analyse, and appraise matters concerning the settlement of budget and the management of funds and finances of the State	138
NARS	- To provide the legislative information service; investigate and study the matters relating to legislation and policies; and provide the related information and data	119

Source: *National Assembly Act 1988, art. 21, 22, 22-2, 22-3; National Assembly Regulations about the Organisation of the National Assembly Secretariat 2009; National Assembly Regulations about the Organisation of the National Assembly Library 2009; National Assembly Regulations about the Organisation of the National Assembly Budget Office 2010; and National Assembly Regulations about the Organisation of the National Assembly Research Service 2007*

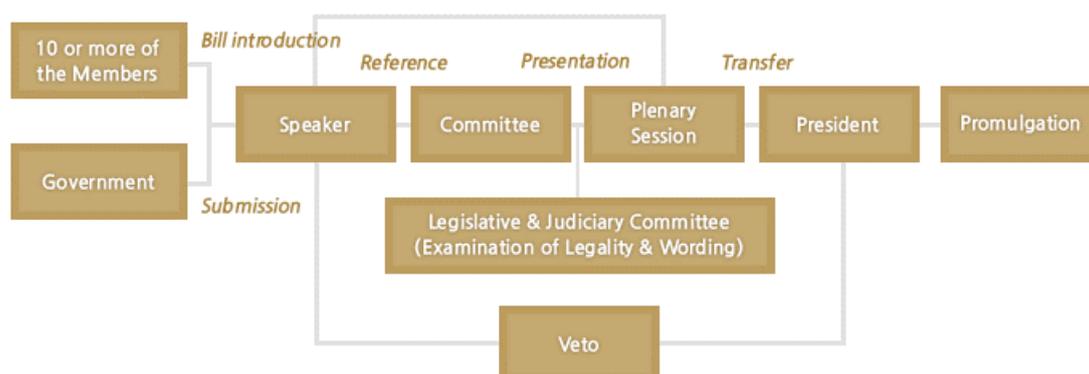
2.4. Operation of the Legislature

2.4.1. Legislative process

Summary of the process

The National Assembly of South Korea is a unicameral and committee-centred legislature. Standing committees are important in the legislative process. When a law bill is introduced, it is referred to the standing committee that has the jurisdiction over the bill (*National Assembly Act 1988, art. 81*). When a committee scrutinises a law bill, general debate and detailed scrutiny is conducted in the committee and subcommittee stage respectively (*National Assembly Act 1988, art. 58*). The subcommittee amends the provisions of the bill. After the subcommittee stage, the bill is referred to the standing committee again. There may be some amendments in this stage. When the committee has decided the substance of the bill, the bill is referred to the Legislative and Judiciary Committee, and the committee examines the structure and wording of the bill (*National Assembly Act 1988, art. 86*). After that, the bill is referred to the plenary and deliberated. Lastly, the bill is sent to the President. The President can veto the bill. If the President does not veto the bill, the bill is promulgated. Figure 2.1 is the flow chart that draws the legislative process of South Korea.

Figure 2.1. The legislative process of South Korea



Source: National Assembly (2016b)

Introduction of bills

When it comes to bill introduction, the biggest feature is that the introduction of private members' bills is vitalised in South Korea. First of all, the requirements for the introduction are not strict. There are no rules such as ballot bills, presentation or ten-minute rule as in the British Parliament; the concurrence of ten MPs is

enough to propose a private members' bill (*National Assembly Act 1988, art. 79(1)*). Although the sponsor has to submit an estimation for expenses related to the bill written by NABO, the requirement is exempted when the sponsor submits a request for the estimation (*National Assembly Act 1988, article 79-2(1)*). On top of that, the media and NGO evaluate MPs according to their performance in bill introduction (Jeon, 2010, p.188). Lastly, the system in which the Legislative Counselling Office in NAS supports the drafting of bills is also helpful for the introduction of private members' bills (Ka, 2006, p.69). Therefore, the number of private members bills is much more than that of government bills and is increasing. Table 2.14 presents the numbers of private members' bills dealt with by the National Assembly from 1988 to 2016 (from 13th Assembly to 19th Assembly).

Table 2.14. The numbers of private members' bills dealt with by the National Assembly in South Korea (From 13th Assembly to 19th Assembly)

Assembly	13 th (1988- 1992)	14 th (1992- 1996)	15 th (1996- 2000)	16 th (2000- 2004)	17 th (2004- 2008)	18 th (2008- 2012)	19 th (2012- 2016)
Introduced	462 (368)	252 (581)	806 (807)	1,651 (595)	5,728 (1,102)	11,191 (1,693)	15,444 (1,093)
Passed	244 (355)	99 (561)	349 (737)	770 (551)	2,239 (880)	3,866 (1,288)	5,346 (803)
Not Passed	218 (13)	153 (20)	457 (70)	881 (44)	3,489 (222)	7,325 (405)	10,098 (290)

Figures in brackets are the numbers of government bills.

Sources: National Assembly (2016c)

Committee and subcommittee stage

The committee and subcommittee stage is the centre of the legislative process. Before 1961 (the 5th Assembly), the legislative process was similar to that of Westminster in which the readings in the plenary are important, but the authoritarian regime, after the coup in 1961, that prioritised the efficiency of the policy process for the promotion of development policy changed the legislative process to secure the rapid passing of bills in the legislature (Park, 1996, p.333; Park, 2004a, p.37). They thought that the legislative process based on the scrutiny by committees or subcommittees which consist of small numbers of MPs is likely to secure comfortable passage for government bills (Cho, 2010, p.116; Oh, 2011, p.30). To sum up, the committee-centred legislative process originated not from the legislature's needs for information and expertise, but from the intention of the executive to promote a rapid development policy.

The list of the bills to be deliberated in the committee or subcommittee meetings is decided in the negotiation between ranking members of parliamentary groups (Kim, 2004, p.287). When a standing committee's deliberation on a law bill begins, the committee hears an explanation of its purpose from the sponsoring MPs or departments and the review report of the committee staff on the bill, and holds a general discussion about problems relating to the whole bill and the pros and cons including interpellation and answers with the sponsor (*National Assembly Act 1988, art. 58(1)*). The standing committee refers a bill to the standing subcommittee which has jurisdiction over the bill after the general debate (*National Assembly Act 1988, art. 58(2), (3)*). The committee should hold a public hearing or a hearing for a law bill for establishing new acts or whole amendment of acts, but the public hearing or the hearing can be omitted by the committee's resolution (*National Assembly Act 1988, art. 58(6)*). A public hearing also can be held by the committee's resolution or according to the request of not less than one third of the registered MPs of the committee (*National Assembly Act 1988, art. 64(1)*). However, whether a public hearing is held is usually decided through the chair's consultation with the ranking members of each parliamentary group.

When the deliberation on a law bill begins in the subcommittee, the chair of the subcommittee asks the committee staff director to report about the history of deliberation on the bill; the opinions of MPs and the committee staff director about the purpose of the bill; and the amendment opinions of MPs (if they are suggested in the general discussion before the subcommittee stage) and the committee staff director. Then the government department directly related to the bill reports its position. After the reports, MPs debate the bill. If necessary, representatives of NGOs, interest groups, prospective beneficiaries or victims are invited to attend and present their opinion. When the debate finishes, decisions about the bill are made. After a law bill passes the subcommittee stage, the standing committee decides on the bill after hearing the report of the subcommittee and arguments for and against the bill (*National Assembly Act 1988, art. 58(1), (2)*).

The decisions of the committee and subcommittee are usually made unanimously except on controversial matters, and voting for bills is exceptional (Jeon, 2010, pp.194-195), although the official decision making system is based on an absolute majority system (*The Constitution of the Republic of Korea, 1987, art. 49*). When it comes to the scrutiny of politically controversial bills, however,

the negotiation between parliamentary party leaderships dominates the official legislative process and committee stage (Jeon, 2014, p.198; Park, 2003, pp.166-167). MPs in the standing committee in charge of the bill are likely to follow the results of the negotiation. The bills introduced by committee chairs or MPs sitting in the committee in which the bill is scrutinised are more likely to pass (Jeon, 2014, p.213; Park, 2009, pp.170-171).

Examination of Legislative and Judiciary Committee

A law bill which is resolved in the standing committee is referred to the Legislative and Judiciary Committee. The Legislative and Judiciary Committee has the power of examination of the structure and wording in the deliberation on all law bills (*National Assembly Act 1988, art. 37(1), (2)*). When the bill is tabled, the committee hears an explanation on its purpose from sponsoring MPs or departments and the review report of the committee staff on the bill. If there is no special problem or disagreement, the bill is revised according to the amendment opinions of the committee staff and passed. However, if the bill is controversial and there is a disagreement among MPs about the bill, the bill would be referred to the subcommittee in the Legislative and Judiciary Committee. The subcommittee examines the bill and sometimes changes its substance. After the subcommittee stage, the bill is deliberated in the meeting of the Legislative and Judiciary Committee.

Although the examination by the Legislative and Judiciary Committee is limited to the aspects of structure and wording of a law bill, the committee sometimes changes the substance of a law bill (Jeon, 2010, p.198). The legislative process has even, often been delayed for a considerable time during the scrutiny of controversial bills by the committee (Jeon, 2010, p.198). The committee can be said to bear the function of an upper chamber (Seo, 2015, p.86). The committee's examination of structure and wording was established in 1951, but the examination was complementary and minimal as only a pre-scrutiny before the readings in the plenary (Seo, 2015, pp.101-103). The examination was placed between the committee stage and the plenary in 1963 by the authoritarian regime in order to control the passage of law bills to the plenary (Seo, 2015, pp.103-107).

The plenary and promulgation by the President

After the examination by the Legislative and Judiciary Committee, the bill is returned to the standing committee in charge of the bill. The standing committee submits the deliberation report that records the process and result of the examination of the bill and other necessary matters to the Speaker (*National Assembly Act 1988, art. 66(1)*). The plenary hears the report on the examination and puts the bill to a vote through an interpellation and debate, but either or both the interpellation and debate may be omitted by resolution (*National Assembly Act 1988, art. 93*). Although the committee of the whole house can be held when there is a request from at least a quarter of the registered National Assembly members before or after the presentation of major bills – such as bills for government organizations, taxes or imposing burdens on the people – to the plenary (*National Assembly Act 1988, art. 63-2(1)*), the committee of the whole house was held only once.

The deliberation on the floor tends to be ritual (Jeon, 2010, p.202). Most bills are resolved as the decision of the committee stage (Jeon, 2010, pp.192, 202; Kim, 2006, p.130; Park, 1998, p.222). This is because of the informal norms of deference and reciprocity that are similar to those in the U.S. Congress stated by Cox and McCubbins (2007, p.10) and Deering and Smith (1997, p.203) (Jeon, 2006, p.54; Jeon and Park, 2012, p.61; Kim, 2006, p.130). Even in the cases of controversial bills, the rate of aye votes in the plenary session is usually high because MPs follow the results from the negotiation between parties held before the plenary (Jeon, 2006, p.54). There are votes according to the interests of constituency, however, in the cases of bills affecting constituency matters.

A law bill decided by the National Assembly is transferred by the Speaker to the executive (*National Assembly Act 1988, art. 98(1)*). The President promulgates it within fifteen days after the date he/she receives it (The *Constitution of the Republic of Korea 1987, art. 53(1)*). In the case of objection to the bill, the President can, within fifteen days, return it to the National Assembly with a written explanation of the objection, and request it to be reconsidered (The *Constitution of the Republic of Korea 1987, art. 53(2)*). If the National Assembly repasses the bill in the original form with the attendance of more than one half of the total members, and with a concurrent vote of two thirds or more of the members present, it shall become an act (The *Constitution of the Republic of Korea 1987, art. 53(4)*). If the President does not promulgate the bill, or does not request the

National Assembly to reconsider it within fifteen days, it shall become an act (The *Constitution of the Republic of Korea 1987, art. 53(5)*). The number of cases in which the President has vetoed a law bill decided by the National Assembly is small as demonstrated in table 2.15. It is because bills which are likely to be vetoed by the President cannot pass in the legislature rather than the executive respects the legislature. The number of presidential vetoes during the authoritarian regime (from 1963 to 1988) was only five.

Table 2.15. The numbers of law bills vetoed by the President in South Korea

Assembly	1 st	2 nd	3 rd	4 th	5 th	6 th
Vetoed law bills	14	25	3	3	8	1
Assembly	7 th	9 th	13 th	16 th	17 th	19 th
Vetoed law bills	3	1	7	4	2	2

Sources: The report of the proceedings of the National Assembly (various issues), National Assembly Secretariat (2012, pp.482-484)

2.4.2. Parliamentary politics and public distrust of the legislature

Features

The first feature of the operation of the legislature and parliamentary politics in South Korea is the party oriented characteristic. The operation of the legislative process is based on the negotiation between parliamentary parties (Sohn and Ka, 2008, pp.90-91). Even when the governing party occupies an absolute majority, it is difficult to adopt majoritarian decision making because unilateral action can bring about a boycott by opposition parties in the legislature (Sohn and Ka, 2008, p.91). The basic mode between the legislature and executive is party opposition mode in King (1976, pp.216-220) (Choi, 2004, p.187; Choi, 2010, p.266; Jung, 2008a, p.241; 2008b, p.83; Kang, 2004, p.158; Lee, 2004, p.106; Lee, 2010, p.307; Park, 2001, p.84). Confrontation between the governing and opposition parties rather than between the executive and legislature is usual (Choi, 2004, p.187; Kang, 2004, p.158).

MPs are subordinated to their parties and party discipline is very strong as explained in section 2.2 and 2.3. MPs are representatives of their own party and mobilised in the political strife between parties (Chong, 2004, p.113; Kim, 1999, p.753; Park, 2010, pp.259-260; Sohn, 2004b, p.239). The autonomy of MPs is limited (Jung, 2008a, p.241; Lim, 2003, p.135; Yoon, 2002a, p.27). Even in

committees, the role of committee leaders and MPs is focused on that of being delegates from their party (Ka, 2007, p.274; Kim, 2006, pp.220-225). Committees are dominated by parties and the battlefield between parties (Kim, 1999, p.755; Park and Kim, 1997, p.485). Committees are not corporate, but permeable in Fenno's (1973, pp.137-138, 278-279) terminology (Park and Kim, 1997, p.485; Park, 1998, p.223). In the theories on committee composition in the U.S. congress, partisan theory (Cox and McCubbins, 1993/2007) is appropriate for the explanation of that in the legislature of South Korea (Ka, 2007, pp.273-274; 2009b, p.92).

The second feature is 'strong political control and weak policy control' (Park, 2001, p.72) mentioned in the introduction of this chapter. The legislature has focused on political matters rather than policy matters and demonstrated a weak capacity in specific policies (Kang, 2004, p.164). Parliamentary politics has been concerned with, not national policy, but power struggle, and the legislature has been the arena of political strife (Chong, 2004, p.116; Lee, 2009b, pp.129-130; Lee, 2009, p.286; Park, 2004, p.65). The parliamentary activities which draw the attention of the media have been attacks on the executive – through questions, for example – or confrontation between parties rather than the scrutiny of bills (Sohn, 2004b, p.219). MPs' behaviour such as public disclosure or accusations of corruption against other MPs or parties for political strife are similar to 'politics by other means' in Grinsberg and Shefter (1990) (Lim, 2004a, p.82)

Even the reinforced official power of the legislature has been exploited in this political strife (Kang, 2004, p.165; Park, 2001, pp.90). Pre-appointment hearings are conceived by parties as means for the pursuit of their political interests (Chung, 2004, p.298). MPs in opposition parties criticise and blame nominees, and those in the governing party make efforts to defend and protect (Choi et al., 2008). The scrutiny of budget bills has been linked with other agenda (Yim, 2004, p.342). The inspection of the state administration has been for political propaganda rather than for scrutiny of the executive's policy (Lee, 2004, p.370; Lee, 2010, p.305). Questions focusing on public exposure have exacerbated confrontation between parties and crippled the operation of the legislature (Park, 2004a, p.75). Other official powers to check the executive such as impeachment, approval of important appointments, recommendation of dismissal and the investigation of state administration have been made use of by opposition parties

as means of challenge to the governing party and executive (Jung, 2008a, p.254; Lee, 2004, pp.106-107).

The last feature is a frequent malfunction of the legislature due to the fierce conflict between parties over matters such as chamber formation; the attendance of former presidents as witnesses in hearings; recommendations for removal of ministers by opposition parties; controversial appointment of Prime Minister by the President; the prosecution's investigation of election campaign funding; and controversial bills. The number of cases of crippled operation of the National Assembly (the cases under which the plenary was not held for a considerable time due to the clash between parties) from 13th to 18th Assembly is demonstrated in table 2.16.

Table 2.16. The numbers of cases of crippled operation of National Assembly

Assembly	13 th	14 th	15 th	16 th	17 th	18 th	Total
Crippled operation	4	9	19	16	8	12	68

Sources: National Assembly Secretariat (2012, pp.264-280)

The delay in chamber formation and the confrontation between parties has brought about disagreement on the schedule of sessions or boycotts by opposition parties (Park, 2004, p.235). Stalemates have happened due to the polarised conflict between the governing and opposition party in negotiations where the political stakes are high (Park, 2004, p.248; Lee, 2009a, p.257). The governing party has sometimes attempted unilateral votes and opposition parties have blocked the process even using physical means in the legislative process of very controversial bills (Lee, 2008, p.24). If there was an attempt at unilateral decision making by the governing party, opposition parties boycotted the legislature and staged demonstrations outside the legislature (Kim, 2004, pp.29-30). The competition between parties has tended to be polarised and has exacerbated social conflicts (Kang, 2005, p.82). The conflict management system in the legislature has demonstrated a low degree of institutionalisation (Kang, 2009, p.25).

Historical contexts of the features

The historical contexts affecting the features of the legislature can be summarised as below. The legislature was the arena of the protest for

resurrection of procedural democracy rather than a policy making branch in the era of the authoritarian regime (Park, 1996, p.332). Opposition parties focused on political oversight of the executive rather than participation in the policy process (Kang, 2004, p.165). The main instruments of opposition parties were demonstrations outside the legislature and the threat of total resignation (Park, 2004, p.249; Jung, 2008a, p.172). Governing parties without legitimacy thought that there should be no concession to the opposition for the maintenance of the regime, and opposition parties dared to accept extreme confrontation including physical clashes in the legislature (Kang, 2005, p.141).

The confrontational mode adopted by parties has remained after democratisation in 1987. The democratisation was a compromise between the regime of the day and the opposition (Kang, 2008, p.473). The authoritarian force was not excluded from mainstream politics and won the presidential election in 1987 based on the first-past-the-post system winning only 36.6 per cent of total votes. The legitimacy of the executive did not recover entirely. To make matters worse, the President, facing the legislature in which his party did not occupy an absolute majority, had attempted an artificial realignment of the party system through promoting defection of opposition MPs and merging parties to secure the support of the legislature (Kang, 2005, p.159; Kim, 2002, p.92; Lee, 2004, pp.102-103). The most notorious example was the merger of three major parties in 1990 mentioned in section 2.3. The artificial realignment exacerbated the fierce conflict and mutual distrust between the governing party and opposition party originating from the era of the authoritarian regime (Kang, 2005, p.160, 334; Kim, 2002, p.107).

Public distrust of the legislature

The public confidence in the legislature is very low. According to the World Values Survey (2015), the proportion of people who answer that they have a great deal or quite a lot of confidence for the legislature is only 3.2 and 22.3 per cent respectively. The proportion of people who do not have very much confidence or do not have confidence at all is 52.9 and 21.2 per cent respectively. This level of confidence is very low compared with that in other countries. The number of countries in which the proportion of people who do not have very much confidence or do not have confidence at all is higher than South Korea is only nine out of 57 countries. The level of confidence for the legislature is also lower

than those for other public institutions in South Korea except that for political parties as demonstrated in table 2.17. The level of public distrust is one cause for the high turnover of incumbent MPs as discussed in section 2.2.

Table 2.17. The level of confidence for various public institutions in South Korea

Confidence Institutions	A great deal	Quite a lot	Not very much	None at all	No answer
Parliament	3.2%	22.3%	52.9%	21.2%	0.5%
Armed Forces	19.8%	43.7%	28.3%	8.1%	0.2%
Press	10.5%	50.5%	31.7%	7.1%	0.2%
Police	8.1%	50.2%	34.7%	6.8%	0.2%
Courts	10.9%	55.8%	25.9%	6.8%	0.7%
Government	5.8%	43.7%	38.9%	11.4%	0.2%
Political Parties	2.4%	23.7%	53.3%	20.1%	0.5%
Civil Service	5.0%	43.1%	40.8%	10.8%	0.2%

Source: World Values Survey (2015)

Considering the features of parliamentary politics discussed above, the public distrust of the legislature is not surprising. The distrust is due to politicians' behaviour in the political process rather than the result of the policy process or the legislature's performance in the process (Lim, 2004b, p.63; Lee, 2009b, p.123). The public think that the conflict in the legislature is a power struggle between elites (Lee, 2006, p.26). As Loewenberg (2011, pp.98-99) points out, the negotiation process to resolve political conflict is likely to be closed to the public, and the public are not willing to understand the inevitable controversial features of the legislative process dealing with political issues. In fact, the causes of public distrust are similar to those in the U.K or the U.S. – MPs' expenses scandals (Rogers and Walters, 2015, pp.30-31); party politics on the floor and in public bill committees (Norton, 2013, p.277); and the legislature's inertia, paralysis and polarised partisanship (Smiths, Roberts and Vander Wielen, 2015, ch.1).

One of the differences between the public distrust in South Korea and that in the U.K. or U.S. is the fact that the public's high expectation of the legislature under the authoritarian regimes was not fulfilled after democratisation and this has exacerbated the public distrust (Lim, 2007, pp.239-240). The level of distrust increased sharply during the one and a half decades after democratisation in

1987 according to the World Values Survey data as demonstrated in table 2.18. The negative opinion of the legislature's check and control of the executive increased from 1985 to 2005 (Kim, 2009b, p.60).

Table 2.18. The level of confidence in the legislature in South Korea

Confidence Year	A great deal	Quite a lot	Not very much	None at all	No answer / Do not Know
1981-1984	24.3%	42.5%	24.7%	6.3%	2.2%
1990-1994	7.4%	26.5%	42.8%	22.4%	1.0%
1995-1998	3.3%	27.7%	51.6%	16.9%	0.5%
1999-2004	1.3%	8.9%	47.2%	37.2%	5.3%
2005-2009	1.4%	24.8%	50.5%	23.3%	0.1%
2010-2014	3.2%	22.3%	52.9%	21.2%	0.5%

Sources: World Values Survey (2015)

2.5. Conclusion

The National Assembly of South Korea is in a mixed state. The legislature's power and status has been strengthened since democratisation in 1987, but the strong political control and weak policy control remain as important features of the legislature. MP's legislative activities (especially the introduction of private members' bills) are vitalised, but they are still mobilised in party politics and have many other roles, beyond the scrutiny of public policy, that occupy their time and resources. Committees are the centre of the legislative process, but the expertise of committees is low and weak from the influence of parties. Although recently parties are beginning to demonstrate ideological differences, the party system is still based on regional cleavage and the policy capacity of parties is weak. The operation of the legislature is based on the negotiation and compromise between parliamentary parties, but the degree of institutionalisation in conflict management between parties is low and negotiation on policy matters is linked with other political matters. The public distrust of the legislature brings about a high turnover of MPs in general elections which, in turn, has negative effects on the professionalization of MPs and the legislature's expertise. The low expertise of the legislature itself then becomes one of the causes of the public distrust.

In Collier and Collier's (1991) terms, three critical junctures can be found in the historical trajectory affecting the mixed state of the legislature. The first one is the separation from and confrontation with North Korea just after independence from Japan. The confrontation moulded a narrow ideological spectrum in mainstream politics. Progressive parties were already excluded from the legislature in the 1950s. Universal franchise, given from the 1st general election without the experience of class struggle and wide ideological spectrum, was not helpful for the formation of party identification according to class consciousness and the formation of mass parties based on social class. The narrowness of ideological spectrum affected the regional party system after democratisation and the weak policy capacity of parties.

The second juncture is the formation of the authoritarian regime oriented to economic development after the coup in 1961. The legislature became the arena of protest against the authoritarian regime and opposition parties became protest organisations arguing for the resurrection of procedural democracy. The policy capacity of parties was not their priority. The leaders of the protest constructed a charismatic status in parties, and parties became their strong leaders' personalised organisations or groups of factions dependent on their prominent leaders. The regime's emphasis on efficiency in the policy process excluded the legislature in the process. The internal organisation of the legislature and the legislative process was adapted to the system for the promotion of development policies. The upper chamber was abolished. The legislative process in which the committee stage is central was established due to the need, not for the expertise of the committee, but for a rapid and comfortable legislative process. The electoral regionalism was seeded by the regional discrimination in implementing development policies. The need for the promotion of development policy constructed a centralised administrative system and brought about the local governments' dependence on the central government that made the MPs' role as the representative of constituency important.

The last one is the democratisation and critical elections in 1987 (the 13th presidential election) and 1988 (the 13th general election). The regional cleavage became important under the situation in which the ideological spectrum was narrow and the resurrection of procedural democracy was achieved. The leaders of mainstream parties represented their home regions and exploited regional

sentiments for their electoral gains. The leaders of pro-democracy forces had strong influences in their home regions. The authoritarian forces which survived in the compromised democratisation process also mobilised regionalism in their home region. The electoral regionalism exacerbated the oligarchic and undemocratic feature of parties and made the policy capacity of parties unnecessary. The result of the 13th general election in which the governing party did not secure the absolute majority in the legislature changed the operation of the legislature. The operation began to be based on the negotiation between parties. The posts of the Speaker, deputy speakers and committee chairs began to be distributed to according to the proportion of seats held by each party.

So far, the features of the institutions of the legislature of South Korea surrounding the legislative process and actors in the process have been explained. In addition, the historical contexts of South Korea affecting those features have also been discussed. The next stage is to introduce the committee staff system in the legislature. The introduction is made along with a comparison with those in other legislatures – the British Parliament, the U.S. Congress, Australian Parliament and German Bundestag and Bundesrat – at a descriptive level to make it easier to understand the character of the committee staff system.

3. Committee Staff in the Legislatures of Various Countries

3.1. Introduction

The aim of this chapter is to introduce the committee staff system of the South Korean legislature and compare it with those in the legislatures of various countries at a descriptive level. The legislatures selected for the comparison are the 1st and 2nd chambers of the U.K., the U.S., Australia and Germany. The reason for this selection is to include as many factors as possible which could affect the role of committees and their staff in the chamber. These factors include the government system (presidential system in the U.S. and parliamentary system in the U.K., Australia and Germany); the official power of committees in the legislative process (vital committee stage and strong committee power in the U.S. and Germany and relatively weak committee power in the U.K. and Australia); and the 2nd chambers' relative power to the 1st chamber (relatively strong 2nd chamber in the U.S. and Australia and relatively weak 2nd chamber in the U.K. and Germany). This classification is demonstrated in table 3.1. Shaw (1979; 1998) gives the insight of the use of the first and second factor, and Russell (2000) gives the insight of the use of the third factor.

Table 3.1. Classification of legislatures

	Strong committees in the legislative process		Relatively Weak committees in the legislative process	
	Relatively strong 2 nd chamber	Relatively weak 2 nd chamber	Relatively strong 2 nd chamber	Relatively weak 2 nd chamber
Parliamentary system	-	Germany	Australia	The U.K.
Presidential system	The U.S.	-	-	-

The next section introduces the committee staff system in the National Assembly of South Korea. The committee system, organisation of the committee staff, official role and function, legal status, personnel management system and norms are described. In addition, the review report of the committee staff that provides briefings on bills in committee meetings, a unique system which is not found in other countries, is explained. The section is followed by other sections describing the committee staff system in individual countries in the order of the U.K., the U.S., Australia and Germany. Each section comprises the description of the committee system, organisation of the committee staff, role and function,

and legal status and norms. Those in the 1st and 2nd chambers are explained separately in each section, but the role, legal status and norms of the committee staff in the U.S. Congress are introduced together.

The final section of this chapter compares the committee staff systems at a descriptive level. The comparison demonstrates that the role of committee staff is basically affected by the role of committees in the legislatures which, in turn, is affected by the committees' status in the legislative process. The comparison, however, posits the possibility that the existence of other staff and the partisan status can affect the roles of the committee staff. The data sources are official documents; academic articles (especially in the cases of the U.S.); internet homepages of the chambers; and correspondence with senior officials in charge of supporting the committees of the chambers (in the cases of the U.K. and Australia).

3.2. The Committee Staff in the National Assembly of South Korea

3.2.1. Introduction

The *National Assembly Act 1988* (art. 42) requires each committee to be provided with committee staff directors and other necessary public officials. As explained in chapter 2, there are two types of committees in the legislature – standing committees and special committees. In the cases of standing committees and permanent special committees, each committee is supported with a committee staff team which is exclusively responsible to the committee. In the cases of non-permanent special committees, however, each committee is supported with a committee staff team being comprised of staff who have duties other than supporting the committee (usually staff members of another committee which deals with matters closest to the matter dealt with in the special committee). The number of total committee staff is 311. The *National Assembly Act 1988* (art. 43) also enables committees to engage experts (no more than three) who have experience and knowledge as assistants under the approval of the Speaker although the engagement of these assistants is very rare.

3.2.2. Organisation of the committee staff

Committee staff members are employees of the National Assembly Secretariat. The *National Assembly Secretariat Act 1984* (art. 8) rules that each committee shall be staffed with committee staff directors (including a chief of staff), legislative counsels (if necessary), legislative researchers, and other necessary public officials. The chief of staff is the head of a committee staff team. Staff directors (including the chief of staff) are senior staff in charge of reviewing bills under their own jurisdiction and presenting their opinions on them. Legislative researchers (except one senior legislative researcher) conduct research and analysis. One senior legislative researcher, deputy legislative researchers and secretaries conduct administrative tasks. The detailed number of committee staff according to committees and positions are in table 3.2.

Table 3.2. The number of committee staff in South Korean National Assembly

Position Committee	Chief of Staff	Staff Director	Legislative Research Counsel	Legislative Researcher	Deputy Legislative Researcher	Secretary	Total
House Steering	1	-	1	5	1	4	12
Legislation and Judiciary	1	3	-	15	3	6	28
National Policy	1	2	-	10	2	4	19
Strategy and Finance	1	1	-	11	2	4	19
Future Planning, Science, Broadcasting and Communication	1	1	1	8	2	4	17
Education, Culture, Sports and Tourism	1	2	1	11	2	4	21
Foreign Affairs and Unification	1	1	-	7	2	3	14
National Defence	1	1	-	6	2	3	13
Security and Public Administration	1	1	-	12	2	4	20
Agriculture, Food, Rural Affairs, Oceans and Fisheries	1	2	-	9	2	4	18
Trade, Industry, and Energy	1	1	-	9	2	4	17
Health and Welfare	1	1	-	11	2	4	19
Environment and Labour	1	1	-	9	2	3	16
Land Infrastructure and Transport	1	1	1	10	2	5	20
Intelligence	1	-	1	2	1	3	8
Gender Equality and Family	1	-	1	3	1	3	9
Special Committee on Budget and Accounts	1	1	2	17	3	6	30
Special Committee on Ethics	1	-	-	1	1	2	5
Special Committee	1	1	-	1	1	2	6
Total	19	20	8	157	35	72	311

Source: Enforcement Rule on the Organisation of the National Assembly Secretariat 2009, attached table

The organisation of a typical committee staff team is as follows: There are two or three sub-teams in a committee staff team. The head of a sub-team is a committee staff director (including the chief of staff), and legislative researchers assist him/her. The tasks of research and analysis are divided and assigned to each sub-team according to the jurisdiction of the committee staff director of the sub-team. In addition to research work, the chief of staff is responsible for the committee's proceedings and administrative tasks. He/she conducts these duties with a sub-team which is comprised of a senior legislative researcher, deputy legislative researchers and secretaries.

3.2.3. Official role and function

The official function of committee staff can be summarised as follows: supporting committee proceedings; providing information about bills and policies in the committee's terms of reference; managing the committee's official documents (including drafting committee reports and committee bills); and conducting other administrative tasks. The official role of committee staff is described according to their position as follows:

The chief of staff directs and supervises other committee staff members (*National Assembly Secretariat Act 1988, art. 9(1)*). When committee (or subcommittee) meetings are held, staff under his/her direction and supervision include security officers and stenographers (*The Speaker's Direction on the Duty of the Committee Staff 1994, art. 4(1)*). He/she is in charge of maintaining order and advises the chair and MPs in the committee on procedural matters. At the start of the term of the committee, he/she advises the chair and ranking members about organising the committee (e.g. organising subcommittees).

Staff directors (including chiefs of staff) review bills and petitions under their own jurisdictions and present opinions on them at committee meetings; conduct research and analysis on matters related to the inspection and investigation of state administrations; provide information at the request of the chair or MPs in the committee; and support committee proceedings (*National Assembly Act 1988, art. 42(4)*; *National Assembly Secretariat Act 1984, art. 9(2)*). One of the most important roles of a staff director is presenting the review reports of the committee staff on bills at committee meetings. A committee should hear the review report in examining any bill (*National Assembly Act 1988, art. 58 (1)*). As demonstrated

in chapter 2, in the subcommittee stage, a staff director supports the subcommittee proceedings and reports about the history of examination on the bill, their own opinions about the purpose of the bill, their own amendment opinions about the bill and those of MPs (if they are suggested in general discussion before the subcommittee stage). The *National Assembly Act 1988* (art. 66) requires a committee to report in writing the process and result of an examination of a bill when the committee has completed the examination. Staff directors are in charge of drafting the committee's deliberation reports (The *Speaker's Direction on the Duty of the Committee staff 1994, art. 7*). In addition, they are in charge of drafting committee bills and the committee's reports of the inspection and investigation of state administration.

Legislative researchers are core personnel in a committee staff team who conduct hands-on work in research and analysis of bills and policies in the committee's terms of reference. Under the direction and supervision of the chief of staff and committee staff directors, they collect materials; investigate and research matters relevant to the examination of bills; draft review reports on bills; draft committee bills and deliberation reports on bills; identify potential witnesses for committee hearings; produce information and materials relevant to the inspection and investigation of state administration; and draft the committee's reports of the inspection and investigation of state administration.

Under the direction and supervision of the chief of staff, one senior legislative researcher supports committee proceedings and performs an administrative function with the deputy legislative researchers and secretaries (The *Speaker's Direction on the Duty of the Committee staff 1994, art. 5*). They prepare the committee and subcommittee meetings; support the chairs' proceedings in the committee and subcommittee meetings; conduct paperwork including sending bills and the deliberation reports to the plenary; carry out other administrative tasks such as arranging the committee's domestic and overseas visits.

3.2.4. The review report of the committee staff

Since the Constituent Assembly, committees have had their staff review bills, report about them or answer to members' inquiries, and since the 6th National Assembly (1963-1967), the reviews on bills should have been distributed to MPs in the committee in written forms (Kim, 2006, p.60). The procedure, however, was

not compulsory and there was no unified term to call the procedure. Since the 7th National Assembly (1967-1971), the document has been called the review report of the committee staff director, and presenting the report became a compulsory procedure in the examination of any bill by the amendment of the National Assembly Act in 1981.

The substance and the function of the review report

The review report on a bill introduces the substance of the bill; analyses the purpose of the bill; presents the pros and cons of the bill; informs of relevant stakeholders' positions on the bill; and offers amendment opinions of the staff director on the clauses in the bill in a detailed manner. In analysing bills, the committee staff should maintain an objective and neutral point of view and any benefits or side effects which can be expected from the implementation of the bill should be reviewed in the report. The report should be written to be easily understood by MPs who are usually non-expert to the policy matters that are dealt with in the bill. Nowadays, the detailed amendment opinions are sometimes omitted from the report and presented at the subcommittee stage because of the time pressure and workload of the committee stage.

The functions of the report are policy evaluation and provision of information for the MPs in the committee who are making decisions, and disclosure of information on the scrutiny of legislation. First of all, the committee staff evaluate the policies contained in bills through the review report (Kim, 2006, pp.34-35; Park, 1998, pp.32-34). The pros and cons of the purpose of policies and detailed measures of the policies are analysed in the report. MPs in the committee are informed of the evaluation of policies in the report, and the evaluation contains important information for the decision making process of MPs in the committee in the legislative process. This information is very valuable for MPs because the attention of MPs to a specific bill is a rare resource in the legislative process as demonstrated in chapter 8. On top of that, the report discloses information concerning the scrutiny of a bill (Kim, 2006, p.59). Information about a bill which cannot be found in the official minutes of committee or subcommittee meetings such as the positions of stakeholders on a bill and the detailed logic of them, technical pros and cons on detailed provisions of the bill and the detailed reasons for amendments of the bill is revealed in the report. These reports can be

accessed through the homepage of the National Assembly of South Korea and can be accessed by the general public.

The production process and the presentation of the report

Usually, legislative researchers draft the report of the committee staff director. When a bill is referred to a committee, the legislative researcher in charge of the bill requests information about the bill from the relevant department in the executive and from potential stakeholders. If necessary, the staff member consults with civil servants of the departments, personal staff members of sponsoring MPs (in the cases of private members' bills) and representatives of relevant interest groups. After collecting information, the legislative researcher conducts analysis and research on the bill for himself/herself and writes the first draft of the report.

Then, the staff director (including the chief of staff) in charge of the bill revises the first draft. When the workload of the staff director is heavy, he/she gives the legislative researcher direction in the revision of the draft, the legislative researcher revises the draft, and the staff director finally checks the revision. If necessary, the staff director meets senior civil servants of the relevant departments, the sponsoring MPs and the relevant interest groups' representatives. The final version of the report should be distributed to committee members at least 48 hours before the bill is presented before the committee, except under special circumstances (*National Assembly act 1988, art. 58(8)*).

The report is read by the staff director at the committee meeting when the bill is presented to the committee. In the past, a full version of all individual reports on individual bills were read. Nowadays, however, the reports tend to be read in a summarised version and all at once due to the great number of bills presented at a committee meeting and the need to secure enough time for committee members to debate.

The limit of the report

Historically, the limit of the report of the committee staff director was linked with the appointment of the committee staff director (Kim, 2006, p.60). Until 1972, committee staff directors (then, usually one per committee) had been appointed politically by the recommendation of parties. Committee staff directors in this period were likely to reflect their parties' interests in doing their job, and it was

difficult to expect that they would support the committee as a whole in an objective and impartial manner. The power of appointment of committee staff directors was transferred from committee chairs to the Speaker in 1972. Then, senior civil servants in the executive were seconded as committee staff directors of important committees (e.g. Legislation and Judiciary Committee, Finance Committee, Special Committee on Budget and Accounts) until 2001. The review reports of these committee staff directors were difficult to be conceived as impartial because they tended to be favourable to the executive branch and governing party (Kim, 2006, p.60).

All committee staff directors (including chiefs of staff) have been appointed from the permanent employees of the National Assembly Secretariat since 2001. The norm of political impartiality has been emphasised to them and even the *National Assembly Act 1988* (art. 42(2)) itself rules on the political neutrality of the committee staff. This norm brings positive effects on staff credibility, but also has negative effects on the function of committee staff. The report may be so mechanically neutral to a bill that it tends to identify all pros and cons of the bill but not to judge them, and the committee staff may avoid active analysis of politically controversial issues (Seo, 2011, pp.25-26). This tendency is more explicit on the review reports on private members' bills.

3.2.5. Legal status, personnel management system and official norms

As mentioned above, committee staff members in the South Korean legislature are employees of the National Assembly Secretariat and they have the legal status of career civil servants. Although they are civil servants, they are appointed by the Speaker or the Secretary General and independent from the executive branch and the President. They are employed through an open and competitive procedure (usually written examinations) and guaranteed their tenure unless they are punished by criminal laws or disciplinary actions (*State Public Officials Act 1963, art. 28, 68*). The parliamentary privileges, however, are not applied to them. A generalist approach is applied to the personnel management of staff in the National Assembly Secretariat. A staff member transfers every two and half years on average. The transfer of position is done between committees; between a committee and a position in other divisions of the National Assembly Secretariat; or between a committee and National Assembly Budget Office or National Assembly Research Service.

As civil servants, committee staff members should abide by the norms that are ruled in the relevant laws. The *Constitution of the republic of Korea 1987* (art. 2(7)) states the rules of political impartiality of civil servants. The *State Public Officials Act 1963* (ch.7) rules on the norms that any civil servant should abide by: the duty of fidelity; obedience; kindness and impartiality; religious neutrality; confidentiality; integrity; and prohibition of deserting from office, pecuniary business and concurrent office, political activities and collective activities. Moreover, the *National Assembly Act 1988* (art. 42(2)) stipulates that committee staff who are civil servants should maintain political neutrality in performing their duties.

3.2.6. Problems in the committee staff system of the South Korean legislature

Heavy workload compared with personnel capacity and the personnel management system that inhibits the nurturing expertise of staff have been identified as problems in the committee staff system of the South Korean legislature by researchers. First of all, the staff have a heavy burden of work on their shoulders (Park, 1998, p.90; Park and Yun, 2001, pp.185-186; Choi, 2008, pp.69-70; Lim and Seo, 2013, pp.68-69). The number of bills that were introduced in the first year of the 19th National Assembly (from 30 May 2012 to 29 May 2013) were 5,248 (including 12 budget bills and one settlement of account). In addition, any bills should be reviewed by the committee staff and presented to the committee within at least 45 days (in the case of a legislative bill for partial amendment of acts) or 50 days (in the case of a legislative bill for establishing new Acts, whole amendment or repeal of acts) from the date when the bill is referred to the committee (*National Assembly Act 1988*, art. 59, 59-2). The number of legislative researchers who conduct research and analysis on bills and policies and draft committee reports or committee bills, however, was 134, which means that a legislative researcher had to review 39 bills (including one budget bill and one settlement of account) in a year. Moreover, the number of committee staff directors (including chiefs of staff) who finalise the reports about bills; present them on committee meetings; and are in charge of drafting and management of documents of committees was only 39, which means that a committee staff director has to review 135 bills (also including one budget bill and one settlement of account) in a year. The chief of staff of each committee is also

in charge of committee proceedings and other administrative tasks in addition to these duties.

On top of that, the fact that the committee staff are guaranteed the legal status of career civil servants has been criticised by some researchers. According to the interviews with personal staff members in Park (1998, p.62), personal staff members think that committee staff members tend to have the identity of civil servants more than that of parliamentary staff, and (there was a perception that) they tend to be favourable to the executive. Moreover, the generalist approach of the civil service system may inhibit the committee staff members nurturing the expertise necessary to conduct analysis of and research on a specific area (Kim, 1992, pp.53-60; Park, 1998, pp.52-57; Park and Yun, 2001, p.177; Choi, 2008, pp.74-77). Thus, Park (2004b, pp.312-313) argues that the committee staff should be appointed politically as those in the U.S. Congress, and other researchers suggested the employment of specialists in a specific policy area by fixed-term contract (Lee, 2006, pp.52-53; Choi, 2008, pp.91-92).

Political appointment of committee staff, however, can damage the neutrality and objectivity of conducting the committee staff member's job, especially considering the fact that the policy capacity of political parties in South Korea is low (Kim, 2006, p.32). Moreover, the expertise of committee staff in the South Korean legislature may not be limited to the knowledge of a specific policy area because the job of committee staff includes drafting of law bills (requiring high skills of legislation), analysis of budget bills (requiring knowledge about financial administration of public organisations) and the management of policy networks about a policy issue as demonstrated in chapter 7. Permanent staff who have accumulated diverse experience as committee staff members in various policy areas may perform well in their job. Therefore, a generalist approach in the personnel management system may not be always harmful to the expertise of committee staff.

3.3. The Committee staff in the British Parliament

3.3.1. The House of Commons

There are three types of committees – select committees, general committees, and grand committees – in the British House of Commons (The U.K. Parliament,

2016a).⁴ Select committees can be categorised into departmental, cross-cutting and internal committees (Rogers and Walters, 2015, pp.306-314). Departmental select committees scrutinise the work of government departments which range from their policies to internal administrations. Cross-cutting committees and internal committees deal with matters to which many departments are related and domestic matters of the House itself respectively. General committees examine bills. Grand committees debate regional matters relating to Scotland, Wales and Northern Ireland (The U.K. Parliament, 2016a).

Organisation

Full-time committee staff members in the House of Commons are employed by the House of Commons Commission and belong to the House of Commons Service (House of Commons Service, 2013, ch.2). The House of Commons Service, for which just less than 1,800 staff work, has six departments – Chamber and Committee Services, Facilities, Finance, HR and Change, Information Services and Parliamentary Digital Service (Joint services with the House of Lords) (House of Commons Commission, 2015, p.50). With about 200 full-time equivalent staff, the Committee Directorate in the Department of Chamber and Committee Services conducts the function of secretariat, advice, research and administration for each of the House’s departmental select committees and most other select committees (Rogers and Walters, 2015, p.60; The U.K. Parliament, 2016b). The typical staff organisation of a departmental select committee is comprised of five or six full-time staff – the clerk of the committee, the second clerk, two subject specialists and one or two administrative staff (House of Commons, 2015, p.10). There are also part-time staff members called specialist advisers who are paid on a daily rate (Rogers and Walters, 2015, p.319). Select committees are also supported by a media officer who typically assists four or five committees (House of Commons, 2015, p.11).

In addition to these, the Committee Directorate also supports public bill committees (The U.K. Parliament, 2016b). Staff members in the Scrutiny Unit in the department provide both select and public bill committees with expertise on legislative and financial matters (The U.K. Parliament, 2016c). The Public

⁴ Joint committees consisting of MPs and Lords are excluded. The classification of committees in House of Lords in sub-section 3.3.2 also excludes Joint committees.

Accounts Committee that oversees government spending draws on the resources of the National Audit Office (Rogers and Walters, 2015, pp.248-249).

Role and Function

When it comes to departmental select committees, the most important function of the committee staff is to support inquiries. They provide a detailed brief including the background of the inquiry; important points from written evidence; areas that could be explored further; items necessary for the committee report; and provisional questions (Rogers and Walters, 2015, p.321). They follow the inquiry for other possible information or evidence and draft the committee report of the inquiry (Rogers and Walters, 2015, pp.323-324). The roles of staff members of a select committee are as follows: The clerk of the committee is the chief of the staff team and an important adviser of the chair of the committee about the committee's activities, and the second clerk manages inquiries and supports subcommittees (Rogers and Walters, 2015. P.319). Committee specialists provide information and research services through planning the inquiry programme; identifying potential witnesses; drafting briefing materials, provisional questions and committee reports; responding to requests for information from committee members; analysing previously published material and consulting experts in the relevant fields (The job description of committee specialist, acquired from the correspondence with the Committee Directorate of the House in 2014). The committee assistant plays administrative roles, such as making arrangements for committee meetings or visits; and printing and publication of evidence and committee reports (Rogers and Walters, 2015, p.319).

For the staff members of public bill committees, the main role is to support the proceedings of the committee, and research on the merits of a bill is not their function although they prepare the brief for sessions taking oral evidence along with departmental select committee staff and the Scrutiny Unit (Rogers and Walters, 2015, p.196). When it comes to dealing with amendments to bills, bill teams of the executive also support the legislative process (Cabinet Office, 2015; Page, 2003, pp.666-670). There has been no academic research about the policy impact of committee staff in the British House of Commons. Therefore, it is difficult to say about how great their impact is although they are indispensable resources for committee activities. According to the correspondence with the

Committee Directorate of the House in 2014, the committee staff are regarded as 'integral to the positive impact of committees on government'.

Legal status and norms

As mentioned above, full-time committee staff in the British House of Commons are staff of the House of Commons Service. They are recruited, transferred and promoted on the basis of appropriateness for the job (House of Commons Service, 2013, ch.8, s. 2(1)). They are not civil servants, but the complementing, grading and pay of staff in the House Departments are kept broadly in line with those in the Home Civil Service (*House of Commons Administration Act 1978*, s. 2). There are several types of staff appointment according to the duration of appointment – permanent, fixed-term, casual or temporary and zero hours (House of Commons Service, 2013, ch.3, s. 3).

The House of Commons Service (2013, ch.1, s. 3) enumerates integrity, professionalism, teamwork, recognition and commitment as core values. Political impartiality that is included in integrity is re-emphasised as an important norm of staff members who advise MPs (House of Commons Service, 2013, ch.18, s. 5(2)). Committee staff members who provide information, briefings or advice to MPs are required to keep political impartiality (House of Commons Service, 2013, ch.18, s. 5(3)). The House of Commons Service expresses the concern that the reputation of the whole staff organisation as well as the ability of staff members to conduct their function would be damaged if the norm of political impartiality is not kept (House of Commons Service, 2013, ch.18, s. 5(2)). In this regard, political impartiality is an important norm of committee staff members.

3.3.2. The House of Lords

According to the correspondence with the Committee Office of House of Lords Administration (2014), there are two types of committees – domestic committees and scrutiny committees – in the British House of Lords. The former deals with the delivery of services to peers, the use of public funds and the internal working of the House (The U.K. Parliament, 2016d). Permanent committees, except the domestic committees, focus on a specialised area, such as Europe, science, economics, communications, the UK constitution and international relations, differently from departmental select committees in the House of Commons (The U.K. Parliament, 2016e). Domestic committees have very few direct staff, but

scrutiny committees are supported by the committee office for which about 60 staff members work (Rogers and Walters, 2015, p.337; The correspondence with the Committee Office of House of Lords Administration, 2014).

Organisation

Committee staff in the House of Commons are employed by the Clerk of the Parliament and belong to the House of Lords Administration for which about 500 staff members work (House of Lords, 2012, p.1; 2016, p.56). The Committee Office in the Administration provides the House of Lords select committees with procedural and legal advice and administrative support (The U.K. Parliament, 2016f). A typical staff organisation of a scrutiny committee is comprised of three staff – a clerk, a policy analyst, and a committee assistant. As those in the House of Commons, committees can also appoint specialist advisers on a daily rate basis for the purpose of specialist advice (Rogers and Walters, 2015, p.337; The correspondence with the Committee Office of House of Lords Administration, 2014). Committees which oversee legislation are also supported by the Legislation Office. For instance, the Delegated Legislation Office supports the scrutiny work of the Delegated Powers and Regulatory Reform Committee and the Secondary Legislation Scrutiny Committee that review legislative work delegated to government ministers (The U.K. Parliament, 2016f).

Role and Function

The staff organisation of a scrutiny committee prepares inquiries and the meetings of the committee, provides committee members with briefings and information, supports the subcommittee's scrutiny work, drafts committee reports and publishes committee activities.⁵ The clerk is the head of the staff team. He/she manages the resources of the committee; gives advice to the chair and members of the committee on organisation, procedure and content of the committee's work; and oversees the committee assistant's administrative work and the policy analyst's research and information services. The policy analyst supports the clerk and committee with research and drafting. He/she prepares draft committee reports with the chair, the clerk, and specialist advisers. Special advisers, who are often leading academics in their field, also provide research

⁵ This introduction of staff members' role and function is based on the correspondence with the Committee office of House of Lord Administration (2014).

and information services. The committee assistant carries out administrative services. He/she makes all arrangements for meetings smoothly and efficiently.

Legal status and norms

As mentioned above, full-time committee staff in the British House of Lords are staff of the House of Lords Administration. They are recruited and promoted by fair and open competition (House of Lords, 2012, p.5). No committee staff member is a political appointee or the appointee of individual members. Staff who perform functions on behalf of the House or a committee of the House can at times be protected by parliamentary privilege (The correspondence with the Committee office of House of Lord Administration, 2014). As in the House of Commons, there are several types of staff appointment according to the duration of appointment – permanent, fixed-term, casual or temporary and zero hours (House of Lords, 2012, p.8).

The values of House of Lords Administration are: respect for the constitutional importance and dignity of Parliament; professional excellence; honesty, impartiality and integrity; openness and accountability; fairness and respect for all staff; obtaining value for money while recognising their corporate responsibility to wider society; and environmental sustainability (House of Lords, 2013, p.2). In those values, political impartiality is emphasised as one of the most important norms of staff of the House of Lords as it is for those of the House of Commons. The House of Lords (2012, p.136) expresses the concern similar to that of the House of Commons that the reputation of the Administration could be damaged when the political impartiality of its staff members is impaired. Briefings and advice by a staff member are expected to be free from the personal political opinions of the staff member by peers (House of Lords, 2012, p.136).

3.4. Committee staff in the U.S. Congress

3.4.1. The Committee system

House of Representatives

There are two types of committees – standing committees and select committees – in the U.S. House of Representatives in addition to the joint committees and conference committees with the Senate (*Rules of the House of Representatives 2015, r.I(11), X(10), (11)*; The U.S. House of Representatives,

2016a). Standing committees are established by rules of the house and have jurisdictions corresponding to the departments of the executive (*Rules of the House of Representatives 2015, r.X(1)*). Each standing committee has the responsibilities of legislation and oversight of programmes in its terms of reference, and gathering information through hearings (Smith, Roberts and Vander Wielen, 2015, pp.174; *Rules of the House of Representatives 2015, r.X(2)*). Select committees exist for a short time period and matters which may under several standing committees' terms of reference or investigation (Smith, Roberts and Vander Wielen, 2015, pp.177-178). The Permanent Select Committee on Intelligence, however, is established by the rules of the house and has a permanent status (*Rules of the House of Representatives 2015, r.X(11)*). These committees have their own budget to employ committee staff members (*Rules of the House of Representatives 2015, r.X(6)*).

Senate

There are also two types of committees – standing committees and select or special committees – in the U.S. Senate in addition to the joint committees and conference committees with the House of Representatives (Smith, Roberts and Vander Wielen, 2015, pp.174-178; *Standing Rules of the Senate 2013, r.XXV*; The U.S. Senate, 2016a). Standing committees are established by standing rules of the Senate and have jurisdictions corresponding to the departments of the executive as those in the House of Representatives (*Standing Rules of the Senate 2013, r.XXV(1)*). Each standing committee has the power to report on bills or other matters in its terms of reference (*Standing Rules of the Senate 2013, r.XXV(1)*). Select committees are principally for specific issues and exist temporarily as do those in the House of Representatives (Smith, Roberts and Vander Wielen, 2015, pp.177-178), but four select and special committees in the Senate – Indian Affairs, Ethics, Intelligence and Aging – have their legal bases in the standing rules (*Standing Rules of the Senate 2013, r.XXV(2)-(3)*). These committees have their own budget to employ committee staff members as in the House of Representatives (*Standing Rules of the Senate 2013, r.XXVI(9)*).

3.4.2. Organisation

House of Representatives

Table 3.3. The number of committee staff in the U.S. House of Representatives and Senate

House of Representatives		Senate	
Committee	Staff number	Committee	Staff number
Agriculture	45	Appropriation	109
Appropriation	156	Agriculture, Nutrition and Forestry	33
Armed services	61	Armed Services	51
Benghazi	33	Banking, Housing and Urban Affairs	40
Budget	46	Budget	42
Education and Workforce	70	Commerce, Science and Transportation	64
Energy and Commerce	118	Energy and Natural Resources	42
Financial Services	65	Environment and Public Works	38
Foreign Affairs	72	Ethics	14
Homeland Security	87	Finance	73
House Administration	50	Foreign Relations	61
Intelligence	29	Homeland Security and Government Affairs	89
Judiciary	64	Health, Education, Labor and Pensions	81
Oversight and Government Reform	88	Indian Affairs	21
Natural Resources	65	Intelligence	40
Rules	28	Judiciary	97
Science, Space and Technology	58	Rules and Administration	21
Small Business	22	Small Business and Entrepreneurship	23
Ethics	26	Special Committee on Aging	22
Transportation and Infrastructure	70	Veterans' Affairs	19
Veterans' Affairs	33		
Ways and Means	71		
Joint Committee on Taxation	63		
Total	1,420	Total	980

Source: The U.S. House of Representatives (2016b) and The U.S. Senate (2016b). The number of the committee staff is the number of staff members who are paid at the end of the periods that the reports cover.

Staff members of a committee are employees of the committee itself. A committee appoints its staff members by majority vote, and one-third of the staff members are appointed by a majority vote of minority party members at the request of minority party members (*Rules of the House of Representatives 2015, r. 10(9)*). Thus, the committee staff are comprised of majority party staff members (two-thirds) and minority party staff members (one-third). The Committee on Ethics and the Permanent Select Committee on Intelligence, however, do not have this dual composition of staff (*Rules of the House of Representatives 2015,*

r.10(9)). Although the structures of (organisation for) committee staff differ a little among committees, a typical committee staff organisation includes the posts of staff director, committee counsel, chief clerk, policy director, policy advisor, professional staff member, legislative assistant, staff assistant, communications director, press secretary and administrative director (Committee on Education and Workforce, 2016). The staff organisation of a committee usually consists of three parts which take charge of administrative, policy and communication tasks respectively. The average number of staff members per committee is large (61.7) although the number of committee staff members varies among committees as demonstrated in table 3.3.

Senate

Staff members of a committee are employees of the committee itself and the committee staff is comprised of majority party and minority party staff as in the House of Representatives. The composition of staff should reflect the share of seats between the majority and minority parties and at least one third of the committee budget for staff should be allocated to the minority (*Standing Rules of the Senate 2013, r.XXVII(3)*). The posts and structures of staff organisation are similar to those in the House of Representatives. The numbers of committee staff members according to committees are demonstrated in table 3.3. The average number per committee is 49 which is smaller than that of the House of Representatives.

3.4.3. Role and function

The roles and functions of the committee staff in the U.S. Congress can be classified into four major categories: information and intelligence function; integration function; drafting legislation and reports; and innovation function (DeGregorio, 1995, pp.268-274; Fox and Hammond, 1977, p.97; Patterson, 1970, pp.26-28; Sidlow and Henschen, 1985, pp.486-493). Firstly, the basic role of the committee staff is collecting information and delivering it to committee members (Webber, 1987; Whiteman, 1995). The information includes policy information, political information and procedural information (DeGregorio, 1995, p.268; Whiteman, 1995, p.40). The chairs and staff directors prioritise staff members' provision of policy information above their provision of political information as the role of committee staff (DeGregorio, 1995). The function of investigation through

which the committee staff prepare committee hearings and committee investigations is also included in the information and intelligence function (Patterson, 1970, p.26).

Secondly, the committee staff provide linkage between committees; between chambers (the House and the Senate); and between the Congress and the executive (Patterson, 1970, pp.26-27; Sidlow and Henschen, 1985, pp.488-490). The linking function includes negotiation (Patterson, 1970, pp.26-27; DeGregorio, 1995, pp.268-269). The task of explaining legislative activities to the chairs' constituencies may be the role of committee staff although the task is not important (DeGregorio, 1995, pp.268-270). Thirdly, the paperwork produced by committee staff that drafts legislation and committee reports is also an important role of committee staff (Fox and Hammond, 1977, p.98; Patterson, 1970, p.28). Patterson (1970, p.28) lists this function as a source of staff impact because the legislation and reports have the effect of policy making. Finally, the committee staff have the role of making new policy initiatives (DeGregorio, 1995, pp.268-269; Patterson, 1970, pp.27-28; Sidlow and Henschen, 1985, pp.490-493). Sidlow and Henschen (1985, pp.490-493) states that the attitude of committee leadership and the jurisdiction of the committee affect the degree of staff innovation.

DeGregorio (1995) states that there is a hierarchy of importance in the roles of the committee staff. Staff directors perceive that providing policy information is the most important role and negotiation on minor issues, providing political information and policy innovation comes next, but negotiation on major issues and informing of constituency chair's activities are not perceived to be as important as other roles (pp.268-269). Chairs think that policy innovation is expected most from the committee staff; that providing policy information and negotiation on minor issues comes next; and that providing political information, negotiation on major issues and informing of constituency chair's activities follows (pp.269-270). In this regard, policy information provision and negotiation on minor issues may be important roles of the committee staff in the U.S. Congress.

Much research has pointed out that the policy impact of the committee staff in the U.S. Congress is substantive through their role and function (e.g. DeGregorio, 1995; Fox and Hammond, 1977; Malbin, 1980; Patterson, 1970; Sidlow and Henschen, 1985) or as information sources for congressmen/women (e.g.

Whiteman, 1995). There have been disputes over the nature of staff impact, however, especially over whether committee staff are controlled by congressmen/women. Malbin (1980) states that staff are unelected representatives and congressmen/women become just the manager of legislative organisation. However, subsequent studies state that there exists a difference in the degree of delegation from committee chairs to staff; that the working styles of the committee staff indicate the control of committee staff by congressmen/women; and that the staff impact has a derivative character coming from the impact of congressmen/women (DeGregorio, 1988; 1995; DeGregorio and Snider, 1995). In fact, many factors can affect the committee staff impact. The factors can be summarised into the style of committee leadership (the degree of delegation to and acceptance of the committee staff); the expertise and partisanship of a committee member; the features of the committee (jurisdiction, history and party composition); the structure of staff organisation (centralised or de-centralised); the nature of issue (the degree of controversy); the stage in which the policy process is located (deciding on general directions or making details) (for details, see chapter 4, subsection 4.2.2).

3.4.4. Legal status and norms

The committee staff members in the U.S. Congress are the employees of the committee itself, but they are not permanent civil servants. The job rotation of committee staff members to legislative support agencies at Capitol Hill, agencies in the executive, or lobbying firms is a well-known phenomenon pointed out by many studies as discussed in the literature review in chapter 4. Moreover, the staff members are partisan staff. Two-thirds and one-third of staff members are allocated to the majority and minority parties respectively in the House of Representatives. The staff members are allocated according to the shares of seats of the majority and minority parties in the Senate. Thus, the committee staff usually have a dual composition consisting of majority party staff and minority party staff. These non-permanent and partisan features are characteristics which are different from the committee staff in the legislatures of other countries which are compared in this chapter.

The *Rules of the House of Representatives 2015* (r. XXIII, XXV) specify the norms which committee staff members should abide as follows: creditability (r.XXIII(1)); adherence to the rules (r.XXIII(2)); integrity (r.XXIII(3)); limitations on

outside earned income and acceptance of gifts (r.XXIII(4)-(5), r.XXV); and confidentiality (r.XXIII(13)). The *Standing rules of the Senate 2013* (r.XXXVI, XXXVII, XXXVIII) also specify limitations on gifts and outside earned income and conflict of interest. In addition to those official norms, unofficial norms include low visibility (anonymity and limited advocacy); deference to congressmen/women; partisanship (except a few committees); specialisation; and diligence (Patterson, 1970, pp.29-31; Romzek and Utter, 1997, pp.1265-1272). Moreover, accountability to committee or subcommittee chairs and ranking minority members is also important (Romzek, 2000). One interesting thing is that the partisan feature affects the staff norms in that partisanship and accountability to chairs and ranking minority members become important.

3.5. The Committee staff in the Australian Parliament

3.5.1. House of Representatives

Committees of the Australian House of Representatives can be classified into standing committees which exist during the term of a Parliament and deal with matters within their terms of reference and select committees which are created for dealing with specific matters and expire after reporting the matters. The former has two types of committee – general purpose standing committees that investigate or scrutinise matters (including legislation) in a specific subject area, and domestic or internal committees that deal with matters related to the powers, procedures or administration of the House. A bill may be referred to a standing or select committee after the first reading for an advisory report, but the committee cannot amend the bill by itself (Department of House of Representatives, 2010, p.4; Wright and Fowler, 2012, pp.359-361). In addition, the House, with the Senate, can appoint joint committees. These committees, except some of joint committees, are supported by the staff organisation in the Department of the House of Representatives.⁶

Organisation

Committee staff members of the Australian House of Representatives are employees of the Department of the House of Representatives. The Committee

⁶ The categorisation of committees in this section is a simplified and reorganised from Wright and Fowler (2012, ch.18) that identifies seven types of committees.

Office of the department has nine secretariats supporting 20 committees – nine House standing committees; 10 joint statutory, standing or select committees; and one domestic committee (Department of House of Representatives, 2015, p.28). There are 60 staff members in the office (Department of House of Representatives, 2015, p.119). Generally, a committee secretariat supports more than one committee and is composed of a committee secretary, two or more project/research officers and one or more support staff member (Wright and Fowler, 2012, p.664). Domestic or internal standing committees are usually supported not by a full-time secretariat in the committee office, but by staff in the Department having other tasks (Wright and Fowler, 2012, p.664). A committee can also employ specialist advisers who are appointed only for a particular inquiry or a specific task and paid on a part time basis (Wright and Fowler, 2012, p.664).

Role and Function

The functions of a secretariat which supports committee activities are providing advice on the procedure and practice of the committee; conducting administrative and clerical services; and providing research and analytical services related to the remit of the committee and particular inquiries (Wright and Fowler, 2012, pp.663-664). The committee secretary, as the head of a secretariat team, gives the committee as a whole appropriate advice; secures impartial opportunities for committee members to approach evidence and information which are supplied to or by the committee; manages committee resources to have the committee function effectively; and supervises staff in the secretariat team and secures their welfare (Wright and Fowler, 2012, p.666). The research officers' role is about research and analysis. They supply research and analytical support to a committee inquiry; prepare briefings and reports to committee members; arrange committee meetings and public hearings; and draft committee reports and other documents (The duty statement of Parliamentary Service Level 4 in Committee Support, acquired from the correspondence with the Committee Office of the Department of the House of Representatives in 2014).

The satisfaction of MPs in committees with the committee staff is very high (Department of the House of Representatives, 2015). As indicated by table 3.4, the proportion of members who answered that they were extremely satisfied, highly satisfied, or satisfied with support to committee activity is 100 per cent

although the number of respondents is small. Moreover, this high satisfaction has been maintained during the previous five years as demonstrated by table 3.5.

Table 3.4. Members' satisfaction levels with committee staff's services, 2015 survey (2014 in brackets)

Service area	Extremely Satisfied	Highly Satisfied	Satisfied	Not Satisfied
Procedural advice, research, analytical drafting and administrative support services in relation to committee inquiries and publication of the final report	8 (10)	7 (6)	7 (2)	0 (1)

Source: Department of the House of Representatives (2015, p.121)

Table 3.5. Member's satisfaction rates during recent five years

Indicator	2010-11	2011-12	2012-13	2013-14	2014-15
Member's satisfaction rates (%)*	100	95	100	95	100

* Members' satisfaction rates represent the proportion of members who stated they were 'satisfied', 'highly satisfied' or 'extremely satisfied' with committee services

Source: Department of the House of Representatives (2015, p.27)

Legal Status and Norms

Committee staff members in the Australian House of Representatives are employees of the Department of the House of Representatives. The *Parliamentary Service Act 1999* and its subordinate legislations provide the legal framework that rules their employment, promotion and norms. They are recruited by a merit based selection process (*Parliamentary Service Act 1999*, s.10; *Parliamentary Service Determination 2013*, c.19). The type of employment is classified into ongoing (permanent employment) and non-ongoing (employment for a specific duration). Most committee staff are in ongoing employment, but there are a small number (currently seven in the Committee Office) of non-ongoing staff.

The *Parliamentary Service Act 1999* (s.10) states the rules of employment, management, rights and obligations of the committee staff members. The act identifies five parliamentary service values – committed to service, ethical, respectful, accountable and impartial. In addition, committee staff members should follow the Parliamentary Service Code of Conduct ruled by the act. Important parts of the code are as follows: behaving honestly and with integrity; acting with care and diligence; treating everyone with respect and courtesy, and

without harassment; complying with applicable Australian law; complying with any lawful and reasonable direction; maintaining appropriate confidentiality; avoiding any conflict of interest; using the resources of the Commonwealth in a proper manner; and not providing false or misleading information in response to a request for information (*Parliamentary Service Act 1999, s.13*).

Political impartiality is also emphasised as an important norm of the committee staff in Australia. Two of the responsibilities of the committee secretary identified in Wright and Fowler (2012, p.666) are 'provide impartial, non-partisan advice and support services to the committee' and 'provide equal and timely access to evidence, correspondence and information provided to, or commissioned by, the committee to all committee members'.

3.5.2. Senate

Committees of the Australian Senate can also be classified into standing committees and select committees. In addition, the chamber, with the House of Representatives, can appoint joint committees. These committees are categorised as follows: standing domestic committees; standing legislative scrutiny committees; legislative and general purpose standing committees; estimates committees; select committees; and joint committees (Evans and Laing, 2012, pp.444-445). The functions of domestic committees are similar to those of domestic committees in the House of Representatives (Evans and Laing, 2012, pp.447-456). Legislative scrutiny committees scrutinise secondary legislation (Regulations and Ordinances Committee) and law bills (Scrutiny of Bills Committee) in legal aspects (Evans and Laing, 2012, pp.456-460). A pair of legislative and general purpose standing committees in a subject area are comprised of a reference committee and a legislation committee (Evans and Laing, 2012, p.461). The latter conducts inquiries about bills, estimates, annual reports and performance of agencies and the former deals with general matters in the subject area except those referred to legislation committee (Evans and Laing, 2012, pp.461). Bills may be referred to legislation committees by the Selection of Bills Committee (Evans and Laing, 2012, p.308). The legislation committee cannot amend the bill by itself, but it can recommend amendments to the Senate (Department of the Senate, 2013, p.6). These committees, except some joint committees, are supported by the staff organisation in the Department of the Senate.

Organisation

Committee staff members of the Australian Senate are employees of Department of the Senate. The Committee Office of the department supported 16 legislative and general purpose standing committees, eight select committees, and six joint committees during 2014-15 financial year, and 58 staff members (full time equivalent) worked in the office during the same period (Department of the Senate, 2015, pp.46, 120). A secretariat which supports a legislative and general purpose standing committee supports two committees (a legislation committee and a reference committee) and is comprised of a committee secretary and a number of research and clerical staff members (Evans and Laing, 2012, p.516). Other committees, except legislative and general purpose standing committees, are supported by secretariats which are comprised of staff conducting other duties in the Department of the Senate (Evans and Laing, 2012, p.516). A committee can employ consultants who will advise the committee on technical matters under the approval of the President of the Senate (Evans and Laing, 2012, p.517). When committees examine estimates of departments or agencies of the executive, they can invite the Auditor-General or other senior officers from the Australian National Audit Office (ANAO) to provide their comments on the estimates (Evans and Laing, pp.472-473).

Role and Function

The functions of a committee secretariat are as follows: advising the committee in procedural aspects; providing the committee with administrative services; organising meetings and public hearings; conducting research and analysis on the evidence received by committees; drafting the chair's reports; and helping witnesses and the general public to participate in committee inquiries (Department of the Senate, 2014, p.42). The committee secretary is the head of a committee secretariat. He/she is in charge of the drafting of committee reports; gives advice about committee proceedings to the chair and other committee members; manages the staff in the committee secretariat (including consultants); and gives information about the committee system to interested groups and the general public to help citizens participate in parliamentary processes (Job description of Committee Secretary acquired from the correspondence with the Committee Office of Department of the Senate in 2014). The research officer conducts research and analysis work, producing draft reports, briefing papers,

and background material; helps the committee secretary in organising committee inquiries, especially public hearings; manages individual inquiries; provides witnesses, officials and the general public with information about committee business (Job description of Principal Research Officer, acquired from the correspondence with the Committee Office of Department of the Senate in 2014). There is no evidence demonstrating the impact of the committee staff in the Australian Senate although the Annual Report of the Department of the Senate states that there are informal feedback channels demonstrating satisfaction with the service of committee staff from senators (Department of the Senate, 2015, p.47).

Legal Status and Norms

Committee staff members in the Australian Senate are employees of the Department of the Senate. Their employment, promotion, and norms are ruled by the *Parliamentary Service Act 1999* and its subordinate legislations as in the House of Representatives. Thus, their legal status and norms are almost the same as those of the committee staff in the House of Representatives. In particular, the response from the Committee Office of Department of the Senate to the questionnaire about the norms of committee staff emphasises impartiality as follows:

For practical reasons, a committee secretary works to the chair as the representative of the committee, but the secretary is ultimately the servant of the committee as a whole, and is expected to serve all the members of a committee equally.

3.6. The Committee staff in the German Parliament

3.6.1. Bundestag

Committees of the German Bundestag can be classified into permanent committees which exist during the electoral term and deal with matters within their terms of reference and special committees which deal with specific questions (*Rules of Procedure of the German Bundestag 2014, r.54*). Each permanent committee is usually set up to shadow each ministry of federal government after the formation of the government (Linn and Sobolewski, 2015, pp.30-31). A bill is generally referred to the committee which has the jurisdiction of the bill after the

first reading of the plenary and the committee reports to the plenary advising the decision on the bill (Linn and Sobolewski, 2015, p.37; *Rules of Procedure of the German Bundestag 2014*, r.66, 80). In addition to permanent committees, the German Bundestag can establish committees of inquiry for the purpose of investigation (*Basic Law 1949*, art. 44; Linn and Sobolewski, 2015, p.50). These committees are supported by staff members in the Administration of the German Bundestag.

Organisation

Most committees are supported by secretariats in Directorate PA (committee) in Directorate-General P (Parliament and Members). The directorate support 20 permanent committees and three committees of inquiry (Administration of the German Bundestag, 2016). The Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure and the Committee on the Affairs of the EU are supported by a secretariat in Directorate PD (parliamentary services) and that in Directorate PE (European affairs) in the same Directorate-General respectively. The Petitions Committee is supported by a secretariat in Directorate Pet (petitions and submissions) in Directorate-General W (research and external relations). A committee secretariat is generally composed of a committee secretary, clerical assistants and secretarial staff members (German Bundestag, 2016a).

Role and Function

The role of the secretariats of committees in the German Bundestag is focused on the procedural and administrative function. The secretariats recommend the committee chair about the meeting schedule and agenda; check the submission of the items of business (including relevant documents necessary for their examination) to committees; keep their eyes on committee meetings in the aspect of rules of procedure and schedule; keep the list of MPs who will speak; and take charge of hands-on work in writing committee reports and minutes (Linn and Sobolewski, 2015, p.147; German Bundestag, 2016a). In addition, they conduct the function of linkage between the committee and the ministry of federal government that the committee shadows, other relevant ministries, relevant pressure groups and organisations and parliament groups or parties (German Bundestag, 2016a; Linn and Sobolewski, 2015, p.147). The reason that the committee staff focus on the function of procedural and administrative tasks would be that the staff of parties funded by federal budget according to the

Political Parties Act 1994 provide the research and analysis service. The total number of staff members employed by parties was 821 in 2014 (German Bundestag, 2016b).

Legal Status and Norms

Committee staff members in the German Bundestag usually have the status of civil servants. As the German Bundestag is one of the constitutional bodies and federal authorities (Federal Ministry of the Interior, 2014), the staff members in the administrative apparatus of the legislature have the status of civil servants. The *Federal Civil Service Act 2009* (s. 6(2)) specifies the duties of federal civil servants. Important norms to federal civil servants are devotion and commitment to their profession (art. 61); obligation to official instruction and supervisors' guidelines (art. 62); responsibility for securing the legality of the administration (art. 63); keeping secrecy or confidentiality (art. 67); and keeping integrity, being prohibited from accepting rewards, gifts and other benefits (art. 71). The political impartiality of the civil service is emphasised in the Act by occupying the status of a basic obligation, being stated that civil servants do not serve a party and prioritise the public interest (art. 60).

3.6.2. Bundesrat

The German Bundesrat can set up standing committees and additional committees to deal with specific business (*Rules of Procedure of the Bundesrat 1993, r.11*). The unique feature of the composition of a committee in the German Bundesrat is that each Länder should be represented in every committee by a member of the Bundesrat, another representative member of its government (*Rules of Procedure of the Bundesrat 1993, r.12*). The President of the Bundesrat refers bills to appropriate committees (*Rules of Procedure of the Bundesrat 1993, r.36*). The committees deliberate on the bills and report to the plenary their recommendations (*Rules of Procedure of the Bundesrat 1993, r.45*). The committees are supported by staff members in the Bundesrat Secretariat.

Most committees are supported by committee offices in Directorate-General A (committees) in the secretariat. The directorate-general support 15 committees (Bundesrat Secretariat, 2016). A committee office takes charge of the secretary services of two or three committees, generally. The Committee on Legal Affairs is supported by a bureau directed by the Deputy Secretary General. The

committee offices assist committee chairs in preparing and presiding over committee meetings. They also conduct paperwork of writing the minutes of the committee meetings and drafting committee recommendations to the plenary which contain the decision of the committee (Bundesrat, 2016). As in the Bundestag, their function is also focused on procedural and administrative roles. It seems that the members of committees in the Bundesrat can be supported by officials of Land government in the aspect of research and analysis. The committee staff are also federal civil servants and have the same norms as those in the Bundestag.

3.7. Comparison and Conclusion

Table 3.6 is the comparison of the committee staff described in this chapter focusing on their role and status. Basically, the role of the committee staff is influenced by the role of the committee that they support. In turn, the role of the committee is affected by the features of the legislative process and internal organisation of the legislature. Thus, staff of a committee that is located in the centre of the legislative process (South Korea and the U.S.) exert a substantive role in forming legislation. They provide information and analysis in the legislative process. Conversely, where the function of a committee focuses on investigation and inquiries rather than legislation (the U.K and Australia), the role of committee staff is concentrated on the investigation and inquiries.

There are a couple of interesting points worth mentioning. First of all, the existence of other staff can affect the role of committee staff. In the German Bundestag and Bundesrat, the committee staff focus on supporting proceedings although committees in the chambers play important roles in the legislative process. Strong party staff organisations can support MPs in committees in the Bundestag and staff of Land governments can support committee members – basically representatives of Land governments – in the Bundesrat. In the U.K. House of Commons, staff in public bill committees also tend to focus on a procedural role. The role is basically affected by the legislation process in the House of Commons in that the basic substance of a bill is decided in the 2nd reading on the floor and public bill committees focus on amendments to details, but the existence of bill teams in the executive supporting the progress of bills

Table 3.6. Comparison of the committee staff

Legislatures	Role and function	Status	Other staff*
South Korean National Assembly	-Support proceedings -Research and analysis -Paperwork in the legislative process (Drafting bills and reports)	Civil Servants (non-partisan)	Personal staff (seven per MP)
The U.K. House of Commons			
Departmental select committees	-Support proceedings -Investigative (preparing briefings, identifying witnesses etc.) function -Research and analysis -Drafting reports	Employees of the house (non-partisan)	Personal staff (usually four per MP)
Public bill committees	-Support proceedings		Bill teams in the executive
The U.K. House of Lords	-Support proceedings -Investigative (preparing briefings, identifying witnesses etc.) function -Research and analysis -Drafting reports	Employees of the house (non-partisan)	
The U.S. House of Representatives	-Support proceedings -Providing policy and political information required in the legislative process -Investigative function	Employees of the committee (partisan)	Personal Staff (18 full-time staff per MP)
The U.S Senate	-Linking between committees, between chambers, and between the legislature and the executive (including negotiation) -Policy innovation	Employees of the committee (partisan)	Personal Staff (about 39 per MP)
Australian House of Representatives	-Support proceedings -Investigative (preparing briefings, identifying witnesses etc.) function	Employees of the house (non-partisan)	Personal Staff (three or four per MP)
Australian Senate	-Research and analysis -Drafting reports	Employees of the house (non-partisan)	
German Bundestag	-Support proceedings	Civil servants (non-partisan)	Personal staff (about seven per MP) Staff in parties
German Bundesrat		Civil servants (non-partisan)	Staff in Land governments

* Sources: *Act on Allowances, etc. for National Assembly Members 1981* (attached table 4), The Brookings Institution (2017, ch.5), Independent Parliamentary Standards Authority (2016), Jones (2006, p.646), Linn and Soblewski (2015, p.141), *The United States Code* (title 2, s.5321), Wright and Fowler (2012, p.152), The numbers of personal staff per MP in the U.S. Senate and German Bundestag are calculated by dividing total number of personal staff by total number of MPs.

also seems to affect the function of the committee staff. On top of that, partisan status can affect the role of committee staff. The committee staff in the U.S. Congress have partisan features and are directly accountable to chairs (majority party staff) or ranking members of the minority (minority party staff) and their

parties. Thus, their roles include partisan support for committee members of their own party and policy innovation differently from those of committee staff in other legislatures.

So far, the contexts of this thesis – the legislature of South Korea and its committee staff system – have been introduced. The committee staff system has been compared with those in other legislatures at a descriptive level. The next stage is the review of previous literature on the legislative staff.

4. Previous Literature Review

4.1. Introduction

This chapter reviews previous literature about legislative staff. The coverage of this review is as follows. Firstly, the subject of literature reviewed in this chapter is not limited to committee staff. Studies about personal staff and legislative support agencies are also included. This is not only because they tend to be considered together in the literature about the legislative staff (especially in the U.S.) and it is difficult to separate them, but also because literature about personal staff and legislative support agencies has implications for the aspects of theory and methodology in the study of committee staff. Secondly, this review does not, principally, cover dissertations, articles in the media and unpublished manuscripts. Dissertations about the impact of the committee staff in South Korea, however, are included. This is because empirical study in South Korea about the subject is rare and these dissertations are a few important studies about the subject. Thirdly, literature about the legislative staff in the U.S., South Korea and Western European countries is reviewed, although the languages of these studies are limited to English and Korean.

Research about legislative staff in the U.S. has evolved reflecting the changes in political science in the country (Hammond, 1996, p.543). Early studies are descriptive and focus on institutional characteristics of staff systems. Until the end of the 1970s, the descriptive and exploratory studies had occupied a considerable part of the research on legislative staff. Studies which test hypotheses about staff behaviour and impact based on empirical data started to appear in the 1960s, but became an important part of the sub-discipline from the 1980s (Hammond, 1996, p.543-544). Contrary to the studies in the U.S., most of the staff research in other countries is descriptive, institutional and prescriptive. Although several studies in South Korea have tried to assess the impact of legislative staff empirically since the 1990s, there is a big disparity between the research in the U.S. and that in other countries. Theories, concepts and research hypotheses developed in the U.S. are rarely used in studies about the legislative staff in other countries and systematic comparison of the roles or impact of staff in different countries has not been conducted as Hammond (1984, p.306) pointed out three decades ago.

Assessed against the aims of this thesis – addressing the role and impact of the legislative committee staff and factors affecting them, the literature about the legislative staff in South Korea has not reached the stage of addressing the factors affecting staff impact and the nature of staff impact. When it comes to American literature, which comprises most of the literature, the network managing function of the legislative staff has not been focused on enough in comparison to the information and intelligence functions. In addition, human factors (chair's character or leadership style and partisanship or expertise of staff members) or administrative factors (the structure of staff organisation, committee's terms of reference, chair's tenure and official power of staff) listed by American studies as factors affecting the impact of staff seem to have less relevance in the South Korean legislature.

The following section is about the literature in the U.S. Diverse subjects in the literature are identified and introduced, but studies about staff impact are focused on although other studies are also tapped. Individual studies are reviewed according to their subjects. Then, studies in other countries are reviewed. The review of literature about the legislative staff in South Korea is followed by that of literature about the legislative staff in Western Europe.

4.2. Literature in the U.S.

The literature in the U.S. includes studies of various subjects: description of individual staff members and staff organisation; the relationship between staff and legislative activities or performance; staff impact; staff members' utilisation of policy information and analysis; factors affecting staff organisation and legislative professionalism; staff norms and accountability; and staff from minority groups. Early studies, which are descriptive and exploratory, provided information, important concepts and research hypotheses which became the bases of research in the following period. With the advent of the studies about staff impact, staff became an important variable which explains legislative activities and the power of the legislature in the policy process. Some research tried to identify variables which affect staff behaviour and impact, provided that staff are important actors in the policy process. The subjects of research on the legislative

staff diversified in the 1990s. Norms of staff and policy impact of staff from minority groups began to be studied.

4.2.1. Descriptive and exploratory studies about individual staff members and staff organisation

Although research about the legislative staff in the U.S. started in about 1940 (Hammond, 1984, p.272), this review covers studies after the 1970s. One of the flows of the early studies pays attention to individual staff members. Firstly, comprehensive data about individual committee staff members and personal staff members in the U.S. Congress are gathered by Hammond (1975) and Fox and Hammond (1977). The data are about tenure, recruitment paths and other demographic characteristics (age, education, gender and legal residence). Henschen and Sidlow (1986) also present data about previous positions, ages, formal education and career aspiration of committee staff members in the U.S. House of Representatives. According to these studies, the position, the features of the committee for which a staff member works, the degree of formal education, career experience and personal aspiration are associated with each other.

Secondly, orientations of individual staff members were studied. Price (1971, 1972) classifies committee staff members according to their orientations. The basic line is drawn between professionals and entrepreneurs. Whereas staff members of the former category are reactive, politically neutral and focus on analysing policies and developing alternatives, those of the latter are active and committed to finding new legislative proposals and pushing them (Price, 1971, p.335). Salisbury and Shepsle (1981a, p.568) add a new type of staff member – politicians who prioritise the success of their bosses – to the two types. Romzek and Utter (1996, pp.433-434) identify four orientations of congressional staff: policy or issue orientation, partisan orientation, regional orientation (feeling ties to a specific region or state) and loyalty to an individual Congressman/woman.

Thirdly, research which focuses on the career path and turnover patterns of staff members was conducted. Salisbury and Shepsle (1981b) trace staff recruitment paths and turnover patterns of personal and committee staff members. They suggest three factors affecting staff member turnover: the orientation of the staff member, the relationship between the congressman/woman and his/her staff, and the change in political environment. Anderson (1990) analyses staff turnover

in two state legislatures (Nebraska and Ohio). He concludes that the staff recruitment system and the individual orientations of staff affect staff decisions to leave. Romzek and Utter (1996, pp.435-437) explain the personal differences of short-term career staff and long-term career staff. The former consider their current jobs as 'stepping stones' (p.435); become sceptical and tired; or cannot balance their work and private life. The latter are interested in politics and power and want to be involved in policy making.

The other flow explores staff organisation. Firstly, Fox and Hammond (1977, pp.69-70) categorise congressmen/women's personal office organisation: hierarchical, coordinative and individualist. They listed seniority, region and previous background of a congressman/woman as factors affecting the operation of his/her personal office. They also report communication patterns and sources of information in the personal offices of congressmen/women (ch.7). Hammond (1978) describes changes in the staff system in the U.S. Congress. According to her findings, the number of staff in charge of legislative work has particularly increased although the number of staff has also increased generally; staff have become more expert; and the distribution of staff has become decentralised (p.188).

In addition, Salisbury and Shepsle (1981a) set a unique perspective – Congressional enterprise – which views the U.S. congress focusing on the staff organisation. They argue that the growth of the staff organisation results in the emergence of 'Congressional enterprises' in which each congressman/woman plays a role as the head of the enterprise (p.559). The direct personnel resources of which an enterprise is comprised are personal staff members and committee or subcommittee staff members who are appointed by the congressman/woman, but former staff members – so called, 'alumni networks' (p.561) – who are working elsewhere (e.g. legislative support agencies, interest groups or the executive branch) can also be included in the enterprise as indirect resources.

Moreover, Whiteman's (1987) essay about congressional staff related to health policy reports the concentric feature of the communication network in the legislature. A typical network about a policy issue has a core comprised of the committee staff and personal staff of the congressmen/women who are involved in the issue. The degree of understanding about an issue among those who are outside the core falls through the order of personal staff of congressmen/women

in the relevant subcommittees and personal staff of other members in the relevant full committees. Finally, Romzek and Utter (1996, pp.416-420) describe the working conditions of staff (crowded offices, long working hours, lower wages and no job security) and the work of the staff according to their position (leadership staff, staff in administrative offices, committee staff and personal staff). They demonstrate that there is a hierarchy in a member's office (pp.420-421). Senior and trusted staff occupy the core of the hierarchy and junior and less trusted staff are located at the periphery.

The studies mentioned above provide the basis for subsequent research. The classifications of staff orientation by Price (1971, 1972) and Salisbury and Shepsle (1981a) have provided a framework of studies about the policy impact of the legislative staff reviewed later. The Congressional enterprise approach suggested by Salisbury and Shepsle (1981a) has provided an influential perspective in understanding legislative behaviour in the U.S. Congress and in studying congressional staff. Descriptive data about the staff members' demographic characteristics, recruitment and career paths and turnover in Hammond (1975), Fox and Hammond (1977), Henschen and Sidlow (1986), and Anderson (1990) have become the basis for research hypotheses about factors affecting staff behaviour and policy impacts. Whiteman's (1987) essay is important exploratory research for the studies about the communication network in the U.S. Congress. These studies, however, do not directly address questions about the role and impact of the legislative staff and factors affecting them. That job is conducted by research reviewed in the next subsection.

4.2.2. Role and impact of the legislative staff

Research about the role and impact of the legislative staff occupies an essential part of the American literature about legislative staff. Studies can be classified according to their focus: examining the relationship between staff and legislative activities and performance; analysing the role of staff; assessing staff as legislators' information source; investigating the communication network in a legislature; examining the nature of staff impact (autonomous or controlled by legislators); and analysing factors affecting the impact of staff.

The relationship between staff and legislative activities and performance

Staff are considered as an important resource for the legislature to do its job effectively (Evans, 1991; Fox and Hammond, 1977; Hall, 1993; Romzek and Utter, 1997; Starahan, 1990). Therefore, the relationship between the development of a staff system and the performance of the legislature, committees or individual legislators is an important subject. At first, Rosenthal's studies (1973, 1974) about state legislatures in the U.S. do not report a strong association between the staff organisation and committee performance. The studies demonstrate that there is no significant correlation between the size of the staff organisation and committee effectiveness (Rosenthal, 1973) or committee performance in policy formulation (Rosenthal, 1974). Staff are reported to (only) be associated with committee performance (only) in policy control (Rosenthal, 1974).

The following studies, however, demonstrate a positive relationship. Ornstein (1975) demonstrates a positive correlation among the number of bills co-sponsored, the number of staff and the utilisation of staff for legislative purposes in the U.S. Congress although the focus of the study is on which factors affect staff utilisation by a congressman/woman. Hammond (1978) reports the consequences of changes to the staff system in the U.S. Congress. They are the increase of staff resources for members; the growing autonomy of subcommittees and individual members; more active legislative activities (e.g. more hearings and meetings); and the growing need for skills in managing staff organisation (pp.189-191).

Several studies emphasise the importance of staff especially for the activities of individual legislators. In Strahan's (1990) book, the committee staff is one of factors that affect the activities of congressmen/women in the Ways and Means Committee of the U.S. House of Representatives although his focus is on explaining the reform of the committee and its consequences. The construction of partisan committee staff and the increase in the number of staff members gave legislators the advantage of accessing expertise and information, but strengthened the partisan atmosphere in the committee. Non-partisan staff of the Joint Committee on Taxation, who traditionally had impact on tax policy issues in the Ways and Means Committee, became weak in the policy process. The growth of committee staff organisation, along with the creation of the Congressional Budget Office, made more information available for congressmen/women, but they began to rely on their staff.

Similarly, access to the committee staff is an important resource for a senator to participate in committee activities in Evans (1991) although the focus of the study is on senators' behaviour in the U.S. Senate committees. According to Evans, information is very important for legislative activity and staff are 'the primary resources for processing information' (p. 486). Access to the committee staff, however, is limited to the committee leadership (chairs of full committees and subcommittees and ranking minority-party leaders). The disparity is also between the majority and minority parties and makes a difference in members' participations in a committee's legislative activity.

Likewise, Hall (1993) pays attention to the effect of staff on the participation of congressmen/women in committee work although the focus of his study is not on staff but on committee work. The study is based on interviews with staff and committee records. He argues that legislative resources are important for a member's participation and committee leaders possess these resources. The Committee staff is one of the most important resources. Intensive staff utilization is a necessary condition for effective legislative involvement. In addition, staff is one of the independent variables which affect senators' bill introduction in Schiller (1995). The staff variable is measured by the number of staff members in a senator's personal office. She demonstrates that a greater number of staff members is associated with more bill introduction through a regression analysis. The result does not change whether or not the bill is referred to the committee for which the sponsor works.

Using data about state legislatures, Grossback and Peterson (2004) analyse the effects of legislative staff organisation on policymaking. They demonstrate that total staff size affects the number of bills introduced, the number of bills enacted, and the number of vetoes of the Governor positively (p.43). The number of institutional staff members affects the number of bills introduced positively, but the number of personal staff members affects the number of bills introduced negatively (p.43). They conclude that the development of a legislative staff organisation facilitates the activity of the legislature and affects the relationship between the legislature and the executive (pp.46-47).

Overall, the legislative staff have been considered as one of the important resources of the legislature. As reviewed, most studies state that they contribute to the legislative performance and that the relationship between staff and

legislative activities (both of the legislature and individual legislators) is positive. This argument raises another question of how great the impact of the legislative staff is. This question has been answered through three strands of research: analysing the role of staff; assessing staff as legislators' information source; and investigating the communication network. The research is reviewed below.

Analysing the role of staff

Staff impact is exerted through the roles that the staff play. Therefore, analysis of these roles is important for studying staff impact. Firstly, Patterson (1970) conducts interviews with congressional committee staff members. He argues that the most important function of staff is to supply information and that staff play the role of a bridge between committees; between the Senate and the House; and between the legislative and the executive branch. Staff have impact through their work on information processing and legislation drafting. Secondly, Fox and Hammond (1977, pp.93-96) list five roles of personal staff members in the Senate: interactor (dealing with constituency work and interest groups), supporter (dealing with bills, speeches and remarks in the committee and on the floor), responder (dealing with requests for information and work relating to correspondence), advertiser (dealing with presswork) and investigator (dealing with legislative oversight). Finally, Sidlow and Henschen (1985) study the committee staff in the U.S. House of Representatives through a survey of staff members in eight committees of the House. They identify three functions of staff – information and intelligence; integration between the chambers and between the legislature and the executive; and policy innovation. In addition to these studies, Malbin (1980) and DeGregorio (1995) address the issue of the role of staff, but their works are more relevant to the nature of staff impact. Thus, those studies are reviewed later.

Considering these studies – including Malbin (1980) and DeGregorio (1995), as already discussed in chapter 3, the roles of the U.S. congressional staff are summarised into: information and intelligence function; integration function; drafting legislation and reports; and innovation function. It is noteworthy that the information and intelligence function has been focused on more than the other functions, which is also found in the studies about legislative information reviewed later, while on the contrary, the integration function – a sort of network managing

function to which this thesis give its attention – has been relatively underestimated.

Assessing staff as legislators' information source

Staff are considered as one of the information sources of legislators. Many studies examine staff impact by assessing the importance of staff as an information source or by identifying the position of staff in the network of information. Already about 40 years ago, Porter (1975) demonstrated that legislators in state legislatures regard staff as an important information source in the studies of the legislatures of Michigan and Virginia based on a survey of members of the legislatures. In particular, 60 percent of legislators in the Virginia House value personal staff as very useful, and 38 percent of them value committee staff as very useful (p.50). In addition, the legislators conceive the informational function (research and information gathering) as the most important function of personal staff (p.51).

The importance of the legislative staff as legislators' information source has been supported by studies about state legislatures in the U.S. since the above study. Bradley (1980) shows that the legislative staff play an important role as an information source of technical policy information in the state legislature through a survey of members in the legislature of Nevada. Webber (1987) analyses legislators' usage of policy information through interviews with 60 legislators of the Indiana House of Representatives. The legislative staff is conceived as one of the important information sources although the focus of the research is on the test of a two-communities theory and legislators' orientation hypotheses about legislators' use of policy information. Among 19 information sources, the legislative service agency is ranked as the second (in usefulness) and the seventh (in frequency); the committee staff is ranked as the fourth (in usefulness) and the fifth (in frequency); and the caucus staff is ranked as the seventh (in usefulness) and the fourth (in frequency) (p.622). Gray and Lowery (2000) trace origins of policy ideas in the legislature of Minnesota through surveys of legislators and staff members about their information sources in different policy stages. Legislative staff is ranked as the fourth most important source for legislators among 17 sources (p.584). Staff members evaluate other staff members as the most important source followed by the executive branch, legislative study commissions and lobbyists (p.585). They conclude that

members depend on staff although the primary sources of a policy idea are their own experience and constituents, and that the policy stage variable has a small influence on the importance of information sources (pp.592-594).

The importance of the legislative staff has been also propped up by fiscal studies. Hoffman (2006) assesses the influence of legislative fiscal analysts (staff in the legislative fiscal office) on the examination of the state budget and analyses factors affecting the influence through four cases of state legislatures. Interviews with legislative fiscal analysts, legislators and officials in the executives are conducted and complemented by the analysis of the documents produced through the budget process. 73 percent of interviewees answered that legislative fiscal analysts are very influential or influential (p.45). Legislative fiscal analysts are ranked as the fourth key budget actor by interviewees out of a total of nine actors (p.46). The comparison of legislative fiscal analysts' recommendations with final budgets reinforces the findings from interviews. It is argued that 'legislative [fiscal] analysts are seen as essential information conduits for the legislature' (p.46). Bourdeaux (2008) examines the information sources of legislators in state legislatures through literature review; surveys and interviews with legislators in the Georgia Appropriations Committee (both in the House and the Senate) and officials in the legislature and the executive branch of the state; and participatory observation. The focus of this study is on fiscal information, especially performance information. The literature review demonstrates that the legislative staff is an important information source and that information from the executive is perceived as unreliable by members of the legislatures although it can be accessed easily and timely (pp.550-554). The surveys and interviews about information sources in the budget process reinforce the findings by demonstrating that the legislative staff is ranked as the third most reliable information source in 11 sources by legislators and that they do not trust information from the executive or administrative agencies (pp.559-562).

Needless to say, there are a couple of studies containing qualified results. In their research based on interviews with legislators in eight state legislatures, Wissel, O'Connor and Michael (1976) state that staff are major information sources in legislatures which are well-staffed, but external sources are important in legislatures which are poorly staffed (pp.253-256). In addition, they argue that the reform of the legislative staff is influenced by the current pattern of information

supply. The interview data demonstrate that the most frequent recommendations from members of state legislatures about staffing reform reflect the current pattern of information supply in the legislature that they belong to (pp.260-261). In addition, Mooney (1991) identifies information sources of legislators in state legislatures through interviews with 16 members of the Wisconsin State Assembly about their information sources on seventeen bills. The interviewees are asked to classify documents in their offices into used and not-used. He traces the sources of used documents. Fellow members are the most important sources (27.6%), and legislative staff is ranked as the fifth (8.0%) among eight information sources (pp.439-441).

The legislative staff has been ranked highly as important, reliable, useful and influential information sources for legislators in these studies, except in Mooney (1991) that adopts classification of documents by respondents instead of asking about the importance of information sourced directly. From the results, the work identifying the position of the legislative staff in the information network surrounding the legislature was inspired by the research which investigated the communication network.

Investigating the communication network

It is worthwhile to review the studies examining staff impact through investigating the communication network in the legislature separately although they also see staff organisation as an information source. Sabatier and Whiteman (1985) test the relevance of two models of information flow in legislatures (the two-stage model and the three-stage model) through interviews with legislators and staff members in the legislature of California, and find that committee staff are an important factor in information flow. Policy information is delivered from the executive branch and interest groups to non-specialist legislators via specialist legislators in the two-stage model, but the committee staff play the role of a bridge between specialist legislators and the executive branch and interest groups in the three stage model (pp.396-401). The interview data demonstrate that the committee staff play a key role in information flow in their areas of specialisation, but legislators depend on them less than expected in other areas (p.406).

The communication patterns in the U.S. Congress and the role of the legislative staff are investigated intensively in Whiteman's (1995) book. He exploits the congressional enterprise perspective of Salisbury and Shepsle (1981a) and issue network theory of Hecló (1978) as theoretical frameworks although the enterprise in the book excludes former staff members who are included in a member's enterprise in Salisbury and Shepsle (1981a). He conducts 318 interviews with congressmen/women and staff members, a survey of them and participatory observation to analyse issue networks for two health issues (Medicare physician payment and vaccine injury compensation) and two transportation issues (airport landing slots and hazardous material transportation). In an enterprise, the member and his/her staff share the responsibility of staying attentive to an issue (following up the issue), although most of the work is to be done by staff (p.75). Staff of attentive enterprises rely most on the committee staff as an information source (ch.4). In an enterprise which decides to be involved in an issue, information sources are more diversified than in an attentive enterprise: The committee staff are one of the most important information source, but interest groups and other personal staff are as important as the committee staff (ch.6). He concludes that the U.S. Congress secures the independence of information especially from the executive; that an enterprise tends to get information from more various sources when they decided to be involved in an issue, but the information base is both 'narrower and deeper than anticipated' (p.188); that 'the distribution of information within issue networks appears to be quite asymmetrical' (p.188) between involved enterprises and others (pp.186-188).

Including these two studies, the research about the legislative staff focusing on their informative function has contributed to the understanding of the role and impact of the legislative staff. Considering that one of the aims of establishing the staff system is to secure the independence of the legislature in information from the executive or interest groups, the focus of those studies is natural and well-targeted. In addition, the exploitation of a network perspective in the investigation of information networks surrounding the legislature is well matched to the study of the legislative process, considering the network character of the legislative arena composed of relevant policy actors. However, the focus on the information and intelligence function has overlooked the network managing function of the legislative staff – the integration function in the terms of Patterson (1970) or

Sidlow and Henschen (1985). On the other hand, the results from those studies emphasising strong staff impact which is derived from their roles or informational power provoked another important question: is the legislative staff controlled?

The nature of staff impact

If the impact of the legislative staff is not to be ignored, the nature of the impact can be questioned. The mechanism of accountability that links decision makers of public policy and the public could be at peril when staff members are not controlled by legislators. This problem is the key issue in Malbin's (1980) book. He extensively investigates the effects of the development of staff organisation and the impact of the legislative staff through case studies and interviews with congressmen/women and staff members. He traces the role of staff through different stages in the legislative process and across different tasks of legislature (legislation, examination on the budget and oversight). He states that staff organisation has the benefits of using expertise and securing independence of information from the executive and interest groups but elected members delegate their work to staff and they become 'insulated administrators in a bureaucratized organisation' (p.5). A larger amount of information provided by the staff organisation gives members greater workloads, makes members' concentration on legislative deliberation more difficult, and in turn facilitates delegation to staff (ch.10). For him, the biggest problems of congressional staff are that elected members cannot control their staff and that unelected representatives who have their own interests play a big role in the policy process, which is against the ideal of representative democracy.

However, this perspective is opposed by subsequent research. DeGregorio (1988) investigates working styles of subcommittee staff members through interviews with 43 subcommittee staff directors in the U.S. Congress. Based on the classification scheme of Price (1971) and Salisbury and Shepsle (1981a) (professionals, entrepreneurs and politicians), the staff directors are classified into six clusters through cluster analysis of the interview data. Scores for four attitudes of staff – partisanship, accessibility, objectivity, and deference – are used as criteria for the classification. One of the most important findings of this analysis is that there are no staff members who can be identified as Price's (1971) prototypical entrepreneurs who are expected to show low deference to congressmen/women (p.467). Moreover, the score in the dimension of deference

is usually high and just one of the six groups classified in the study (12.8% of the interviewees) shows low deference (p.467). Nearly a quarter of the sample can be identified as politicians in Salisbury and Shepsle (1981a) and nearly a sixth of the sample can be identified as technicians – professionals in Price (1971) and in Salisbury and Shepsle (1981a) (pp.467-468). The biggest cluster (28.2% of the sample) cannot be identified as any type of staff suggested in Price (1971) or Salisbury and Shepsle (1981a) (p.468). Contrary to Malbin (1980), she concludes that the subcommittee staff are well controlled by their chairs (p.473).

She also assesses the degree of delegation from subcommittee chairs to staff and investigates the factors which affect the delegation through interviews with staff directors in the U.S. Congress and subcommittee chairs in the House of Representatives (DeGregorio, 1995). Based on the difference in the goals of congressmen/women and staff members and principal agent theory, she hypothesizes that there would be a hierarchy in staff activities in which the more routine tasks are more likely to be delegated (p.264). According to the interview data, there is a hierarchy in staff tasks as expected. Staff members are expected to give information about a policy from technical aspects rather than from political aspects and the order of relative valuations among services is similar between staff and chairs (p.268). She concludes that staff autonomy is exaggerated (p.275).

In addition, DeGregorio and Snider (1995) examine the nature of staff impact although their focus is on the whole network of issue leaders. They identify legislative leadership in the U.S. House of Representatives regarding six controversial issues – contra aid, farm credit reform, omnibus drug, nuclear testing limitations, omnibus trade and welfare reform – in the 100th congress (1987-88) and investigate factors affecting it through 97 interviews with people from the executive, interest groups, private firms and non-governmental organisations. Just over one-third (35.5%) of the leaders (139 / 391) named by respondents are staff, but less than 5% of total committee staff members and legislative assistants of individual members are named as leaders (p.499). Two-fifths of named staff members are standing committee staff members and the proportion of subcommittee staff members and personal staff members is about a quarter respectively (p.503). Almost all (96.2%) of named staff members are cited along with their bosses, but the proportion of congressmen/women who are

named along with their staff members is only 33.1% (p.501). They state that staff impact has a derivative character based on this analysis (pp.507-508).

To sum up, earlier research which warned of the uncontrolled nature of staff impact that is contradictory to the principle of representative democracy and its accountability was repudiated by subsequent research which emphasised that staff impact has a delegatory and derivative feature and that technical and routine work has a higher priority for staff members. However, it could be absurd to conclude that legislators always control the legislative staff or vice versa. Then, the research question about the factors affecting staff impact should be addressed.

Factors affecting the impact of staff

It would be reasonable to think that staff play both an autonomous role and are controlled by legislators, and there are several factors affecting the nature of staff impact. In fact, there are many studies about the factors affecting staff impact. Nearly half a century ago, Patterson (1970, pp.29-35) enumerated the norms of staff, committee leadership, the structure of staff organisation, partisanship and specialisation as those factors based on interviews with the committee staff members in the U.S. Congress. Some of the studies mentioned above are also interested in these factors. Sidlow and Henschen (1985, pp.490-493) state that staff influence in finding new issues and solutions for them relies on their bosses' characters and the committee's terms of reference. DeGregorio (1988, pp.469-473) argues that the history and party composition of a subcommittee, the nature of issues and the chairs' leadership styles are factors affecting staff attitudes (partisanship, accessibility, objectivity and deference) after qualitative analysis of the interviews with staff directors. Whiteman (1995, pp.124-125) contends that staff autonomy is affected by the structure of a congressman/woman's office; that the importance of staff impact is usually correlated positively with the degree of involvement of the office in an issue; and that the autonomy of staff undergoes a change along with the progress of the legislative process – their autonomy is greatest in detailing the position of their congressman/woman on the issue. Hoffman (2006, pp.46-48) argues that the influence is bigger when the analysts have the power of proposing budget recommendations; when they have worked longer and have more expertise; and when they meet more with other actors in the budget process and are more visible.

In addition to those studies, Weissert and Weissert (2000) analyse the influence of committee staff (health policy committee staff and fiscal committee staff) on making health policy in five states through interviews with legislators, staff, lobbyists and officials in the executive branch. They create a model that analyses committee staff influence in which staff influence is affected by trust from the committee chair; the expertise of the staff, whether the staff member belongs to the majority party; and whether the staff member is a fiscal staff member (pp.1123-1129). Trust, in turn, is affected by the tenure of the chair and to whom the staff is accountable (the chair, the speaker, party caucus or non-partisan institution) in the model (pp.1124-1126). The results of their logit analysis based on the data from interviews demonstrate that turnover of chairs has a negative impact on trust and trust has a positive impact on staff influence (pp.1143-1144). According to the interview data, the committee staff have influences within in the limitations permitted by the chairs (p.1132) and the stage of policy making affects staff influence: The influence is smallest at the agenda setting stage, but information gathering is a primary role of staff. The amount of staff influence in shaping proposals is decided by the chairs' trust of the staff and valuation of staff opinion (pp.1136-1139).

Factors listed by these studies can be categorised into human factors (chair's character or leadership style and partisanship or expertise of staff members), administrative factors (the structure of staff organisation, committee's terms of reference, chair's tenure and official power of staff) and issue factors (the nature of issues, MPs' degree of involvement with the issue and issue's progress in the legislative process). Overall, there is a tendency that human factors about the features of MPs and staff members or staff organisation's structure are enumerated repeatedly as important factors affecting staff impact. This would be because of the fact that committee chairs have practical power in the appointment of staff members and the operation of his/her own staff organisation, which are exceptional compared with other legislatures.

4.2.3. Literature about staff members' utilisation of policy information and analysis; factors affecting staff organisation; staff norms and accountability; staff from minority groups; and legislative professionalism

As the information function of the legislative staff drew attention, interest about staff members' utilisation of policy information and analysis grew. In addition,

factors affecting staff organisation and the norms and accountability of staff members were focused on as the legislative staff were conceived as important policy actors. Reflecting the importance of staff members, staff members from minority groups were studied from the perspective of representative bureaucracy. For the scholars studying state legislatures, the legislative staff was perceived as an important factor affecting the professionalization of the legislature. Those studies noted the diversification of studies about legislative staff, but this was tapped into briefly because the studies were not directly related to the role and impact of staff.

Staff members' utilisation of policy information and analysis

Staff are providers of information and intelligence for the legislature. Thus, how staff members use the policy information and analysis supplied to them becomes an important subject. One of the questions regarding this subject is whether the information used by staff substantially affects the direction of policy or just buttresses policies preferred by legislators. Whiteman's (1985) study about the committee staff members' use of Office of Technology Assessment (OTA) projects demonstrates that information from OTA projects is more likely to be used for elaborative (refining or fine-tuning members' current positions) and strategic (backing up members' current positions) functions than for substantive (establishing or setting members' positions on an issue) functions (pp.299-304). Weiss (1989, p.424) identifies four functions of analyses used by the committee staff members: supporting members' current positions; warning of defects in a policy; guidance for devising a plan to implement or fine-tune current policies; and enlightenment for changing ways of thinking about issues. The order of the use of these analyses is: support – warning – guidance – enlightenment (pp.425-427). The other subject is the limitation of heuristics used by staff in their information processing. Miler (2009) argues that personal staff members depend on more accessible information and that the heuristics which staff use make biases favourable to the groups which are more active in contacting the House members' offices and give more financial contributions to them.

Factors affecting staff organisation

Which factors affect the staff system began to attract scholars' attentions as staff are perceived as important actors in the legislative process and thought to affect the performance of a legislature. Firstly, Chadha, Permaloff and Robert (2001)

analyse the legislative fiscal office (LFO) organisation in state legislatures in the U.S. According to their regression analysis, state legislatures which have dual LFOs (one for each chamber) allow LFOs more power in the budgeting process. LFOs in those states also secure more staff per member in the state legislature (pp.205-206). Secondly, Grossback and Peterson's (2004) study about state legislatures in the U.S. analyses factors which affect legislative staff development using data about state legislatures. The positive factors found are prior legislative professionalism scores in King (2000) and the regional average of staff size and access to staff (the average of the legislatures in adjacent states), but one negative factor is legislative turnover (p.40).

Thirdly, Handy and Strahan's (2004) study about the staff organisation in the House Appropriations Committee examines the relevance of Krehbiel's informational theory and Aldrich and Rohde's conditional party government theory in explaining the change of staff organisation. They demonstrate that the majority party leadership began to intervene in the committee's work and areas where staff had had autonomy through their expertise after the Republican takeover in 1994 (pp.8-11) and that partisanship began to be considered as one of the criteria for new junior staff recruitment (p.14). The study concludes that conditional party government theory has more relevance than informational theory for this case (p.17). Finally, Leal and Hess (2004) analyse personal staffing patterns of newly elected congressmen/women in the U.S. House of Representatives focusing on factors affecting the members' decisions to recruit experienced staff. The representative's ethnicity, gender, margin in the election and party (ideology and majority) and the number of newly elected members together are the factors.

Staff norms and accountability

One of the mechanisms to operate representative democracy is the chain of accountability from the people to the executive via the legislature (Massey, 1993, pp.66-70). As it has been revealed, staff is an important component in the legislature. Therefore, the question of what the nature of staff accountability is and how to secure this accountability drew scholars' attention. Parts of these questions are related to the norms of staff. Patterson (1970, pp.29-31) lists those norms: limited advocacy, deference to congressmen, anonymity, specialisation and limited partisanship. Romzek and Utter (1997) argue that the legislative staff

can be perceived as a professional group because they have expertise, qualified autonomy, commitment to their work and their own group norms and identify the norms of the legislative staff in the U.S. Congress. They classify the norms of staff into three categories – norms in the relation with congressmen/women and the legislature (e.g. loyalty and deference), roles of staff in Congress (e.g. partisanship, low visibility and confidentiality) and working styles (e.g. courtesy and flexibility) (pp.1265-1272).

When it comes to accountability, Romzek (2000) addresses the issue through interviews with congressional staff members. First of all, she classifies the relationships of accountability using two dimensions – source of control (internal and external) and the degree of autonomy (low and high) and the four types of relationships derived from the classification are: hierarchical (internal control and low autonomy), professional (internal control and high autonomy), legal (external control and low autonomy) and political (external control and high autonomy) (pp.417-419). Overall, her findings are that various accountability relationships emerge between a member and their staff member; that, overall, political and professional types are the major relationships for congressional staff; and that junior staff members are likely to work under hierarchical or professional types (p.428). Furthermore, she argues that staff are accountable to various actors which include colleagues, special authorities and groups outside Congress although their priority is with their Congress member (pp.422-424).

Staff members from minority groups

Representative bureaucracy has been perceived as a mechanism to reflect the interests of minority groups although its effectiveness is a controversial subject among scholars (Meier and O'toole, 2006, pp.70-73). Some scholars have studied the representativeness of the legislative staff and whether staff members from minority groups reflect the interests of their groups in the legislative process. Firstly, Friedman and Nakamura (1991) investigate the extent to which women are represented in committees in the U.S. Senate. According to them, women are more represented than in the past, but professional staff positions are still occupied by male staff disproportionately (pp.412-413). In addition, committees which are policy oriented, have many liberal members and are in high conflict among relevant interest groups, employ disproportionately more female professional staff, but opportunities for promotion for female staff are few (pp.419-

420). Secondly, Bell and Rosenthal (2003) analyse the influence of female legislative staff members in the U.S. Congress based on the study of two cases - the Consumer Bankruptcy Reform Act and the Violence against Women Act. The study demonstrates that three conditions – strong expectations and requests for representation from interest groups, sufficient resources (expertise, status and interest) of staff and room for staff to have an influence (staff autonomy and importance of the issue as a gender issue) – are necessary for female staff members to play the role of substantive representation in gender issues (pp.72-77). Finally, Grose, Mangum and Martin (2007) investigate the recruitment of African-American staff in district offices by congressmen/women of the U.S. Congress. Their findings are that employment of African-American staff in district offices facilitates contacts between members and African-American constituents, and elicits substantive representation (pp.455-460) and that Democrats and African-American members tend to hire more African-American staff in their district office (pp.468-472).

Legislative professionalism

Legislative professionalism has been an important subject in literature about state legislatures in the U.S. Scholars have studied the relationship between legislative professionalism and the legislative leader's power (Clucas, 2007); the influence of legislative professionalism on the relationship between the legislature and the executive in a state (Dilger, Krause and Moffett, 1995; Squire, 1997; Thompson, 1986; Woods and Baranowski, 2006); the relationship between socio-economic factors in a state and legislative professionalism (Moncrief, 1988; Mooney, 1995); comparison of legislative professionalism across states and nations (Moncrief, 1994); the relationship between legislative professionalization and the diversity of legislators (Squire, 1992a); the relationship between members' career orientations and legislative professionalization (Squire, 1992b); the relationship between legislative professionalization and public opinion about the legislature (Squire, 1993); and the change in legislative professionalism across time (King, 2000; Squire, 2007). In this literature, staff is included in the indicators of legislative professionalization as one of the legislature's important resources.

4.2.4. Implications and Limitations of the Literature

Research about the legislative staff in the U.S. has developed into an industry in which many sub-industries are included. The industry has drawn on various theoretical perspectives from legislative research and other fields. The congressional enterprises perspective is derived directly from the research on legislative staff. Theories about legislative organisation – informational theory, party government theory and legislative professionalism – have contributed to the explanation about the development and change of staff organisation. Theories about accountability are exploited to investigate staff norms. Particularly in some of the research about the policy impact of staff, rational choice institutionalism (principal-agent theory) and the policy network perspective (issue network) have been applied. The interests and preferences (e.g. career orientation) of staff members has also been considered as a variable to explain staff behaviour. From this research, it can be inferred that staff impact can be analysed from the perspectives that focus on the relationships and interaction between staff and other policy actors in the policy network and that orientations of staff members affect the relationship and interaction (especially that with legislators).

These theories, however, have limitations when applied directly to the study of the legislative staff, especially the committee staff, outside the American context. First of all, many legislatures in other developed countries do not adopt the partisan committee staff system of the U.S. Congress in which staff members are accountable to the chair or the ranking minority-party member of the committee. On top of that, relatively weak party discipline and a strong legislature in American politics allow an individual congressman/woman to be the major actor of the legislative process who can set policy agenda and legislate it for himself/herself. In other developed countries, however, it is difficult for an individual MP to have a similar status to that of a congressman/woman in the U.S. Therefore, theoretical approaches which see individual MPs and their staff as important units of legislative activity would be difficult to apply to other legislatures. For these reasons, as written in the introduction of this chapter, research on the legislative staff in the U.S. and that in other countries seem to be insulated from each other.

The congressional enterprises perspective and party government theory (for legislative staff), for instance, are difficult to apply in the study of the committee staff in South Korea. Committee staff members in South Korea are career civil servants who are non-partisan. The chair or ranking members of the committee

do not have the power to appoint committee staff and committee staff are not accountable to them. The chair seems to be a customer of the legislative support service provided by the committee staff rather than the boss of the staff. Committee staff members are not replaced due to a change of the majority party in the legislature. In this regard, it is necessary not only to review the theories applied to the study of the legislative staff in the U.S. but also to reset the theoretical framework and perspectives that fit with the explanation of staff impact and behaviour in South Korea.

The methods used in the research are also various. Quantitative statistical analysis, surveys, interviews, document analysis and case studies about the legislative process of specific bills or about specific committees are used. However, the major methods for data gathering are surveys and interviews. This may be due to the invisible characteristics of the legislative staff. In this regard, statistical observation to assess staff policy impact is rare although the method is used in research about the relationship between staff and legislative performance (e.g. staff size and the number of bills sponsored or enacted). In South Korea, however, it is possible to observe and assess the impact of the committee staff through document analysis because committee staff can present their opinion about bills in the committee stage and subcommittee stage. In the research about fiscal analysts of the U.S. state legislatures, Hoffman (2006) assessed the impact of legislative fiscal analysts who can propose recommendations about budget bills by comparing their recommendations and the final budget. A similar method can be applied to the research about the legislative committee staff in South Korea.

When it comes to the role and impact of the legislative staff, first of all, the information and intelligence function has been emphasised more than other functions. Although the linking and negotiating function was identified in some research about the role of staff (DeGregorio, 1995; Patterson, 1970; Sidlow and Henschen, 1985), the focus of many studies about the role and impact of the legislative staff is on the information and intelligence function as reviewed above. Considering the network character of the legislative arena discussed in chapter 5, the network managing function – consulting, negotiating and mediating function – of the legislative staff should be given more attention. On top of that, although American literature about the factors affecting the impact of staff gives

valuable insights, the focus on the human factors (chair's character or leadership style and partisanship or expertise of staff members) or administrative factors (the structure of staff organisation, committee's terms of reference, chair's tenure and official power of staff) has less relevance on the study of the legislative committee staff in South Korea. This is because in the legislature of South Korea, as discussed above, the chair does not have any appointment power for committee staff or the practical power of operating the committee staff organisation. The chair's tenure is usually less than two years; the committee staff organisation is relatively homogenous between committees; and committee staff members are career civil servants who have relatively homogenous orientations and expertise. Thus, this thesis gives its focus to issue factors – the nature of the issue – when it investigates the factors affecting the impact of the committee staff.

4.3. Literature in Other Countries

4.3.1. Research on the legislative staff in South Korea

In South Korea, studies on the legislative staff could be classified by the following three groups: those investigating the features and perceptions of staff members or staff organisation usually based on surveys or interviews; those examining staff impact directly; and those proposing prescriptions to develop the staff system. The focus of the research has been on support agencies and the committee staff, but personal staff has drawn scholars' attentions since the mid-2000s. This review covers research after the mid-1980s.

The features and perceptions of staff members or staff organisation

Empirical research about the legislative staff in South Korea is dated to Park (1986) which is based on surveys and interviews with committee staff members and MPs. Rich data about staff recruitment patterns, their career paths, and structure and functions of staff organisation were provided. The division of labour among staff is not explicit; political impartiality is an important norm; rational decision making is the principle that directs the legislative process from the staff members' point of view; staff members' information sources are limited; and MPs do not make use of committee staff members' work. Secondly, Park and Yun (2001) address the political neutrality of the committee staff and the difficulty in doing their job based on interviews with senior committee staff members and a

survey of committee staff and personal staff members. About the political impartiality of the committee staff, personal staff members think that the committee staff are favourable to the governing party and committee chairs (pp.184-185). Committee staff members conceive the shortage of manpower and budget as the main difficulties (pp.185-186). To improve the quality of the committee staff service, committee staff members think that it is necessary to increase the number of committee staff members and to prepare career development plans for staff, but personal staff members think that it is necessary to appoint experts who are not career civil servants as the committee staff (pp.185-186). Finally, Yim et al. (2004) assess the relative importance of core competencies in providing legislative support services through a survey of staff members in the National Assembly Secretariat. The survey data demonstrate that skills for drafting law bills; abilities for policy and budget analysis; and abilities for support proceedings are the most important core competencies for staff in legislative support agencies (p.144).

The above studies are about committee staff members and legislative support agencies. As an important early study about personal staff, Park (1995, p.201-253) analyses the role of personal staff through a survey and interviews with personal staff members. He classifies the role of personal staff into three types – a representation role, decision-making role and system-maintenance role. He concludes that the policy expertise of personal staff members is low. In addition, Kim and Yoon (2007) analyse personal staff members' perceptions about professional norms in the legislature of South Korea through a survey. The results of the survey demonstrate that the personal characteristics of the staff member (gender, the degree of formal education and position) are associated with the staff member's perceptions about norms. Male staff members, staff members who have a high level of education and staff in high positions mark a higher score than female staff members, staff members who have a low level of education and staff in low positions in perception about staff norms (pp.145-148).

There are attempts to find the problems of the personal staff system and remedies for them based on surveys. Firstly, Han (2009) conducts a survey of personal staff members about their policy impact; satisfaction with legislative support agencies; job satisfaction; and measures for a reinforcement of the support system for MPs. According to the survey data, personal staff members

think that policy work is more important than constituency work among their tasks and that the work they personally carry out is helpful and influential for MPs (pp.100-105). Personal staff members conceive support agencies as cooperative, but they are not satisfied with the services of the agencies (pp.106-108). Personal staff members think that their own expertise is not high and that the heavy burden of staff work and insufficient training opportunities inhibits nurturing their expertise (pp.109-112). Their job satisfaction appears to be low (pp.112-113). In their view, it is necessary to relocate personnel between support agencies and increase the number of personal staff members (pp.110-111). Secondly, Kim (2012) also conducts a survey of personal staff members. The survey data demonstrate that the degree of systematic division of labour among staff members is low; that personal staff members have a heavy burden of work; and that the personal staff themselves feel the need for more staff and more training (pp.126-127). Personal staff members perceive the lack of budget and personnel, difficulties in getting information, and their insufficient expertise as important problems in doing their work (p.127). The study argues that it is necessary to increase the number of personal staff members; to set specific job requirements for personal staff; to guarantee job security of personal staff; and to strengthen training programmes for personal staff (pp.130-133).

These studies could be the bases of other studies about the legislative staff, especially prescriptive studies that seek improvement of the staff system. However, they do not address the question of staff function and impact directly, not only for personal staff members but for committee staff members. This work is conducted by studies introduced below.

Staff impact

Studies addressing the question of staff impact in South Korea are mainly about that of the committee staff, but the number of those studies at the level of articles in academic journals and Ph.D. theses is very small. One of these studies is Park and Yun (2001) mentioned above. According to the survey data in the study, staff members (both committee staff and personal staff) conceive support for the scrutiny of the executive, and provision of expertise and information as the most important roles of the committee staff (pp.180-181). Committee staff members themselves think that they have high expertise and strong policy impact, but personal staff members do not think so (pp.181-184). In the interviews, senior

committee staff members say that their long tenure is helpful for nurturing expertise and that the opinions of committee staff are well accepted in the legislative process of non-controversial bills (p.181).

Additionally, Kim's (2006) Ph.D. thesis analyses the policy impact of the committee staff in the legislative process of government bills. Firstly, he assesses the extent to which the amendment opinions of the committee staff are reflected in the scrutiny of four government bills (the Bill on the Protection, Use, etc. of Location Information, Information System Efficiency Bill, Space Development Promotion Bill, and the Bill on the Performance Evaluation and Management of National Research and Development Projects, etc.) through document analysis. The results demonstrate that one third of provisions of those bills are amended according to the amendment opinions of the committee staff and that 80 percent of the staff's opinions are accepted (pp.73-85). Then, he lists conditions of staff failure: the interests of a key MPs' constituencies; the interests of industries; big and direct political impacts of a bill for MPs (e.g. electoral laws); and high social controversy (pp.108-116). Finally, he describes the role of committee staff members' amendment opinions through the framework of Dunn's policy argument model (1981) and contends that committee staff opinions provide information for the judgement about individual issues if the legislative process is seen as a process of argument (pp.125-163).

Finally, Pai (2011) analyses the factors influencing committee staff and assesses the policy impact of the committee staff through a survey of committee staff members and document analysis. The regression analysis of the survey data demonstrates that opinions of relevant policy actors (parties, the President, parliamentary leaders, the relevant department of the executive and interest groups) influence committee staff in writing the review reports and that staff members' expertise has no statistically significant influence on their work contrary to expectation (p.115-121). According to the survey, staff themselves perceive that the reports they present in committee meetings have an impact in the legislative process (p.121-122). The document analysis of real bills (law bills, budget bills and settlements of accounts) demonstrates that staff impact is significant and that their impact is most significant in the examination of law bills and least significant in that of budget bills (p.122-123).

Several dissertations at Master's level compose part of the empirical research about the impact of the committee staff. Firstly, Park (1998) conducts a survey of MPs and committee staff, and interviews with committee staff and personal staff members. The data demonstrate that MPs think that the expertise of committee staff is low; that MPs' satisfaction with the committee staff is low; that MPs want to increase the number of personal staff; and that MPs do not utilise the committee staff. Secondly, Jang (2004) assesses the impact of the committee staff in the legislative process by comparing opinions in the review reports of the committee staff with the substance of general discussion in the committee stage and the results of the scrutiny. The number of sample bills is 13. The analysis demonstrates that staff opinions are less quoted in the debate at the committee stage, but final bills which pass the committee stage reflect staff opinions significantly. She concludes that the committee staff's impact is big in the detailed examination of bills. Thirdly, Choi (2008) assesses the impact and expertise of the committee staff based on interviews with committee staff and personal staff members. He argues that committee staff impact is big, but their expertise is low. Finally, Seo (2011) analyses the impact of the committee staff by conducting a regression analysis on the relationship between the number of amendment opinions of the committee staff on a bill and how much the bill is amended. The analysis demonstrates that the greater the number of amendment opinions of committee staff, the more the bill is amended.

When it comes to personal staff, Jeong and Kim (2008) analyse the factors affecting their impact through a survey. They classify the independent variables into four groups: expertise (answered by staff themselves), job satisfaction (answered by staff themselves), variables which have halo effects for the impact of a staff member (tenure, seniority of the staff's MP, grades and party) and social demographic variables (formal education, gender, and age) (pp.81-85). The regression analysis of the survey data demonstrates that greater expertise and job satisfaction is associated with greater impact. In addition, male staff members and staff members in a higher position tend to have more impact (pp.86-91).

Overall, academic attention to the impact of the legislative staff is not enough. The number of studies beyond the level of Master's degree is very small, and the research is concentrated on the committee staff. As discussed later, the literature has still not addressed the question of factors affecting the staff impact enough.

In addition, individual studies have their own limitations: depending on only survey or interview data about the perception of staff members without examining other data sources (e.g. real bills and their final versions) (Park, 1998; Park and Yun, 2001); not securing enough numbers of sample bills (Jang, 2004; Kim, 2006); having the feature of a literature review rather than independent research (Choi, 2008); or being based on a crude regression model (Seo, 2011). There is no standardised and agreed procedure in the document analysis, comparing the amendment opinions of committee staff members with a bill's final version to examine staff impact.

Prescriptive studies

As a quality staff organisation is perceived as helpful for the policy competency of a legislature, and the legislature of South Korea is perceived as weak in policy expertise, some studies present prescriptions about staff organisations. Firstly, Lim (2002) emphasises an approach admitting the context of South Korean politics. He argues that the political environment (the weak legislature and strong party discipline) and political incentives of MPs (devolving power to the executive branch and blaming the executive in the case of a failure in policy making) decrease the necessity and usefulness of legislative support agencies in South Korea (pp.255-259). Accepting these limitations, he identifies the development of MPs' expertise; reinforcement of control for support agencies by MPs themselves; securing political impartiality by construction of a decentralised support system; and construction of flexible post-bureaucracy as the direction for vitalisation of legislative support agencies (pp.259-266).

Secondly, Park (2004b) analyses legislative support demands through the framework of Easton's systems theory (1965) and proposes the reorganisation of the current legislative support system of the day. He identifies five information demands in the legislative process – input stage, with-input stage, output stage, feedback, and management and maintenance of the institution – and suggests the establishment of support agencies for each information demand (pp.298-311). When it comes to the committee staff, he argues that the power of appointment should be given to committee chairs and ranking members of negotiation groups on the condition of setting strict job requirements (pp.311-314). Finally, he suggests setting explicit job requirements for personal staff to give each MP the

power of setting the number of their personal staff under a budget limit (pp.315-316).

Thirdly, Lim and Seo (2013) analyse problems of the current legislative support system and propose some changes. They argue that support agencies and staff organisation have a big burden of tasks compared with their personnel capacity; that there is repetitious work done by different support agencies; and that committee staff have insufficient policy expertise (pp.68-72, 161). They suggest increases in the number of committee staff members and staff members in the Legislative Counselling Office; reorganisation of support agencies; providing personal staff members with more training opportunities; the use of external experts; and minimising the duplication of work through cooperation and linkage among support agencies (ch.6).

Some prescriptive studies attempt to adopt a comparative perspective. Firstly, Hahm, Kim and Cho (2004, p.398-409) compare the staff organisations (personal staff, committee staff and staff supporting parties) in the U.S. with those in South Korea in the aspects of political contexts, the personal features of individual staff members and the institutional features of staff organisations. Their suggestions from the comparison are the increase of the number of staff members and more efficient operation of staff organisations (more explicit division of labour, adoption of internship programmes and more flexible operation of personal staff) (pp.409-414). Secondly, Lee and Hahm (2008) analyse the institutional development of the National Assembly Budget Office (NABO) comparing it with that of the Congressional Budget Office (CBO). They use the framework of institutionalisation based on Huntington (1968) and Ragsdale and Theis (1997). According to the study, the NABO shows a high degree of development in the aspects of adaptability and complexity, but the degree of autonomy and coherence are low because the head of the agency can only appoint a small proportion of staff independently and a considerable part of the staff are not guaranteed their tenure (pp.176-193). They suggest both transferring the power of staff appointment to the head of the agency and guarantee the job security of staff members of the agency (pp.194-195).

These studies have some important prescriptive implications about the establishment of a quality staff system. Some of them, however, refer to the staff system of the U.S. Congress without consideration of the differences in

parliamentary politics and the role of the legislature between the two countries and of the fact that the partisan committee staff system of the U.S. Congress itself is exceptional (Hahm, Kim and Cho, 2004; Park, 2004b; Lee and Hahm, 2008). Those studies seem to ignore the differences in historical and political contexts.

Implications and limitations

Research on the legislative staff in South Korea is in a mixed state. Prescriptive research remains an important part because the establishment of a competent legislature is conceived as important. Empirical studies, however, have begun to emerge in the academic industry. In particular, those on the impact of the committee staff demonstrate several characteristics and limitations that give implications for the direction of future research. Firstly, most of the studies on the legislative staff in South Korea have not tapped the interactions of these staff with other policy actors and orientations of the legislative staff enough. Staff members are assumed to form their opinions on policy in a vacuum only through their own knowledge and expertise. Contacts with other policy actors in preparation for the scrutiny of bills have been ignored. Staff members' orientations or motivations in their work is not addressed enough. Consideration of their orientations has been lacking, or the simple orientation as the provider of information and analysis has been assumed in the research so far. Research considering interactive features of the policy process and staff members' orientations is necessary.

Secondly, the result of this neglect is that the factors affecting staff impact have not been studied enough. Although Jang (2004) and Kim (2006) state that the staff impact becomes weak in the legislative process of controversial bills, they do not answer the question why staff do not matter in the examination of those bills. This is because most of the studies about the impact of staff are based on the assumption that the information and analysis supplied by staff members are reflected naturally in the legislative process if they are technically rational or correct. As we see from the literature in the U.S., however, many other factors influence utilisation. It is worth remembering a recent study (Pai, 2011) demonstrating that the committee staff members themselves think of the opinions of relevant policy actors as more important than their own expertise in doing their job. Thus, analysing the factors affecting staff impact is necessary.

Thirdly, the nature of the impact of staff has not been addressed. It should be an important subject because the committee staff members in South Korea are career civil servants appointed by the institution and do not have accountability to MPs directly, and the existence of uncontrolled staff itself could be a concern for the democratic legitimacy of the legislative branch. In fact, from this concern, some prescriptive studies suggest the transfer of the power to appoint committee staff members to committee chairs in reference to the staff system in the U.S. Congress. However, political impartiality that could not be secured by the partisan staff system is also an important value in a staff system. Therefore, it is important to address the nature of the impact of non-partisan legislative staff.

4.3.2. Research about the legislative staff in Western Europe

In Western Europe, the role and function of the legislative staff are described in literature, but the impact of staff is not assessed directly and separately. Some of the studies in the U.K. adopt the framework of legislative professionalization, but those attempts are exceptional. Research in the U.K. and that in other countries are reviewed separately in this sub-section.

Research in the U.K

Overall, the number of studies about the legislative staff in the U.K. is small and MPs' personal staff has not drawn academic attention. The research has usually been descriptive. In the small number of studies, the focus of research about parliamentary staff has been on those in support agencies. Rush's studies occupy a considerable part of the research. Barker and Rush (1970) conduct a comprehensive survey about the information sources of MPs in the British House of Commons. They assign a chapter to account the role and function of information and research services of the House of Commons Library. Their findings are that MPs use the service of the library frequently but half of MPs are not satisfied with the Library's Research Division and that there is a need for personal research staff providing partisan and political services (ch.6). Rush and Shaw (1974) and Rush (1983) provide comprehensive accounts of the legislative support system and MPs' resources in the British House of Commons of the day. The structure and functions of support agencies (the Department of the Clerk of the House, the Department of the Sergeant at Arms and the House of Commons Library) and the personal staff system are described. One step further, Rush

includes parliamentary staff as an important factor in the professionalization of the British Parliament and its MPs (Rush, 2001; 2005). Rush (2001) states that the demand from MPs, who want to play a more active role and are burdened by more constituency work, for better legislative support services resulted in the growth of staff in the House of Commons (ch.5).

As one of the articles of the series about the legislative staff in *Legislative Studies Quarterly*, Ryle (1981) describes the staff system in the British House of Commons of the day focusing on non-partisan staff. He explores the factors affecting the establishment of a non-partisan staff system and describes the development of the staff system and the structure of the staff system of the day. He concludes that various demands from MPs and improvisatory and uncoordinated reactions to them have made a decentralised staff system (pp.514-516). As a comprehensive introduction of the British Parliament, Rogers and Walters' (2015) book includes the explanation of the staff system and mentions the role and function of staff where necessary. They emphasise the political neutrality of staff members in the House of Commons Service (p.56). The high-quality information services provided by the House of Commons Library are perceived as valuable (p.61). When it comes to the committee staff, the role of staff members in public bill committees are related to the conduct of the proceedings (p.196), whereas staff members in legislative committees and departmental select committees play a substantive role in the policy aspect.

Literature in other countries

Along with Ryle (1981) mentioned above, Campbell and Laporte (1981) describe the staff system in the legislature of France of the day. They emphasise the independence and autonomy of staff in the legislature from the executive branch based on the principle of the separation of powers and describe the development of the staff system in the legislature owing to the demands for specialised legislative work. They state that the major role of the French Parliamentary staff system has become to secure independence of information and expertise from the executive (pp.530-531). Also in the same series, Blischke (1981) describes the staff system in the German Bundestag of the day. The growth of the staff system in the legislature is due to the increase of policy demands and demands for staff from junior MPs (pp.535-537). He classifies staff into three categories: staff for the legislature as a whole, staff for parliamentary

groups (e.g. parties) and personal staff, and accounts their functions (pp.537-551). The study concludes that the quality of the legislative support service has been improved with the establishment and reinforcement of the staff system and that individual MPs' autonomy from the executive, interest groups or parliamentary parties has been enhanced (pp.555-556).

The German Bundestag has published books about its functions and procedures. The legislative staff system and the organisation of support agencies are accounted for in the latest edition (Linn and Sobolewski, 2015, ch.3). The staff system is composed of three types of staff: personal staff, staff for parliamentary groups (parties) and staff in support agencies. The most important support agency is the Administration of the German Bundestag. Its tasks are housekeeping of the parliament; supporting proceedings of the plenary and committees; providing research services to MPs; managing information and documents from the legislature itself and outside; and managing external relationships with press, citizens and legislatures of other countries (pp.141-154). The committee staff belong to the agency.

When it comes to the Italian Parliament, Picirilli and Zudas (2012) describe the legislative support services of non-partisan staff in support agencies and partisan staff for MPs. Support agencies provide information about legislation and policy, supply referencing services to MPs and organise research training for MPs' autonomous information collecting (pp.675-678). They argue that the training of parliamentary officers is limited to law education and that there are duplications of work among support agencies (p.679). Partisan staff are classified into three types: staff for the political groups, personal staff for individual MPs and staff for MPs who have particular duties within Parliament (e.g. committee chairs) (p.680). They argue that staff for the political groups conduct an important function in that their work is essential for the co-ordination of the legislature and linking support agencies and MPs (p.681).

The development of a staff system is one of the important changes in the Icelandic Althingi described by Arter (2000). He analyses changes in the legislative capacity through the framework of five 'Ss' (space, sessions, structural changes, staff and salaries) in Rosenthal (1998) based on official statistics, parliamentary documents and interviews with senior staff members and MPs. The

staff organisation was professionalized during the 1990s and a section which supports standing committees was created in the Althingi secretariat (pp.56-57).

Implications

There are a couple of implications from these studies which draw attention. Firstly, staff is conceived as an important resource which is indispensable to the strong capacity of a legislature. As literature of legislative professionalization in the U.S. implies, staff is one of the components in the institutionalisation of the legislature (Arter, 2000; Rush, 2001; 2005). Secondly, researchers have considered the informational function as one of the most important functions of staff from early studies. Rush's studies (Barker and Rush, 1970; Rush, 2001) and Rogers and Walters (2015) emphasise the research function of the Library of the House of Commons in the British Parliament. Articles of the series in *Legislative Studies Quarterly* pay their attention to the information function of the legislative staff (Blischke, 1981; Campbell and Laporte, 1981; Ryle, 1981). Picirilli and Zudas (2012) also highlight the informational function of the legislative staff in the Italian Parliament. Legislative staff outside the U.S. are also conceived as contributing to the capacity of the legislature through the information and intelligence function.

4.4. Conclusion

The previous literature reviewed in this chapter proposes several directions of study about the role and impact of the committee staff in the legislative process. First of all, a committee staff member should be considered as a policy actor who interacts with other actors and has his/her own orientations in the policy process. As revealed in the literature about congressional staff in the U.S., staff are not isolated actors and their impact comes from the position that they occupy in the policy network in which they are included. In addition, the orientations of staff members affect their behaviour, for example, a staff member's career orientation is an important factor in explaining their behaviour in Malbin (1980).

On top of that, theories about the behaviour and impact of staff developed in the U.S. cannot be applied directly to the study of the committee staff in South Korea. As non-partisan career civil servants, their orientations are different from those of staff in the U.S. Congress. Moreover, in the South Korean legislature, the

capabilities and orientations of MPs which affect their degree of attention concerning individual policies and bills can also be different from those of American Congressmen/women, and this makes the interaction between MPs and staff different from that in the U.S. Congress. Therefore, these differences should be considered, and it is necessary to set the theoretical framework and perspectives that fit with the explanation of staff impact and behaviour in South Korea.

Thirdly, some research needs are derived from the review. In particular, from the review of the literature about the legislative staff in South Korea, previous studies in South Korea have not reached the stage of analysing the factors affecting staff impact. The information and analysis supplied by staff members are assumed to be reflected naturally in the legislative process if they are technically rational or correct. Moreover, the nature of staff impact has not been studied although the subject is more important in South Korea than in the U.S. because committee staff members have no direct accountability to committee chairs or MPs. These two issues need to be addressed.

Finally, when it comes to the function of the legislative staff, the information and intelligence function has usually been emphasised in the previous literature. There are also a small number of studies which address their network managing function, but this function has not drawn as much academic attention as the information and intelligence function. This thesis also focuses on the network managing function and tries to address why the function is important. For the factors affecting staff impact, this thesis gives its focus to the nature of issue under scrutiny although American literature considers human factors and administrative factors as important ones. This is because of the character of the non-partisan committee staff system of the South Korean legislature in which the committee chair does not have the power of appointment or power over the operation of committee staff, and committee staff members do not demonstrate big differences in their orientations and expertise.

Taking these points into consideration, setting of the theoretical framework and perspectives for the analysis of the role and impact of the committee staff; deriving key concepts for the analysis; and discussing the methods required to collect and analyse empirical data are conducted in the next two chapters.

5. Theoretical Framework and Perspectives

5.1. Introduction

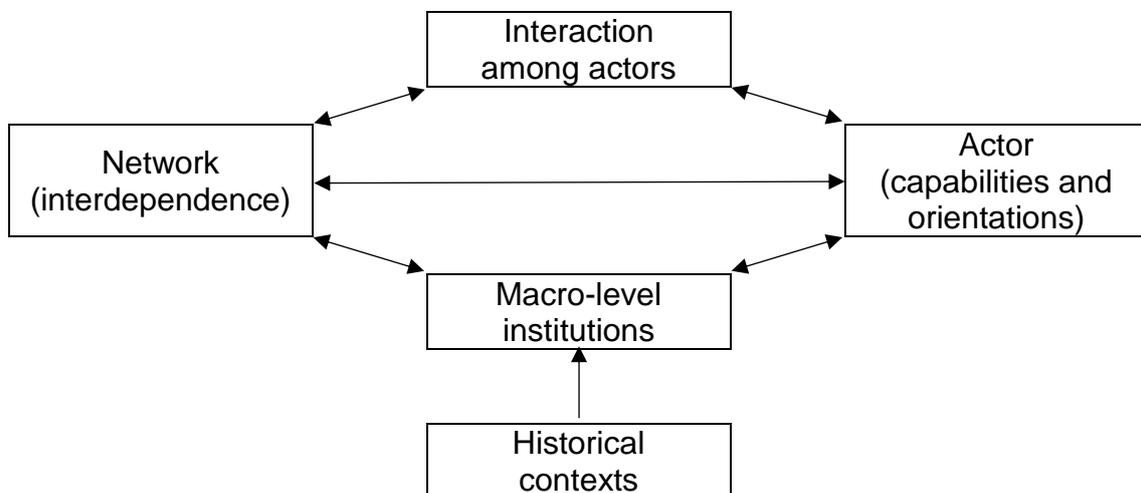
The aims of this chapter are to construct a theoretical framework; discuss perspectives used in the framework; and derive key concepts to examine the role and impact of the legislative committee staff and factors affecting them. If the role and impact of a policy actor are to be examined, the interactions and relationship between policy actors need to be analysed. The interactions and relationship are affected by the features of policy actors; the network where the policy actors interact with each other; and the macro institutional contexts in which the actors and networks are embedded (Marsh, 1998a, p.192-197; Marsh and Smith, 2000, p.4-10; Scharpf, 1997, ch.2). Moreover, the four elements – interaction, actor, network and macro-level institutions surrounding the actor and network – have reciprocal relationships with each other.

Firstly, the features of actors exchange influences with the other three elements. Actors are direct agents in social interaction (Dowding, 1991, p.10). The result of a social interaction is that of the actors' intentional choices (Marsh, 1998a, p.195; Scharpf, 1997, p.1). The actors have the ability of intentional action and choice in the interaction (Marsh, 1998a, p.195; Scharpf, 1997 pp.12, 52). The constraints and opportunities from networks and institutions are interpreted and reconstructed by actors (Marsh, 1998a, p.194; Marsh and Smith, 2000, pp.6-7, 9). They reshape structural features in carrying and enforcing them in social interactions (Goodin, 1996, p.17). Moreover, structural elements can be changed by intentional decisions made by actors (Marsh, 1998a, p.194).

Secondly, the characteristics of a network are important. The features of a network affect the setting of issues and solutions; the way in which they are dealt with in the network; and the rules of the network (Marsh, 1998a, p.195; Marsh and Smith, 2000, p.6). Networks provide the locus in which the actors behave and actors are bearers of their positions in the network (Marsh, 1998a, p.194; Marsh and Smith, 2000, pp.6-7). The relationships in a network can prescribe the role of actors in the network (Marsh, 1998a, p.195). They also provide constraints and opportunities for actors and mould the attitudes of actors (Marsh and Smith, 2000, pp.5-6). In addition, the features of a network mediate the influences of the institutional contexts (Marsh and Smith, 2000, pp.7-9).

Finally, macro-level institutions also matter. They exert influences on the change of networks (Marsh, 1998a, p.195; Marsh and Rhodes, 1992a, pp.257-258; Marsh and Smith, 2000, p.7-8; Smith, 1993 pp.93-97). Marsh and Rhodes (1992a, pp.257-258) enumerate economic factors, ideology of governing parties and change in information or knowledge as factors affecting network change. In addition, macro-level institutions affect the features of actors. Institutions define actors in a social interaction and provide them with the locus for the interactions (Marsh, 1998a, p.195; Marsh and Smith, 2000, pp.6-7; Pierson, 2004, p.169; Scharpf, 1997, p.40). They affect actors' resources and capabilities (Marsh and Smith, 2000, pp.6-7; Scharpf, 1997, p.12). They also influence actors' preferences and perceptions (Goodin, 1996, p.17; Pierson, 2004, p.169; Shaprf, 1997, pp.12, 40). One more important point is that the shaping and origin of the macro-level institutions are to be analysed because they are not formed in a vacuum, regardless of historical contexts of a polity (Thelen, 1999, pp.382, 384). These reciprocal relationships between actor, network, institutions and social interaction among actors are depicted in Figure 5.1.

Figure 5.1. Reciprocal relationships between actor, network, macro-level institutions and interaction among actors



For the purpose of this thesis, it is necessary to analyse the features of actors and networks relevant to the legislative process and macro institutional contexts surrounding the legislature and the mechanism through which the features of these affect the interaction between committee staff members and MPs in the legislative process. For this work, this thesis depends on the perspective of policy network theory and new institutionalism. The policy network perspective is helpful for the analysis of the features of a network in which a policy is made and for the

relationship between network and actor (especially capabilities of actors); and for the network and interactions among actors. New institutionalism is helpful for the analysis of features of actors (especially orientations of actors) and for the relationships between actor and interaction among actors, actor and macro-level institutions, and network and macro-level institutions. It (especially, historical institutionalism) is also helpful for the analysis of the origins and formation of macro-level institutions.

The next section discusses the policy network perspective. At first, the use of the perspective is justified. Then, the literature is reviewed briefly, and the interdependence due to resource dependence and the need for network management are focused on as features of the network. Key concepts of the capabilities of MPs and the committee staff in the National Assembly of South Korea are derived from the perspective. The section is followed by the discussion of new-institutionalism. The strands of rational-choice, normative and historical institutionalism are explained briefly. Then, specific theories and perspectives – which originate from these strands – to analyse the orientations of MPs and committee staff members are reviewed and key concepts of the orientations are derived. The necessity for analysis of the historical contexts which surround macro-level institutions affecting two other elements (actor and network) is also discussed.

5.2. Policy network perspective

5.2.1. Justification for the use of the policy network perspective

It could be seen as odd that the policy network perspective is used in the analysis of the legislative process because the perspective has its origin in explaining the alienation of Parliament from the policy process in the British context. The sub-title of Richardson and Jordan's (1979) seminal book about the policy community in the British policy process contains the phrase 'post-parliamentary democracy'. The policy community of Rhodes (1986a, p.23; 1986b, p.22; 1992, p.78) excludes Parliament. The 'differentiated polity' of Rhodes (1997a, p.7; 1997b, p.41) also emasculates Parliament. This attitude about Parliament of the policy network perspective is a point of criticism for Judge (1999a, pp.136-142) from the perspective of representation and legitimacy.

Although the perspective in the British tradition underestimates the policy impact of Parliament, the concept of the network itself is still useful as a tool for the analysis of the legislative process. If a policy network includes actors in the legislature and is conceived as a locus of the legislative process in which various policy actors formulate an interdependent web and interact, the concept is well applied to the analysis of the legislative process. In fact, the American concepts of policy networks as forms of interest intermediation – sub-system, sub-government and iron triangles – originated to analyse the interaction between policy actors in the legislative process where the Congress is an important actor. Even in the British context, Daugbjerg and Marsh (1998, pp.62-64) argue that the role of Parliament should be considered in the policy process and policy network because it has a structural power and there could be cases under which parliamentary parties represent conflicting groups. Thus, the legislature is a policy actor playing a substantive role and should be included in policy networks especially in analysing the legislative process.

Moreover, the reason that the legislative arena can be interpreted as a policy network is the interdependence among policy actors due to the resource-dependent feature in the legislative process. It is impossible for a legislature to make a policy unilaterally in the reality of the contemporary policy process. This is because the complexity and specialty of policy problems of modern society require resources such as legitimacy, information about policy problems and compliance of stakeholders to the policy (Kenis and Schneider, 1991, p.41; Van Waarden, 1992, p.31) which are dispersed with policy actors. The dispersion of policy resources and interdependence between policy actors in the U.S. is well depicted as below:

Each actor in an iron triangle needs the other two to reach its goal, and the style that develops is symbiotic. The pressure group needs the agency to deliver services to its members and to provide a friendly point of access to government. The agency needs the pressure group to mobilize political support for its programs among the affected clientele. Letters from constituent to influential representatives and senators must be mobilized to argue that the agency is doing a good job and could do an even better job if given more money or a certain policy change. The pressure group needs the congressional committee again as a point of access and as an internal

advocate in Congress. And the committee needs the pressure group to mobilize votes for its members and to explain to group members how and why they are doing a good job in Congress. The pressure group can also be a valuable source of policy ideas and research for busy politicians. Finally, the committee members need the agency as an instrument for producing services to their constituent and for developing new policy initiatives. The agency has the research and policy analytic capacity that Congress members often lack, so committees can profit from their association with the agencies. And the agency obviously needs the committee to legitimate its policy initiatives and provide it with funds (Peters, 2016, p.31).

The use of the policy network perspective has several advantages for the analysis of the network level as a legislative arena. First of all, as an analytical tool, the concept of policy networks is helpful for the identification of major policy actors in the legislative process, which is a requisite for the examination of interactions among policy actors. On top of that, the perspective is helpful for the analysis of interdependence in the legislative process. The literature of policy networks is already notorious for the resource dependence in the policy process of modern democracy (Hanf and O'Toole, 1992, pp.165-167; Kenis and Schneider 1991, pp.34-36; Klijn, 1997, p.21; Marin and Mayntz, 1991a, p.18; Rhodes, 1986a, pp.16-22; 1997a, ch.1; 1999, ch.5; 2000, pp.60-63). The analysis of the resource dependence is very important because the impact of a social actor can be attributed to the resource that the actor has (Aldrich, 2008, pp.268-269; Dowding, 1995: p.14; Klijn, 1997, p.21; Pfeffer and Salancik, 2003). Last, but not least, the feature of the legislative arena as the policy network comprised of interdependent actors pursuing collective action (Marin and Mayntz, 1991a, p.18; Carlsson, 2000; deLeon and Varda, 2009; Ostrom, 2010) indicates the need for network management (Kickert, Klijn and Koppenjan, 1997a; Klijn, 1996; Klijn, Koppenjan and Termeer, 1995). It could be derived that the legislative arena, as a policy network, needs network management and the existence of actors who conduct the management function. This insight is important in the analysis of the role of legislative committee staff because they can play the role of network manager.

5.2.2. A review of the policy network literature

The policy network perspective has its roots in the literature about inter-organisation relations and interest intermediation (Adam and Kriesi, 2007, p.129). Overall, the latter relates to the identification of actors in networks and the former relates to the interdependence among them. There are several categorisations of the policy network literature (e.g. Adam and Kriesi, 2007; Börzel, 1998; Rhodes, 2006; Thatcher, 1998). Following Börzel (1998) and Adam and Kriesi (2007, pp.130-136), this thesis classifies the literature into two categories – description and typologies of policy networks and policy networks as a form of governance.

Description and Typologies of policy networks

The notion that public policies are formed in disaggregated systems began emerging in the U.S. after the Second World War. The concept of a sub-system (Freeman, 1955) is a notorious metaphor for a group of actors comprised of individuals in the executive branch, congressional committees and interest groups. The concept develops into the concepts of sub-governments (Ripley and Franklin, 1980) and iron triangles (Peters, 1986, pp.21-23). The basic arguments of these concepts are that routine policies are usually decided in a system consisting of personnel of the executive branch, congressional committees and interest groups, and that the system is closed and excludes the public. This closed nature of sub-systems, however, is criticised by the concept of issue networks in Hecló (1978). He argues that the concept of sub-systems only focuses on stable and autonomous actors in the policy process and suggests the alternative concept of issue networks. An issue network is ‘a shared-knowledge group having to do with some aspect of public policy’ (Hecló, 1978; p.103). Members of an issue network are changing constantly and no single member can control the policies.

In the U.K., Jordan and Richardson initiate the discussion on the policy network (Richardson and Jordan, 1979; Jordan and Richardson, 1983; 1987). They suggest the concept of a policy community comprised of government departments and interest groups, and list consensus and consultation, clientelism and personnel network as the characteristics of the policy process in the U.K. (Richardson and Jordan, 1979, ch.3). The boundaries between policy communities are more distinct than those between departments or between interest groups (Richardson and Jordan, 1979, p.43). The normal policy process in the U.K. has the features of ‘bureaucratic accommodation’ and ‘logic of

negotiation' and does not draw public attention (Jordan and Richardson, 1983, p.604).

The typology of the policy network is systemised in the works of Rhodes (Rhodes, 1981/1999; 1986a; 1986b; 1988). Initially, He suggests a power-dependent model to analyse central-local government relations inspired by inter-organisational theory (Rhodes, 1981/1999. Ch.5). Resource dependence and exchange are the key intergovernmental relationships in the model. Later, he contends that the model is for micro-level analysis and suggests a policy network approach for meso-level analysis (Rhodes, 1986a; 1986b; 1988). Following Benson's (1982, p.148) definition of the policy sector, he defines policy networks as 'a cluster or complex of organizations connected to each other by resource dependencies and distinguished from other clusters or complexes by breaks in the structure of resource dependencies' (Rhodes, 1986a, p.22; 1986b, p.22; 1988, p.77). Then he classifies policy networks into five types – policy communities / territorial communities, professional networks, intergovernmental networks, producer networks and issue networks – along five key dimensions – constellation of interests, membership, vertical / horizontal interdependence and the distribution of resources (Rhodes, 1988, pp.78-81).

Other classifications of policy networks followed (e.g. Atkinson and Coleman, 1989; Jordan and Schubert, 1992; Van Waarden, 1992). Among them, one of the notable analyses of policy networks was conducted by Wilks and Wright (Wilks and Wright, 1987; Wright, 1988; Wilks, 1989). Although based on Rhodes' model, they suggest new connotations concerning the policy community and policy network. They distinguish between policy area, policy sector, policy sub-sector and policy issue. They state that policy community corresponds to both policy sector and sub-sector and is a group of actors or potential actors, and that policy network corresponds to a specific policy issue and depicts the features of the interaction process among actors of one or more policy communities (Wilks and Wright, 1987, pp.299-300). They argue that their framework makes it possible to admit that members of a policy network are comprised of actors in different policy communities (Wilks and Wright, 1987, p.301). Rhodes and Marsh also modify Rhodes' initial classification (Marsh and Rhodes, 1992a; Rhodes and Marsh, 1992a; 1992b). They criticise that the initial model confuses cohesiveness and dominant interests of networks and they suggest the dichotomy of policy

community and issue network along the dimension of integration (Marsh and Rhodes 1992a, p.249-251; Rhodes and Marsh, 1992a, p.21; 1992b, pp.183-184, 186-188).

In the U.S., other labels for policy networks emerged, emphasising cognitive factors in the policy process – idea, belief, knowledge and information. Haas (1992) emphasises expertise in international policy coordination and suggests the concept of an epistemic community. Epistemic communities are characterised by common knowledge and norms, and professionalised features with recognised expertise and competence (Haas, 1992, p.3). In addition, the advocacy coalition framework suggested by Sabatier and his colleagues (Sabatier and Jenkins-Smith, 1999; Zafonte and Sabatier, 1998) also emphasises information and knowledge in the policy process. However, this framework draws its attention to the difference in the belief systems of actors. The framework contends that actors in a policy subsystem are divided into several numbers of advocacy coalitions according to shared norms and beliefs, and that policies are decided in the process of interactions among the coalitions (Sabatier and Jenkins-Smith, 1999, p.149; Zafonte and Sabatier, 1998, pp.475-482).

Policy network as a form of governance

As interdependence among policy actors is conceived as an inevitable feature of the policy process in modern democracy, the problem of how to deal with policy problems in the interdependent relationship becomes a subject to be addressed. A network is conceived as a mechanism to solve the problem. Kenis and Schneider (1991, pp.34-36) summarise the changes in the policy process of modern polity and contend that governments are in interdependent relationships with other policy actors. For them, the policy network is a tool of resource mobilisation in the policy process (p.41). Hanf and O'Toole (1992) also emphasise the interdependence feature of modern policy making (pp.166-167) and conceive of a network as a collective mechanism of policy actors pursuing common objectives (p.170). Rhodes also makes links between the policy network and governance (Rhodes, 1997a). He identifies six usages of the concept of governance and contends that understanding governance as self-organising networks is useful for understanding the British policy process (Rhodes, 1997a, ch.3). In addition, he suggests the 'differentiated polity' (p.7) that has network

characteristics as a model to substitute the Westminster model to understand the British governing structure (Rhodes, 1997a, ch.1).

The mechanism of networks does not depend on hierarchical control by the centre. It may have the feature of collective action (Marin and Mayntz, 1991a, p.18; Carlsson, 2000; deLeon and Varda, 2009; Ostrom, 2010). Thus, it becomes important to explore new forms of management to achieve the joint interests of the members of the network. This is a subject of Dutch literature about policy network management (Kickert, Klijn and Koppenjan, 1997a; Klijn, 1996; Klijn, Koppenjan and Termeer, 1995). The gist of their argument is that the policy process in the policy network has game characteristics due to the interdependency among actors in the network, and the strategies of network management can facilitate cooperative interactions between actors. They contend that the strategies of network management can be divided into two levels – game management (the game level) and network structuring (the network level) (Kickert and Koppenjan, 1997, p.46-53; Klijn, Koppenjan and Termeer 1995, pp.441-450).

In addition to the literature, Rhodes (1997b, p.48-51) also contends that network management has game-like and indirect features, and that the strategies are based on mutual trust and rhetoric skills for argument, debate and persuasion, arguing that the issue of network governance is 'managing networks in the conditions under which they work best' (p.49). O'Toole (1997, p.48) suggests five practical agenda for administrators in the network environment: not to assume their authority; regular surveys of the network(s); to look for points for coordination; to further cooperation between actors; and to form a more favourable network. Painter, Isaac-Henry and Rouse (1997, p.238) recommend local governments to audit relevant organisations; to map relationships with those organisations; and to identify resources which are bases of local government influence and barriers to exerting the influence.

5.2.3. Interdependence and network management

For the purpose of this thesis, two points of the policy networks perspective are identified: interdependence due to resource dependence and the need for network management. When it comes to the former, the concept is important because it affects the feature of interaction among actors in the legislative

process and the capabilities of the committee staff can be derived from the resource dependent relationship. When it comes to the latter, the features of the policy network as a mechanism of collective action require the function of network management and the committee staff are allowed the possibilities of being network manager.

Interdependence

The causes of interdependence between actors during the policy process are summarised into several phenomena in modern society. The first one is fragmentation. Modern society and government is characterised by functional differentiation and professionalization (Jordan and Richardson, 1983, pp.604-605; Kenis and Schneider, 1991, p.34; Rhodes, 1986a, pp.37-40; 1986b, pp.18-20; 1992, p.3). The differentiation is also happening between central and local authorities. These functional and territorial fragmentations dilute the capacity of the centre and disaggregate it into networks of actors with specialised capacity related to specific policy problems, which brings about the rise of organized actors and increases their participation in the policy process (Hanf and O'Toole, 1992, p.166; Kenis and Schneider, 1991, p.34). Secondly, the interdependency and complexity of modern social and political affairs make it difficult for one or a few actors to cope with or solve policy problems (Hanf and O'Toole, 1992, p.165; Kenis and Schneider, 1991, p.36). Information and expertise becomes important in dealing with those affairs.

Thirdly, the role of the central government has changed. The function of central government is being 'hollowed out' upwards to international organisations, downwards to special-purpose bodies and outwards to agencies (Rhodes, 1997a, pp.17-19). The feature of the executive branch of central government is summarised in the term 'core executive' which conducts the function of coordinating and policing individual policy networks (Rhodes, 1997a, pp.13-15). Finally, the boundaries between public and private sectors are becoming blurred (Kenis and Schneider, 1991, p.35). Rhodes (1997b, p.48) points to marketization as one of the causes of the phenomenon, stating that mechanisms of marketization such as contracting out or special agencies facilitate the formation of interdependent relationships.

The basic features of the interdependency are well summarized in the following propositions of the power dependence model in Rhodes (1981/1999; 1986a):

1. Any organization is *dependent* upon other organizations for *resources*.
2. In order to achieve their *goals*, the organizations have to exchange resources.
3. Although decision making within the organization is constrained by other organizations, the *dominant coalition* retains some discretion. The *appreciative system* of the dominant coalition influences which relationships are seen as a problem and which resources will be sought.
4. The dominant coalition employs *strategies* within the known *rules of the game* to regulate the *process of exchange*.
5. Variations in the degree of *discretion* are a product of the goals and the relative power potential of interacting organizations. This relative power potential is a product of the resources of each organization, of the rules of the game and of the process of exchange between organizations (Rhodes, 1986a, p.17; 1999, pp.78-79, emphasis in original).

The core mechanism of interdependence is resource dependence. Resources in the policy process include authority, money, political support, legitimacy, information and expertise, organisational resources and compliance in policy implementation (Kenis and Schneider, 1991, p.41; Rhodes, 1986a, p.18; Van Waarden, 1992, p.31). These resources are dispersed among policy actors and no one actor (including governments) monopolises all the resources necessary in the policy process (Kenis and Schneider, 1991, p.36; Van Waarden, 1992, p.31). To achieve their goals in the policy process, policy actors need to interact with each other to exchange or transact resources that they want (Klijn, 1997, p.22; Van Waarden, 1992, p.31). Governments also become dependent upon the cooperation of other actors which are not under their control and need to mobilise their policy resources (Kenis and Schneider, 1991, p.36).

In these interactions, power is based on the possession of resources and the forms of resource transactions (Klijn, 1997, p.22; Smith, 1993, p.59). Smith (1993, p.72) succinctly states that 'actors have power if they have resources that can be exchanged and so actor A is dependent on actor B for particular resources.' In addition, the interactions create interdependent relationships between policy actors and institutionalise the network structure in which actors from different

decision levels and organisations formulate complex constellations involving dispersed resource distribution (Hanf and O'toole, 1992, p.166; Kenis and Schneider, 1991, p.27, 41; Klijn, 1997, p.22; Van Waarden, 1992, p.31).

Due to this interdependence, the policy process in the policy network has different characteristics than that from traditional perspectives. Policy processes are complex interaction processes between different actors where there is no clear authority structure (Klijn, 1996, pp.104-106). The special status of public bodies is not emphasised (de Bruijn and Ringeling, 1997, pp.156-157). Thus, the policy process has the feature of collective action in which the necessity of consultation, negotiation, cooperation and coordination arises (Jordan and Richardson, 1983, pp.606-609; Marin and Mayntz, 1991a, p.18; Van Waarden, 1992, p.31). Governments have to adopt the strategies of negotiation and cooperation because many policy issues are dealt with in arenas where there is no single actor having the power of unilateral action (Hanf and O'Toole, 1992, p.166; Kickert and Koppenjan, 1997, pp.40-43). Policy problems and solutions are not imposed by governments, but formed during the policy process (Klijn, 1996, p.106). Jordan and Richardson (1983, p.604) call this new administrative style 'bureaucratic accommodation' and 'logic of negotiation' as reviewed above.

In the interdependent situation, interactions between actors have game-like features (Klijn, 1996, p.98; Klijn, Koppenjan and Termeer, 1995, pp.440-441; Klijn and Teisman, 1997, pp.99-105; Marin and Mayntz, 1991a, p.18; Rhodes, 1986a, p.18; 1997a, p.53). The game is based on trust and rules agreed by actors (Rhodes, 1997a, p.53), but actors in the policy network have different resources, interests, perceptions and orientations (Hanf and O'Toole, 1992, p.166). They employ strategies which they think suffice their preferences and minimize their dependence on other players, making use of their own resources (Rhodes, 1986a, p.18). The results of interactions for an actor are affected not only by his/her own strategies, but by other actors' strategies (Hanf and O'Toole, 1992, p.166; Klijn, 1996, p.99). Thus, the process is unpredictable (Klijn, 1996, p.99; Klijn, Koppenjan and Termeer, 1995, p.441).

In such game-like situations, the perceptions of actors are important to the results of the game (Benson, 1982, p.148; Klijn and Teisman, 1997, p.102). This is because their perceptions affect the strategies which they choose; the results of the game which they expect from the strategies; and their own assessments

of the results (Klijn, Koppenjan and Termeer, 1995, p.440; Klijn and Teisman, 1997, p.102). One of the important points is that the perceptions of actors in the game are socially constructed (Benson, 1982, p.148; Klijn, 1996, p.99; Klijn and Teisman, 1997, p.102; Termeer and Koppenjan, 1997, p.83). Relevant to the game are the socially constructed perceptions of actors formed during the interaction process (Klijn, 1996, p.99; Klijn and Teisman, 1997, p.102).

Network Management

The interdependent feature of the policy network demands network management. This is because the game-like situation in the policy network brings about the collective action problem which demands that actors in the network cooperate (Kickert and Koppenjan, 1997, pp.41-42). In addition, the problem is exacerbated because it is likely that there is no official actor in the policy network in charge of network management (Klijn and Teisman, 1997, p.105). In these situations, the success of the policy network in achieving the joint interest of actors is correlated with the ability of inducing the actors to cooperate and, in turn, managing joint problem-solving activities (Hanf and O'Toole, 1992, pp.167, 172).

Network management is a way of facilitating actors to cooperate in these situations. According to Kickert and Koppenjan (1997, p.44), network management is defined as 'promoting the mutual adjustment of the behaviour of actors with diverse objectives and ambitions with regard to tackling problems within a given framework of inter-organizational relationships.' The aims of network management are coordinating actors with different interests and orientations to a policy issue and enhancing the joint problem solving ability of a policy network (Kickert, Klijn and Koppenjan, 1997b, p.10; Kickert and Koppenjan, 1997, p.45). Thus, facilitating negotiation and consultation between actors is one of the foci of network management (Kickert and Koppenjan, 1997, p.44).

In this regard, the network management has different features from the traditional public management. According to Rhodes (1997b, p.48), managing networks 'is game-like, employs an indirect style of management, needs strategies rooted in trust, and uses the art of rhetoric or argument, debate and persuasion'. It is related to adjusting conditions of the network to induce successful interaction (Klijn, 1996, p.106). It tries to find a new goal; to mediate

between actors; and, in turn, to facilitate interactions between them (Kickert, Klijn and Koppenjan, 1997c, p.167).

There are many studies about specific tasks or activities of network management (e.g. Kickert and Koppenjan, 1997; Klijn, 1996; Klijn, Koppenjan and Termeer, 1995; Klijn and Teisman, 1997; O'Toole, 1997; Painter, Isaac-Henry and Rouse, 1997). This thesis introduces the classification of Klijn, Koppenjan and Termeer (1995) because it systemises the strategies of network management according to the level of management (game and network) and components of a network (actors, resources, rules and perceptions) and is the base for a couple of other classifications (Kickert and Koppenjan, 1997; Klijn and Teisman, 1997). Table 5.1 is the classification.

Table 5.1. Classification of network management strategies

Components Level of management	Actors	Resources	Rules	Perceptions
Game management	Selective activation	Mobilizing resources	Anticipating rules	Compromising and joint imaging formation
Network Structuring	Changing relations between actors	Changing the distribution of resources	Changing the rules	Changing norms, values and perceptions

Source: adjusted from Klijn, Koppenjan and Termeer (1995, p.442)

Game management is related to the interactions between actors in a given network (Kickert and Koppenjan, 1997, p.46; Klijn, Koppenjan and Termeer, 1995, p.442; Klijn and Teisman, 1997, p.105). Selective activation means the act of including or excluding of actors in the interaction (Klijn, Koppenjan and Termeer, 1995, p.444). Mobilizing resources refers to bringing in or selecting policy resources of actors (Klijn, Koppenjan and Termeer, 1995, p.445). Recognising rules is important because transgression of rules in a network can damage the relations between actors (Klijn, Koppenjan and Termeer, 1995, p.445). Managing perceptions including negotiations about actors' goals, changing actors' preferences and reframing policy issues can be necessary to achieve policy objectives (Klijn, Koppenjan and Termeer, 1995, p.446). Network structuring is related to the improvement of the policy network itself (Kickert and Koppenjan, 1997, p.46-47; Klijn, Koppenjan and Termeer, 1995, p.442; Klijn and Teisman, 1997, p.105). The strategies of network structuring are also categorised by the

components of the network (changing relations between actors; changing the distribution of resources; changing the rules; and changing norms, values and perceptions).

Actors who conduct the function of network management play the roles of a network manager. Network managers play the roles of mediator, process manager and network builder (Kickert, Klijn and Koppenjan, 1997b, p.11; Klijn, 1996, p.106). The role has the features of facilitation rather than those of central control (Klijn, Koppenjan and Termeer, 1995, p.441). The abilities and skills required of a network manager include those of negotiation or mediation; a certain amount of expertise; impartiality and independence; and other actors' acknowledgement of the network manager's legitimacy (Kickert and Koppenjan, 1997, p.58).

Although public actors are likely to be suited to conduct the function of network management, the possibility of network managers who are not public actors is not excluded (Kickert and Koppenjan, 1997, p.60-61; Klijn, Koppenjan and Termeer, 1995, pp.441-442). Every actor active in the policy process can conduct the function of network management (Kickert, Klijn and Koppenjan, 1997c, p.168), and the function can be conducted by many actors at the same time (Klijn, 1996, p.105; Klijn and Teisman, 1997, p.105). The role can even be played by actors outside the policy network if they conduct the function of mediation (Klijn, 1996, p.105; Klijn, Koppenjan and Termeer, 1995, p.441-442). Needless to say, the possibilities of playing the role of network manager become different for each actor according to the resources and capabilities of the actor (Klijn, 1996, p.105). Moreover, network managers have their own interests and goals in their management activities (Klijn, Koppenjan and Termeer, 1995, p.442).

Because the necessity of network management is derived from the collective action problem that a policy network faces in pursuing the joint interests of actors, one of the criteria evaluating network management is whether it enhances cooperation between actors and achieves their joint interests (Kickert, Klijn and Koppenjan, 1997b, p.9; 1997c, p.175; Klijn, Koppenjan and Termeer, 1995, p.450; Klijn and Teisman, 1997, p.113-115). In addition to the substantive criteria, procedural criteria including openness of interaction and securing democratic legitimacy also are used (Kickert, Klijn and Koppenjan, 1997c, p.174). According to Kickert and Koppenjan (1997, pp.53-58), the extent to which network

management is successful depends on diverse factors: the number of actors; diversity within networks; the closed nature of networks; conflict of interest; costs of network management; political and social context; leadership and commitment power; and capabilities and skills of network managers.

5.2.4. Key concepts of the capabilities of MPs and the committee staff in the scrutiny of government law bills in the legislature of South Korea

The legislative process in the South Korean National Assembly has the following feature of interdependence due to resource dependency. Important resources in the process include legitimacy, official authority, political skills, knowledge about the legislative process, technical knowledge about legislation, policy expertise, resources and tools to implement the bill, compliances when the bill is implemented and public opinion which supports the bill. These resources are dispersed among policy actors in the legislative process. MPs of the committee in charge of the bill under scrutiny have legitimacy, official authority, and political knowledge and skills to pass the bill. Committee staff members have knowledge about the legislative process, technical knowledge about legislation and a certain level of policy expertise. The executive, including relevant departments, has policy expertise and resources to implement the bill such as organisations, budget and incentives to secure compliance of policy target groups. Interest groups have knowledge about the field where the policy is implemented; powers to influence the political support for MPs and the executive; and tools to secure the compliance of stakeholders who are members of their group. Experts such as academics have policy expertise. Finally, journalists have the ability to affect public opinion on the bill.

Therefore, the actors who can enter a policy network in the legislative process may include MPs, committee staff members, civil servants in the executive, interest groups, experts and journalists. Each actor can move in and out of a policy network according to the importance of resources which it has for the legislative process and their own interests in the scrutiny of the bill, and these factors are affected by attributes of the issue and policy related to the bill. However, MPs, committee staff members and civil servants in the sponsoring department are basic indispensable members of the policy network which scrutinises a government law bill. Each actor cannot monopolise all resources necessary in the legislative process, so the relationship between actors becomes

interdependent. Thus, the cooperation and coordination between actors become important. The importance is emphasised when it is considered that it is likely that there is no official who manages the legislative process and the network. Consultation, linking and brokering, mediation and negotiation should be conducted to achieve the joint interests of actors in the network during the legislative process.

The capabilities of MPs and committee staff members in the network of the legislative process are derived from the resources they have. MPs of the committee have the official power of the scrutiny of bills from their legitimacy and official authority. Bills cannot be enacted without their decision in the legislative process, and their comments on bills under scrutiny are perceived more seriously than those of any other actor. Moreover, they can mobilise their political knowledge and skills to affect a bill's fate, and the fact itself that an MP's tactics can influence the legislative path of a bill can allow a favourable environment for the MP in the legislative game through the anticipated reactions of other actors.

This capability can be constrained by other actors, however. MPs may not ignore the opinions of the sponsoring department because they have resources to implement the policy contained in the bill under scrutiny. In addition, they may have administrative resources to affect the interests of MPs' constituencies or constituents. Interest groups have the capacity to mobilise political support for MPs or their parties. Negative comments from actors who have policy expertise or who can affect public opinion – committee staff members, the sponsoring department, the media and academia – can damage the legitimacy of and support for the legislation of a bill. Even consent from other MPs may also be necessary due to their legitimacy and official authority. Therefore, unilateral actions made by an MP or a group of MPs may not be easy in the usual legislative process as discussed in chapter 2.

Committee staff members have knowledge about the legislative process, technical knowledge about legislation and a certain level of policy expertise. The resources of committee staff members can allow them to occupy the position of information channel among actors in the legislative process. The sponsoring department and interest groups are in need of knowledge about the legislative process and technical knowledge about legislation that committee staff members have. They may exchange the knowledge with the policy expertise and

knowledge about the policy field where the policy is implemented. MPs are in need of advice about the policy aspect and technical support in the scrutiny of legislation from the committee staff members. This information exchange can locate the committee staff in the centre of the information channel surrounding the legislative process. The committee staff can have policy impact through the provision of information that can change the perceptions of other policy actors.

As in the case of MPs, however, their capabilities can be restrained by other actors. First of all, the committee staff do not have legitimacy and official authority. They have to persuade MPs to amend a bill as they wish. In addition, other actors may not respect their opinions in the legislative process where conflict among actors is fierce. On top of that, the committee staff can be in a sort of competition with the sponsoring department or other actors in provision of policy expertise. If their information or analysis on a policy is different from that of the sponsoring department or other actors, they may have the risk that the validity of their information or analysis is checked. In this regard, the committee staff may have to secure cooperation from other policy actors in their support and preparation for the legislative process.

One more important point to be mentioned is that the necessity of network management may allow the committee staff the possibility of being network manager. This is because of their neutrality, knowledge and expertise and status as employees of the legislature. Different from other major policy actors (MPs, the executive and interest groups), they are non-partisan and have no political stake in the enactment of a bill, which enables them to play the role of 'honest broker' (Scharpf, 1997, p.145). They occupy the position of information channel among policy actors due to their knowledge in legislation, the legislative process and policy matters, and are in favourable positions in the channel to provide links between actors. They are in charge of working-level legislation, which imposes on them the responsibility of managing the legislative process that other actors do not take.

One caveat of the committee staff as network manager in the legislative process should be considered, however. The caveat is that the committee staff do not have official authority of arbitration. They are not elected representatives. This caveat suggests a couple of qualifications. The first is that their network managing can be limited to low level. It is likely to be only parts of those in the game

management of Klijn, Koppenjan and Termeer (1995). They may not have the capabilities of changing network structure. The second is that the level of conflict among actors can affect their network managing function. If the situation has zero-sum characteristics or the stake in the legislative process is big, the conflict among actors would be fierce. In that situation, the committee staff may have no ability of conducting network management, or their network managing may have limited effect in the legislative process.

5.3. New-institutionalism

5.3.1. The three branches of new-institutionalism: rational choice, normative and historical institutionalism

New institutionalism pays its attention to the institution as an important independent variable in political interaction (Peters, 2012; Rothstein, 1996; Thelen and Steinmo, 1992). Differently to old institutionalism, new institutionalism includes informal norms and traditions which affect political interaction in the institution and attempts to explain the relationship between the institution and political behaviour (Hall and Taylor, 1996; Peters, 2012, pp.19-20). In this thesis, rational choice, normative and historical institutionalism are introduced.

Rational choice institutionalism

From the perspective of rational choice institutionalism, the major actors in the political process are individuals and they behave to maximise their own utilities (Peters, 2012, p.51). To achieve their individual goals, the actors attempt to utilise institutions (Peters, 2012, p.55) and behave in a highly strategic manner (Hall and Talyor, 1996, pp.944-945). Institutions are perceived as rules and incentives setting parameters on actors' behaviours (Peters, 2012, p.48). They are 'humanly devised constraints that shape human interaction' (North, 1990, p.3). They structure strategic social interaction; transform actors' payoffs; enforce cooperation; and induce more desirable outcomes of social interaction (Hall and Taylor, 1996, p.945; Peters, 2012, p.50; Rothstein, 1996, p.149; Weingast, 2002, pp.661, 670).

In rational choice institutionalism, the preferences of each individual are the criteria for evaluating their own utilities. Thus, preferences become an important

motivation of an individual actor, and the social role an actor plays is attributed to the motivations of the actor (Dowding and King, 1995 pp.1, 15). From this perspective, however, preferences tend to be given and exogenous (Hall and Taylor, 1996, p.944; Peters, 2012, p.180; Rothstein, 1996, pp.147-148). Individuals have a fixed set of preferences (Hall and Taylor, 1996, p.944), but the rational choice theory itself seems not to answer the question of how the preferences are formed or where they come from (Pierson, 2004, p.60; Rothstein, 1996, p.148).

Rational choice institutionalism has strength in explaining individual actors' strategic interaction based on given capabilities and orientations (Hall and Taylor, 1996, pp.945, 951; Scharpf, 1997, pp.5-6). Considering that the interaction among the policy network has the features of game-like interaction in which actors move strategically, this advantage is important. In addition, this perspective has strength in explaining actors' self-interested orientations. Therefore, in this thesis, rational choice institutionalism is adopted to explain the self-interested orientations of the key actors (MPs and committee staff members) and how the capabilities and orientations of actors affect interactions among them. However, this perspective is based on a narrow assumption of human motivation. Thus, the institutional origins of actors' orientations and how institutions affect their formation is explained by other perspectives.

Normative institutionalism

From the perspective of normative institutionalism, social actors behave according to the 'logic of appropriateness' (March, 1996; March and Olsen, 1989; 1996; 2006). An institution is 'a relative stable collection of rules and practices ... roles, identities and belongings, common purposes, and casual and normative beliefs' (March and Olsen, 2006, p.691). The institutions specify the proper action for an actor in a specific circumstance (March and Olsen, 1989, p.23; 1996, pp. 251-252; 2006, p.693), and social actors attempt to grasp the features of the circumstance and select proper actions in accordance with the circumstance (March, 1996 p.282; March and Olsen, 1989, p.23). The logic of appropriateness enforces an actor to oblige to a role in a given circumstance (March and Olsen, 1989, p.160).

One qualification of the logic of appropriateness, however, is that institutions do not decide political behaviours although they affect the behaviours (March and Olsen, 1996, p.252; 2006, p.693). Components of an institution could be ambiguous and contradictory (March and Olsen, 1989, p.38; 2006 p.695). Actors may have difficulty in facing the ambiguities and contradiction (March and Olsen, 1996, p.252; 2006, p.693). Even if they know about what to do, actors may not have capabilities to follow the direction (March and Olsen, 1996, p.252; 2006 p.695). Actors interpret institutions and circumstances in selecting their actions (March and Olsen, 1996, p.252).

In normative institutionalism, preferences are endogenous (March and Olsen, 1996, p.250; Wildavsky, 1987, p.17). Political institutions form and constitute social actors' identities (March and Olsen, 1996, p. 251; Scharpf, 1997, p.12). Social actors are perceived as collections of identities guiding proper behaviour in a certain circumstance (March, 1996, p.282). Institutions transform individuals into actors bearing social roles (March and Olsen, 2006, p.696; Scharpf, 1997, p.61). Actors' preferences come from the social role that they play (Scharpf, 1997, p.61). Thus, social actors behave based on the preferences of socially constructed identities that fit with those of larger social units which they belong to (Scharpf, 1997, p.12). Therefore, the perspective has strength in explaining actors' orientations which are not self-interested and how institutions affect their formation. Therefore, in this thesis, this perspective is adopted for explaining the key actors' (MPs and committee staff members) orientations which are not self-interested and how institutions affect the formation of those orientations.

Historical Institutionalism

Historical institutionalism emphasises the influence of decision making in the past. Institutions which include formal organisations and informal rules and procedures (Thelen and Steinmo, 1992, p.2) have been built at different times in the past and laid in tiers (Orren and Skowronek, 1994 p.323; Rothstein, 1996 p.152). They are conceived as the legacy of the past and the product of specific historical processes (Thelen, 1999, pp.382, 384). Institutions are formed and maintained through social contexts and cannot be explained without regard to the contexts (Thelen, 1999, p.384). In turn, institutions affect actors and other institutions (Orren and Skowronek, 1994, p.325). They give social actors prescriptions for their actions providing legitimacy (Skowranek, 1995, p.94).

Political institutions are made by other institutions (Orren and Skowronek, 1994, p.328). Thus, social and historical contexts affect political actors and politics (Pierson, 2004, p.169; Thelen and Steinmo, 1992, p.3). Actors, their strategies and the power relations between them are put in their contexts focusing on the way the political situations are constructed (Thelen and Steinmo, 1992, pp.12-13).

One of the most important mechanisms of historical institutionalism is path dependence (Hall and Taylor, 1996, pp.941-942; Levi, 1997; Peters, Pierre and King, 2005; Pierson, 2000; 2004; Thelen, 1999). The term refers to the situation under which the initial or critical decision making continuously affects the following trajectory of a polity because reversal of the trajectory is difficult (Levi, 1997, p.31; Pierson, 2000, p.252). Pierson (2000; 2004) argues the relevance of path dependence in the study of politics by borrowing the logic of increasing returns and positive feedback from economics. From the perspective of historical institutionalism, it is also important to identify the moment that continuously affects the subsequent sequences in the perspective. Collier and Collier (1991) conceptualises these moments as 'critical junctures'. Krasner (1984) terms the trajectory that features a big change followed by minor changes as 'punctuated equilibria'.

In historical institutionalism, preferences are endogenous. Preferences of social actors can be based on the institutions, in turn, embedded in a specific historical circumstance (Katznelson and Weingast, 2005, p.2). Institutions shape the range and substance of preferences (Katznelson and Weingast, 2005, p.4). One of the roles of institutions is creating preferences (Katznelson and Weingast, 2005, p.14). As institutional arrangements are affected by historical processes and contexts from the perspective of historical institutionalism, historical processes also affect preferences (Katznelson and Weingast, 2005, p.15). Specific social contexts can shape actors' identities and preferences (Pierson, 2004, p.169). The institutional contexts form the goal that actors pursue (Thelen and Steinmo, 1992 pp.8-9). In this regard, preferences 'may ... be the product of circumstances and institutions' (Katznelson and Weingast, 2005, p.7).

If institutional influence on the features of actors and, in turn, the interaction among them, is to be thoroughly analysed, the origins of formation of institutions are also needed to be traced. The historical institutionalism focusing on the

historical contexts surrounding institutions has strength in that tracing. Thus, in this thesis, this perspective is adopted in chapter 2 to investigate the origins and formation of macro-level institutions in which actors and network are embedded, and how historical contexts of South Korea affect the formation of them.

5.3.2. Research on MPs' orientations and key concepts of the orientations of South Korean MPs

One of the early comprehensive studies on the orientations, preferences or goals of members of the legislative branch is that of Fenno (1973) on the goals of U.S. congressmen/women. He enumerates re-election, influence within the House and good public policy as the three primary goals of congressmen/women (Fenno, 1973, p.1). Each committee in the House, however, provides different opportunities for achieving the goals (Fenno, 1973, p.1), and the behaviours of individual congressman/woman in congressional committees are to maximize his/her goals within the constraints (Fenno, 1973, Introduction).

Among Fenno's triads, the goal treated as the most important one is re-election. Mayhew (1974, p.5) asserts that congressmen/women are 'single-minded seekers of re-election'. He lists three activities essential for re-election: advertising (attempts to form a positive image among constituents without having controversial substance), credit claiming (having relevant actors believe that he/she is responsible for making the government, or other units, do favourable things for them) and position taking (making statements on affairs which are likely to draw the attentions of political actors) (Mayhew, 1974, ch.1). Fiorina (1989, p.68) argues that public policy is a by-product of consideration of congressional elections. Congressmen/women tend to focus on affairs from which they can get credits favourable to their re-election – for instance, federal projects or individual favours – instead of broad national public policies (Fiorina, 1989, pp.68-69). This assumption of legislators' orientations to re-election directs many studies on the U.S. Congress (e.g. Canes-Wrone, Brady and Cogan, 2002; Carson et al., 2010; Cox and McCubbins, 2007; Fiorina, 1982; Krehbiel, 1991; Lazarus, 2010; McCubbins and Schwartz, 1984; Weingast and Marshall, 1988; Weingast and Moran, 1983).

This approach to MPs' orientations is from the perspective of rational choice, but the research on those of MPs in the British Parliament is from a somewhat

different perspective. Searing (1994) examines the role of MPs of the British House of commons and identifies four major preference roles of backbenchers: policy advocate (checking the executive), parliament men (maintaining institutional structures), ministerial aspirants (making ministers) and constituency members (redressing grievances). His motivational approach to the roles is basically based on the rationality principle, but the preferences of politicians are not wholly exogenous because the roles politicians play are constructed around institutional situations guiding their proper actions (Searing, 1994, p.18).

The endogenous characteristics of MPs' preferences become more explicit in Rush's work (Rush 2001; 2005; Rush and Giddings, 2011). Criticising Searing that the different roles of MPs can be played by the same MP and at the same time, Rush (2001) identifies three roles of MPs of the British House of Commons – a partisan role, a constituency role and a scrutiny role. He derived the change in the roles of MPs from the professionalization of MPs that is a change of institutional environment. More explicitly, Rush and Giddings (2011, pp.54-58) construct a model of parliamentary socialisation connected to normative institutionalism in which MPs' knowledge, values and attitudes are affected by political institutions. Maintaining the typology of MPs' roles in Rush (2001), they define legislative socialisation as 'the process by which newly elected members of a legislature become acquainted with the institution's rules and norms or behaviour.' and identify three types of legislative socialisation – functional socialisation, attitudinal socialisation and behavioural socialisation (Rush and Giddings, 2011, pp.56-57).

For the examination of South Korean MPs' orientations, it seems that research on the orientations of British MPs is more relevant than that on the U.S. congressmen. First of all, research on the U.S. congressmen is based on a somewhat narrow assumption of human motivation. It hypothesises basically self-interested men. Constituency activities and policy activities, however, do not depend wholly on the calculation of electoral prospect (Rosenblatt, 2006, pp.13-15; Norton, 2002a, pp.32-33; Yoon, 2000, p.165). On top of that, the research is based on the specific institutional contexts of the U.S. Congress. For example, relatively weak party discipline is a unique circumstance in the U.S., so American literature has given less consideration to party in explaining the orientations of

congressmen/women. But, party activity could be an important orientation for MPs of a legislature in which party-discipline is strong.

In this thesis, MPs in the National Assembly of South Korea are seen as having three orientations: constituency worker, party politician, and policy watchdog and entrepreneur, which are basically based on Rush's research on the roles of British MPs. Similar to the U.K., the major electoral system of the South Korean legislature is the first-past-the-post system and party discipline is strong in South Korea, which is similar to the British House of Commons. As explained in chapter 2, the orientations as constituency worker and party politician have been strengthened by the dependence of local governments on the central government; the confrontation between parties accompanying fierce conflict; and the low re-election rate of incumbent MPs. Thus, the orientations are justified. One change is made in the scrutiny role. South Korean MPs can introduce their own private members' bills more freely than British MPs as explained in chapter 2. Thus, the number of private members' bills is large and the policy impact of the bills is substantive. South Korean MPs have some degree of leeway in making their own policies. Needless to say, they also scrutinise government bills and policy, and the administration of executive departments. Thus the orientation to the scrutiny role is changed into that of policy watchdog and entrepreneur.

A couple of qualifications are to be added to the discussion about MPs' orientations. One is that the application of Rush's framework of MPs' three roles does not exclude MPs' self-interested orientations. The goal of re-election is achieved through playing the roles mentioned above. Advertising, credit-claiming and position taking in Mayhew (1974) happen in conducting those roles. The other is that the orientations have a hierarchical structure in which the scrutiny of legislation is given lower priority than other tasks as discussed in chapter 2.

5.3.3. Research on the orientations of civil servants and key concepts on the orientations of committee staff members in the South Korean National Assembly

Research on the orientations of congressional committee staff in the U.S. is not relevant because committee staff members of the South Korean legislature are not partisan staff appointed by committee chairs, but non-partisan permanent employees of the legislature. Moreover, committee staff members have the legal

status of career civil servants in South Korea. Thus, it is necessary to refer to research on the orientations or motivations of civil servants. From the perspective of rational choice, civil servants are typically perceived as budget maximisers (Downs, 1967; Niskanen, 1971) or bureau shapers (Dunleavy, 1991). Those assumptions, however, have no relevance to the committee staff in the legislature because they do not have their own programme in need of a large budget; their status is not correlated with their budget; and they have no implementation responsibilities to delegate to other bureaus.

Thus, from the perspective of rational choice, this thesis pays its attention to civil servants' motivation for promotion and growth in the organisation. These motivations are mathematically formalised in the career-concern model (Dewatripont, Jewitt and Tirole, 1999a; 1999b; Dixit, 2002, pp.703-704; Holström, 1982). The gist of the model is that an agent exerts efforts, even without financial incentives, to demonstrate his/her abilities to the principal and labour market to achieve future rewards (Dewatripont, Jewitt and Tirole, 1999b, p.201; Dixit, 2002, p.703). Holström (1982) states that an agent's abilities are demonstrated over time and the wage in the next period is linked with performance in the current period. The feature of the implicit contract can be used to oversee an agent's moral hazard (Holström, 1982, p.177). Dewatripont, Jewitt and Tirole (1999a, p.183) argue that the career concerns are more relevant in the public sector where explicit financial incentives are limited and difficult to apply.

According to the career concern model, a good performance enhances the reputation of an employee's ability and job opportunities inside or outside his/her organisation (Dewatripont, Jewitt and Tirole, 1999b, p.201). An employee at the early stage of their career is likely to be more affected by career concern and make efforts to raise his/her own reputation in the organisation (Dixit, 2002, pp.703-704; Holström, 1982, p.177). When it comes to those at the late stage of their career, although the implicit incentive in the form of career concern may be reduced, they can be incentivised by future employment opportunities outside the organisation (Dixit, 2002, p.704). The dynamic model sees the uncertainty due to information asymmetry in the principal-agent relationship, not as a problem, but as an incentive mechanism.

The orientations of civil servants, however, are not accounted for wholly by career concerns. The organisational culture, norms and socialisation process

also affect the orientations from the perspective of normative institutionalism. From this perspective, public service motivation (PSM) theory explains the orientations of civil servants. PSM refers to altruistic motivation and motivation to serve the well-being of a community (Perry and Hondeghem, 2008a, p.6; 2008b, p.3; Rainey and Steinbauer, 1999, p.23). It includes altruism and prosocial motivation and has institutional grounded features (Perry and Hondeghem, 2008a, pp.3-6). Dimensions of PSM suggested by research are: attraction to public policy making, commitment to the public interest and civic duty, compassion and self-sacrifice (Perry, 1996); policy-making, commitment and compassion (Coursey and Pandei, 2007); self-sacrifice, commitment to public interest and compassion (Coursey et al., 2008).

According to PSM theory, people working for the public sector are likely to inculcate PSM and have a different motivational structure from those in the private sector (Brewer and Selden, 1998, p.418; Crewson, 1997; Dilulio, 1994; Houston, 2006; Perry and Wise, 1990; Rainey, 1982). Moreover, high PSM is correlated with high performance. It is more important than wage in raising workers' effort levels (Taylor and Taylor, 2011). People having high PSM are likely to demonstrate high performance, job commitment and job satisfaction (Brewer and Selden, 1998; Naff and Crum, 1999; Perry and Wise, 1990; Taylor, 2007). They also show high levels of commitment to their organisations and tend to remain with their organisations (Naff and Crum, 1999; Perry and Wise, 1990; Taylor, 2007).

The linkage between PSM and normative institutionalism can be found in the research on the origin of PSM. PSM is derived from institutions bearing values, norms, rules and external expectations (Perry and Vandenabeele, 2008, p.71; Vandenabeele, 2007, p.551). Institutions shape individuals' identities by socialisation, social identification, culture and social learning (Perry and Vandenabeele, 2008, pp.60-62). Therefore, according to Perry and Vandenabeele (2008, p.73), 'individuals are social creatures'. Thus, institutional contexts and individual identities are linked (Perry, 2000 p.481). Through this mechanism, the values and norms borne in public institutions are transmitted into individuals' identities in public organisations (Moynihan and Pandey, 2007, p.41; Vandenabeele, 2007, p.551; 2008, p.145). Preferences and motivations are formed from the identities (Perry, 2000, pp.477-478; Perry and Vandenabeele,

2008), so preferences are endogenous. When it comes to public organisations, individuals in the public sector are likely to be public service motivated due to the public values borne in the institutions (Vandenabeele, 2011, p.90). Many empirical studies on PSM demonstrate the relationship between institutional factors and PSM (e.g. Camilleri, 2007; Dilulio, 1994; Kjeldsen and Jacobsen, 2013; Moynihan and Pandey, 2007; Perry, 1997; Vandenabeele, 2011). The above discussion is in line with the normative institutionalism of March and Olsen (1989; 1995; 1996; 2006).

From the discussion so far, this thesis sees committee staff members in the South Korean legislature, permanent employees of the institution, as having orientations based on career concern and PSM. To be specific, they are seen as having orientations to promotion or career concern; participation in making public policy; commitment to public interest; and conformity to institutional norms. The first one is derived from the career concern model and justified by the permanent status of their employment. Junior staff members may have incentives to construct a good reputation about their abilities which is helpful for their career in the organisation. The motivation can be relevant even to senior staff members, as discussed in chapter 8, because their reputation among MPs and other policy actors can be important in their promotion and affect their employment by outside organisations after their retirement from the staff organisation.

Orientations from the second to the fourth are basically derived from PSM literature and normative institutionalism. For the second one, as a staff member in an important policy institution, motivation to participate in the policy process is natural for a committee staff member in the South Korean legislature. When it comes to the third one, differently from those in the U.S. congress, they have no incentive in promoting specific partisan policies. Thus, they can have leeway to advise MPs from a politically neutral position and have a commitment to public policies which they think are desirable for the public interest. Finally, they are expected to follow institutional norms. In particular, the norms that are important to committee staff members in a legislature are anonymity, limited advocacy and deference to MPs (Patterson, 1970, pp.29-31). In addition, political neutrality and impartiality are required of them because they are non-partisan staff.

5.3.4. The necessity of analysis of historical contexts which surround institutions affecting actor and network

The macro-level institutions affecting both actors and networks are not shaped in a vacuum. As discussed above, their formation is under the influence of the historical legacy from the perspective of historical institutionalism. Thus, if the analysis of the features of actors and networks affecting interaction among policy actors are to be thorough, the processes through which the macro-level institutions are moulded and affected by historical contexts have to be analysed. This consideration for dynamic historical contexts is found in works making efforts to juxtapose rational choice institutionalism and historical institutionalism (e.g. Grief and Laitin, 2004; Katznelson and Weingast, 2005; Levi, 1997; Bates et al., 1998).

Among those attempts, analytic narratives (Levi 1997; Bates et al., 1998) are basically based on the premise of the rational choice perspective. This approach, however, also emphasises a deep understanding of institutions surrounding the research topic (Levi, 1997, p.31). The institutions are derived from the legacy of the past, so the temporal processes affecting institutions are important and particular events in the past could trigger the processes (Levi, 1997, p.28). Thus, the concept of path dependence is also important in Levi's rational choice theory in historical analysis. She uses the metaphor of a tree to explain the concept: When climbing a tree consisting of many branches and sub-branches, a climber is likely to follow the branch that he/she starts (Levi, 1997, p.28).

The importance of historical contexts in forming social actors' preferences is emphasised in Katznelson and Weingast (2005). Preferences are induced by institutions that are embedded in historical contexts (Katznelson and Weingast, 2005). Institutions are shaped from historical processes and perceived as historical products linking the times of upheavals and routines (Katznelson and Weingast, 2005, p.7, 15). In turn, social actors are embedded in the institutions that affect their identities (Katznelson and Weingast, 2005, p.4). Institutions mould beliefs and values and affect social actors' preferences (Katznelson and Weingast, 2005, p.14). Through this process, institutions mediate social actors and historical processes (Katznelson and Weingast, 2005, p.7), and preference can be affected by historical contexts (Katznelson and Weingast, 2005, p.15).

From the above discussion, the necessity of a historical approach to trace the origin of institutions affecting actors and networks is justified. The historical approach is in line with process tracing as an analytical tool (Collier, 2011). For

the purpose of this thesis, the historical contexts of South Korea surrounding parliamentary politics and bureaucracy are analysed in chapter 2. The contexts include the confrontation with North Korea; experiences of military authoritarian regime from 1960s to 1980s; construction of a political and administrative system appropriate for rapid economic development; the democratisation process from the late 1980s; and the advent and domination of regionalism in elections as discussed in chapter 2.

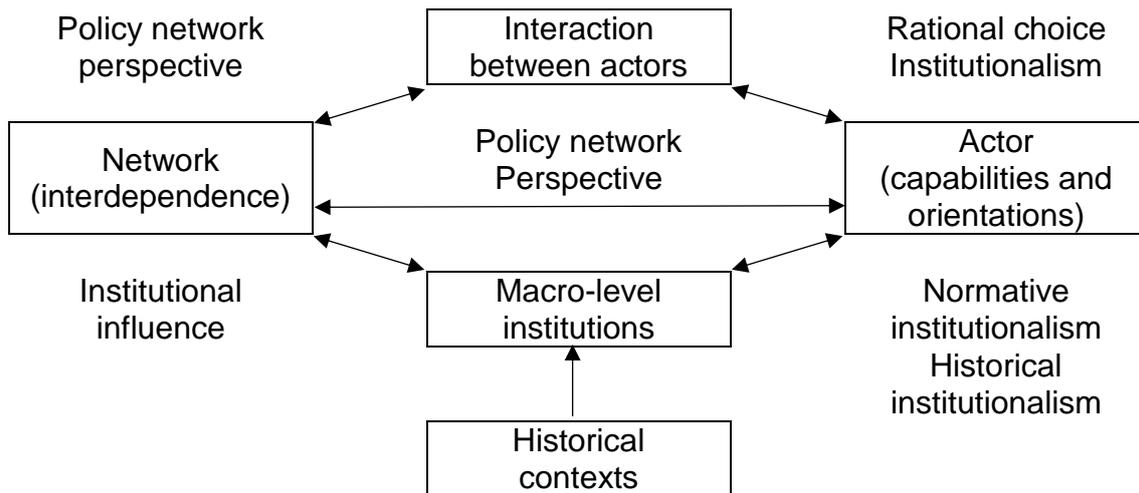
5.4. Summary and Conclusion

From the above discussion, a theoretical framework based on the reciprocal relationships between actor, network, macro-level institutions and interactions between actors is constructed. It is also considered that institutions are affected by historical contexts. The policy network perspective and new institutionalism are useful perspectives for the analysis of the relationships among those elements in the framework. In particular, although the policy network perspective in the British context began emasculating Parliament as an important policy actor, this thesis tries to exploit the policy network perspective claiming that the legislative process in the legislature can be conceived as the locus of the policy network and that actors in the legislature can be important policy actors.

To be specific, the policy network perspective is employed to analyse the mechanism through which the features of network affect capabilities of actors and interactions among them. Rational choice institutionalism is applied to analyse the orientations of actors and the mechanism through which the features of actors affect interactions among them. Normative institutionalism is adopted to analyse the influence of macro-level institutions on the orientations of actors. Historical institutionalism is exploited in analysis of the influence of historical contexts on macro-level institutions. The theoretical framework and perspectives are succinctly depicted in Figure 5.2 (the same figure as figure 1.1).

Key concepts of the features of the policy network and key actors (MPs and committee staff members) in the South Korean legislative process and the historical contexts surrounding the process are derived in the application of the theoretical framework and perspectives. When it comes to the network, interdependence due to resource dependence and network management are

Figure 5.2. Theoretical framework and perspectives



derived as key concepts. The resource dependence defines actors' capabilities. MPs have the official power of scrutiny and are allowed a favourable environment to reflect their own positions in the legislative process from legitimacy, official authority and political knowledge and skills to pass the bill. The committee staff have informational power from knowledge about the legislative process, technical knowledge about legislation and a certain level of policy expertise. They are also allowed the possibilities of conducting network management function at a low level due to the necessity of network management.

For the orientations of MPs and committee staff members, the analysis sees that MPs have orientations as constituency worker, party politician, and policy watchdog and entrepreneur in which the scrutiny of legislation is given lower priority than other tasks. Committee staff members are seen as having the motivations of promotion or career concern, participation in making public policy, commitment to public interest and conformity to institutional norms (anonymity, limited advocacy, deference to MPs and political neutrality). When it comes to the historical contexts, as already discussed in chapter 2, key concepts include the confrontation with North Korea; experiences of military authoritarian regime from 1960s to 1980s; construction of a political and administrative system appropriate for rapid economic development; the democratisation process since 1987; and the advent and domination of regionalism in elections. Those key concepts are summarised in Table 5.2.

So far, the theoretical framework and key concepts to analyse the role, function and impact of the committee staff members in the South Korean legislature are

derived from the discussions in this chapter. The next necessary step is to set a research strategy to collect and analyse empirical data for the analysis. This work is to be done in the next chapter.

Table 5.2. Key concepts in the thesis

Features of network affecting actors and interactions among them in the legislative process

Network	<ul style="list-style-type: none"> - Interdependence due to resource dependence - The necessity of network management
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Resources and capabilities of key actors (derived from the features of network)

MPs	<ul style="list-style-type: none"> o Resources <ul style="list-style-type: none"> - Legitimacy - Official authority - Political knowledge and skills o Capabilities <ul style="list-style-type: none"> - The official power of scrutiny - Being allowed a favourable environment to reflect their own positions
Committee staff members	<ul style="list-style-type: none"> o Resources <ul style="list-style-type: none"> - Knowledge about the legislative process - Technical knowledge about legislation - A certain level of policy expertise o Capabilities <ul style="list-style-type: none"> - Informational power - Being allowed the possibilities of network managing

Orientations of key actors affected by macro-level institutions (from the perspective of rational choice and normative institutionalism)

MPs	<ul style="list-style-type: none"> - Constituency worker - Party politician - Policy watchdog and entrepreneur
Committee staff members	<ul style="list-style-type: none"> - Promotion or career concern - Participation in making public policy - Commitment to the public interest - Conformity to institutional norms (anonymity, limited advocacy, deference to MPs and political neutrality)

Historical contexts affecting the evolution of institutions surrounding the legislative process

<ul style="list-style-type: none"> - Confrontation with North Korea - Experiences of military authoritarian regime from 1960s to 1980s - Construction of political and administrative system appropriate for rapid economic development - Democratization process from late 1980s - The advent and domination of regionalism in elections
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6. Methodology: the Collection and Analysis of Empirical Data

6.1. Introduction

The aim of this chapter is to explain methods used to collect and analyse empirical data in this study. One fundamental difficulty of empirical investigation of the role and impact of the committee staff is that they are basically invisible actors in the legislative process. As we reviewed in chapter 4, the norms of the legislative staff require of them low visibility. They usually play their role behind the scenes. For example, lots of work has to be done in advance to table a bill at the committee and subcommittee meetings. These activities of committee staff members are not seen through observing the official legislative process. The way in which staff members work makes studying them difficult. In this regard, researchers studying the legislative staff have difficulties in gathering explicitly observable evidence. Thus, studying a small number of cases and surveying or interviewing staff members, MPs or other participants in the legislative process have been the main methods to analyse staff impact in their research.

Fortunately, the problem of invisibility is alleviated, although not solved entirely, in the case of South Korean committee staff because they can present their opinions on bills in the form of the review report and the document for the subcommittee's examination at the committee and subcommittee meetings respectively, and speak under the permission of the chair at the meetings as explained in chapters 2 and 3. Their amendment opinions on bills can be found in the documents. Thus, it is possible to get observable data about how many of their opinions are reflected in the legislative process. When it comes to their impact, the comparison between their opinions and real amendments to bills is possible. Therefore, it is possible to employ one of the methods to analyse the impact of a policy actor in the legislative process – the amendment analysis discussed in Russell and Benton (2009).

However, the amendment analysis is not perfect for the purpose of this thesis. First of all, the analysis cannot give answers about the role of the committee staff outside the official legislative process. As mentioned above, most of the committee staff's work is done outside the official legislative process. No official document demonstrates the process by which they form their own opinions on bills and prepare the committee or subcommittee meetings. Analysing official

documents does not demonstrate how they work. On top of that, even for the evaluation of their impact, the method is imperfect. The behaviour of the committee staff could be affected by their perceptions or predictions of the actions of other actors (especially those of MPs) in the legislative process, as the 'law of anticipated reactions' (Beetham, 2013, p.45; Norton, 2013, p.6) explains. For example, the amendment opinions of the committee staff would be suggested after their expectations about the reactions of MPs, the sponsoring department or interest groups were formed. Those expectations are not analysed through official documents.

Therefore, it is necessary to ask staff members themselves about their working process and their own perceptions in doing their job. An interview strategy enhances understanding of experiences which the researcher did not take part in (e.g. professionals' working experiences); provides good descriptions about social and political processes; and enables researchers to investigate personal perceptions or orientations (Rubin and Rubin, 2005, pp.3-4). In this thesis, the interview method is useful for investigating working experiences of committee staff members which are deeply embedded in political contexts and affected by their orientations. The statements by committee staff members about their own working lives enable a deep examination of their role and impact, especially the mechanism that induces their participation in the legislative process.

The analysis on the interview data and the amendment analysis mentioned above, however, are not likely to provide detailed and specific descriptions of individual legislative processes and the role and impact of committee staff members in the processes. Thus, a complementary legislative case study (the number of cases is four) is conducted in this thesis. Although case study research has weaknesses in generalizability and causal inference (King, Keohane and Verba, 1994, pp.210-211; Maggetti, Gilardi and Radaeli, 2013, p.67, p.130), it can provide detailed and specific description (Gerring, 2004, pp.347-348). In this thesis, the case study provides vivid observation of specific legislative processes which is difficult to obtain from the aggregate data from statistics about amendments or interviews with committee staff members.

Therefore, the major research methods are interview, amendment analysis and legislative case study. The following sections discuss methodological issues in using these research methods and describe the processes of collecting and

analysing empirical data. The strengths and weaknesses of each research strategy are discussed. The descriptions of the research process are as detailed as possible to secure transparency (for the necessity of transparency, see Auerbach and Silverstein, 2003, p.84; Kvale, 1996, pp.255-256; Rubin and Rubin, 2005, pp.76-77; Silverman, 2013, pp.352-355). The sections are in the order of interview, amendment analysis and legislative case study.

6.2. Interview Research

6.2.1. Strengths and weaknesses of interview research

There are several strengths of the interview research strategy. First of all, as stated in the introduction of this chapter, the interview strategy provides researchers with a way to investigate working lives (Rubin and Rubin, 2005, p.3). Thus, the interview enables researchers to see behind the scenes. In this thesis, interviews with committee staff members can capture their own working experiences. On top of that, the interview can inform policy actors' thoughts, beliefs and attitudes directly (Tansey, 2007, p.766). In this thesis, interviews with committee staff members can investigate their attitudes and thoughts about supporting MPs and committees in the legislative process. This investigation can examine staff members' orientations and assess the impact of anticipated reaction of staff members directly. Last but not least, the data obtained from the interviews can be used to check the validity of the results from other analyses (Tansey, 2007, p.766). Consistent findings from multiple data sources strengthen the results of analysis, or different results from various data sources keep the researcher from concluding incorrectly. In this thesis, the results from the interviews can be used to verify the results of quantitative amendment analysis about the impact of the committee staff.

One limitation of interview research is that respondents may overestimate or underestimate their role (Berry, 2002, p.681; Tansey, 2007, p.767). In this research, if the questions about committee staff impact in the legislative process are asked of the committee staff members themselves, senior staff members are likely to minimise their role. It is because they might consider the current relationship with MPs and the norm of low visibility. Conversely, needless to say, there is also a possibility that committee staff members are more likely to inflate

their impact. In particular, junior staff members who start their job as a member of committee staff at an early age and have no experience of other work tend to regard their work as very important and overstate their role in the legislative process. For this reason, answers about their impact in the legislative process are compared with the results of amendment analysis. In addition, as stated later, senior staff members in the top job in the committee (chiefs of staff) are excluded from the sample respondents in the main interviews. Instead, former staff members replace them. Junior staff members who have worked for less than three years when the interviews are conducted are also excluded from the main interviews, but data from pilot interviews with them are exploited when the data are coherent with the data from the main interviews.

6.2.2. The time schedule of the interview research

The time schedule of the interview research is as follows: Before conducting the main research interviews, pilot interviews were conducted with five committee staff members, who have worked for less than three years, from 4th to 7th August 2015. The main research interviews were conducted from 17th August to 4th September 2015 after the improvement of the interview guide and provisional coding scheme through the reflection on the results of the pilot interviews. The data from the pilot interviews were to be excluded from the analysis at first, but the data including meaningful themes and coherent with them from the main interviews are included in the analysis. Table 6.1 is the summary of the time schedule.

6.2.3. Pilot interviews

The pilot interviews of this research have been conducted with five committee staff members who have worked for less than three years. Three of them were selected by convenience sampling. One of the interviewees recommended two other interviewees (snowball sampling). Three of the interviews were conducted through Skype (a videophone application) and the other two interviews were conducted through the telephone. The interviews were semi-structured interviews. The subjects of the interviews were the role and the function of committee staff; the skills and knowledge required for committee staff; the norms and motivations of committee staff; factors affecting the role and function of committee staff; and the rewards and difficulties. The average time spent in an interview was 70.6

Table 6.1. Time schedule of the interview research

- Pilot interviews

4 th -7 th August	-Sampling pilot interviewees (five interviewees) -Contacting pilot interviewees and getting the approval for the interview
4 th -7 th August	-Conducting pilot interviews (through Skype and telephone)
10 th -16 th August	-Transcribing the interviews
17 th , 18 th August	-1 st coding
21 st , 22 nd October	-2 nd coding
24 th October – 1 st November	-3 rd coding (reviewing previous coding and organising the codes)

- Main research interviews

8 th , 9 th August	-Sampling main research interviewees (26 interviewees) -E-mailing the main research interviewees
10 th , 11 th August	-Sampling supplementary interviewees (6 interviewees)
10 th -16 th August	-Contacting interviewees and getting the approval for the interview
17 th -27 th August	-Conducting telephone interviews (21 interviewees)
31 st August – 4 th September	-Conducting face-to-face interviews (12 interviewees)
7 th -26 th September	-Transcribing the interviews
27 th September - 7 th October	-1 st coding
8 th -23 rd October	-2 nd coding
24 th October – 1 st November	-3 rd coding (reviewing previous coding and organising the codes)

minutes. The longest interview took 107 minutes and the shortest one took 55 minutes (for the detailed interview guide, see appendix 1.1).

The researcher improved the interview guide from the results of the coding of the pilot interviews. There are three important improvements. First of all, the first question (about the role and function of staff) and the fifth question (about the factors affecting the role and function of staff during the scrutiny of government bills) are merged under one subject to make a natural conversation. On top of that, the revised first question focuses on the procedures in the committee and subcommittee stages during the legislative process because interviewees in the

pilot interviews did not think of other procedures, after bills have passed the committee stages, as important. Finally, the question about the actors or participants in the legislative process who affect committee staff is added because the interviewees think that policy actors affect committee staff members and that the roles of committee staff among policy actors (e.g. mediation between policy actors) are important.

6.2.4. Sampling of the main research interviewees

The prospective interviewees are former senior committee staff members who retired after 2014 (N = 5) and the current committee staff members (except chiefs of staff and junior staff members who have worked for less than three years. N = 141.). The sample framework for the current committee staff members is the directory of the National Assembly Secretariat (02/Mar/2015). When it comes to the current committee staff members, principally random sampling was conducted to secure diversity of samples and 26 interviewees were sampled. Two of them were on maternity leave, however. Moreover, five committees out of 17 committees (Intelligence Committee was excluded because of security reasons) had no interviewee after the sampling. Thus, purposive sampling which selected one interviewee per each missing committee was conducted within the limits of keeping representativeness of gender, position and grade of all staff members. In addition, one of the interviewees who had been selected by random sampling rejected the interview. Thus, the most similar staff member to the interviewee (in the aspects of gender, position, grade and period of service) was sampled purposively (n = 6). In addition to the interviewees, all five former senior committee staff members were sampled. The researcher contacted sampled interviewees and acquired their approval for the research interview via telephone. From these 34 interviewees, 33 interviewees have been interviewed. A current staff member was not interviewed because of a business trip. Table 6.2 is the breakdown of the main research interviewees.

6.2.5. Conducting the main research interviews

Initially, interviews had been planned to be conducted through Skype, but the interviewees were reluctant to use Skype because most of them do not know how to use the videophone application. Thus, interviews were conducted via telephone and face-to-face. 21 participants were interviewed via telephone. The

Table 6.2. Frequency distribution of the interviewees according to gender, position and grade (except the interviewees for the pilot interviews)

Category	n (in sample)	%	N (in population)	%
Gender				
Male	27	81.8	136	85
Female	6	18.2	24	15
Position				
Chief of Staff	5	15.2	19	11.9
Staff Director	4	12.1	18	11.2
Legislative Research Counsel	0	0.0	7	4.4
Legislative Researcher	24	72.7	116	72.5
Grade				
I	5	15.2	19	11.9
II	4	12.1	18	11.2
III	4	12.1	23	14.4
IV	15	45.6	75	46.9
V	5	15.2	25	15.6

other 12 participants were interviewed face-to-face in their office rooms in South Korea. The interviews were semi-structured interviews. The initial questions for each major theme were the same for each interviewee. But, interviewees had freedom in answering the initial questions and probes, and follow-up questions were adopted according to the answers. The answers were usually similar, however. Thus, most interviews could follow the planned interview schedule roughly (for a detailed interview guide and typical substances of the main interview, see appendix 1.2 and 1.3). The subjects of the interviews included the role and function of committee staff; knowledge and abilities for committee staff members; norms and motivations of committee staff members; policy actors in the legislative process; and the rewards and difficulties in the committee staff members' work. The average time spent in an interview was 59.2 minutes. The longest interview took 85 minutes and the shortest one took 23 minutes.

6.2.6. Transcribing and coding the interview data

In principle, the interview data were transcribed verbatim, but the routine words the interviewer used to indicate that he was listening to the interviewee (yes or um) were omitted. It took about four hours to transcribe a one hour interview. The pilot interview data were firstly coded through NVivo software. The need for more detailed coding was revealed after the initial coding. The coding of the main research interview data was conducted after the transcription of the interviews had been finished. One interview with a committee staff member of the Special committee on Ethics was excluded from the coding because the substance of the interview was irrelevant to the role of committee staff in the scrutiny of government bills. The main research interview data were firstly coded manually using the comment function of Microsoft Word. The coding was conducted in as much detail as possible and closely to in vivo coding in Charmaz (2014, p.190). A provisional coding structure was set through the first coding. The second coding of the pilot and main research interview data was conducted through NVivo software after the first coding. The coding produced 1,342 initial codes. Then, the created codes were reviewed and organised. Some initial codes were merged because they had the same meanings. The codes were organised hierarchically and some categorical codes were produced by the organisation. All codes were classified into 12 categories demonstrated in Table 6.3. The number of final codes is 1,427.

Table 6.3 Categories in which the final codes are organised

1. Role of the committee staff
2. Policy impact of the committee staff
3. MPs' orientations
4. Knowledge and abilities for committee staff members
5. Norms of committee staff members
6. Motivations and rewards of the committee staff's work
7. Policy actors in the legislative process (policy network)
8. Factors affecting committee staff members conducting their work
9. Difficulties in working as a committee staff member
10. Government bills
11. Senior committee staff members
12. Realities in the legislative process in South Korea

6.3. Amendment analysis

6.3.1. Introduction of and issues in amendment analysis

If we understand the impact of a policy actor in the legislative process as causal relationships in the counterfactual manner of King, Keohane, and Verba (1994), the question about the impact can be paraphrased as the following: If it were not for the actor, how would the result of the examination on a bill change? Thus the impact of the actor would be the difference between the substance of a bill when the actor participates and those of a bill when the actor does not. If this difference were to be measured, a laboratory experiment manipulating the participation of the actor would be the best method in principle (Maggetti, Gilardi, and Radaeli, 2013, pp.49-50). However, this type of experiment is very difficult, if not impossible, to conduct in a real research and has its own weaknesses. First of all, it is very difficult to have enough number of MPs come together for academic research in the midst of their own hectic political lives. Moreover, the subjects (MPs) in this experiment could respond to the experiment itself - the so called Hawthorne effect (Hoover and Donovan, 2011, p.72). For example, for the purpose of this thesis, if MPs think that a strong impact of committee staff in the legislative process is not favourable to themselves, they might reject the opinions of staff more in the experiment than in the real world.

One alternative to overcome this difficulty is amendment analysis. The analysis is used to examine the significance, acceptance and origins of amendments to bills in the legislative process (Russell and Benton, 2009, pp.9-10). The basic logic is that a policy actor's impact is big if amendments initiated by the actor are more important and more accepted than those of other actors in the legislative process. To take this a step further, inferential statistics are exploited to analyse factors affecting the actor's impact. The analysis strategy is developed from the notion that a crude counting of amendments, ignorant of the degree of importance and acceptance and origins of them, may induce misunderstandings about a policy actor's impact in the legislative process (Russell and Benton, 2009, pp.6-7).

There are many studies about the policy impact of a legislature based on delicate quantitative amendment analysis. When it comes to the British Parliament, descriptive statistics and regression analysis which consider the

significance, acceptance and origin of amendments in the legislative process have been exploited to show the policy impact of the legislature and the factors affecting it (Russell and Johns, 2007; Russell, Gover and Walter, 2016; Russell and Sciara, 2008; Thompson, 2013). Shephard and Cairney (2004, 2005) and Cairney (2006) use similar quantitative amendment analysis to analyse the impact of the Scottish Parliament. Several studies about the impact of the European Parliament and the factors affecting it also exploit similar methods (Häge and Kaeding, 2007; Kasack, 2004; Kreppel, 1999; 2002; Tsebelis and Kalandrakis, 1999; Tsebelis et al., 2001).

In this thesis, descriptive statistics and cross tabulation analysis are used to demonstrate the impact of the committee staff in the legislative process and analyse the factors affecting their impact. The significance, initiators and acceptance of amendments to government law bills are classified in the descriptive statistics. The relationships among the significance, acceptance, initiators and other factors are analysed through the cross tabulation analysis.

Two caveats of the analysis should be mentioned in advance. The first one is that bivariate analysis has the problem of spuriousness. The relationship between two variables can be due to other variables omitted in the analysis (Hoover and Donovan, 2011, pp.106-110; King, Keohane and Verba, 1994, pp.176-182; Maggetti, Gilardi and Radaeli, 2013, p.45). This weakness is alleviated in two ways. First of all, each cross tabulation analysis attempts to control as many other variables as possible. On top of that, the results of the analysis are complemented by the interview data. The second caveat is the problem of anticipated reaction. As mentioned repeatedly, a committee staff member is likely to suggest amendment opinions which are likely to be accepted by other actors (especially by MPs). Thus, the analysis of interview data complements the interpretation of the results from amendment analysis in this thesis.

6.3.2. The aim and time schedule of the amendment analysis

The aim of the amendment analysis in this research is to analyse the significance, acceptance and origins of amendment opinions to government bills submitted to the 18th National Assembly of South Korea. The initiator, type and degree of acceptance of amendment opinions to government law bills are classified in the analysis. The controversy of the bill under scrutiny and the type

of policy related to the bill under scrutiny are also classified in the analysis. Before conducting the main analysis, a pilot analysis was conducted from 18th November to 5th December 2015. There were some modifications in the selection and definition of variables and coding criteria after the pilot analysis. The main analysis was conducted from 15th December 2015 to 9th February 2016 reflecting the modifications. Table 6.4 is the time schedule of the analysis.

Table 6.4. Time schedule of the amendment analysis

Date	Progress
17 th November	-Sampling bills (361 bills from 1,693 bills)
18 th November - 5 th December	-Conducting pilot analysis -Analysing 40 bills and 110 amendment opinions to them
8 th -13 th December	-Modifying the selection and definition of variables -Modifying coding criteria
15 th December - 9 th February	-Conducting main analysis
10 th – 19 th February	-Checking the accuracy and consistency in coding

6.3.3. Sample bills

The sampling in the analysis aimed to select 400 bills from 1,693 government bills submitted to the 18th National Assembly of South Korea (from 30th May 2008 to 29th May 2012). The sampling method was random sampling with replacement, so there were some duplications in random number. Therefore, the real number of sample bills is 361. The breakdown of the sample bills according to the committee that scrutinised the bill and final results of the scrutiny is demonstrated in table 6.5. In the sample bills, however, there were some bills for making acts readable which do not change the substance of acts, but rewrite the acts in plain language (n = 76). Those bills were excluded in the analysis. If a bill has the character of both a normal bill which changes the substance of an act and a bill for making acts readable, only the part that changes the substance of an act and the amendments to it were analysed. The final number of bills and amendments analysed is 285 and 787 respectively.

Table 6.5. Frequency distribution of sample bills by the committees and final results

Category	n (in sample)	%	N (in population)	%
Committee				
House Steering	1	0.28	4	0.24
Legislation and Judiciary	39	10.80	178	10.51
National Policy	25	6.93	120	7.09
Strategy and Finance	33	9.14	144	8.51
Foreign Affairs, Trade and Unification	6	1.66	26	1.54
National Defence	10	2.77	54	3.19
Public Administration and Security	37	10.25	195	11.52
Education, Science and Technology	18	4.99	107	6.32
Culture, Sports, Tourism, Broadcasting and Communication	17	4.71	70	4.13
Agriculture, Fisheries and Food	21	5.82	109	6.44
Knowledge Economy	51	14.13	183	10.81
Health and Welfare	14	3.88	95	5.61
Environment and Labour	35	9.70	142	8.39
Land, Transportation and Marine Affairs	47	13.02	238	14.06
Intelligence	2	0.55	4	0.24
Gender Equality and Family	4	1.11	20	1.00
Special Committee	1	0.28	4	0.18
Total	361	100.00	1,693	100.00

$X^2(16) = 17.207, p = 0.628$

Pass	85	23.55	369	21.80
Pass (amended)	79	21.88	321	18.96
Included in a committee bill	115	31.86	598	35.32
Rejected	1	0.28	2	0.12
Killed	78	21.61	398	23.51
Withdrawn	3	0.83	5	0.30
Total	361	100.00	1,693	100.00

$X^2(5) = 1.292, p = 0.064$

6.3.4. Documents used in the analysis

Documents used in the analysis include original bills, the review reports of the committee staff, the deliberation reports of the committee, the minutes of committee and subcommittee meetings, committee bills including the substance of sample bills, private members bills intending amendments to sample bills, and written amendments submitted to the plenary. Firstly, South Korean MPs usually suggest their amendment opinions to a law bill verbally during the scrutiny of the bill. Thus, the minutes of committee and subcommittee meetings and the plenary are used as the main data sources to identify MPs' amendment opinions to bills. Secondly, committee staff members suggest their amendment opinions in the

review report and the document for the subcommittee's examination of a law bill in a written form and present them verbally in the committee and subcommittee meetings, but the documents for the subcommittee's examination are neither open to the public nor available to the researcher (the documents are not officially stored). Therefore, the minutes of committee and subcommittee meetings are used as the main sources to identify committee staff members' amendment opinions, and review reports are used to check the accuracy of the identification.

Thirdly, the minutes of committee and subcommittee meetings demonstrate the process of the scrutiny of law bills and the deliberation report of a bill contains the final substance and clauses of the bill. Therefore, the deliberation reports of sample bills as well as the minutes are used to identify the result of the scrutiny. Fourthly, if a government bill is included in a committee bill and the government bill is amended to reflect the substance of a private members' bill into the committee bill, the committee bill as the final form of the government bill and the private members' bill intending amendments to the government bill are used as data sources to identify amendment opinions about the government bill. Finally, written amendments submitted to the plenary are also used, although the number of the written amendments is only four.

6.3.5. Identification of an opinion as an amendment opinion

It is necessary to establish specific criteria in identifying an opinion in the legislative process as an amendment opinion because an amendment opinion, as a unit of observation in this research, is usually identified in the minutes of committee and subcommittee meetings and does not have the concrete form of written documents, except in the cases of private members' bills intending amendments to government bills and written amendments submitted to the plenary. Firstly, it would be problematic if all negative opinions about a law bill are identified as amendment opinions. It is necessary to establish the criteria of required features for an opinion on a bill in order for it to be seen as an amendment opinion. Principally, opinions with the particular purpose of changing a bill, under consideration of the specific problems of the bill itself, are identified as amendment opinions. Simple concerns about operational problems or opinions which amend secondary legislations are not identified as amendment opinions. In addition, opinions suggesting an amendment which cannot amend a

bill (because the opinions are based on explicit misunderstanding of the bill) are not identified as amendment opinions.

Secondly, criteria about how to treat several opinions relating to an identical issue are necessary. Principally, the first opinion related to the issue is identified as an amendment opinion and other opinions that change the substance of the amendment opinion are not identified as an amendment opinion, but conceived as revisions to the amendment opinion. There are some cases, however, in which subsequent opinions not just change the initial amendment opinion, but extend the range of the amendment opinion based on different reasons from those of the initial amendment opinions. Such opinions are identified as separate amendment opinions. Typical examples of these cases are those in which a policy actor suggests a change to a policy of a bill, but another actor suggests the deletion of the policy from the bill.

There are a couple of things to be mentioned additionally in the identification of amendment opinions. Firstly, only opinions which appear in the minutes of meetings are identified as amendment opinions except in the cases in which there are official written amendments (private members' bills or written amendments on the floor). This is not only because opinions which do not appear in the minutes usually cannot be identified in data sources but because they are trivial and can be ignored. If they are significant, the laws would be made without the scrutiny of the committee or subcommittee and regardless of MPs' will, which violates the rules of the legislative process. Secondly, the amendment opinions of the committee staff in the Legislation and Judiciary committee are not identified as amendment opinions principally because their amendment opinions are likely to be about spellings or punctuation of a law bill. The impact of committee staff would be overestimated if those opinions are identified as amendment opinions. Their opinions are identified as amendment opinions only when there are opinions about real changes in the substance of a bill and the opinions are deliberated in the subcommittee of the Legislation and Judiciary committee.

6.3.6. The initiator(s) of an amendment opinion

Principally, the initiator(s) of an amendment is the first person or organisation that suggests the amendment opinion in the legislative process. The initiator is classified as staff, staff of the Legislation and Judiciary Committee, MP

(government), MP (opposition), MPs (both government and opposition), the sponsoring department, relevant departments, negotiation between parliamentary party leaderships, interest groups and experts. The categories of initiator(s) can be collapsed into staff, MPs and others. Committee staff and Legislation and Judiciary Committee staff are collapsed into staff. MP (government), MP (opposition), MPs (both government and opposition) and negotiation between parliamentary party leaderships are collapsed into MPs. Other initiators are collapsed into others.

6.3.7. The type of an amendment opinion

The coding criteria to classify the significance of an amendment opinion need to be as objective as possible although it is inevitable that there are some subjective features in assessing the significance. The classification scheme in this thesis is basically affected by British research that classify amendments into non-substantive and substantive ones (Cairney, 2006; Russell and Johns, 2007; Russell, Gover and Walter, 2015; Shephard and Cairney, 2004; 2005) or according to the importance of related policy (Russell and Sciara, 2008; Thompson, 2013). It also attempts to exploit the structure of South Korean law bills that identifies the major substances of the bill in the preamble.

Firstly, there are some amendment opinions which are not related to the bill itself although the number of such amendment opinions is very small (36 out of 787). Such amendment opinions are classified as irrelevant because they are irrelevant to the bill under scrutiny. Secondly, there are two types of amendments that do not bring about substantive changes in the policy of the bill. One of these types is that of amendment opinions which modify words without changes in the meaning of the clauses or bill. Such amendment opinions are classified as wording. The other type is that of amendment opinions to secure consistency between Acts and within an Act. Such amendment opinions are classified as structure.

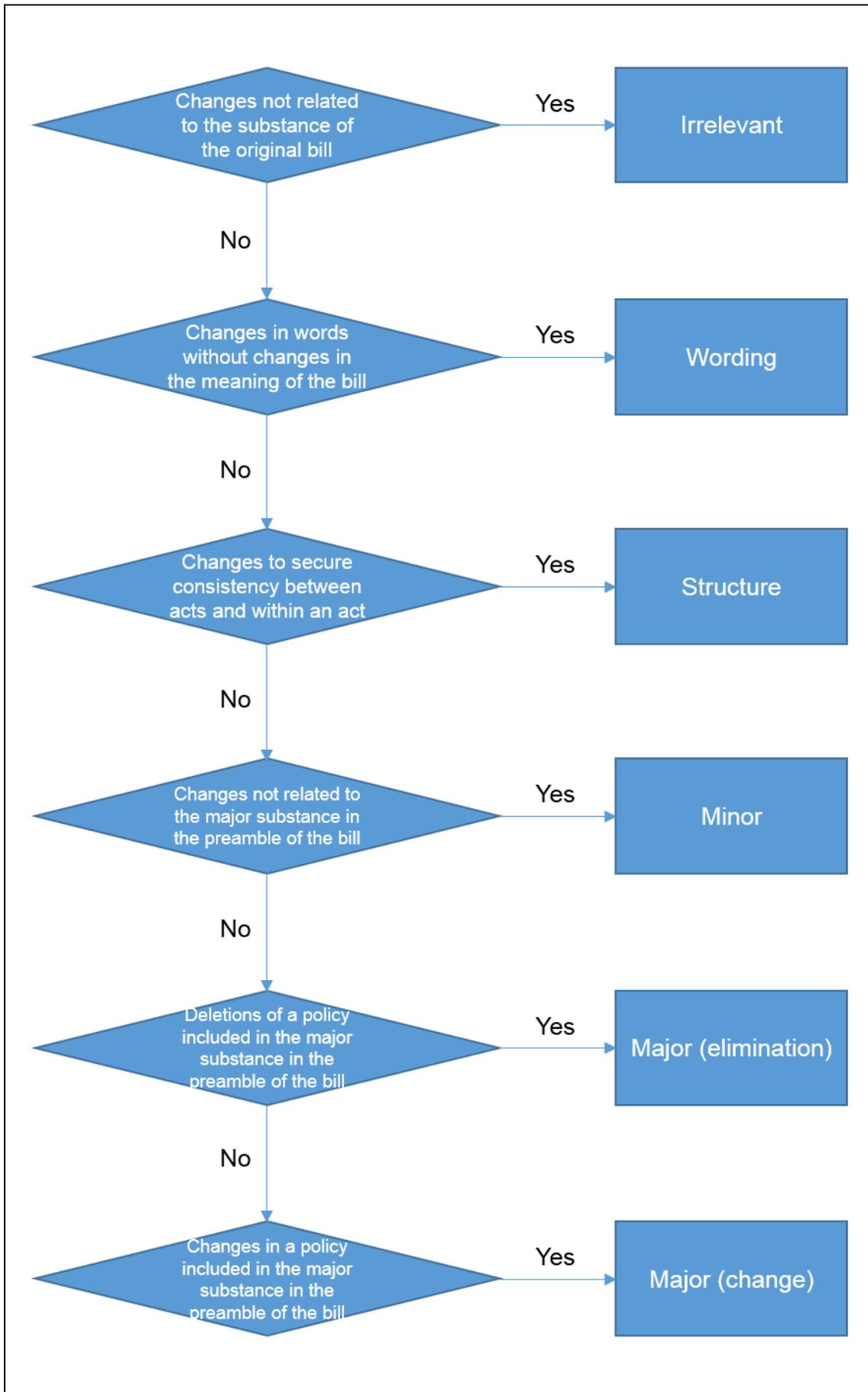
Finally, there are amendment opinions that bring about substantive changes in the policy of a bill. The major substances summarised in the preamble of the bill are used as a criteria in classifying the significance of those amendment opinions because the major substances include policies which officials of the executive branch (especially, those of the sponsoring government department) think of as

important (they write the preambles of government bills). If an amendment opinion is not related to the major substance, the amendment opinion is classified as minor. If an amendment opinion deletes a whole policy included in the major substance, the amendment opinion is classified as major (elimination). If an amendment opinion just modifies or changes the substance of a policy contained in the major substance, the amendment opinion is classified as major (change). Figure 6.1 is the flow chart depicting the decision-making in classifying the significance of an amendment opinion.

It goes without saying that this coding scheme has limitations in measuring the significance of an amendment opinion. One of them is that the coding scheme seems not to consider the degree of change – the alteration dimension in Russell and Sciara (2008). However, the limitation is minimised because the amendment analysis in this thesis identifies amendment opinions according to the unit of paragraph in the minutes of proceedings and the scrutiny in committee and subcommittee meetings are structured according to the unit of clause (usually) or policy (in the case of major policy specified across many clauses). Thus, amendment opinions identified in this research do not show a big difference in alteration dimension except those that eliminate a whole policy which is contained across many clauses of a bill. Those opinions are usually classified as major (elimination). Considering the limitation, however, the categorical variable measuring the significance of amendment opinions is named as the type.

The categories are collapsed into non-substantive (wording and structure), substantive (minor, major (change) and major (elimination)) and irrelevant in some statistical tests on the data. The re-categorisation is important because the classification considers the technical complexity in legislation which is expected to have a relation to MPs' delegation to staff in the scrutiny of bills. The types of wording and structure are related to technical matters in legislation, but those of policy substance are related to matters about policy substance of bills. Amendments in wording and structure are likely to require more technical skills in legislation than substantive amendments because it requires technical knowledge in legislation.

Figure 6.1. Flow chart to classify the type of an amendment opinion



6.3.8. The acceptance of an amendment opinion

The acceptance of an amendment opinion is classified as accepted wholly, accepted (revised) and rejected. If there are changes in the amendment opinion, the acceptance of it is classified as accepted (revised). The acceptance is coded at each stage of the scrutiny – subcommittee, the second committee stage, Legislative and Judiciary Committee and the plenary (if necessary, including the subcommittee of Legislative and Judiciary Committee). If the bill under scrutiny is rejected, killed or withdrawn, the acceptance of amendment opinions related to the bill is coded as the bill is rejected, killed or withdrawn respectively.

6.3.9. The type of policy related to the bill under scrutiny

Every bill and amendment opinions to them are classified according to the type of policy related to the bill under scrutiny because there can be difference in the impact of policy actors among policy types. The criterion is borrowed basically from the classification of policy type suggested by Lowi (1972, p. 300), and it is supplemented by the classification of a political system's capabilities in Almond and Powell (1966, pp. 28-29). Thus, four types of policy are derived initially: distributive, regulative, constituent and extractive. But, there are bills related to basic laws unrelated to these policies (for example, civil laws or criminal laws) and bills to include international treaties into domestic laws. Bills which cannot be included in the six categories are classified as etc.

6.3.10. The controversy of the bill under scrutiny

The degree of controversy in the legislative process is a tricky concept to measure. It is very difficult to decide the level of the controversy through a ratio scale objectively, and the concept basically needs relevant experts' qualitative assessments which are outside the capacity of this research. Moreover, even the selection of a panel who would judge the level cannot be objective and their judgements are likely to be different from each other. One bypass of such barriers is to make use of proxy variables. In this thesis, two proxy variables are employed to measure the degree of controversy – the number of articles in main newspapers and the duration of debate in the legislature.

If a bill is controversial, the bill is likely to draw the attentions of the media. Therefore the numbers of articles directly related to the bill in major newspapers

in South Korea are counted. The search for articles is conducted through the web database of the Korea Press Foundation (<http://www.kinds.or.kr>). If a bill is controversial, the duration of debate over the bill is likely to be long. Thus, the duration of the debate is measured. The major problem in counting this is that many bills are debated at the same time in committee or subcommittee meetings in South Korea and there is no official record of the duration of the debate time for each individual bill. Thus, the number of pages in the minutes that are directly related to the bill under scrutiny is counted.

Although the number of articles in main newspapers and the duration of debate are used to measure the degree of controversy of a bill in this research, the two variables have their own limitations. A bill could be controversial even if the media do not give attention to it because the bill is related to special interests (specific constituencies or interest groups) which do not draw the attention of the media, but are important to MPs. When it comes to the duration of debate, official debate could be the tip of the iceberg and pro-forma because negotiation between political parties or MPs could be outside the official legislative process. Thus, the duration of the official debate could be short in the legislative process of controversial bills. In this regard, depending on only one of the two could be problematic in classifying controversial bills and uncontroversial bills.

Therefore, bills are classified into those which are controversial and those which are not through cluster analysis (k-means) using the two variables together. Bills are classified into four groups through the cluster analysis as outlined in table 6.6. Bills in Group 1 (n = 15) draw moderate attention from the media but they are much debated in the legislature. Bills in Group 2 (n = 4) draw lots of attention from the media but they are debated moderately. Bills in Group 3 (n = 4) draw lots of attention from the media and they are much debated. Bills in Group 4 (n = 262) draw little attention from the media and they are little debated. Bills in Group 1, 2 and 3 are classified into controversial bills and bills in Group 4 are classified into uncontroversial bills. Needless to say, the classification is not perfect. The classification avoids arbitrary judgment on the controversy of a bill, however, considering that it is very difficult, if not impossible, to make an objective judgment on whether a bill is controversial or not (for detailed criteria, examples, frequency distributions and descriptive statistics of variables of the classifications so far, see appendix 2).

Table 6.6. Cluster centres (through k-means cluster analysis)

Cluster Variables	1	2	3	4
Media	13.73	81.50	59.75	1.85
Debate	35.98	16.23	73.46	3.25
Controversy (Number of bills)	Controversial (n=23)			Uncontroversial (n =262)

6.4. Legislative Case Study

6.4.1. Strengths and weaknesses of case study

Above all, case studies can provide in-depth description and narratives (Gerring, 2004, pp.347-348). In this thesis, the case study makes it possible to look closer at specific legislative processes. The role of the committee staff can be shown vividly. The process of negotiation between parties in the examination on a politically controversial bill can be traced. Such in-depth description and narratives may not be obtained from the aggregate data from statistics about amendments and interviews with committee staff members. The mechanism in which the committee staff play an important role in the legislative process of South Korea can be understood through this detailed description.

As with other research methods, however, this method has also its own caveats. The first limitation is in generalisation to other cases which are not studied in the research (Gerring, 2004, p.347). Although a case (scrutiny of a government bill) shows the strong policy impact of committee staff in the legislative process, it does not guarantee that the impact of the committee staff is strong in other cases. According to Gerring (2004, p.347), arguments that provide a broad applicability are in greater need of cross-unit research designs. The second limitation is in causal inference and hypotheses testing. This limitation is called 'many variables, small number of cases' (Lijphart, 1971, p.686). Although some good comparative case studies which strive to imitate experimental studies have been conducted for causal inference, the 'ceteris paribus' assumption is difficult to achieve in the real world (Maggetti, Gilardi, and Radaeli, 2013, p.67). Eckstein (1992, pp.152-163) argues that a crucial case study can provide a good opportunity to achieve causal relationship, but King, Keohane, and Verba (1994, pp.210-211) refute his

argument for three reasons – alternative explanations, measurement error and the possibility of chance factors.

In this thesis, the legislative case study which compares a small number of individual legislative processes is employed to complement the weaknesses of interview research and amendment analysis – providing a closer look at the real legislative process and the mechanism through which staff members play their role and exert influence. In addition, the case study provides the cases of legislative processes supporting the results of the interview research and amendment analysis. In-depth examination of typical cases representing variance in the key variables affecting the role and impact of the committee staff demonstrates the validity of inference from the interview research and amendment analysis.

6.4.2. The logic of the case study and the selection of cases

The case study is designed through the logic of the most similar systems design (Przeworski and Teune, 1982, ch.2). The logic states that if cases are selected which are as similar as possible except in the provisional independent variables, the differences among the cases can be attributed to the provisional independent variables (Maggetti, Gilardi and Radaeli, 2013, pp.56-57; Przeworski and Teune, 1982, pp.32-34). The aim of this research design is to alleviate the problem of omitted variables (King, Keohane and Verba, 1994, p.168).

In this thesis, four cases of legislative processes are selected according to the degree of the two key variables of this thesis (the political controversy and technical complexity of issues under scrutiny) – the *bill for partial amendment of State Public Officials Act* (1902217) (for re-categorisation of civil servants); the *bill for partial amendment of State Public Officials Act* (1901362) (for the introduction of affirmative action for North Korean refugees); the *bill for whole amendment of Government Organisation Act* (1903484) (for administrative reorganisation); and partial amendment of *Public Official Election Act* (for constituency demarcation). The variance of the two key variables in the four cases are summarised in table 6.7.

Table 6.7. The Four cases according to political controversy and technical complexity

Political Controversy \ Technical Complexity	High	Low
	Low	Re-categorisation of civil servants
High	Administrative reorganisation	Constituency demarcation

The selected cases have similar conditions of the scrutiny except the variance of the key variables. Firstly, the four bills are related to the same policy type – constituent policy in Lowi (1972). Secondly, the bills were examined in the same committee (Public Administration and Security Committee) except the last case (Special Committee on Political Reform). Even in the last case, however, the legislative process was supported by the same committee staff organisation because the staff organisation of the standing committee in charge of the first, second and third bill supported the special committee in charge of the last bill. Thirdly, the four cases were scrutinised in similar periods – the first: from October to November 2012; the second: from August to September 2012; the third: from January to March 2013; the fourth: from December 2011 to February 2012. Finally, the first, second and third bill were sponsored by the same department (Ministry of Public Administration and Security: MOPAS). The final case was in the charge of the National Election Committee, but MOPAS was also engaged in the scrutiny.

One of the reasons for the selection of these cases is the experiences of the researcher himself in the scrutiny of the bills. The researcher participated directly in the scrutiny of the first, second and third bills as the committee staff member in charge of the bills, and the fourth case was examined in the committee for which the researcher worked as a committee staff member. This experience makes it easy to collect data and apply key results of the interview research and amendment analysis to the cases.

6.4.3. Sources of data

Official documents (initial bills, final bills, minutes of meetings, the review reports of the committee staff), unpublished documents of committees and sponsoring departments, news articles in the media (the third and fourth cases) and

experiences of the researcher who participated in the legislative processes are used as the sources of data. First of all, it is essential to refer to official documents in the legislature to examine formal legislative processes. Initial bills contain the policy intended by the executive. Minutes of committee and subcommittee meetings and the review reports of the committee staff demonstrate a concrete legislative process and the amendment opinions of policy actors including how they are dealt with in the scrutiny. Final bills demonstrate the results of the interaction among policy actors in the legislative process.

On top of that, unpublished documents of committees and sponsoring departments are exploited. They provide a channel to see behind the scenes. Sponsoring departments prepare legislation before the official legislative process and are consulted by the committee staff about bills. In addition, there can be negotiation between political parties or between MPs and the sponsoring department outside the formal legislative process. These processes cannot be observed through official documents. Unpublished documents are used to examine these processes.

Finally, news articles in the media are used in the cases of the third and fourth bills. The bills were high-profile and drew attention from the media, so the process through which the bills are dealt with was reported to the public by the media. The news articles complement the other data sources in two ways. Firstly, prominent policy actors (e.g. the President, party leaderships outside the committee, etc.) may move publicly (e.g. making statements) to affect the legislative process outside the legislative arena. Those moves which may not be captured through official or unpublished documents are well reported by the media. Secondly, there may be negotiations between policy actors in which even committee staff members cannot take part due to secrecy. Some of the results of those negotiations may be leaked to the media, and news from the media can inform of the important information about those negotiations.

6.5. Summary

The methodology of this thesis is dealt with in this chapter. Three major research strategies are adopted to collect and analyse empirical data on the role and impact of committee staff in the South Korean legislature in the legislative process:

interview research - conducting interviews with former and current committee staff members; amendment analysis - analysing the significance, acceptance and initiator(s) of amendment opinions to government bills; and legislative case study - comparing specific cases of the scrutiny of bills in which there are variances of the two key variables of this thesis. The strengths and weaknesses of the three strategies are discussed, and the reasons why those methods are adopted are explained. The aims and uses of those strategies in this thesis are also explained and the processes of conducting each research strategy are described in as much detail as possible.

The aims and uses of the research strategies are worthy of short reiteration. Interview research aims to examine the role of the committee staff and the mechanism that induces their participation in the legislative process considering the invisible features of staff. It is also used to analyse the factors affecting the impact and complement the results of amendment analysis on the impact of the committee staff that can be exaggerated due to the problem of anticipated reaction. Amendment analysis investigates the impact of the committee staff in the legislative process and factors affecting the impact along with the interview research. Legislative case study provides concrete examples of the legislative processes in which the results of the interview research and amendment analysis are verified. The next step is reporting the findings from the empirical analysis. The following three chapters are about the findings. The next chapter addresses the role of the committee staff.

7. The Role and Impact of the Committee Staff

7.1. Introduction

The aim of this chapter is to analyse the role and impact of the committee staff in the legislature of South Korea in the scrutiny of government law bills through empirical data. The theoretical framework and perspectives and key concepts derived in chapter 5 are referred to in the analysis. To be specific, the policy network perspective is used in the identification of major policy actors and the interdependence between them in the scrutiny of legislation. Key concepts on the capabilities of the committee staff are used in the analysis of the role of the committee staff. The empirical data include interview data and amendment opinions in the scrutiny of government law bills. Through the analysis, the informational and network managing function of the committee staff and their impact based on those function is identified. Especially, the network managing function of the committee staff that has not been much focused on is vividly revealed through interview data and explained using the policy network perspective.

Before the analysis of the role and impact of the committee staff, the next section investigates the features of the policy network surrounding the scrutiny of government law bills in the legislature of South Korea. Major policy actors are identified and their behaviours and impact in the legislative process are analysed. The location of the committee staff in the policy network is examined, and the interdependent feature of the network is explained. The section is followed by the analysis of the role of the committee staff. The analysis discusses the informational role as the basic role of the committee staff, and the consultation and mediation function originating from the interdependent feature of the policy network. In addition, the role of the committee staff in setting the items of the subcommittee meetings is identified. After the analysis of the role, the impact of the committee staff is assessed by their own perception and amendment analysis. The amendment analysis examines the share of committee staff members' amendment opinions out of the total amendment opinions and accepted amendment opinions in the scrutiny of government law bills. The analysis also examines the success of the amendment opinions of the committee staff

compared with those of other policy actors' amendment opinions while controlling for other factors.

7.2. Policy Network Surrounding the Legislative Process in South Korea

7.2.1. Major policy actors and their behaviours in the policy network

Congruent with the discussion in chapter 5, MPs and the executive branch were enumerated as the most important policy actors in the policy network surrounding the scrutiny of government law bills according to the interview data. Interest groups are also important policy actors, but they are not essential players. In addition, parties, MPs' personal staff members, the media and experts were mentioned as policy actors by respondents.

MPs

MPs are the foremost major policy actor. They were mentioned as important policy actors affecting the legislative process and the work of the committee staff by 32 interviewees. They are the most important key players in the scrutiny of legislation as official decision makers and as consumers of the informative and analysis service of the committee staff. Whether amendment opinions are suggested by the committee staff or not, the ultimate decision is made by MPs. MPs' opinions, suggested in the committee or subcommittee meetings, are considered significant by the committee staff as expressed in the following explanation:

We make decisions in the process, such as in the proceedings of committee or subcommittee meetings. The important thing that we should consider is the MPs' opinion, needless to say. In short, because MPs' opinions suggested in the general debate on the bill or subcommittee meetings are likely to be reflected, anyway, we consider MPs' opinions significant (Interviewee 011).

However, MPs' impact has its own limits. If an MP's opinion is irrational or partial to specific interest groups, the opinion is not likely to be accepted in committee or subcommittee meetings. The limit of an MP's impact is also due to the consensual feature of the legislative process explained in chapter 2 and 5. Even when those opinions are accepted in the committee stage, they can be blocked

in later stages of the legislative process (e.g. the scrutiny of the Legislation and Judiciary Committee). Two committee staff members stated:

On the contrary, it (that MPs' opinions are partial or emphasise the opinions of a specific side) is a weakness because other MPs do not agree. Moreover, the subcommittee meetings are operated based on unanimous agreement (Interviewee 014).

When it comes to such cases (that an MP's opinion contrary to that of the committee staff is accepted in the committee stage), more than 90 per cent of those cases are troubled in the Legislation and Judiciary Committee. There can be legal problems or lack of consultation with interest groups and procedural legitimacy, so they are blocked in the Legislation and Judiciary Committee or criticised by the media even when they are passed (Interviewee 067).

MPs of important and official posts (such as the Speaker, committee and subcommittee chairs or ranking members of the committee) have more impact in the legislative process than other MPs. According to the interview data, the committee staff have to take care of the legislative process of bills to which those MPs give their attention, and the requests to table those bills in subcommittee meetings from those MPs are not negligible. The official posts they occupy give them more policy resources. Officially, they are bosses of the committee staff in their work. Other policy actors (e.g. the executive branch or interest groups) need cooperation with them more than other MPs because they decide the operation of their committee. As that of other MPs, however, their impact has limitations. More than half of the interviewees who mentioned the impact of MPs in official posts pointed out that their impact is limited or moderate (the Speaker: 13/20; committee chairs: 16/27; subcommittee chairs: 11/20; ranking members of the committee: 11/21). Although bills in their attention can get priority in tabling in committee or subcommittee meetings and other policy actors take care to consult and mediate with them in the legislative process of those bills, it is difficult to pass those bills if the bills are not desirable.

The executive branch

In the scrutiny of government law bills, the executive branch cannot help participating in the legislative process as a major policy actor. The executive

branch was mentioned as a policy actor in the policy network by 33 interviewees. The sponsoring department is the initiator of government bills. Civil servants in the department are consulted before the official scrutiny of bills. The sponsoring department has policy expertise and information. Policy information is sometimes acquired from them in the legislative process especially in highly specialised matters. They are the agents of implementation of bills, so their opinions are regarded as important in the legislative process. They share policy principles with MPs in governing parties. They have also resources to support MPs' constituencies. They explain government bills to MPs in the committee in charge and the Legislation and Judiciary Committee and the committee staff. They even mobilise public opinion through the media or public hearings. Their opinions are considered seriously in the legislative process, and they have an impact on the amendments to bills. It is difficult to reflect an amendment with which the executive branch does not agree. Two committee staff members stated:

The most important player is the executive branch from the point of view of the committee staff. This is because it is necessary to consult the opinion of the executive branch when it comes to government bills ... and the executive branch implement the bill through enacting secondary legislations (Interviewee 011).

Although we conduct the function of check and oversight over the executive branch, because the opinions of the executive branch that implements laws and programmes are important to apply the laws and programmes to realities, we consult those opinions and cooperate. Next, legislative researchers research for themselves, but request more specific and rich information from the executive branch and review because they have more specific and richer data and information (Interviewee 125).

The President, as the head of the executive branch, is an important policy actor in the legislative process, especially in those of bills to which he/she gives attention. His/her impact is exerted through two policy actors: the sponsoring department and MPs of the governing party (including committee chairs and ranking members of the committee). They cannot but take care of bills that the President prioritises. Two committee staff members contended:

We were affected because the President gave her attention. The department said *this bill is hers*. Then, we were in trouble because the department pushed. ... We were also affected through the ranking member of the governing party (Interviewee 028).

When the chair is in the governing party, we are affected through the chair in that this bill is promoted by the BH (the initial of the President's office of South Korea – Blue House) (Interviewee 082).

The impact of the executive branch, however, is not unilateral. First of all, they need policy resources that they do not have from other policy actors. For example, technical skills in legislation was pointed out as one of the resources that the executive branch needs from the committee staff in the interviews. On top of that, decision making is usually suspended in the committee or subcommittee meetings when there is disagreement among policy actors. For example, MPs order more mediation when the committee staff disagree with the sponsoring department. Two committee staff members stated:

We (the committee staff and the sponsoring department) exchange opinions. When it comes to law bills, the executive branch has much more knowledge and data in the policy aspect than us, but they are not good at the composition of the structure and wordings of law bills from my experience (Interviewee 052).

When the department express different opinions from those of the committee staff [in the subcommittee meetings], MPs conclude to table the bill after mediation between the committee staff and the department (Interviewee 135).

Interest groups

Interest groups can also participate in the scrutiny of government law bills as important policy actors. They were mentioned as a policy actor in the policy network by 31 interviewees. They visit chairs and MPs of relevant committees and the Legislative and Judiciary Committee and the committee staff; provide information and their opinions: and attend public hearings. There are cases in which they exert their impact through contacting the Speaker or the Secretary General. The most important resource they possess is their ability to mobilise votes in elections. Their impact, however, is not unilateral as those of other policy actors. A bill is not likely to pass when there is a sharp confrontation between

relevant interest groups or when an interest group opposes the bill strongly. A senior staff member explained:

The opinions of interest groups are also important because they express their opinions through MPs if we do not consult them enough – this does not mean that we accept their opinions. Anyway, it is very important for us to *listen* to the opinions of interest groups in a balanced way (Interviewee 011).

Interest groups are not essential policy actors in the legislative process different to MPs or the executive branch. They tend to participate in the legislative process of controversial bills or due to the activities of opposing groups. *Ceteris paribus*, their participation is lower in the scrutiny of government bills than in that of private members' bills because consultation with interest groups is conducted before the official submission of government bills to the legislature. A former staff member stated:

If it is not so controversial, they do not visit us. But, if the issue becomes controversial and opposing groups' activities are detected, they come and explain to the National Assembly vigorously. They visit MPs, and MPs advise them to explain to the committee staff. They visit us, too (Interviewee 194).

Other policy actors

Other policy actors in the policy network mentioned by the interviewees include parties (13 interviewees), MPs' personal staff members (11 interviewees), the media (8 interviewees) and experts (5 interviewees). The policy principles of parties affect MPs due to the strong party discipline in South Korea. Parties exert their impact through their MPs. Bills to which parties give their attention are likely to get priorities in tabling in the committee and subcommittee meetings. MPs' personal staff members participate in the legislative process when their MPs give attention to the bill. MPs sometimes get policy information provided by the committee staff through them and deliver their positions on bills to the committee staff through them. They are consumers of the service of the committee staff along with their MPs. The media are also non-negligible policy actors because they can affect and even mobilise public opinion. The direct participation of experts in the legislative process is exceptional, but they can participate through attending public hearings, sending letters to the committee in charge or being consulted by the committee staff.

7.2.2. The location of the committee staff in the policy network: other policy actors' bypassing the committee staff

The committee staff who have the resources identified in chapter 5 – knowledge about the legislative process; technical knowledge about legislation; and a certain level of policy expertise – occupy the information channel among policy actors in the legislative process and have informational power by exchanging their resources with other policy actors as discussed in chapter 5. The interviews ask whether other policy actors bypass the committee staff, which would mean that there are cases where the committee staff do not know about information exchanged among other policy actors (especially between MPs and other policy actors) and then they face the information in the committee or subcommittee meetings. Of the 29 interviewees who answered the question, 24 interviewees answered that they experience other policy actors by-passing them, but five interviewees answered that they do not experience this. A committee staff member expressed:

Ah, yes, sure. There are those cases, but I think it's inevitable. Those cases happen because law or budget bills are *living creatures* and they do not go as I control. *Living creatures* can evolve or retrogress and I understand that (Interviewee 028).

Most of the 24 interviewees (22), however, answered that those cases are exceptional. The low frequency of bypassing the committee staff is due to the fact that other policy actors have to maintain relationships with the committee staff in the long term. One bypassing action of a policy actor may damage the trust between the policy actor and the committee staff, and cooperation with the committee staff becomes difficult for the policy actor. Moreover, other policy actors using bypassing, intending to avoid reflection of committee staff opinions contrary to their own and to achieve their policy intention unilaterally, have limited effect because the deliberation on a bill, during which the committee staff point out problems, can be suspended in the scrutiny of government bills. A committee staff member stated that bypassing the committee staff is not *a wise approach* (Interviewee 037). Two interviewees explained:

It's not usual. ... Those cases happen, but they need our cooperation. They have to undergo the scrutiny of budget bills, settlement of accounts and law bills, but cooperation becomes difficult after one by-passing (Interviewee 097).

If there is no agreement, the committee staff director *tackles* the bill in the subcommittee meetings. Even if an MP argues, when *we say that there are such problems, rather than say that the bill should not pass*, the argument of the committee staff is reasonable from the points of other MPs' views. Then, it is difficult to proceed. After all, when the committee staff director is not persuaded and he/she says that there is a problem, 95 per cent of those bills are blocked (Interviewee 189).

Despite the low frequency due to the adverse effect in the long term and limited effect, bypassing the committee staff by other policy actors, especially interest groups, can happen when they do not know the operation of the legislative process well. When it comes to the government departments, however, intentional bypassing happens although those cases are rare. The bypassing happens because civil servants at the working-level do not report the result of the consultation with the committee staff to their seniors and they lobby MPs directly, or because there are great policy interests of the executive branch or the governing party. Two committee staff members stated:

In fact, there are cases in which interest groups do not know the legislative process or the role of the committee staff. I have experienced those cases. In those cases, such things (bypassing) happen because they do not know where to express their opinions or where to express their changed opinions (Interviewee 067).

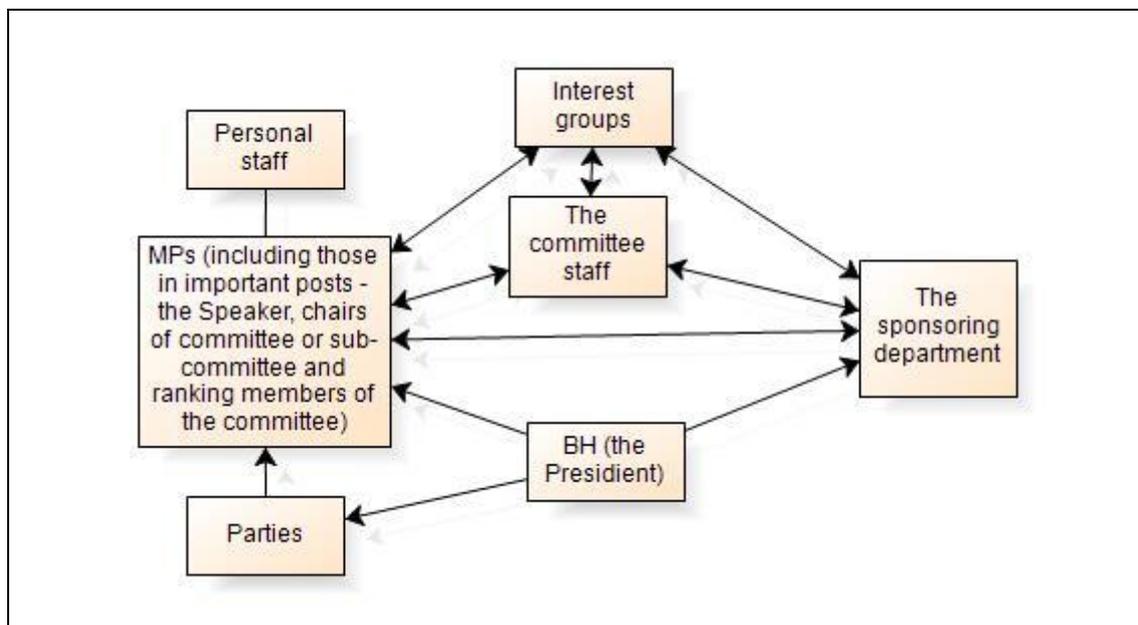
This was about the scrutiny of the bill dealing with fees for school-supporting associations. ... MPs ordered the committee staff director to mediate and prepare amendments to the controversial bill. We prepared the amendments with the Department of Education and submitted them in the subcommittee meeting, but the department directly communicated with MPs of the governing party and said that there was no agreement about the amendments [in the meeting] ... The department should not accept the amendments when we consulted if they did not want to accept, but they communicated with us as if

they had accepted the amendments even if they had no intention to accept them (Interviewee 094).

7.2.3. Overview of the policy network and interdependent feature of the network

Focusing on the major policy actors in the legislative process (actors which are mentioned by more than 10 interviewees), the policy network surrounding the scrutiny of government law bills in the legislature of South Korea can be depicted as figure 7.1. A qualification to the figure is that interest groups can communicate with parties in controversial bills. In addition, the media and experts can be important policy actors according to the feature of the bill under scrutiny although they are not included in the figure.

Figure 7.1. Overview of the policy network surrounding the scrutiny of government law bills



The players – MPs, the sponsoring department, interest groups and the committee staff – exchange influence and resources in the network. When it comes to the committee staff, they provide MPs, the sponsoring department and interest groups with the information about the legislative process and technical skills in legislation. In return, they take policy and political information (opinions of relevant interest groups) and data necessary in the scrutiny from the sponsoring department and interest groups and deliver them to MPs. They also take political information (positions of parties or individual MPs) and delegation, which is necessary in consultation with and mediation among other policy actors, from MPs. MPs, the sponsoring department and interest groups also exchange

information and knowledge each other, but the exchange is monitored by the committee staff. They even exchange resources unrelated to the scrutiny directly, such as the department's favour to MPs' constituencies or interest groups' political support for MPs. A senior staff member succinctly explained:

Instead, when it comes to the departments in the executive branch, I suppose, they can support MPs in the aspects, such as the management of constituency in implementing their programmes. So, such sort of exchange can happen. ... When it comes to interest groups ... they have votes, and they can affect several economic and social activities in MPs' constituencies in certain cases. So, I also suppose ... that such exchange, *so called transaction*, such things can happen in a lawful way (Interviewee 011).

In this interdependent network, decision making becomes difficult when there is a disagreement among actors. If there is a disagreement in the subcommittee meeting, arguments among policy actors are reiterated and there is likely to be no decision. In those cases, the scrutiny is suspended and more consultation and mediation is conducted. Because the time for the subcommittee meetings is an important resource as discussed later and in chapter 8 (see table 8.1), consultation and mediation to induce agreement among relevant actors before the subcommittee stage become important to avoid a blockade or delay of the legislative process. Interviewees stated:

If there is no consultation or mediation in advance, a unilateral decision is impossible even when there is an absolute majority ... So, there is no way but forming agreement through consultation (Interviewee 186).

The subcommittee orders us to mediate and prepare amendments, and the mediation is conducted and amendments are prepared before the next subcommittee meeting (Interviewee 094).

The subcommittee meeting should be after consultation and mediation of some degree. If not, there are repetitions of arguments and there is no decision (Interviewee 008).

7.3. The role of the committee staff in the legislative process of South Korea

7.3.1. Providing information and guiding the scrutiny of bills

The basic role of the committee staff in the scrutiny of legislation is to provide necessary information. The role is based on their certain level of policy expertise and technical knowledge in legislation. This function is conducted by the production of two documents – the review report of the committee staff and the document for the subcommittee’s examination. Firstly, the review report should include comprehensive material necessary for the examination of a bill according to interviewees. The substances of review reports mentioned by interviewees are the purpose and the substance of the bill (including the problems of the current act); data or statistics related to the bill; the pros and cons of the bill (including the impact of the bill); the opinions and positions of relevant policy actors on the bill; issues that should be discussed in the scrutiny of the bill; matters to be considered in amending the bill and implementing the bill; and the opinions of the committee staff on the bill, if necessary. The review reports provide policy information for MPs of the committee by including these substances. A committee staff member pointed out the informative function of the review report:

At first, the review report is sent to MPs 48 hours before the bill is tabled in the committee meeting. So, personal staff and MPs study the bill and identify issues related to the bill through the review report (Interviewee 101).

Secondly, the document for the subcommittee’s examination should also include comprehensive materials to conduct the informative role. The substances of the documents are the summary of the review report and the general debate in the committee stage; the opinions of the committee staff (including amendment opinions); updated opinions of relevant policy actors; and data or statistics gathered after the committee stage. A committee staff member contended that the aim in writing the document is that MPs of the subcommittee do not need to refer to other documents during the scrutiny of the subcommittee:

Even a novice can understand easily at a glance and can examine the bill. This is the objective in writing the document for the subcommittee’s examination. ... There should be no need to refer to other documents. ... For example, MPs should not need to refer to the Code to search related clauses of other acts.

The clauses should be included in the document for the subcommittee examination. The scrutiny of the subcommittee should be possible through this one document without any need to refer to other documents (Interviewee 008).

Moreover, South Korean committee staff members think that they guide the scrutiny of bills when they support the scrutiny. According to a junior committee staff member, she feels that she guides the direction of scrutiny based on the bills that have been introduced (Interviewee 175). The guiding role is conducted through, not only the documents produced by them to provide policy information for MPs, but also their oral reports in subcommittee meetings. Firstly, according to interviewees, the review report of a bill guides the scrutiny of the bill by being the base of MPs' judgement on the bill; guiding MPs to issues related with the bill; and being quoted by MPs in the general debate on the committee meeting or the subcommittee's examination. Moreover, the review reports become the base of documents for the subcommittee's examination. Considering the role of documents for the subcommittee's examination discussed above and below, the review reports also guide the subcommittee's examination of bills through the documents. Two committee staff members stated:

The review report, especially those of a law bill, become the starting point of all discussion on the bill, so I think the report is very important. All the issues of the debate or discussion about the bill are derived from the report. So, the direction of the review report decides the direction of the legislative process. So, the report is important (Interviewee 032).

I think that the most important role of the review report is that it becomes the base on which the document for the subcommittee's examination is written afterwards. I don't think that the review report itself leads to an amendment or revision of the bill directly. The committee staff can suggest a direction for the scrutiny when they write the document for the subcommittee's examination. They suggest the base of the direction in the review report in advance and the direction is suggested in the document for the subcommittee's examination. Then, the document leads the debate of MPs of the subcommittee. It seems that the influence of the review report is exerted through the process (Interviewee 088).

Secondly, the document for the subcommittee's examination also conducts the guiding role in the subcommittee stage. Interviewees stated that the examination of the subcommittee is based on the document and the document forms the framework of debate between MPs. When asked about the impact of the document for the subcommittee's examination, a committee staff member answered:

I think the document plays a key role. The document plays a key role in deciding the direction of the examination of the subcommittee because MPs of the subcommittee refer to the document and move the discussion forward according to the document. This role could be more important than suggesting a specific amendment opinion in the subcommittee stage. The document plays an important role in forming the framework of the debate in the subcommittee stage (Interviewee 088).

Two interviewees even argued that it is not desirable in the aspect of the transparency and predictability of the subcommittee stage that MPs raise other issues which are not included in the document for the subcommittee's examination (Interviewee 067, Interviewee 183). They insisted that because the document is sent to MPs in advance, MPs or their staff need to give notice to the committee staff about the issue that they want to raise to allow for the review of that issue by the committee staff in advance, and for the high quality of the subcommittee's examination. According to interviewees, the committee staff need to perceive all issues and policy information related to a bill in advance. The committee staff should monitor all information channels in the policy network to secure all policy information even when there are other policy actors' bypassing the committee staff. This perspective of committee staff members is demonstrated well in the argument of a former committee staff member:

MPs can raise unexpected issues in the general debate or the subcommittee stage due to other policy actors lobbying, but policy actors' opinions are reflected finally through the document for the subcommittee's examination written by the committee staff. So, I think that the committee staff should perceive those issues or opinions and include them in the document for the subcommittee's examination and that the judgement on the issues should be made after the debate on them in the subcommittee stage (Interviewee 186).

Finally, the guiding role of the committee staff is also conducted by their oral reports in the subcommittee stage. The subcommittee meetings progress in the order of the oral reports of the committee staff director, reporting the opinion of the sponsoring department and debate between MPs as explained in chapter 2. The committee staff inform MPs of related issues, suggest amendment opinions and summarise the debate between MPs through the oral reports. A former committee staff member depicted the deliberation process in the subcommittee stage and the role of senior committee staff members in the deliberation:

There are a lot of law bills. The examination is very efficient because MPs, well, are busy due to party work and constituency work. ... MPs focus on core issues. On the remaining unimportant issues or clauses, MPs accept the amendment opinions of the committee staff. Even on core issues, I – the committee staff director – summarise the issues and previous debates on them and the Chair of the subcommittee asks what the executive branch's opinion is. After the answer of the government department in charge, the Chair gives MPs opportunities to debate. The Chair may ask what the opinion of the committee staff is or what the desirable alternative is when MPs are not confident in making a judgement for themselves on an issue. Then, we summarise the debate and suggest amendment opinions on the issues. The scrutiny by the subcommittee progresses well in these ways (Interviewee 194).

To sum up, the committee staff conduct an information providing function and play the role of guiding the scrutiny of bills through the review report and the document for the subcommittee's examination and presenting oral reports. The interview data demonstrate that the committee staff secure policy information as much as possible in performing the information providing function. One interesting point is that the comprehensive securing of policy information by committee staff members and the comprehensive feature of documents produced by them are not just because the committee staff need them to support the scrutiny of bills but because the MPs need them for the efficient examination of bills. For example, in explaining what is needed for the efficiency of subcommittee meetings, a committee staff member pointed out:

Individual MPs can have different opinions. If we don't prepare for a comprehensive document, for example, important substances are not included in the document, it costs much time to discuss a bill and it is difficult to reach

a conclusion on the bill. Instead, it is necessary to write a basic document which enables MPs both to identify all necessary stuff for the scrutiny and to discuss conclusions (Interviewee 129).

7.3.2. Consultation and mediation function

In addition to the informative role, the committee staff conduct a network managing function such as consultation and mediation in the scrutiny of government law bills. This is because of the interdependent nature of the policy network surrounding the legislative process and the staffs' neutral position, knowledge and expertise as discussed in chapter 5. One important finding from the interview data is that the consultation with relevant policy actors (especially with the sponsoring department) and mediation between them are an important process in the committee staff members' supporting of the scrutiny of bills.

The core task of supporting the scrutiny is writing documents for the scrutiny of bills (e.g. the review report of the committee staff and the document for the subcommittee's examination). When it comes to the review report, out of 30 interviewees who answered explicitly about the process of writing review reports of law bills, 28 interviewees answered that they consult with relevant policy actors when they write the review reports of law bills (24 interviewees mentioned about the research on the bill). In explaining the writing process of the review reports, a committee staff member stated:

The government department in charge has the power of implementation of a law bill when the bill is enacted, doesn't it? So, I consult with the government department in charge. When it comes to interest groups, there could be a confrontation between their interests. ... For example, the interest group for conglomerates and that for medium businesses have different views on the same bill because their interests are different. So, if there is an issue, I consult with the government department in charge and related interest groups directly, and introduce their opinions and the pros and cons of the bill in the review report of the bill (Interviewee 047).

Out of the 28 interviewees, seven interviewees also answered that they mediate between policy actors when they suggest the committee staff's own opinions (including amendment opinions) on the bill in review reports. The mediation could

be due to the expectation of other policy actors' reactions to the amendment opinions. A committee staff member explained:

If a committee staff member has amendment opinions about the substance of policies ... there could be confrontation between stakeholders. The most important thing would be the mediation between them. If not, MPs representing various interest groups could refute the committee staff's opinions, which could cause MPs to distrust the committee staff (Interviewee 088).

This consultation and mediation are also important in preparing the subcommittee stage. Out of 23 interviewees who answered explicitly about the process of writing the documents for the subcommittee's examination of law bills, 22 interviewees mentioned consultation or mediation as one of the processes (No interviewees mentioned about the research on the bill). One interesting finding is that the mediation becomes more important in preparing the subcommittee stage than in writing review reports. Out of 22 interviewees, 14 interviewees mentioned mediation between policy actors. This is because the substantive and detailed scrutiny of law bills (including amendments) is conducted in the subcommittee stage and the committee staff need to prepare amendment opinions which require agreement among relevant policy actors. A committee staff member emphasised the importance of the mediation in preparing for the subcommittee stage:

The fact that a law bill is tabled in the subcommittee stage and undergoes the scrutiny of subcommittee means that the bill could be enacted. So, stakeholders suggest their opinions more vigorously if a law bill is likely to be tabled in the subcommittee stage. Thus, processes such as the mediation between policy actors become more important in this stage and additional data or information are provided by policy actors. Then, the opinions of policy actors could be included in the documents for the subcommittee's examination after the committee staff make a judgement on the desirability of the opinions (Interviewee 088).

The mediation function of the committee staff is also performed during the subcommittee stage. If a law bill is not resolved in the first subcommittee meeting due to the difference between policy actors' positions, MPs might ask the committee staff to prepare alternatives by the next subcommittee meeting. In

those cases, the committee staff mediate between policy actors in preparing the alternatives. This mediation function is important because a law bill is unlikely to pass when a policy actor disagrees in the legislative process of South Korea. A former staff member explained the mediation function between subcommittee meetings:

When there is a difference in relevant policy actors' positions on a law bill, MPs might ask the committee staff to suggest amendment opinions at the next subcommittee meeting. In these cases, the committee staff consult with and mediate between the government department in charge and stakeholders related to the bill more, and suggest amendment opinions in the next meeting (Interviewee 186).

It is very important that the committee staff conduct the role of mediation between policy actors as well as that of consultation with them. The result corresponds to the arguments of governance literature. The interview data reveal that the committee staff of the South Korean legislature conduct the role of policy network manager discussed in Kickert, Klijin and Koppenjan (1997a) during the legislative process. Committee staff members are able to perform the function due to their neutral position and comprehensive securing of information in the policy network. Considering that the work of managing the legislative process may not be the responsibilities of any other actor in the network, the committee staff who are in charge of working level legislation and non-partisan employees of the legislature itself take the role of network manager – consultation, mediation and negotiation. A committee staff member explained the brokering function through an example:

I explained the bill that makes CCTV instalment in kindergartens mandatory. There was no agreement when the bill was examined. The governing party argued that there should be provisions that legalise the instalment of network cameras⁷ as well as CCTV because network cameras had already been installed in 20% of all kindergartens. It would be also problematic that there is no provision on the instalment of network cameras. The opposition party argued that the instalment of network cameras should not be included in the

⁷ Network cameras enable parents to see the situation in the kindergarten in real-time through the Internet, but the real-time surveillance is impossible through CCTV.

bill. Mothers could complain in real-time. How can kindergartens deal with the appeals? So, I suggested an amendment opinion. Firstly, the instalment of CCTV becomes mandatory. ... But, the instalment of CCTV is exempted when all parents agreed that the instalment is not necessary. ... Secondly, the principle of the individual's agreement when they are the subject of information gathering is the most important principle in the collection of personal information. According to the principle, network cameras can be installed only when all parents and teachers agree with the instalment. So, the installation of network cameras becomes possible. I suggested the amendment opinion and two parties accepted the opinion (Interviewee 014).

However, there are limitations in the mediation function of committee staff. First of all, the committee staff cannot mediate between policy actors when there is a sharp confrontation between them. This is not only because committee staff do not have official authority for mediation but because the norm of neutrality prevents them from conducting active mediation. A committee staff member explained the point:

If there is a sharp confrontation we can't include amendment opinions in the document for the subcommittee's examination. MPs should debate the matter in the subcommittee meeting. ... There is no problem when the document includes the opinions of both sides, but there are cases in which we can't suggest amendment opinions reflecting the position of one side. When there is a sharp confrontation, mediation in advance is impossible and we can't include amendment opinions in the document for the subcommittee's meeting (Interviewee 008).

On top of that, the mediation by the committee staff could be seen as a close reflection of diverse opinions of policy actors or the suggestion of a sort of focal point on which the stakeholders can start negotiation rather than active arbitration or negotiation by the committee staff themselves. Six interviewees answered that they do not mediate between policy actors directly. In addition, two interviewees answered that there are cases in which policy actors start negotiation based on the committee staff's opinion suggested in the review report. A senior committee staff member stated that he does not *mediate* between interest groups but *listens* to their opinions on the bill in preparing amendment opinions for the

subcommittee stage (Interviewee 013). When asked about the mediation between policy actors, a committee staff member answered:

We consult with government departments in most cases and it is rare that we consult with or mediate between interest groups face to face. There could be some problems when we meet interest groups face to face, so we consult with interest groups indirectly based on their written opinions rather than meet them directly (Interviewee 082).

7.3.3. The role of the committee staff in setting the items of the subcommittee meetings

One interesting point is that the committee staff could play a substantive role in setting the items of the subcommittee meetings. This is basically because they have knowledge about the legislative process. In addition, in the situation where time for the subcommittee meetings is scarce and efficient operation of the subcommittee meetings is important, their opinions on whether a bill can be tabled or not is important because they recognise the positions of relevant policy actors on the bill as network managers and are able to expect whether there could be agreement among them in the subcommittee meetings.

The subcommittee stage is the most important procedure in the scrutiny of bills in South Korea as explained in chapter 2. Thus, the power of setting the items of the subcommittee meeting (agenda-setting) is a strong power in the legislative process. The interview data demonstrate that MPs, especially the ranking members of the committee, principally have the power of agenda-setting. According to the interview data, however, the committee staff play a substantive role in the agenda-setting in at least seven committees. For example, a law bill is unlikely to be tabled in subcommittee meetings when the committee staff suggest negative opinions on the bill in the review report. A committee staff member stated:

If the substance is just a slogan, well, the bill is sponsored for the interest of a specific interest group or is unnecessary and we suggest a negative opinion on the bill, then the bill may not be tabled in subcommittee meetings. So, the bill *is sifted out* before the subcommittee stage when committee staff conclude that the bill is unnecessary (Interviewee 094).

The mechanism under which the above case could happen proceeds as follows: MPs need efficient scrutiny as explained already. Thus, the committee staff give priority to the bills which are likely to pass in the subcommittee stage in the process of drafting the items of subcommittee meetings. If relevant policy actors do not reach agreement on a bill or the mediation between them is insufficient to pass the bill in the subcommittee stage, the bill is not given priority when the items of subcommittee meetings are drafted by the committee staff. For example, when it comes to the above case, a bill on which committee staff suggest negative opinions due to partiality of a specific interest group or other problems, is unlikely to be tabled in subcommittee meetings because the bill would not pass the subcommittee stage and could obstruct efficient scrutiny of bills from the committee staff member's point of view. According to the interview data, a bill is unlikely to be tabled in subcommittee meetings if relevant policy actors do not reach agreement in at least three committees.

In another two committees, the committee staff members in charge of setting the items of the committee or subcommittee meetings stated that they consult with the committee staff member in charge of bills and that they give priority to the bills that are likely to pass due to sufficient mediation. The degree of the sifting is associated with the workload of the committee. A committee staff member stated that many law bills *are sifted out* when there is a heavy workload for the subcommittee (Interviewee 097). For example, in describing the sifting process, a committee staff member described:

At first, we make a list. Needless to say, the criteria are different in each session, but we include the bills that have become *mature* and are likely to pass in this session into the list as a first step in general. Then, we include the bills to which each party gives priority and make the list. ... [That a bill has become *mature* means that stakeholders are] consulted and mediated. ... To some degree, disagreements between government departments have been mediated, interest groups have reached an agreement, or there have been public hearings (Interviewee 063).

However, the impact of the committee staff in agenda-setting is limited by MPs. The ultimate power of agenda-setting belongs to MPs. According to the interview data, if a bill is given MPs' attention and MPs (especially the ranking members of the committee) order committee staff to table the bill, the bill is tabled in

subcommittee meetings even if there is insufficient mediation and policy actors are likely to confront each other. The committee staff members of at least six of the above seven committees in which the interviewees stated the committee staff play a substantive role in the agenda-setting answered that law bills that are unlikely to pass are tabled in subcommittee meetings when MPs order them to table the bills. A committee staff member stated that if a bill is related to the policy principles of parties or the executive branch pushes the progress of a bill, the bill is more likely to be tabled (Interviewee 088). A committee staff member pointed to the limit of the role of staff in agenda-setting, answering the question about the possibility that a bill on which the committee staff suggest negative opinions in the review report is tabled in subcommittee meetings:

The items of subcommittee meetings are set politically. The committee staff *don't decide* the items. ... We give priority to bills that are likely to pass when we draft the list of the items, so there is an association at some degree. Especially in my committee, however, the personal staff of ranking members are *struggling for the initiative*. So, ... if there are a number of bills that the governing party requests to be tabled, it becomes necessary to table a similar number of bills that the opposition party requests to be tabled. *They add bills continuously* (Interviewee 097).

Moreover, in at least two committees, the committee staff refrain from giving priority to some bills when they draft the items of subcommittee meetings. A senior staff member outside the above seven committees even stated that the activity of the subcommittee in his committee is so vigorous that, in agenda setting, there is no consideration of possibility that a bill passes. There is a low need for efficiency in this case. The following extract is his answer on the agenda-setting in his committee.

There are some bills treated in that way (If a bill is not resolved in the first meeting, there is mediation before the next meeting). On many other bills, even if the mediation failed, MPs hold the next meeting. The activity of the subcommittee is much vitalised in my committee (Interviewee 014).

7.4. The Impact of the Committee Staff in the Scrutiny of Government Bills

The resources that the committee staff have – knowledge about the legislative process, technical knowledge about legislation and a certain level of policy expertise – enables the committee staff to conduct the roles identified in the above section – informative role, consulting and mediation function and limited role in setting the items of the subcommittee meetings. The committee staff would have substantive impact in the scrutiny of government bills through conducting those roles, which is demonstrated by the interview data and amendment analysis.

7.4.1. The perception of committee staff members themselves

According to the interview data, committee staff members themselves perceive that their impact is strong and important, especially in the scrutiny of law bills. A senior staff member said that the role of the committee staff is important because many flaws in legislation are pointed out (Interviewee 011). According to one interviewee, MPs refrain from passing a bill over which the committee staff have negative opinions, but they are likely to give positive opinions to bills over which the committee staff have positive opinions (Interviewee 082). There are indications that a bill is not likely to be tabled if the review report of the bill is negative as explained above. A former committee staff member said that other policy actors such as civil servants in government departments know the importance of the committee staff (Interviewee 194). Another former committee staff member stated that 80 per cent of bills which are passed are concluded according to the reviewed opinions of the committee staff (Interviewee 189).

The interviewees pointed out the importance of documents which they produce in the legislative process – the review report and the document for the subcommittee's examination (31 interviewees mentioned these). As discussed above, those documents guide MPs to issues related to the bill and the examination of law bills. MPs are likely to depend on those documents produced by the committee staff in the scrutiny of legislation. The importance of the review report is mentioned by 26 interviewees. The report provides information on bills and other policy actors try to affect the substance of the reports. The report sometimes triggers negotiation among policy actors in different positions. 22 interviewees pointed out the importance of the document for the subcommittee's

examination. The document provides information about bills in the subcommittee stage, and other policy actors (especially government departments) want to affect the substance of the documents as they try to do in the review report. A committee staff member mentioned:

When the review report states that the bill is not desirable, it seems that more than 90 or 99 per cent of those bills are not passed. When a bill is passed, the bill is amended according to the opinions in the review report. Although the review report has no legal authority, it seems that bills, in practice, are amended according to the review report, so I think that the role of the review report is very important (Interviewee 052).

Amendment opinions of the committee staff in the documents make the documents important. The amendment opinions are mentioned as an important substance of the review report (10 interviewees) and of the document for the subcommittee's examination (23 interviewees). According to the interview data, amendment opinions of the committee staff are accepted well in the scrutiny of law bills by MPs. 21 interviewees explicitly mentioned the high frequency of the acceptance of the committee staff members' amendment opinions. A committee staff member stated:

In my opinion, I think that more than 60-70 per cent [of amendments reflected in bills] are affected by the documents for the subcommittee's examination or the review reports. ... about 60-70% [of amendments accepted] in standing committees, it's my personal opinion (Interviewee 042).

7.4.2. Impact identified through amendment analysis

The impact identified from the interview data is examined through amendment analysis because the committee staff members' perception of their own impact may be underestimated or overestimated. Table 7.1 is the breakdown of amendment opinions which are suggested in the scrutiny of government bills according to the initiator(s) and type. Overall, staff members' amendment opinions occupy nearly 60 per cent of total amendment opinions. They suggest amendment opinions more vigorously in the legislative process than any other policy actors. The proportions of staff members' amendment opinions, however, are different according to the type of amendment opinions. The proportion of amendment opinions of staff is more than 80 per cent (86.5%) in non-substantive

amendment opinions (wordings and structure), but just less than half (49.1%) in substantive amendment opinions (minor, major (change), major elimination).

Table 7.1. Type and initiator(s) of amendment opinions

Type \ Initiator(s)	Staff	MPs	Others	Total
Wording	55 (80.9%)	9 (13.2%)	4 (5.9%)	68 (100.0%)
Structure	93 (90.3%)	6 (5.8%)	4 (3.9%)	103 (100.0%)
Minor	86 (50.9%)	78 (46.2%)	5 (3.0%)	169 (100.0%)
Major (change)	176 (50.9%)	154 (44.5%)	16 (4.6%)	346 (100.0%)
Major (elimination)	23 (35.4%)	40 (61.5%)	2 (3.1%)	65 (100.0%)
Irrelevant	13 (36.1%)	19 (52.8%)	4 (11.1%)	36 (100.0%)
Total	446 (56.7%)	306 (38.9%)	35 (4.4%)	787 (100.0%)

Table 7.2 is the breakdown of amendment opinions according to the initiator(s) and acceptance of them. The acceptance means the final acceptance of the amendment opinions in the legislative process. Overall, the amendment opinions of staff are more successful than those of MPs or others. The association between initiator(s) and acceptance is significant according to the chi-square test on the data ($X^2(4) = 190.356$ and $p < 0.001$, the cases in which the bill is killed or withdrawn are excluded from the test). The proportion of amendment opinions accepted without revisions is much higher for staff (64.8%) than for MPs (18.3%) or others (40.0%) and the proportion of those rejected is vice versa (13.9% for staff, 54.6% for MPs and 31.4% for others).

Table 7.2. Initiator(s) and acceptance of amendment opinions

Acceptance \ Initiator(s)	Accepted wholly	Accepted (revised)	Rejected	Bill is killed	Bill is withdrawn	Total
Staff	289 (64.8%)	72 (16.1%)	62 (13.9%)	22 (4.9%)	1 (0.2%)	446 (100%)
MPs	56 (18.3%)	73 (23.9%)	167 (54.6%)	10 (3.3%)	0 (0.0%)	306 (100%)
Others	14 (40.0%)	9 (25.7%)	11 (31.4%)	1 (2.9%)	0 (0.0%)	35 (100%)
Total	359 (45.6%)	154 (19.6%)	240 (30.5%)	33 (4.2%)	1 (0.1%)	787 (100%)

- $X^2(4) = 190.356$ and $p < 0.001$. The cases in which the bill is killed or withdrawn are excluded from the test.

To alleviate the problem of spuriousness, other factors – controversy of the bill under scrutiny, type of amendment opinions and policy type – are controlled. Table 7.3 presents the results of cross tabulation analyses about the relationship between the initiator(s) and acceptance of amendment opinions after the control.

The types of wording and structure are collapsed into non-substantive, and the types of minor, major (change) and major (elimination) are collapsed into substantive. The initiator(s) of amendment opinions are collapsed into staff and non-staff. Thus, the analyses in the table compare the acceptance of staff members' amendment opinions with that of others' than staff members'. Overall, the result that the amendment opinions of staff are more successful remains after the control. The association is significant at $p = 0.05$ level in seven categories to which 74.5 per cent of amendment opinions analysed (517 / 694) belong. Thus, even after the control of controversy of the bill under scrutiny, type of amendment opinions and policy type, the amendment opinions of the committee staff are more successful than those of other policy actors except in some categories to which about a quarter of amendment opinions analysed belong.

Table 7.3. The results of cross tabulation analyses on the relationship between initiator(s) and acceptance of amendment opinions after controlling for controversy, type and policy type

Policy Type	Type Controversy	Non-substantive	Substantive
Distributive	Controversial	$p = 1.000^*$, $n = 7$	$p = 0.007^*$, $n = 41$
	Uncontroversial	$p = 0.002^*$, $n = 54$	$X^2(2) = 37.273$, $p < 0.001$, $n = 143$
Regulative	Controversial	$p = 1.000^*$, $n = 8$	$X^2(2) = 0.860$, $p = 0.651$, $n = 57$
	Uncontroversial	$p = 0.002^*$, $n = 46$	$X^2(2) = 62.836$, $p < 0.001$, $n = 174$
Constituent	Controversial	$p = 1.000^*$, $n = 11$	$p = 0.797^*$, $n = 32$
	Uncontroversial	$-^{**}$, $n = 9$	$p = 0.011^*$, $n = 28$
Extractive	Controversial	$-^{**}$, $n = 4$	$p = 1.000^*$, $n = 14$
	Uncontroversial	$-^{**}$, $n = 3$	$p = 1.000^*$, $n = 12$
Basic laws	Controversial	$p = 0.167^*$, $n = 6$	$p = 1.000^*$, $n = 17$
	Uncontroversial	$p = 0.295^*$, $n = 13$	$p = 0.001^*$, $n = 31$
Laws related to international treaties	Controversial	$-^{**}$, $n = 0$	$-^{**}$, $n = 0$
	Uncontroversial	$-^{**}$, $n = 3$	$-^{**}$, $n = 1$
Etc	Controversial	$-^{**}$, $n = 0$	$-^{**}$, $n = 0$
	Uncontroversial	$-^{**}$, $n = 0$	$-^{**}$, $n = 0$

* Fisher's exact test

** Cross tabulation analysis cannot be conducted.

- The initiator(s) of amendment opinions are collapsed into staff and non-staff. The cases in which the bill is killed or withdrawn are excluded from the tests. The test is not conducted for irrelevant amendment opinions. For the detailed number of amendment opinions, see appendix 3.1.

Table 7.4 is the breakdown of accepted amendment opinions (those accepted wholly and those accepted with changes) according to the type and initiator(s) of them. Overall, staff members' amendment opinions occupy just over 70 per cent of total accepted amendment opinions. The amendments to bills seem to reflect the amendment opinions of the committee staff well. The proportions of staff members' amendment opinions in accepted opinions, however, are also different according to the type of amendment opinions although their amendment opinions are more than those of other policy actors except the types of major (elimination) and irrelevant. The proportion of amendment opinions of staff is more than 90 per cent (93.2%) in non-substantive amendments (wordings and structure), but just over 60 per cent (61.7%) in substantive amendments (minor, major (change), major (elimination)).

Table 7.4. Type and initiator(s) of accepted amendment opinions

Type \ Initiator(s)	Staff	MPs	Others	Total
Wording	48 (98.0%)	1 (2.0%)	0 (0.0%)	49 (100%)
Structure	88 (90.7%)	5 (5.2%)	4 (4.1%)	97 (100%)
Minor	70 (64.8%)	36 (33.3%)	2 (1.9%)	108 (100%)
Major (change)	133 (63.6%)	63 (30.1%)	13 (6.2%)	209 (100%)
Major (elimination)	11 (36.7%)	18 (60.0%)	1 (3.3%)	30 (100%)
Irrelevant	11 (55.0%)	6 (30.0%)	3 (15.0%)	20 (100%)
Total	361 (70.4%)	129 (25.1%)	23 (4.5%)	513 (100%)

7.5. Summary and Conclusion

Firstly, this chapter analyses the feature of the policy network surrounding the scrutiny of government law bills in the legislature of South Korea. MPs, the executive branch and interest groups are identified as major policy actors although interest groups are not essential actors. The policy network has an interdependent feature because policy resources are dispersed among the actors, and unilateral decision making by an actor is difficult. The committee staff occupy the information channel in the policy network and other policy actors bypassing the committee staff is rare.

Then, this chapter investigates the role and impact of the committee staff in the scrutiny through interview data and amendment analysis, applying the theoretical framework and perspective (especially, the policy network perspective) and key concepts on the feature of policy network and the resources and capabilities of major policy actors (especially, MPs and the committee staff). The basic role of the committee staff in the network is to provide information about bills both in policy and legal aspects. This is because the committee staff have a certain level of policy expertise and technical skills in legislation and other actors in the network depend on them. In addition, they conduct parts of the network managing function discussed in governance literature – consultation and mediation. Although every actor can conduct these functions in principle, the committee staff members who have impartiality, the knowledge of the legislative process and a certain level of policy expertise are appropriate network managers. Lastly, they conduct a limited role in setting the items of the subcommittee meetings, based on their knowledge about the legislative process and expectation about the possibility that a bill can secure agreement among policy actors, as a network manager. Through conducting these roles, they have a substantive impact on the scrutiny of government law bills, which is demonstrated from their conception and amendment analysis. One important point of the discussion over the role of the committee staff in this chapter is that their network managing function is one of their important functions, which has not been treated as important as the information and intelligence function researched in previous literature.

Although the role of the committee staff is analysed and their impact is assessed in this chapter, some important issues remain as yet untapped. They are the detailed mechanism through which the committee staff exert their impact; the factors affecting the role and impact; and the nature of the impact of the committee staff. The first issue is related to the reason that the committee staff have a substantive impact through conducting their roles. The second issue is the core of the investigation of the impact of the committee staff because the impact cannot be constant despite the change of other factors in the legislative process. The third issue is also very important because uncontrolled impact of the committee staff is against the principal of representative democracy. These issues are addressed in the next chapter.

8. Factors affecting the Role and Impact of the Committee Staff

8.1. Introduction

The aim of this chapter is to examine the factors affecting the role and impact of the committee staff identified in the previous chapter. For the analysis, the detailed mechanism through which the committee staff exert their impact is to be investigated in advance. Through the investigation, the reason that the committee staff exert a substantive impact is to be analysed. Factors affecting staff members' role and impact are examined through the examination of factors which affect the mechanism. After addressing these two issues, the nature of the impact of the committee staff is to be discussed based on the analyses. For this work, as in chapter 7, the theoretical framework and perspectives and key concepts derived in chapter 5 are referred to in the analysis. The empirical data include interview data and amendment opinions in the scrutiny of government law bills.

This thesis gives its attention to the features of the issue under scrutiny (political controversy and technical complexity) as factors affecting the role and impact although the studies in the U.S. enumerate human factors (chair's character or leadership style and partisanship or expertise of staff members), or administrative factors (the structure of staff organisation, committee's terms of reference, chair's tenure and official power of staff) as the factors. In South Korea, committee chairs are customers of staff rather than their bosses; they cannot organise the committee staff system as they want; their term is less than two years; and staff members are career civil servants rather than partisan staff. Thus, this thesis focuses on issue factors rather than human factors or administrative factors.

The next section examines the detailed mechanism through which the committee staff exert their impact. Three sources of the impact of the committee staff – the motivation of the committee staff in conducting their roles; MPs' delegation to the committee staff; and MPs' trust of the committee staff and agreement with them – are focused on as the bases of the mechanism. The section is followed by the analysis of the factors affecting the impact of the committee staff. As common factors affecting the sources of the impact of the committee staff, the political controversy and the technical complexity (both in policy and legal aspects) are focused on. In addition, the personality and ability of staff members of the committee, and the workload and atmosphere of the

committee (especially the personality of the ranking members of the committee) are identified. Finally, the nature of staff impact is addressed. In the assessment of the nature, the findings from the interview data that the opinions of the committee staff suggested in the legislative process have a consultation and mediation feature and that committee staff members expect the reaction of other policy actors (especially, that of MPs) when they suggest amendment opinions are considered.

8.2. The sources of the impact of the committee staff

Basically, the impact of the committee staff is exerted when they conduct their informative and network managing role actively, and MPs delegate the scrutiny of bills to some degree and agree with the committee staff in the scrutiny at least implicitly. Therefore, it is necessary to know both why the committee staff conduct their roles actively and what leads to the delegation and agreement by MPs. In other words, it is necessary to investigate the motivation of staff members, the factors causing the MPs' delegation to them and those that make MPs agree with them. In the investigation, the key concepts on the orientations, resources and capabilities of MPs and the committee staff discussed in chapter 5 are referred to.

8.2.1. The motivation of the committee staff in their role

As the PSM theory reviewed in chapter 5 argues, the interview data demonstrated that the motivation most frequently referred to by committee staff members themselves is their policy efficacy; bills could be improved by their opinions. The number of interviewees who stated that policy efficacy is the motivation in their work is 36 interviewees. They think that they can participate in the legislative process; have an impact on the legislative process; contribute to making good public policies; and make contributions for the public interest. Especially in the scrutiny of government bills, they feel self-satisfaction when they can amend a government bill which has been worded only for the interests of the executive branch or their convenience and the staff are able to improve the bill. Moreover, they think that they have greater policy impact with neutrality and independence than the civil servants of the executive branch. A committee staff member answered:

Of course, I think that the motivation is to work for the public interest. I am not saying like this just for this interview. Really, really for the future and for as many people as possible, what is the right direction? Which policy is fair? It is to think for the future of my nation rather than from a short sighted perspective. The motivation is working for the public interest. It would be possible to achieve self-realisation in the process, but the basic motivation is that. ... I think that most committee staff have the motivation of, for example, contribution to making a desirable finance policy or welfare policy. This is the most important motivation although other personal motivations would be different. The self-esteem that we can feel by playing an important role in the policy process is an important motivation (Interviewee 067).

This policy efficacy seems to be linked with the committee staff members' sense of duty. Nearly a half of all interviewees (18) answered that they work due to a sense of duty believing that their work could affect the lives of people and the public interest. This sense of duty also includes the perception that it is their responsibility as a career civil servant to do the work given to them. The sense of duty is directly related to the norm-based dimension of Perry and Wise's (1990, p.370) public service motivation. A senior staff member pointed out:

The most basic point is that we are career civil servants. Doing given work is the basic duty of civil servants. That is a point. Then, the reason I work hard is that, as you said earlier, a considerable part of the scrutiny of bills, law bills or budget bills, is delegated to the committee staff and MPs depend on the committee staff. So, I cannot help feeling the responsibility. For example, if the committee staff miss a flaw in a bill, it is directly reflected in laws and affects the lives of people. So, as much as possible, most committee staff members cannot but have the sense of responsibility, and it seems that they work hard with such responsibility (Interviewee 011).

However, it would not be reasonable that committee staff work only by the motivation of policy efficacy or a sense of duty. It is necessary to investigate whether there are incentives for committee staff members from their work. In answering the initial question about their motivation, five interviewees mentioned direct incentives such as promotion or bonuses in salary as committee staff members' motivations and four interviewees (including two interviewees of the above five interviewees) mentioned the need for securing a good reputation

which affects their career as civil servants. Thus, follow-up questions about whether committee staff members' performances or reputation affect their career and function as their motivation are asked. According to the interview data from the answers to the initial question about motivation or follow-up questions about incentives and reputation as motivation, 23 interviewees answered that gaining a good reputation is an important motivation for committee staff members. 15 interviewees, including six of the above 23, however, stated that the influence of committee staff members' reputations or performance on their career or incentives is not strong.⁸

Therefore, it is necessary to examine the answers of the six interviewees who showed an ambivalent attitude in detail in order to understand committee staff member's motivation exactly. Firstly, a former staff member stated that he worked hard for promotion but reputation was not helpful for promotion to the top post with hindsight (Interviewee 194). Anyway, the reputation functioned as an important motivation for him. Secondly, three interviewees answered that receiving a salary bonus is not decided by performance, but the reputation is important especially in promotion. They acknowledged that performance and reputation affect career (Interviewee 008, Interviewee 070 and Interviewee 078). Thirdly, a junior staff member stated that his performance would not affect his promotion because he does not have seniority but reputation is important for him in a long-term (Interviewee 142). Thus, he admits the importance of reputation and performance. Finally, a staff member answered that there are more incentives for the personnel of other divisions in the National Assembly Secretariat rather than committee staff members although reputation is important (Interviewee 143). The answer is a tricky one, but could be interpreted as follows: The posts in the line organisation are popular for civil servants of the National Assembly and moving to those posts is very competitive. A committee staff member's good reputation helps his/her movement to the popular posts when there is job circulation between the personnel in the line organisation and committee staff members. Therefore, reputation is also important. All these things considered, good reputation and good performance to gain the reputation can be important motivations for committee staff members, as the career concern model

⁸ Two interviewees declined to give answer. The follow-up questions are not asked in the pilot interviews and three of the pilot interviewees did not give an answer about this subject.

expected, although nine interviewees denied the association among the performance, reputation and the incentives in their career. A former committee staff member stated:

Then, about the motivation for working hard, a committee staff member is evaluated through the review reports, and his/her self-esteem is raised by the evaluation. So, the review reports demonstrate the ability of the committee staff member and he/she could gain a good reputation. Their reputation could be considered in the decision on, for example, their promotion although not directly, but indirectly (Interviewee 193).

According to the interview data, the documents written by committee staff members (e.g. the review report or the document for the subcommittee's examination) and committee staff members' performances in subcommittee meetings (when it comes to senior staff members) become the bases on which other people (MPs, officials in the executive branch or other committee staff members) evaluate the committee staff members. A committee staff member's reputation is formed through this evaluation and the reputation is shared. For senior staff members, this reputation is very important for their promotion to higher positions. For junior staff members, their reputation affects their job rotation, especially the movement to popular or important posts, and has an influence on their promotion in the long term. The motivation seems to be more important for senior staff members than junior staff members. Out of nine senior staff members, eight interviewees (88.9%) stated that gaining a good reputation is a motivation for committee staff members. Out of 24 junior staff members who answered about this subject, the number is 15 (62.5%).

Two interesting points should be highlighted. One is that having a reputation as a competent staff member affects not only the career as a civil servant but the career after retirement. Two interviewees (a former senior staff member and a current senior staff member) stated that the committee staff members who secured a good reputation as a competent staff member and a policy expert are likely to be recognised and work in the policy area even after their retirement. Their answers prop up the importance of a good reputation and the relevance of the career concern model discussed in chapter 5. The other point is that having an influence on government departments could be a motivation for committee staff members. According to three legislative researchers, if committee staff

members show a good performance in their work and their opinions are well accepted by MPs, they have more influence on government departments. The influence allows the committee staff members to work more conveniently, especially in the relationship with government departments, and to have more policy impact. Their answers prop up the importance of policy efficacy as a motivation for committee staff members.

8.2.2. MPs' delegation to the committee staff

Although the committee staff have the motivation to conduct their roles actively in the legislative process, they have no policy impact unless MPs delegate the scrutiny of bills to them to some degree. Considering the key concepts on the orientation of MPs discussed in chapter 5 – constituency worker, party politician, and policy watchdog and entrepreneur, MPs would have motivations to delegate. According to the interview data, three factors bring about MPs' delegation of the scrutiny of bills to the committee staff. They are: MPs' low expertise (already explained in chapter 2); MPs' attention to tasks other than the scrutiny of bills (discussed in chapters 2 and 5); and MPs' low attention to bills unrelated to their political interests.

MPs' low expertise

As discussed in chapter 2, the institutions surrounding the legislature of South Korea are hostile environments for MPs raising their policy expertise according to the interview data. MPs usually move committee; the re-election rate of incumbent MPs is low; MPs have no time to raise their policy expertise due to many other tasks; and the number of personal staff in charge of the scrutiny of bills is small and their expertise in the scrutiny of law bills is low. The first and second factors are already discussed in chapter 2. A former staff member explained:

Many MPs have high expertise in an individual policy area. But, they cannot stay in the committee in which they have expertise as they continue their political career, manage their constituencies and consider the next election. They move to committees that are irrelevant to their expertise in the long run (Interviewee 189).

The third and fourth factors are related to MPs' attention to other tasks which is discussed in chapters 2, 5 and later. They have many other tasks drawing their

attention, so they have no time to raise their policy expertise. Considering the fact that the number of personal staff members for each MP is nine (including two interns), MPs could use their personal staff although they themselves cannot raise their policy expertise. The personal staff members themselves, however, are in charge of the MPs' various work. Therefore, the number of personal staff in charge of the scrutiny of bills is usually small and they have to conduct other tasks for their MPs simultaneously.

MPs' attention to tasks other than the scrutiny of bills

MPs have much work other than the scrutiny of bills. As Rush (2001, Ch.7) pointed out about MPs of the British House of Commons, MPs of the South Korean Parliament are also taking the role of representative of their own constituency and party politician according to the interview data. Out of 20 interviewees who commented about the variety of MPs' tasks, all 20 interviewees mentioned constituency work and 13 interviewees mentioned party work. A committee staff member described:

At first, I think that the most important work for MPs, especially for local constituency members, is the redress of their constituents' grievances. That is the role of MPs. So, going to their constituency as much as possible and hearing constituents' appeals and difficulties are the roles of MPs. These are not related to us. Other than that, MPs seem to do party work as I see. They work to decide the policy direction of the party, and such things, and they attend meetings such as the general assembly of MPs in their parties (Interviewee 052).

One interesting thing about the MPs' role of party politician is that some junior MPs take the role of attacking the other party in committee meetings. Especially junior MPs of the opposition party take the role of attacking the governing party and the executive branch. This is the legacy of the relationship between the government and the opposition in the era of military dictatorship explained in chapter 2. A committee staff member explained about an opposition MP taking this role.

The broadcasting policy area is somewhat political. This MP played the role of a *sniper*, such as criticizing the broadcasting media or the executive branch. ... So, from the opposition MPs' point of view, they think the broadcasting

media are partial to the governing party or the President. They think that public broadcasting is partial to the governing party, so they are not satisfied. So, this MP attacked the broadcasting media when the public broadcaster had made a fault or when cable TV had become more favourable to the governing party. He played such a role. ... Of course, he also attacked the governing party (Interviewee 125).

In addition, five interviewees mentioned MPs' own policy activities. Needless to say, sponsoring bills is one of the most important policy activities and there are a huge number of private members' bills as demonstrated in chapter 2. According to the interview data, parties or NGOs evaluate an individual MP's legislative activities by the number of bills that he/she has sponsored, so MPs sponsor bills for legislative performance as explained in chapter 2. In addition, when there is a high-profile issue, individual MPs sponsor similar bills related to the issue redundantly. There are also a growing number of hand-out bills because the government department can achieve their policy goal and the sponsoring MP can demonstrate a positive legislative performance. A committee staff member mentioned MPs' attention to the current high-profile issues as the cause of the rising number of private members' bills:

Parties have recently considered MPs' performance of legislative activities in their nomination for the next election. So, MPs are sponsoring many law bills to improve their legislative performance. Even when there are reports by the media about a serious issue, such as child sexual abuse or Middle East respiratory syndrome (MERS), many MPs sponsor related bills. When there is a social issue, many MPs sponsor bills containing measures for the issue redundantly. So, the number of law bills is skyrocketing (Interviewee 047).

Due to these diverse tasks of MPs, the time for the scrutiny of law bills becomes short. As demonstrated in chapter 2, the subcommittee stage is the core and substantive procedure in the legislative process in South Korea. The time for subcommittee meetings is usually very short, however, for the scrutiny of the huge number of bills. This shortage of time requires high efficiency in the subcommittee stage as demonstrated in chapter 7. While answering that there is not sufficient time to scrutinise law bills due to MPs' diverse tasks, a committee staff member emphasised the low frequency of subcommittee meetings:

Next, the second reason is that MPs are too busy due to other work. So, for example, the period of a session is a month, but the time for committee activities is only two weeks considering the time for the plenary. MPs have to receive the report on the current issues through committee meetings and the committee has other schedules, so subcommittee meetings are held at most twice. There is a shortage of time and there is a limitation of the number of bills that can be tabled in subcommittee meetings (Interviewee 082).

Table 8.1. The numbers of subcommittee meetings for the scrutiny of law bills and those of law bills according to standing committees

Committees	Number	Subcommittee meetings (A)	Law bills (B)	B / A
House Steering		19	357	18.79
Legislation and Judiciary		46	1,300	28.26
National Policy		66	1,187	17.98
Strategy and Finance		102	1,660	16.27
Future Planning, Science, Broadcasting and Communication		32	776	24.25
Education, Culture, Sports and Tourism		38	1,656	43.58
Foreign Affairs and Unification		30	239	7.97
National Defence		28	430	15.36
Security and Public Administration		49	2,429	49.57
Agriculture, Food, Rural Affairs, Oceans and Fisheries		30	1,278	42.60
Trade, Industry and Energy		45	1,030	22.89
Health and Welfare		59	1,996	33.83
Environment and Labour		42	1,223	29.12
Land, Infrastructure and Transport		39	1,691	43.36
Gender Equality and Family		16	376	23.50
Total		641	17,628	27.50

Sources: National Assembly (2016c); calculated from National Assembly (2016d)
Intelligence committee is excluded because there is no available record of the committee.

In fact, the number of the subcommittee meetings of 15 standing committees (except the Intelligence Committee) for the scrutiny of legislation was 641 during the four-year term of the 19th National Assembly from 2012 to 2016 according to the calculation of the data in National Assembly (2016d). The subcommittee

meetings for the scrutiny of legislation had been held only 0.89 times in a month in a standing committee. The total number of law bills referred to the 15 standing committees in the assembly was 17,628 and a subcommittee meeting dealt with 27.5 law bills on average. Table 8.1 represents the number of subcommittee meetings for the scrutiny of law bills and that of law bills according to the 15 standing committees.

MPs' uneven attention to law bills

Even in the scrutiny of law bills, MPs give uneven attention to law bills according to the interview data. The bills that draw MPs' attention are classified into three categories: bills that have great impact on the public or are high-profile; bills that draw the parties' attention; and bills that are important for individual MPs. First of all, MPs give their attention to a high profile bill that has a big impact on the public (two interviewees mentioned this). This is not only because it is natural that MPs are interested in important bills as representatives of the people but because MPs can raise their profile through the debate over those bills, similar to credit claiming or position taking in Mayhew (1974). In answering the question about the bills that draw MPs' attention, a committee staff member explained the point:

[MPs are interested in] Law bills related to programmes that have a direct impact on their own constituency and draw the constituents' attention or bills with a high profile in the media through which MPs can raise their own profile (Interviewee 082).

The next bills that draw MPs' attention are bills that draw the parties' attention (21 interviewees mentioned this). The following bills are important for a political party and draw their attention: bills related to the ideology on which the party is based; bills related to the policy directions of the executive branch; bills related to the interests of the socio-economic class that the party aims to represent; bills related to interest groups that have political power; and bills related to the interests of a region which supports the party. In particular, MPs are taking the role of a party politician in committees when there is a sharp confrontation between parties over a law bill due to the difference in policy principle between the parties. For example, when a government bill which reflects the policy direction of the executive branch, which is contradictory to the policy principles of the opposition party, is referred to a committee, there could be a sharp

confrontation between MPs in the committee. Those bills are likely to be related to the interests of groups that support a party or that the party aims to represent, so they are related to the party's political interests, such as gaining votes in elections. A committee staff member explained:

Then, there are bills that the parties push due to their own party platform. The offices of MPs seriously review those important bills in advance. ... For example, I told you about the Distribution Industry Development Act. In that case, on the one hand, the opposition party argues that there should be strict regulation and opposition MPs set the agenda. On the other hand, MPs in the governing party actively defend against those arguments because they may think that the regulation could hinder economic growth. ... They don't [set the party platform about all bills]. I think it (the setting) is related to the parties' political stance. The governing party seems to intervene actively in the legislative process of the bills related to deregulation. The opposition party seems to focus on the protection of the lower or middle class [that they aim to represent] (Interviewee 103).

Finally, there are bills that draw MPs' attention because they are important for individual MPs (18 interviewees mentioned this). Firstly, there are bills related to an individual MP's own constituency. Those bills are directly related to his/her re-election. Secondly, there are bills related to interest groups which the MP has a relationship with, for example, the MP was a member of the interest group or the interest group supports the MP. Those interest groups could affect elections. Thirdly, there are bills related to the MP's ideology or bills on which the MP has expertise. For example, an MP who was a member of a trade union is likely to be interested in law bills protecting the rights of workers. The second and third kinds of bills are closely related to the MP's occupational background. Fourthly, there are bills that the MP has sponsored or bills that other policy actors (e.g. the executive branch or interest groups) have asked to pass. Bills in this category are linked to bills in the above three categories. An individual MP sponsors a law bill because it is related to his/her own constituency, interest groups that support the MP, their ideology or policy expertise. When asked about the features of bills in which individual MPs are interested, a former committee staff member answered:

Generally, individual MPs are interested in law bills related to their own constituency, such as bills related to the programmes in the constituency,

which are much related to the next election. Then, there are cases in which individual MPs drive the legislative process of bills which correspond to the MP's beliefs, principles or ideology. In addition, individual MPs are interested in the bills related to interest groups or government departments that they belonged to, or the policy area where they have worked (Interviewee 193).

It is difficult for MPs to give attention to law bills except the bills mentioned above because there are too many bills as already demonstrated. 17,822 law bills have been introduced during the 19th National Assembly (from May 2012 to May 2016). There were 1,113.9 law bills per each standing committee. Five standing committees were in charge of more than 1,500 law bills and another five committees along with them were in charge of more than 1,000 law bills. 16 interviewees answered that there are too many bills for MPs to review all law bills. It is an irony that MPs give low attention to the scrutiny of law bills because they themselves sponsor law bills very actively.

8.2.3. MPs' trust in the committee staff and agreement with them

Although MPs delegate the scrutiny of bills to the committee staff to some degree, they have the official and ultimate power of making legislation. Therefore, if there is no agreement and trust from MPs, the committee staff have no impact in the legislative process. According to the interview data, three factors lead to MPs' trust and agreement. They are committee staff members' devotion to reviewing bills; the mediated and consulted features of committee staff opinions; and the committee staff's neutral position. Firstly, committee staff members can devote themselves to the scrutiny of bills unlike personal staff members of MPs (six interviewees mentioned this). Personal staff members of MPs have to conduct other tasks (e.g. constituency work, party work and the MP's own policy activities) than the scrutiny of bills, but committee staff members can focus only on the scrutiny of bills. This devotion makes the documents produced by the committee staff so comprehensive that the scrutiny of bills becomes possible only through the documents as explained in chapter 7. Two interviewees explained:

After all, the senior staff member who devotes himself to an issue reviews the bill comprehensively, so it can be said that he/she has high expertise on the issue (Interviewee 189).

Then, then, MPs perceive the same social phenomenon and suggest solutions to it. Several alternatives are submitted, but the offices of MPs seem not to make efforts to understand all the alternatives systematically and identify differences between them. It is natural that we are in charge of the task because they are submitted to us and we manage the alternatives. We review, compare and summarise them comprehensively (Interviewee 094).

Secondly, the opinions of the committee staff are suggested after the process of consultation with diverse policy actors and mediation between them as already discussed. The opinions have the feature of mediated and consulted opinions (eight interviewees mentioned this). To some degree, the opinions are not committee staff members' own opinions, but the opinions of the relevant policy actors themselves. Thus, the opinions are likely to suffice stakeholders in the policy network, so MPs are likely to agree with the opinions unless the opinions affect their own interests much or are contrary to their own beliefs, policy principles or ideologies. A senior staff member emphasised that amendment opinions in the documents for the subcommittee's examination are not his own original opinions:

The opinions are mediated opinions after consultation with government departments and interest groups rather than the committee staff director's original opinions. So, the roles of the committee staff director are to mediate between stakeholders, resolve the confrontation between them and make consulted alternatives rather than to make new and original alternatives and suggest them. Thus, an amendment opinion is included in the document for the subcommittee's examination after sponsoring departments and interest groups agree with it. So, the opinion is agreed by MPs without an objection (Interviewee 008).

Finally, MPs' trust in the committee staff is derived from the neutrality of the committee staff and documents written by them (four interviewees mentioned this). The neutrality of the committee staff includes the political neutrality between parties and being impartial and fair between relevant policy actors (e.g. interest groups). The neutrality of the committee staff enables the consultation and mediation mentioned above. Committee staff members themselves referred to neutrality as one of the norms of committee staff most frequently (28 interviewees mentioned neutrality). According to a former senior staff member, neutrality is the

essential reason that committee staff members have the legal status of career civil servants.

I mentioned about neutrality earlier. It is unique that committee staff members review bills and make oral reports on the bill. The uniqueness is based on the trust that committee staff review bills from their impartial perspectives although there are differing opinions between MPs and parties. So, the trust will be damaged if the review is not balanced. In this regard, the neutrality is *the raison d'être* of committee staff members (Interviewee 186).

MPs' agreement and trust drawn from the comprehensive review of the committee staff; the features of their opinions as consulted and mediated alternatives; and their neutrality become important when an MP gives his/her attention to a bill and wants the bill to be enacted although the bill is not desirable. Although one or two individual MPs in the subcommittee are interested in the bill and want the bill to be enacted, other MPs follow the opinion of the committee staff at least implicitly unless the bill is reasonable and rational. Therefore, it is difficult for a bill to be enacted only because it draws the attention of an individual MP. A committee staff member explained:

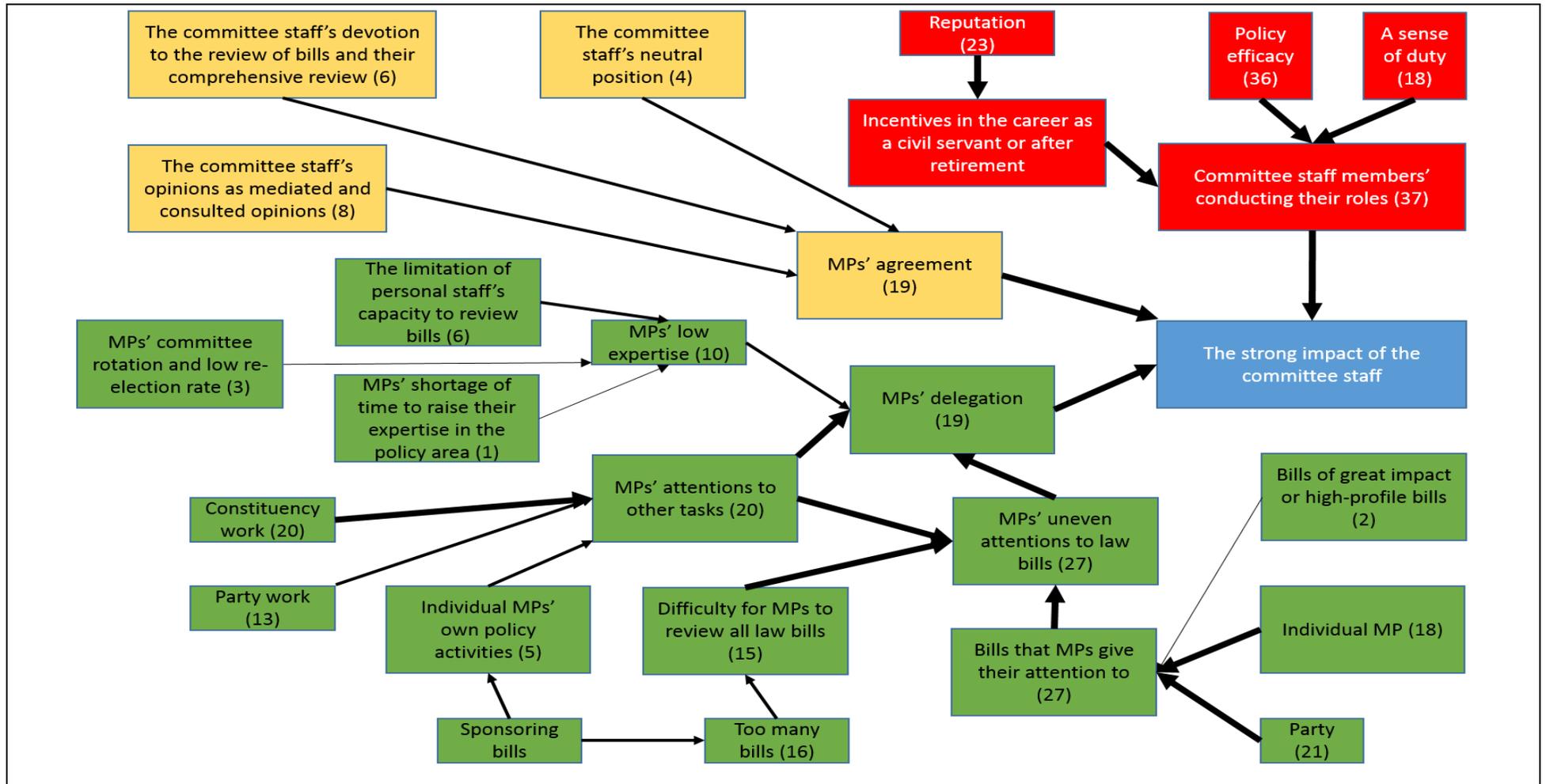
When an MP is interested in such bills, the MP could collide with the committee staff in subcommittee meetings. ... The MP, well, the MP can insist, but such bills are likely to be unbalanced and favourable to a specific group. So, it's the weakness of such bills. It is difficult to get other MPs' agreement (Interviewee 014).

8.2.4. The mechanism in which the policy impact of committee staff is exerted

The summary of the mechanism

The mechanism in which the impact of the committee staff is exerted is depicted in Figure 8.1. First of all, committee staff members conduct their roles due to policy efficacy, a sense of duty and incentives in their career as civil servants or after their retirement. The reputation as a competent committee staff member affects the incentives. They also want to secure influence on government departments and the influence reinforces their policy efficacy and allows them to work with government departments conveniently.

Figure 8.1. Mechanism in which the policy impact of committee staff is exerted



- Numbers in brackets: the numbers of interviewees who mentioned the theme, the width of arrows are differentiated according to the number
- For a detailed version, see appendix 4.1.

On top of that, MPs delegate the scrutiny of bills to the committee staff to some degree. This is because of their low expertise, their attention to tasks other than the scrutiny of bills and their uneven attention to law bills. Firstly, MPs usually have low expertise on the scrutiny of bills. They have to move between committees. The re-election rate of incumbent MPs is low. They have a short time in which to raise their own policy expertise due to their other tasks. The number of personal staff to support them in the scrutiny of bills is small and the personal staff members also have to conduct other tasks.

Secondly, MPs have to give their attention to tasks other than the examination of bills. They have the burden of constituency work and party work. In addition, they have to do their own policy activities. Sponsoring bills is one of the most important policy activities. One of the reasons they sponsor bills is that parties or NGOs evaluate an MP by the number of bills that the MP has sponsored. In addition, when there is a high-profile issue in the media, they sponsor bills related to the issue redundantly to raise their own profile. They also sponsor bills related to their own constituency or interest groups that support them. Needless to say, MPs also sponsor bills that achieve their own policy principles or bills related to policies on which they have expertise.

Thirdly, MPs give uneven attention to law bills. There are too many bills due to the reasons above. Therefore, it is difficult for MPs to review all law bills and MPs need to concentrate their attention on important bills. Bills which have a great impact on the public or bills which are high-profile draw the attention of MPs. An MP's participation in the debate over such bills raises the MP's profile. Bills that are important for an MP's party draw the MP's attention. Those bills are bills related to the party's own policy principles; the policy directions of the executive branch; the interests of the socio-economic class that the party aims to represent; interest groups that have political power; and the interests of a region which supports the party. There are also bills which are important from an individual MP's point of view. Bills related to an individual MP's own constituency, interest groups with which the MP has a relationship draw the MP's attention. Bills on which the MP has expertise or bills related to the MP's ideology also draw the MP's attention. MPs are likely to delegate the scrutiny of bills to the committee staff except those bills that draw their attention. The uneven attention of MPs to law bills corresponds to the finding of Whiteman (1995) on the U.S. Congress

that the number of involved enterprises (the offices of congressmen/women) in the legislative process of a law bill is small and information is unevenly allocated in an issue network related to a law bill.

Last, but not least, MPs' trust and agreement allow the committee staff to have an impact in the legislative process. The trust and agreement are because of the devotion of the committee staff to reviewing bills; the mediated and consulted features of staff members' opinions; and the neutral position of the committee staff. The committee staff can focus on the review of bills unlike MPs and their personal staff members. Their opinions are not their independent and original opinions, but consulted and mediated opinions. Therefore, the opinions are likely to secure agreement from relevant policy actors. The neutral position of the committee staff also enables committee staff to secure MPs' trust and agreement. Due to the trust and agreement, even when an individual MP wants a law bill to be enacted, it is difficult for a bill, to which the committee staff are opposed, to pass unless the bill is rational and reasonable.

The analysis of the mechanism through the theoretical framework and key concepts

The theoretical framework and key concepts set out in chapter 5 is relevant to the analysis of the mechanism of the impact of the committee staff. First of all, the orientations of MPs and committee staff members analysed as below enable MPs' delegation to the committee staff and participation of the committee staff in the legislative process. In the policy network of the scrutiny of government law bills, as discussed in chapter 5, MPs have the orientations of constituency worker, party politician, and policy watchdog and entrepreneur. These orientations not only have self-interested features but are also formed and affected by institutional and historical contexts. On the one hand, when it comes to the self-interested feature, constituency work and party work are directly related to nomination by their party and their re-election, and sponsoring bills as a policy entrepreneur is important for re-election through being evaluated as a good MP by their party or NGOs. On the other hand, these orientation structures are induced from the historical contexts of South Korean parliamentary politics explained in chapter 2. The importance of party work for MPs is due to the regionalism in elections since the democratisation in 1987 and the feature of parliamentary politics as political strife between parties which is the legacy from the era of military dictatorship. The

political strife in the legislature leads to people's distrust in the legislature and has lowered the re-election rate of incumbent MPs. Thus, constituency work has become important. The concentration of national resource in the central government and the dependence of local governments on the central government has made constituency work more important; has had MPs preferring useful committees in securing budget and programmes for their constituency; and has lowered the merit of having policy expertise in the legislature. As Katznelson and Weingast (2005) argue, the orientations of agents are shaped in institutions which are historically constructed. In addition, in the historical contexts, there has been the logic of appropriateness that MPs behave as party politicians and constituency workers, especially in the authoritarian era when politics between parties were a sort of democratic movement and there was no adequate representation of local interests without elected local governments.

Also discussed in chapter 5, committee staff members have orientations to promotion or career concern; participation in making public policy; and commitment to the public interest. The first one is a sort of self-interested orientation from the perspective of rational choice institutionalism, but the orientation is also affected by institutional settings. The legal status of the committee staff as career civil servants makes their reputation important in their career because they have to interact with other colleagues repetitively throughout their career. The second and third orientations are formed and affected by the institutions in which the committee staff are located. Committee staff members have policy efficacy and a related sense of duty as their motivation, which testify to the relevance of PSM theory related to normative institutionalism. As the normative institutionalism expected, they follow 'appropriate actions' identified by their role and function in the legislative process.

The orientation structures of MPs and committee staff members are conducive to MPs delegation to the committee staff and committee staff members' conducting their roles. On the one hand, the scrutiny of government law bills becomes similar to the production of *public goods* for MPs which has no exclusive benefit for them because any individual MP cannot claim exclusive credit from the scrutiny, and does not draw MPs' attention. Moreover, the huge number of law bills and MP's low expertise increase the costs in producing *the public goods* – the scrutiny of law bills. In addition, MPs have a considerable amount of other

work through which they can secure their own political interests (e.g. re-election) and through which they should conduct their appropriate roles formed by institutions. On the other hand, for the committee staff, participation in the scrutiny of government law bills becomes similar to the production of *private goods* which brings about exclusive payoffs for committee staff members and motivates them. First of all, active conducting of their functions helps them to secure a good reputation as a competent staff member. This reputation is useful for them to gain advantage in their career as civil servants or after their retirement. On top of that, it suffices their policy efficacy, commitment to the public interest and sense of duty.

On top of that, the resources and capabilities of the committee staff enable them to get the approval and agreement of MPs in their participation in the legislative process. Firstly, committee staff members have knowledge about the legislative process, technical knowledge about legislation and a certain level of policy expertise as discussed in chapter 5. As discussed in chapter 7, they provide MPs, the sponsoring department and interest groups with the information about the legislative process and technical skills in legislation. In return, they take policy and political information (opinions of relevant interest groups) and data necessary in the scrutiny from the sponsoring department and interest groups and deliver them to MPs. They also take political information (positions of parties or individual MPs) and delegation, which is necessary in consultation with and mediation among other policy actors, from MPs. Through the resource exchange in the policy network, the committee staff occupy the information channel and have informational power.

In addition, the feature of the legislative arena as a policy network requires the existence of a network manager. Major policy actors need other actors' policy resources, and a unilateral decision by a policy actor is difficult in the policy network surrounding the legislative process. In this interdependent network, the committee staff have a neutral status, information and expertise which allow them the possibility of network managing as governance literature contends. As already discussed in chapter 5, differently from other major policy actors (MPs, the executive and interest groups), they are non-partisan and have no political stake in the enactment of a bill, which enables them to play the role of 'honest broker' (Scharpf, 1997, p.145). They occupy the information channel among

policy actors due to their knowledge in legislation, legislative process and policy matters, and are in favourable positions in the channel to provide linkages between actors. They are in charge of working level legislation, which imposes on them the responsibility of managing the legislative process that other actors do not take.

The informational power of the committee staff enables them to review bills comprehensively and provide documents allowing efficient scrutiny in the legislative process. The network managing role of the committee staff produces their mediated and consulted amendment opinions. The comprehensive review and mediated and consulted opinions of the committee staff, along with their neutral position, induce the approval and agreement of MPs to and with them.

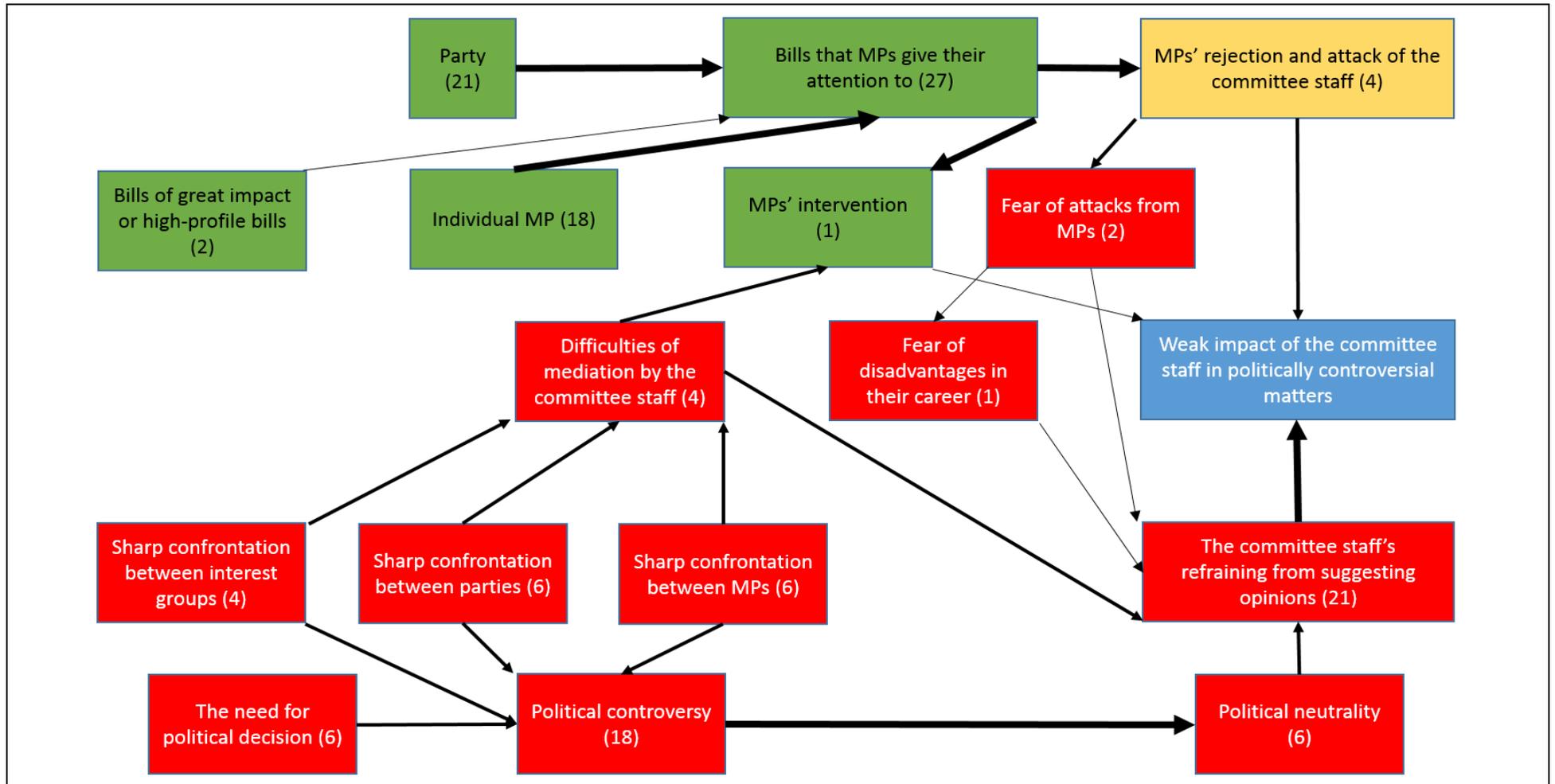
8.3. Factors affecting the impact of the committee staff

If there are variations in the factors depicted in Figure 8.1, the impact of the committee staff could change. The most important factor is MPs' delegation to the committee staff due to the low attention MPs give to the scrutiny of law bills and their low expertise on the bills. As an aside point, the political controversy over a bill is likely to affect MPs' attention. In addition, the technical complexity of bills affects the expertise of MPs and committee staff members over the bills. Therefore, political controversy and technical complexity are two important factors affecting the impact of the committee staff. This section examines these two factors' influence on the impact of the committee staff through, firstly, the analysis on empirical data and then explores other factors' influence through the interview data.

8.3.1. Political controversy

According to the interview data, 32 interviewees answered that their policy impact changes according to the political controversy of bills. Figure 8.2 is the mechanism in which committee staff exerted a weak policy impact in the legislative process of political controversial bills according to the interview data. First of all, MPs withdraw the delegation to the committee staff and actively intervene in the legislative process. It is because controversial bills are likely to make changes in the distribution of values over diverse social groups; affect the

Figure 8.2. Weak impact of the committee staff over politically controversial matters



- Numbers in bracket: the numbers of interviewees who mentioned the theme, the width of arrows are differentiated according to the number
- For a detailed version, see appendix 4.2.

groups' interests; and be related to the political interests of MPs or parties. MPs are likely to give their attention to those bills. Thus, politically controversial bills have similar features to bills drawing MPs attention discussed in the above section. Those bills include bills related to a MP's own party's policy principles, the interests of the socio-economic class or the region that the party aims to represent, politically strong interest groups or an MP's own constituency. Bills of great impact on the public and high-profile bills also draw MPs' attention and are likely to be controversial. The scrutiny of those bills becomes similar to the production of *private goods* which have exclusive benefits for them. MPs can secure their own political interest and conduct their appropriate roles such as being party politicians.

On top of that, committee staff members refrain from suggesting their opinions on those bills. Firstly, the self-restraint is due to the norm of political neutrality. Six interviewees mentioned political neutrality as the reason for refraining from suggesting their opinions in the legislative process of politically controversial bills. If a bill is politically controversial because the bill affects the interests of many people and there are confrontations between interest groups and parties due to the bill, MPs have to make political decisions on the bill as the people's representatives and the parties may have to negotiate to make the decisions. Committee staff members have to keep political neutrality because they are just civil servants and have no democratic legitimacy. As Patterson (1970, pp.29-31) argues, the legislative norm constrains committee staff's activities. This point reveals the relevance of the normative institutionalism. A committee staff member explained:

Well, of course, we don't suggest a specific amendment opinion over politically controversial matters because the process of political negotiation is necessary. We don't advocate a specific opinion over such matters due to the status of the committee staff who should keep their neutrality (Interviewee 070).

Secondly, committee staff members refrain from suggesting their opinions in the legislative process of political controversial bills because of the fear of attack from MPs who give much attention to such bills. MPs are likely to reject and attack committee staff members when the opinions of the committee staff are contrary to their positions in the legislative process of these bills. Moreover, the attacks from MPs could lead to disadvantages over the committee staff member's career

– the staff member is likely to be condemned that he/she is not neutral or impartial. If a committee staff member advocates an opinion in the legislative process of such bills, MPs are likely to attack the committee staff member that the staff member is not politically neutral. Eight interviewees confessed the difficulty in keeping a balance between parties in the legislative process of politically controversial bills, and two interviewees explicitly mentioned that they refrain from suggesting their opinions when MPs' complaints are expected. Two committee staff members stated:

Well, we are civil servants anyway. If we suggest amendment opinions strongly over politically controversial matters, a specific party is likely to attack us that we are not politically neutral (Interviewee 070).

When it comes to difficulties in doing this job, as I've told you several times, well, writing an impartial review report about matters over which there is a confrontation in a neutral position is not easy in fact. It is rather easy to write a report reflecting the position of one side and back it up logically, but we have to deal with the opinions of both sides impartially. So, there are attacks from MPs of other opinions on the spot when the review report seems to be partial to one side even slightly. It's the atmosphere, so we are very careful (Interviewee 008).

To sum up, for the committee staff, active intervention in the legislative process of politically controversial bills is contradictory to both their self-interests and appropriate action ruled by institutional norms. In this situation, committee staff members refrain from intervening in the scrutiny of controversial bills actively.

Finally, as discussed in chapters 5 and 7, the difficulty of mediation by the committee staff in the legislative process of politically controversial bills leads them to refrain from doing so. The amendment opinions of the committee staff are likely to be the results of consultation with and mediation between relevant policy actors as already discussed. In the legislative process of politically controversial bills, however, the consultation and mediation become difficult because there is a sharp confrontation between policy actors. This confrontation is due to the feature of those bills as 'authoritative allocation of values' (Easton 1985, p. 143). There are confrontations between MPs, between parties and between interest groups because those bills affect the distribution of social values

between them. The committee staff have no official authority to arbitrate the confrontation. Therefore, it becomes difficult to suggest amendment opinions to appease all relevant policy actors. This limitation of the mediation by the committee staff induces MPs' intervention in the scrutiny of those bills because they have political resources such as legitimacy, official authority and political knowledge and skills that are necessary for the arbitration between relevant political actors.

Three additional interesting points are revealed according to the interview data. The first one is that the number of politically controversial bills of which MPs withdraw their delegation to committee staff is small compared to that of uncontroversial bills. 12 interviewees explicitly mentioned that the number of politically controversial bills is relatively small. Seven of the 12 interviewees answered that the percentage of bills which are so controversial that the impact of the committee staff becomes weak is from 10 to 20 per cent. The second point is that there are cases in which the committee staff have a strong impact even in the scrutiny of controversial bills. This is because mediation by the committee staff could be necessary over such bills, especially when there are needs for legislation of the bills. A junior legislative researcher mentioned that staff impact becomes stronger when there is a confrontation. Four legislative researchers stated that committee staff members' mediation could become necessary in the scrutiny of a controversial bill when the bill has to be enacted. Two former senior staff members said that there are cases in which MPs request committee staff mediation. A committee staff member stated:

By the way, one point is that there are cases in which the advice of the committee staff has a considerable impact on matters over which the governing party and the opposition party confront each other sharply. So, the committee staff mediate between parties when the bill should be enacted and someone should mediate. The committee staff intervene in many cases. In fact, they intervene unofficially. ... The government department in charge and the committee staff make alternatives for mediation together when the ranking members of the committee and officials in the department meet. We bring the alternatives because the committee staff usually have better political sense than civil servants in government departments. However, the department make the alternatives following the directions of the committee staff. We

suggest the alternatives to MPs, and MPs accept them in most cases. ... Those cases are up to 30 per cent [of controversial bills], aren't they? (Interviewee 143)

The last point is that there is a direct negotiation between the parliamentary leaderships of each party and even MPs of the committee in charge of the scrutiny have no impact when there is such a high controversy over a bill that the results of the scrutiny of the bill could affect the parties. The official legislative process (the scrutiny of the committee, subcommittee and the plenary) is not important. There is a negotiation between parties over the bill, and the committee and subcommittee officially in charge of the bill just resolve the bill according to the result of the negotiation. It is similar to 'venue change' discussed in Baumgartner and Jones (1993, p.34). This point is very important because the committee-centered system for policy expertise in the scrutiny of bills could become nominal due to party politics. A committee staff member described:

I saw such a case for the first time when there was a re-organisation of government departments. How can I call them? Such as parliamentary leadership. They are MPs *in higher, higher positions*, aren't they? They decided all the matters. ... Finally, we just made the committee bill according to their decisions after the decisions. *We didn't do anything really.* ... The features of those bills, there was no role for the committee staff, but there was no role for MPs of the committee, either. MPs of my committee *didn't play any role* in examining the bill. They just resolved according to the direction of MPs *in higher positions*. Similarly, the special committee on the reform of public officials' pensions was established, but MPs *didn't do anything*. There was a separate negotiating body. They just resolved according to the decision from the negotiating body (Interviewee 097).

Overall, the analysis on amendment opinions props up the interview data. Table 8.2 demonstrates the breakdown of total amendment opinions according to the controversy of the bill under scrutiny and initiator(s) of amendment opinions. MPs and others suggest amendment opinions more vigorously in the legislative processes of controversial bills, and staff vice versa. The association between the controversy of the bill under scrutiny and the initiator(s) of amendment opinions is significant according to the chi-square test on the data ($X^2(2) = 32.113$ and $p < 0.001$). The proportion of amendment opinions of the committee staff is

low (41.3%), and those of MPs' amendment opinions and others' amendment opinions are high in the scrutiny of controversial bills (50.0% and 8.7% respectively). Amendment opinions of MPs (n = 103) outnumber those of staff (n = 85) in the scrutiny of controversial bills.

Table 8.2. Controversy and initiator(s) of amendment opinions

Controversy \ Initiator(s)	Staff	MPs	Others	Total
Controversial	85 (41.3%)	103 (50.0%)	18 (8.7%)	206 (100%)
Uncontroversial	361 (62.1%)	203 (34.9%)	17 (2.9%)	581 (100%)
Total	446 (56.7%)	306 (38.9%)	35 (4.4%)	787 (100%)

- $X^2(2) = 32.113$ and $p < 0.001$

Table 8.3. The results of cross tabulation analyses on the relationship between controversy and initiator(s) after controlling for type and policy type

Policy Type \ Type	Non-substantive	Substantive
Distributive	$p = 1.000^*$, n = 62 Odds ratio = 1.021	$X^2(1) = 7.145$, $p = 0.008$, n = 195 Odds ratio = 0.377
Regulative	$p = 0.531^*$, n = 59 Odds ratio = 0.598	$X^2(1) = 0.624$, $p = 0.430$, n = 244 Odds ratio = 0.787
Constituent	$p = 1.000^*$, n = 20 Odds ratio = 0.368	$X^2(1) = 8.125$, $p = 0.004$, n = 65 Odds ratio = 0.228
Extractive	** , n = 7	$p = 0.009^*$, n = 26 Odds ratio = 0.055
Basic laws	$p = 0.010^*$, n = 19 Odds ratio = 0.036	$p = 0.095^*$, n = 48 Odds ratio = 0.211
Laws related to international treaties	** , n = 3	** , n = 1
Etc.	** , n = 1	** , n = 1

* Fisher's exact test

** Cross tabulation analysis cannot be conducted.

- The test is not conducted for irrelevant amendment opinions.

- Odds ratio = the share of staff members' amendment opinions in the scrutiny of controversial bills / that in the scrutiny of uncontroversial bills.

- For the detailed number of amendment opinions, see Appendix 3.2.

The negative association is investigated after controlling for other factors – type of amendment opinions and policy type. Table 8.3 represents the results of cross tabulation analyses on the relationship after the control. The data are collapsed in the same way as table 7.3 in chapter 7. The association is not significant in the categories of non-substantive amendment opinions except basic laws (n = 19, 11.9 per cent of non-substantive amendment opinions analysed). Thus, the negative association is not confirmed in non-substantive amendment opinions. When it comes to substantive amendment opinions, however, the association is significant at $p = 0.05$ level in three categories to which 49.5 per cent of

substantive amendment opinions analysed (286 / 578) belong, and so at $p = 0.10$ level in basic laws ($n = 48$, 8.3 per cent of substantive amendment opinions analysed). One exception is that $p = 0.430$ in substantive amendment opinions on bills related to regulative policy ($n = 244$, 42.2 per cent of substantive amendment opinions analysed). It means that the negative association between the controversy and staff members' amendment opinions is not confirmed in the scrutiny of bills related to regulative policy, in contrast to other policies.

Table 8.4. Initiator(s), controversy and acceptance of amendment opinions

Initiator (s)	Acceptance Controversy	Accepted wholly	Accepted (revised)	Rejected	Bill is killed	Bill is withdrawn	Total
Staff	Controversial	41 (48.2%)	18 (21.2%)	25 (29.4%)	1 (1.2%)	0 (0.0%)	85 (100%)
	Uncontroversial	248 (68.7%)	54 (15.0%)	37 (10.2%)	21 (5.8%)	1 (0.3%)	361 (100%)
	Sub-total	289 (64.8%)	72 (16.1%)	62 (13.9%)	22 (4.9%)	1 (0.2%)	446 (100%)
MPs	Controversial	26 (25.2%)	28 (27.2%)	48 (46.6%)	1 (1.0%)	0 (0.0%)	103 (100%)
	Uncontroversial	30 (14.8%)	45 (22.2%)	119 (58.6%)	9 (4.4%)	0 (0.0%)	203 (100%)
	Sub-total	56 (18.3%)	73 (23.9%)	167 (54.6%)	10 (3.3%)	0 (0.0%)	306 (100%)
Others	Controversial	5 (27.8%)	4 (22.2%)	9 (50.0%)	0 (0.0%)	0 (0.0%)	18 (100%)
	Uncontroversial	9 (52.9%)	5 (29.4%)	2 (11.8%)	1 (5.9%)	0 (0.0%)	17 (100%)
	Sub-total	14 (40.0%)	9 (25.7%)	11 (31.4%)	1 (2.9%)	0 (0.0%)	35 (100%)
Total		359 (45.6%)	154 (19.6%)	240 (30.5%)	33 (4.2%)	1 (0.1%)	787 (100%)

- $X^2(2) = 23.352$, $p < 0.001$ for staff.

- $X^2(2) = 6.460$, $p = 0.041$ for MPs.

- The cases in which the bill is killed or withdrawn are excluded from the tests. The test is not conducted for amendment opinions of others than staff and MPs.

The analysis on the relationship between the controversy of the bill under scrutiny and acceptance of amendment opinions should be conducted to investigate the change of the impact according to the controversy. Table 8.4 shows the initiator(s), the controversy of the bill under scrutiny and acceptance of amendment opinions. The amendment opinions of the committee staff are less successful in the scrutiny of controversial bills than in those of uncontroversial bills. The association is significant according to the chi-square test on the data ($X^2(2) = 23.352$ and $p < 0.001$, the cases in which the bill is killed or withdrawn are excluded from the test). The proportion of amendment opinions accepted without revisions is lower (48.2%) and that of amendment opinions rejected is higher (29.4%) in the scrutiny of controversial bills than those in the scrutiny of uncontroversial bills (68.7% and 10.2% respectively). When it comes to MPs'

amendment opinions, they are more successful in the scrutiny of controversial bills than in that of uncontroversial bills. The association is significant according to the chi-square test on the data ($X^2(2) = 6.460$ and $p = 0.041$, the cases in which the bill is killed or withdraw are excluded from the test).

Table 8.5. The results of cross tabulation analyses about the relationship between controversy and acceptance of staff members' amendment opinions after controlling for type and policy type

Policy Type \ Type	Non-substantive	Substantive
Distributive	$p = 0.485^*$, $n = 52$	$p = 0.529^*$, $n = 89$
Regulative	$p = 0.587^*$, $n = 53$	$p < 0.001^*$, $n = 124$
Constituent	$p = 1.000^*$, $n = 19$	$p = 0.070^*$, $n = 30$
Extractive	$p = 0.429^*$, $n = 7$	$p = 1.000^*$, $n = 8$
Basic laws	$p = 1.000^*$, $n = 12$	$p = 0.066^*$, $n = 14$
Laws related to international treaties	$-^{**}$, $n = 2$	$-^{**}$, $n = 1$
Etc.	$-^{**}$, $n = 0$	$-^{**}$, $n = 0$

* Fisher's exact test

** Cross tabulation analysis cannot be conducted.

- The cases in which the bill is killed or withdrawn are excluded from the tests. The test is not conducted for irrelevant amendment opinions.

- For the detailed number of amendment opinions, see Appendix 3.3.

The negative association between the controversy of the bill under scrutiny and the acceptance of staff members' amendment opinions is investigated after controlling for other factors – type of amendment opinions and policy type. Table 8.5 demonstrates the results of cross tabulation analyses on the relationship. The data are collapsed in the same way as table 7.3 in chapter 7. The association is not significant and the negative association is not confirmed in the categories of non-substantive amendment opinions. When it comes to substantive amendment opinions, the results are different according to policy type. The association is significant at $p = 0.05$ level in regulative policy ($n = 124$, 46.8 per cent of substantive amendment opinions analysed). The association is significant at $p = 0.10$ level in constituent policy ($n = 30$, 11.3 per cent of substantive amendment opinions analysed) and basic laws ($n = 14$, 5.3 per cent of substantive amendment opinions analysed). The associations in distributive policy ($n = 89$, 33.6 per cent of substantive amendment opinions analysed) and extractive policy

(n = 8, 3.0 per cent of substantive amendment opinions analysed) do not demonstrate such significance.

One interesting point is that the negative association is significant in substantive amendment opinions on bills related to regulative policy. It means that the amendment opinions are less likely to succeed in the scrutiny of controversial bills related to regulative policy where the negative association between the controversy and staff members' amendment opinions is not confirmed. However, the association is not significant at such level in the scrutiny of bills related to other policy types in which the relationship between the controversy and initiator(s) shows strong significance. The analysis that fewer amendment opinions suggested by the committee staff in the scrutiny of controversial bills do not show a significant difference in acceptance rate from those in the scrutiny of uncontroversial bills hints that staff members would suggest amendment opinions under the expectation of MPs' reaction to the opinions.

Table 8.6. Controversy and initiator(s) of accepted amendment opinions

Initiator(s) \ Controversy	Staff	MPs	Others	Total
Controversial (n of bills = 23)	59 (48.4%)	54 (44.3%)	9 (7.4%)	122 (100%)
Uncontroversial (n of bills = 262)	302 (77.2%)	75 (19.2%)	14 (3.6%)	391 (100%)
Total	361 (70.4%)	129 (25.1%)	23 (4.5%)	513 (100%)

* $X^2(2) = 37.269$ and $p < 0.001$

It is also necessary to analyse accepted amendment opinions according to the controversy of the bill under scrutiny. Table 8.6 represents the breakdown of accepted amendment opinions (as in chapter 7, those accepted wholly and those accepted with changes) according to the controversy of the bill under scrutiny and initiator(s) of amendment opinions. Overall, there are relatively fewer amendment opinions of staff in the scrutiny of controversial bills, the association between the controversy of the bill under scrutiny and the initiator(s) of amendment opinions is significant according to the chi-square test on the data in table 8.6 ($X^2(2) = 37.269$ and $p < 0.001$). The proportion of staff members' amendment opinions in the legislative processes of controversial bills is low (48.4%). The proportion of MPs' amendment opinions in the scrutiny of controversial bills is much higher (44.3%) than that in the scrutiny of uncontroversial bills (19.2%).

Table 8.7. The results of cross tabulation analyses about the relationship between controversy and initiator(s) after controlling for type and policy type (accepted amendment opinions)

Policy Type \ Type	Non-substantive	Substantive
Distributive	p = 0.515*, n = 54 Odds ratio = 0.558	X ² (1) = 6.005, p = 0.014, n = 112 Odds ratio = 0.317
Regulative	p = 0.258*, n = 51 Odds ratio = 0.140	X ² (1) = 8.305, p = 0.004, n = 154 Odds ratio = 0.325
Constituent	p = 1.000*, n = 19 Odds ratio = 0.333	X ² (1) = 10.252, p = 0.001, n = 46 Odds ratio = 0.125
Extractive	** , n = 7	p = 0.167*, n = 9 Odds ratio = 0.182
Basic laws	p = 1.000*, n = 12 Odds ratio = 0.429	p = 0.008*, n = 25 Odds ratio = 0.043
Laws related to international treaties	** , n = 3	** , n = 1
Etc.	** , n = 0	** , n = 0

* Fisher's exact test

** Cross tabulation analysis cannot be conducted.

- The test is not conducted for irrelevant amendment opinions.
- Odds ration = the share of staff member's amendment opinions in the scrutiny of controversial bills / that in the scrutiny of uncontroversial bills.
- For the detailed number of amendment opinions, see Appendix 3.4.

The negative association is investigated after controlling for other factors – type of amendment opinions and policy type. Table 8.7 demonstrates the results of cross tabulation analyses on the relationship. The data are collapsed in the same way as above. The association is not significant in the categories of non-substantive amendment opinions. Thus, the negative association is not confirmed in non-substantive amendment opinions. When it comes to substantive amendment opinions, however, the association is significant at p = 0.05 level except in extractive policy (n = 9, 2.6 per cent of substantive amendment opinions analysed).

To sum up, when it comes to substantive amendment opinions, it can be said that the impact of the committee staff becomes smaller in the scrutiny of controversial bills even after controlling for other factors. The controversy is negatively associated with staff members' suggesting amendment opinions (except in the scrutiny of bills related to regulative policy) and the share of staff members' in accepted amendment opinions. Although the negative association is not confirmed in the scrutiny of bills related to regulative policy, their opinions are less likely to succeed in the scrutiny of controversial bills. One important point is that, except in the scrutiny of bills related to regulative policy, the committee staff seem to suggest amendment opinions under the anticipation of whether the

opinions will be accepted or not because there is no significant difference in the acceptance of their amendment opinions between the scrutiny of controversial bills and uncontroversial bills, which is different from the suggestion of amendment opinions. For non-substantive amendment opinions, however, the negative association is not confirmed after the control. The association is not significant for the success of staff members' amendment opinions and their share of total amendment opinions (except those in the scrutiny of bills related to basic laws) and accepted ones.

8.3.2. Technical complexity

According to the interview data, 11 interviewees answered that their policy impact is affected by the technical complexity of the matters being scrutinised. The technical complexity includes the technicality of the policy that the bill deals with and the technicality of the bill in legal aspects. The technical complexity of a bill is related to the cost that it takes for MPs to intervene in the scrutiny of the bill. If a bill is technical and complex, the cost increases because MPs have to invest much time to review the bill and the opportunity cost of the investment for MPs having many other tasks increases. Therefore, MPs are likely to delegate technical matters in the scrutiny of the bill to committee staff. A committee staff member explained:

The impact would be different according to bills. Well, there is little room for committee staff's opinions to be accepted in the scrutiny of such bills that increase the corporation tax, but the opinions are much accepted in detailed modification or changes under the general policy direction. ... in some detailed and technical matters, but those matters are not unimportant, definitely not, such as a change in the application scope of the Act. The room for the committee staff to intervene seems to be wider in those detailed and technical bills (Interviewee 088).

The statistics in chapter 7 (table 7.1) that the committee staff suggest more amendment opinions in legal aspects, such as wording and structure of a law bill, than in policy aspects is explained by the technicality. The legal technicality of law bills requires much knowledge of laws and legislation, but MPs, except those from legal professions, are not likely to have such knowledge. Therefore, it is likely that MPs delegate the legal matters to the committee staff and the

committee staff suggest many amendment opinions and have them accepted. According to the interview data, nine interviewees stated that the committee staff have a greater impact on legal matters such as wording and structure. A junior legislative researcher explained:

MPs trust committee staff in the aspects of wording and structure. ... Well, I am saying that the impact of committee staff is strong over the technical matters in the legislative process, such as wording and structure (Interviewee 162).

When there is little difference between the expertise of MPs and that of committee staff or the committee staff have low expertise due to the high technicality of the policies being dealt with in a bill, the delegation by MPs to the committee staff could be withdrawn. In the first case, if there are some MPs who have high expertise on the bill being scrutinised, they do not depend on documents produced by the committee staff in the general debate or subcommittee stage. The second case is trickier. MPs withdraw the delegation to the committee staff, but they become dependent on the sponsoring department because they do not have the expertise necessary in the scrutiny of the bill. Then, the impact of the executive branch in the legislative process becomes greater. Asked about the policy impact of the committee staff in the legislative process, a committee staff member confessed:

To be frank, when it comes to the role of the staff in my committee, we depend on the executive branch a lot because we have many specialised acts. We suggest opinions on legal matters or issues, but there is little room for the committee staff to intervene in policy matters due to the feature of bills. ... We cannot suggest many opinions, to be frank, due to the specialty. ... When the subcommittee deals with detailed matters, MPs discuss with the executive branch because it is difficult for us with low expertise to suggest opinions on such matters. ... There are committees in which we can work with common sense or knowledge that committee staff members already have, but my current committee has many bills that it is difficult to handle with general common sense. So, committee staff members feel a little bit of difficulty in decision making (Interviewee 143).

The amendment analysis in this thesis can be used to examine the relationship between the technicality in legal aspects and the impact of the committee staff. This is because the type of amendment opinion reflects the technicality in legal aspects. Suggesting amendment opinions on wording and structure requires technical knowledge in legislation. Table 7.1 in chapter 7 demonstrates that the share of amendment opinions of the committee staff is greater in non-substantive amendment opinions (wording and structure) than substantive amendment opinions (minor, major (change) and major (elimination)). The association between initiator(s) (staff and MPs) and type is significant according to the chi-square test on the data in table 7.1 ($X^2(5) = 94.290$ and $p < 0.001$, amendment opinions of others than staff and MPs are excluded from the tests).

Table 8.8. The results of cross tabulation analyses on the relationship between type and initiator(s) after controlling for controversy and policy type

Controversy Policy Type	Controversial	Uncontroversial
Distributive	$p = 0.011^*$, $n = 48$ Odds ratio = 12.923	$X^2(1) = 15.948$, $p < 0.001$, $n = 209$ Odds ratio = 4.769
Regulative	$p = 0.060^*$, $n = 65$ Odds ratio = 7.250	$X^2(1) = 23.638$, $p < 0.001$, $n = 238$ Odds ratio = 9.583
Constituent	$X^2(1) = 11.450$, $p = 0.001$, $n = 45$ Odds ratio = 20.909	$p = 0.081^*$, $n = 40$ Odds ratio = 9.279
Extractive	$p = 0.002^*$, $n = 18$ Odds ratio = 52.000	$p = 0.505^*$, $n = 15$ Odds ratio = 2.143
Basic laws	$p = 1.000^*$, $n = 23$ Odds ratio = 1.500	$X^2(1) = 7.736$, $p = 0.005$, $n = 44$ Odds ratio = 8.708
Laws related to international treaties	** , $n = 0$	$p = 1.000^*$, $n = 4$ Odds ratio = 0.556
Etc.	** , $n = 0$	** , $n = 2$

* Fisher's exact test

** Cross tabulation analysis cannot be conducted.

- Irrelevant amendment opinions are excluded from the tests.

- Odds ratio = the share of staff members' amendment opinions in non-substantive amendment opinions / that in substantive amendment opinions

- For the detailed number of amendment opinions, see Appendix 3.5.

The association is investigated after controlling for other factors – the controversy of the bill under scrutiny and policy type. Table 8.8 represents the results of cross tabulation analyses on the relationship. The data are collapsed in the same way as table 7.3 in chapter 7. The association is significant at $p = 0.05$ level in the categories to which 80.4 per cent of amendment opinions analysed (602 / 749) belong, and so at $p = 0.10$ level in the categories to which 14.0 per cent of amendment opinions analysed (105 / 749) belong. Overall, staff members

are more likely to suggest non-substantive amendment opinions although the association is not confirmed in some categories.

Table 8.9. Initiator(s), type and acceptance of amendment opinions

Initiator(s)	Acceptance Type	Accepted wholly	Accepted (revised)	Rejected	Bill is killed	Bill is withdrawn	Total
Staff	Non-substantive	115 (77.7%)	21 (14.2%)	9 (6.1%)	2 (1.4%)	1 (0.7%)	148 (100%)
	Substantive	167 (58.6%)	47 (16.5%)	52 (18.2%)	19 (6.7%)	0 (0.0%)	285 (100%)
	Irrelevant	7 (53.8%)	4 (30.8%)	1 (7.7%)	1 (7.7%)	0 (0.0%)	13 (100%)
	Sub-total	289 (64.8%)	72 (16.1%)	62 (13.9%)	22 (4.9%)	1 (0.2%)	446 (100%)
MPs	Non-substantive	5 (33.3%)	1 (6.7%)	9 (60.0%)	0 (0.0%)	0 (0.0%)	15 (100%)
	Substantive	49 (18.0%)	68 (25.0%)	145 (53.3%)	10 (3.7%)	0 (0.0%)	272 (100%)
	Irrelevant	2 (10.5%)	4 (21.1%)	13 (68.4%)	0 (0.0%)	0 (0.0%)	19 (100%)
	Sub-total	56 (18.3%)	73 (23.9%)	167 (54.6%)	10 (3.3%)	0 (0.0%)	306 (100%)
Others	Non-substantive	3 (37.5%)	1 (12.5%)	4 (50.0%)	0 (0.0%)	0 (0.0%)	8 (100%)
	Substantive	8 (34.8%)	8 (34.8%)	6 (26.1%)	1 (4.3%)	0 (0.0%)	23 (100%)
	Irrelevant	3 (75.0%)	0 (0.0%)	1 (25.0%)	0 (0.0%)	0 (0.0%)	4 (100%)
	Sub-total	14 (40.0%)	9 (25.7%)	11 (31.4%)	1 (2.9%)	0 (0.0%)	35 (100%)
Total		359 (45.6%)	154 (19.6%)	240 (30.5%)	33 (4.2%)	1 (0.1%)	787 (100%)

- $X^2(2) = 15.568$, $p < 0.001$ for staff

Value = 3.795, $p = 0.147$ (Fisher's exact test) for MPs

- Irrelevant amendment opinions and the cases in which the bill is killed or withdrawn are excluded from the tests. The test is not conducted for amendment opinions of others.

The analysis on the relationship between the type and acceptance of amendment opinions should be conducted to investigate the change of impact according to the technical complexity. Table 8.9 demonstrates the initiator(s), type and acceptance of amendment opinions. The amendment opinions of the committee staff are more successful when it comes to non-substantive matters than to substantive matters. The association is significant according to the chi-square test on the data ($X^2(2) = 15.568$ and $p < 0.001$). The proportion of non-substantive amendment opinions accepted without revisions is higher (77.7%) and that of amendment opinions rejected is lower (6.1%) compared to substantive amendment opinions (58.6% and 18.2% respectively). When it comes to MPs' amendment opinions, the association is not significant ($p = 0.147$ (Fisher's exact test), irrelevant amendment opinions and the cases in which the bill is killed or withdraw are excluded from the test).

Table 8.10. The results of cross tabulation analyses on the relationship between type and acceptance of staff members' amendment opinions after controlling for controversy and policy type

Controversy Policy Type	Controversial	Uncontroversial
Distributive	p = 0.288*, n = 19	X ² (2) = 5.439, p = 0.066, n = 122
Regulative	p = 0.227*, n = 35	p = 0.581*, n = 142
Constituent	p = 0.500*, n = 20	p = 0.412*, n = 29
Extractive	p = 0.200*, n = 5	p = 0.033*, n = 10
Basic laws	p = 0.333*, n = 3	p = 1.000*, n = 23
Laws related to international treaties	-**, n = 0	-**, n = 3
Etc.	-**, n = 0	-**, n = 0

* Fisher's exact test

** Cross tabulation analysis cannot be conducted.

- Irrelevant amendment opinions and the cases in which the bill is killed or withdrawn are excluded from the tests.

- For the detailed number of amendment opinions, see Appendix 3.6.

The association between type and acceptance of staff members' amendment opinions is investigated after controlling for other factors – the controversy of the bill under scrutiny and policy type. Table 8.10 represents the results of cross tabulation analyses on the relationship. The data are collapsed in the same way as table 7.3 in chapter 7. The association is significant at p = 0.05 level in amendment opinions on uncontroversial bills related to extractive policy (n = 10, 2.5 per cent of amendment opinions analysed), and so at p = 0.10 level in amendment opinions on uncontroversial bills related to extractive policy (n = 122, 29.9 per cent of amendment opinions analysed). The association is not significant in other categories. Overall, the association is not confirmed after controlling for other factors. Similar to the analysis on the relationship between the political controversy and the acceptance of staff members' amendment opinions, the analysis hints at the existence of staff members' anticipated reaction because there is no significant difference in the acceptance between substantive amendment opinions and non-substantive ones.

It is also necessary to analyse accepted amendment opinions according to their type. Table 7.5 in chapter 7 demonstrates that staff members' share of accepted amendment opinions is greater in non-substantive amendment opinions (wording and structure) than substantive amendment opinions (minor, major (change) and

major (elimination)). The association between initiator(s) (staff and MPs) and type is significant according to the chi-square test on the data in table 7.5 ($X^2(5) = 62.357$ and $p < 0.001$, amendment opinions of others than staff and MPs are excluded from the test).

Table 8.11. The results of cross tabulation analyses on the relationship between type and initiator(s) after controlling for controversy and policy type (accepted amendment opinions)

Controversy Policy Type	Controversial	Uncontroversial
Distributive	$p = 0.086^*$, $n = 30$ Odds ratio = 7.800	$X^2(1) = 7.668$, $p = 0.006$, $n = 136$ Odds ratio = 4.437
Regulative	$p = 0.093^*$, $n = 41$ Odds ratio = 7.600	$X^2(1) = 13.592$, $p < 0.001$, $n = 164$ Odds ratio = 17.706
Constituent	$p = 0.006^*$, $n = 31$ Odds ratio = 18.000	$p = 0.006^*$, $n = 34$ Odds ratio = 5.098
Extractive	$p = 0.008^*$, $n = 9$ Odds ratio = 99.000	$p = 0.429^*$, $n = 7$ Odds ratio = 7.000
Basic laws	$p = 0.125^*$, $n = 8$ Odds ratio = 45.000	$p = 0.110^*$, $n = 29$ Odds ratio = 6.364
Laws related to international treaties	-**, $n = 0$	$p = 1.000^*$, $n = 4$ Odds ratio = 0.556
Etc.	-**, $n = 0$	-**, $n = 0$

* Fisher's exact test

** Cross tabulation analysis cannot be conducted.

- Irrelevant amendment opinions are excluded from the tests.

- Odds ratio = the share of staff members' amendment opinions in non-substantive amendment opinions / that in substantive amendment opinions

- For the detailed number of amendment opinions, see Appendix 3.7.

The association is investigated after controlling for other factors – the controversy of the bill under scrutiny and policy type. Table 8.11 represents the results of cross tabulation analyses on the relationship. The data are collapsed in the same way as above. The association is significant at $p = 0.05$ level in five categories to which 75.9 per cent of amendment opinions analysed (374 / 493) belong and so at $p = 0.10$ level in two categories to which 14.4 per cent of amendment opinions analysed (71 / 493) belong. Overall, the share of staff members' amendment opinions is likely to be greater in non-substantive matters than substantive matters although the association is not confirmed in some categories.

To sum up, it can be said that the impact of the committee staff becomes greater in legally technical matters. Overall, the technicality in legal aspects seems to positively affect staff members' suggestion of amendment opinions and the share of staff members in accepted amendment opinions although the association is

not confirmed in some categories. However, the positive relationship between the technicality in legal aspects and the success of staff members' amendment opinions is not confirmed, which also implies the existence of an anticipated reaction by staff members similar to the analysis on the impact of political controversy.

8.3.3. Other factors affecting the impact of the committee staff

The interview data revealed that factors other than the above two factors – political controversy and technical complexity – may affect the impact of the committee staff in the scrutiny of government law bills. They are the personality and ability of the committee staff members (seven interviewees) and the workload and atmosphere of the committee (three interviewees). The factors can be explained through the mechanism in Figures 8.1 and 8.2.

Firstly, it seems that the personality and ability of the committee staff member affects the impact of the committee staff. Above all, the personality of a committee staff member could affect the subjective risk of suggesting amendment opinions, the influence of the norm of political neutrality and the motivation for suggesting their opinions. If a senior committee staff member has a risk-averse personality, he/she is likely to refrain from suggesting amendment opinions. If the committee staff member is a sort of pure policy entrepreneur in Price (1971, p.324), he/she is less likely to be affected by the norm of political neutrality. If the committee staff member has a strong orientation to policy efficacy, he/she is likely to pursue the payoffs from suggesting his/her opinions and having them accepted. After that, the ability of a committee staff member could affect MPs' trust and agreement. If the explanation given by the committee staff member about bills is not good, the document produced by him/her is not comprehensive and cannot guide the scrutiny of bills, or his/her policy expertise is low, MPs cannot trust him/her and may withdraw their delegation to the committee staff member. A committee staff member described:

I want to apply the judicial activism and judicial restraint discussed in laws. If committee staff members have activism, there could be cases in which they suggest very meaningful ideas or productive alternatives and have them accepted by MPs. Conversely, if they show restraint, they just introduce the opinions of stakeholders such as the governing party, the opposition party,

NGOs, interest groups or the executive branch, just show the opinions and leave the matters with MPs. They can be passive. I understand in such a way ... that (whether a committee staff member shows activism or restraint) depends on the atmosphere of the committee, such as MPs' tacit approval, with the ability of the committee staff members (Interviewee 037).

Secondly, the workload and atmosphere of a committee could affect the policy impact of committee staff of the committee. To begin with, if the workload of the committee is heavy, MPs' attention to an individual bill is likely to be low. Therefore, the impact of the committee staff is likely to be strong in a committee with a heavy workload. Next to that, if the atmosphere of the committee is not favourable to committee staff members guiding the legislative process, it becomes difficult for the committee staff to exert their policy impact because MPs do not delegate to the committee staff. The atmosphere is affected by many factors mentioned so far, but a factor which is not mentioned above is the personality of the ranking members of the committee. A former senior staff member confessed that his impact became weak after a change of the ranking members of his committee:

It is different according to the personality of ranking members in advance mediation. For example, all of the ranking members were cooperative before - ---, so the chief of staff played his role significantly. But, after ----, MP ---- became the ranking member of the ---- party. He has a unique personality. He wants to decide for himself over all matters. ... So, there are cases in which the committee staff play an active role, but there are cases in which they cannot play the role according to the personality of the ranking members (Interviewee 194).

8.4. The nature of the impact of the committee staff

Although the committee staff in the legislature of South Korea seems to exert a substantive impact in the scrutiny of government law bills, it can be said that the impact is not an autonomous one, which is not controlled by MPs. As discussed in chapter 5, they depend on MPs in the legislative process in the supply of legitimacy in official decision making. Some of their knowledge in policy aspects depends on the sponsoring departments and interest groups. Although the cases

are rare, the sponsoring department and interest groups can bypass the committee staff in the information channel as explained in chapter 7. They need relevant policy actors' agreement because the disagreement among policy actors in the subcommittee meetings delays the scrutiny of a law bill and is detrimental to the efficiency of the scrutiny which is called for by MPs. For these reasons, the committee staff have to cooperate with other policy actors in the legislative process, especially with MPs, which causes the following features in the support of the committee staff for the scrutiny of government law bills.

Firstly, the staff members work under an anticipated reaction. They have to expect other actors' response to their amendment opinions in the preparation of them. The sponsoring department and interest groups can raise disagreements with the committee staff in the committee or subcommittee meetings although the case is rare as explained in chapter 7. The committee staff do not want such disagreement not only because their amendment opinions are not accepted by MPs but because they can be blamed by MPs for insufficient preparation for the scrutiny. Moreover, the committee staff have to consider MPs in their work. MPs may attack the committee staff in the committee or subcommittee meetings if the amendment opinions of the committee staff are contrary to their political interests or policy principles, especially in the scrutiny of controversial bills. The attack from MPs can be detrimental to the staff member's reputation. For example, the reputation as impartial staff can be damaged when MPs accuse the committee staff that their opinions are not politically impartial.

Secondly, as demonstrated in chapter 7 and section 8.2, the committee staff have to conduct consultations with and mediation between other policy actors and their opinions are not their own, but consulted and mediated ones. The writing process of the review report of the committee staff includes consultation with the sponsoring department and relevant policy actors. That of the document for the subcommittee's examination also includes the consultation and, a step further, mediation between sponsoring departments and other relevant actors which become necessary for the preparation of amendment opinions. The amendment opinions of the committee staff prepared in this way and suggested in the subcommittee meetings are not ones that the committee staff have formulated based only on their knowledge of policy and legislation. The opinions come from the interaction among relevant policy actors.

Thirdly, the impact of the committee staff depends on the mechanism in which the motivation of the committee staff to conduct their roles; MPs' delegation to them to some degree; and MPs' trust and agreement with them are indispensable factors. These factors are affected by the features of bills, such as political controversy and technical complexity, and many other factors. When it comes to the technical complexity, it affects the motivation of the committee staff and MPs' delegation to them positively and makes the policy resources of staff members more valuable. Thus MPs tend to delegate technically complex matters to the committee staff as demonstrated in the interview data. The amendment analysis reveals that the committee staff have more impact on legally technical matters. However, the political controversy affects the motivation of the committee staff and MPs' delegation to them negatively as discussed in section 8.3.; it makes the mediation by the committee staff more difficult; and it makes the policy resources of MPs more valuable. As demonstrated in the interview data, committee staff members think that their impact becomes weaker in the scrutiny of controversial bills. The amendment analysis in section 8.3 reveals that the controversy and the impact of the committee staff have a negative association over substantive matters. The weak impact of the committee staff is revealed in table 8.12 demonstrating that, when it comes to the scrutiny of controversial bills, the amendment opinions on substantive matters of MPs outnumber those of the committee staff both in total amendment opinions and accepted ones.

Table 8.12. Initiator(s) of amendment opinions and accepted ones on substantive matters in the scrutiny of controversial bills

Initiator(s)	Staff	MPs	Others	Total
Total	55 (33.7%)	96 (58.9%)	12 (7.4%)	163 (100%)
Accepted	32 (35.6%)	50 (55.6%)	8 (8.9%)	90 (100%)

To sum up, the impact of the South Korean committee staff in the scrutiny of government law bills is not an autonomous one, which is not controlled by MPs. They depend on other policy actors in the scrutiny, and MPs' cooperation with them is indispensable in their work. They work under the anticipation of MPs' response to their opinions which will be suggested in the committee or subcommittee meetings. Their amendment opinions have consulted and mediated features. Their impact in the scrutiny depends on MPs' delegation, trust

and agreement. The impact of the committee staff becomes weaker in the situation where it is difficult for them to get the delegation, trust and agreement. For example, the impact of the committee staff becomes weaker in the scrutiny of the controversial bills.

8.5. Summary and Conclusion

This chapter addresses the detailed mechanism through which the committee staff exert their impact in the scrutiny of government law bills; the factors affecting the impact; and the nature of the impact. First of all, the three important factors in the mechanism of staff members' impact – the motivation of committee staff members in their work; MPs' delegation of the scrutiny of bills to the committee staff to some degree; and MPs' trust and agreement – are identified through the interview data. In the mechanism, the interaction between MPs and the committee staff are analysed through the theoretical framework and key concepts set in chapter 5. The orientations of MPs and committee staff members that are identified in the interview data and analysed from the perspective of new institutionalism are conceived to induce MPs' delegation to the committee staff and committee staff members' active conducting of roles respectively. The resources and capabilities of the committee staff, especially their informational power and network managing status, enable them to get the approval and agreement of MPs.

On top of that, when it comes to the factors affecting the role and impact of the committee staff, this thesis pays attention to the political controversy and technical complexity (both in legal and policy aspects) of the bill under scrutiny because the features can affect the features of the network; the values of resources which MPs and the committee staff have; and their orientations. Political controversy may increase the level of conflict among actors and make network management by committee staff members difficult. The political controversy may make the values of MPs' resources more important and stimulate their motivations, and vice versa for the resources and motivations of committee staff members. The technical complexity may have opposite effects to the capabilities and orientations of MPs and committee staff members. Therefore, political controversy may make the role of the committee staff more passive and

decrease their impact in the legislative process, but technical complexity may make the role of the committee staff more active and increase their impact in the legislative process.

Finally, the nature of the impact of the committee staff is addressed based on the feature of the work of the committee staff. The impact of the committee staff is not an autonomous one, which is uncontrolled by MPs. They work under the consideration of other policy actors' responses to their amendment opinions, especially considering that of MPs. Their amendment opinions are consulted and mediated ones. The impact depends on the cooperation of other policy actors, especially delegation by MPs. Thus, their impact is affected by other factors, such as the political controversy and technical complexity. When it comes to substantive amendment opinions in the scrutiny of controversial bills, it is demonstrated that MPs' amendment opinions outnumber those of the committee staff according to the amendment analysis.

The analysis in this chapter tries to investigate the mechanism through which the committee staff exert their impact using the theoretical framework and key concepts set from the perspectives of policy network theory and new institutionalism. From the investigation, the analysis gives its attention to the nature of issue – political controversy and technical complexity – as the factors affecting staff impact independently from the previous literature about the factors in the U.S. This is because the committee staff system in the South Korean legislature, which is comprised of non-partisan staff members and career civil servants, is different from that in the U.S. which is comprised of partisan staff members appointed by the committee chair. In addition, this chapter tries to address the nature of the impact of the committee staff based on the analysis so far.

So far, important issues in this thesis have been addressed. The next stage is to validate the findings more and provide concrete examples of specific individual legislative processes. The work is done through legislative case studies in the next chapter.

9. Legislative Case Study

9.1. Introduction

The aim of this chapter is a detailed comparison of the role of the committee staff in the individual legislative process according to the degree of political controversy and technical complexity of a law bill. For this purpose, case studies are conducted. Four cases are selected according to the degree of two key variables (political controversy and technical complexity) – the *bill for partial amendment of State Public Officials Act (1902217)* (for re-categorisation of civil servants, low political controversy and high technical complexity), the *bill for partial amendment of State Public Officials Act (1901362)* (for the introduction of affirmative action for North Korean refugees, low political controversy and low technical complexity), the *bill for whole amendment of Government Organisation Act (1903484)* (for administrative reorganisation, high political controversy and high technical complexity) and the *bill for partial amendment of Public Official Election Act (1814689)* (for constituency demarcation, high political controversy and low technical complexity).

Table 9.1. The Four cases according to political controversy and technical complexity

Controversy \ Complexity	High	Low
	Low	Re-categorisation of civil servants
High	Administrative reorganisation	Constituency demarcation

The case studies follow the logic of most similar systems design (Przeworski and Teune, 1982, ch.2) in order to avoid omitted variable bias as much as possible (King, Keohane and Verba, 1994, p.168). The four cases are in the area of constituent policy according to Lowi (1972). Except for the fourth case (constituency demarcation), the bills were in the jurisdiction of the same ministry of the executive (the Ministry of Public Administration and Security) and examined in the same standing committee (the Public Administration and Security Committee) of the 19th National Assembly. The fourth case was dealt with at the end of the 18th National Assembly in the Special Committee on Political Reform, but the committee staff of the special committee were those of the Public Administration and Security Committee.

Official documents (initial bills, final bills, minutes of meetings, reports of the committee staff director), unpublished documents of committees and relevant ministries, news articles in the media (in the third and fourth case), and experiences of the researcher who participated in the legislative processes are used as sources of data. The researcher participated directly in the first, second, and third cases as the legislative researcher in charge of the bills, and the fourth bill was examined in the special committee that the researcher worked for as a committee staff member.

9.2. Re-categorisation of Civil Servants in 2012

9.2.1. Background

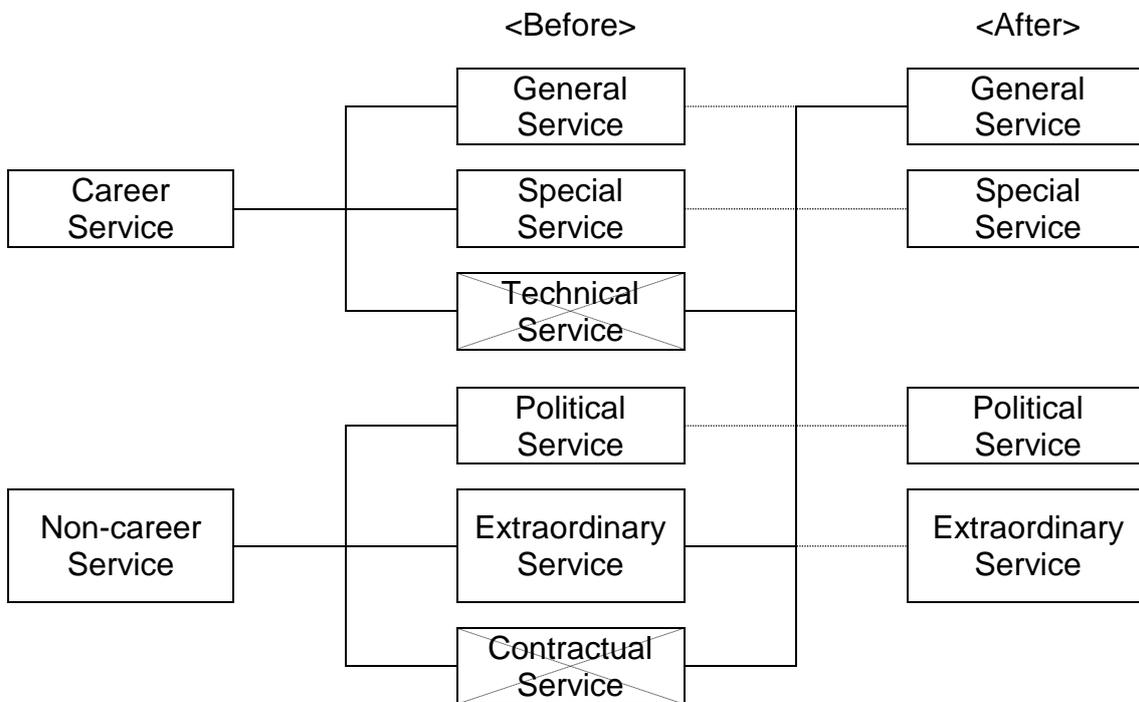
The *bill for partial amendment of State Public Officials Act (1902217)* was to re-categorise civil servants and to rearrange the clauses of the act and other relevant acts accordingly. Civil servants in South Korea were categorised into six groups when the bill was submitted. The six groups were: general service; special service (e.g. judges, public prosecutors, foreign service officials, police officers, fire officers, public educational officials, members of armed forces, etc.); technical service (public officials in charge of technical affairs, who are classified by function); political service (public officials who are elected; whose appointment requires the approval of the National Assembly; or who are in charge of affairs regarding sophisticated policy decision-making or of assisting such affairs); extraordinary civil service (public officials who are appointed based on separate qualification requirements to be in charge of specific affairs and who are designated as public officials in extraordinary service), and contractual service (public officials who are engaged in affairs requiring expert knowledge, technical skills or requiring flexibility, etc. in their appointment, for a specific period under an employment contract with the State) (*State Public Officials Act 1963, art. 28*). The categorisation of civil servants was set in 1981.⁹ The categorisation had been criticised because it was too complex for an efficient personnel management of civil servants and it demoralised civil servants in technical service, extraordinary

⁹ The amendments in 1981 to the Act categorised civil servants into seven groups. Labour service, however, was abolished at 2011. With the exception of the amendment, the general principle of the civil servant categorisation scheme can be said to have been set in 1981.

service and contractual service due to the personnel management focusing on civil servants in general service (Lee and Jin, 2014).

The major substance of the bill was that the six groups were to be reorganised into four groups. In particular, technical service and contractual service were to be merged into general service; civil servants in contractual service were to be incorporated into general service, but they were to be appointed for a limited period (fixed-term appointments); some civil servants in extraordinary service were to be incorporated into general service and appointed as professional career officials in a specific area. (The *bill for partial amendment of State Public Officials Act (1902217)*, explanatory preamble) These changes can be summarised as figure 9.1.

Figure 9.1. Re-categorisation of civil servants



Source: reconstructed from Ministry of Public Administration and Security (2012)

The change of the civil servant categorisation scheme was attempted by the executive branch to secure a simple categorisation that enables efficient human resource management, and to raise morale of civil servants in technical service and contractual service through better treatment by including them into general service (The *bill for partial amendment of State Public Officials Act (1902217)*, explanatory preamble). This bill was very complex in the technical aspect and the scrutiny of the bill needed expertise and knowledge about the personnel management system for civil servants. (The bill amended twenty four articles

which comprised 20 percent of the act and amended 40 other relevant laws.) The bill, however, was an uncontroversial bill, especially in the political aspect because there is no explicit cost to be borne by a specific group and the general public have no interest in the bill.

9.2.2. The legislative process

The pre-legislative process

The executive branch decided to change the categorisation scheme in April 2011. The Ministry of Public Administration and Security was in charge of the reform. The ministry set the Commission for the Change of the Civil Servant Categorisation Scheme that was comprised of eighteen members, which included experts in academia, representatives of civil service unions and senior civil servants in June 2011, and had a number of meetings to form the policy for the reform (Ministry of Public Administration and Security, 2012). The Commission and the ministry had decided specific policies in July 2012. After public hearings and pre-announcement of legislation, the policies were translated into a law bill and submitted to the National Assembly on 17 October 2012 (Ministry of Public Administration and Security, 2012).

The review of the bill by the committee staff

The review report of the committee staff on the bill agreed with the general direction of the change of the civil servant categorisation scheme reflected in the bill, but identified several problems in the bill. Firstly, the report pointed out that the introduction of professional career officials into the *State Public Officials Act* was not in accord with the structure of the act and hindered autonomous personnel management of the legislature and the judiciary. The report recommended that it would be better to introduce professional career officials, if necessary, through secondary legislation. Secondly, the report pointed out that it would be undesirable for the bill to rule professional career officials' leave differently from that of general service because professional career officials were to be also categorised as civil servants in general service and the discrimination would demoralise them. Thirdly, the report recommended that the merger of contractual service into general service and introduction of fixed-term appointments should be scrutinised by MPs thoroughly because it could hinder consistent personnel management. The report also recommended that if the

merger and the introduction were inevitable, the executive should limit the fixed-term appointments to a small number of positions and apply permanent appointments to many current civil servants, who were in the current contractual service but conducting permanent work, to enhance job security and equality among civil servants. Finally, the report pointed out that the bill had an unexpected side effect in that the power of appointment of some civil servants in the legislatures of local governments was transferred from secretary generals of the legislatures to mayors or governors, and recommended that other relevant acts or secondary legislation should be amended before the bill was enforced.¹⁰

Committee stage before the examination of subcommittee

The bill was referred to the Public Administration and Security Committee on 18 October 2012 and tabled at the meeting of the committee on 12 November 2012 along with 105 other bills. The Minister for Public Administration and Security explained the bill's purpose. The review report of the committee staff on the bill was read in a summarised way. In the general discussion about the bill, an MP asked the minister about the problem that the power of appointment of some civil servants in the legislatures of local governments was to be transferred from secretary generals of the legislature to mayors or governors. The general discussion resumed on 19 November 2012, but there were no questions or discussion about the bill.

Subcommittee stage

The bill was tabled at the meeting of the subcommittee for the examination of law bills on 20 November 2012 along with 52 other bills. The Chief of Staff in charge of the bill suggested five detailed amendment opinions at the meeting. Firstly, it would be better for professional career officials to be deleted from the bill. Secondly, it would also be better to delete the clause that ruled about the leave allocated to professional career officials from the bill. Thirdly, the clause that identified the provisions applied to civil servants of fixed-term appointments should be revised to exclude the provision about honourable retirement because honourable retirement assumes permanent appointments. Fourthly, he pointed out that the clause that ruled on the appointment of talent on recommendation

¹⁰ Strictly speaking, the last point was not about the bill, but about the bill for Local Public Officials Act containing the same re-categorisation scheme, but the point is included because the two bill were scrutinised together.

should be clarified to mean that the appointment would remain in the recruitment of civil servants of technical groups in general service despite of the elimination of the technical service category. Finally, he pointed out that some of clauses in the bill's addenda that were to amend other laws should be deleted or revised because they amended clauses of other laws that cannot be amended by addenda according to the general theory of legislation in South Korea.

The members of the subcommittee had questions about the following issues: the problem that the power of appointment of some civil servants in the legislatures of local governments was to be transferred from secretary generals of the legislature to mayors or governors; the merger of contractual service into general service and the introduction of fixed-time appointments; and the burden of examination that civil servants in technical service should take to transfer to general service. For the first issue, the second Deputy Minister for Public Administration and Security answered that they will prepare the legislation that amends the relevant laws before the enforcement of the bill to avoid the transfer of the appointment power. For the second issue, he answered that fixed-term appointments would be limited to a small number of positions and that application of permanent appointments to civil servants would be made in positions which are operated permanently as the Chief of Staff recommended. (for the third issue, the MP who raised the issue did not require answers).

The deputy minister accepted the amendment opinions of the Chief of Staff. The members of the subcommittee did not suggest their own amendment opinions and also agreed with the amendment opinions of the Chief of Staff. The bill was amended according to the opinions of the Chief of Staff and resolved. The number of articles that were revised by the amendment opinions of the committee staff was ten (33 per cent of the articles in the bill). Moreover, 65 per cent (26 of 40) of the paragraphs in the article that amended other laws were revised or deleted according to committee staff's amendment opinions.

The examinations of the standing committee, the Legislation and Judiciary Committee and the plenary

The bill was tabled at the meeting of the Public Administration and Security Committee on 21 November 2012 along with the budget bill (of the Ministry of Public Administration and Security, the National Election Commission, the National Police Agency and the National Emergency Management Agency), the

bill for the operation plan of the public official pension fund and 24 other law bills. The bill was resolved to be amended as amended in the subcommittee for examination of legislative bills. Then, the bill was referred to the Legislation and Judiciary Committee and tabled at the meeting of the committee on 22 November 2012 for the examination of structure and wording along with 20 other law bills. Only some clarifications of the words in the bill were conducted in the meeting. After the scrutiny of the Legislation and Judiciary Committee, the bill was tabled at the plenary on the same day and resolved to be amended as amended in the Public Administration and Security Committee. There was no debate among MPs in the process.

9.2.3. The role and impact of the committee staff in the legislative process

The significance and the acceptance of the amendment opinions of the committee staff

As written above, the Chief of Staff who was in charge of the bill suggested five detailed amendment opinions. The first (deletion of professional career official) is an amendment to major policy substance. The second (about leave of professional career officials) is an amendment of minor policy substance. The third (revision of the clause about the provisions applied to civil servants of fixed-term appointments) and the fifth (the revision of addenda which amend other laws) is an amendment in the aspect of legal structure. The fourth (revision of the clause about the appointment of talent on recommendation) is an amendment in wording. These amendment opinions are all accepted by the members of the subcommittee for the examination of law bills and reflected in the bill. The examinations of the standing committee, the Legislation and Judiciary Committee and the plenary also agreed with the amendments of the subcommittee. Thus, the amendment opinions of the Chief of Staff were all reflected in the final Act. All amendments to the bill came from committee staff, but the amendment opinions of the committee staff were formulated after the consultation with the sponsoring department and representatives of civil service unions. MPs did not suggest their own amendment opinions.

Guiding the scrutiny process

The issues that were discussed by MPs in the committee and subcommittee stages were as follows: the problem that the power of appointment of some civil servants in the legislatures of local governments was to be transferred from

secretary generals of the legislatures to mayors or governors; the merger of contractual service into general service and the introduction of fixed-time appointments; and the burden of examination that civil servants in technical service should take to transfer to general service. The first and the second issue were brought to the committee and subcommittee by the review report of the committee staff and the document for the subcommittee's examination of the bill. The second Deputy Minister for Public Administration and Security agreed that the bill had some problems with the two issues and answered that future legislation (the first issue) and deliberate implementation of policies (the second issue) were necessary, as was the opinion of the Chief of Staff. Thus, committee staff could be said to have performed the function of guiding the scrutiny of the bill.

The policy network and the impact of the committee staff

The major policy actors in the policy network of re-categorisation of civil servants are MPs, sponsoring departments and civil service trade unions. Other policy actors who the committee staff consulted include the National Assembly Secretariat and the National Court Administration, which have officials who are ruled by the Act, and local governments. Civil service trade unions, as stakeholders of the re-categorisation, agreed with the bill because they were consulted and their opinions were reflected in the drafting process of the bill. Their attention was on the merger of technical services into general services. They lobbied MPs to pass the bill during the scrutiny of the bill in the legislature. However, the administrations of the legislature and court disagreed with the introduction of career professional officials in the Act and some provisions in the bill's addenda amending acts about their organisations. It was because they thought that the introduction and provisions inhibited their autonomy in organisation and personnel management. In addition, local governments had a concern about the redistribution of appointment power of some civil servants in local legislatures.

Parts of the amendment opinions of the committee staff were prepared based on the consultation with local governments and the administrations of the legislature and court. The amendment opinions repealing the introduction of career professional officials in the Act and some provisions in the addenda were the results of staff mediation between the sponsoring department and the

administrations of the legislature and court. The indication of problems about the redistribution of appointment power of some civil servants in local legislatures was also as a result of their mediation between the sponsoring department and local governments. MPs did not give their attention to the bill because of heavy work-loads of scrutiny of law and budget bills and the existence of other controversial bills tabled along with the bill. In the committee meeting before the subcommittee stage, the bill was tabled along with 105 other bills. MPs gave their attention to budget bills; bills about electoral laws – due to the 18th Presidential Election scheduled in December 2012; and those ruling about support for specific local governments.

To make matters worse, there was a sharp confrontation in the committee between the governing and opposition party on the polling hours for the presidential election. Thus, the committee did not secure enough time for the scrutiny of law bills. The general debate over 117 law bills tabled at the two committee meetings on 12 and 19 November took just two hours and 42 minutes according to the minutes. The committee meeting on the 12th was disrupted, and that on the 19th tabled law bills along with budget bills and concentrated on budget bills. As already explained, there was just one question about the bill in the general debate. The lack of time in the subcommittee stage for detailed scrutiny was also severe. The number of bills tabled in the subcommittee meeting was 53. The time for the scrutiny of the bill containing such a big re-categorisation scheme was only 22 minutes, with three MPs questioning. MPs were interested in other controversial bills. For example, the scrutiny of bills ruling about support for specific local governments (Jeju, Cheongju and Sejong) took 4 hours 41 minutes altogether in the subcommittee meeting. Moreover, the policy contained in the bill was a technically complex matter for MPs to access. Thus, MPs who were interested in other controversial law bills implicitly delegated the scrutiny of the bill to the committee staff. MPs were party politicians and champions of local interests in the committee then.

The scrutiny of the bill required efficiency. The role of the committee staff preparing mediated amendment opinions before the official legislative process was essential. If a policy actor had raised dissenting opinions about the bill in the process, the bill might have been blocked because MPs would refrain from making decisions before the disagreement of stakeholders was resolved and lots

of bills on which MPs wanted to deliberate were in the queue. MPs would postpone the scrutiny of the bill to a later subcommittee meeting until the disagreement was resolved. The committee staff had the motivation of conducting the role actively. Above all, it is because a successful performance in the support for the scrutiny of such a complex bill is helpful for building a good reputation as a competent staff member. The bill could pass with the amendment opinions of the committee staff because relevant policy actors were satisfied with the opinions. MPs agreed with the amendment opinions of the committee staff with which relevant policy actors had also agreed.

9.2.4. Summary and conclusion

The *bill for partial amendment of the State Public Officials Act (1902217)* was a very technical and complex bill for MPs. Much expertise and knowledge was required to scrutinise the bill. The bill, however, was politically uncontroversial because the general public had no direct interest in the bill and there was no explicit group who should bear the cost of the policy. These characteristics of the bill affected the interaction between MPs and staff in the examination of the bill. The MPs who examined the bill did not suggest any amendment opinions of their own and accepted the amendment opinions of the committee staff. All amendments to the bill came from the committee staff, but the opinions were formed through consultation with the sponsoring department and representatives of civil service unions. Two of the three issues raised in the scrutiny of the bill were already raised in the review report of the committee staff and even the answers of the deputy minister of the sponsoring ministry followed the opinions of the committee staff. Thus, committee staff also performed a guiding function in the scrutiny of the bill.

9.3. Affirmative Action for North Korean Refugees

9.3.1. Background

The major purpose of the *bill for partial amendment of the State Public Officials Act (1901362)* was to introduce a special recruitment procedure through which North Korean refugees, who are settled in South Korea, are recruited as civil servants. In addition, the bill stated that the laws about crimes of civil servants

should be applied to candidates for appointments who have passed the recruitment examination and are in their probationary period before they are officially appointed as civil servants, and that the honourable retirement allowance should be paid back if the recipient of the allowance accepted a bribe or committed embezzlement when they were a civil servant. The major substance of the bill was relatively easy for MPs to access and not complex. The affirmative action in the personnel management of civil servants is a well-known policy issue for MPs and does not need high expertise. Five private members' bills about affirmative action policy (nine per cent of total private members' bills about the *State Public Officials Act*) were introduced during the 18th National Assembly and the first four months of the 19th National Assembly. The bill was also politically uncontroversial because the introduction of a special recruitment process for North Korean refugees made no explicit cost or burden and it is difficult for MPs to oppose a policy that helps minorities in South Korea. In addition, other substances of the bill are about internal personnel management and the general public had no interest in them.

9.3.2. The legislative process

The pre-legislative process

In fact, the special recruitment procedure for North Korean refugees in the recruitment of local government employees was introduced by the amendments to the *Local Public Officials Act* on 21 March 2012. The policy idea originated from a private member's bill. The *bill for partial amendment of the Local Public Officials Act* (1809128), proposed by S. Kim MP and co-sponsored by other nine MPs in August 2010, introduced general affirmative action for North Korean refugees. (S. Kim MP also proposed the *bill for partial amendment of the State Public Officials Act* (1809127) with the same substance, but the bill was killed at the end of the 18th National Assembly.) In addition, the executive submitted the *bill for the amendment of the Local Public Officials Act* (1812626) in July 2011 that introduced the special recruitment procedure for North Korean refugees. In fact, the policy in the government bill was a specified version of the policy in the private member's bill. The two bills were merged into the *committee bill for partial amendment of the Local Public Officials Act* (1814707), and the committee bill was enacted in March 2012. Thus, the *bill for partial amendment of the State Public Officials Act* (1901362) was to introduce the special recruitment procedure

that had already been introduced in the recruitment of local government employees into the recruitment of civil servants in the central government. The bill was submitted on 28 August 2012.

Committee stage before the examination of subcommittee

The bill was referred to the Public Administration and Security Committee on 29 August 2012 and tabled at the meeting of the committee on 17 September 2012 along with 162 other law bills and a petition. The review report of the committee staff on the bill agreed with the introduction of the special recruitment procedure for North Korean refugees and other policies in the bill. The report, however, pointed out that the probationary employment for candidates before official appointment should be ruled in the bill additionally to apply the laws about crimes of civil servants to the candidates (There had been no clause about the probationary employment for candidates before official appointment in the Act). No MP questioned the bill in the general discussion at the meeting.

Subcommittee stage

The bill was tabled at the meeting of the subcommittee for the examination of law bills on 18 September 2012 along with 40 other legislative bills. One MP required recent statistics about the payback of honourable retirement allowance. The Chief of Staff in charge of the bill suggested one detailed amendment opinion that was suggested in the review report of the committee staff on the bill. The MPs in the subcommittee and the sponsoring department accepted the amendment opinion. The bill was amended according to the opinion of the Chief of Staff and resolved. The number of articles that were revised by the amendment opinions of committee staff was one (25 per cent of the bill's articles).

The examinations by the standing committee, Legislation and Judiciary Committee, and the plenary

The bill was tabled at the meeting of the Public Administration and Security Committee on 20 September 2012 along with 15 other law bills. The bill was resolved to be amended as it was amended in the subcommittee for examination of legislative bills. Then, the bill was referred to the Legislation and Judiciary Committee and tabled at the meeting of the committee on 26 September 2012 for the examination of structure and wording along with 45 other law bills. The bill was not amended in the examination of the committee. After the examination of the Legislation and Judiciary Committee, the bill was tabled at the plenary on 27

September 2012 and resolved to be amended as amended in the Public Administration and Security Committee. There was no debate among MPs in the process.

The uniqueness of the flow of the policy idea

An interesting point about the legislative process of the bill is that the policy idea for the major substance of the bill originated, not from the sponsoring department, but from an MP who suggested the policy by proposing bills. The substance of the government bills that passed was a specified version of the private member's bills. Thus, there was a unique flow of the policy idea that flowed from the legislature to the executive and came back to the legislature and was enacted as a clause of the relevant law.

9.3.3. The role of the committee staff in the legislative process

The significance and the acceptance of the amendment opinions of the committee staff

As demonstrated above, the Chief of Staff in charge of the bill suggested only one detailed amendment opinion that the probationary employment for candidates before official appointment should be ruled in the bill additionally to apply the laws about crimes of civil servants. The amendment opinion was about legal structure because it was to secure legal consistency within the Act. The amendment opinion was accepted by the MPs of the subcommittee for the examination of legislative bills and reflected in the bill. The examination of the standing committee, the Legislation and Judiciary Committee and the plenary also agreed with the amendments of the subcommittee. Thus, the amendment opinion of the committee staff was reflected in the final Act. Needless to say, the amendment to the bill came from the committee staff after consultation with the sponsoring department. MPs did not suggest their own amendment opinions.

Guiding the scrutiny process

In the minutes, there is no explicit question and debate about the bill except a request for statistics because the bill had no issues to be discussed at the official meeting of the standing committee and subcommittee. Therefore, it is difficult to say that committee staff guided the debate in the committee and subcommittee stages. MPs, however, could be affected by the fact that the committee staff did not raise any problems in the aspect of policy substance (The one amendment

opinion raised by committee staff was about legal structure). Therefore, the committee staff might have contributed to the non-discussion about the bill as similar to the non-decision making in Bachrach and Baratz (1962).

The policy network and the impact of the committee staff

The major policy actors in the policy network of this introduction of a special recruitment procedure for North Korean refugees were just MPs and the sponsoring department. No interest group lobbied for or against the bill. The bill did not draw MPs' attention. To some degree, the bill had routine and administrative features because a part of the aim of the bill was to secure a balance between the recruitment procedure of civil servants in the central government and local governments because the affirmative action was already adopted in the recruitment procedure for local government employees.

In addition, the workload of the committee was heavy and there were other controversial bills. The number of bills tabled in the committee meeting along with this bill for the general debate was 162. The general debate over the 163 bills took just two hours. No MP questioned the affirmative action for North Korean refugees. Even in the subcommittee stage, the number of bills tabled along with this bill was 40. The focus of the subcommittee meeting was on bills related to electoral laws because the 18th presidential election was scheduled to be held in December. The scrutiny of those bills took one hour, and the meeting adjourned due to the controversy over the polling hours in elections. The subcommittee meeting was the battlefield between parties, and MPs were sort of soldiers in the battle. The scrutiny of the bill about the affirmative action for North Korean refugees took just four minutes. Just one MP requested related data in the subcommittee stage during the whole scrutiny of the bill in the legislature. For the committee staff, the issues in the bill did not require mediation between stakeholders because there was no disagreement. They suggested no substantive amendment opinion. With no controversy about the bill among the policy actors and public, MPs agreed with the bill because the bill was innocuous for their political interests. They implicitly delegated the scrutiny of the bill to the committee staff and approved the bill when the committee staff reported no problem.

9.3.4. Summary and conclusion

The *bill for partial amendment of the State Public Officials Act (1901362)* was a politically uncontroversial bill because the major policy of the bill made no explicit cost, and explicit opposition to a policy favourable to specific minorities was difficult. In addition, the bill was relatively easy and not complex because the policy issue did not need high expertise. The non-technical characteristic of the policy issue might influence the flow of the policy idea. The policy idea originated from an MP and flowed to the relevant department. The department specified the policy idea and submitted it to the legislature as a law bill. The legislature passed the bill and the policy was enacted.

The fact that the policy issue was uncontroversial affected the interaction between MPs and committee staff. As demonstrated in the legislative process of the bill to reform the categorisation of civil servants, MPs did not suggest any amendment opinions of their own and accepted the amendment opinions of the committee staff. All amendments to the bill came from the committee staff after the consultation with the sponsoring department. Moreover, MPs did not even question or discuss the bill explicitly. It is possible to say that the opinion of the committee staff about the bill affected MPs and they did not raise any issues about the bill. Thus, the committee staff might have conducted the guiding function in a similar way to non-decision making.

9.4. Administrative Reorganisation in 2013

9.4.1. Background

The *bill for whole amendment of the Government Organisation Act (1903484)* was to reform the organisation of the executive branch before the inauguration of the 18th President of South Korea. It was to set the new organisation for the new executive branch. According to the *Constitution of the Republic of Korea 1987* (art. 96), the establishment, organization and function of each executive ministry should be determined by acts. Therefore, to reform the organisation of the executive branch, amendments of relevant acts are necessary. Officially, the bill was a private member's bill, but the substance of the bill was prepared by the Presidential Transition Committee and the Ministry of Public Administration and Security. A submission of a government law bill usually takes many procedures and much time (at least two or three months), and there is not much time between

the presidential election and the inauguration of the president (usually two months) in South Korea. Thus, the bill was formally introduced by the Floor Leader of the governing party. The bill could be called a hand-out bill. In addition to the bill, 37 other bills related with the reorganisation were introduced together.

Needless to say, the bill was very controversial in political aspects. As March and Olsen (1983, p.283) pointed out, administrative reorganisation is a 'political struggle' related to the interests of bureaucrats, interest groups and the legislature. Stakeholders related to administrative reorganisation try to affect the reorganisation. The reorganisation affects the career of civil servants in the departments. The reorganisation is also likely to give benefits to the related interest groups (Peters, 2010, p.162). According to Miles (1977), administrative reorganisation is considered to be an 'expression of national priority' (p.156). Thus, policy beneficiary groups, whose relevant departments are to be reduced, could think that the policies related to them can be given a low priority. Moreover, administrative reorganisation means that the current policy networks are to be changed and interest groups should bear the transaction cost to reconstruct a new policy network. Administrative reorganisation also affects the jurisdictions of standing committees in the legislature (Seidman, 1970, p.37). Especially in South Korea, committees themselves could be abolished or merged into other committees by following the reorganisation of standing committees (Standing committees in the National Assembly of South Korea were reorganised with the administrative reorganisation in 2013. Some of the standing committees were renamed and terms of references were changed). Even the opposition party can have interests in administrative reorganisation. The contraction of the departments related to policies which they think are important or which are related to socio-economic groups supporting the party can affect their political interest. In addition, the bill was very complex and technically difficult for MPs to scrutinise. It was necessary to have high expertise and knowledge about the structure of government organisation and the functions of each executive ministry at least roughly. Specifically, the bill was to wholly rewrite the Government Organisation Act and amend 712 other acts, so it was also necessary to have some knowledge about legal structure.

9.4.2. The substance of the bill

The major reorganisation of the executive branch in the bill is summarised as follows: Firstly, a Deputy Prime Minister who has jurisdiction for the coordination of economic policies is to be established and the Minister for Strategy and Finance is to be the Deputy Prime Minister. Secondly, the function of the Korean Food and Drug Administration is expanded and the administration becomes the Ministry of Food and Drug Safety. The function of food and drug safety policy formulation is to be transferred from the Ministry of Health and Welfare and the Ministry of Food, Agriculture, Forestry and Fisheries. The Ministry of Food, Agriculture, Forestry and Fisheries is to be reduced to the Ministry of Agriculture and Rural Affairs. Thirdly, the Ministry of Science, ICT and Future Planning is to be newly established. This ministry has jurisdiction for the formulation, overall control and coordination of policies on science and technology; research, development and promotion of science and technology; training of science and technology personnel; planning of national informatisation, protection of information and information culture; fusion and promotion of broadcasting and communications; management of radio waves; the information and communications industry; nuclear safety; and the postal service, postal money orders and postal transfers. Relevant functions are to be transferred from other departments. The Ministry of Education, Science and Technology is to be reduced to the Ministry of Education because the science and technology policy function is transferred to the Ministry of Science, ICT and Future Planning. Fourthly, the trade negotiation function is to be transferred from the Ministry of Foreign Affairs and Trade to the Ministry of Trade, Industry and Energy (the Ministry of Knowledge Economy before the reorganisation). Finally, the Ministry of Oceans and Fisheries is to be established. The ministry is to have the jurisdiction for maritime policies, fisheries, development of fishing villages, distribution of marine products, maritime transportation, harbours, marine environment, ocean surveys, development of marine resources, research and development of marine science and technology and adjudication in cases of maritime safety. The Ministry of Land, Transport and Maritime Affairs is to be reduced to the Ministry of Land and Transport because the maritime policy function is transferred.

9.4.3. The legislative process

The pre-legislative process

The Presidential Transition Committee was established on 6 January 2013, and the committee prepared the administrative reorganisation. The committee announced the reorganisation on 15 January 2013. Then, civil servants in the Ministry of Public Administration and Security and other relevant departments drafted the law bills for the reorganisation. Aside from the *bill for whole amendment of the Government Organisation Act (1903484)*, 37 bills were drafted for the amendments of individual acts. The bills were submitted to the National Assembly on 30 January 2013. In the following sections, the official legislative process is described focusing on the scrutiny of the *bill for whole amendment of the Government Organisation Act (1903484)*, but the negotiation between the governing party and the opposition party is described including the negotiations about other relevant bills.

The review of the bill by the committee staff

The review report of the committee staff on the bill did not suggest any explicit amendment opinions because of the bill's high controversy. Instead it just surveyed the pros and cons of individual measures of the reorganisation discussed among experts and the media after the announcement of the reorganisation. The major issues reviewed in the report were the introduction of the Deputy Prime Minister; the extension of the Food and Drug Administration to the Ministry of Food and Drug Safety; the establishment of the Ministry of Science, ICT and Future Planning; the transfer of the trade negotiation function; and the establishment of the Ministry of Oceans and Fisheries.

Firstly, about the Deputy Prime Minister, the report stated that coordination among the departments related to economy and industry policies would be enhanced, but the Deputy Prime Minister would be redundant given the existence of the Prime Minister. Secondly, about the Ministry of Food and Drug Safety, the report stated that the consistency of food and drug safety policy would be enhanced, but drug safety policy would be better to be in the jurisdiction of the Ministry of Health and Welfare because the policy is closely related to health policy. Thirdly, about the Ministry of Science, ICT and Future Planning, the report stated that the establishment of the ministry would construct a strong policy delivery system that links science research and development with the industries of high technology, but science policy and policy about information and communication would be better to be split into other departments because of the

differences of the policies in temporal aspects (Science policy is conceived as a long-term policy, but information and communication policy is conceived as a short-term policy in South Korea). Fourthly, about the transfer of the function of trade negotiations, the report stated that the interests of manufacturing industries would be better reflected in trade negotiations with foreign countries by the transfer, but the interests of other industries (e.g. agriculture) could be neglected.

In addition to these issues, the establishment of the Office of National Security, the renaming of the Ministry of Public Administration and Security to the Ministry of Security and Public Administration and the expansion of the function of the Small and Medium Business Administration were reviewed in the report.

Committee stage before the negotiation between the governing party and the opposition party

The bill was referred to the Public Administration and Security Committee on 30 January 2013 and tabled at the meeting of the committee on 4 February 2013 along with 110 other legislative bills. S. Kang MP (one of the bill's co-sponsors and a member of the Presidential Transition Committee) explained the bill's purpose. The review report of the committee staff on the bill was read in a summarised way. The general discussion about the bill, however, was not held immediately. The committee held a public hearing and general discussion about the bill on the next day. A panel of six experts attended, presented their opinions, and answered MPs' questions in the public hearing. In the general discussion that was held after the public hearing, two members of the Presidential Transition Committee who had prepared the reorganisation and the Minister and the first Deputy Minister for Public Administration and Security attended and answered MPs' questions. The major issues debated in the public hearings and the first general discussion were: the general direction of the reorganisation; the establishment of the Office of National Security; the elevation of the organisational status of the Presidential Security Service; the Deputy Prime Minister; the function of the Ministry of Science, ICT and Future Planning; the transfer of the trade negotiation function; the naming of the Ministry of Security and Public Administration; the naming of the Ministry of Agriculture and Rural Affairs; the function of the Ministry of Food and Drug Safety; the naming of the Ministry of Gender Equality and Family; the function of the Ministry of Oceans and Fisheries; the Small and Medium Business Administration; and the need for

an anti-corruption organisation. The detailed issues of the debates in the meetings are summarised in Table 9.2.

Table 9.2. The issues in the public hearing and the first general discussion about the reorganisation on 5 February 2013

<ul style="list-style-type: none">❖ The General Direction of the Reorganisation<ul style="list-style-type: none">➤ The need for the improvement of the reorganisation process➤ The frequency of administrative reorganisations (too frequent)❖ The Establishment of the Office of National Security<ul style="list-style-type: none">➤ The risk of the redundancy of the office under the President❖ The Elevation of the Organisational Status of the Presidential Security Service (similar to a ministry)<ul style="list-style-type: none">➤ The risk of power concentration to the agency❖ The Deputy Prime Minister<ul style="list-style-type: none">➤ The risk of power concentration to the Deputy Prime Minister in economic policy areas➤ The risk of redundancy in policy coordination, given the existence of the Prime Minister❖ The Function of the Ministry of Science, ICT and Future Planning<ul style="list-style-type: none">➤ The distribution of the industry-academia cooperation policy function between the ministry and other relevant ministries.➤ The distribution of the broadcasting policy function between the ministry and the Korean Communications Commission➤ The need for the separation of the science and technology policy function and the ICT policy function➤ The need for the separation of Nuclear Safety and Security Commission from the ministry❖ The Transfer of the Function of Trade Negotiations❖ The Ministry of Security and Public Administration<ul style="list-style-type: none">➤ The unnecessary renaming of the ministry without a great change of the function of the ministry❖ The Ministry of Agriculture and Rural Affairs<ul style="list-style-type: none">➤ The need for the maintenance of 'food' in the name of the ministry❖ The Ministry of Food and Drug Safety<ul style="list-style-type: none">➤ The need for the explicit distribution of functions between the ministry and the Ministry of Agriculture and Rural Affairs in food policy areas
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Table 9.2. The issues in the public hearing and the first general discussion about the reorganisation on 5 February 2013 (continued)

<ul style="list-style-type: none">❖ The Ministry of Gender Equality and Family<ul style="list-style-type: none">➤ The need for including the word 'youth' in the name of the ministry ❖ The function of the Ministry of Oceans and Fisheries<ul style="list-style-type: none">➤ The need for further extension of the function of the ministry (e.g. management of marine and coastal national parks, policy about the shipbuilding industry) ❖ Small and Medium Business Administration<ul style="list-style-type: none">➤ The need for the reinforcement of the administration to a ministry ❖ The need for the reinforcement of the anti-corruption organisation
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Source: summarised from the minutes of the 2nd meeting of Public Administration and Security Committee in the 313th Session (5 February 2013)

Negotiations between the governing party and the opposition party

Floor leaders of the governing party and the opposition party agreed with the establishment of a negotiating body for the reorganisation on 31 January 2013. The negotiating body was comprised of six MPs including the Chair of the Policy Committee and the Deputy Floor Leader of each party. The negotiating body held its first meeting on 4 February 2013 and members of the negotiating body discussed each party's positions about the reorganisation. The negotiating body decided to include each party's ranking members of the Legislation and Judiciary Committee and the Public Administration and Security Committee in the meeting. The negotiating body held two more meetings on 5 and 7 February 2013. Major amendment opinions raised by the opposition party in the meetings and the position of the governing party for the issues are summarised in Table 9.3.

There had been no agreement about the reorganisation at the meetings of the negotiation body. The negotiation body could not function any more after 7 February 2013. Instead, the negotiation continued between deputy floor leaders of the governing party and the opposition party. They met on 14 February 2013, but failed to reach an agreement about the reorganisation. The most important issue that they could not agree about was the distribution of the broadcasting policy function between the Korean Communications Commission and the Ministry of Science, ICT and Future Planning (Lee, 2013). On 17 February 2013, floor leaders, deputy floor leaders and chairs of the policy committee of the two

Table 9.3. Debates in the negotiating body about the reorganisation

Opposition Party	Governing Party
Establishment of anti-corruption organisation	It should be discussed after the reorganisation.
Elevation of organisational status of the Small and Medium Business Administration to a ministry	Elevation of organisational status of the administration is not desirable. It would be possible to extend the function of the administration more.
Maintaining the broadcasting promotion policy function in the Korean Communications Commission	A major part of the policy function should be transferred to the Ministry of Science, ICT and Future Planning.
The Ministry of Science, ICT and Future Planning should not direct and supervise the Nuclear Safety and Security Commission.	It would be possible that the Prime Minister directs the commission.
Establishment of the Ministry of Trade Negotiations	As the initial bill, the function of trade negotiations should be transferred to the Ministry of Trade, Industry and Energy.
Maintaining the industry - academia cooperation policy function in the Ministry of Education	A major part of the policy function should be transferred to the Ministry of Science, ICT and Future Planning.

Source: summarised from the report on the negotiation about administrative reorganisation (February 2013, an unpublished document of Public Administration and Security Committee)

parties met again to negotiate about the reorganisation, but failed to reach an agreement. On 22 February 2013, chairs, floor leaders and deputy floor leaders of the two parties met, but also failed to reach an agreement.

The opposition party argued that the transfer of the broadcasting promotion policy function from the commission to the ministry inhibited the neutrality and impartiality of the broadcasting media (Choi, 2013). Two of the commission's five members are recommended by the opposition party, but the Minister for the ministry is appointed by the President. The opposition party might think that the Minister would direct the broadcasting media for the interests of the governing party. In particular, the opposition party opposed the transfer of the policy function about local service operators of cable TV (SO), Internet TV (IPTV), satellite broadcasting, and programme providers (Min and Lee, 2013; Yoo 2013).¹¹ On 24 February 2013, the governing party suggested that despite the transfer of the policy function, the commission could have the power of submission of law bills

¹¹ Public broadcasting and the news reporting function of broadcasting remained under the jurisdiction of the Korean Communications Commission in the initial bill.

and secondary legislation under its jurisdiction as in other ministries and that the broadcasting advertisement policy function could remain in the commission, but the opposition party rejected the suggestion (Kim, 2013).

On 25 February 2013, the 18th President of South Korea was inaugurated, but the necessary legislation for administrative reorganisation had not been done. On 2 March 2013, the President invited chairs and floor leaders of the governing party and the opposition party to talk about the reorganisation, but the opposition party rejected the invitation. On 2 and 3 March 2013, deputy floor leaders negotiated focusing on the issue of the distribution of the broadcasting policy function, but failed to reach an agreement. On 4 March 2013, the President announced a statement and argued that the transfer of the broadcasting promotion policy function was necessary; that she had no intention to direct the broadcasting media for the interests of her own party; and that the opposition party should respond to her invitation to talk about the reorganisation (Segye-ilbo, 2013a). Her statement, however, exacerbated the situation. The opposition party criticised the statement. The Chair of the opposition party held a press conference and argued that the reorganisation should be decided in the National Assembly according to the agreement between the governing party and the opposition party and that the President should respect the legislation power of the National Assembly (Kim, 2013).

On 5 March 2013, the governing party suggested that the Korean Communications Commission could have the power of supervising the impartiality of the broadcasting media provided that the broadcasting promotion policy function was transferred to the Ministry of Science, ICT and Future Planning, but the opposition party rejected the suggestion and suggested the enactment of a special Act which would reinforce the ICT policy function of the Ministry of Science, ICT and Future Planning provided that the broadcasting promotion policy function remains in the Korean Communication Commission (Choi, 2013). Deputy floor leaders of the two parties discussed their alternatives on 8 and 11 March 2013, but they failed to reach an agreement. On 12 March 2013, the opposition party required the enactment of a special Act about the impartiality of the broadcasting media provided that the broadcasting promotion policy function would be transferred to the Ministry of Science, ICT and Future Planning (Kim and Park, 2013). On 14 March 2013, deputy floor leaders of the

two parties discussed the alternative, but failed to reach an agreement. On 15 March 2013, the President invited senior members of the governing party, and they talked about the reorganisation. She emphasised that the policy function about SO, IPTV, satellite broadcasting, and programme providers should be transferred to the Ministry of Science, ICT and Future Planning (Nahm, 2013). After the talk, deputy floor leaders of the governing party and the opposition party discussed the issue on the same and the next day focusing on the way to secure the impartiality of the broadcasting media provided that the broadcasting promotion policy function was transferred to the Ministry of Science, ICT and Future Planning.

Eventually, on 17 March 2013, the two parties reached an agreement about the reorganisation. The major substance of the agreement was as follows: Firstly, the policy function about SO, IPTV, satellite broadcasting and programme providers should be transferred to the Ministry of Science, ICT, and Future Planning under some conditions. The detailed substances about the distribution of the policy function between the ministry and the Korean Communications Commission is summarised in Table 9.4. Secondly, a special committee, which will deal with anti-corruption reforms, should be established in the National Assembly. Thirdly, the participation of the Administrator (the Head) of the Small and Medium Business Administration in the State Council (the cabinet meeting in South Korea) should be guaranteed (The administrators are not allowed to attend the council). Fourthly, the Nuclear Safety and Security Commission should not be under the direction of the Ministry of Science, ICT and Future Planning, and the Prime Minister should supervise and direct the commission directly. Fifthly, the industry-academia cooperation policy function should be distributed between the Ministry of Education and the Ministry of Science, ICT and Future Planning as it had been distributed between the Ministry of Education and the Ministry of Science and Technology before 2008. (The two ministries were merged in 2008.) Finally, 'food' should be added to the name of the Ministry of Agriculture and Rural Affairs.

The Legislative process after the negotiation

Standing committees to which bills about the reorganisation were referred held meetings on 18 March 2013. The Public Administration and Security Committee also held a general discussion. Individual MPs raised issues which were not included in the agreement. They are as follows: the elevation in organisational

Table 9.4. The distribution of the policy function between the Korean Communications Commission and the Ministry of Science, ICT, and Future Planning

❖ The Legal Status of the Korean Communications Commission
➤ The power of secondary legislation and submitting legislative bills should remain in the commission.
❖ Broadcast Communications Development Fund
➤ The Minister of the ministry and the Chair of the commission should manage the fund together.
❖ Internet TV (IPTV)
➤ It should be under the jurisdiction of the ministry
➤ IPTV operators themselves, however, should not have their own news channels.
❖ Service Operator (SO) and satellite broadcasting
➤ They should be under the jurisdiction of the ministry. There should be an agreement between the ministry and the commission, however, when the ministry gives permission to a SO or satellite broadcasting company, or if there is any legislation about the policy.
❖ Programme Providers (PP)
➤ The ministry has the jurisdiction over PPs who are not related with news programmes.
❖ Frequency Management
➤ The commission will manage the frequencies for broadcasting, and the ministry will manage the frequencies for telecommunication.
❖ Further Legislation
➤ A special committee for the impartiality of the broadcasting media will be established in the legislature. The committee will exist for six months. If there is a need for further legislation according to the report of the committee, the standing committee that has the jurisdiction over broadcasting policy will legislate related acts.
➤ An act for the promotion of ICT will be enacted by June.

Source: summarised from the agreement about administrative reorganisation between floor leaders of the governing party and opposition party (Lee, 2013)

status of the Korea Post to an administration; the merger of child policy and youth policy; and the distribution of disaster management functions between the Ministry of Security and Public Administration and the National Emergency Management Agency. After the general discussion, the bill was referred to the subcommittee for the examination of law bills. On the same day, the subcommittee held a meeting for the examination of the bill. The Chief of Staff in

charge of the bill reported the substance of the agreement between the governing party and the opposition party and amendments according to the negotiation. MPs agreed with the agreement, but the bill was not resolved. This was because other bills about the distribution of the broadcasting promotion policy function that were referred to the Committee on Culture, Sports, Tourism, Broadcasting and Communications were not resolved due to discrepancies among MPs' opinions about detailed amendments according to the agreement.

At the committee, MPs of the opposition party argued that the Ministry of Science, ICT and Future Planning should have the agreement of the Korean Communications Commission when it approves a change of permission to an SO (This issue was related to the range of agreement between the ministry and the commission about permission given to an SO) and that the Korean Communications Commission should have the power of giving permission to a public broadcasting company (This issue was related to the range of frequency management for broadcasting that was agreed to be under the jurisdiction of the Korean Communications Commission) (Lee and Hwang, 2013). MPs of the governing party opposed the arguments. Deputy floor leaders of the governing party and the opposition party had to re-negotiate to solve the discrepancies. After several meetings, the governing party agreed with the arguments of the opposition party on the night of 21 March 2013. After the negotiation, the committee staff drafted amendments with civil servants of the Ministry of Public Administration and Security according to the agreement and produced documents explaining the agreement to MPs in the standing committee and subcommittee.

On 22 March 2013, the subcommittee of Public Administration and Security Committee for examination of law bills held its meeting and resolved the bill according to the agreement. The subcommittee, however, attached an opinion that emphasised the importance of the youth policy function in the Ministry of Gender Equality and Family. Then, the bill was resolved at the meeting of Public Administration and Security Committee as it had been resolved at the subcommittee. In the examination of the Legislation and Judiciary Committee, there were a few questions about the renaming of the Ministry of Public Administration and Security to the Ministry of Security and Public Administration and other minor provisions, but there were no amendments. There was no debate

and only minor amendments to clarify clauses in addenda about the distribution of the broadcasting promotion policy function at the plenary. These official legislative processes were conducted in a day.

9.4.4. The role of the committee staff in the legislative process

The committee staff in charge of the bill did not play a substantive role in the policy formation of the administrative reorganisation. Firstly, the review report of the committee staff could not state explicit amendment opinions because of the highly controversial and political characteristics of the bill. The report only surveyed the pros and cons of the reorganisation that had been already discussed among experts and in the media. Secondly, the guiding function of committee staff did not work well. MPs raised many issues which were not reviewed in the review report of the committee staff. They were as follows: the reinforcement of the Prime Minister's power; the reinforcement of the anti-corruption organisation; the distribution of the broadcasting promotion policy function between the Ministry of Science, ICT and Future Planning and the Korean Communications Commission; the independence of the Nuclear Safety and Security Commission from the Ministry of Science, ICT and Future Planning; the distribution of the function of disaster management between the Ministry of Security and Public Administration and the National Emergency Management Agency; the distribution of the food policy function between the Ministry of Food and Drug Safety and the Ministry of Agriculture and Rural Affairs; the name of the Ministry of Gender Equality and Family; and the extension of the function of the Ministry of Oceans and Fisheries. Three of the six major issues in the negotiation between parties were not issues reviewed in the report (anti-corruption organisation, the distribution of broadcasting promotion policy and the independence of the Nuclear Security and Safety Commission). Thirdly, the committee staff could not participate in the negotiation between parties. They could sit on the initial negotiation body. After the body failed to make an agreement, however, the negotiation was held between the deputy floor leaders of the governing party and the opposition party, and the committee staff could not attend the negotiation.

The committee staff, however, conducted a technical function that translated and specified the agreement into the clauses of the bill. In particular, they played an important role in specifying the distribution of detailed policy functions among

administrative departments by revising the clauses in the addenda of the bill that amended other acts. It was because high expertise, which is difficult for elected MPs to have, is required in revising those detailed clauses. Of course, the major substance of the reorganisation was decided by the negotiation between the governing party and the opposition party, not by the committee staff, but the role of the committee staff was necessary to specify the results of the negotiation into the detailed distribution of policy functions (with civil servants in the executive branch) and translate it into legal provisions. The function of the committee staff was important due to the high technical complexity of the bill. Moreover, they amended the bill in the aspect of legal structure and wording (They revised six of the 43 articles except those in the addenda of the bill, seven of the eight articles in the addenda and 84 of the 712 paragraphs which amended other acts) within the limitation of not changing the substance of the reorganisation; and the work of the committee staff in the standing committee was very important in the legislative process of the bill because there was not enough time for examination by the Legislation and Judiciary Committee due to the urgency of the bill.

9.4.5. The policy network and the impact of the committee staff

Basically, the policy network of the reorganisation was formed around the two political parties that negotiated with each other about the reorganisation. The relevant stakeholders including MPs, standing committees in the National Assembly, bureaucrats in the relevant ministries, interest groups, experts, and the media formed coalitions according to their own interests about the reorganisation and made efforts to influence the reorganisation. Firstly, some MPs tried to defend their own constituents' interests against the reorganisation regardless of their parties. For instance, according to the minutes of the official scrutiny of the bill, MPs whose constituencies were in rural areas supported the Ministry of Agriculture and Rural Affairs in the distribution of the food policy function between the ministry and the Ministry of Food and Drug Safety, which they thought were in farmers' interests, and an MP whose constituency was in the biggest seaport in South Korea continuously urged the extension of the function of the Ministry of Oceans and Fisheries.

Secondly, standing committees defended their own ministries against the reorganisation. The Foreign Affairs, Trade and Unification Committee discussed the transfer of the trade negotiation function along with a question about the

nuclear experiments of North Korea on 4 February 2013. The committee suggested its opinion that opposed the transfer by its resolution and sent it to the Public Administration and Security Committee. The Education, Science and Technology Committee discussed the reorganisation focusing on the function of the Ministry of Education and the Ministry of Science, ICT, and Future Planning on 5 February 2013. The committee suggested its opinion by its resolution and sent it to the Public Administration and Security Committee. The opinion argued the extension of the function of the ministries. The Food, Agriculture, Forestry and Fisheries Committee discussed the reorganisation focusing on the function of the Ministry of Agriculture and Rural Affairs on 4 February 2013. The committee suggested its opinion by its resolution and sent it to the Public Administration and Security Committee. The opinion argued that 'food' should be included in the name of the ministry and that the function of the ministry in food policy should be extended. The Knowledge Economy Committee discussed the reorganisation focusing on the function of the Ministry of Trade, Industry, and Energy on 5 February 2013. The committee suggested its opinion by its resolution and sent it to the Public Administration and Security Committee. The opinion argued that the trade negotiation function should be transferred to the ministry and that the Korea Post should be reinforced as an administration.

Thirdly, relevant bureaucrats and interest groups tried to direct the reorganisation for their own interests. For example, civil servants in the relevant ministries and administrations had met the committee staff in charge of the reorganisation and provided documents and data for their departments. The list of the departments are as follows: the Ministry of Education, Science and Technology; the Ministry of Foreign Affairs and Trade; the Ministry of Food, Agriculture, Forestry and Fisheries; the Ministry of Knowledge Economy; the Ministry of Health and Welfare; the Ministry of Gender Equality and Family; the Korea Food and Drug Administration; and the Korea Communications Commission. Even the first deputy minister (in charge of education) and the second deputy minister (in charge of science and technology) of the Ministry of Education, Science and Technology suggested different opinions about the distribution of the industry-academic cooperation policy function to the committee staff. Interest groups also participated in the legislative process. For instance, representatives of universities and secondary schools (related to the distribution

of the industry-academic cooperation policy function); farmers' unions and food consumer groups (related to the distribution of the food policy function); interest groups related with ocean industries (related to the function of the Ministry of Oceans and Fisheries); the trade union of employees in Korea Post (related to the reinforcement of the Korea Post); and the Korea Federation of Small and Medium Entrepreneurs (related to the reinforcement of the Small and Medium Business Administration) all voiced their opinions about the reorganisation in the public hearing of the Public Administration and Security Committee as members of the audience. Representatives of food consumer groups, the farmer's union, the livestock industry, fisheries, and restaurants attended the public hearing of the Food, Agriculture, Forestry and Fisheries Committee as a panel.

Fourthly, experts in academia and the media were also actors in the policy network. Experts are mobilised to defend the positions of each party by attending the public hearings of the relevant standing committee as part of a panel. Three of the total six standing committees that examined the bills related to the reorganisation held public hearings. Six experts (four in public administration, one in trade negotiation, and one in media policy) attended the public hearing of the Public Administration and Security Committee, Four experts (all in media policy) attended that of the Committee on Culture, Sports, Tourism, Broadcasting and Communications. One expert in veterinary science attended that of the Food, Agriculture, Forestry and Fisheries Committee. The media also played a role as policy actors. Most reports by the media about the negotiation of the reorganisation were not partial to a specific position. Some media, however, criticised a specific party. For example, two liberal newspapers carried five articles which only criticised the President and the governing party from 15 February to 5 March 2013 (The Hankyoreh 2013; Kim, 2013; The Kyunghyang Shinmun, 2013a; 2013b; Seok, 2013). A conservative newspaper carried two editorials criticising the opposition party on 7 and 13 March 2013 (The Dong-A Ilbo, 2013; Hong, 2013).

Finally, even the President herself became an actor in the policy network. Her actions can be classified into two categories: to request the opposition party to cooperate in the legislative process and to defend the initial substance of the reorganisation against criticisms and amendment opinions. She indirectly asked the opposition party to pass the bills related to the reorganisation at open forums

of the Presidential Transition Committee about the new government's projects on 15 and 18 February 2013 (Han, 2013; Lee and Gill, 2013); a meeting with her chief advisors of the Presidential Secretariat on 27 February 2013 (Kwak, 2013); and a breakfast prayer meeting with national leaders on 7 March 2013 (Shin, 2013). She rang the Chair and the Floor Leader of the opposition party to request the cooperation on 15 February 2013 (Lee and Gill, 2013); directly asked the Chair at the anniversary of Independence Movement day on 1 March 2013 (Kim, Lee and Kim, 2013); and invited parliamentary leaders of the opposition party to discuss the reorganisation on 2 and 15 March 2013 although the opposition party rejected the invitations (SBS, 2013; Segye-ilbo, 2013b). She also argued for the desirability of the reorganisation. She stated that the reorganisation was reasonable at the meeting with proportional representatives of the governing party on 13 February 2013 (Lee, 2013); that the Nuclear Safety and Security Commission should be under the direction of the Ministry of Science, ICT and Future Planning in the open forum of the Presidential Transition Committee about the new government's projects in education and science policy on 14 February 2013 (Kim, 2013); and that the establishment of the Ministry of Science, ICT, and Future Planning was necessary for the future at a visit to an ICT company on 12 March 2013 (Kim, 2013). She also argued that she had no intention of directing the broadcasting media to her own political interests in the statement of 4 March, as explained above, and at the lunch meeting with seniors of the nation on 13 March 2013 (Kim, 2013). As explained above, she said that the policy function about SO, IPTV, satellite broadcasting, and programme providers should be transferred to the Ministry of Science, ICT and Future Planning at the meeting with parliamentary leaders of the governing party on 15 March 2013.

Needless to say, MPs gave great attention to the scrutiny of the bill. A whole-day session of public hearing was devoted to the bill in the Public Administration and Security Committee. The public hearing along with the general debate over the bill took 6 hours and 8 minutes, with 17 MPs questioning. Even after the negotiation between parties had decided the substance of the bill, MPs needed to demonstrate their attention to the bill and relevant policy actors for the purpose of credit claiming and position taking in Mayhew (1974, ch.1). Thus, the general debate over the bill in the committee on 18 March 2013 – after the negotiation between parties – took 50 minutes, with seven MPs questioning. The bill was very

important for MPs as party politicians promoting their own party's policy and as representatives of their own constituencies. Due to the high controversy of the bill, however, the practical scrutiny of the bill was conducted through the negotiation between parties. After the negotiation, even MPs in the committee in charge of the bill could not change the results of the negotiation.

The committee staff could not have a substantive impact in the policy network. Individual MPs who tried to secure the interests of their own constituents, civil servants of the relevant departments and representatives of the relevant interest groups contacted the committee staff and provided documents and data. The most important actors – the representatives of each party who negotiated, however, ignored the role of the relevant committee staff. As written above, the committee staff could not attend the negotiation and did not know the progress of the negotiation. They even knew the results of the negotiation only from the media and had to request the substances of the agreement from the Deputy Floor Leader of the governing party. Moreover, they had no motivation and resource to intervene in the negotiation over the highly controversial bill. Their major role was to report the agreement to MPs of the standing committee after the end of the negotiation. Although MPs, civil servants and the relevant interest groups provided them with documents and data, the documents and data were not important for the negotiation. However, they conducted their role actively in the translation and specification of the agreement between political parties. It was possible because of their expertise in legislation skills.

9.4.5. Summary and conclusion

The *bill for whole amendment of the Government Organisation Act (1903484)* was a very controversial bill because of the political characteristics of administrative reorganisation that create benefits and costs to MPs, committees in the legislature, civil servants and relevant interest groups. In addition, the bill was very complex, so high expertise and much knowledge in public administration and law was necessary to examine the bill thoroughly. The negotiation between representatives of the governing party and the opposition party decided the major substance of the final bill. The official legislative process (subcommittee and committee stage, the examination of the Legislation and Judiciary Committee and the plenary) became just a formal process that

approved the agreement from the negotiation and gave legitimacy to the negotiation.

The high controversy surrounding the reorganisation affected the interaction between MPs and committee staff. The committee staff could not play a substantive role in the policy formation of the administrative reorganisation. The review report of the committee staff could not suggest explicit amendment opinions because of the highly controversial and political characteristics of the bill and the guiding function of the committee staff did not work well in the general discussion and the public hearing. The committee staff could not even attend the negotiation and did not know the progress of the negotiation. After the end of the negotiation, however, they played an important role in specifying the agreement from the negotiation (with civil servants in the executive branch) and translating it into legal provisions due to the high technical complexity of the bill.

9.5. Constituency Demarcation for the 19th General Election in 2012

9.5.1. Background

MPs' constituencies are to be set by an Act in South Korea (*The Constitution of the Republic of Korea 1987, art. 41(3)*). The official process of the demarcation of MPs' constituencies was as follows in 2012: The Constituency Demarcation Committee, which should not include any MP as a member, should be established and members of the committee should be appointed by the Speaker of the National Assembly through consultation between the Speaker and floor leaders of each negotiating group (*Public Official Election Act 2005, art. 24(1)-(2)*). The committee should prepare a draft constituency demarcation and submit a report about the demarcation six months before the next general election (*Public Official Election Act 2005, art. 24(7)*). The committee should consider the population, the administrative districts, geographical features and traffic (*Public Official Election Act 2005, art. 25(1)*). When the National Assembly amends the provisions governing MPs' constituencies, it should pay regard to the draft constituency demarcation prepared by the Constituency Demarcation Committee (*Public Official Election Act 2005, art. 25(10)*).

By way of context, the Constitutional Court of Korea decided that the population of a constituency should be between 50% and 150% of the average population of constituencies on 25 October 2001¹². Therefore, usually, the National Assembly should demarcate MPs' constituencies for the next general election every four years because there are very likely to be constituencies which violate this principle decided by the court. The constituency demarcation is very controversial among MPs whose constituencies are likely to be merged or divided because it is directly related to their political interests. The constituency demarcation, however, is a relatively easy issue for MPs because they know well the principle of constituency demarcation and the outcome of the demarcation. Moreover, a revision of tables in the Public Official Election Act is enough and knowledge of legislation skills is not necessary for constituency demarcation.

Strictly speaking, the process of constituency demarcation is not the same scrutiny process as that of a government law bill because there is no government bill for the demarcation and the relevant special committee in the National Assembly demarcates constituencies by a committee bill. The process is studied in this chapter, however, because the process is an extreme example in which political controversy is magnified and gives an insight on the impact of the degree of controversy and technical complexity of an issue on the interaction between MPs and the committee staff.

9.5.2. The legislative process

The Constituency Demarcation Committee

The Constituency Demarcation Committee for the 19th general election held its first meeting on 6 September 2011. The committee heard reports on the constituency demarcation from the National Election Commission and the Ministry of Public Administration and Security on 16 September 2011. They held a public hearing on 14 October 2011, and heard the political parties' opinions on 21 October 2011. The committee decided on the principle of the demarcation over meetings held on 28 October, 4 and 11 November 2011. The committee reviewed the opinions of local governments which sent their opinions on 18 November 2011 and resolved the draft constituency demarcation. The committee

¹² The principle was changed by the decision of the court that the population of a constituency should be between two thirds and one and a third of the average population of constituencies on 30 October 2014.

divided eight constituencies that were over 150% of the average population of constituencies into two constituencies respectively and abolished five constituencies under 50% of the average population of constituencies. The committee also changed the boundaries of four pairs of adjacent constituencies to meet the criterion of population. Therefore, the number of local constituency members was increased from 245 to 248. The committee, however, recommended that the number of proportional representatives should not be decreased.

The review of the draft constituency demarcation by the committee staff

The Chief of Staff of the Special Committee on Political Reform who was in charge of constituency demarcation reported the draft constituency demarcation of the Constituency Demarcation Committee, but did not present the review on the draft because the draft was not an official bill and the committee staff had no power to review the draft.¹³ In fact, the Committee Staff Director in charge of the *Public Official Election Act* presented the report about the bill for amendment of the Act only once (on 4 April 2011) during the period when the special committee existed (from March 2011 to February 2012) and bills which were referred to the special committee after April 2011 were directly referred to the subcommittee in charge of the *Public Official Election Act* without hearing the review report of the committee staff in the committee stage.

Apart from the draft constituency demarcation, a legislative bill which reduced the number of local constituency members and increased that of proportional representatives was referred to the committee and the bill was reviewed by the committee staff director on 4 April 2011. The review report of the committee staff, however, just introduced the substance of the bill and surveyed the pros and cons of the single-member constituency system and multi-seat constituency system. There was no explicit opinion of the committee staff director.

Committee stage before the examination of the subcommittee

The draft constituency demarcation was tabled at the meeting of the Special Committee on Political Reform on 27 December 2011. The Chief of Staff reported the draft demarcation, but members of the Constituency Demarcation did not

¹³ In fact, the Chief of Staff and other committee staff were also staff members of the Constituency Demarcation Committee.

attend the meeting. The Secretary General of the National Election Commission attended and answered MPs' questions. The major issues discussed were the balance between urban and rural areas; the balance between Seoul Metropolitan area and other regions; the increase of the total number of MPs; and the establishment of a constituency for Sejong City that was to be established on 1 July 2012. An interesting point is that some of the MPs whose political interests were directly affected by constituency demarcation were the members of the special committee and attended the discussion. In the special committee, there were MPs whose constituencies were affected by the draft demarcation or likely to be affected by the final demarcation and who were planning to be candidates for those constituencies in the next general election. Ten MPs spoke about constituency demarcation in the meeting. Three of them were those whose constituencies were abolished by the draft demarcation. Two of them were those whose constituencies might be abolished because of small population. One MP was planning to be a candidate for a constituency that was divided by the draft demarcation. They tried to defend their constituencies in the discussion.

Subcommittee stage

The Subcommittee on the Public Official Election Act held five meetings from 10 January to 27 February 2012. Constituency demarcation, however, was not discussed in the subcommittee. Only at the final meeting on 27 February 2012, the agreement about constituency demarcation between the governing party and the opposition party was reported and the subcommittee resolved a committee bill according to the agreement.

Negotiations between the governing party and the opposition party

Ranking members of the governing party and the opposition party in the committee negotiated about constituency demarcation. The draft constituency demarcation of the Constituency Demarcation Committee was ignored during the negotiation. The opposition party made their alternatives for constituency demarcation in late December 2011. The alternatives were dividing Paju, Giheung and Wonju into two constituencies each; establishing a new constituency for Sejong City; and abolishing three constituencies in Gyeongsang Province (Namhae-Hadong, Yeongcheon, and Sangju) and one constituency in Jeolla Prvince (Damyang-Gokseong-Gurye) (Shin, 2011).

The governing party, however, did not have their own alternative until that time. The governing party only opposed the establishment of a constituency for Sejong City. There was no leadership to represent the party after their defeat in the by-election for the mayor of Seoul City on 26 October 2011. The Chair of the governing party resigned on 9 December 2011. The new party leadership (the 18th President Park) was inaugurated on 19 December 2011. The governing party replaced MPs (including the ranking members of the governing party) in the Special Committee on Political Reform who were stakeholders of the constituency demarcation on 31 December 2011. After two replacements, a new ranking member of the governing party was selected on 12 January 2012. Then, the governing party started to make their alternatives.

A talk between ranking members of the two parties was held on 30 January 2012. The governing party suggested an alternative that divided Paju and Wonju into two constituencies each, established a constituency for Sejong City and decreased the number of proportional representatives from 54 to 51, but the opposition party rejected the decrease of proportional representatives because the party's coalition partner of the day did not want the decrease (Park, 2012; Seok, 2012). There had been no progress in the negotiation until 15 February 2012. The governing party suggested a new alternative that abolished two constituencies in Kyeongsang and Jeolla Provinces respectively and increased the number of proportional representatives from 54 to 55 at the meeting between ranking members on 15 February 2012, but the opposition party suggested a new alternative that abolished two constituencies in Kyeongsang Province and one constituency in Jeolla Province at the meeting between floor leaders and ranking members on the next day (Seong and Seok, 2012; Nahm, 2012a).

The two parties agreed with the establishment of a Sejong constituency and division of the Paju and Wonju constituencies at this time. The negotiation started to focus on how to decrease the number of constituencies by three seats. Floor leaders and ranking members of the two parties met on 20 February. The governing party suggested a new alternative that abolished one constituency in Kyeongsang and Jeolla Provinces respectively and decreased the number of proportional representatives from 54 to 53, but the opposition party adhered to their alternative that they had suggested on 16 February 2012 (Lee, 2012a). The number of constituencies which were to be abolished in Kyeongsang and Jeolla

Provinces was very important for the governing and the opposition parties because of electoral regionalism in the two regions explained in chapter 2.

The Secretary General of the National Election Commission visited parliamentary leaders of the governing party, the opposition party and minor parties and suggested an alternative that increased the number of MPs from 299 to 300 on 21 February 2012 (Kang, 2012). The suggestion became an alternative breaking the deadlock in the negotiation. Ranking members of the governing and opposition parties met on 23 February 2012, but there was no agreement. On 26 February 2012, they reached an agreement which abolished one constituency in Gyeongsang and Jeolla Provinces respectively and increased the total number of MPs from 299 to 300. The major substances of the constituency demarcation is summarised in Table 9.5.

Table 9.5. The Constituency demarcation for the 19th General Election

<ul style="list-style-type: none"> ❖ A constituency which was to be newly established <ul style="list-style-type: none"> ➤ Sejong City ❖ Constituencies which were to be divided into two constituencies respectively <ul style="list-style-type: none"> ➤ Paju → Paju Gab and Paju Eul ➤ Wonju → Wonju Gab and Wonju Eul ❖ Constituencies which were to be abolished and merged into adjacent constituencies <ul style="list-style-type: none"> ➤ Damyang-Gokseong-Gurye ➤ Namhae-Hadong ❖ Constituencies of which boundaries were to be changed <ul style="list-style-type: none"> ➤ Suwon Gweonseon and Suwon Paldal ➤ Yongin Cheoin, Yongin Giheung, and Yongin Suji ➤ Yangpyeong-Gapyeong and Icheo-Yeaju → Yeaju-Yangpyeong-Gapyeong and Iceon ➤ Cheonan Gab and Cheonan Eul

Source: summarised from the *committee bill for partial amendment of Public Official Election Act* (1814689)

The legislative process after the negotiation

The subcommittee on the Public Official Election Act held its meeting on 27 February 2012. The Committee Staff Director in charge of the Public Official Election Act reported the agreement between the governing party and the

opposition party at the subcommittee meeting. An MP of a minor party objected to the agreement, but the subcommittee resolved according to the agreement. After the meeting, the Special Committee on Political Reform held its meeting on the same day. The ranking member of the governing party reported the constituency demarcation according to the agreement. The MP for Namhae-Hadong constituency tried to enter the committee room and object to the abolition of his own constituency, but was stopped by security officers. Three MPs (two of them in minor parties) criticised the demarcation in that the imbalance between urban and rural areas was exacerbated. Another MP questioned the boundary of a constituency where she was planning to be a candidate in the next general election. After the discussion, the constituency demarcation was resolved according to the agreement between the governing party and the opposition party.

In the examination of the Legislative and Judiciary Committee, one MP criticised the abolition of a rural constituency in Jeolla Province (he was a representative of the province in the Supreme Council of the opposition party), and two MPs criticised that the Yongin Giheung constituency was not divided despite the big population of the constituency (One MP was an incumbent MP for the constituency, and the other MP was planning to be a candidate for the constituency). The committee, however, only changed the name of some constituencies. At the plenary, one MP criticised the abolition of Namhae-Hadong constituency (he was the MP for the adjacent constituency that Namhae-Hadong was to be merged into) and another MP criticised that one more constituency should be added to Cheonan City (There were two constituencies in the city, and he was an MP for one of them). The constituency demarcation, however, passed the plenary. One interesting point is that the rate of aye votes to the demarcation was only 53 per cent (92 of 174 MPs in attendance) despite the agreement between the governing party and the opposition party.

9.5.3. The role of the committee staff in the legislative process

The committee staff in charge of the constituency demarcation did not play a substantive role in the legislative process. Firstly, the committee staff director in charge of the demarcation could not suggest any opinions about the demarcation. The committee staff did not have the power to review the draft demarcation because it was not an official bill. Secondly, the committee staff could not conduct any guiding function. The issues debated at the official meeting of the relevant

special committee were set by MPs who tried to defend their own political interest. In the special committee in December 2012, six MPs (five in the governing party) were those whose constituencies were divided or abolished by the draft constituency demarcation, one MP was planning to be a candidate in a constituency which was divided by the draft demarcation, and constituencies of other two MPs were at risk of abolition due to their small population. Needless to say, the agenda and issues in the negotiation between the governing party and the opposition party were set by the two parties. Thirdly, the committee staff did not play a substantive role in the negotiation between the governing and opposition party. They could not attend the negotiation. Ranking members of the two parties did not request any information from the committee staff during the negotiation. Finally, after the negotiation, the committee staff drafted amendments according to the agreement between the governing party and the opposition party and produced documents explaining the agreement to MPs in the special committee and subcommittee. Differently to that of the legislative process of administrative reorganisation, however, the function was close to pure translation. There was no space for the committee staff to specify the agreement because the agreement about constituency demarcation was already very specific. This was because constituency demarcation was relatively easy for MPs to access and so controversial that the committee staff could not make decisions even on the details. Moreover, committee staff members' examination of the legal structure and wording was not necessary because a revision of a table in the Public Official Election Act was simply enough for the constituency demarcation.

9.5.4. The policy network and the impact of the committee staff

Basically, the policy network of the constituency demarcation was formed around the two political parties that negotiated with each other about the constituency demarcation. Individual MPs, local residents and local governments of the relevant constituencies, and the National Election Committee attended the network and made efforts to reflect their own interests on the constituency demarcation. Firstly, the governing and opposition parties were at the centre of the policy network. They were the major agents of the negotiation about the demarcation. They had made their own alternatives during the negotiation and coordinated the interests of their MPs.

Secondly, individual MPs whose political interests were related to the demarcation tried to influence the demarcation. Some MPs decided to be members of the special committee in charge of the demarcation. As explained above, a considerable proportion of the relevant special committee members were directly related to the constituency demarcation although most of them were replaced during the legislative process of the demarcation. One MP whose constituency was abolished tried to object to the agreement and made a statement criticising the constituency demarcation (The other MP whose constituency was abolished was planning to change his constituency). In the official legislative process (at the special committee, the Legislation and Judiciary Committee, and the plenary), many MPs participated in discussions and tried to defend their political interests. It is not only because the demarcation was critical for their re-election but because remaining or securing the status of an independent constituency was important for the individual constituencies themselves. Thus, MPs behaved not only as seekers of their own interests, but as representatives of their own constituencies.

Thirdly, local residents and local governments tried to reflect their interests in the legislative process in the constituency demarcation. Representatives of local residents groups of Sejong city and the legislature of Yeongi County (that were to be included in the Sejong City constituency) announced statements in late November 2011 criticising the Constituency Demarcation Committee that had not established a constituency for Sejong City (Jee, 2011; Yoon, 2011). Representatives of local residents groups of Wonju City staged one-man demonstrations in front of the National Assembly in mid-December 2011 (Lee, 2011). The legislature of Wonju City required the division of the constituency for the city on 30 January 2012 (Jang, 2012). A preliminary candidate for Icheon-Yeouju constituency sued the National Assembly for the delay of constituency demarcation at the Constitutional Court of Korea on 19 January 2012 (Kim, 2012). Residents of Damyang-Gokseong-Gurye constituency gathered signatures during the demarcation process (Bae, 2012). Those of Namhae-Hadong announced a statement arguing that rural constituencies should not be abolished in January 2012, and staged demonstrations at the National Assembly on 17 February 2012 (Bae, 2012; Nahm, 2012b). The local government of Yongin City submitted a suggestion that Giheung constituency should be divided into two

constituencies to the Special Committee on Political Reform on 26 January 2012 (Jang, 2012). Representatives of local residents groups of Gijang staged a demonstration in front of the National Assembly on 30 January 2012 (Koo and Kang, 2012); charged the Ranking Member of the governing party through the Prosecutors' Office (Lee, 2012b); and sued the National Assembly for the delay of constituency demarcation (Lee, 2012). The Mayor of Suwon City held a press conference and argued that Gweonseon – a district in the city - should be divided into two constituencies on 6 February 2012 (Kang, 2012). Representatives of local residents groups in Suwon submitted a statement arguing that Gweonseon should be divided to MPs for the City in early February (Kim, 2012).

Finally, even the National Election Commission played a substantive role in the policy network. The Secretary General of the commission visited parliamentary leaders of parties and suggested an alternative that increased the number of MPs from 299 to 300. The suggestion made a space for the negotiation, and the agreement between the governing and opposition parties increased the number of MPs as he suggested. Experts and the media, however, did not support any party and did not present opinions of their own on the detailed demarcation though they criticised the demarcation on the grounds that the number of MPs increased and the interests of major parties were the most important issues to be considered in the demarcation. Although the members of the Constituency Demarcation Committee were experts from academia and the media and former senior civil servants related to constituency demarcation (out of the total eleven members, three were lawyers, three were from the media, three were from academia, and two were former senior civil servants), only one member urged once through the media for the draft constituency demarcation to be followed during the negotiation.

The committee staff did not have a substantive impact in the policy network. Differently from the case of the administrative reorganisation, stakeholders in the policy network did not provide them with information. The most important actors, ranking members of each party who negotiated about the demarcation, ignored the role of the relevant committee staff. The committee staff could not attend the negotiation and did not know the progress of the negotiation. The committee staff were just notified by the ranking member of the governing party after the negotiation finished.

9.5.5. Summary and conclusion

The constituency demarcation for the 19th general election in 2012 was very politically controversial because it affected MPs' political interests directly. The demarcation, however, was relatively easy for MPs to access because they knew well the legal principles of constituency demarcation and the logic to defend their own constituencies (partly due to its direct effect on their political interests). The negotiation between representatives of the two major parties decided the substance of the final demarcation. The official legislative process (subcommittee and committee stage, the examination of the Legislation and Judiciary Committee and the plenary) became just a formal process which approved the results of the negotiation and gave legitimacy to the negotiation. At the plenary, however, many MPs showed their dissatisfaction about the constituency demarcation by voting against the demarcation (39 MPs) or abstention (43 MPs)

The high controversy surrounding constituency demarcation affected the interaction between MPs and staff. The committee staff could not play a substantive role in the legislative process. All amendments were from the negotiation between political parties. The committee staff just drafted amendments according to the agreement. There was no space for the committee staff to specify the agreement contrary to the case of administrative reorganisation. They could not present the review report of the committee staff and did not conduct the guiding function. The issues in the legislative process were set by the relevant MPs and major parties. The committee staff could not attend the negotiation and did not know the progress of the negotiation. They just reported the agreement to MPs of the special committee after the negotiation finished.

9.6. Summary and Conclusion

The role of the committee staff in the legislative process of individual bills is summarised as follows: They played substantive roles in amending the bills and guiding the scrutiny along with mediation between relevant policy actors during the legislative process of re-categorisation of civil servants and the introduction of affirmative action for North Korean refugees. The bills were not controversial.

An interesting point is that the policy idea originated from an MP in the latter case. It could be said to be due to the low complexity of the agenda in the latter case.

The committee staff, however, could not have an important impact in the legislative process of administrative reorganisation and constituency demarcation. The bills were very controversial especially in political aspects. In fact, the legislative process of the bills showed a different form from the official legislative process. Representatives of the governing party and the opposition party negotiated and the bills were amended according to the results of the negotiations. The committee staff could not attend the negotiations. Their role was limited to the translation of the agreements of the two parties into amendments of the bills and reporting the agreements to the MPs of the committee in charge of the bills. There was a difference, however, in the translation role of the committee staff between the two cases. The committee staff had space to specify the detailed amendments within the limits of the general principles of the agreement in the case of administrative reorganisation, and conducted the function of examination for legal structure and wording due to the technical complexity of the bill that made their expertise in legislation valuable, but there was no such space in the case of constituency demarcation.

Through the case studies, the influences of the political controversy and technical controversy on the role and impact of the committee staff are identified as through the interview research and amendment analysis. The committee staff did not have an important impact in the legislative process of controversial bills, and vice versa. The committee staff, however, have their roles in technically complex matters even in the scrutiny of controversial bills. The committee staff can specify the amendments originating from the negotiation among parties in the legislative process of technically complex bills.

10. Conclusion

So far, the role and impact of the committee staff of the legislature of South Korea in the scrutiny of government law bills and the factors affecting them have been investigated. In this chapter, the findings are reviewed; the contributions, implications and limitations of this thesis are discussed; and future research that can be followed is suggested.

The first section summarises the findings of this thesis. The theoretical framework and key concepts of this thesis are also recalled in the section. The section discussing the contributions and implications of this thesis follows. The contributions of the thesis are: to give as much attention to the network managing function of the committee staff in legislatures as to the information and intelligence function; to address the issues of the factors affecting the role and impact of the committee staff and the nature of staff impact in the context of the legislature of South Korea; and to provide a base for comparative research on the committee staff by introducing the committee staff system in the legislature. Finally, the limitations of this thesis are discussed, and the direction of future research is suggested. The peculiarity of the legislature of South Korea and potential difficulty in application of the findings of this thesis to other legislatures can be pointed out as the major limitation of this thesis. In addition, this thesis does not examine the role and impact of the committee staff from the policy actors' points of view, other than those of committee staff members, and comprehensive investigation of factors affecting the committee staff's role and impact was not conducted due to the focus on the nature of the issue under scrutiny. Studies about the legislative staff in many other countries and research comparing them would be necessary for the development of the research on the committee staff in the legislatures.

10.1. Summary of Findings

The research questions of this thesis are as follows: What are the roles and impact of the committee staff of the South Korean National Assembly in the legislative process of government law bills? and which factors affect them (chapter 1) ? Firstly, the contexts of the research – the South Korean National Assembly and its committee staff system – are introduced (chapter 2 and chapter

3). The committee staff system is compared with those of other legislatures – the U.K., the U.S., Australia and Germany (chapter 3). Secondly, the need for the theoretical framework and perspectives which consider the interaction among policy actors in the legislative process, and the features (capabilities and orientations) of the actors in answering the questions is identified through the previous literature review. The need for giving attention to the network managing function as a role of the committee staff and the issue factors as factors affecting staff impact are also identified through the review (chapter 4).

Thirdly, the theoretical framework based on the perspectives of policy network and new institutionalism (rational choice, normative and historical institutionalism) is set up, and key concepts on the features (capabilities and orientations) of the policy network and major policy actors (MPs and the committee staff) and historical contexts surrounding the legislature of South Korea are derived from the framework (chapter 5). Fourthly, the empirical data for the investigation are collected and analysed through interview research with former and current staff members; amendment analysis examining the initiator(s), significance and acceptance of amendment opinions in the scrutiny of government law bills; and legislative case studies comparing individual legislative processes in which the issues under scrutiny demonstrate variance in the degree of the two key factors of this thesis – the political controversy and technical complexity of the issue (chapter 6).

Then, the role and the impact of the committee staff are analysed applying the theoretical framework and key concepts (chapter 7). First of all, the scrutiny of government law bills in the legislature of South Korea is analysed through the application of the policy network perspective. Except the committee staff, three major policy actors are identified: MPs, the executive branch and interest groups. They have interdependent relationships with each other exchanging resources. The committee staff occupy the information channel among them. Unilateral action of a policy actor is difficult in the policy network. On top of that, the role of the committee staff is examined. The three roles identified are as follows: an informative role and guiding the scrutiny, consultation and mediation (network managing function), and a limited role in agenda setting for subcommittee meetings. The resources of the committee staff – knowledge about the legislative process, technical skills in legislation, and a certain level of policy expertise – and

their neutral position in the legislative process allow them to conduct those roles. Through conducting the roles, the committee staff have a substantive impact in the scrutiny of government law bills, which is demonstrated from their conception and amendment analysis (chapter 7). The sources of their impact are as follows: the motivation of the committee staff in their role, MPs' delegation to the committee staff, and MPs' trust of the committee staff and agreement with them (chapter 8).

The structure of the orientations of MPs and committee staff members enables MPs' delegation and invigorates staff members' motivation. MPs' attention is drawn to activities other than the scrutiny of government bills. Their roles as a constituency worker and party politician disperse their attention and time. Even in playing the role of policy watchdog and entrepreneur, MPs do not focus on the scrutiny of government law bills because they have their own private members' bills that they want to be enacted as well as there being high-profile policy affairs to which MPs have to pay attention. For MPs, the scrutiny of government bills is a sort of production of *public goods* from which MPs cannot claim exclusive rewards, but have to take the cost of time and attention. Thus, they delegate detailed scrutiny to the committee staff. For committee staff members, the scrutiny of government bills is the production of *private goods* from which they take exclusive rewards. Their orientation to promotion and career concerns gives them the motivation to demonstrate their ability as competent staff and makes them intervene in the scrutiny. The orientations to participation in the policy process and commitment to the public interest also facilitate their engagement with the scrutiny of government bills. One important point is that the orientations of MPs and committee staff members are affected by institutional factors. The orientations of MPs are formed from the historical contexts of South Korea, and those of staff members are affected by their legal status and institutional norms.

When it comes to MPs' trust of the committee staff and agreement with them, three factors are important. Firstly, the committee staff can focus on the scrutiny of bills, which enables the comprehensiveness of their scrutiny. Secondly, the opinions of the committee staff have the features of consulted and mediated ones. Finally, the neutrality of the committee staff becomes the basis of MPs' trust. Therefore, this trust and agreement can be due to the resources and capabilities of the committee staff – informational power from knowledge about legislation, a

certain level of policy expertise and the status as network manager during the scrutiny.

For the factors affecting the role and impact of the committee staff, this thesis gives its attention to the features of the issue under scrutiny – the political controversy and technical complexity (both in legal and policy aspects). This is because they affect the sources of the impact of the committee staff by changing the features of the network and the value of the capabilities and the degree of orientations of policy actors (chapter 8). Firstly, political controversy increases the degree of conflict in the policy network and makes network management by the committee staff, who have no official authority, more difficult. In the situation of fierce conflict among actors, the committee staff have a lower ability for conducting network management or their network management has a limited effect in the legislative process. The political controversy also changes the values of resources in the scrutiny and motivations of MPs and committee staff members. MPs' resources – legitimacy, official authority and political knowledge and skills – become more important. The network management by the committee staff becomes difficult because they have no legitimacy or official authority. MPs have a higher level of motivation due to the political stake of their parties in the scrutiny and the opportunity to raise their profile. The political controversy may stimulate their sense of duty as representatives of the people and as a policy watchdog. Committee staff members have a lower level of motivation because active engagement with politically controversial and high-profile issues can collide with the norms of political neutrality and anonymity, and damage their reputation as neutral staff. Therefore, political controversy makes the role of the committee staff more passive and decreases their impact in the legislative process.

Secondly, technical complexity of the bill (both in legislation and policy aspects) under scrutiny also changes the value of resources and motivations of MPs and committee staff members. The resources of staff members – technical knowledge about legislation and a certain level of policy expertise – become more important. Especially, complexity in legislation makes the committee staff more important because technical knowledge about legislation is the resource that they monopolise in the network. MPs have a lower level of motivation due to the bigger costs of time and attention taken in the scrutiny of technically complex issues. Committee staff members have higher levels of motivation because they can

demonstrate their competency in technically complex issues and gain a good reputation. Therefore, technical complexity makes the role of the committee staff more active and increases their impact in the legislative process.

Based on the analysis on the features of the impact of the committee staff, this thesis does not see the nature of the committee staff as autonomous which is not controlled by MPs (chapter 8). Committee staff members work under the anticipated reaction. Their opinions have the feature of consulted and meditated ones rather than that of their own. The impact of the staff depends on MPs' delegation, trust and agreement. The legislative case studies provide specific examples of individual legislative processes which reveal the specific roles of the committee staff (chapter 9). The committee staff did not exert a substantive role and impact in the legislative process of the scrutiny of controversial bills, and vice versa. However, they conducted the role of specifying the policy even in the controversial legislative process when the technical complexity of the issue was high.

10.2. Contributions and Implications of the thesis

The first contribution of this thesis is that it gives an equivalent focus on the network managing function (consultation with and mediation between relevant policy actors) of the committee staff in legislatures to that on the information and intelligence functions. Previous literature about the legislative staff has mentioned the function, but the studies have given their attention to it less than to the information and intelligence function. Exploiting the policy network perspective that has emasculated Parliament as an important policy actor in the British context, this thesis sheds a light on the importance of the function because the legislative process in modern legislatures has the feature of a policy network in which relevant policy actors are in relationships of interdependence; collective action is required to solve a policy problem in the interdependence; and there is a need for network management to facilitate the collective action.

The second contribution of this thesis is that it examines the factors affecting the role and impact of the committee staff in the legislatures and the nature of staff impact empirically that have rarely been addressed outside the U.S. When it comes to the factors affecting the role and impact of the committee staff, there

has often been the implicit assumption that the policy competence of staff would be reflected in the policy process if they are technically correct or rational in the studies outside the U.S. However, this thesis discards the assumption and investigates the factors systematically applying the theoretical framework which bases itself on the theoretical perspectives (policy network perspective and new institutionalism) emphasising the interaction and interdependence among policy actors, and the capabilities and orientations of them.

One important point is that this thesis gives its attention to issue factors (political controversy and technical complexity) although American literature has also listed human factors (chair's character or leadership style and partisanship or expertise of staff members) and administrative factors (the structure of staff organisation, committee's terms of reference, chair's tenure and official power of staff). This is not only because the committee chair in the National Assembly of South Korea does not have the power of appointment of committee staff members or organising the committee staff system and has a short term (less than two years) but because committee staff members are non-partisan staff and career civil servants, and demonstrate relatively homogenous orientations and abilities.

For the nature of staff impact, this thesis asserts that the impact is not an autonomous one which is uncontrolled by MPs. In fact, the nature of staff impact is very important because the existence of uncontrolled legislative staff who exert a significant impact in the legislative process is against the principle of representative democracy as Malbin (1980) succinctly called the legislative staff 'unelected representatives'. This concern could become more important outside the U.S. because the committee staff of many legislatures are employed, not by the chairs or ranking members of the committee, but by the legislature itself, and do not have direct accountability to the chairs or ranking members. This thesis demonstrates that the non-partisan committee staff who are not appointed by MPs also work under consideration of MPs and are not autonomous outside the control of MPs. They behave under the anticipated reactions of other relevant policy actors (especially those of MPs), and their amendment opinions are not their own but mediated and consulted ones.

The third contribution of this thesis is that the research can be a base for comparative research on the legislative staff through introducing a legislative

committee staff system. The committee staff system in the National Assembly of South Korea can be a reference point in the comparison of the staff systems in diverse countries because it adopts a non-partisan staff system as many countries in Western Europe, and staff members have a substantive impact in the legislative process. Moreover, the benefit of the committee staff in the aspect of information provision through the review report of the committee staff and the document for the subcommittee's examination can be referred to in the institutionalisation of the legislatures in countries which attempt to construct a robust legislature.

The findings of this thesis have a couple of implications. The first one is the importance of a quality staff system for the institutionalisation of a legislature as other previous research has demonstrated. The informative role of staff members is necessary for the legislature's independence of information from the executive branch or interest groups. In addition, MPs have many other roles beyond the scrutiny of bills, and may pay lower attention to the scrutiny. The existence of a trusted staff system is necessary for the quality scrutiny of bills at the behest of MPs under their delegation in those situations. The necessity is more important in the scrutiny of technical and routine issues than in controversial issues. This is because the legislature has many functions other than the policy function as pointed out by Packerham (1970) and Norton (2013).

The second and more important implication is that the abilities and skills required in network management can be important for the work of the committee staff in the legislature because the roles of the committee staff include network management – consultation with and mediation between relevant policy actors – as this thesis reveals. In addition to the recognition of stakeholders and their idiosyncrasies; the recognition of stakeholders' shared perception and the rules of the game; and the impartiality among relevant policy actors suggested by Kickert and Koppenjan (1997, p.58), as the interview data of this thesis suggest, the abilities and skills may include the ability to find joint interests of relevant policy actors which they do not recognise themselves; to suggest a focal point which can be a base alternative for stake holders to negotiate; and to keep a balance between political parties confronting each other. Committee staff members of the legislature might have to be equipped not only with policy

expertise, but with network managing skills in the interdependent network of the legislative process.

10.3. Limitations of the Thesis in the Aspects of Methodology to Address the Research Questions

The limitations of this thesis can be categorised into those in the aspects of methodology to address the research questions and those due to the peculiarity of the context (South Korean National Assembly). The former is discussed in this section briefly, and the latter and the direction for future research are discussed in the next section with a comparison of the features of the legislative process and committee staff system in South Korea with those in the U.K. and U.S.

When it comes to the research question about the role and impact of the committee staff, this thesis does not address the role and impact from the points of view of policy actors' other than those of committee staff members'. The reason that this thesis focuses on the interviews with committee staff members themselves is that interviewing staff members is an efficient research strategy to investigate their role that other policy actors may know less about, and amendment analysis can verify and complement the results of the interviews about staff impact that could be exaggerated or underestimated. However, interviews with other policy actors – for example: MPs, their personal staff members, civil servants in the executive branch or representatives of interest groups – would be able to provide different aspects and perspectives from those of committee staff members themselves.

For the research question about the factors affecting the role and impact of the committee staff, the focus on issue factors (political controversy and technical complexity) in this thesis inhibits comprehensive investigation of other factors to some degree. For example, the interview data demonstrate that human factors (the personality and ability of committee staff members and the personality of the ranking members of the committee) and administrative factors (the workload of the committee) can also be important factors, but thorough examination, as that carried out on issue factors, are not conducted on those factors.

Moreover, the amendment analysis used to investigate the influence of issue factors has its own limitations. It is basically at the level of descriptive statistics and may have the problem of omitted variables. There may be many other factors affecting a scrutiny of law bills and acceptance of an amendment – for example, the atmosphere and culture of the committee and subcommittee, the personal character of MPs in the committee and subcommittee and the attitude of the sponsoring department – than those considered in the amendment analysis – initiator, type of amendment opinions, policy type related to the bill under scrutiny and controversy of the bill. The amendment analysis cannot consider those factors and control for them because those factors are difficult to measure in a form which can be used in statistical analysis; consideration of those factors requires a much greater number of samples than those in the amendment analysis, which is already up to 800; and requires much more time to analyse them. The problem of spuriousness remains although the amendment analysis is complemented by the results of the interview research and legislative case study.

10.4. Limitations of the Thesis due to the Peculiarities of the Context and Suggestions for Future Studies

The major limitation of this thesis is the peculiarity of the context – the National Assembly of South Korea. This thesis does not address the issue of whether the findings from the legislature of South Korea can be applied to those of other countries although the findings can be a base for comparative research about the legislative staff. The comparison of the features of the legislative process and committee staff system in South Korea with those in the U.K. and U.S. props up the argument that there should be a consideration of the differences in the context in judging the leverage of this research.

In fact, the legislative process in South Korea shares some common features with those in the U.K or U.S. First of all, in the legislative process, South Korean MPs and congressmen/women in the U.S. Congress make use of similar decision making procedures in which the controversy of the issue is an important factor. As explained in chapters 2, 7 and 8, South Korean MPs tend to follow the agreement formed between relevant policy actors in uncontroversial issues, and follow the positions of their own parties, constituents or interest groups according

to the feature of the issue. South Korean MPs cannot give their full attention to the scrutiny of bills within the limitation of their own resources (e.g. expertise, personal staff), and exploit a simplified decision making process during the scrutiny except in the cases where their own policy preferences or political interests are compromised over a threshold. Kingdon (1989, ch.10) demonstrates well the similar use of a simplified decision making model in the U.S. Congress – the consensus mode of decision in which the controversy of the issue is an important factor. This feature shared by the legislatures of South Korea and the U.S. can strengthen the leverage of the implication of this thesis that political controversy is an important factor affecting the impact of the committee staff.

On top of that, the need for expertise in detailed scrutiny of law bills and legislation which is unlikely to be acquired by MPs is a common feature that the legislative process in South Korea shares with those in the U.K. and U.S. As explained in chapters 3 and 4, drafting legislation is an important function of the committee staff in the U.S. Congress. In the British Parliament, some committees about legislation – the Joint Committee on Human Rights, Regulatory Reform Committee and the Joint Committee on Statutory Instruments – have staff members specialised in legal matters who analyse legislation (Rogers and Walters, 2015, pp.310-311). The following extract from prominent practitioners in the British Parliament is worth notice although it could be controversial.

Perhaps we should be thinking more radically about the scrutiny of legislation. How well are parliamentarians equipped for analysis, as opposed to advocacy? Should they concentrate on principles and aims rather than the detailed provisions? Might an independent commission on the quality of legislation be better equipped to deal with details and report to Parliament on how well a bill implemented the political aims that had been approved? (Rogers and Walters, p.374)

This feature shared by the legislatures of South Korea, the U.K. and the U.S. can strengthen the leverage of the implication of this thesis that technical complexity is an important factor affecting the impact of the committee staff.

Last but not least, as in the U.S. Congress, the enactment of a bill usually needs bipartisan agreement of MPs more than the minimal majority in the legislative process of South Korea. The legislative process of South Korea requires the

agreement of relevant policy actors to pass a law bill as discussed in chapter 7. As Krehbiel (1998, pp.84-85) reported well, the number of MPs who agreed with a bill usually exceeded that in the majority party when the bill was passed in the U.S. Congress, which means that a bipartisan coalition is also required in the enactment of a bill. The mediation and negotiation between policy actors must be also required in the formation of such coalition. This feature shared by the legislatures of South Korea and the U.S. can strengthen the leverage of the implication of this thesis that the network managing function is one of the important roles of the committee staff.

There are several differences between South Korea and the U.K and U.S., however. First of all, MPs of the committees in the South Korean National Assembly do not have as much expertise as those in the U.S. Congress although the committee and subcommittee stages are the centre of the legislative process. Committee rotation is common among MPs because of the homogenous preferences of MPs and egalitarian culture among them. The committee chairs are not decided based on the rule of seniority in the committee, which is important in the U.S. Congress, because of the committee rotation of MPs and the small number of senior MPs. The establishment of the committee-centred legislative process in 1963 was not for the securing of expertise, but for the easy passage of government bills. The committee becomes the battlefield between parties or does not have any real power during the scrutiny of controversial bills. Of theories about the committee organisation, informational theory (Gilligan and Krehbiel, 1990; Krehbiel, 1990; 1991) has low relevance to committees in the legislature of South Korea. Distributional theory (Shepsle and Weingast, 1987; Weingast and Marshall, 1988) would explain the composition of the committees, but the consequence of committee composition from the distributional purposes of MPs is MPs' committee rotation which is different from the U.S. Congress. In the U.S., promotions in the hierarchies of committees and parties are used to incentivise participation in the legislative activities of congressional committees according to Wawro (2000). There is no such incentive mechanism for MPs to participate in the scrutiny of bills in the National Assembly of South Korea.

On top of that, the scrutiny of bills has less incentive for MPs in South Korean than in the U.K. In the U.K., sponsoring a private members' bill is very difficult and it is rare that a private members' bill passes. Thus, an MP who wants to

participate in the policy process may select to suggest amendments during the scrutiny of government bills. For example, the number of non-government amendments to 12 bills in the case study of Russell, Gover and Wollter (2015) is 3,374, which means that the average number of non-government amendments to a bill is about 280. However, the number of amendment opinions of MPs of the South Korean National Assembly per bill in this thesis is only 1.0. In fact, South Korean MPs can introduce a private members' bill easily, and private members' bills are more likely to pass in South Korea (5,346 / 15,444 from 2012 to 2016) than in the U.K. (5 / 118 in session 2015-2016). Thus, MPs in South Korea are more likely to introduce their own private members bill than to participate in the scrutiny of government bills in order to participate in the policy process.

Thirdly, consensus between relevant policy actors is much more important in the legislative process in South Korea. In the U.K., divisions usually occur when there are disagreements between the government and opposition during the scrutiny of bills. The decision making process is usually majoritarian. According to Rogers and Walters (2015, p.363), *'the executive is always going to get its way eventually, provided that it has a majority in the House of Commons and can persuade its backbenchers to support it issue by issue'* (emphasis in original). Although there are also bipartisan coalitions bigger than the number of minimal majority to enact a bill in the U.S. Congress, the basic aim of the coalition formation is to override a presidential veto or to stop a filibuster (Krehbiel, 1998). In South Korea, MPs wait for the consensus formation among relevant actors during the scrutiny of uncontroversial bills, and consensus between all parliamentary groups is essential during the scrutiny of politically controversial bills.

Finally, the small number of MPs in a subcommittee, which is very important in the legislative process, and the process of the oral report of the committee staff in the committee and subcommittee stages are unique factors in the legislative process of South Korea and favourable to committee staff members. The subcommittee stage is crucial in the scrutiny of a bill as explained in chapter 2, so the committee staff can exert a substantial impact in the scrutiny if they can persuade, suffice or mediate between just small numbers of MPs in a subcommittee. Thus, the small number of MPs in a subcommittee demonstrated in table 10.1 is a favourable factor for the impact of the committee staff. Moreover,

the unique process of staff briefing about the merits of bills at the committee meetings and the oral reports of staff about bills at the subcommittee meetings can affect the opinions of MPs on bills and perform the role of guiding the scrutiny. Although the staff of departmental select committees and public bill committees also provide briefings in the British House of Commons, as explained in chapter 3, the briefings are not about the merits of a bill, but about inquires or taking oral evidence.

Table 10.1. The frequency distribution of the number of MPs in a subcommittee for the examination of law bills (March 2017)

The number of MPs	4	6	7	8	10	14	Total
The number of subcommittees	1	4	1	3	13	1	23

Source: summarised from the websites of committees

Although some common features that the South Korean National Assembly shares with other legislatures increase the leverage of the implication of this thesis, there are also unique features that require qualification in applying the implication to other legislatures. A direction for future studies about the legislative staff can be suggested from this comparison: the need for comparative research about the staff system of the legislatures in different countries with a consistent framework. Although there are many studies describing the staff system in individual legislatures, studies which compare staff systems in the legislatures of diverse countries are still rare. Institutional factors which are different according to the contexts in different countries and affect the role of the legislative staff have not been studied due to the lack of comparative studies. For example, the institutional causes (including historical contexts) of the strong impact of congressional staff in the U.S. compared with the legislative staff in other countries have not been investigated. The difference of the role of the legislative staff in different countries can be examined through comparative research. Chapter 3 of this thesis tries to compare the committee staff systems of different countries, but the comparison is at a descriptive level and does not consider the historical contexts affecting the institutional factors in individual countries.

10.5. Concluding Remarks

As stated at the start of this thesis, a robust legislature is a necessary ingredient of a healthy representative democracy. The existence of a quality staff system contributes to the robustness of a legislature. However, the informative role and policy expertise may not be the only consideration in the construction of the quality staff system. The legislative staff work in a much politicised environment in which the interests and preferences of policy actors collide with each other and the staff may have to possess network managing abilities to work within the interdependent policy network of the legislative process. This research hopes to be a stepping stone in the conversion of viewpoints on the legislative staff.

Appendices

1. Interview Research

1.1. The interview guide of the pilot interviews

- ❖ Explain the role and function of committee staff during the scrutiny of government bills, using typical examples.
 - The interviewer attempted to elicit an answer about the impact of staff naturally in asking the question and asked follow-up questions about the impact of staff in the cases in which the attempt failed.
- ❖ What skills and knowledge are required for legislative committee staff members in the scrutiny of government bills? If possible, use examples.
- ❖ What about the norms of committee staff? Which is more important in those norms? If possible, use examples in explaining them.
 - When possible, the interviewer asked separately about the cases of the scrutiny of government bills
- ❖ What are the important interests of committee staff? In other words, what do you think is important for you as a committee staff member or a career civil servant? If possible, use examples in explaining them.
- ❖ Which factors affect the role and function of staff during the scrutiny of government bills? If possible, use examples in explaining them.
 - The interviewer attempted to elicit an answer about the factors affecting the impact of staff naturally in asking the question and asked follow-up questions in the cases in which the attempt failed.
- ❖ What do you like most and least about your job? If possible, use examples in explaining them.

1.2. The interview guide of main research interview

Question 1

Explain the role and function of committee staff in the legislative process. If possible, use examples or your own experience.

- This subject is directly linked with the research question: the role and impact of legislative committee staff and the factors affecting them.
- Check the detail of the process in which the role and function of legislative committee staff are conducted.
- After initial answers, check additional or special features in the scrutiny of government bills.
- Usually, there would be an explanation about the impact of staff in the answer. If not, ask 'what is the policy impact of the role and function? And how great is it?'
- Check the detail of the process in which staff opinion affects the legislative process.
- In the explanation about the impact of staff, the variance in staff impact according to the situation of the legislative process would be identified. Then, ask 'what is the difference between the situation in which staff impact is strong and that in which staff impact is weak?'
- If no variance in the answer is identified, ask 'Is there any variance in staff impact?' Then, you can identify the variance in staff impact and move on to the above question.
- In explaining the difference between a situation in which staff impact is strong and that in which staff impact is weak, MPs' influence during the legislative process would be identified. Then, ask 'why do MPs intervene in those cases?' In addition, ask 'why don't MPs intervene in other cases?' Answers for the question would address the interest of MPs.
- Check additional or special features in the scrutiny of government bills in follow-up questions.

Question 2:

What skills or knowledge are required for legislative committee staff in doing their job? If possible, use examples or your own experience.

- In answering this question, the role and function of committee staff could be explained in a detailed manner and understood more fully.
- For the above purpose, check the reason why the skills or knowledge the interviewee suggests are required.
- If necessary, ask about skills or knowledge for senior committee staff (especially to senior staff themselves).
- After the answer, request the interviewee to order the skills or knowledge according to importance unless the interviewee suggests just one skill or knowledge area. It would be helpful to understand which role or function is important.
- After the initial answer, check additional or special features in the scrutiny of government bills.

Question 3:

What are the norms of committee staff in doing their job? If possible, use examples or your own experience.

- The purpose of this question is to examine the relevance of normative institutionalism that expects the norms of committee staff (in particular, political neutrality) to affect their work.
- For the above purpose, check the reason why the norms which the interviewee suggests are required.
- After the initial answer, request the interviewee to order the norms according to importance unless the interviewee suggests just one norm. By doing this, it would be possible to assess the effect of individual norms on committee staff.

Question 4:

What are the motivations of committee staff in doing their job? If possible, use examples.

- The purpose of this question is to examine the relevance of rational choice institutionalism that expects the interests of committee staff to affect their work.
- Be sure not to use 'your motivation'. In that case, most interviewees would give mundane answers (e.g. for desirous policies). Use 'staff's motivation', or the third personal pronoun. Even if you do that, you might not secure interesting answers.
- Check if there is any disadvantage in their career when a staff member does not work hard.
- Check the process in which the motivations suggested by interviewees affect committee staff.
- After the answer, request the interviewee to order the motivations according to importance unless the interviewee suggests just one motivation. By doing this, it would be possible to understand which interest is important for committee staff.

Question 5:

Who and what affects committee staff in the legislative process? If possible, use examples or your own experience.

- The purpose of this question is to examine the influence of policy actors from the perspective of policy network.
- For any policy actor, check the process by which they affect committee staff or the legislative process. This enables you to understand the dynamics of policy network in the legislative process.
- After the initial answer, request the interviewee to order the actors according to importance. By doing this, it would be possible to understand which actors are important in the legislative process.
- After the answer, check additional or special features in the scrutiny of government bills.

Question 6:

What do you like most and least about your job? If possible, use examples or your own experience.

- The answers about the favourite features of the job would supplement explanations about staff role, function, impact and motivations.
- The answers about the difficulties in doing the job of committee staff would supplement explanations about staff norms and the influences of other policy actors.
- After the answer, check additional or special features in the scrutiny of government bills.

Points of Attention during Interviews

- Always check the reason why interviewees give their answer. The interviewees think that the researcher (a current legislative staff member) already knows the answers and why, so they are likely to omit detailed explanation. To record their own voice, assume that the researcher is an outsider and secure detailed explanations as much as possible.
- Request examples or the interviewee's own experience. This gives narratives to the explanation of interviewees.

1.3. Summary of the typical substances of main research interviews

❖ **Subject 1: Explain the role and function of committee staff in the legislative process. If possible, use examples or your own experience.**

- Typically, the interviewees mentioned the function of information provision, especially preparing the report of the committee staff director and the document for the examination of sub-committee.
- Then, the researcher asked about the writing process, the substance and the role of the documents that the committee staff prepare. Usual answers for the question about the role were to guide the examination of bills, and provide information and opinions of relevant policy actors on the bills. Most of the interviewees mentioned that the policy impact of the documents is strong in general cases and MPs usually depend on the documents during the legislative process.
- Then, the researcher asked why the policy impact of the documents is strong. The typical answer was that MPs have no time to focus on the examination of bills and they focus only on bills which they are interested in.
- Even in the cases where an individual MP is interested in a specific bill and supports a specific interest group, the policy impact of the documents that the committee staff prepare could be strong. It is because the documents provide all the information about the implications of the bills and the positions of all relevant policy actors and if the opinion of the MP who is interested in the bill is not rational, other MPs follow the opinion of the committee staff implicitly.
- Then the researcher asked about the cases in which the policy impact of the committee staff is weak. The typical answer was that the policy impact of the documents could be weak in the cases where the bill is politically controversial between political parties or related with the political interests of them. The committee staff could not even suggest their opinion about the bill.
- Finally, the researcher asked if there are additional or special features in the scrutiny of government bills. Most of the participants answered that there is no difference.

❖ **Subject 2: What skills or knowledge are required for legislative committee staff in doing their job? If possible, use examples or your own experience.**

- Typically, the interviewees mentioned knowledge about the policy field that they are in charge of, the skills of legislation and the ability to write up documents and reports which are concise, clear and easy to understand.
- For the senior staff, the interviewees suggested that they should have good political sensibility, good judgement to catch implications of bills and the ability of mediation between relevant policy actors.
- Especially for the scrutiny of government bills, they suggested that the committee staff should have extensive information gathering skills and should not believe wholly or depend on the officials of the executive branch.

❖ **Subject 3: What are the norms of committee staff in doing their job? If possible, use examples or your own experience.**

- Typically, the interviewees mentioned political neutrality and integrity. They usually think that political neutrality is more important.

❖ **Subject 4: What are the motivations or incentives of committee staff in doing their job? If possible, use examples.**

- Typically, the interviewees mentioned a sense of duty and efficacy that they contribute to the improvement of policy. The researcher thought that this answer was mundane.
- Thus, after several interviews, the researcher started to check if there is an advantage to the career of civil servants when they work diligently and show good performance. A considerable number of participants said that their reputation is important in their career although there is no explicit and direct reflection of their performance on promotion or salary bonuses.

❖ **Subject 5: Who and what affect committee staff in the legislative process? If possible, use examples or your own experience.**

- Typically, the interviewees mentioned MPs, officials in the executive branch and interest groups in the aspect of policy actors. They think that officials in the executive branch are more important than interest groups, but the impact could be different according to the case.
- The researcher checked if they are affected when the Speaker, the committee chair, ranking members or the sub-committee chair is interested in a specific bill. Most of them admitted that they are affected, but they said the influence has limits and an irrational bill cannot pass although an individual MP in an important position is interested in it and supports the bill.

❖ **Subject 6: What do you like most and least about your job? If possible, use examples or your own experience.**

- Typically, the interviewees mentioned that the best is that they can contribute to the improvement of policy, but it is very difficult to maintain the balance between political groups and there is a heavy burden with the job.
- For the scrutiny of government bills, they answered that they feel a great efficacy when they improve a government bill which was drafted in the interests of the executive branch.

2. The Detailed Criteria, Examples, Frequency Distributions and Descriptive Statistics of Variables in Amendment Analysis

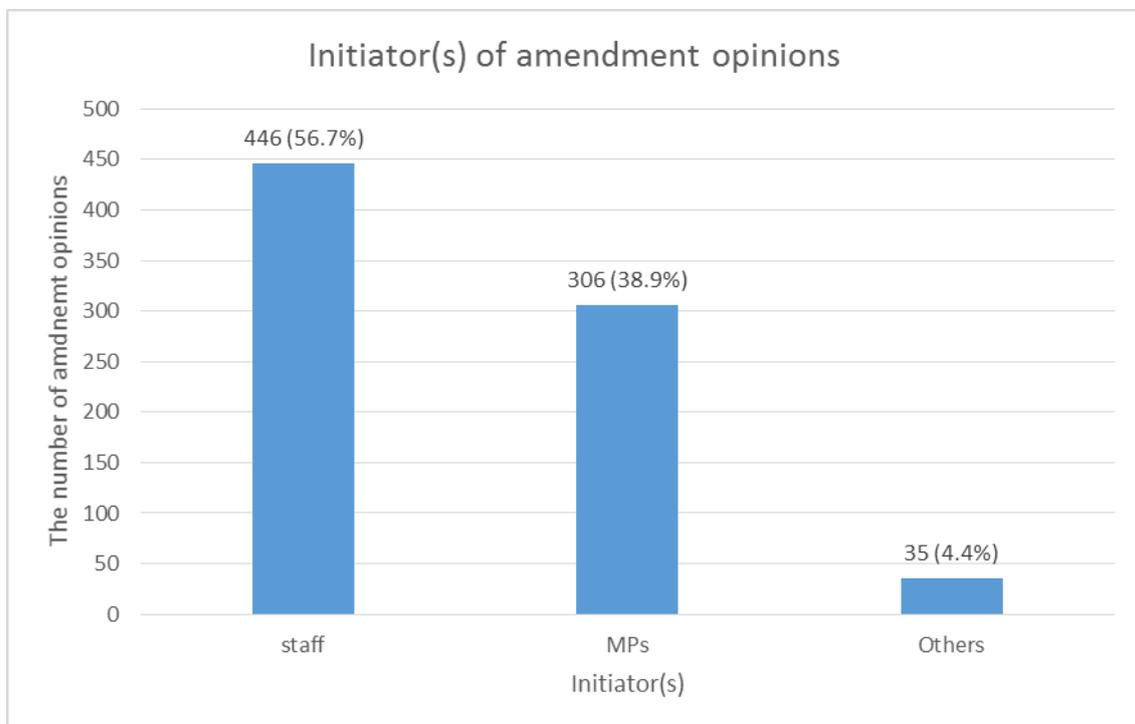
2.1. The initiator(s) of amendment opinions

2.1.1. Detailed criteria in problematic cases

Firstly, there are cases in which an MP initially suggests an amendment opinion according to the records, but the opinion appears in the review report of the committee staff. The initiator of those cases is coded as staff because the MP quotes the committee staff's opinion.

Secondly, there are cases in which an MP submits his/her amendment opinion in the form of written documents which are not recorded and the committee staff member omits the name of the MP when he delivers the opinion in the subcommittee stage. The initiator of those cases is coded as MP (unknown) because it is impossible to identify the party that he/ she belongs to.

2.1.2. Frequency distribution

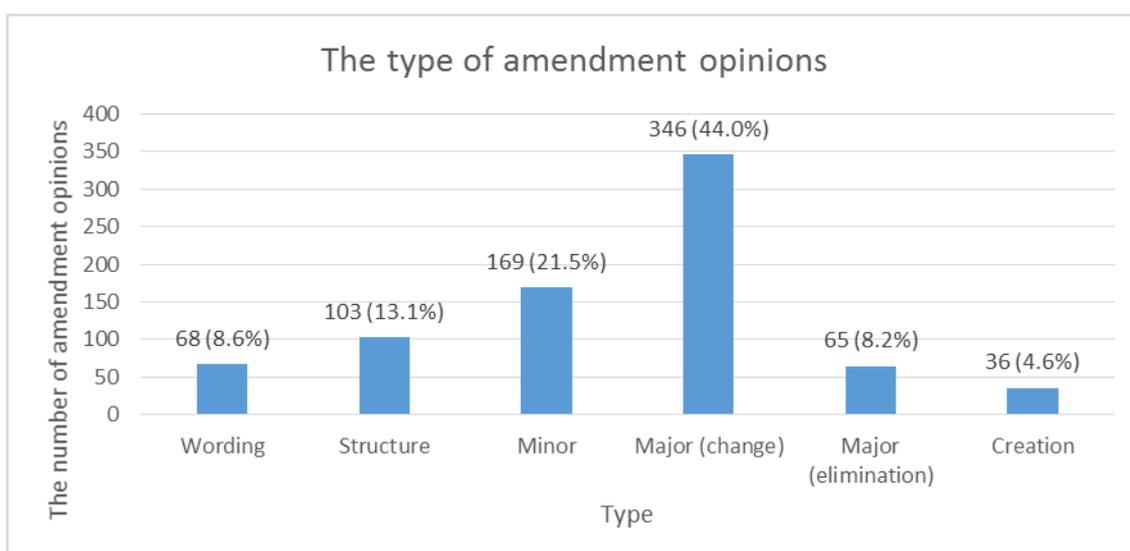


2.2. The type of amendment opinions

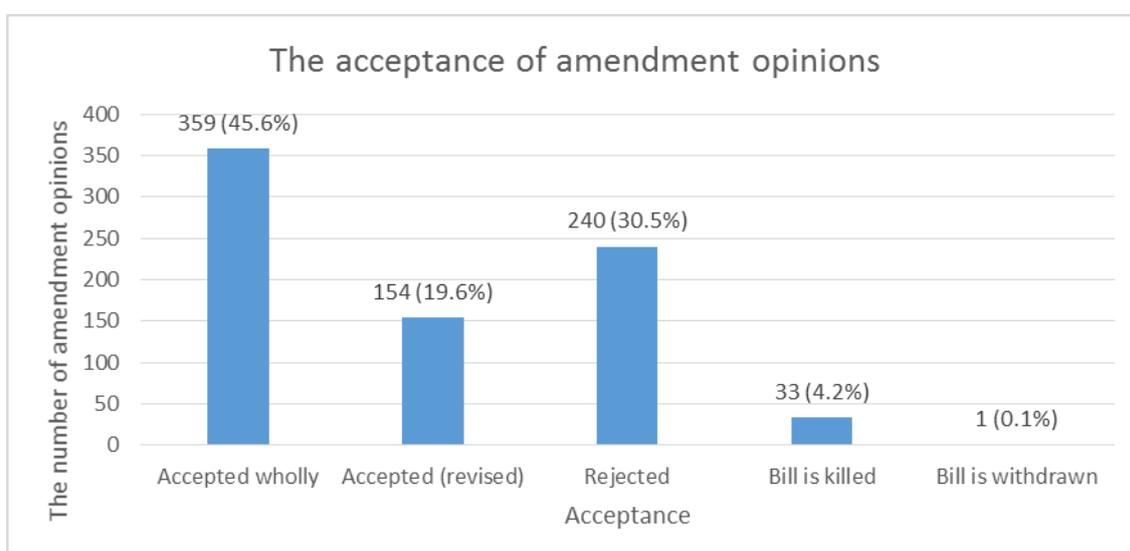
2.2.1. Examples of amendment opinions according to the types of: irrelevant, wording and detailed criteria in selecting amendment opinions in the type of structure

Type	Example and Criteria
Irrelevant	- To change the word 'chlorides' to 'salt' (to make the act easier for the public) in the scrutiny of the bill for partial amendment of Chlorides Management Act and the change is not related to the bill itself.
Wording	- To change the words 'a mayor, a governor of a county and the head of a district' to 'the head of a local government that has the power of permission'.
Structure	- To resolve explicit conflict with other laws or international treaties - To change the enforcement date of the bill to prepare secondary legislation - To modify the clauses revising other acts - To restructure clauses of the bill without changes in the meaning of the bill

2.2.2. Frequency distribution



2.3. Frequency distribution of the acceptance of amendment opinions

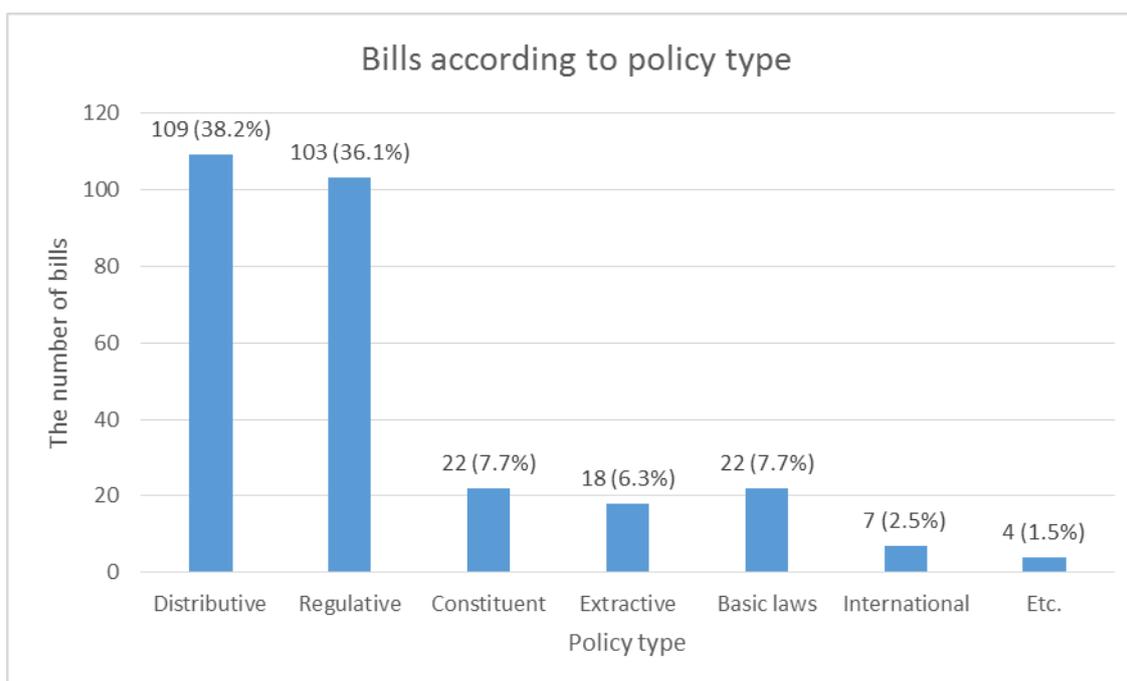


2.4. Classification of bills according to policy type

2.4.1. Detailed criteria and examples of bills

Policy type	Bills
Distributive	- Bills related to acts providing services or goods, or giving benefits or rights (ex. The Act on Special Measures for the Promotion of Venture Businesses)
Regulative	- Bills related to acts restricting the behaviour of the public or specific groups (ex. Railroad Safety Act)
Constituent	- Bills related to acts about administrative operation and management of government organisation or political matters such as elections or referenda (ex. Local Public Officials Act, Residents Voting Act)
Extractive	- Bills related to acts exploiting resources from the public (ex. Income Tax Act, Military Service act)
Basic Laws	- Bills related to acts about basic civil laws, criminal laws or judicial procedures (ex. Civil Act, Commercial Act, the Act on Special Cases concerning the Punishment of sexual Crimes, and Administrative Litigation Act)
Laws related to International treaties	- Bills related to acts which include international treaties into domestic laws (ex. The Act on Special Cases of the Customs Act for the Implementation of Free Trade Agreements)
Etc.	- Bills which are not included in the above categories (ex. United Defence Act)

2.4.2. Frequency distribution

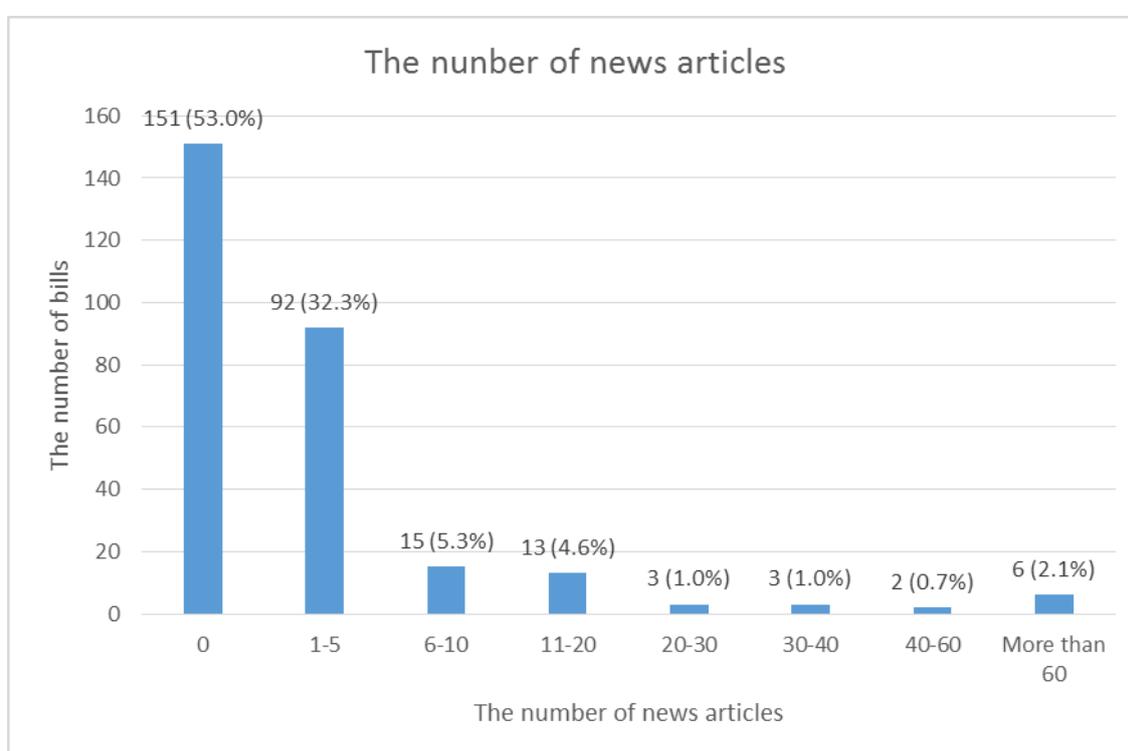


2.5. The number of news articles related to the bill under scrutiny

2.5.1. The detailed method of searching news articles in the media

The name of the Act related to the bill is used as the search word. The search is over the period from six months before the submission of the bill to six months after the final resolution of the bill in the National Assembly. If a bill is killed, the end date of the period is the end date of the 18th National Assembly. However, many articles searched for in this way are likely to be unrelated to the bill. Thus, every article is examined as to whether it is related to the bill.

2.5.2. Frequency distribution



2.6.3. Descriptive statistics

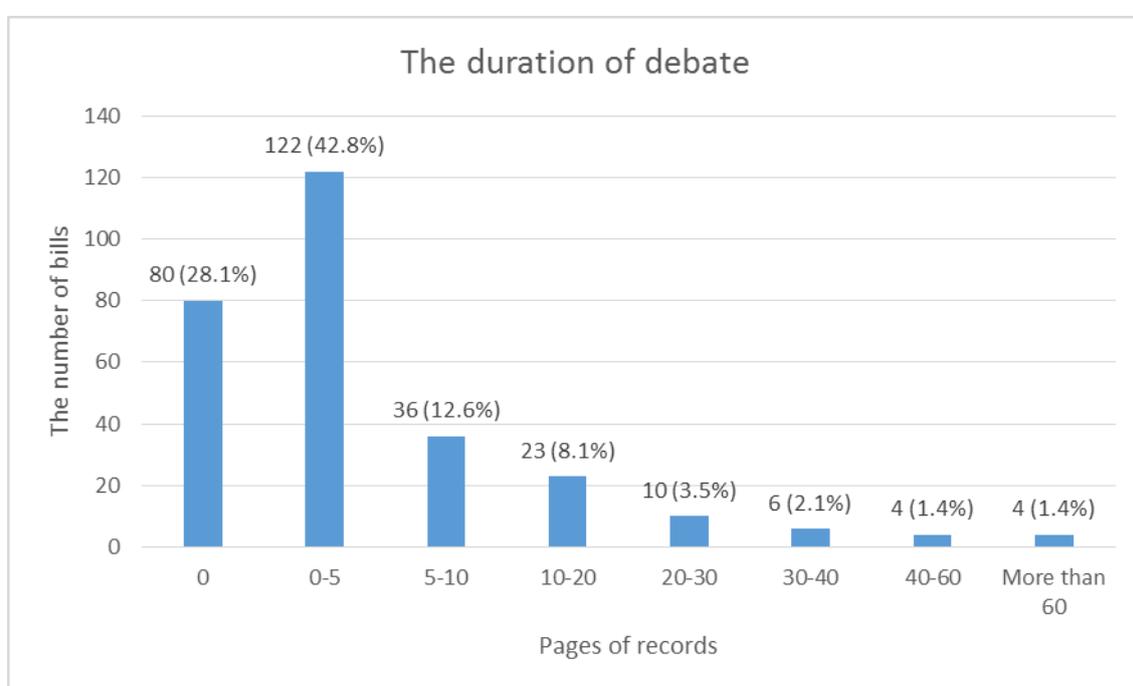
Variable	n	min	max	Mean	Std. Deviation
News articles	285	0	105	4.4	12.7

2.6. The duration of debate (pages of minutes) over the bill under scrutiny

2.6.1. The detailed way of measuring the duration of debate

At first, the number of rows in the records that directly relate to a bill are counted at each stage of the legislative process of the bill and the sum of the numbers is divided by 90 (90 rows is one page of the records). When there is no real debate between MPs except for the explanation of the bill by the committee staff member and the presentation of the sponsoring department's position, the duration is coded as zero.

2.6.2. Frequency distribution



2.6.3. Descriptive statistics

Variable	n	min	max	Mean	Std. Deviation
Pages of records	285	0	100.9	6.1	12.5

3. The Results of Amendment Analysis

3.1. Initiator(s) and acceptance of amendment opinions (the detailed number of amendment opinions related to table 7.3)

- Distributive policy (non-substantive amendment opinions)

Controversy	Acceptance Initiator(s)	Accepted wholly	Accepted (revised)	Rejected	Total
Controversial	Staff	4 66.7%	2 33.3%	0 0.0%	6 100.0%
	Non-staff	1 100.0%	0 0.0%	0 0.0%	1 100.0%
	Sub-total	5 71.4%	2 28.6%	0 0.0%	7 100.0%
Uncontroversial	Staff	37 80.4%	6 13.0%	3 6.5%	46 100.0%
	Non-staff	2 25.0%	2 25.0%	4 50.0%	8 100.0%
	Sub-total	39 72.2%	8 14.8%	7 13.0%	54 100.0%
Total		44 72.1%	10 16.4%	7 11.5%	61 100.0%

- Distributive policy (substantive amendment opinions)

Controversy	Acceptance Initiator(s)	Accepted wholly	Accepted (revised)	Rejected	Total
Controversial	Staff	9 69.2%	1 7.7%	3 23.1%	13 100.0%
	Non-staff	5 17.9%	8 28.6%	15 53.6%	28 100.0%
	Sub-total	14 34.1%	9 22.0%	18 43.9%	41 100.0%
Uncontroversial	Staff	46 60.5%	17 22.4%	13 17.1%	76 100.0%
	Non-staff	10 14.9%	16 23.9%	41 61.2%	67 100.0%
	Sub-total	56 39.2%	33 23.1%	54 37.8%	143 100.0%
Total		70 38.0%	42 22.8%	72 39.1%	184 100.0%

- Regulative policy (non-substantive amendment opinions)

Controversy	Acceptance Initiator(s)	Accepted wholly	Accepted (revised)	Rejected	Total
Controversial	Staff	5 71.4%	1 14.3%	1 14.3%	7 100.0%
	Non-staff	1 100.0%	0 0.0%	0 0.0%	1 100.0%
	Sub-total	6 75.0%	1 12.5%	1 12.5%	8 100.0%
Uncontroversial	Staff	37 80.4%	6 13.0%	3 6.5%	46 100.0%
	Non-staff	1 25.0%	0 0.0%	3 75.0%	4 100.0%
	Sub-total	38 76.0%	6 12.0%	6 12.0%	50 100.0%
Total		44 75.9%	7 12.1%	7 12.1%	58 100.0%

- Regulative policy (substantive amendment opinions)

Controversy	Acceptance Initiator(s)	Accepted wholly	Accepted (revised)	Rejected	Total
Controversial	Staff	9 32.1%	6 21.4%	13 46.4%	28 100.0%
	Non-staff	11 37.9%	8 27.6%	10 34.5%	29 100.0%
	Sub-total	20 35.1%	14 24.6%	23 40.4%	57 100.0%
Uncontroversial	Staff	76 79.2%	9 9.4%	11 11.5%	96 100.0%
	Non-staff	15 19.2%	20 25.6%	43 55.1%	78 100.0%
	Sub-total	91 52.3%	29 16.7%	54 31.0%	174 100.0%
Total		111 48.1%	43 18.6%	77 33.3%	231 100.0%

- Constituent policy (non-substantive amendment opinions)

Controversy	Acceptance Initiator(s)	Accepted wholly	Accepted (revised)	Rejected	Total
Controversial	Staff	7 70.0%	2 20.0%	1 10.0%	10 100.0%
	Non-staff	1 100.0%	0 0.0%	0 0.0%	1 100.0%
	Sub-total	8 72.7%	2 18.2%	1 9.1%	11 100.0%
Uncontroversial	Staff	7 77.8%	2 22.2%	0 0.0%	9 100.0%
	Non-staff	0 -	0 -	0 -	0 -
	Sub-total	7 77.8%	2 22.2%	0 0.0%	9 100.0%
Total		15 75.0%	4 20.0%	1 5.0%	20 100.0%

- Constituent policy (substantive amendment opinions)

Controversy	Acceptance Initiator(s)	Accepted wholly	Accepted (revised)	Rejected	Total
Controversial	Staff	4 40.0%	3 30.0%	3 30.0%	10 100.0%
	Non-staff	6 27.3%	8 36.4%	8 36.4%	22 100.0%
	Sub-total	10 31.3%	11 34.4%	11 34.4%	32 100.0%
Uncontroversial	Staff	11 55.0%	9 45.0%	0 0.0%	20 100.0%
	Non-staff	1 12.5%	4 50.0%	3 37.5%	8 100.0%
	Sub-total	12 42.9%	13 46.4%	3 10.7%	28 100.0%
Total		22 36.7%	24 40.0%	14 23.3%	60 100.0%

- Extractive policy (substantive amendment opinions)

Controversy	Acceptance Initiator(s)	Accepted wholly	Accepted (revised)	Rejected	Total
Controversial	Staff	0 0.0%	0 0.0%	1 100.0%	1 100.0%
	Non-staff	1 7.7%	4 30.8%	8 61.5%	13 100.0%
	Sub-total	1 7.1%	4 28.6%	9 64.3%	14 100.0%
Uncontroversial	Staff	1 14.3%	1 14.3%	5 71.4%	7 100.0%
	Non-staff	1 20.0%	1 20.0%	3 60.0%	5 100.0%
	Sub-total	2 16.7%	2 16.7%	8 66.7%	12 100.0%
Total		3 11.5%	6 23.1%	17 65.4%	26 100.0%

- Basic laws (non-substantive amendment opinions)

Controversy	Acceptance Initiator(s)	Accepted wholly	Accepted (revised)	Rejected	Total
Controversial	Staff	1 100.0%	0 0.0%	0 0.0%	1 100.0%
	Non-staff	0 0.0%	0 0.0%	5 100.0%	5 100.0%
	Sub-total	1 16.7%	0 0.0%	5 83.3%	6 100.0%
Uncontroversial	Staff	10 90.9%	0 0.0%	1 9.1%	11 100.0%
	Non-staff	1 50.0%	0 0.0%	1 50.0%	2 100.0%
	Sub-total	11 84.6%	0 0.0%	2 15.4%	13 100.0%
Total		12 63.2%	0 0.0%	7 36.8%	19 100.0%

- Basic laws (substantive amendment opinions)

Controversy	Acceptance Initiator(s)	Accepted wholly	Accepted (revised)	Rejected	Total
Controversial	Staff	0 0.0%	0 0.0%	2 100.0%	2 100.0%
	Non-staff	4 26.7%	3 20.0%	8 53.3%	15 100.0%
	Sub-total	4 23.5%	3 17.6%	10 58.8%	17 100.0%
Uncontroversial	Staff	10 83.3%	1 8.3%	1 8.3%	12 100.0%
	Non-staff	3 15.8%	4 21.1%	12 63.2%	19 100.0%
	Sub-total	13 41.9%	5 16.1%	13 41.9%	31 100.0%
Total		17 35.4%	8 16.7%	23 47.9%	48 100.0%

3.2. Controversy and initiator(s) of amendment opinions (the detailed number of amendment opinions related to table 8.3)

- Distributive policy

Type	Initiator(s) Controversy	Staff	Non-staff	Total
Non-substantive	Controversial	6 85.7%	1 14.3%	7 100.0%
	Uncontroversial	47 85.5%	8 14.5%	55 100.0%
	Sub-total	53 85.5%	9 14.5%	62 100.0%
Substantive	Controversial	13 31.7%	28 68.3%	41 100.0%
	Uncontroversial	85 55.2%	69 44.8%	154 100.0%
	Sub-total	98 50.3%	97 49.7%	195 100.0%
Total		151 58.8%	106 41.2%	257 100.0%

- Regulative policy

Type	Initiator(s) Controversy	Staff	Non-staff	Total
Non-substantive	Controversial	7 87.5%	1 12.5%	8 100.0%
	Uncontroversial	47 92.2%	4 7.8%	51 100.0%
	Sub-total	54 91.5%	5 8.5%	59 100.0%
Substantive	Controversial	28 49.1%	29 50.9%	57 100.0%
	Uncontroversial	103 55.1%	84 44.9%	187 100.0%
	Sub-total	131 53.7%	113 46.3%	244 100.0%
Total		185 59.1%	118 40.9%	313 100.0%

- Constituent policy

Type	Initiator(s) Controversy	Staff	Non-staff	Total
Non-substantive	Controversial	10 90.9%	1 9.1%	11 100.0%
	Uncontroversial	9 100.0%	0 0.0%	9 100.0%
	Sub-total	19 95.0%	1 5.0%	20 100.0%
Substantive	Controversial	11 32.4%	23 67.6%	34 100.0%
	Uncontroversial	21 67.7%	10 32.3%	31 100.0%
	Sub-total	32 49.2%	33 50.8%	65 100.0%
Total		51 60.0%	34 40.0%	85 100.0%

- Extractive policy

Type	Initiator(s) Controversy	Staff	Non-staff	Total
Non-substantive	Controversial	4 100.0%	0 0.0%	4 100.0%
	Uncontroversial	3 100.0%	0 0.0%	3 100.0%
	Sub-total	7 100.0%	0 0.0%	7 100.0%
Substantive	Controversial	1 7.1%	13 92.9%	14 100.0%
	Uncontroversial	7 58.3%	5 41.7%	12 100.0%
	Sub-total	8 30.8%	18 69.2%	26 100.0%
Total		15 45.5%	18 54.5%	33 100.0%

- Basic laws

Type	Initiator(s) Controversy	Staff	Non-staff	Total
Non-substantive	Controversial	1 16.7%	5 83.3%	6 100.0%
	Uncontroversial	11 84.6%	2 15.4%	13 100.0%
	Sub-total	12 63.2%	7 36.8%	19 100.0%
Substantive	Controversial	2 11.8%	15 88.2%	17 100.0%
	Uncontroversial	12 38.7%	19 61.3%	31 100.0%
	Sub-total	14 29.2%	34 70.8%	48 100.0%
Total		26 38.8%	41 61.2%	67 100.0%

3.3. Controversy and acceptance of staff members' amendment opinions (the detailed number of amendment opinions related to table 8.5)

- Distributive policy

Type	Acceptance Controversy	Accepted wholly	Accepted (revised)	Rejected	Total
Non-substantive	Controversial	4 66.7%	2 33.3%	0 0.0%	6 100.0%
	Uncontroversial	37 80.4%	6 13.0%	3 6.5%	46 100.0%
	Sub-total	41 78.8%	8 15.4%	3 5.8%	52 100.0%
Substantive	Controversial	9 69.2%	1 7.7%	3 23.1%	13 100.0%
	Uncontroversial	46 60.5%	17 22.4%	13 17.1%	76 100.0%
	Sub-total	55 61.8%	18 20.2%	16 18.0%	89 100.0%
Total		96 68.1%	26 18.4%	19 13.5%	141 100.0%

- Regulative policy

Type	Acceptance Controversy	Accepted wholly	Accepted (revised)	Rejected	Total
Non-substantive	Controversial	5 71.4%	1 14.3%	1 14.3%	7 100.0%
	Uncontroversial	37 80.4%	6 13.0%	3 6.5%	46 100.0%
	Sub-total	42 79.2%	7 13.2%	4 7.5%	53 100.0%
Substantive	Controversial	9 32.1%	6 21.4%	13 46.4%	28 100.0%
	Uncontroversial	76 79.2%	9 9.4%	11 11.5%	96 100.0%
	Sub-total	85 68.5%	15 12.1%	24 19.4%	124 100.0%
Total		127 71.8%	22 12.4%	28 15.8%	177 100.0%

- Constituent policy

Type	Acceptance Controversy	Accepted wholly	Accepted (revised)	Rejected	Total
Non-substantive	Controversial	7 70.0%	2 20.0%	1 10.0%	10 100.0%
	Uncontroversial	7 77.8%	2 22.2%	0 0.0%	9 100.0%
	Sub-total	14 73.7%	4 21.1%	1 5.3%	19 100.0%
Substantive	Controversial	4 40.0%	3 30.0%	3 30.0%	10 100.0%
	Uncontroversial	11 55.0%	9 45.0%	0 0.0%	20 100.0%
	Sub-total	15 50.0%	12 40.0%	3 10.0%	30 100.0%
Total		29 59.2%	16 32.7%	4 8.2%	49 100.0%

- Extractive policy

Type	Acceptance Controversy	Accepted wholly	Accepted (revised)	Rejected	Total
Non-substantive	Controversial	2 50.0%	2 50.0%	0 0.0%	4 100.0%
	Uncontroversial	3 100.0%	0 0.0%	0 0.0%	3 100.0%
	Sub-total	5 71.4%	2 28.6%	0 0.0%	7 100.0%
Substantive	Controversial	0 0.0%	0 0.0%	1 100.0%	1 100.0%
	Uncontroversial	1 14.3%	1 14.3%	5 71.4%	7 100.0%
	Sub-total	1 12.5%	1 12.5%	6 75.0%	8 100.0%
Total		6 40.0%	3 20.0%	6 40.0%	15 100.0%

- Basic laws

Type	Acceptance Controversy	Accepted wholly	Accepted (revised)	Rejected	Total
Non-substantive	Controversial	1 100.0%	0 0.0%	0 0.0%	1 100.0%
	Uncontroversial	10 90.9%	0 0.0%	1 9.1%	11 100.0%
	Sub-total	11 91.7%	0 0.0%	1 8.3%	12 100.0%
Substantive	Controversial	0 0.0%	0 0.0%	2 100.0%	2 100.0%
	Uncontroversial	10 83.3%	1 8.3%	1 8.3%	12 100.0%
	Sub-total	10 71.4%	1 7.1%	3 21.4%	14 100.0%
Total		21 80.8%	1 3.8%	4 15.4%	26 100.0%

3.4. Controversy and initiator(s) of accepted amendment opinions (the detailed number of amendment opinions related to table 8.7)

- Distributive policy

Type	Initiator(s) Controversy	Staff	Non-staff	Total
Non-substantive	Controversial	6 85.7%	1 14.3%	7 100.0%
	Uncontroversial	43 91.5%	4 8.5%	47 100.0%
	Sub-total	49 90.7%	5 9.3%	54 100.0%
Substantive	Controversial	10 43.5%	13 56.5%	23 100.0%
	Uncontroversial	63 70.8%	26 29.2%	89 100.0%
	Sub-total	73 65.2%	39 34.8%	112 100.0%
Total		122 73.5%	44 26.5%	166 100.0%

- Regulative policy

Type	Initiator(s) Controversy	Staff	Non-staff	Total
Non-substantive	Controversial	6 85.7%	1 14.3%	7 100.0%
	Uncontroversial	43 97.7%	1 2.3%	44 100.0%
	Sub-total	49 96.1%	2 3.9%	51 100.0%
Substantive	Controversial	15 44.1%	19 55.9%	34 100.0%
	Uncontroversial	85 70.8%	35 29.2%	120 100.0%
	Sub-total	100 64.9%	54 35.1%	154 100.0%
Total		149 72.7%	56 27.3%	205 100.0%

- Constituent policy

Type	Initiator(s) Controversy	Staff	Non-staff	Total
Non-substantive	Controversial	9 90.0%	1 10.0%	10 100.0%
	Uncontroversial	9 100.0%	0 0.0%	9 100.0%
	Sub-total	18 94.7%	1 5.3%	19 100.0%
Substantive	Controversial	7 33.3%	14 66.7%	21 100.0%
	Uncontroversial	20 80.0%	5 20.0%	25 100.0%
	Sub-total	27 58.7%	19 41.3%	46 100.0%
Total		45 69.2%	20 30.8%	65 100.0%

- Extractive policy

Type	Initiator(s) Controversy	Staff	Non-staff	Total
Non-substantive	Controversial	4 100.0%	0 0.0%	4 100.0%
	Uncontroversial	3 100.0%	0 0.0%	3 100.0%
	Sub-total	7 100.0%	0 0.0%	7 100.0%
Substantive	Controversial	0 0.0%	5 100.0%	5 100.0%
	Uncontroversial	2 50.0%	2 50.0%	4 100.0%
	Sub-total	2 22.2%	7 77.8%	9 100.0%
Total		9 56.3%	7 43.7%	16 100.0%

- Basic laws

Type	Initiator(s) Controversy	Staff	Non-staff	Total
Non-substantive	Controversial	1 100.0%	0 0.0%	1 100.0%
	Uncontroversial	10 90.9%	1 9.1%	11 100.0%
	Sub-total	11 91.7%	1 8.3%	12 100.0%
Substantive	Controversial	0 0.0%	7 100.0%	7 100.0%
	Uncontroversial	11 61.1%	7 38.9%	18 100.0%
	Sub-total	11 44.0%	14 56.0%	25 100.0%
Total		22 59.5%	15 40.5%	37 100.0%

3.5. Type and initiator(s) of amendment opinions (the detailed number of amendment opinions related to table 8.8)

- Distributive policy

Controversy	Initiator(s) Type	Staff	Non-staff	Total
Controversial	Non-substantive	6 85.7%	1 14.3%	7 100.0%
	Substantive	13 31.7%	28 68.3%	41 100.0%
	Sub-total	19 39.6%	29 60.4%	48 100.0%
Uncontroversial	Non-substantive	47 85.5%	8 14.5%	55 100.0%
	Substantive	85 55.2%	69 44.8%	154 100.0%
	Sub-total	132 63.2%	77 36.8%	209 100.0%
Total		151 58.8%	106 41.2%	257 100.0%

- Regulative policy

Controversy	Initiator(s) Type	Staff	Non-staff	Total
Controversial	Non-substantive	7 87.5%	1 12.5%	8 100.0%
	Substantive	28 49.1%	29 50.9%	57 100.0%
	Sub-total	35 53.8%	30 46.2%	65 100.0%
Uncontroversial	Non-substantive	47 92.2%	4 7.8%	51 100.0%
	Uncontroversial	103 55.1%	84 44.9%	187 100.0%
	Sub-total	150 63.0%	88 37.0%	238 100.0%
Total		185 61.1%	118 38.9%	303 100.0%

- Constituent policy

Controversy	Initiator(s) Type	Staff	Non-staff	Total
Controversial	Non-substantive	10 90.9%	1 9.1%	11 100.0%
	Substantive	11 32.4%	23 67.6%	34 100.0%
	Sub-total	21 46.7%	24 53.3%	45 100.0%
Uncontroversial	Non-substantive	9 100.0%	0 0.0%	9 100.0%
	Uncontroversial	21 67.7%	10 32.3%	31 100.0%
	Sub-total	30 75.0%	10 25.0%	40 100.0%
Total		51 60.0%	34 40.0%	85 100.0%

- Extractive policy

Controversy	Initiator(s) Type	Staff	Non-staff	Total
Controversial	Non-substantive	4 100.0%	0 0.0%	4 100.0%
	Substantive	1 7.1%	13 92.9%	14 100.0%
	Sub-total	5 27.8%	13 72.2%	18 100.0%
Uncontroversial	Non-substantive	3 100.0%	0 0.0%	3 100.0%
	Uncontroversial	7 58.3%	5 41.7%	12 100.0%
	Sub-total	10 66.7%	5 33.3%	15 100.0%
Total		15 45.5%	18 54.5%	33 100.0%

- Basic laws

Controversy	Initiator(s) Type	Staff	Non-staff	Total
Controversial	Non-substantive	1 16.7%	5 83.3%	6 100.0%
	Substantive	2 11.8%	15 88.2%	17 100.0%
	Sub-total	3 13.0%	20 87.0%	23 100.0%
Uncontroversial	Non-substantive	11 84.6%	2 15.4%	13 100.0%
	Uncontroversial	12 38.7%	19 61.3%	31 100.0%
	Sub-total	23 52.3%	21 47.7%	44 100.0%
Total		26 38.8%	41 61.2%	67 100.0%

- Laws related to international treaties

Controversy	Initiator(s) Type	Staff	Non-staff	Total
Controversial	Non-substantive	0 -	0 -	0 -
	Substantive	0 -	0 -	0 -
	Sub-total	0 -	0 -	0 -
Uncontroversial	Non-substantive	2 66.7%	1 33.3%	3 100.0%
	Uncontroversial	1 100.0%	0 0.0%	1 100.0%
	Sub-total	3 75.0%	1 25.0%	4 100.0%
Total		3 75.0%	1 25.0%	4 100.0%

3.6. Type and acceptance of staff members' amendment opinions (the detailed number of amendment opinions related to table 8.10)

- Distributive policy

Controversy	Acceptance Type	Accepted wholly	Accepted (revised)	Rejected	Total
Controversial	Non-substantive	4 66.7%	2 33.3%	0 0.0%	6 100.0%
	Substantive	9 69.2%	1 7.7%	3 23.1%	13 100.0%
	Sub-total	13 68.4%	3 15.8%	3 15.8%	19 100.0%
Uncontroversial	Non-substantive	37 80.4%	6 13.0%	3 6.5%	46 100.0%
	Substantive	46 60.5%	17 22.4%	13 17.1%	76 100.0%
	Sub-total	83 68.0%	23 18.9%	16 13.1%	122 100.0%
Total		96 68.1%	26 18.4%	19 13.5%	141 100.0%

- Regulative policy

Controversy	Acceptance Type	Accepted wholly	Accepted (revised)	Rejected	Total
Controversial	Non-substantive	5 71.4%	1 14.3%	1 14.3%	7 100.0%
	Substantive	9 32.1%	6 21.4%	13 46.4%	28 100.0%
	Sub-total	14 40.0%	7 20.0%	14 40.0%	35 100.0%
Uncontroversial	Non-substantive	37 80.4%	6 13.0%	3 6.5%	46 100.0%
	Substantive	76 79.2%	9 9.4%	11 11.5%	96 100.0%
	Sub-total	113 79.6%	15 10.6%	14 9.9%	142 100.0%
Total		127 71.8%	22 12.4%	28 15.8%	177 100.0%

- Constituent policy

Controversy	Acceptance Type	Accepted wholly	Accepted (revised)	Rejected	Total
Controversial	Non-substantive	7 70.0%	2 20.0%	1 10.0%	10 100.0%
	Substantive	4 40.0%	3 30.0%	3 30.0%	10 100.0%
	Sub-total	11 55.0%	5 25.0%	4 20.0%	20 100.0%
Uncontroversial	Non-substantive	7 77.8%	2 22.2%	0 0.0%	9 100.0%
	Substantive	11 55.0%	9 45.0%	0 0.0%	20 100.0%
	Sub-total	18 62.1%	11 37.9%	0 0.0%	29 100.0%
Total		29 59.2%	16 32.7%	4 8.2%	49 100.0%

- Extractive policy

Controversy	Acceptance Type	Accepted wholly	Accepted (revised)	Rejected	Total
Controversial	Non-substantive	2 50.0%	2 50.0%	0 0.0%	4 100.0%
	Substantive	0 0.0%	0 0.0%	1 100.0%	1 100.0%
	Sub-total	2 40.0%	2 40.0%	1 20.0%	5 100.0%
Uncontroversial	Non-substantive	3 100.0%	0 0.0%	0 0.0%	3 100.0%
	Substantive	1 14.3%	1 14.3%	5 71.4%	7 100.0%
	Sub-total	4 40.0%	1 10.0%	5 50.0%	10 100.0%
Total		6 40.0%	3 20.0%	6 40.0%	15 100.0%

- Basic laws

Controversy	Acceptance Type	Accepted wholly	Accepted (revised)	Rejected	Total
Controversial	Non-substantive	1 100.0%	0 0.0%	0 0.0%	1 100.0%
	Substantive	0 0.0%	0 0.0%	2 100.0%	2 100.0%
	Sub-total	1 33.3%	0 0.0%	2 66.7%	3 100.0%
Uncontroversial	Non-substantive	10 90.9%	0 0.0%	1 9.1%	11 100.0%
	Substantive	10 83.3%	1 8.3%	1 8.3%	12 100.0%
	Sub-total	20 87.0%	1 4.3%	2 8.7%	23 100.0%
Total		21 80.8%	1 3.8%	4 15.4%	26 100.0%

3.7. Type and initiator(s) of accepted amendment opinions (the detailed number of amendment opinions related to table 8.11)

- Distributive policy

Controversy	Initiator(s) Type	Staff	Non-staff	Total
Controversial	Non-substantive	6 85.7%	1 14.3%	7 100.0%
	Substantive	10 43.5%	13 56.5%	23 100.0%
	Sub-total	16 53.3%	14 46.7%	30 100.0%
Uncontroversial	Non-substantive	43 91.5%	4 8.5%	47 100.0%
	Substantive	63 70.8%	26 29.2%	89 100.0%
	Sub-total	106 77.9%	30 22.1%	136 100.0%
Total		122 73.5%	44 26.5%	166 100.0%

- Regulative policy

Controversy	Initiator(s) Type	Staff	Non-staff	Total
Controversial	Non-substantive	6 85.7%	1 14.3%	7 100.0%
	Substantive	15 44.1%	19 55.9%	34 100.0%
	Sub-total	21 51.2%	20 48.8%	41 100.0%
Uncontroversial	Non-substantive	43 97.7%	1 2.3%	44 100.0%
	Substantive	85 70.8%	35 29.2%	120 100.0%
	Sub-total	128 78.0%	36 22.0%	164 100.0%
Total		149 72.7%	56 27.3%	205 100.0%

- Constituent policy

Controversy	Initiator(s) Type	Staff	Non-staff	Total
Controversial	Non-substantive	9 90.0%	1 10.0%	10 100.0%
	Substantive	7 33.3%	14 66.7%	21 100.0%
	Sub-total	16 51.6%	15 48.4%	31 100.0%
Uncontroversial	Non-substantive	9 100.0%	0 0.0%	9 100.0%
	Substantive	20 80.0%	5 20.0%	25 100.0%
	Sub-total	29 85.3%	5 14.7%	34 100.0%
Total		45 69.2%	20 30.8%	65 100.0%

- Extractive policy

Controversy	Initiator(s) Type	Staff	Non-staff	Total
Controversial	Non-substantive	4 100.0%	0 0.0%	4 100.0%
	Substantive	0 0.0%	5 100.0%	5 100.0%
	Sub-total	4 44.4%	5 55.6%	9 100.0%
Uncontroversial	Non-substantive	3 100.0%	0 0.0%	3 100.0%
	Substantive	2 50.0%	2 50.0%	4 100.0%
	Sub-total	5 71.4%	2 28.6%	7 100.0%
Total		9 56.3%	7 43.7%	16 100.0%

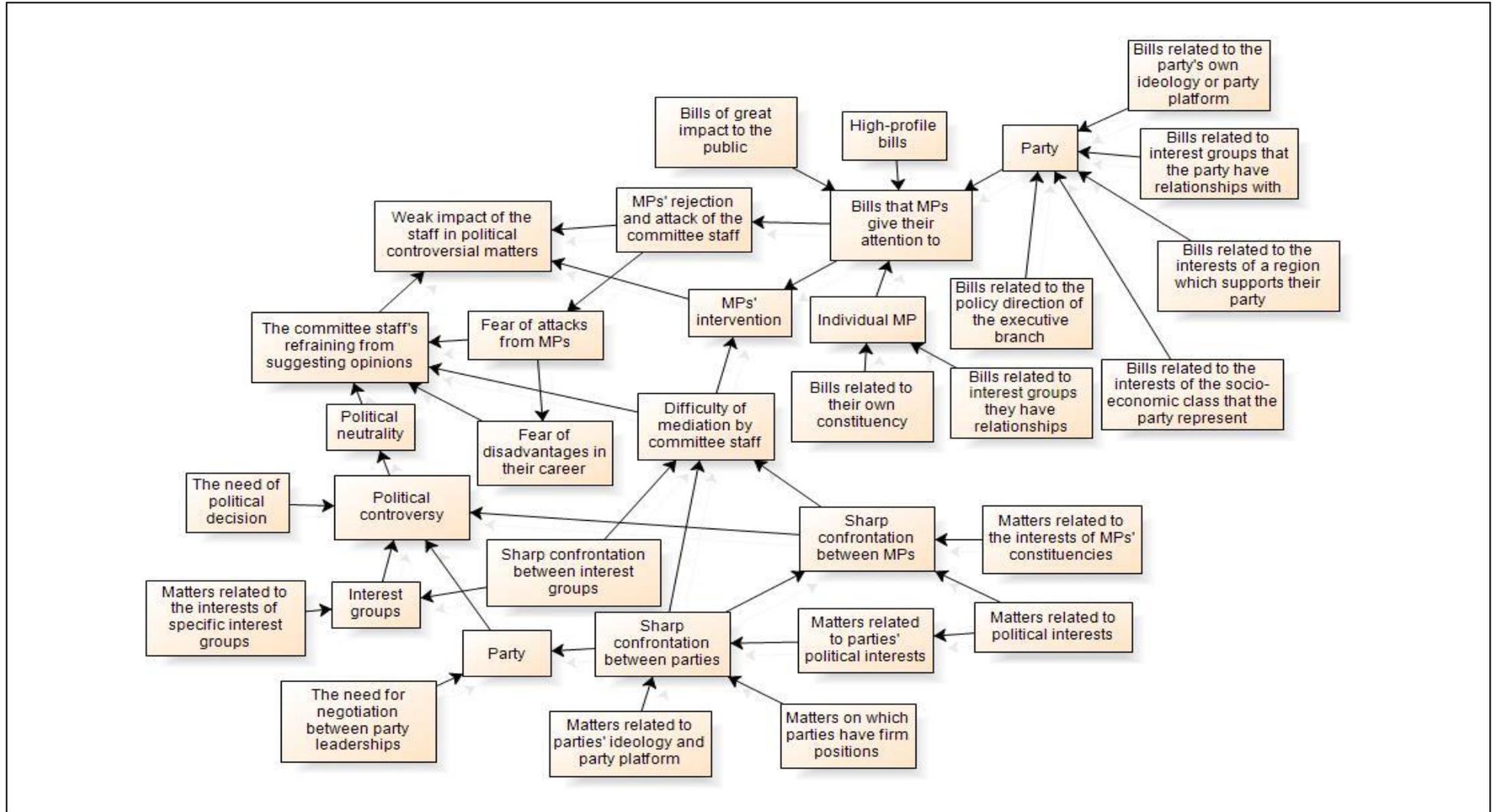
- Basic laws

Controversy	Initiator(s) Type	Staff	Non-staff	Total
Controversial	Non-substantive	1 100.0%	0 0.0%	1 100.0%
	Substantive	0 0.0%	7 100.0%	7 100.0%
	Sub-total	1 12.5%	7 87.5%	8 100.0%
Uncontroversial	Non-substantive	10 90.9%	1 9.1%	11 100.0%
	Substantive	11 61.1%	7 38.9%	18 100.0%
	Sub-total	21 72.4%	8 27.6%	29 100.0%
Total		22 59.5%	15 40.5%	37 100.0%

- Laws related to international treaties

Controversy	Initiator(s) Type	Staff	Non-staff	Total
Controversial	Non-substantive	0 -	0 -	0 -
	Substantive	0 -	0 -	0 -
	Sub-total	0 -	0 -	0 -
Uncontroversial	Non-substantive	2 66.7%	1 33.3%	3 100.0%
	Uncontroversial	1 100.0%	0 0.0%	1 100.0%
	Sub-total	3 75.0%	1 25.0%	4 100.0%
Total		3 75.0%	1 25.0%	4 100.0%

4.2. Weak impact of the committee staff over politically controversial matters (the detailed version of figure 8.2)



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- The U.K.

House of Commons Administration Act 1978

Standing Orders of the House of Commons – Public Business 2016

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Rules of the House of Representatives 2015

Standing Rules of the Senate 2013

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- South Korea

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National Assembly Act 1948

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Public Official Election Act 2005

Speaker's Direction on the Duty of the Committee Staff 1994

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Bills, Minutes and Other Documents Produced during the Scrutiny of the National Assembly of South Korea (For the Legislative Case Study in Chapter 9).

* The titles are translated into English by the researcher.

- Bills

The bill for partial amendment of the State Public Officials Act (1809127)

The bill for partial amendment of the Local Public Officials Act (1809128)

The bill for the amendment of the Local Public Officials Act (1812626)

The committee *bill for partial amendment of the Public Official Election Act* (1814689)

The committee *bill for partial amendment of the Local Public Officials Act* (1814707)

The *bill for partial amendment of the State Public Officials Act* (1901362)

The *bill for partial amendment of the State Public Officials Act* (1902217)

The *bill for whole amendment of the Government Organisation Act* (1903484)

- Minutes

제 306 회 국회 (임사회) 국회본회의회의록 제 9 호 (The Minutes of the 9th Meeting of the Plenary in the 306th Session, 27 February 2012).

제 311 회 국회 (정기회) 국회본회의회의록 제 9 호 (The Minutes of the 9th Meeting of the Plenary in the 311th Session, 27 September 2012).

제 311 회 국회 (정기회) 국회본회의회의록 제 12 호 (The Minutes of the 12th Meeting of the Plenary in the 311th Session, 22 November 2012).

제 314 회 국회 (임사회) 국회본회의회의록 제 1 호 (The Minutes of the 1st Meeting of the Plenary in the 314th Session, 22 March 2013).

제 313 회 국회 (임사회) 교육과학기술위원회회의록 제 1 호 (The Minutes of the 1st Meeting of Education, Science and Technology Committee in the 313th Session, 5 February 2013).

제 313 회 국회 (임사회) 농림수산식품위원회회의록 제 1 호 (The Minutes of the 1st Meeting of Food, Agriculture, Forestry and Fisheries Committee in the 313th Session, 4 February 2013).

제 313 회 국회 (임사회) 문화체육관광방송통신위원회회의록 제 2 호 (The Minutes of the 2nd Meeting of the Committee on Culture, Sports, Tourism, Broadcasting and Communications in the 313th Session, 13 February 2013).

제 306 회 국회 (임사회) 법제사법위원회회의록 제 1 호 (The Minutes of the 1st Meeting of Legislation and Judiciary Committee in the 306th Session, 27 February 2012).

제 311 회 국회 (정기회) 법제사법위원회회의록 제 6 호 (The Minutes of the 6th Meeting of Legislation and Judiciary Committee in the 311th Session, 26 September 2012).

제 311 회 국회 (정기회) 법제사법위원회회의록 제 14 호 (The Minutes of the 14th Meeting of Legislation and Judiciary Committee in the 311th Session, 22 November 2012).

제 314 회 국회 (임사회) 법제사법위원회회의록 제 1 호 (The Minutes of the 1st Meeting of Legislation and Judiciary Committee in the 314th Session, 22 March 2013).

제 313 회 국회 (임사회) 외교통상통일위원회회의록 제 1 호 (The Minutes of the 1st Meeting of Foreign Affairs, Trade and Unification Committee in the 313th Session, 4 February 2013).

제 313 회 국회 (임사회) 지식경제위원회회의록 제 1 호 (The Minutes of the 1st Meeting of Knowledge Economy Committee in the 313th Session, 5 February 2013).

제 311 회 국회 (정기회) 행정안전위원회회의록 제 2 호 (The Minutes of the 2nd Meeting of Public Administration and Security Committee in the 311th Session, 17 September 2012).

제 311 회 국회 (정기회) 행정안전위원회회의록 제 3 호 (The Minutes of the 3rd Meeting of Public Administration and Security Committee in the 311th Session, 20 September 2012).

제 311 회 국회 (정기회) 행정안전위원회회의록 제 10 호 (The Minutes of the 10th Meeting of Public Administration and Security Committee in the 311th Session, 12 November 2012).

제 311 회 국회 (정기회) 행정안전위원회회의록 제 11 호 (The Minutes of the 11th Meeting of Public Administration and Security Committee in the 311th Session, 19 November 2012).

제 311 회 국회 (정기회) 행정안전위원회회의록 제 12 호 (The Minutes of the 12th Meeting of Public Administration and Security Committee in the 311th Session, 21 November 2012).

제 313 회 국회 (임사회) 행정안전위원회회의록 제 1 호 (The Minutes of the 1st Meeting of Public Administration and Security Committee in the 313th Session, 4 February 2013).

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