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The Quality of Public Sector Institutions: A Critical Review of Studies on “Good Governance” and “Institutional Weakness”

La calidad de las instituciones del sector público: una
revisión crítica de los estudios sobre el «buen gobierno» y la
«debilidad institucional»

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ABSTRACT

This article performs a comparative analysis of different approaches to the quality of institutions in the public sector, drawing on contributions from political science and some specialisations in the legal sciences. After reviewing the assumptions of the concept of institution in this sector, two groups of emblematic works are selected. The first group focuses on the performance of bureaucracies and the provision of public services, which is summarised under the label “quality of government”, while the second group is concerned with the achievement of objectives set out in laws and the bureaucracies that implement them, referred to as “institutional weakness vs. institutional strength”. Finally, convergences and divergences are discussed, along with the determinants of social embeddedness identified by some empirical research.

KEYWORDS: institutions; public sector; government; laws; institutional quality; institutional weakness.

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RESUMEN

Este artículo realiza un análisis comparado de varios enfoques que tratan la calidad de las instituciones en el sector público desde aportaciones de la ciencia política y algunas especialidades de las ciencias jurídicas. Después de revisar las asunciones del concepto de institución en este sector, se seleccionan dos grupos de trabajos emblemáticos: uno se centra en el desempeño de las burocracias y la provisión de servicios públicos, lo que se resume en la etiqueta de «calidad del gobierno». El otro se ocupa del cumplimiento de los objetivos enmarcados en las leyes y las burocracias que las implementan, a lo que se refieren como «debilidad vs fortaleza institucional». En último lugar se discuten los puntos convergentes y divergentes junto a los condicionantes del enraizamiento social identificados por algunas investigaciones empíricas.

PALABRAS CLAVE: instituciones; sector público; gobierno; leyes; calidad institucional; debilidad institucional.

1. Introduction

This article reviews studies on institutional quality applied to public bureaucracies and laws. The focus is on the assumptions from which these institutions are understood, the way in which they are defined as “quality institutions”, the most significant characteristics of said institutions and the contributions of interest about their constraints.

The discussion is in the context of the importance of the so-called “institutional turn” in these matters. Disciplines interested in the issues of state organisation and its fundamental laws interpret institutions as important in the development of public bureaucracy. There is a long tradition that focuses on formal state structures and laws as determinants of public sector outcomes. Recently, more attention has been paid to the influences of the behaviour of actors, socio-cultural conditions and how these interact with the formal characteristics of institutions.

This interest is reflected in the works related to the “quality of institutions”. Quality in this area usually refers to certain essential elements of good governance and good government, although there are complementary approaches that are still poorly connected due to the use of different methodologies. In order to offer a more integrated vision, this article aims to contribute to the knowledge of the matter by analysing emblematic works dealing with the public sector.

In this concise text, it is not possible to address the various schools of thought that have tackled these issues. This article focuses on two lines of work that address the concept through empirical studies. The first one focuses on the performance of bureaucracies and the provision of public services, for which the label “quality of government” is often used. The second deals with compliance with laws from the point of view of their relationship with political actors and the bureaucracies that implement them. The reference authors in this group use the rubric of “institutional weakness”. Due to the convergence of interests with

certain branches of law, a section has been included on the characteristics of the "good legislator" in representative democracies. This serves to connect the discussion with the approach that legal sciences take to the quality of laws.

The article consists of the following parts. First, the terminological problems and theoretical assumptions about the most common institutions in this field of study are described. Second, the two aforementioned approaches are set out as strategic studies to assess the state of knowledge about the quality of institutions. The third section uses the case of Spain to illustrate the constraints that affect legislators. The conclusions point out some keys to interdisciplinary collaboration and provide an overview of the problem of embeddedness in bureaucracies and laws.

2. The problem of defining "essential institutions": state institutions and laws

For much of the twentieth century, studies on the qualities of the public sector were dominated by the "Weberian bureaucracy model" (Weber, 1947), which became the benchmark of the legal-rational legitimacy that underpins contemporary states. Correspondingly, the interpretation of public institutions emphasised legality, formality and rationality in the organisation (Du Gay, 2000) to guarantee efficiency and protection against private interests. In contrast, the research that emerges in public administrations (Mayntz, 1994), associated with modern visions of the philosophy and sociology of law applied to organisations (Edelman and Suchman, 1997), introduced a more complex way of thinking about public institutions, which pays greater attention to the effects of political and informal characteristics (March and Olsen, 2006).

This does not imply pushing formal bureaucracies and laws into the background (Hood et al., 2001), but it does introduce a number of criteria that paint a much more complex picture. A diversity of approaches emerge that have implications for assessing what "good" institutions are in each context. Before reviewing the empirical research on the quality of institutions, it is worth focusing on the meanings and assumptions common in the disciplines that deal with fundamental aspects of the State and the public sector¹.

Definitions. The most common definition accepted by the literature considers that institutions are arrangements or sets of formal and informal socially organised rules that shape and guide the behaviours, roles and expectations of the actors who implement them and that are sometimes shaped by them (Hall and Taylor, 1996; March and Olsen, 1989). When the definition is applied to the public sector, a large part of the currents of political science and law converge in their observation of two aspects of the institutions that refer to the structure of the state and the law. In short, some pay more attention to state bureaucracies (government bodies, agencies and departments) and their characteristics as administrative organisations. Others pay more attention to the laws that support and regulate public sector activity.

They are two sides of the same coin. There are no modern state bureaucracies without laws, and there are no effective laws without bureaucracies to implement them. Reality is an assemblage of both sides of institutions, although in analytical terms the different currents of thought emphasise one or the other. At times, this results in studies dealing with similar problems using somewhat different language or assigning different meanings to the same terms. This article will discuss institutions in their two variants—public bureaucracies and legal regulations—while elucidating the prevalent use among the different authors².

Assumptions about behaviour. Beyond the nomenclature, there is an important aspect in the assumptions about the behaviour of the actors. It can be said that the so-called approaches of “limited rationality” have prevailed more in political science and administration (March, 1978). Faced with more deterministic or cultural views, it is assumed that political actors use rational behaviours to maximise their objectives, in accordance with the position they occupy in the power structure. Nevertheless, it is recognised that actors’ strategies are conditioned by problems of asymmetric information, lack of capacity to process information and biases (Jones, 2003).

There are also other versions that understand the importance in politics of identity issues, the influence of culture and the presence of irrational behaviours, although these matters are usually abstracted when focusing on the strategy of the participants. Utilitarian behaviour is interpreted as guiding the construction of ideological frameworks and scenarios favourable to the interests of the actors, and it predominates once the structure of political positions is constituted (Hall and Taylor, 1996). In some currents of political science there is considerable overlap with the assumptions of institutional economics (Caballero-Míguez, 2007). A more detailed description of the assumptions can be found in this *Debate* section in the article on economics (Pedraza Rodríguez, 2023) and in the Editorial (Fernández Esquinas, 2023).

Likewise, at the macro level, explanations based on history are frequent, where behaviour is understood as the result of long-term processes. These base the explanation on the notion of “path dependence”. They understand that institutions are conditioned by inertias that accumulate as a result of previous trajectories (Steinmo, 2008). More recently alternatives have been formulated that include endogenous change (Hall and Soskice, 2010). It is conceived as gradual increments through processes such as superposition, conversion and drift (Mahoney and Thelen, 2010), combining normative elements and the actors’ criteria of rational choice in the explanation (Fioretos et al., 2016).

The role of institutions in society. Continuing with the main assumptions of the institutions, some refer to how they are inserted into public life. Institutions are considered to draw the boundaries of acceptable behaviour through defined legal structures and socially organised settings (Immergut, 1998). They filter the frameworks of action, informing about what can be done and what is reasonable (Portes, 2013).

Institutions can also mitigate the complexity of government operations and bureaucracies (Rhodes, 2006). They provide symbolic frameworks and values referenced in the forms of existing social structures; that is, institutions contribute to segmenting power through rules, roles and routines between intra- and intergovernmental levels (Goodsell, 2011; Pierson, 2000). They also act as filters in political pressures, accentuating some and deterring others (Tsebelis, 2000). Consequently, their resilient and relatively autonomous nature is assumed, as it functions as necessary conditions for the stability of political regimes (Steinmo, 2008).

Explanatory mechanisms that are usually favoured. According to the aforementioned assumptions, they are more often normative and regulatory than cognitive or cultural³. This set of assumptions plays a prominent role in the empirical study of state institutions and laws, including those related to institutional quality. The concept of quality aims to empirically capture some of the attributes that condition their performance and try to identify areas for improvement in institutions, although the way of understanding their nature permeates the main studies.

The rest of the text deals with works that study the qualities of institutions and it also outlines the way in which institutions are conceptualised, the methodologies and the contributions. For each, an interpretation is made based on the idea of social embeddedness, which highlights how formal institutions are intertwined with the social values, norms and expectations of the people who design them and who participate in bureaucracies.

3. Approaches and elements of institutional quality

3.1. Institutions and quality of government

Quality of Government (QoG) is a multi-dimensional concept that several international organisations (World Bank, International Transparency, OECD, EU, etc.) and research institutes (Institute of Quality of Government, etc.) regularly use in comparative studies. It refers to the model of decision-making, policy implementation and provision of services in public bureaucracies (Rothstein and Teorell, 2008). To identify the characteristics and effects of their performance, they tend to use primarily three dimensions for which, in turn, they use indicators that function as proxies that reflect the qualities of the public sector: the impartial exercise of authority, the quality of public services and the degree of corruption (Charron et al., 2012; Dahlström et al., 2012).

The ways of studying these characteristics and effects have similarities and certain differences based on empirical analyses. Comparative methods based on quantitative sources predominate. Bureaucracies of territorial areas or specific sectors that have a political entity are mainly used as units of analysis. The levels of analysis also vary: the most common are comparisons between states (Kaufman et al., 2011), although

sub-state regional units and, at times, supranational areas or bodies are also used (Charron et al., 2022). As for the sources of information, they are mainly obtained from structural data from the units of analysis, official statistics and public opinion surveys. They are combined with expert panel studies that issue summary assessments on aspects that are difficult to observe from statistical data (Charron et al., 2019).

Multiple research proposals combines descriptive and correlational analysis strategies. Reports from international agencies and reference projects tend to use descriptive analyses, at times rankings or ordination of the units of analysis according to relevant dimensions or synthetic indicators. These studies have resulted in data sources suitable for correlational analyses that are used by numerous researchers in the academic sector interested in these topics, as well as by *think tanks*, government agencies and political analysts.

Correlational studies suggest that the three aforementioned groups of proxies reflect a set of underlying factors on the quality of public sector institutions (Charron et al., 2019; Kaufmann et al., 2010). In turn, they can be interpreted as specific regulatory principles from which the analyses are assessed. Namely, the exercise of government power is associated with the assumption of *impartiality*, and public services are connected with *quality*, nevertheless, the management of public resources is observed from the point of view of the *absence of corruption* and, in general, *transparency*.

More recently, these dimensions have been related to the performance and results of public bureaucracies, along with other aspects related to development studies and the functioning of democracies. A fruitful line of research is studies on socio-economic development. These sources provide an empirical foundation to investigate the growth, performance of companies and the proper functioning of the market, in correspondence with the creation of public values and social welfare. These contributions are dealt with by the articles in this monographic section dedicated specifically to contributions from economics (Pedraza Rodríguez, 2023) and from the sociology of development (Espinosa Soriano, 2023). For this reason, here the focus is on the analyses that deal with the functioning of bureaucracies and the effects on democratic systems according to the aforementioned dimensions.

Impartiality. The impartial exercise of authority in the performance of public bureaucracies is identified as a characteristic that fosters the socially valued results of institutions (Rothstein and Teorell, 2008). This characteristic emphasises the implementation of regulations, laws or policies by public officials (Ackerman, 1999; Uslander, 2008; Rothstein and Teorell, 2008) in accordance with this regulatory principle. The actions of bureaucracies are conceptualised as impartial the more they conform to established regulations and policies. The problems that are highlighted concern the action of the main political agents in the processes of formulating laws and their implementation through the state apparatus. The following problems are noted: political interference—or intervention by actors with political interests in matters of general interest—and

the existence of prejudices or personal interests in daily operation and decision-making. A significant part of the analyses suggest that these aspects affect the legitimacy and performance of public service delivery (Bågenholm et al., 2021).

Quality of public services. This refers to the efficiency and fairness of bureaucracies in providing goods or services to relevant sectors of the citizenry (Rothstein, 2011). Several measures are used that account for aspects such as accessibility, citizen participation, responsiveness, reliability and transparency in services, among others (Agnafors, 2013). The aspects included in this dimension have also been identified as good indicators of the legitimacy of public sector institutions by citizens (Holmberg et al., 2009; Rothstein et al., 2011) and, conversely, trust in the government has been found to be negatively related to high levels of corruption, inefficiency and discrimination (Grindle, 2007).

Corruption. The dimension related to corruption addresses the ability of bureaucracies to control and sanction illegal activities. These include unethical practices, clientelism, nepotism, disrespect for the rule of law and the capture of administrative agencies by interest groups (Rothstein and Teorell, 2008), along with other aspects related to the violation of laws. One of the problems of interest in this dimension is the balance of forces between elites inside and outside public bureaucracies and relations with other social sectors, referred to by some studies as "embedded autonomy" (Evans, 1995). There is evidence that bureaucracies require sufficient autonomy to carry out their work with a certain degree of independence from political power and autonomous decision-making capacity. At the same time, they must resist the arbitrary use of administrative resources that may turn into corruption and institutional capture for the benefit of a few. Comparative analyses show that there is no single solution, but rather several ways to reach balance that combine elements of autonomy, responsibility, legality and management (Dahlström and Lapuente, 2022). The sociological approaches discussed in another article in this section (Espinosa Soriano, 2023) offer a useful complement by pointing out that social embeddedness explains a good part of these balances beyond legal and administrative designs.

In short, these studies suggest that in order to establish good governments and, moreover, democratic practices, it is necessary to consider state capacity in the implementation of public services and observe how the quality characteristics of the institutions are installed in the states (Bågenholm et al., 2021). Characteristics that promote quality include: 1) impartiality in the exercise of public power; 2) professionalism in the provision of public services; 3) effective measures against corruption; and 4) the establishment of merit criteria for work in the public sphere, in the face of clientelism and nepotism. In particular, the work of The QoG Institute has shown that constructs for measuring quality aid understanding of how they affect the qualities of institutions in two fundamental aspects of democratic societies: the functioning of bureaucracies and their contributions to environmental, social, economic and democratic welfare. These characteristics emphasise that one of the fundamental problems lies in

the “social filtering” of institutions, or how institutions are shaped by actors who participate in or relate to them, although the methods employed have more difficulties in capturing social processes and dynamics of institutions, as shall be seen in the conclusions.

3.2. Strengths versus weaknesses of institutions

A complementary approach is that of studies on institutional strength and weakness, which deal above all with the results and performance of the basic laws of states. The empirical references largely come from developing countries and states that have experienced unequal processes in the consolidation of democratic regimes, especially in Latin America, although the assumptions can be applied to other environments (Levitsky and Ziblatt, 2018).

These studies examine the processes by which the objectives laid down in basic laws are not met, which is often referred to as “institutional weakness”. They explicitly separate formal and informal rules (Brinks et al., 2019). Formal rules refer to the sets of basic laws and legal procedures that define the roles, rights and duties of the actors involved in the policy. Informal rules define them broadly as socially valued and accepted values, ideas and rules that have not been formally codified, although they may be incorporated into laws.

They make an analytical distinction between institutions, a concept that they reserve for sets of formal rules and regulations (although for strategic reasons they focus on certain laws) and formal organisations. The latter are specified in the state administrative apparatuses (legislative, executive and judicial). As far as laws are concerned, at times they target these organisations, while also requiring these specialised administrative structures to make their implementation possible. In this way, for the purpose of the analysis, they try to differentiate two constitutively assembled realities.

Research in this line of investigation looks at how these elements constitute types of institutional strengths or weaknesses. It is operationalised by comparing the changes produced by the laws in accordance with the formal objectives. Thus, they are established when the laws are enacted and at later times when it is possible to appreciate the changes that are the result of said objectives (Levitsky and Murillo, 2009; Brinks et al., 2019).

The empirical studies mainly look at comparative cases of political systems or sectors of activity. To that end, they identify groups of laws, informal rules, organisations and participating collective actors (political parties, interest groups, economic agents, etc.), together with the departments of the public bureaucracies involved. They seek to understand how the characteristics and capacity of public bureaucracies and other social dynamics impact institutional weakness or strength.

In terms of dimensions, it is also possible to distinguish empirical proxies that enable complex realities to be captured. The main dimensions are *non-compliance*, *instability* and *insignificance* (Brinks et al., 2019). They are interpreted as ideal types of "institutional weakness" (or its opposite, "institutional strength", although they tend to emphasise "negative" governance problems). Proxies refer to sources of weakness: state capacity, legal designs and social dynamics that influence outcomes. Below, as in the previous section, are the keys to understanding each dimension or type of weakness and the processes that are interpreted as sources of weakness.

Non-compliance. It is the process by which formal rules are ignored; in other words, laws that are enacted but not enforced. The main reason for this non-compliance is the determination of political actors for the law not to be applied, which would give rise to "ceremonialist" formulations. Prominent examples are environmental laws and the regulation of public services in Latin America (Brinks et al., 2020) or insufficient sanctions, which make implementation impractical, such as the Parity Law in France (Murray, 2007). Other possible reasons include social resistance, even in situations where there are good legal designs, coexisting with the lack of appropriate incentives or sanctions. A number of empirical examples that study non-compliance due to social resistance point to the unwillingness of managers and workers in bureaucracies (Soifer, 2015) or the resistance of social sectors opposed to some policies (Amengual and Dargent, 2018).

Instability. It is defined as the frequency with which laws and regulations are replaced (Levitsky and Murillo, 2014). One problem with high turnover is the difficulty in setting expectations and goals, and their implementation through the plans and programmes that carry forward the legislative measures (Brinks et al., 2019). Another consequence of instability lies in the barriers to acquiring legitimacy. These processes negatively affect governance, trust in governments and, ultimately, the stability of democracies. They are usually related to inequalities in rights, corruption and crises of political regimes (Brinks et al., 2019; Levitsky and Murillo, 2005). The main examples come from Latin America, due to the instability of constitutions and electoral laws (Remmer, 2008).

Insignificance. It is defined as the existence of unambitious laws, designed to have no impact on behaviour. An example is the so-called "Potemkin Courts"⁴ (Brinks and Blass, 2013), or designs made to satisfy the public, but with an insufficient background of measures or infrastructures that have effective consequences on specifically targeted sectors of the population. This category includes the scarce provision of resources to public bureaucracies or legal and organisational configurations that prevent the implementation of the laws and policies that have been established. Other examples are found in international agreements to mitigate climate change or prevent nature conservation due to the weak implementation capacity of countries (Brinks et al., 2019).

From this scheme, sources of institutional weakness have been identified. Although not all of them can be elaborated on here, the four most relevant are indicated. The first source is found in the judiciary system. Judicial interpretations, in particular,

can be a mechanism of instability and non-compliance through political interference (so-called “lawfare”) (Elkinks et al., 2009). A second source is the existence of weak designs in bureaucracies and groups of officials; it is especially observed in the capacity to transfer public policies from international organisations to states or public authorities that have the administrative capacities to act in a territory (Brinks et al., 2019).

A third source is political interference that affects the capacity of states (Soifer, 2015), for example, strategic abstentions or selective applications that prevent a government from acting and that can contribute to both non-compliance and insignificance (Holland, 2017). Another source of weakness may be the lack of cooperation of certain groups or social sectors due to the resistance of said groups to adopting or conforming to the values or rules that institutions try to establish (Falleti, 2021).

In summary, this approach focuses on the relationships between the formal and informal faces of institutions—focusing on laws—and studies how the power relations, interests and capacities of the participating actors play relevant roles that give rise to real results beyond designs. The challenges lie in systematising indicators that account for institutional weakness and that allow for systematic comparisons, although this brings with it the challenge of qualifying with data the relationship between the intentions of the designs and the social dynamics that influence the mismatch—between the real outcome and the expectation—of the results of implementing regulations and laws.

4. A note on the quality of democracy and the requirements of the “good legislator”

This section focuses on an important aspect of representative democracy in which the high bureaucracies of the state and the laws converge: the characteristics of the “good legislator”. It serves as a strategic example to observe how the quality of institutions is interpreted from some legal perspectives that are concerned with technical aspects and the principles of representativeness in the bodies responsible for drafting laws.

Every representative democracy requires a careful selection of representatives. The more representative the democratic regime, the more the election of the legislator must be preserved⁵. The less relevance the instruments of direct democracy have, the more necessary it will be to demand appropriate qualities and virtues from those who exercise legislative power. This leads to the question about the general requirements that legislators must meet and, conversely, about the conditions that must be avoided.

An essential element of democracy is that the body of political representatives is “wise and just”, and that, in addition, they are not “false representatives” (Mannin, 1998) or demagogues and populist politicians whose main quality is to deceive the electorate to achieve power. In other words, democracy itself does not work if it “does not allow the identification of the best, the most virtuous” (Ovejero, 2008).

Legislation is the most important primary function of the rule of law as the law is the expression of popular will. It is therefore necessary to select a body of "good legislators", who duly fulfil the constitutional mission assigned to them, as well as excluding "bad legislators".

The first requirement for those who legislate is to have the appropriate training. Certainly, one of the criticisms of direct democracy has been the lack of knowledge of citizens who, consequently, directly decide public affairs (Sartori, 2005). *Mutatis mutandis*, on the same basis, it must be accepted that the body of elected representatives has the capacity and sufficient knowledge to deliberate the matters within their competence; this is why "adequacy" has been demanded of representatives and ministers, even describing them as inconceivable without current and real adequacy (Rubio, 2008).

Transferring this discussion to the situation in Spain, the Spanish Constitution of 1978 establishes a regime of representative or indirect democracy in the exercise of the legislative function of the state. The Legislative Power of the Spanish State—public power emanating from the Spanish people (Section 1.2 of the Spanish Constitution)—is entrusted to a body representing popular will and elected by universal suffrage: the Spanish Parliament, called "*Cortes Generales*" (Section 66.1 of the Spanish Constitution)⁶.

In the constitutional framework, the Legislative Power is required to have a certain capacity to be able to faithfully carry out its main mission: to present legislative proposals (the so-called "legislative initiative" that the Government also has under Section 87.1 of the Constitution) and to deliberate on them (and on the bills presented by the Government), introducing, where appropriate, the necessary amendments and approving them as laws. Those who assume the legislative function—representatives and state senators, parliamentarians of the autonomous communities—thus approve the laws, in addition to exercising other typical functions of Parliament—authorisations or approvals of certain acts or regulations, control of the executive branch, etc.—

Considering that laws are professional work requiring legal knowledge, legal training is only provided through a specific university degree. It is worth remembering that all the laws that are passed: a) cannot contradict the Spanish Constitution; therefore, legislation requires knowledge of sufficient notions of constitutional law; b) cannot be inconsistent with the rest of the laws (or incidents) relating to the same matter or related matters (tax laws, labour laws, criminal laws, etc.); therefore, the legislative proposal demands fundamental knowledge of the sector of the legal system referred to by the bill or proposal of law.

The legal services of the respective parliaments cannot (nor should they) supplement the minimum legal training that each representative must possess in the legislative chambers. The role of the chambers' legal body should focus on providing the best legislative technique and on providing expert advice on *complex* legal matters. This official body has not been created to prepare and draft the legislative proposals presented by the different parliamentary groups, nor should it replace the minimum legal knowledge of Members of Parliament.

Even if these specialists were to assume the “real legislative function” by preparing the draft laws, the members of the legislative chambers must have knowledge on the matter in accordance with their constitutional function. They must have a minimal understanding of the purpose of each proposal to be able to deliberate with justification and judgement, propose amendments and vote for or against. This knowledge inherent to the legislative function is that of legal science. However, in many laws the regulated matter requires knowledge from other sciences, displacing legal science in some cases to a complementary function. For example, the economy occupies an essential place in the legislation of the 21st century and, therefore, economists should also involve parliaments in proportion to the economic laws that are passed. The members of the chambers (medicine, pedagogy, social work, etc.) should also be required to have scientific or technical training, insofar as they are necessary for the knowledge and deliberation of laws on these matters. All groups of the legislative chambers must therefore have a sufficient number of parliamentarians with indispensable skills to exercise the legislative power of the state, with legal training predominating in the terms specified.

However, the internal organisation of each Parliament in plenary and in the specific committees often means that representatives of the parliamentary groups do not know the law or the subject under debate. To vote, they assume the “dictates” of their representative in a committee (provided that it is endorsed by the party leadership). This practice turns the Parliament *de facto* into a Parliament of group “spokespersons” (who transmit the decisions taken by the party leadership). The Parliament ceases to be composed of all the representation elected by the people, distorting the legislative function and the very essence of the political representation of democracy.

In the legislative reality, there is a risk that parliamentarians will uncritically assume the dictates of their group. Therefore, they are not authentic representatives of popular will, but *representatives of their parliamentary group* or political party. The training of each elected representative—with the exception of those who make up the parliamentary committees and the Board of Spokespersons—is of no effective relevance in the drafting of laws. This is an anomalous democratic functioning of Parliament that restricts its members from expressing their individual will, a faculty that, incidentally, is required normatively by the condition of an elected representative by direct universal suffrage.

The reduction of Parliament to a mere chamber composed of a minority elected by parliamentary groups, with the votes of the other members of their groups, does not justify the same structure and composition of the current Parliament. A “dozen” elected representatives in Parliament, with a number of delegated votes depending on the seats obtained in the elections, would suffice to deliberate and vote legislatively. Therefore, from a regulatory point of view in accordance with constitutional principles, Parliament is required to recover its democratic identity and legislative functionality that justifies its very existence. This is only possible if the possibilities for participation are increased and the inclusion of qualified people in the electoral processes is encouraged, for example, through open lists

and with appropriate incentives for a range of professionals. If the current *fraudulent* functioning of parliamentary democracy persists, one could even argue for the case of constitutional reforms to substantially reduce the number of elected representatives.

This example highlights the importance of embedding state institutions with groups and social networks with different interests, so that they condition their qualities and even determine the quality of democracy. Despite the basic laws (in particular the Constitution) and the parliamentary bureaucracy having the formal objective of facilitating democratic participation based on principles of merit and capacity, the Spanish political system has been constructed through an "assemblage" of practices led by professional politicians that gives rise to deviations from what can be considered the quality of institutions in this area.

This is because bureaucracies are always populated by people, and they are the ones who design the laws. These designs are mixed and interact with the way of thinking and with the social relationships of the actors involved in politics, which is currently largely monopolised by the elite members of the parties. The real organisation of parties, electoral processes and parliaments causes a social filtering of parliamentary bureaucracies and therefore of laws, which turns them into something other than those foreseen in their design. Consequently, continued attention must be paid to how these processes unfold so that the necessary reforms can be based on evidence.

5. Conclusions

The quality of institutions in the public sector is fundamental to the performance of states. This article has offered a discussion on the quality of institutions through empirical research in the public sector. To this end, the main assumptions about institutions have been addressed and two emblematic approaches have been reviewed, labelled as quality of government and institutional weakness. It has discussed how they define institutions, how they try to implement operational designs and what their strengths and weaknesses are.

Despite their differences, the approaches have several aspects in common. First, they recognise the importance of institutions in the implementation and performance of public policies. Second, although they use divergent methods, the interest in empirically capturing aspects that may be comparable and that offer practical implications for performance stands out. Third, they recognise that impartiality and low levels of corruption are essential to the legitimacy and efficiency of institutions. They also underline the conditioning role of the actors and the combination of formally and informally organised social elements in public bureaucracies.

There are also differences. Those concerned with the quality of government emphasise the experience of citizens and the results of institutions, while those concerned with institutional weakness place greater emphasis on the level of compliance and stability. In addition, they differ in the scale and scope of observation. The quality of

government is more general in scope, through survey studies or expert panels that collect data on states or regions as a whole. For its part, institutional weakness is more concerned with the context, political systems and some sectors of activity of public bureaucracies.

Likewise, they differ in concepts, assumptions about behaviour and the interaction between formal and informal aspects. The quality of government approach proposes that institutions can be measured according to three dimensions: the impartiality in the execution of policies, the quality of services and the degree of corruption in the sectors of public bureaucracies. Works on institutional weakness study how formal institutions, understood as sets of laws, achieve or fail to achieve the expected formal outcomes. These mismatches between the expected and real outcomes are explained according to the capacity of the state and the socially organised sources of power. Thus, they identify elements that affect weakness from ideal types according to three dimensions: the level of insignificance, non-compliance and instability.

As an explanatory resource it is useful to resort to the concept of “embeddedness” (Granovetter, 1985). Applied to the realm of public bureaucracies, the concept can aid understanding of how laws and formal structures are always populated with people and mixed with “bonds of sociability” (Zucker, 1987). That is, the concept can aid understanding of the way in which formal aspects interact with the relational, cognitive and normative characteristics of the people and groups that participate in the bureaucracies and implement the laws.

Going beyond the dimensions and proxies identified in approaches to institutional weakness and quality of government can complement the understanding of institutions. Studies on institutional quality in the public sector could benefit from a multi-disciplinary collaboration that pays more attention to the embeddedness of socially organised informal aspects that affect formal structures and rules. That is, attending to the people and groups that acquire positions of influence in state organisations, the value systems, as well as the informal expectations and rules that guide behaviours, the interests that motivate them and the degree of openness to the participation and influence of external actors.

The example of the good legislator applied to the case of Spain shows the possibilities of finding points of intersection to integrate the variety of factors that make up the institutions and make them operational. This observation addresses the importance of understanding the way in which the institutions of the legislative system are socially filtered by political groups and the social networks of legislators. Despite the impersonal and formal structure, the embeddedness of the informal aspects conditions the characteristics of the quality of institutions. They may even divert them from their fundamental principles.

Ultimately, politics are fundamental in the formal and organisational structures of states. Although neither work in isolation, but feed off values and social ties inside and outside bureaucracies, generating a complex network that filters and modulates the performance of institutions. The challenges of this field of research

lie in the collaboration between theoretical and empirical perspectives that enable an understanding of the real dynamics of institutions and their impact on society, and, at the same time, that offer thorough evidence-based knowledge to act in them.

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Notes

1 In the *Editorial* of this *Debate* section, the general theoretical assumptions of institutional thought on behaviour and the nature of social facts are described (Fernández Esquinas, 2023).

2 For jurists, institutions are essentially bureaucracies as they employ more precise language to refer to laws, while some political scientists sometimes speak of institutions to refer to laws and regulations, and analytically distinguish them from public bureaucracies and other organisations. It is a common terminological barrier in the social sciences due to the specialised definitions of the disciplines and the conventions of the common use of the terms.

3 Cognitive and cultural mechanisms are discussed in this same debate in the article on the sociological approach of institutions (Espinosa Soriano, 2023).

4 The expression "Potemkin village" comes from Russian popular culture. In politics and economics, it refers to a construction of formal rules and regulations designed to give a real situation a more favourable external appearance, making it appear better than it really is.

5 Moreover, the election of the ruler must be preserved, which, incidentally, falls to the Legislative Power, thus being an executive branch of *indirectly* democratic origin, as it is elected by parliament (Section 99 of the Spanish Constitution) and not by universal suffrage.

6 The democratic state established by the Spanish Constitution is thus a representative democracy, with exceptional and residual institutions of direct democracy (the "popular legislative initiative" and the "referendum"). In addition, not only is Parliament the representative body of popular will, but the Constitution (Section 140) also requires that certain bodies of the executive powers be composed of representatives of the people: local administrations (city councils, provincial councils).

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