Editorial

Parliamentary Studies Between Sectionalism and Universalism

Parliamentary studies are a clear example of a specialized and sectional research field. The object of the discipline is, by definition, represented by the structural and functional features of a single institution. Such an institution may appear to be very articulated, both structurally and functionally, and involve many variations, depending on the constitutional and political system in which each parliament operates. These variations stem from historical and political reasons, which have forged each parliament in a certain way and which have determined its (continuous and often sub-track) evolution. In order to be fully understood, each parliamentary institution needs to be studied from multiple and often concurring perspectives. An example of such a multipronged practice is the excellent Handbook of Parliamentary Studies: Interdisciplinary Approaches to Legislatures (Benoît, Rozenberg, 2020), which deliberately includes several distinct methodological approaches, all of which are deemed essential in order to grasp the features of parliaments: not only the “usual suspects”, such as history, constitutional law and political science, but also sociology, anthropology, economics, philosophy and rhetoric.

At the same time, and apparently conversely, the main and identifying structural and functional features of each parliament presuppose a high degree of universalism and are indeed even based on an aspiration to be fully inclusive and to a certain extent even encyclopedic. Parliaments have been conceived to ensure political representation for the whole of (national) society, reflecting its pluralism as well as its various cleavages and bringing them to the heart of state institutions. Parliaments may be asked to deal with almost any topic conceivable, both legislating on potentially any subject matter and critically overseeing the activity of the Executive regarding each imaginable policy field. In order to do so, Parliaments are also powerful knowledge machines, asked...
to deal with any kind of information and a wide variety of scientific expertise and to make them understandable and usable for democratically elected MPs: not by chance, as will be shown by a monograph currently in press (Rizzoni, 2024), many points of contact can be found between parliamentarism and encyclopedism. Today, the encyclopaedic vocation of parliaments seems to be even more necessitated than in the past, as contemporary democracies are confronted with the need to adjust broad transnational policy programs (like the UN Sustainable Development Agenda or the Next Generation EU) to the national political dimension, and vice versa.

These elements help to explain the complex structural articulation of parliamentary institutions, and especially its committee system, which is usually designed to be able to deal with any imaginable subject matter, whether it be specific or cross-sectoral. This also justifies the need for the MPs, who, being democratically elected, do not necessarily possess specific scientific expertise, to be assisted by parliamentary administrations which are able to help and support them, both individually and collectively. This assistance, amongst others, takes the form of documentation, issued by parliamentary libraries, research departments, budget offices, comparative units, and so on. Of course, parliamentary administrations also vary a great deal, depending on the national traditions and the features of each political system, as shown in the just published Routledge Handbook of Parliamentary Administrations (Christiansen, Griglio, Lupo, 2023), which is reviewed in this issue by Dyonissis Dimitrakopoulos.

This tension between sectionalism and universalism has been accentuated and exacerbated by a couple of phenomena that have emerged or accelerated since the turn of the century.

The first phenomenon is of course digitalization, which changed, among many other things, the sense of political representation: the people represented (the voters) can no longer be considered completely “absent” from the decision-making process and even when they are doing something else, or are based far away (or sometimes even if they are not among the people who are entitled to be legally represented), they are able to interact continuously with their representatives, closely observing their behaviour and trying to influence or steer it, according to their wishes. This change also launches an existential challenge for representative democracy as such, as its practical premise, traditionally based on the impossibility of establishing and running a direct democracy in a large entity, is being seriously undermined. Consequently, digitalization questions the traditional justification for representative democracy, making it necessary to highlight the “real” advantages of representative democracy, such as the possibility of considering
the intensity of the voters’ preferences and ensuring that a negotiation about them takes place.

The second phenomenon is the increased pluralism of contemporary societies, further accentuated by globalization and transnational mobility, which has made it much harder, and often virtually impossible, to accomplish the task for which parliaments were conceived: to create a moment of spatial and temporal unity, in which all citizens of a certain nation might feel their voices heard during the decision-making process, thus granting a high degree of integration and unification (Manzella, 2020, 8). Such a liquid and post-ideological society is, by definition, constantly transforming itself and cannot be properly and entirely mirrored by an institution that has to reflect multiple cleavages and which, once elected, is supposed to last and work for 4–5 years before being renewed.

Further transformations are of course taking place in the current era. By far the most relevant of these seems, at least at the moment, since the acceleration of the shift to digital technologies driven by the pandemic and after the emergence of ChatGPT in late 2022, the diffusion of artificial intelligence: the content and conclusions of a two-day international workshop devoted to artificial intelligence in parliaments are summarized and discussed in a congress report written by Fotios Fitsilis, Jörn von Lucke, and Sander Frank, in this issue.

The variety of the possible approaches to parliamentary studies is particularly well conveyed in the articles included in this issue, which also reflects the wide geographical coverage of the journal.

A comparative method is, for instance, the one followed by Tal Lento, in her essay titled “Adopting the Constructive Vote of No-Confidence: Belgium and Israel in Comparative Perspective”. The constructive vote of no-confidence is the rule according to which a motion of no confidence to the Executive can be approved only when it ensures the replacement of the current government with another one. This rule, imagined for the first time, although unsuccessfully, in the interpretation of the Constitution of the Weimar Republic by Ernst Fraenkel, and even more clearly in a proposal put forward during the activity of the Italian Constituent Assembly by Egidio Tosato (Elia, 2008, 4; Frau, 2017, 242), is currently applied in around ten parliamentary democracies worldwide (including Germany, Spain, Hungary, Slovenia, Poland, as well as Albania and Georgia). Belgium and Israel are among the most recent cases and they are the only ones to have adopted the constructive vote of no-confidence while being established democracies (in 1993 and in 2001, respectively). As may easily be imagined, the aim was, in both cases, the desire to stabilize their governments. However, Lento’s essay shows that uniquely Belgium has experienced a clear
improvement in government stability since its adoption. This result seems particularly interesting, as the introduction of the constructive vote of no-confidence is often proposed nowadays as a way to strengthen and stabilize governments in parliamentary democracies.

A global and international approach is instead adopted by Anna Kronlund, in her article on “Parliamentary Dimension and Multilateralism: Interparliamentary Union and the United Nations, 1995–2022”. This choice was a natural one, given its topic, involving as it does the instruments of international law and multilateral international organizations. The article addresses the role assigned to the Inter-Parliamentary Union (IPU) as parliamentary dimension of the United Nations (UN). Similarly to the UN, the IPU has a very wide membership, with 179 national parliaments, the most notable exception being the United States Congress. Notwithstanding the fact that since 1995 the cooperation between the UN and IPU has been both strengthened and institutionalized, the idea of establishing a kind of global parliament or congress within the UN, whose members would be voted upon by the citizens of the world, continues to be mooted at regular intervals.

Another approach is that of Thaddeus Manu, who carries out a legal historical analysis at the start of his article on the “Free Speech and its Limits in the UK Parliament”. However, the article soon turns into a critical legal argument, aimed at showing, with reference to the UK Bill of Rights of 1689, that the invocation of parliamentary privilege on free speech – whose roots go back to at least the mid-13th Century – in wilful disregard of Court’s injunctions undermines the universal principles applicable to the rule of law, breaches the sub judice rule, threatens the constitutional role of the Courts in the administration of justice and damages the comity that exists between Parliament and the Courts. After analysing several cases, the article argues that formal limitations should be implemented by Parliament to prevent an abuse of parliamentary privilege and to ensure reasonableness in its usage and points out that Article 9 of the 1689 Bill of Rights is an ancient instrument, which is not consistent with modern reality.

Two country-studies are also included in this issue, devoted to Japan and South Africa. The article on “Parliamentarians and Normative Power Diffusion: A Case Study on Japan”, written by Silja Keva, focuses on the international activity of Japanese MPs, observing that they adopt the identity of international representatives of Japan, who support and promote Japan’s interests in various areas, such as climate change, overseas agricultural investments, or regional financial stability. The study on “The Effectiveness of Legislative Oversight in Democratic South Africa: exploring political will”, by Hlengani Baloyi, is based on an empirical analysis of the early warning signs emerging from parliamentary
oversight procedures on governance and financial features of the provincial education departments of three selected provinces in South Africa.

It is worth underlining that these two country-studies concern two procedures that may be placed at the forefront of the innovation processes and dynamism in contemporary parliaments, in their constant tension between universalism and sectionalism: on the one hand, the international activity of national parliaments, which has developed very significantly in the last thirty years; on the other, parliamentary oversight tools, especially those centred on the use of public finance and regarding post-legislative scrutiny, which are deemed to be crucial instruments for strengthening the democratic accountability of Executive-centred and multilevel public policies.

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