Parliamentary Studies: Studying Parliaments, Improving Parliaments

I am grateful to the editors for inviting me to open this issue of the *International Journal of Parliamentary Studies*. The diverse and fascinating articles in this issue provide an opportunity to ponder on the field of parliamentary studies and the nature and characteristics of scholarship in this field. What are the major common characteristics of this scholarship? At first blush, the answer seems obvious – it is actually stated in the name of the field and of this journal: they all study parliaments. Yet, the answer is not so trivial, because this field and this journal, by their very nature, bring together authors from diverse backgrounds and approaches. These include researchers from diverse disciplines – most prominently from political science and law, but also from a range of other disciplines, each with its own research focus and own perception of how to conduct research. These also include practitioners from various positions – legislators and other parliamentarians and parliamentary officials; with both groups of researchers and practitioners coming from various countries, each with its own political and legal culture and scientific and academic culture (Benoît & Rozenberg, 2020; Szabó, 2021).

Yet, I still believe that there are common characteristics for the scholarship by these diverse set of scholars, notwithstanding their diverse set of approaches, views and methodologies. In this brief essay, I will focus on one fundamental characteristic: the underlying belief that parliaments matter; that legislatures are important. Again, at first blush, this may also seem obvious and even trivial. One can assume (and hope!) that all scholars in all fields believe that their object of study is interesting and worth studying, and that their work is important, whether they spend their days developing a cure for cancer; doing basic research in a lab; studying frogs in the amazons; or analyzing the works of a poet who died 500 years ago. I argue, however, that the difference
is that parliamentary studies has an underlying, sometimes tacit, normative aspect – the belief that legislatures are not just interesting and worth studying, but normatively important. Hence, this field has an underlying normative motivation to improve its object of study. We study parliaments in order to contribute to improving parliaments and their ability to fulfill their important political and societal functions.

I argue that this is generally true for the field, albeit the extent that this normative motivation is explicit depends on scholars’ disciplines and cultures. For some, this is unapologetically the stated purpose of the field. A particularly overt example is how the late Ulrich Karpen, a German legislator and law professor who pioneered the study of legislatures and legislation within legal scholarship, defined the field. He described it as “do[ing] research on the complex process of drafting and approving laws ... in order to improve practical legislative work.” He emphasized that it “is a theoretical science ... [but] a practical science as well. It is prescriptive and normative. A practical science does not primarily accumulate knowledge but wants to direct actions” (Karpen, 2012). I believe this is typical for continental European legal scholars in the field. Legal scholars in other legal cultures, such as the US, tend to be more pessimistic and even cynical about their legislatures, and therefore do not tend to produce as much scholarship intended to improve the work of legislatures (Bar-Siman-Tov, 2020; Rubin, 2018). Yet, my claim about the normative motivation of the field would probably not be too controversial among legal scholars in these cultures as well, as normative and policy-oriented scholarship is in the DNA of legal scholars.

On the other hand, the underlying normative motivation tends to be much more tacit in other disciplines, primarily political science and other social sciences that are (putatively) committed to detached and disinterested positive research on parliaments. In these disciplines, stating the normative motivation behind the study might even be considered inappropriate and unscientific. Indeed, the traditional division between legal scholars and political scientists working in the field was that the lawyers were primarily doing the normative work while the political scientists were primarily doing the descriptive and empirical studies (Fasone, 2020). As Judge & Leston-Bandeira (2021) argue, political scientists in the field tend to focus on analyzing and explaining what legislatures do and how they do it, while neglecting the question of why it matters. Crucially, however, as Judge & Leston-Bandeira persuasively argue, the question of why legislatures matter, matters to all scholars doing legislative studies. Moreover, political scientists reflecting on
the field are becoming more explicit about the normative motivation, and even obligation, of parliamentary scholars in contributing to improving the work of their object of study, and noted that legislative scholars are more willing to communicate the policy implications of their work (Binder, 2015; Fiorina, 2011). The normative motivation of improving parliaments is not in contrast to scholars’ obligation to the truth and to disinterested objective research. Quite the opposite: as Binder and Fiorina emphasize, it is precisely their ability to offer unbiased professional (rather than ideological or partisan) criticism on how parliaments work that makes parliamentary scholars uniquely positioned to offer lawmakers recommendations on how to improve their work. It is, in fact, part of their professional obligation (ibid).

I believe this normative motivation explains much of what scholars of parliamentary studies do, even if they do not explicitly state or even think of this motivation, and even if the study is purely empirical and stops short of adding policy implications. Why else would legislative scholars spend so much time on exploring questions such as: how (and how well) parliaments carry out their various functions; uncovering problems and challenges in parliaments’ operation; the resilience of parliaments and how and whether parliaments continue to operate during crises and pandemics; parliaments’ legitimacy; parliamentary reforms (even strictly positive studies about when and why reforms succeed or fail); measuring the strength or weakness of parliaments; or the seemingly endless debates about the decline, dysfunction or crisis of legislatures? With all due-respect to the claim that parliaments are worth studying simply because they are ubiquitous and have been around for so long, I do not think that this is the main motivation for studying all these questions.

This normative motivation can even be found in studies dedicated to methodological debates in the field. Such is Sunil Ahuja’s article in this issue, “Comparative Legislative Research as Gerhard Loewenberg Saw It.” This article is both a tribute to a distinguished colleague and a broader reflection on research in the field of parliamentary studies, and of the use of the comparative approach in particular. As Ahuja notes, a traditional characteristic of parliamentary studies was that studies tended to be country specific with much of the attention dedicated to a limited number of specific countries (chiefly the US), and with relatively underdeveloped comparative research. Interestingly, this parochial approach has traditionally been a common feature of both the political science and legal branches of parliamentary studies, despite the fact that in parliamentary practice, legislatures themselves have...
been long and extensively engaged in comparative research to learn from each other (Bar-Siman-Tov & Xanthaki, 2023). Loewenberg was one of the pioneers of rectifying this lacuna.

And while Loewenberg was passionate about the methodology of legislative studies and about championing the use of comparative research, at the end of the day, the motivation appeared to be substantive: to learn how parliaments succeed (or fail) in fulfilling their crucial societal roles. As Ahuja quotes from Loewenberg’s autobiography, “I was forever intrigued by the puzzle of how a legislature reaches – or fails to reach – collective decisions about governing and what determines whether its decisions appear or fail to appear legitimate, representative of the nation. I found that that puzzle could be resolved only by comparing how different legislatures work.” And indeed, Ahuja himself ends his article with saying that “[b]eyond the core academic issues of comparative research, Loewenberg’s substantive questions regarding the role of legislatures in managing the affairs of the state (i.e., maintaining political stability, managing social conflict, providing representation, or even solving public problems) ring as true today as before, if not more so.” Ahuja therefore ends by highlighting the challenges facing Congress (such as a crisis of legitimacy, the capacity to manage social conflict, rather than exaggerate it, and congressional incapacity, or congressional dysfunction, in solving public problems) as the big practical questions of the day and major themes of the current scholarship.

The challenges facing parliament and its ability to achieve its societal role is also a major theme in Rinor Beka & Arben Qirezi’s article “The Impact of Minority Veto in Consociational Democracies: Lessons from Kosovo, 2008–2022.” Interestingly, while the context is radically different, and the challenges are arguably more formidable, Beka & Qirezi’s article share themes with the challenges mentioned by Ahuja: namely, maintaining political stability, managing social conflict, and the risk of incapacity or dysfunction by the excessive use of veto powers. They study Kosovo as a case-study of the consociational model, meant to manage divisions and promote peaceful coexistence in ethnically divided post-conflict societies. In particular, they study the practical ramifications of veto rights in Kosovo’s post-2008 legal framework, seeking to shed light on how veto rights contribute to consensus-based decision-making, as well as the potential for disruption when these rights are exploited. Beka & Qirezi’s study shows how over the years, the veto mechanism for vital interest laws and constitutional amendments was exploited: How it became a bargaining chip for matters largely unrelated to the issues in the proposed legislation; how it was applied irrespective of whether there was genuine impact on minority vital interests; how it became
a “mono-ethnic veto” that serves the Serbs; and how it could often lead to continuous deadlocks and political crises. While this article presents a descriptive study, the normative motivation in this article is clearly apparent, and indeed, the authors end with policy recommendations on how to fix the shortcomings revealed by their study.

While Beka & Qirezi wish to draw lessons from a case study of a failed legislative mechanism, Karl Eirik Schjøtt-Pedersen’s article “The Swedish-Norwegian Experience of Increased Budget Control Due to Hierarchichal Budget Reforms in Their National Parliaments” presents a success story. The article examines budget procedure reforms in Sweden and Norway in the 1990s, as case studies on whether hierarchical budget processes can contribute to increased fiscal discipline. The study finds that deviation from the government’s annual budget proposals have been substantially reduced in the years following the reforms, in both Sweden and Norway. It therefore concludes that hierarchical budget procedures may indeed contribute to increased fiscal discipline, albeit noting that strong political support may be of vital importance. Interestingly, in discussing the methodological choice of comparing Sweden and Norway, the article can also be seen as complementing Ahuja’s methodological discussion about the comparative approach. And, of course, the normative motivation of the study is also clear: it is a study meant to examine how parliamentary procedures could be reformed in order to achieve better policy results. In fact, this is a fascinating example of a study that is unique to the charter of this journal, which also publishes works by practitioners. The author is the Auditor General of Norway and former politician, with past experience as Chair of the Norwegian parliament’s Standing Committee on Finance and Economic Affairs, Minister of Finance, Minister in the Prime Minister’s Office; and even more interestingly, Chair of the Parliament Budget Reform Committee, which prepared the reform.

The final article, “The Rise of Data and AI in Parliamentary Proceedings – The Norwegian Parliament, Stortinget” is also an article by a practitioner, Tanja Wahl, Senior Adviser at the Constitutional Department. Wahl’s article presents the Norwegian Parliament’s “StorSak” project, which aims “to implement an information system which handles document production and parliamentary proceedings in a coherent digital value-chain,” and shares their experience in exploring the use of machine learning (ML) and artificial intelligence (AI). Indeed, Wahl’s article touches on one of the most germane and timely questions facing parliaments today: how would the digital transformation – and even more particularly, how would ML, Natural Language Processing (NLP) and generative AI – transform the work of legislatures? (Bennett Moses et al.,...
And of course, this article is another example of the field’s normative agenda: to study parliaments and learn from their experiences in order to improve legislatures’ capacity to fulfil their roles and meet the challenges of tomorrow.

Reference


