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# A comparison between three ideal types of parliamentary politics: representation, legislation and deliberation

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## ABSTRACT

Representative, legislative and deliberative assemblies are commonly called parliaments. The three types of assemblies share many procedures and practices, and the Inter-Parliamentary Union includes all three types among its members. Nonetheless, as ideal types in the Weberian sense, the three kinds of political assemblies do differ in their modes of acting and thinking politically. This article is a thought experiment to sketch the three ideal types by working out a number of key aspects of their distinctive political features. The political action that characterizes representative assemblies is pre-parliamentary elections, legislative assemblies are judged by their post-parliamentary results, while deliberative assemblies are characterized by their parliamentary debates *pro et contra*. Whereas the parliamentary studies of recent decades have largely concentrated on the representative and legislative aspects, this article focuses on parliamentary procedure and rhetoric, revaluating from this perspective the intra-parliamentary aspect of parliamentary deliberation.



## KEYWORDS

Parliament; representation; legislation; debate; deliberative assembly; politics as activity; types of politician; parliamentary time

## A Weberian approach to parliament

In both everyday and academic language we tend to speak of parliament in broad strokes, covering over the differences in the types of institutions. In this article I shall discuss conceptions of parliamentary politics in terms of three ideal types. Although representative, legislative and deliberative assemblies are in practice composites of various aspects, and the Inter-Parliamentary Union includes all three types among its members they nevertheless refer to very different types of political institutions.

Max Weber presented the concept of ideal type in his 1904 essay on ‘objectivity’.<sup>1</sup> The ideal type is a concept that recognizes the contingency of human actions in terms of chances and objective possibilities and their specific historical constellations. The ideal type refers to an aspect of generality without universality, and each ideal type is to be understood as one possibility among others. A ‘pure’ ideal type refers to a concept in

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<sup>1</sup>M. Weber, Die ‘Objektivität’ sozialwissenschaftlicher und sozialpolitischer Erkenntnis’, in *Gesammelte Aufsätze zur Wissenschaftslehre*, J. Winckelmann (ed.) (Tübingen, 1973 [1904]), pp. 146–214.

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which selected aspects have been driven to their extreme point (*logische 'Vollkommenheit'*).<sup>2</sup> Formed through a one-sided accentuation (*einseitige Steigerung*) of certain features, ideal types help us to understand the less one-sided or mixed aspects of the topic studied.<sup>3</sup>

For Weber, disputes in academia should be recognized as an inherent aspect of scholarly practice.<sup>4</sup> If they are not, stagnation ensues.<sup>5</sup> The recognition of disputes as regular and valuable is exemplified in parliamentary politics, especially as conducted through Westminster-style procedure and *pro et contra* debate. Parliamentary and scholarly controversies add new aspects to the agenda of debates.

In this article my aim is to study parliament as an exemplary political assembly. I shall understand politics as a contingent, controversial and temporal activity, as opposed to any kinds of spatial metaphors.<sup>6</sup> From this perspective, a parliament's political quality depends on what the parliament is *doing*. Parliaments 'do politics' to the extent and in the way that they deal with the contingent and controversial aspects of the phenomena at hand.

In this sense representation, legislation and deliberation refer to three alternative types of parliamentary politics. This Weber-inspired action perspective offers an alternative language to the common political science jargon that speaks of parliament's 'functions' in a 'political system'. The Weberian perspective has more in common with certain anthropological or speech-act theoretical approaches, though it does not rely on the everyday actions, but instead thematizes the contingent and controversial character of politics as an activity.

## A table of parliamentary ideal types

To start with, I have constructed a scheme that summarizes the oppositions between the three parliamentary types in a number of aspects (see Table 1). The typology is based on my knowledge of the history of parliamentary politics, including its procedures, rhetoric and relevant scholarly literature, as well as on my political imagination.

The first row refers to the parliament's source of *legitimacy*, three types of 'sovereignty', that of the people, of the law and of the parliament. The second row refers to the decisive *momentum* in parliamentary politics. The third row concerns the key *event* of the parliamentary procedure. Row four refers to the *time orientation* in parliamentary deliberations, which is specified by the mode of the parliamentary *proceeding* (row five). The sixth row marks the parliamentary type of *politician*. In the last row the historical *paradigms* of the parliamentary types are presented. The US Congress is the exemplary legislature and the British House of Commons is the deliberating parliament *par excellence*. With Emmanuel Joseph Sieyès's identification of the *tiers état* and *la nation*,<sup>7</sup> the French National Assembly provides the model for popular representation, although the two other aspects are also present there.

<sup>2</sup>Weber, 'Objektivität', p. 191.

<sup>3</sup>Weber, 'Objektivität', p. 191.

<sup>4</sup>Weber, 'Objektivität', pp. 153–4.

<sup>5</sup>Weber, 'Objektivität', p. 184. Weber borrows here J.S. Mill's notion of a 'Chinese stationariness' from his essay 'Bentham', in *Collected Essays of John Stuart Mill X*, <http://oll.libertyfund.org/titles/241>, pp. 75–116.

<sup>6</sup>K. Palonen, *The Struggle with Time: A Conceptual History of Politics as an Activity*, 2nd edn with a new preface (Münster, 2014 [2006]).

<sup>7</sup>E.J. Sieyès, *Qu'est-ce que le Tiers état* (1789), R. Zapperi (ed.) (Geneva, 1970).

**Table 1.** Three types of parliament.

	Representation	Legislation	Deliberation
Legitimacy	People	Laws	Parliament
Momentum	Election	Enactment	Debate
Key events	Majorities	Votes	Amendments
Time orientation	Past	Future	Present
Proceeding	Instant	Progress	A journey
Type of politician	Partisan	Legislator	Parliamentarian
Paradigm	France	US	UK

Each of these pure types gives us a vision of the parliament and its relationship to politics. The concepts of representation, legislation and deliberation are themselves contested and controversial, but disputes between the different types of assembly can be assumed to be – *ceteris paribus* – politically more radical than interpretations within each type.

## The representative parliament

The ‘representation’ of others can be done in multiple ways, for instance, in a statistical manner – best realized by lot, by rotating the members or by the election of representatives. A ‘representative’ can be either a member of the represented or an external person acting on their behalf, such as the ombudsman. I limit my discussion here to the politically most important case of parliamentary representatives elected by the represented.

What does it mean to ‘represent’ someone? With Frank Ankersmit we can claim that ‘representation’ is itself a political act that creates both the represented and the representative.<sup>8</sup> Without distinct occasions for representation there would not exist any representatives, and the represented can have a ‘representative’ political standpoint only when they are personally called to take a stand. The occasion can be the election of an assembly, a president or a mayor, voting in a referendum or signing a petition or citizens’ initiative to be submitted to a parliament. To express an opinion by other means is unrelated to the act of representation.

Who then are the represented? Parliamentary representation is commonly legitimized in the name of ‘the people’. The concept of ‘popular sovereignty’ is ambiguous, ranging since antiquity from the ‘tyranny of the people’ to the control exercised on rulers by their representatives, later by their parliaments.<sup>9</sup>

But who will be ‘the people’? Is it ‘the population’, ‘the citizenry’, ‘the electorate’ or ‘the voters’? Foreign residents are included in the population, but excluded from voting, with certain exceptions, while underage persons are citizens but cannot vote or stand as candidates. Within the electorate there are those who have the right to vote but are not actual voters, even under compulsory voting.<sup>10</sup> In many polities the right to vote and the possibility to run as a candidate also differ. The variety of electoral systems and procedures for candidacy add further complications to the possible distinctions that could be made in the concept of the ‘represented’.

<sup>8</sup>See F.R. Ankersmit, *Political Representation* (Stanford, 2002), p. 115.

<sup>9</sup>For the contemporary discussion see in particular R. Bourke and Q. Skinner (eds), *Popular Sovereignty in Historical Perspective* (Cambridge, 2016).

<sup>10</sup>See A. Malkopoulou, *The History of Compulsory Voting in Europe: Democracy’s Duty?* (London, 2015).

Above all, we can distinguish between a delegate with a bound and a representative with a free mandate (with various intermediate types in between).<sup>11</sup> The abolition of the estates, the practice of parliamentary agenda-setting and the time interval between election day and the times of parliamentary decision-making strongly justify the free mandate. Under secret voting<sup>12</sup> the represented, furthermore, can have no other direct means of dismissing their representatives than by refusing to re-elect them.

Today representative assemblies recognize the free mandate, but the freedom of parliamentarians is still limited by the represented. The representative assembly has to refer back to what or whom it represents in whatever it is doing. Parliamentarians depend on the voters for their chances of being re-elected, and on parties in order to be accepted as candidates. There is no necessity for such a reference with legislatures or with deliberative assemblies.

## Parliament as legislature

Legitimacy based on ‘sovereignty of law’, rather than of persons, is linked to the ideal of the impartiality of legislation. A long tradition of thought from Solon via Thomas Hobbes and Jean-Jacques Rousseau to Karl Marx, Jeremy Bentham and John Stuart Mill regards legislation to be a matter of a single ‘legislator’ or a body of legislative experts.<sup>13</sup> This did not prevent Bentham and Mill from supporting a representative and deliberative parliament, but one that in their view should be separated from the practice of law-making.<sup>14</sup> In the US-type balance-of-power system, legislation is left to Congress, within which the House of Representatives plays the representative and the Senate the deliberative role.

The question of who legislates relates to the political significance of the act of legislating. Legislative parliaments have the power to create statute law (in contrast to customary law), and in this respect they have competed with rulers and administrations as well as with the legal interpretations of the courts. This struggle with the courts continues today within the European Union, for example.<sup>15</sup>

However, ‘legislation’ is only a part of statutory law. There exist lower-level orders and decrees not decided by parliament or by other types of decision-making by parliament, including budget, international treaties, and resolutions. The most important resolutions are the votes of confidence in the government and the ‘softer’ forms of parliamentary control over the government and administration. To understand parliament as a legislative assembly means giving priority to the laws as a form of parliamentary decision-making, as has been the case in the US tradition.

In the legislative interpretation of parliament, laws, as a set of general and stable rules, should be given unconditional priority over other kinds of resolutions. This view is used to justify the superiority of legislative over executive power, as well as the separation-of-

<sup>11</sup>See for example C. Ilbert, *Parliament. Its History, Constitution and Practice* (London, 1911), p. 160.

<sup>12</sup>See H. Buchstein, *Öffentliche und geheime Stimmabgabe* (Baden-Baden, 2000).

<sup>13</sup>On Solon’s status as legislator see e.g. Christian Meier, *Athen. Ein Neubeginn der Weltgeschichte* (Munich, 1995), pp. 69–75; T. Hobbes, *Leviathan*, R. Tuck (ed.) (Cambridge, 1991 [1651]), pp. 231–4; J.-J. Rousseau, *Du contrat social* (Paris, 1966 [1762]), II.7; J. Bentham, *Constitutional Code*, F. Rosen and J.R. Burns (eds), vol. 1 (Oxford, 1983 [1830]), pp. 133–46; K. Marx, ‘Kritik des Hegelschen Staatsrechts’ (1843), in K. Marx und F. Engels, *Staatstheorie*, Eike Henning, Joachim Hirsch, Helmut Reichelt und Gert Schäfer (eds) (Frankfurt am Main, 1974), pp. 71–4; J.S. Mill, *Considerations on Representative Government* (Buffalo, 1991 [1861]), pp. 109–13.

<sup>14</sup>J. Bentham, *Essay on Political Tactics*, J. Bowring (ed.), (orig. c.1790) in *Collected Works of Jeremy Bentham* (11 vols), vol. 2 (Edinburgh, 1843), pp. 298–378, <http://oll.libertyfund.org/title/1921/113915>; Mill, *Considerations*, esp. pp. 115–19.

<sup>15</sup>See, for example, R. Bellamy, *Political Constitutionalism* (Cambridge, 2007).

powers system. Legislative assemblies have been compared in terms of their ‘efficiency’ in initiating and completing legislation.

## The debating parliament

The Westminster parliament has its origins in its power over the expenses of the crown. From that power parliament has created a comprehensive system of control over government and administration by different political and rhetorical means.<sup>16</sup> The ideas of parliamentary control and scrutiny of government and administration are a major characteristic of the parliament<sup>17</sup> as a deliberative assembly that debates *pro et contra* according to certain procedures and rules for agenda-setting.

Since the Glorious Revolution of 1688–89, the Westminster parliament has not attempted to ‘govern by itself’, but to exercise control over the government. The cabinet system is based, in Walter Bagehot’s words, on a ‘fusion’ of legislative and executive powers in which the cabinet is the executive committee of parliament.<sup>18</sup> Democratized and competitive parliamentary elections have had implications for parliamentary practices, but they have not changed parliament’s deliberative character.<sup>19</sup> The link between parliamentary and popular sovereignty may be reformulated as the thesis that on election day, the parliament’s membership is extended to the entire electorate. This both affirms and inverts Rousseau’s dictum that the English are free only on election day.<sup>20</sup>

The singularity of the parliament as a deliberative assembly is historically indebted to the rhetorical culture of the English Renaissance.<sup>21</sup> Already then it was realized that *pro et contra* debate is the distinctive advantage of the parliament. To strengthen this, we can point to the distinct parliamentary procedure that was formed and elaborated by a number of tracts in the late sixteenth and early seventeenth centuries. The procedure of parliamentary debates and decisions after 1689 was first codified by John Hatsell in the late eighteenth century,<sup>22</sup> and later formulated by Jeremy Bentham<sup>23</sup> and Thomas Erskine May<sup>24</sup> into tracts focusing on controversies over its interpretation and application.<sup>25</sup>

In parliamentary rhetoric the deliberative genre has, of course, always enjoyed priority<sup>26</sup> over the epideixis of acclamation and the forensic rhetoric of judges as well as

<sup>16</sup>C.P. Ilbert, *Legislative Method and Forms* (Oxford, 1901), <http://tinyurl.com/oe/7x8p6>; C.P. Ilbert, *Methods of Legislation* (London, 1912), <http://tinyurl.com/qa3kdb>.

<sup>17</sup>M. Weber, *Parlament und Regierung im neugeordneten Deutschland*, in *Max-Weber-Studienausgabe*. I/15, W.J. Mommsen (ed.) (Tübingen, 1988 [1918]), 202–302, esp. pp. 235–48.

<sup>18</sup>W. Bagehot, *The English Constitution*, P. Smith (ed.) (Cambridge, 2001 [1867]), p. 11.

<sup>19</sup>As for example R. Vieira tends to assume in his *Time and Politics: Parliament and the Culture of Modernity in Britain and the British World* (Oxford, 2006).

<sup>20</sup>J.-J. Rousseau, *Du contrat social*, III.15. The inversion is discussed in detail in K. Palonen, ‘The Parliamentarisation of Elections’, *Redescriptions* 14, (2010), pp. 133–56.

<sup>21</sup>See Q. Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge, 1996); Q. Skinner, *Forensic Shakespeare* (Oxford, 2014); P. Mack, *Elizabethan Rhetoric* (Cambridge, 2002); M. Peltonen, *Rhetoric, Politics and Popularity in Pre-revolutionary England* (Cambridge, 2013).

<sup>22</sup>J. Hatsell, *Precedents of Proceedings in the House of Commons; with Observations* (4 vols), vol. 2 (London, 1818 [1781]), <http://tinyurl.com/7p7br4h>.

<sup>23</sup>Bentham, *Essay on Political Tactics*.

<sup>24</sup>See the first edition of T.E. May, *A Treatise upon the Law, Privileges, Proceedings and Usage of Parliament* (London, 1844), <http://tinyurl.com/qa8pjms>, and the 9th edition, the last that May himself edited, T.E. May, *A Treatise upon the Law, Privileges, Proceedings and Usage of Parliament* (London, 1883), <http://tinyurl.com/oklmhdv>.

<sup>25</sup>For a conceptual history of Westminster procedure see K. Palonen, *The Politics of Parliamentary Procedure: The Formation of the Westminster Procedure as a Parliamentary Ideal Type* (Leverkusen, 2014).

<sup>26</sup>See D.H. Hegewisch, *Geschichte der englischen Parlamentsberedbarkeit* (Altona, 1804).



the diplomatic rhetoric of negotiations. The latter would make of parliament a ‘congress of ambassadors’, as parodied by Edmund Burke.<sup>27</sup> In the parliament, however, deliberative rhetoric has changed in form from speeches to debates. James De Mille, a Canadian rhetoric professor, formulated this difference: ‘Oratory is the discussion of a subject by one; debate is the discussion of a subject by more than one. Oratory considers the subject from one point of view; debate considers the subject from two or more opposed points of view.’<sup>28</sup> This difference has seldom been understood by parliamentary scholars or by rhetoric scholars.<sup>29</sup>

The oratorical view of deliberative rhetoric aims at victory over the opponent, as in Hamilton’s maxims from the second half of the eighteenth century.<sup>30</sup> In contrast, parliamentary-style debate has ‘fair play’ as its underlying regulative idea, as Clerk of the House of Commons Gilbert Campion emphasizes.<sup>31</sup>

In the deliberative assembly ‘debate’ is the focus of the parliamentary activities. Debate may concern motions on the agenda, the rules of agenda-setting or the rules of parliamentary procedure itself. To quote James De Mille again: ‘The aim of parliamentary debate is to investigate the subject from many points of view which are presented from two contrary sides. In no other way can a subject be so exhaustively considered.’<sup>32</sup> Parliamentary decisions cannot be properly understood without taking into account agenda-setting and debates preceding resolutions.<sup>33</sup>

In this sense debate forms the methodological principle of parliamentary politics. The rhetorical point is that we cannot speak of ‘knowledge’ of a question at all without providing opposite perspectives on it, utilizing the perspectives in debating, for example, a motion on the agenda. Without a dissensus between perspectives and a fair debate on the strengths and weaknesses of an agenda motion (or on amendments to it), we cannot properly understand the question.

Max Weber’s procedural revision of the concept of ‘objectivity’ as well as his rhetorical strategies for parliamentary control over the rule of officialdom<sup>34</sup> also presuppose a ‘parliamentary theory of knowledge’. In a broader sense, such parliamentary theory holds for the procedural rules of Westminster<sup>35</sup> as well as in the rhetorical theories of John Stuart Mill, Walter Bagehot and others on parliamentary politics.<sup>36</sup> In this sense we can also understand Quentin Skinner’s recommendation to think of Hobbes’s *Leviathan* ‘as a speech in parliament’.<sup>37</sup> To understand debate as the core parliamentary activity leads

<sup>27</sup>E. Burke, ‘Speech to the Electors of Bristol’, in *Selected Works of Edmund Burke* (4 vols), vol. 4 (Indianapolis, 1999 [1774]) pp. 11–12, <http://oll.libertyfund.org/title/659/20392>.

<sup>28</sup>J. De Mille, *Elements of Rhetoric* (New York, 1878), p. 471, <http://tinyurl.com/mhps972>.

<sup>29</sup>This thesis is discussed in K. Palonen, *From Oratory to Debate: Parliamentarisation of Deliberative Rhetoric in Westminster* (Baden-Baden, 2016), esp. pp. 63–94.

<sup>30</sup>W.G. Hamilton, *Parliamentary Logic*, with an introduction and notes by C.S. Kenny (Cambridge, 1927 [1808]).

<sup>31</sup>G. [Lord] Campion, *An Introduction to the Procedure of the House of Commons*, 3rd edn (London, 1958), esp. pp. 51–2. See also Palonen, *Politics*, 136–57.

<sup>32</sup>De Mille, *Elements*, p. 473.

<sup>33</sup>See Campion, *Introduction*, p. 170.

<sup>34</sup>See Weber, *Parlament*, pp. 234–36, and the interpretation of K. Palonen, ‘Objektivität’ als faires Spiel. *Wissenschaft als Politik bei Max Weber* (Baden-Baden, 2010).

<sup>35</sup>See Palonen, *Politics*, esp. pp. 251–4.

<sup>36</sup>J.S. Mill, ‘On Liberty’ [1859] in Stefan Collini (ed.), *On Liberty and Other Writings* (Cambridge, 1989), pp. 1–115; W. Bagehot, *Physics and Politics*, Introduction by H. Kohn (Boston, 1956 [1872]). See comment in Palonen, *Oratory*, pp. 184–95.

<sup>37</sup>Quentin Skinner interviewed by Alan Macfarlane 10th January 2008, <http://www.dspace.cam.ac.uk/bitstream/1810/197060/1/skinner.txt>.



us thus beyond the parliamentary system of government, towards a broader vision of a parliamentary style of both acting and thinking politically.

### Where does politics take place?

Next I want to compare the three ideal types regarding where, when and how politics manifests itself in parliament. When regarding parliament as a representative assembly, its politics must refer back to the citizens and their votes. Politics then consists, above all, of electoral struggle, the results of which largely determine the direction of the polity and policy until the next elections.

Majoritarian electoral systems contain the possibility that one party will frequently obtain the majority in parliament. The party's election manifesto and other resolutions are then decisive for what happens in parliament. Even democratic parliaments are then not protected from turning into acclaiming and ratifying 'rubber stamps' for majority-party governments.

Proportional systems of representation seldom bring a clear majority for one party, but the struggle continues until the parties reach a coalition agreement. This agreement is at the focus of political struggles in multi-party regimes with majority coalitions. It is assumed that the coalition government will try to realize the agreed programme to a maximal degree. Coalition parties, ministers and ministries continue to struggle over both the interpretation and the priorities of the agreement, but they do not let the parliament play a major part in this struggle.

It is in the interest of majority governments to reduce the parliamentary struggle to that between government and opposition. Parliamentary rhetoric is then in practice not one of deliberation *pro et contra*, although this language shapes the rules of procedure, but rather an epideictic struggle on the acclamation to the government's motions. Parliamentarians outside ruling governmental parties can – to remain in the caricature – try to provoke a split in the coalition over special issues on the agenda. Nonetheless, unforeseen external events may allow agenda items to be added that were not mentioned in the coalition agreement and thereby reduce the government's monopoly on parliamentary initiatives.

The pre-parliamentary elections are thus complemented by parliamentary diplomacy between the coalition parties, which also devaluates the internal proceedings of the parliament. Why use such a complex and time-consuming parliamentary procedure at all, and why maintain well-paid full-term parliamentarians if the end result is predetermined by the decisions of the majority coalition? Why not instead invite party loyalists to applaud and give ratifying votes, with only some symbolic rotation among them, as *spoils* for their loyal support? Not even the semi-presidential French Fifth Republic has dared to do that. The concept of 'parliament' still contains a strong touch of the Westminster tradition, which offers points of resistance against being reduced to a rubber stamp.

For the representative conception of parliament, public plenary sessions enjoy priority over the committees. The plenaries are an arena for the government and the opposition parties to struggle over their respective declarations, and these debates are directed at the electorate, in contrast to intra-parliamentary debates over agendas and motions. Plenary time is distributed strictly according to party strength, and the partisan committees, specialized according to the ministerial divisions, should guarantee that government motions are not buried in committee.

If politics precedes parliament in the representative paradigm, the legislative paradigm attempts to judge politics only by its 'results'. The idea of a legislature is best realized in the separation-of-powers system, which leaves the political initiative to the government and gives oversight and scrutiny to the parliament, not allowing it to overturn the government. To use a mechanical metaphor appropriate to the checks-and-balances model, the government is the 'engine' of legislation, while the parliament serves as the 'brake' that prevents the realization of misguided proposals. This has been the official doctrine of the US presidential system, but also a French procedural tract from the Orleans monarchy sees legislation as the purpose of the parliament.<sup>38</sup>

In a legislature, politics is recognized as necessary and localized to the parliament, though legislation itself is seen as something 'more' than a contingent result of parliamentary struggles. The main means of achieving the legislative end is to play down the parliamentary practice of debate by subordinating it to putatively superior ends of producing legislation.<sup>39</sup>

Concepts used to justify this view have actually misread Max Weber's concept of *Arbeitsparlament* (working parliament), seeing it as opposed to a 'mere' *Redeparlament* (talking parliament). Weber's point is that Westminster contains both types of parliament, a view he states when praising the Westminster committees as compared to the Reichstag.<sup>40</sup> The US Congress has been regarded as the paradigm of a depoliticized *Arbeitsparlament*, in which the committees and the legislative and budgetary details dominate and political controversies cut across party lines.<sup>41</sup> The congressional parliamentarians are seen as composed of opposing teams of legal and administrative experts. This view has had its admirers among the so-called deliberative democrats, for whom the cross-party divisions in the Congress with their unpredictable votes are superior to the adversarial culture of Westminster.<sup>42</sup>

The legislative vision of parliament operates also with specialist committees. These committees are allotted a remarkable amount of time for discussion of details, with debate serving to retard the momentum, though the debate does not fall absolutely along party lines. The legislative struggle within the assembly has largely the same character as that between different committees and their specialists, though for the legislative plenum the strict time limits of the closure and guillotine prevent the debate from extending to obstructive dimensions.

The general interest in and systemic character of legislation and the efficiency of the process are used to reduce the contingency of parliamentary powers in a legislature. If the result alone matters, the vote is important, not the debate. Efficiency in legislation is seen as a mark of 'progress', which points to a philosophy of history beyond politics. When parliament has been assigned the role of a brake, it is still implicitly assumed

<sup>38</sup>The law is, after all, the final aim of parliamentary work'; '[L]a loi est encore le but final de l'œuvre parlementaire', in P. Valette and B. Saint-Marsy, *Traité de la confection des lois, ou examen raisonnée des règlements suivis par les assemblées législatives françaises, comparés aux formes parlementaires de l'Angleterre, des États-Unis, de la Belgique, de l'Espagne, de la Suisse, etc.* (Paris, 1839), p. 4.

<sup>39</sup>'For us these debates appear to be of secondary importance in the sense that they never constitute more than means in achieving an aim, the conquest of power'; 'Ces débats nous paraissent accessoires en ce sens qu'ils ne constituent jamais que des moyens pour arriver à un but : la conquête du pouvoir', Valette and Saint-Marsy, *Traité*, p. 4.

<sup>40</sup>Weber, *Parlament*, pp. 234, 238, 245–6.

<sup>41</sup>See for example E. Fraenkel, *Das amerikanische Regierungssystem* (Cologne, 1960).

<sup>42</sup>J. Steiner, A. Bächtiger, M. Spörndli and M.R. Steenbergen, *Deliberative Politics in Action: Analyzing Parliamentary Discourse* (Cambridge, 2005).

that it will not be content with this alone – save in the case of the emergency brake discussed by Walter Benjamin.<sup>43</sup> And attempts to use it are viewed with suspicion as obstruction.

Parliamentarization intensifies the politics of a deliberative assembly. Contingency is manifested in the openness of the debates, and controversy is manifested in the procedure, which presupposes a dissensus of perspectives and is designed to allow debates on the strengths and weaknesses of motions as a condition for fair treatment of the questions. The central role of debate in the procedure and in agenda-setting completes the picture.

As parliament is not a governing institution, government motions do have priority, but time for motions by the opposition and the backbenchers must be included in the procedure. The key procedural instruments to empower parliamentary debate are the amendments, for they can interrupt debate on a motion and require a reassessment of its strengths and weaknesses as well as open a new debate on the advantages and disadvantages of the amendment in relation to the original motion.<sup>44</sup> Indeed, the debate for and against does not in Westminster-type parliaments concern so much whether the original motion should be passed or not, but rather, whether the motion or one of the amendments to it shall be passed.

Bagehot's view on the fusion of the legislative and the executive was based on the idea that the cabinet, seen as the executive committee of parliament, made the old contrast between government and parliament obsolete. This view has dominated post-war parliamentary studies, and even Westminster has been interpreted as a government-led parliament. This tendency was supported by the growing government control over parliamentary time through measures such as the closure, the guillotine and the timetabling of debates,<sup>45</sup> in addition to the strengthening of party discipline both in parliament and in elections. Early twentieth-century attempts to strengthen the parliament's and its members' powers, such as that of the Select Committee on the House of Commons Procedure led by the Liberal MP Thomas Whittaker in 1913–14, aimed at countering the dangers for the deliberative character of the parliament.<sup>46</sup>

One of the strengths of debating parliaments is that political struggle is not reduced to a government majority versus an opposition. On the contrary, the Westminster procedure presupposes another political divide, namely occasions for parliamentary initiative and debate between frontbenches and backbenches regardless of the parties. This has been a twentieth-century response to the government's priority in putting forth parliamentary initiatives and controlling time.<sup>47</sup> Reforms under the Gordon Brown (2007–10) and the David Cameron–Nick Clegg (2010–15) governments have improved the position of backbenchers and individual members against the tendencies towards a governmentalization

<sup>43</sup>W. Benjamin, *Gesammelte Schriften* (7 vols), R. Tiedemann and H. Schweppenhäuser (eds), I.1 (Frankfurt am Main, 1991), p. 1232.

<sup>44</sup>Palonen, *Politics*, ch. 5.

<sup>45</sup>J. Redlich, *Recht und Technik des Englischen Parlamentarismus* (Leipzig, 1905). See also Vieira, *Time*, pp. 84–123.

<sup>46</sup>Report from the Select Committee on the House of Commons (Procedure), together with the Proceedings of the Committee, Minutes of Evidence and Appendices, ProQuest, *House of Commons, Parliamentary Papers*, 1914-070470-p1to345.pdf, <http://www.proquest.com/products-services/House-of-Commons-Parliamentary-Papers.html>.

<sup>47</sup>See Campion, *Introduction*, and J.A.G. Griffith and M. Ryle, *Parliament: Functions, Practices and Procedures*, 2nd edn by R. Blackburn and A. Kennon (London, 2003 [1989]).

of parliament, for example regarding the powers that the party whips have had in committee appointments.<sup>48</sup>

For the deliberative parliament, time is an inherent part of politics, not only in the transitions from one parliamentary stage to the next, but also in providing occasions for reconsidering the strengths and weaknesses of motions on the agenda from new perspectives at each stage.<sup>49</sup> Both the plenum and the committees matter, and in the Westminster tradition their difference is not in their size, but in their different rules of debate. In the plenary the members can speak only once on an agenda item, whereas in the committees – including the Committee of the whole House – replies are allowed and expected. The committees, when they are composed of generalists, are according to Thomas Erskine May a *house en miniature*.<sup>50</sup> The non-specialist committees give an additional guarantee for preventing parliament from becoming subordinated to the experts and specialists heard in committee.<sup>51</sup>

Insofar as parliamentary politics is more than parliamentary government, the ‘old opposition’ between government and parliament still makes sense. A debating parliament respects the procedure and rhetorical practice as its own characteristics. For a debating parliament, the significance of electoral results and the numerical strength of the parties are expected to be altered in the course of parliamentary deliberations. In principle every speech and vote can threaten to reset the entire parliamentary constellation. Thorough debates are not merely a brake on governmental initiatives, but occasions for individual members to use their political imagination and judgement, as celebrated in the writings of John Stuart Mill and Walter Bagehot, for example.

If the parliamentary style of debate is understood as a theory of knowledge, understanding parliament as the deliberative assembly *par excellence* is linked to the character of parliamentary debate as a model for other types of assemblies, both below and above the state level, from municipal councils to the European Union, and to some extent to the United Nations and other international organizations. The same holds true for ordinary meetings, associations, debating societies<sup>52</sup> and so on, through which the parliamentary form of debate becomes part of the everyday life of the citizen of a parliamentary country. The movements, networks, expert bodies and lobbies, that is, bodies without institutionalized debate, can be more easily manipulated by governments and administrations<sup>53</sup> than parliamentary-style associations that operate on *pro et contra* principles.

## The politics of parliamentary time

The time aspects of parliamentary politics deserve a separate discussion as one of the main topics in which the three ideal types radically differ. The differences are clear in their typical orientations towards the use of time. The representative assembly focusing on

<sup>48</sup>See the discussions in T. Wright, *Doing Politics* (London, 2012) and E. Crewe, *The House of Commons: An Anthropology of MPs at Work* (London, 2015).

<sup>49</sup>G. Cohen, *Die Verfassung und Geschäftsordnung des englischen Parlaments mit Hinweis auf die Geschäftsordnungen deutscher Kammern* (Hamburg, 1861), <http://tinyurl.com/o556sjt>.

<sup>50</sup>Quoted in G. Campion, ‘Parliamentary Procedure: Old and New’, in G. Campion et al. (eds), *Parliament: A Survey* (London, 1953), pp. 158–9.

<sup>51</sup>See K. Palonen, ‘Was Max Weber Wrong about Westminster?’ *History of Political Thought* 35, (2014), pp. 519–35.

<sup>52</sup>See T. Haapala, *Political Rhetoric in the Oxford and Cambridge Unions, 1830–1870* (Basingstoke, 2016).

<sup>53</sup>Cf. Ankersmit, *Political Representation*, pp. 180–192.

elections is as pre-parliamentary as possible, whereas for the legislature, politics is post-parliamentary, parliamentary debates remain instrumental to the making of laws. In contrast, in a deliberative parliament, where the present is expanded to everything that is ‘in possession of’<sup>54</sup> the parliament, i.e. on agenda but not yet finally decided, politics is intra-parliamentary.

These differences also shape the ways of conceptualizing political time, and thus the character of the parliament’s deliberations. The temporal figures shape several aspects of parliamentary activities. This concerns, for example, the relationship between the plenum and the committees, the treatment of the spending versus the saving of parliamentary time, as well as the relationship between the internal politics of the parliament and the events and time schedules outside.

In a representative assembly, elections set the main momentum for the entire parliamentary term. Coalition agreements provide a secondary possible momentum, to which everything in parliament shall afterwards be referred. The activities of parliament will be judged in terms of whether the programme for changes will be realized or not. The governmental majority views independent interventions by parliamentarians as a disruption of their plans, although they recognize such interventions as legitimate.

The temporal figure of a legislature is ‘progress’. This holds true in two senses, namely for the treatment of a motion with the purpose of getting it passed by acclamation or by vote, and for the progress of legislation as the political achievement of each parliament. This parliament is seen as a ‘workshop’ or, in Oakeshottian terms, as an ‘enterprise association’, based on the common purpose of legislation.<sup>55</sup> Each new parliament should contribute to the progress of legislation, and the end of the term appears as a ‘deadline’ before which legislative progress should be realized. In a historical perspective the progress of legislation is seen as the progress of civilization. Debate is a necessary brake that prevents progress from becoming too rapid and holds its side effects in check.

The political time of debating parliament can be characterized with the metaphor of a journey. The point of departure for parliamentary debate is the putting of a motion onto the agenda, the destination is bringing the matter to vote. The stages in between – the three readings in the plenum, with intervening debates in committee and reports back to the plenum<sup>56</sup> – are, as contingent and controversial activities, at least as important for politics as are the original motion and the final vote. The terminus can occur at any point along the way, by a vote or an adjournment *sine die*. The real debate is not so much for and against the original motion, but between the motion and the amendments, which can more or less radically revise the motion and are frequently moved only in the course of the debate.

The double parliamentary present contains both the item just under debate and more broadly all of the other items in the parliament’s ‘possession’ at that time, at whatever stage of their respective deliberations. The stages of debate in the plenum and committees are successive, but each is a part of a continuous present insofar as each refers to the same motion. Extending the duration of the present moment is coincident with the aim of maintaining an item on the agenda, opposing any effort to prevent it from moving forward or

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<sup>54</sup>For the term see Hatsell, *Precedents*, p. 112.

<sup>55</sup>M.J. Oakeshott, *On Human Conduct* (Oxford, 1975).

<sup>56</sup>Campion, *Introduction*, p. 203.

adjourning it *sine die*. The final vote is nothing but the final speech act of the debate and should be understood as such.

All modern parliaments have long agendas and expect that every member will regularly find time to speak in the plenum. This leads to a constant pressure on parliamentary time and to different ways of dealing with the pressure. Although the representative assembly operates on the strength of a past momentum and the legislature with a future time frame in mind (to maximize the legislative output before the next elections), both are ready to forgo parliamentary procedure, even at the cost of thorough treatment of the motions. They differ, however, in their view of where time shall be saved – the representative assembly will minimize on committee time, the legislature on plenary debates. Common to the representative assembly and the legislature is a willingness to sacrifice intra-parliamentary time for the sake of the calendars, timetables and conventions of the ‘bourgeois’ life and work outside the parliament.

The deliberative assembly, in contrast, prioritizes intra-parliamentary time. The schedules should be regulated according to the readings and their interplay between plenary and committee sessions, including their intervals for reflection between the sessions. The parliamentary forms of interrupting the smooth journey of a motion on the agenda – for example, by amendments, adjournments, procedural debates (including objections arising in the middle of speeches to the use of ‘unparliamentary language’ or not speaking to the matter), votes of confidence, parliamentary questions etc. – are the main temporal units of parliamentary politics.

One of the main strengths of the intra-parliamentary rhythm lies in its conscious deviation from conventional life and work patterns, a deviation owing to the character of *pro et contra* debate. A debating parliament is not willing to surrender the present to the past or to the future, but rather extends the present for central items on the agenda. The calendar times should be adaptable to the meet the needs of the politics (within reasonable limits that recognize the risk of exhausting the members), not vice versa. Such a parliament can cope with the scarcity of time by distributing fairly between members and between items on the agenda, rather than by means such as the guillotine, which predetermines the length of debates independently of their intensity.

## Types of politicians

As a final topic, I turn to members’ profiles as politicians in the three types of assemblies. For the representative conception, a member represents the electorate, or in practice, the party that chooses the candidate to stand in an election. For the representative, the time spent among voters and supporters may be more important than time spent attending parliamentary committee meetings. Divided loyalties between the electorate, the party and the parliament are built into the situation of the MP in contemporary parliaments. For party politicians, parliaments are just one forum among others, and they may be dismissive of parliamentary procedures and practices as ‘too formalistic’. However, the personal element in elections, whether in single-member constituencies or in intra-party competitions between candidates, tends to increase the independence of the parliamentarian.<sup>57</sup>

<sup>57</sup>S.-O. Proksch and J.B. Shapin, *The Politics of Parliamentary Debate: Parties, Rebels and Representation* (Cambridge, 2014); cf. P. Flynn, *How to Be an MP?* (London, 2012).

For the legislature a MP is above all a political expert specializing in certain topics and focusing on their corresponding committees. Political generalists are not required, party loyalty is low and there is no need for the party's leaders to sit in parliament. To gain a reputation as a competent and efficient committee politician is a major aim of this results-oriented parliamentary activity. The danger of a parliament of legislators lies in its lack of a political overview and in the disputes over resources between the ministries and the committees. A longing for a dictatorial leader, analogous to the ancient model of a legislator who decides the outcome of conflicts over resources and prestige, might also be a temptation for the legislative conception of parliament.

The deliberative parliament offers a picture of parliamentarians as debaters *par excellence*. Their knowledge of parliamentary procedure and their mastery of the practices of deliberative rhetoric are preconditions for engaging in such political activity. A debater must be ready to listen to the adversary's speeches and learn from them, occasionally be persuaded by them, but also discover ways to apply their ideas to opposed purposes. A parliamentary debater cannot be content with conventional standpoints, but must have the political imagination to invent counter-arguments even against widely shared views or in order to show, for example, how the strengths and weaknesses of a motion might be reconsidered in a different light. Intra-parliamentary priorities might lead these types of MPs to neglect their constituencies and party activities – even at the cost of endangering their chances of re-election.

## Alternative forms of parliamentary politics

Scholarly views as well as the views of the general public during recent decades have tended to emphasize parliamentary government in its representative and legislative aspects and underplay its debate aspects, both procedural and rhetorical. Today a new interest in parliaments as parliaments has arisen among scholars.<sup>58</sup> For those with such an interest, it is important to know that there are at least these three ideal types of the concept available – and nothing prevents further models from being invented.

The trend since the 1980s is against party-based representative parliaments, although no proper alternative to parties for running candidates has been found. To demand a revival of parties as necessary for a better representative democracy, as Frank Ankersmit does, sounds rather futile if not anachronistic. Nonetheless, I fully share Ankersmit's concern about the uncontrolled powers of 'networks and experts', which are connected with the legislative conception.<sup>59</sup> A legislative assembly consisting of different experts and specialized activists would also be incompetent for exerting political control of government and administration.<sup>60</sup>

There is a wide interest in empowering the European Parliament (EP). This empowerment can, however, mean very different things depending on the model. The most common idea is for an increase in representivity through Europeanization of the parties

<sup>58</sup>See, for example, Vieira, *Time*; C. Ilie (ed.), *European Parliament under Scrutiny* (Amsterdam, 2010); and P. Ihalainen, C. Ilie and K. Palonen (eds), *Parliament and Parliamentarism* (Oxford, 2016).

<sup>59</sup>On parties see F.R. Ankersmit, *Aesthetic Politics* (Stanford, 1996), pp. 56–63. On the critique of experts and networks, see Ankersmit, *Political Representation*, ch. 7.

<sup>60</sup>Weber, *Parlament*, pp. 234–7. See also Palonen, 'Objektivität', ch. 8.



in the EP elections and in the nomination of a Commission as the EU government.<sup>61</sup> As the EP's activities currently resemble most closely the legislative model in an unconventional separation-of-powers system between the Commission, the two Councils and the EP, parliamentarization could mean either an extension of the topics dealt with by parliament or a restriction of the powers of the Commission or the Councils in legislation. An effective move for increasing the debating powers of the EP could involve a replacement of its Francophone rules of procedure with the Westminster type of procedure, in which motions are presented first in the plenum and not in committee. Another major measure for empowering the EP towards becoming a debating parliament would be to grant the parliamentary initiative for individual Members of the European Parliament. All this illustrates how 'parliamentarization' can open up possibilities for alternative, in part conflicting, types of procedural and institutional changes.

The great advantage of the deliberative type of parliament lies in its focus on the intra-parliamentary politics of procedure and rhetoric. Debate is built into the procedures and practices, following the rhetorical principle of *in utramque partem disputare*.<sup>62</sup> Deliberation from opposite perspectives is the conceptual core of 'parliamentary thinking'. Dissensus and debate are marks of distinction for parliamentary-style politics. Every motion may be opposed or amended, and passed resolutions do not terminate dissensus, but simply alter its current constellation. I view the debate model as applicable also to controversies beyond parliaments proper, including in other types of meetings and assemblies as well as in academia.

Perhaps the greatest difficulty for many citizens today lies in accepting the quality criteria for the professional parliamentarian, which contrast with the familiar virtues of life and work. In spite of its unpopularity, it is high time to discard the disparagement of the debating parliament and its 'bavardage'.<sup>63</sup> Through a better understanding of what constitutes a parliament's actions, we can better understand how political 'deeds' are in fact based on the exchange of 'words' in debates.

Furthermore, the possibility of paradiastolic revaluations of a motion's strength and weaknesses<sup>64</sup> in the course of debate constitutes a major attraction of parliamentary politics. Proposing and debating alternatives as well as weighing up their pros and cons is politically much more important than the content of the policies themselves. To adopt such a view is a sign of learning to think of politics in a parliamentary way.

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<sup>61</sup>Defended for example by T. Tiilikainen, 'The Role of the European Parliament in the EU's Political Order', in C. Wiesner, T. Turkka and K. Palonen (eds), *Parliament and Europe* (Baden-Baden, 2011), pp. 25–40.

<sup>62</sup>Discussed in Skinner, *Reason*, pp. 9–10, 15–16.

<sup>63</sup>For a critique of this accusation see Mill, *Considerations*, p. 117.

<sup>64</sup>See Q. Skinner, 'Rhetoric and Conceptual Change', *Finnish Yearbook of Political Thought* 3, (1999), pp. 60–73.

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