PARLIAMENTARISATION AS POLITICISATION
Kari Palonen

1. Politics and Parliament as activities

In this essay I understand by politics any contingent and controversial human activity (see also Wiesner and Selk, in this volume). Not only such issues as naming streets but also the individual life-style choices, such as never wanting to learn car-driving or boycotting flights can be understood as thoroughly political. They are political in the elementary sense of being contingent, that they could have been otherwise, and the political quality is increased when they are regarded as controversial.

The 'personal is political' thesis is held to a higher standard for such acts as objecting to car-driving than to the contrary in a context in which car-driving is a norm. In Hirschmanian (1970) terms the conformist acts can be seen as signs of 'loyalty', in rhetorical terms as acclamations to the conventions, whereas the refusal marks in this case both a voice and an exit. From this perspective all contingent action have a political aspect, and when the actors themselves recognise, this marks their political literacy, whereas disputing the political aspect rather refers to the lack of such literacy.

From this perspective politics merely exist because of the acts of politicisation. I have sketched a fourfold politics-typology, in which *politicisation* is one aspect of politics, which marks a phenomenon or a question as political, making it visible that an action is contingent and controversial. According to my old scheme (see Palonen 2003), those moves of politicisation that get legitimised within an audience constitute a *polity*. The polity already contains chances for doing politics, for *politicking*, which must, however, be used by the actors to one way or another. Politicisation of the existing polity opens up new chances for politicking. The fourth English noun, *policy*, refers to a type of politicking that contains a definite direction or line in coordinating different actions.

This perspective, inspired by Max Weber, is purely formal, independently of the polity-levels, which should be taken into consideration, and at the same time are entirely historical, in distinguishing between successive waves of politicisation and corresponding chances to act in the other aspects of politics. What has once been politicised cannot be simply taken back, but

the chances of a politicising move might be exhausted, superseded by other moves or re-activated in a new context.

This explication of the typology enables us to discuss how parliamentarisation has to be understood as a distinct version of politicisation that differs from others in its procedural and institutional character. The key move in parliamentarising a question is to put it to the agenda of the items to be debated in a parliament. The question can be one that has previously not been deliberated in that parliament: it has either been decided by the government and adminstration, or it has not been regarded as a possible subject to debate at all. In many life-style questions parliamentarisation might also mark a de-regulation of an existing norm, other issues, such as climate politics, may require stricter regulations. Still others, such as for example those related to the Internet may be such a novelty that it requires time as for the parliament to comprehend that it is a debatable question (see for example Hofstädter 2016). Of course, is also frequently controversial, what issues can and should enter to a parliament's agenda, sometimes also the procedures how to get an item on the agenda. In this sense politicisation through parliamentarisation can in itself have several levels of debate.

With *parliament* I refer in this article (as in Palonen 2014 and 2018) to an ideal type for a certain procedural and institutional way of acting politically. The parliamentary way of politicising, acting and thinking forms a *Gedankenbild*, as Weber writes (1904, 190), as a mental image, as Hans Henrik Bruun translates it (Weber 2012, 124-25). It is an ideal type that one-sidedly accentuates and intensifies the political way of thinking. The parliamentary way of proceeding politically transcends the given polity: 'parliament' is not primarily a parliament 'of' an unit, such as the nation state, but concerns any polity level, from city councils to the world-wide institutions.

The parliamentary style of politicisation can be given at least five conceptually interrelated but historically different rhetorical *topoi*, regularly thematised ways of doing that. I shall give a short exposition of each of them (discussed in detail in my *Parliamentary Thinking*, 2018).

1) parliamentary government acting in the presence of adversaries
2) dissensus procedure as a guarantee for the opposing points of view
3) debate *pro et contra* as the criterion of parliamentary speaking
4) freedom of members of parliament from dependence arbitrary powers

5) parliamentary time as a subtext of politics.

The agenda-setting criterion that connects politicisation with parliamentarisation must be set in relation to the major criteria of the parliamentary ideal type. In other words, the political weight of the agenda-setting in an assembly varies according to the degree of parliamentarisation on the constitutive criteria for doing politics in s parliamentary way. Perhaps we could speak of 'parliamenting' to summarise this type of activities.

2. Politicisation through parliamentary government

The five aspects of parliamentarisation represent different facets of the contingent and controversial. The parliamentary power in agenda-setting is a historical achievement. The first assemblies called parliaments in the thirteenth century were merely advisory or consultative meetings at the service of the monarchs (or republics in independent Italian cities). The *parliamentarisation of government* or the rise of *parliamentarism* as a type of political regime has been a long struggle, including issues such as the regularity of the institution, the length of parliamentary sitting time, the 'power of the purse' (to make the finances of the court dependent on the parliament). A historically decisive move has been to make the government responsible to the parliament, the obligation of the government to resign if it has lost the support of the parliamentary majority (on the origins of this in Samuel Sandys' motion in 1741 see Turkka 2007), a principle that was finally accepted in Westminster 1835 and has been followed elsewhere as the minimal criterion of a parliamentary government.

Max Weber insist that parliaments form a counterforce to the everyday rule of bureaucracy: they are 'Vertretungen der durch die Mittel der Bürokratie *Beherrschten*', as he formulates in his pamphlet *Parlament und Regierung im neugeordneten Deutschland* (Weber 1918, 226). For him parliaments offer a major counterweight to the overwhelming tendency of the time towards bureaucratisation (see ibid. 222-223). This control aspect of parliamentarism is as relevant today than in Weber's time. With Weber it is important to insist that parliaments – especially through their committees – can not only control the ministry but also the bureaucratic apparatus of the government (ibid. 235-248).

Weber's view on parliaments as a counterforce means that they are no part of the state apparatus but on the side of those subjected to the everyday rule of bureaucracy (ibid. 212).

His point is that in the daily control of government and bureaucracy parliamentarians are more competent and professional than citizens' activities and movements. This perspective is in strong contrast to the 'governance' thinkers, who use citizens' activities to making bureaucracies more flexible and thus weaken the parliaments. Bagehot's (1867, 122-38) and Weber's (1918, 227) point on not only electing ministers among the MPs but also letting them to stay on as members of parliament when ministers strengthens both the control of the bureaucracy and the parliamentary government (for the eighteenth-century origins of this practice see Selinger 2019).

The parliamentary opposition forms the classical medium of parliamentary control of government, recognised *de facto* in Westminster during the Walpole era in the 1730s (see Kluxen 1956, Skinner 1974) and recognised as the *official opposition* in 1824. When no opposition is recognised, the assembly in question does not deserve the title of parliament, at most it can be a pseudo of façade parliament. The institutionalisation of the opposition, reservation time for its parliamentary initiatives, creating parliamentary resources to its control of government as well as holding free and fair elections, through which the opposition can replace the incumbent government are the most obvious resources.

However, the government vs. opposition divide and the one between party factions are not the only forms of adversity in parliament. In accordance with the Westminster tradition there exists a further divide, namely the one between frontbenchers and backbenchers across parties, for which there are specific occasions to initiate debates for example (see Griffith and Ryle 2003). Recent studies emphasise how the Westminster parliament has since the 1970s regained control over the government, including institutionalising the powers of backbenchers (see Evans ed. 2017, Wright 2012, Flynn 2012).

In the post-war political science the powers of parliaments have been closely connected to the parliamentary government (see for example Marschall 2005). With this aspect the judgments have been frequently pessimistic, and for example Bruce Lenman (1992) has written a book entitled *The Eclipse of the Parliament* (1992), and especially in France the de-parliamentarising tendencies gained a new dimension in the Fifth Republic (see Roussellier 2015). Still, parliaments have not been powerless, and moves of politicisation through parliamentarisation can be made visible, when other than the government aspect of parliamentary politics will be thematised.

3. Proceduralisation as politicisation

When I connected politicisation with the agenda-setting, this refers to the parliamentary proceduralism as a distinct version of politicisation of the questions. The question of parliamentary procedure hardly appears in the public debates and it has been frequently denounced, especially by populists of different persuasion, as a form of formalism. It also requires a learning process to understand that the procedure is a main aspect distinguishing the parliamentary way of acting and thinking politically from others.

The procedural style of parliamentary politics is historically linked to the rhetorical principle of *in utramque partem disputare* (see e.g. Skinner 1996, Peltonen 2013). A distinct parliamentary procedure has been documented in the English parliament in special commentaries written by parliament's members or officials (clerks) from the second half of the sixteenth onwards. They were written in connection with actual debates and decisions forming precedents when it comes to exercising parliamentary control over the government. In the nineteenth century the new aspect of self-restriction of the parliament emerged, this was done in order to give leeway to the government and not to paralyse the parliament itself, which was also added to the commentaries (as for the details please consult the discussions in Palonen 2014b).

The parliamentary form of procedure not only regulates debates but also invites members to initiate new ones by considering the items on the agenda from a perspective that obliges the members to reconsider their strengths and weaknesses. No government can consider all the political consequences of the proposed motion, and every motion depends, like every alleged 'fact', on underlying perspectives. The parliamentary procedure invites a politicisation of questions on the agenda by encouraging parliamentarians to undertake thought experiments. The members shall invent and construct perspectives, from which the claimed strengths of a motion could be devaluated and the alleged weaknesses of the alternative views, are confronted with amendments that offer new perspectives to the motion.

The Canadian rhetoric professor James De Mille formulated the principle of parliamentary way of proceeding as follows: '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.' (De Mille 1878, 473) In other words, the actual presence of a debate is made intelligible by the procedural principle of parliamentary dissensus: no question can be properly understood without considering it from opposite points of view. In this sense politicisation through procedure consists in extending the range of alternatives to a question on the agenda, this is particularly important when confronted with government proposals that seek to correspond common sense or are otherwise hardly disputable.

I have called such a vision parliamentary theory of knowledge. Max Weber's revision of the concept of 'objectivity' into a procedure of debating the knowledge claims relies on such an assumption (1904, see Palonen 2010 and 2017). Quentin Skinner's recommendation to read Hobbes's *Leviathan* or any other classical study as if were a speech in parliament, as a contribution to debate, in which a judgment of other present or possible views are as important, equally presupposes this parliamentary view of rhetorical knowledge (see Skinner 2008). As a model for knowledge the parliamentary way of acting and thinking can also serve as a critique of the conventional trust on the *ex cathedra* authority in academia. It is equally important to control the views of experts and of specialists in bureaucracies and other institutions relevant for the everyday life instead of subscribing to them by acclamation (see Weber 1918, 235-248). Here is also a link between parliament and democracy, if the latter is based on the formal equality in debate and not as a rule of opinions not subjected to debate.

4. Parliamentary rhetoric as politicisation

A debate is a parliamentary practice that is expected to take place on every politically important question that is on the agenda. Parliament operates with the deliberative genre rhetoric, that is, its basic mode of operation is the debate *pro et contra*, weighing the strengths and weaknesses of a motion on the agenda. This principle can be found in early tracts on Westminster procedure and Markku Peltonen (2013, 139) has found that it was established a principle of the House of Commons in 1593. Parliamentary politics is opposed to the epideictic genre of acclamation, the forensic genre of jurisdiction about past events and even the diplomatic genre of negotiation between parties is procedurally subordinated to it (see Weber 1917).

The rhetorical novelty of parliamentary politics, as compared with classical oratory, lies in shifting the unit of deliberation from single speeches to debate. Parliamentary speeches à la Westminster are not the prepared set pieces but interventions to debate. They are always referring to the item on the agenda and to the moves regarding what to do with an item. It also includes the resolution on what the parliament should decide upon. They respond or refer to previous speeches in one way or another or provoke a new turn in the debate, for example by moving an amendment or an adjournment (see Palonen 2016). Thus, the criteria of parliamentary speeches are thus not aesthetic but political, and a major politicisation move would consist of revising either the rules of procedure or the rhetorical practices to a way that excludes reading from paper or declaration avoiding to make reference to the matter on the agenda.

Debate is, accordingly, the main parliamentary modus of acting politically. However, the parliamentary debate is no single event but consists of multiple rounds in plenary and committee sittings. Gilbert Campion, later a Clerk of the House of Commons, put it as follows: 'Motion, Question and Decision are all parts of a process that may be called the elementary form of debate' (Campion 1929, 143). Debate in the parliamentary sense contains all the phases that an item is dealt with on the parliamentary agenda, including the final vote. A debate *pro et contra*, includes the possibility of amendments, the main medium to present political alternatives in Westminster-style parliaments. An item on the agenda is 'present' in parliament so far as it remains under debate and is not finally resolved.

The weight of debate illustrates the degree of politicisation of an issue. When the motions include a resolution to be voted on, a parliamentary-style debate is never 'empty talk', and an obstructive use of the freedom of speech can be regarded as 'unparliamentary'. The weight of debate cannot, however, be measured by the number of members who change their vote during the debate rounds, as the Habermasians tend to claim (see Steiner et al. 2005). The value of debate can be judged by such criteria as making members to reconsider questions without necessarily changing their vote, opening up new topics to the agenda as well as advancing members' careers as competent parliamentary debaters.

The link between procedure and rhetoric can be illustrated with a scheme of ancient and renaissance rhetoric, called *paradiastole,* which Quentin Skinner has rehabilitated. It refers to a set of rhetorical moves, by which motions on the parliamentary agenda can be devaluated,

revaluated or neutralised (see Skinner 1996). As already William Georg Hamilton saw in his maxims from the eighteenth-century (see Hamilton 1927), paradiastolic re- and devaluations as well as neutralisations of concepts not only serve as a common strategy for parliamentary oppositions and backbenchers. It equally illustrates how the parliamentary procedure offers a historical model for a thorough understanding of question by means of confronting opposed points of view.

5. Parliamentary freedom as politicisation

Another *topos* of parliamentary style of politics lies in members' freedom from dependence, in the sense of the 'neo-Roman' concept of liberty, reactivated by Skinner (1998, 2006). The parliamentarians' freedom has four classical aspects: free speech, free mandate, freedom from arrest (or parliamentary immunity) as well as free and fair elections. Common to all of them is the recognition that an MP is a free person, not *in potestate domini,* as slaves and serfs in the Roman law or their analogies in the modern world.

Parliamentary elections can, as Weber (1917) well understood, hardly be organised otherwise than on the basis of parties. A membership in parliamentary fraction is a condition for certain parliamentary chances, such as committee membership, and a certain party and coalition discipline is a legitimate practical device, Nonetheless the parliament relies on the principle that members think, act and vote as individuals and encourages their initiatives, instead of merely acclaiming to party or government motions.

Parliamentary politics thus assumes that individual members are free in their initiatives and motions, speeches and votes, and this freedom can be regarded as a condition of the respect for the parliament itself and other members. Edmund Burke (1774) with his claim that parliament is 'a deliberative assembly' and 'not a congress of ambassadors' contested the dependence of members on their constituency. For Karl Kautsky (1911), on the contrary, a Social Democratic MP is 'not a free man' but 'a delegate [*Beauftragter*] of his party', a party-based quasi-mandate. Close to it comes Gerhard Leibholz's (1951) doctrine on the party state (*Parteienstaat*). Such claims for dependence deny the individual member as constituent unit in parliamentary politics and downplay the value of debating between members, in favour of prefabricated speeches, subordinated to party or coalition discipline in the votes.

The parliamentary form of politicisation affirms the priority of the freedom of members over parties, voters, lobbyists and so on. The individual MP's right to parliamentary initiative is a major sign of reliance on the political creativity of members as independent politicians and not as voting machines of the party apparatus. The cross-party initiatives of backbenchers rely on this creativity (see Flynn 2012, in particular his Ten Commandments for Backbenchers).

Free speech and free mandate are today the most important guarantees of the freedom of the parliamentarians. Still also the parliamentary immunity of members, both in the legal sense that its removal requires the consent of the parliament, as well as a measure of protection towards their own parties, has retains its value. The principle of free and fair elections has even gained new importance for example regarding the financial fair play between the candidates, the presuppositions that parliamentarians are full-time politicians, including or the requirement of members to declare their revenues from outside the parliament.

6. Parliamentary politicisation of time

A major *topos* of parliamentary politicisation concerns the politics of time. Parliamentary politics not only happens in time but also operates with time as a key medium of doing politics itself. From early on it has been understood not only that parliamentary politics both requires sufficient time, and time is always scarce in parliament, but also that parliamentary moves themselves operate with the notion of time, including aspects of past, present and future.

Forms of politicisation can be found in the accentuation of temporal aspects in politics through debating. As opposed to the ideals of speed and efficiency in legislation, the parliamentary style of politics is ready to accept a certain slowness as the price of thoroughness, in which every step contains a different perspective on the debate, each which in principle contains new type of chances to revise the judgments on strengths and weakness of the motion on the agenda. The different stages (three readings), the interplay between plenary and committee debates, the formulation of political issues to separate, successive and irreversible items on the agenda, the different legitimate (amendments, adjournments, opening questions of order, replies) and tolerated (interjections from the floor, recorded in minutes) interruptions require a political judgment to deal with time. The scarcity of time was radicalised with parliamentarisation of government and democratisation of the parliament's

membership in the nineteenth century. The politics of time shall prevent the paralysis of parliament due to misuse of time through obstruction, but still provide sufficient occasions for debates both in the plenum and in committees. The fair distribution of parliamentary time among the items on the agenda and between members remains a major problem in today's parliaments.

Amendments are the key procedural instrument by which parliament practises the politics of time by raising alternatives and debating on their acceptability. In line with the Westminster tradition politics does less when it comes to accepting or rejecting a motion but in moving an amendment to it, which claims to alter its content more or less radically. Moving an amendment interrupts the ongoing debate (present), offers a chance to reappraise the motion on the agenda (past) and opens up a new debate on the strengths and weaknesses of the amendment as compared to the original motion (future). Analogous is the situation with adjournment, which are not necessarily postponements of the debate, but provide occasions for the member to avoid taking immediate stand to the motion.

The highly complex parliamentary practice of playing with time combines initiative and reply, debate and vote, progression with the possibility of abrupt termination of debate, moving through several stages with different rules and regular possibilities for interruption as well as a balanced judgment between spending and saving time. The sensitivity as to time is an aspect of politicisation that renders contingency visible and elevates time into a medium of controversy. This politicisation is closely linked to the recommendation to the members to expand their parliamentary literacy.

Parliamentarisation of existing assemblies

The name of *parlamentum* or *parliamentum*, derived from the Italian *parlare* or the French *parler*. These 'parliaments' were consultative or advisory assemblies of selected notables, convoked by the monarch at different places and irregular intervals. The shift from an occasional event to a regular institution (as the case was with the Provisions of Oxford, 1265) in England, the tighter intervals between the meetings (the first Triennial Act of 1641) prevented the monarch from not ruling without parliament for longer than three years. After the Glorious Revolution of 1688/89 the English parliament has met annually, increasing its meeting frequency with the growing agenda and assuming that a parliament exists also when

it has been dissolved refer to the temporal aspects of politicisation. A spatial aspect lies in the specific parliament buildings, created for that purpose, which is also a sign of politicisation. Obviously, the broadening of the membership from the nobility to the 'commons', later to the universalisation of the suffrage has been decisive for the politicising of parliament and parliamentarising politics.

Nonetheless, the link of parliamentarisation and politicisation should not be understood as a necessary mechanism. Some changes, such as the radical prolonging of the parliament's agenda and the increasing talkativeness of the members, related to the growth of the local press reporting on the parliament, justified the self-restriction of the parliament with measures to limit the length of the speeches and the occasions to debate. Particularly the obstruction campaign of a few Irish members in Westminster in the 1870s and 1880s tended to paralyse the parliament and raised doubts about the parliamentary way of doing politics (see Redlich 1905, on Gladstone's procedural reform debates in 1882 see also Palonen 2014b).

The Westminster model and its formalisation into a parliamentary ideal type for doing politics has offered resources for politicisation of assemblies originally without real political powers. This for instance led to changes of the Oxford and Cambridge Unions – student 'debating societies' – to follow the parliamentary rules in both their public meetings and in their internal organisation (see Haapala 2016).

Another case is the Finnish estate diet, reconvened by the Czar Alexander II in 1863, in which several, mainly Liberal members as well as their press closely followed parliamentarisation of politics in Western Europe and experienced with various means of applying it to the Finnish Diet. They did that without formally challenging either the anachronistic estate system or the dependence on the Russian empire by experimenting with practices circumventing them, such as the joint meeting of the four estates. (see Pekonen 2014)

The Polish Sejm under the Soviet rule had retained some of the parliamentary procedures and practices from the republic founded after the World War l, When the occasion arose, could be used as if the Sejm would have been a parliament proper (see Ornatowski 2010; Ilie and Ornatowski 2016). The last, freely elected Volkskammer in East Germany also tried to learn to act as a proper parliament, but the members were political amateurs, the limits to act accordingly became obvious (see Tüffers 2016).

These examples refer to the experience that politicisation through parliamentarisation might do have at least some chances when departing from existing assemblies and members who have some practical competence as well as knowledge of the broader parliamentary principles and their uses in other contexts. Frequently but less successful have been attempts to exercise parliamentarisation from above, that is, the creation of parliament as a key part of the regime, although they previously have either not existed - or have – mere been 'rubber stamps,' as the formula goes. In this respect we can mention the marginalisation of the parliament in the Baltic countries in the thirties or the difficult experiences of parliamentary powers in the Third World (for Indonesia see Adiputri 2015).

Europeanisation as politicisation

A current example of parliamentary politicisation is the European Parliament. The creation of international organisations from the Red Cross and World Postal Union to Inter-Parliamentary Union (IPU) was a major political change in the late nineteenth and early twentieth century. The post-war formations of the League of Nations and United Nations were, of course, the most universal and thematically general among them. Within the IPU early plans both for a world parliament and parliamentary assemblies for the League and other international organisations were constantly on the agenda (see Kissling 2006).

In Western Europe after WWII three major institutions were created: the European Coal and Steal Community (ECSC) with France, Germany, Italy, the Netherlands, Belgium and Luxemburg, the West European Union (Britain in addition to the six) and the Council of Europe (including most of the West European states). All of them marked a politicisation in the sense of adding a new polity-level to the existing ones and requiring, consequently, to reconsider the national and subnational polities from the perspective of Europeanisation.

 All these institutions were connected to a parliamentary assembly. In the Council of Europe fierce battles were conducted regarding their internal forms between the so-called unionists retaining their diplomatic and intergovernmental character, and federalists, who insisted on the extension of parliamentary powers. - Although parliamentarians from the member state participated in the Consultative Assembly, the powers as well as the intensity of the Assembly remained limited (see Haapala and Häkkinen 2017).

In rhetorical terms the opposition lies between the diplomatic negotiation between given partners on the terms of agreement and the parliamentary deliberation over political alternatives. The ECSC was the only one of these institutions with supranational aspects transcending the level of international organisations. Still, unlike the struggle within the Council of Europe, the debate was not directly between parliamentary and diplomatic ways of proceeding, but consisted in the creation of a High Authority, which combined the aspects of a quasi-government as well as an office of experts and specialists.

The report of Pierre Wigny

The discussion of plans for parliamentarisation of the European Communities from 1957 to 1960 deals both with proposals for the strengthening of parliament and its relationships to European integration. After signing the Treaty of Rome in 1957, in which the European Community of Coal and Steel (ECSC) was integrated with the European Economic Community (EEC) and the Euratom to form the European Communities, the Belgian Christian Democrat lawyer and member of the Common Assembly, Pierre Wigny wrote a report, *L'Assemblée parlementaire dans l'Europe des Six* (1958). The Common Assembly of the ECSC accepted the report in February 1958. Its focus lies in the discussion of the transition from the Common Assembly to the European Parliamentary Assembly, scheduled in the Rome Treaty. Many of the key dimensions of the European integration in terms of 'politicisation through parliamentarisation' that are later debated (see e.g. Tiilikainen and Wiesner 2016) were already indicated in this report.

Wigny's report resembles classical commentaries on parliamentary procedure, which includes the works of such authors as John Hatsell (1779-1996), Jeremy Bentham (1791/1843), Thomas Erskine May (editions from 1844 to 1883) or Gilbert Campion (editions from 1929 to 1958) or Eugène Pierre (editions from 1893 to 1924) in France. (see Palonen 2014b) His small commentary of the 1950 and 1957 treaties plays a major role in the documentary *European Parliament 50 years ago* (2008). Following the model of the classical procedural commentaries, Wigny positions the European treaties politically into the tradition of parliamentary laws and practices, to *droit parlementaire*, as the French term goes.

Wigny's central thesis is a strong political continuity from the Common Assembly to the European Parliamentary Assembly. With regard to their political realities: 'Une Assemblée se définit en droit par les textes qui la fondent mais se caractérise en fait par sa composition et ses pouvoirs. A ce point de vue, rien n'est changé ou plutôt tout est confirmé et renforcé'. (Wigny 1958, 11) In the Common Assembly the national delegations have been less important than ideological groups (ibid. 12). Despite the minimalist formulation of the Paris Treaty, the Common Assembly has formed a permanent parliamentary control of the politics of the ECSC (ibid. 13). The Assembly has for example developed a control *a priori*, without waiting for the initiative of the High Authority and 'implied powers' of institutions in financial matters (ibid. 14).

The third and most important aspect of unwritten practices concerns the parliamentary rules: "cet ensemble de règles qui constitue le droit commun des Assemblées parlementaires dans les six pays membres et généralement de toute Assemblée parlementaire" (ibid. 14-15). The members of the Common Assembly, elected among the parliamentarians of member countries, have treated the Common Assembly like another parliament that should follow well-known parliamentary rules in its mode of proceeding. The Assembly has in particular established its permanent committees, –while the Treaty - remains silent on them (ibid. 15).

In other words, Wigny well understood that an assembly of experienced parliamentarians interested in advancing the European integration only accepts ordinary parliamentary ways of proceeding. Its members have not seen themselves as 'delegates of their parties', although party groups were formed, but as independent parliamentarians. Even if the Treaties guarantee only the parliamentary immunity of the members (part III, articles 7 to 9 of the Treaty of Paris), they took free speech and free mandate for granted, together with the procedural independence of electing their chairs and deciding upon their rules of procedure.

The Common Assembly has been *novateur* in European politics in extending the parliamentary-style of doing politics to a supra-national level; 'Il crée une autorité européenne dont les pouvoirs sont limités mais réels; il y fait démocratiquement participer les représentants des peuples des États members'. (Wigny 1958, 19) The assembly has participated in the key decisions of the ECSC: 'elle participe effectivement à une pouvoir qui a pour objet les grandes décisions et non les modalités d'exécution' (ibid.). The significance of juridical constructions depends ultimately on what the politicians give to them (ibid. 31).

Ordinary parliaments have the powers over legislation, finances and control of the government. When, according to the Treaty, first of them is lacking form the ECSC and the second very limited, the Common Assembly has concentrated all its powers to the control of the annual report of the High Authority, granted by the Treaty. Wigny emphasises how the Assembly has *de facto* gained a permanent control of most important political matters:

> En fait, l'Assemblée a rendu le contrôle continu par la multiplication des sessions, par la création de commissions permanentes, par l'utilisation à tout moment de la procédure de questions écrites. Le dialogue entre elle et la Haute Autorité n'est jamais interrompu. (ibid. 32)

The parliamentary principle has in general gained strength in practice, in the struggle with the court, the administration and government, before being confirmed in the constitutions. In line with this parliamentary tradition, Wigny sees that the Common Assembly has judged that it can do everything that it has not been explicitly forbidden. All policy–areas up to the international relations have been dealt in the committees of the Assembly. It has also required extensive reports of all activities of the High Authority, including the budget.

Resembling Weber's view on parliamentary control of officials Wigny writes: 'Elle vote des motions, des résolutions, elle recueille l'avis de spécialistes et envoie des enquêteurs sur place', relying on its 'moral authority' (ibid. 32-33). The nomination of the President of the High Authority was judicially a matter of the member states, but the Assembly must be heard: 'comment, politiquement, ne tiendraient-ils pas compte des indications de l'Assemblée supranationale devant laquelle l'Exécutif va rendre des comptes' (ibid. 34).

According to the Treaty of 1951 the Assembly did not have any powers over the Council of Ministers of the ECSC. Nonetheless, the Council members have come to listen the Assembly debates in Rome and have judged to need to cooperate with it (ibid. 35-36). Even if the Treaty limited the powers of the Assembly to the report of the High Authority, Wigny quotes Jean Monnet, the first president of the High Authority, appreciating the Assembly's opinions on the future policy before (ibid. 37). The ECSC also goes beyond the practice of international law in exercising constituent power in the revision of the Treaty itself, with other institutions of the Union but without the intervention of the member states (ibid. 41-43).

Writing ahead of the sittings of the new European Parliamentary Assembly, Wigny analyses its expected activities in relation to both the new treaty and the experiences of the Common Assembly. He emphasises that the EPA should not sacrifice the *de facto* achievement of the Common Assembly (1958, 49). In the Paris Treaty the German wording for the possibility to issue a vote of no confidence to the High Authority was only *auf Grund des Berichtes*, the Rome Treaty uses the formula *wegen der Tätigkeit der Kommission* (article 144), that is the entire policy of the European Commission can be used as the basis for no confidence. This is in line with the parliamentary tradition of affirmation of powers from below. When the Europeanisation concerns the 'marché commun ou de grandes industries de base' (Wigny 1958, 51), it requires a parliamentary-style politicisation of the institutions, as opposed to their administrative or diplomatic character.

The connection between parliamentarisation and Europeanisation concerns also the Council of Ministers. In international organisations the state delegates act with an imperative mandate and a veto power over the decisions. The European Communities are, in contrast, independent of the nominating member states: 'ils n'ont pas d'instructions à recevoir ni de comptes à rendre', and even in the Council of Ministers the decisions are made with a majority vote, (ibid. 52), including the 'weighted majority' (ibid. 53).

> Le Conseil n'est pas la réunion permanente de délégués gouvernementaux qui confrontent les politiques nationales et cherchent à les concilier. Il est un organe communautaire. Ce n'est pas le 'Conseil des Ministres' mais un 'Conseil de Ministres'. (ibid.)

The Council is no intergovernmental 'congress of ambassadors' à la Edmund Burke's parody of dangers for a parliament (1774). The difference between 'de' and 'des' in French marks that it is a place for the ministerial deliberations on the policy of the EEC: 'le devoir de toutes les institutions est de réaliser les objectifs communautaires dans le cadre de leurs attributions respectives et dans l'intérêt commun' (Wigny 1958, 53). The decisions of the Council are not subject to ratification by national parliaments, but presuppose cooperation with the Commission which is under the control of the Parliamentary Assembly (ibid. 54).

According to the Rome Treaty the Commission exercises the monopoly of initiative, but the Council makes the decisions, after a transition period by the majority vote (ibid. 59, 63-64). Wigny sees also a major point: the commissioners are full-time politicians on the behalf of the

EEC, the ministers remain in the cabinet of their own countries, which makes it difficult for them to overthrow the Commission's proposals (ibid. 64). This double executive appears to weaken the Parliamentary Assembly, which in turn can only control the Commission. The extension of the powers to control the commission concern also the finances, including the elaboration of the budget, and politically the control also reaches the Council:

> Un budget est l'expression comptable d'une politique. Si les amendements de l'Assemblée qui en fait constituent une proposition d'orientation politique ne sont pas maintenus, le Conseil de Ministres se sentira inévitablement tenu de s'en expliquer avec les parlementaires et, par-dessus leurs têtes, devant l'opinion publique. (ibid. 66)

According to the article 138 the powers of the Parliamentary Assembly concern 'deliberation and control', and the article 18 makes the consultation of the Assembly obligatory. Wigny sees here the recognition of a participation in the legislative power: 'La collaboration nécessaire de l'Assemblée est imposée dans des hypothèses qui presque toutes concernent l'élaboration de cette législation européenne' (ibid. 67). Additionally, the Parliamentary Assembly plays a part in the constitutive power of treaty revision (ibid. 68, see also 81-84).

After the enactment of the Treaty of Rome, the member state parliaments lost parts of their powers. Wigny sees here a danger of the new communities (ibid. 73). The Treaty does not yet require from member state parliaments any committees of European affairs, to prepare and to ratify the Community-level decision, and for this reason the strengthening of the EPA is the major tool of 'democratic control'. In this respect Wigny emphasises the reliance on parliamentary procedures and practices, following the policy of the Common Assembly (ibid. 74-75). The institutionalisation of political groups, financed by the Assembly, further strengthens the powers toward the Commission and the Council, as do the committees as well as the parliamentary staff of the EPA (ibid. 76-77).

The very presence of a parliamentary assembly was an important part of the ECSC, and continuity was assumed to exist to the European Communities after the Rome Treaty. Pierre Wigny regards this from a wider perspective of parliamentary culture, including procedure and debate as well as the extension of parliamentary time through the committees. The possibility of the vote of no confidence was the juridical basis for his political analyses of the relationship between the governmental and administrative powers of the parliament, and he

views that already in the ECSC has extended the parliamentary-style politics to a supranational level.

All this presupposes that the politicians participating in the 'governmental' institutions adopt a parliamentary perspective to their own activities, in the line of the Bagehotian cabinet government (1867, 11-12). Wigny remained confident about the parliament's changes in this constellation: 'L'Assemblée aurait tort de se laisser travailler par un complexe d'infériorité ou de faire preuve d'intransigeance. Comme dans tout régime parlementaire, on attend d'elle qu'elle collabore.' (Wigny 1958, 84-85) Of this no guarantee existed, and the Gaullist reaction consist in devaluating the entire parliamentary style of doing politics through the manner of deliberating *pro et contra* and relied instead on the rhetoric of acclamation in the dual sense of presidentialism and expert powers (see for example Tulli 2017).

In Conclusion

More than sixty years after Wigny's report has not lost its actuality with regard to the *chances* for politicisation of -EU politics. In general terms it underscores the weight of parliamentary legitimacy as well as the strengths of the parliamentary modes of proceeding for any politics. Conversely, the main reason to oppose parliamentary powers in the context of European integration has been just the 'politicisation' that it involves, making the political alternatives visible and submitting them to time-consuming controversies. All that should, on the contrary, be understood as the main strength of the parliamentary style of politics, which should be given a full strength in the politics of the European Union.

The report of Pierre Wigny offers us an excellent illustration of an 'innovative ideologist's' rhetoric to extend the range of application of parliamentary principles (see Skinner 1974 and 1979). He appeals to principles which are already accepted in certain contexts and might look clearly relevant for the item currently debated. This concerns how the regulating treaties can be interpreted regarding the possibility of the vote of confidence. In a wider sense he insists that the Common Assembly of the ECSC, composed of experienced parliamentarians, as well as the EPA do not have a *raison d'être* without following the rules and practices of proper parliaments, for example in setting up committees or exercising the control of the other 'European' institutions. He goes a step further when moving politics to the European level and regards that the powers of bureaucrats or that of ministers beyond the parliamentary

control would be a fatal mistake. The politicisation by opening a supra-national playground, although limited in scope, could only be fully legitimate – with a political leadership of the Commission – subject to efficient parliamentary control.

For the conceptual history of politicisation, parliamentary history offers rich resources, in both successful and unsuccessful examples. The early history of the post-war European integration contains a number of interesting proposals and thought experiments for politicisation with parliamentary means. Pierre Wigny's report can be regarded as one of the many cases of the 'buried intellectual treasure' that the parliamentary and politicisation scholars could bring 'back to the surface' (Skinner 1998, 112).

References

Adiputri, Ratih D. 2015. *Political Culture in the Indonesian Parliament.Analyzing Parliamentary Debates on Regional Parliaments 1999–2009*. PhD diss., University of Jyväskylä

Bagehot, Walter. 1867[2001]. *The English Constitution*, ed. Paul Smith.Cambridge: Cambridge University Press.

Bentham, Jeremy. 1843. Essay on Political Tactics. In *Collected Works of Jeremy Bentham*, vol. 2, 298–378. Edinburgh: Tait. http://oll.libertyfund.org/title/1921/113915.

Campion, Gilbert. 1958. *An Introduction to the Procedure of the House of Commons*. London: Macmillan.

De Mille, James.1878. *Elements of Rhetoric*, New York: Harper & Brothers, http://tinyurl.com/mhps972

Piodi, Franco.2008. ”European Parliament 50 Years Ago.” http://www.epgencms.europarl.europa.eu/cmsdata/upload/0fb8bde6-b9d4-4be8-bf97-6cfba6a1221a/0688%20EP%2050%20YEARS%20EN.pdf.

Evans, Paul ed. 2017. *Essays in the History or Parliamentary Procedure. In honour of Thomas Erskine May.* London: Bloomsbury.

Flynn, Paul. 2012. *How to be an MP?* London: Biteback.

Griffith, J.A.G. and Michael Ryle 2003. *Parliament: Functions, Practices and Procedures*. Second edition by Robert Blackburn and Andrew Kinnon, London: Sweet & Maxwell.

Haapala, Taru .2016. *Political Rhetoric in the Oxford and Cambridge Unions, 1830–1870*, London: PalgraveMacmillan.

Haapala, Taru and Teemu Häkkinen, Debating Federal Europe in the British Parliament, c. 1940-49, *European Review of History* 25, 801-816.

Hamilton, William Gerard. 1808[1927]. *Parliamentary Logic*, ed. Courtney S. Kenny. Cambridge: Heffers.

Hatsell, John. 1818. *Precedents of Proceedings in the House of Commons; with Observations*, 4 vols. London: L. Hansard and Sons.http://tinyurl.com/os3pkuz; http://tinyurl.com/7p7br4h, http://tinyurl.com/ncazhkg,http://tinyurl.com/6muph6o .

Hirschman, Albert O. 1970. *Exit, Voice and Loyalty.* Cambridge Mass.: Harvard University Press.

Hofstädter, Yvonne. 2016. *Das Ende der Demokratie.* München: Bertelsmann,

Ilie, Cornelia and Cesar Ornatowski 2016. Central and East European Parliamentary Rhetoric

since the Nineteenth Century: the Case of Romania and Poland, in Pasi Ihalainen, Cornelia Ilie and Kari Palonen (eds), *Parliament and Parliamentarism*, Oxford: Berghahn, 192-215.

Kautsky, Karl. 1911. *Parlamentarismus und Demokratie.* Berlin: Dietz.

Kissling, Claudia. 2006. *Die Interparlamentarische Union im Wandel.* Frankfurt/M: Peter Lang.

Kluxen, Kurt. 1956. *Das Problem der politischen Opposition*. Freiburg: Alber.

Leibholz, Gerhard 1951 [1967]. Repräsentativer Parlamentarismus und parteienstaatliche Demokratie. In *Parlamentarismus*, ed. Kurt Kluxen, 349–360. Köln: Kiepenhauer & Witsch.

Lenman, Bruce P. 1992. *The Eclipse of the Parliament.* London: Edward Arnold.

Marschall, Stefan. 2005. *Parlamentarismus.* Baden-Baden: Nomos.

May, Thomas Erskine.1883. *A Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 9th ed. London: Butterworths. http://tinyurl.com/oklmhdv.

Ornatowski, Cesar .2010. Parliamentary Discourse and Political Transition, in Cornelia Ilie ed. *European Parliaments under Scrutiny,* Amsterdam: Benjamins, 223-264.

Palonen, Kari. 2003. Four Times of Politics: Policy, Polity, Politicking and Politicization. *Alternatives* 38, 2003, 171-186.

Palonen, Kari. 2010. *„Objektivität” als faires Spiel. Wissenschaft als Politik bei Max Weber*, Baden-Baden: Nomos.

Palonen, Kari. 2014a. Fair Play and Scarce Time. Aspects of the 1882 Procedural Reform Debates in the British Parliament. In *The Politics of Dissensus. Parliament in Debate*, ed. Kari Palonen, José Maria Rosales, and Tapani Turkka. Santander: University of Cantabria Press and McGraw Hill, 327–348.

Palonen, Kari, 2014b. *The Politics of Parliamentary Procedure. The formation of the Westminster procedure as a parliamentary ideal type.* Leverkusen: Budrich.

Palonen, Kari. 2016. *From Oratory to Debate. Parliamentarisation of Deliberative Rhetoric in Westminster*. Baden-Baden: Nomos.

Palonen, Kari. 2017. *A Political Style of Thinking. Essays on Max Weber*, Colchester: ECPR Press.

Palonen, Kari. 2018. *Parliamentary Thinking. Procedure, Rhetoric and Time.* London: Palgrave Macmillan.

Pekonen, Onni 2014. *Debating 'the ABC of Parliamentary Life'. The learning or parliamentary rules and practices in the late nineteenth-century Finnish Diet and the early Eduskunta,* PhD diss., University of Jyväskylä.

Peltonen, Markku. 2013. *Rhetoric, Politics and Popularity in Early-Modern England.*
Cambridge: Cambridge University Press.

Pierre, Eugène. 1887. *De la procédure parlementaire. Étude sur le mécanisme intérieur du pouvoir législatif.* Paris. Maison Quantin.

Pierre, Eugène. 1893/1924. "Traité de droit politique, électoral et parlementaire d'Eugène Pierre." *Last modified January 31, 2020.* http://www.assemblee-nationale.fr/connaissance/droit_eugene_pierre.asp.

Redlich, Josef. 1905. *Recht und Technik des Englischen Parlamentarismus*. Leipzig: Duncker & Humblot.

Roussellier, Nicolas. 2015. *La force de gouverner. Le pouvoir exécutif en France, XIX-XXI siècles.* Paris: Gallimard.

Selinger, Martin. 2019, *Parliamentarism from Burke to Weber.* Cambridge: Cambridge University Press.

Skinner, Quentin. 1974. Some Problems in the Analysis of Political Thought and Action, *Political Theory* 2, 277-303.

Skinner, Quentin. 1979. The Idea of a Cultural Lexicon. *Essays in Criticism* 29, 205–224.

Skinner, Quentin. 1996. *Reason and Rhetoric in the Philosophy of Hobbes*. Cambridge: Cambridge University Press.

Skinner, Quentin. 1998. *Liberty before Liberalism*, Cambridge: Cambridge University Press.

Skinner, Quentin. 2006. Rethinking Political Liberty. *History Workshop Journal* 61, 156–170.

Skinner Quentin. 2008. Quentin Skinner Interviewed by Alan Macfarlane 10th January 2008. http://www.alanmacfarlane.com/ancestors/skinner.htm

Steiner, Jürg, André Bächtiger, Markus Spörndi and Marco R. Steenbergen.2005. *Deliberative Politics in Action. Analyzing Parliamentary Discourse*. Cambridge: Cambridge University Press.

The European Parliament. 1951. "*Treaty of Paris* (ECSC)." Last modified January 31, 2020. http://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-paris.

The European Parliament. 1957. "*Treaty of Rome* (EEC). "Last modified January 31, 2020. http://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-rome.

Tiilikainen, Teija and Claudia Wiesner. 2016. Towards a Political Theory of the EU. In Pasi Ihalainen, Cornelia Ilie and Kari Palonen eds. *Parliament and Parliamentarism.* Oxford: Berghahn, 292-310.

Tüffers, Bettina .2016. *Die 10. Volkskammer der DDR. Ein Parlament im Umbruch*, Düsseldorf: Droste.

Tulli, Umberto. 2017. "Which democracy for the European Economic Community?" Fernand Dehousse versus Charles de Gaulle. *Parliaments, Estates & Representation* 37, 301-317.

Turkka, Tapani. 2007. *Origins of Parliamentarism. A study on the Sandys motion.* Baden-Baden: Nomos.

Weber, Max 1904 [1973]. 'Die "Objektivität" sozialwissenschaftlicher und sozialpolitischer Erkenntnis', in *Gesammelte Aufsätze zur Wissenschaftslehre,* ed. Johannes Winckelmann. Tübingen: Mohr, 146-214.

Weber, Max 1917 [1988]. Wahlrecht und Demokratie in Deutschland. In *Max-Weber-Studienausgabe I/15*, ed. Wolfgang J. Mommsen, 155–189. Tübingen: Mohr.

Weber, Max 1918 [1988]. Parlament und Regierung im neugeordneten Deutschland. In: *Max-Weber-Studienausgabe I/15*, eds Wolfgang J. Mommsen and Gangolf Hübinger. Tübingen: Mohr, 202–302.

Weber, Max 1919 [1994]. Politik als Beruf. In *Max-Weber-Studienausgabe* I/17, eds- Wolfgang Schluchter and Wolfgang J. Mommsen. Tübingen: Mohr 35-88.

Weber, Max. 2012. *Collected Methodological Writings*, trans. by Hans-Henrik Bruun. London: Routledge.

Wigny, Pierre. 1958. "*L'Assemblée parlementaire dans l'Europe des Six." Last modified January 31, 2020.* http://aei.pitt.edu/39007/.

Wright, Tony. 2012. *Doing Politics.* London: Biteback.