

The *Past* of Parliamentary and Legislative Studies

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In this article, Shane Martin, Michelle M. Taylor-Robinson and Emma Crewe discuss the past of parliamentary and legislative studies. The exchange is based on a Roundtable on the past, present and future of parliamentary studies, which was held online on 9 June 2021 as part of the Annual Conference of the UK Political Studies Association's Parliaments Specialist Group.

Keywords: Legislative studies, Parliamentary studies, Sub-discipline

1. Shane Martin

I will start with an admission: As someone not overly familiar with either history or the history of the discipline, including the history of parliamentary and legislative studies, I am perhaps not the best person to lead off this section on parliamentary and legislative studies in the past. But with the help of [Martin *et al.* \(2014\)](#), I will do my best. And I will add my own views on the evolution of the field from the early 1980s to the 2010s. The latter period in particular represented both a golden age of parliamentary and legislative studies followed by something of a perhaps inevitable cooling off and sadder times for the field.

But first, let us start by remembering that legislatures are not just contemporary political institutions—legislative assemblies have a long history, dating back to the first meeting of Iceland's *Alþingi* in 930 AD. And legislative assemblies have survived the move towards parliamentarism and presidentialism. Of course, the evolution of parliaments in a changing political landscape, including the electoral democracy, the rise of political parties and (responsible) party government has been the subject of much scholarly attention. Indeed, the decline of legislative

assemblies has been discussed and written about for decades. Mosei Ostrogorski (1902) warned that legislatures were being fundamentally weakened by the rise of party organisations. James Bryce (1921) wrote famously of the decline of legislatures. And Christopher Hollis (1949) titled his study of the British Parliament *Can Parliament Survive?* Indeed, the rise in relative influence of the executive is one of the primary reasons some scholars speak of the decline of legislative assemblies. According to this logic, legislatures have all but lost their significance in the legislative process, becoming mere ‘rubber-stamps’ for the executive’s policies, and with little meaningful oversight. Evidence for this is provided by roll call analysis which has tended to demonstrate increasing levels of party voting unity within legislatures, and the consequential demise of legislators’ independence from the party line (Depauw and Martin, 2009; Kam, 2009). Some truly ground-breaking work explored legislators’ voting behaviour and how factors such as ideology, constituency congruence and party organisation impacted the level of voting unity observed within parliamentary party groups (for a review see Kam, 2014).

But more generally, and as John Huber (1996, p. 280) describes it, ‘scholars have devoted thousands of pages to parliamentary forms of government, and a good share of these pages have stressed the subordination of members of parliaments to leaders in governments.’ By this perspective, parliaments in parliamentary systems were often increasingly incapable of wielding influence but legislatures in presidential systems maintained the independence from the executive to play a more meaningful role in law-making and oversight. But even in presidential systems, the influence of one or more chambers waxed and waned. James Sundquist (1981) noted in his aptly titled volume, *The Decline and Resurgence of Congress*, the US Congress from 1973 onwards began to take back many of the roles and powers that it had lost in earlier decades to an increasingly dominant presidency.

By the 1980s, parliamentary and legislative studies had become one of the major sub-fields of political science, especially in the USA. It is important to remember that parliamentary and legislative studies are not just confined to political science as both Benoît and Rozenberg (2020) and the work of one of the distinguished colleagues in this discussion attests to. As noted in Martin *et al.*, parliamentary and legislative studies in political science has followed the general trajectory of political science from ‘(a) the “old” institutionalism prevalent between the late nineteenth century to the end of the Second World War, to (b) a neglect of political institutions and a focus on individual behaviour in the 1950s and 1960s, to (c) more sophisticated macro-micro-macro perspectives from the mid-1980s onwards when the “new” institutionalism became a dominant force in contemporary political science’ (2014, pp. 5–6).

Let us pick up a little on (c) and the growth of new and neo-institutionalism in parliamentary and legislative studies. The institutional turn (or turn back) in political science experienced in the 1980s was not just *reflected in* parliamentary

and legislative studies, but was arguably very much *driven by* parliamentary and legislative studies. Most of us will be aware of the exciting and, at times, highly competitive evolution of theories of legislative organisation focused on the US Congress, and committees in Congress in particular. The era produced four significant and competitive theories of why committees appear so significant to the operation and everyday life of the US Congress: the informational theory of committees, the distributive theory, the cartel-party theory and the bicameral-conflict theory (Martin, 2014). Each theory had advocates and critics, and the debate largely unfolded along the lines of how normal science may be expected to operate: an author posited a theory, providing some empirical evidence. Other scholars came along and questioned that theory, presented an alternative viewpoint and sought to provide evidence in favour of that viewpoint. Exciting times. Arguably, the level of theoretical and, to a lesser degree, empirical innovation and this literature's wider impact on the study of politics warrants identifying the period as a golden age of legislative research—with analysis of Congressional committees influencing not just legislative studies but also the study of American politics and political institutions more generally. That debate on Congressional organisation arguably peaked with Cox and McCubbins (1993), and their suggestion that the two earlier perspectives on Congressional committees both miss an important element: that political parties play a crucial role in shaping the committee system and its effects. Since then, and with the exception of Groseclose and King's (2001) bicameral rivalry perspective, interest in congressional organisation has waned. This is not to say that many scholars were not conducting and publishing ground-breaking research in parliamentary and legislative studies—what changed was the reducing impact this has on the wider discipline of political science, alongside the (relatively greater) growth of other sub-fields.

Of course, the institutionalist turn in US political science, and the intense debate on Congressional organisation did not go unnoticed by scholars working on and in other countries. Too many excellent projects were undertaken to mention here, but to give a flavour of the best of parliamentary and legislative studies at this time, four do stand out in my mind. The first is the study exploring the 19th century British House of Commons by Gary Cox (1987) and his suggestion that an increase in parliamentary business and in particular the volume of legislation arising from industrialisation and modernisation necessitates a change in the legislature's procedural rights. The second is the project led by Herbert Döring on Parliaments and majority rule in Western Europe which produced what must have been one of the finest books in comparative legislative studies (Döring, 1995). The third volume worth mentioning is Huber's (1996) masterful study of French legislative politics, combining original theory with painstaking empirical work.

Finally, and not always directly related to parliamentary and legislative studies, is a series of works on government formation—who gets to govern in a

parliamentary system when no party controls a majority of seats. Departing from the institution-free nature of the earlier office- and policy-based approaches to government formation in parliamentary systems and in tandem with the new institutionalism of the 1980s, government formation scholars began investigating the role of rules and institutions in government formation. Perhaps, bizarrely, the legislature was rarely the focus of attention. For example, [Laver and Shepsle's \(1996\)](#) focus was on the level of ministerial autonomy within the cabinet. They have relatively little to say about legislative institutions. As [Laver \(1998, p. 20\)](#) later pointed out, the 'portfolio allocation approach assumes that almost all policy making and implementation takes place within the executive rather than the legislative branch of government'. Kaare [Strøm \(1990\)](#) struck a different note, suggesting that the presence of an investiture vote reduces the probability of minority government formation (a cabinet that does not control a majority of seats in the legislature). He argues that minority governments are more likely when governments can survive by building ad hoc policy-based majorities. [Strøm \(1990\)](#) also suggests that parties may forego joining the cabinet and instead remain in opposition in situations where the presence of a strong committee system within the legislature facilitates opposition influence on public policy, although he finds little evidence of this.

2. Michelle M. Taylor-Robinson

I agree with Shane that many important works from this early period still have great impact now, and it is interesting how many of them focus on the executive component of executive–legislative relations, rather than on the legislature. To Shane's list, I would add [Powell and Whitten for their 1993](#) work on 'clarity of responsibility'. But I would also point to several works that focused on the legislature, such as Joseph [Schlesinger's \(1966\)](#) typology of careers and political ambition, David [Mayhew's \(1974\)](#) electoral connection, Richard [Fenno \(1978\)](#) for different 'home styles' of members of Congress and Donald [Searing \(1994\)](#) for different types of MP roles. These works—focused on the legislature and its members, incentives for legislator behaviour, and how legislators differ—spawned much research on the US Congress and British Parliament and other legislatures, and continue to inform research, often with an eye towards expanding the theories and testing its applicability to other cases, types of legislatures and electoral systems.

However, I come to parliamentary and legislative studies from a different perspective than my colleague who works on parliaments in long-established democracies, and because of that my view of the past differs. My interest in legislatures began in study of Latin America, a region of the world where democracy was not the norm and the persistence of democratic regimes was uncertain, and consequently the past was a lot less rosy for parliamentary and legislative studies. There was little interest in, or research about, legislatures. Largely, this was due to

power being concentrated in the hands of a separately selected executive (whether democratically selected or authoritarian) and, contrary to Shane's statement that 'legislatures in presidential systems maintained the independence from the executive to play a more meaningful role in law-making and oversight', the legislature was weak, a place for patronage, and if it became inconvenient to the executive and society's elites, it could be shut down. That tradition continued to have implications for how the legislature, and legislators, worked when democratic regimes were installed in the Third Wave of democracy (see [Cox and Morgenstern, 2001](#); [Morgenstern and Nacif, 2002](#)), as historical experience set expectations of a weak institution ([Hall and Taylor, 1996](#); [Thelen, 1999](#); [Katznelson and Weingast, 2005](#)). For example, [Gary Cox and Scott Morgenstern \(2001\)](#) presented a typology of types of legislatures that Latin American presidents anticipate (or anticipated in the early terms of the region's Third-wave democracies). They write that 'the president anticipates that the majority in the assembly will be either recalcitrant, workable, parochial-venal, or subservient.' The 'workable' legislature 'demands a seat at the policy table' while the others are not strong, constructive players in the policy process ([Cox and Morgenstern, 2001](#), p. 173).

When I started out to study legislatures in Latin America in the mid-late 1980s, study of legislatures or of executive–legislative relations, was not a mainstream topic in Latin American politics. Part of the reason was that most democracies in the region were new and very uncertain at that time, with the Third Wave of democracy beginning in Latin America in about 1980, and with only Costa Rica, Colombia and Venezuela having democratic regimes with some decades of experience (since 1949 in Costa Rica, 1957 in Colombia—but with important limitations, and 1958 in Venezuela). But in addition, historically, legislatures were weak actors, as power was focused in the executive or the military, and authoritarian leaders often utilised a legislature for democratic window-dressing and, even then, would close the legislature if its members did not bend to their will. That view that legislatures are unimportant or uninteresting has definitely changed over time. By the present period, discussed below, many scholars whose data focus is Latin America study legislatures and executive–legislative relations, asking research questions that resemble many of those listed in the Group's description on the Political Studies Association (PSA) Parliaments section website (<https://www.psa.ac.uk/specialist-groups/parliaments>). The institutionalised interest in legislative studies of scholars who study Latin American countries can be seen in the existence within ALACIP (*La Asociación Latinoamericana de Ciencia Política*) of the *Legislativos en America Latina* group created in 2008. It can also be seen in the long-running Parliamentary Elites in Latin America (PELA) (Latin American Elites) project at the *Universidad de Salamanca* (<https://oir.org.es/pela/en/>), which has conducted systematic in-person survey interviews in the 18 Latin American congresses in waves conducted every 4 years since 1994.

The case of the US Congress, with its incredibly large amount of over time data (e.g. roll call votes, campaign spending and re-election rates) was, and still is, the subject of much research, particularly employing rational choice institutionalism to develop theory about legislative behaviour. The case of the US Congress is important and interesting, and its research had a strong influence on the comparative study of legislature in presidential systems. But the USA is a very unusual presidential system due to single-member district plurality voting in elections, plus the Electoral College, and also competitive primaries to select candidates for legislatures, which mean that as a consequence there is little to no party control over members. Other aspects of the US system that make it a difficult case to use for generalisation about presidential systems are the two-party system, and some unusual rules impacting executive–legislative relations, such as, the president not being permitted to initiate bills, Senate confirmation of many executive branch appointments, no presidential decree powers and a very blunt veto. Yet, the past period, and its development of strong theories about legislative behaviour and how legislatures function (as Shane lays out above) has had a strong influence on research about legislatures in the presidential systems of Latin America and elsewhere. These other presidential systems provide important variance for aspects of theory that are constants in the US case (e.g. party versus personal vote-seeking incentives created by a variety of electoral rules, a large range of district magnitude, coalition cabinets, how a line-item veto or other executive powers impact executive–legislative negotiations about policy) (see e.g. [Mainwaring and Matthew Shugart, 1997](#)).

But as likely stands out in this essay, I have not yet said anything about parliamentary systems. That is because in the past, there was a huge gulf between parliamentary scholars and scholars studying legislatures in presidential systems. I might even say that there was an expectation that literature did not translate well from one system to another. This was particularly problematic for those of us who wanted to conduct comparative study of legislatures, because the parliamentary systems literature had many examples of comparative work, literature about the impact of coalition versus single-party governments, and different types of electoral systems (e.g. [Laver and Schofield, 1991](#); [Best and Cotta, 2000](#)). But scholars (read: journal reviewers) often sent signals that such comparisons were not worthwhile.

But I can end this discussion of my perspective on the past in parliamentary and legislative studies on a more optimistic note. The lack of interest in legislatures in new democracies, and the scepticism that rational choice-based institutionalism could be applied to newer democracies and their legislatures, deputies and senators, changed dramatically over time. Interest in studying the legislature, its internal workings, organisation and rules and executive–legislative relations expanded with the spread and persistence of the Third Wave of democracy (as I discuss in the ‘present’ article in this issue).

3. Emma Crewe

Michelle and Shane offer a thought-provoking guide to the history of parliamentary and legislative studies, much of it is new to me as an outsider to one of the most productive disciplines in this area: political science. They have shone much light on the bias towards European and North American legislatures, with notable exceptions, the hesitation about comparing parliamentary and presidential systems, and shifts in theory making in political science. The reasons for the oscillation between looking at whole institutions and the behaviour of individuals in political science is clear to me, because either approach on its own fails to create a complete picture so combining them avoids reductionism and generates far greater insight. But I remain puzzled about why postmodern deconstruction of grand theory had so little impact on political science, or at least in its sub-discipline of parliamentary and legislative studies. Humanities, such as philosophy and literary studies—and those social sciences with one foot in the humanities camp such as linguistics, anthropology or geography—abandoned universal theory making that rested on assumptions about general motivation or causality under the influence of philosophers like Derrida and Foucault in the 1960s and 1970s. Yet (much of), political science seems to have remained impervious. Furthermore, while my discipline of anthropology also moved beyond the equivalent choice of either focusing on institutions (usually framed as social structures since Claude Levi-Strauss) or individuals (e.g. via transactionalist theory as developed by the Norwegian anthropologist Frederick Barth), since the 1980s we ended up in a rather different place. While political science continues to separate elements (including within parliaments), anthropology has long focused on looking at how elements are entangled (e.g. actor network theory), and this difference has had a profound impact on how we have studied parliaments.

How has the academic training in different disciplines shaped the way scholars made sense of legislatures over the last 50 years? Benoît and Rozenberg, as editors of the *Handbook of Parliamentary Studies*, point to the dominance of five disciplines—history, law, political science, economics and sociology—all mostly framing their findings in one of three ways: in terms of the stability of parliamentary *outputs*, the level of constraints exercised by *rules* on individual MPs and the problems of *collective action* (2020, pp. 3–4). The focus on outputs and collective action are both understandable, as these institutions have such profound consequences for whole nations. It is hardly surprising either that rules occupy a central position in legislative scholars' analysis—parliaments are possibly more replete with both informal and formal rules than any other institution, as [Benoît and Rozenberg argue](#) (2020, p. 5), with the possible exception of courts of law. Their insight understandably glosses over much in these disciplines that departs from those three norms. The literature on legislatures is not easy to summarise;

Seaward (2020, p. 34) in the same volume reports that 25,000 books and articles were written by 2009 about the history of the parliamentary institutions of Great Britain and Ireland alone.

Seaward has identified how contrasting disciplines have taken different theoretical turns in parliamentary studies but I would add also created overlaps. Like anthropologists, historians challenged grand narratives about parliament by interrogating the diversity between MPs, contradictions in interests and also the connections between what happened in parliaments and wider society. Seaward quotes the historian (and participant–observer politician) Conrad Russell as writing: ‘Parliaments were a mirror of what went on elsewhere: a history written from a mirror is likely to be written at best backwards and at worst, through the looking-glass’ (as quoted 2020, p. 37). Curiously, while grand narratives caught on in political science in the guise of new institutionalism some decades ago, historians were moving on to looking at the interconnectedness of politics through language, symbols, rituals, relationships and power.

The anthropologists of parliaments share in common with historians an interest in the links between culture and power. When McIver Weatherford (1985) ventured into a legislature, the first anthropologist to do so, he wrote about kinship, patronage and rituals in the US Congress. Whether participating in the apparently empty show of ritualised debates, or building up their supporters to consolidate their power, he compares US politicians to New Guinean Big Men. Weatherford’s themes and metaphors are highly entertaining, but *Tribes on the Hill* might give the wrong impression of anthropology as more cynical than it usually is. We tend to be more circumspect in our judgements, so Marc Abélès research on the French Assembly (2000) and the European Parliament (2004) is more typical for the discipline. His contribution was to seriously question functionalism in parliamentary studies. Rather than thinking about the work of politicians in terms of roles, outputs or functions, which are all abstracted from the everyday reality of what they do in practice, he writes about what politicians mean to each other, to those they represent and others in society. Elected to represent a geographical area, French MPs are living symbols of a place and, therefore, have the power of evocation, for example (1991).

What shifts in meaning can be discerned as politicians occupy different spaces? Various anthropologists have written about how politicians perform identities, creating a variety of configurations as different nationalities (e.g. in the European Parliament, Shore, 2000) or political parties (Schumann, 2009). In William Schumann’s ethnography of the Welsh Assembly he describes the ‘deal-making’ between political parties that takes place behind the scenes. The hidden processes involved in political work, which I also wrote about when describing the operation of the whips (Crewe, 2005, 2015), are more easily studied by those taking an emergent, improvising and eclectic approach to an inquiry rather than those with more

rigid methodologies that maintain a distance between researcher and researched. Emergent approaches to research mean that anthropologists (or others taking an ethnographic approach) tend to eschew tidy frameworks, models and grids for their failure to stand up to the messy, contradictory and changeable nature of politics. While political sociologists tend to create typologies of roles, types or styles of work (e.g. [Rush and Giddings, 2011](#)), political anthropologists are more inclined to point out overlaps, shifts, simultaneity and gaps between what people claim versus what happens in practice.

As Michelle and Shane have pointed out, the pervasive tradition within parliamentary studies has been a tendency to avoid specific comparative work—between presidential and parliamentary studies, between the results of different disciplines and between democracies in the Global South and Global North. A notable exception to at least two out of three of these avoidances can be found in a coalition led by Shirin Rai that researched gender and ritual within the parliaments of India, South Africa and the UK. To give examples of comparison across these sites, the team of legislative researchers all looked at the meaning of rituals, the work of the Speaker and the ways that rules were disrupted ([Rai, 2010](#)). In relation to disruption, the commonality was that the challenge to rules always emerged out of power struggles, while the differences could only be understood through an in-depth investigation into the specific sociocultural politics of each place. Inevitably these change over time. In South Africa, disruption was once about establishing the boundaries for post-apartheid contestation but it later became about the opposition negotiating for legitimacy ([Spary et al., 2014](#), pp. 198–9).

In contrast to Rai's research, the parliamentary scholarship that ignores history seriously undercuts its own claims for generalising into the past or future. And research into parliament with no sense of history or culture will be unable to address questions about *why* they are as they are and will be stuck in the *what* and the *how*. But a vein of scholarship that is especially interested in asking why is political psychology. In a rare contribution to parliamentary studies, *the Psychology of Politicians* tries to find out why they believe, act and relate as they do, considering how stress, personality and skills are different in politicians from other groups of people and within the different groups they form ([Weinberg, 2021](#)). One of the studies reported was conducted with Polish MPs to find out about the links between their cognitive skills at dealing with complexity and what they claim to believe ([Golec de Zavala, 2012](#)). Those they classed as 'simple thinkers' demonstrated poor ability at generalising and deriving abstract rules from their political experience, while 'complex thinkers' could see beyond their own stance to the relativity of different perspectives ([2012](#), pp. 81–83). Far more complex thinkers were found in the centre of the political spectrum, with the left second and the right last; plus those with less parliamentary experience tended towards more 'simple' thinking. However, Golec de Zavala is cautious about drawing too much

significance from these results, because when you look at the history of political party membership, the picture gets more complicated. For example, many on the post-communist left were a product of the hegemonic regime that once only gave privileges to communist members, so their motivation was not typical of the left elsewhere (2012, p. 84). This whole volume indicates that political psychology has been a rare presence in parliamentary and legislative studies so far but promises to deliver more in the future.

The present tells us much about the past and what we took for granted at the time. What Bourdieu calls the silent traditions—cultural habits that seemed so natural that they are scarcely noticed—of parliamentary and legislative studies were hidden from view until they changed. Methodologically we used to rely on interviews, postal surveys and poring over print media or parliamentary text. We began to watch proceedings regularly on the television—in the mid-1970s in the USA, early 1990s in the UK and mid-2000s in India and South Africa—and incorporated digital research methods (Leston-Bandeira, 2007). Our present globalised, digitalised, 24/7 media-frenzied ways of communicating might remind us that we once relied on slower, less connected and Euro-American dominated scholarship and exchange of ideas in international spaces.

Although scholars in Africa, Asia and Latin America have been contributing to legislative studies for decades, they claimed less international attention, funding and recognition. Global South scholars produced rich and diverse work on parliaments—whether Shriram Maheshwari (1976) on MPs' constituency work in India, Sylvia Tamale (1999) on women MPs in Uganda or Kassahun (2005) on political parties in Ethiopia—but their contributions did not have the impact they deserved on global debates in the past. We would still do well to take on board the arguments that Ugandan feminist and lawyer Sylvia Tamale (1999) made 20 years ago: that Ugandan women MPs' experience can only be fully understood when seen how they are connected to broader social relations in a country with a history of patriarchy that is in some ways shared and in other ways distinct from other countries in the region. Thankfully, attitudes towards scholarship in the Global South are changing; the present and future of parliamentary and legislative studies is, and surely will, mean we all aspire towards decolonisation along with others in the global community of scholars. With so many political crises to navigate in the present and future, a failure to collaborate more equally and intensely would be unforgivable.

Acknowledgements

We would like to convey our gratitude to the Political Studies Association Parliaments team, Caroline Bhattacharya, Gavin Hart, Sean Haughey, Stephen Holden Bates and Alexandra Meakin, for organising the roundtable event from which this article emerged and for their valuable comments on drafts.

Funding

Emma Crewe's contribution to this article is part of a project that has received funding from the European Research Council (ERC) under the European Union's Horizon 2020 research and innovation programme (Grant agreement No. 834986).

Conflict of interest

None.

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